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# UPDATE

## Medicaid expansion proposed

The Health and Human Services Committee heard testimony Feb. 28 on 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 65 with incomes of up to \$15,856 would be eligible for Medicaid if a

state chooses to extend benefits to them, Campbell said.

Expanding Medicaid to this group would be a good financial move for the state, Campbell said, 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 already receive creates higher medical bills and insurance premiums for all Nebraskans, Campbell said.

"We are already paying for the ex-  
(continued on page 2)



Sen. Kathy Campbell introduces LB577.

## Work camp expansion filibuster successful

A bill that would have permitted nonprofit corporations to enter into work arrangements with state inmates was laid over Feb. 27, effectively killing the bill for the session.

LB52, introduced by Imperial Sen. Mark Christensen, would have permitted Work Ethic Camp (WEC) inmates to enter into working arrangements with any charitable, fraternal or nonprofit corporation that provides

a public benefit. WEC inmates currently may perform work for political subdivisions and state boards and agencies.

Christensen said the state Department of Corrections discontinued WEC inmates' working contracts with nonprofit organizations in 2008 over concerns that such a practice was in violation of statute. However, he said, community members and organizations believed the program to be

successful and beneficial to both the inmates and the community.

"The bill is appropriate to continue and expand the successful partnership between the department and local [agencies]," Christensen said.

A Judiciary Committee amendment, adopted 33-0, would have allowed inmates housed in all state correctional facilities to voluntarily provide labor services for the permitted organizations.

(continued on page 3)

# Medicaid expansion proposed

(continued from front page)

penses related to not covering health care for low income adults,” Campbell said. “LB577 is a smart investment. It is a way to stop writing a blank check for the ever increasing costs that we all pay.”

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 request 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.

Rowen Zetterman of the Nebraska Medical Association testified in support of the bill, saying access to quality medical care is a social good that benefits all Nebraskans.

People without health care coverage are less likely to receive preventative care, he said, and have a 25 percent higher mortality rate than those with coverage.

“Medicaid expansion will provide routine and preventive care to more Nebraskans,” Zetterman said. “Why would we consider turning down such an important opportunity?”

Sharon Lind, representing the Nebraska Hospital Association, also supported the bill. Nebraska hospitals lose hundreds of millions of dollars a year in uncompensated care to individuals without coverage, she said, and those costs are passed on to all Nebraskans.

“The current model is not sustainable,” Lind said.

Jon Bailey, director of research and analysis at the Center for Rural Affairs, testified in support of LB577. He said research shows that 75 percent of businesses in rural Nebraska do not provide health insurance coverage to their employees.

One in five households in rural Nebraska would qualify for Medicaid under the bill, Bailey said.

DHHS Medicaid director Vivianne Chaumont testified in opposition.

She said an expansion that could add 55,000 individuals to the state’s Medicaid program would increase pressure on financing and infrastructure.

Providing Medicaid coverage to one of every five Nebraskans could limit access to care, she said, because providers already are reluctant to serve Medicaid patients due to low reimbursement rates.

In addition, Chaumont said, other mandatory provisions in the ACA will add approximately 48,000 Nebraskans to the Medicaid rolls through 2020.

“We’re going to experience a large increase in our population even without expanding Medicaid,” she said.

The committee took no immediate action on the bill. ■



Sen. Sue Crawford questions a testifier.



## Economic forecasting board raises revenue projections

The Nebraska Economic Forecasting Advisory Board voted to maintain the state's revenue projections during its first meeting of the year Feb. 28. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state's budget.

The board revised its October projections upward by \$53 million, raising revenue projections by 5.5 percent to \$3.87 billion for fiscal year 2012-13. Projections for FY2013-14 also were raised 3.1 percent to \$3.96 billion and projections for FY2014-15 were raised 4.5 percent to \$4.1 billion.

The next meeting of the board was scheduled for April 25, 2013. ■

## Work camp expansion filibuster successful

(continued from front page)

Omaha Sen. Steve Lathrop supported the amendment and the bill, saying it would provide necessary training to inmates.

"If we put people in prison for their offenses and they sit without any type of vocational training, without learning a skill or transitioning into a community, the chances of them returning are much higher," he said. "This is a tool that allows them to transfer more successfully into a life outside of prison."

The bill had been the subject of a filibuster by Omaha Sen. Ernie Chambers since Feb. 13.

Chambers filed an amendment Feb. 26 that would have prohibited organizations or entities that discriminate against people based on sexual orientation from participating in the inmate work program.

Christensen opposed the amendment, saying it would provide inmates the opportunity to make false discrimination claims against nonprofit organizations.



Sen. Ernie Chambers said the program takes advantage of those who are incarcerated.

Senators adopted the amendment 29-5.

The next day Hoskins Sen. Dave Bloomfield offered a motion to indefinitely postpone LB52, after which Christensen chose to lay the bill over, making it unlikely to be scheduled for further debate this session. ■

# MEET THE SENATOR

## Bolz wins race to the Capitol

Like most candidates, Lincoln Sen. Kate Bolz walked door to door last fall, talking with constituents and getting her name out in her district. She admits, however, she had a significant advantage when it came to the campaign trail.

“My two nieces, Grace and Alysa, campaigned with me,” she said. “They were good little campaigners. I’m convinced that I received at least a few votes because of my helpers.”

Bolz, a sixth generation Nebraskan, earned a bachelor’s degree from Nebraska Wesleyan and a master’s degree in social work from the University of Michigan. She cites her work in nonprofit advocacy, combined with a natural passion for public service, as her reason for seeking election.

During her time as associate director for the Emerson National Hunger Fellows Program in Washington, D.C., she said she found her focus was back home.

“I remember following the term limits debate when I was working in Washington, D.C.,” she said. “I found myself wishing I could be a part of that conversation.”

As a member of the Legislature’s Appropriations Committee, Bolz will help craft the state’s budget proposal. She said her experience in social work gives her a unique perspective.

“My goal is to make sure I’m a good steward with taxpayers’ money,” she said. “We must also remember the needs of our special populations and the impact our decisions have on them.”

She says her constituents are most concerned about providing services for elderly and vulnerable citizens. Bolz also intends to ensure the high quality of the public school system, “a real source of pride for me,” she said.

Outside of the Legislature, Bolz likes to keep active. She is an avid runner and has completed in triathlons and the 2011 Lincoln Half Marathon.

“I thought all the cheering from the crowd when I crossed the finish line inside Memorial Stadium was just for me,” she laughed.

Bolz belongs to a local book club and, once she has time, she would like to become more active in the arts. Despite her personal pursuits, Bolz admits that the role of a legislator does not end when she leaves her office at the end of the day.

“I don’t really think there is a line between your life as a senator and your life as a citizen,” she said. “I think you’re doing a good job if you take your role of senator into your personal life.”

She says the thing she expects to enjoy most in her new role as senator is participating in floor debate. The number of passionate people who have approached her with genuine concerns and ideas are her driving inspiration.

“There needs to be an openness in our dialogue on the floor,” she said. “I’m energized by the exchange of ideas. That’s the exciting part.” ■



Sen. Kate Bolz competes in a 2009 sprint triathlon.

## Agriculture

### New milk ordinance adopted

New milk production facilities will be held to higher standards under a bill passed by the Legislature March 1.

LB67, introduced by Ogallala Sen. Ken Schilz, amends the Nebraska Milk Act by adopting the majority of the 2011 Grade A Pasteurized Milk Ordinance. Under the bill, new milk production facilities will be required to comply with all of the requirements of the ordinance. Existing facilities will be allowed to follow state statutory requirements for milk production, which is not Grade A.

Senators passed the bill on a 46-0 vote.



Sen. Ken Schilz

Nebraska placed its share of the national mortgage settlement in the state's cash reserve, Conrad said, and LB286 would make sure that those funds serve their intended purpose.

The settlement resulted from an agreement with the nation's five largest mortgage servicers over questionable mortgage loan servicing and foreclosure practices, she said.

