

- the Nebraska Legislature's news source since 1977
- stories published daily at [update.legislature.ne.gov](http://update.legislature.ne.gov)

# UPDATE

## Proposals to lower income tax, raise sales tax considered

The Revenue Committee heard more than 12 hours of testimony Feb. 6 and 7 on two bills that would eliminate all — or a portion of — state income taxes by discontinuing sales tax exemptions. The majority of the testimony was in opposition to the proposals.

Omaha Sen. Beau McCoy introduced LB405 before the committee Feb. 6 on behalf of Gov. Dave Heineman. He said the bill represents the state's first fundamental tax reform proposal in almost 50 years.

"Tax reform is really about the next generation of Nebraska's leaders," he said. "They're only going to be the

leaders of tomorrow if we have the great jobs and low taxes to keep them here. This can help propel our economy well into the 21st century."

The bill would eliminate income tax on individuals, estates, trusts and corporations. McCoy said the bill addresses income tax, rather than sales tax, because it is a far less stable source of revenue for the state.



Sen. Beau McCoy said the state is overdue for tax reform.



Gov. Dave Heineman said the current tax structure unfairly favors some businesses.

ers," Heineman said. "Our goal is a better tax policy environment that will create more high paying jobs and more rewarding careers for our sons and daughters."

Jim Cada, representing the Nebraska Veterans Council, also testified in support of the bill. He said many retired veterans leave the state for more tax-friendly environments.

"Our elders do not want to leave their home state," Cada said. "We fought for more than mediocrity and I challenge you to move the state forward."

Open Sky Institute executive director Renee Fry testified that most scholarly research indicates very little correlation between income taxes and migration from a state.

"Research shows taxes have little influence on where people live," she

Heineman testified in support of the bill, saying the \$5 billion in sales tax exemptions currently in state statute creates a complex and unfair system for the average taxpayer.

"Our current tax system favors one industry over another; it picks winners and losers,"

(continued on page 2)

# Income tax, sales tax proposals considered

(continued from front page)

said. "When they do move, scholarly research shows that they do so for new jobs, lower-cost housing, a better climate or to be near family."

To replace the estimated \$2.4 billion in lost revenue from the elimination of the income tax, LB405 proposes to eliminate nearly half of the state's current sales tax exemptions.

Exemptions that would expire under the bill include those on purchases of:

- manufacturing machinery and equipment;
- agricultural machinery and equipment;
- industrial machinery and equipment;
- ingredient or component parts;
- insulin, prescription drugs and durable medical goods;
- rooms used to house students at educational institutions;
- hospital equipment;
- fuel used in irrigation, farming, manufacturing or by hospitals; and
- equipment built in state and sold outside Nebraska.

Agriculture production specialist Dave Bartels opposed the bill. He said it would unfairly target agriculture, which he called the economic engine that drives the state.

"It's not fair to tax farmers on what they need to produce when they have no control over what they can produce each year," Bartels said. "The goal of gaining new businesses in the state will fail to offset the economic damage to agriculture and existing businesses."

Farmer Gale Lush also opposed the removal of agricultural sales tax exemptions.

"A tax like the one on inputs would just cause more problems for responsible farmers trying to take care of their debts," he said.

Sheri Andrews is president and CEO of Lozier Corporation, which is headquartered in Omaha. She testified in opposition to the elimination of exemptions for inputs and components, saying manufacturers would be unable to pass the tax on and would be forced to absorb it.

"Today we compete in a worldwide economy and you've now made Nebraska manufacturers uncompetitive," she

testified. "Our roots are in the state; we want to stay here and we want to continue to grow here."

Representing the University of Nebraska at Lincoln Residence Hall Association, Meg Brannen opposed the elimination of sales tax exemptions for the cost of renting dorm rooms. She said the loss of the exemption would lead to an additional cost of \$667 annually for students living in dorms.

"This translates to an additional 92 hours that I have to spend working," Brannen said. "This would make living on campus out of reach for me. The added costs means commuting to school and giving up the things I really love about it."

John Cederberg, representing the Lincoln Chamber of Commerce and the Nebraska Chamber of Commerce, opposed the bill. He said he supported the intent of the LB405, but could not support the bill.

"If we can get to a consensus bill that truly moves Nebraska forward and doesn't jeopardize manufacturing, agriculture and healthcare, then we should do it," Cederberg said. "We would like to be part of the conversation to create a usable solution, but this is not it."

The Greater Omaha Chamber of Commerce testified in a neutral capacity. President and CEO David Brown said the chamber encourages a discussion of tax reform, but could not support the proposal in its current form.

"The negative effects this would have on manufacturers, hospitals, agricultural producers and charitable institutions are significant," he said. "We believe the elimination of the sales tax exemptions proposed would do more harm than good."

Jason Hayes, representing the Nebraska State Education Association, also testified in a neutral capacity. He said eliminating the income tax would lead to a loss of \$81 million in state funding to schools.

"We believe there is a need to understand a thorough study of Nebraska's tax policy," Hayes said, "But we are concerned as to whether the bill will truly be revenue neutral."

The committee also heard testimony on LB406, presented by McCoy Feb. 7 on behalf of the governor. The

"This can help propel our economy well into the 21st century."

-- Sen. Beau McCoy



The Revenue Committee hearing room was filled to capacity Feb. 6 and testimony continued well into the night.

bill is an alternative to LB405 that would exempt only a portion of retirement income from income taxes: up to \$12,000 for married couples filing jointly and \$6,000 for single persons. Social security income would not be exempt under the bill.

McCoy said the proposal would provide needed relief to Nebraska taxpayers.

“This is an illustration of what we can do to help retirees and businesses across our state,” he said.

Heineman thanked the committee and citizens for considering his tax proposals, saying, “This is just the beginning of the conversation and it’s so important we hear from citizens from all parts of the state.”

Under LB406, the state would see a loss of approximately \$300 million in revenue from the elimination of the corporation income tax, financial institutions franchise tax and earned income tax credit. To recover the projected loss in revenue, the bill would eliminate sales tax exemptions including:

- mobility enhancing equipment;
- durable medical equipment;

- home medical supplies;
- energy or fuel used in industry, agriculture or by for-profit hospitals;
- molds, dies and patterns used in manufacturing;
- chemicals used in agriculture; and
- seeds and annual plants sold to commercial producers or for exclusively agricultural purposes.

LB406 also would eliminate the refundable Nebraska Advantage Research and Development income tax credit. It would authorize a non-refundable income tax credit, which could be carried forward for five years.

Steve Wellman, representing the Nebraska Soybean Association, opposed the bill, saying it shifted the tax burden to fewer people and would disproportionately hurt farmers.

“This shift and tax increase comes while state income taxes on unincorporated family farms continues,” he said. “LB406 would remove a minimum of \$200 million from the agriculture community and our rural areas.”

Kathy English, executive vice presi-

dent and COO for Children’s Hospital in Omaha, also opposed the bill. She said the elimination of sales tax exemptions on medical equipment would prove especially detrimental to hospital patients.

“We see thousands of patients with exceptionally complicated cases, requiring medical equipment that goes beyond Band-aids and gauze,” English said. “The last thing families should face is one more barrier to caring for a family member.”

Nebraska Power Association representative Laura Kapustka testified that the removal of the sales tax exemption on fuel used in industry would result in double taxation.

“A tax will be assessed on fuel used in generation of energy and again when it is sold to our customers,” she said. “This bill will create a direct and immediate rate increase to customers.”

The committee took no immediate action on either bill. ■

# MEET THE SENATOR

## The “old gray mayor” rides to the Capitol

Jerry Johnson grew up on a farm south of Holdrege. While attending high school, he sang in quartets and participated in many high school musicals, such as *Carousel* and *Oklahoma!*

“I was an understudy for Jud Fry, who was always trying to steal Laurey,” he said, recollecting the plot of *Oklahoma!*

“I am not a natural actor,” he said. “But evidently, I am not inhibited either.”

Johnson later moved to Gothenburg and became involved in the community playhouse, in which he was cast as the leading role of Curly—the protagonist to Jud’s antagonist. Perhaps his portrayal of the two foes

has made him more able to see both sides of an argument.

After attending Luther Junior College in Wahoo, he worked for a petroleum co-op. He then moved to a management position at a different co-op, where his ability to listen and build consensus was recognized. He was asked to manage another co-op that was troubled.

His skills proved useful, and he later became the chief financial officer of a merged co-op and managed many others throughout rural parts of the state.

