

- the Nebraska Legislature's news source since 1977
- stories published daily at update.legislature.ne.gov

UPDATE

Child welfare changes advance 40-year alternative to juvenile life sentences

A bill seeking changes to oversight of the state's child welfare system advanced from general file April 9.

Lincoln Sen. Kathy Campbell, sponsor of LB269, said she introduced the bill in response to reports and studies completed as a result of legislation passed last session, and an interim study conducted by the Health and Human Services Committee.

Among other provisions, the bill would make the following changes to the Nebraska Children's Commission:

- move the commission to the Foster Care Review Office;
- hire a child welfare policy researcher to support the commission's work; and
- add the director of the Foster Care Review Office and the Inspector General of Child Welfare as voting members of the commission.

The state Department of Health and Human Services (DHHS) has been a good home for the commission, Campbell said, but the entity needs a greater sense of independence.

"The department has gone out of their way to make the children's commission welcome and to give them a good start," she said.

Campbell said additional provisions

(continued on page 3)



Sens. Brad Ashford (left) and Ernie Chambers converse during debate of LB44.

After several days of debate, senators advanced a bill April 11 that would expand sentencing options for juveniles convicted of Class IA felonies.

Introduced by Omaha Sen. Brad Ashford, LB44 as currently amended would establish a new 40-year minimum sentencing option for a juvenile convicted of a Class IA felony. The only sentencing option currently available for juveniles convicted of such offenses is life imprisonment without the possibility of parole.

Ashford said April 8 that the bill would bring Nebraska into compliance with a 2012 U.S. Supreme Court

ruling that found sentencing juveniles to life imprisonment without the possibility of parole to be a violation of the Eighth Amendment of the U.S. Constitution.

The court ruling also determined that mitigating factors should be taken into consideration when sentencing juveniles, Ashford said. Juveniles act impulsively, are easily influenced and often do not comprehend the severity of their actions, he said, but they are capable of rehabilitation as their brains mature.

A Judiciary Committee amendment, adopted 31-1, replaced the introduced copy of the bill, set a

(continued on page 2)

40-year alternative to juvenile life sentences

(continued from front page)

new 30-year minimum sentence and requires the sentencing court to consider mitigating factors. These would include the juvenile's age at the time of the offense, their impetuosity, intellectual capacity, mental health status, family and community environment and ability to appreciate the risks and consequences of their conduct.

The amendment also would establish that offenders younger than 18 years old at the time that an offense was committed who were denied parole would be eligible for a parole hearing each year thereafter. The parole board must review and consider the juvenile's:

- educational and court documents;
- level of participation in the offense;
- age at the time of the offense, level of maturity and intellectual capacity;
- ability to appreciate the risks and consequences of his or her conduct;
- efforts toward rehabilitation and participation in available rehabilitative and educational programs while incarcerated; and
- any other mitigating circumstance submitted by the juvenile.

Much of the debate focused on the proposed 30-year minimum sentence and some senators' disdain for the possibility of early release for juveniles convicted of heinous crimes. Several amendments were considered that proposed different mandatory and minimum sentencing options.

Omaha Sen. Scott Lautenbaugh said the committee's proposed minimum sentence was not mandatory, so a juvenile convicted of a heinous crime could earn "good time" and be eligible for parole after serving only 15 years.

Omaha Sen. Ernie Chambers disagreed, saying the parole board historically does not release juveniles when they first become eligible for parole.

"When you review how the parole board in Nebraska [previously] has ruled," he said, "there is no likelihood that a person sentenced 30 years to life under this law is going to be let go in 15 years."

Lautenbaugh brought an amendment, which was divided into two components for ease of debate.

One component, which failed on a 15-27 vote, would have eliminated from the bill the court's requirement to consider mitigating factors when sentencing such juveniles.

The second component would have increased the proposed 30-year minimum sentence to 60 years. This proposal failed on a 21-23 vote.

Lautenbaugh also offered, and later withdrew, an amendment to establish a 50-year minimum sentence and a motion to bracket the bill until June 5.

Columbus Sen. Paul Schumacher introduced an amendment that would have eliminated the mitigation language for sentencing and parole considerations. Requiring the courts to mitigate such sentences could provide an automatic ruling in the defendant's favor, he said.

Schumacher later withdrew his amendment and instead supported an amendment offered April 9 by

Omaha Sen. Beau McCoy, which would have established a 25-year mandatory minimum sentence in lieu of the proposed 30-year minimum.

"At least with this amendment, the process of an annual parole hearing will not start until after [convicted juveniles] have served at least 25 years," he said.