"The purpose of these [settlement] funds is to provide relief to those harmed by these actions," Conrad said.

Mike Renken, executive director of NeighborWorks Lincoln, testified in support of the bill, saying the organization has leveraged money from the Affordable Housing Trust Fund to provide down payment assistance, new construction and rehabilitation of troubled properties in several of Lincoln's core neighborhoods.

"We help at least 50 people a year become homeowners," Renken said. "We want them to be in the home long-term."

Executive director of Legal Aid of Nebraska Dave Pantos also supported the bill, saying his organization serves people with foreclosure and other legal needs related to the housing crisis in every county in the state.

"We want to continue to provide free legal services to those who are struggling," he said.

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

Required information would include the:

- number and type of jobs created;
- average wage and benefits of those jobs; and
- recommendations on whether to continue, modify or terminate such incentives.

The state Department of Revenue currently is required to submit an annual tax expenditure report to the Legislature, Conrad said, but it is directed to the Revenue Committee and is not a part of the budget process.

"We have some work to do to ensure that we're being good stewards of taxpayer dollars," she said.

Renee Fry, executive director of the OpenSky Institute, testified in support of the bill, saying Nebraska currently lacks a functioning process by which to evaluate tax incentive programs and draw clear conclusions about whether they should be continued.

"This [bill] is a great opportunity to make sure that recommendations regarding these programs are being put forward," she said.

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

## Appropriations

### Mortgage settlement funds sought for housing assistance

Nebraska's share of funds from a national mortgage settlement would be directed toward housing assistance under a bill heard Feb. 25 by the Appropriations Committee.

LB286, introduced by Lincoln Sen. Danielle Conrad, would make the following transfers from the state's Cash Reserve Fund on or before Sept. 1, 2013:

- \$5.4 million to the Affordable Housing Trust Fund;
- \$1 million to the Homeless Shelter Assistance Trust Fund; and
- \$1 million to the Legal Aid and Services Fund.



### Budget proposal could include tax incentive data

The Appropriations Committee heard testimony Feb. 25 on a bill intended to increase transparency regarding tax incentive programs in Nebraska.

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

## Banking, Commerce & Insurance

### Bill would prohibit insurance decisions based on credit information

The Banking, Commerce and Insurance Committee heard testimony Feb. 25 on a bill that would prohibit an insurer from using credit information in connection with the issuance, underwriting, renewal, cancellation or denial of insurance.

LB92, introduced by Wilber Sen. Russ Karpisek, also would also prohibit an insurer from using an insurance score that is calculated using the income, gender, address, zip code, ethnic group, religion, marital status or nationality of the consumer as a factor.



Sen. Russ Karpisek

Karpisek said using credit information to determine rates for insurance policies may further disadvantage people who are going through difficult financial times.

"I just feel that even if there are studies that can connect a credit score with a probable loss [for insurers], I don't know if that is really the way to go about getting a rate," he said.

Alex Hageli of the Property Casualty Insurers Association of America testified in opposition to the bill, saying almost every insurance company uses credit information to develop credit-based insurance scores.

"They are highly predictive of both the number of claims that insurers will file and the amount," Hageli said.

Galen Ullstrom, senior vice president of Mutual of Omaha, also opposed the bill, saying it would repeal important protections for consumers found in current law. In addition, he said, access to financial information is essential in determining sufficient coverage for certain policies, such as life insurance and long-term care policies.

No one spoke in favor of the bill and the committee took no immediate action on it.

### Review of health insurance carrier decisions passed

Lawmakers gave final approval March 1 to a bill meant to bring Nebraska into compliance with federal

health care reform efforts.

LB147, introduced by Grand Island Sen. Mike Gloor, fulfills a mandate required under the federal Patient Protection and Affordable Care Act (ACA) that states adopt a process for external review of internal decision-making by health insurance carriers.



Sen. Mike Gloor

An independent review organization will be required to make a determination within 45 days, or within 72 hours in the case of an expedited review. The bill outlines a separate process for external review of decisions denying coverage on the grounds that the health care service is investigational or experimental.

LB147 applies to any claim submitted on or after Jan. 1, 2014.

The bill passed on a 46-0 vote.

### Insurance coverage sought for amino-acid formula

The Banking, Commerce and Insurance Committee heard testimony Feb. 26 on a bill that would require insurance coverage for some amino-acid formula treatments.

Under LB218, introduced by Lincoln Sen. Bill Avery, any individual or group insurance policy or self-funded employee benefit plan would be required to include coverage for amino-acid based formulas for short bowel syndrome or eosinophilic disorders.



Sen. Bill Avery

Coverage would require a written order from a physician indicating that the amino-acid formula was medically necessary and would be the primary source of nutrition. Insurance cover-

age would be retroactive to Jan. 1, 2012, and cover children until age five.

"We did this with the expectation that by that age families would have worked out ... a safe and reliable nutrition plan that would make coverage no longer necessary," Avery said.

Kari Wade of the Nebraska Nurses Association testified in support of the bill, saying children are born in Nebraska every month who are unable to process proteins and require expensive amino-acid formulas for the nutrition necessary to sustain them.

Middle- and working-class families are the hardest hit, Wade said, because they cannot afford to pay the out-of-pocket cost for the amino-acid formula and don't qualify for Medicaid, which covers it.

"Private insurance companies in Nebraska, however, do not provide coverage," she said.

Kristin Geist, a pediatric nurse and mother of a child who cannot digest milk or soy protein, also supported the bill. Amino-acid formula is the only treatment for her daughter's condition, Geist said, and costs between \$260 and \$375 a month.

Michaela Valentin of Blue Cross and Blue Shield of Nebraska opposed the bill. Also testifying on behalf of Coventry and United Healthcare, Valentin said the implications of the federal Affordable Care Act on any state mandated coverage are complex and unresolved.

In addition, she said, all three carriers cover items such as pumps and other tools related to delivering formula, but do not cover the formula itself.

"Historically, the carriers have not covered any type of formula at any price point," Valentin said.

### Prior approval required for insurance rates

Senators gave final approval March 1 to a bill that requires state regula-

tion of all health insurance rates for policies issued in Nebraska and subject to the federal Patient Protection and Affordable Care Act (ACA).



Sen. Tom Carlson

Holdrege Sen. Tom Carlson, sponsor of LB336, said it ensures Nebraska compliance with the ACA as a prior approval state.

The bill passed on a 46-0 vote.

### Coverage for autism spectrum disorders proposed

Applied behavior analysis and other treatment for autism spectrum disorders would be covered by insurance under a bill heard Feb. 26 by the Banking, Commerce and Insurance Committee.

LB505, introduced by Lincoln Sen. Colby Coash, would require insurance plans in Nebraska to provide coverage for autism screening, diagnosis and treatment provided by a board-certified behavior analyst or licensed psychologist. Disease-specific and self-funded employee plans would be exempt from the bill's provisions.



Sen. Colby Coash

Required annual coverage amounts would be a maximum of \$70,000 for the first three years of treatment and a maximum of \$20,000 for the remaining years of treatment until a patient is 21 years old.

Benefits could not exceed those prescribed in plans purchased via the state's federally facilitated exchange established under the Affordable Care Act.

In addition, a small employer with a group health plan would be eligible for a waiver from the bill's require-

ments if the employer demonstrated to the state Department of Insurance that such requirements have resulted in a 2.5 percent increase in the policy's costs over a calendar year.

Coash said the lack of coverage for applied behavior analysis (ABA) is a serious financial burden on parents seeking to provide the best treatment for their autistic children. Mandating ABA coverage likely would raise premiums minimally, he said, but would save taxpayers money in the long run.

Autistic children who receive early intervention are less likely to need specialized services in school and are more likely to lead independent lives as adults, Coash said.

"One out of 88 kids in our country are diagnosed with this disorder every year," he said. "This bill is life-saving for people who have family members who need this treatment."

Mike Wasmer of Autism Speaks supported the bill, saying 32 states have passed similar legislation. A study of claims data from those states indicates that mandated ABA coverage has had minimal financial impact on insurance policy holders, he said, adding that the same would be expected in Nebraska.