Later, he was elected to the city council and served as mayor of Wahoo.

Johnson said he had reservations about running for the Legislature only because he did not want to give up his remaining two years as mayor.

Johnson is married to Arlene. They have two children—Bryce and Valerie—and five grandchildren, all of whom live in Nebraska.

The senator continues to sing in a barbershop chorus and has come to be known for a tune he often finds himself singing: the folksong “*The Old Gray Mare*.”

As a result, his wife refers to him as “the old gray mayor,” a play on the title of the song, which he proudly displays on his license plate. ■



Sen. Johnson shows off his personalized license plate, which bears his nickname.



## Agriculture

### Adoption of new milk ordinance advanced

New milk production facilities would be held to higher standards under a bill advanced from general file Feb. 6.

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

Schilz said Nebraska dairies would be unable to operate as usual without the bill's passage.

"This is the nationally recognized standard for milk sanitation and safety," he said. "Dairies in Nebraska need this bill to continue to operate and compete."

Following the adoption of a technical amendment, senators voted to advance the bill to select file on a 39-0 vote.

### New formula for dairy board size advanced

A bill intended to prevent a decrease in the size of the Nebraska Dairy Industry Development Board was advanced from general file Feb. 8.

Under current statute, membership on the board is proportional to the number of milk producers in the state. The formula in place designates one board member for every 40 milk production units.

LB70, introduced by Ogallala Sen.

Ken Schilz, would prevent a decrease in the board's membership below its current level. If the formula results in less than seven members, the governor would appoint a member or members from nominees submitted by the board.

"As we see numbers of producers diminishing in the state, it is a cause for concern," Schilz said. "Dairy can be a huge part of economic development in rural areas in Nebraska. This will make sure that funds that can be used on dairy promotion can move us forward."

An amendment, brought by the committee and adopted 35-0, added an emergency clause and made other technical changes.

Senators advanced the bill to select file on a 40-0 vote.



Sen. Ken Schilz

## Banking, Commerce & Insurance

### External review of health insurance carrier decisions advanced

Lawmakers gave first-round approval Feb. 4 to a bill meant to bring Nebraska into compliance with federal health care reform efforts.

LB147, introduced by Grand Island Sen. Mike Gloor at the request of the Nebraska Department of Insurance, would fulfill 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.

LB147 would require health insurance carriers to notify covered

individuals of their right to request an external review and of the availability of expedited review in certain cases.

Except in cases of expedited review, a covered individual would be required to exhaust the carrier's internal grievance process unless the carrier fails to issue a written decision within 30 days or waives the exhaustion requirement.

An independent review organization (IRO) would 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.

"Insurers would be responsible for reimbursing (IROs) for the cost of review," Gloor said.

Among other provisions, the bill would require IROs to be:

- nationally accredited;
- approved by the director of the Department of Insurance;
- free of material or other conflict of interest in a dispute under review; and
- shielded from liability for damages unless acting in bad faith or involved in gross negligence.

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

Omaha Sen. Jeremy Nordquist spoke in support of the bill, saying access to an external review would help "level the playing field" for Nebraskans denied access to certain treatments by their health insurers.

"This is a big benefit to consumers going forward," he said.

Sen. Steve Lathrop of Omaha questioned the standard of review that IROs would use and the exclusion of disability policies, but said he would take up those concerns on select file.

Senators voted 37-0 to advance the bill.



Sen. Mike Gloor

**Prior approval of insurance rates advances**

Senators gave first-round approval Feb. 5 to a bill that would require state regulation of all health insurance rates for policies issued in Nebraska subject to the federal Patient Protection and Affordable Care Act (ACA).

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



Sen. Tom Carlson

“The ACA requires a state to approve the health insurance rates if put in state statute,” he said. “If a state fails to do so, regulation falls to the federal government.”

The bill advanced to select file 38-0.

**Extension of small business pilot program proposed**

The Banking, Commerce and Insurance Committee heard testimony Feb. 4 on a bill that would alter and extend the Small Business Innovation Act pilot program.

LB628, introduced by Lincoln Sen. Danielle Conrad, would reduce the number of full-time equivalent employees required to qualify



Sen. Danielle Conrad

for the pilot program from five to two. The bill also would extend the sunset date for one year to Dec. 31, 2014.

Conrad said the changes would allow the pilot program, which is targeted at Nebraska-based high growth businesses, to better utilize funds appropriated to it by the Legislature in 2011.

“[LB628] is a technical bill that would

make a good program more user friendly,” she said. “It took a little bit longer than we had hoped for [the program] to get off the ground and moving.”

Janell Anderson Ehrke, CEO of GROW Nebraska, testified in support of the bill. She said her company, which contracts with the state Department of Economic Development to implement the pilot program, has had difficulty finding qualifying companies in rural Nebraska that meet the minimum employee requirement.

No opposition testimony was given and the committee voted 8-0 to advance the bill to general file.

**Business & Labor**

**Bills would provide remedies for wage theft**

The Business and Labor Committee heard testimony Feb. 4 on two bills that would provide protections and remedies for victims of wage theft.

LB177, introduced by Papillion Sen. Jim Smith, would authorize the state labor commissioner to investigate cases in which employers fail to pay their employees wages under the Nebraska Wage Payment and Collection Act.



Sen. Jim Smith

Under the bill, the commissioner may assess civil penalties up to \$1,000 per violation of the act and also may determine whether an employer is liable for waiting time damages of 50 percent of the wages that are owed to the employee. Violations would be a Class IV misdemeanor.

Employees currently must take civil action against employers to collect their unpaid wages, Smith said, which is an unnecessary financial burden to employees who are owed money.

Abbie Kretz, a senior organizer for the Heartland Workers Center, testified in support of the bill, saying the center has received numerous complaints from employees who are owed up to \$30,000 in unpaid wages. Such cases typically involve entry-level positions, she said, so the affected workers rely heavily on each paycheck.

Latino Center of the Midlands executive director Carolina Quezada, testified in support, saying the bill would protect communities and families from unfair labor practices. Certain employers are not fulfilling their contractual agreements to low-income workers, she said, and the workers feel too powerless to take civil action against them.

A related bill was introduced by Omaha Sen. Heath Mello. LB560 would require employers to:



Sen. Heath Mello

- provide employees with 30 days’ written notice before altering the employees’ wages;
- provide employees with an itemized statement listing their wages and deductions on each payday; and
- keep employment records for at least five years if they fall under the Nebraska Fair Employment Practice Act or longer if required by the Nebraska Equal Opportunity Commission.

The bill also would prohibit retaliation against individuals who oppose an unlawful employer practice or who testify, assist or participate in an investigation, proceeding or hearing. The labor commissioner could subpoena records and witnesses in such cases.

Violations would be considered a Class IV misdemeanor.

“Wage theft is a problem affecting millions of workers across the coun-

try,” Mello said. “Over 60 percent of employees nationwide suffer some type of wage theft on a weekly basis.”

Nebraska ranks in the bottom 10 states for providing employee protections against wage theft, he said, so the bill would provide additional methods to enforce such laws and protect employees.

Kretz testified in support of LB560, calling it an effective preventative approach to wage theft.

“Making [wage theft] a misdemeanor is the first step to deterrence and employers will think twice about not paying employees,” Kretz said.

Kevin Hilton of the North Central States Regional Council of Carpenters, also testified in support, saying that wage theft is common and affects many carpenters in Lincoln and Omaha. Contractors who fail to pay employee wages have less overhead costs and reduce their project bids by about 30 percent, he said, which eliminates a competitive balance in the industry.

Commissioner of the Nebraska Department of Labor Catherine Lang testified in a neutral capacity on both bills, saying the department receives about 33,000 annual complaints from employees who are victims of wage theft. She said more investigations would be conducted and the department’s workload would increase if either of the bills were passed.

No one testified in opposition to the bills and the committee took no immediate action on them.

### **Bill would implement short-time compensation program**

The Business and Labor Committee heard testimony Feb. 4 on a bill that would adopt an employer short-time compensation program.

LB559, introduced by Omaha Sen. Heath Mello, would create a voluntary program that would allow employers

to temporarily reduce normal work hours in lieu of temporary layoffs for designated employees. Employees under a short-time compensation plan would be eligible for partial unemployment insurance benefits.

Mello said short-time compensation programs would benefit both employees and employers. Such programs would help businesses retain their workforce in tough economic times, he said, which would save them the cost of hiring and recruiting new employees.

