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UPDATE

Bill to override local handgun bans advanced

Senators advanced a bill April 2 that would allow the concealed carry of handguns statewide.

LB430, introduced by Imperial Sen. Mark Christensen, would nullify all city and village ordinances, permits and regulations regulating the ownership, possession and transportation of firearms.

Christensen said the bill would remove inconsistencies in conceal and carry policies across the state. The current "patchwork" of regulations makes lawbreakers out of law-abiding conceal and carry permit holders, he said.

"This makes our conceal and carry law clearer, more equitable and effective," Christensen said.

In addition, LB430 would allow a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns.

Christensen said the provision is modeled after the current law that



Sen. Mark Christensen (right) answers a question on LB430 from Sen. Galen Hadley.

allows security personnel for financial institutions to carry concealed handguns.

Additionally, the bill would allow military personnel permanently stationed in Nebraska who, for voting

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Changes to wind energy program considered

An amendment that would change eligibility requirements for a state wind energy program was the focus of a Natural Resources Committee hearing April 3.

AM769, introduced by Schuyler Sen. Chris Langemeier to LB561, would recalculate how revenues are distributed to local entities for community-based energy development (C-BED) wind energy projects.

Whereas current statute requires

that at least 33 percent of gross revenues generated must be reserved for qualified owners, the amendment would base this percentage on gross revenues minus financing costs.

Nebraska citizens, tribal councils and limited-liability corporations with a membership comprised solely of Nebraskans are among the qualifying owners that can partner with outside entities to construct wind energy projects that enjoy sales and

use tax exemptions for sale, lease or rental of personal property for use in the wind venture.

Current statute mandates that projects direct at least 33 percent of gross power purchase agreement payments to Nebraska qualified owners. Langemeier's amendment would stipulate that debt financing payments, which include interest and principal paid for the financing of the project, are to be subtracted from

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Conceal and carry change advances

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and tax purposes are not considered residents of Nebraska, to be considered residents for the purpose of concealed handgun permits.

Concealed handgun permits from other states would be recognized under the bill. Recognized states would have to require standards equal to or greater than the standards as determined by the Nebraska attorney general.

LB430 also would allow the Nebraska State Patrol to issue a concealed handgun permit 30 days after the application for a permit instead of five days after a criminal background check.

The Judiciary Committee offered an amendment that would remove the provision of the bill allowing a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns. The amendment also would allow the State Patrol 45 days instead of 30 to issue a permit.

Christensen offered an amendment to the committee amendment, adopted 27-2, that would narrow the provisions of the bill from all firearms to only concealed handguns.

Bellevue Sen. Scott Price offered an amendment to the committee amendment, adopted 33-3, that removed the requirement that military personnel be in the state for 180 days before being eligible for a conceal and carry permit.

Debate centered on an amendment to the committee amendment, offered by Omaha Sen. Beau McCoy, that would reinsert the provision allowing a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns. Current law outlines several places where concealed handguns are prohibited including

places of worship, emergency rooms, courtrooms, government meetings and school grounds.

“Sadly and unfortunately in our country, places of worship have become targets for violent crime,” McCoy said, adding that 54 people have died in church shootings in the last 10 years. “This will give an added measure of protection to our places of worship.”

Omaha Sen. Tom White supported the amendment.

“I look at my church as a place of reconciliation – a place of peace,” he said. “But there have been long periods in our country when churches have been despised and hated.”

Considering the history of violence against churches, White said, it is appropriate to allow security personnel to carry concealed handguns.

Omaha Sen. Brenda Council disagreed.

“In that same historical context, when this body passed the conceal and carry law, it believed then and should continue to believe that a church is not an appropriate place for concealed weapons,” she said.

Council added that she is opposed to the entirety of the bill, especially the provision that would nullify city and village ordinances regarding concealed handguns.

“This legislation is a direct attack on local control,” she said.

Senators are being inconsistent, Council said, when they do not give cities a chance to opt out of state conceal and carry law, but support allowing places of worship an option



Sen. Beau McCoy introduced an amendment allowing churches to authorize security personnel to carry concealed handguns.

to allow concealed handguns.

Council also disagreed with the notion that allowing cities and villages to set conceal and carry policy creates law-breakers, citing a provision in current law that exempts permit carriers from penalties when they travel through cities and villages with more restrictive conceal and carry regulations.

Lincoln Sen. Amanda McGill also opposed the amendment, saying it is important to maintain areas where concealed handguns are not permitted.

“It’s churches this year, it’ll be universities next year,” she said. “This is just the beginning of peeling away bit after bit.”

Scottsbluff Sen. John Harms raised concerns about the lack of certification and training requirements for security personnel.

“I think we’re waiting for an accident to happen,” he said.

McCoy’s amendment to the committee amendment was adopted on a 29-15 vote.

Lawmakers adopted the committee amendment 39-2 and LB430 was advanced to select file on a 40-4 vote.

A CLOSER LOOK.....

Changes to wind energy program considered

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power purchase agreement payments before calculating the required benefit for state entities.

Langemeier said his amendment would aid in the development of wind energy by attracting more investors for projects.

Greg Van Dyke of Omaha testified in support of the bill. He said the amendment would enhance current C-BED legislation by accessing a larger pool of capital for wind developments.

Van Dyke, who is vice president of finance and treasurer for Tenaska, said he is an investor in the only C-BED project in Nebraska: the 85-megawatt Elkhorn Ridge wind project near Bloomfield. He said a 100-megawatt project would cost \$200 million to construct, which would be difficult to obtain, as C-BED requirements permit Nebraska entities to contribute less than a third to the ownership of the project, yet they receive a third of the revenues generated.

Knox County farmer Bruce Lempke, who leases land to the Elkhorn Ride wind project, also testified in support of the bill. He said wind projects under the C-BED program have difficulty locating funding.

“The general population of Nebraska just doesn’t have the required money for that investment,” Lempke said.

