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UPDATE

Committee hears proposals to reform juvenile justice system

The Judiciary Committee heard testimony on two bills Jan. 27 that would make significant reforms to the juvenile justice system.

Omaha Sen. Brad Ashford, who introduced both bills, said the proposals would address “significant obstacles” for juveniles in the areas of employment, education and behavioral health services.

LB800 would address early intervention, parental involvement, school attendance and alternatives to detention by bringing together law enforcement, courts, schools, parents and the community to solve problems related to youth crime, he said.

In the areas of law enforcement and the courts, the bill would authorize the use of civil citations for juveniles committing minor offenses.

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Sen. Brad Ashford, chairperson of the Judiciary Committee

Minitrucks could be allowed on roads

Minitruck owners could operate their vehicles on state roads under a bill advanced from general file Jan. 26.

LB650, introduced by Imperial Sen. Mark Christensen, would permit the use of minitrucks on all Nebraska roads except interstate highways, controlled-access highways and expressways.

Minitrucks are not defined in statute, Christensen said, which presents problems for owners. He said a Perkins County constituent was ticketed for not

registering or licensing his minitruck, despite the fact that he was operating the vehicle with a slow-moving vehicle sign and an ATV title.

“Minitrucks are fuel efficient, versatile vehicles,” Christensen said. “It only makes sense for Nebraska to ensure that our agricultural producers and small business entrepreneurs have the option to use minitrucks.”

Valentine Sen. Deb Fischer said minitrucks could be used by operators in both rural and urban areas. Lawn service providers are eager to use these

vehicles in cities, she said, adding that the EPA is working on strengthening emission standards for them.

A Transportation and Telecommunications Committee amendment, adopted 37-0, replaced the bill. It provides definitions for both minitrucks and utility-type vehicles (UTVs).

The bill would define minitrucks as vehicles weighing less than 4,200 pounds with:

- widths no more than 67 inches;
- top speeds of approximately 55 mph;

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Juvenile justice system reform proposed

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This would help prevent juveniles from developing an arrest record while still holding them accountable, Ashford said. The bill also would prohibit status offenders from being sent to secure detention.

The Rev. Steven Boes, Boys Town national executive director, testified in support of this provision. He said youth who have committed minor offenses do not benefit from detention.

“Their time in detention makes them worse,” he said, recalling the case of one youth whose behavior worsened after spending 75 days with more serious offenders in the Douglas County Youth Center. “He learned lots of new things – all of them bad.”

But Douglas County Juvenile Judge Liz Crnkovich said courts should have the option of detention even for status offenders because hearings often reveal deeper problems than the minor offense for which they are being punished.

“Sometimes detention is required,” she said. “I have [sentenced] children who are alive today because they were detained.”

Under the bill, juvenile courts would be authorized to require the parent, guardian or custodian to participate in the therapeutic services necessary for the rehabilitation of the juvenile.

Hall County Attorney Mark Young testified in support of the bills. He said he was especially supportive

of increased accountability for parents.

“It’s a wonderful and long overdue thing to have the parents required to participate,” he said.

Todd Reckling, family services director at the state Department of Health and Human Services, said that while he supported the bills, he was concerned about the fiscal impact of requiring parents and guardians to participate in therapy.

“We don’t believe it’s prudent to expand the treatment at this time,” he said.

To address truancy issues, the bill would require school administrators, attendance officers or enforcement officers to document contact with the family of truant students after five, 10 and 20 trancies. After the third contact, the case could be referred to the county attorney.

The bill would authorize a county attorney to issue an infraction against the parent of a truant student and impose a fine of \$300 for the first infraction and \$500 for the second. The fines could be waived if the parent participates in mediation with a representative from the school. After the third infraction, the parent could be charged with a Class III misdemeanor.

The bill also would authorize school districts within a learning community to establish a reintegration center to assist students who

have been out of school for some time or those who have dropped out completely.

Among other measures, LB800 would:

- prohibit school districts from differentiating between excused and unexcused absences;
- require schools to meet with parents to address the student’s truancy;
- require each school district to provide a report to the state Department of Education on truancy and strategies to address truancy;
- require school districts to report to the department on expulsions, suspensions, referrals to the county attorney for truancy and any contact with law enforcement within 48 hours of occurrence;
- eliminate the use of three-judge panel appeals of juvenile cases when the court orders a plan different from what HHS recommended;
- authorize the Office of Juvenile Services to identify the appropriate post-adjudication evaluation and be responsible for completing it;
- expedite appeals of juvenile cases at the Court of Appeals;
- authorize the Learning Community Coordinating Council to award grants to nonprofit organizations providing intervention services for at-risk juveniles focusing on closing the learning gap;
- establish a child-at-risk task force that includes the state departments of Education, Health and Human Services

“It’s a wonderful and long overdue thing to have the parents required to participate.”

**- Mark Young,
Hall County Attorney**

A CLOSER LOOK.....

and Probation, school superintendents and the University of Nebraska Medical Center College of Public Health; and

- require counties to prioritize programs and services that will reduce the juvenile detention population when distributing funds to the County Juvenile Services Aid Program.

Also considered in the hearing was LB923, which would seal juvenile records. Ashford said this would help juveniles avoid creating an arrest record that may complicate their ability to support themselves later.

Omaha City Councilman Ben Gray testified in support of LB923. In his work with an anti-gang job program, Gray said many participants feel their past infractions are keeping them from obtaining employment. If juvenile records were sealed, those past mistakes would not come up during job interviews.

“It’s become a significant barrier in a lot of ways,” he said. “Right now we have a significant amount of people who don’t have hope.”

The committee took no immediate action on the bills. ■



Minitrucks could be allowed on roads

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- four or more tires;
- headlights, taillights, turn signals, windshield wipers and a rearview mirror;
- an occupant protection system;
- a bed or back compartment for hauling purposes;
- a four- or five-speed manual or automatic transmission;
- an enclosed passenger cab; and
- engines less than 1,000 cubic centimeters.

Under the amended bill, minitrucks would be required to be titled, registered and licensed. Provisions directing the base fees for motor vehicle taxes and fees levied against

minitrucks are included in the bill, as well as distinct minitruck license plates.

For the purposes of operator’s license and motor vehicle insurance requirements, the amended bill would subject minitrucks to the same standards applied to motor vehicles. In addition, the bill would require those selling minitrucks to be licensed motor vehicle dealers.

Christensen offered an amendment, adopted 37-0, clarifying that the operation of minitrucks on interstate, expressways or freeways would be prohibited.

The amended bill also defines

UTVs as vehicles weighing between 900 and 2,000 pounds with:

- widths between 48 and 74 inches;
- lengths no more than 135 inches;
- four or more low-pressure tires;
- steering wheels; and
- bench or bucket-type seating for at least two people to sit side-by-side.



Wuling brand minitruck

Golf carts and low-speed vehicles would not be classified as UTVs.

UTV owners would be required to title their vehicle, obtain an operator’s license and procure liability insurance. UTVs could be operated at speeds up to 30 mph during daylight hours on a two-lane highway if being used for agricultural purposes, or within municipal limits if authorized by ordinance. The bill would further require that headlights and taillights be on during operation and that safety flags be installed.

