

THE NEBRASKA LEGISLATURE'S
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UPDATE

Senators debate occupation tax on telecommunications



Sen. Deb Fischer introduces LB165 Feb. 24.

A bill that would phase out municipal occupation taxes on telecommunications services was debated on general file Feb. 24 and 25.

LB165, introduced by Valentine Sen. Deb Fischer, would prohibit any municipality from imposing a new telecommunications occupation tax or increasing the rate of an existing tax without voter approval. The bill would cap telecommunications

occupation taxes at 6 percent beginning on Jan. 1, 2012, with the rate decreasing by 1 percent annually until its elimination on Dec. 1, 2017.

The bill also would prohibit the application of telecommunications occupation taxes to total receipts for the purpose of sales tax computation.

The Legislature places limits on many local taxes, Fischer said, but no such limits apply to occupation taxes. Telecommunications occupation tax rates vary from 1.5 percent to 6.25 percent, she said.

Fischer said the Committee on State Taxation ranked Nebraska as worst in nation for state and local taxes and fees on wireless services, with taxes at 18 percent.

“To have the highest tax rate in the country for anything – in my opinion – is not where Nebraska wants to be,” she said.

Fischer also expressed concern about the inconsistent application of the telecommunications occupation

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Restructured learning community proposed

The Education Committee heard testimony Feb. 22 on a bill that would reduce the numbers of learning community coordinating council members by half and discontinue their public election.

In 2006, the Legislature created a learning community comprising the school districts in Douglas and Sarpy counties. The law created a mechanism for learning communities to be governed by a coordinating council consisting of 18 members, with 12 members publicly elected from the six school districts and the remaining six being school board members.

LB548, introduced by Omaha Sen. Beau McCoy, would reduce the coordinating council to nine members who are school board members of districts within the learning community.

The learning community has 18 voting members, McCoy said, making it the second largest governing body in the state.

“I believe this bill would enhance both the efficiency and effectiveness of the learning community,” he said.

Under the bill, each school district within the learning community would choose one school board member to be appointed to the council. The member

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A CLOSER LOOK

Senators debate occupation tax on telecommunications

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tax. Localities differ on whether they tax land lines and cell phone lines, she said, and Lincoln even taxes equipment.

Discussion of the bill focused on a Revenue Committee amendment that would replace the bill. The amendment would restrict telecommunications occupation taxes to telecommunications services and cap the tax rate at 6.25 percent, unless city voters approve a 0.25 percent hike.

Lincoln Sen. Bill Avery offered an amendment, defeated 10-29, that would have deleted the emergency clause and tied telecommunications occupation taxes to receipts from the sale of equipment and services that are subject to state sales tax.

Avery said his amendment would have made the telecommunications occupation tax consistent with the state sales tax model. As Nebraska considers eliminating aid to cities and restricting other local revenue sources, Avery said, the Legislature risks “tying the hands” of local leaders by limiting telecommunications occupation taxes.

“If Lincoln is making a mistake with the occupation tax, let the voters of Lincoln decide that,” Avery said, adding that Lincoln’s telecommuni-

cations occupation tax ordinances were approved by the city council unanimously.

Lincoln Sen. Danielle Conrad spoke in support of Avery’s amendment. Local governments need revenue to provide services for their citizens, Conrad said, and the selection of funding sources should be left to localities, not the Legislature.

York Sen. Greg Adams opposed Avery’s amendment, saying the proposal in the Revenue Committee amendment would be a preferable compromise.

Overextending application of the telecommunications occupation tax could threaten the tax’s existence, he said.

Ellsworth Sen. LeRoy Loudon also preferred the version in the committee amendment. Extending the telecommunications occupation tax to equipment would be akin to permitting electric utilities charge an occupation tax on appliances due to their electricity use, he said.

Avery offered another amendment to strike the emergency clause and explicitly state that the telecommunications occupation tax does not apply to equipment. He said he offered the amendment to ensure the bill would not conflict with other occupation taxes.

“Let’s not restrict the definition of services to the point where Lincoln is thrown into budgetary chaos,” Avery said.

The Legislature adjourned before taking further votes on the bill. ■

“If Lincoln is making a mistake with the occupation tax, let the voters of Lincoln decide that.”

- Sen. Bill Avery

QUALIFICATIONS TO RUN FOR THE LEGISLATURE

To run for the Nebraska Legislature, a candidate must:

- be at least 21 years of age.
- be a resident of Nebraska, and specifically a resident of the legislative district he or she wishes to serve, for at least one year prior to the general election.
- not have ever been convicted of a felony.

For more detailed information on qualifications and filing for office, please contact your local county clerk or election commissioner, or visit the Nebraska Secretary of State’s website at www.sos.ne.gov

A CLOSER LOOK

Restructured learning community proposed

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receiving the most votes cast by the other school board members residing within the particular district would be appointed.

The remaining three members would be appointed at-large, regardless of the district in which they reside, by a vote of all the school board members residing within the learning community. The at-large members would be nominated and appointed from school boards of school districts without a member on the learning community coordinating council. The at-large members would be appointed after election of the learning community coordinating council members.

LB548 also would eliminate the learning community's six achievement subcouncils. Currently, the subcouncils are responsible for developing diversity plan recommendations, administering elementary learning centers, approving poverty and limited English proficiency plans, receiving community input and holding public hearings in response to issues raised by residents.

Under the bill, these responsibilities would fall to an advisory committee composed of superintendents from each member school district or their representatives.

Mike Pate, a member of the Millard School Board and learning community, testified in support of the bill, saying there is a lack of collaboration among members.

LB548 would bring those involved in the educational process



Sen. Beau McCoy introduces LB548.

together with a better understanding of the issues affecting each of the districts, not just one, he said.

"The collaboration that needs to exist, particularly when we talk about our children, is missing in the current environment," Pate said.

Rick Black, superintendent of Papillion-La Vista Public Schools, also testified in support of the bill, saying changes to the learning community's structure are needed.

The learning community is trying to bring the school districts together, Black said, but the districts have no input on



Sen. Brenda Council questions a testifier.

decisions that are made.

The school districts are charged with meeting students' achievement needs, he said, not the learning community. However, it is difficult for superintendents to meet those needs, without direct involvement in the learning community, he added.

Rick Kolowski, chairman of the learning community, testified in opposition to the bill.

The learning community has been in existence for less than two years, he said, so it is too early to make changes to its structure. Further, he said, some communication problems already may have been addressed.

"I think we've made great strides in improving all communication," Kolowski said.

Freddie Gray, a member of Achievement Subcouncil No. 2, also testified in opposition to LB548, saying it would eliminate local authority, oversight and community involvement.

Achievement Subcouncil No. 2 represents parts of the third highest poverty area in the country, Gray said. It is the only local governing body that reflects the proportionate African-American make-up of the geographic area that it represents, she said.

Having at-large subcouncil members would almost guarantee that there would not be a fair number of minority representatives, Gray said.

The committee took no immediate action on the bill. ■

ISSUES UPFRONT

Agriculture

Federal funds sought for beginning farmer program

State funding for administration of the Beginning Farmer Tax Credit Act could be replaced with federal funds under a bill heard by the Agriculture Committee Feb. 22.

