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UPDATE

Bill permitting trapping near roads advances

A bill that would allow the placement of traps in county rights of way received first round approval from Nebraska lawmakers Feb. 5.

LB5, introduced by Imperial Sen. Mark Christensen would repeal a prohibition on trapping in road rights of way enacted by a 2007 bill.

Christensen said trappers lost \$198,000 in the first year of the trapping ban. The ban on road ditch trapping reduced the number of raccoons caught by 9 percent, resulting in a \$589,932 loss to farmers from damage caused by these animals, he said.

"The current ban does nothing to stop those who ignore the law and set illegal traps," Christensen said. "The policy that we set forth was because of illegal traps. You cannot regulate against criminals."

LB5 was modified by amendments offered by Lincoln Sen. Kathy Campbell and Lexington Sen. John Wightman.

Campbell's amendment allows counties to opt out of the provisions



Sen. Mark Christensen introduces LB5 Feb. 3.

of LB5 that permit traps in road rights of way. Campbell said counties have different needs and should make their own decisions about where to trap.

Wilber Sen. Russ Karpisek said Campbell's amendment was a "great compromise" for LB5.

"I think this comes down to one side of the state preferring to trap the ditches and the other side does not,"

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Urban growth districts receive second round approval

Senators gave second round approval Feb. 3 to a bill that would allow municipalities to create urban growth districts and authorize issuance of urban growth bonds.

Lincoln Sen. Amanda McGill, sponsor of LB85, said the bill would provide an additional tool for cities to meet infrastructure needs. She said the bonds would be secured by a pledge of the estimated sales and use tax revenues anticipated to be identified by the creation of the district. The percentage identified would then be applied to the city's overall sales tax receipts.

The bill would provide for urban growth districts to be created at the edges of cities where development has occurred in the last twenty years, McGill said, adding that Lincoln has grown over 40 percent in that time.

Currently, the city can issue general obligation bonds for specific projects and highway allocation bonds for roads, but those options aren't enough to satisfy infrastructure needs, McGill said.

"We are desperately behind," she said.

Sen. Dennis Utter of Hastings said the bill would create a bond with all the characteristics of a general obligation bond but without a vote of the people. He offered an amendment that would require voter approval before the issuance of an urban growth bond.

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A CLOSER LOOK.....

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he said. "I also like the local control. Let them decide if they want it or don't want it."

Omaha Sen. Steve Lathrop said he opposed the amendment because he disapproved of ditch trapping in general. As a hunter, Lathrop said he is concerned that dogs may be caught in traps hidden in ditches.

Campbell's amendment was adopted on a 25-17 vote.

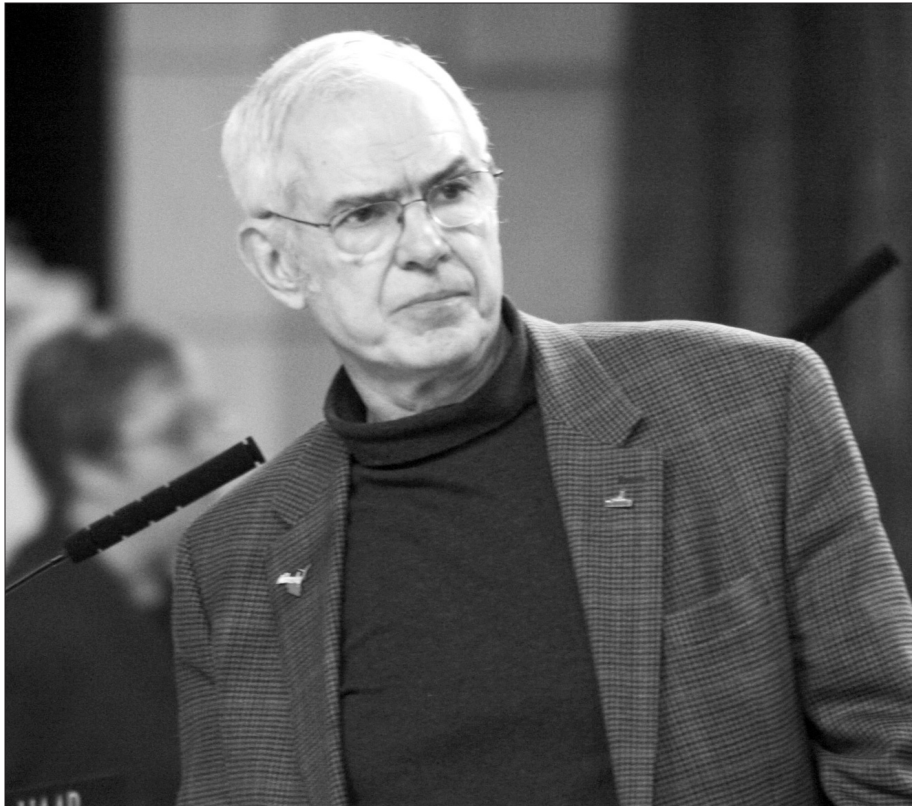
Wightman's amendment would permit counties to allow or prohibit trapping in certain areas of rights of way. He said the amendment would give some freedom to counties in administering their trapping option.

Wightman's amendment was adopted on a vote of 39-3.

In addition to the two successful amendments, a number of motions and amendments were not adopted.



Sen. Kathy Campbell explains her amendment to LB5.



Sen. Ken Haar offered a floor amendment.

Omaha Sen. Mike Friend offered a motion to bracket the bill until June 2. His motion failed 18-27.

Platte Center Sen. Arnie Stuthman offered an amendment to allow for trapping in road rights of way only when the Game and Parks Commission identifies a wildlife management problem and the appropriate county board approves the application of traps. In addition, signs alerting citizens to the traps would be required near the areas where they would be set.

Stuthman's amendment failed on a vote of 10-27. Afterwards, Stuthman offered a motion to reconsider his amendment, which failed on a 10-23 vote.

Malcolm Sen. Ken Haar offered a floor amendment, which failed on a vote of 4-37, to require Nebraska tourism brochures to include a warning that ditches in the state may contain traps.

LB5 advanced to select file 30-10.

A CLOSER LOOK.....

Urban growth districts pass second round

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"I just really question the advisability of passing a piece of legislation that all of the sudden becomes a general obligation of all citizens of a municipality without their vote," he said.

Kearney Sen. Galen Hadley agreed.

"We're circumventing the people," he said. "If it's a good idea, people will vote for it."

But Sen. Ken Haar of Malcolm said voters often defeat targeted bond measures because they see no benefit for their neighborhoods.

"When you have a bond issue before the people, there has to be something for everyone," he said.

Utter also expressed concern that municipalities would have to fall back on property taxes should their sales tax revenues decline to a point that obligations could not be met.

McGill said the bill allows the use of property tax funds, but only as a backstop measure. She said the language was included to improve the bond rate.

"This bill deals with sales tax and not property tax," she said. "This is a way to try and get around raising property taxes."

The Utter amendment was defeated 15-24.

An amendment offered by McGill to limit urban growth bond use to roads, streets, streetscapes and bridges was adopted 40-2. She said the amendment was meant to address lawmakers' concerns that bonds could be used for a Lincoln arena or a baseball park in Omaha.

An amendment brought by Sen. Mike Friend of Omaha requiring a two-thirds vote of local governing body members before a bond could be issued was approved 46-0.

Friend said requiring a supermajority of a local governing body would provide an additional check on urban growth bond issuance while ensuring local control.

"I think it makes a unique bill better," he said.

The bill originally stipulated 1988 as the start date for measuring a city's growth to determine the formula for an urban growth bond's size. An amendment offered by Omaha Sen. Pete Pirsch removing the specific date and stipulating that growth be measured from a point twenty years prior to a bond's issuance was adopted 33-0.

Lawmakers declined to adopt two additional amendments.

A McGill amendment to limit the bill's provisions to metropolitan and primary class cities failed 13-24. Omaha is the only metropolitan class city in Nebraska and Lincoln the only primary class city.

McGill said she offered the amendment in response to lawmakers' concerns, but reiterated her belief that other Nebraska cities and towns could benefit from being able to use urban growth bonds.

Scottsbluff Sen. John Harms agreed.

"What's good for urban America is good for rural America," he said. "I think everyone should have the same right and the same opportunity."

An amendment brought by Sen. Charlie Janssen of Fremont also was defeated.

The amendment would have required that local entities reach 90 percent of their maximum levy before using urban growth bonds. Janssen said local government should demonstrate that all available tools have been used before seeking new authority.

But Sen. Tom White of Omaha said it would be counterproductive to require that cities levy the maximum level of property taxes before seeking other means of roads funding. High property taxes inhibit economic growth, he said.

The Janssen amendment failed 16-32.

McGill said she was pleased with the final version of LB85.

"I think we have an even better bill now than we had this morning," she said.

The bill advanced to final reading by a 36-10 vote.

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ISSUES UPFRONT

Agriculture

Bills would regulate pet breeders

The operations of cat and dog breeders could be affected by three bills heard by the Agriculture Committee Feb. 4.

LB588, introduced by Ewing Sen. Cap Dierks, would set regulations for pet shops, breeders and dealers to guarantee the health of their animals.

In addition, LB588 would provide recourse for those who unknowingly purchase pets that suffer from a serious health problem or contagious disease resulting in severe illness or death. A pet purchaser would be entitled to a full refund, a new pet of equivalent value or reimbursement for veterinary fees if his or her pet was diagnosed with a serious health problem within seven days of being delivered from a breeder.

The provisions would not apply to animal shelters and animal control entities.

Dierks said his bill was designed to help reputable dealers and breeders and offer protections for pet buyers.

"LB588 sets the parameters. Many breeders go over and above these parameters," Dierks said.

Judy Varner, president and CEO of the Nebraska Humane Society, testified in support of LB588. She said many people who unknowingly buy a pet that has a serious illness cannot afford its veterinary care. These pets



Sen. Cap Dierks



often end up at the humane society, she said.

The bill would hold accountable breeders who do not care about the quality of puppies they sell, she said.

"Unfortunately, some breeders are in this only for the money," Varner said.

Lagene Flowers of Abbie testified in support of LB588. She said the vast majority of dogs sold by commercial breeders are healthy, though she could not say the same about "backyard breeders."

"We believe that all breeders should guarantee the health of their puppies," Flowers said. "I believe that it is the responsibility of the breeder... to guarantee their puppies to be wonderful pets the entire life of the dog."

Casey Schaaf, president of Nebraska Dog Breeders Association, testified in opposition. Reimbursing veterinary fees could add up to a 200 percent loss on a dog, he said, creating a financial hardship for breeders.

