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UPDATE

Medicaid expansion debate stalls

Debate stalled after lawmakers spent two days discussing a bill that would require Nebraska to opt in to expanded Medicaid coverage available under federal health care reform.

LB577, introduced by Lincoln Sen. Kathy Campbell, would require the state Department of Health and Human Services (DHHS) to add the adult population newly eligible under the federal Patient Protection and Affordable Care Act (ACA) to the state's Medicaid state plan amendment.

Under the ACA, low-income adults ages 19 to 64 with incomes of up to \$15,856 would be eligible for Medicaid if a state chooses to extend benefits to them, Campbell said.

During debate April 16, Campbell said expanding Medicaid to this group would be a good financial move for the state because it would allow Nebraska to cover the newly eligible adult population with 100 percent federal funding from 2014 to 2016. Federal funding would decrease incrementally, she said, leveling off at 90 percent starting in 2020.

The uncompensated hospital care individuals in this income group al-



Sen. Kathy Campbell outlined the potential benefits of LB577.

ready receive creates higher medical bills and insurance premiums for all Nebraskans, Campbell said.

"All of us are paying those costs," she said.

Campbell said states are allowed to choose a benchmark benefit plan for the newly eligible adult population under the ACA. One of the options, known as the secretary-approved benefit plan, allows states to include the Medicaid benefit package currently offered in the state.

LB577 would direct DHHS to re-

quest the secretary-approved benefit plan and to include the mandatory and optional coverage under traditional Nebraska Medicaid. The bill also would specify that the benefit plan comply with the requirements of the Mental Health Parity and Addiction Equity Act and include habilitative services as provided by the ACA.

Omaha Sen. Jeremy Nordquist supported the bill, saying it makes good fiscal sense. He cited a study that found the average Nebraska family pays approximately \$1,000 more per year in premiums to offset uncompensated care provided to low-income individuals who seek emergency room care rather than preventative care

because they lack insurance coverage.

"Just because someone is uninsured doesn't mean that they don't get care," he said. "And we are paying for it with state tax dollars, with property tax dollars and with higher premiums."

Nordquist said expanding Medicaid with federal funding would provide low-income adults access to medical coverage while freeing up \$2.3 million in state general fund dollars in the current biennium that is used to pay for a variety of health care programs for low-income Nebras-

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Medicaid expansion debate stalls

(continued from front page)

kans, including the AIDS Drug Assistance Program and the State Disability Program.

In addition, he said, the ACA is expected to result in an annual savings of \$29 million per year in behavioral health spending due to private health insurance reform. By applying a portion of these offsets to the cost of administering LB577, Medicaid expansion could be paid for through 2020 without endangering other budget priorities, Nordquist said.



Sen. Jeremy Nordquist discussed the fiscal impact of Medicaid expansion.

Sen. Tanya Cook of Omaha also supported the bill, saying health care providers across all disciplines testified in support of LB577 when it was heard by the Health and Human Services Committee. Lack of a health care safety net degrades Nebraskans' quality of life, she said, making access to health care more than simply a fiscal issue.

"Health care providers support the expansion of Medicaid because it is the moral and right thing to do," Cook said. "Those whose lives are dedicated to healing the sick are asking for our help."

Syracuse Sen. Dan Watermeier opposed the bill, saying the state's medical system is unprepared to handle the influx of Medicaid recipients that would result from passage of LB577.

Nebraska's current Medicaid enrollment of 240,000 already will increase by approximately 50,000 due to other mandatory provisions in the ACA, he said. The estimated 54,000 more who could join under the bill raises concerns about the quality of care all Medicaid recipients would receive, he said.

"Nebraska is just plain and simple not ready for this," Watermeier said, adding

that perhaps lawmakers should wait and examine other states' experience with Medicaid expansion.

"We don't have to be the first to do this," he said. "This may be one of those times when it would be good to be second in line."

Describing himself as a "skeptic" regarding the bill, Grand Island Sen. Mike Gloor said expanding Medicaid within the existing system likely would not solve the problem of access to health care in Nebraska. Because reimbursement rates are so low, he said, there is a limit to the number of Medicaid recipients that a provider is able and willing to accept.

"The assumption that expanding Medicaid automatically improves access ... is a hope and a prayer," Gloor said.

Amendments considered

Campbell offered an amendment April 16, which was divided into two separate amendments, that she said was

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Sen. Mike Gloor expressed concern about provider capacity.

intended to address concerns regarding the federal government's commitment to funding Medicaid expansion.

Under the first amendment, if at any time the federal match falls below 90 percent for the newly eligible group, the Legislature would be required to determine whether to affirm, amend or repeal eligibility from that group during the next regular legislative session.

"What people wanted was a way for senators to monitor this program," she said. "[The amendment] would afford us that opportunity to make revisions as we have done [with Medicaid] since 1965."

Sen. Bill Kintner of Papillion opposed the amendment, saying government rarely ends a program once it is established, regardless of the cost or the program's effectiveness.

The state will have to cut roads, schools and other funding priorities if spending on Medicaid expansion "starts spiraling out of control," he said.

"Eventually, we'll have to go to the taxpayers," Kintner said.

Sen. Jim Scheer of Norfolk expressed similar concerns, saying the expansion would obligate future generations to fund Medicaid for low-income Nebraskans without a long-term guaranteed funding source.

