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UPDATE

Roadside trapping bill advances to final reading

A law banning trapping in county road ditches comes one step closer to being repealed with the advancement of a bill to final reading Feb. 19.

LB5, introduced by Imperial Sen. Mark Christensen, would repeal the 2007 ban on trapping in county road rights of way. During general file debate, amendments were adopted that would permit counties to opt out of the provisions of LB5 or prohibit trapping only in certain areas of rights of way.

Christensen said trapping is done only part of the year, and legal traps are small enough that citizens do not have to fear being injured by the devices.

"Legal traps won't hurt you," Christensen said. "If [a trap] only opens up 5 inches wide, it's not even going to close on my foot."

Others were not convinced that the traps were appropriate devices to be placed in public rights of way.

"[LB5] allows an indiscriminate device to be hidden in ditches to snare and injure, not just raccoons, not just badgers, but dogs, cats and people," said Omaha Sen. Steve Lathrop.

Louisville Sen. Dave Pankonin also expressed concern with regard to traps in public rights of way.

"To me it is just a disconnect that we are going to have traps in a public right of way," Pankonin said. "If this becomes policy, and your county does not opt out and someone gets hurt ... I don't want this on me."

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Committee considers illegal immigration proposals



Sen. Brad Ashford, introducer of LB34, questions testifiers at the hearing.

The Judiciary Committee heard testimony Feb. 18 on two proposals that would change the way the state handles illegal immigration.

Employers would be required to verify the legal status of employees under LB34, sponsored by Omaha Sen. Brad Ashford. The bill would require employers to check employees' status by using a federal database operated by the U.S. Department of Homeland Security and the Social Security Administration called E-Verify. Status checks would occur after hiring. Employers not using E-verify would be ineligible for state contracts and those with illegal em-

ployees would have their business licenses suspended or revoked. False reports would result in misdemeanor charges.

Ashford said between 35,000 and 55,000 undocumented immigrants are living in Nebraska because of the availability of jobs. Although undocumented workers are not eligible for employment in Nebraska under federal immigration law, he said, a significant number of Nebraska immigrant workers are employed illegally because of a lack of enforcement.

Enforcing employment laws would help curb the illegal immigration problem, which creates unfairness on many levels, Ashford said.

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“[Illegal immigrants] represent, in my view, a permanent underclass,” Ashford said. “And that is totally unacceptable.”

LB403, introduced by Wilber Sen. Russ Karpisek at the request of the governor, would prohibit state agencies and political subdivisions from providing federal, state or local public benefits to individuals not lawfully present in the United States.

Karpisek said LB403 would simply extend the verification requirement to all state and local government agencies.

“This is not a gotcha bill or a bill to deport people,” he said. “This is just a way for the state to save money by not granting benefits to people who are not here legally.”

The prohibition would not apply to benefits exempted under federal law, emergency medical benefits, short-term emergency disaster relief, public health assistance for prevention and treatment of communicable diseases, or programs, services or assistance necessary for the protection of life and safety. Nor would the bill affect in-state tuition for undocumented students.

The bill would require all state agencies and political subdivisions to verify the lawful status of individuals who apply for benefits. All individuals who apply for a benefit would be required to execute an affidavit stating their citizenship status. If the applicant is an illegal immigrant, state agencies or political subdivisions would be required to verify the applicant’s status through the department’s Systematic Alien Verification for Entitlements (SAVE) program.

All state agencies that administer federal, state or local benefits also would be required to file a report verifying their compliance with the bill’s provisions.

Catherine Lang, Commissioner of the state Department of Labor, supported both bills. She said the state department of labor has been using the SAVE program for 25 years for unemployment benefit applicants. Of the 3,145 applicants who went through the SAVE program in 2008, 58 were found to be ineligible, Lang said. The 58 flagged applicants would have received a total of about \$300,000 in benefits, she added.

Bob Hartwig, Fremont city administrator, supported the measures, saying that Nebraska cities need a uniform statewide process for illegal immigration issues.

“There is a real interest in immigration legislation in cities across our state,” Hartwig said.

Former Sen. DiAnna Schimek testified in opposition to the bills.

“I believe that these are federal issues,” Schimek said. “Some things don’t occur overnight, but we have to keep trying.”

Becky Gould of the Nebraska Appleseed Center also opposed the measures. She said most of the public benefit application process already includes rigorous screening measures. In addition, she said, the SAVE program is not 100 percent accurate. As an example, she said 13 percent of applicants at Intel were not confirmed right away, but were eventually cleared. Spending the time to clear employees could be costly to businesses, Gould said.

The bill could result in more discrimination in the hiring process, as employers would be wary of hiring applicants who speak with an accent or look foreign in order to avoid future complications with the SAVE program, she said.

Omaha Sen. Brenda Council questioned whether LB403 was necessary, as federal law already bars illegal immigrants from receiving public benefits. Applicants for food assistance programs as well as unemployment insurance benefits are already required to verify applicants’ legal status before awarding benefits, she said.

The committee voted 7-1 to amend LB34 into LB403. The committee amendment also would remove the E-Verify requirement for private businesses and include provisions from Friend’s LB335. These provisions would deny tax incentives to employers who do not electronically verify the legal presence of all employees working in Nebraska.

The committee voted to advance LB403 to general file on a 7-1 vote.

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A CLOSER LOOK.....

Trapping bill advances to final reading

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Two substantive amendments were incorporated into the bill during select file debate.

An amendment introduced by Malcolm Sen. Ken Haar and adopted on a 25-5 vote added a regulation that only those traps permitted by the Game and Parks Commission on the effective date of the act could be placed in rights of way.

Haar's amendment was followed by an amendment by Schuyler Sen. Chris Langemeier, which defined the date set for Game and Parks to develop regulations regarding legal traps. His amendment also clarified counties' authority to opt out of trapping in rights of way.

Langemeier's amendment was adopted on a 38-0 vote.

Over the course of select file debate, a number of amendments were proposed that were not adopted.

Platte Center Sen. Arnie Stuthman introduced an amendment that would have prohibited trapping statewide but allowed counties to opt out.

Stuthman's amendment was defeated on a 15-29 vote.

Lathrop offered an amendment that would have held trappers who place traps in rights of way civilly liable for damages or harm done to humans, horses, dogs or cats. Lathrop said his amendment was in response to assertions that traps are not dangerous to others.

"What's the harm about attaching civil liability if no one is ever going to get hurt?" Lathrop asked. "If you think no one is going to get caught in these traps, voting for my amendment will be easy for you."

Lathrop's amendment failed 18-30.

Haar introduced an amendment that would have mandated that trappers placing devices in rights of way must first obtain permission from the owner of the land adjacent to the right of way.

It also would have required trappers to erect signs every 200 feet to warn people of traps.

"The intent of this amendment is simply to inform people where those traps are," Haar said.

Christensen opposed Haar's amendment. He said signs would be costly, and trappers already are required to request permission from land owners to place traps, per Game and Parks regulations. He also said signs would alert mischievous passersby to the traps.

"You're just inviting somebody to come take a high-dollar pelt," Christensen said.

Haar's amendment failed 14-20.

LB5 advanced to final reading on a 30-8 vote.



Clockwise from top-left: Senators Ken Haar, Chris Langemeier, and Arnie Stuthman proposed amendments to LB5.

ISSUES UPFRONT

Agriculture

Anthrax control practices for livestock passed

Ranchers must follow new procedures for anthrax control regarding livestock under a bill passed by the Legislature Feb. 20.

LB99, introduced by Holdrege Sen. Tom Carlson, modifies current laws affecting the detection, containment and suppression of anthrax in livestock.



Sen. Tom Carlson

Among other provisions, LB99:

- allows the state Department of Agriculture to access any premise where livestock are suspected to be infected with anthrax for the purpose of making inspections and conducting tests;
- requires the immediate reporting of animals exhibiting signs consistent with anthrax;
- prohibits harboring, selling or disposing of any animal or part of any animal exposed to or infected with anthrax except as provided in the regulations;
- prohibits any person from preventing the testing, vaccination or treatment of any affected herd; and
- establishes the parameters for the sale and use of anthrax vaccine.

LB99 clarifies that unless the Legislature appropriates funds to the department specifically for such purposes, the department shall not pay for costs associated with gather-



ing, confining or restraining animals for vaccination or other anthrax control activities; costs of providing necessary facilities and assistance; indemnity for any animal destroyed as a result of being affected with anthrax; or costs for carcass disposal and any disinfection or cleaning.

The bill passed on a 42-0 vote.

Banking, Commerce & Insurance

Committee considers requiring coverage for prosthetics

Insurance plans would be required to cover the cost of prosthetic care under a bill heard by the Banking, Commerce and Insurance Committee Feb. 17.

Under LB149, introduced by Louisville Sen. Dave Pankonin, prosthetics would have to be deemed medically necessary by the treating physician to be covered. Minimum coverage would be equal to coverage provided by Medicare.

Prosthetics are defined as artificial legs, arms and associated components.

Eleven states have passed legisla-

tion similar to LB149 and 27 states are developing similar legislation, Pankonin said.

According to a study by the Amputee Coalition of Nebraska, if prosthetic coverage were required, commercial insurance policyholders' rates would increase between .03 and .06 percent. For individual holders, rates could increase up to 41 cents per month.

"The minimal potential cost to my business and to me is worth it to improve the quality of life of these individuals," Pankonin said.



Sen. Dave Pankonin

Steve Huggenberger, chairperson of the Amputee Coalition of Nebraska, testified in support of the bill. Since 2000, insurance companies have capped the amount they will pay for prosthetic care at \$2,000 to \$5,000, he said. An amputee since a 1971 farming accident, Huggenberger said most below-the-knee prosthetics cost about \$25,000.

Huggenberger compared prosthetic care to other typically covered health care costs.

"You would not tell someone that they can have only one heart attack per year," he said.

Dr. Sean McGarry, an orthopedic oncologist, supported the bill. He

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said he performed 10 amputations this year, five of which as a result of infection and five because of cancer. He said the patient ages ranged from 15 to 92 years of age.

"The number of patients who are affected is not tremendous," McGarry said, "but it will have a tremendous effect on those who are."

Nancy McCabe of Omaha also supported the bill. Her daughter Melissa's leg was amputated 15 years ago because of cancer. McCabe's insurance covered all prosthetic care needs, but Melissa now has her own insurance plan through her employer, which has a cap set for prosthetic care. McCabe said in addition to the financial strain, Melissa has given up playing softball because she could not afford a replacement if the prosthetic were damaged during a game.

Tony Sorrentino of the Nebraska Chamber of Commerce and Industry opposed the bill. He said mandated benefits would drive up the cost of insurance, making health care less available to employees.

"Affordability breeds access," he said.