LB677, introduced by Malcolm Sen. Ken Haar, also addresses the breeding of dogs and cats. Among other provisions, the bill would:

- limit the number of dogs over the age of four months a breeder can possess to 75;
- set ventilation standards for dog enclosures;

- require shelters for housing dogs and cats to maintain temperatures between 50 and 85 degrees Fahrenheit;
- mandate food and water containers be cleaned and sanitized;
- establish three times the length of the longest dog as the standard for cage dimensions;
- require regular veterinary visits for both male and female dogs;
- limit the breeding of dogs only to those between 18 months and 8 years old; and
- require ear cropping, tail docking, debarking and surgical births to be performed with use of anesthesia by a licensed veterinarian.

Haar described a crowded Kansas facility found to contain 1,000 dogs. He said the bill was designed to prevent such facilities in Nebraska.

Robert Downey of the Capitol Humane Society testified in support of LB677. He said the bill would improve health, comfort and sanitation standards and set a baseline for humane treatment.

The 75-dog limit is appropriate because only 10 percent of licensed breeders in the state have inventories of dogs that exceed that number, he said.

Amy Lambrecht of the Nebraska

ISSUES UPFRONT.....

Dog Breeders Association testified in opposition to LB677. She said the bill mandates regulations that could be better determined by breeders, and she suspected the bill would serve as a gateway for livestock regulation.

"We are the targeted fall guy for easy entry into the animal industry, Lambrecht said. "We do not believe that there is one item in LB677 that we can agree with."

Kevin Peterson, appearing on behalf of the Nebraska Farm Bureau, also testified in opposition to the bill. He echoed Lambrecht's concern that the bill would be used to "blur the line between pet and livestock [regulations]."

Lastly, the committee heard testimony on LB241, introduced by Omaha Sen. Rich Pahls.

He said the bill would expand the definition of "premise" in regard to breeding facilities in order to enhance the state Department of Agriculture's authority to enforce the Commercial Dog and Cat Operator Inspection Act.

Pahls said the department currently has the authority to review the premises of breeding facilities; however, there is no statutory definition of "premise."

If there is reason to suspect unreasonable sanitation or housing conditions exist, the department may issue a "stop-movement order" under the bill, which would prevent the movement or removal of any dog or cat from the premise until the department completes an inspection and lifts the order.

The bill would define "commercial breeder" as any person who does one of the following:

- sells, exchanges, leases or transfers 31 or more dogs or cats in a year;
- owns or harbors four or more dogs or cats for breeding purposes in a year;

- possesses dogs or cats that produce four or more litters within a year; or
- sells, exchanges or leases dogs or cats for later retail sale or brokered trading.

In addition, the bill would limit commercial breeders to own no more than 250 unaltered dogs or cats more than one year old, though existing operations will be allowed to maintain the number of animals at their facility on the effective date of the bill.

Clem Disterhaupt of Stuart testified in support of LB241. He said the state will become a haven for puppy mills unless the provisions of the bill are implemented. The limits set by the bill are reasonable, he added.

"If you can't make a good living with 250 dogs or less, there is a management problem," Disterhaupt said. "You do a better job with a lower number."

Paul Nichols of Culbertson opposed the bill, saying the animal limit would curtail breeders' profits.

"How can we say that you can only have so many clients or so much potential?" Nichols asked.

The committee took no immediate action on the bills.

Banking

Committee hears state vehicle insurance proposal

The Banking, Commerce and Insurance Committee heard testimony Feb. 3 on a bill that would exempt state vehicles from carrying uninsured and underinsured motorist coverage.

Omaha Sen. Beau McCoy, sponsor of LB157, said the coverage is unnecessary because any state employee injured in a state vehicle is covered by workers' compensation.

State risk manager Laura Peterson testified in support of the bill, saying the measure would remove potential payment inequities to injured employees.

The current coverage requirement means that a state employee injured in an accident with an underinsured or uninsured driver while in a state vehicle may receive \$25,000 to \$50,000 more than a state employee injured at the office, Peterson said.

She said the state's auto liability insurance and workers' compensation coverage are adequate and the state should be exempt from the underinsured and uninsured motorist coverage requirement.

Matt Lathrop, testifying on behalf of the Nebraska Association of Trial Attorneys, disagreed.

The goal of workers' compensation is to rehabilitate employees so they can return to the work force, Lathrop said.

"The goal is not to make employees whole," he said. "Workers' compensation doesn't do that."

Underinsured and uninsured motorist coverage provides more money because more may be required to compensate an employee than simply being able to return to their job, Lathrop said.

The committee took no immediate action on the bill.

Bill would clarify FDIC coverage of public funds

Lawmakers gave first round approval Feb. 3 to a bill intended to clarify provisions relating to the deposit of public funds.

Current law requires public fund



Sen. Beau McCoy

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deposits in excess of amounts insured by the Federal Deposit Insurance Corporation (FDIC) to be secured either by pledged securities or a guarantee bond.

LB259 would clarify that references to amounts insured by the FDIC also include amounts guaranteed by the FDIC for any law requiring a bank, capital stock financial institution or qualifying mutual financial institution to secure the deposit of public funds in excess of amounts insured by the FDIC.

Hastings Sen. Dennis Utter, sponsor of LB259, said new regulations outlining the recent increase in FDIC coverage from \$100,000 to \$250,000 refer to amounts guaranteed by the FDIC.

"Confusion has arisen in a number of state statutes," Utter said. "This law just clarifies that insured and guaranteed mean the same thing."

The bill would take effect immediately upon passage.

Senators approved a technical committee amendment and advanced the bill to select file 42-0.

Unclaimed property bill heard

The Banking Commerce and Insurance Committee heard testimony Feb. 3 on a measure seeking to bolster the state's efforts to return unclaimed property.

Omaha Sen. John Nelson, sponsor of LB432, said the bill would help protect Nebraskans from identity theft and fraud. The state does excellent work reconnecting Nebraskans with their unclaimed property, Nelson said, but improvements are possible.



Sen. Dennis Utter

Under the bill, the state would be required to treat personal records of abandoned property holders, including social security number, date of birth and last known address, with the same confidentiality as tax return information held by the state Department of Revenue.

According to deputy state treasurer Jason Hayes, who testified in support of the bill, there currently are no restrictions on who may purchase unclaimed property lists. He said the treasurer's office recently received a hand written request from an incarcerated Texas felon.

Once purchased, unclaimed property lists are used by some individuals and companies to prey upon elderly Nebraskans, Hayes said. For example, list holders, or "finders," make money by contacting people with unclaimed property and suggesting that they must pay a fee to claim it, he said. No such fee is required.

The bill also would cap the fee that finders may charge at 10 percent. Hayes said some finders currently charge up to 35 percent.

Nelson said the bill would assist the state treasurer and better protect Nebraskans.

There was no opposition testimony.

The committee voted 8-0 to advance the bill to general file.



Sen. John E. Nelson

Education

Schools could have role in preventing dating violence

Schools would be required to address dating violence under LB64.

The bill, introduced by Omaha Sen. Gwen Howard, was heard by the Education Committee Feb. 3. It was requested by Attorney General Jon Bruning.

Howard said the bill is modeled after Rhode Island's Lindsay Ann Burke Act, named for a 23-year-old Rhode Island woman brutally murdered by a former boyfriend in 2005.

LB64 would require the state Department of Education to develop a model policy for local school districts by March 1 to respond to and report dating violence.

Each school district would be required to:

- provide dating violence training to appropriate staff;
- establish a policy by July 1 to address incidents of dating violence involving students at school; and
- incorporate age-appropriate dating violence education for students into its current curricula.

According to Howard, LB64 would protect students against unwarranted conduct and abuse. One in five girls ages 13 and 14 report knowing a friend who experienced physical violence in a relationship, she said. Twelve percent of high school girls in Nebraska report having been forced to have sex, she said, which is 1.6 percent higher than the national average.



Sen. Gwen Howard

Students are better equipped to avoid such abuse if they are taught the signs of a bad relationship, she said.

"Teen violence can be the beginning of a lifetime of violence for both the victim and the offender," Howard said.

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Tonya Folk, executive director of the Community Domestic Violence Intervention Program in North Platte, testified in support of the bill. She said she has worked with over 700 men in batterers' intervention programs.

"The most common question I get from them is: Why didn't I learn this in school?" she said.

She acknowledged that the new requirements could create more work for schools, but she said service providers around the state could be a useful resource.

"If they partner with local domestic violence programs, something very positive can be developed," she said.

Paul Olson of Nebraskans for Peace supported the bill, he said, because it would implement a comprehensive program to prevent violence.

"Bullying is a precursor of dating violence, dating is a precursor of domestic violence," he said. "Good dating violence programs are not a one-shot presentation from a teacher."

Marty Conboy, who serves on the Domestic Violence Coordinating Council, also supported the bill. If students never learn about good relationships in schools, it is a missed opportunity.

"Most kids don't know what an adult relationship is like," he said. "They learn it as they go."

The committee took no immediate action on the bill.

Bill would change school sport rules

The Education Committee heard testimony on a bill Feb. 3 regarding schools' regulations on student athletes' participation in club sports.

LB228, introduced by Tekamah Sen. Kent Rogert, would require that high schools not hold membership in

any organization that sanctions a student or infringes on their right, with parental consent, to participate, train and compete in school activities with relation to non-school activities.

Rogert said current Nebraska School Activities Association rules limiting student athletes' participation in the same club sport outside school time prevents parents and students from making their own choices.

The intent of the rule is to prevent students from overworking the same muscles, he said, but he questioned that rationale since the rules allow students to participate in both school volleyball teams and private club sports such as soccer.

"Why would we want to prevent students from reaching for the stars?" he asked. "We don't want to limit their opportunities, we want to expand them."

Mollie McNeel, a student swimmer at Lincoln Public Schools, testified in support of the bill. She said she wanted to participate in one or two Olympic development events, so she applied for a waiver, which was denied. As a result, she said, she chose to swim only with her club team and missed the opportunity to represent her high school swim team.

"If I can't go to these meets, most colleges won't see me swim and see my performance to offer me a scholarship," she said.

McNeel said she doesn't understand why her waiver was denied; she is a 4.0 student, on student council and Youth Leadership Lincoln and ranks in the top 99.4 percent of swimmers her age nationally.

"It is very wrong that the NSAA can tell my parents what to do with

me after I leave school," she said.

Jim Tenopir, executive director of the NSAA, opposed the bill. He explained that the organization is an association of member school districts, which set their own regulations. In this case, he said, the club sport rules were set to "prevent students from cherry picking events."

"We have to set guidelines," he said. "If a coach can't depend on a student to participate in school events, they can't plan for their team."

NSAA has regularly approved requests for Olympic development events since 1991, he said, so the waiver denials are not coming from NSAA, but from the school district.

"Olympic development activity requests come to us and we say ok," he said. "Anything we have been made aware of we have made approvals of."

Laura Holmes, whose son is a soccer player, provided neutral testimony. She said there are "fundamental problems in the structure of how [the NSAA] works with parents, students and clubs."

Despite these problems, she said, the state needs a body to regulate activities. She suggested that the committee review whether the state Department of Education is providing adequate oversight of the NSAA.