Ewing Sen. Cap Dierks testified in opposition to AM769. In 2007, Dierks sponsored LB629, which created the C-BED program. He said the committee should stick to the original legislation because of the program’s success and the availability of qualified owners for C-BED proposals.

“There is simply no need to change existing statute,” Dierks said.

Nebraska Farmers Union president John Hansen testified in opposition to the amendment. He said the goals of the C-BED program are to maximize economic development in rural Nebraska, diversify the state’s renewable energy portfolio and protect the integrity of public power. The sales and use tax abatement provides advantages to wind developers, he said, and the 33

percent reserved for local entities is the corresponding economic benefit for granting the exemptions.

“There is a lot a difference from 33 percent of the gross to 33 percent of the gross minus financing costs,” Hansen said.

Hansen cited the 42-megawatt Crofton Hills wind project currently being developed as a successful use of current C-BED guidelines.

John Dittrich of Tilden also testified in opposition to the amendment. He said the current C-BED financing structure allows Nebraska stakeholders to become eventual owners of wind projects. Their modest 1 to 5 percent down payments are supplemented by the federal production tax credit, federal stimulus grants, IRS depreciation allowances and outside equity investors, he said. The amendment, however, would discourage outside firms from partnering with Nebraskans, he said.

“[AM769] will result in much less incentive for wind energy developers and outside equity investors to work with Nebraska residents, rural investors and local banks to participate as owners and financiers of wind projects,” Dittrich said.

The committee took no immediate action on the bill.



Sen. Chris Langemeier, Natural Resources Committee Chairperson, questions a testifier during the public hearing on AM769 to LB561.

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Agriculture

Continued funding proposed for invasive vegetation management

Senators debated a bill April 3 that would continue funding for a riparian recovery program designed to clear noxious weeds clogging streams.

LB98, introduced by Holdrege Sen. Tom Carlson, would continue a \$2 million annual appropriation to a grant program administered by the state Department of Agriculture that addresses vegetation management within a stream, or within 100 feet of its banks. LB98 would extend the June 30, 2009, sunset date by two years.



Sen. Tom Carlson

The grant program is available to any weed control entity and natural resources district whose territory includes a fully appropriated or over appropriated river basin. Priority is given to fully appropriated basins subject to an interstate compact or decree.

In addition to the grant program, the bill would extend the sunset date for the Riparian Management Task Force by two years.

The Agriculture Committee offered an amendment that would further extend the grant program until June 30, 2013. The amendment also would require the department director to apply for grants from the Nebraska Environmental Trust Fund and the USDA Natural Resources Conservation Service. Finally, the amendment



would prioritize grants based on plans established by the Riparian Management Task Force and make a one-time transfer of \$500,000 from the Buffer Strip Incentive Cash Fund to the Noxious Weed and Invasive Species Assistance Fund.

Carlson said the grant program has had success in removing vegetation that restricted water flows in streams. He said vegetation removal may have saved 46,000 acre-feet of water at the cost of \$50 per acre-foot, compared to an average cost of \$312 per acre-foot paid to farmers in 2007 to refrain from surface water irrigation.

Due to the addition of vegetation management programs, Carlson said, the carrying capacity of the Republican River has increased from 300 cubic-feet per second to 1,000. He said the grant program must be maintained to finish work on the Republican River Basin and achieve water flows needed for sustainable use.

"This leaves more water for irrigators for maximum production," Carlson said.

Omaha Sen. Tom White said current law, in existence since 1911, mandates that landowners are charged with the duty of removing rubbish from water-courses adjacent to their property.

"It is already the obligation of the adjoining landowners," he said.

But Scottsbluff Sen. John Harms

said a change is necessary because the 1911 law has not been enforced.

"If we don't get it taken care of," he said, "you're not going to have any water."

The committee amendment was adopted on a 40-2 vote.

White offered an amendment that would divide the cost of the program among landowners according to their ownership of land along a river. He said the amendment would hold accountable those who financially benefit from allowing the problem to persist.

"It was their responsibility for decades and they ignored it," White said.

The Legislature adjourned before senators voted on White's amendment.

Banking, Commerce, & Insurance

Changes in credit report freezes approved

Lawmakers gave final approval to a bill April 3 that changes provisions relating to credit report security freezes.

LB177, sponsored by Omaha Sen.

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Steve Lathrop, repeals a requirement that consumer reporting agencies remove a security freeze seven years after it is initiated. Lathrop said consumers often need at least seven years to clear up a case of identity theft.



Sen. Steve Lathrop

The bill also reduces the fee that consumer reporting agencies may charge for placing, temporarily lifting or removing a security freeze to \$3.

LB177 passed on a 45-0 vote.

Banking bill passes

Senators gave final approval April 3 to a Banking, Commerce and Insurance Committee clean-up bill.

LB327, introduced by Omaha Sen. Rich Pahls on behalf of the state Department of Banking and Finance, makes a number of changes to Nebraska's banking laws. Among other provisions, the bill:



Sen. Rich Pahls

- requires state-chartered banks holding fiduciary accounts to pledge collateral to secure amounts that exceed coverage guaranteed by the Federal Deposit Insurance Corporation;
- provides that examination and investigation reports remain confidential records of the department, even when transmitted to the subject of the report;
- authorizes the department director to allow a state-chartered bank to pay dividends even when its previous losses equaled or exceeded its undi-

vided profits on hand; and

- changes to a sliding scale the amount of pledged securities that trust companies and bank trust departments must pledge to the department to maintain their status.

LB327 was passed on a 47-0 vote.

Bill would extend insurance age limit

Legislators advanced a bill April 1 that would allow families to continue providing health insurance for children over 23 years of age.

Currently, insurance policies must contain a provision that coverage may include any children younger than 23 years old. LB551, introduced by Omaha Sen. Tom White, would increase the age to 30 if a child is unmarried and meets other criteria.

An amendment offered by White would require self-funded insurance plans to provide the option of continued coverage for a child who would otherwise be terminated from the policy. A family could chose to continue insuring a child until he or she:

- marries;
- ceases to be a Nebraska resident, unless enrolled on a full-time basis in a college, university or trade school;
- receives coverage under another insurance plan; or
- reaches age 30.