LB356, introduced by Holdrege Sen. Tom Carlson, would direct the state Department of Agriculture to use federal rural rehabilitation funds to pay the administrative costs of the Beginning Farmer Tax Credit Act and the Beginning Farmer Board.



Sen. Tom Carlson

The Beginning Farmer Tax Credit Act provides landowners who rent agricultural land to beginning farmers with a refundable tax credit equal to 10 percent of the cash rent or 15 percent of the value of the share crop rent received each year for three years.

Jay Rempe, representing the Nebraska Farm Bureau, testified in opposition to the bill, saying it would divert resources from agricultural education, youth and training programs such as FFA, Nebraska LEAD and Nebraska Agriculture in the Classroom.

Don Anthony, chairperson of the Beginning Farmer Board, testified in a neutral capacity. He said the beginning farmer program had 83 applicants last year and annually administers approxi-



mately \$1.5 million in tax credits.

Greg Ibach, director of the state Department of Agriculture, also testified in a neutral capacity, saying the investment earnings of rural rehabilitation funds have varied in recent years. In order to cover the \$45,000 in annual administrative costs for the Beginning Farmer Tax Credit Act, he said, support for existing programs that depend on the federal funds would need to be reduced.

The committee took no immediate action on the bill.

Appropriations

Cuts to preservation fund proposed

The Nebraska Cultural Preservation Endowment Fund would receive half the general fund transfers currently intended for it under a bill heard by the Appropriations Committee Feb. 22.

Current law includes legislative intent to annually appropriate up to \$500,000 from the general fund to the Nebraska Cultural Preservation Endowment Fund from 2011 to 2016.

LB485, introduced by Wilber Sen. Russ Karpisek, would decrease the maximum amount of these annual

appropriations to \$250,000.

Karpisek said LB485 is one of the bills that resulted from the Legislature's process of identifying potential budget cuts.

He said the goal was to maintain resources for the fund without completely eliminating general fund support.

"We all understand [budget cutting] is not anything we relish doing, but we have to come up with that money," Karpisek said.

Nebraska Cultural Endowment board member Robert Nefsky testified in a neutral capacity. The endowment is willing to do its part to reduce demands on public funds, he said, but funding reductions or delays should not undercut the Legislature's promise to appropriate the remaining \$3 million to the fund.

The committee took no immediate action on the bill.

Economic forecasting board revises revenue projections upward

The Nebraska Economic Forecasting Advisory Board provided some optimism for the state's revenue outlook dur-



Sen. Russ Karpisek

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ing its first meeting of the year Feb. 25.

The board provides an advisory forecast of general fund receipts that the Legislature uses to craft the state's budget.

During its October forecast, the board set revenue projections at \$3.4 billion for fiscal year 2010-11, \$3.4 billion for FY2011-12 and \$3.6 billion for FY2012-13.

The board projected that revenues for the current fiscal year would be \$9.5 million less than predicted in October, but revised their outlook upward for FY2011-12 and FY2012-13 by \$24 million and \$30 million, respectively.

Leading the higher revenue projections for the next biennium were sales tax revenues, which the board revised upward by \$45 million. Holding revenue projections back were corporate income taxes, which the board revised downward by \$40 million over the next three fiscal years.

The next meeting of the board is Thursday, April 28.

Banking, Commerce & Insurance

Bills would address condo and homeowners' association liens

The Banking, Commerce and Insurance Committee heard testimony on two bills Feb. 22 that would address the issue of condominium and homeowners' association liens.

LB571, introduced by Bellevue Sen. Scott Price, would harmonize existing Nebraska law regarding such



Sen. Scott Price

liens with the model act on which those laws are based, the Uniform Common Interest Ownership Act (UCIOA).

The Uniform Law Commission amended the UCIOA in 2008, Price said, and the intent of LB571 is to incorporate those amendments into Nebraska law.

Among other provisions, the bill would:

- prohibit an association from foreclosing an assessment lien unless a homeowner is at least three months in arrears;
- require an association to offer a delinquent homeowner a payment plan before foreclosing on an assessment lien;
- prohibit foreclosure when the only amount due results from fines, unless an association has a judgment against the delinquent homeowner for those fines; and
- require an association to apply payment on delinquent accounts to unpaid assessments before being applied to late charges, attorney fees, collection costs or other fines or penalties.

In addition, the bill would allow appointment of a receiver during foreclosure proceedings and limited assessment lien priority for 12 months of delinquent assessments.

LB614, introduced by Omaha Sen. Pete Pirsch, also would address condominium and homeowners; association liens.

Among other provisions, the bill would:

- stipulate that fines imposed by a condominium or homeowners' association would not constitute an enforceable lien pursu-

ant to a foreclosure proceeding;

- require that a mortgage or deed of trust recorded prior to the recording of a lien in connection with a delinquent condominium or homeowners' association assessment has priority over the assessment lien; and
- clarify that a condominium or homeowners' association lien assessment is perfected only if the assessment is delinquent and notice has been duly recorded.

Pirsch said LB614 would ensure that homeowners' interests are protected. "The underlying premise is putting in fair procedural safeguards so that homeowners will be treated fairly."

Testimony focused on which of the two proposals would provide greater protection in foreclosure situations for homeowners, associations and banks.

Mark Kinsey, president of the Sunridge Townhomes owners' association, testified in support of LB571 and in opposition to LB614.

The owners' association imposes assessments to provide exterior maintenance, lawn care, snow removal and other services, Kinsey said, and the entire neighborhood suffers when an individual homeowner does not pay.

"Our expenses remain the same and the rest of the homeowners get stuck footing the bill," he said.

Allowing homeowners' associations to collect 12 months of delinquent assessments as outlined in LB571 would be reasonable in a foreclosure situation, Kinsey said. Current law stipulates that first mortgage holders have priority, he said, and often not enough equity remains in a home to cover a delinquent assessment lien.

Ward Hoppe of the Nebraska Real-

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tors Association also testified in support of LB571 and against LB614. He said the prohibition on collecting attorneys fees in LB614 effectively would ensure that homeowners' associations could not recover delinquent assessments.

The relatively small sums associated with assessment liens means that associations would not pursue collection under the restrictions outlined in LB614, he said.

"There needs to be an ability to collect costs and fees along with the associated assessments," Hoppe said. "And that includes attorney fees."

Jerry Stilmock of the Nebraska Bankers Association testified against LB571, saying Nebraska has always given lien priority to the entity that files first in time. Deviating from that tradition by extending a 12-month lien priority to homeowners' associations would be improper, he said.

"It unnecessarily shifts the burden to [mortgage] lenders," he said.

Stilmock testified in support of LB614, saying homeowners' association fines should not be included in an enforceable lien because they can be assessed arbitrarily.

"LB614 excludes fines because of the lack of due process," he said.

The committee took no immediate action on either bill.

Government, Military & Veterans Affairs

Electoral College changes proposed

The Government, Military and

Veterans Affairs Committee heard testimony Feb. 23 on two bills that would alter how Nebraska's five Electoral College votes are awarded in presidential elections.

Currently, two votes are pledged to the statewide popular vote winner, with the remaining three pledged to the popular vote winner in each of the state's congressional districts. All other states except Maine award electoral votes on a statewide, winner-take-all basis.

