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# UPDATE

## Bill would require DHHS child welfare case management



Sen. Kathy Campbell explains the committee's proposal outlined in LB961.

The state Department of Health and Human Services (DHHS) would be required to provide case management for Nebraska's child welfare system under a bill heard Jan. 26 by the Health and Human Services Committee.

Lincoln Sen. Kathy Campbell said LB961 resulted from the committee's interim study of the recent child welfare reform initiative undertaken by DHHS, which privatized some services for Nebraska foster children and families.

In July 2009, the department selected six private entities as lead agencies to implement the reform initiative. Currently, two lead agencies remain under contract with DHHS to assist with implementing reforms.

Campbell said one of those re-

maining agencies, KVC Nebraska, informed the department in November 2011 that they lacked the ability to continue funding their portion of the reform efforts. DHHS was able to resolve the situation, she said, but losing another lead agency would have had dire consequences for state wards.

"Children in the southeast [service] area would have been a mere 38 days from losing all case management," she said.

"Research shows that permanency substantially drops with each [additional] case manager that a child has," she said. Seventy-four percent of children with one case manager achieve permanency, Campbell said, but that number drops to 17.5 percent for children who have two or three case managers.

(continued on page 2)

## Governor's tax cut plan considered

A bill that would reduce income taxes and eliminate the inheritance tax was discussed in a hearing of the Revenue Committee Jan. 26.

LB970, introduced by Bellevue Sen. Abbie Cornett on behalf of Gov. Dave Heineman, would alter the current state tax structure by:

- reducing state income taxes and expanding income brackets;
- reducing the income tax rate from 7.81 percent to 6.7 percent; and
- eliminating the inheritance tax.

In 2007, Nebraska repealed the estate tax, which was imposed upon a person's assets after his or her death. The remaining inheritance tax is imposed on beneficiaries of those assets. Nebraska is one of eight states with an inheritance tax.

Cornett said the bill would ease financial strain for families and help the state bring in new business.

"This bill will allow a family of four to save for their kids' education or pay off bills," Cornett said. "This bill will add jobs and make Nebraska competitive."

Gov. Heineman testified in support of the bill, saying it would address a tax system that currently is unfair to the middle class. He added that the tax

(continued on page 2)

## Bill would require DHHS child welfare case management

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Mary Boschult, former assistant director of DHHS, testified in support of the bill.

Case management should be the responsibility of the state, she said. Vesting case management with one private lead agency puts children at risk if the agency can no longer provide services, she said.

"It's a disaster waiting to happen," Boschult said.

Lincoln foster parent Lisa Koperski also testified in support of the bill, saying her experience with KVC case management was marked by confusion and a lack of communication. Koperski said her foster son had six different family permanency specialists in 18 months.

"This experience has left us feeling disappointed, frustrated and unappreciated," she said. "The turnover in our case was unacceptable."

Sarah Helvey of Nebraska Appleseed testified in support of the bill, saying a return to case management by DHHS would help bring long-term stability to the child welfare system. Reforms have led to a 27 percent increase in costs, she said, but haven't improved outcomes for Nebraska children.

"[LB961] is critical to creating an accountable and dependable system that is focused on the needs of children and not the bottom line," Helvey said.

Carol Crumpacker, executive director of Child Guidance Center in Lincoln, also supported the bill.

KVC has failed to provide adequate case management for children who receive treatment services through her organization, Crumpacker said. KVC's case managers lack training, accountability and oversight, she said.

"This bill is just one of several that, together, will transform the system of

care for children in our state," she said.

But Scot Adams, interim director of DHHS's division of children and family services, said changing case management duties would result in increased disruption for children in the state's foster care system.

Testifying in opposition to the bill, Adams said it is too early to judge the success or failure of reform efforts. At least three years are required to make a full transition to a strong public-private system, he said.

"We are changing tires as we're driving down the road," Adams said.

KVC employee Linda Gamble opposed the bill, saying her caseload was higher as a DHHS employee. Gamble said she often had as many as 38 cases when employed by the department, while her highest caseload at KVC has been 18 families.

Father Steven Boes of Boys Town also testified in opposition. He said the committee should listen to the stories of families and workers, but urged them also to consider survey and outcome data.

"What we know about anecdotal data is that it tends to skew negative," he said. "To dismiss an entire system ... with one horrible story is easy."

Boes said reform is showing hopeful signs and should be given ample time to succeed.

Sandra Gasca-Gonzalez, president of KVC Nebraska, agreed. Case management was shifted to the lead agencies to streamline communication and improve service delivery, she said, but final decisions regarding safety and other issues remain with the state under the current system.

"Returning case management to the state would be a step backward because we are seeing positive improvement," Gasca-Gonzalez said.

Both privatized service areas in the state have seen improvement in five out of six outcome measurements, she said.

"The overarching theme is ... children are safer and more stable than they were prior to implementation of the reform efforts," she said.

The committee took no immediate action on the bill. ■

## Governor's tax cut plan considered

(continued from front page)

cuts would not come at the expense of providing important services.

"Some will argue that we can't afford this plan," Heineman said. "I am convinced we can still prioritize education and job creation and have this tax relief."

The elimination of the inheritance tax was the primary focus of opposition.

Larry Dix, executive director of the Nebraska Association of County Officials, opposed the bill. He said the mandates placed on county governments by the Legislature are unrealistic if tax revenues continue to decrease, given the cut in state aid to counties in 2011.

Mary Ann Borgeson, Douglas County Board Commissioner, agreed that raising property taxes would be inevitable if the bill were passed.

"If the county loses this revenue and continues to provide state-mandated services, we would have no option but to increase property tax by 8 to 11 percent," Borgeson said.

The committee took no immediate action on the bill. ■

## Agriculture

### Bill would limit expansion of black-tailed prairie dogs

Property owners would be held accountable for the migration of black-tailed prairie dogs under a bill given first-round approval Jan. 25.

LB473, introduced by Ellsworth Sen. LeRoy Loudon, would make landowners responsible for managing the expansion of prairie dog colonies. The bill would apply only if a neighboring landowner objects to the migration of prairie dogs onto his or her land.



Sen. LeRoy Loudon

Loudon said colonies built by black-tailed prairie dogs can weaken the structure of the land. The bill was designed with the understanding that not everyone is opposed the animals, he said.

Counties that choose to adopt a management plan could employ personnel to implement the plan. Any landowner found to be out of compliance with the ordinance would be served an official notice. The person would then have 60 days to take measures to control the expansion.

If a landowner fails to take action within 60 days, the county would take over management of the problem. Any cost incurred to the county for controlling the migration of prairie dogs would be charged to the offending landowner.

“This bill doesn’t require eradication,” Loudon said. “It requires landowners to control expansion to other properties.”

An Agriculture Committee amendment, adopted 31-0, clarified the procedures for counties wanting to implement local management plans.

Holdrege Sen. Tom Carlson, Agriculture Committee chairperson, said

counties would be required to specify the necessity for a management plan and include a list of methods used to manage the prairie dog colonies.

“Prairie dogs are a problem,” Carlson said. “Proper management is appropriate and necessary.”

Senators advanced the bill to select file on a 30-0 vote.

## Appropriations

### Centennial Mall funds sought

The Appropriations Committee heard testimony Jan. 23 on a bill that would appropriate \$1.2 million to assist in renovating Lincoln’s Centennial Mall.

LB859, introduced by Lincoln Sen. Bill Avery, would establish the Centennial Mall Project Fund and make a one-time, general fund transfer of \$1.2 million to the fund.



Sen. Bill Avery

Avery explained that Centennial Mall is a seven-block area of the capitol environs district stretching from the north side of the Nebraska State Capitol building to the University of Nebraska-Lincoln campus.

Avery said the city of Lincoln, the University Foundation and private citizens have partnered to raise millions to renovate the mall, which has fallen into disrepair. He said the bill’s appropriation would represent the state’s commitment to assisting with renovating and restoring the two blocks directly north of the Capitol.

“The mall belongs to all of us,” he said. “It should be something we can take pride in. It should be something of beauty.”

Lincoln Mayor Chris Beutler spoke in favor of the bill. He said the state

owns approximately 30 percent of the facilities along the mall and should contribute to ensuring the safety and security of those who use the area.