Insurance companies would be allowed to charge an additional premium for the child.

The amendment was adopted 32-0.

White said the bill would allow parents to keep their children insured until

young people are able to provide their own insurance. The current economic crisis will result in even more young people having difficulty finding jobs that offer insurance coverage, he said.

As many as 7,000 young Nebraskans would qualify for continued coverage under the bill, he said.

"This bill addresses a real problem for many families," White said. "I think we can help a lot of our fellow citizens weather these tough times."

Lincoln Sen. Amanda McGill prioritized the bill and said it would have a significant impact on her generation.

McGill said her emergency appendectomy two years ago could have resulted in \$20,000 of debt had she been uninsured, a common occurrence among people in their 20s. McGill said many of her friends delay routine medical treatment because they lack insurance coverage.

The bill advanced to select file on a 35-0 vote.



Sen. Tom White

Education

Bill would require evaluation of community colleges

Lawmakers advanced a bill March 31 aimed at resolving funding disputes between state community colleges.

LB340, introduced by Omaha Sen. Tanya Cook, would require the Coordinating Commission for Postsecondary Education to evaluate the community college funding formula.



Sen. Tanya Cook

Cook said an evaluation would ensure that post-secondary education opportunities

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meet the state's workforce development needs while maintaining local control. The bill would require community college officials to resolve disputes about how to divide state aid, Cook said. Funding disputes led to the expulsion of Metropolitan Community College from the Nebraska Community College Association.

"LB340 aims to bridge the divide between the parties involved," Cook said.

The Education Committee offered an amendment that would narrow the focus of the commission's study to four areas: the role and mission of community colleges, changes in the weighting of courses to reflect that role and mission, the role of the Nebraska Community College Association and whether membership should be required. Each community college would be required to participate in the study and the findings would be reported to the Legislature by December 15.

York Sen. Greg Adams said the study would allow community college officials a chance to resolve issues before the Legislature steps in.

"This issue needs to be resolved by the six community colleges," he said. "Not you and me. This is a last ditch effort to get people together."

Papillion Sen. Tim Gay questioned whether a law requiring a study is necessary. He said a legislative resolution would be more appropriate.

Adams disagreed.

"The emotions were so high that getting all six of them together without the force of legislation, I felt, was going to be virtually impossible," he said.

The committee amendment was adopted 37-0 and the bill advanced to select file on a 38-0 vote.

Government, Military & Veterans Affairs

Proposal clarifies nepotism laws

Senators advanced a bill April 2 intended to clarify prohibitions on nepotism in the state's executive branch.

Sponsored by Lincoln Sen. Bill Avery, LB322 would prohibit an executive branch official or employee from engaging in nepotism and from supervising family members.



Sen. Bill Avery

Exceptions to the bill's prohibitions would be possible, provided the agency head granting the exception shows good cause and notifies the Accountability and Disclosure Commission.

An employee or official would be required to notify his or her agency head within seven days of becoming a supervisor to a family member.

The bill's provisions apply to state-level executive branch employees only.

Avery said the bill was necessary to expand and clarify the list of individuals considered family members.

In 2007, several supervisors with the state Department of Labor hired their children for temporary jobs, Avery said, adding that some were paid more than full-time employees with comparable duties.

The hirings did not violate the state's nepotism policy, Avery said, because the adult children hired did not reside with their relatives, and thus were not considered family members. Only a child residing in

the same household as an official or employee is currently considered a family member, he said.

Under the bill, a family member would be defined as a spouse, child, parent, sibling, grandchild or grandparent by blood, marriage or adoption.

"The bill closes a loophole that needs to be closed," Avery said.

LB322 advanced to select file 35-0.

Bill would allow counties to enact ordinances

Senators advanced a measure April 1 that would allow county boards to enact ordinances and impose penalties for violations.

Under LB532, introduced by Bellevue Sen. Scott Price, county ordinances would not be effective within the boundaries of incorporated municipalities. The bill would require a public hearing to be held on the proposed ordinance.



Sen. Scott Price

Currently, counties have the authority to pass only non-binding resolutions.

Price said the bill would allow county officials to adequately address public safety issues.

The Government, Military and Veterans Affairs Committee offered an amendment that would narrow allowable county ordinances to five areas:

- parking relating to snow removal and emergency vehicle access;
- abandoned and junk vehicles not including agricultural equipment;
- graffiti;
- false alarms; and
- public indecency.

The committee amendment would

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allow counties to assess a fine of up to \$500. The amendment stipulates that county ordinances would not be valid inside city limits and that city ordinances over unincorporated areas would preempt county ordinances.

Papillion Sen. Tim Gay supported the committee amendment, saying it focused the bill to specific county issues.

“This is limited to five things,” he said. “I think [county boards] can make good decisions and we need to allow them to do that.”

Omaha Sen. Mike Friend opposed the bill.

“It’s bad policy because we’re expanding the authority of government,” he said. “I don’t like that idea. I don’t like it at all.”

The committee amendment was adopted 30-3 and LB532 advanced to select file on a 28-8 vote.

Health & Human Services

SCHIP eligibility expansion advances

More children would be eligible for the State Children’s Health Insurance Program (SCHIP) under a bill receiving first-round approval April 2.

LB136, introduced by Lincoln Sen. Bill Avery, would raise the eligibility level for the program from 185 percent of the federal poverty level to 200 percent. The bill also would change the timeline for eligibility re-evaluations from six months, with monthly checks thereafter, to an annual process.

Furthermore, the bill would raise eligibility levels for transitional medical assistance and work-related child care expenses from 185 percent to 200 percent of the federal poverty level. These two expansions, as well as the

increased time frame for SCHIP eligibility reviews, however, were scrapped by a Health and Human Services Committee amendment adopted 36-0.

The remaining provision of LB136, as amended, is the SCHIP eligibility expansion from 185 percent of the federal poverty level to 200 percent.