In 2008, Barack Obama won the electoral vote tied to Nebraska's 2nd Congressional District by winning the district's popular vote. It was the first time that Nebraska split its electoral votes since adopting the district plan in 1991.

LB21, introduced by Omaha Sen. Beau McCoy, would return Nebraska to a winner-take-all system and LB583, introduced by Malcolm Sen. Ken Haar, would adopt the National Popular Vote interstate compact.

McCoy said Nebraska's district system has not encouraged greater engagement by presidential candidates with rural areas of the state. Visits by presidential and vice-presidential candidates in 2008 were confined to the 2nd Congressional District, he said.

"I believe that presidential candidates should have to campaign for all of Nebraska," McCoy said.

Mark Quandahl of Omaha testified in support of the measure, saying the potential to split Nebraska's electoral votes weakens the state's influence on presidential campaigns.

"This bill would strengthen Nebras-

ka's voice in national politics," he said.

DiAnna Schimek of Lincoln testified against LB21, saying the current system encourages grassroots activity because citizens believe their vote counts. Under the previous system, she said, neither political party focused a great deal of energy on presidential electoral politics in Nebraska.

"The Democrats because they didn't see any hope and the Republicans because they didn't see any need," she said.

Ben Gray of Omaha also testified against LB21, saying Nebraska's district plan encourages voter participation. Returning to a winner-take-all system would discourage voter registration efforts among marginalized populations in Omaha, he said.

A second proposal for altering the electoral system was outlined in LB583.

Under Haar's bill, Nebraska would adopt the National Popular Vote interstate compact. The compact would require the state's presidential electors to pledge their Electoral College votes to the winner of the national presidential popular vote.

The compact would take effect once it is enacted by states possessing a majority of the nation's electoral votes. States representing 28 percent of the necessary 270 electoral votes already have enacted the compact, Haar said.

He said the current system encourages presidential candidates to concentrate their efforts on battleground states - those with many electoral votes and a history of alternating between parties.

"That's the way campaigns are run," Haar said.

Laura Brod of National Popular



Sen. Beau McCoy

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Vote testified in support of the bill, saying 98 percent of all presidential campaign spending is concentrated on 15 battleground states. The result is public policy that is skewed toward those states, she said.

"[Candidates] ignore a majority of the people in this country," Brod said.

Adam Morfeld of Nebraskans for Civic Reform also testified in support. Polls show overwhelming support for a national popular vote system, he said, and changing to such a system would increase voter engagement in the political process.

"The current system lowers citizens' confidence and potentially suppresses voter turnout," Morfeld said.

No opposition testimony was given on LB583 and the committee took no immediate action on either bill.

More provisional ballots could be counted in elections

The Government, Military and Veterans Affairs Committee heard testimony Feb. 24 on a bill that would allow a person who has moved from one residence to another within the state to vote provisionally.

Currently, only voters who have changed residences within the county where they are registered are allowed to vote provisionally.

LB169, introduced by Lincoln Sen. Bill Avery, would allow a person who has moved to a new county after the close of the voter registration period to vote on an entire ballot in the new county of residence.



Sen. Bill Avery

Avery said the bill would be a step in the right direction toward making voting easier in Nebraska.

Adam Morfeld, executive director of Nebraskans for Civic Reform, testified in support of the bill.

County officials currently must examine all provisional ballots they receive, Morfeld said, and are simply throwing out ballots of registered voters who did not re-register.

Data from the secretary of state's office appears to show that approximately one-fourth of uncounted ballots are cast by registered voters who failed to re-register in their new jurisdiction, Morfeld said.

"County portability provides registered Nebraska voters to have their votes counted and voices heard," he said. "And it does so in a cost effective and nonburdensome way."

Deputy Secretary of State Neal Erickson testified in opposition to the bill.

Currently small counties are able to determine election results quickly, Erickson said, because they have to verify voter registration only within their jurisdiction. LB169 would require counties to verify registration in other jurisdictions as well, he said.

"This would create logistical problems for us," Erickson said.

Diane Olmer, election commissioner for Platte County, also testified in opposition to the bill.

Allowing more provisional ballots could result in more unlisted voters at polling locations, Olmer said, giving poll workers too much authority to determine which ballots should be counted.

The committee took no immediate action on the bill.

Voter identification proposals examined

Members of the Government, Military and Veterans Affairs Committee heard two bills Feb. 24 to add photo identification standards to Nebraska election law.

Current law requires a voter to present photo identification or a copy of a utility bill, bank statement, paycheck, government check, or other current government document before casting a ballot at the polls.

LB239, introduced by Fremont Sen. Charlie Janssen, would require a voter to display government-issued identification before voting at precincts. First-time voters casting a ballot via mail would be required to submit a copy of their government-issued identification.



Sen. Charlie Janssen

A voter who fails to present government-issued identification at the polls would be permitted to cast a provisional ballot, which would be counted if a voter presents identification to the election commissioner within 10 days.

Nursing homes residents, voters with religious objections to photography and indigent individuals would be exempted from the government-issued identification requirement. Persons claiming to be indigent would be required to sign a statement declaring their inability to obtain government-issued photographic identification.

The state Department of Motor Vehicles would offer a state identification card at no cost to indigent voters.

Janssen said LB239 would implement a photo identification standard

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for voting that would withstand a constitutional challenge. He said a court case challenging Indiana's photo identification requirement was upheld by the U.S. Supreme Court in 2008.

LB239 would protect the "sanctity" of elections, Janssen said, while providing exemptions for appropriate segments of society.

Adam Morfeld, representing Nebraskans for Civic Reform, testified in opposition to LB239, saying the Indiana law upheld by the court differed from LB239 because it provided free photo identification to everyone, not only the indigent. LB239 is similar to a Georgia law that had to be modified after the court ruled that providing free identification only to the indigent is not satisfactory, he said.

"This legislation burdens the elderly, poor and people with disabilities," Morfeld said.

LB605, introduced by Lincoln Sen. Danielle Conrad, would permit voters with government-, employer- or university-issued identification to register and vote on Election Day.

The bill also would require county election commissioners and county clerks to provide each precinct with a list of all physical addresses in the precinct and the corresponding ballot style for each address if needed.

Conrad said states with Election Day registration experience 7 percent higher turnout on average than states that require earlier registration. Voting is a fundamental right in a democracy, Conrad said, adding that her bill would help register voters while protecting the integrity of elections.

"We should make it as easy as possible for all qualified and eligible voters to vote and fully participate,"

Conrad said.

Morfeld testified in support of LB605, saying registration deadlines disproportionately affect young and mobile voters. Nebraskans moving within the state would benefit from Election Day registration, Morfeld said, citing the 2008 General Election in Iowa in which 50 percent of those who used same-day registration already were registered in the state.

Neal Erickson, deputy secretary of state for elections, testified in opposition to LB605. Federal law permits states to close registration 28 days before elections, he said, which is much longer than Nebraska's 10-day deadline.

The registration period is important to allow time for finalizing databases and printing poll books, he said.

"With the technology we have right now, [Election Day registration] is not viable," Erickson said.

The committee took no immediate action on either bill.

Government services consolidation proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 25 on a bill regarding the potential consolidation of government services in Douglas County.

LB344, introduced by Omaha Sen. Brad Ashford, would provide a process for consolidating governmental subdivisions in counties that contain a city of the metropolitan class. Currently, Omaha is the state's only metropolitan class city.