In addition, he said, even the initial three years of 100 percent federal funding ultimately represents Nebraska taxpayer dollars paid in to the federal government.

"Regardless of where those dollars come from, they are our dollars," Scheer said.

Senators voted 30-12 to adopt the first Campbell amendment.

Omaha Sen. Beau McCoy offered a motion to reconsider the vote, saying many senators were waiting to speak on the issue when the vote was taken.

"I don't think we've had a full and fair debate," he said. "We need to have all members have the opportunity to weigh in more on this."

The McCoy motion failed April 17 on a 17-26 vote.

A second Campbell amendment would set a sunset date for LB577 of June 30, 2020, unless extended by the Legislature.

Kearney Sen. Galen

Hadley offered an amendment to the Campbell amendment April 17 that would change the sunset date to Dec. 31, 2016.

Hadley said the earlier date would give Nebraska a chance to experiment with Medicaid expansion without requiring a funding commitment on the part of the state.

"I truly believe that this makes the bill better," he said.

Gloor called the amendment a step in the right direction.

"It puts us in the position of making a decision before that 100 percent federal subsidy disappears," he said.

Ogallala Sen. Ken Schilz spoke against the amendment, saying LB577 should be killed, not altered to increase the likelihood of its passage. He said lawmakers should not authorize Medicaid expansion if people would have to be removed from the program should the law sunset in three years.

"I don't think that's right; I don't think it's smart and I don't think it's moral to do that," Schilz said. "Let's not step into the trap in the first place."

After more than 10 hours of debate, senators moved on to another agenda item without voting on either amendment. ■

"The assumption that expanding Medicaid automatically improves access ... is a hope and a prayer."

-- Sen. Mike Gloor

"Just because someone is uninsured doesn't mean that they don't get care, and we are paying for it with state tax dollars, with property tax dollars and with higher premiums."

-- Sen. Jeremy Nordquist

Agriculture

Changes to pesticide product registration advanced

Lawmakers gave first-round approval April 19 to a bill that would remove the specialty pesticide designation from pesticide product registration.

Currently, pesticides classified as specialty are charged a registration fee of \$160 per product while nonspecialty pesticides are charged a fee of \$200. LB69, introduced by Ogallala Sen. Ken Schilz, would remove the specialty classification and establish an annual registration fee of \$160 for all pesticide products.

Schilz said the change to one registration fee would simplify the collection process.

The bill makes several additional changes, some of which include:

- updating contaminant levels in drinking water under the Safe Drinking Water Act;
- updating a reference relating to the state Department of Agriculture's authority with regard to designating pesticide applicator categories; and
- requiring that the renewal of an aerial pesticide business license is completed before the filing of a pesticide registration application.

Senators advanced the bill on a 26-0 vote.

Bill would authorize out-of-state brand permits

An owner could brand cattle with a brand recorded or registered in another state under a bill advanced from general file April 19.

LB435, introduced by North Platte Sen. Tom Hansen, would allow out-of-state brand permits that authorize one-time use of a brand registered with a state other than Nebraska to brand cattle for immediate exportation out of state.



Sen. Tom Hansen

Hansen said it would make transactions more efficient and advantageous.

"Nebraska producers will be able to add value to their livestock to border state buyers by making [the livestock] ready to unload immediately in surrounding states," he said.

The bill would authorize the branding of cattle with an out-of-state brand if:

- the cattle are purchased at a livestock auction market licensed under the Livestock Auction Market Act or another location approved by the Nebraska Brand Committee;
- the cattle will be exported immediately from Nebraska;
- the cattle are branded at the livestock auction market or other approved location; and
- an out-of-state brand permit has been obtained prior to branding the cattle.

Producers could obtain an out-of-state brand permit by submitting an application and corresponding fee to a brand inspector.

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

Removal of individual cattle ID requirement proposed

Individual animal identification would no longer be required for cattle imported into Nebraska under a bill

advanced from general file April 19.

Under LB647, introduced by Hyannis Sen. Al Davis, imported cattle would not be required to have individual identification if they are:

- identified by a registered brand;
- accompanied by an official brand inspection certificate issued by the recognized brand inspection authority of the state of origin; and
- imported directly from a mandatory brand inspection area of any state.

Davis said current regulations place undue burdens on livestock owners, sale barns and veterinarians.

"Cattle branding is still the best form of identification available because it is permanent and cannot be lost," he said. "This is a unique economic development bill for Nebraska that will benefit the entire state."

The state Department of Agriculture could require imported cattle to have individual identification under LB647 if the director determines that:

- the state of origin recognized brand registration or brand inspection procedures and documentation are insufficient to trace an individual animal to its herd of origin;
- identification by brand alone is in conflict with a standard of federal law or regulation regarding identification of cattle moved into Nebraska; or
- the cattle originates from a location that is not an accredited tuberculous-free state or zone or is not designated a brucellosis-free state or zone.

The bill would continue to allow the state veterinarian to issue import



Sen. Al Davis

orders imposing additional requirements, including identification requirements, for animals imported into Nebraska from any state, country, zone or other area.

Senators advanced the bill on a 29-0 vote.

Appropriations

Tax incentive data requirement approved

Lawmakers gave final approval April 18 to a bill intended to increase transparency regarding tax incentive programs in Nebraska.

LB629, introduced by Lincoln Sen. Danielle Conrad, requires information regarding tax incentive programs to be included as part of the governor's biennial budget submission to the Legislature. Re-



Sen. Danielle Conrad

quired information includes the number and type of jobs created and the average wage and benefits of those jobs.