Jan McKenzie of the Nebraska Insurance Federation also opposed the bill. She said 55 to 60 percent of Nebraskans receive insurance from groups that are exempt from state mandates and 12 percent are uninsured, leaving 22 to 28 percent of Nebraskans who fall into the small employers or self-insured group. She said the last group would be the group affected by LB149.

"To continue to add mandates to a section of the population that's already having the hardest time buying insurance for themselves or providing insurance for their employees is probably not the direction we want to go," she said.

The committee took no immediate action on the bill.

Bill would require coverage of medical clinical trials

The Banking, Commerce and Insurance Committee considered a bill Feb. 17 that would require coverage of routine medical care during medical trials.

LB378, introduced by Grand Island Sen. Mike Gloor, would require coverage of routine care while a patient is receiving treatment in a federally approved clinical trial. Coverage of routine care for a patient would be the same coverage as outlined in their insurance policy. The coverage would not include any expense of a drug or device, physicians, clinicians, administration or data collection of the clinical trial, or incidental expenses such as housing or travel.

Gloor said some patients in medical trials are being denied coverage of routine care typically covered by their insurance policy. Participation in a clinical trial should not disqualify them from coverage, he said.

Dr. Kenneth Cowan, director of the Eppley Cancer Center at the University of Nebraska Medical Center, supported the bill. He said clinical trials are an integral part of cancer therapy research and have helped increase cancer survival rates by 1 percent per year over the last 10 years.

In addition, he said, clinical trials offer cancer patients alternatives if routine treatments prove ineffective. Because of all the benefits of clinical trials, Cowan said, the option should be made widely available to patients.

"We don't want them to be burdened by the idea that there'll be any



Sen. Mike Gloor

additional costs incurred," he said.

Rita Potter, director of managed care at UNMC, supported the bill. She said enrollment in clinical trials is low. The national rate is between 3 and 5 percent Potter said, adding that participation nearly doubled after Medicare included routine medical care for clinical trial participants.

David Holmquist of the American Cancer Society cited its recent survey in which 60 percent of those surveyed said the number one reason they wouldn't participate in a clinical trial was because of insurance concerns.

Jan McKenzie of the Nebraska Insurance Federation opposed LB378. She said mandated benefits are a bad business practice for insurance companies.

"It is a business," McKenzie said. "There are many choices and people can shop around."

Ron Sedlacek of the Nebraska Chamber of Commerce said the chamber is always opposed to mandated benefits because rates generally rise when more coverage is mandated.

"We want to ensure continued health care access to our employees," he said.

The committee took no immediate action on the bill.

Government, Military & Veterans Affairs

Bill would allow paid mentoring leave

State employees could receive full pay for time spent participating in qualified mentoring programs under

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a bill heard Feb. 20 by the Government, Military and Veterans Affairs Committee.

LB321, sponsored by Sen. Bill Avery of Lincoln, would allow a state employee to request up to four hours of leave per month to participate in a mentoring program operated by a political subdivision, state agency or nonprofit organization. An employee would receive his or her regular hourly wage for time spent mentoring.



Sen. Bill Avery

Avery said mentoring is a cost-effective, proven method of helping troubled children, particularly teenagers. A study of the Big Brothers Big Sisters mentoring program showed that participants were less likely to use illegal drugs, consume alcohol, skip school and engage in fights, he said.

"It makes a big difference in their lives," Avery said.

Sarah Lamprecht, chairperson of the Midlands Mentoring Partnership, testified in support of the bill.

Of the 10,000 economically disadvantaged students in Douglas and Sarpy counties, only 3,000 are matched in mentoring programs, she said.

Lamprecht said recruitment is her organization's biggest challenge, and that paying employees for their time is a significant incentive used by UPS, Omaha Steaks, Creighton University and others.

Cheryl Lindau of Big Brothers Big Sisters of the Midlands also supported the bill.

Lindau addressed concerns raised by some committee members that employees might abuse the program by using mentoring leave for other

purposes. Her organization supervises all mentor-mentee matches, she said, and monitors meetings and participation in activities. Mentoring programs could report back to supervisors, she said.

"That would be a good way to ensure that people who are mentoring are really meeting their obligations," Lindau said.

There was no opposition testimony and the committee took no immediate action on the bill.

Shooting range bill discussed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 20 on a bill intended to protect shooting ranges in Nebraska.

LB503, sponsored by Schuyler Sen. Chris Langemeier, would establish protections for existing ranges in urbanizing areas operated for the use of firearms, archery or both.



Sen. Chris Langemeier

The bill would prohibit a city, county or other political subdivision from enacting zoning, noise or firearm discharge restrictions at existing shooting ranges. Ranges would be allowed to make facility improvements in the interest of public safety and to address and correct any violations of current rules, regulations, resolutions or ordinances.

Under the bill, local governing bodies would be allowed to restrict sporting range hours of operation with exceptions provided for law enforcement and military night exercises. Ranges also would be exempt from eminent domain except as necessary for infrastructure additions or improvements.

Langemeier said the eminent domain exception would prevent local government bodies from closing down gun ranges in order to engage in other development, such as shopping malls.

"The reality is that we need to provide commonsense protections for these facilities," Langemeier said.

Jordan Austin of the National Rifle Association testified in support of the bill, saying it would promote understanding between urban dwellers and those who operate and patronize shooting ranges. Many people who have lived only in urban areas do not understand shooting and firearms, he said, and may not be aware of the safety precautions shooting ranges have in place.

Wes Sheets, member of the Lincoln Izaak Walton League, also supported the bill.

Sheets said his organization provides hunter safety and marksmanship classes at its south Lincoln shooting range. The chapter previously owned property on North 48th Street in Lincoln, but moved to its present location after the city grew around them, he said.

Sheets said he recognizes that gunfire is offensive to some people, but said he believes that gun sports must be protected for future generations.

"We need some guidelines in how we can be good neighbors," he said.

Ronald Grapes of the Ft. Kearney Shooting Sports Association also testified in support of the bill. Shooting ranges are used by the Boy Scouts, Pheasants Forever and local 4-H chapters to teach marksmanship and gun safety, he said, and law enforcement officers use ranges for training, qualification and practice.

It would cost approximately \$1.5 million to replace the Kearney facility should it be forced to relocate, Grapes said. The continued existence and

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success of the shooting range “should not be subject to the whims of new, after-the-fact neighbors,” he said.

Michael Nowlan of the Nebraska League of Municipalities testified against the bill. He said cities face major zoning challenges, particularly in developing areas at the edge of a city’s limits where shooting ranges tend to be located.

“You have more than just shooters who have to have their interests accommodated,” Nowlan said.

John Lindsay of the Nebraska Association of Trial Attorneys also testified in opposition. He said the association is concerned with the bill’s provision that would expand the recreational liability act to include shooting ranges.

“When accountability for someone’s activity is removed, it tends to breed negligence,” Lindsay said.

The committee took no immediate action on the bill.

Health and Human Services

Medicaid fraud unit cash fund proposed

The Health and Human Services Committee heard testimony Feb. 18 on a proposal to create a cash fund for the state’s Medicaid fraud control unit.

LB172, introduced by Pappillion Sen. Tim Gay, would establish a cash fund for all recoveries received pursuant to the False Medicaid Claims Act. The fund would be maintained by the state De-



Sen. Tim Gay

partment of Justice and administered by the attorney general’s office, where the Medicaid fraud unit is housed.

Current law gives the unit authority to recover costs and fees, Gay said, but without a cash fund, the attorney general’s office has no way to put the recovered funds to use.

LB172 would provide a \$215,000 one-time transfer from the Health and Human Services cash fund in July of 2009. Gay said the figure represents one year of operational expenses for the unit, which will be self-funding once a cash fund is established.

David Cookson, Nebraska chief deputy attorney general, testified in support of the bill.

All states are required to have fraud units, Cookson said, with costs split between the federal and state governments. The attorney general’s office originally agreed to provide Nebraska’s match from its general fund, he said, but can no longer afford to do so.

Cookson explained that Nebraska’s matching funds would be paid from the fraud unit cash fund once it is established.

“We know there’s more than sufficient money,” he said, noting that Nebraska will receive a \$900,000 settlement by the end of June. Cookson added that the fund could recover costs and fees only after Medicaid is made whole for its losses.

“This doesn’t impact the amount of money that Medicaid receives,” he said.

There was no opposition testimony and the committee took no immediate action on the bill.

Family planning Medicaid waiver sought

The state Department of Health and Human Services would be re-

quired to apply for a Medicaid waiver to provide coverage for family planning services to low-income Nebraska women under a bill heard Feb. 18 by the Health and Human Services Committee.

The bill defines low-income women as those with incomes not exceeding 185 percent of federal poverty guidelines.

Lincoln Sen. Danielle Nantkes, sponsor of LB370, said the bill would save state Medicaid funds while improving health care for low-income women.



Sen. Danielle Nantkes

“This is a real opportunity to save millions of taxpayer dollars,” she said. “The potential savings in Nebraska are real and they’re significant.”

Nantkes said the waiver would cover annual exams that assist in early detection of breast and cervical cancer, conditions that likely would go undetected and untreated otherwise.

In addition, she said, the bill would provide low-income women access to safe and effective contraception. Half the women who sought abortions in Nebraska last year did so because they lacked access to contraception, she said.

“[Such access] is the only proven, scientific and common sense way to minimize the number of unintended pregnancies,” Nantkes said.

Rachel Stahr, People’s Family Health Services, Inc. director, testified in support of the bill, saying it would have a positive impact on Nebraska women.

Stahr said many women in the state don’t make enough money to cover all of their basic expenses, and that preventive health care often loses

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out to more immediate needs. Faced with the choice between spending \$100 on a screening exam for cancer or putting gas in the car, many choose the latter, she said.

"These are the kinds of real life choices that low-income women in Nebraska face," Stahr said.

She said all Nebraskans face a choice when it comes to funding health care, and that it makes more sense to spend \$7 million for a waiver rather than \$22 million on Medicaid assisted births.

Kathleen Brandert, who said she has spent six years in the field of maternal and child health, also supported the bill.

Research shows that the average woman wants two children, Brandert said, and will spend five years of her life either pregnant or trying to become pregnant. Given that reproductive age for women is between ages 16 and 44, the average woman spends 40 years trying not to become pregnant, Brandert said.

She said LB370 would help low-income women better plan their reproductive years. She said women who are able to plan their pregnancies are healthier, have healthier babies, stronger families and better lives.

"We want planned pregnancies," Brandert said. "We want people to plan their families."

Al Riskowski of the Nebraska Family Council testified against the bill, saying that planned pregnancies are not always superior to unplanned pregnancies.

"Our fourth daughter was unplanned," he said. "She's one of the greatest blessings we've ever had."

