

THE NEBRASKA LEGISLATURE'S
WEEKLY PUBLICATION

UPDATE

Senators vote to reorganize HHS

After agreeing that the bill is the first of more changes needed to improve the efficiency and effectiveness of the state's Health and Human Services System, lawmakers passed **LB 296** March 13.

The bill reorganizes the current HHS system into a single department under a chief executive officer who will oversee six separate divisions. Those divisions will be divided by

services for public health, Medicaid, children and family services, behavioral health, developmental disabilities and veterans' homes.

Appointees to the CEO and six division director positions will be made by the governor and will require confirmation by the Legislature.

Kearney Sen. Joel Johnson, the bill's sponsor, has called the bill the final step of a 10-year process

to reorganize the HHS system. The previous structural change for the agency, made in 1996, merged five existing departments into three: the state Department of Health and Human Services, the state Department of HHS Finance and Support, and the state Department of HHS Regulation and Licensure.

At each stage of the legislative

(CONTINUED ON PAGE 9)

Debate stalls on safe haven bill

Lawmakers continued debate March 12 on a bill that would provide procedures for safely leaving a newborn in the permanent care of others.

LB 157, offered by Sen. Arnie Stuthman of Platte Center, would allow parents to abandon an infant child less than 72 hours old at a fire station or hospital.

The recipient of the child would be authorized to perform any act necessary to preserve the health of the child while the infant is in his or her custody. The bill would guarantee immunity from criminal or civil liability for any good faith acts or omissions performed.

The bill would require the state Department of Health and Human Services to maintain a monthly count of the number of abandoned infants and provide a report to the Legislature by Jan. 1, 2008.

(CONTINUED ON PAGE 10)

CAPITOL SNAPSHOT



Students from Lindsay Holy Family School marvel at the ceiling of the Warner Chamber in the Capitol March 15.

INSIDE:

• Committee Hearing Schedule • Committee considers parole, probation merge • Meet Senator Fulton • Weekly Review

ISSUES UPFRONT



Appropriations

Capitol parking studies requested

Two legislative committees heard proposals March 14 regarding parking surrounding the State Capitol building.

LB 574, introduced by Sen. Lowen Kruse of Omaha, would appropriate \$100,000 in fiscal year 2007-08 and \$1 million in FY2008-09 to the State Building Division within the Department of Administrative Services for the development of plans and specifications for a parking facility south of the State Capitol building. The bill was heard by the Appropriations Committee.



Sen. Lowen Kruse

LB 694, introduced by Sen. Mark Christensen of Imperial, calls for a similar study with the results to be reported to the Legislature's Appropriations and Government, Military and Veterans Affairs committees. Fiscal estimates project the cost of the study to be \$120,000. The bill was heard by the Government, Military and Veterans Affairs Committee.



Sen. Mark Christensen

The committees took no immediate action on the bills.



Banking, Commerce and Insurance

Omnibus banking bill passes

Lawmakers passed a bill March 13 that makes numerous changes to the state's banking laws.

LB 124, introduced by the Banking, Commerce and Insurance Committee, updates statutes for state-chartered banks, building and loan associations and credit unions. As modified by a committee amendment, the bill also includes provisions from 12 other bills as follows:

LB 114, originally introduced by Omaha Sen. Rich Pahls, changes various sections of the Nebraska Uniform Trust Code to adopt updates that were approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws.



Sen. Rich Pahls

LB 122, originally sponsored by the committee, changes laws relating to assessments, examination costs and fees collected by the

state Department of Banking and Finance.

LB 125, originally introduced by Pahls, changes the law that authorizes state-chartered banks to make community development investments. The bill increases the amount of a bank's aggregate investment from 10 percent to 15 percent of its capital and surplus. The bill also repeals the law that requires banks to account for these investments as "other assets."

LB 126, originally introduced by Pahls, adds trust companies to the list of financial institutions covered under existing state law that prohibits two or more financial institutions in the same city, village or county from having identical or confusingly similar names.

LB 127, originally introduced by Pahls, updates laws governing loan brokers to require that the disclosure statement given to prospective borrowers must include the telephone number, e-mail address and Internet address of the loan broker. The bill also requires that the loan brokerage agreement be signed by the loan broker and the borrower include the telephone number, e-mail and Internet address of the loan broker and the loan broker's agent for service of process.

ISSUES UPFRONT.....

LB 128, originally sponsored by Pahls, requires sales finance companies to have and maintain a minimum net capital requirement of \$100,000 and provide a surety bond of \$50,000 to cover any losses resulting from violations of the law. Current licensees will have until Oct. 1, 2008, to meet these new requirements.

LB 129, originally sponsored by Pahls, prohibits a person with a felony conviction from being employed at, or as an agent of, a mortgage banker. The bill prohibits licensees, employees and agents from obtaining a signature on a document to be notarized without obtaining a notarial attestation until sometime later and outside the presence of the signer. The state will be authorized to participate in a uniform system of electronic licensing for entities that make residential mortgage loans.

LB 130, originally sponsored by Pahls, sets forth requirements for the relocation of a licensed installment office. The requirements include an application, a fee of \$150 and the publication of a notice in the county where the licensee wishes to relocate. If a substantive objection is filed to the proposed relocation, an administrative hearing will be held.

LB 149, originally introduced by Papillion Sen. Tim Gay, changes existing banking law that prohibits individuals, firms, companies, corporations or associations other than banks, building and loan associations, savings and loan associations or savings banks from using the word "bank" or any form of that word as any part of a title or description of



Sen. Tim Gay

any business activity.

LB 156, originally introduced by Schuyler Sen. Chris Langemeier, changes banking law regarding boards of directors, bank premises, and account bonuses and premiums.



Sen. Chris Langemeier

LB 189, originally sponsored by Blair Sen. Mick Mines, provides that certain transactions will not be presumed to be affected by a conflict of interest between the personal and fiduciary interests of a trustee if the transaction and any investment made pursuant to it complies with the prudent investor rule and is in the best interests of the beneficiaries.