LB650 was advanced from general file on a 37-0 vote and would go into effect Jan. 1, 2011. ■

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Agriculture

Bill would allow neighbors to clear fence lines

Access to division fences for vegetation removal would be allowed under a bill heard Jan. 26 by the Agriculture Committee.

Sponsored by Sen. Tom Carlson of Holdrege, LB909 would allow landowners access to adjacent land owned by another person to remove or trim vegetation within and in the immediate proximity of the fence line. Current law allows limited access to carry out other fencing activities such as construction, maintenance and repair, but it expressly prohibits access for the purpose of tree removal without the adjacent landowners' consent or a court order.



Sen. Tom Carlson

Jim Pappas of the Independent Cattlemen of Nebraska supported the bill, saying absentee landowners often are unconcerned about fences, creating dangers for cattle owners.

Livestock owner Mark Roemer, whose land is eight miles west of Lincoln, agreed, saying people who move into rural areas often lack an appreciation for livestock and the importance of division fences.

Roemer said he understands landowners' desire to protect trees planted as wind breaks and for shade and ornamentation purposes, but noted that volunteer trees and other



vegetation can be invasive and damaging to fences.

If a tree crushes a division fence, livestock can walk through the breach, creating a hazard for both cattle and humans, he said.

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

provisions.

The bill would create a civil penalty of up to \$1,000 per day, or the amount of commissions earned without a license, whichever is greater. The penalties could be assessed only after deliverance of notice and an administrative hearing before the commission.

LB691 advanced to select file 37-0.

Banking, Commerce & Insurance

Bill would fine unlicensed realtors

Lawmakers advanced a bill from general file Jan. 26 that would allow the Nebraska Real Estate Commission to assess fines against unlicensed individuals conducting activity that requires a real estate license.

Schuyler Sen. Chris Langemeier, sponsor of LB691, said the measure would give the real estate commission the ability to enforce Nebraska's existing licensure



Sen. Chris Langemeier

Education

Bill would prohibit use of state aid for school lobbyists

School districts would be unable to use state aid funds to hire lobbyists under a bill heard by the Education Committee Jan. 25.

Lincoln Sen. Bill Avery said he introduced LB741 because state aid dollars should not be used to pay lobbyists.

"I think it's time that we put an end to using scarce tax money to pay lobbying fees and put it back where it belongs — the classroom," Avery said.



Sen. Bill Avery

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Over the past five years, about 16 school districts spent nearly \$2.1 million on lobbyists, he said. This is an unnecessary expense, he added, as school districts already have sufficient representation through their superintendents.

“They know their districts better than anyone else,” he said.

Jack Gould of Common Cause Nebraska testified in support of the bill. He said smaller districts are at a disadvantage when it comes to representation by lobbyists.

“It’s really a question of David and Goliath – the small districts versus the large districts,” Gould said.

Kyle McGowan, Crete Public Schools superintendent, also supported the bill. While he believes senators act with the best interest of students in mind, he said, small districts do not have the resources to follow and communicate with the Legislature as closely.

Papillion-La Vista School Board President Dan Flanagan opposed the measure, saying superintendents do not have sufficient time to devote to lobbying efforts at the Legislature.

“We need them on site,” he said.

John Wurdeman, representing Educational Service Unit 7, also opposed the bill. He said lobbying costs should be considered an allowable operating expense for schools.

“All parties should have the ability to represent their points of view,” he said.

The committee took no immediate action on the bill.

Committee hears testimony on student expression bill

The Education Committee heard testimony on a bill Jan. 26 that would require school districts to create a

policy on student freedom of expression issues.

LB898, introduced by Lincoln Sen. Ken Haar, would adopt the Student Expression Act. Haar said the bill would assist public school students in exercising their First Amendment rights.



Sen. Ken Haar

“We should err on the side of free expression, not censorship,” he said. “It’s a chilling effect on the teaching of democracy if we don’t know what our rights are within the school.”

Under the bill, school districts would be required to develop a policy on students’ freedom of expression to be distributed to students at the beginning of each school year. Teachers could not be fired, transferred or reassigned for supporting students’ freedom of expression under the bill.

LB898 defines student expression as the right of a student to:

- express his or her thoughts and beliefs through speech and symbols;
- create, write, publish, perform, and disseminate his or her views; and
- assemble peaceably with other students on school property for the purpose of expressing opinions.

Peggy Adair, representing the League of Women Voters, testified in support of the bill.

“School is the place where students should be learning truth from lie,” she said. “They have a trained professional right there in the room to lead and guide them.”

Angela Rolston, a student at Bellevue East High School, testified in support of the bill. She recounted a

situation in which one of her articles for the school newspaper was heavily edited by administrators before it was published. The article related to teacher pay negotiations.

“In a simple effort to reveal what was going on in our district, we were completely shut down,” she said.

Greg Perry, a school attorney, testified in opposition to the bill. He said that freedom of expression issues must be considered on a case-by-case basis rather than uniformly across a school district.

“You have to know the entire school atmosphere,” he said. “Every situation has to be separately analyzed.”

Superintendent of Aurora Public Schools Larry Ramaekers also testified in opposition to the bill, saying that freedom of expression must be limited to maintain order in schools.

“The schools are a place that parents send their children believing that it will be safe,” he said.

The committee took no immediate action on the bill.

General Affairs

Horse race satellite wagering proposed

The General Affairs Committee heard testimony Jan. 25 on two bills that would allow horse racetracks in Nebraska to establish satellite wagering facilities with local community approval.

LR277CA, sponsored by Wilber Sen. Russ Karpisek, would place on the November



Sen. Russ Karpisek

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2010 general election ballot a proposed amendment to the Nebraska Constitution allowing satellite wagering facilities if approved by the appropriate county, city or village.

LB825, also sponsored by Karpisek, is the enabling legislation for LR277CA. The bill specifies that additional revenue generated by satellite facilities would be placed with the state Racing Commission to enhance purses, provide breeder awards and allow for racetrack construction and maintenance.

Of the 30 states where betting on horse races is legal, 24 allow wagering in locations other than the racetrack, Karpisek said.

"I brought this bill, as I've brought other bills, to try and help the horse racing industry," he said. "They need some help."

Jesse Compton of Shelby testified in support of the measures, saying the industry creates jobs in Nebraska but needs assistance to stay viable. Unless action is taken, the upcoming loss of Lincoln's racetrack may mean the end of horse racing in the state, he said.

"We're not asking to be saved - just for a chance to compete," Compton said.

Walter Radcliffe, testifying on behalf of the Nebraska Horsemen's Benevolent and Protective Association, said allowing wagering via off-track, satellite simulcasts would not expand the types of gambling in the state. It would merely provide more options for an existing legal form of gambling, he said, and would generate an estimated \$6 million per year for the industry.

That money could be used to build a racetrack in Lincoln to replace the one lost to the state fair's move to Grand Island, Radcliffe said.

Dave Bydalek of Family First opposed the bill, saying more opportunities for gambling simply lead

to more gambling and the problems that come with it.

"We believe this provides a path to the expansion of gambling," Bydalek said. "We don't believe this is a far-fetched concern."

Pat Loojtjer, executive director of Gambling With the Good Life, agreed, saying the gambling industry tends to exploit any opening the state provides. Iowa's approval of limited gambling was quickly expanded to benefit the industry, she said.