The committee took no immediate action on the bill.

Bill would forgive some teacher loans

Fremont Sen. Charlie Janssen introduced LB665 to the Education Committee Feb. 2.

The bill would permit students at Nebraska's public and private colleges and universities to participate in a loan forgiveness plan if they agree to teach in a shortage area school dis-



Sen. Kent Rogert

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trict for a certain period of time.

The Coordinating Commission for Postsecondary Education would administer the program and report results to the Legislature and governor.

Janssen said the bill is modeled after a successful Wyoming program. He brought the bill, he said, to encourage new teacher college graduates to return to their hometowns to teach.



Sen. Charlie Janssen

“Graduates may look for higher pay than what their hometown schools can offer,” he said.

He said the \$150,000 proposal is a small amount, but would demonstrate whether the program works and should receive more funding.

If people are not paying back undergraduate loans, money is freed up for continued education, he said.

“It’s a gateway to a master’s degree,” he said.

Jay Sears, program director for instructional advocacy at the Nebraska State Education Association, testified in support. Tekamah-Hermann schools, he said, start new teachers at \$27,800. A town of equivalent size in Iowa starts salaries at \$31,900.

Wyoming starts teacher salaries at \$40,000, he said, making it hard for Nebraska communities to compete.

“Talk to a recent graduate of Chadron and ask where they’re going,” he said. “They can do the math.”

The committee took no immediate action on the bill

General Affairs

Bill would extend alcohol sales

Nebraska bars would be allowed to sell alcohol until 2 a.m. under a bill heard Feb. 2 by the General Affairs Committee.

Tekamah Sen. Kent Rogert, sponsor of LB262 said the bill would put Nebraska on an equal footing with surrounding states and would keep more tax dollars in the state.

Current law prohibits the sale or dispensing of alcoholic liquor at retail venues from 1 a.m. to 6 a.m. Rogert said local government bodies currently may adopt ordinances requiring establishments to close prior to 1 a.m., but are not allowed to legalize hours of operation past 1 a.m.



Sen. Kent Rogert

Rogert said almost all neighboring states have a 2 a.m. close and that Nebraska is one of only six states requiring a 1 a.m. or earlier closing time. The discrepancy encourages Nebraskans to cross state lines to drink, he said, and discourages convention business.

“Border bleed is a big thing,” Rogert said. “The change will encourage them to stay in Nebraska and spend their money here.”

Jim Moylan, testifying on behalf of the Nebraska Licensed Beverage Association, agreed.

Over 53 percent of Nebraskans live in border counties that are within a half hour drive of states with later closing times, he said. People who drive to another state to take advantage of the extended hours present both a loss of revenue and a safety concern, he said.

Moylan also noted that political subdivisions wouldn’t be required to allow businesses in their jurisdiction to be open until 2 a.m., but said the bill simply would give them the option to do so.

“That’s the local control issue,” he said.

Patrick Vonda, who said his family has been in the bar business all his life, also testified in support of the bill. He said current law damages the state’s ability to attract convention business.

“Quite a few deals are done around a cocktail table,” Vonda said.

There was no opposition testimony.

The committee took no immediate action on the bill.

Government, Military and Veterans Affairs

Bill would reinstate Capitol courtyard design

The original landscaping plan designed for the Nebraska State Capitol’s courtyards would be reinstated under a bill considered by the Government, Military and Veterans Affairs Committee Feb. 4.

LB86, introduced by Sen. Norm Wallman of Cortland, specifies that each of the four courtyards within the Capitol would see the addition of fountains by the end of 2010. The bill’s fiscal note estimates a cost of \$1.8 million for completion.

Wallman explained that the landscaping was part of the Capitol’s original design plan but was put on hold because of the Great Depression.

He described the checkered tile

ISSUES UPFRONT.....

paths that can be found in each courtyard.

"You can tell by the design of the tile that there is something missing," he said. "You never see people walking out there, and I think it's a shame."

Wayne Drummond, dean of architecture at the University of Nebraska-Lincoln, called the bill an extraordinary opportunity to realize the original design. The completed courtyards, he said, would be an asset to the Capitol Building and its visitors.

Capitol administrator Bob Ripley provided neutral testimony. He described the 1934 design for the fountains as "a low soup bowl in a saucer" that would be tiled in a mosaic of ceramic and glass.

When asked about alternative funding possibilities, he said a fundraising campaign to cover some of the costs could be successful. The bill would cover about 70 percent of the total landscaping plan, he said, adding that it may be easier to raise funds to cover the costs of turf and plantings rather than the "hardscaping" of fountains and plumbing.

The committee took no immediate action on the bill.

Sheriff fee increases proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 4 on a bill that would increase various fees charged by sheriffs for services they are required by state law to provide.

Sen. Brad Ashford of Omaha, sponsor of LB273, said sheriff's fees

are set in statute and have not been increased in 22 years. The cost of processing and serving documents has increased during that time, he said, and fees should be raised accordingly.

Some of the increases outlined in the bill are:

- from \$2 to \$20 to serve a search warrant;
- from \$10 to \$20 to serve a summons or subpoena;
- from \$1 to \$15 to call an inquest to appraise goods; and
- from \$15 to \$32 to levy a writ or a court order.

The bill also would increase fees for conveying prisoners.

Lancaster County sheriff Terry Wagner, representing the Nebraska Sheriff's Association, spoke in support of the bill.

Wagner said sheriffs serve a variety of documents including search warrants, jury summons, petitions, subpoenas, real estate foreclosures and court orders. The current fee structure covers less than half the cost of these services, he said.

"Taxpayers, through property taxes, cover the rest," he said.

Wagner acknowledged that statute provides for alternative methods of service, including by certified mail, but said in-person delivery is required in most cases. Having a uniformed deputy serve a paper gives the document more credence and increases the likelihood of compliance, he said.

Douglas County sheriff Phil Woodward also testified in support of the bill.

Woodward said Douglas County brings in about \$400,000 per year under the current fee structure but that the cost to provide the services is close to \$813,000. Under the proposed fee structure, the county would bring in between \$800,000 and

\$900,000 per year, he said.

"We're doing it as efficiently and effectively as we can," Woodward said.

Jeremiah Luebbe of Credit Management in Grand Island testified against the bill.

Luebbe said the fee increases would provide a disincentive for businesses to hire companies to recoup their losses on unpaid debts. Debt collectors are one of the largest users of sheriffs' offices to serve papers, he said, and collectors would have to pass the fee increase on to the small businesses that hire them.

"Collection agencies are the last line of defense for keeping many businesses open," he said.

Furthermore, the proposed increases would make Nebraska's fees much higher than fees in neighboring states, Luebbe said. The fee to serve a basic document in Iowa is \$15 plus mileage, he said, and \$5 in Kansas. The current fee in Nebraska is \$10; the bill would raise it to \$20.

Bill Mueller, testifying on behalf of the Nebraska State Bar Association and the Nebraska Collector's Association, also opposed the bill.

The proposed fee increases would be mandatory in Douglas and Lancaster counties, Mueller said, because current Nebraska

law does not allow private process servers in counties with constables.

"The increases contained in the bill are substantial," he said. "The bill as introduced is too much."

Ashford acknowledged that some of the fee increases are large.

"This is a big bill," he said. "There's a lot of money in it."



Sen. Norm Wallman



Sen. Brad Ashford

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Ashford asked the committee to consider removing a provision from the bill that would increase the state's permit fee for handguns. Keeping the fee low helps ensure that handguns are sold to law-abiding citizens, he said.

The committee took no immediate action on LB273

Health and Human Services

Committee hears behavioral health hotline proposals

The Health and Human Services Committee heard joint testimony Feb. 5 on two proposals to establish 24-hour, seven-day a week behavioral health hotlines in Nebraska. Both proposals seek to address gaps in access to children's behavioral health services in Nebraska brought to light by the state's 2008 safe haven law, but the bills differ somewhat in approach.

LB275, introduced by Lincoln Sen. Amanda McGill, would require the state Health and Human Services Department to establish a hotline providing crisis assistance, information and referral services in each of the state's behavioral health regions. Trained behavioral health personnel would staff the line.

LB346, introduced by Papillion Sen. Tim Gay at the request of the governor, would require a single hotline for the entire state that would provide screening, assessment and referrals to existing community-based resources. Licensed mental health practitioners would staff the line.

The bill also would require establishment of voluntary post-adoption and post-guardianship case manage-

ment services and a peer support program for families in crisis.

Both bills would require HHS to collect and report data on crisis line operation and service provision.

McGill said her bill resulted from her experience heading the Children in Crisis Task Force, which worked with families, hospitals, providers and HHS to determine how best to address gaps in the system.



Sen. Amanda McGill

"We were able to see that one of the most practical things we could do right now is provide an access point," she said. "There's more that needs to be done in the future, but this is a fabulous first step."

Gay agreed, saying the state is recognizing flaws in the system and "tackling them head on."

Scot Adams, HHS behavioral health director, spoke in favor of the single hotline proposed in LB346. Nebraska families would benefit from one statewide, promotable and recognizable hotline, he said, adding that one phone line also would streamline the data collection necessary to evaluate the program's success.

"When we change priorities, we want to make sure it works," Adams said.

The \$5 million projected cost of the programs outlined in LB346 would be paid primarily through new federal funds, potential savings from pending legislative bills, child support collections and proposed cuts to current services in the state's mental health regions, he said.

Over a dozen representatives of behavioral health organizations and family members of children with behavioral health needs spoke in

favor of the bills. Many, however, expressed reservations about funding and oversight.

Jim Blue, president of the Children and Families Coalition of Nebraska, testified in favor of a single phone line, but said a crisis line is only the first step. Without sufficient funds, the phone line merely would increase access to a still limited number of services, Blue said, and the state would be "creating better access to longer waiting lines."

Topher Hansen, president of the Nebraska Association of Behavioral Health Organizations, agreed. "We need new service money," he said. "If you can't access services then you have a crisis line to nowhere."

Hansen supported LB275 because of its provision for each behavioral health region to operate its own crisis line. Local control would allow training to be fine-tuned to a particular geographic area, he said.

Scott Dugan, CEO of Mid-Plains in Grand Island, said he knows crisis lines can make a difference. Dugan operated a hotline in central Nebraska for four years that received an average of 90 to 100 calls a month, he said.

"I can attest to the fact that it makes a difference," Dugan said, but he asked senators to reconsider the crisis line's funding mechanism.

"Shifting money out of behavioral health regions is destructive," Dugan said. "It's a catastrophe that this committee should not allow to happen."

Lola Hooper, an adoptive parent from Grand Island, said families often are frustrated by the lack of centralized information available. Valuable time was lost in the search for services for her children, Hooper said, because she frequently was transferred between agencies.

"Time can be saved with one source of help," she said.