Bellevue Sen. Sue Crawford opposed the amendment, saying that mandatory

minimum sentences unfairly impact juveniles convicted of felonies other than homicide. Those juveniles are capable of rehabilitation, she said.

"The juveniles that fall in this lower end of sentencing are going to be the juveniles that we have the most expectations from," she said. "At the lower end of the [sentencing] range is where we want the maximum amount of leverage so we can provide services and expect to see changes in their behavior."

Ashford also opposed the amendment, saying debate was shifting from the original intent of the bill and that mandatory minimums for juveniles could be unconstitutional.

"Playing a numbers game does not get to the bottom of the issue of treating children differently than adults," he said.

McCoy's amendment failed on a 23-14 vote. Twenty-five votes are needed for adoption.

Holdrege Sen. Tom Carlson offered an amendment, adopted 30-3, which would establish a 40-year minimum sentence. He said the amendment was offered as a compromise and would provide a juvenile the possibility of parole after serving 20 years.

Ashford supported the amendment, saying it would benefit juveniles who have committed a serious offense.

"Forty years to life, in my view, is a responsible range of sentences that permits an early release for a juvenile," he said. "It is a compromise for offenders who are not directly involved in a homicide but were convicted as an accessory."

Chambers filed, and later withdrew, a motion to indefinitely postpone the bill.

LB44 advanced from general file on a 30-2 vote. ■

Child welfare oversight changes advance

(continued from front page)

sions in LB269 would increase Nebraska's Title IV-E funding opportunities from the federal government and provide greater stability to the state's child welfare system.

The bill would require DHHS to:

- apply for federal reimbursement of costs associated with the Nebraska Juvenile Service Delivery Project;
- establish new foster home licensing requirements to expand the use of child-specific, relative and kinship placements;
- secure evidence of financial stability from entities that subcontract with the department to provide child welfare services;
- develop a policy for reimbursement of all allowable foster care maintenance costs under Title IV-E; and
- develop and implement a uniform training program for all case managers, whether employed by DHHS or an agency under contract with the state.



Sen. Kathy Campbell answers questions about the bill.

A Health and Human Services Committee amendment, adopted 34-0, made technical changes to the bill and added a tribal representative to the children's commission. In addition, the Inspector General for Nebraska Child Welfare would be made a member of the Child Death Review Team and a nonvoting, ex officio member of the Nebraska Children's Commission.

The amendment also would require determination regarding eligibility for Medicaid coverage for state wards and removed a provision of the bill that would have required joint training of caseworkers and onsite, unannounced verification of child welfare services provided by private contractors.

Campbell said the joint training of caseworkers and verification provisions were removed due to cost concerns and an acknowledgement that more study should be done to determine best practices for private contractors.

Omaha Sen. Heath Mello said adoption of the amendment would eliminate three quarters of the bill's attached fiscal note.

Sen. Bob Krist of Omaha supported the bill and the amendment, saying DHHS is a large and complex agency that has required a great deal of structure and assistance from lawmakers in order to carry out its functions properly.

"It has taken this kind of oversight to try and bring that focus back to that department, this state and to this Legislature," Krist said.

Lincoln Sen. Colby Coash agreed. Speaking in support of the bill, he said a lack of direction and oversight regarding the state's child welfare system was the impetus for creating the Nebraska Children's Commission last year.

"It was the lack of those two things that got us to where we had to add this commission in the first place," Coash said.

Following the 31-0 adoption of a technical amendment offered by Campbell, senators voted 34-0 to advance the bill to select file. ■

Agriculture

Nursery license consolidation advanced

Senators gave first-round approval April 9 to a bill that would update provisions of the Plant Protection and Plant Pest Act.

Currently, there are three categories of commercial nursery licenses under the act: growers, dealers and brokers. LB68, introduced by Ogallala Sen. Ken Schilz, would consolidate all three types of licenses into a single nursery stock distributor license.



Sen. Ken Schilz

Schilz said the bill would allow the state Department of Agriculture to operate more effectively.

“The proposed fee structure would help prevent the reduction of services to the nursery and export industries,” he said. “This could prevent the increased potential of an injurious plant pest being introduced and becoming established in the state. If such pests did become established, it could potentially limit the ability of Nebraska producers to move their products interstate and internationally.”

LB68 also would change existing fee schedules due to the creation of the new license. Applicants seeking a nursery stock distributor license would be charged \$115 for the first acre and \$5 for each additional acre. The department would have authority to adjust fees to a maximum of \$140 for the first acre and \$6 for each additional acre. This would be an increase from a \$100 fee, regardless of size.