"The conclusion was that it was very unlikely that such costs would have an appreciable impact on premiums," Wasmer said. "Failure to enact this bill is the high cost option."

Cathy Martinez, whose son Jacob has autism, also supported the bill. The family spent nearly \$250,000 for uninsured treatments for Jacob over a five-year period, she said, eventually filing for bankruptcy.

"Most children go without ABA in Nebraska because of the inability to pay," Martinez said.

Dr. Debra Esser, vice president of medical affairs at Coventry Healthcare, testified in a neutral capacity. Representing Coventry Healthcare, United Health-

care and Blue Cross and Blue Shield of Nebraska, she said that all three companies have been involved in discussions on LB505 and are committed to continue working on the language of the bill.

"As insurers, we agree that early detection and treatment will give the highest benefit," Esser said. "We're not opposed to a mandate because it levels the playing field across insurers."

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

## Business & Labor

### Extension of workers' compensation mental injury provisions approved

Lawmakers passed a bill March 1 that repeals a sunset provision on workers' compensation for some mental injuries.

LB21, sponsored by Omaha Sen. Steve Lathrop, repeals the June 30, 2014, sunset provision that was included in a bill passed in 2010. That measure allows first responders to receive workers' compensation benefits for mental injuries not accompanied by a corresponding physical injury.



Sen. Steve Lathrop

LB21 passed on a 44-0 vote.

### Cost-of-living increase for disability income to injured workers discussed

The Business and Labor Committee heard testimony Feb. 25 on a bill that would calculate the maximum workers' compensation benefit received for total disability on an annual basis.

Under LB302, introduced by Corland Sen. Norm Wallman, a work-

ers' weekly income benefits for total disability would be adjusted annually in proportion to the average weekly wage increase.



Sen. Norm Wallman

While the allowable maximum amount is updated annually, Wallman said, the workers' compensation amount is not adjusted to living costs once it is set.

Steve Howard, representing the Nebraska AFL-CIO, testified in support of the bill, saying a cost of living adjustment should be considered for people who are permanently injured.

He said the amount of workers' compensation benefits paid to people who are permanently and totally disabled is not adequate for their cost of living. Permanently disabled workers typically end up on state assistance programs, he said, so increasing their insurance benefits would relieve taxpayers.

John Rehm of the Nebraska Association of Trial Attorneys also testified in support of the bill. The Nebraska Supreme Court has determined that disability benefits should approximate a workers' loss of earning power, he said, which increases over time.

Robert Hallstrom, representing Nebraskans for Workers' Compensation Equity and Fairness, testified in opposition to the bill, saying it would increase the cost of insurance premiums for employers who purchase workers' compensation coverage and self-insured employers.

The committee took no immediate action on the bill.

## Education

### Learning community elimination, changes proposed

The Education Committee heard testimony Feb. 26 on a bill that would

terminate the Learning Community and coordinating council.

Learning communities were established by the Legislature in 2006 for any city of the metropolitan class in an effort to improve minority academic achievement. The Omaha Learning Community was established in 2007 and currently is comprised of 11 school districts: Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion-LaVista, Ralston, Springfield-Platteview and Westside. The learning community is governed by a coordinating council and authorized to assess and distribute a common property tax levy to support operational costs in conjunction with state aid appropriations.

LB179, introduced by Papillion Sen. Bill Kintner, would dissolve the Omaha Learning Community effective July 1, 2014. Kintner said the bill would eliminate a failed experiment that has added to the property tax burden of Omaha taxpayers without any substantial improvement in minority academic achievement.



Sen. William Kintner

"The achievement gap does not seem to have changed in any meaningful way since the learning community was created," he said.

Papillion-La Vista Public Schools superintendent Rick Black supported the bill, saying the learning community has not lived up to its original mission.

"The main components of the original bill could have been accomplished without the learning community," Black said. "The collection and redistribution of the common levy has never achieved its original purpose."

Sara Goodell, a teacher at the Omaha Learning Community Center, opposed the bill, saying it has helped

many students achieve success.

"We may be taking small steps, but we're taking thousands of them in the right direction," she said.

Dimas Criceno of Omaha also opposed the bill. He said he attends the center twice each week for three hours a day to study English and take parenting classes.

"It's a really important program for my family and especially my kids' future," he said. "They have changed my life. My kids are happy. I speak more with my kids and spend more time with them."

The committee also heard testimony on LB9, introduced by Omaha Sen. Bob Krist, which would amend the existing mandatory transportation provision within the Learning Community. Currently any student attending a school outside of their home attendance area is provided transportation to school at the expense of their home district.

Under LB9, transportation would be provided only for students who increase socioeconomic diversity in their chosen school district.

"This would control costs while preserving the diversity goals originally intended in the law," Krist said.

Andrew Rikli, assistant superintendent of the Omaha Westside School District, supported the bill, saying approximately one-third of his district's students come through open enrollment.

"We're spending more on transportation for students than teacher salaries, textbooks and technology," he said. "Any resources diverted from student achievement is misguided."

No one testified in opposition to LB9.

The committee took no immediate action on either bill.

### Priority school designation proposed

The state's five lowest-performing



schools could be prioritized to receive special assistance by the state Board of Education as a result of a bill heard by the Education Committee Feb. 25.

Under LB438, introduced by York Sen. Greg Adams, an intervention team appointed by the state board would assist the school district and school staff in diagnosing issues and designing and implementing strategies to address them. A school would retain the priority designation until the state Board of Education determines it is no longer necessary.



Sen. Greg Adams

Adams said the bill would allow for individualized intervention without punishing an entire district.

“We all understand the issues of poverty and mobility and the things that contribute to a lack of success,” he said. “We have districts or buildings where there are big obstacles to education.”

The bill also would create a community school designation and a process to establish an operating council, which would advise the superintendent, the school board and the principal of the community school.

Brian Halstead, representing the state Department of Education, supported the bill, saying it would increase accountability.

“This is the last step in completing a statewide accountability system for Nebraska schools,” he said.

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

### Charter schools proposed

The Education Committee heard testimony Feb. 25 on a bill that would allow the state Board of Education to issue up to five school charters.

Under LB593, introduced by Omaha Sen. Scott Lautenbaugh, qualifying groups could apply for a charter from the state board to create a school independent of the school district in which it is located. The bill would apply only to cities of the metropolitan class. Omaha currently is the only metropolitan city in the state.



Sen. Scott Lautenbaugh

Lautenbaugh said charter schools could be a good solution to failing public schools.

“It provides an important choice for parents,” he said. “We need to try something outside of the administrative strictures of the Omaha School Board.”

Groups eligible to file for a state charter could include: businesses, corporate entities, two or more certified teachers or 10 or more parents.

The application for charter could be filed in conjunction with a college, university, museum or other similar entity. Private, denominational and parochial schools would not be eligible for a charter.

Charter schools would function as nonprofit entities under state law and would be required to meet all education requirements established by the state board. The board would be responsible for the issuance of charters, regulation of charter standards and the revocation of charters for schools failing to meet established standards.

Jim Vokal, executive director of the Platte Institute, supported the bill, saying Nebraska is one of just a few states without a charter school system.

“We have a strong tradition of parent-controlled education,” Vokal said. “Our children’s education should not be hampered by the bureaucracy of the public education system.”

State Commissioner of Education Roger Breed opposed the bill. He said

open enrollment in the Omaha Public School district gives parents plenty of choice in their child’s education.

“The assertion that charter schools promote innovation or produce better outcomes is false,” he said. “They are not providing anything that is not currently available in public schools.”

## General Affairs

### Proof of age bill passed

Senators passed a bill March 1 that allows non-residents to use a state-issued identification card to purchase alcohol.



Sen. Colby Coash

To purchase alcohol a customer currently must provide one of the following accepted forms of identification:

- a valid driver’s or operator’s license;
- a military identification card;
- an alien registration card;
- a passport; or
- a Nebraska state identification card.