"It's just a matter of time," she said. "It'll be all over the state."

Karpisek said the bills would not expand the types of gambling allowed in Nebraska and urged the committee to let the voters decide the issue.

The committee voted 5-1 to advance LR277CA to general file and took no immediate action on LB825.

Alcohol shipping fee increase sought

The cost of obtaining an annual shipping license from the Nebraska Liquor Control Commission would increase from \$200 to \$1,000 under a bill heard Jan. 25 by the General Affairs Committee.

Wilber Sen. Russ Karpisek, sponsor of LB867, said the state currently collects \$122,600 per year in fees from wine, spirit and beer shippers. The bill's fiscal note estimates an annual \$490,400 increase in that number if LB867 becomes law.

"Another \$500,000 coming in is the thought behind this bill," Karpisek said.

HoBERT Rupe, executive director of the Nebraska Liquor Control Commission, testified in support of the

bill, saying the fees structure has not changed in over 40 years. He added that many states charge as much as \$1,400 or more per year.

There was no opposition testimony and the committee advanced LB867 to general file on a 7-0 vote.

Government, Military & Veterans Affairs

Provisional ballot procedure bill amended, advanced

Senators gave second-round approval to a bill Jan. 25 that would make changes to the election process in Nebraska.

Most significantly, LB325, introduced by Omaha Sen. John Nelson, would allow an election commissioner or county clerk to decide whether a voter whose name was inadvertently left off a precinct list would be issued a provisional ballot or a regular ballot. An election commissioner or county clerk also would decide which ballot to issue a registered voter who had moved within a county but failed to update his or her voter registration.

Currently, the voter receives a regular ballot after updating his or her voter registration at the polling place.

Omaha Sen. Steve Lathrop offered an amendment, adopted 40-0, which would require election commissioners or county clerks to implement a countywide policy with regard to ballot designation.



Sen. John E. Nelson



Sen. Russ Karpisek

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Under the amendment, if errant or omitted information on a provisional ballot is included elsewhere or is not necessary to determine eligibility, the ballot would be counted.

Lathrop said the amendment resulted from concerns raised in debate about whether the level of discretion afforded to election commissioners and county clerks under the proposal was appropriate.

The amendment also addressed issues of uniformity across the state, Lathrop said, noting that although the statewide average of counted provisional ballots is about 80 percent, some counties have a much lower average.

“We needed some statewide uniformity,” he said. “This is an important, practical and common sense suggestion.”

Lincoln Sen. Ken Haar offered an amendment requiring election commissioners to notify provisional voters of the status of their ballot. He later withdrew the amendment after Lincoln Sen. Bill Avery said voters may currently call their commissioner to check on the status of their ballot.

Senators advanced LB325 on a voice vote.

New reporting requirements for political party committees stalls

A measure that would require Nebraska political party committees to file the same campaign statements as independent committees was bracketed during first-round debate Jan. 28.

Omaha Sen. Heath Mello, sponsor of LB635, said the bill would equalize reporting requirements under the Nebraska Political Accountability and Disclosure Act



Sen. Heath Mello

by requiring political committees that conduct independent expenditure activity to abide by the same reporting requirements as independent committees that are not affiliated with a political party or candidate.

Currently, both types of committees are allowed to make independent expenditures, Mello said, but independent committees are required to follow a more stringent reporting schedule and to provide more details.

During general file debate Jan. 27, Mello said political committees currently are not required to report expenditures made during the last 14 days before an election. If political committees spend money during that period on negative campaign materials, it is not reported until after elections have been decided.

“This bill is about transparency more than anything else,” Mello said. “Somehow this loophole was not fixed years ago.”

But Sen. Scott Lautenbaugh of Omaha said political party committees receive less scrutiny under accountability and disclosure laws because their activities are directly attributable to a known entity, while those of independent committees are not.

“This isn’t a loophole,” he said. “It’s a policy decision.”

Lautenbaugh offered a motion to bracket LB635 until April 14, 2010, saying the bill was unnecessary.

The bracket motion was adopted on a 25-12 vote.

Bill would give priority to nonprofits in sale of historical property

Senators advanced a bill from general file Jan. 29 that would change some state Department of Administrative Services procedures, among

them one related to the sale of historical properties.

LB722, introduced by Lincoln Sen. Bill Avery, would allow the state to sell buildings on the National Register of Historic Places to a non-profit community organization that intends to use the building for its original purposes.



Sen. Bill Avery

Currently, the state is required to give priority to a state agency or a political sub-division. The state also must prioritize projects that would create low-income housing or economic development, Avery said.

An amendment offered by the Government, Military and Veterans Affairs committee, adopted 30-0, would expand the provisions of the bill to include historical lands.

Several senators raised concerns about how the intended use of a historic building is determined.

Avery said the provision was meant to protect the historical integrity of buildings. For example, the restriction would prevent a nonprofit from purchasing a historic building and “chopping it up” for apartments, he said.

Lincoln Sen. Kathy Campbell said that restriction might be too confining.

“We don’t want to hamstring a nonprofit,” she said.

Avery said he would address the concerns before the next round of debate.

LB722 also would:

- allow the risk manager to determine the amount of the blanket corporate surety bond for all state employees not specifically required to give

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bond; and

- eliminate an expired reference to state vehicles acquired through the federal surplus property program.

Senators advanced LB722 on a 30-0 vote.

Early voting measures proposed

The Government, Military and Veterans Affairs Committee heard testimony Jan. 27 on three bills relating to early voting.

The committee took joint testimony on LB794, introduced by Omaha Sen. Tom White, and LB951, introduced by Lincoln Sen. Bill Avery. Both bills are designed to bring Nebraska into compliance with the federal Military and Overseas Voter Empowerment Act (MOVE), which was passed in October 2009.

According to Avery, MOVE requires states to make ballots and other election materials available via facsimile or electronic mail to members of the armed forces, overseas citizens and persons residing outside the country. Beginning with the November 2010 general election, states must send validly requested absentee ballots no later than 45 days before a federal election.

States also must develop a process for those casting ballots under the provisions of MOVE to be able to check the status of their ballot via the Internet or a toll-free telephone call.

Nebraska Secretary of State John Gale testified in support of both bills.

His office was involved in the development of LB951, he said, which is the more comprehensive of the two measurers.

The bill's fiscal note of \$80,000 would cover the cost of setting up a Web site for tracking ballots, he said, but federal assistance may cover the cost.

"It's really not a matter of choice," Gale said. "It's federal law that we do this."

Avery also introduced LB850, which would require the University of Nebraska, state colleges and community colleges to provide information on early voting prior to each statewide primary and general election.

Federal law currently requires that universities and colleges make a good faith effort to distribute voter registration materials, Avery said, and LB850 simply would build upon that requirement.

The secretary of state's office can provide an electronic link to schools that will direct students to online information about early voting and how to request a ballot, he said.

Gale testified in support of the bill, calling it a "direct, simple and relevant" way to educate students and encourage their participation in elections.

Also in support were representatives of the University of Nebraska, the Nebraska State College System and the Nebraska Community College Association.