Additionally, Mello said, preserving jobs would reduce state costs for Medicaid and other social programs that result from unemployment.

James Goddard, a program director for Nebraska Appleseed, testified in support of the bill, saying that about 32 percent of Nebraska workers are considered low-income. Low-income earners who are laid off sometimes have inconsistent work histories that create barriers to new employment, he said, so the bill would provide them some stability.

Commissioner of the Nebraska Department of Labor Catherine Lang testified in opposition to the bill. Federal funds would offset the \$12 million cost of implementing the bill until August 2015, she said, but the state would incur any additional costs thereafter.

The committee took no immediate action on the bill.

## **Education**

### **Association membership would be optional for community colleges**

A bill that would no longer require community colleges to join an association was advanced from general file Feb. 8.

LB211, introduced by York Sen. Greg Adams, would finalize an agreement reached by the community

college boards. Under the bill, joining an association of community colleges would be voluntary.

Adams said mandatory involvement in associations was eliminated in 2011 but was never officially removed from statute.

“The community college association doesn’t exist anymore,” he said. “This bill reaffirms that they don’t have to belong to any association they don’t want to. The coordination of any programming will not be done by the Postsecondary Commission.”

The bill would strike an existing statute requiring that any meeting by a community college association be conducted in accordance with the Open Meetings Act. Additionally, the bill would authorize the board of governors of any community college to use college funds to pay for association membership.

Malcolm Sen. Ken Haar introduced an amendment that would reinstate the open meetings provision. He said the Legislature originally added the open meetings requirement and removing it now would be moving the state in the wrong direction.

“What does the community college association have to hide?” Haar asked. “If they have nothing to hide, why should we get rid of the open meetings requirement?”

Lincoln Sen. Bill Avery supported the amendment, saying that transparency is vital to retaining citizens’ trust.

“Openness is fundamental to the ability of our citizens to hold public entities accountable,” he said.

Norfolk Sen. Jim Scheer opposed the amendment, saying any decision made by an association would have to be approved by a community college’s board of governors, which would be



Sen. Greg Adams

subject to the open meetings law.

“When we change a government entity to a nongovernment entity, it loses the requirements of a government entity,” Scheer said. “Any decisions made go back to the boards of governors and votes are taken during an open meeting.”

Haar withdrew the amendment and said he would raise the issue again on select file.

Following the adoption of a technical amendment, senators advanced the bill to select file on a 34-1 vote.

**Bill would delay school aid certification date**

Lawmakers gave first-round approval Feb. 7 to a bill that would move the certification deadline for state aid to schools for the 2013-14 school year.

LB408, introduced by Cedar Rapids Sen. Kate Sullivan, would move the certification deadline for state aid and budget authority under the Tax Equity



Sen. Kate Sullivan

and Educational Opportunities Support Act (TEEOSA) from March 1 to June 1 for the 2013-14 school fiscal year. The certification date would revert back to March 1 for the 2014-15 school year.

Sullivan said the change would allow the Legislature time to consider all the factors relevant to the TEEOSA formula.

“We need time to look at the proposals, to deliberate on them and discuss them,” she said, “and we don’t need to have the additional pressure of making those decisions too early in the process.”

LB408 advanced to select file 35-0.

**Bills would increase access to adult and career technical education**

Members of the Education Committee heard testimony Feb. 4 on two

bills that would increase students’ access to adult and career technical education programs.

LB480, introduced by Omaha Sen. Steve Lathrop, would establish the Nebraska Career Technical Education Grant



Sen. Steve Lathrop

Program. Administered by the Coordinating Commission for Postsecondary Education, the program would provide grants of up to \$1,000 to students enrolled in career technical education programs at community colleges.

Lathrop said he introduced the bill because the demand for highly skilled, technical positions significantly outweighs the number of eligible workers.

“We need to grow our workforce,” he said. “When we grow our workforce we need to place an emphasis on creating quality jobs that can be filled with well educated and well trained Nebraskans.”

Under the bill, individuals, businesses and nonprofit organizations could donate funds for specific programs at a community college.

Dennis Baack, executive director of the Nebraska Community College Association, supported the bill. He said community colleges are having trouble finding enough students to train for technical positions.

“We’re always looking to get more students involved in critical careers like welding,” Baack said. “If this provides that kind of incentive, that’s great news.”

Coordinating Commission for Postsecondary Education executive director Marshall Hill testified in a neutral capacity. He said he supports the bill but is unsure of its fiscal impact on the commission.

“We do have experience administering financial aid programs but the details of how this would be administered are vague right now,” he said.

“We’re just trying to figure out the fiscal impact on our commission.”

The committee also heard testimony on LB366, introduced by Omaha Sen. Tanya Cook, which would appropriate money from the Education Innovation Fund to help defray the costs



Sen. Tanya Cook

associated with new federal guidelines for administering the GED program. Cook said it is important to recognize the difficulty in preparing the adult workforce for new challenges.

“Workers with a high school diploma or GED certificate have both greater employment opportunities and earning potential than those who do not,” she said. “It is vital that we offer easy access to educational opportunities to all citizens of Nebraska.”

Susan Raftery, dean of literacy and workplace skills for Metropolitan Community College, testified in support of the bill. She said providing greater access to diploma equivalency programs is important in a more challenging job market.

“It’s important that we have multiple pathways for students to reach a diploma equivalency,” Raftery said. “We’re seeing a number of people with no technology skills that can be applied in the workforce.”

No one opposed the bills and the committee took no immediate action on them.

**Bills would make superintendent compensation more transparent**

The Education Committee heard testimony on two bills Feb. 5 that would require more transparency with regard to school superintendent contracts and compensation.

Under LB470, introduced by Norfolk Sen. Jim Scheer, a superintendent’s con-



tract — including all current and future costs to the school district — must be publicly posted at least five days before it can be considered for approval by a school board. Scheer said citizens deserve to know the details of compensation packages offered to superintendents.



Sen. Jim Scheer

“It’s disingenuous to say a superintendent’s contract has been extended without providing any detail,” he said. “It may or may not make any difference, but the public should know what’s being spent.”

After approval of a superintendent’s contract, the bill would require the school board to file a copy of the contract and any amendments with the state Department of Education by Aug. 1. If a school board fails to meet this requirement, all state aid granted under the Tax Equity and Educational Opportunities Support Act would be withheld until the school board is compliant. Additionally, the county treasurer would be directed to withhold all school money until the contract has been filed with the department.

Shawn Renner, representing Media of Nebraska, Inc., supported the bill, saying school board expenditures are a primary concern in many communities.

“As a general rule we promote transparency in government expenditures,” Renner said. “It will make the job of both broadcasters and newspaper reporters easier to accurately report what is happening with school boards.”

John Bonaiuto, representing the Nebraska Association of School Boards, opposed the bill, saying contract details should be made public only after a board has taken action on it.

“It’s not good state policy to ask a school board to start publishing contract information before the board has

approved the contract,” Bonaiuto said. “If the voters and the community are unhappy with the actions of the board, they should exercise their authority at the next election.”

The committee also heard testimony on LB274, introduced by Omaha Sen. Jeremy Nordquist, which would require a school district to post a report detailing the salary and any fringe benefits contained in a superintendent’s contract within 30 days of school board approval of the contract.

Nordquist said transparency is important because superintendents are some of the highest paid public officials in most communities.

“It’s important that we promote transparency,” he said. “It will lead to increased accountability and greater deliberation by those approving compensation.”

Bonaiuto supported the bill, saying that a standardized form of reporting the information would be helpful to all involved.

“This is public information,” he said. “It should be presented in a way that’s easy to understand.”

State Department of Education representative Brian Halstead testified in a neutral capacity. He said the department does not object to the bill, but that it should provide a better definition of compensation.

“We have no opposition to providing transparency with regard to the compensation of any employee,” he said. “We do need more specific direction as to what compensation entails.”

No one testified in opposition to the bill.

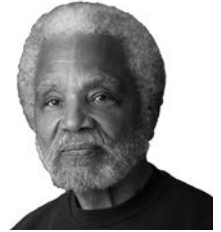
The committee took no immediate action on either bill.

**Bill would remove teaching requirement from superintendent positions**

A lack of teaching experience

would not disqualify a school superintendent candidate under a bill heard by the Education Committee Feb. 5.

Currently any person considered for a superintendent position must have at least two years of classroom experience. LB539, introduced by Omaha Sen. Ernie Chambers, would remove that requirement.