Ashford said current state law allows for such a merger and that the state has a compelling interest in encouraging the city and county to explore options for reducing redundant services and becoming more efficient.

"It's time to address significant change," he said. "We need to go forward with an honest effort."

Under the bill, an interjurisdictional planning commission would be created to review and plan for the possible merger of governmental services. The commission would have nine members including three selected by the mayor of Omaha, two by the Omaha city council, two by the Douglas County board and two by other municipalities within Douglas County.

The commission would be required to study the tax and spending implications of merging services, the quality and cost of services and the potential impact of a merger. The bill would require that a merger plan be developed and approved by the commission by July 1, 2012.

The resulting plan would require voter approval.

LB344 also would change public vote provisions for the merger of counties and municipalities into a municipal county. Under the bill, approval would no longer be required by a majority of those voting who reside outside of any municipality or sanitary and improvement district.

Ashford said those who live outside of Omaha should not be allowed to veto a merger process.

Don Wesely testified in favor of the bill on behalf of the Omaha mayor's office. Omaha and Douglas County already have merged several functional areas of government, he said, including purchasing, the parks department



Sen. Brad Ashford

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and the 911 center.

“The mayor would like to see if there is any other progress that can be made in this area,” Wesely said. “A study like this could reveal some interesting information.”

Jerry Stilmock, representing the Nebraska Volunteer Firefighters Association, testified against the bill. Retaining the rural vote on any potential merger between Omaha and Douglas County is essential to protect the interests of everyone who would be impacted, he said.

The committee took no immediate action on the bill.

Health & Human Services

Prescription drug monitoring bill advances

Lawmakers gave first-round approval to a bill Feb. 22 that would require the state Department of Health and Human Services to establish or enhance technology for a prescription medication alert system in the state.

Omaha Sen. Gwen Howard, sponsor of LB237, said the measure is intended to prevent the misuse of prescription drugs by allowing doctors and pharmacists to monitor patients' medication use through an alert system.

Individuals who become addicted to prescription drugs often visit many doctors and pharmacies in order to obtain multiple prescriptions, Howard said.



Sen. Gwen Howard

Without a means of tracking medications, prescribers are unable to detect and intervene in drug abuse, she said.

“Prescription drug abuse is the fastest growing drug problem in the country,” she said.

Howard explained that the bill would allow HHS to collaborate with the Nebraska Health Information Initiative (NEHII) to add an alert screen to its existing patient medical records system.

NEHII currently allows physicians and pharmacists to share health information about patients, she said, and LB237 would allow the state to use the NEHII infrastructure to track drug seekers.

“This system is the wave of the future,” Howard said.

The bill advanced from general file on a 37-0 vote.

Bill would authorize partners' STD treatment

The Health and Human Services Committee heard testimony Feb. 24 on a bill that would allow expedited partner therapy (EPT) for the treatment of a sexually transmitted disease.

Under LB304, sponsored by Lincoln Sen. Amanda McGill, a physician, physician assistant or advanced practice registered nurse who diagnoses certain STDs in a patient would be allowed to prescribe or dispense oral antibiotics to that patient's sexual partner or partners without an examination.

Current law is ambiguous as to whether EPT is allowed in Nebraska,

McGill said, so the bill is intended to make the practice expressly permissible.

EPT protocol has existed for approximately 70 years and has been shown to reduce reinfection rates and increase the likelihood of partner notification, she said. Very few adverse reactions to the oral antibiotics used to treat STDs have been reported, she said, and all were minor.

“There have been no cases of any serious reaction in the entire country,” McGill said.

Adi Pour of the Douglas County Health Department testified in support of the bill, saying the county needs more options to address STDs. The county officially declared an epidemic in 2004, she said, and rates of Chlamydia and gonorrhea in the county remain 70 percent higher than in the rest of Nebraska.

LB304 would allow health care providers to reach partners of an infected patient without those individuals being required to seek treatment on their own, she said.

“About one third of the partners that we identify, we can never find,” Pour said.

Tracy Durbin of Planned Parenthood of the Heartland also testified in support, saying untreated STDs can cause long-term illness, infertility and death. EPT programs in other states have led to significant increases in the number of partners of infected patients being treated, she said.

“Studies show that most patients prefer to notify partners themselves,” Durbin said.

John Lindsay, representing the Nebraska Association of Trial Attorneys, testified against LB304, citing concern over the bill's immunity provision for



Sen. Amanda McGill

ISSUES UPFRONT

health care providers. Allowing providers to prescribe medication for partners without an examination carries a risk of adverse reactions and outcomes, he said.

“This protects all carelessness with respect to that unidentified third person,” Lindsay said.

The committee took no immediate action on the bill.

Bill would enhance disease and immunization monitoring

The Health and Human Services Committee heard testimony Feb. 24 on a bill meant to improve the sharing of electronic health information in Nebraska.

LB591, introduced by Grand Island Sen. Mike Gloor, would require the state Department of Health and Human Services to set standards for using electronic health records to analyze medical data to detect or anticipate disease outbreaks – a process known as syndromic surveillance.



Sen. Mike Gloor

“Syndromic surveillance is widely acknowledged to be beneficial to public health,” Gloor said. “This bill would enhance [the department’s] ability to quickly identify or rule out public health threats.”

The bill also would authorize use of the Nebraska Statewide Immunization Registry to share immunization information with health care professionals, schools, licensed childcare facilities, electronic record systems, public health departments and Indian health services.

Gloor said sharing such informa-

tion would protect Nebraskans from vaccine-preventable diseases and facilitate age-appropriate immunization.

Joann Schaefer, chief medical officer at HHS, testified in support of the bill, saying current reporting on cases of diseases like influenza is incomplete because some facilities do not participate. In addition, she said, many facilities fax reports on a weekly basis, delaying HHS access to important information.

“The most effective [disease] surveillance is automatic and real time,” she said, adding that some facilities are unwilling to participate in the absence of a statutory requirement.

Vicki Vinton also testified in support of the bill on behalf of the Nebraska Nurses Association.

She said broader sharing of immunization data would allow providers to determine needed vaccinations, send reminders and follow up with patients about past-due vaccinations.

“Immunization is vital to the public health and welfare of the citizens of Nebraska,” she said.

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

Judiciary

Bill would provide early release incentives for good behavior

A bill that could further reduce incarceration time for well-behaved inmates and parolees advanced from general file Feb. 22.

Currently, the state Department of Corrections can reduce the time an

inmate or parolee serves by six months for each year of his or her time served and prorate any time served which is less than one year.

Under LB191, introduced by Omaha Sen. Brenda Council, the department additionally could reduce the time by three days each month during a 12-month period of incarceration during which an inmate has not been found guilty of a Class I or Class II offense or has not had more than three Class III offenses of the department’s disciplinary code.



Sen. Brenda Council

The bill also directs the Parole Board to reduce a parolee’s term by an additional 10 days for each month of his or her term, for good conduct in conformity with the conditions of parole. Parolees currently are eligible for a reduction of two days for each month.

The bill would apply only to inmates admitted after its effective date.

Twenty-five percent of the state’s current inmate population could meet the requirements of the bill after one year, Council said. The per diem cost of housing an inmate is \$15.41, she said, estimating that the bill would save the state approximately \$108,000.