The bill also includes a number of additional provisions, some of which include:

- a license expiration date of Dec.

31 and a renewal date of Jan. 1, with application fees coming due at the time of renewal;

- the addition of botanically classified hardy plants to the existing definition of nursery stock;
- an increase of the maximum administrative fine for any violation of the act from \$500 to \$1000; and
- a liability of the person in violation of the act for any costs incurred by the department in the enforcement of quarantines and withdrawal orders.

Lincoln Sen. Kathy Campbell supported the bill, saying the state needs a solid inspection program.

“We need a strong agriculture department to carry out the inspections of plant material, not only coming in to the state but also leaving the state,” she said.

Following the adoption of a technical amendment, senators advanced the bill on a 28-0 vote.

Banking, Commerce & Insurance

Exemptions for small security transactions advanced

Senators gave first-round approval April 9 to a bill that would change provisions relating to small securities transactions.

As introduced, LB205, sponsored by Columbus Sen. Paul Schumacher, would have added a new section to the Securities Act of Nebraska to exempt certain small offers and sales of securities.



Sen. Paul Schumacher

Schumacher said securities law in Nebraska is complex and geared toward large businesses attempting to raise millions of dollars. LB205 would allow small entities to issue stock and sell shares to people through a less cumbersome process, he said.

“This is a very simple bill,” Schumacher said. “It facilitates the organization of capital in small communities, it helps entrepreneurs and it doesn’t cost the taxpayers anything.”

A Banking, Commerce and Insurance Committee amendment, adopted 27-0, restructured the proposed transactional exemption within the existing act rather than inserting a new section.

As amended, the bill would exempt from registration a transaction by a Nebraska issuer selling solely to Nebraska residents when:

- the proceeds in any three-year period do not exceed \$250,000;
- no commission is paid except to a registered agent of a registered broker-dealer;
- the issuer or a connected individual has not engaged in a state or federal securities law violation;
- the issuer files a notice with the director of Banking and Finance;
- the offeree receives a disclosure statement;
- the purchaser signs a subscription agreement; and
- the issuer files a statement with the director.

The amendment also stipulates that no fine shall be imposed for a statement or omission of material fact related to an exempted transaction unless made with the intent to defraud or mislead.

In addition, a person who sells a qualifying security by means of an untrue statement of material fact, made

with intent to defraud or mislead, could be held liable to a buyer in a civil action to recover the consideration, interest and attorney fees. The burden of proof would be on the claimant.

Bellevue Sen. Sue Crawford supported the bill and the amendment, saying it could spur economic development.

“Most of the jobs that are created are created through small business,” she said.

LB205 advanced to select file on a 26-0 vote.

Education

Education funding study advanced

The use of lottery dollars for education funding would be studied under a bill given first-round approval April 9.

LB497, introduced by Cedar Rapids Sen. Kate Sullivan, would require the Education Committee to conduct a study of potential uses of lottery funds dedicated to education. With the termination of the Education Innovation Fund and Nebraska Opportunity Grant Fund in 2016, Sullivan said, the time to study the state’s priorities is now.

“We need to look at all areas that we fund to see how the funds are currently being used,” she said. “We need to review how we spend the state’s dollars to make sure they’re being spent according to the priorities we’ve set.”

The committee would submit findings to the Legislature by Dec. 31, which would include:

- educational priorities of the state;
- types of educational activities



Sen. Kate Sullivan

that would be better funded by state lottery funds than state general funds;

- whether state lottery funds should be used for significant projects requiring temporary funding or to sustain ongoing activities; and
- whether periodic reviews of lottery fund use for education should be scheduled.

An Education Committee amendment, adopted 32-0, would create the Nebraska Education Improvement Fund. All lottery proceeds earmarked for education after July 1, 2016, would be directed to the fund. Additionally, all funds remaining in the Education Innovation Fund and Nebraska Opportunity Grant Fund on June 30, 2016, would be directed to the fund.

Norfolk Sen. Jim Scheer supported the bill, saying the upcoming sunset of current educational funding mechanisms provides a rare opportunity.

“It’s not often that we get an opportunity to make sure existing legislation is doing what it was designed to do,” he said. “This study is an appropriate way to look at the use of education funds in the future.”

Senators advanced the bill on a 34-0 vote.

Learning community council changes advanced

Early childhood education would be prioritized by the Omaha Learning Community coordinating council under a bill given first-round approval April 10.