The bill also eliminates a current requirement that the state Department of Revenue make recommendations on tax expenditures and incentive programs and allows the governor to include such recommendations within the budget proposal.

The bill passed 47-0.

Education

Early childhood education funding approved

Senators passed a bill April 18 that allocates funds to support early childhood education grant programs.

LB495, introduced by Cedar Rapids Sen. Kate Sullivan, transfers funds from the Education Innovation Fund to the early childhood education grant program administered by the state Department of Education. Scheduled distributions include \$1.75 million in fiscal year 2013-14, \$1.85 million in FY2014-15 and \$1.95 million in FY2015-16.



Sen. Kate Sullivan

An additional \$1 million from the Education Innovation Fund will be directed to the Early Childhood Endowment Cash Fund annually for the next three fiscal years for grants to public school programs that serve at-risk children from birth to age three.

The bill changes a funding source for programs currently supported by the Education Innovation Fund. General fund dollars will be used to fund:

- an integrated student information system;
- the Center for Student Leadership and Extending Learning Act;
- multicultural education; and
- employment costs for individuals investigating and prosecuting alleged teacher and administrator certificate violations.

The bill passed on a 46-0 vote.

Executive Board

Presentation of economic development incentive reports required

Senators passed a bill April 18 that requires the state Department of Revenue to present economic development incentive reports to two legislative committees.

Columbus Sen. Paul Schumacher

introduced LB612, which requires the department to appear once every two years before a joint hearing of the Legislature's appropriations and revenue committees to present the reports. Supplemental information requested by three or more committee members must be provided within 30 days after the request.



Sen. Paul Schumacher

The bill passed with an emergency clause on a 47-0 vote.

General Affairs

Liquor shipping license changes passed

Senators passed a bill April 18 that changes provisions for obtaining alcoholic liquor shipping licenses.

LB230, introduced by Wilber Sen. Russ Karpisek, allows the Nebraska Liquor Control Commission to issue such licenses only to alcohol manufacturers and licensed retailers. Craft breweries, distilleries and farm



Sen. Russ Karpisek

wineries will be required to notify any Nebraska wholesaler if they intend to ship products already sold in the state and must not ship products that state manufacturers or wholesalers have agreed not to carry.

The bill passed on a 44-0 vote.

Proposal for six new State Patrol positions advanced

Senators gave first-round approval April 17 to a bill that would create six new State Patrol positions to improve

enforcement of liquor laws.

Wilber Sen. Russ Karpisek, sponsor of LB579, said the bill arose out of concern that the Nebraska Liquor Control Commission (LCC) does not have adequate resources to enforce the state's Liquor Control Act. He said the intent of the bill is to make several State Patrol investigators available to spend the majority of their time on liquor law enforcement.

A General Affairs Committee amendment adopted April 11 reduced the original proposal of 15 officers to 10.

An April 17 amendment, adopted 28-0, further reduced the number of State Patrol officers who would spend a majority of their time in administration and enforcement of the Nebraska Liquor Control Act from 10 to six. The reassignment of officers would be offset by the addition of six new full-time officers.

Karpisek said there currently are 477 officers in the State Patrol, which is the lowest number since 1986. He said nine of those troopers are tasked with liquor law enforcement, but more are needed to keep pace with the proliferation of liquor licensees.

"People are very concerned about underage drinking, over-serving and drunk driving," he said. "We need those people out there."

Senators advanced the bill to select file on a 26-1 vote.

Government, Military & Veterans Affairs

Campaign finance changes adopted

Lawmakers passed a bill April 18 that repeals the Campaign Finance

Limitation Act.

LB79, introduced by Lincoln Sen. Bill Avery, repeals the act, recently declared unconstitutional by the Nebraska Supreme Court.

The bill also requires the Nebraska Accountability and Disclosure Commission to develop, implement and maintain an electronic filing system for campaign statements and other required reports as soon as practicable. Further, it adds limited liability company or partnership to the list of entities that must establish a separate, segregated political fund in order to receive contributions.

LB79 authorizes the transfer of all funds in the Campaign Finance Limitation Cash Fund to the Election Administration Cash Fund to pay for the electronic filing system.

The bill passed on a 45-0 vote.

Thirty day in-person early voting period passed

Lawmakers passed a bill April 18 that shortens the in-person early voting period in Nebraska.

Under LB271, introduced by Omaha Sen. Scott Lautenbaugh, any registered voter could appear in person before the election commissioner or county clerk to obtain his or her ballot not more than 30 days prior to an election.

Current law provides that ballots for in-person early voting will be available at least 35 days prior to an election.

LB271 passed on a vote of 33-8.



Sen. Bill Avery



Sen. Bob Krist

Only new state contracts would require approval

Senators gave first-round approval April 18 to a bill that would change a law passed last year.

Under a law passed in 2012, state agencies are required to submit a copy of the contract and a proof-of-need analysis on all contracts in excess of \$15 million.

LB563, introduced by Omaha Sen. Bob Krist, would apply the approval requirement only to new state contracts.

"The overall intent is to establish an open and fair process using a performance-based contracting process," he said.

Lincoln Sen. Bill Avery, the introducer of the original law, supported the bill.

"This will make government more efficient while still maintaining the essence of what we did last year," Avery said.