Riskowski also questioned the bill's low-income classification. A family of four could earn around \$40,000 a year and still qualify as low income under the bill's provisions, he said.

"We're not talking about absolute poor," Riskowski said. "We're talking about people with average income."

Greg Schleppebach of the Nebraska Catholic Conference also opposed the bill, saying proponents' claims are based on unreliable data.

There is overwhelming research to suggest that greater contraceptive access does not lead to fewer unplanned pregnancies or abortions, Schleppebach said. Studies showing such reductions are based on expectations rather than hard data, he said.

Moreover, Schleppebach said, states with the highest levels of access to contraception have some of the highest rates of unplanned pregnancy and abortion.

The committee took no immediate action on the bill.

Health education center funding considered

The Health and Human Services Committee heard testimony Feb. 19 on a bill that would provide state funding for area health education center (AHEC) programs in Nebraska.

Cedar Rapids Sen. Kate Sullivan, sponsor of LB489, said the state has five AHECs that serve all of Nebraska's 93 counties. AHECs are private, nonprofit health education centers that have cooperative agreements with the University of Nebraska Medical Center and that identify and implement strategies to address health care workforce needs in underserved urban and federally designated rural or nonmetropolitan communities, she said.

Sullivan said 49 Nebraska counties are federally designated shortage

areas, either in whole or in part. Several factors exacerbate shortages, she said, including an aging workforce, high turnover, lower pay and lack of advancement opportunities.

Nebraska's AHECs serve as a pipeline for health care worker recruitment, Sullivan said, and currently are funded through federal dollars. Because of upcoming changes to the structure of the federal funding, the facilities will need additional funds to continue serving Nebraska's needs, she said.

"AHECs do not currently receive state dollars," Sullivan said.

According to the bill's fiscal note, Nebraska's AHECs would receive \$400,000 in fiscal year 2009-10, \$500,000 in FY 2010-11 and \$900,000 in FY 2011-12 from the state's general fund.

Sullivan acknowledged that the price tag may seem steep, especially during difficult economic times, but urged the committee to think long-term. Chipping away at the state's health care infrastructure weakens the entire health care system, she said.

"AHECs provide a very important service to this state," Sullivan said. "They connect communities to better health care."

Richard Brown, chairperson of the area health education center in north Omaha, testified in support of the bill.

Brown said the center's mission is to encourage underrepresented students to enter the health care field. The center had over 9,600 program participants in 2007, he said, and provided over 700 hours of direct programming to high school, college and medical school students.

The center is about to begin a pilot program to train individuals receiving government assistance to become certified nurse assistants, he said.



Sen. Kate Sullivan

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“AHEC is making a difference in the lives of people in Douglas and Sarpy counties,” Brown said.

Gretchen Forsell, director of the northern Nebraska AHEC in Norfolk, also supported the bill, saying the AHEC model is an established program that can help the state with its health care worker shortage.

She said 30 health care professionals have been directly involved with the Norfolk program.

“We’re not reinventing the wheel,” Forsell said. “We are a solution to your problem.”

There was no opposition testimony and the committee took no immediate action on the bill.

Behavioral health education center proposed

A bill intended to improve community-based behavioral health services in Nebraska was heard by the Health and Human Services Committee Feb. 19.

LB603, introduced by Papillion Sen. Tim Gay on behalf of the committee, would create a behavioral health education center to be administered by the University of Nebraska Medical Center. Gay said the education center would increase the number of behavioral health professionals in the state and provide training in alternative delivery methods, resulting in expanded behavioral health outreach in rural Nebraska.

Among other provisions, the bill would:

- provide funds for two additional psychiatry residents per year in a Nebraska-based

program, up to a total of eight residents by 2013;

- require center-funded residents to participate in rural training;
- focus behavioral health professional training on telehealth techniques and other innovative means of care delivery;
- analyze the geographic and demographic availability of behavioral health professionals in Nebraska; and
- develop six interdisciplinary training sites, four of which must be in counties with a population under 50,000.

Gay said the state’s shortage of behavioral health professionals should be a priority for the committee, despite the temptation to avoid spending money in a bad economic situation.

“We must find the money before another crisis hits,” Gay said. “The cost of doing nothing now is very high.”

Steven Wengel, chairperson of UNMC’s Psychiatry Department, testified in support of the bill. Wengel said training psychiatry residents in interdisciplinary programs in rural communities would be vital to future recruitment and retention of behavioral health professionals.

“We need to match the training with real world experience,” he said, adding that such an approach could help alleviate the professional isolation and burnout that rural health care professionals often experience.

Wengel suggested using the state’s telehealth network to more closely bind rural behavioral health professionals with colleagues around the state.

“We’ve only looked at the tip of the iceberg of that wonderful resource,” he said.

Helene Silverblatt, professor of psychiatry and family and community medicine at the University of New Mexico, supported the bill, saying it mirrors a successful New Mexico program.

Silverblatt said that most residents stay where they are trained, so program recruitment is vital. New Mexico’s program has been filled every year since its inception, she said, because it offers an opportunity in rural behavioral health care that is not available elsewhere.

“That experience draws them into staying in those rural areas,” Silverblatt said. “Over 70 percent stay on and do rural work in one way or another.”

Also testifying in support was Robb Paulk of the Faith Regional Medical Center in Norfolk.

Paulk said the facility has had great difficulty recruiting psychiatrists. In 2008, the facility employed five temporary substitute psychiatrists and paid them an average of \$1,800 a day, he said. The total expenditure of over \$315,000 for the year could have paid the salaries of one full-time and one part-time psychiatrist, Paulk said.

Alan Green, executive director of the Mental Health Association of Nebraska, testified in favor of the bill, but suggested that it be expanded. As a member of a consumer-run education and advocacy organization, Green said he has seen the value of peer-to-peer, non-medical services in the treatment of behavioral health issues.

Such non-medical services can prevent the need for more intrusive, reactionary care, he said.

“The best offense is a good defense,” Green said.

There was no opposition testimony and the committee took no immediate action on the bill.



Sen. Tim Gay

ISSUES UPFRONT.....

Medicaid prescription drug expansion proposed

A bill that would expand the Medicaid Prescription Drug Act's preferred drug list was considered Feb. 19 by the Health and Human Services Committee.

Under LB661, introduced by Papillion Sen. Tim Gay, antidepressant, antipsychotic and anticonvulsant prescription drugs would be considered for inclusion on the preferred drug list (PDL). Nebraska lawmakers established the Medicaid Prescription Drug Act in 2008, but exempted antidepressant, antipsychotic and anticonvulsant drugs from the state's PDL.



Sen. Tim Gay

Gay said his goal is to use taxpayer resources wisely, while still providing proper medication to those in need. Much has changed in the economy since the passage of the state's Medicaid drug act, he said, and the exemption of the three classes of drugs should be revisited.

He said the state's potential savings could increase by \$4 million if the excluded classes of drugs were included in the state's PDL.

"I believe in my heart that we need to explore this a little bit more," Gay said. "Let's be open minded; let's roll up our sleeves."

Vivianne Chaumont, HHS director of Medicaid and long-term care, agreed.

Testifying in support of the bill, Chaumont said Nebraska could see significant savings without compromising care by including antidepressant, antipsychotic and anticonvulsant drugs in the state's PDL. She said 45 states have PDLs in place and most

of them have included at least one of the three classes of drugs without major negative effects.

Chaumont said a committee established by HHS chooses drugs for the state's PDL. The committee reviews literature on each medication and selects the most cost effective among therapeutically equivalent alternatives. Non-preferred drugs are still available through prior authorization, Chaumont said, and the original bill contained a grandfather clause for individuals who were doing well on non-preferred drugs.

"The department believes all classes can successfully be added to the state's PDL," she said.

Cheryl Buda, testifying on behalf of the Nebraska Psychiatric Association and the Nebraska Medical Association, disagreed.

Buda said Medicaid recipients are the most ill patients she sees, and they often need expensive medications prescribed in a very individualized way.

"Cost can only be part of that decision; it cannot be the main part" she said. "This is a very vulnerable population."

Moreover, Buda said, any cost savings realized through adding antidepressant and antipsychotic drugs to the state's PDL will be artificial. Nebraskans will pay those dollars when patients are hospitalized more, lose jobs and require drug and alcohol treatment from attempts to self-medicate, she said.

Topher Hansen, president of the Nebraska Association of Behavioral Health Organizations, also testified against the bill.

He said there is an art to prescribing drugs for the mentally ill and that even minor drug restrictions can reduce the quality of life for those with severe mental illness.

"It's a cost versus care issue," Han-

sen said. "To invest our money wisely is a good idea, but we've got to look at the care issue first."

Laura Neece-Baltaro also testified in opposition, saying it took four years of experimenting with six different medications before getting her daughter's epileptic seizures under control.

"My daughter called herself the human pin cushion," she said.

Neece-Baltaro said anticonvulsant drugs have a narrow therapeutic index, meaning that there is a very narrow range within which the drugs are effective. Outside of that range, the drugs are either ineffective, causing breakthrough seizures, or are toxic.

Doctors need the ability to find the right balance based on the individual patient and should not be limited by a preferred drug list, she said.

The committee took no immediate action on LB661.

Judiciary

Proposals intended to reduce violent crime and gang activity

The Judiciary Committee heard testimony Feb. 20 on two proposals aimed at reducing violent crime and gang activity.

LB63, introduced by Omaha Sen. Mike Friend, would enhance penalties for several existing firearm violations and violent crimes committed with weapons. Friend said new offenses created under the bill were aimed at exceptionally violent gang activity known to promote violent retaliation by rivals.

The bill would increase the crimi-



Sen. Mike Friend

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nal penalties for possession of a handgun by a juvenile, illegal transfer of a firearm to a juvenile, possession of a firearm on school grounds, first and second degree assault, first and second degree assault on an officer, shooting at an occupied dwelling, felon in possession of a deadly weapon and use of a deadly weapon to commit a felony.

The Office of Violence Prevention would be created under LB35, introduced by Omaha Sen. Brad Ashford. The office would include a director and advisory board appointed by the governor and would work with state and local law enforcement to implement programs to reduce violence. The office also would identify programs and services for people previously convicted of violent crime to assist in changing their pattern of violent behavior.

Ashford said the provisions of his bill would complement the provisions of LB63.

"This is about getting out on the street and getting kids off the street," Ashford said.

Friend said the combination of his bill and Ashford's would cover several approaches to reducing violent crime.

"It's looking to help address the issue in an upfront and creative way," Friend said.

Assistant Attorney General Corey O'Brien testified in support of the proposals, saying the package would send a strong message to Nebraska gang members.

"If you want to continue your gang-banging lifestyle, you will go to prison for a very long time," he said.