LB585, introduced by Papillion Sen. Jim Smith, would change numerous responsibilities of the coordinating council.



Sen. Jim Smith

Smith said the bill is an attempt to improve an existing law.

“It’s no secret that I have been no fan of the learning community,” he said. “I will always favor local control. However, I am committed to doing whatever I can to make it better.”

An Education Committee amendment, adopted 37-0, replaced the bill.

Currently, the coordinating council has a 2 cent levy authority for elementary learning center facility leases and focus school capital projects. An additional 1 cent levy is dedicated to learning community pilot projects and elementary learning center employees and contracts.

As amended, LB585 would reduce the 2 cent levy authority to one-half cent. The 1 cent levy would be increased by one-half cent to fund early childhood education programs for children in poverty. This would result in a net decrease of 1 cent in levy authority.

Omaha Sen. Rick Kolowski, a former member of Omaha’s coordinating council, supported the bill, saying the learning community is constantly evolving.

“Over the life of the learning community, the council has continually brought suggested changes to the Education Committee,” he said. “[The council was] very involved in the suggestions and modifications represented in this bill and amendment.”

Under the amended bill, current free transportation requirements would not apply for open enrollment students who have not previously been accepted if the student is transferring to another school within the home district or to a school district that does not share a border with the home district.

Learning community advisory committees, comprising superintendents of member districts, would be

required to:

- submit a plan to the coordinating council providing for the implementation and administration of early childhood education programs for children in poverty;
- provide recommendations for improving the learning community's diversity plan;
- review issues related to open enrollment;
- review proposals for focus programs, focus schools, magnet schools and pathways;
- provide recommendations for improving academic achievement across the learning community; and
- provide input to the coordinating council on other issues as requested.

The advisory committees would seek input from member school districts and community resources in order to maximize opportunities and resources. The committees also would make special effort to establish programs that are readily available and accessible to children located in high poverty areas.

Senators advanced the bill on a 42-0 vote.

Executive Board

Timely adoption of agency regulations discussed

Senators gave first-round approval April 10 to a bill that would ensure that state agencies adopt new rules and regulations in a timely manner.

Currently, 12 months after a new rule or regulation is passed by the Legislature, the relevant state agency must hold a public hearing. The agency then must adopt and promulgate the rule or regulation within one year of

the public hearing date.

A 2011 law requires agencies that do not meet the one year implementation deadline to electronically submit an explanation to the Executive Board and relevant legislative standing committee with subject matter jurisdiction.

Each agency also must provide a report to the Legislative Performance Audit Committee each July 1 outlining any pending rules and regulations that have not been adopted and promulgated.

Under LB242, introduced by Omaha Sen. Sara Howard, the legislative standing committee with subject matter jurisdiction would hold a public hearing regarding any agency that has not adopted and promulgated a rule or regulation within three years of the operative date.

Howard said the bill provides a common sense solution to a regulatory backlog.

"There is nothing in law that requires reporting or timely promulgation on legislation that has been passed previously," she said. "If we're to do the work we were sent here to do, we must make sure the agencies entrusted to carry out legislation also do their job."

The requirements in LB242 would apply to legislation enacted before, on or after the effective date of the bill.

Senators advanced the bill on a 26-0 vote.

General Affairs

New state patrol positions debated

Senators began general file debate April 11 on a bill that would fund new positions at the State Patrol.

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



Sen. Russ Karpisek

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.

Under the bill as introduced, the LCC would enter into an agreement with the State Patrol to hire up to 15 new patrol members who would spend a majority of their time in administration and enforcement of the Nebraska Liquor Control Act.

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 licenses.

"I believe the State Patrol is doing a tremendous job with the resources it has," he said. "But those resources aren't what they need to be."

A General Affairs Committee amendment, adopted 26-1, reduced the number of troopers to be dedicated to liquor enforcement from 15 to 10.

Sen. Paul Schumacher of Columbus questioned the need to have members of the State Patrol, who are highly trained in a wide range of law enforcement, engage in administrative regulation tasks.

"That seems to be a tremendous misallocation of public resources," he said. "I think that we do not need to spend this kind of money on a simple regulatory function."

Karpisek said he would be willing

to reduce the number further in the interest of reducing the bill's fiscal impact, which, with the original 15 patrol member increase, was estimated to be \$1.6 million for fiscal year 2013-14 and \$1.3 million for FY2014-15.

"With the budget issues ... I more than understand that 10 could be a negotiable number," he said.

A Karpisek amendment requiring the State Patrol to designate a total of 10 officers to spend a majority of their time enforcing the Liquor Control Act was pending when lawmakers moved to other items on the agenda.