Sen. Mick Mines

LB 346, originally introduced by Pahls, changes Nebraska's central filing system law relating to the filing of effective financing statements to better accommodate electronic filings of amendments and continuation statements. The bill provides an alternative to the current requirement of including the debtor's Social Security number or federal taxpayer identification number on such a statement.

LB 124 was passed by a 46-0 vote.

Business and Labor

Bill to clarify unused leave benefits amended, advanced

Lawmakers amended and advanced a bill March 13 aimed at clarifying what benefits employees are entitled to when their employment ends.

LB 255, introduced by Tekamah Sen. Kent Rogert, was introduced in response to a recent Nebraska Supreme Court decision, *Roseland v. Strategic Staff Management*. The decision requires payment of unused vacation leave upon termination.



Sen. Kent Rogert

The bill would clarify that all unused paid leave earned by an employee, other than unused vacation leave, would not be payable to the employee upon his or her departure from employment unless otherwise agreed to by the employer and employee.

Before advancing the bill, senators voted 34-0 to adopt an amendment that contained the provisions of **LB 505**, a bill originally introduced by Blair Sen. Mick Mines. LB 505 would clarify how commissions would be paid out to an employee who leaves employment.

LB 255 was advanced to final reading by voice vote.

ISSUES UPFRONT.....

General Affairs

Liquor tax return changes advanced

Lawmakers advanced a bill March 15, introduced by St. Paul Sen. Vickie McDonald, that deals with the state liquor tax.

LB 578, as amended by the General Affairs Committee, would allow amounts on liquor tax returns or reports to be rounded off to the nearest dollar when the administration of the tax might be more efficiently conducted.



Sen. Vickie McDonald

McDonald said the proposal mirrors an existing law regarding state Department of Revenue tax reports and returns.

The committee amendment was adopted and the bill advanced to select file, both on votes of 27-0.

Government, Military and Veterans Affairs

Public employment application bill advanced

A bill that would redefine which applicants for public employment should be made public was advanced to select file March 14.

Current law allows job application materials submitted by applicants, other than finalists, who have applied for employment with a public agency to be withheld from the public. Job application materials submitted by finalists may not be withheld from the public.

LB 389, introduced by Sen. Ray Aguilar of Grand Island, would change the definition of a finalist. As modified by a Government,



Sen. Ray Aguilar

Military and Veterans Affairs Committee amendment, a finalist would include any applicant who:

- is offered and accepts an interview by a public body or its agents and who reaches the final pool of applicants, numbering four or more, from which the applicant is to be selected;
- is an original applicant when the final pool of applicants numbers less than four; or
- is an original applicant when there are four or fewer original applicants.

Aguilar said the bill arose from concerns expressed by the University of Nebraska over their ability to attract candidates for high level positions when the names of all applicants could be made public. He said the bill represents a compromise between the university and the news media.

LB 389 was advanced on a 32-0 vote.

county boards to transfer county public assistance funds to the state Department of Health and Human Services to pay providers who serve Medicaid recipients or low-income uninsured persons and meet federal and state disproportionate share payment requirements.



Sen. Tom Hansen

As modified by a Health and Human Services Committee amendment, changes would be made to reimbursements to intermediate care facilities for those persons with mental retardation. State law requires each facility to pay a tax equal to 6 percent of its net revenue each fiscal year. The amendment would reduce the tax to 5.5 percent. The change would conform state law to a federal law that takes effect on Jan. 1, 2008.

Kearney Sen. Joel Johnson, the committee's chairperson, said LB 292 would result in an increase of \$4.1 million in federal funding.



Sen. Joel Johnson

The bill was advanced to select file by a 29-0 vote.

Health and Human Services

Medicaid accounting measure advances

Lawmakers advanced a bill March 14 that would implement Medicaid accounting changes with the intent of increasing federal funding.

LB 292, introduced by Sen. Tom Hansen of North Platte, would permit

ISSUES UPFRONT.....

Judiciary

Work camp changes given final okay

Senators gave final legislative approval March 13 to a bill that will alter the role and mission of the work ethic camp in McCook.

LB 83, introduced by Omaha Sen. John Synowiecki, allows the Parole Board to use the work ethic camp in McCook as a transitional program for incarcerated offenders prior to being released on parole.

Currently, the work ethic camp program is limited to individuals who are sentenced to intensive supervised probation instead of incarceration. Under LB 83, the Parole Board can use the camp as a transitional phase prior to release on parole for certain offenders who the board believes would benefit from participation in the program. Placement at the camp as a condition of release on parole can last no longer than 180 days. Offenders convicted of sexual assault or a capital crime, or who have been incarcerated previously for a violent felony will be ineligible.

Offenders placed at the work ethic camp by the Parole Board will be released on parole upon successful completion of the work camp program. If such an offender fails to complete the work ethic camp program, he or she will be returned to the Parole Board to face a rescission hearing.

LB 83 was passed by a 42-0 vote.



Sen. John Synowiecki

Bill would plan parole and probation merger

A bill that would create a plan to merge the functions of probation and parole was heard by the Judiciary Committee March 15.

Introduced by Omaha Sen. John Synowiecki, **LB 540** provides that the governor and chairperson of the Judiciary Committee would each designate one person to develop a probation and parole merger plan.

A 10-member commission, known as the Probation and Parole Merger Commission, would be created to review the plan.

Currently, parole functions are administered by the state's executive branch, while probation is administered by the judicial branch.

Synowiecki said the merger would provide administrative efficiency, promote offender rehabilitation services and enhance public safety and victim services.

The committee took no immediate action on the bill.

Natural Resources

Public power district exemption advanced

A bill that would exempt certain public power district contracts from sealed bidding requirements was advanced March 14.

LB 636, sponsored by the Natural Resources Committee, would add exceptions to the current bidding requirements in an attempt to give public power districts additional options for acquiring equipment and supplemental labor.