The \$1.2 million figure represents the cost of safe, accessible and disability-compliant walkways for the two blocks closest to the Capitol building, he said. The city and other partners are contributing the rest of the \$9.6 million overall cost of the project, he said, which includes a \$1.5 million endowment for maintenance.

“But we’re here asking for a little help from the state,” Beutler said.

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

## Education

### Teachers could see increased evaluation

School administrators would be required to spend more time evaluating teacher performance under a bill discussed by the Education Committee Jan. 23.

LB809, introduced by Omaha Sen. Scott Lautenbaugh, establishes a standardized evaluation framework.

Chris Proulx, Omaha Education Association president, testified in support of the bill. He said the quality of teachers directly translates to the success of a school.

“We don’t need more administrators,” Proulx said. “We just need to make sure our priorities are in order.”

Opponents of the bill said most districts currently have stringent teacher evaluation requirements.

Nancy Biggs, representing the



Sen. Scott Lautenbaugh

Nebraska Council of School Administrators, said additional time is not necessary.

“Adding the extra time doesn’t really improve the quality of what’s happening,” Biggs said. “It just improves the amount of time.”

Nebraska Department of Education representative Brian Halstead testified in a neutral capacity. He said the department undertook the issue of teacher evaluation more than a year ago.

“We have already established teacher performance frameworks used by most districts,” Halstead said.

The committee took no immediate action on the bill.

### Compromise on state aid to community colleges discussed

Nebraska’s six community colleges would receive funding based on a new formula under a bill considered during an Education Committee hearing Jan. 24.

LB946, introduced by York Sen. Greg Adams, would establish a formula for distributing appropriated funds to community colleges. After months of negotiations, Adams said all parties were looking forward to returning to business as usual.



Sen. Greg Adams

“What is most important at this point is that we’ve finally found some common ground,” Adams said. “They want to get on with the business of running community colleges and not feuding over state aid.”

Funds would be distributed based on a number of factors under the bill. The initial amount of appropriated state aid, up to \$87.8 million, would be allocated based on the proportion-

ate share of aid received by each community college for fiscal year 2012-13.

Funds in excess of the \$87.8 million, up to \$500,000, would be appropriated to the Nebraska Community College Student Performance and Occupational Education Grant Fund. The six schools could apply for any portion of that money. An appointed committee would determine how that money is to be allocated.

Any funds remaining after the first two allocations have been made would be distributed as follows:

- 25 percent divided equally to the six community colleges;
- 45 percent based on each school’s average full-time enrollment numbers; and
- 30 percent based on each college’s average reimbursable educational units.

Beginning in FY2013-14, community colleges also would be granted aggregate levy authority of 11.25 cents per \$100 of taxable valuation.

Todd Holcomb, Western Nebraska Community College president, testified in support of the bill. He said the bill allows for growth and flexibility.

“We have far greater similarities than differences,” Holcomb said. “We need to support our common goals.”

Dave Newell of Omaha said he could not support the bill as it is currently written. He believes Omaha’s Metro Community College would receive a disproportionate percentage of state funding based on the number of students the school serves.

“We’re not getting our fair share back,” Newell said. “There’s nothing fair for our taxpayers in this process.”

Marshall Hill, representing the Coordinating Commission for Postsecondary Education, testified in a neutral capacity. He said he worries about the quality of data used to build the aid formula but supports the solution.

“It’s important to keep funds dedicated for higher education focused on their initial purpose,” Hill said.

The committee voted to advance the bill to general file on a 6-0 vote.

## General Affairs

### Bill would change alcohol compliance check requirements

Minors involved in alcohol compliance checks would be prohibited from lying about their age or consuming alcohol under a bill given first-round approval Jan. 24.

Under LB60, introduced by Omaha Sen. Bob Krist, law enforcement officers also would be prohibited from consuming alcohol during a compliance check.



Sen. Bob Krist

Krist said the bill would prevent law enforcement from engaging in “sting operations” by encouraging minors to lie about their age or consume alcohol during compliance checks of liquor license holders.

“If an underage person is used in a compliance check, we shouldn’t be encouraging them to be anything less than truthful,” he said.

Lincoln Sen. Colby Coash opposed the bill, saying compliance checks work because they encourage employees to ask patrons for identification to prove they are of legal age to purchase alcohol. LB60 would remove the incentive to ask for ID, he said.

“[An employee] can just ask them if they’re working for law enforcement and they have to say yes,” he said. “Compliance check over.”

Bellevue Sen. Abbie Cornett offered a motion to return LB60 to the General Affairs Committee for further consideration, saying passage would increase

underage drinking in the state.

Minors who work with law enforcement in compliance check operations cannot present false identification, Cornett said, but they may verbally lie about their age. Removing their ability to do so would “essentially shut down” compliance checks, she said.

Cornett said that when formerly employed as a bar manager, she always asked for identification because she was on alert for compliance checks.

“I was never cited for serving a minor,” Cornett said. “It’s very simple: you ask for identification.”

Hoskins Sen. Dave Bloomfield opposed the motion to return LB60 to committee. Doing so would not change the committee’s position on the bill, he said, which was advanced to general file on a 6-2 vote.

The motion failed on a 20-24 vote.

Krist offered an amendment, adopted 35-2, which would specify that the primary source for age verification during a compliance check would be a government-issued identification as outlined elsewhere in state law. Those forms of identification include a state ID, driver’s license, military ID, alien ID card or a passport.

Krist said the amendment would help ensure that compliance checks are conducted properly.

Senators advanced LB60 to select file on a 25-17 vote.

### Cities could allow Sunday morning sales of spirits

LB861, introduced by Bellevue Sen. Abbie Cornett, would remove the prohibition on selling and dispensing alcoholic liquor between 6 a.m. and noon on Sundays.

Representing the city of Omaha, Jack



Sen. Abbie Cornett

Cheloha testified in support of the bill. The city council would like the authority to decide whether to expand the hours, he said.

Families often shop on weekends and are inconvenienced by not being able to pick up wine or beer on Sunday mornings, he said, calling the prohibition “outdated.”

Further, Cheloha said, the prohibition creates an inconvenience for those celebrating holidays that fall on Sundays.

Diane Riibe, executive director of Project Extra Mile, opposed the bill. She testified that Nebraska has one of the highest binge drinking rates in the country.

“When we increase days of sale,” she said, “we increase all of the related harms to that.”

Neutral testimony was provided by Hobert Rupe, executive director of the state Liquor Control Commission. He said local governing bodies currently can allow the sale of beer and wine before noon on Sundays, but not spirits, and the law allows local ordinances that are more restrictive.

For example, Rupe said, Lincoln has the authority to allow beer and wine sales during that time, but the city currently prohibits the sale of those items as well.

## Government, Military & Veterans Affairs

### Measure would expand impeachable offense timeline

Senators gave first-round approval Jan. 26 to a proposed change to the Nebraska Constitution regarding impeachment of civil officers.

LR19CA, introduced by Lincoln Sen. Bill Avery, would place a proposed

constitutional amendment on the November 2012 general election ballot that would add a misdemeanor related



Sen. Bill Avery

to the election by which a civil officer was elected to office as an impeachable offense.

Currently, the constitution states that a civil officer may be impeached for any misdemeanor committed while in office.

Avery said the change is necessary to cover criminal activity undertaken by a candidate in order to win an office, including election fraud or signing false statements.

Holdrege Sen. Tom Carlson expressed concern that the bill does not specify what would constitute an impeachable offense related to the pursuit of elected office.

Avery said the Nebraska Supreme Court has specified through case law three crimes that would rise to the level of an impeachable offense:

- a simple neglect of duty committed for a corrupt purpose;
- an act that violates a statute, constitutional provision or oath and is related to the officer’s duties; or
- a neglect or disregard of duty that is so gross or flagrant that the officer’s willful and corrupt intent may be inferred.

“We’re talking about standards that have been in place in this state for over 100 years,” Avery said.