"This is a modest proposal," Avery said. "It will not solve the issue of non-voting, but it does have the potential to assist students. Anything we can do to increase participation in the democratic process, we should do it."

There was no opposition testimony to the three bills and the committee took no immediate action on the measures.

Online voter registration system considered

Eligible Nebraska voters would be able to register online under a bill considered by the Government, Military and Veterans Affairs Committee Jan. 27.

LB875, sponsored by South Sioux

City Sen. Robert Geise, would require the Nebraska secretary of state to develop a centralized system for online voter registration. Under the bill, only eligible voters who possess a valid Nebraska driver's license or state identification card would be allowed to register to vote online.



Sen. Robert Geise

The bill would authorize the secretary of state to obtain a copy of an applicant's digital signature from the state Department of Motor Vehicles' records of his or her operator's license or state ID card. The secretary of state's office would then forward the signature to election officials for comparison and verification.

Geise said online voter registration is a way to expand government services through technology while reducing costs. Three states and the District of Columbia have successfully implemented similar programs, he said, and six additional states have passed legislation authorizing online voter registration.

Adam Morfeld, executive director of Nebraskans for Civic Reform, testified in support of the bill, saying online voter registration has proven to be cost effective.

Arizona was the first state to implement online voter registration, he said, and has used the process since 2002. Since that time, the cost to process a voter registration form in Arizona has dropped from 83 cents to 3 cents, Morefeld said.

Beverly Neth, director of the state Department of Motor Vehicles, opposed the bill due to concerns about the security of DMV data.

Neth said access to the department's database of signatures and

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stored images is strictly limited to certain law enforcement agencies and other states' driver license agencies. LB875 would extend access to the secretary of state's office, election commissioners and county clerks, Neth said, without placing specific limits on the use of that information.

Neil Erickson, deputy secretary of state for elections, also opposed the bill, citing concerns about the cost of developing and implementing an online voter registration system and keeping it secure.

Geise acknowledged the concerns but said Nebraska could overcome them as other states have.

"The concept of online voter registration is hardly a new idea," he said. "I believe we can work through the challenges."

The committee took no immediate action on the bill.

Health & Human Services

Changes to assisted living proposed

The Health and Human Services Committee heard testimony Jan. 28 on three bills related to assisted living facilities in Nebraska.

The measures were introduced by Omaha Sen. Gwen Howard and address a variety of issues:

- LB902 would establish a consumer disclosure process for assisted living facilities;
- LB903 would develop an evaluation criteria for Alzheimer's



Sen. Gwen Howard

special care units; and

- LB904 would establish a new, separate category of licensure for enhanced assisted living.

Howard said the intent of LB902 is to give consumers the ability to compare facilities based on established criteria.

"The bill is about making sure consumers have the right information so they can choose the right facility," she said.

Under LB902, the state Department of Health and Human Services would create a standardized format for detailing services provided by assisted living facilities, charges for those services, Medicaid participation, discharge policies and the process for developing and updating a resident services agreement.

Mark Intermill of the American Association of Retired Persons supported the bill, saying it would help Nebraskans make better decisions.

"This is a basic consumer disclosure bill," he said.

Sharon Colling, administrator of an assisted living facility in Tecumseh, testified against the bill.

Colling, a member of a national consortium working to develop a nationwide database of information similar to that required in the bill, said LB902 would be redundant.

The consortium expects to provide a resource for consumers by 2012 that would compare assisted living facilities across the country, she said.

LB903 focuses on the evaluation of facilities with Alzheimer's special care units.

Facilities that advertise as having such units currently must disclose the services they provide, Howard said, but the state sets no minimum criteria that facilities must meet in order to use the designation.

"Alzheimer's special care units

serve a population that is especially in need of extra protection," she said.

Under LB903, HHS would develop criteria to evaluate the disclosed practices of Alzheimer's special care units to determine if those practices are adequate to warrant the designation.

Intermill said the state's current practice gives facilities with special care units an implicit stamp of approval by listing their designation. It should have some means of assuring the public that facilities carrying the designation provide an adequate level of care, he said.

Brendon Polt, testifying on behalf of the Nebraska Assisted Living Association and the Nebraska Health Care Association, opposed the bill.

Consumers currently are able to make informed decisions based on a facility's disclosure documents, he said.

"Those documents speak for themselves," Polt said.

Finally, LB904 seeks to establish a new and separate category of assisted living licensure, called enhanced assisted living.

Howard said assisted living residents often must leave a facility when their care needs become too great, and an enhanced facility would allow more people to age in place.

Under LB904, the department would develop regulations that would:

- require at least one direct care staff to be on premises and awake at all times;
- provide for an annual survey of assisted living facilities;
- establish training requirements for CPR and first aid; and
- require development of a disaster response plan for all assisted living facilities and training to implement the plan.

Intermill supported the bill, saying the state must begin to address the

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needs of an aging population.

“By 2040, we estimate that there will be twice as many people in Nebraska over the age of 80 as there are today,” he said.

An enhanced assisted living license would signal to consumers that a facility would be able to meet their needs over the long term, Intermill said.

But Polt said the bill would blur the line between assisted living and nursing facilities. Those who choose assisted living do so because of the social model it represents, he said, adding that such facilities were not meant to provide complex nursing care.

“We don’t want to turn assisted living facilities into nursing facilities,” Polt said.

Joann Schaefer, director of the state Division of Public Health, agreed.

Testifying against the bill, she said the measure may result in vulnerable people living in facilities that are unable to provide the necessary level of care.

“We understand that people would rather be in an assisted living facility than a nursing home,” Schaefer said. “But the reality is that the medical needs of people change as we get older.”

The committee took no immediate action on the proposals.

Judiciary

Senators advance bill that would add rights for some youth

Senators advanced a bill from general file Jan. 27 that would expand some rights for 18-year-olds.

Tekamah Sen. Kent Rogert said he introduced LB226 to benefit independent young people, who may be unable



Sen. Kent Rogert

to sign a lease or get cell phone service on their own.

“A lot of 18-year-olds are not living with their parents and they’re having trouble getting the services they need,” Rogert said.

The original bill would have amended various statutes to lower the age of majority. However, Rogert said there was widespread opposition to reducing the age of majority in all areas of law because it would cause some youth services, such as group homes or child support, to end a year early.

It was replaced by a Judiciary Committee amendment, adopted 40-0, which limits the scope of the bill. It would allow 18-year-olds to enter into binding contracts or leases and consent to medical treatment if the parent or guardian gives consent through power of attorney.

Rogert noted that every other state in the country allows 18-year-olds to be legally responsible for contracts and obtain medical care. He offered an amendment to the committee amendment, adopted 41-0, which would exempt state wards from the provisions of the bill.

Scottsbluff Sen. John Harms said he was concerned about 18-year-olds entering into contracts and leases because of research indicating that their brains are not fully developed. Their inability to make well-considered decisions can be seen in problems with teenage drinking and driving, he said.

“Young people cannot process [the new responsibilities in the bill],” he said. “Their brains do not allow them to process this.”

But Sen. Scott Price of Bellevue supported the bill, saying it was consistent with other important rights held by 18-year-olds.

“If you can fight and die for your country, why can’t you sign a contract?” he said.

Senators advanced LB226 on a 41-0 vote.