Hall County Attorney Mark Young also supported the proposals because they would address a growing statewide problem, he said.

"This is not an urban problem,"

he said. "If you don't have a problem now in small-town Nebraska, it's coming. This is a very carefully crafted response to the overall issue."

Tom Warren, CEO of the Urban League of Nebraska and former chief of the Omaha Police Department, supported the bill, saying that prevention is an important part of fighting crime.

"Enhanced penalties will only go so far in reducing violent crime," he said.

Hank Robinson, director of the Juvenile Justice Institute at UNO, said although enhanced penalties may cost the state money, the expected savings through prevention programs more than make up for it because program participants would become productive members of society.

"These men and women who are committing these crimes are not lost souls," he said. "We cannot arrest and imprison our way out of these problems."

LB63 also would:

- allow judges to consider an offender's propensity for violence and the danger he or she may pose to public safety when setting conditions of bail;
- allow prosecutors and judges to consider a juvenile offender's gang affiliation when determining whether they should be prosecuted as adults or juveniles;
- create offenses for discharge of a firearm from a motor vehicle and illegal recruitment into a criminal organization;
- modify statute relating to felon in possession of a deadly weapon to prohibit domestic violence offenders and subjects of protection orders from possessing firearms or knives;
- modify the existing use of a

deadly weapon to commit a felony to prohibit the possession of a deadly weapon during the commission of a felony;

- clarify handgun and firearm definitions; and
- clarify existing handgun registration and purchase permit requirements regarding social security numbers to comply with federal law.

No opponent testimony was offered and the committee took no immediate action on the bills.

Animal protection order bill stalls

Lawmakers declined to advance a bill Feb. 20 that would provide for the care of pets in protection orders.

Under LB83, introduced by Lincoln Sen. Amanda McGill, judges could issue orders directing the care, custody and control of household pets, if a victim of domestic abuse provides sufficient evidence in a protection order request that a pet is being used as a part of the abuse.



Sen. Amanda McGill

McGill said although the bill relates to the care of animals, it is directed to help victims of domestic abuse. She said pets are often used in abusers' exertion of psychological control over their victims.

Ogallala Sen. Ken Schilz said the bill would unnecessarily elevate the status of pets to that of children and other household members.

"I'm not disputing that certain things are used in these situations," he said. "It could be a car or a family heirloom. Do we want to start down that slippery slope?"

Omaha Sen. Brenda Council said

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the issue was not about elevating the status of pets. She said the bill would have simply made it clear that household animals could be included in protection orders.

“The courts should have the means, a specific remedy, available for that situation,” she said.

Platte Center Sen. Arnie Stuthman offered an amendment, adopted 28-1, which replaced domestic animal with household pet.

LB83 failed to advance to on a 24-18 vote. It remains on general file.

Salvia bill passes

Lawmakers passed a bill Feb. 20 that adds a new drug to the state’s list of controlled substances.

LB123, introduced by Wilber Sen. Russ Karpisek, creates penalties for the possession and use of salvia divinorum and salvinorin A. Salvia divinorum is a plant native to Mexico that, when smoked or chewed, produces an hallucinogenic effect much like LSD, Karpisek said.



Sen. Russ Karpisek

Possession would bring a penalty of up to five years in jail, while trafficking of the drug would bring a penalty of up to 20 years.

The bill passed 44-0.

Compensation considered for exonerated inmates

The Judiciary Committee heard testimony Feb. 19 on a bill that would entitle exonerated inmates to government compensation.

LB260, introduced by Tekameh Sen. Kent Rogert, would adopt the Nebraska Claims for Wrongful Con-

viction and Imprisonment Act. Under the bill, wrongfully convicted persons would receive a minimum of \$50,000 for each year of incarceration. It would provide an additional \$50,000 for each year served on death row.

“It’s one of those things we wish we didn’t have to do, but it’s something that we will have to address along the line,” Rogert said.

The compensation could include child support payment debts, tuition and fee reimbursement for education, reimbursement for vocational rehabilitation programs and employment skills development training, attorney fees for the claim and up to five years of physical and mental health care through the state employee group health insurance program, Rogert said.

LB260 would allow persons wrongfully convicted, incarcerated and released to file a claim in the county district court where the conviction occurred. Evidence of innocence would be provided in the claim as a pardon, a statute or application that violated the U.S. Constitution or a judgment of conviction that was vacated or reversed.

The bill would address the situation of six people recently exonerated in a Beatrice murder case. Joseph White, whose 1989 conviction was recently reversed by DNA testing, served 20 years in prison. White testified in support of the bill.

“I lost 20 years of my son’s life,” he said. “I can’t get back what I’ve lost. I can’t go back and teach my boy to ride a bike or drive a car.”

White said he had no retirement, no insurance and no job as a result of his wrongful conviction.

“I have nothing except my pride,”



Sen. Kent Rogert

he said. “All I’m asking is for the dignity to be able to support myself.”

Amber Weinacht, a law school student who studied the Beatrice case, supported the bill, saying it was the least the government could do.

“These people have lived through an absolute nightmare,” she said. “How much is it worth to watch your children grow up?”

Rebecca Brown also testified in support of the bill. Brown works for the Innocence Project, which is a national litigation and public policy organization dedicated to exonerating wrongfully convicted people. She said 232 people have been exonerated since the project’s founding in 1992. Twenty-five other states and the District of Columbia have similar compensation laws, she said. Bob Bartle, an attorney who worked for the release of the accused in the Beatrice case, said there is not an adequate avenue for redress for the wrongfully convicted. Although it is possible for the wrongfully convicted to present a civil suit now, Bartle said, civil redress requires people to go well beyond the fact of wrongful imprisonment. Individuals would have to show deprivation of civil rights, he said.

“That’s a much heavier burden,” Bartle said.

Steven Olsen, a Scottsbluff lawyer, testified in opposition to the bill. Olsen represents the family of the Beatrice murder victim Helen Wilson.

He said the bill does not adequately address the needs of the victim’s family. The Wilson family was traumatized by testimony from the accused during the trial. That testimony, which involved graphic details about Wilson’s murder, has now been renounced by the accused as lies in an effort to receive lighter sentencing. Olsen said the bill did not address the choice those accused

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made in lying.

“They chose that path and that path has caused injury to this family,” he said.

The committee took no immediate action on the bill.

Bill would remove life imprisonment for minors

A bill heard Feb. 19 by the Judiciary Committee would change sentencing requirements for minors.

LB307, introduced by Omaha Sen. Brenda Council, would remove life imprisonment for people convicted of a Class I felony who are 18 years old and younger. Under the bill, people who are between the ages of 16 and 18 at the time the crime is committed would be sentenced to 50 years. Those under 16 who commit a Class I felony crime would be sentenced to 40 years.



Sen. Brenda Council

Council said the change would allow the court to take into consideration the lack of maturity, age, physical, and mental condition of those under the age of 18.

“LB307 does not give anyone a get-out-of-jail-free card,” Council said. “All it does is provide an opportunity for parole.”

Under the bill, 16-year-olds would serve 20 years before being eligible for parole and those between 18 and 25 would serve 25 years before being eligible for parole.

Council shared the story of Dr. Ben Carson, a neurosurgeon who performed the first successful separation of conjoined twins. When Carson was young, he had a bad temper and once stabbed a friend. The friend could have died if his belt buckle hadn’t

stopped the knife, Council said. Had Carson killed his friend, he would have most likely faced life in prison.

“But Dr. Carson’s life exemplifies the very redemption that juvenile offenders are being deprived of realizing,” Council said.

There are currently 24 Nebraskans serving life sentences who were convicted as juveniles.

Mark Rathjen is married to one of those 24 serving a life sentence. He read a letter from his wife who was convicted of murder at age 17.

“I would like a chance outside these prison gates to prove to society that I am not the person I was 15 years ago,” Rathjen read. “Please don’t write off a child as someone who cannot change,” he added.

Mona Schlautman supported the bill. She is the mother of Jeremy Drake, who was murdered in 1992 when he was 15. His murderer was 18 and sentenced to life in prison without parole.

“Nothing will bring my son back,” Schlautman said. “But forgiveness feels a lot better than bitterness and revenge. They should have the opportunity to rehabilitate.”

Sharon Hanke opposed the bill. Her sister Sasha was murdered in 1987 when she was 12 by a 14-year-old boy who was sentenced to life without parole.

“These are not children you want to release,” Hanke said. “These are killers. By making these sentences shorter, I believe you are cheapening the lives of those murdered.”

Kimberly Pankonin of the Nebraska County Attorneys Association opposed the bill, referencing the gang problem in Omaha. Pankonin said the passage of LB307 could result in younger gang members performing violent crimes in order to have an easier sentence.

She also said the bill was unneces-

sary, as the courts already consider factors such as age, maturity and mental condition of defendants when assigning cases to adult or juvenile court. She also said judges considered these factors when deciding on sentencing options. A third layer of protection for juveniles is also in place in the form of the jury, she said.

Omaha Sen. Steve Lathrop questioned whether the factors considered were all weighed equally.

“The gravity of the offense becomes the trump card,” Lathrop said.

The committee advanced the bill on a 7-0 vote.

Bill would expand inmate work programs

The state Department of Correctional Services could enter into employment arrangements with educational institutions under a bill heard by the Judiciary Committee Feb. 19.

Imperial Sen. Mark Christensen, sponsor of LB429, said the department is allowed to make employment arrangements with any board, agency, natural resources district or political subdivision, except for political subdivisions connected with education.



Sen. Mark Christensen

The bill would allow the department to enter into employment arrangements with school districts, educational service units, community colleges, state colleges and universities. Employees committed to the department would have to be supervised by the department.

Christensen said the bill would help department programs like the Work

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Ethic Camp in McCook. The camp is a residential program for non-violent offenders. Inmates perform on and off-site community service work six days a week. Offenders from the Work Ethic Camp were providing labor for area schools until it was discovered in late 2008 that it was not allowed per state statute, Christensen said.

“LB429 is an appropriate bill to continue and expand the relationship between the work camp and the community,” he said.

Christensen stressed that inmates from the camp were all non-violent offenders and would be working jobs that would not put them in contact with students.

Dr. Weldon Sleight, dean of the Nebraska College of Technical Agriculture, testified in support of the bill, saying the college had worked with inmates from the work camp before and would like to again. He said offenders from the camp had been working in general grounds maintenance.

“These individuals have been well supervised,” Sleight said. “They provide a great service for us and we think we provide a great service for them.”

No opponent testimony was offered and the committee advanced the bill to general file on a vote of 8-0.

Natural Resources

Public power representation bill wards off amendments

A bill affecting membership to public power district boards fought off a number of amendments as it

advanced to final reading Feb. 19.