Omaha Sen. Steve Lathrop spoke in favor of the bill, saying the word “misdemeanor” has a different meaning when used in the constitution than it does in criminal law. “It’s a term of art,” he said. Lathrop said an individual who commits a crime to gain an office should be subject to impeachment if that

same crime is an impeachable offense when committed while in office.

“How can we argue with that principle?” he said. “That just makes perfect sense.”

Following adoption of a technical amendment offered by the Government, Military and Veterans Affairs Committee on a 33-0 vote, senators advanced LR19CA to select file 34-0.

## Health & Human Services

### Authorization for partner STD treatment fails

A bill that would have allowed expedited partner therapy (EPT) for treatment of certain sexually transmitted diseases failed to advance from general file Jan. 25.

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



Sen. Amanda McGill

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 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 are still no major issues or health concerns that have been

reported,” McGill said, “even with 30 states now making this permissible.”

Senators voted 25-0 to approve a McGill amendment to limit the bill’s provisions to treatment of Chlamydia and gonorrhea.

Sen. Brenda Council of Omaha supported the bill, saying Douglas County needs more resources to combat Chlamydia and gonorrhea rates that are among the highest in the nation.

“The boards of health have identified it as epidemic proportions,” Council said, adding that “extraordinary measures” are required to combat such high rates of infection.

Omaha Sen. Steve Lathrop opposed LB304, citing the bill’s immunity clause for medical providers.

Under the bill, a provider who acts in good faith and with or without compensation, or who chooses not to prescribe, provide or dispense such prescription oral antibiotic drugs, would have been immune from civil liability except in the case of willful or wanton misconduct.

Lathrop said normal medical practice requires that a provider discuss potential drug interactions when prescribing or providing antibiotics.

“There are medical issues involving antibiotics,” he said. “The fact that there is risk means that we ought to stick to the traditional form of providing medication.”

LB304 failed to advance to select file on a 21-24 vote.

### Bill seeks improved access to public benefit programs

The state Department of Health and Human Services (DHHS) would be required to add more local offices, workers and resources to the system for accessing public benefit programs under a bill heard Jan. 25 by the Health and Human Services Committee.

Fullerton Sen. Annette Dubas, sponsor of LB825, said the department’s reform effort to modernize and streamline access to public benefits—known as ACCESSNebraska—has resulted in delays, anxiety and confusion.



Sen. Annette Dubas

Dubas said the move away from local offices staffed by DHHS caseworkers to online applications and call centers has been particularly hard on the state’s elderly and those who lack an advocate to help them navigate the new system.

“The changes were abrupt and have adversely affected many Nebraskans,” she said. “LB825 seeks to return to a more consumer-friendly and responsive system.”

Among other provisions, the bill would require DHHS to maintain 25 local offices throughout the state to provide in-person services to clients. To the extent possible, the offices would be in place by Oct. 1, 2012, in locations currently or recently used by DHHS to house local offices.

The bill also would require offices to be open a minimum of 40 hours per week and be equipped with a reasonable number of computers, telephones and scanning equipment. In addition, DHHS would be required to create specialized units to work with the elderly and those with complex cases.

Retired DHHS worker Robert Sterken testified in support of the bill. Sterken said he left the department out of frustration with ACCESSNebraska. The program is struggling with under-staffing, he said, and it is very difficult for the elderly and disabled to obtain face-to-face assistance.

“While the technology has enhanced access for some Nebraskans, it has caused others to feel alienated,” he said.

Mark Intermill, representing AARP and Voices for Children in Nebraska, also testified in support of the bill.

Intermill said using technology to modernize the public benefit system is a worthy goal, but expressed concern with implementation of ACCESSNebraska. He said the current system is understaffed and that spending \$1.9 million as outlined in LB825 would be a “bargain” for the state.

“We have a lot of excellent employees in the Department of Health and Human Services,” he said. “But I think sometimes we set up systems that just don’t work.”

Scot Adams, interim director DHHS’s division of children and family services, testified in opposition to the bill.

Adams admitted that ACCESSNebraska needs improvement, but said the department is working to provide better service and shorten telephone wait times. DHHS recently made changes to the system in response to listening sessions conducted across the state, Adams said, and garners feedback from customer satisfaction surveys.

“I want to acknowledge and apologize for the pain we have caused where we have fallen short,” he said. “Clearly, we are not where we want to be with all of this.”

The committee took no immediate action on the bill.

**Bill would require report on dual-diagnosis services**

The Health and Human Services Committee heard testimony Jan. 25 on a bill that would require a report to the Legislature from the state Department of Health and Human Services (DHHS) on certain



Sen. Steve Lathrop

dual-diagnosis services in Nebraska.

LB900, sponsored by Omaha Sen. Steve Lathrop, would require DHHS to report by Dec. 1, 2012, regarding access to the full array of services needed for appropriate treatment for individuals with intellectual disabilities co-occurring with mental illness.

The report would require input from the divisions of developmental disabilities, behavioral health and long-term care.

Nebraska needs greater collaboration within DHHS to provide coordinated services for those with a dual-diagnosis, Lathrop said.

Mary Gordon of the Nebraska Planning Council on Developmental Disabilities testified in support of the bill.

National data shows that approximately 34 percent of people with developmental disabilities have co-occurring mental health issues, she said. Individuals with a dual-diagnosis often face particular challenges when attempting to access services provided by different divisions within DHHS, Gordon said.

“The problems do not lie with any one system, but will require a coordinated approach to services,” she said. “Collaboration has been the key to finding the solution in other states.”

No one testified in opposition to the bill and the committee took no immediate action on LB900.

**Bill would change foster care oversight**

Nebraska’s current Foster Care Review Board would be replaced by a Foster Care Review Office under a bill heard Jan. 27 by the Health and Human Services Committee.

The 11-member Foster Care Review Board was created by the Legislature in 1982 as an independent agency to provide oversight to the state’s foster care system.

LB998, introduced by Omaha Sen. Bob Krist, would abolish the board and establish a Foster Care Review Office within the Legislature.



Sen. Bob Krist

Under the bill, the executive director of the office would be appointed by the Legislature and would report directly to the chairperson of the Health and Human Services Committee. The committee would determine the office’s structure and staff would be employees of the Legislature.

Krist said the change would allow the board to continue providing data to the Legislature regarding the state’s child welfare system, but would eliminate any appearance of conflict of interest due to relationships between board members and the state Department of Health and Human Services (DHHS).

Under the bill, members of the state’s 46 local foster care review boards would continue to serve their unexpired terms and the governor would appoint one member of each local board.

“All of the present employees and volunteers will remain in the system with no change in their job or job description,” Krist said.

Ann Coyne, professor at the University of Nebraska at Omaha, testified in support of the bill. She said the board originally was designed as a citizen review board, but legislation passed in 2005 allowed members to have connections to DHHS and other entities within the child welfare system.

“For over 20 years this system worked well as an independent review of children in out-of-home care and of the child welfare system itself,” she said.

Coyne said the current board has inherent conflicts of interest because many members work for agencies that

receive funding from DHHS either directly or indirectly.

Melanie Williams-Smotherman, executive director of Family Advocacy Movement, also testified in support of the bill, saying the board has been an obstacle to genuine reform of the state's child welfare system.

She said the Foster Care Review Board has "a penchant for preserving the status quo" and does not reflect the diverse interests of stakeholders in the child welfare system - particularly families with children in foster care.

"It's time to begin anew," she said.

Marcia Anderson, a member of the Foster Care Review Board, testified in a neutral capacity. She said senators should consider the costs and possible unintended consequences of dissolving the existing board, which she described as independent and neutral.

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

## Judiciary

### Bill to abolish death penalty indefinitely postponed

Senators began debating a bill on general file Jan. 26 that would repeal Nebraska's death penalty.

LB276, introduced by Omaha Sen. Brenda Council, would replace death penalty provisions with the sentence of life without the possibility of parole.



Sen. Brenda Council

The bill also would allow the court to require that payment be made to a victim's estate for any pain and suffering to the victim caused by the offender.

The criminal justice system is not an infallible system—mistakes are

made, Council said.

"[Nebraska] certainly has cases where innocent people have been wrongfully convicted and the death penalty was used to accomplish those convictions," she said.