LB173, introduced by Lincoln Sen. Colby Coash, adds to that list a state identification card from any state.

Senators passed the bill on a 47-0 vote.

### Bill to decrease time limit between Keno games advances

Lawmakers gave first-round approval Feb. 27 to a bill that would amend the current five-minute time limit required between Keno games.

LB273, introduced by Wilber Sen. Russ Karpisek, would reduce the time that Keno operators must wait between games to three minutes.

Karpisek said the measure simply is

an attempt to allow more Keno games to be played, resulting in more revenue for cities. Keno profits are used to buy fire and police vehicles and build parks, he said.



Sen. Russ Karpisek

“This is seen as a good way for cities to bring in extra money,” Karpisek said.

The bill advanced to select file on a 25-14 vote.

**Measure allowing Legislature to authorize casino gaming considered**

The General Affairs Committee heard testimony Feb. 25 on a proposed change to the Nebraska Constitution that would allow the Legislature to authorize and regulate casino gaming in Nebraska with voter approval.

LR34CA, introduced by Columbus Sen. Paul Schumacher, would place a proposed constitutional amendment on the general election ballot that would allow the Legislature to authorize and regulate any game of chance, lottery or gift enterprise.



Sen. Paul Schumacher

Nearly 5,000 slot machines are housed in three Iowa casinos bordering Nebraska, Schumacher said, and each of them is located within 60 miles of the two most populated Nebraska cities. Iowa earns over \$400 million in gambling revenue from Nebraska gamblers who travel across the border to play casino games, he said.

The loss of revenue to bordering states from gambling should be considered by the Legislature, Schumacher said, but it currently is prohibited from permitting gambling by the state Constitution. The amendment would

not authorize casino gaming in the state, Schumacher said, but would give the Legislature authority to do so.

Loran Schmit, a former state senator, testified in support of the amendment, saying the Legislature should have the authority to permit casino gaming in the state. Many people who oppose casino gaming in Nebraska are from neighboring states that receive significant amounts of revenue from Nebraska gamblers, he said.

Pat Loontjer, executive director for Gambling with the Good Life, testified in opposition to the amendment, and said that Nebraska is fortunate to have a constitutional amendment that prohibits gambling. If the bill were to pass, she said, it would take only the majority 25 of the 49 senators to permit casino gaming in the state.

“I believe that [the amendment] removes the power from the people and is an attempt to override what Nebraskans have spoken loudly on, which is expanded gambling,” Loontjer said.

Loretta Fairchild, a former Nebraska Wesleyan University economics professor, also testified in opposition to LR34CA, calling it misleading. The proposed amendment does not clarify that its purpose is to remove the prohibition of casino gambling in the state, she said.

“Voters need to know that,” Fairchild said.

The committee took no immediate action on the bill.

**Government, Military & Veterans Affairs**

**Elimination of boards and commissions passed**

Lawmakers voted March 1 to eliminate certain boards and commissions.

The boards and commissions selected for elimination under LB78, introduced by Lincoln Sen. Bill Avery, either have not met in the last four years or had no significant accomplishments to report.



Sen. Bill Avery

The following boards and commissions will be eliminated:

- the Affirmative Action Committee;
- the State Airline Authority;
- the Athletic Advisory Committee;
- the Livestock Advisory Committee;
- Economic Development Commission; and
- the Rural Development Commission.

Senators passed the bill on a 44-3 vote.

**More authority sought for election officials in large counties**

The Government, Military and Veterans Affairs Committee heard testimony Feb. 27 on a bill that would grant greater authority to chief deputy election commissioners in the three largest Nebraska counties.

LB418, introduced by Omaha Sen. Rick Kolowski, would provide additional powers and duties to the chief deputy election commissioner in counties with a population of more than 100,000. Currently, the bill would apply to Douglas, Lancaster and Sarpy counties.



Sen. Rick Kolowski

Under the bill, election commissioners in the three counties would be required to perform their duties in

consultation with and with the agreement of the chief deputy commissioner. Duties under the bill's provisions include training election workers and creation and management of precincts and polling locations.

Kolowski said he would introduce an amendment to change a provision in the bill that would require unresolved disputes between an election commissioner and chief deputy election commissioner to be forwarded to the county board for resolution. Instead, disputes would be directed to the Nebraska Secretary of State's Office, he said.

Citing controversy in Douglas County during the 2012 general election regarding precinct and polling place changes, Kolowski said state law should provide chief deputy election commissioners a greater role in election oversight. Because the two officials are required by law to be from different political parties, he said, partisan conflicts arise that may negatively impact the election process.

"I introduced LB418 to increase accountability, equity and collaboration in the administration of our elections," he said.

Adam Morfeld of Nebraskans for Civic Reform testified in support of the bill, saying it would increase accountability. Because election commissioners are appointed rather than elected, he said, sufficient oversight is essential.

"It's always good to have an extra pair of eyes," Morfeld said.

Nebraska Secretary of State John Gale testified in a neutral capacity. While acknowledging persistent problems in Douglas County, he said it was unclear whether LB418 was the best solution.

Gale said most election commissioners and deputies are able to have functional relationships that do not negatively impact the election process.

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

## Health & Human Services

### Bill would allow midwives to attend home births

The Health and Human Services Committee heard testimony March 1 on a bill that would remove the state's prohibition on a certified nurse midwife attending a home birth.

LB428, sponsored by Malcolm Sen. Ken Haar, would retain the requirement that a certified nurse midwife operate under the supervision of a licensed practitioner who is required to authorize a home birth.

"It does not create an autonomous practice for certified nurse midwives," Haar said.

Shanna Wright, member of the National Association of Social Workers, testified in support of the bill. The current prohibition does not prohibit home births, she said, but only prohibits certified professionals from attending those births.

Fifty-eight planned home births were reported in Nebraska in 2012, Wright said, and those births would be safer if midwives legally could attend.

"It is wrong to continue legislatively blocking access to qualified medical care for Nebraska women," she said.

Shahab Abdessalam, a pediatric surgeon at Children's Hospital in Omaha, also testified in support of the bill. The best way to track home births and maintain safety is to legalize and regulate attendance by medical professionals, he said. "Pregnancy is not a disease," Abdessalam said, "and does not always need to take place in a hospital."

Sarah Cada, a Lincoln obstetrician,

testified in opposition. She said the risk of maternal death for home births is two to three times higher than for hospital births.

The committee took no immediate action on the bill.

### Bill would authorize partner's STD treatment

The Health and Human Services Committee heard testimony March 1 on a bill that would allow expedited partner therapy (EPT) for the treatment of certain sexually transmitted diseases.

Under LB528, sponsored by Omaha Sen. Sara Howard, a physician, physician assistant or advanced practice registered nurse who diagnoses gonorrhea or Chlamydia in a patient would be allowed to prescribe, provide or dispense oral antibiotics to the patient's sexual partner or partners without an examination.

Current law is silent on whether EPT is allowed in Nebraska, Howard said, and LB528 is intended to make the practice expressly permissible.

In clinical trials, EPT has been shown to reduce reinfection rates by 20 percent for Chlamydia and by 50 percent for gonorrhea, Howard said. Both diseases often are asymptomatic, she said, and can lead to a variety of complications including infertility and premature childbirth.

"Quick treatment of these STDs is absolutely critical," Howard said.

Melissa Grant of Planned Parenthood of the Heartland testified in support of the bill, saying Chlamydia is the most commonly transmitted bacterial infection in the United States. Seventy-five percent of women and 50 percent of men who have the disease do not know that they are infected, she said.



Sen. Ken Haar



Sen. Sara Howard

Grant said EPT has been used at Planned Parenthood's health center in Iowa since 2008 with no reported problems.

Adi Pour, executive director of the Douglas County Health Department, also supported the bill. The Centers for Disease Control (CDC) has a protocol for using EPT she said, and 32 states expressly allow the practice. She said a recent CDC study supports the efficacy and safety of the program.

"The study reported there were no adverse events after EPT," Pour said.