Avery said SCHIP was created by Congress in 1997 to permit families who do not qualify for Medicaid to obtain children’s health care coverage, which they otherwise could not afford. Immediately after SCHIP’s inception, he said, Nebraska was a model state, but the state’s prestige in regard to the program has faltered.

Nebraska has some of the strictest eligibility requirements for SCHIP, Avery said, adding that 43 states have less strict income requirements, most of which are at least 200 percent of the federal poverty level. Kansas has an eligibility level of 200 percent of the federal poverty level, he said, and Missouri allows children in families with incomes not exceeding 300 percent of the federal poverty level to participate in SCHIP.

Avery said the cutoff for Nebraska SCHIP for a family of three with one adult is \$32,560, which his bill would raise to \$35,200, or approximately \$222 per month. He said his bill would cover an additional 5,400 of the 45,000 children in Nebraska lacking health insurance.

“We’re not breaking the bank here, and we’re not even trying to insure all the people who are uninsured,” Avery said. “We are just going to help a portion of them.”

Malcolm Sen. Ken Haar said a family of four with an income at 200 percent of the federal poverty level is typically left with \$200 each month for health care premiums, which is not an adequate amount.

Avery said the amended bill would

call for \$2.5 million of state funds in fiscal year 2010 and \$3.3 million in FY2011, which would be supplemented by \$6 million and \$8.6 million in federal funds, respectively.

Lincoln Sen. Kathy Campbell called LB136 the “lynchpin” of a package of bills addressing health services for children.

“It isn’t enough to bring children and adolescents into the system ... we need a way to pay for the services,” Campbell said.

Omaha Sen. Jeremy Nordquist said LB136 is needed because more working families are utilizing Medicaid. He cited a state Department of Health and Human Services report that found the number of employers with employees enrolled in Medicaid rose from 186 in 2005 to 484 in 2009. The report pertained to employers with at least 25 employees.

The employer with the most Medicaid beneficiaries in the report is Wal-Mart, said Omaha Sen. Tom White. He said the company increased its number of family units on Medicaid in Nebraska from 654 in 2005 to 1,285 in 2009.

Whereas the vast majority of employers do their best to provide coverage for their employees, White said, some companies are realizing profits by paying low wages and offering minimal benefits to workers, who eventually turn to Medicaid.

“Today we are taking care of children because employers are shirking their social responsibility to their employees and their children,” White said. “Money we are spending here today is replacing what once was the honorable obligation of good employers.”

Lincoln Sen. Tony Fulton said a family with an income at 200 percent of the federal poverty level should be able to afford their own health insurance.

“I’m not against health insurance for children, but I am against the

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government [providing] health insurance to families who, in my opinion, can afford it," Fulton said.

LB136 advanced to select file on a 37-0 vote.

Bill would require safer cigarettes

First-round approval was given April 2 to a bill that would require cigarettes sold in Nebraska to meet fire safety requirements by adopting the Reduced Cigarette Ignition Propensity Act.

According to Platte Center Sen. Arnie Stuthman, sponsor of LB198, reduced ignition propensity cigarettes are manufactured with additional layers of paper so the tip does not maintain enough heat to ignite other materials if left unattended. Such cigarettes carry an "FSC" stamp or other approved marking signifying fire standard compliance.



Sen. Arnie Stuthman

A General Affairs Committee amendment, adopted 36-0, incorporates elements of LB404, introduced by Bellevue Sen. Abbie Cornett.

As amended, the bill provides for a fine for retailers of \$500 for a first offense of knowingly violating the act and \$2,000 for subsequent offenses. Fines increase if the number of non-compliant cigarettes offered or sold exceeds 1,000.

Fines for manufacturers and wholesalers who knowingly violate the act are \$10,000 for a first offense and \$25,000 for subsequent offenses, not to exceed \$100,000 in any 30-day period.

The bill also includes a false certification penalty not to exceed \$250,000.

A \$1,000 fee would be required for certification of each brand family of cigarettes. This fee would apply to all cigarettes listed in the brand family, and cigarettes would have to be recertified every four years.

The bill's provisions would terminate if a federal preemptive standard were adopted.

Stuthman said 38 states and the District of Columbia have adopted legislation requiring fire standard compliant cigarettes. Such laws reduce the likelihood of property loss and death due to accidental fires started by improperly extinguished or unattended cigarettes, he said.

Stuthman cited several such recent fires in Nebraska, including a mobile home fire in Grand Island.

"In that situation, two individuals lost their lives," he said. "If people want to continue to smoke ... we want to try and make it safer for them."

Kearney Sen. Galen Hadley expressed concern that the bill's July 1, 2010 deadline for implementing the sale of fire standard compliant cigarettes might place an undue burden on the state's cigarette wholesale and retail entities.

Stuthman said manufacturers have sufficient inventory of fire standard compliant cigarettes due to the large number of states that already mandate them.

Senators advanced LB198 on a vote of 37-0.

Bill would establish medical home pilot program

Senators advanced a bill to select file March 31 that would establish a medical home pilot program for Medicaid recipients in Nebraska.

Grand Island Sen. Mike Gloor, sponsor of LB396, explained that a medical home is a location, usually a clinic

or physician's office, where a patient builds a relationship with a primary care provider. Through medical homes, patients receive guidance, education and coordinated care, he said.



Sen. Mike Gloor

A Health and Human Services Committee amendment, adopted 35-0, became the bill. As amended, LB396 would establish an advisory council to consult with the state Department of Health and Human Services on implementation of a pilot program. The program would begin by Jan. 1, 2012 and a report would be due to the governor and the Legislature by June 1, 2014.

The bill also would require HHS to design and implement reimbursement rate policies to create incentives for providers.

The pilot program would terminate June 30, 2014.

Gloor noted that HHS has agreed to include the pilot program in its operating budget, meaning that no general fund dollars would be expended on the project.

"There is no fiscal note," he said.