Bill would extend Medicaid fraud statute of limitations

The criminal statute of limitations for submitting false Medicaid claims would increase from three to five years under a bill heard by the Judiciary Committee Jan. 29.

Sen. Kent Rogert of Tekamah, sponsor of LB809, said investigating complex Medicaid fraud schemes requires significant time and resources, resulting in many criminals avoiding prosecution under the current three-year statute of limitations.

LB809 would apply to crimes where the value of benefits sought or obtained through fraudulent means is \$500 or more, and the extended statute of limitations would apply to offenses committed prior to the effective date of the bill.

Mark Collins, director of the Medicaid fraud and patient abuse unit of the state attorney general’s office, testified in support of the bill.

Cases are referred to the unit by the Medicaid division of the state Department of Health and Human Services, Collins said, usually after the crimes have been going on for months. The fraud unit then begins the task of investigating bank and medical records and conducting interviews.

“Investigations often require the examination of thousands of documents,” he said.

Collins said extending the statute of limitations would allow the fraud unit to pursue more cases, adding that money recovered from criminal investigations is turned back to the state.

Rogert said the fraud unit has recovered over \$32 million since 2004.

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

ISSUES UPFRONT.....

Natural Resources

Repeal of scheduled corn and grain sorghum checkoff considered

Corn producers would not have to pay a future tax under a bill heard by the Natural Resources Committee Jan. 29.

LB689, introduced by Schuyler Sen. Chris Langemeier, would repeal a 0.6-cent per bushel or hundredweight excise tax, or “checkoff,” on corn and grain sorghum sold or delivered from Oct. 1, 2012, to Oct. 1, 2019.



Sen. Chris Langemeier

The current rate of the excise tax is 0.875 cents per bushel or hundredweight. Revenues are deposited in the Ethanol Production Incentive Cash (EPIC) Fund, and the unexpended balance is scheduled for transfer to the Water Resources Cash Fund on Dec. 31, 2012.

The Water Resources Cash Fund is primarily used to aid actions taken to reduce water use in basins, subbasin or reaches declared overappropriated, fully appropriated or bound by an interstate compact or decree.

LB689 would stop the transfer to the Water Resources Cash Fund and instead split half of the fund’s balance between the Nebraska Corn Development, Utilization, and Marketing Fund and the Grain Sorghum Development, Utilization, and Marketing Fund based on the portion of the fund derived from the individual commodities. The other half of the EPIC Fund would be deposited in the state general fund.

Langemeier said the bill would force a conversation among stakeholders to determine other funding sources for the Water Resources Cash Fund.

Keith Olson, president of the Nebraska Farm Bureau, testified in support of the bill. Farmers already contribute to water issues through their property taxes, he said, adding that checkoff dollars are a “self-help tool” to market and promote commodities.

“The water challenge that Nebraska is facing should be the responsibility of all citizens to resolve and contribute resources to if needed,” Olson said.

Olson said their support of LB689 does not mean the Farm Bureau thinks the Water Resources Cash Fund should be without a funding source. Some Farm Bureau members have expressed support for sales tax increases and taxes on high capacity irrigation wells as alternatives to checkoffs, he said.

“We as producers are willing to pay our share, but we don’t want to pay someone else’s share,” Olson said.

Scott Richard, president of the Nebraska Soybean Association, also testified in support of the bill. The current policy sets a bad precedent for using an industry-specific tax for a statewide problem, he said.

Richard said checkoff dollars will contribute \$7.5 million annually to the Water Resources Cash Fund, whereas the state general fund will contribute only \$2.7 million.

“This is asking a small percentage of the population to fix a problem that affects the entire population of this state,” he said.

Representing the Nebraska Association of Resources Districts, Twin Platte NRD general manager Kent

Miller testified in opposition to the bill. Miller said he was not opposed to finding a different funding source but preferred that the alternative source be specified in the bill.

“We have a tremendous need in the Platte Basin, and it is a need that requires dollars,” he said.

The committee took no immediate action on the bill.

Committee considers permits for killing mountain lions

The state’s growing mountain lion population could be thinned under a bill heard by the Natural Resources Committee Jan. 27.

LB747, introduced by Ellsworth Sen. LeRoy Loudon, would permit landowners to apply for a 30-day permit to kill a mountain lion preying on their livestock or poultry. Before approving the permit, the state Game and Parks Commission would confirm that the damage was done by a mountain lion. The bill would require that carcasses be transferred to the commission.



Sen. LeRoy Loudon

The bill also would clarify that a person may defend against a mountain lion that stalks, attacks or shows unprovoked aggression towards any person.

Loudon said landowners — fearing penalty by law — often bury mountain lions after killing them, so the commission cannot collect accurate information on the state’s growing mountain lion population.

“This is an important issue for local people. Not only for their safety, but the safety and economic value of their livestock,” Loudon said.

ISSUES UPFRONT.....

Sam Wilson of the commission testified in support of the bill, saying it would clarify which actions may be taken to protect against mountain lion attacks on people or livestock.

Wilson said mountain lions are native to Nebraska but were exterminated here in the late 1800s. Growing populations in Colorado, Wyoming and South Dakota have helped reintroduce the animal to the state, he said, adding that mountain lions have been confirmed in Sioux, Dawes and Sheridan counties.

Pete McClymont, representing the Nebraska Cattlemen, also supported the bill. Farmers and ranchers should be able to protect their property without legal repercussions, he said, which was not the case for a Panhandle landowner who recently was penalized for shooting a mountain lion.

Representing the Feline Conservation Federation, Greg Lyons testified in opposition. While the purpose of the bill is not objectionable, he said, the bill could lead to the shooting of mountain lions not posing a threat to any animal or person.

"We don't want to have the killing get out of hand," Lyons said.

The committee took no immediate action on the bill.

Deer hunting expansion considered

A bill designed to curb the state's growing deer population was heard by the Natural Resources Committee Jan. 27.

LB836, introduced by Omaha Sen. Scott Lautenbaugh, would permit landowners and their immediate families



Sen. Scott Lautenbaugh

to hunt deer on their farmland without regard to season bag and possession limits. The state Game and Parks Commission also would establish biennial deer hunting seasons under the bill.

The bill would permit the use of spotlights when hunting deer and establish a refundable tax credit of \$25 per deer taken by other hunters on a landowner's property. The tax credit would be offered to persons who own at least 40 acres.

Lautenbaugh said the swelling deer population is a threat to motorists' safety, adding that deer were the reported cause of 12,000 accidents last year in Nebraska.

Lautenbaugh said the bill's provisions are needed to help farmers protect their crops from damage caused by overabundant deer.

"If you're involved in agricultural production, you have the right to defend your property. You have the right to defend your livelihood," he said.

Robert Schoen of Beatrice testified in support of the bill. He said he lost his son to a motorcycle accident with a deer in 1996, at which point there were 250,000 deer in the state. Today, the state is estimated to have 375,000 to 380,000 deer, he said.

Schoen recommended that hunters be required to tag an antlerless deer first. Otherwise, he said, they concentrate on trophy bucks and neglect the does, which contribute most to the animal's overpopulation.

Craig Bolz of Palmyra also testified in support of the bill. A farmer for 38 years, he estimated that he annually loses five acres of crops to deer. He did oppose, however, the spotlight provision of the bill.