The bill would provide an exception for purchases from sheltered workshops and for

contracts to procure equipment or supplemental labor from an electric utility or electric utility alliance when an engineer certifies that a sealed bid process is impractical or not in the public interest. An engineer's cost estimate would be required before a district could enter into a contract for certain materials, equipment and services.

As with other exceptions to the sealed bid requirements, a two-thirds vote of approval would be needed from the public power district board. The contract would be advertised in designated publications if the cost estimate exceeds \$100,000 so that prospective vendors could respond.

A committee amendment, adopted 26-0, would make entities formed under an interlocal agreement or municipal cooperative financing arrangement eligible for the same provisions as public power districts and public power and irrigation districts.

The bill was advanced to select file on a 34-0 vote.

Regulatory exemption for ranches would be extended

Certain ranch operations would be given an extension to request an inspection of their animal feeding operation under a measure advanced by lawmakers March 14.

Fullerton Sen. Annette Dubas, who introduced **LB 677**, explained that legislation enacted in 1998 required livestock feeding operations to request inspections as part of the development of waste plans. Ranch operations were generally exempt.



Sen. Annette Dubas

ISSUES UPFRONT.....

In 2004, Nebraska adopted federal regulations that removed the exemption for ranching operations, catching some ranchers unaware, she said.

As amended by a Natural Resources Committee amendment, LB 677 would reauthorize the exemption for previously exempt livestock operations. Those operations would have until Jan. 1, 2009, to request an inspection without incurring late fees. Late fees would apply for operations that fail to request an inspection by the deadline. The amount of the late fees would not be changed by the bill.

LB 677 was advanced to select file by a 26-0 vote.

Retirement Systems

Omnibus retirement bill advanced

Lawmakers advanced a bill March 15 containing several retirement proposals affecting public employees.

LB 328, introduced by the Retirement Systems Committee, would provide for the immediate reenrollment of state and county employees who return to employment in the system within five years of terminating their employment. Current law requires a 60-day waiting period before such an employee can reenroll in the plan. The bill also would create separate administrative expense funds for the various retirement plans.

As amended by a committee amendment, the bill would include provisions of two other bills.

LB 370, originally introduced by Bayard Sen. Philip Erdman, calls for a survey of current retirement

plans in place for law enforcement officers. A report would be issued to the Retirement Systems Committee by Oct. 1.

LB 665, originally introduced by Sen. Russ Karpisek of Wilber, would give state and county employees who participate in the defined contribution retirement plan a second opportunity to choose a cash balance benefit option.

Initially, the option was given to state and county plan members in 2002, at which time they were required to make a permanent choice of retirement plan options. The cash balance benefit option is designed to provide a more stable rate of return on contributions. Under the bill, employees would have from Nov. 1, 2007, to Jan. 1, 2008, to make their choice.

LB 328, as amended, was advanced to select file by a 37-0 vote.

Revenue

'Snuff' tax increase given initial approval

A compromise reached March 15 allowed a bill that would change the tax rate on certain tobacco products to move forward.

LB 106 would reclassify tobacco-related substances into three categories:

- smoking tobacco, which would include tobacco-related items that can be smoked, with the exception of cigarettes;
- tobacco products, which would include tobacco items intended primarily for chewing; and
- cigarettes, which were not impacted by the bill.

Sen. Pat Engel of South Sioux City, the bill's sponsor, said the current method of taxing tobacco products created disparities between specific products. Some were taxed based on weight and others on the purchase price, he said.

Calling LB 106 an issue of equity, Engel said the bill would treat all items classified as tobacco products the same.

Under a Revenue Committee amendment, LB 106 would have set the tax rate for tobacco products at 65 cents per ounce. However, an amendment offered by Omaha Sen. Ernie Chambers, and agreed to by Engel, would set that tax rate at \$1.05 per ounce. The Chambers amendment was adopted by a 25-3 vote.

Nickerson Sen. Ray Janssen, the committee's chairperson, estimated the increase would generate between \$4 million and \$5 million in state revenue, depending on consumption.

Before advancing the bill, lawmakers voted 6-30 to reject an amendment



Sen. Philip Erdman



Sen. Russ Karpisek



Sen. Pat Engel



Sen. Ray Janssen

ISSUES UPFRONT.....

offered by Sen. Carol Hudkins of Malcolm to divert the new revenue to the Highway Allocation Fund. That fund is distributed to cities and counties using a specific formula for road construction projects.



Sen. Carol Hudkins

LB 106 was advanced to select file by a 31-6 vote.

Long term care savings account bill moves forward

The Legislature gave initial approval March 14 to a bill that would make changes in long-term care savings accounts.

LB 304, sponsored by Papillion Sen. Tim Gay, would reduce the age at which taxpayers may make tax deferred payments out of a long-term care savings account to pay the premiums of a long-term care insurance policy from 62 to 50.



Sen. Tim Gay

As amended by a Revenue Committee amendment, the bill also would:

- allow qualified withdrawals at any age for long-term care expenses that have been incurred; and
- allow taxpayers to have long-term care accounts for the benefit of any person for whom the owner of the account has an insurable interest.

Gay said the bill would encourage young people to save for long term care. Long-term care expenditures consume 36.3 percent of the state's total Medicaid budget, he said.

LB 304 was advanced to select file by a 35-0 vote.

Transportation and Telecommunications

Fee redirect for roads stalled

A proposal to redirect funding for local road projects was set aside March 15.

LB 663, sponsored by Malcolm Sen. Carol Hudkins, would reallocate commercial motor vehicle registration fees to the Highway Allocation Fund. Those fees currently go to the Motor Vehicle Tax Fund, which is distributed to local government subdivisions.

Currently, 30 percent of the commercial motor vehicle registration fees go to the Motor Vehicle Tax Fund, minus a 3 percent collection fee that goes to the state Department of Property Assessment and Taxation. Under LB 663, that 30 percent would go to the Highway Allocation Fund, which is distributed to municipalities and counties for road construction projects based on a specific formula. The 3 percent collection fee would be redirected to the Motor Carrier Division Cash Fund.