Sen. Ernie Chambers

Chambers said he introduced the bill because teaching experience does not inherently qualify someone for the role of superintendent. Many potential candidates do not apply because they lack the required two years of teaching, he said.

“I don’t see any connection between two years of teaching and the ability to effectively operate a school district,” he said.

Jay Sears, representing the Nebraska State Education Association, opposed the bill, saying the role of superintendent requires more than managerial skills.

“Our whole process of preparing educators to be teachers, principals and superintendents is based upon a progression of knowing about education,” Sears said. “All professions have standards and we have ours.”

No one testified in support of the bill and the committee took no immediate action on it.

**Executive Board**

**Special investigative committee reauthorized**

Senators passed a resolution on Feb. 4 to reauthorize a special investigative committee.

LR20, introduced by Omaha Sen. Steve Lathrop, reconstitutes the Develop-

mental Disabilities Special Investigative Committee of the Legislature through the current biennium. The committee first was assembled in 2008 to address a number of issues at the Beatrice State Developmental Center (BSDC) that led to a loss of federal funding.

Lathrop said he introduced the resolution because the BSDC must still make considerable progress.

“We were doing such a poor job at BSDC that the Department of Justice found that we were violating the civil rights of the people living there,” he said. “BSDC has made substantial progress, but we’re just not there yet.”

Senators voted 39-0 to adopt the resolution.

## General Affairs

### Bill would create problem gambling commission

The General Affairs Committee heard testimony Feb. 4 on a bill that would make several changes to the utilization of gaming funds for services to the state’s problem gamblers.

LB6, introduced by Omaha Sen. Bob Krist, would establish the Nebraska Commission on Problem Gambling within the



Sen. Bob Krist

state Department of Revenue. The nine-member commission would be required to develop operational standards for a Gamblers Assistance Program – also created by the bill – and would oversee the Compulsive Gamblers Assistance Fund.

Members, appointed by the governor, would include members of the medical and mental health care fields, as well as representatives from the banking and finance industry, education and consumers of problem gambling services.

Members would serve three-year terms and would be reimbursed for expenses.

The commission would:

- appoint the director of the Gamblers Assistance Program;
- evaluate the scope of problem gambling in Nebraska;
- contract with treatment providers for services; and
- create public awareness and outreach programs.

Krist said problem gamblers and their families have expressed concerns about the services currently available from the State Committee on Problem Gambling, which is located within the Division of Behavioral Health at the Nebraska Department of Health and Human Services (DHHS).

He said the bill is similar to recent legislation revamping state oversight of the foster care system. Krist said citizens were clear when they approved gaming in Nebraska that part of the revenue should be spent helping problem gamblers.

“LB6 properly restores the state’s ability to provide proper treatment for problem gamblers in Nebraska,” Krist said.

Jerry Bauerkemper, executive director of the Nebraska Council on Compulsive Gambling, testified in favor of the bill. DHHS is not responsive to input from the current committee, he said, and has spent money on ineffective outreach programs and inappropriate training for problem gambling counselors.

Dr. Dennis McNeilly, a psychiatry professor at the University of Nebraska Medical Center and former member of the State Committee on Problem Gambling, agreed.

“It became increasingly apparent to me that the expertise and knowledge of the problem gambling field were not being incorporated [into funding decisions],” he said.

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

### Bill would create 15 new state patrol positions

Nebraska would fund 15 new positions at the State Patrol under a bill heard Feb. 4 by the General Affairs Committee.

Wilber Sen. Russ Karpisek, sponsor of LB579, said the bill arose out of concern that the Nebraska Liquor Control Commission (LCC) does not have adequate resources to enforce the state’s Liquor



Sen. Russ Karpisek

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.

The exact relationship between the Nebraska State Patrol and the LCC regarding the 15 investigators would be spelled out in an agreement between the two entities, he said.

Hobie Rupe, director of the Nebraska Liquor Control Commission, testified in support of the bill, saying the LCC had its own inspectors prior to 1987. In an effort to consolidate agencies with law enforcement authority under one entity, he said, those inspectors were transferred to the State Patrol.

With the increase of craft breweries, farm wineries and liquor licenses in general, Rupe said, the LCC is in a “reactionary” position when it comes to enforcement.

Jim Moylan of the Nebraska Licensed Beverage Association testified in opposition to the bill, saying local law enforcement is in the best position to deal with violators of the state’s liquor laws.

“We’re not against enforcement, but we’ve always said before that it ought to be local enforcement,” Moylan said. “We recommend that you save money and not pass the bill.”

LB579 is estimated to cost \$2.9 million over the next two fiscal years.

The committee took no immediate action on the bill.

## Government, Military & Veterans Affairs

### Elimination of boards and commissions advanced

Senators voted to advance a bill from general file Feb. 7 that would eliminate certain boards and commissions.

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



Sen. Bill Avery

Avery said the Government, Military and Veterans Affairs Committee set a low bar for the boards and commissions to clear.

“We did not make any judgments about the value of these boards,” he said. “If they are not meeting and do not have any accomplishments to report, there’s little reason to justify continuation.”

The following boards and commissions would be eliminated:

- the Affirmative Action Committee;
- the State Airline Authority;
- the Athletic Advisory Committee;
- the Livestock Advisory Committee;
- the Private Postsecondary Career Schools Advisory Council;
- the Riparian Vegetation Management Task Force; and
- the Rural Development Commission.

A committee amendment, adopted on a 36-0 vote, retained the Private Postsecondary Career Schools Advisory Council and the Riparian Vegetation Management Task Force, removing them from the list of boards to be eliminated. It also added the Economic Development Commission to the list to be eliminated, at the request of state Economic Development director Catherine Lang.

An amendment to the committee amendment, proposed Feb. 6 by Scottsbluff Sen. John Harms, and approved 25-12, removed the State Airline Authority from the list. Harms said the Airline Authority was essential to economic development in rural Nebraska.

“This is absolutely critical for rural Nebraska,” he said. “There is no connection from western Nebraska to Lincoln and Omaha.”

Omaha Sen. Ernie Chambers disagreed with the vote and filed a motion to reconsider the vote. “I hear all kind of talk about reducing the size of government,” he said, adding that the board has not had a commissioner or board members for over 20 years.

Omaha Sen. Scott Lautenbaugh supported the motion to reconsider, saying that eliminating the board is the right decision for right now.

“This is not a rural versus urban issue,” he said. “If it ever comes back into needed existence, I’m sure the Legislature will oblige.”

Chambers filed a motion to reconsider the vote, which was approved 25-13.

The motion was approved 25-13, Harms withdrew his amendment Feb. 7. Senators then advanced the bill to select file on a 37-0 vote.

### Bill would allow 16- and 17-year-olds to preregister to vote

The Government, Military and Veterans Affairs Committee heard testimony Feb. 7 on a bill that would

provide a process for 16- and 17-year-olds to preregister to vote in Nebraska.

Lincoln Sen. Amanda McGill, sponsor of LB127, said the bill would prepare young people for the responsibility of exercising their right to vote.



Sen. Amanda McGill

She said the bill was part of a process in which she and legislative staff visited Omaha South High School and showed them how bills are drafted and move through the legislative process.

“It’s been a great experience for them to see how this process works firsthand from the beginning,” McGill said. “We all want our children to take an interest in government and be engaged, and to get out and vote. We want them to be informed.”

Under the bill, the secretary of state’s office would maintain a database of pre-registered individuals and a confirmation card would be sent two weeks prior to the projected effective date of the person’s voter registration.

Upon return of the confirmation card, the individual would be registered to vote and would be sent an acknowledgement card.

Jake Bruckner, a student at Omaha South High School, testified in support of the bill, saying it may help young people become interested in politics. Teachers could use pre-registration as a starting point for discussing voting and politics, he said.

“When it comes time to vote, our young people will be ready to make an educated decision on who they would like to vote for,” he said, adding that senators shouldn’t be concerned about the bill’s approximately \$17,000 fiscal impact.

“These expenses basically pay for themselves by making us a more representative democracy,” Bruckner said.

Lazaro Spindola, director of the

Latino American Commission, also testified in support of the bill. He said research shows that young people who are registered vote at approximately the same rates as other voters. The problem, he said, is that only 59 percent of eligible voters ages 18 to 24 are registered to vote.

“There is not so much a participation gap as a registration gap,” Spindola said. “Young people vote when they are registered.”