Representing the Game and Parks Commission, Jeff Hoffman testified in opposition to the bill. He said the

commission is working to limit the deer population on a regional and landowner basis. Deer seasons and depredation permits are available, he said, adding that hunters are the best tool for deer population control.

Hoffman said other states have adopted programs to encourage the targeting of does over bucks with mixed results.

"The jury is still out on whether it is a good system or not," Hoffman said, saying some states later repealed their programs.

Janice Spicha, representing the Nebraska Bowhunters Association, also testified in opposition. The deer population belongs to all Nebraskans, not just landowners, she said. The best way to control deer numbers is to increase hunters' access to land, she said.

"Hunter access is very poor in this state, compared to other states," Spicha said, adding that hunter mentor programs struggle to find landowners who permit hunting.

The committee took no immediate action on the bill.

Bill proposes consolidation of agencies into new Energy Commission

The Nebraska Energy Office and the state Oil and Gas Conservation Commission would be consolidated under a bill heard by the Natural Resources Committee Jan. 28.

LB885, introduced by Omaha Sen. Jeremy Nordquist, would combine the two offices to create the Nebraska Energy Commission. The commission would be an independent agency overseen by the



Sen. Jeremy Nordquist

ISSUES UPFRONT.....

three existing members of the Oil and Gas Conservation Commission and two new members. The governor would select one member with experience in renewable energy production and another with experience in energy conservation.

The bill would transfer on Jan. 1, 2011, all assets, employees, rules and regulations from the existing agencies to the Energy Commission. The commission would be tasked with all the responsibilities of the current agencies.

The state has too many agencies dealing with energy policy, Nordquist said, which has left the state without benchmarks or goals for energy production. He said the state needs to coordinate all of its resources to develop a comprehensive energy policy and facilitate collaboration.

“Having one director with a mission of comprehensive state energy policy makes sense,” Nordquist said.

Neil Moseman, director of the Nebraska Energy Office, testified in opposition to the bill. The consolidation of both agencies would not lead to streamlining of government services, he said, because the agencies do not have similar tasks that would lead to efficiencies.

“I’m all for streamlining, but the duties are just too diverse,” he said. “It’s hard to find how to really save money by doing this.”

If the Lincoln-based Energy Office and Sidney-based Oil and Gas Conservation Commission were to combine, Moseman said, a western Nebraska office still would be required because all but one oil well in Nebraska are located in western or southwest Nebraska.

Bill Sydow, director of the Oil and Gas Conservation Commission, also testified in opposition. He said

the two agencies address different forms of energy and thus have different goals. While the Energy Office is concerned with developing renewable energies and lowering electricity consumption, Sydow said, the commission is focused on the “wise and orderly development” of oil and gas resources.

“Oil and gas is a very unique operation,” he said. “That’s why this commission was designed to be separate.”

The committee took no immediate action on the bill.

Revenue

Property tax exemptions proposed for private lands leased for public uses

The state and political subdivisions could obtain exemptions from property tax for buildings leased from private entities under a proposed constitutional amendment considered by the Revenue Committee Jan. 28.

LR276CA, introduced by Omaha Sen. Pete Pirsch, would place on the November ballot an amendment to permit the Legislature to allow for property tax exemptions to private parties willing to donate their property to the state or governmental subdivisions for public purposes.

Pirsch offered as an example the Omaha Mounted Patrol Unit, which is located on land and in buildings leased by ConAgra to the city for \$1 per year. The city annually pays \$22,000 in property taxes, however, which is the impetus for the proposed

constitutional amendment, he said.

“There is a potential here for legislation ... that would allow for the taxpayers to save substantial sums,” Pirsch said, adding that the amendment would help foster public-private partnerships.

Representing the City of Omaha, Jack Cheloha testified in support of the bill. He said the proposed amendment could help communities find properties for libraries, parks or soccer fields. He said these public-private partnerships are a “win-win” situation because the private entity donating the property receives the benefit of public services and the public entity saves money by foregoing the procurement of property.

Lynn Rex, executive director of the League of Nebraska Municipalities, also testified in support of the bill. The proposed amendment would make the taxation of private lands leased to public entities more consistent with lands owned by the public, which are exempt from property tax, she said.

The committee took no immediate action on the bill.

Transportation & Telecommunications

School permits for students in cities

School permits could be available to students living in first class cities under a bill heard by the Transportation and Telecommunications Committee Jan. 25.

LB831, introduced by Hastings Sen. Dennis Utter,



Sen. Pete Pirsch



Sen. Dennis Utter

ISSUES UPFRONT.....

would permit students aged 14 to 16 who live in a first class city, reside at least 1.5 miles from their school and have held a LPE-learner’s permit for two months to apply for a school permit. Nebraska law defines first class cities as municipalities with a population greater than 5,000 but not greater than 100,000.

Current law permits students to apply for school permits only if they live 1.5 miles from school and reside outside a city of the metropolitan, primary or first class or attend a school outside a city.

Utter said he introduced the bill to help a constituent who lives in an area of Hastings that was recently annexed. The constituent’s 14-year-old daughter had intended to apply for a school permit to drive the five miles to school, but the annexation of his subdivision now prohibits her from doing so.

“Now that they are residents of Hastings — and they still live a long distance from the school — a hardship is created, because the daughter must find another way to get to school,” Utter said.

Utter said the annexation of rural subdivisions by nearby cities could present problems for other families who rely on school permits for school transportation.

“What was legal yesterday may not be legal tomorrow, and I think this helps rectify that situation,” Utter said.

Laurie Klosterboer, executive director of the Nebraska Safety Council, testified in opposition to the bill. In 2008, drivers aged 15 to 24 accounted for 31 percent of all automobile accidents in Nebraska and 26 percent of accidents with fatalities. This was the highest of any age group, she said, adding that automobile accidents are the number one cause of death

for teens.

“We would be taking a step backward with this law by expanding it to having that many teens [be eligible for school permits],” Klosterboer said.

The committee took no immediate action on the bill.

Regulation of roadside memorials considered

Roadside memorials would be regulated by the state Department of Roads under a bill heard by the Transportation and Telecommunications Committee Jan. 25.

LB856, introduced by Fremont Sen. Charlie Janssen, would require the department to adopt rules and regulations regarding the size, location, installation, maintenance and removal of memorials, plaques and other objects placed within the right-of-way that commemorate the life of a person who died in a crash.



Sen. Charlie Janssen

Janssen said he introduced the bill to increase public safety and assist those who wish to memorialize loved ones.

“The last thing someone wants to see is a second accident at the same site,” Janssen said. “We want to respect the memory of accident victims while ensuring that other drivers do not themselves become victims to this distraction.”

Randy Meek, chairman of the Brotherhood of Locomotive Engineers and Trainmen, spoke in favor of the bill. Most engineers — through no fault of their own — will be involved in a serious accident at some point in their career, he said, and counsel-

ing services may be needed to help them resume their duties. Seeing memorials, however, can bring back traumatic memories, he said.

“I personally have experienced the trauma of operating a locomotive and watching a person die directly in front of that locomotive, knowing that I was helpless to stop it,” Meek said. “It’s not something I want to remember every day of my life.”