Senators advanced the bill on a 36-0 vote.

Health & Human Services

Changes to intermediate care facility reimbursement funds advance

Senators gave first-round approval April 18 to a bill intended to improve utilization of a reimbursement fund for intermediate care facilities for individuals with developmental disabilities, known as ICF/MR.

LB23, introduced by Kearney Sen. Galen Hadley, would change allocations of the state's ICF/MR Reimbursement Protection Fund.

Hadley said the fund is a way for

Nebraska to leverage federal participation funds that are provided to the state based on a voluntary tax that ICF/MR pay. In Nebraska, the ICF/MR comprise



Sen. Galen Hadley

the Beatrice State Developmental Center and MOSAIC, a private company.

“They can tax themselves a dollar,” he said, “then the state sends that dollar to Washington ... [and] they send \$1.60 back to the state. We get a 60 cent addition for every dollar.”

A Health and Human Services Committee amendment, adopted 39-0, replaced the bill.

As amended, LB23 would require the state Department of Health and Human Services (DHHS), beginning July 1, 2014, to use the ICF/MR Reimbursement Protection Fund – including the matching federal participation funds – to enhance rates paid under Medicaid to ICF/MR and for annual contributions to community-based programs for persons with developmental disabilities.

The amendment also would require, beginning in fiscal year 2014-15, that funds be remitted from the fund as follows:

- the first \$55,000 for administration of the fund;
- the amount needed to reimburse the cost of the tax to ICF/MR;
- \$312,000 for community-based services for persons with developmental disabilities; and
- the remaining proceeds of the tax amount available in the fund to enhance rates in non-state-operated ICF/MR by increasing the annual inflation factor to the extent allowed by such proceeds and any funds appropriated by the Legislature.

The amendment also would re-

move a provision that any remaining proceeds be remitted to the state’s general fund.

Additionally, beginning July 1, 2014, the amendment allows for the tax to end if federal participation funds become unavailable or if money in the ICF/MR Reimbursement Protection Fund is appropriated, transferred or otherwise expended for any use other than permitted by law.

Hadley said the bill would provide specific guidelines to DHHS for maximizing utilization of the fund.

“It’s a way to leverage money not only to help the ICF/MR,” he said, “but also the developmentally disabled in the state.”

Fullerton Sen. Annette Dubas supported the bill, saying it would help MOSAIC provide a broader range of community-based services to individuals with developmental disabilities.

“If we want to have community based care,” Dubas said, “then we have to make sure that those people who provide community based care have the resources needed to be able to help to provide the needed services.”

Lincoln Sen. Colby Coash offered an amendment, which he originally introduced as LB343, that would replace the term “mental retardation” in state law with the term “intellectual disability.”

Coash said the bill would continue the work done in the 1980s that removed similarly out-dated and disparaging terms for people with developmental disabilities.

“We will be showing the citizens of Nebraska who have developmental disabilities that we value them, we honor them and we treat them with dignity and respect,” he said.

Dubas also supported the Coash amendment, saying it would help remove barriers between those with disabilities and those without.

Lawmakers adopted the amendment on a 40-0 vote, and advanced the bill to select file 38-0.

Expansion of education as welfare work requirement advanced

Lawmakers advanced a bill April 18 that would expand eligibility for using education to satisfy work requirements in order to qualify for certain public benefits.

Currently, the Welfare Reform Act allows participants younger than 24 to pursue a high school diploma or General Educational Development Test (GED) and remain in compliance with the Aid to Dependent Children Program’s (ADC) work requirements.

LB240, introduced by Scottsbluff Sen. John Harms, would remove the age restriction.

Harms said the change would allow ADC participants over the age of 24 to access educational opportunities that will move them out of poverty and toward economic self-sufficiency.

“Education can be key to long term stability for both parents and children,” he said.

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

Clarification of military remains disposition advances

Lawmakers gave first-round approval April 19 to a bill seeking to clarify authorization of disposition of a military member’s remains.

LB420, introduced by Lincoln Sen. Amanda McGill, would specify that the federal DD Form 93 be recognized as the legal instrument authorizing an



Sen. John Harms

individual to direct disposition of military remains.

A Health and Human Services Committee amendment replaced the bill and would give priority to direct disposition, if a service member dies during active military service, to the individual authorized by the decedent in his or her federal form.



Sen. Amanda McGill

Lincoln Sen. Kathy Campbell, chairperson of the committee, said the proposal would alleviate a current conflict between Nebraska law and the federal form. State law gives preference regarding disposition to an individual named in a notarized affidavit, she said, which the federal form is not.

“This bill and amendment are extremely important to Nebraskans who are on active duty,” Campbell said.

Sen. Dave Bloomfield of Hoskins supported the bill, calling it “unthinkable” that a different form could take precedence over the federal form updated annually by every service member and prior to each deployment.

“When you sign one of these for your son or your daughter, it gets your attention,” Bloomfield said.

Omaha Sen. Bob Krist also supported LB420, saying the DD Form 93 is one of the last requests that a military member makes and should be honored by the state.

“This (bill) sets the priority where the priority needs to be,” Krist said.

Following adoption of the amendment on a 39-0 vote, the bill advanced to select file 40-0.

Transfer of rehabilitation capacity advanced

Lawmakers gave first-round approval April 19 to a bill meant to al-

low rehabilitation entities to transfer patient capacity between facilities.