LB53, introduced by Valentine Sen. Deb Fischer, would eliminate separate rules for public power districts operating in fewer than 50 counties. Areas with public utilities that purchase less than half their energy from public power districts would no longer have representation under the bill.



Sen. Deb Fischer

Fischer said her bill was introduced to address issues of equality and fairness in the representation of public power boards. She said every citizen in Nebraska has representation in a public power district, and the changes made by her bill would ensure that those served by a district can vote for its board membership.

Lincoln and select cities in Lancaster County, which are provided electricity from Lincoln Electrical System, would be affected by the bill. Lancaster County currently has two seats on the Nebraska Public Power District board, though LES procures 30 percent of its energy from the district.

“This bill was not aimed against Lincoln or the Lincoln members of the NPPD board,” Fischer said.

Malcolm Sen. Ken Haar said LB53 would disenfranchise 475,000 Nebraskans, or 44 percent of the population. A public power district is merely a co-op if it serves only its ratepayers and not the state as a whole, he said.

“It seems to me that Nebraska Public Power is owned by the citizens of Nebraska, and not only do public power boards make decisions about rates, they make decisions about policy,” Haar said.

Haar introduced two amendments and a bracket motion. His first amendment, which was defeated 4-26, would have limited the eminent domain powers of public power districts to their chartered territory.

Omaha Sen. Tom White spoke in favor of Haar’s amendment. He said Omaha Public Power District could potentially store nuclear waste in Valentine or Scottsbluff without the passage of the amendment. In addition, in the event that NPPD would double the capacity of its coal-fired power generation plant in Hallam, Lincolnites would breathe contaminated air and experience higher mercury levels in their water, while not receiving any representation on the NPPD board, he said.

“We are setting up ... a system where we are pitting Nebraskans against Nebraskans,” White said.

Haar offered and later withdrew an amendment that would have added to a public power district’s chartered area any voting precinct located within 30 miles of any of its electric generation facilities.

The final item Haar offered to LB53 was a motion to bracket the bill until June 4, the final day scheduled for the legislative session.

Omaha Sen. Heath Mello spoke in favor of the bracket motion. Though not opposed to the bill, he said he supported the motion because it would give the Legislature time to study the issues presented in the bill.

“This is a redistricting bill, and I have never been involved in a redistricting process,” Mello said. “There could be unintended consequences in us not having the Legislature study this.”

The motion to bracket the bill failed on a 6 to 33 vote, and LB53 advanced to final reading on a voice vote

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Revenue

Property tax relief changes sought

Homeowners would experience a decrease in property taxes under two proposals to modify the Property Tax Credit Act heard by the Revenue Committee Feb. 20.

The Property Tax Credit Act appropriated \$115 million in 2008 to buy down local property taxes, regardless of whether the properties were residential, business or agricultural in nature. Both bills heard before the committee would apply property tax relief to owner-occupied properties.

LB13, introduced by Omaha Sen. Tom White, would provide a homestead exemption of \$13,000 per household. White said his bill would redirect the monies allocated in the Property Tax Credit Act to Nebraskans instead of out-of-state interests.



Sen. Tom White

In a similar vein, LB270, introduced by Malcolm Sen. Ken Haar, would provide for a homestead exemption of \$15,000 per household. His bill also would omit agricultural and business properties.

Over the last 10 to 15 years, White said, there have been reductions offered for agricultural land, which is currently assessed at 75 percent of its value.

"Just on merits, if we take turns, it is the homeowners' turn [for property tax relief]," White said.

Mark Intermill, representing AARP, testified in support of LB13. He said there has been a shift in the

property tax burden to residential homeowners, who supplied 54 percent of property taxes paid in 2008.

White said current policies that are favorable toward agricultural land are not fostering the farming industry, as the state continues to lose farmers at a rapid rate. In addition, he said, half of the agricultural land in this state is not owned by the farmers who use it, which means the benefits of the current property tax relief package do not go directly to farmers.

"What we must do is to encourage people to get back into the agricultural industry, and in order to do that, we must reward them for their work, not the ownership of their land," White said.

The current system also allows out-of-state business entities to reap tax credits, White added. He said more than \$43,000 is sent to Japan for a Kawasaki plant in Lincoln, and more than \$13,000 is directed to Minnesota for one Target store in Lincoln.

"We are shipping an enormous amount of the money out of the state, and we can't afford to do that," White said.

Haar said he was concerned that the benefits of the current property tax relief program were going out of state, especially since state coffers pay for its existence.

"One thing we have to remember is, when the state gives property tax relief, it comes from income tax and sales tax," Haar said.

Mike Boyle of Omaha testified in support of LB13. As a member of the Douglas County Board, he said he has been contacted by constituents who have found themselves unable to pay their property taxes.

Boyle described a single mother who contacted him when the valuation on her 672-square-foot, graffiti-

ridden home spiked 80 percent. He said charity assistance was needed to pay the first half of her taxes.

"This bill is an answer to a prayer," Boyle said.

Steven Nelson, representing Nebraska Farm Bureau, provided opposition testimony for LB13. The bill would penalize an important industry in Nebraska, he said, as one out of every three jobs in the state are attributable to agriculture. Moreover, Nelson said, farm income is expected to drop 26 percent in 2009.

Higher property taxes for agricultural land will penalize younger farmers who rent land, Nelson said. Furthermore, the lower valuation for agricultural land is justified by its high resale value, which often outstrips the land's earning capacity, he said.

Michael Kelsey of the Nebraska Cattlemen also testified in opposition to LB13. He said the bill would raise rent prices on an industry that is already suffering.

"What we do fear is if [land owners] don't have those incentives, they will raise their rent," Kelsey said. "Our costs are continuing to rise, and our sales are continuing to dwindle."

The committee took no immediate action on either bill.

R&D tax credit boost considered

Those involved in research and development could take advantage of greater tax credits offered under a duo of bills presented before the Revenue Committee Feb. 18.



Sen. Danielle Nantkes

LB171, introduced by Lincoln Sen. Danielle Nantkes, would in-

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crease the research tax credit provided by the Nebraska Advantage Research and Development Act from 15 to 30 percent for five years.

Nantkes said her bill would present an opportunity to diversify the state's tax base and create jobs to "ensure that Nebraska is ready for the new economy."

LB555, introduced by Omaha Sen. Tom White, also would double the research credit, but it includes a provision to increase the credit to 35 percent if the research is performed at a college or university-owned facility.

White said his bill would offer a means for the retention of skilled workers in the state.

"We have faced as a people a long-term drain of our youngest and our brightest," White said.

Stephen Frayser of the Lincoln Chamber of Commerce testified in support of LB171. The days when Nebraska and the U.S. could compete solely on the basis of mass-producing products at a low cost have passed, he said, so the state needs incentives for research.

Abraham Oommen of Lincoln also testified in support of LB171. In a knowledge-based economy, new economic development tools are needed to attract talent in research and development, he said.

"Intellectual property is the new driver for economic growth," Oommen said. "In a globalized economy, that gives us a competitive advantage."

Pete Kotsiopoulos, vice president of university affairs for the University of Nebraska, testified in support of LB171. He said Nebraska can use research credits as a tool for the economy.

"It is important for the state to make long-term investments that

will result in job creation and product development," Kotsiopoulos said.

No one spoke in opposition, and the committee took no immediate action on either bill.

Extension proposed for health clinic sales tax exemptions

Health clinics would find it easier to claim sales tax exemptions under a bill heard by the Revenue Committee Feb. 19.

LB420, introduced by Kearney Sen. Galen Hadley, would allow health clinics and health care practitioner facilities owned by a nonprofit hospital to be exempt from sales and use taxes.

Hadley said community clinics and clinics owned by two or more nonprofit hospitals are currently exempt from sales and use taxes, and his bill would extend this exemption to clinics owned by a single nonprofit hospital.

Andy Pollock, representing the Friends of Nebraska Nonprofit Hospitals Association, said LB420 would benefit 46 health clinics in Nebraska. He said these entities had been operating under the assumption that they were exempt until a recent audit by the state Department of Revenue revealed the clinics needed to be owned by two nonprofit hospitals to claim the exemption.

"This is an issue that really just came up in the past couple of years," Pollock said.

Pollock said most of the 46 health clinics are subsidized by the hospitals that own them, and their existence provides affordable health care to communities. Unlike their owner en-

tities, however, the clinics are subject to sales tax, he said.

"These clinics operate as departments of a hospital, so they should be treated as an extension of the hospital," Pollock said.

Harold Krueger, CEO of Chadron Community Hospital, testified in support of LB420. He said most health clinics operate with small returns, and a sales tax exemption may mean the difference between staying open or closing.

No one spoke in opposition to LB420, and the committee took no immediate action on the bill.

Local funding lids discussed

Cities, counties and other political subdivisions would be granted more authority to raise their restricted fund lids and levy limits under a bill heard by the Revenue Committee Feb. 19.

LB480, introduced by Ewing Sen. Cap Dierks, would allow political subdivisions other than school districts to increase their lids by the amount of growth in taxable valuation due to improvements to real property as a result of construction or annexation.

Currently, political subdivisions may increase their lids only for growth in excess of 2.5 percent.

The bill also would provide that maximum levy limits for counties, cities and villages shall not include funds budgeted for capital improvements, which, among other things, include equipment with a useful life of more than five years. In addition, funds allocated for drug prevention or drug enforcement would be exempt from restricted fund lids.



Sen. Galen Hadley



Sen. Cap Dierks

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Gary Krumland of the League of Nebraska Municipalities testified in support of the bill. He said the bill would allow cities to increase their budgets in accordance with growth in property tax valuations as a result of annexations.

Of the 530 cities and villages in Nebraska, Krumland said, 250 municipalities are at their levy limit, which prevents them from raising money to pay for services. The base limitation in current law does not allow cities to keep pace with inflation, and cities need their budgets to grow along with their population growth, he said.

"The 2.5 percent takes care of inflation, but it doesn't take care of new services that you may have to provide because of construction," Krumland said.

Randy Gates, finance officer for the city of Norfolk, testified in support of LB480. He said cities that annex often must decrease their property tax levies because the additional revenue from added areas exceeds their allowable budget growth. As a result, the city does not have the funds to provide services to the annexation, he said.

"If you do annex those areas, you need to be able to increase your revenues to service the people in those areas," Gates said.

Gates said the current law is "antigrowth," because cities will not be able to increase their restricted fund lids. LB480 would allow cities to increase their budgets with their growth, he said.

"You're not going to change the levy limit, you're going to change the limit on restricted funds," Gates said. "The city will then be able to keep that levy rate the same, instead of having to squish it down to stay under the lid."

Craig Head, representing the Nebraska Farm Bureau, testified in opposition to the bill. LB480 would relax limitations on budgets and levy lids, allowing cities and counties to increase property taxes, he said. Farm Bureau members have experienced a 5 percent increase in their property taxes annually and would like to see further increases contained, he said.