Lincoln Sen. Colby Coash spoke in support of the bill. He said families are given false hope because death sentences are appealed so often that they are rarely carried out. The spotlight that is given to the convicted murderers and their death sentence overshadows the victims and their families, he said.

"We will talk about the murderers and their crimes and in the meantime, the victims of these crimes wait for justice that will never come." Coash said. "I do not believe we will execute another person in this state, whether this bill becomes law or not."

Lincoln Sen. Amanda McGill also supported the bill, saying it recognizes the victims.

"The one thing that is wonderful about the bill is that it helps the victims with the pain and suffering that come from the loss of a loved one," McGill said. "This [bill] could help the victims move forward in life instead of rehashing the details of what happened."

Norfolk Sen. Mike Flood opposed the bill, saying that retribution is a part of the criminal process.

If there is not retribution for the most horrible acts, Flood asked, then who will believe in the law?

"This is a system that embraces justice and evidence so that citizens do not take the law into their own hands," he said.

Omaha Sen. John Nelson also opposed the bill, saying the court system does not give the death penalty lightly.

Those who qualify for a death sentence receive a two-phase trial, Nelson said, so there is a subjective weight applied in determining their punishment.

Council filed a motion to indefinitely

postpone the bill Jan. 27 and elected to lay over LB276 until next session.

### Senators advance protection orders for threats of harm

Senators advanced a bill from general file Jan. 26 that would modify the definition of domestic abuse relating to protection orders.

LB310, introduced by Lincoln Sen. Amanda McGill, would make a credible threat a reason for granting a protection order.



Sen. Amanda McGill

Under the bill, violating a protection order—currently a Class II misdemeanor—would become a Class I misdemeanor. A subsequent violation would be considered a Class IV felony.

The bill accounts for threatening types of behavior that are continual even though an imminent threat may not exist, McGill said.

A Judiciary Committee amendment, adopted 37-0, eliminated original provisions of the bill regarding cost assessments, filing and serving a protection order and enhanced court authority for attorney appointments.

Norfolk Sen. Mike Flood supported the bill, but said he had some concerns.

"I think this bill is a good idea and it goes to an issue that exists," Flood said. "But when you remove that imminent danger piece you could be making the protection order a weapon in a divorce proceeding."

"I would just like to make sure that we fully explore what imminent danger is and what it means to back off that language in this bill," Flood added.

McGill agreed to discuss a possible amendment before the bill is debated on select file.



The bill was advanced from general file on a 38-0 vote.

**Statute of limitations could increase for sexually assaulted children**

Senators advanced a bill from general file Jan. 27 that would increase the statute of limitations for victims who were sexually assaulted as children.

LB612, introduced by Omaha Sen. Pete Pirsch, would increase the statute of limitations to up to 32 years of age for children who were victims of sexual or attempted sexual assault. The current statute of limitations is up to 25 years old.



Sen. Pete Pirsch

Pirsch said children who are sexually abused tend not to disclose the abuse for a number of reasons, including fear and embarrassment. The bill recognizes that children need reasonable accommodation and time to be able to come to terms with the damage they suffered, he said.

Omaha Sen. Gwen Howard supported the bill, calling it “cruel” to put children on the stand to testify against their abusers.

“Twelve years is not too long to give someone, as an adult, the opportunity to reconcile this issue with themselves or through counseling,” she said.

The Judiciary Committee offered a clarifying amendment that was adopted 35-0 and the bill advanced from general file on a 35-0 vote.

**Bill would allow pari-mutuel wagering on historic horse races**

A bill that would authorize the State Racing Commission to license

and regulate pari-mutuel wagering on historic horse races was considered by the Judiciary Committee Jan. 25.

A historic horse race creates a pari-mutuel pool from wagers placed on a previously held race at a licensed racetrack.

Currently, the commission may not issue a license for historic horse race pari-mutuel wagering without approval from the county board where the licensed facility is located.

LB806, introduced by Omaha Sen. Scott Lautenbaugh, would allow instant racing terminals at licensed horseracing premises. Using such a device for pari-mutuel wagering outside of a licensed racetrack enclosure would be a Class III misdemeanor.



Sen. Scott Lautenbaugh

The bill also would impose a one-time licensing fee of \$1,000 for each machine used for this purpose.

Lautenbaugh said a number of Nebraska businesses are dedicated to raising horses and that horseracing supports thousands of jobs in the state. The bill would be another way to support the industry, he said.

Greg Hosch, general manager of Omaha’s Horsemen’s Park, testified in support of the bill, saying the instant racing terminals could generate enough revenue to fund a new horseracing track in Lincoln.

“When the state fair relocated to Grand Island, I don’t think anyone thought of the effects [it would have] on the horseracing industry,” he said.

The contract for the venue’s current location—where the state fair previously was held—is almost expired, Hosch said. The industry cannot afford to lose the Lincoln market, he said, because without it racing cannot

survive in Nebraska.

John Dittman, Gambling with the Good Life chairman and a bank owner, testified in opposition to the bill. When his customers’ income drops, Dittman said, 10 to 20 percent of the time it is due to gambling problems.

“By expanding gambling, I firmly believe it will take us down the wide path that is a proven dead end for our state,” he said.

Nebraska State Racing Commissioner Dennis Lee provided neutral testimony.

The commission believes LB806 would be constitutional because wagers could be placed only within licensed tracks and the funds would be in a mutual pool, Lee said.

The committee took no immediate action on the bill.

**Bill would clarify reporting requirements of sexual misconduct in schools**

The Judiciary Committee heard testimony Jan. 25 on a bill that would clarify reporting requirements for alleged acts of illegal sexual conduct between school district employees and students.

Introduced by Omaha Sen. Brenda Council, LB839 would require school employees and superintendents who receive reports of sexual misconduct between a student and a school employee to report such misconduct to police within 24 hours of receiving the allegation.

Under the bill, the school district could not investigate the report for purposes of substantiating the allegation, but the district could investigate the allegation for determining the employment status of the accused employee.

Current reporting requirements provide there must be reasonable suspicion that abuse has occurred, but reasonable suspicion is not clearly

defined, Council said. The intent of LB839, she said, is to remove ambiguity in the current law and create an immediacy to report illegal sexual misconduct to police.

John Lindsay, lobbyist for Omaha Public Schools (OPS), testified in support of the bill, saying that OPS has been criticized for its process of reporting alleged abuse.

“The problem with the current law is that it requires the districts to make a judgment,” Lindsay said. “This bill will take that [responsibility] out of its hands and clarify that they must report [to police] no matter what.”

Brenda Beadle, chief deputy Douglas County attorney, also testified in support of the bill, saying school officials should not be allowed to conduct their own investigations into sexual abuse allegations.

“There are a number of cases where the school starts doing its own investigation and that impedes the law enforcement investigation,” Beadle said. “When [police] finally get involved, evidence could be destroyed and people could be tipped off.”

Ernie Chambers of Omaha provided neutral testimony.

Current law places the responsibility to report abuse on any person who becomes aware that it is taking place, he said. By singling out school employees or superintendents, he said, the bill could narrow who can report the alleged abuse.

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

### **Threatening texts could be considered intimidation**

The Judiciary Committee heard testimony Jan. 27 on a bill that would change provisions relating to intimidation by telephone call.

LB948, introduced by Platts-mouth Sen. Paul Lambert, would add electronic communication device to the definition of intimidation.

The bill also would increase the penalty for intimidation from a Class III to a Class I misdemeanor.

“The county attorneys in my district have had cases involving intimidation by text messaging,” Lambert said, adding that they have been difficult to prosecute.

Otoe County Attorney David Partsch testified in support of LB948, saying the law should reflect the current means of communication used by a large segment of the population.

Several cases over the past year involved threats made by texts, he said, but those cases could not be prosecuted as intimidation by call because the statutes did not include electronic devices.

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

### **Bill would transfer oversight of youth rehabilitation centers**

The Judiciary Committee heard testimony Jan. 26 on a bill that would transfer oversight of the state’s youth rehabilitation and treatment centers (YRTC) to another agency.

Currently, the state Department of Health and Human Services (DHHS), through the Office of Juvenile Services, oversees YRTC in Kearney and Geneva.