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

## Judiciary

### Changes to burial procedures discussed

The Judiciary Committee heard testimony Feb. 27 on a bill dealing with burial procedures.

Hastings Sen. Les Seiler introduced LB441, which would amend the Burial Pre-Need Sale Act and the control of remains upon a person's death.



Sen. Les Seiler

The bill would:

- allow individuals who are 18 years or older to dictate the disposition of their remains;
- create a standard notarized affidavit granting another person the right to control disposition of remains;
- allow relatives who are in disagreement to petition the court to determine disposition;
- set the order for the right of disposition as it passes down through kinship and establish a majority rule when there are two or more

persons of equal kinship;

- allow the court to award the right of disposition to the person determined to be most fit and appropriate; and
- forfeit the right of disposition in instances of first or second-degree homicide, divorce, estrangement and missing or uncooperative relatives.

Under the bill, funeral directors would be allowed to:

- arrange the final disposition of the unclaimed remains by attesting in writing that good faith efforts to contact individuals have failed;
- refuse disposal requests when a disposition dispute is ongoing; and
- petition the court for disposition and include legal fees and court costs in the cost of the final disposition.

Criminal and civil liability protections also would be provided for funeral establishments acting in good faith on predetermined burial instructions.

Many complicated issues arise upon a person's death, Seiler said, so the bill would provide clarity for families and others involved in the decision-making regarding a decedent's remains.

William Lauber, a funeral service practitioner in Milford, testified in support of the bill. Allowing funeral directors to have disposition of remains in instances in which disputes are ongoing or the remains are unclaimed would eliminate issues that delay the funeral process, he said.

Gregory Easley, president of the Nebraska Cemetery Association, also testified in support, and said families sometimes have issues determining who is in charge of the decedent's cemetery property.

An affidavit authorizing the disposition of the decedent remains could reduce animosity among family members over the decedent's burial

property, he said.

Don Wesley of the Nebraska Association of Trial Attorneys testified in opposition to the bill and said that funeral establishments should not be immune from criminal and civil liability.

John Liakos, representing the Nebraska Organ Recovery System, also testified in opposition to the bill. The right of disposition provisions could conflict with current laws allowing certain people to receive anatomical gifts, he said.

The committee took no immediate action on the bill.

### Faster eviction procedures for dangerous tenants requested

The Judiciary Committee heard testimony Feb. 27 on a bill that would provide procedures for the termination of a rental agreement based upon clear and present danger.

Under LB455, sponsored by Omaha Sen. Scott Lautenbaugh, prostitution, sexual assault, the manufacturing or selling of drugs and illegal use of a firearm would constitute a clear and present danger. Tenants who report such activities to law enforcement or seek restraining orders would not be evicted.



Sen. Scott Lautenbaugh

The bill also would permit landlords to terminate rental agreements by a three-day written notice of the termination. The notice must include the specific activity causing the clear and present danger.

Gene Eckel, member of the Apartment Association of Greater Omaha and Lincoln, testified in support of the bill, saying it would provide landlords an expedited eviction process for dangerous tenants.

The eviction process currently requires a 14-day notice and after 30 days a lawsuit can be filed against the

tenant, Eckel said. Waiting 30 days for a dangerous tenant to be evicted is not safe for other tenants, he added.

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

**Protections for providers' conscience considered**

The Judiciary Committee heard testimony March 1 on a bill that would create the Health Care Freedom of Conscience Act.

LB564, introduced by Omaha Sen. John Nelson, would allow health care providers or facilities to decline to participate in any health care function that violates their religious, moral or ethical beliefs. Health care providers and facilities declining to participate in a health care function that violates their conscience would be immune from civil and criminal penalties.



Sen. John Nelson

Under the bill, a civil action could be brought against providers, public officials or medical boards who discriminate against health care professionals who decline health care services that violate their conscience.

Nelson said the bill would provide protection for health care providers.

"The patient is important, but so is the health provider and we must allow them to act in accordance with their conscience," he said.

Anna Franzonello of Americans United for Life testified in support of the bill. Physicians continually are facing ethical dilemmas, she said, and they should not be coerced into acting against their conscience.

Clyde Meckel, a Lincoln physician, also testified in support of the bill. While the practice of medicine requires technical competency, he

said, it is a moral activity that requires a covenantal relationship between a patient and a physician.

"Patients want compassionate care from those with moral integrity," Meckel said.

Bruce Rieker, vice president of the Nebraska Hospital Association, testified in opposition to the bill. The hospital's primary responsibility is to its patients, he said, but the bill prioritizes the physicians' interests.

"The providers already have a choice," Rieker said, explaining that they have an option to work at a faith-based hospital if they do not want to provide certain services.

Christopher Welsh of the Nebraska Association of Trial Attorneys also testified in opposition to the bill, and said it would change the standard of care based upon each individual doctor's conscience.

"This is not a patient bill," he said. "This is an immunity bill that allows a physician to hide behind their personal conscience."

Tracy Durbin, director of Planned Parenthood of the Heartland, testified in opposition to the bill. It could endanger women living in small communities who need emergency medical treatment and are denied access to care, she said.

The committee took no immediate action on the bill.

**Natural Resources**

**Changes to hunting permits advanced**

Senators voted to advance a bill Feb. 27 that would allow nonresidents to apply for state hunting permits.

LB94, introduced by Fullerton Sen. Annette Dubas, would authorize the state Game and Parks Commission to issue deer permits to nonresidents only after 85 percent of the available

permits have been issued to residents. Dubas said many hunters have asked for the change.

"This approach is used in most other states and hunters are familiar with this process," she said.

The bill also would allow the issuance of a resident elk permit once every five years. The one limit per lifetime policy would be changed to a one harvest per lifetime policy.

A third provision would allow the commission to issue limited deer, antelope, wild turkey or elk permits to individuals or members of a partnership, corporation or trust that owns at least 80 acres of land for agricultural purposes.

Omaha Sen. Ernie Chambers introduced several technical amendments; two were adopted and three were withdrawn.

Senators advanced the bill to select file on a 32-0 vote.

**Expansion of wind energy tax credit proposed**

The Natural Resources Committee heard testimony March 1 on a bill that would allow more wind projects to qualify for a wind energy sales tax exemption.

Currently, private wind energy projects can qualify for a sales tax exemption on the equipment and supplies used in construction if at least 33 percent of the revenue from the project for the first 20 years is directed back to Nebraska residents or companies.

LB402, introduced by Omaha Sen. Heath Mello, would relax current restrictions to allow more projects to receive the exemption. Mello said since its adoption in 2007, only one utility-scale wind project has utilized the exemption.



Sen. Annette Dubas



Sen. Heath Mello

“Nebraska consistently ranks in the top 10 states in the country for potential for wind energy production,” he said. “One of the key remaining barriers is the fact that equipment and supplies are subject to tax.”

The bill would amend the current statute by:

- expanding the definition of “payments to the local community” to include payments for products manufactured in Nebraska or by Nebraska companies and services provided by Nebraska companies;
- reducing the qualifying percentage threshold from 33 percent to 25 percent; and
- loosening corporate restrictions by allowing corporations domiciled in Nebraska to meet the definition of “qualified owner.”

LB402 also would expand current law to include renewable energy projects that use biomass or landfill gas.

Adam Herink, Bluestem Energy Solutions vice president, testified in support of the bill. He said encouraging growth of the wind energy industry would have far-reaching effects.

“One of the best ways to create economic stability is by harvesting natural resources and selling them to those that need them,” Herink said. “We need to create an environment that promotes wind energy development.”

Cherry County rancher Todd Adamson agreed. Developing wind energy is needed for economic development in western Nebraska and most importantly for keeping young people in the area, he said.

“This could have as much economic impact on our area as the introduction of the railroad,” Adamson said.

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

### Expanded Game and Parks powers advanced

Senators voted to advance a bill Feb. 27 that would expand powers delegated to the state Game and Parks Commission.