Providing inmates and parolees an incentive to behave also could improve public safety, she added.

Sen. Scott Lautenbaugh of Omaha spoke in support of LB191.

“This bill will help us with some cost savings without putting the public at risk,” he said.

The bill advanced on a 31-0 vote.

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Bill would increase the minimum distance required for funeral picketers

A bill that would increase the minimum distance required for picketing funerals advanced from general file Feb. 23.

LB284, introduced by Omaha Sen. Bob Krist, would prohibit picketing of a funeral or memorial service within 500 feet of a cemetery, mortuary, church or other place of worship at the time of a funeral or memorial service. The current limit is 300 feet.

The bill is about public safety and keeping picketers at a safe distance, Krist said. Another 200 feet would allow law enforcement to stand between funeral picketers and those attending a funeral, he said.

"Striking the appropriate balance between the privacy rights of grieving family members and First Amendment rights is a delicate undertaking," Krist said. "Increasing this distance will allow both sides to exercise their freedoms."

Sen. Bill Avery of Lincoln spoke in support of the bill.

The right to freedom of speech is not always convenient, Avery said, but it is the most important right that we have. The bill is a modest attempt to protect families attending a funeral without injuring free speech rights, he said.

The bill advanced on a 45-0 vote.

Mental health history could prevent firearm purchases

The Judiciary Committee heard

testimony Feb. 23 on a bill that would make mental health records accessible when conducting background checks for firearm purchases.

LB512, introduced by Imperial Sen. Mark Christensen, would remove a maximum five-year retention requirement for mental health records at the state Department of Health and Human Services. Re-



Sen. Mark Christensen

records would include whether a person is disqualified from purchasing or possessing a handgun and would be made available to the National Instant Criminal Background Check System (NICS). The Nebraska State Patrol could access the system when determining a person's eligibility to own a gun.

Additionally, the bill would enable a person who has been barred from buying or possessing a gun for mental health reasons to resubmit an application if he or she no longer suffers from the disqualifying condition. An individual could request a Mental Health Board hearing at which the board would consider:

- the circumstances surrounding the subject's mental health commitment;
- the subject's record, which would include mental health and criminal history records; and
- the subject's reputation, developed through character witness statements, testimony or other character evidence.

Mental health records should be provided to prevent firearms from falling into the wrong hands, Christensen said.

Col. Bryan Tuma, superintendent of the Nebraska State Patrol, testified in support of the bill, saying it addresses the relationship between mental health and lawful possession of a firearm.

LB512 would remove the barrier of submitting mental health information to the national background check system, Tuma said.

Andy Allen, president of the Nebraska Firearms Owners Association, provided neutral testimony.

Allen said NICS has mistakenly listed thousands of people as having mental health issues and getting their names removed has been problematic. Meanwhile, he said, those mistakenly listed are barred unfairly from owning a firearm.

"You are innocent until you are proven guilty," Allen said. "We don't want that guy who is innocent to get caught in the system and not be able to get out."

The committee took no immediate action on the bill.

Bill would require escort agency permits

The Judiciary Committee heard testimony Feb. 25 on a bill that would create a permit structure for escort agencies.

LB513, introduced by Imperial Sen. Mark Christensen, would define lawful escort services and create permit structures that would be implemented by local governing bodies.

Under the bill, it would be unlawful to:

- operate or portray a business as an escort agency without a permit;
- employ an individual if their agency does not hold a permit;

ISSUES UPFRONT

- allow an escort agency employee to be in a state of nudity while in the presence of a patron;
- allow an employee to touch a patron while in a state of semi-nudity;
- allow a patron to be in a state of nudity or semi-nudity while in the presence of an escort agency employee;
- allow a patron to touch an escort agency employee while he or she is in a state of semi-nudity; and
- provide a service to any person younger than 18 as a patron of the escort agency.

Christensen said the bill could provide an additional tool for law enforcement to prevent prostitution and human trafficking.

“The private nature in which employees of such businesses work creates a climate where the line between legal and illegal activities is easily crossed,” Christensen said. “In addition, and maybe most importantly, evidence is emerging that some of these businesses are engaging in the coercion of women and underage girls and boys through human trafficking.”

Al Riskowski, executive director of the Nebraska Family Council, testified in support of the bill, saying escort services have been known to employ children. Five children in Omaha recently were rescued out of prostitution, Riskowski said.

Human trafficking is a significant problem in Nebraska, he said, and currently a sting operation is necessary to arrest perpetrators. If escort services were regulated, Riskowski said, law enforcement officers could ask to see

permits and arrest operators who were in violation of the law.

Tom Barber, executive director of the Lincoln People’s City Mission, also testified in support of the bill.

The shelter takes in approximately 350 people every night who are involved in prostitution and sex trades, he said.

“I know for certain Lincoln has a problem with prostitution,” Barber said.

“Much of the drug and alcohol addictions we see going on every day can be attributed to the sex industry,” he said. “The cost to society for assisting them and their families with the social services we have to provide is very high.”

The committee took no immediate action on the bill.

Handgun application fees could increase

The Judiciary Committee heard testimony Feb. 23 on a bill that would increase fees for obtaining a handgun.

LB658, introduced by Wilber Sen. Russ Karpisek, would increase the application fee for obtaining a handgun certificate from \$5 to \$10.

The fee was adjusted last in 1991, Karpisek said, and no longer covers the cost of issuing a certificate. State funding for counties and cities is being cut and the fee increase would offset some of their costs, he added.

Captain Todd Duncan of the Lancaster County Sheriff’s Office testified in support of the bill.

He said the county receives approximately 2,200 handgun applications

per year.

The current \$5 fee is far less than the costs incurred for the application background check, Duncan said, which cost \$15 on average.

The committee took no immediate action on the bill.

Bill would give judges more authority over juveniles probation terms

The Judiciary Committee heard testimony Feb. 24 on a bill that would give the Juvenile Court more authority over a juvenile’s probation conditions.

LB670, introduced by Norfolk Sen. Mike Flood, would allow the Juvenile Court to order a juvenile placed on probation to:



Sen. Mike Flood

- obtain employment, attend school or pursue a prescribed course of study and obey the rules where such education is provided;
- attend or reside in an institution or facility established for the instruction, recreation, staff secure detention or residence of juveniles;
- complete any problem-solving court program, including any sanctions imposed;
- refrain from using alcohol or drugs and submit to testing for the presence of alcohol or drugs;
- participate in any evaluations, offender assessment screens and rehabilitative treatment;
- perform community service

ISSUES UPFRONT

under the direction of his or her probation officer;

- be placed on house arrest or curfew monitored by tracker or electronic surveillance device and, if the juvenile has the financial ability, pay the cost of the device;
- pay for all costs imposed by the court if the juvenile has the financial ability;
- comply with any sanctions imposed by the court which are to take effect upon the violation of a condition of probation by the juvenile;
- pay restitution for any property stolen or damaged or for any medical expenses incurred if the juvenile has the financial ability; and
- remain within the jurisdiction of the juvenile court, report to the court or probation officer as directed, notify the court or probation officer of any change in address, employment or school program, permit a probation or law enforcement officer to visit the home, school or place of employment, submit to any searches requested by a law enforcement or probation officer and agree to waive extradition if found in another jurisdiction.