LB972, introduced by Omaha Sen. Brad Ashford,



Sen. R. Paul Lambert

would transfer the oversight and control of the centers to the state Department of Correctional Services (DOC).

There is a significant need for regional staff-secured facilities, Ashford said, calling the current lack of capacity for these juveniles “a tragedy.”

“We are not going to solve every juvenile justice problem with this bill,” he said. “But it is a step towards that.”

Kearney Sen. Galen Hadley testified in support of the bill.

In 2010, Hadley said, 129 juveniles were sent to YRTC in Kearney for assault-related charges. The youth sent to these facilities have more violent tendencies than what was anticipated, he said, as one assault by a juvenile occurs at YRTC for every 2.5 employees.

“DHHS is a huge and complex organization,” Hadley said. “I’m not sure that [juvenile rehabilitation] is its area of specialty, whereas with the DOC it would be.”

DOC Director Bob Houston also testified in support of the bill.

The frequency and the severity of the assaults could decrease under the DOC training program, which focuses on interpersonal communication, he said. The bill organizes YRTC to resemble the dynamics of residential living, Houston said, and would give the DOC authority over aggressive juveniles without requiring that they first be charged with a felony.

CEO of DHHS Kerry Winterer testified in support of LB972, saying it would be an improvement for juvenile justice reform.

The DOC is better equipped to deal with safety and rehabilitation of juveniles, Winterer said. DHHS should focus its attention on services that can prevent kids from being sent to such facilities—not on operating them, he said.

Sarah Forrest, Voices for Children policy coordinator, testified in oppo-



Sen. Brad Ashford

sition to the bill, saying that YRTCs have been ineffective because they serve too many low-risk youth. Transferring oversight to the DOC would not address the problem, she said.

Mary Fraser Meints of Uta Halee Girls Village in Omaha also testified in opposition to the bill.

Violent juveniles should be separated from those who are low-risk offenders, Fraser Meints said, while the low-risk juveniles should receive community-based services that are cheaper and more effective. The committee took no immediate action on the bill.

## Revenue

### Occupation taxes would be restricted under bill

Occupation taxes levied by municipalities would be subject to a popular vote under a bill discussed in a Revenue Committee hearing Jan. 25.

Valentine Sen. Deb Fischer said she introduced LB745 to increase control and transparency of occupation taxes. The bill would require that any proposed occupation tax be subject to a vote of the people, have a specific purpose and indicate a sunset date.

Any change in the rate of a current occupation tax also would be subject to a vote. The bill would not eliminate occupation taxes currently in place.

"This is not a bill to restrict cities from raising revenue," Fischer said. "It's necessary to control the use of these taxes and provide citizens with a clear view."

Richard Baier, executive vice-president of the Nebraska Chamber of Commerce, testified in support

of the bill. He explained that further economic development depends on a favorable tax system.

"Whether we like it or not, Nebraska remains a high tax state," Baier said. "We need people to know that Nebraska is open for new companies and new residents."

Lynn Rex, executive director of the League of Nebraska Municipalities, said the provision requiring that each occupation tax be subject to a popular vote would cost more than any revenue gathered from the tax. She said the bill would place unfair restrictions on local governments.

"Relatively few occupation taxes are imposed for a specific purpose," Rex said. "[The bill] would make it hard to raise revenue."

The committee took no immediate action on the bill.

### Tax incentive proposed for move to rural Nebraska

Counties experiencing a decrease in population could see the addition of new residents under a bill considered in a Revenue Committee hearing Jan. 27.

LB850, introduced by Kearney Sen. Galen Hadley, would address the issue of counties experiencing a decrease in population. Counties with a net loss of 5 percent in population between 2000 and 2010 would qualify.

Hadley said he introduced the bill to provide an incentive for people to move to rural Nebraska.

"The sooner we act proactively, the stronger our state will be moving forward," Hadley said.

Under the bill, a resident would receive a \$1,500 tax credit for each year he or she lives within one of the

designated counties and would not have to reapply for the credit each year. To qualify for the credit, a person must have lived outside Nebraska for five years preceding their residency in a designated county and received less than \$10,000 in income from a Nebraska source during each of those five years.

The credit would continue until Dec. 31, 2017.

Nicole Sedlacek, Holt County Economic Development executive director, testified in support of the bill. She said the biggest problem facing her county is not the number of jobs, but the number of qualified workers.

"Urban Nebraska needs strong rural communities," Sedlacek said. "We are not asking for a handout, but simply asking for a hand up."

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

## Transportation & Telecommunications

### Cloture attempt fails on campaign call debate

Senators continued debating a bill on general file Jan. 23 that would create an exemption for automatic dialing-announcing devices used for campaign purposes. An attempt to invoke cloture—or cease debate on the bill and vote—failed by seven votes.

Currently, political calls made by automatic dialing-announcing devices are overseen by two commissions: the Public Service Commission (PSC)—a regulatory agency whose responsibilities include oversight of the telecommunications industry in the state, and the Nebraska Accountability and Disclosure Commission (NADC)—a regulatory agency that administers and enforces the state's campaign finance,



Sen. Deb Fischer



Sen. Galen Hadley

lobbying and conflict of interest laws. Any person who uses such a device for a reason other than solicitation is required to register with the PSC and include an explanation of the planned message.

LB418, introduced by Omaha Sen. John Nelson, would create an exemption from registering automatic dialing-announcing devices with the PSC and would give regulatory authority to the NADC.



Sen. John Nelson

As amended the bill would require eligible persons who make automated calls relating to a political candidate or ballot to register the use of such a message with the NADC. It would not require a submission of the entire script as the PSC currently requires.

The name and address of the person paying for the message would be provided, as well as a detailed description of the planned use. The commission could not charge a fee for such registration.

Omaha Sen. Heath Mello led debate against the bill, arguing that the bill would undo the accountability measure originally put in place to regulate automated dialing calls.

After eight hours of discussion spanning several days, Nelson offered a motion to invoke cloture. The motion failed on a 26-17 vote; 33 votes were needed.

### Enhanced penalties proposed for uninsured drivers

The Transportation and Telecommunications Committee heard testimony Jan. 24 on a bill that would enhance penalties for uninsured drivers.

LB803, introduced by Omaha Sen. Scott Lautenbaugh, would re-

quire a driver who has been in a reported accident to provide an operator's license and proof of insurance to police.



Sen. Scott Lautenbaugh

Under the bill, failure to have a valid certificate of insurance and operators license could result in a Class II misdemeanor and immediate impoundment of the vehicle. If the driver is not the registered owner of the vehicle, he or she could be required to pay the owner restitution fees incurred for impoundment.

A driver who has had prior convictions could be guilty of a Class I misdemeanor and could have his or her license revoked for up to one year.

"We have seen a rise in the number of drivers who have chosen not to carry insurance," Lautenbaugh said. "This is a chronic problem in the parts of the state that I [represent]."

He said LB803 is targeting people who have been in a traffic accident, do not have a driver's license or proof of insurance and are a "massive liability" to other drivers.

Jack Cheloha, a lobbyist for the city of Omaha, testified in support of the bill, saying 7,000 cases are filed in Omaha annually against uninsured drivers.

Based on the number of incidents filed, he said, the current law does not go far enough to deter people from driving uninsured.

Alan Peterson, attorney for the ACLU, testified in opposition to the bill, saying it proposes substantially increased criminal penalties.

"We do not need to keep adding to the number of days or years that citizens spend in jail," Peterson said.

The committee took no immediate action on the bill.

### Exceptions to hauling requirements considered

The Transportation and Telecommunications Committee heard testimony Jan. 23 on a bill that would limit exception permits for longer combination vehicles (LCVs) hauling seasonally harvested products.

LB841, introduced by Scottsbluff Sen. John Harms, would allow LCVs that are up to 10 percent greater than the maximum length specified by law to carry an additional 15 percent of the maximum weight allowed for up to 70 miles.



Sen. John Harms

Under the bill, such permits would be valid for up to 120 total days per calendar year.

Harms said the bill would bring current statute into compliance with federal regulations.