Department director Monty Fredrickson testified in a neutral capacity. Current law prohibits leaving signs, parked cars and other objects along state highways, he said, which has led the department to adopt an unwritten policy to handle memorials on a case-by-case basis.

“On one hand, public safety is our paramount goal,” Fredrickson said. “On the other hand, we understand the needs of families and friends who have lost a loved one.”

The department seldom receives a request for consent to place a memorial, he said. Generally, the memorial is not immediately removed, unless it is placed on a freeway, presents a traffic hazard or distraction, or obstructs mowing or other maintenance activities, he said.

When a memorial must be removed, he said, it is placed on the edge of the right of way near the fence line or taken to the local maintenance yard for storage until a family member or friend claims it. He said memorials can be removed if a complaint is filed by other families who do not want to be reminded of the incident.

The committee took no immediate action on the bill. ■

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COMMITTEE HEARINGS

Monday, February 1

Banking, Commerce & Insurance Room 1507 - 1:30 p.m.

LB807 (McCoy) Require automobile liability policies to be issued for a minimum term
LB912 (Pahls) Prohibit occupant recovery limits in uninsured and underinsured motorist coverage
LB693 (Price) Provide authorization for foreign insurers to offer health insurance in Nebraska

Business and Labor Room 2102 - 1:30 p.m.

LB934 (Haar) Include Nebraska Wing of the Civil Air Patrol members under the Volunteer Emergency Responders Job Protection Act
LB925 (Conrad) Require employment of Nebraska laborers for public works projects during excessive unemployment
LB1086 (McCoy) Change provisions relating to determination of the state unemployment insurance tax rate
LB1055 (Carlson) Change provisions relating to extended unemployment benefits
LB1020 (Lathrop) Change provisions relating to benefit eligibility under the Employment Security Law

Education Room 1525 - 1:30 p.m.

LB1001 (Janssen) Change and eliminate residency provisions relating to postsecondary education
LB1061 (Janssen) Adopt the Tuition Equalization Grant Program Act
LB745 (Avery) Redefine a term for purposes of the Nebraska Scholarship Act
LB956 (Adams) Rename the Nebraska Scholarship Act and change award provisions

General Affairs Room 1510 - 1:30 p.m.

LB783 (Karpisek) Change restrictions

on sales of alcohol near a college or university
LB786 (Karpisek) Eliminate the prohibition on adding alcohol to beer
LB869 (Karpisek) Provide for and change fees relating to licensure under the Nebraska Liquor Control Act
LB870 (Karpisek) Provide for a temporary operating permit under the Nebraska Liquor Control Act
LB900 (Karpisek) Change retail license fees for sales of alcohol
LB906 (Karpisek) Eliminate restrictions on sales of alcohol near certain places

Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB723 (Fischer) Change surcharge remittance requirements for telephone companies
LB735 (Gay) Adopt the Kelsey Smith Act to require wireless carriers to provide call location information in certain emergency situations
LB787 (Fischer) Provide for an additional member to serve on the Nebraska Information Technology Commission
LB811 (Transportation & Telecommunications) Change appeal procedures relating to the Public Service Commission

Tuesday, February 2

Agriculture Room 2102 - 1:30 p.m.

LB865 (Fischer) Adopt the Livestock Animal Welfare Act
LB882 (Rogert) Change provisions relating to disposal of dead animals

Appropriations Room 1524 - 1:30 p.m.

LB1030 (Dierks) Appropriate funds to the Attorney General to aid in enforcing the Competitive Livestock Markets Act
LB1063 (Nelson) Authorize an art maintenance fund for public art and

provide for an inspection schedule

Banking, Commerce & Insurance Room 1507 - 1:30 p.m.

LB888 (Conrad) Adopt the Nebraska Uniform Limited Liability Company Act
LB730 (Lautenbaugh) Change provisions relating to charging orders and interests in limited liability companies
LB720 (Avery) Provide requirements and restrictions for customer loyalty or incentive programs

Education Room 1525 - 1:30 p.m.

LB937 (Fischer) Eliminate per diem payments for members of learning community coordinating councils
LB974 (Avery) Change permissible uses of a learning community levy as prescribed
LB1070 (Adams) Change provisions relating to learning communities
LB1095 (Lathrop) Change distribution of educational service unit funds
LB1069 (Adams) Change technology purchase and funding provisions relating to educational service units

Executive Board Room 2102 - 12:00 p.m.

LB685 (Wightman) Change membership provisions relating to the Executive Board of the Legislative Council
LB717 (Avery) Require placement of conflict-of-interest statements in the Legislative Journal
LB770 (Flood) Change provisions relating to the distribution of the session laws and journal of the Legislature

Nebraska Retirement Systems Room 1525 - 12:10 p.m.

LB950 (Nebraska Retirement Systems) Change provisions relating to retirement

Transportation & Telecommunications Room 1113 - 1:30 p.m.

LR286CA (Fischer) Constitutional amendment to create the Highway

COMMITTEE HEARINGS

Trust Fund, designate revenue sources, and provide for uses

LB838 (Lautenbaugh) Require certain provisions in highway and bridge contracts and require contractor-identifying signage

LB819 (Transportation & Telecommunications) Change traffic control signal and speed limit provisions

Urban Affairs

Room 1510 - 1:30 p.m.

LB799 (Krist) Change state and local building code provisions

LB949 (Gloor) Change provisions relating to state and local building codes

LB977 (Mello) Require new state buildings and renovations to comply with energy efficiency standards

LR295CA (McGill) Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises

Wednesday, February 3

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment - McMeen, Reynold - State Emergency Response Commission

LB987 (Krist) Require the Department of Veterans' Affairs to contract for a study of lung cancer in veterans

LB1035 (Cook) Provide powers for counties, cities, and villages to control and abate public health nuisances

LB715 (Avery) Authorize projects in a specific portion of the Nebraska State Capitol Environs District

Health & Human Services

Room 1510 - 1:30 p.m.

LR289CA (McCoy) Constitutional amendment to prohibit laws that restrict or interfere with choice of health care

plans or direct payment for medical services

LB938 (Stuthman) Provide for an amendment to the Medicaid state plan relating to reimbursement of federally qualified health centers

LB921 (Campbell) Provide time limits for payment of claims under the medical assistance program

LB1106 (Nordquist) Provide for school-based health centers under the Medical Assistance Act

Judiciary

Room 1113 - 1:30 p.m.

LB756 (Wightman) Adopt the Nebraska Uniform Real Property Transfer on Death Act

LB757 (Wightman) Provide for non-probate transfer on death motor vehicle certificates of title

LB758 (Wightman) Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives

LB1026 (Wightman) Provide for transfers of civil actions in district court

LB1047 (Wightman) Provide for construction of terms in wills and trusts relating to federal laws

LB1104 (Flood) Change judges' salaries

LB727 (Coash) Change compensation for retired judges serving temporary duty

Natural Resources

Room 1525 - 1:30 p.m.

LB764 (Fischer) Change provisions relating to integrated management plans under the Nebraska Ground Water Management and Protection Act

LB862 (Christensen) Change provisions relating to issuance and repayment of river-flow enhancement bonds

LB932 (Christensen) Change provisions relating to repayment of financial assistance by natural resources districts

Revenue

Room 1524 - 1:30 p.m.