The committee took no immediate action on the bill.

Property and income tax cut package heard

A bill combining one-time property tax relief and permanent income tax cuts was presented to the Revenue Committee Feb. 18.

LB670, introduced by Omaha Sen. Pete Pirsch, would grant \$100 in property tax relief for Nebraskans in tax year 2009 and increase income tax bracket levels so more income would be taxed at lower tax rates. The lowest tax brackets would increase:

- from \$2,400 to \$5,000 for single and married filing separate returns;
- from \$4,800 to \$10,000 for married filing jointly returns;
- from \$4,500 to \$8,000 for head-of-household returns; and
- from \$500 to \$1,000 for estates and trusts.

The bill would offer a total of \$99 million in income tax cuts from 2009-2011.

Since the state does not levy property taxes, Pirsch said, his bill would use state funds to buy down the local

property tax bills. This single expenditure is contrasted with the income tax cut portion of his bill, which would be permanent.

"I think that, as we are approaching tax relief, we should approach the idea of adding a permanent type of tax relief," Pirsch said.

Pirsch said his bill would mitigate the economic downturn by introducing tax cuts to provide a "shot in the arm" for the economy.

"For us to get where we want to be, we need to bring job-creating companies to the state and people to the state, and that is going to require an atmosphere and environment where a certain tax environment is present," Pirsch said.

Doug Kagan of Nebraska Taxpayers for Freedom testified in support of the bill. Nebraska is the highest among neighboring states for its total tax burden, and second highest per capita, he said.

Kearney Sen. Galen Hadley questioned whether tax comparisons between Nebraska and neighboring states were appropriate given that Nebraska is not facing budget shortfalls like its neighbors.

Kagan said Nebraska property taxes and income tax have risen faster than inflation, and lowering the taxes would allow more dollars to fuel the economy. He advocated for aggressive tax relief policies to transform the state to the "tax mecca of the Midwest."

"You have to take the lid off the pot, because the people are boiling," Kagan said.

No one spoke in opposition to LB670, and the committee took no immediate action on the bill.



Sen. Pete Pirsch

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Transportation and Telecommunications

Primary seat belt law considered

Drivers on Nebraska roads could be stopped for not wearing a seat belt under a bill heard by the Transportation and Telecommunications Committee Feb. 17.

Currently, drivers may be charged with not wearing a seat belt only if a law enforcement officer pulls them over for some other reason.

LB106, introduced by Scottsbluff Sen. John Harms, would reclassify Nebraska's seat belt law from a secondary offense to a primary offense.

Harms said motor vehicle crashes are the number one cause of death in Nebraska. LB106 would encourage the use of seat belts, he said, estimating that 21 lives would be saved each year.

The cost resulting from preventable deaths, also justifies government intervention, he said, estimating that the state would annually save \$6 million were the bill to pass.

"There is no constitutional right to operate a motor vehicle. It is a privilege," Harms said. "Freedom does not include the liberty to take unreasonable risks on one's life or others' lives."

The bill also would secure \$7.4 million in federal funding, which is being used as an incentive to encourage states to implement primary offense seat belt laws, Harms said.

Rose White, representing AAA Nebraska, spoke in favor of the bill. Though current statistics say 83

percent of Nebraskans use safety restraints, a primary offense seat belt law could have increased usage to 90 percent, she said, saving 200 lives over the past decade.

White said 43 unbuckled vehicle occupants died in Nebraska last year. Failure to pass LB106 will result in more lives lost, federal money squandered and higher hospital costs, she said.

Simera Reynolds, executive director for Mothers Against Drunk Driving, testified in support of LB106. She said states without primary offense seat belt laws typically experience an 8 to 10 percent increase in seat belt usage once it is made a primary offense.

Reynolds stressed that unrestrained vehicle occupants are not putting just themselves in danger.

"When you are loose in a car, you become a projectile," Reynolds said. "You can kill others if you are not restrained."

Kay Farrell, CEO of the National Safety Council, also testified in support. Seat belts reduce the risk of death by 45 percent and serious injury by 50 percent, she said. Medical expenses are typically 25 percent higher for injuries sustained by those not wearing seat belts, Farrell said.

The committee took no immediate action on the bill.

Seat belts for school buses considered

School officials contemplating a new bus purchase would need to ensure their prospective buses are equipped with seat belts under a bill heard by the Transportation and Telecommunications Committee Feb. 17.

LB255, introduced by Scottsbluff Sen. John Harms, would require

all school buses manufactured after Jan. 1, 2010, and purchased for the transportation of school students to include lap and shoulder seat belts. The bill would not require the retrofitting of old buses.

Harms said safety should be the overriding concern when determining if school buses should be equipped with seat belts.

"When a parent puts a child on a bus, they expect them to be safe," Harms said. "We put those kids at risk every time we put them on a bus, because they don't have seat belts."

The absence of seat belts in buses, Harms said, is inconsistent with what parents and schools teach children regarding the importance of buckling up. He also said children would be easier for bus drivers to monitor if they were using seat belts.

New seat belts produced for buses allow the same number of children per seat and would cost \$8,000 to \$12,000, Harms said.

"I don't think \$12,000 added onto a \$100,000 bus is too much to ask," Harms said.

Dawn Prescott of Fremont testified in support of the bill. She recounted the 2001 crash of a Seward High School band bus, which she survived, but her son, Benjamin, did not. As the bus plunged off a bridge into a creekbed, Prescott said, she instinctively grabbed the luggage rack overhead to stabilize herself, but other passengers were ejected from their seats.

"While others were flying around like human pinballs, the driver remained belted," Prescott said.

Dr. John Bonaiuto, executive director of the Nebraska Association of School Boards, testified in opposition to the bill.

"There is nothing that clearly states that the buses will be safer [with seat belts]," Bonaiuto said. "I haven't seen a lot of data that says



Sen. John Harms

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this really is going to make the difference.”

Bonaiuto said the additional expense could result in schools purchasing fewer buses than what are actually needed. Moreover, he said, having only some buses with seat belts could cause problems for schools, as parents would be likely to insist that their children ride only those equipped with seat belts.

Dr. Larry Ramaekers, superintendent of Aurora Public Schools, testified against the bill, saying that buses are much safer than cars. As opposed to transportation via car, which produces 1.5 deaths per million miles driven, he said, school buses experience 0.2 deaths per million miles driven.

Ramaekers said seat belts could ensnare children, keeping them from escaping a bus submerged or set aflame. In addition, children could use seat belts to hurt each other, and bus drivers are not able to monitor everything children are doing given the heights of the seats, he said.

The committee took no immediate action on the bill.

Urban Affairs

Urban growth districts receive final approval

Senators gave final approval Feb. 20 to a bill that allows municipalities to create urban growth districts and authorize issuance of urban growth bonds.

LB85, sponsored by Lincoln Sen. Amanda McGill, provides for urban growth districts to be created at the edges of cities where development has occurred twenty years prior to a bond's issuance. Bonds will be secured

by a pledge of the estimated sales and use tax revenues anticipated to be identified by the creation of urban growth districts. The percentage identified will then be applied to the city's overall sales tax receipts.

Urban growth bond use is limited to roads, streets, streetscapes and bridges. A two-thirds vote of local governing body members is required before a bond can be issued.

LB85 passed on a 33-10 vote.

Omaha land reutilization authority sought

The Urban Affairs Committee heard testimony Feb. 17 on a bill that would authorize metropolitan class cities to establish a land reutilization commission.

Currently, counties have authority to dispose of tax delinquent land. Under LB360, introduced by Omaha Sen. Tanya Cook, metropolitan class cities also would be granted land reutilization authority.

The bill would allow Omaha's planning commission to take responsibility for administering the LRC, Cook said, and the bill's \$95,000 fiscal note to create and operate the LRC would fall to the city.

"LB360 has no fiscal impact to the state's general funds," she said.

Dave Schreiner, director of the Douglas County LRC, testified in support of the bill.

Schreiner said the commission has



Sen. Amanda McGill



Sen. Tanya Cook

returned \$3.5 million to the county general fund through the sale of tax delinquent property. The commission has been very efficient, he said, and would be even more so were its authority moved to the city.

Jack Cheloha, testifying on behalf of the city of Omaha, also spoke in favor of the bill.

Cheloha said officials are seeking the most efficient way to do business, often through the merger of city and county services. He said Omaha and Douglas County have merged several services, including the parks department and the 911 call center.

"I don't think it's a power grab," he said.

There was no opposition testimony and the committee took no immediate action on the bill.

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ISSUES UPFRONT.....

Constituents bank on Senator Utter

Some might call it being focused; others might call it being rooted in what you know. Whatever one calls it, Sen. Dennis Utter is pleased to say that he has had only three jobs since finishing college, all in banking. His most recent was with the Adams County Bank in Kenesaw, from which he is semi-retired.

But Utter had his share of varied and interesting jobs while attending the University of Wyoming.

His freshman year, Utter was a grasshopper scout. He explained that grasshopper infestations were common in Wyoming at that time, so the state hired young people to map the insects' patterns. Scouts were issued surplus army jeeps to track down the grasshoppers and direct pilots where to spray the infested areas.

He also fed lab rats in the biology department and cleaned out their cages, a job that seems to have left a lasting impression. "I hate rats to this day," Utter laughed. "I don't care if they're white or not."

One of the things Utter loved was growing up on a farm in Wyoming.

"There's quite a bit of farm blood running through these veins," he said. In fact, early in his career, Utter briefly considered going to back to the farm. But with a family to support, Utter said, he stuck with a career in banking instead. Still, he found ways to stay connected to farm life.

Utter volunteered to help

friends with harvest and cattle feeding. "It was a chance to get back and drive a tractor again," he said. He also fed cattle as a second job, thinking that he'd make extra money to put in his three children's college funds. But the money he made didn't turn out to be "extra."

"I'm the only one who got an education from that job," he said.

Utter said he's always been political and, as a former city council member and mayor of McCook, felt that he had valuable experience to bring to the Legislature. But his interest in the work of the state's lawmaking body also is personal.

Utter said he's very concerned about economic development in rural Nebraska, especially when it comes to providing the state's young people the opportunities they need.

"We need to make sure our kids are able to stay here," he said.

Utter's own three children have all left Nebraska. One son is a banker in South Sioux City, but lives in Iowa. Another son resides in rural Pennsylvania.

His daughter is in Ft. Riley, Kansas, where her husband, who recently began a second tour in Iraq, is stationed.

"I wish they were here," Utter said.



Sen. Utter and wife Kathryn enjoy the view from a mountaintop near Breckenridge, Colorado.

ISSUES UPFRONT.....