Medical home programs have resulted in lower Medicaid expenditures and improved quality of care in other states, Gloor said. A similar program saved North Carolina \$140 million in one year, he said.

Lincoln Sen. Kathy Campbell said a medical home pilot program was one of the projects suggested by the state's Medicaid reform council.

"[LB396] sets in motion a very important component that we need for Medicaid reform," she said.

Sen. John Harms of Scottsbluff supported the proposal, but said he would like the pilot program to be

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broader. Harms said he would like to make sure that a medical home is located in the western part of the state where accessing coordinated care can be challenging.

Gloor agreed that the program would be a good fit for rural Nebraska, and said it is possible that the program site would be a rural one. He stressed, however, that a pilot program is only a first step. If the program is successful, HHS will likely seek to expand the concept, he said.

The bill was advanced 40-0.

Animal therapist licensure bill advanced

Nebraska would join a growing number of states that provide for licensure of animal therapists under a bill given first-round legislative approval April 1.

LB463, introduced by Ewing Sen. Cap Dierks, would add the category of licensed animal therapist to the Veterinary Medicine and Surgery Practice Act. The bill would allow those licensed in chiropractics, massage therapy and physical therapy to apply their skills to animals in consultation with licensed veterinarians, Dierks said.



Sen. Cap Dierks

Under the bill, a licensed animal therapist would be required to meet training requirements set by the state Department of Health and Human Services. A referral from a licensed veterinarian would be required prior to treatment and therapists would be liable for any damage done to an animal.

A committee amendment, adopted 32-0, incorporated provisions from three other bills introduced by Dierks.

LB407 would permit civil penalties against an individual who engages in the unauthorized practice of veterinary medicine and surgery. The penalty for a first offense would be a fine of at least \$1,000 and any subsequent offenses would incur a fine of at least \$5,000.

LB408 would permit licensed health care professionals to consult with any licensed veterinarian to perform collaborative health care tasks on an animal under a veterinarian's care and with a veterinarian's immediate supervision.

LB586 would exempt pharmacies and licensed veterinarians from provisions of the Veterinary Drug Distribution Licensing Act.

Omaha Sen. Tom White supported the bill, saying massage and physical therapy can be very helpful for animals, particularly horses.

"I think it's a timely bill and an important bill for people who own and love animals," White said.

Senators advanced the bill to select file on a vote of 33-0.

Immunization booster bill advances

Senators gave first-round approval April 1 to a bill that would require children entering 7th grade to have booster shots for diphtheria, pertussis and tetanus.

Papillion Sen. Tim Gay, sponsor of LB464, said the bill would protect adolescents and their families from disease. The timing of the booster coincides with a requirement that Nebraska children obtain a physical prior to entering 7th grade, he said.



Sen. Tim Gay

As with current immunization re-

quirements, diphtheria, pertussis and tetanus boosters could be waived for religious and medical reasons.

Gay said pertussis, commonly known as whooping cough, has been on the rise in recent years and can cause brain damage and death in young children.

The U.S. Centers for Disease Control reported an increase in whooping cough cases of over 1,000 percent between 1993 and 2004, Gay said. The CDC recommends revaccinating children every 10 years, he said.

Platte Center Sen. Arnie Stuthman supported the measure, saying he witnessed many cases of whooping cough while growing up.

"It's very important to immunize these children again," he said.

LB464 advanced to select file on a 35-0 vote.

Bill would allow more long-term care options

Senators gave first-round approval April 1 to a bill that would create an exemption from the Nebraska Certificate of Need Act for intermediate care facilities for the mentally retarded with 15 or fewer beds.

Cortland Sen. Norm Wallman, sponsor of LB511, said the bill would provide the state more options for housing individuals displaced from the Beatrice State Developmental Center. He said the state Department of Health and Human Services has contracted for six such facilities, but would not be able to open them under Nebraska's existing certificate of need requirements.



Sen. Norm Wallman

There is currently a cap of 10 long-

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term care beds per year in Nebraska, Wallman said.

“This bill is necessary to allow more suitable options for people with developmental disabilities,” Wallman said.

A Health and Human Services Committee amendment, adopted 32-0, would revise the definition of intermediate care facility under the act to exclude facilities for the mentally retarded with 15 or fewer beds.

Sen. Tim Gay of Papillion, committee chairperson, said the amendment would achieve the same goal as the bill, but by different means. Under the bill as amended, such facilities would not be required to seek a certificate of need.

“The effect is the same as the original bill,” he said.

Senators advanced LB511 on a 38-0 vote.

Mental health service bill amended, advanced

The Legislature gave first-round approval April 2 to a bill that would require the state to seek federal funds for some mental health services.

LB601, introduced by Omaha Sen. Jeremy Nordquist, would require the state Department of Health and Human Services to seek by July 1, 2010 either a Medicaid waiver or an amendment to the state’s existing Medicaid plan to cover certain mental health services.



Sen. Jeremy Nordquist

A committee amendment, adopted 33-0, limits the bill’s provisions to subacute services, both in hospital and non-hospital settings, and secure residential services.

Nordquist said the state is not doing enough to leverage federal funds for these programs.

Under the bill as amended, Nebraska would improve services while saving \$1.4 million over the next two fiscal years, Nordquist said. Those savings could be used to fund much needed improvements in children’s behavioral health services, he said.

“This is for adults, but it will help the entire system meet the needs that are out there,” Nordquist said.

The bill also would require continuation of Medicaid coverage for subacute services, regardless of whether a recipient has been ordered by a mental health board under the Nebraska Mental Health Commitment Act to receive such services.

Nordquist said HHS had planned to eliminate Medicaid coverage for voluntary patients, which he said would force individuals seeking care to give up their rights in order to obtain services.

LB601 advanced to select file 40-0.

Senators advance financial disclosure requirements

Lawmakers gave first-round approval April 2 to a bill that would require financial disclosure from appointees to the state’s Foster Care Review Board.

LB679, sponsored by the Legislative Performance Audit Committee, would require a potential board member to disclose funding that he or she receives from the state Department of Health and Human Services. Appointees also would be required to report funds received from HHS by their employer.