LB983 (Karpisek) Authorize and regulate skilled mechanical amusement devices

LB1002 (Louden) Authorize state sales tax revenue assistance derived from the sale of alcoholic liquor for certain political subdivisions

LB1073 (Mello) Adopt the Building Nebraska's Creative Economy Act and provide income tax credits

LB1081 (Cornett) Provide a tax credit and authorize job training grants for teleworkers

Thursday, February 4

Executive Board

Room 2102 - 12:00 p.m.

LB1109 (Conrad) Adopt the Nebraska Innovation and High Wage Employment Act

LB1101 (Wightman) Authorize use of employee furloughs by the Legislature

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB978 (Mello) Provide requirements relating to energy star certified appliances in the state's competitive bidding process

LB980 (Wallman) Change personal services contract requirements and provide restrictions on privatization contracts

LB948 (Avery) Change provisions relating to agency requisitions and competitive bidding

Health & Human Services

Room 1510 - 1:30 p.m.

LB812 (Karpisek) Change notice and hearing requirements for complaints under the Uniform Credentialing Act

LB733 (Gay) Provide a sales tax exemption for local public health departments and provide for applicability of

COMMITTEE HEARINGS

the Political Subdivisions Tort Claims Act to such departments
LB857 (Gay) Change fee provisions relating to modular housing units, manufactured homes, and recreational vehicles
LB734 (Gay) Change provisions relating to utility shut off notification
LB849 (Gay) Change provisions relating to the Department of Health and Human Services

Judiciary

Room 1113 - 1:30 p.m.

LB905 (Dubas) Change provisions relating to discharge of firearms
LB889 (Christensen) Change provisions relating to the justification for the use of force
LB1033 (Christensen) Change provisions relating to regulation of concealed handguns
LB860 (Lautenbaugh) Change concealed handgun permit application provisions relating to misdemeanor crimes of violence
LB842 (Lautenbaugh) Change procedures in cases of death during apprehension by law enforcement officers or while in custody
LB843 (Lautenbaugh) Change provisions relating to arson

Natural Resources

Room 1525 - 1:30 p.m.

LB1048 (Wind Briefing) Invited testimony on amendment to LB1048

Testimony received today by committee invitation only. A public hearing for LB1048 will be held on February 24, 2010.

Revenue

Room 1524 - 1:30 p.m.

LB972 (Utter) Change a date related to certain political subdivision budget filings
LB976 (Cornett) Change a budget limitation
LB1008 (Janssen) Provide for cash

basis or modified accrual or encumbrance basis budget statements under the Nebraska Budget Act as prescribed
LB1078 (Cornett) Update references to the Internal Revenue Code
LB1097 (Cornett) Change property tax levy limitations

Friday, February 5

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR278CA (Nordquist) Constitutional amendment to set certain salaries in the Constitution
LR284CA (Utter) Constitutional amendment to abolish the office of the State Treasurer

Judiciary

Room 1113 - 1:30 p.m.

LB840 (Lautenbaugh) Change provisions relating to criminal attempt
LB771 (Flood) Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, discovery, and juveniles
LB886 (Stuthman) Change and provide penalties for minors purchasing or possessing tobacco
LB968 (McGill) Redefine abuse for certain domestic violence situations
LB984 (Howard) Change a penalty relating to child abuse

Natural Resources

Room 1525 - 1:30 p.m.

LB1057 (Carlson) Create the Republican River Basin Water Sustainability Task Force
LB1076 (Schilz) Change provisions relating to evaluation of river basins, subbasins, and reaches

Revenue

Room 1524 - 1:30 p.m.

LB837 (Lautenbaugh) Provide for entry

of default orders by the Tax Equalization and Review Commission
LB1079 (Cornett) Change the time for appealing to the Tax Equalization and Review Commission and certain dates relating to property tax assessment and equalization
LR271CA (Nelson) Constitutional amendment to permit exemption of increased value resulting from home improvements

Monday, February 8

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB759 (Wightman) Provide for the dissolution, winding up, and liquidation of certain professional corporations
LB760 (Wightman) Change provisions relating to total return trusts
LB1068 (Hansen) Adopt the Rural Tourism Development Act
LB1074 (Mello) Provide for job training grants to film production companies

Education

Room 1525 - 1:30 p.m.

LB1014 (Haar) Create the Teacher Performance Pay Fund and provide for additional public teacher pay
LB1087 (Adams) Change provisions relating to payment for educational services
LB1071 (Adams) Change provisions relating to schools

General Affairs

Room 1510 - 1:30 p.m.

LB834 (Howard) Change provisions and penalties relating to liquor licenses
LB854 (Howard) Change requirements for licensure under the Nebraska Liquor Control Act
LB883 (Coash) Provide for offsite storage facilities and change reporting and payment requirements for farm wineries

COMMITTEE HEARINGS

LB1000 (Karpisek) Change eligibility for licensure for managers and limited liability companies under the Nebraska Liquor Control Act
 LB942 (Gay) Provide for a special shipping permit for alcohol manufacturers
 LB1013 (Rogert) Provide for extended closing time for alcoholic liquor retail licensees as prescribed

Urban Affairs
Room 1510 - 1:30 p.m.
 LB997 (Mello) Require cities' comprehensive plans to include an energy element
 LB1098 (Mello) Authorize creation of sustainable energy financing districts by municipalities
 LB1099 (Mello) Authorize the establishment of a recycling program in cities of the metropolitan class



Tuesday, February 9

Agriculture
Room 1524 - 1:30 p.m.
 LB910 (Carlson) Change the Commercial Dog and Cat Operator Inspection Act

Banking, Commerce & Insurance
Room 1507 - 1:30 p.m.
 LB818 (Sullivan) Change the Real Property Appraiser Act
 LB931 (Langemeier) Change the Real Property Appraiser Act
 LB1051 (Christensen) Change provisions relating to certificate terms, fees, and rosters of abstracters
 LB959 (Lathrop) Prohibit certain discriminatory acts or practices related to the business of insurance

Education
Room 1525 - 1:30 p.m.
 LB1021 (Avery) Adopt the High School Activities Association Act
 LB962 (Council) Require blood lead testing prior to school enrollment
 LB1006 (Adams) Change provisions relating to kindergarten entrance age

Nebraska Retirement Systems
Room 1525 - 12:10 p.m.
 LB979 (Nebraska Retirement Systems) Provide for the transition of certain employees to the State Employees Retirement System

Wednesday, February 10

Revenue
Room 1524 - 1:30 p.m.
 LB704 (Haar) Change a renewable energy tax credit
 LB774 (Haar) Change provisions relating to sales tax treatment of net metering
 LB1049 (Langemeier) Change provisions relating to community-based energy projects
 LB1080 (Cornett) Provide tax incentives for wind energy projects

Thursday, February 11

Revenue
Room 1524 - 1:30 p.m.
 LB952 (White) Exempt certain public utility income for infrastructure replacement and sewer programs from sales tax
 LB975 (Nordquist) Change the Convention Center Facility Financing Assistance Act relating to projects undertaken in areas with a high concentration of poverty
 LB1018 (Cornett) Adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act

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