Monty Fredrickson, director of the Nebraska Department of Roads, testified in support of the bill, saying that the state must be in compliance with federal regulations to receive federal road funding. The state could lose 10 percent of its federal funds if the laws are not compliant, he said, which would total a loss of \$24 million annually for roads projects.

No opposing testimony was given on the bill.

Two additional bills dealing with vehicle hauling requirements were heard by the committee Jan. 23.

LB764, introduced Sen. LeRoy Loudon of Ellsworth, would allow the operation of any motor vehicle, semi-trailer or trailer carrying livestock 70 miles or less from the loading point to storage or market with a load exceeding statutory load limits by 15 percent.

Introduced by Ogallala Sen. Ken

Schilz, LB740 would allow the issuance of a special permit to carry hay to a farmer or rancher for a truck-tractor and semitrailer combination that is no longer than 59.5 feet. The annual permit would be issued for a \$50 fee.

The committee took no immediate action on the bills.

## Urban Affairs

### Bill would cap tax increment financing use by cities

The ability of Nebraska cities to use tax increment financing (TIF) for redevelopment projects would change under a bill heard Jan. 24 by the Urban Affairs Committee.

LB918, sponsored by Bellevue Sen. Abbie Cornett, would cap at seven percent the total actual value of real and personal property of any political subdivision that a city or village could designate as blighted.



Sen. Abbie Cornett

Current law allows villages to designate up to 100 percent of the total actual value as blighted, while cities of the metropolitan, primary and first class may designate up to 50 percent as blighted, she said.

In addition, the bill would limit the combination of current and proposed redevelopment projects' excess value to seven percent of the total actual value of real and personal property of any political subdivision in which the proposed redevelopment project would be located, including the authorizing political subdivision.

Finally, the bill would remove a current requirement that cities conduct a cost-benefit analysis of proposed TIF projects.

Cornett said the bill is a response

to concerns raised during an interim study conducted on TIF use by cities. Some public school and natural resource districts had expressed concern that their funding suffers when the increased valuation of a redevelopment project is diverted during the TIF period, she said.

Cornett said that when a city uses TIF and foregoes taxing the increased valuation on a property for up to 15 years, the money must be replaced in the state's school financing formula using general fund dollars.

TIF projects can be a valuable tool for redevelopment, she said, but political subdivisions should have a voice in determining when to use the program because they are impacted by the choice to do so.

Cornett said the statewide average TIF usage last year by cities was 3.5 percent of their total valuation.

"Allowing a city to use twice the state average amounts seems reasonable," she said, adding that the seven percent number was a starting point for negotiation.

"It's definitely not my intention to shut TIF projects down in the state," she said.

Jack Dunn of the Progressive Research Institute of Nebraska testified in support of the bill.

He said TIF can be used on projects that benefit citizens - such as developing alcohol and drug treatment facilities and low-income housing - but often instead is used to increase developer's profits at the expense of school districts.

"The problems with TIF are not intrinsic," Dunn said. "They are the result of a lack of oversight and accountability."

Dave Landis, urban development director for the city of Lincoln, spoke in opposition to the bill, citing the success of 15 TIF projects undertaken

by the city.

He said the total valuation on the projects before redevelopment was \$15 million, resulting in approximately \$347,000 of tax revenue to the city. Today, those properties are valued at \$165 million and account for \$3.3 million in tax revenue annually, he said.

"If we're screwing up in redeveloping the city ... tell us what we're doing wrong and we will change," Landis said.

Rick Cunningham, Omaha planning director, also testified against the bill.

He said a cap of seven percent of total valuation in any one district would end Omaha's ability to utilize TIF for economic redevelopment. Between existing projects and those in the planning stages, the city would be at 7.45 percent in the Omaha Public School District, Cunningham said.

Dan Mauk, testifying on behalf of the Nebraska Chamber of Commerce and the Nebraska Economic Developers Association, also opposed the bill.

At least 25 cities in Nebraska would no longer be able to use TIF under the bill, he said, adding that many small cities have used the program to develop thousands of jobs.

"It's extremely important to the viability of rural Nebraska," Mauk said. "Let us govern ourselves at the local level."

Andrew Rikli, assistant superintendent for Omaha District 66, testified in a neutral capacity. He said the school district's testimony at the interim study concerned the proportion of the district that the city proposed to include in a TIF redevelopment zone.

The proposed area covered 50 to 60 percent of the school district, Rikli said, a percentage which has since been reduced.

The committee took no immediate action on the bill. ■

# COMMITTEE HEARINGS

## Monday, January 30

### Appropriations

#### Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services  
LB901 (Lathrop) Designate funds to be used for services for persons with developmental disabilities  
LB952 (Nordquist) Change appropriation provisions relating to the medical assistance program

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB963 (Pahls) Change provisions relating to banking and finance  
LB964 (Pahls) Adopt the Nebraska Money Transmitters Act  
LB965 (Pahls) Change provisions relating to the Nebraska Installment Sales Act, the Residential Mortgage Licensing Act, and the Nebraska Installment Loan Act  
LB1004 (Schumacher) Authorize credit unions to receive deposits of public funds

### Business & Labor

#### Room 2102 - 1:30 p.m.

LB738 (Gloor) Change burial expense benefits under the Nebraska Workers' Compensation Act  
LB906 (Wallman) Change death benefits under the Nebraska Workers' Compensation Act  
LB909 (Lautenbaugh) Provide an employer defense under the Nebraska Workers' Compensation Act  
LB1008 (Fulton) Provide for utilization and treatment guidelines for medical services under the Nebraska Workers' Compensation Act  
LB1012 (Lautenbaugh) Change medical treatment and temporary disability provisions under the Nebraska Workers' Compensation Act  
LB1151 (Lathrop) Eliminate a sunset provision under the Nebraska Workers' Compensation Act relating to certain first responder injuries

### Education

#### Room 1525 - 1:30 p.m.

LB1144 (Ashford) Provide for career

academy schools

LB1131 (McGill) Adopt the Innovation, Discovery, and Entrepreneurial Act  
LB996 (Wightman) Change provisions relating to compulsory attendance  
LB1124 (Council) Provide for designation of priority schools

### General Affairs

#### Room 1510 - 1:30 p.m.

LB979 (Lambert) Change licensure provisions under the Nebraska Pickle Card Lottery Act  
LB1067 (Karpisek) Change restrictions on keno  
LR375CA (Schumacher) Constitutional amendment to permit the Legislature to authorize games of chance, lotteries, and gift enterprises, provide for compacts with bordering states, and distribute revenue  
LB1139 (Mello) Prohibit receiving certain types of wagers on horseracing

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

LB930 (Brasch) Allow operation of golf car vehicles on highways as prescribed  
LB746 (Hadley) Change school permit provisions  
LB875 (Howard) Prohibit driving while using wireless communication devices in school crossing zones and construction zones  
LB1039 (Brasch) Change provisions relating to school bus safety requirements

## Tuesday, January 31

### Agriculture

#### Room 2102 - 1:30 p.m.

LB884 (Sullivan) Create the Agricultural Literacy Task Force  
LB915 (Larson) Change provisions relating to animal cruelty and create the offense of obtaining employment at an animal facility with intent to disrupt operations

### Appropriations

#### Room 1524 - 1:30 p.m.

Agency 13: Dept. of Education  
Agency 34: Neb. Library Commission  
Agency 48: Coordinating Commission for Postsecondary Education

Agency 54: Neb. State Historical Society  
LB994 (Heidemann) Create the State Colleges Sport Facilities Cash Fund and provide for transfers to the fund  
LB1019 (Harms) Appropriate funds for capital improvements at the state colleges

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB1018 (Conrad) Change provisions relating to business mergers, consolidations, and conversions  
LB1031 (Harr) Change provisions relating to name of debtor for Uniform Commercial Code financing statements  
LB811 (Harr) Change provisions relating to disclosure of confidential business or financial information  
LB1064 (Fulton) Permit the procurement of sickness and accident insurance from a nonadmitted insurer under the Surplus Lines Insurance Act

### Education

#### Room 1525 - 1:30 p.m.

LB1090 (Wallman) Provide for the awarding of grants and the distribution of information relating to the Summer Food Service Program by the State Dept. of Education  
LB1020 (Nordquist) Adopt the Nebraska Coordinated School Health Act  
LB1038 (Council) Require blood-lead testing prior to school enrollment