According to the bill's statement of intent, the bill would provide the Juvenile Court with specific statutory authority to fashion a more meaningful probation order and insure that the juvenile will lead a law-abiding life.

Judge Ross Stoffer of the 7th Judicial District testified in support of the bill.

Stoffer said current law does not specifically allow judges to determine

the terms and conditions of a juvenile's probation.

"We need clarification on things we are already doing," he said.

The committee took no immediate action on the bill.

Revenue

Bill would remove Knox County wind turbine tax credit

Wind facilities that paid personal property taxes on wind turbines would be required to pay the full nameplate capacity tax under a bill heard by the Revenue Committee Feb. 23.

Prior to the passage of an omnibus wind energy bill last session, wind turbines were taxed via personal property taxes. The personal property taxes were replaced by a nameplate capacity tax of \$3,518 per megawatt, which was intended to offset personal property tax revenue generated over a five-year depreciation schedule.

When the nameplate capacity tax was created, a provision was added that permitted property tax paid on wind turbines that exceeded the nameplate capacity tax to be used as a credit toward the nameplate capacity tax.

LB253, introduced by O'Neill Sen. Tyson Larson, would remove the credit and would be retroactive to Jan. 1, 2010.

Larson said the bill would pertain only to the Elkhorn Ridge Wind project in Knox County. After the credit accompanying the nameplate capacity tax was applied, he said, Knox County

and the Bloomfield school district both had to increase property taxes to offset revenue lost due to the credit.

"This credit changed the rules of the game for Knox County after there was an expectation of revenue," Larson said.

Robert Marks, superintendent for Bloomfield Public Schools, testified in support of the bill, saying the district based five-year plans on revenue that would have been derived from personal property taxes.

Knox County supervisor Jim Fuchtmann also testified in favor of LB253. The first personal property tax payments provided by the Elkhorn Ridge project increased county valuation by \$126 million, he said, so the county lowered its property tax rate. That relief, however, was replaced with a property tax increase after the credit for the nameplate capacity tax was implemented, he said.

Andy Pollock, representing the Nebraska Energy Export Association, opposed the bill, saying the credit is necessary to avoid "double taxation." The transition from the personal property tax to the nameplate capacity tax was meant to avoid burdensome upfront costs, he said, and LB253 would require the Knox County facility to pay both taxes.

The committee took no immediate action on the bill.

Renewable energy tier proposed for Nebraska Advantage Act

Renewable energy companies could receive refunds of sales taxes paid for qualified projects under a bill heard by the Revenue Committee Feb. 23.

LB362, introduced by Bellevue Sen. Abbie Cornett, would add a renewable



Sen. Tyson Larson

ISSUES UPFRONT

energy tier to the Nebraska Advantage Act. Companies eligible for the proposed seventh tier would include those generating wind, solar, geothermal, hydroelectric and biomass energy.



Sen. Abbie Cornett

The bill as introduced contains placeholders for required investment and employment levels.

David Levy, representing Midwest Wind Energy and Edison Mission Wind Energy, testified in support of LB362. Wind energy investment has totaled \$500 million since 2007, he said. States such as Iowa, which has 10 times more wind production than Nebraska despite having lower wind resources, are out-competing Nebraska due to the state's tax climate, he said.

Iowa, Illinois, Kansas and Minnesota charge no sales tax on equipment used for wind projects, Levy said, and Nebraska's sales tax puts domestic companies at a \$3 per megawatt/hour disadvantage. This constitutes three-fourths of the upfront tax burden for a wind project, he said.

Levy recommended that the tier's eligibility levels be \$75 million for investment and five permanent jobs.

James Williams, representing Invenery Wind Development, spoke in support of the bill. Many power contracts are decided by very slim margins, he said, and offering sales tax refunds would eliminate a competitive advantage that many out-of-state wind facilities have over their Nebraska counterparts.

Steve Boyer of Third Planet Windpower also testified in favor of LB362. While Nebraska has a community-based energy development program to help

smaller energy facilities, he said, adding a new tier to the Nebraska Advantage Act could facilitate large projects.

No one testified in opposition to the bill and the committee took no immediate action on LB362.

Bill eliminating city, county and NRD aid clears second round

State aid to municipalities, counties and natural resources districts is a step closer to elimination under a bill advanced from select file Feb. 23.

LB383, introduced by Bellevue Sen. Abbie Cornett at the request of the governor, would remove the aid programs from state law. The bill's fiscal notes estimates the savings to be \$44 million over the next two fiscal years.

Omaha Sen. Brenda Council offered an amendment, defeated on a 6-35 vote, that would have reduced transfers to the Property Tax Credit Cash Fund by \$22 million in each of the next two fiscal years.



Sen. Brenda Council

The fund provides a credit toward real property taxes for landowners in the state. The Appropriations Committee preliminary budget report includes a \$220 million appropriation for the cash fund in the next biennium.

Council opposed the bill, saying the most effective, efficient and fair way to provide property tax relief is through state aid to local governments. Therefore, funds should be diverted from the state's property tax credit to fund state aid programs, she said.

Norfolk Sen. Mike Flood spoke in opposition to Council's amendment,

saying that funding for the Property Tax Credit Cash Fund should be discussed with the budget bills later in the session. The full savings of LB383 is needed to prevent deeper cuts to Medicaid provider rates or state aid for education, he added.

Council introduced another amendment, defeated 4-35, to reinstate the county jail reimbursement program, which is scheduled for elimination next biennium in favor of the new county aid program that would be discontinued under LB383.

Council said counties currently are provided \$3.9 million in reimbursement for incarcerating state prisoners. The state has an obligation to pay counties for the service they provide to the state, she said.

Flood spoke in opposition to Council's second amendment, saying jail reimbursement provides retroactive payment for state prisoners that applies back to the day they were brought into custody.

"I object to the idea that there is a state responsibility created when we arrest somebody," Flood said.

Cornett also spoke against Council's amendment. The state has not fully funded jail reimbursement, she said, so reinstating the program would offer false promises.

Omaha Sen. Heath Mello offered an amendment that would have made state aid to cities, counties and natural resources districts optional starting in fiscal year 2013. He said the amendment would give the Legislature flexibility to fund aid programs through the appropriations process during the next budget cycle.

Flood said Mello's amendment would create an expectation that the

ISSUES UPFRONT

next Legislature would fund aid programs. Education funding, Medicaid costs and state operations will require any extra revenue that is available at that time, Flood said, and passing the amendment only would delay local budget planning.

Omaha Sen. Steve Lathrop offered and later withdrew an amendment to Mello's amendment that would have required the state to resume the aid programs in two years.

Lathrop said senators often express displeasure with unfunded federal mandates, but eliminating a local funding source to meet the state's budget is the same type of expense shift.

Mello's amendment was defeated 11-32 and LB383 advanced from select file 34-9.

State could provide assistance for infrastructure improvements

Municipalities, natural gas utilities and water utilities undergoing infrastructure improvements could apply for state assistance under a bill heard by the Revenue Committee Feb. 24.

LB682, introduced by Omaha Sen. Heath Mello, would offer state assistance to finance the construction, acquisition or improvement of sewer, natural gas and water cast-iron infrastructure. Assistance would be calculated based on the amount of state sales tax collected from increased fees and charges to complete combined sewer overflow, natural gas and water projects.