Hudkins said the money would be more equitably distributed and used for its intended purpose.

"We are always looking for ways to improve our roads. Roads are the lifeblood of our state," she said.

Concerns were expressed that the bill would result in less money for school districts that do not receive state aid, also known as nonequalized districts. According to estimates from the Legislative Fiscal Office, that impact is projected to be \$4.1 million annually. The loss, however, would be replaced by additional state aid beginning in fiscal year

2008-09.

York Sen. Greg Adams said he supports building the state's infrastructure, but wanted to know more about the impact on school districts in the future.



Sen. Greg Adams

"I think the money we're talking about here is a drop in the bucket compared to the harm to school districts that don't get money made up from the state aid formula," he said.

LB 663 was bracketed, or set aside, until April 18 upon Hudkins' request. The bill remains on general file.

Bill would increase auto dealer fees

A bill that would increase motor vehicle dealer licensing fees advanced to select file March 15.

LB 681, introduced by Elkhorn Sen.

Dwite Pedersen, would increase the Motor Vehicle Industry Licensing Board's discretionary license fee authority for all types of licenses it issues. The change would affect dealers of motor vehicles, motorcycles, trailers, auto auctions and wrecker and salvage dealers.



Sen. Dwite Pedersen

Fees also would increase for related salespeople, manufacturers, distributors, finance companies and factory and distributor representatives.

After Jan. 1, 2008, the maximum fees permitted would increase by twice the current maximum amount for each class of license.

ISSUES UPFRONT.....

The bill also would increase the corporate surety bond amount for motor vehicle, motorcycle, and trailer dealers from \$25,000 to \$50,000.

Pedersen said the fees have not increased in 25 years, so the bill would bring the fees and surety bond more in line with today's costs.

LB 681 advanced on a 29-2 vote.

Urban Affairs

Bill would allow recycling of firefighting equipment

Lawmakers advanced a bill March 15 that would allow smaller fire departments to use

donated equipment from larger departments.

LB 160, introduced by Bellevue Sen. Abbie Cornett, would provide an exemption from liability for donors of equipment to fire and rescue departments.

Under the bill, a person or organization who donates fire control or rescue equipment to a fire department or political subdivision for use by its fire department would not be liable for civil damages for personal injuries, property damage or loss, or death caused by the equipment after

donation.

The protection would not be extended to a vendor or manufacturer of fire control or rescue equipment. Nor would it apply if injury, damage, loss, or death was caused by the donor's intentional or reckless conduct, or gross negligence.

Current law prohibits a person from transferring, selling or offering for sale to any fire department or firefighter any item of clothing or equipment unless the item meets or exceeds minimum standards at the time of the transfer.

Without the bill, Cornett said operable firefighting equipment must be discarded for fear of lawsuits.

The bill advanced to select file 36-0.



Sen. Abbie Cornett

Legislative information available to the public

The Unicameral Information Office produces several informational brochures and booklets about the Nebraska Legislature. All the publications below are free and may be obtained from the Clerk of the Legislature's Office, State Capitol, Room 2018, P.O. Box 94604, Lincoln, NE 68509-4604. The Information Office phone number is (402) 471-2788.

A Look at Your Unicameral

Booklet that includes a history of the Unicameral, the steps of how a bill becomes law, photos and addresses of state senators, a list of the duties of a state senator, descriptions of legislative support offices, a description of the legislative chamber and a glossary of legislative terms.

2007 Nebraska Legislature:

Unicameral Membership and Committees

Brochure listing all senators by district, their home addresses and phone numbers, and their Capitol room numbers and phone numbers. Also lists the members of all legislative committees and indicates when and where the committees regularly meet.

Public Hearing Testimony in the Nebraska Legislature

Brochure outlining the procedures for testifying at a public hearing on legislation being considered by committees.

The Nebraska Unicameral: A Citizen's Legislature

Brochure exploring the nation's only unicameral legislature. Also identifies ways that citizens can become involved in the process.

A Student Guide to the Nebraska Legislature

Booklet targeted to grade-school students that provides information about the Legislature and incorporates puzzles and questions to test students' knowledge. Includes photos of state senators, a description of how a bill becomes law, maps of legislative districts and a glossary of legislative terms.

A CLOSER LOOK.....

Senators vote to reorganize HHS

(CONTINUED FROM FRONT PAGE)

process, senators have voiced concerns that the restructuring bill fails to provide changes necessary to make the department more responsive to the public's needs.

Lincoln Sen. DiAnna Schimek restated these concerns during final reading consideration. She introduced an amendment to strike the bill's enacting clause, a tactic used to allow for continued debate.

In the 20 years she has served in the Legislature, Schimek said, HHS has had several "very troubling" problems with child abuse and neglect cases, the Thomas Fitzgerald Veterans' Home and the Lincoln Regional Center.

While some of these issues are being addressed, there is reason to be concerned about the things that are happening and continue to happen, she said. She cited statistics from the National Association of Child Care Resource

and Referral Agencies which ranked Nebraska 50th in states providing services to children.

"(HHS) is a huge bureaucracy with over 6,000 employees. It is very difficult for us to have the proper oversight," she said, encouraging other senators to suggest ways the problems could be solved.

"I'm not telling you what the answers are, I'm telling you the problems," she said. "I think we need to talk about the answers today."

Omaha Sen. Steve Lathrop suggested that the search for a CEO

of the new department be broader and consider candidates who have experience running efficient businesses or cleaning up state agencies in need of reform.

"This is tantamount to a billion dollar business with 6,000 employees, and our search was no broader than the Capitol building," he said.

Sen. Abbie Cornett of Bellevue referred to a Business and Labor Committee hearing March 12, at

disturbed by the lack of internal control HHS has displayed," Cornett said. "They cannot afford to hire more caseworkers to care for our children, but they can lose over a million and a half dollars?"

Omaha Sen. Gwen Howard listed three ways to start improving the department: increasing accountability, reducing caseloads and exploring better training options.