LB499, introduced by Bancroft Sen. Lydia Brasch, would establish a new set of administrative procedures under which commission orders could be passed. Currently, the commission cannot hear public testimony on issues—including conservation orders, seasons, open and closed areas and bag limits—and make decisions on those issues during the same hearing.



Sen. Lydia Brasch

“Under this proposed process, the committee would be able to make decisions affecting the public at the same meeting with the public in attendance,” she said.

The bill would categorize these issues under the new administrative procedures, which would allow the commission to make changes to the orders at the same meeting in response to public input before publishing final orders.

An additional provision would enable the commission to close game seasons due to disease epidemics or other extenuating circumstances on an emergency case-by-case basis.

“This would give the committee the latitude to quickly respond to things like disease epidemics rather than waiting months until the next scheduled meeting,” Brasch said.

Senators advanced the bill to select file on a 32-0 vote.

### Disclosure requirements for fracking requested

The Natural Resources Committee heard testimony Feb. 28 on a bill

that would authorize the Oil and Gas Conservation Commission to require transporters of water that is used for oil or gas purposes to obtain a run ticket.

LB635, introduced by Cortland Sen. Norm Wallman, would require new and existing hydraulic fracturing wells to demonstrate suitable and safe mechanical configuration for any proposed stimulation treatment.



Sen. Norm Wallman

The bill also would require such operators to post on the commission’s website within 60 days the amount and source of water used in the stimulation and the amount of fracturing fluid recovered after the hydraulic fracturing stimulation—or fracking—is performed.

Groundwater is the state’s most valuable resource, Wallman said, so the amount and source of water used for the process of fracturing fluids should be disclosed.

Duane Hovorka, executive director of the Nebraska Wildlife Federation, testified in support of the bill, saying that fracturing wells can negatively impact groundwater quality. Requiring the commission to report water sources used for the stimulation process would be effective in raising awareness about the dangers of fracking, he said.

Ken Winston, representing the Nebraska Sierra Club, also testified in support of the bill, saying it would provide transparency for groundwater consumption.

“We have a tremendously valuable water supply in the state and we need to handle that with great care and concern,” he said. “If something is going to go in the ground then it should be fully disclosed.”

Elizabeth Ferguson, president of the Eatmon Well Service Company in Kimball, testified in opposition to the bill, saying the commission is proactive

and already reports the chemicals that are being used in the hydraulic fracturing process.

Bill Sydow, director of the Oil and Gas Conservation Commission, also testified in opposition to the bill. The hydraulic fracturing chemical registry website the commission currently uses does not have the capability to track water amounts or sources, he said.

The committee took no immediate action on the bill.

## Retirement

### Transfer of university trust fund proposed

The University of Nebraska's health benefits trust fund would be transferred to a state-controlled trust fund under a bill heard by the Retirement Systems Committee Feb. 28.

Currently, all money used to provide health benefits to university employees is housed in the Group Health Trust Fund, held by Wells Fargo. LB138, introduced by Omaha Sen. Bob Krist, would transfer all existing funds to a new fund held by the Nebraska Investment Council.



Sen. Bob Krist

Krist said the university originally created the trust fund without the knowledge of State Treasurer Don Stenberg, who is assigned in statute as the custodian of any such trust funds.

"This fund was create without the approval or knowledge of the Legislature," Krist said. "This bill places the group health trust fund under the direction of the state treasurer, where that money should always have been."

State Auditor Mike Foley supported the bill, saying the trust fund was discovered as part of a performance

audit of state health care benefits.

"This is about who is going to oversee over \$143 million in public funds," he said. "If we do nothing, the university will continue to set aside and spend the money in the fund."

Stenberg also supported the bill.

"There's a very long history of the treasurer as custodian of university funds," Stenberg said. "Even if these funds were deemed not to be a product of the state, we still have the statutory authority."

University chief financial officer David Lechner opposed the bill. He said there is no need to fix a system that is not broken.

"The catalyst for this bill was a performance audit by the state auditor," he said. "By virtually every benchmark, that report validated the successful management of the trust fund."

The committee took no immediate action on the bill.

## Revenue

### Earlier property tax filing deadline adopted

Senators passed a bill March 1 that changes the late filing date for personal property tax returns.

Currently, taxpayers must meet a July 31 deadline for late personal property tax filings. LB28, introduced by Kearney Sen. Galen Hadley, changes the deadline to June 30. Taxpayers missing the deadline will face a penalty of 25 percent of the tax on the value added.



Sen. Galen Hadley

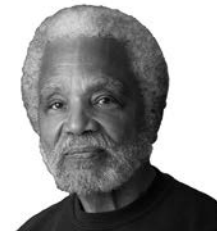
Senators passed the bill on a 43-0 vote.

Repeal of expanded sales tax authority proposed

A bill heard by the Revenue Committee Feb. 27 would remove cities' authority to increase their sales tax by one-half cent.

The Legislature voted in 2012 to allow local option sales taxes to be levied at 1.75 percent and 2 percent with 70 percent approval of the members of a municipality's governing body. The proposal then would be submitted to voters for approval.

LB266, introduced by Omaha Sen. Ernie Chambers, would remove the authority, maintaining the current sales tax rates. He said the tax disproportionately affects the poor.



Sen. Ernie Chambers

"The poor don't have a lot of discretionary income," Chambers said. "We spend everything we get and then we're in debt. When it comes to the poor, the sales tax hits them the hardest."

Matthew Litt, state deputy director for Americans For Prosperity, supported the bill, saying individual families should be the state's top priority.

"This bill protects Nebraskans' hard-earned dollars in these tough economic times," he said. "The needs of Nebraska families outweigh the interests of anyone else."

Ken Bunger, representing the village of Waterloo, opposed the bill. He said the citizens of Waterloo passed a local option sales tax increase to fund street and roads projects.

"The resources of a village or small community are limited," Bunger said. "The ability to have a larger local option sales tax is a big deal."

The committee took no immediate action on the bill.

### Property tax assistance proposed

The Revenue Committee heard testimony Feb. 27 on a bill that would provide state funding to counties and cities.

LB370, introduced by Omaha Sen. Steve Lathrop, would create two

separate funds that would reduce the amount of property tax counties and municipalities collect from taxpayers. Lathrop said the elimination of state aid to counties has increased the property tax burden on citizens.



Sen. Steve Lathrop

“Without question, the number one issue to my constituents is property taxes,” he said. “This is my attempt to steer aid back to cities and counties and ease the property tax burden.”

The bill would create the County Property Tax Assistance Program and the Municipality Property Tax Assistance Program and allow funds to be appropriated to them from the state’s general fund to reduce the amount of property tax collected.

Larry Dix, executive director of the Nebraska Association of County Officials, supported the bill, saying counties rely solely on property taxes to fund their operations.

“Twenty years ago, there was \$46 million in state aid for counties,” he said. “We currently receive no state aid at the county level. This is an idea that will help us balance things out.”

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

### Repeal of roads funding by sales tax discussed

The Revenue Committee heard testimony Feb. 27 on a bill that would repeal a newly adopted means of funding roads.

The Legislature passed a measure in 2011 that dedicates 0.25 percent of the state’s 5.5 percent sales tax to fund roads projects starting in fiscal year 2013-14. LB531, introduced by Lincoln Sen. Danielle Conrad, would repeal the sales tax allocation, leaving roads to be funded exclusively by the gas excise tax.

While she supports highway construction projects, Conrad said, this is not the best way to fund them.



Sen. Danielle Conrad

“Diverting sales tax revenue has many potential unintended consequences,” she said. “Every time the Legislature makes any changes related to sales tax in the next 20 years, we’ll have to take this into consideration.”

Jason Hayes, representing the Nebraska State Education Association, supported the bill, saying it would ease the financial burden on essential services.

“Given the continued economic uncertainty, this puts both our state budget and our people at risk,” he said. “Our current commitment to public education does not equate to our commitment to our state’s highways.”

Mark Whitehead, president of the Nebraska Petroleum Marketers and Convenience Store Association, opposed the bill. He said changes in people’s driving habits have made excise tax revenue unreliable.