LB487, introduced by Lexington Sen. John Wightman, would amend the Nebraska Health Care Certificate of Need Act that governs the establishment, transfer or increase in the number of rehabilitation beds in the state.



Sen. John Wightman

Under current law, a certificate of need (CON) is required before any relocation of rehabilitation beds in Nebraska from one health care facility to another.

Wightman said the CON process was established to regulate the supply of services in the state and ensure that a critical mass of patients exist to support creation of very expensive rehabilitation care capacity for those suffering from strokes, spinal cord and traumatic brain injuries.

“As a result,” Wightman said, “our CON statutes restrict how many rehabilitation beds can be licensed and how they can be transferred.”

He said the bill would not circumvent the CON process, but merely clarify that a hospital may transfer rehabilitation beds between locations owned and operated by the same hospital without a CON.

Following adoption of a clarifying amendment offered by the Health and Human Services Committee on a 29-0 vote, senators advanced the bill to select file 30-0.

Authorization of partner STD treatment approved

Lawmakers passed a bill April 18 that expressly allows expedited partner therapy (EPT) for the treatment of certain sexually transmitted diseases.

Under LB528, sponsored by Omaha Sen. Sara Howard, certain health practitioners who diagnose gonorrhea or Chlamydia in a patient are allowed to prescribe, provide or dispense oral antibiotics within their scope of practice to the patient’s sexual partner or partners without an examination.



Sen. Sara Howard

The bill also requires that prescriptions for a patient’s sexual partner or partners include the partner’s name and that practitioners provide written information about Chlamydia and gonorrhea to the patient and any partners.

LB528 passed on a 37-9 vote.

Judiciary

Nonconsensual lien filing provisions advanced

Senators advanced a bill from general file April 18 that would change nonconsensual lien filing provisions.

LB3, as introduced by Omaha Sen. Bob Krist, would have required the county recording office to send a certified copy of any filed and recorded nonconsensual liens to the real property owner.



Sen. Bob Krist

Krist cited recent instances in which IRS agents had fraudulent nonconsensual liens filed against their personal properties by anti-government activists. The nonconsensual liens were used as a means to harass agents in their private lives as a part of a taxpayer protest campaign, he said.

“This bill is being introduced to

prevent paper terrorism,” Krist said.

A Judiciary Committee amendment, adopted 27-0, replaced the bill and would clarify that a nonconsensual common-law lien is not binding or enforceable at law or in equity and, if recorded, would be void and unenforceable.

Additionally, the amendment would require a claimant to notify the sheriff in order to serve a copy of the recorded lien to the property owner and file proof of service with the register of deeds. The claimant would be required to file a judicial proceeding to enforce the nonconsensual lien within 10 days after recording it or such lien would lapse and be legally void and unenforceable.

Under the amendment, those who fraudulently file a nonconsensual lien, financing statement or document that attempts to harass an entity, individual or public official or obstruct a government operation or judicial proceeding would be guilty of a Class IV felony.

Omaha Sen. Brad Ashford, chairperson of the committee, said nonconsensual liens are problematic for property owners who want to sell or deal with their property in such a way that requires a “clean title” and unknowingly have a lien against the property.

The bill advanced to select file with an emergency clause on a 35-0 vote.

Racial profiling data extended

Senators advanced a bill from general file April 18 regarding the collection of racial profiling information.

LB99, introduced by Omaha Sen. Heath Mello, initially would have extended the 2014 sunset date to Jan. 1, 2018, for the Nebraska Commission on Law Enforcement and Criminal Justice to collect racial profil-



Sen. Heath Mello

ing data. The bill later was amended to remove the sunset date altogether.

Under the bill, the commission would be allowed to accept and required to seek grants, donations, gifts or contributions from public or private sources to fund comprehensive reviews of racial profiling data. A report of such reviews would be provided to the governor and Legislature annually until April 1, 2018.

A Judiciary Committee amendment, adopted 37-0, required additional provisions for the commission and law enforcement. The amendment would:

- establish that anti-profiling laws extend to any detentions in addition to traffic stops;
- require the commission to inquire into and include in the annual report any data suggesting racial profiling has occurred; and
- allow the commission’s Racial Profiling Advisory Committee to advise the commission’s executive director and the commission itself on the annual review and collection of data, completeness and acceptability of the submitted anti-racial profiling policies and the need for enforcement by the Nebraska Department of Justice if agencies fail to supply the required reporting or comply with the prohibition of racial profiling.

Additionally, the amendment would require law enforcement agencies to provide a written anti-racial profiling minimum-standard policy, a copy of which must be sent to the commission. The commission’s model policy would be mandated if an agency refuses to submit a policy.

Mello said the amendment would strengthen the commission’s ability to gather and analyze data in an attempt

to prevent racial profiling from occurring in the state.

Omaha Sen. Steve Lathrop supported the bill, saying the data provided by such reports is beneficial to identifying racial profiling.

“Statistics tell us that the police, in any one case, typically have a reason that they can articulate for pulling someone over,” he said. “When they can articulate a reason but they just enforce it more against minorities than Caucasians, then the information we get from [the reports] is useful.”

Omaha Sen. Tanya Cook also supported the bill and the amendment, saying the sunset originally was enacted due to law enforcement’s concerns about the cost of collecting the data. The continued gathering and analysis of such data is needed to provide the Legislature statistics to guide policy decisions, she said.