HEARING ROOMS

continued from previous page

“I wish they’d stayed.”

An avid golfer, Utter said his wife likely would describe him as a “golfaholic.” When asked if he’d ever shot a hole-in-one, Utter laughed. “I’ve played enough golf that I should have, but I never said I was good at it.”

But time for golf was in short supply during the campaign, and Utter doesn’t see that changing anytime soon. The pace of the Legislature has been a little more intense than he expected, and he expressed “great admiration” for the younger members of the body.

“The young people who have full-time jobs and small children – I honestly don’t know how they do it,” Utter said.

He also appreciates the tradition that guides the legislative process in the Unicameral.

“Some might say it’s archaic, but I think it’s really important to honor those traditions,” Utter said.

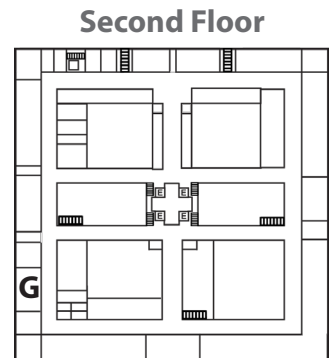
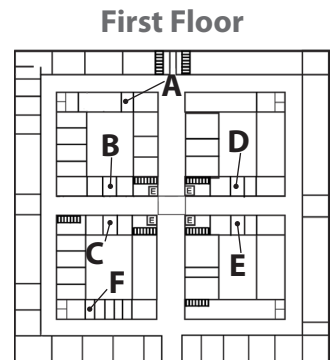
And tradition is important to a man who has been married as long as he has.

Utter met his wife, Kathryn, through family when they were teenagers. Both had won trips to the United Nations in high school, he from Wyoming and she from Nebraska.

Utter worked for Kathryn’s uncle at his filling station as an after-school job, and her uncle decided the two teenagers should get to know each other better.

“And the rest, as they say, is history,” Utter said. “That was over 50 years ago.” Utter smiled warmly. “And now I’ve spilled all my family secrets.”

Hearing Room	Committee	Meeting Days
Room 1003 (A)	Appropriations	W, Th, F
Room 1524 (B)	Appropriations	M, Tu
	Revenue	W, Th, F
Room 1525 (C)	Education	M, Tu
	Natural Resources	W, Th, F
	Nebraska Retirement Systems	(Meets at noon as scheduled)
Room 1510 (D)	General Affairs	M
	Urban Affairs	Tu
	Health and Human Services	W, Th, F
Room 1507 (E)	Banking, Commerce, and Insurance	M, Tu
	Government, Military and Veterans’ Affairs	W, Th, F
Room 1113 (F)	Transportation and Telecommunications	M, Tu
	Judiciary	W, Th, F
Room 2102 (G)	Business & Labor	M
	Agriculture	Tu



TESTIFYING TIPS

- 1 Always state your name and spell it for the record.
- 2 Prepare written copies of your testimony for the committee.
- 3 Be prepared to limit your testimony and try not to repeat other testifiers.
- 4 Please turn off cell phones.

COMMITTEE HEARINGS

Monday, February 23

Appropriations

Room 1003 - 1:30 p.m.

LB311 (Flood) Provide for deficit appropriations
LB312 (Flood) Appropriate funds for salaries of members of the Legislature
LB313 (Flood) Appropriate funds for salaries of constitutional officers
LB314 (Flood) Appropriate funds for capital construction
LB315 (Flood) Appropriate funds for state government expenses
LB316 (Flood) Change provisions relating to certain funds and provide for transfers of funds
LB317 (Flood) Provide for transfers from the Cash Reserve Fund
LB318 (Flood) Change provisions governing depreciation charges for capital improvement projects
LB456 (Heidemann) Change provisions relating to the Cash Reserve Fund

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB293 (Nantkes) Adopt the Short-Term Lenders Act and eliminate the Delayed Deposit Services Licensing Act
LB431 (McGill) Change Delayed Deposit Services Licensing Act provisions
LB571 (Pahls) Adopt the Guaranteed Asset Protection Waiver Act

Business and Labor

Room 2102 - 1:30 p.m.

LB556 (White) Change workers' compensation third-party claims provisions
LB622 (Nordquist) Provide time limits and penalties for late workers' compensation medical payments
LB453 (Rogert) Change provisions relating to an employer notice that employees are not covered by workers' compensation insurance
LB514 (Lautenbaugh) Change workers' compensation disability compensation provisions

Education

Room 1525 - 1:30 p.m.

LB22 (Friend) Change tax levy authority of educational service units and school districts
LB387 (Gay) Eliminate certain taxing authority of learning communities and change state aid calculations
LB391 (Adams) Change the manner of distribution of tax revenue within learning communities

General Affairs

Room 1510 - 1:30 p.m.

LB478 (Rogert) Provide for alcoholic liquor sale and consumption on Game and Parks Commission property
LB576 (Rogert) Provide for licenses for sales of liquor and for consumption of liquor in state parks
LB664 (Janssen) Change provisions relating to sale and consumption of alcoholic liquor on public property
LB605 (Howard) Change liquor license provisions

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB320 (Friend) Change highway funding provisions and motor fuel taxes
LB323 (Fulton) Change distribution of motor vehicle tax proceeds
LB401 (Friend) Adopt the High Priority Surface Transportation Development Act and the Surface Transportation Revolving Fund Act

Tuesday, February 24

Agriculture

Room 2102 - 1:30 p.m.

LB646 (Christensen) Adopt the Livestock Growth Act
LB585 (Dierks) Adopt the Bovine Trichomoniasis Control Act
LB602 (Dierks) Provide for expense reimbursement for first purchasers of certain commodities

Appropriations

Room 1003 - 1:30 p.m.

Agency 59 Board of Geologists
Agency 45 Board of Barber Examiners
Agency 30 Electrical Board, State
Agency 74 Neb. Power Review Board
Agency 41 State Real Estate Commission
Agency 53 Real Property Appraiser Board
Agency 63 Neb. Board of Public Accountancy
Agency 32 Board of Educational Lands And Funds
Agency 62 State Board of Examiners for Land Surveyors
Agency 36 Neb. State Racing Commission
Agency 58 Board of Engineers and Architects
Agency 66 Abstracters Board of Examiners
Agency 73 State Board of Landscape Architects

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB326 (Rogert) Change provisions relating to the Comprehensive Health Insurance Pool Act
LB358 (Pahls) Change the Comprehensive Health Insurance Pool Act
LB445 (Fulton) Change the Health Insurance Access Act

Education

Room 1525 - 1:30 p.m.

LB534 (Price) Change provisions relating to learning community diversity plans
LB597 (Ashford) Change provisions relating to collaborative focus schools and programs and magnet schools
LB392 (Adams) Change provisions relating to learning communities

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB109 (Rogert) Authorize the operation of low-speed vehicles on highways
LB114 (Louden) Provide for operation of minitrucks on highways without registration

COMMITTEE HEARINGS

LB650 (Christensen) Authorize the operation of minitrucks on public highways

Urban Affairs

Room 1510 - 1:30 p.m.

LB633 (Mello) Create the Neighborhood Development Act
LB381 (Rogert) Adopt the Community Improvement District Act and the Transportation Development District Act
LB525 (Friend) Change tax levy and economic development programs of cities and villages

Wednesday, February 25

Appropriations

Room 1003 - 1:30 p.m.

Agency 57 Nebraska Oil and Gas Conservation Commission
Agency 18 Department of Agriculture (Potato Board & Poultry/Egg)
Agency 39 Neb. Brand Committee
Agency 56 Neb. Wheat Board
Agency 60 Neb. Ethanol Board
Agency 61 Neb. Dairy Industry Development Board
Agency 86 Dry Bean Commission
Agency 88 Corn Development, Utilization and Marketing Board
Agency 92 Neb. Grain Sorghum Board

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB662 (Janssen) Change provisions relating to nomination for certain offices
LB362 (Avery) Change requirements for candidate filing forms
LB410 (Karpisek) Change provisions relating to recounts of elections
LB501 (Sullivan) Change provisions relating to submission of ballot issues and elections by mail

Health and Human Services

Room 1510 - 1:30 p.m.

LB136 (Avery) Change provisions for

eligibility for medical assistance
LB291 (Lathrop) Require rules and regulations regarding safety, care, and habilitation of persons receiving developmental disabilities services
LB342 (Gay) Provide duties for the Department of Health and Human Services relating to payment for pediatric feeding disorder treatment
LB390 (Coash) State intent regarding reimbursement rates for assisted services for persons with developmental disabilities
LB590 (Dierks) Change the Disabled Persons and Family Support Act to provide financial compensation and special food and medical needs provided by families

Judiciary

Room 1113 - 1:30 p.m.

LB253 (Ashford) Adopt a new Nebraska Juvenile Code and change child abuse reporting and registry, child relinquishment, and Foster Care Review Act provisions
LB356 (Dubas) Provide behavioral health services for children without parental relinquishment of custody
LB345 (Gay) Change juvenile court jurisdiction to exclude school truancy
LB414 (Ashford) Change salary of Supreme Court judges
LB596 (Ashford) Change a legal services fee

Natural Resources

Room 1525 - 1:30 p.m.

LB666 (Langemeier) Change provisions relating to the Niobrara Council

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

LB81 (Nordquist) Change contribution provisions of the Nebraska State Patrol Retirement Act
LB242 (Karpisek) Increase the mandatory retirement age under the Nebraska State Patrol Retirement Act
LB425 (Pankonin) Change mandatory contribution rates under the Nebraska State Patrol Retirement Act

Revenue

Room 1524 - 1:30 p.m.

LB536 (Stuthman) Authorize creation of transportation development districts and imposition of a local sales tax
LB421 (Nordquist) Suspend collection of fuel tax on compressed natural gas for a prescribed period
LB138 (Avery) Provide an income tax credit for public school teachers
LB264 (Fischer) Change motor fuel tax calculations

Thursday, February 26

Appropriations

Room 1003 - 1:30 p.m.

Agency 16 Department of Revenue
Agency 93 Tax Equalization and Review Commission
Agency 54 Neb. State Historical Society

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB402 (Avery) Change the Convention Center Facility Financing Assistance Act
LB422 (Cornett) Define veteran of the Global War on Terror
LB488 (Gloor) Change provisions relating to veterans' homes
LB550 (Avery) Change provisions relating to Military Department personnel and provide peace officer powers to National Guard members

Health and Human Services

Room 1510 - 1:30 p.m.

LB515 (Flood) Change provisions relating to emergency medical responders
LB542 (Campbell) Provide for rules and regulations regarding dental assistants
LB592 (Dierks) Redefine a term under the Rural Health Systems and Professional Incentive Act
LB599 (Howard) Require health care facilities to provide itemized billing statements upon patient's request

COMMITTEE HEARINGS

LB609 (Mello) Provide for child-care contracts as prescribed and provide duties for the Department of Health and Human Services

Judiciary

Room 1113 - 1:30 p.m.