“There is a diminishing return on the excise tax because people aren’t driving as much as they used to,” Whitehead said. “We need to diversify away from the old formulas.”

President and CEO of the Norfolk Area Chamber of Commerce Dennis Houston, also opposed the bill.

“For the citizens of Norfolk and Madison County, this isn’t just about repairing existing roads,” he said. “It’s about rural economic development and new job creation.”

Renee Fry, executive director of the OpenSky Institute, testified in a neutral capacity. She said the importance of good roads to Nebraskans’ prosperity is not in question.

“We support adequate investment to repair and build roads,” she said. “However, we do have concerns about

straying from traditional funding methods when we are already struggling to fund other essential services.”

The committee took no immediate action on the bill.

## Transportation & Telecommunications

### Cellphone ban considered for school bus drivers

The Transportation and Telecommunications Committee heard testimony Feb. 26 on a bill that would prohibit school bus operators from using interactive wireless communication devices while driving.

LB258, introduced by Cedar Rapids Sen. Kate Sullivan, would pertain to bus drivers who operate buses that are owned or contracted out by schools. School bus operators still would be allowed to use dispatch communication devices.



Sen. Kate Sullivan

School buses transport students on approximately 9 million trips annually, Sullivan said, yet bus drivers are not prohibited by state law from using cell phones while driving. Some school districts recommend that bus drivers pull over to the side of the road while using a cell phone, she said, but it is not a requirement.

“School bus passengers can be noisy and distracting and the last thing [the drivers] need to be doing is dialing or talking on their cell phone,” she said.

Jason Hayes of the Nebraska State Education Association testified in support of the bill, saying it would provide a level of safety for children commuting on the school bus.

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



# COMMITTEE HEARINGS

## Monday, March 4

### Appropriations

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

LB190 (Harms) Appropriate funds for the Early Childhood Education Endowment Cash Fund

LB432 (Price) Appropriate funds for the Interstate Compact on Educational Opportunity for Military Children

LB193 (Nelson) Change funding for the Nebraska Cultural Preservation Endowment Fund

Agency 69: Neb. Arts Council

Agency 13: Dept. of Education

Agency 32: Board of Educational Lands and Funds

Agency 34: Neb. Library Commission

### Banking, Commerce & Insurance

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

LB168 (Larson) Authorize series limited liability companies

LB442 (Schumacher) Change provisions relating to homeowners' associations and the Nebraska Condominium Act  
LB621 (Karpisek) Exempt certain information from disclosure under the Inter-governmental Risk Management Act

### Business & Labor

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

LB476 (Carlson) Change provisions relating to grants for internships  
LB652 (Lautenbaugh) Provide procedures for taking grievances by certain county corrections officers to the Civil Service Commission

LB436 (Hansen) Redefine franchisee under the Franchise Practices Act  
LB570 (B. Harr) Adopt the Employers Certainty in Records Act

### Education

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

LB465 (Lautenbaugh) Adopt the College Choice Grant Program Act

LB491 (Cook) Change calculation of target level of funds under the Nebraska Opportunity Grant Act

LB331 (Harms) Change provisions relating to the Nebraska Opportunity Grant Act  
LB332 (Harms) Change application provisions relating to the Access College Early Scholarship Program

LB478 (Smith) Provide requirements for awards under the Access College Early Scholarship Program Act

### General Affairs

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

LB444 (Krist) Require certification and presence of authorized personnel by retail liquor licensees

LB456 (Lautenbaugh) Provide for removal of containers of draft beer from licensed premises as prescribed

LB653 (Davis) Change and provide for distribution of the gallonage tax on beer

### Transportation & Telecommunications

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

LB596 (Price) Change provisions relating to specialty license plates and Purple Heart license plates

LB378 (Smith) Eliminate fees for the issuance of certain license plates  
LB383 (Janssen) Provide for Nebraska Armed Forces Pride Plates

LB93 (Dubas) Provide for notation of veteran status on drivers' licenses and state identification cards

## Tuesday, March 5

*\*9:15 a.m. and 9:30 a.m. Hearings Rescheduled from Thursday, February 21*

### \*Government, Military & Veterans Affairs

#### Room 1507 - 9:30 a.m.

LB417 (Kolowski) Provide for guidelines for election workers

LB292 (Karpisek) Change population restrictions for conducting elections by mail  
LB299 (Seiler) Change political subdivision election provisions

LB349 (Murante) Change ballot status and write-in provisions for presidential and vicepresidential candidates

### \*Health & Human Services

#### Room 1510 - 9:15 a.m.

Appointment: Neeley, Elizabeth - Foster Care Advisory Committee

Appointment: Warner, Jeromy - State Board of Health

LB508 (Campbell) Change provisions relating to the aid to dependent children program

LB487 (Wightman) Change health care certificate of need provisions

LB430 (Crawford) Change asset limitation for the aid to dependent children program, child care subsidy, and the Welfare Reform Act

LB368 (Crawford) Create a subsidized employment pilot program within the Dept. of Health & Human Services

### \*Judiciary

#### Room 1113 - 9:15 a.m.

LB415 (Seiler) Change provisions relating to financial institutions and attachment and garnishment

LB631 (B. Harr) Change provisions relating to garnishment

LB520 (Christensen) Allow land surveyors to enter upon public or private lands or waters as prescribed

LB533 (Avery) Require oil and gas pipeline eminent domain condemnors to provide notice to property owners

### \*Natural Resources

#### Room 1525 - 9:15 a.m.

LB557 (McGill) Change provisions relating to net metering and authorize community solar gardens

LB598 (Larson) Change provisions relating to net metering

### \*Revenue

#### Room 1524 - 9:15 a.m.

LB14 (Krist) Adopt the Elementary and Secondary Educational Opportunity Act and provide for income tax credits

LB308 (Schumacher) Change income tax calculations relating to the federal alternative minimum tax

LB475 (Carlson) Change the Angel Investment Tax Credit Act and the Business Innovation Act

LB82 (Schumacher) Adopt the Taxpayer Investment Program

### Agriculture

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

LB287 (Carlson) Change rabies vaccination provisions

LB288 (Carlson) Change provisions of the Commercial Dog and Cat Operator Inspection Act

LB636 (Wallman) Provide restrictions for application of certain herbicides

### Appropriations

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

LB122 (Lautenbaugh) Appropriate funds to the Dept. of Economic Development  
LB376 (Johnson) Appropriate funds to the Dept. of Economic Development

LB394 (Conrad) Authorize use of Affordable Housing Trust Fund for vocational training

LB519 (Krist) Appropriate funds for improvements at the Neb. History Museum

# COMMITTEE HEARINGS

LB582 (Carlson) Appropriate funds to the Neb. Tourism Commission  
Agency 72: Dept. of Economic Development  
Agency 23: Dept. of Labor  
Agency 91: Neb. Tourism Commission  
Agency 54: Neb. State Historical Society

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

LB205 (Schumacher) Change provisions relating to application of the Securities Act of Nebraska  
LB228 (Nordquist) Provide requirements relating to copayments, coinsurance, and deductibles relating to certain services  
LB523 (Christensen) Provide requirements for copayments, coinsurance, and deductibles relating to certain services

## **Education**

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

LB651 (Davis) Eliminate property tax levy and provide for state funding of community colleges  
LB467 (Avery) Provide for interstate reciprocity agreements under the Postsecondary Institution Act  
LB466 (Avery) Redefine a term under the Postsecondary Institution Act  
LB546 (Kolowski) Eliminate review of postsecondary capital construction projects as prescribed

## **Nebraska Retirement Systems**

### **Room 1525 - 12:00 p.m.**

LB552 (Nordquist) Adopt the Cities of the First Class Firefighters Cash Balance Retirement Act  
LB594 (Price) Provide Neb. Investment Council duties relating to administration of the Neb. Veterans' Aid Fund