The department spends \$11,000 of federal funding to train each child protection and safety worker, she said, but their employment record is a "constant revolving door" because of unrealistic job expectations.

"They're being let go before they're off probation," she said. "I often equate it to working in the M.A.S.H. unit—every case is a crisis."

Howard said the problems have financial consequences for the state but are also affecting human lives.

"I do believe we can make changes, but it's going to take a commitment from everyone in this body," she said.

Johnson said he was encouraged by the Legislature's commitment to find ways to improve the department.

"One of the concerns of term limits is you end up with a weakened branch of government," he said. "This discussion has made it clear that is not the case."

Schimek withdrew her amendment and the bill passed on a 47-1 vote.



Omaha Sen. Gwen Howard speaks during debate on reorganizing the Health and Human Services system.

which the department requested write-offs for several outstanding debts, including \$348,182.90 for unrecoverable debt on which the statute of limitations for collection had expired. Other write-off expenses included \$722,819 for missed payments the department had made no attempt to recover and another \$6,272 embezzled by an employee, Cornett said. The department could not answer whether or not the employee had been prosecuted, she said.

"By the end of the day, I was very

A CLOSER LOOK.....

Debate stalls on safe haven proposal

(CONTINUED FROM FRONT PAGE)

Stuthman said the bill would be worthwhile “if we can save one infant from a creek bed or a dumpster.”

Nebraska, Hawaii and Alaska are the only three states without a safe haven law, he said.

A pending committee amendment would:

- clarify that leaving a child with a safe haven provider would not subject a parent to prosecution for child abandonment;
- increase the age of infants who can be left with a safe haven provider from three days old to 30 days old;
- remove the requirement that a parent leaving a child with a safe haven provider must indicate an intention not to return for the child;
- remove immunity from civil or criminal liability for good faith acts or omissions performed by firefighters or hospital personnel;
- require HHS to track and report children who are abandoned at other locations so a meaningful comparison can be made; and
- remove provisions directing HHS to place a child left at a safe haven with an adoptive family as soon as possible and file a petition to terminate the parental rights.

Stuthman said the bill would provide an alternative for parents who would otherwise abandon newborns in unsafe places.

Lincoln Sen. DiAnna Schimek questioned the success of similar programs in other states. Colorado has had only two of eight abandoned children left at safe havens since adopting the law, she said. Texas has had only five of 100 abandoned children left at safe havens, and that’s after the state ran an extensive ad campaign, she said.

Further, she said, the program could provide women who might have considered adoption an incentive to abandon their children instead.

Omaha Sen. Ernie Chambers said the issue is “fraught with emotional baggage and freight,” but encouraged senators to transcend that emotion. The bill would provide an avenue for a father to drop off an unwanted child without the mother knowing, he said.

“This law makes that legal,” he said.

If lawmakers really want to help the situation, he said, they could support funding for the social programs that would help single mothers raise their children so they wouldn’t have to resort to abandonment.

Chambers moved to bracket the bill to allow time for the committee to make improvements to it, he said. The bracket motion lost on a 10-23 vote.

Omaha Sen. Steve Lathrop disagreed with the idea of delaying the bill.

“I think the bill is well drafted; we just disagree on the policy,” he said.

A safe haven program is necessary for women who are shamed by their pregnancy or who slip through the cracks, Lathrop said.

“I think this law makes perfect sense,” he said. “The vast majority of other states have it, and we should, too.”

Sen. Brad Ashford of Omaha agreed that the bill is related to larger social problems. Calling poverty a “day in and day out tragedy,” he challenged lawmakers to address statewide problems such as getting people off of welfare and improving the foster care system.

“The question is how are we going to deal with children in poverty, children at risk?” he asked. “The issue remains: ‘Can we save an infant through this legislation?’ If we can do that, then we can turn our attention to the broader issues.”

Chambers followed with a motion to recommit the bill to the Judiciary Committee, but the Legislature adjourned before taking a vote.



Platte Center Sen. Arnie Stuthman, right, talks with Holdrege Sen. Tom Carlson during debate on Stuthman’s safe haven bill.

MEET THE SENATORS

Fulton engineers seat in Legislature

Sen. Tony Fulton was considering running for office himself when he was appointed last November to represent south Lincoln in the Nebraska Legislature. He replaced Sen. Mike Foley, who was elected state auditor.

Fulton, an engineer by profession, said his background is helping him as a new senator.

"It's helped me analyze bills, to break things down to their basic elements," he said. "That's what engineers do."

But Fulton's background includes much more than engineering. Halfway into his engineering degree at the University of Nebraska – Lincoln, he took two years off to intensively study philosophy through Kansas Newman University and theology at Mount St. Mary's University, a private college in Maryland.

"It was a time in my life when I was looking for deeper meaning," he said.

Fulton said this experience has enabled him to look at problems while considering different philosophies, and world views. This broader perspective has served him well in his profession.

"It's important not to ignore the liberal arts—it makes for better engineers," Fulton said.

After graduating in 1997, Fulton worked in Lincoln as an engineering consultant and continues to do consulting work for international energy projects.

Somehow, Fulton still makes time to run his own homecare business. He is CEO of Guardian Angels Homecare, a business concept that started when he was a young boy growing up in Auburn, Nebraska.

"An older lady from church called my mom to ask

if she could send someone over to help her. I was the oldest boy, so she sent me."

Fulton began helping the older woman by cleaning her home and running errands. He was paid 50 cents per job and spent it on baseball and football cards.

"I bought the entire 1985 football set because it used to have gum in it. Several collectors have offered to buy it," he said proudly.

That first client referred him to several of her friends who also needed a little help around the house. Years later, Fulton's helpfulness has grown into a successful business.

"This has allowed me to do something entrepreneurial as a means to do good, to change the culture for the better. That's deeply satisfying to me."

Fulton named weight lifting as a hobby. While he does it now to maintain strength, he used to take it more seriously.

"I did body building for a couple of years," he said.