### Nebraska Retirement Systems

#### Room 1525 - 12:10 p.m.

LB973 (Coash) Provide for the use of retirement benefits to pay civil damages  
LB1022 (Nordquist) Change officer and employer contribution rates under the Nebraska State Patrol retirement Act

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

LB898 (Fischer) Redefine minitruck for vehicle titling, registration, and insurance statutes and rules of the road  
LB747 (Hadley) Withdraw from and repeal the Midwest Interstate Passenger Rail Compact  
LB896 (Fischer) Change motor vehicle

# COMMITTEE HEARINGS

industry regulations

LB889 (Avery) Change provisions relating to rates, fares, and certificates of convenience and necessity for taxicabs

## Urban Affairs

**Room 1510 - 1:30 p.m.**

LB716 (McCoy) Change municipal powers within extraterritorial jurisdiction  
 LB924 (Mello) Change the Nebraska Redevelopment Act  
 LB863 (Coash) Include film production under the Local Option Municipal Economic Development Act

## Wednesday, February 1

### Appropriations

**Room 1003 - 1:30 p.m.**

Agency 5: Supreme Court  
 Agency 16: Dept. of Revenue  
 Agency 65: Dept. of Administrative Services  
 Agency 75: Neb. Investment Council  
 Agency 84: Dept. of Environmental Quality  
 Agency 72: Dept. of Economic Development  
 LB955 (Nordquist) Appropriate funds to the Dept. of Economic Development  
 LB1037 (Nelson) Change matching requirements for arts funding

### Executive Board

**Room 2102 - 12:00 p.m.**

LB1147 (Dubas) Provide for public wireless Internet access in the State Capitol  
 LR358CA (Carlson) Constitutional amendment to change legislative term limits to three terms  
 LR372CA (Fulton) Constitutional amendment clarifying one-half of a term for legislative term limits  
 LR365 (Lathrop) Provide for continuation of the Developmental Disabilities Special Investigative Committee

### Government, Military & Veterans Affairs

**Room 1507 - 1:30 p.m.**

LB1070 (Wightman) Change eligibility provisions for petitioning on the general election ballot  
 LB934 (Karpisek) Provide for appointment of all election commissioners by the county board

LB966 (Karpisek) Change vote canvassing procedures

LB757 (Avery) Change political party provisions

LB1035 (Sullivan) Provide for automatic nomination of airport authority board members as prescribed

### Health & Human Services

**Room 1510 - 1:30 p.m.**

LB1016 (Conrad) Require the Dept. of Health & Human Services to contract with certain community-based organizations as prescribed  
 LB821 (Health & Human Services) Create the Neb. Children's Commission and require legislation to create the Dept. of Children's Services  
 LB1041 (Cook) Adopt the Dept. of Health and Human Services Delivery Improvement and Efficiency Act

### Judiciary

**Room 1113 - 1:30 p.m.**

LB737 (Gloor) Provide procedures for submitting national criminal history record information checks with respect to home studies for adoptions  
 LB1000 (McGill) Change certain marriage related fees  
 LB899 (Lathrop) Provide procedures for a legal separation decree  
 LB939 (Harr) Change certain notice provisions for conservators  
 LB812 (Harr) Change garnishment provisions  
 LB1051 (Coash) Change registry provisions regarding adult protective services and child protection cases

### Natural Resources

**Room 1525 - 1:30 p.m.**

LB1043 (Langemeier) Eliminate provisions relating to contracts or agreements for discounted rates involving public power districts  
 LB1092 (Fulton) Require information and training regarding the disposal of mercurycontaining light bulbs

### Revenue

**Room 1524 - 1:30 p.m.**

LB749 (Cornett) Exempt indoor tanning services from sales and use taxes

LB903 (Cornett) Exempt youth sports from sales and use tax

LB983 (Cornett) Change provisions relating to a research tax credit

LB1033 (Cornett) Provide tax incentives under the Nebraska Advantage Act for renewable energy projects

## Thursday, February 2

### Appropriations

**Room 1003 - 1:30 p.m.**

LB1055 (Hadley) Appropriate funds for a Kearney Division nursing and allied health professions facility  
 LB1065 (Fulton) Appropriate facility construction funds for the Lincoln Division of the University of Neb. Medical Center College of Nursing  
 LB1066 (Hansen) Appropriate funds for planning and design of a veterinary diagnostic laboratory facility  
 LB1089 (Nelson) Appropriate funds for construction of a cancer research facility

### Government, Military & Veterans Affairs

**Room 1507 - 1:30 p.m.**

LB971 (Harms) Merge the Dept. of Labor into the Dept. of Economic Development  
 LB1053 (Louden) Create Neb. Tourism Commission and transfer powers and duties from the Travel and Tourism Division of the Dept. of Economic Development  
 LB772 (Smith) Change provisions relating to the payment of salaries for county board members  
 LB823 (Adams) Change duties of county treasurers

### Health & Human Services

**Room 1510 - 1:30 p.m.**

LB926 (Dubas) Provide for a minimum base rate for foster care payments  
 LB1062 (Nordquist) Change provisions relating to adoption assistance  
 LB1149 (McGill) Change provisions relating to child guardianships and child welfare caseloads  
 LB1150 (McGill) Adopt the Young Adult Voluntary Foster Care Services Act

### Judiciary

**Room 1113 - 1:30 p.m.**

LB1119 (Karpisek) Prohibit sale, pos-

# COMMITTEE HEARINGS

session, and use of flying lantern-type devices

LB816 (Pirsch) Change provisions relating to evidentiary use of set-aside convictions

LB817 (Pirsch) Change duties of the Community Corrections Division of the Neb. Commission on Law Enforcement and Criminal Justice

LB951 (Harr) Provide for assault with a bodily fluid against a first responder  
LB1009 (Ashford) Provide that probation records are not subject to disclosure

## **Natural Resources**

### **Room 1525 - 1:30 p.m.**

LB928 (Louden) Provide for mountain lion hunting permits

LB1081 (Christensen) Provide for free antlerless deer hunting permits for farmers as prescribed

LB1163 (Fulton) Provide for a deer donation program and for redistribution of deer permit fees

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LB731 (Mello) Adopt the Remanufacturing Pilot Project Act and provide an income tax credit

LB980 (Ashford) Change provisions relating to an adjustment to income for certain capital gains and extraordinary dividends

LB1080 (Cornett) Provide a property tax exemption and a sales and use tax exemption relating to data centers

LB1118 (Cornett) Provide tax incentives for large data center projects

## **Friday, February 3**

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

LB765 (Krist) Change bidding requirements relating to contracts with providers of certain health and social services as prescribed

LB1159 (Krist) Provide additional requirements and duties relating to state contracts for services valued at twenty-five million dollars or more

LB792 (Mello) Change provisions relating to personal services contract review and approval duties of the Director of

## **Administrative Services**

LB858 (Avery) Change requirements and exceptions for certain state contracts for services

## **Health & Human Services**

### **Room 1510 - 1:30 p.m.**

LB995 (Heidemann) Change provisions relating to county medical facilities and public hospitals

LB1047 (Howard) Require safe injection practices as prescribed

LB1077 (Howard) Require certain health care facilities to offer vaccinations to residents and patients

LB1042 (Campbell) Authorize nurse practitioners to sign death certificates

## **Judiciary**

### **Room 1113 - 1:30 p.m.**

LB993 (Ashford) Change provisions relating to child abuse and neglect teams and child advocacy centers

LB917 (Cornett) Change truancy provisions for absences relating to military employment activities

LB933 (Ashford) Change provisions relating to truancy

LB1165 (Fulton) Change provisions relating to truancy and excessive absenteeism

## **Natural Resources**

### **Room 1525 - 1:30 p.m.**

LB1087 (Nordquist) Adopt the Compressed Natural Gas Innovation Act

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LB1128 (Schumacher) Adopt the New Markets Job Growth Investment Act and provide tax credits

LB752 (Avery) Provide an income tax credit relating to grape growing and wine producing

LB962 (Pahls) Change provisions relating to tax expenditure reporting and name the Tax Rate Review Committee