## **Transportation & Telecommunications**

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

LB181 (Avery) Prohibit motorcycle passengers less than eight years old  
LB393 (Bloomfield) Change helmet and eye protection provisions regarding motorcycles

## **Wednesday, March 6**

### **Appropriations**

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

LB424 (Coash) State intent to appropriate funds to the Neb. State Patrol Internet Crimes Against Children Unit

Agency 21: State Fire Marshal  
Agency 64: Neb. State Patrol  
Agency 78: Neb. Commission on Law Enforcement & Criminal Justice  
Agency 15: Neb. Board of Parole  
Agency 46: Dept. of Correctional Services

## **Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.**

LB632 (Bolz) Change funding for county offices relating to public assistance programs  
LB588 (Watermeier) Change veteran employment preference provisions and name the act  
LB534 (Avery) Change provisions relating to the Auditor of Public Accounts and the Legislative Performance Audit Section  
LB382 (Janssen) Change presidential elector selection and voting requirements

## **Health & Human Services**

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

LB231 (Nelson) Establish a uniform reimbursement rate for adult day services  
LB261 (Gloor) Adopt the Medicaid Insurance for Workers with Disabilities Act  
LB338 (Gloor) Prohibit certain practices by health care professionals and health care facilities

## **Judiciary**

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

LB320 (McGill) Change temporary custody without a warrant provisions of the Neb. Juvenile Code  
LB342 (Coash) Change right to counsel provisions under the Neb. Juvenile Code  
LB471 (Coash) Change provisions relating to juvenile commitment evaluations  
LB464 (Ashford) Change court jurisdiction over juveniles and indictment procedures  
LB562 (Ashford) Change provisions of the juvenile justice system

## **Natural Resources**

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

Appointment: Berggren, Lynn - Neb. Game & Parks Commission  
LB477 (Carlson) Change sunset for the Riparian Vegetation Management Task Force  
LB494 (Davis) Change number of districts and members of Game & Parks Commission  
LB513 (Carlson) Change notice provisions under the Nebraska Ground Water Management and Protection Act

## **Revenue**

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

LB411 (Nordquist) Change a renewable energy tax credit  
LB419 (Hadley) Change provisions relating to the nameplate capacity tax  
LB489 (Revenue) Change the sales tax rate  
LB490 (Revenue) Change income tax rates

## **Thursday, March 7**

### **Appropriations**

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

Agency 81: Commission for the Blind & Visually Impaired  
Agency 67: Equal Opportunity Commission  
Agency 68: Latino-American Commission  
Agency 70: State Foster Care Review Board  
Agency 76: Neb. Indian Commission  
Agency 82: Commission for the Deaf & Hard of Hearing

## **Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.**

LR23 (Avery) Memorialize Congress to support a constitutional amendment responding to the U.S. Supreme Court decision in *Citizens United v. Federal Election Commission*  
LR38 (Avery) Endorse Taiwan's participation in the International Civil Aviation Organization as an observer and support efforts to grant Taiwan official observer status at the United National Framework Convention on Climate Change  
LB509 (Murante) Change election of learning community coordinating council  
LB381 (Janssen) Require photographic identification to vote

## **Health & Human Services**

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

LB630 (Kolowski) Redefine place of employment for Neb. Clean Indoor Air Act

## **Judiciary**

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

LB86 (McGill) Authorize inspection and regulation of staff secure juvenile facilities  
LB463 (Ashford) Change the number of separate juvenile court judges  
LB561 (Ashford) State findings and intent for changes to the juvenile justice system and a funding mechanism

# COMMITTEE HEARINGS

## Natural Resources

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

Appointment: Brodersen, Charles "Tod" - Neb. Ethanol Board

Appointment: Ondracek, Mark A. - Neb. Ethanol Board

LB522 (Christensen) Provide state financial assistance to irrigation districts to compensate water appropriators  
 LB601 (Bloomfield) Require notice for natural resources district subcommittee meetings

## Revenue

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

LB346 (Kolowski) Authorize school districts to levy a tax and exceed budget authority for school security measures  
 LB502 (Hadley) Change a sales tax exemption for health clinics

LB96 (Dubas) Exempt repair or replacement parts for agricultural machinery and equipment from sales and use tax  
 LB90 (K. Haar) Change sales tax provisions on the furnishing of electricity service

LB606 (Pirsch) Adopt the Nebraska Technology Entrepreneur Act to provide sales and use tax refunds to certain businesses

## Tuesday, March 12

### Agriculture

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

LB339 (Schilz) Change fence dispute provisions

### Appropriations

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

LB126 (McGill) Provide for grants from the Court Appointed Special Advocate Fund  
 LB569 (B. Harr) Appropriate funds to the Supreme Court for county court employees

Agency 5: Supreme Court

Agency 94: Commission on Public Advocacy

## Wednesday, March 13

### Appropriations

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

LB492 (Cook) Appropriate funds to carry out the Neb. Youth Conservation Program  
 Agency 29: Dept. of Natural Resources  
 Agency 31: Military Dept.

Agency 33: Game & Parks Commission

## Health & Human Services

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

Appointment: Fiala, Ann - Board of Emergency Medical Services

## Revenue

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

LB439 (Gloor) Change cigarette and tobacco tax provisions

LB440 (Gloor) Adopt the Volunteer Emergency Responders Incentive Act and provide an income tax credit

LB474 (Krist) Change provisions relating to occupation taxes

LB488 (Revenue) Change provisions relating to municipal occupation taxes

LB150 (Nordquist) Change provisions relating to the sale of natural gas by metropolitan utilities districts and exempt certain purchases of energy and fuel from sales tax

## Thursday, March 14

### Appropriations

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

Agency 19: Dept. of Banking

Agency 22: Dept. of Insurance

Agency 87: Accountability & Disclosure Commission

Agency 65: Dept. of Administrative Services

## Health & Human Services

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

LB240 (Harms) Change work activity requirements for self-sufficiency contracts under the Welfare Reform Act

LB276 (Nordquist) Change reimbursement provisions under the Early Intervention Act and require a medicaid state plan amendment

LB309 (Bolz) Adopt the Dept. of Health & Human Services Delivery Improvement and Efficiency Act

LB330 (Howard) Change eligibility provisions relating to the Supplemental Nutrition Assistance Program

## Revenue

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

LB63 (Schilz) Change distribution of certain sales and use tax revenue

LB64 (Schilz) Change provisions relating to deductions of refunds from municipal sales tax receipts

LB159 (Schumacher) Provide and change sales tax provisions relating to gold, silver, and platinum and provide a tax amnesty

LB251 (Hansen) Change a fee relating to the rental of motor vehicles

## Friday, March 15

### Appropriations

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

Agency 12: State Treasurer

Agency 35: Neb. Liquor Control Commission

Agency 71: Neb. Energy Office

Agency 52: State Fair Board

## Health & Human Services

### Room 1510 - 1:00 p.m.

Appointment: Buhlke, Brian - Neb.

Rural Health Advisory Commission

Appointment: Kent, Mary - Neb. Rural Health Advisory Commission

Appointment: Schroeder, Rebecca - Neb.

Rural Health Advisory Commission

Appointment: Sides, Avery - Neb. Rural Health Advisory Commission

Appointment: Sitorius, Michael - Neb.

Rural Health Advisory Commission

Appointment: Wells, Roger - Neb. Rural Health Advisory Commission

LB535 (Lathrop) Adopt Prescription Monitoring Program Act and repeal prescription monitoring provisions

LB236 (Howard) Appropriate funds to Dept. of Labor to establish an individual development accounts pilot project

LB427 (Howard) Adopt the Carbon Monoxide Safety Act

## Revenue

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

LB282 (Pirsch) Exempt motor vehicle washing and waxing from sales taxation

LB175 (Smith) Change the persons authorized to represent Nebraska under the streamlined sales and use tax agreement

LB447 (Avery) Provide for sales tax on soft drinks, change the distribution of sales tax proceeds, and provide funding for projects to help children

LB516 (Carlson) Adopt the Nebraska Water Legacy Act ■

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