In 1998, Fulton married Judy Vandewalle, a fellow student he met at church while attending UNL. Five children have followed: Thomas and

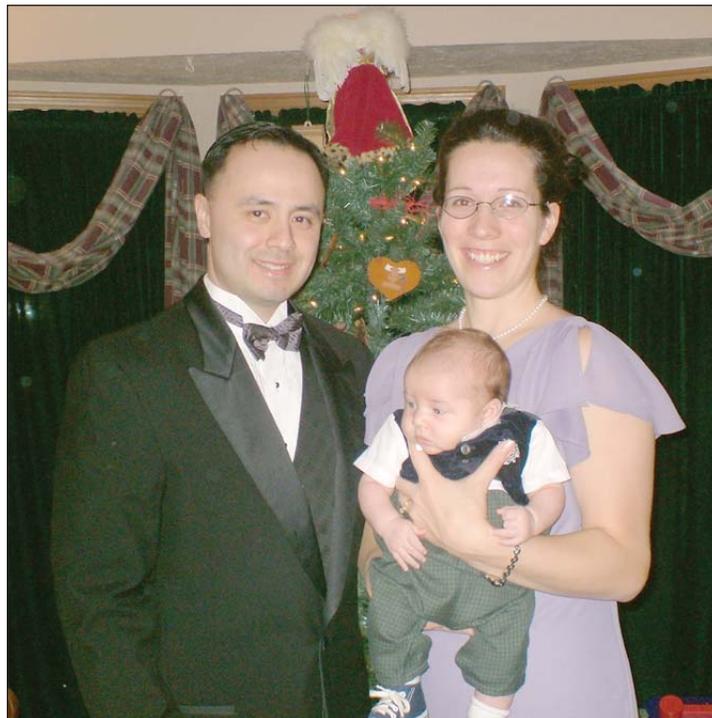
Augustine, seven-year-old twins; Bede, 5; Bernadette, 3; and Basil, 3 months.

Each was named after Catholic saints who were scholars, Fulton explained, except for Bernadette.

"We just really liked that name," he said.

What do his children think of his new post as senator?

"The day I was appointed, I picked them up from school to tell them. They wanted to know if this meant they could get access to see what was behind all the 'secret doors' in the Capitol building," he said, grinning.



Lincoln Sen. Tony Fulton, his wife, Judy, and his youngest son, Basil, pose before the Governor's Inaugural Ball.

COMMITTEE HEARINGS

MONDAY, MARCH 19, 2007

Appropriations

Room 1524 - 1:30 p.m.

LB 536 (Schimek) Appropriate funds to the Department of Health and Human Services Finance and Support

LB 542 (Synowiecki) Appropriate funds to the Department of Health and Human Services

LB 545 (Synowiecki) Appropriate funds to carry out the Nebraska Prostitution Intervention and Treatment Act

LB 548 (Synowiecki) Appropriate funds relating to behavioral health services

LB 559 (Ashford) Appropriate funds to the Department of Health and Human Services Finance and Support

LB 576 (Kruse) Provide for rate increases for behavioral health services providers

TUESDAY, MARCH 20, 2007

Appropriations

Room 1003 - 1:30 p.m.

AGENCY 82 Commission for the Deaf and Hard of Hearing (*rescheduled*)

AGENCY 81 Commission for the Blind and Visually Impaired (*rescheduled*)

AGENCY 38 Commission on the Status of Women (*rescheduled*)

AGENCY 68 Mexican-American Commission (*rescheduled*)

AGENCY 70 State Foster Care Review Board (*rescheduled*)

AGENCY 76 Commission on Indian Affairs (*rescheduled*)

Health and Human Services

Room 1510 - 1:30 p.m.

Linda L. Jensen - Board of Emergency Medical Services

Donald Frey - Rural Health Advisory Commission

Leon Sykes - Board of Emergency Medical Services

Kate Hesser - Rural Health Advisory Commission

Judiciary

Room 1113 - 1:30 p.m.

LB 696 (Christensen) Provide a fee increase and a waiting period for marriage licenses if marriage education requirements are not met (*rescheduled*)

LB 164 (Fischer) Change provisions of the Relocation Assistance Act (*rescheduled*)

LB 104 (Erdman) Change age of majority from nineteen to eighteen (*rescheduled*)

LB 112 (Erdman) Provide for the judicial emancipation of minors (*rescheduled*)

LB 478 (Johnson) Change provisions relating to adoption procedures (*rescheduled*)

LB 571 (Kruse) Provide for adoption by two adult persons jointly (*rescheduled*)

LB 151 (Gay) Provide a statute of limitations for certificate of deposit obligations as prescribed (*rescheduled*)

WEDNESDAY, MARCH 21, 2007

Judiciary

Room 1113 - 1:30 p.m.

LB 685 (Karpisek) Change provisions relating to the possession of alcohol by minors

LB 336 (Kruse) Change penalties for violation of certain liquor laws relating to minors

LB 337 (Kruse) Provide for confiscation of identification of minors attempting to purchase alcohol

LB 261 (Kruse) Eliminate provisions relating to religious uses of alcoholic liquor and minors' activities at permanent place of residence

LB 580 (Preister) Change provisions relating to tobacco product manufacturers

LB 585 (Preister) Change provisions relating to the dispensing of cigarettes or other tobacco products

LB 258 (Lathrop) Change provisions relating to minors' violations under the Nebraska Liquor Control Act

Revenue

Room 1524 - 1:30 p.m.

Ruth Sorensen - Tax Equalization and Review Commission

TENTATIVE SCHEDULE

TUESDAY, MARCH 27, 2007

Nebraska Retirement Systems

Room 1525 - 12:15 p.m.

Annual Report - Nebraska Investment Council

Annual Report - Nebraska Public Employees Retirement Systems

Voice your views

Public hearings offer people the opportunity to make their views known on proposed legislation and have them incorporated into the official legislative record. In Nebraska, most bills, with the exception of a few technical bills, receive a public hearing before a legislative committee.