Platte County Election Commissioner Diane Olmer testified in opposition to the bill, saying the process it outlines is confusing.

The bill does not contain a provision for confirmation cards to be sent immediately to young people who preregister, she said, which could leave them unsure of when they are eligible to vote. In addition, she said, most county election commissioners already engage in outreach to register young voters.

“I think the current system ... is maybe a more clear-cut way to handle the situation,” Olmer said.

The committee took no immediate action on the bill.

**Bill seeks greater local government access**

The Government, Military and Veterans Affairs Committee heard testimony Feb. 6 on a bill aimed to increase access to local government information.

LB521, introduced by Imperial Sen. Mark Christensen, would require all classes of cities and villages that have an official website to publish their ordinances on the website effective Jan. 1, 2014.

The bill also would require all public bodies with an official website



Sen. Mark Christensen

to publish their meeting notices and agendas on the website.

Both provisions would be in addition to current requirements for publishing public notices and agendas.

“LB521 seeks to provide greater access to local government and their actions for the residents of Nebraska,” Christensen said. “If you want your people informed and to know what’s going on, it should be easily accessible.”

Alan Peterson of ACLU Nebraska testified in support of the bill, saying citizens should be made aware of ordinances that they could be punished for violating.

He cited three instances that resulted in complaints to the ACLU when residents of Nebraska towns were denied full access to city ordinances by town clerks. Having the information available on the Internet would increase access, Peterson said.

Gary Krumland of the League of Nebraska Municipalities testified in opposition to the bill, saying many small towns and villages lack the staff and resources to comply with the bill as written.

“You’re not just dealing with large cities with large staffs who update their websites every day,” he said, adding that many small communities likely would chose to drop their websites if the bill were passed.

Jack Cheloha, testifying on behalf of the city of Omaha, also opposed the bill. Omaha is committed to transparency in government, he said, but would have over 150 years’ worth of documents to process and place on the city’s website under LB521.

“We probably have, through the years, over 40,000 ordinances that have been passed,” Cheloha said.

The committee took no immediate action on the bill.

**Health & Human Services**

**Newborn heart disease screening advanced**

Senators advanced a bill to select file Feb. 8 that would adopt the Nebraska Critical Congenital Heart Disease Screening Act.

Under LB225, introduced by Pappillion Sen. Jim Smith, all newborns in Nebraska would be required to undergo screening for critical congenital heart disease (CCHD) in accordance with standards adopted by the state Department of Health and Human Services (DHHS).



Sen. Jim Smith

CCHD is among the leading causes of morbidity and death in newborns, Smith said, and can be detected with a simple test similar to those already required for hearing, metabolic and inherited disorders.

“Early detection saves lives and saves money,” he said, “and all at a very insignificant cost.”

A Health and Human Services Committee amendment, adopted 32-0, replaced the bill and outlines who would be responsible for screening newborns.

As amended, the bill would require an attending physician to screen or cause the CCHD screening of a newborn in a birthing facility. For planned deliveries outside of a birthing facility, the prenatal care provider would inform the parent of the screening requirement and the parent would be responsible for having the screening performed.

For other deliveries outside of a birthing facility – if the newborn is not admitted to a birthing facility – the person registering the birth would be responsible for having the screening performed.



The bill also would require DHHS to develop educational materials and apply for federal funds for the program. The bill advanced on a 40-0 vote.

**Federal funds sought for non-residential treatment options**

The Health and Human Services Committee heard testimony Feb. 7 on a bill that would require the state to seek federal funds for services for children with serious emotional disturbances (SED).

LB270, sponsored by Lincoln Sen. Kathy Campbell, would require the state Department of Health and Human Services (DHHS) to submit a state plan amendment or waiver to the federal Centers for Medicare and Medicaid Services by Sept. 1, 2013.



Sen. Kathy Campbell

Campbell said the bill was the result of studies undertaken as part of the Legislature’s examination of the state’s child welfare system. She said the analysis suggested that Nebraska seek federal funds to replace the use of general funds for providing non-residential services to children with SED.

Under the bill, the amendment or waiver would be required to serve youth ages four through 21 who have been deinstitutionalized or diverted from a psychiatric hospital level of care. Services under the waiver would include:

- attendant care;
- independent living and skills building;
- short-term respite care;
- parent support and training;
- professional resource family care; and
- facilitation of community-based wrap-around services.

Sarah Forrest of Voices for Chil-

dren in Nebraska testified in support of the bill, saying children with serious mental and behavioral health needs should be able to obtain care in the least restrictive environment possible.

“When youth can be close to home, their outcomes are better,” Forrest said. “This is just better for kids.”

James Goddard of Nebraska Ap-pleseed also testified in support of the bill. He said the organization continues to receive calls from families who are “pushed to the brink” and are considering relinquishing their children to the state in order to obtain services.

Vivianne Chaumont, director of the Division of Medicaid and Long-Term Care at DHHS, testified in opposition.

She said the bill would create an expansion of Medicaid services and eligible individuals. In addition, she said, the extensive research and planning required for a state plan amendment or waiver could not be done within the bill’s timeframe.

“Sept. 1, 2013, is not realistic,” Chaumont said.

The committee took no immediate action on the bill.

**Massage therapy clarification sought**

The Health and Human Services Committee heard testimony Feb. 6 on a bill meant to clarify the state’s definition of and licensing requirements for massage therapy.

LB315, introduced by Sen. Mark Christensen of Imperial, would clarify the definition of massage therapy in state law.

Under the bill, any person engaging in the physical, mechanical or electrical manipulation of soft tissue for compensation in Nebraska would be considered to be practicing massage therapy, regardless of how the service is described. The individual also would be required to be licensed under the state’s

Massage Therapy Practice Act.

The bill would not alter current exemptions from the definition of massage therapy, including the use of procedures for which a license to practice medicine, surgery, chiropractic or podiatry is required.

Christensen said escort services advertise non-therapeutic massage services in an attempt to subvert the state’s licensing requirements, which harms the reputation of legitimate massage therapists.

Al Riskowski, executive director of the Nebraska Family Council, testified in support of the bill, saying it would close a loophole in state law that is being exploited by escort services without harming legal massage providers.

“We feel this will give police one more way to evaluate the legitimate and illegitimate (operators) in this area,” he said.

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

**Bill would clarify authorization for disposition of military members’ remains**

The Health and Human Services Committee heard testimony Feb. 8 on a bill seeking to clarify authorization of disposition of a military member’s remains.

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



Sen. Amanda McGill

legal instrument authorizing an individual to direct disposition of military remains. The person authorized by the form to direct disposition of remains is known as a PADD.

McGill explained that current Nebraska laws seems to require that a

deceased person have completed a notarized affidavit to designate a PADD, but the DD Form 93 form is not notarized. The document is, however, witnessed by an authorized military official and is updated every year on the service member's birthday and prior to each deployment, she said.

Military families are devastated by the loss of a service member, McGill said, and that trauma is made worse by legal battles that may ensue over disposition of remains.

"They should not have to worry about how the loved one's remains will be handled," she said. "This is happening here in Nebraska, however, and that is why I introduced this bill."

Retired Nebraska National Guard Adjutant General Roger Lempke testified in support of the bill. Family members may not always agree on disposition of remains, he said, but following the DD Form 93 would ensure that a service member's most recent wishes are honored.

"It is the most current document that a service member has to identify those key things that are immediately important should they die," Lempke said. "Without that, matters can become contentious."

Joyce George-Peck, mother of Staff Sgt. Patrick Hamburger, also testified in support of the bill. She said that in his DD Form 93, which Hamburger signed prior to his deployment to Afghanistan, she was the person designated to direct disposition of her son's remains.

"Patrick had been in theater for less than a week when he gave his life for his country," George-Peck said, adding that Hamburger had outlined specific instructions in the form regarding his headstone and other wishes.

However, the mother of Hamburger's son produced a document claiming the right to dispose of his

remains, George-Peck said, which was upheld by the court because it was notarized and the DD Form 93 was not. As a result, she said, no mention of Hamburger's rank or service appear on his memorial.

"I'm unable to fully keep a mother's last promise to her son," she said.

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

## Judiciary

### Bills would increase shared parenting time

The Judiciary Committee heard testimony Feb. 6 on two bills that would amend parenting plan provisions.

LB212, introduced by Wilber Sen. Russ Karpisek, would require that court-created parenting plans grant each parent at least 45 percent of annual parenting time. Parents requiring sole custody must present evidence to the court.