## **Monday, February 6**

### **Appropriations**

#### **Room 1524 - 1:30 p.m.**

LB1015 (Conrad) Change the child care reimbursement rate

LB1017 (Conrad) Transfer funds to the Affordable Housing Trust Fund

LB960 (Heidemann) To state intent

relating to certain transfers of funds  
LB981 (Ashford) Appropriate funds for renovation of certain living units at the Youth Rehabilitation and Treatment Center-Kearney

## **Business & Labor**

### **Room 2102 - 1:30 p.m.**

LB959 (Janssen) Provide immunity to employers for job references

LB997 (Wightman) Change provisions relating to high voltage conductor safety

LB1005 (Lambert) Include state emergency response teams under the Volunteer Emergency Responders Job Protection Act

LB1058 (Carlson) Change the Employment Security Law and the New Hire Reporting Act

LB1152 (Lathrop) Provide job training programs for recipients of unemployment insurance benefits

## **Education**

### **Room 1525 - 1:30 p.m.**

Appointment: Bishop, Riko - Coordinating Commission for Postsecondary Education

Appointment: Davis, Karen - Coordinating Commission for Postsecondary Education

Appointment: Simmons, Joyce - Coordinating Commission for Postsecondary Education

Appointment: Zink, Carol - Coordinating Commission for Postsecondary Education

LB1079 (Mello) Provide grants for educational bridge programs for low-income adults

LB1034 (Nordquist) Adopt the College Choice Grant Program Act

LB954 (Fulton) Change provisions of the college savings plan

LB1104 (Adams) Change the Postsecondary Education Act

## **Nebraska Retirement Systems**

### **Room 1525 - 12:10 p.m.**

LB867 (Karpisek) Change employer contribution provisions under certain



# COMMITTEE HEARINGS

## PUBLIC HEARINGS

Public hearings on bills are typically held in the afternoons during the first half of the legislative session. Committees have regularly scheduled rooms and meeting days, although they sometimes meet in different rooms at varying times in order to accommodate testifiers or large audiences.

The weekly schedule of committee hearings is published on the last legislative day of the week throughout the legislative session. The schedule is available on a table in front of the Clerk's Office, in the Sunday editions of the Lincoln Journal Star and the Omaha World-Herald, in the weekly Unicameral Update and at [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov).



county retirement plans  
LB1082 (Karpisek) Name and change provisions of the Police Officers Retirement Act

### Tuesday, February 7

#### Agriculture

##### Room 1524 - 1:30 p.m.

LB905 (Carlson) Change the Nebraska Wheat Resources Act  
LB1057 (Carlson) Change the Nebraska Corn Resources Act

#### Appropriations

##### Room 1003 - 1:30 p.m.

LB958 (Howard) Provide for appropriations to the Nursing Faculty Student Loan Act  
LB1048 (Howard) Increase an appropriation for nurse visitation services as prescribed  
LB1146 (McGill) Appropriate funds to carry out the Nebraska Prostitution Intervention and Treatment Act

#### Education

##### Room 1525 - 1:30 p.m.

LB990 (Fulton) Change flag display provisions for schools and require recitation of the Pledge of Allegiance  
LB991 (Krist) Provide for a study relating to countywide school districts  
LB1074 (Schilz) Provide duties for the State Dept. of Education relating to the federal Family Educational Rights and Privacy Act  
LB1105 (Adams) Change and eliminate provisions relating to schools

#### Urban Affairs

##### Room 1510 - 1:30 p.m.

LB1115 (Flood) Authorize construction and operation of natural gas pipeline facilities by jurisdictional utilities  
LB1137 (Mello) Adopt the Nebraska Municipal Land Bank Act  
LB1121 (Lambert) Change signature requirements for recall petitions for sanitary and improvement districts

### Wednesday, February 8

#### Health & Human Services

##### Room 1510 - 1:30 p.m.

LB949 (Legislative Performance Audit) Require reports and a strategic plan by the Division of Children and Family Services of the Dept. of Health & Human Services  
LB925 (Fischer) Provide duties for the Dept. of Health & Human Services relating to contracts with providers under Budget Program No. 514, Health Aid  
LB1158 (Krist) Provide requirements for medical assistance behavioral health managed care contracts  
LB1160 (Health & Human Services) Require Dept. of Health & Human Services to develop an information system and provide for reports and an evaluation

#### Natural Resources

##### Room 1525 - 1:30 p.m.

LB732 (Mello) Provide procedures for the use of eminent domain by cities and villages for trails  
LB857 (Larson) Provide for repayment of certain grants from the Neb. Environmental Trust Fund as prescribed

### Thursday, February 9

#### Health & Human Services

##### Room 1510 - 1:30 p.m.

LB1028 (Cook) Require Dept. of Health & Human Services to apply for a grant relating to long-term care services  
LB1063 (Cook) Adopt the Children's Health and Treatment Act  
LB1083 (Bloomfield) Clarify permitted practices under the Nurse Practice Act  
LB1122 (Bloomfield) Change the Medical Assistance Act with respect to certain home health services

#### Natural Resources

##### Room 1525 - 1:30 p.m.

LB796 (Avery) Adopt the Outdoor Outfitters and Guides Registration Act ■

# LEGISLATIVE GLOSSARY

**“A” Bill** - see Appropriation Bill.

**Amendment On File** - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

**Amendment Printed Separate** - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

**Appropriation Bill (“A” Bill)** - a bill to appropriate funds to finance another bill bearing the same number.

**Attorney General’s Opinion** - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

**Bill** - see Legislative Bill.

**Bracket** - to delay consideration of a bill.

**Call of the House** - a procedure used to compel attendance of unexcused senators in the chamber.

**Carry-over Legislation** - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

**Chair** - the presiding officer.

**Cloture** - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

**Constitutional Amendment Resolution** - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

**Consent Calendar** - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

**“E” Clause** - see Emergency Clause.

**E&R** - see Enrollment and Review.

**Emergency Clause (“E” Clause)** - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

**Engrossment** - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

**Enrollment and Review (E&R)** - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

**Executive Session** - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

**Final Reading** - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

**Fiscal Note** - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

**Floor** - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” that means the bill is being sent to the full Legislature for consideration.

**General File** - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

**Hearing** - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

**House Under Call** - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

**Indefinitely Postpone (IPP)** - to kill a bill.

**Interim** - the period between regular legislative sessions.

**Interim Study Resolution** - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

**IPP** - see Indefinitely Postpone.

**Journal** - see Legislative Journal.

**Laws of Nebraska (Session Laws)** - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

**Legislative Bill (LB)** - a proposal to create, change or delete one or more laws.



**Legislative History** - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

**Legislative Journal** - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

**Legislative Resolution (LR)** - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

**Line-Item Veto** - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

**Machine Vote** - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

**Major Proposal** - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

**One-liner** - a one-line description of a bill or resolution.

**Override a Veto** - see Veto Override.

**President of the Legislature** - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madame President, the lieutenant governor alone holds that official title.

**Presiding Officer** - the senator currently presiding over legislative proceedings.

**Priority Bill** - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

**Record Vote** - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system, and the senators' names and corresponding votes are then printed in the Legislative Journal.

**Regular Session** - the annual session that begins the first Wednesday after the first Monday in January.

**Resolution** - see Legislative Resolution.

**Revisor Bill** - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

**Roll Call Vote** - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

**Select Committee** - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

**Select File** - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

**Session** - a period of time, usually a number of days, during which the Legislature meets and transacts business.

**Session Laws** - compilation of all laws and constitutional amendment resolutions passed in a session.

**Sine Die** - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

**Slip Law** - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

**Speaker of the Legislature** - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and who presides in the absence of the lieutenant governor.

**Special Committee** - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

**Special Session** - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

**Standing Committee** - a permanent committee with a subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**Veto** - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

**Veto Override** - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

**Voice Vote** - a vote in which senators cast their votes orally and no totals are recorded.

**Worksheet** - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



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[www.nebraskalegislature.gov/bills](http://www.nebraskalegislature.gov/bills)  
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State Capitol  
P.O. Box 94604  
Lincoln, NE 68509-4604

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