Scottsbluff Sen. John Harms, who introduced the bill on behalf of the committee, said it resulted from a Legislative Performance Audit report



Sen. John Harms

of the board that raised questions about possible conflicts of interest.

No board members had conflicts of interest according to the state’s Accountability and Disclosure Commission standards, he said. Many board members did, however, have financial connections to HHS, Harms said, and the audit report indicated that the Legislature should consider placing limits on those connections.

Sen. Tim Gay of Papillion supported the bill, but also supported the current makeup of the foster care review board.

Gay said a decision made several years ago to expand the board to include service providers resulted in members with unavoidable connections to HHS. It is important that service providers be involved in the board, he said, because they have firsthand experience dealing with foster care issues.

Gay reminded senators that the audit report found no wrongdoing by board members, but merely recommended financial disclosure in the interest of transparency.

Holdrege Sen. Tom Carlson supported the bill, saying it would provide important information to senators who confirm board appointments. He said lawmakers should scrutinize appointments to state level boards and commissions more closely.

“Too often an appointment is a casual, rubber stamp vote,” he said.

LB679 advanced to select file 37-0.

Judiciary

Compensation allowed for exonerated inmates

Lawmakers approved a bill April 3 that provides a process for exonerated inmates to receive government compensation.

ISSUES UPFRONT.....

LB260, introduced by Tekamah Sen. Kent Rogert, creates the Nebraska Claims for Wrongful Conviction and Imprisonment Act.

As amended, the bill entitles wrongfully convicted persons to a maximum of \$500,000. The original bill provided for \$50,000 for each year of incarceration and an additional \$50,000 for each year served on death row.

Under LB260, inmates wrongfully convicted, incarcerated and released will be allowed to file a claim in the county district court where the conviction occurred. Claimants must have received a pardon or a vacated or reversed conviction to file a claim. The claimant also will have to prove their innocence in a civil court. If the claimant previously confessed to the crime or pleaded guilty, they will have to prove they were coerced to do so.

Possible compensation in LB260 could include any damages found to result from the wrongful conviction as determined by a district court judge. Damages will not be assignable nor can the damages survive the claimant's death. The bill also includes a prohibition against successful claimants filing other suits against the state.

LB260 passed on a 36-9 vote.

Family reunification exceptions advance to select file

A bill that advanced to select file April 1 would change court procedures for reunifying families.

LB517, introduced by North Platte Sen. Tom Hansen, clarifies that Nebraska courts would no longer be required to reunify a family in which a parent has been convicted of a felony sexual assault of the other parent. In

such a case, courts also could terminate the felon's parental rights.

Hansen said LB517 would close a loophole in a court process designed to protect children from sexually abusive parents.

He said the oversight permitted a rapist to protest the adoption of a child in North Platte whom he fathered as the result of sexually assaulting a 13-year-old. A three-year legal battle followed, Hansen said, because the biological father refused to relinquish his parental rights.

"Reunification should be the number one goal for most families," Hansen said, but he added that safety should be an overriding concern.

Lincoln Sen. Colby Coash spoke in support of the bill. He said current reunification requirements force social workers and parents to act against the law in their pursuit for what is right for a child.

"Common sense doesn't always prevail," he said.

The Judiciary Committee offered an amendment that would extend the bill to cases in which a parent of a juvenile subjects any minor child to abandonment, torture, chronic abuse or sexual abuse.

The amendment was adopted 31-0, and LB517 advanced 33-0.

Natural Resources

Game and Parks fees increase

Lawmakers passed a bill April 3 that will increase fees administered by

the Game and Parks Commission.

LB105, sponsored by the Natural Resources Committee, will raise the limit for aquatic habitat stamps from \$7.50 to \$10, and lifetime fishing permits will increase from \$100 to \$200.

Other increases in fee limits included in the bill are:

- migratory waterfowl stamps from \$10 to \$16;
- replacement fees for lifetime habitat stamps, lifetime migratory stamps and lifetime aquatic stamps from \$1.50 to \$5; and
- habitat stamps from \$16 to \$20.

Thirty percent of receipts received by the Nebraska Aquatic Habitat Fund will be directed to fisher access enhancements and programs related to aquatic habitats. The bill prohibits the commission from raising fees more than 6 percent annually or 12 percent per biennium.

The bill includes penalties for offenses ranging from discharging a firearm from a road to hunting without a permit. The bill also creates youth hunting permits for various game animals.

Other provisions of the bill include:

- identification requirements for motorboat leasing and renting;
- authority for the Game and Parks Commission to adopt and promulgate rules and regulations for fees relating to expired licenses, permits, stamps, bands, registrations and certificates issued under the Game Law and State Boat Act;
- an exemption for zoos accredited by the Association of Zoos and Aquariums or Zoological Association for obtaining certain captive animal permits;
- a requirement that 25 percent of the fees received for lifetime game permits be invested and not spent by the commission;



Sen. Kent Rogert



Sen. Tom Hansen

ISSUES UPFRONT.....

- fine increases from \$150 to \$250 for hunting using spotlights attached to or used from a vehicle or boat;
 - allowances for using a bow and arrow from a vessel with the aid of artificial light to fish unprotected species;
 - prohibitions for administering a drug to any wildlife under the jurisdiction of the commission for fertility control, disease prevention or treatment, immobilization or growth stimulation; and
 - a fee limit of \$299 for a resident lifetime fur harvesting permit.
- LB105 was passed on a 47-0 vote.

Riparian water rights bill passes

The state Department of Natural Resources is authorized to administer riparian water rights under a bill passed April 3.

Under LB184, introduced by Ellsworth Sen. LeRoy Loudon, the administration of riparian water rights, which affect water usage in streams adjacent to properties, will be restored to the department. Loudon said the department relinquished administration after its statutory authority to do so was challenged.