Mello offered, and later withdrew, two amendments to the bill. The first amendment would have eliminated the sunset provisions in the original bill and the second amendment also would have eliminated the sunset provisions and increased the governor-appointed committee membership positions from three to five. He said he offered the amendment on behalf of the advisory committee.

Omaha Sen. Ernie Chambers reoffered the Mello amendment, adopted 38-0, and said the advisory committee’s request should be taken into consideration and voted on because law enforcement serves on the advisory committee.

“These are some of the professionals working in this area on these problems,” Chambers said.

Columbus Sen. Paul Schumacher said the reporting of such data has been ineffective and has not prevented racial profiling.

“This originally started out as something that was going to expire

over time,” he said. “We are making a lot of overhead for small communities that have limited resources and no problems with racial profiling.”

Schumacher offered an amendment, adopted 28-0, that would require law enforcement officers, prosecutors, defense attorneys and probation officers who become aware of racial profiling by a law enforcement agency to report it to the commission within 30 days, unless they are restricted by privilege.

He said the amendment would make the bill more effective by helping the committee determine where problems exist and by creating a legal obligation to report such incidents to the commission.

LB99 was advanced from general file on a 36-0 vote.

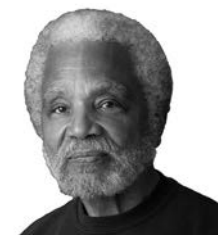
Police officer incapacitation changes advanced

Senators gave first-round approval April 19 to a bill that would clarify the revocation and suspension provisions for law enforcement training certificates and diplomas.

LB538, introduced by Omaha Sen. Ernie Chambers, would define incapacity relating to a law enforcement officer as “incapable of or lacking the ability to perform or carry out the usual duties of a law enforcement officer in accordance with the standards established by the commission due to physical, mental or emotional factors.”

Chambers said a law enforcement officer’s license can be suspended or revoked due to incapacity, but there is no definition of incapacity in statute.

A Judiciary Committee amendment, adopted 25-0, clarified that a



Sen. Ernie Chambers

temporary physical, mental or emotional incapacity would not be deemed to exist if a law enforcement officer remains employed as an officer in a restricted or limited duty status.

Chambers offered an amendment, adopted 25-0, that replaced the committee amendment and instead clarified that a law enforcement officer would not be deemed incapacitated if he or she remains employed as a law enforcement officer in a restricted or limited duty status.

The amendment also would require law enforcement agencies to report to the Nebraska Police Standards Advisory Council an officer who is separated from the agency due to a physical, mental or emotional incapacity and that the officer’s law enforcement certificate would be suspended until such incapacity no longer prevents him or her from performing essential duties.

Additionally, the amendment eliminated provisions originally included in the bill that would have required the Nebraska Commission on Law Enforcement and Criminal Justice to review each officer’s case up to the current time.

The bill advanced to select file on a 31-0 vote.

Natural Resources

Steel manufacturing byproduct use adopted

Senators passed a bill April 18 regarding solid waste.

LB203, introduced by Norfolk Sen. Jim Scheer, excludes slag from being considered solid waste under Nebraska’s Environmental Protection Act.

The bill passed on a 45-0 vote.



Sen. Jim Scheer

Right of first refusal provided to incumbent RTO members

Senators gave final approval April 18 to a bill that changes the selection process for state electric transmission projects approved by a regional transmission organization (RTO).

The Natural Resources Committee sponsored LB388, which provides incumbent RTO members the right of first refusal for such projects. Incumbent facilities will have 90 days to notify the Power Review Board of their intention to construct, own or maintain the RTO-approved transmission line.

If no such notice is provided to the board, the right of refusal will be surrendered and any other incumbent transmission owner will be allowed to file for the right within 24 months after the first right notice is provided.

The bill passed on a 44-0 vote.

Retirement

State retirement plan updates approved

Senators gave final approval April 18 to a bill that makes technical changes to various state retirement plans.

The Nebraska Retirement Systems Committee sponsored LB263 on behalf of the Nebraska Public Employees Retirement System. The bill includes clarifications to the state Public Employees

Retirement Board governing statutes and updates Internal Revenue Code and other provisions for judges, state patrol officers, counties, school and state employees.

Among other changes, the bill:

- amends the definition of employee in the county plan;
- requires elected county officials to participate in the county

plan within 30 of days of taking office;

- clarifies in the school plan that only per diems paid as expenses are not considered compensation; and
- makes it permissive to charge a fee for retirement education and financial planning programs.

The bill also incorporates provisions from two other bills.

LB594, introduced by Bellevue Sen. Scott Price, directs the Nebraska Investment Council, rather than the Board of Educational Lands and Funds, to manage and invest the Nebraska Veterans' Aid Fund.



Sen. Scott Price

LB321, introduced by Bellevue Sen. Sue Crawford, clarifies that only permanently disabled police officers are required to spend down their unused annual or sick leave credits to receive disability salary or pension.



Sen. Sue Crawford

The bill passed on a 45-0 vote and takes effect immediately.

School retirement plan changes advanced

Lawmakers gave first-round approval April 18 to a bill that would make changes to the state's school retirement plans.

LB553, as originally introduced by Omaha Sen. Jeremy Nordquist, would create a new tier of reduced benefits for employees under the School Employees Retirement System (SERS) who begin work for the first time on or

after July 1, 2013.

Nordquist said the recent economic downturn has created significant pension shortfalls.