Government, Military & Veterans Affairs

Changes to public power elections advance

A bill that would change election provisions for certain public power districts advanced from general file April 10.

LB646, introduced by Gretna Sen. John Murante, would change election subdivisions and terms of public power district board members in a service area containing a city of the metropolitan class. Omaha currently is the only metropolitan class city in Nebraska.



Sen. John Murante

Murante said the bill is necessary to encourage greater diversity in city leadership. Omaha has a large minority population, he said, and is a very segregated city.

"When we elect leadership at-large, minorities have a very difficult time being elected to leadership positions,"

Murante said. "It has never happened in the history of the Omaha Public Power District."

A Government, Military and Veterans Affairs Committee amendment, adopted 32-0, replaced the bill.

As amended, LB646 would divide into eight election subdivisions the board of directors of a public power district with a service area containing a city of the metropolitan class by Dec. 1.

The boundaries of the existing election subdivisions in which one member resides would be preserved and the board would divide the remaining existing subdivisions in which more than one member resides into the same number of election subdivisions as there are members residing in such subdivisions.

All of the subdivisions would be composed of substantially equal population and compact and contiguous territory.

In addition, the board would assign each board member to represent a numbered election subdivision for the remainder of the term of office for which the member was elected.

The terms of members representing election subdivisions numbered 1, 2 and 3 would expire in January 2015. The terms of members representing subdivisions 4 and 5 would expire in January 2017, and the terms of members representing subdivisions 6, 7 and 8 would expire in January 2019.

After each federal decennial census, the board of directors would create new boundaries for the eight election subdivisions.

Murante offered an amendment to the committee amendment, adopted 29-0, which made the bill's provisions permissive rather than mandatory and delays the implementation date to Jan. 1, 2014.

As a result of extensive negotia-

tions, the Omaha Public Power District already has begun the process of transitioning to district elections, he said, and board members have assured stakeholders that they will comply with the intent of the bill.

Senators voted 30-0 to advance the bill to select file.

Judiciary

Judges' salary increases advance

Nebraska judges would receive a salary increase under a bill advanced from general file April 10.

LB232, introduced by Omaha Sen. Steve Lathrop, would increase Nebraska Supreme Court judges' salaries for fiscal year 2013-14 and FY2014-15. The current salary is \$145,600.



Sen. Steve Lathrop

District, county, juvenile, appellate and workers' compensation court judges' salaries statutorily are based on a percentage of the Supreme Court judges' salaries, Lathrop said, so those judges also would receive a salary increase.

"[Judges] serve the state," he said, "and in order for us to get the best and brightest, it is important that their salaries remain competitive."

A Judiciary Committee amendment, adopted 31-0, would set the salary increase at 5 percent each fiscal year, totaling \$152,900 in FY2013-14 and \$160,500 in FY2014-15.

Hastings Sen. Les Seiler spoke in support of the bill, saying the average acquired loan amount for law school students is \$150,000.

"If we are going to continue to keep our eye on the ball for future judges and get a good lawyer to give up his

practice and move to the bench,” he said, “it is going to cost money.”

Hoskins Sen. Dave Bloomfield opposed the bill, saying the state cannot afford to fund the salary increases.

Omaha Sen. Heath Mello, chairperson of the Appropriations Committee, disagreed, saying the courts had not filled vacancies the past two years in order to save money and apply it to judges’ salary increases.

“When an agency saves money over a two-year period and they want to utilize such funds going forward,” he said, “the funds can be appropriated back to them.”

The bill was advanced from general file on a 26-2 vote.

Natural Resources

Car registration fee for parks proposed

Nebraskans would no longer be required to purchase state park entry permits under a bill heard on general file April 10.

LB362, introduced by Lincoln Sen. Bill Avery, would eliminate the current park entry permit and instead place a \$7 registration fee on motor vehicle registrations. The money generated from the new fee would be used to fund maintenance repairs and updates of state park facilities.

Avery said maintenance on basic infrastructure has pushed many state parks to the brink of closure.

“We’re talking about a state asset that’s enormously important to our economy,” he said. “If we don’t find a form of sustainable funding, they are going to fall into disrepair.”

Under the bill, open access to



Sen. Bill Avery

state parks would be available to all Nebraska residents. Nonresidents still would be required to purchase a park entry permit.

A pending Natural Resources Committee amendment would exempt certain vehicles from the fee, including school buses, farm trucks, soil and water conservation vehicles, government vehicles and those exempt from motor vehicle taxes.