Sen. LeRoy Loudon

LB184 permits the department to administer riparian water rights that have been validated and recognized by a court order. The bill applies to land that borders a natural stream, came into private ownership prior to April 4, 1895, and has not been separated at any time from the land contiguous to the stream.

The bill also grants the depart-

ment authority to close surface water appropriations for a riparian right when the riparian right is used for watering livestock in a stream. Other surface water appropriations for livestock, however, are not affected.

LB184 authorizes the department to administer any court-ordered riparian water right. In addition, surface water appropriations can be closed for riparian rights only if appropriations are held by parties of the lawsuit validating the right, or have priority dates subsequent to the date of the court order.

The bill passed on a 45-0 vote.

Well water issuance procedure passes

Natural resources districts will have a process for backing out of a fully appropriated status under a bill passed April 3.

LB483, introduced by Schuyler Sen. Chris Lange-meier, creates protocol for NRDs to use when the state Department of Natural Resources modifies its designation of a river basin, subbasin or reach from fully appropriated to not fully appropriated.



Sen. Chris Langemeier

The bill defines rules for NRDs in issuing irrigated acres and delays the filing date for reevaluations of appropriation status from March 1 to July 1.

Under LB483, NRDs will draft rules and regulations dictating the prioritization and granting of water well permits for at least a four-year period after the department changes a district's designation from fully appropriated to not fully appropriated. NRDs will submit to the department

the total number of new irrigated acres they will issue annually under the new designation. If the number is not approved, NRDs will be permitted only 2,500 acres or 20 percent of historically irrigated acres, whichever is less.

Each NRD can retain its rules after the four-year period following the department's designation. Surface water appropriations issued by the department for NRDs shifting back to not fully appropriated status will be capped at 834 acres annually.

LB483 passed on a 46-0 vote.

Retirement

Bill would allow some disabled school employees to return to work

Lawmakers gave first-round approval March 31 to a bill that would allow some individuals receiving a disability benefit from the Nebraska School Employees Retirement System to work as school employees on a limited basis without losing their disability benefit.

The Nebraska School Employees Retirement System includes individuals who work in Nebraska public schools except those employed by Omaha Public Schools.

The bill would allow a disability beneficiary younger than 65 years of age to return to work at a school if a physician has certified the individual as permanently disabled. A Nebraska Retirement Systems Committee amendment, adopted 33-0, would limit a disability beneficiary employee's hours of work to less than 15 per week and would remove an income limitation.

Lincoln Sen. Kathy Campbell said she introduced LB449 because of the

ISSUES UPFRONT.....

tenacity of one former teacher. The woman was a graphic arts teacher who lost her vision but wished to return to work as a substitute teacher in another field. She found, however, that teaching even a few hours per week would mean losing her disability benefits.



Sen. Kathy Campbell

Campbell said the former teacher spent three years attempting to change the law.

Ellsworth Sen. LeRoy Loudon supported the proposed change, saying the bill would allow qualifying individuals to remain self-sufficient longer and would benefit schools in need of substitute teachers.

“We’re not talking about a significant amount of time worked or a large amount of money,” he said.

LB449 advanced on a 34-0 vote.

Revenue

Research, development tax credits advanced

Senators gave first-round approval to greater tax credits for research and development March 31.

LB555, introduced by Omaha Sen. Tom White, would increase the research tax credit provided by the Nebraska Advantage Research and Development Act to 35 percent if the research is performed at a college or university-owned facility. The credit would be allowed for five



Sen. Tom White

years.

White said his bill would offer a means to retain skilled workers in the state.

“It is in the times of economic downturns that we build the foundations for economic prosperity,” he said. “All it takes is courage in tough times.”

Lawmakers adopted a Revenue Committee amendment 46-0 that would narrow the tax credit to only research performed at a college or university-owned facility. The amendment removed a provision of the bill that would have doubled the research tax credit provided by the act. The amendment reduced the bill’s fiscal impact, which was originally estimated at \$2.2 million in the next fiscal year.

Under LB555 as amended, only research that qualifies under the Federal Research and Development Tax Credit would be eligible for a tax credit.

Lincoln Sen. Danielle Nantkes supported the bill.

“It helps us continue down the path of promoting research development and innovation,” she said.

Citing statistics from North Carolina State University in Raleigh, Lincoln Sen. Bill Avery said the tax credits would significantly benefit the state’s economy. Since the adoption of a similar tax credit proposal, more than 550 patents were issued in North Carolina and about a dozen companies employing more than 15,000 people came to the state, Avery said.

Hastings Sen. Dennis Utter opposed the bill, saying the timing was off.

“Should it become widely used, we will have to get the money to support this program,” he said.

That money could come from cutting state funds to the very institutions the tax credit targets, he added.

LB555 advanced to select file 37-1.

Transportation & Telecommunications

Specialty license plate program passes

A bill offering a program for specialty license plates passed April 3.

LB110, introduced by Valentine Sen. Deb Fischer, provides for specialty license plates administered by the state Department of Motor Vehicles. The bill:



Sen. Deb Fischer

- permits the printing of specialty plates for qualified nonprofits if 500 prepaid applications for the plates have been collected;
- offers specialty plates to qualified organizations for \$70 per plate;
- increases personalized message plate fees from \$30 to \$40, with additional proceeds directed to the highway trust fund; and
- directs an existing \$5 fee associated with military license plates, such as POW or Pearl Harbor survivors, to the Nebraska veteran cemetery system fund.

Under the bill, the Spirit Plate Proceeds Fund, which establishes endowments to provide scholarships for former university athletes and financial support for academic service units of athletic departments, will receive 57 percent of fees generated by Nebraska Cornhusker Spirit plates until the fund is credited \$5 million, after which proceeds will be directed to the highway trust fund.

LB110 passed on a 46-0 vote.

ISSUES UPFRONT.....

Sen. Haar blazes a trail in public service

You might not recognize Sen. Ken Haar if you run into him in the woods.

The avid hiker recalled a three-week backpacking trip along the Colorado trail between Denver and Durango.

“I lost weight, put on muscle and grew a beard,” Haar said.