"In 2000 the plan was 112 percent funded and now we are at 77 percent funded," he said. "We have a \$108 million liability that we need to cover to keep pension plans solvent."

A Retirement Systems Committee amendment, adopted 35-0, replaced the bill.

Under the amended bill, the new benefits tier would take into account a five year salary average to determine benefits instead of the three year average used currently. The maximum cost-of-living adjustment would be 1 percent instead of the current 2.5 percent adjustment figure. The changes would not apply to members of SERS prior to July 1, 2013.

The amended bill would make a series of other changes to the plans, some of which include:

- the state statutory contribution rate would be increased from 1 percent to 2 percent of total compensation of all school employees beginning July 1, 2014;
- the amortization method in the School Employees Retirement Act would be changed from level dollar to level percentage of salary beginning July 1, 2013;
- eligibility for membership in the school retirement plan would be changed from 15 hours per week to 20 hours; and
- the sunset would be eliminated from the school budget and lid exclusions for expenditures above the Class V employer contribution rate of 7.37 percent and the school employer



Sen. Jeremy Nordquist

contribution of 7.35 percent.

Columbus Sen. Paul Schumacher supported the bill, although he said it represented only a quick fix.

"I think we need to pass this because we have a statutory obligation [to cover the liability]," he said. "When you tell people you're going to calculate their retirement on 8 percent return and make promises to them, that means we're going to be facing these issues repeatedly."

LB553 also incorporates provisions from three other bills introduced by Nordquist.

LB554 would apply the provisions of LB553 to all Class V school employees hired after July 1, 2013.

LB305 would change the amortization method in the Nebraska State Patrol Retirement Act from level dollar to level percentage of salary beginning July 1, 2013.

LB306 would change the amortization method in the Judges Retirement Act from level dollar to level percentage of salary beginning July 1, 2013.

Senators advanced the bill to select file on a 33-0 vote.

Revenue

Counties may terminate assessment contracts

Senators gave final approval April 18 to a bill that changes county assessment contract provisions.

LB55, introduced by Lexington Sen. John Wightman, allows county officials to continue or terminate county assessment function contracts previously held by the state Department of Revenue.



The bill passed with an emergency clause on a 45-0 vote.

Expansion of community financing act approved

Senators passed a bill April 18 that expands the purpose of the Civic and Community Center Financing Act.

LB153, introduced by Fullerton Sen. Annette Dubas, increases the types of projects that will qualify for funding under the act to include:



Sen. Annette Dubas

- construction, renovation or expansion of recreation centers;
- demolition of substandard and abandoned buildings for construction, renovation or expansion of civic or recreation centers; or
- engineering and technical studies directly related to these projects.

The bill passed on a 45-0 vote.

Transportation & Telecommunications

Longer ignition interlock required for DUI

Senators gave final approval April 18 to a bill that requires those convicted of driving under the influence of alcohol (DUI) to install ignition interlock devices in their vehicle for a minimum of one year.

Under LB158, introduced by Hastings Sen. Les Seiler, an offender's license will not be reinstated until after the court-ordered ignition interlock device installation period. Offenders who have prior convictions or are serv-



Sen. Les Seiler

ing probation will have their license revoked for 18 months from the court-ordered date and must have an ignition interlock device installed for at least one year.

The bill also eliminates restrictions on such permit holders to operate an ignition-interlock vehicle only for purposes of employment, education, substance abuse treatment, parole or probation supervision, health care for themselves or their dependents, court-ordered community service obligations and ignition interlock servicing.

The bill passed on a 45-0 vote and becomes operative July 1, 2013.

Urban Affairs

Metropolitan utilities district changes advanced

Lawmakers gave first-round approval April 19 to a bill that would make several technical changes to state law governing metropolitan utilities districts.

LB208, introduced by Omaha Sen. Burke Harr, would make the following changes:



Sen. Burke Harr

- allow the board to decrease the president's salary;
- eliminate a requirement that the district obtain a bond of not less than \$10,000 on the president's performance;
- allow the board to establish its own standards for fire hydrant placement, as long as such standards do not violate any state Department of Health and Human Services regulations; and
- remove a requirement that an employee must first have been made a permanent employee by a unanimous vote of the

full board of directors in order to be removed from his or her position.

The board still would be able to remove an employee for cause by a two-thirds vote.

Harr offered an amendment, adopted 38-0, that removed another provision from the bill that would have increased the employee salary cap from \$10,000 to \$75,000 per year.

The bill advanced to select file on a 38-0 vote.

Clarification of annexed county road easements advances

A bill that attempts to clarify the status of county roads when annexed by a city or village was advanced to select file April 19.

LB377, introduced by Wahoo Sen. Jerry Johnson, would amend existing Nebraska law to clarify that the authority held by a county board over a county road, including any easements, are transferred to the governing body of an annexing city or village.



Sen. Jerry Johnson

Under current law, Johnson said, Nebraska cities own the land under streets within the city limits, but landowners maintain ownership of land under county roads. County governments obtain easements for the land's use, he said.

"Current law is not clear about what happens when a city annexes a county road without a dedication," Johnson said. "LB377 makes it clear that the interest of the county over the county road is transferred to the city when the city annexes the property."

The bill advanced 39-0.

Local control for nuisance vegetation clears first round

Certain cities and villages would be given authority to determine at what height weeds and grasses become nuisances under a bill advanced from general file April 19.