Sen. Russ Karpisek

Karpisek said Nebraska saw more than 6,000 divorce cases in 2010 that involved the custody of children. The father was awarded custody in only 10 percent of the cases, he said.

Children who spend less than 35 percent of their time with either parent suffer more from medical issues, he said, so shared parenting arrangements would provide them better outcomes.

Kearney Sen. Galen Hadley sponsored LB22, which would allow parents to submit an agreed-upon parenting plan in custody proceedings and participate in decision-making that results in maximized parenting time with the child.

The courts would be prohibited from adopting a parenting plan that favors a parent's or child's gender.

Les Veskrna, executive director of the Children's Rights Council of Omaha, testified in support of the bills, saying Nebraska ranks low among states that enable children to live with their families.

"Nebraska leads the nation in the number of children in foster care because of its failure to recognize the importance of shared parenting and keeping children with their families," he said.

Kristina Guerrero-Sisneroz, a family law attorney in Lincoln, testified in support, saying that Nebraska tends to award mothers custody. Most divorce cases involve two fit parents, she said, but if they do not agree to joint custody the judge must choose between them.

"The dad only tends to win [sole custody] if the mom is unfit or has another issue where the children are not her priority," Guerrero-Sisneroz said.

Beau Caddell, a divorced father, supported the bills. The current process forces the courts to choose between two fit parents, he said, which causes difficulty for parents who otherwise might get along.

"I have to try and take the person that our child cares about and turn her into a villain to get more time with my child," he said.

Jennifer Gaughan, representing Legal Aid of Nebraska, testified in opposition to the bills, saying they would require victims of abuse to have the burden of proof in custody cases. Low-income individuals who are in abusive relationships may not be able to afford an attorney, she said, which would put them at a disadvantage.

Adam Astley, a domestic relations lawyer in Omaha, testified in opposition, saying each custody case has a unique set of facts that should be

considered. The bills would eliminate the courts' requirement to conduct a detailed analysis that is used in determining which parent receives sole custody, he said.

Sarah Forrest, policy coordinator for Voices for Children in Nebraska, testified in a neutral capacity, saying joint custody decisions have increased almost 30 percent statewide since 2007.

"We are concerned that the emphasis on parenting time would move the best interest of the children from the central position," Forrest said.

**Bill would allow parole for juvenile life sentences**

The Judiciary Committee heard testimony Feb. 8 on a bill that would change penalty provisions for felonies committed by juveniles.

Under LB44, introduced by Omaha Sen. Brad Ashford, a juvenile convicted of a Class IA felony could serve a minimum of 20 years imprisonment and up to a maximum of life imprisonment.



Sen. Brad Ashford

The only sentencing option for juveniles convicted of such offenses currently is life imprisonment without the possibility of parole.

The U.S. Supreme Court ruled in 2012 that sentencing juveniles to life imprisonment without the possibility of parole was a violation of the Eighth Amendment of the U.S. Constitution. Ashford said the bill would bring Nebraska into compliance with the recent Supreme Court ruling.

Nebraska's correctional facilities currently house 282 inmates who were incarcerated as juveniles, Ashford said, and of that population, 27 were sentenced to life imprisonment without the possibility of parole.

Kayla Pope, a child psychiatrist at Boys Town National Research Hospital, testified in support of the bill. Juveniles make poor decisions because they are immature and act impulsively, she said, so they should not be held to the same standards as adults.

Alan Peterson, representing ACLU Nebraska, also testified in support. If juveniles are more susceptible to influence than adults, he said, then they should be more capable of rehabilitation.

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

**Bill would expand child visitation provisions**

The Judiciary Committee heard testimony Feb. 6 on a bill that would expand grandparent-child visitation provisions.

Currently, a grandparent may petition for visitation rights only if the:

- child's parents are deceased;
- marriage of the child's parents has been dissolved or a petition for dissolution has been filed; or
- parents have never been married but paternity has been established.

LB124, introduced by Omaha Sen. Scott Lautenbaugh, would allow court-ordered visitation rights for a grandparent if he or she has made prior reasonable efforts to have visitation with a minor



Sen. Scott Lautenbaugh

child, but the child's parents have refused such visitation. The court would be allowed to consider the potential relationship between the grandparents and grandchild.

Lautenbaugh said the courts currently favor situations in which a child's parents are unmarried. Grandparent visitation rights are important regardless of the parents' marital status and should be given consideration by the courts, he said.

Dennis Lee, an attorney in Omaha and guardian ad litem, testified in support of the bill. Grandparents who want to see their grandchildren have very limited legal remedies, he said, so the bill would allow them an opportunity to seek visitation rights.

Mark Intermill, representing AARP Nebraska, also testified in support, saying that grandparents have positive impacts on their grandchildren. Children who experience unfortunate family circumstances could have more positive experiences if a relationship with their grandparents was established, he said.

Shannon Saltzman, a father who lives in Omaha, testified in opposition to the bill. Some grandparents are estranged from their adult children due to abuse, he said, and parents do not want such abuse reoccurring with their own children.

Robert Sanford, representing the Nebraska Domestic Violence Sexual Assault Coalition, also testified in opposition. The bill fundamentally changes current law by allowing a decision made by an intact family to be called into question, he said. This could be unconstitutional and a violation of the parents' fundamental rights to the care, custody and control of their children, he added.

The committee took no immediate action on the bill.

**Bill would terminate parental rights of sexual assault offenders**

Paternal rights of children conceived from sexual assaults could be

terminated under a bill heard by the Judiciary Committee Feb. 6.

Under LB182, introduced by Lincoln Sen. Bill Avery, a biological mother would be allowed to terminate the parental rights of a biological father who is convicted of a sexual assault during which the child was conceived. The court would determine if child support payments by the biological father are in the child's best interest.



Sen. Bill Avery

He cited a Nebraska case in which a woman became pregnant as the result of a sexual assault and chose to give birth to the child. In an effort to avoid a public trial, the mother agreed to let the perpetrator plea to a lesser charge, he said, so the biological father was granted visitation rights to the child.

Patricia Samuels, a family law attorney in Norfolk, testified in support of the bill, saying that sexual assault charges often are reduced because the victim does not want to confront the assailant in a courtroom. Assailants who are not convicted of first-degree sexual assaults could be allowed visitation rights to the child conceived from the assault, she said.

Robert Sanford, representing the Nebraska Domestic Violence Sexual Assault Coalition, also supported the bill, saying current laws require ongoing contact between the victim and the abuser.

He cited a Nebraska case in which an 11-year-old conceived as a result of a sexual assault and gave birth to the child when she was 12 years old. She was bullied by her peers for being pregnant at a young age and was forced to allow the biological father visitation rights, Sanford said.

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

**Bill would require inmate health care copayments**

Inmates would be required to make copayments for doctor visits under a bill heard by the Judiciary Committee Feb. 7.

LB246, introduced by O'Neill Sen. Tyson Larson, would require an inmate housed in a county or state correctional facility



Sen. Tyson Larson

to pay a copayment of \$10 for every self-initiated, non-emergency visit to a health care provider. Inmates who fail to pay would have 50 percent of their account deposits withheld until the copayment has been paid in full.

Copayments would not be charged for treatments of chronic illnesses, diseases, emergency care or staff-initiated care.

Larson said some inmates abuse the medical services provided to them by requesting to see doctors because they are bored and want to pass time.

"This bill would help relieve the state and county costs of inmate medical care," Larson said.

Holt County Sheriff Ben Matchett testified in support of the bill, calling it frustrating and costly to treat individuals who have nothing wrong with them.

Amy Miller, legal director for ACLU-Nebraska, testified in opposition to the bill, saying it would transfer other costs to taxpayers.

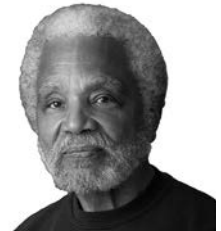
Requiring inmates to pay copayments would limit their ability to pay other expenses like child support, Miller said, which could result in an increase of public assistance to their families.

The committee took no immediate action on the bill.

**Bill would prohibit parolees, prisoners from being undercover agents**

The Judiciary Committee heard testimony Feb. 7 on a bill that would prohibit people who are on parole, probation or work release from acting as undercover agents or employees of any law enforcement agency.

Under LB267, introduced by Omaha Sen. Ernie Chambers, evidence gathered in violation would be inadmissible in court.