The bill would take effect in fiscal year 2013.



Sen. Heath Mello

Mello said the city of Omaha is undertaking a combined sewer overflow project mandated by the federal Environmental Protection Agency through the Nebraska Department of Environmental Quality that will cost \$1.7 billion over the next 15 years. He said LB682 would provide a financing mechanism to Omaha and other cities with similar projects by turning back sales taxes levied on monthly fees or charges to complete the projects.

"Communities throughout the state will soon be forced to deal with their aging infrastructure," he said, "and without some form of assistance, local taxpayers will be the ones bearing the brunt of this heavy burden."

Mandatory infrastructure projects will lead to a "windfall" in state sales tax revenues, Mello said, so LB682 would not take away revenue that the state is currently collecting.

Omaha mayor Jim Suttle testified in favor of the bill, saying state sales tax revenues from increased sewer use fees will total \$46 million in 2024 to fund the Omaha sewer project. He said the fees are a burden to ratepayers.

"Give us the tool necessary to get this federal mandate completed," Suttle said.

Omaha environmental services manager Marty Grate also testified in support of the bill, saying federal support historically was provided for mandated projects but is no longer available. The typical monthly sewer fees for Omaha households will increase from \$16 currently to \$37 in 2014, he said, and this increased rate will be taxed.

Doug Clark, president of the Metropolitan Utilities District, said in his supporting testimony that natural gas and water infrastructure replace-

ment costs will result in a 25 percent increase in gas rates and a 45 percent increase in water rates over the next five years. Turning back the sales tax levied on the charges to finance these projects would provide \$1 million a year to the district, he said.

Julia Plucker, representing the Omaha Association for a More Competitive Business Environment, also testified in support. The 29 largest water users in Omaha will pay for 5 percent of the sewer and infrastructure project, she said, which has led companies to consider relocating. She said the rate increases facing these companies are untenable.

Lynn Rex, representing the League of Nebraska Municipalities, spoke in support of LB682. Fifteen to 20 communities are facing unfunded mandates similar to the city of Omaha, she said, and the list will continue to grow.

Jill Becker, representing Black Hills Energy, testified in opposition to LB682, saying the bill would not include investor-owned natural gas utilities. Restricting the bill to public utilities would exclude many projects in Nebraska, she said.

The committee took no immediate action on the bill.

Urban Affairs

Bill to implement constitutional changes regarding revenue bonds advances

A bill that would implement the provisions of a recently approved constitutional amendment regarding revenue bonds advanced from general file Feb. 22.

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The 2010 Legislature passed LR-295CA, which placed a proposed constitutional amendment on the May primary election ballot authorizing any county, city or village to acquire, own, develop and lease real and personal property for use by charitable nonprofit enterprises, and to issue revenue bonds to defray the cost of acquiring, developing or financing such property.

Voters approved the measure, and Lincoln Sen. Amanda McGill introduced LB159 to amend the Nebraska Industrial Development Act to reflect the language of the constitutional change.



Sen. Amanda McGill

McGill said the bill would permit municipalities and counties to participate in financing and developing projects for nonprofit enterprises throughout Nebraska. Any revenue bonds issued would not be the obligation of the issuing county or municipality, she said, and no taxes could be levied to pay for the bonds.

LB159 also excludes any portion of a nonprofit enterprise project used for sectarian instruction or study, or for devotional activities or religious worship.

An Urban Affairs Committee amendment, adopted 38-0, added a stipulation that a nonprofit enterprise must be incorporated or authorized to do business in Nebraska to utilize the bill's provisions.

Lawmakers advanced the bill to select file on a 34-0 vote.

Bill expanding revenue sources for local economic development projects advances

Cities could use more revenue sources to fund economic development projects under a bill advanced from general file Feb. 22.

During the 2010 general election, Nebraska voters approved a constitutional amendment to permit cities to use a greater number of revenue sources for economic or industrial development projects approved by city voters. Previously, property taxes and local option sales taxes were the only revenue sources authorized. The amendment added to the list of suitable funding sources any general tax authorized by the municipality and revenue generated from municipal utilities, grants, donations, or state and federal funds.

LB471, introduced by Wilber Sen. Russ Karpisek, would incorporate the approved amendment into the Local Option Municipal Economic Development Act. The bill also would restrict uses for revenues generated from municipal utilities to utility-related projects or activities associated with a city council-approved economic development program, such as energy efficiency, load management and site development.



Sen. Russ Karpisek

Karpisek said the bill could increase opportunities for municipalities to expand local businesses. He said approximately 60 cities currently have economic development programs under the act.

Ogallala Sen. Ken Schilz spoke in support of the bill, saying it would add

flexibility checked by voter approval, preventing cities from overextending themselves.

Columbus Sen. Paul Schumacher supported the bill but voiced concerns regarding the structure of economic development programs. He said there is a distinction between programs that connect capital with labor to create economic activity and programs that merely encourage existing businesses to relocate.

"What we have done ... is authorized the taking of tax money and put it toward programs in which we try to give it away to a business to come here," Schumacher said. "That is not economic development; it's economic relocation."

LB471 advanced from general file on a 38-0 vote. ■

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COMMITTEE HEARINGS

Monday, February 28

Appropriations

Room 1524 - 1:30 p.m.

Agency 48: Coordinating Commission for Postsecondary Education

Agency 50: State College System

Agency 83: Community College Aid

Business & Labor

Room 2102 - 1:30 p.m.

LB517 (Christensen) Repeal the Conveyance Safety Act and adopt the Elevator Inspection Act

LB588 (Nordquist) Change the Conveyance Safety Act

LB593 (Carlson) Change provisions of the Boiler Inspection Act

LB594 (Carlson) Change the Nebraska Amusement Ride Act and the Conveyance Safety Act and outright repeal the acts in 2013

Education

Room 1525 - 1:30 p.m.

LB572 (Price) Limit transfers of students between learning community member school districts

LB53 (Krist) Change free transportation provisions relating to learning community students

LB520 (Howard) Change provisions relating to student transportation

LB145 (K. Haar) Provide for school transportation safety committees

General Affairs

Room 1510 - 1:30 p.m.

Appointment: Covi, Kristopher - State Racing Commission

Appointment: Galyen, Jeffrey - State Racing Commission

Appointment: Laughlin, Mark - Arts Council

Appointment: Culver, Robert "Bob", Jr. - Arts Council

Appointment: Hastings, Donna - Arts Council

Appointment: Smith, Nana - Arts Council

Appointment: Bergstraesser, Edwin - State Electrical Board

Appointment: Mueller, Cory - State Electrical Board

LB56 (Mello) Amend the State Electrical Act and update references to the National Electrical Code

LB470 (Karpisek) Provide requirements for approval of library personnel policies and procedures

LB554 (Harms) Prohibit open containers of alcohol in or on a vessel, motorboat, or personal watercraft

LB567 (Schumacher) Change provisions relating to liquor licensee violations

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

Appointment: Stone, Fred - Motor Vehicle Industry Licensing Board

Appointment: Reeg, William - Motor Vehicle Industry Licensing Board

Appointment: Dillon, Blake - Motor Vehicle Industry Licensing Board

LB500 (Cook) Change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle

LB625 (Fulton) Change certain penalties relating to driving under the influence

LB659 (Karpisek) Prohibit driving with controlled substances in bodily fluids

Tuesday, March 1

Agriculture

Room 2102 - 1:30 p.m.