A weekly schedule of committee hearings is available in the Clerk's Office, the Legislative Bill Room and the Legislature's web site (www.nebraskalegislature.gov). The schedule also can be found in the Unicameral Update and the Sunday Lincoln Journal-Star.

To testify before a committee, attend and fill out the sign-in sheet at the witness table, orally identify yourself and spell your last name for the record and state who, if anyone, you represent as you begin your testimony. Be prepared to answer questions. Please note that addressing committee members or witnesses from the audience, public demonstrations and applause are prohibited.

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MARCH 12, 2007, THROUGH THURSDAY, MARCH 15, 2007

Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
12	MINES	Change the Commercial Dog and Cat Operator Inspection Act	Advanced to Final Reading
25	LANGEMEIER	Change rabies control provisions to include hybrid animals	Placed on Final Reading

Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
85	HOWARD	Create the Nebraska Health Insurance Policy Coalition	Indefinitely postponed
113	PAHLS	Prohibit branch banking by industrial loan companies	Placed on General File
123	BANKING	Adopt the Nebraska Foreclosure Protection Act and change provisions relating to deceptive trade practices	Placed on General File
136	FLOOD	Adopt the Nebraska Uniform Prudent Management of Institutional Funds Act	Placed on Final Reading
190	MINES	Provide for consumers to put a security freeze on their credit reports	Placed on General File
350	STUTHMAN	Authorize a city or village to adopt an ordinance covering use of certain insurance proceeds	Indefinitely postponed
425	PANKONIN	Create the Nebraska Operational Assistance Act	Placed on Select File

Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
255	ROGERT	Change the Nebraska Wage Payment and Collection Act	Placed on Final Reading

Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
192	HARMS	Adopt the Access College Early Scholarship Program Act and eliminate the Community Scholarship Foundation Program Act	Advanced to Final Reading

General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
441	MCDONALD	Change provisions relating to distribution of shippers' license fees	Placed on Final Reading
578	MCDONALD	Change provisions relating to liquor licenses	Advanced to Select File
638	GENERAL AFFAIRS	Change and eliminate provisions relating to bingo, lotteries, and raffles	Placed on Select File

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MARCH 12, 2007, THROUGH THURSDAY, MARCH 15, 2007

Government, Military, Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
7	PREISTER	Change the rights of the public regarding agenda items under the Open Meetings Act	Indefinitely postponed
61	AVERY	Prohibit certain gifts and contributions to candidates for or members of the Public Service Commission	Indefinitely postponed
135	FULTON	Provide for confidentiality of certain public entity records	Indefinitely postponed
212	ROGERT	Authorize counties to enact ordinances as prescribed	Indefinitely postponed
232	DUBAS	Change the Building Entrepreneurial Communities Act	Placed on General File
233	PIRSCH	Provide a residency requirement for certain members of public building commissions	Placed on General File
269	BURLING	Change provisions relating to county and museum board organization	Placed on General File
284	KARPISEK	Require election recounts to be done manually	Indefinitely postponed
352	LANGEMEIER	Adopt the Nebraska Shooting Range Protection Act	Placed on General File
389	AGUILAR	Change provisions relating to public records	Advanced to Select File
391	MINES	Change provisions relating to public records and meetings	Placed on General File
464	CHAMBERS	Change enforcement provisions relating to the Campaign Finance Limitation Act and Nebraska Political Accountability and Disclosure Act	Placed on Final Reading
497	WHITE	Adopt the Family Military Leave Act	Placed on Final Reading
622	PIRSCH	Require training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees	Placed on General File

Health & Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
53	AGUILAR	Prohibit smoking in certain foster care homes	Placed on General File
185	HEALTH AND HUMAN SERVICES	Change provisions relating to health and human services	Signed by Governor
203	GAY	Provide an informal conference process for disciplinary action regarding health care facilities	Placed on Final Reading
236	JOHNSON	Provide requirements for in-home personal care services workers	Placed on General File
292	HANSEN	Provide for transfers of county funds for medicaid purposes	Advanced to Select File
296	JOHNSON	Reorganize the Health and Human Services System	Signed by Governor
351	STUTHMAN	Change and provide for transitional public assistance payments	Placed on General File
374	JOHNSON	Change repayment provisions for rural health education loans	Placed on Final Reading
410	HOWARD	Change child welfare caseload provisions	Indefinitely postponed
417	NANTKES	Include invasive pneumococcal disease as a childhood immunization requirement	Placed on General File
445	STUTHMAN	Provide qualifications and certification requirements for certain persons under the Commission for the Blind and Visually Impaired Act	Placed on General File
461	DUBAS	Provide rights for foster parents	Placed on General File
469	CHAMBERS	Change funding restrictions under the Nebraska Health Care Funding Act	Placed on General File
610	LEGISLATIVE PERFORMANCE AUDIT	Provide documentation and recordkeeping requirements for the Department of Health and Human Services regarding sex offenders	Placed on General File

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MARCH 12, 2007, THROUGH THURSDAY, MARCH 15, 2007

Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
67	STUTHMAN	Permit service of summons of proposed jurors by first-class mail	Placed on Final Reading
81	SCHIMEK	Create the offense of school trespass and prohibit certain activities of registered sex offenders	Indefinitely postponed
142	FRIEND	Change provisions relating to intimidation through the use of communication devices	Placed on General File
143	MCDONALD	Prohibit government officials from requiring a polygraph examination of a victim of a sex offense	Placed on Final Reading
179	LATHROP	Require electronic recording of custodial interrogations	Placed on General File
218	BURLING	Change provisions relating to the acquisition of certain drug products	Placed on General File
274	MCDONALD	Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability	Placed on General File
449	ASHFORD	Change provisions on how judicial records are proved	Placed on General File
457	HANSEN	Change provisions governing court review of foster care placement	Placed on General File
470	CHAMBERS	Change provisions relating to dissemination of records of arrest	Placed on Final Reading
474	CHAMBERS	Provide for certain misconduct by school teachers, school nurses, and police officers to be a public record	Placed on General File
659	PEDERSEN	Increase the salaries of Supreme Court judges	Placed on General File
672	LATHROP	Change eminent domain provisions relating to municipal utilities	Placed on General File
692	HUDKINS	Prohibit intentional discharge of firearm within two hundred yards of a dwelling	Placed on General File
695	CHRISTENSEN	Limit the power of cities to regulate the carrying of concealed handguns	Indefinitely postponed

Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
412	MCGILL	Provide duties for the Nebraska Power Review Board relating to renewable energy	Indefinitely postponed
568	NATURAL RESOURCES	Extend a scrap tire grant program	Advanced to Final Reading
636	NATURAL RESOURCES	Exempt certain public power district contracts from sealed bidding requirements	Advanced to Select File
677	DUBAS	Change late fees under the Livestock Waste Management Act	Advanced to Select File

Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
328	NEBRASKA RETIREMENT SYSTEMS	Change provisions relating to county and state retirement plans	Advanced to Select File

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MARCH 12, 2007, THROUGH THURSDAY, MARCH 15, 2007

Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
106	ENGEL	Change the tax on snuff	Advanced to Select File
173	ENGEL	Change provisions relating to homestead exemptions	Indefinitely postponed
223	REVENUE	Change tax laws	Placed on Final Reading
304	GAY	Change qualifications for tax credits relating to long-term care insurance	Advanced to Select File
338	GAY	Change income tax deductions for the Nebraska educational savings plan trust	Placed on General File
343	LANGEMEIER	Provide an income tax credit for investments in biodiesel facilities	Placed on General File
514	FULTON	Provide an income tax credit for employer contributions to employee long-term care insurance	Indefinitely postponed
537	SCHIMEK	Authorize the collection and dissemination of motor fuel tax on land held in trust for Indian tribes	Placed on Final Reading
551	FLOOD	Provide for sales tax revenue appropriations under the Convention Center Facility Financing Assistance Act	Placed on General File
569	LOUDEN	Change tax levy authority relating to hospital districts	Indefinitely postponed
627	DIERKS	Redefine real property and tangible personal property for purposes of taxation	Placed on General File

Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
286	TRANSPORTATION AND TELECOMMUNICATIONS	Change the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act	Advanced to Final Reading
297	PEDERSEN	Eliminate a requirement relating to a telecommunications surcharge	Indefinitely postponed
349	STUTHMAN	Change provisions relating to motor vehicles and trailers	Placed on Final Reading
415	HARMS	Change provisions relating to provisional operator's permits and other operator's licenses and permits	Placed on General File
560	FISCHER	Provide for regulation of communications providers	Indefinitely postponed
570	LOUDEN	Provide for Gold Star license plates	Placed on General File
661	TRANSPORTATION AND TELECOMMUNICATIONS	Change provisions relating to telecommunications	Placed on Final Reading
681	PEDERSEN	Increase motor vehicle dealer licensing fees and a bond	Advanced to Select File

Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
160	CORNETT	Change fire and rescue department provisions relating to clothing, equipment, and donations	Advanced to Select File
562	ADAMS	Change provisions relating to the Community Development Law	Placed on General File

PRIORITY BILLS.....

Speaker Priority Bills

LR 2CA	(Rogert) Constitutional amendment changing provisions related to substandard and blighted property
LB 112	(Erdman) Provide for the judicial emancipation of minors
LB 144	(McDonald) Adopt the Hepatitis C Education and Prevention Act
LB 171	(Kopplin) Require Department of Health and Human Services to apply for food stamp options and waivers
LB 177	(Janssen) Change the Nebraska Advantage Microenterprise Tax Credit Act
LB 188	(Mines) Eliminate a notice requirement relating to motor vehicle service contracts
LB 208	(Aguilar) Change bond requirements for certain public building projects
LB 219	(Dierks) Change requirements for freeholder petitions
LB 233	(Pirsch) Provide a residency requirement for certain members of public building commissions
LB 246	(Johnson) Provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity
LB 274	(McDonald) Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability
LB 285	(Transportation and Telecommunications Committee) Authorize compliance with the driver's license provisions of the federal REAL ID Act of 2005
LB 289	(Louden) Change procedure relating to elections to exceed the tax levy limit
LB 292	(Hansen) Provide for transfers of county funds for medicaid purposes
LB 351	(Stuthman) Change and provide for transitional public assistance payments
LB 358	(Hudkins) Change provisions relating to interstate motor carriers
LB 389	(Aguilar) Change provisions relating to public records
LB 404	(Janssen) Change Nebraska Liquor Control Commission members' salaries
LB 471	(Chambers) Authorize regulation of mixed martial arts by the State Athletic Commissioner
LB 530	(Nantkes) Change Storm Water Management Plan Program provisions
LB 540	(Synowiecki) Adopt the Probation and Parole Services Merger Act
LB 565	(Avery) Adopt the Entertainment and Tourism Development Act
LB 622	(Pirsch) Require training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees
LB 646	(Nelson) Change provisions relating to counting ballots
LB 664	(Hudkins) Eliminate an exemption from licensure as a geologist

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IF I COULD MAKE A LAW



Alexa Ruwe, sixth grade, Oakdale Elementary, Omaha. "I would make smoking, drinking and taking drugs illegal."

STUDENT ART SERIES

To commemorate the 100th Nebraska Legislature, fourth- through sixth-grade students throughout the state were invited to submit artwork depicting a law they would propose if they were a senator.

Selected entries will be published in each edition of this session's Unicameral Update and also will be posted on the Legislature's website at nebraskalegislature.gov/web/public/learning/makealaw.

Published entries were selected by Larry Starr, director of social science education at the state Department of Education, Karen Janovy, curator of education for the University of Nebraska-Lincoln's Sheldon Memorial Art Gallery and Heidi Uhing, civic learning coordinator for the Nebraska Legislature. The top three entries will be published in the last three issues this session.

UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter offered during the legislative session covering actions taken in committees and on the floor of the Legislature.

The Unicameral Update is produced by the Clerk of the Legislature's Office through the Unicameral Information Office.

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