Sharon Dalrymple, executive di-

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rector of Families Inspiring Families, said the peer counseling provided for in LB346 would be invaluable to parents in crisis.

"I have lived the life of feeling hopeless and isolated," she said. "Families want to know that they're not alone."

But Melanie Williams-Moseman said neither bill goes far enough.

Testifying in opposition, Williams-Moseman described the struggle to obtain services for her 17-year-old stepdaughter. She said the family fought for months to keep the teen at home, only to have HHS place the girl with her grandmother against her parent's wishes.

"She is now missing," Williams-Moseman said. "No one knows where she is."

Williams-Moseman urged the committee to consider independent oversight of children's behavioral health services in Nebraska.

"HHS seems too often to be on the wrong side of these issues," she said. "It's too frequent to be accidental."

Sarah Helvey, director of child welfare at Nebraska Appleseed, also spoke in opposition to the bills. She said the state would not gain from cutting services in the behavioral health regions, and expressed doubt that a hotline would best address lack of access to services.

"We ask that you amend the bill to address a broader array of issues," Helvey said.

Sarpy County social worker Georgie Schurfield testified in a neutral capacity, saying the committee should consider combining the best aspects of both bills. The post-adoptive measures in LB346 are needed to ensure that adoption provides genuine permanency for children, she said.

"One of the most painful things

we do is dissolve adoptions," Schurfield said.

She supported the proposed regional level approach of LB275, however, and echoed concerns that both bills lack new funding for more programs.

"There have to be services that we're opening the door to," Schurfield said.

The committee took no immediate action on either bill.

Flu vaccine pilot program discussed

The state Department of Health and Human Services would be required to develop a school-based influenza vaccination pilot program under a bill sponsored by Lincoln Sen. Kathy Campbell.

LB448 would require HHS to operate a two-year pilot program beginning in the 2009-10 school year for Nebraska children ages 6 months to 18 years. School participation would be voluntary and vaccination could be administered only with parental consent.

Campbell said funding would be sought from the federal Vaccines for Children program and from grants, donations, appropriations and reimbursements from other public and private sources. The program would provide important experience and data should the state be required in the future to vaccinate all students against the flu, she said.

The Health and Human Services Committee heard testimony on the bill Feb. 6.

Dr. Peter MacDonald, represent-

ing the pharmaceutical company MedImmune, supported the bill. He said vaccinating children is a critical health care issue.

"We need to protect this age group, which has the highest flu rate," MacDonald said. "They are twice as likely to get the flu as adults, including the elderly."

MacDonald said the bill would help children obtain the vaccine who otherwise may not. Many children don't have a primary care provider, he said, and would benefit from having the flu vaccine available at school.

Speaking on behalf of Lincoln Public Schools, Mary Campbell supported the bill's intent. The correlation between healthy children and classroom performance is well established, she said, but LPS has concerns about the bill's funding.

Kay Oestmann of the state Association of County and City Health Officials, who testified in a neutral capacity, shared those concerns.

Oestmann said the federal Vaccines for Children program has strict guidelines governing funding and eligibility for the vaccines they provide. Nebraska may not receive sufficient federal funds, she said, and LB448 does not provide other specific funding sources for the pilot program.

In spite of those concerns, Oestmann said her organization fully supports immunizing children and encouraged the Legislature to work with local health departments to further that goal.

Joe Miller testified against the bill, saying that many vaccines contain toxic levels of mercury and aluminum and may not be safe for children.

"Our kids are getting too many vaccines already," he said.

The committee took no immediate action on LB448.



Sen. Kathy Campbell

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Behavioral health rate commission proposed

The Health and Human Services Committee heard testimony Feb. 5 on a bill that would establish a reimbursement rate commission for all nongovernmental providers contracting with the state to provide services under Medicaid or other state-funded behavioral health programs.

Lincoln Sen. Amanda McGill, sponsor of LB519, said the commission would prepare a report for each biennium budget cycle using a methodology designed to determine necessary market adjustments for service providers.

The commission would then make recommendations to the governor, the state Department of Health and Human Services and the Legislature.

McGill stressed that the report would provide recommendations only.

“Nothing in this bill requires any appropriation of funds,” she said.

McGill said providers have had to fight for incremental increases in the past and many providers in rural Nebraska have not made enough money to stay in business.

Having a rate review process in place would help stabilize the state’s provision of behavioral health services, she said.

Tom McBride, past president of the Children and Families Coalition of Nebraska, testified in support of the measure, saying it is difficult for providers to find and keep qualified staff when the rates they can charge don’t cover the cost of doing business.



Sen. Amanda McGill

“We went six years at one point with no rate increase at all,” McBride said.

Topher Hansen, testifying on behalf of the Nebraska Association of Behavioral Health Organizations, agreed.

Providers have seen a 9 percent rate increase since 2003, Hansen said, yet the cost of providing services has gone up 25 percent in the same time period.

The bill is an opportunity to make rate decisions based on accurate, objective information about the cost of service provision, Hansen said.

“What we’re asking for is a fair opportunity,” he said.

But Omaha Sen. Gwen Howard questioned why the state should compile the information, particularly when the bill contains no enforcement mechanism.

“Why do we need a bill for it?” she asked.

Scot Adams, HHS behavioral health director, also questioned the need for LB519.

Adams said the bill is overly complicated and “out of sync” with the standard appropriations process.

Currently, the behavioral health division operates with an annual appropriation from the Legislature that results from public hearings with senators, consumers and providers, he said. Asking the division to staff the commission, conduct research and make recommendations on rate increases is not a good idea, he said.

“I appreciate the intention,” Adams said. “But it is inappropriate for us to do that.”

The committee took no immediate action on the bill.

Addition to behavioral health task force proposed

LB540, sponsored by Papillion Sen. Tim Gay, would add the state’s

probation administrator to the membership of the Children’s Behavioral Health Task Force. The measure was heard by the Health and Human Services Committee Feb. 5.

Gay also offered an amendment, at the request of the state department of Health and Human Services, to remove the department’s representatives from the task force.

Tom McBride, who has served on the task force since its inception, said the absence of a probation representative has been noticeable.

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



Sen. Tim Gay

Opt-out considered on statewide smoking ban

The state would revisit the Nebraska Clean Indoor Air Act under a bill heard by the Health and Human Services Committee Feb. 6. The act is a statewide ban on smoking in indoor public places, passed by the 2008 Legislature and set to take effect June 1, 2009.

LB611, sponsored by Wilber Sen. Russ Karpisek, would provide local governing bodies the ability to opt out of the act’s provisions or to pass more stringent restrictions. Currently, the only exemptions to the ban are:

- private residences, unless being used as child care facilities;
- guest rooms and suites that are rented and designated as smoking;
- areas used for research on the health effects of smoking; and
- retail stores selling only to-

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bacco and products directly related to tobacco.

Karpisek said his bill is about private property rights, not smoking.

"I'm not here advocating for smoking, but for personal rights," he said.

Government should not have the authority to control a legal activity on private property, he said, and at the very least, local government should be able to control its own destiny.

"Lincoln and Omaha got to vote," he said. "The rest of the state is getting it shoved on them."

Attorney Paul Schumacher of Columbus testified in support of the bill.

He said lawmakers should consider what level of government decision-making is appropriate. Many rural Nebraska communities are struggling to exist, he said, and the local bar may be one of the few institutions left. The fate of that bar should be decided in the local community, Schumacher said, not in Lincoln.

Jim Moylan of the Nebraska Licensed Beverage Association agreed.

"Probably the only place they're going to allow [smoking] is in places with liquor licenses," he said. "It's the logical place for smoking to continue."

But Jim Otto of the Nebraska Restaurant Association said a statewide ban without the possibility of an opt-out is necessary to ensure a level playing field on which businesses can compete. The last thing restaurant owners want is a patchwork solution, he said.

Cindy Jeffrey of the Nebraska



Sen. Russ Karpisek

Cancer Association also opposed the bill, saying the state has already spoken on the issue. The Legislature passed the ban last year, the governor signed the law and 81 percent of Nebraskans support it, she said.

Kathy Burson of Omaha said an opt-out clause would weaken important health protections for employees. The primary purpose of the statewide smoking ban is to protect employees from second-hand smoke, she said.

"The Nebraska Clean Indoor Air Act is a simple, strong and fair law," Burson said. "I request that you leave it intact."

The committee took no immediate action on the bill.

Judiciary

Peace officer complaint procedures advanced

Lawmakers gave first round approval Feb. 2 to a bill that would guarantee procedural safeguards for peace officers during formal administrative investigations.

Omaha Sen. Tom White, sponsor of LB158, said the bill would set minimum guidelines and standards for dealing with citizen complaints about police officer misbehavior.

"Police officers are in unique positions," he said. "The nature of the job is such that you'll anger people."

Under current state law, police officers are afforded due process when under criminal investigation but not necessarily during administrative investigations, White said.

LB158 would:

- detail the procedures to be followed before a peace officer's formal statement could be

obtained;

- prescribe where a statement could be taken;
- require filing of a written complaint and supplying the officer with that complaint;
- provide preference that a hearing be scheduled during scheduled work hours;
- require recording of a formal statement;
- provide the officer a right to representation; and
- provide agency liability for violation of the act.

A Business and Labor Committee amendment was offered to exempt agencies accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA) from the bill's provisions.

Omaha Sen. Steve Lathrop, committee chairperson, said that only about 1 percent of law enforcement agencies are accredited by CALEA, and those that are accredited already have procedures in place to protect officers accused of misconduct.

White said Douglas County and Omaha are certified by CALEA and that his bill would provide protections for peace officers in smaller counties and communities that may not be able to afford the accreditation process.

The amendment also removed a stipulation that complainants sign the written complaint. Lathrop said sometimes anonymous complaints need to be investigated and citizens might be concerned about retribution if their identities were public.

Finally, the amendment would prohibit public release of photographs



Sen. Tom White

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of an officer under investigation without the officer's permission.

The amendment was adopted 36-1.

Norfolk Sen. Mike Flood said some Nebraska police officers are in peril of losing their jobs simply for doing their jobs. Officers often anger citizens by enforcing the law and are vulnerable to accusations, Flood said.

"Nobody likes to talk about it," he said. "But you put them in a tough spot in these small towns."

However, Flood expressed concern about an officer's ability to sue an agency for violating the act's provisions. Doing so would be going a step too far, he said.

Sen. Mike Friend of Omaha agreed. "I think it's problematic," he said. "I think it's a reach."

Scottsbluff Sen. John Harms said the bill's due process protections might not go far enough. The procedures outlined in the bill may be used as the foundation for a court case, Harms said, and requiring a court reporter and legal representation during a hearing might be necessary.

"If you don't have legal counsel there, I think you're making a terrible mistake," Harms said.

White said the bill is a modest revision of Nebraska law. Currently, agencies are required to provide a peace officer with cause only at a dismissal hearing, he said, and that may be the first time an officer becomes aware of a citizen complaint.