Sen. Ernie Chambers

Those on parole, probation and work release are in vulnerable positions, Chambers said, which renders them susceptible to pressure from law enforcement to work undercover. These individuals should be learning how to function in society instead of being encouraged to break the law, he said.

Jerry Soucie, a member of the Nebraska Criminal Defense Attorneys Association, testified in support of the bill. Using parolees as undercover agents requires them to break their parole conditions and engage in criminal conduct, he said.

"This practice does not solve the crime," Soucie said. "It exacerbates the crime."

Hall County Attorney Mark Young testified in opposition to the bill. Parolees and prisoners have connections to criminal enterprises that law enforcement lack, he said, so the access and information they can provide to law enforcement by way of acting undercover is necessary to uphold the law.

Greg Gonzales, deputy chief of the Omaha Police Department, also testified in opposition, saying the state



does not have a standardized system for working with confidential sources.

“As we battle crime in our cities, I believe it would hinder the officers’ and detectives’ ability to solve crimes if we have individuals that want to come forward and provide information [to law enforcement] but cannot because they are on parole,” Gonzales said.

The committee took no immediate action on the bill.

## Natural Resources

### Bill would authorize commission orders

The Natural Resources Committee heard testimony Feb. 8 on a bill that would increase 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



Sen. Lydia Brasch

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.

“This has led participants to become frustrated that the commission seemingly is not listening to their concerns,” she said.

The bill would categorize these issues under 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.

Timothy McCoy, deputy director of the state Game and Parks Commission, testified in support of the bill. He said the bill would increase

the commission’s flexibility without eliminating transparency.

“Our intent is not to avoid the public input process,” he said. “We encourage it and it’s incredibly helpful in our decision-making process.”

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

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

## Retirement

### Changes to school retirement plans proposed

The Nebraska Retirement System Committee heard testimony Feb. 6 on two bills that would make changes to the state’s school retirement plans.

Omaha Sen. Jeremy Nordquist, introducer of both bills, said they are intended to address both short- and long-term funding obligations for the School Employees Retirement System and the Class V (Omaha) School Retirement System.



Sen. Jeremy Nordquist

LB553 would create a new tier of reduced benefits for employees under the School Employees Retirement System who begin work for the first time on or after July 1, 2013.

The bill would reduce the cost of living (COLA) adjustment from 2.5 to 1 percent for members in the new tier and increase from three to five the number of years used to determine final average salary for purposes of calculating a member’s retirement benefit.

The new tier of benefits would not apply to employees who are members of the plan prior to July 1, 2013.

Finally, the bill would change the amortization method for the plan from level dollar to level percent of pay beginning with the July 1, 2013 state contribution payment.

LB554 would make similar changes to the Class V School Employees Retirement System. The bill would create a new tier of reduced benefit for new employees hired on or after Sept. 1, 2013, and make the following changes regarding the new tier:

- reduce the COLA from 1.5 to 1 percent; and
- increase from three to five the number of years used to determine final average salary for purposes of calculating a member’s retirement benefit.

Both bills would increase from 1 to 2 percent the state contribution rate for the plans and would provide an unspecified employee contribution rate with no sunset date to begin Sep. 1, 2013.

LB554 also would remove sunset dates scheduled for 2017 on the school budget and lid exclusions for employer contribution expenditures to both the School Employees and Class V plans.

Nordquist said the governor’s budget proposal does not include provisions to address the state’s obligations under the school employee plans, and that Nebraska cannot afford to “irresponsibly” ignore those obligations.

He said lawmakers must either fund the plans from the state’s general fund or make the adjustments outlined in the bills.

“These [benefits] are promises the state has made,” Nordquist said. “Many of those promises were made before I was even born, but those are promises that we must live up to.”

Jason Hayes of the Nebraska State

Education Association testified in support of LB553, calling it a “balanced approach” to ensuring the solvency of the School Employees Retirement System. If the current plan is left unchanged, he said, the state could face a future deficit of \$138 million.

Mike Dulaney, executive director of the Nebraska Council of School Administrators, also supported the bill. He said the new, reduced benefit tier remains an excellent retirement plan and likely would not deter young teachers from seeking employment in Nebraska.

“It’s still a wonderful retirement plan to have and it’s one that we should not take for granted,” he said.

Michael Smith, executive director of the Class V School Retirement System, testified in support of LB554, but suggested raising the plan’s retirement age rather than altering the benefits.

“Sixty-five [years of age] is a more rational time to start benefits,” he said.

Director of the Nebraska Public Employees Retirement System (NPERS) Phyllis Chambers testified in a neutral capacity on LB553. She suggested changing from 2 to 1.9 percent the factor multiplier used to calculate a member’s retirement benefit, rather than increasing the number of years used to determine final average salary.

Chambers said contracts vary by school district and mistakes often are found in the salary information that is submitted to NPERS, which can result in delayed payment of retirement benefits. She said it would be easier administratively to change the factor multiplier and would result in a comparable final average salary calculation.

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

## Revenue

### Earlier property tax filing deadline advanced

Lawmakers advanced a bill Feb. 7 that would change 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, would change the deadline to June 30. Taxpayers missing the deadline would face a penalty of 25 percent of the tax on the value added.



Sen. Galen Hadley

Hadley said the bill would help assessors have the information they need to set appropriate tax rates.

“This still gives individuals and businesses six months to file their statements,” Hadley said. “We’re trying to get people to file their personal property filings on time.”

The bill advanced to select file on a 35-0 vote.

### Changes to state income tax brackets proposed

Two bills that would extend or create state income tax brackets were introduced during a hearing of the Revenue Committee Feb. 8.

LB532, introduced by Lincoln Sen. Danielle Conrad, would create a fifth income tax bracket starting Jan. 1, 2014. Conrad said the bill would make the state tax system more progressive and fair.



Sen. Danielle Conrad

“If we’re going to be talking taxes in

Nebraska, we should be talking about everyone, including those who could be paying more,” she said.

The proposed bracket – \$400,000 or more for single persons and \$450,000 or more for married couples filing jointly – is taxed at 6.84 percent under the current tax system. The tax rate would be increased to 7.84 percent under LB532.

Larry Scherer, director of bargaining and research for the Nebraska State Educational Association, testified in support of the bill. He said teachers, retired teachers and school staff should be involved in discussions involving a modernization of the tax code.

“We support a tax system that is balanced, fair and responsive to economic growth,” Scherer said. “Any changes made should support funding for education.”

Representing the Nebraska Chamber of Commerce, Ron Sedlacek opposed the bill. He said the chamber would not support any increase in income taxes.

“This bill would bring Nebraska to probably the ninth highest tax rate with regard to income taxes,” he said.

Open Sky Institute executive director Renee Fry testified in a neutral capacity. She said 15 percent of the taxes increased under the bill would be offset by federal tax deductions.

The committee also heard testimony on LB327, introduced by Omaha Sen. Pete Pirsch, which would lower tax rates across all income brackets. Pirsch said his proposal represented the fairest approach to modernizing the tax code.

“This bill does the most good for the most people,” he said

Under the bill, tax rates would be lowered beginning Jan. 1, 2014, to:

- 2.2 percent – from 2.46 percent – for an individual making up

to \$3,000 or a married couple making up to \$6,000;

- 3.2 percent – from 3.51 percent – for an individual making between \$3,000 and \$18,000 or a married couple making between \$6,000 and \$36,000;
- 4.5 percent – from 5.01 percent – for an individual making between \$18,000 and \$29,000 or a married couple making between \$36,000 and \$58,000; and
- 6.2 percent – from 6.84 percent – for an individual making more than \$29,000 or a married couple making more than \$58,000.

The committee took no immediate action on either bill.

## Transportation & Telecommunications

### Handicapped parking permit changes advance

Senators advanced a bill Feb. 8 that would amend provisions for temporary handicapped parking permits.

Under LB31, introduced by Kearney Sen. Galen Hadley, a medical professional could issue a temporary handicapped parking permit for either a three- or six-month period. The permit could be renewed once and could not exceed one year.

Currently, a temporary permit may be issued for up to six months and may be renewed once.

Injured people often must renew their temporary permits more than once because they do not recover in the allotted time the permit was issued for, Hadley said, so the state Department of Motor Vehicles issues them a permanent permit for a temporary injury.

“Offering a temporary permit for

a minimum of three months on the front-end would reduce the number of times permanent permits are issued on the back-end,” he said.

The bill advanced from general file on a 34-0 vote.