Vehicles with certain license plates also would be exempted, including those with Pearl Harbor, Gold Star, Prisoner of War, Disabled Veteran, Purple Heart and historical antique or vintage plates.

O’Neill Sen. Tyson Larson spoke in favor of the bill, saying it is necessary to support Nebraska’s tourism industry.

“We have to be competitive with what other states are doing,” he said. “We need to make sure we’re not only attracting Nebraskans to our parks, but out of state guests as well.”

Fullerton Sen. Annette Dubas opposed the bill. She said Nebraska already has one of the highest average motor vehicle registration fees in the nation.

“I understand the need for sustainable financial resources for the Game and Parks Commission,” she said, as an example. “What happens when \$7 is no longer enough? Where will we look for those dollars?”

Hoskins Sen. Dave Bloomfield also opposed the bill, saying the elimination of direct user fees is unfair.

“If you’re going through hard times, you can live without going to the park but most likely you can’t get by without a vehicle,” Bloomfield said.

No votes were taken on the bill before the Legislature adjourned for the day. Various amendments are pending.

Retirement

Judges’ retirement rate increase advances

Lawmakers gave first-round approval April 10 to a bill that would extend an increase in Nebraska judges’ retirement contribution rates.

LB306, introduced by Omaha Sen. Jeremy Nordquist, would remove the pending July 1, 2014, sunset date on a 1 percent employee contribution rate increase that was established in 2009.



Sen. Jeremy Nordquist

Nordquist said an actuary has projected a need for additional money to be paid into the Judges Retirement Plan for the next five years in order to meet the annual actuarially required contributions.

A Retirement Systems Committee amendment, adopted 26-0, struck an additional provision that would have changed the amortization method for calculating the unfunded actuarial liability from level dollar to level percent of pay.

Nordquist said the provision instead would be amended into another bill.

A Nordquist amendment, adopted 28-0, incorporated provisions of LB229, a bill he also introduced.

The amendment removed a scheduled July 1, 2014 sunset date of an additional \$1 fee on various court filings that was added in 2009.

The fee increase is directed to the Judges Retirement Plan, Nordquist said, and will help offset any unfunded liabilities.

The bill advanced to select file on a 28-0 vote.

Revenue

Municipal land banks clear first round

Senators revisited a bill April 10 that would allow the establishment of land banks in metropolitan class cities or counties that have at least three first class cities—currently only Douglas and Sarpy. Land banks are tax-exempt political subdivisions that acquire, manage and develop vacant and tax-delinquent properties.

Under LB97, introduced by Omaha Sen. Heath Mello, the land banks would be created by passing a city ordinance or by way of interlocal agreements. They would be allowed to borrow money, issue bonds, procure insurance, enter into both private and public contracts and sell property to private entities in which they would receive 50 percent of the collected property tax amount for 5 years after the sale.



Sen. Heath Mello

Additionally, land banks would have priority over other bidders in tax foreclosure proceedings and be prohibited from exercising eminent domain rights to acquire private property.

During general file debate conducted March 27, lawmakers adopted a clarifying Revenue Committee amendment, as well as one by Omaha Sen. Ernie Chambers that removed from the bill racial and ethnic diversity requirements of the land bank boards, which he said were unrealistic.

Mello offered an amendment April 10 that he said was a compromise to address concerns that arose in previous debate. The amendment, adopted 28-0, would require each land bank to have a seven-member board of directors appointed by the mayor and

confirmed by a two-thirds vote of the governing body.

Under the new amendment, the board members must:

- be residents of the land bank's municipality;
- include the planning director of the municipality that created the land bank or his or her designee, as a nonvoting, ex officio member;
- be appointed from each district or ward whose governing body members are elected by district or ward. Such members must represent, to the greatest extent possible, the racial and ethnic diversity of the municipality that created the land bank;
- have verifiable skills and knowledge in the areas of law, financing, asset management, purchasing and sales, economic and community development and market-rate and affordable residential, commercial, industrial and mixed-use real estate development; and
- must include at least one member representing realtors, the banking industry, real estate developers, chamber of commerce, a nonprofit corporation involved in affordable housing and owners of multiple residential or commercial properties. Such representation must collectively include verifiable skills and knowledge in the areas of law, financing, asset management, purchasing and sales, economic and community development and market rate and affordable residential, commercial, industrial and mixed-use real estate development.

The amendment also would require that land banks created by way of interlocal agreements have at least

seven voting members.