LB144 (Avery) Allow accessibility to certain disciplinary records regarding police officers and school district personnel
LB292 (Lathrop) Adopt the Nebraska Uniform Athlete Agents Act
LB373 (Lautenbaugh) Change death and disability-related provisions pertaining to emergency response personnel
LB354 (Lautenbaugh) Provide for cross-appeals in contested cases under the Administrative Procedure Act
LB208 (Lautenbaugh) Add false information about employees to the crime of fraudulent insurance act and to the Insurance Fraud Act

Natural Resources

Room 1525 - 1:30 p.m.

LB651 (Christensen) Adopt the Water Resources Revolving Loan Fund Act

Revenue

Room 1524 - 1:30 p.m.

LB212 (Cornett) Authorize single commissioner hearings before the Tax Equalization and Review Commission
LB213 (Cornett) Change Tax Equalization and Review Commission provisions
LB553 (White) Change certain property tax valuation protest procedures
LB580 (Cornett) Change the standard of review by the Tax Equalization and Review Commission

Friday, February 27

Health and Human Services

Room 1510 - 1:00 p.m.

LB223 (Nantkes) Classify swimming pools and provide operator requirements
LB446 (Fulton) Provide for a loan re-

payment program under the Engineers and Architects Regulation Act
LB452 (Avery) Adopt the Advance Directives Identification Act
LB604 (Howard) Change the Pharmacy Practice Act to change provisions relating to medical gas distribution

Judiciary

Room 1113 - 1:30 p.m.

LB374 (Lautenbaugh) Authorize recovery of costs as part of the settlement of a civil action
LB375 (Lautenbaugh) Increase claim amount and provide for payment for costs for certain civil suits
LB351 (Lautenbaugh) Provide for charging orders against a limited liability company member's transferable interest
LB442 (Council) Change procedural and relief provisions of the Nebraska Fair Housing Act

Natural Resources

Room 1525 - 1:30 p.m.

LB502 (Langemeier) Change the Petroleum Release Remedial Action Act
LB504 (Langemeier) Authorize permits and provide penalties relating to discharge of dredged or fill material into the waters of the state

Revenue

Room 1524 - 1:30 p.m.

LB59 (Louden) Increase liquor taxes and adopt the Citizen Safety Grant Fund Program Act
LB357 (Hadley) Change the cigarette tax collection commission
LB67 (Friend) Adopt the Elementary and Secondary Education Opportunity Act
LB447 (Schilz) Change a beginning farmer or rancher qualification under the Beginning Farmer Tax Credit Act

TENTATIVE

Monday, March 2

Appropriations

Room 1524 - 1:30 p.m.

Agency 48 Coordinating Commission for Postsecondary Education
Agency 50 Nebraska State College System
Agency 83 Community College Aid

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB606 (Karpisek) Redefine terms and change a grant qualification provision in the Microenterprise Development Act
LB657 (Harms) Change the Microenterprise Development Act
LB637 (Mello) Require disclosure of information by certain group health carriers

Business and Labor

Room 2102 - 1:30 p.m.

LB563 (Lathrop) Adopt the Contractor Employee Classification Act
LB537 (Giese) Change provisions relating to the hours of duty of firefighters
LB552 (White) Adopt the Nebraska Construction Prompt Pay Act

Education

Room 1525 - 1:30 p.m.

LB440 (Council) Change diversity criteria under the Student Diversity Scholarship Program Act
LB21 (Harms) Rename and change provisions of the Nebraska Scholarship Act
LB399 (Lautenbaugh) Change residency provisions relating to the Nebraska Scholarship Act
LB397 (Nordquist) Adopt the State Scholarship Award Program Act and the Scholarship Assistance Program Act and repeal the Nebraska Scholarship Act

COMMITTEE HEARINGS

General Affairs

Room 1510 - 1:30 p.m.

LB286 (General Affairs) Change distribution of lottery funds
 LB287 (General Affairs) Change provisions relating to the definite profit of pickle cards
 LB415 (Christensen) Prohibit tobacco sales from self-service displays

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB60 (Adams) Redefine abandoned vehicle
 LB111 (Fischer) Change provisions relating to fines for speeding in a construction zone
 LB278 (Mello) Permit municipalities to allow pedestrians to solicit in roadways
 LB560 (Lathrop) Change provisions relating to towing motor vehicles

Tuesday, March 3

Agriculture

Room 1510 - 1:30 p.m.

LB593 (Dierks) Restrict entity ownership of agricultural land and farm and ranch operations
 LB224 (Carlson) Change Nebraska State Fair and Nebraska State Fair Board provisions
 LB516 (Hansen) Require compensation for certain structures located on the Nebraska State Fairgrounds in Lancaster County

Appropriations

Room 1524 - 1:30 p.m.

LB37 (Flood) Appropriate funds for a new division of the University of Nebraska Medical Center College of Nursing in Norfolk
 LB492 (Haar) Provide for funding certain positions at the University of Nebraska-Lincoln
 LB454 (Lathrop) Change Nebraska Health Care Cash Fund provisions

Agency 47 Nebraska Educational Telecommunications Commission
 Agency 51 University of Nebraska System

Education

Room 1525 - 1:30 p.m.

LB655 (Harms) Require community college compliance with association membership provisions
 LB673 (Price) State intent for appropriations to the community colleges
 LB400 (Lautenbaugh) Change fiscal year provisions for calculation of community college base revenue need
 LB607 (Gay) Adopt the Higher Education Academic Scholarship Program Act
 LB413 (Ashford) Adopt the College Choice Grant Program Act

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB200 (Janssen) Change motorcycle and moped helmet requirements
 LB368 (Mello) Change point system violation regarding reckless driving and willful reckless driving

Urban Affairs

Room 2102 - 1:30 p.m.

LB562 (Lathrop) Provide for the continued service of metropolitan utilities district board members after annexation
 LB658 (Friend) Provide infrastructure system replacement mechanism provisions under the State Natural Gas Regulation Act

Wednesday, March 4

Appropriations

Room 1003 - 1:30 p.m.

Agency 21 State Fire Marshal
 Agency 35 Neb. Liquor Control Commission
 Agency 64 Nebraska State Patrol
 Agency 78 Nebraska Commission on Law Enforcement and Criminal Justice

Agency 46 Department of Correctional Services

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB574 (Rogert) Change reporting requirements under the Nebraska Political Accountability and Disclosure Act
 LB626 (Karpisek) Change prohibited activities for public officials and public employees use of public resources
 LB635 (Mello) Change reporting requirements for political party committees under the Nebraska Political Accountability and Disclosure Act
 LB638 (Lautenbaugh) Repeal the Campaign Finance Limitation Act and change reporting requirements under the Nebraska Political Accountability and Disclosure Act

Natural Resources

Room 1525 - 1:30 p.m.

LB388 (Langemeier) Change public power district officials compensation provisions
 LB582 (Dierks) Create the Nebraska Invasive Species Council

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

LB187 (Nebraska Retirement Systems) Change employee deposits under the School Employees Retirement Act
 LB449 (Campbell) Change disability retirement allowance provisions of the School Employees Retirement Act
 LB140 (Avery) Provide duties relating to investment of state funds in Sudan-related companies

Revenue

Room 1524 - 1:30 p.m.

LB57 (Louden) Exempt repairs and parts for agricultural machinery or equipment from sales and use taxes
 LB65 (Dubas) Exempt agricultural machinery repair parts from sales tax
 LB233 (Adams) Exempt mineral oil to

COMMITTEE HEARINGS

be applied to grain as a dust suppressant from sales and use taxes
 LB9 (Wightman) Exempt biofuels used for irrigation and farming purposes from sales tax

Agency 70 State Foster Care Review Board
 Agency 76 Neb. Indian Commission
 Agency 82 Commission for the Deaf and Hard of Hearing

Revenue

Room 1524 - 1:30 p.m.

LB58 (Louden) Exempt heating oil or propane used for residential heating purposes from sales and use taxes
 LB234 (Adams) Change a sales and use tax exemption relating to fuel and energy
 LB632 (Mello) Adopt the Nebraska Green Building Advantage Act and authorize a sales tax refund
 LB539 (Coash) Authorize a refund of sales tax on certain residential building products
 LB455 (Nordquist) Provide renewable energy sales and use tax credit and exemption for eligible entities

Thursday, March 5

Appropriations

Room 1003 - 1:30 p.m.

Agency 81 Commission for the Blind And Visually Impaired
 Agency 67 Equal Opportunity Commission
 Agency 68 Mexican-American Commission

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB363 (Avery) Prohibit certain expenditures by campaign committees
 LB486 (Karpisek) Require certain governmental entities to identify themselves as such in their official name
 LB509 (Pirsch) Redefine election period for the Campaign Finance Limitation Act

Pronunciation GUIDE

Adams (A•dams)
 Ashford (ASH•ford)
 Avery (Ā•vur•ē)
 Campbell (CAM•bell)
 Carlson (CARL•son)
 Christensen (CHRIS•ten•son)
 Coash (CŌ•ash)
 Cook (Cook)
 Cornett (CORE•net)
 Council (COUN•cil)
 Dierks (Derks)
 Dubas (Doo•BAS)
 Fischer (FISH•er)
 Flood (Flood)
 Friend (Friend)
 Fulton (FUL•ton)
 Gay (Gay)

Giese (GĒ•see)
 Gloor (Glōr)
 Haar (Har)
 Hadley (HAD•lee)
 Hansen (HAN•son)
 Harms (Harms)
 Heidemann (HIDE•uh•mun)
 Howard (HOW•ard)
 Janssen (JAN•sen)
 Karpisek (CAR•pee•shek)
 Langemeier (LANG•a•meyer)
 Lathrop (LAY•thrup)
 Lautenbaugh (LAW•tin•baw)
 Louden (LOUD•en)
 McCoy (Muh•COY)
 McGill (Muh•GIL)

Mello (MEL•low)
 Nantkes (NAN•kiss)
 Nelson (NEL•son)
 Nordquist (NORD•quist)
 Pahls (Palls)
 Pankonin (PANK•on•in)
 Pirsch (Pirsh)
 Price (Price)
 Rogert (RO•gurt)
 Schilz (Shills)
 Stuthman (STOOT•mun)
 Sullivan (SUL•i•vun)
 Utter (Ud•der)
 Wallman (WALL•mun)
 White (White)
 Wightman (WHITE•mun)

CITIZEN VIEWS of the CAPITOL



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Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers. This photo series will be available in color on the Legislature's Web site, www.NebraskaLegislature.gov.

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