The now clean-shaven Haar, said the hike allowed time for reflection and solitude that can be hard to come by in the modern world.

“It’s amazing how much we are adapted to city life,” he said. “There’s something sort of magical that happens when you’re out alone with nature for that long.”

The Malcolm senator’s love for the outdoors has led him to backpacking trips in Arizona, Colorado, Utah and Wyoming. Haar said he likes the challenge that backpacking provides for both his body and mind.

“You have to take everything with you that you’ll need,” he said. “So you plan carefully, pack your pack and off you go.”

His physical treks sometimes lead him to intellectual conclusions. After his long hike in Colorado, Haar invented a device for hanging food in trees so animals can’t reach it. He called the device a bear hook and marketed it online. REI, a popular outdoor gear store, carried the product at one time.

In the Legislature, Haar said he is on a different kind of adventure, seeking equally useful conclusions. He starts his mornings on the treadmill and ends his days with weightlifting

each evening.

“Doing this intense mental work each day requires me to find a physical balance to that,” he said.

Haar’s service in the Legislature follows several other roles in public service. He has served as the Lancaster County Democratic Party chair and was a member of the Lincoln City Council from 1989 to 1997.

In fact, Haar can trace his interest in public service back to his desire to become a teacher when he was studying education at the University of Nebraska-Lincoln.

“I was going to save the world,” he said.

His first teaching job was at a high school in north Omaha where future football star Johnny Rodgers was one of his students.

Although his new position requires him to spend a lot of time in the capital city, Haar’s acreage home near Branched Oak Lake allows him time to get away from the bustle of urban life. He and his wife Christine live in a house he built himself. He has two sons and three grandchildren in Lincoln, who he enjoys seeing regularly.



Sen. Haar poses for a photo before embarking on a three-day hike in the Blue Range Wilderness Area in Arizona’s White Mountains.

Haar credits his three grandchildren as a part of the reason he decided to run for legislative office.

“In some ways they were the reason I ran,” he said. “I wanted the chance to make a better future for them.”

CITIZEN VIEWS of the CAPITOL

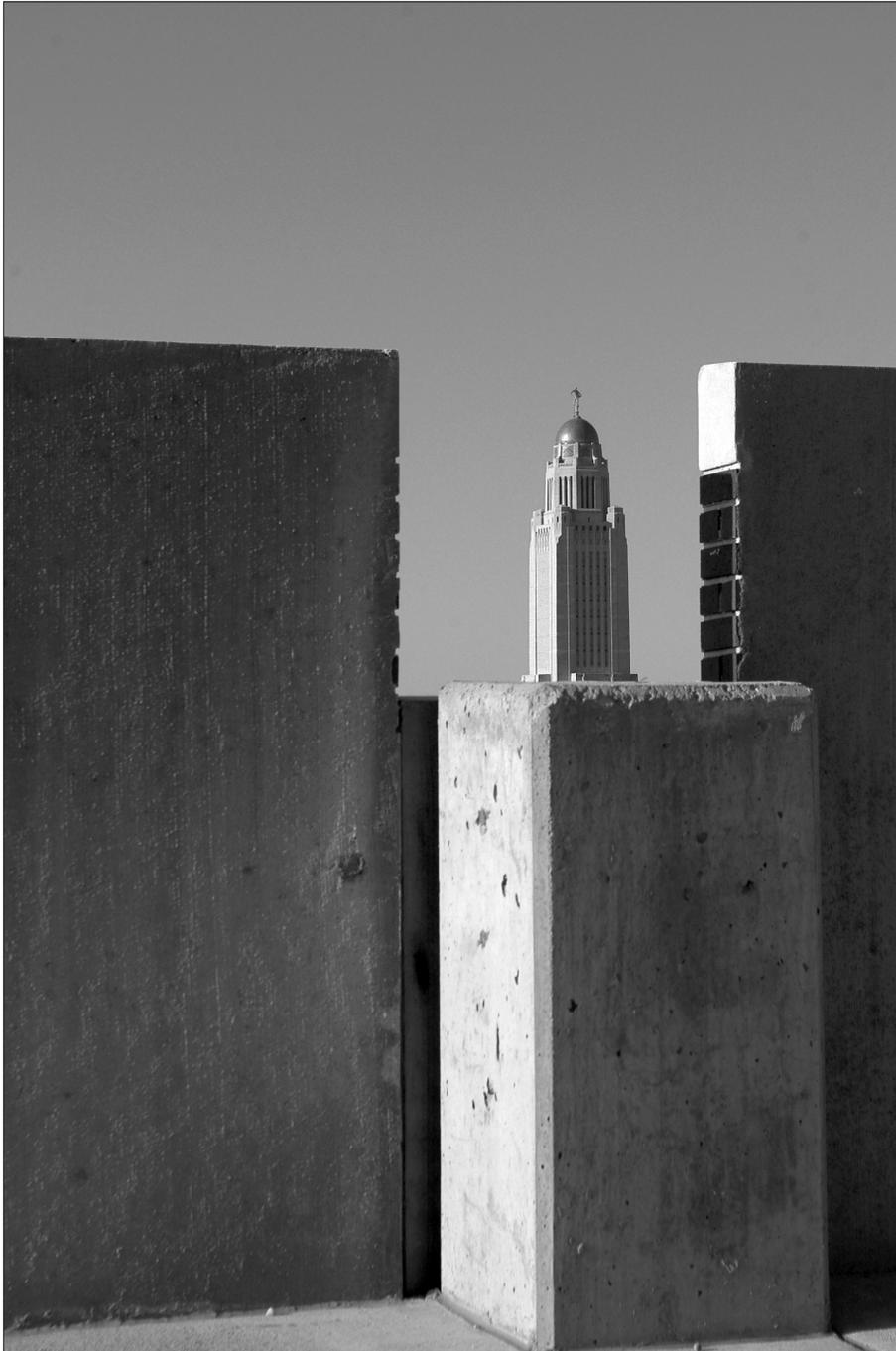


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