Papillion Sen. Jim Smith had opposed the bill during debate March 27, saying he was concerned about creating governmental agencies that could purchase commercial properties and become competitive with private entities.

Mello said the amendment would address such concerns by capping a land bank's legal title holdings at 7 percent of the total number of parcels of real property located in the municipality.

The amendment also would prohibit a land bank from collecting property taxes on a property that has been redeveloped under the Community Development Law, unless the authority enters into an agreement for the remittance of such funds to the land bank.

The bill was advanced from general file on a 32-0 vote.

Tax sale procedure changes advanced

Senators gave first-round approval April 9 to a bill that would alter the procedure for purchasing tax sales certificates.

Currently, property owners who become delinquent on their taxes are subject to a tax sales process. Individuals can pay the delinquent property taxes and receive a lien on the property in return. Investors can purchase the certificates at an annual tax sale.

LB341, introduced by Lexington



Sen. John Wightman, would change the bidding process used in the annual tax sale process. Wightman said the bill would set forth a more uniform procedure.

"This is the product of an interim study which called for a comprehen-

sive review of laws governing real property sales,” he said. “This would update and streamline the process for collecting delinquent taxes.”

The bill would eliminate the current bid down process used in selling tax certificates and instead implement a round robin format. Bidders would be required to register and pay a \$25 fee to participate in the sale.

LB341 would make several additional changes, some of which include:

- an increase from \$10 to \$20 for the issuance of a tax certificate;
- a requirement of a property deed certificate for each property, rather than a certificate for multiple properties; and
- elimination of a redundant notice sent by certified mail regarding owner occupied property.

Following the adoption of a technical amendment, senators advanced the bill on a 32-0 vote..

Transportation & Telecommunications

Emergency excavation notification requirements advance

Senators gave first-round approval April 10 to a bill that would amend the One Call notification provisions for natural gas utility operators.

Great Plains One Call Service is a system used by excavators to identify and locate underground facilities prior to excavation to protect the facilities from damage. A notice to the service center currently is required prior to performing an excavation or bar test survey.

Syracuse Sen. Dan Watermeier introduced



Sen. Dan Watermeier

LB589, which would exempt gas operators, pipeline facilities and excavators from the notification requirements if they are performing excavations or bar test surveys in response to an emergency gas or hazardous liquid leak. The bill also would provide immunity from civil penalties, except from strict liability for damage caused by either the bar testing or the repair excavation.

The service center may take up to two days to respond to a notification, Watermeier said, but emergency leaks may be dangerous and require immediate action.

Watermeier offered an amendment, adopted 25-0, that would require the operator to give such notice prior to an emergency excavation, but a facility location response would not be required to begin or continue excavation.

The bill advanced from general file on a 25-0 vote.

PSC study of emergency communications advanced

Senators gave first-round approval April 9 to a bill that would allow the Public Service Commission (PSC) to conduct a study examining the statewide implementation of Next Generation 911 (NG911).

LB595, introduced by Bellevue Sen. Scott Price, would authorize the PSC to use Enhanced Wireless 911 (E911) to conduct a study of the implications, costs and consideration of statewide implementation of next generation emergency telephone communications. The PSC would be required to report its findings to the Transportation and Telecommunications Committee.

Price said Nebraska’s E911 calls currently are directed to a public safety answering point (PSAP) of



Sen. Scott Price

the governmental agency that has jurisdiction over the caller’s location. As smartphones and other wireless devices are increasingly utilized, he said, an emergency system must be implemented that is capable of receiving voice, data and video transmission from various communication devices into a PSAP and forwarded on to emergency responder networks.

A committee amendment, adopted 37-0, provides criteria for the initial study, including an assessment of the current E911 system, identification of authorities, examination of NG911 in Nebraska and other states, agencies and governing bodies necessary for implementation of NG911 and any other issues the commission deems necessary. The PSC would be allowed to contract with an independent third party to assist with the study.

Under the amendment, the final study must include:

- the initial report;
- identification of necessary technical and equipment changes;
- an estimated cost and recommendation of funding sources for the planning, implementation and management of NG911; and
- recommendations regarding the deployment, interconnection, management and costs of emergency service IP networks.

Fullerton Sen. Annette Dubas, chairperson of the committee, said the E911 system is not equipped to receive data from wireless devices and cannot provide the appropriate emergency response services to those who use them.

“When [Nebraska] consumers find that they may not have that access, there is going to be some real outcry as to why it is not happening,” she said. “This is a public safety issue and citizens have the right to know they will get the emergency response they expect.”