Hyannis Sen. Al Davis, sponsor of LB643, said the intent of the bill is to provide more local control over the regulation of nuisances created by the excessive growth of weeds, grasses



Sen. Al Davis

and worthless vegetation. Current law sets the nuisance level at 12 inches in height.

The bill would allow cities of the first and second class and villages to determine the height limit and develop a property owner notification process.

If a property owner files a written appeal of a nuisance citation within five days of notification, the bill would require a city or village to hold an appeal hearing within 14 days.

“This bill gives flexibility to our villages and first and second class cities,” Davis said.

Hoskins Sen. Dave Bloomfield

expressed concern that local officials might arbitrarily apply the bill’s provisions.

“I think we’re opening up to allow for harassment of individuals in small towns by people who just plain don’t like them,” Bloomfield said.

Davis said the bill simply would allow municipalities to start the process of controlling problem properties sooner.

“The people who are going to be making these decisions are elected officials,” he said.

The bill advanced to select file on a 29-1 vote. ■

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Governor gives the State of the State address
Published January 13th, 2011, in *Ceremonies*

With a vision of making Nebraska the ideal place to create jobs, build a business, obtain an education and have a family, Gov. Dave Heineman delivered his State of the State address to lawmakers Jan. 13. “Our state is in a position to make these goals a reality because of what we have accomplished together [Read more ...]”

Economic forecasting board reduces revenue projections
Published October 29th, 2010, in *Appropriations*

The Nebraska Economic Forecasting Board met Oct. 29 to revise its forecast for the current fiscal year and adopt projections for the next biennium. The board provides an advisory forecast of General Fund receipts on which the Legislature crafts the state’s budget. During its February meeting, the board projected that state revenues would amount to [Read more ...]

Bills introduced Jan. 13
Published January 13th, 2011, in *Ceremonies*

Lawmakers reconvened Jan. 13

Possible liquor law changes discussed
Published October 26th, 2010, in *General Affairs, Interim Studies*

January 2011						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						01
02	03	04	05	06	07	08
09	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

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2013 Legislative Session*

Sun	Mon	Tues	Wed	Thur	Fri	Sat
January						
		1	2	3	4	5
6	7	8	9	10	11	12
			DAY 1	DAY 2	DAY 3	
13	14	15	16	17	18	19
	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	
20	21	22	23	24	25	26
	HOLIDAY	DAY 9	DAY 10	DAY 11	DAY 12	
27	28	29	30	31		
	DAY 13	DAY 14	DAY 15	DAY 16		

Sun	Mon	Tues	Wed	Thur	Fri	Sat
February						
					1	2
					DAY 17	
3	4	5	6	7	8	9
	DAY 18	DAY 19	DAY 20	DAY 21	DAY 22	
10	11	12	13	14	15	16
	DAY 23	DAY 24	DAY 25	DAY 26	RECESS	
17	18	19	20	21	22	23
	HOLIDAY	DAY 27	DAY 28	DAY 29	DAY 30	
24	25	26	27	28		
	DAY 31	DAY 32	DAY 33	DAY 34		

Sun	Mon	Tues	Wed	Thur	Fri	Sat
March						
					1	2
					DAY 35	
3	4	5	6	7	8	9
	DAY 36	DAY 37	DAY 38	DAY 39	RECESS	
10	11	12	13	14	15	16
	RECESS	DAY 40	DAY 41	DAY 42	DAY 43	
17	18	19	20	21	22	23
	DAY 44	DAY 45	DAY 46	DAY 47	RECESS	
24	25	26	27	28	29	30
	DAY 48	DAY 49	DAY 50	DAY 51	RECESS	
31						

Sun	Mon	Tues	Wed	Thur	Fri	Sat
April						
	1	2	3	4	5	6
	RECESS	DAY 52	DAY 53	DAY 54	DAY 55	
7	8	9	10	11	12	13
	DAY 56	DAY 57	DAY 58	DAY 59	RECESS	
14	15	16	17	18	19	20
	RECESS	DAY 60	DAY 61	DAY 62	DAY 63	
21	22	23	24	25	26	27
	DAY 64	DAY 65	DAY 66	DAY 67	HOLIDAY	
28	29	30				
	DAY 68	DAY 69				

Sun	Mon	Tues	Wed	Thur	Fri	Sat
May						
			1	2	3	4
			DAY 70	DAY 71	RECESS	
5	6	7	8	9	10	11
	RECESS	DAY 72	DAY 73	DAY 74	DAY 75	
12	13	14	15	16	17	18
	DAY 76	DAY 77	DAY 78	DAY 79	RECESS	
19	20	21	22	23	24	25
	DAY 80	DAY 81	DAY 82	DAY 83	RECESS	
26	27	28	29	30	31	
	HOLIDAY	DAY 84	DAY 85	DAY 86	DAY 87	

Sun	Mon	Tues	Wed	Thur	Fri	Sat
June						
						1
2	3	4	5	6	7	8
	DAY 88	DAY 89	DAY 90			
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Federal & State Holidays

January 21 – Martin Luther King Jr. Day April 26 – Arbor Day
 February 18 – Presidents' Day May 27 – Memorial Day

Legislative Recess Days

February 15 April 1, 12, 15
 March 8, 11, 22, 29 May 3, 6, 17, 14

*The Speaker reserves the right to revise the session calendar

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