"That's like saying you get an appeal, but you don't get a trial," White said. "It's a cruel hoax."

LB158 advanced to select file on a 26-16 vote.

More inclusive jury pools proposed

Jury pools would expand under a

bill heard by the Judiciary Committee Feb. 4.

LB305, introduced by Omaha Sen. Brenda Council, is based on recommendations from the Nebraska Minority Justice Committee's Minority and Justice Task Force. The task force found significant racial disparities in the state's initial and eligible pools of jurors, Council said.

Master jury lists are comprised of registered voters and registered drivers in the state of Nebraska. Because minorities may be less likely to be registered to vote and less likely to be registered to drive, current source lists may not effectively achieve a representative master list, she said.



Sen. Brenda Council

In the interest of creating a jury pool more representative of a cross section of the community, LB305 would add individuals who possess a state identification card to the source list used to create the master jury list.

"A jury is to be a body of truly representative members of the community," Council said.

Dr. Liz Neilly of the University of Nebraska - Lincoln's Public Policy Center and the director of Nebraska Minority Justice Committee supported the bill, which she said reflects policy used in eight other states.

She said racial and ethnic minorities are significantly underrepresented on juries. These same groups comprise 50 percent of the state's identification card holders, she said.

Riko Bishop, a Lincoln attorney and member of the task force, said the bill would allow more people to do their civic duty. The bill would add 77,000 names to the state's jury

pool, she said, making it a "small but effective step" toward more representative juries.

The committee took no immediate action on the bill.

Committee considers adding judgeships

Nebraska courtrooms could see some relief under a bill heard by the Judiciary Committee Feb. 6.

Introduced by Lincoln Sen. Colby Coash, LB669 would create five new judgeships:

- one county and one district judgeship in the Second Judicial District, which includes Sarpy, Cass and Otoe counties;
- one county and one district judgeship in the Third Judicial District, which includes Lancaster County; and
- one judgeship for the Juvenile Court of Douglas County.

Coash said the bill was based on recommendations from a Judicial Resources Commission study on public access to the judicial system, population growth and judges' workload statistics, duties and travel time.

Lancaster County District Judge Paul Merritt testified in support, saying the Legislature is the only entity that can change judicial districts or create new judgeships.



Sen. Colby Coash

The Legislature added the last judgeship to the district court in 1996. Since then, he said, the court has experienced a caseload increase of 20 percent.

Lancaster County Court Judge Susan Strong said the county court has seen even larger increases in caseload. Since the addition of their last

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judge, she said, the court's caseload has increased 60 percent.

"We have a need that is about as acute as it can get," she said. "We don't feel like the people in Lancaster County are getting access to the justice they deserve."

Douglas County Juvenile Court Judge Vernon Daniels echoed the need for additional judges. He said judges on his court averaged 573 cases last year. The unique nature of the juvenile court is that the cases "tend to hang around" until the minor child turns 19, he said.

He said judges hold hearings every 15 minutes and often read 500 pages of exhibits per day.

"Fifteen minutes is not enough time to fully devote to families," Daniels said. "Simply put, our need is urgent."

Chief Deputy Lancaster County Attorney Joe Kelly said he recognized that economic concerns make adding judgeships difficult. He suggested that the committee consider inviting retired judges back to serve part-time in order to provide some relief to the courts.

No opponents testified at the hearing, and the committee took no immediate action on the bill.

Natural Resources

Proposed Game & Parks fee raises curbed

A bill that would have increased fees administered by the Game and Parks Commission was reined in by an adopted amendment before being advanced to final reading Feb. 6.

Schuyler Sen. Chris Langemeier

offered the amendment to LB105, which gutted the bill, discarded adopted amendments and started anew. Most of the subjects addressed in the original bill were retained, but virtually all of the proposed hunting and fishing fee increases were scrapped.

Lincoln Sen. Tony Fulton spoke in support of the amendment. Increases in fees could discourage prospective hunters and fishers from purchasing permits, he said, which could lead to revenues shortfalls despite the greater fees.

Langemeier said one of the fee increases spared by his amendment was the aquatic habitat stamp. He said the fee increase was granted in his bill because the Commission promised to use the funds to aid fishing habitats.

LB105 as amended would raise the limit for aquatic habitat stamps from \$7.50 to \$10, and lifetime fishing permits would be increased from \$100 to \$200. Furthermore, 30 percent of receipts received by the Nebraska Aquatic Habitat Fund would be required to be spent on fisher access enhancements and programs related to aquatic habitats.

Other increases in fee limits included in the amendment were:

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

The amendment included a provision of an earlier amendment Lange-

meier introduced during general file debate that would prohibit the Commission from raising fees more than 6 percent annually or 12 percent per biennium.

The amendment maintained penalties in the original bill for offenses ranging from discharging a firearm from a road to hunting without a permit. As amended, the bill also would create youth hunting permits for various game animals.

Other provisions of the bill as amended include:

- identification requirements for motorboat leasing and renting;
- authority for the Game and Parks Commission to adopt and promulgate rules and regulations for fees relating to expired licenses, permits, stamps, bands, registrations and certificates issued under the Game Law and State Boat Act;
- an exemption for zoos accredited by the Association of Zoos and Aquariums or Zoological Association for obtaining certain captive animal permits;
- a requirement that 25 percent of the fees received for lifetime game permits be invested and not spent by the commission;
- fine increases from \$150 to \$250 for hunting using spotlights attached to or used from a vehicle or boat;
- allowances for using a bow and arrow from a vessel with the aid of artificial light to fish unprotected species; and
- prohibitions for administering a drug to any wildlife under the jurisdiction of the commission for fertility control, disease prevention or treatment, immobilization or growth stimu-



Sen. Chris Langemeier

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lation; and

- a fee limit of \$299 for a resident lifetime fur-harvesting permit.

Langemeier's amendment was adopted on a vote of 39-0, and LB105 was advanced to final reading on a voice vote.

Instream flow regulations considered

Instream flow appropriations would be prohibited in river basins deemed fully appropriated or over-appropriated under a bill heard by the Natural Resources Committee Feb. 5.

LB438, introduced by Valentine Sen. Deb Fischer, would add to the criteria that the state Department of Natural Resources must require before granting an instream appropriation by stipulating that the appropriation may not be in a river basin, subbasin or reach that has been designated by the department as fully appropriated or overappropriated.



Sen. Deb Fischer

"The constitutional standard has been that water rights are only granted when underappropriated rights are available," Fischer said.

Dean Edson, executive director of the Nebraska Association of Resource Districts, testified in support of LB438. He said the bill would provide justification for rejecting instream flow rights in areas that cannot afford the water.

"Once a basin is declared fully appropriated, there are no new uses allowed," Edson said.

Duane Sugden of the Nebraska Farm Bureau also testified in support

of LB438. Instream flow rights should not be treated differently than any other water right, he said.

"The granting of an instream flow does take water off the table for other uses," Sugden said. "To users in other basins, it has the same effect as a consumptive use."

Duane Hovorka of Elmwood opposed the bill. LB438 would endanger the Platte River Recovery Program, result in an infringement on federal water rights and defeat the purpose of LB962 adopted in 2004, he said.

Hovorka said instream flows are not consumptive uses of water because they do not adversely affect other water uses.

"It's not like you're taking [water] off for growing plants," Hovorka said. "An instream use doesn't use the water; it keeps it in place."

Sandra Zellmer, professor of law at University of Nebraska-Lincoln College of Law, testified in opposition to LB438. Under current law, new water uses in areas declared fully appropriated are permitted for dedications to instream flow protections and non-consumptive uses, including the preservation of flows, she said.

Zellmer said many western states have adopted water policies in the past that regarded water left in streams as wasted. She said instream flows ensure adequate water levels, and without protection, streams became "little more than concrete ditches."

In addition, Zellmer said, instream flows could not be used to claim vast amounts of water, due to the strict criteria instream appropriations must satisfy. A mere 280 miles, or 2 percent of Nebraska's fishable streams, have instream flow protections, she said, and these flows are reviewed by the department and can be canceled after 15 years if they are deemed no longer in the public interest.

The committee took no immediate action on LB438.

Revenue

Crackdown in the hiring of undocumented workers proposed

Businesses wishing to take advantage of state tax incentive programs would be required to verify their employees are legally present in the U.S. under two bills heard before the Revenue Committee Feb. 6.

LB335, introduced by Omaha Sen. Mike Friend, would deny tax incentives to employers who do not electronically verify the legal presence of all employees working in Nebraska. Any hours worked and compensation paid to unverified employees could not be applied to tax incentives.

Tax incentive programs affected by the legislation include the Nebraska Advantage Rural Development Act, the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act and the Nebraska Advantage Microenterprise Tax Credit Act.

Friend said he would offer an amendment to restrict the provisions of the bill to new employees.

Though his bill does not explicitly name an electronic verification service, Friend said he assumed E-Verify would be the service employers use.



Sen. Mike Friend

Susan Smith, representing Nebraskans Advisory Group, also testified in support of the bill. She said she would prefer that the bill also apply to existing employees to prevent a rush of

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hiring undocumented workers before the effective date of LB335.

Smith said many undocumented workers receive 1099 tax forms, which they fail to return, resulting in a loss of \$1 trillion in unreported taxes annually.

“This bill would go a long way in helping us increase our revenue,” Smith said.

Laurel Marsh of ACLU Nebraska opposed the bill. She said she questioned the accuracy of the E-Verify system and urged committee members to reconsider a measure that would restrict employment during an economic downturn.

“The last thing we need is to pass legislation that would make it more difficult for Nebraskans to work,” Marsh said.

Rebecca Gonzales of Nebraska Appleseed also testified in opposition to LB335. Widespread use of E-Verify would stress the Social Security system beyond capacity, she said. Furthermore, the system is unreliable, she said, as Intel recently reported that 13 percent of its workers who were run through the system could not be confirmed.

“The system is simply not ready for prime time, as five congressional hearings have pointed out,” Gonzales said.

Friend disagreed with the negative assessments regarding E-Verify.

“I think arguments for inaccuracy are inconclusive at best,” Friend said. “The idea that this could end up being used as a tool to thwart employees from gathering gainful employment is far from the truth.”

The second bill heard by the committee was LB95, introduced by Omaha Sen. Gwen Howard.

LB95 would require businesses participating in the Nebraska Advantage Act to certify that they have

not knowingly hired employees who are not legally present in the U.S. during the five years prior to their application for the program. Employers failing to meet the provisions of LB95 would be required to forfeit their incentives.

Howard said her goal was not to stymie undocumented workers, but to discourage the practice of hiring illegal immigrants.

“I don’t fault anyone wanting to provide a better life for themselves or for their families,” Howard said. “For people who are desperate, the quality of life in the U.S. is enticing.”

Smith offered her support for LB95, saying that the bill would influence companies not to hire undocumented workers.