The bill was advanced with an emergency clause on a 37-0 vote. ■

COMMITTEE HEARINGS

Tuesday, April 16

**Business & Labor
Room 2102 - 1:00 p.m.**

Appointment: Pillen, Sarah -
Commission of Industrial Relations

Government, Military & Veterans Affairs

Room 1507 - 9:30 a.m.

Appointment: Heine, Jim - State Fire
Marshal

Friday, April 19

**Education
Room 1525 - 8:00 a.m.**

*Progress Report on Attainment of Higher
Education Priorities - Coordinating Com-
mission for Postsecondary Education
pursuant to 85-1429.*

Monday, April 22

**Health & Human Services
Room 1510 - 9:00 a.m.**

*Briefing by invited presenters regarding
IT issues relating to Medicaid, Access
NE, and NFOCUS/child welfare. ■*

UNICAMERAL UPDATE ONLINE

While the Unicameral Update print edition is mailed out weekly, the Web version of the publication, located at update.legislature.ne.gov, is updated continually throughout the legislative day.

Twitter feeds or subscribe to the Update's Google group to receive weekly Update e-mails. Readers may search Update stories by bill number, senator's name or keyword using the search box provided in the top-right corner.

The site provides links to get the Update's RSS and



[HOME](#) | [ABOUT](#) | [PHOTOS](#) | [TEACHER'S GUIDE](#)



UNICAMERAL UPDATE

The Nebraska Legislature's official news source

[Committees](#) | [Sections](#) | [Senator Features](#) | [Session Review 2010](#) | [Slideshows/Videos](#)

RECENT HEADLINES: [Bills introduced Jan. 11](#)

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 to continue introducing new bills. Among the measures introduced were: LB348, sponsored by Omaha Sen. Scott Lautenbaugh, which would change employer liability provisions under the Nebraska Workers'



Possible liquor law changes discussed

Published October 26th, 2010, in [General Affairs, Interim Studies](#)

The General Affairs Committee heard testimony Oct. 15 on possible changes to the Nebraska Liquor Control Act. LR528, introduced by Wilber Sen.



January 2011						
<	Sun	Mon	Tue	Wed	Thu	Fri
						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					


[Click here for streaming video.](#)

Recommendations

[Sign Up](#) Create an account or [log in](#) to see what your friends are recommending.



Bill introduction begins | Unicameral Update
4 people shared this.



Unicameral Update | The Nebraska Legislature's official news source
One person shared this.

Unicameral Information Office
Nebraska Legislature
P.O. Box 94604
Lincoln, NE 68509
03-23-05

PRESRT STD
U.S. POSTAGE PAID
LINCOLN, NE
PERMIT NO. 212

UNICAMERAL UPDATE

The Unicameral Update is a free newsletter offered weekly during the legislative session. It is produced by the Clerk of the Legislature's Office through the Unicameral Information Office. For print subscriptions, call (402) 471-2788 or email uio@leg.ne.gov.



On Twitter at
twitter.com/UnicamUpdate



By RSS feed at
update.legislature.ne.gov



Online at
update.legislature.ne.gov

Clerk of the Legislature: Patrick J. O'Donnell

Editor: Heidi Uhing

Contributors: Nicole Behmer, Bess Ghormley,
Kate Heltzel and Ami Johnson

Assistance provided by the Clerk of the Legislature's Office, the Legislative Technology Center, committee clerks, legal counsels, journal clerks, pages, transcribers, mail room and bill room staff and the State Print Shop.

LEGISLATIVE RESOURCES

STATUS OF BILLS OR RESOLUTIONS

www.nebraskalegislature.gov/bills
Legislative Hot Line (available during session) —
(402) 471-2709 or (800) 742-7456

BILLS, RESOLUTIONS OR LEGISLATIVE JOURNALS

Subscriptions: State Capitol, Room 2018 or (402) 471-2271
Individual copies: 24-Hour Request Line at (402) 471-2877

LIVE VIDEO STREAM OF THE LEGISLATURE

www.nebraskalegislature.gov

SENATOR WEB PAGES

www.nebraskalegislature.gov/senators

SENATORS' MAILING ADDRESS

Senator Name
District #
State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

NEBRASKA BLUE BOOK

Nebraska Blue Book Office: (402) 471-2220
www.nebraskalegislature.gov/about/blue-book.php

STUDENT PROGRAMS AT THE LEGISLATURE

Unicameral Information Office: (402) 471-2788
[www.nebraskalegislature.gov/education/
student_programs.php](http://www.nebraskalegislature.gov/education/student_programs.php)