LB459 (Schilz) Limit the adoption of any law by a political subdivision regarding the ownership of an animal

LB698 (Christensen) Eliminate labeling requirements for alcohol-blended fuel

LB200 (Council) Adopt the Nebraska Healthy Food Financing Initiative Act

Appropriations

Room 1524 - 1:30 p.m.

LB414 (Conrad) Provide that University of Nebraska funds not lapse and change cash funds

Agency 47: Educational Telecommunications Commission

Agency 51: University of Nebraska System

Education

Room 1525 - 1:30 p.m.

LB283 (K. Haar) Provide school boards with tax levy and bond authority relating to energy efficiency projects

LB522 (K. Haar) Adopt the High Perfor-

mance Green Schools Transparency Act

LB633 (Adams) Change provisions relating to certain tax levies and certain bonds of school districts and authorize refunding bonds

LB634 (Adams) Change provisions relating to the tax levy authority of school districts relating to certain bonds

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

LB679 (Heidemann) Provide for new judges and members of the Nebraska State Patrol to become members of the State Employees Retirement System of the State of Nebraska

LB680 (Heidemann) Adopt the School Employees Cash Balance Retirement Act

Transportation & Telecommunications

Room 1113 - 2:30 p.m.

Appointment: Flanagan, Patrick - Information Technology Commission

Appointment: Hedquist, Lance - Information Technology Commission

Appointment: Hoelsing, Daniel - Information Technology Commission

Appointment: Huggenberger, Harold - Information Technology Commission

Appointment: Kristensen, Doug - Information Technology Commission

Appointment: Shundoff, Dan - Information Technology Commission

Wednesday, March 2

Appropriations

Room 1003 - 1:30 p.m.

Agency 31: Military Dept.

Agency 33: Game and Parks Commission

Agency 29: Dept. of Natural Resources,

Agency 72: Dept. of Economic Development

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB566 (Schumacher) Provide for online petition signatures for recall, initiative, and referendum petitions

LB312 (Coash) Adopt the Brain Injury Act to provide ongoing support for veterans with brain injury

LB606 (Avery) Require reporting of

COMMITTEE HEARINGS

electioneering communication under the Nebraska Political Accountability and Disclosure Act

Health & Human Services

Room 1510 - 1:30 p.m.

LB265 (Coash) Change Department of Health and Human Services petty cash fund provisions

LB646 (Christensen) Redefine emergency medical service

LB600 (Campbell) Adopt the Nursing Facility Quality Assurance Assessment Act

LB601 (Campbell) Change provisions relating to child care reimbursement

Judiciary

Room 1113 - 1:30 p.m.

LR39 (Council) Provide the Nebraska Legislature recommends certain basic principles as a guide for state and federal immigration policy and call upon Congress to enact reforms

LB48 (Janssen) Adopt the Illegal Immigration Enforcement Act

LR28 (Fulton) Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012

LB569 (Coash) Require employers to e-verify the immigration status of new employees

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Pinkerton, Mark - Game and Parks Commission

LB526 (Carlson) Change provisions relating to water transfers

LB595 (Carlson) Adopt the Water Resources Revolving Loan Fund Act and change provisions regarding certain revenue

LB596 (Carlson) Provide for standing with respect to integrated management plan proceedings

Revenue

Room 1524 - 1:30 p.m.

LB620 (Larson) Change income tax rates and calculations

LB632 (Avery) Provide an adjustment to income for certain depreciation

LB590 (Gloor) Change provisions relating to cigarette taxation

Thursday, March 3

Appropriations

Room 1003 - 1:30 p.m.

Agency 19: Dept. of Banking

Agency 22: Dept. of Insurance

Agency 23: Dept. of Labor

Agency 87: Accountability and Disclosure Commission

Agency 65: Dept. of Administrative Services

LB491 (Mello) Change state budget preparation provisions

Executive Board

Room 2102 - 12:00 p.m.

LB86 (Christensen) Eliminate the legislative reference library

LB270 (Exec. Board) Eliminate duties and positions in the Public Counsel's office

LB271 (Exec. Board) Eliminate the office of Legislative Research

Health & Human Services

Room 1510 - 1:30 p.m.

LB316 (Heidemann) Change provisions relating to the practice of optometry

LB534 (Smith) Adopt the Phototherapy Practice Act

LB557 (Dubas) Provide requirements regarding health care facilities employing surgical technologists

Judiciary

Room 1113 - 1:30 p.m.

LB667 (Flood) Change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation

LB675 (Pirsch) Provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances

LB693 (Carlson) Adopt the Alcoholic Liquor Liability Act

LB660 (Karpisek) Create the offense of providing a bodily fluid sample containing a controlled substance

Natural Resources

Room 1525 - 1:30 p.m.

LB127 (Avery) Change input into determinations and management plans for regulation of water

LB655 (Christensen) Change provisions relating to an occupation tax imposed by natural resources districts

LB656 (Janssen) Change provisions relating to flood protection and water quality enhancement bonds

Revenue

Room 1524 - 1:30 p.m.

LB439 (Heidemann) Change valuation of agricultural and horticultural land for school tax purposes

LR9CA (Schilz) Constitutional amendment to change agricultural and horticultural land valuation

LB428 (Cornett) Adopt the Agricultural Tax Credit Act

LB441 (Heidemann) Change levy provisions for rural and suburban fire protection districts

Friday, March 4

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB550 (Wightman) Clarify incumbent filing deadline provisions

LR19CA (Avery) Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment

LB610 (Pirsch) Provide procedures for recall of state elective officers

LR45CA (Pirsch) Constitutional amendment authorizing recall of state elective officers

Health & Human Services

Room 1510 - 1:30 p.m.

LB630 (McGill) Adopt the Applied Behavior Analysis Practice Act

LB330 (Cook) Change requirements for dental hygienists in public health-related settings

LB406 (Cook) Provide for reentry licenses under the Medicine and Surgery Practice Act

LB481 (Krist) Provide exemption from medical radiography licensure for

COMMITTEE HEARINGS

auxiliary personnel and cardiovascular technologists

possibility of parole and change other penalties as prescribed

Judiciary

Room 1113 - 1:30 p.m.

LB668 (Flood) Change penalties relating to the purchase, receipt, or acquisition of pseudoephedrine or phenylpropanolamine
 LB300 (Ashford) Change provisions relating to the Community Trust
 LB276 (Council) Change a penalty from death to life imprisonment without

Natural Resources

Room 1525 - 1:30 p.m.

LR40CA (Pirsch) Constitutional amendment to declare fishing, trapping, and hunting to be rights forever preserved subject to reasonable restrictions

Revenue

Room 1524 - 1:30 p.m.

LB436 (Gloor) Change provisions relating to taxation of cigarettes and tobacco products
 LB40 (Hadley) Change a sales tax exemption for health clinics
 LB570 (Coash) Change provisions relating to Wyuka Cemetery and exempt certain cemetery purchases from sales and use taxes
 LB400 (Janssen) Eliminate the Long-Term Care Savings Plan Act

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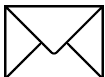
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