“This will help clamp down on the abuses that are going on,” Smith said. “Instead of a flowing river, it might bring it down to a trickling stream.”

The committee took no immediate action on either bill.

Revenue Committee hears proposed income tax exemptions

Members of the Revenue Committee considered a series of income tax exemptions Feb. 4, ranging from military retirement to Social Security benefits.

LB69, introduced by Bellevue Sen. Abbie Cornett, would exempt military retirement benefits from income tax. The bill proposes a 10 percent exemption be introduced in the 2009 tax year, which would increase by 10 percent annually until 100 percent of benefits were exempt in 2018.

Cornett said LB69 is intended to prevent money from leaving the community. She said 23 states exempt all military retirement benefits from income taxation, and 45 states provide some type of an exemption, whereas

Nebraska offers none.

Retired Air Force veteran Edward Janeczko of Papillion testified in support of LB69. He said his company has 42 positions open with annual salaries ranging from \$65,000 to \$78,000, but the jobs remain open. It is difficult to recruit those with the necessary security clearance because the state taxes military retirement benefits, he said.

Janeczko said LB69 would attract military retirees to the state, and their salaries will provide significant revenue boosts.

Bellevue Chamber of Commerce president and CEO Megan Lucas also testified in support of LB69. She called the bill the “next economic development strategy.”

Lucas said the majority of Nebraska counties are losing population, and only Sarpy County beat the national growth average from 2000 to 2007.

“We are trying to attract jobs that need highly skilled individuals,” Lucas said. “We trying to grow the state.”

Ned Holmes of Omaha testified in support of LB69. He said Offutt Air Force Base is a \$2.42 billion annual investment for the state. Community support, which includes tax exemptions for military retirees, is one of the areas that will be examined during the next phase of military base relocation and closure, he said.

No one testified in opposition or in a neutral capacity to LB69.

The second income source targeted by a bill was Social Security benefits under LB303, introduced by Omaha Sen. Jeremy Nordquist.

LB303 would offer a \$15,000 per individual income tax exemption for



Sen. Abbie Cornett

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Social Security benefits beginning in 2009, and this exemption would increase to \$75,000 by 2013.

“Nebraska is one of five states nationwide that offers no Social Security benefit exemptions from state income tax,” Nordquist said. “Nebraska is on the wrong side of this national trend and it’s costing our local economy.”

Nordquist said the taxation of Social Security benefits has encouraged 5,400 Nebraska seniors to leave the state, resulting in a loss of \$100 million to the state economy.

John Jensen, representing the Nebraska State Education Association, testified in support of LB303. By 2014, the only neighboring state to tax Social Security income will be Kansas, he said.

Mark Intermill of the AARP offered neutral testimony. Though he said his organization supports the idea behind an exemption for Social Security benefits, he said tough economic times prevented him from supporting the bill.

“It would be difficult to find the resources to do something that we would desperately want to do for Social Security beneficiaries,” Intermill said.

The final income tax exemption proposal was LB538, introduced by South Sioux City Sen. Robert Giese.

LB538 would allow those with public employee retirement, Social Security or military retirement benefits to exclude \$15,000 in retirement income on their 2008 taxes. This exemption would increase 20 percent annually until a final exemption of \$75,000 is reached in 2013.

Giese said he hoped to bring Nebraska in line with 37 other states that offer similar exemptions. He said Nebraska is lagging behind other states in retaining retirees, and keeping them in the state could help stimulate

local economies.

The committee took no immediate action on any of the bills.

Bill would replace child care tax credits

Nebraskans would be granted an additional 3 percent for their Earned Income Tax Credit at the expense of a refundable dependent care credit under a bill heard by the Revenue Committee Feb. 5.

LB248, introduced by Fullerton Sen. Annette Dubas, would raise the Nebraska percentage of the EITC from 10 percent to 13 percent.

In order to help offset the resulting loss in revenue, Dubas said, the bill would eliminate a refundable tax credit for household and dependent care services for households earning \$29,000 or less. Instead, an across-the-board nonrefundable credit of 25 percent would be implemented.

Dubas said her bill would make the Nebraska tax system easier to manage, as dependent care credits are often difficult to audit.

“We were just looking for a way to streamline the process,” Dubas said.

Tiffany Seibert, policy coordinator for Voices for Children in Nebraska, testified in opposition to the bill. She said families claiming the refundable dependent care credits receive an average refund of \$545 from the credits. Under LB248, she said, these families instead would receive an average refund of \$66 for their EITC.

“If we take away the \$545 benefit and do not replace it with [an offset], we are concerned about the hit the family would take,” Seibert said. “I would continue to encourage you to

find ways to help our working families, or our children will continue to pay the price for that.”

Kate Bolz of Nebraska Appleseed also testified in opposition to the bill. She said the EITC has been a strong tool against poverty. She opposed the idea of pitting two refundable credits against each other and suggested finding another funding mechanism that could be used to maintain the dependent care credits and increase the EITC percentage.

The committee took no immediate action on LB248.



Sen. Annette Dubas

Transportation and Telecommunications

Committee hears specialty license plate proposals

Nonprofit organizations could apply for specialty license plates for their organization under two bills heard by the Transportation and Telecommunications Committee Feb. 2.

Introduced by Valentine Sen. Deb Fischer, LB110 would create a specialty license plate program administered by the state Department of Motor Vehicles that would permit the printing of specialty plates for qualified nonprofits, given 150 prepaid applications had been collected for the plates.

Organizations eligible for specialty license plates under LB110 must have a primary purpose of serving the community or contributing to the welfare of others and the organization must not be offensive or discriminatory in its purpose, nature, activity or name.

Specialty plates granted to qualified organizations would cost \$100,

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of which \$15 would go to the DMV Cash Fund and \$85 to the Highway Trust Fund.

LB110 also would increase personalized message plate costs from \$30 to \$60 and Husker Spirit plates from \$70 to \$100. Increases in these fees would be directed to the Highway Trust Fund.

The bill would eliminate the Spirit Plate Proceeds Fund, which establishes endowments to provide scholarships for former university athletes to pursue undergraduate and postgraduate degrees, as well as financial support for academic service units of athletic departments.

Finally, LB110 would direct an existing \$5 fee associated with military license plates, such as POW or Pearl Harbor survivors, to the Nebraska Veteran Cemetery System Fund.

Fischer said the Transportation and Telecommunications committee annually receives requests from various groups to provide for specialty license plates. She said her bill offered a "more fitting avenue to pursue their goal."

Modeled after Iowa's specialty plate program, Fischer said her proposal would allow organizations to apply for license plates that would include a symbol or logo.

"I want people to still be able to get their plates, but I also want [everyone] to recognize that if you get a spare plate or a vanity plate, that is a want," Fischer said. "The state does not require you to spend \$70 for a spare plate."

Larry Dix, executive director of the Nebraska Association of County Officials, testified in support of LB110.

He said the bill would provide a "level of standardization" in the administration of specialty plates. Secondly, he said the bill would add money to the Highway Trust Fund, which counties and cities depend on for their road needs.

Associated General Contractors of Nebraska executive director Curtis Smith also testified in support of LB110. He said the bill was needed to bolster the Highway Trust Fund as revenues fall and inflation rises.

James Griesen, representing the University of Nebraska, testified in opposition to LB110. He said the university opposes only the section of the bill that would remove the Spirit Plate Proceeds Fund and asked for a continuation of the fund until it meets its goal of \$5 million.

"We value this very much. We think this is a way to help our student scholar athletes," Griesen said.

DMV director Beverly Neth provided neutral testimony. She said there are legal implications when administering specialty plates due to differing circuit court decisions on whether license plates are state speech or private speech.

LB10, introduced by Schuyler Sen. Chris Langemeier, was the second bill heard by the committee that provides specialty license plates.

Langemeier called his bill a "much simpler and much more straightforward" alternative to LB110.

Under LB110, the DMV would design a specialty license plate for an organization or individuals when at least 500 prepaid applications are received for the plate within two years after the applications for the plate are made public, or the Legislature authorizes the manufacturing of the plate.

Application fees for the specialty plates would be \$75, with \$70 going

to the Highway Cash Fund and \$5 going to the Department of Motor Vehicles Cash Fund.

Langemeier said his bill would not affect existing specialized plates, but would apply only to future plate proposals.

"My goal is to get new people to come into this realm of specialty plates," Langemeier said. "[My bill] would not affect any specialty plate that is out there."

Karl Fredrickson, representing the American Council of Engineering Companies in Nebraska, testified in support of LB10. He said the cost of doing business, coupled with deflation, demands that a new mechanism to add revenue to meet the "tremendous need" for roadways.

No one testified in opposition to LB10.

The committee voted 8-0 to indefinitely postpone LB10, and LB110 was advanced to general file on an 8-0 vote.

Urban Affairs

Incorporation of constitutional amendment sought

The Urban Affairs Committee heard testimony Feb. 3 on a bill that would incorporate into state law the language of a recently approved constitutional amendment.

In 2007, the Legislature passed a resolution placing an amendment on the primary election ballot that would authorize cities with a population of more than 5,000 to invest public endowment funds. The amendment was approved by 58 percent of voters.

LB128, offered by Lincoln Sen. Bill Avery, would incorporate the amendment language into the state's



Sen. Deb Fischer

ISSUES UPFRONT.....

constitution.

Don Anderson, executive vice president of Pittenger and Anderson in Lincoln, testified in support of the bill. An endowment that can access a full array of asset classes would reduce risk and maximize opportunity for growth, he said.

Anderson said the recent economic situation makes the change even more appealing. The best time to invest in equities is after a downturn, he said.

“Buying power relative to the stock market is at a 40 year high,” Anderson said.

Lincoln finance director Don Herz also supported the measure.

Herz manages and invests the city’s \$50 million in assets. He said the ability to invest in both stocks and bonds would increase the stability of endowments.

Permanent endowments have an infinite investment horizon, Herz said, and can expect higher returns from stocks than from bonds over extended periods of time.

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

Urban growth districts receive second round approval

Senators gave second round approval Feb. 3 to a bill that would allow municipalities to create urban growth districts and authorize issuance of urban growth bonds.

Lincoln Sen. Amanda McGill, sponsor of LB85, said the bill would provide an additional tool for cities to meet infrastructure needs. She



Sen. Bill Avery

said the bonds would be secured by a pledge of the estimated sales and use tax revenues anticipated to be identified by the creation of the district. The percentage identified would then be applied to the city’s overall sales tax receipts.

The bill would provide for urban growth districts to be created at the edges of cities where development has occurred in the last twenty years, McGill said, adding that Lincoln has grown over 40 percent in that time.

Currently, the city can issue general obligation bonds for specific projects and highway allocation bonds for roads, but those options aren’t enough to satisfy infrastructure needs, McGill said.

“We are desperately behind,” she said.

Sen. Dennis Utter of Hastings said the bill would create a bond with all the characteristics of a general obligation bond but without a vote of the people. He offered an amendment that would require voter approval before the issuance of an urban growth bond.

“I just really question the advisability of passing a piece of legislation that all of the sudden becomes a general obligation of all citizens of a municipality without their vote,” he said.

Kearney Sen. Galen Hadley agreed. “We’re circumventing the people,” he said. “If it’s a good idea, people will vote for it.”

But Sen. Ken Haar of Malcolm said voters often defeat targeted bond measures because they see no benefit for their neighborhoods.

“When you have a bond issue before the people, there has to be something for everyone,” he said.

Utter also expressed concern that municipalities would have to fall back on property taxes should their sales

tax revenues decline to a point that obligations could not be met.

McGill said the bill allows the use of property tax funds, but only as a backstop measure. She said the language was included to improve the bond rate.

“This bill deals with sales tax and not property tax,” she said. “This is a way to try and get around raising property taxes.”

The Utter amendment was defeated 15-24.

An amendment offered by McGill to limit urban growth bond use to roads, streets, streetscapes and bridges was adopted 40-2. She said the amendment was meant to address lawmakers’ concerns that bonds could be used for a Lincoln arena or a baseball park in Omaha.



Sen. Amanda McGill

An amendment brought by Sen. Mike Friend of Omaha requiring a two-thirds vote of local governing body members before a bond could be issued was approved 46-0.

Friend said requiring a supermajority of a local governing body would provide an additional check on urban growth bond issuance while ensuring local control.

“I think it makes a unique bill better,” he said.

The bill originally stipulated 1988 as the start date for measuring a city’s growth to determine the formula for an urban growth bond’s size. An amendment offered by Omaha Sen. Pete Pirsch removing the specific date and stipulating that growth be measured from a point twenty years prior to a bond’s issuance was adopted 33-0.

Lawmakers declined to adopt two

ISSUES UPFRONT.....

additional amendments.

A McGill amendment to limit the bill's provisions to metropolitan and primary class cities failed 13-24. Omaha is the only metropolitan class city in Nebraska and Lincoln the only primary class city.

McGill said she offered the amendment in response to lawmakers' concerns, but reiterated her belief that other Nebraska cities and towns could benefit from being able to use urban growth bonds.

Scottsbluff Sen. John Harms agreed.

"What's good for urban America is good for rural America," he said. "I think everyone should have the same right and the same opportunity."

An amendment brought by Sen. Charlie Janssen of Fremont also was defeated.

The amendment would have required that local entities reach 90 percent of their maximum levy before using urban growth bonds. Janssen said local government should demonstrate that all available tools have been used before seeking new authority.

But Sen. Tom White of Omaha said it would be counterproductive to require that cities levy the maximum level of property taxes before seeking other means of roads funding. High property taxes inhibit economic growth, he said.

The Janssen amendment failed 16-32.

McGill said she was pleased with the final version of LB85.

"I think we have an even better bill now than we had this morning," she said.

The bill advanced to final reading by a 36-10 vote.

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ISSUES UPFRONT.....

Sen. Giese brings local government experience to the Unicameral

It started with a simple question. “How old are your kids?”

Sen. Robert Giese was having lunch with a state official who suggested that, if his children no longer demanded as much of his time, Giese might consider running for a seat in the Legislature. Giese, then mayor of South Sioux City, said he hadn’t previously considered moving from local to statewide office.

But the question piqued his interest.

“I thought, if it’s this much fun to serve a community, why not consider serving all of the state’s citizens in the Legislature?” Giese said.

It helped that his youngest child, daughter Season, was a freshman in college at the time. As a father of four, Giese had given family time priority when his children were younger.

“But no teenage girl wants to spend time with her dad,” he said, laughing.

So, family obligations no longer precluded a life in Lincoln as a state senator. There was a second consideration, however – the considerable cut in pay.

“I definitely made more as mayor,” Giese said. But he decided the opportunity was worth the lower salary.

While the process of state level government differs from the local level, he said, the goals are the same. “It’s all about trying to help people solve problems.”

As a lifelong resident of South Sioux City, Giese served in a variety of capacities in local government. As a city council member and then mayor, he participated in an exciting period

of growth for the city, he said.

Giese’s public service, coinciding with 27 years of employment at the South Sioux City Hy-Vee, prepared him well for the rigors of serving in the Unicameral, he said. Giese has taken a leave of absence from his work as Hy-Vee produce manager in order to focus on representing his constituents.

“It’s good to finally be down to one job,” Giese laughed. “But this one job is a big one. It’s like being mayor on a hectic day - times five.”

Giese stays with his nephew in Lincoln during session and said he enjoys spending time in the office in the evenings. It’s a habit he started as

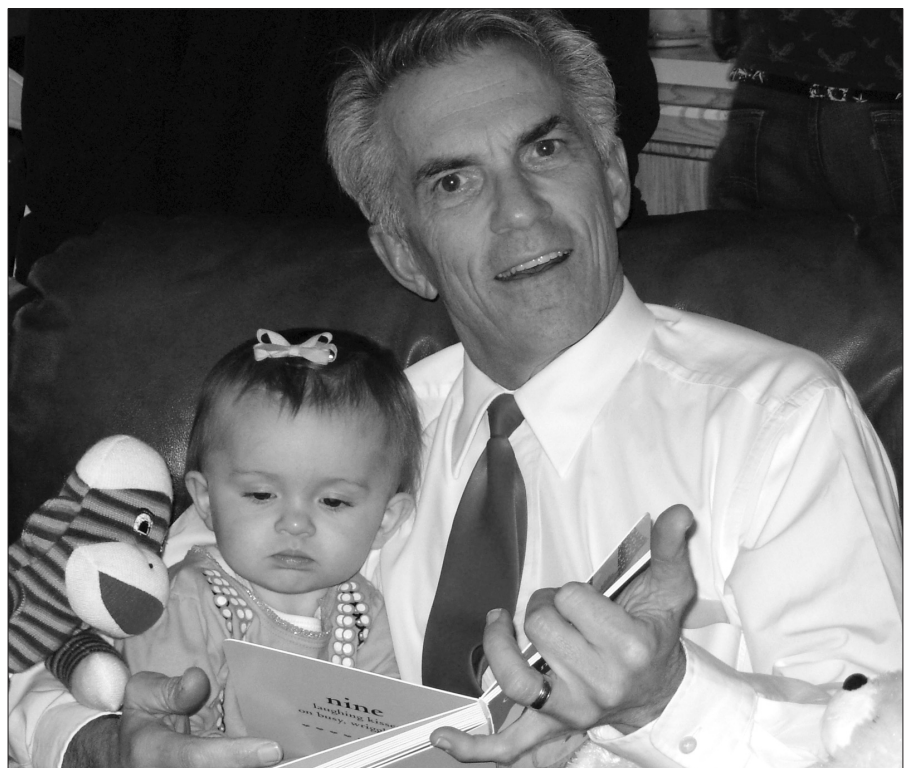
mayor. Giese said he’d go to city hall after hours to work uninterrupted.

The Capitol is quiet at night, Giese said, and the solitude affords him time to study the issues.

And time is at a premium for senators.

Giese said he enjoys golf, but doesn’t have much time to play. Another hobby that’s fallen by the wayside is a game he enjoyed with co-workers at the grocery store. He said spirited games of “Name That Tune” were common at the Hy-Vee.

“People might be surprised by my knowledge of ‘60s and ‘70s music,” Giese said.



Sen. Robert Giese shares a story with his granddaughter Ella on her birthday.

COMMITTEE HEARINGS

Monday, February 9

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB113 (Pankonin) Change Securities Act of Nebraska provisions
 LB328 (Pahls) Change banking, mortgage bankers, and installment loan provisions
 LB428 (Christensen) Authorize deposit of public funds in credit unions and clarify Federal Deposit Insurance Corporation and National Credit Union Administration coverage

Business and Labor

Room 2102 - 1:30 p.m.

LB51 (Fulton) Provide for confidentiality of Nebraska Workers' Compensation Court documents and information
 LB194 (Nantkes) Change workers' compensation provisions on lump-sum settlements
 LB243 (Nantkes) Provide for annual adjustment for workers' compensation total disability income benefits
 LB630 (Business and Labor) Change workers' compensation medical fee and procedural provisions
 LB631 (Business and Labor) Change Employment Security Law provisions

Education

Room 1525 - 1:30 p.m.

LB221 (Nordquist) Change provisions relating to payment of school funds
 LB215 (Fischer) Create the School Finance Review Committee
 LB578 (Fulton) State intent relating to the state aid distribution to schools
 LB545 (Adams) Change the Tax Equity and Educational Opportunities Support Act

Executive Board

Room 2102 - 12:00 p.m.

LR11 (Lathrop) Provide for continuation of the Developmental Disabilities Special Investigative Committee

General Affairs

Room 1510 - 1:30 p.m.

LB198 (Stuthman) Adopt the Reduced Cigarette Ignition Propensity Act
 LB404 (Cornett) Adopt the Reduced Cigarette Ignition Propensity Act
 LB355 (Lautenbaugh) Authorize cigar bars under the Nebraska Liquor Control Act and provide duties for owners of cigar bars
 LB600 (Karpisek) Authorize pool halls under the Nebraska Liquor Control Act and provide duties for owners of pool halls

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB245 (Dubas) Change provisions governing unlawful obstruction of railroad crossings
 LB181 (Fischer) Provide requirements for agreements between railroads and telecommunications carriers
 LB217 (Louden) Provide requirements for electrical entities placing wires across railroad rights-of-way

Tuesday, February 10

Agriculture

Room 1524 - 1:30 p.m.

LB254 (Dubas) Require a Nebraska aerial pesticide business license for aerial pesticide application
 LB263 (Rogert) Provide that state law preempts local law for the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act
 LB581 (Carlson) Change disposition of funds from Pesticide Act fees and weed book sales
 LB641 (Schilz) Create a production incentive for renewable diesel fuel

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB176 (Lathrop) Prohibit use of credit

information for insurance purposes and repeal the model act

LB484 (Stuthman) Provide for partial payment of insurance policy proceeds to a city or village by ordinance
 LB551 (White) Extend the limiting age on sickness and accident insurance policies

Education

Room 1525 - 1:30 p.m.

LB364 (Pankonin) Permit school districts to exceed expenditure limits for costs relating to voluntary termination agreements
 LB654 (Harms) Provide for borrowing by a school district for special building fund projects

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB272 (Friend) Redefine underground facility for purposes of the one-call notification system
 LB330 (Transportation and Telecommunications) Change telecommunications provisions relating to the Public Service Commission
 LB183 (Fischer) Provide requirements for the sale of an exchange under the Nebraska Telecommunications Regulation Act
 LB652 (Christensen) Change the Enhanced Wireless 911 Services Act

Urban Affairs

Room 1510 - 1:30 p.m.

LB467 (McCoy) Require voter approval for annexation of cities or villages
 LB526 (Friend) Provide requirements for land annexation by certain cities and villages
 LB647 (Christensen) Provide requirements for notice to property owners of city and village annexation proceedings

COMMITTEE HEARINGS

Wednesday, February 11

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB324 (Nelson) Provide for designation of voting entrances and change restrictions on electioneering

LB325 (Nelson) Change provisions relating to elections

LB434 (Janssen) Change ballot questions regarding township organization

LB544 (Giese) Require the Secretary of State to publish guidelines for election workers

Health and Human Services

Room 1510 - 1:30 p.m.

LB371 (Campbell) Change Medicaid Reform Plan and Medicaid Reform Council provisions

LB396 (Gloor) Adopt the Medical Home Act

LB541 (Campbell) Exempt certain adult dental services from Medicaid limitations

LB610 (Mello) Change Medicaid limitation provisions relating to services for persons with disabilities

LB656 (Harms) Adopt the Health Care Accessibility and Affordability Act

Judiciary

Room 1113 - 1:30 p.m.

LB347 (Cornett) Eliminate governmental agency liability with respect to dogs

LB252 (Cornett) Prohibit possession of animal fighting paraphernalia

LB409 (Dierks) Provide violations and penalties for offenses against arson dogs

LB494 (McCoy) Change provisions relating to dangerous dogs

LB472 (Fulton) Change payment terms for scrap copper and catalytic converters

Natural Resources

Room 1525 - 1:30 p.m.

LB436 (Haar) Provide for net metering of electricity

LB663 (Janssen) Adopt the Net Metering Act

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

Appointment -- Elliott, Janis - Public Employees Retirement Board

LB188 (Nebraska Retirement Systems) Change provisions of the County Employee Retirement Act and the State Employee Retirement Act

LB366 (Pankonin) Increase the mandatory contribution rate under the State Employees Retirement Act

Revenue

Room 1524 - 1:30 p.m.

LB531 (Sullivan) Redefine a term under the Nebraska Advantage Microenterprise Tax Credit Act

LB419 (Hadley) Eliminate limits on tax credits under the Nebraska Advantage Microenterprise Tax Credit Act

LB583 (Dierks) Change sales, property, and income tax provisions and education funding

LB634 (Mello) Redefine household income for homestead exemption purposes

Thursday, February 12

Executive Board

Room 2102 - 12:00 p.m.

LR1CA (Friend) Constitutional amendment to reduce the maximum number of legislative days in a regular legislative session

LR5CA (Friend) Constitutional amendment to change legislative term limits to three consecutive terms

LB505 (Pirsch) Create the Economic Development Committee of the Legislature

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

LB279 (Avery) Require notification to military installations regarding development of real property

LB280 (Avery) Create the Commission on Military Affairs

LB450 (Campbell) Change Nebraska State Capitol Environs District height restriction provisions

LB512 (Lautenbaugh) Change airport zoning provisions relating to the regulation of airport hazards

Health and Human Services

Room 1510 - 1:30 p.m.

LB27 (Pahls) Change the Autism Treatment Program Act

LB367 (Gloor) Change health care certificate of need provisions

LB451 (Campbell) Rename the Hearing Aid Instrument Dispensers and Fitters Practice Act

LB511 (Wallman) Redefine health care facility for purposes of certificate of need

Revenue

Room 1524 - 1:30 p.m.

LB613 (Dierks) Eliminate a restriction on base-year employees for certain tax incentive laws

LB566 (Dubas) Provide tax incentives for windmill manufacturing

LB487 (Dubas) Adopt the Volunteer Emergency Responders Incentive Act and provide an income tax credit

LB112 (Heidemann) Exclude certain rural health loan repayments from income taxation

COMMITTEE HEARINGS

TENTATIVE

Tuesday, February 17

Agriculture

Room 1524 - 1:30 p.m.

LB98 (Carlson) Change noxious weed grant programs and the Riparian Vegetation Management Task Force

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB149 (Pankonin) Require insurance coverage for prosthetics as prescribed

LB378 (Gloor) Require insurance coverage of medical clinical trials

LB493 (Karpisek) Require insurance coverage for cochlear implants

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB106 (Harms) Eliminate the requirement that occupant protection system laws be enforced as a secondary action

LB255 (Harms) Require lap-shoulder belts in school buses

LB497 (Fulton) Change ignition interlock device provisions and penalties

Urban Affairs

Room 1510 - 1:30 p.m.

LB174 (Lathrop) Change vehicle registration and fee provisions for cities of the metropolitan class

LB360 (Cook) Authorize creation of a land reutilization authority by a city of the metropolitan class

LB470 (Pirsch) Establish a limit on certain city occupation taxes

Wednesday, February 18

Natural Resources

Room 1525 - 1:30 p.m.

LB437 (Haar) Create the Wind Energy Development Zone Task Force

LB561 (Lathrop) Provide for restriction of eminent domain for wind energy projects

LB568 (Dubas) Provide requirements for wind leases and easements

Revenue

Room 1524 - 1:30 p.m.

LB171 (Nantkes) Change a research tax credit

LB555 (White) Change provisions relating to a research tax credit

LB670 (Pirsch) Change funding for the Property Tax Credit Act

LB121 (Wightman) Provide for reassumption of property tax assessment functions by certain counties

Thursday, February 19, 2009

Natural Resources

Room 1525 - 1:30 p.m.

Appointment -- Spurgin, Mark - Game and Parks Commission

LB471 (Fulton) Change public power special generation application provisions

LB567 (Dubas) Change provisions relating to the State Energy Office and the Director of the State Energy Office

LB591 (Dierks) Change approval provisions relating to electric generation facilities

Revenue

Room 1524 - 1:30 p.m.

LB480 (Dierks) Change budget lim-

it and tax levy limitation provisions
LB420 (Hadley) Change a sales tax exemption relating to nonprofit organizations

LB460 (Friend) Change a sales tax exemption for nonprofit hospitals

LB485 (Cornett) Exempt natural gas from sales tax and impose an excise tax on natural gas

Friday February 20

Executive Board

Room 2102 - 12:00 p.m.

LB16 (White) Adopt the Taxpayer Transparency Act

LB620 (Wightman) Change provisions relating to the Office of Legislative Audit and Research

LB653 (Harms) Create the Legislature's Planning Committee

Natural Resources

Room 1525 - 1:30 p.m.

Appointment -- Lichter, Stephen - Nebraska Power Review Board

LB535 (Stuthman) Change membership of the Nebraska Natural Resources Commission and provisions relating to natural resources districts

LB643 (Schilz) Change and provide notice requirements of road construction near electric lines

Revenue

Room 1524 - 1:30 p.m.

LB13 (White) Change and rename the Property Tax Credit Act

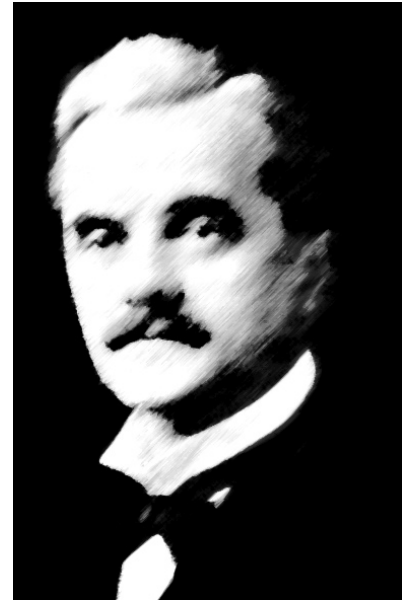
LB270 (Haar) Create a homestead property tax exemption

LB271 (Haar) Adopt the Car Tax Reduction Act

HISTORY OF A UNICAMERAL

“There is no more reason for a two-house legislature in any of our states than there is for a bank to have two boards of directors or for a city to have two separate boards of aldermen. Indeed there is no more use for a two-branch legislature than there is for two governors.”

– George Norris



Nebraska’s legislature is unique among all state legislatures in the nation because it has a single house. It wasn’t always a unicameral, however. The state had a senate and a house of representatives for 68 years before Nebraskans voted to eliminate half of their state legislature in 1934.

The change did not come easily. Nebraskans rejected similar proposals several times before interest in reining in state spending heightened because of the Great Depression. The cause was also helped by a zealous petition campaign led by the prestigious U.S. Sen. George W. Norris and the fact that two other popular proposals were on the ballot that year: local option on prohibition and legalized pari-mutuel betting. The vote was 286,086 for and 193,152 against a unicameral system.

Norris, a “New Deal Republican” who settled in McCook, wore out two sets of automobile tires while he drove throughout the state campaigning for the measure. He said the two-house system was outdated, inefficient and unnecessary.

The bicameral system was modeled after the British Parliament, Norris said, which is made up of the House of Commons, with representatives elected by the people, and the House of Lords, with its aristocratic members appointed by the king.

The one-house system differs little from most city, county and school district governing bodies. All Canadian provinces operate with single-house systems.

Implementation of the unicameral legislature in 1937 cut government costs for obvious reasons. Legislative membership went from 133 in the bicameral to 43 in the new single house – nearly a 70 percent reduction.

Also, the one-house system was more efficient than its predecessor. The number of committees was pared down from 61 to 18, and 581 bills were introduced in 1937 as opposed to twice that many the previous session. The last bicameral session in 1935 ran 110 days, passed 192 bills and cost \$202,593. The first unicameral session two years later ran 98 days, passed 214 bills and cost \$103,445.

A common question regarding unicameralism was how to preserve checks and balances to prevent abuse of power. Norris argued there would be checks and balances without a second house. The Supreme Court and the governor would rule on or veto measures deemed improper, he said.

More importantly, the people would serve as a check upon the possible abuse of power by their elected officials with the right to vote and petition, Norris said. The Nebraska Unicameral would have easy-to-follow procedures and extend greater privileges to the press to allow for greater public awareness.

In a one-house legislature, Norris said, no actions could be concealed as was commonly done in the conference committee of bicameral legislatures. Conference committees resolve differences when bills passed in both houses vary in content.

Another unique aspect of Nebraska’s legislature is its nonpartisanship, which was included in the successful 1934 unicameral amendment. A nonpartisan body allows senators to concentrate on local interests without being influenced by national party lines. National party lines, Norris argued, often have little to do with local government. A voter who votes according to party lines might vote for a state candidate who disagrees with him or her on matters over which the senator will have jurisdiction.

Movements for unicameralism have existed throughout the United States since the nation’s independence. There were several pro-unicameral movements in the state before one finally succeeded. The same year Nebraska’s unicameral legislature began operating, attempts in 21 other states to become one-house legislatures failed. Many states looked to Nebraska as a model of an effective one-house legislature. Those states included California, Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Minnesota, Montana, New York, Oklahoma, Rhode Island, Tennessee and Texas. Despite the interest unicameralism has received over the years, Nebraska remains the only state with a unicameral legislature.

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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