### Bill would require cognitive impairment test for elderly drivers

Older drivers would be required to take a cognitive impairment test under a bill heard by the Transportation and Telecommunications Committee Feb. 5.

Under LB351, introduced by Scottsbluff Sen. John Harms, drivers who are 80 years old and older whose tests indicate cognitive impairment would be required to take and pass the standard written test.



Sen. John Harms

Harms said the aging population is increasing due to advances in medicine and technology. However, he said, the aging process causes senior citizens to experience slower reaction times, memory and vision loss and other issues that impair judgment.

Projections show that 8.6 million Americans will be more than 80 years old by 2030 and could be responsible for nearly 25 percent of all fatal crashes, Harms said.

Bonnie Dobbs, director for the Medically At-Risk Driver Centre at the University of Alberta in Canada, testified in support of the bill. Many jurisdictions have policies that target high risk segments of the population, such as young and alcohol-impaired drivers, she said. Less attention has been paid to cognitively impaired drivers, she said, who are just as dangerous as drunk drivers.

“Nebraska has a medically impaired driving problem, not an older driver problem,” Dobbs said.

Ann Frohman, representing the Nebraska Medical Association, testified in support, saying that physicians work with families to enable cognitively impaired elderly patients to keep living in their homes.

“This bill is a good balance in determining when [cognitive impairment] crosses over from a public health concern to a public safety concern,” she said.

Jack Sample, a former license examiner, testified in opposition to the bill, calling it age discrimination. He said throughout his career he experienced many reckless drivers who were young and middle-aged.

“To set one age limit is judging individuals,” Sample said. “Many things can happen at any stage of life.”

Judy Zohner, representing the Vietnam Veterans of America, testified in opposition to the bill, saying that many young inexperienced drivers are involved in fatal crashes.

Bev Reicks, chief executive officer of the National Safety Council of Nebraska, also opposed the bill, saying that people can suffer diseases at any age. About 5 million Americans suffered from Alzheimer’s disease in 2012, she said, and about 4 percent of them were only 65 years old.

The state needs to consider the effects of cognitively impaired drivers, but whether the DMV should be conducting such tests is questionable, Reicks said.

The committee took no immediate action on the bill.

### Fees considered for accident reports

The Transportation and Telecommunications Committee heard testi-

mony Feb. 5 on a bill that would allow law enforcement agencies to charge for copies of accident reports prepared by peace officers.

LB624, introduced by Omaha Sen. Pete Pirsch, would allow law enforcement agencies to charge a flat rate of up to \$15 for accident reports.

Pirsch said the bill would enable cities to continue to provide the service while placing a reasonable cap on such fees.

Lincoln's public safety director Tom Casady testified in support of the bill. He said a \$15 fee must be implemented to offset the costs of investigating an accident. Budget setbacks have resulted in reductions to public safety resources, he said, so accident reports would not be available without a fee.

Ron Murtaugh, chief of the Ralston Police Department, testified in support of the bill, saying that cities incur costs for conducting investigations and maintaining records. The majority of requests for reports come from third party vendors that have no community ties and profit from such information, he said.

Korby Gilbertson of Media of Nebraska, Inc. testified in opposition to the bill. The \$15 fee would be in excess of the actual cost of conducting investigations, she said, so it would violate the underlying principle of public records being available to the public.

Matt Lathrop of the Nebraska Association of Trial Attorneys also testified in opposition to the bill, saying the fees are not uniform across the state and many clients cannot afford to pay a fee for their records.

"The costs being assigned for the reports have nothing to do with presenting the reports," Lathrop said.



Sen. Pete Pirsch

"[Cities] may be asking the citizens to make up for budget shortfalls in other areas," Lathrop said.

The committee took no immediate action on the bill.

## Urban Affairs

### Bill would clarify annexed county road easements

The Urban Affairs Committee heard testimony Feb. 5 on a bill that would attempt to clarify the status of county roads when annexed by a city or village.

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

"[Current law] does not clearly state what the city's interest is," Johnson said.

Beatrice city administrator Tobias Tempelmeyer testified in support of the bill, explaining that landowners in Nebraska maintain ownership of land under county roads, to the center of the road. The county in which the road is located has easements from the landowners, he said.

If a city annexes land, Tempelmeyer said, the bill simply would clarify that any easement held by the county would be transferred to the city.

Gary Krumland of the League of Nebraska Municipalities also testified in support of the bill. Cities and villages become responsible for maintenance of county roads when they annex land, he said, and the bill



Sen. Jerry Johnson

would clarify their authority over annexed county roads.

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

### Bill seeks local control for nuisance vegetation

Certain cities and villages would be given authority to determine at what height weeds and grasses become nuisances under a bill heard Feb. 5 by the Urban Affairs Committee.

Hyannis Sen. Al Davis, sponsor of LB643, said the intent of the bill is to provide more local control over the regulation of nuisances created by the excessive growth of weeds, grasses and worthless vegetation. Current law sets the nuisance level at 12 inches in height.



Sen. Al Davis

The bill would allow cities of the first and second class and villages to determine the height at which weeds, grasses or worthless vegetation are a nuisance and to develop a property owner notification process.

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

Hickman city administrator Silas Clarke testified in support of the bill, saying it can take cities up to 30 days to complete the citation process under current law. By that time, he said, grass that initially was 12 inches tall is much higher and the city appears unresponsive to those who complain about problem properties.

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



# COMMITTEE HEARINGS

## Monday, February 11

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

LB80 (Schumacher) Change motor vehicle liability insurance and financial responsibility requirements  
LB316 (Harr) Redefine automobile liability policy  
LB133 (Hadley) Provide priority of insurance coverage relating to motor vehicle dealer loaner vehicles

### Business & Labor

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

LB19 (Nordquist) Change provisions of the Conveyance Safety Act  
LB437 (Hansen) Transfer administration of mechanical safety inspection programs to the State Fire Marshal  
LB95 (Dubas) Adopt the Employee Credit Privacy Act  
LB163 (McGill) Provide for a report on education credentials and workforce needs  
LB373 (Mello) Change Nebraska Construction Prompt Pay Act provisions

### Education

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

LB640 (Hadley) Change provisions relating to the Tax Equity and Educational Opportunities Support Act  
LB407 (Sullivan) Change calculation provisions under the Tax Equity and Educational Opportunities Support Act  
LB645 (Haar) Change teacher education allowance and fall personnel report provisions  
LB416 (Kolowski) Change teacher education allowance provisions relative to the state aid formula

### Executive Board

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

LB242 (Howard) Change provisions relating to adoption of administrative rules and regulations  
LB620 (Legislative Performance Audit) Require the Department of Administrative Services and University of Nebraska to present health insurance management plans to the Appropriations Committee

### General Affairs

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

LB73 (McCoy) Change interstate simulcast facility license requirements

LB590 (Lautenbaugh) License and regulate wagering on historic horseracing  
LR41CA (Lautenbaugh) Constitutional amendment to authorize enactment of laws relating to wagering on live, replayed, and delayed horseraces  
LB642 (Mello) Prohibit receiving certain types of wagers on horseracing

### Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB10 (Krist) Change and eliminate provisions relating to occupant protection systems  
LB189 (Harms) Change provisions and penalties relating to occupant protection systems  
LB118 (Harms) Change texting enforcement provisions

## Tuesday, February 12

### Agriculture

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

LB423 (Agriculture) Change seizure provisions of the Livestock Animal Welfare Act  
LB550 (Schilz) Adopt the Livestock Growth Act and change provisions of the Nebraska Advantage Rural Development Act

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

LB239 (Wightman) Adopt the Nebraska All-Payer Patient-Centered Medical Home Act  
LB479 (Lathrop) Prohibit policy and contract terms relating to contractual rights and insurance proceeds  
LB655 (Carlson) Permit collection of fees for insurance consultants

### Education

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

LB506 (Bolz) Change elementary class size allowance in the state aid formula  
LB604 (Haar) Change computation of the cost growth factor relating to state aid to schools  
LB357 (Haar) Change a budget limitation exemption under the Tax Equity and Educational Opportunities Support Act  
LB469 (Scheer) Change an exemption to school budget lid relating to payments for a voluntary termination  
LB599 (Sullivan) Change exemptions relating to school budget limitations

### Nebraska Retirement Systems

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

LB229 (Nordquist) Change the Nebraska Retirement Fund for Judges fee  
LB305 (Nordquist) Change provisions relating to State Patrol retirement  
LB306 (Nordquist) Change judges' contribution for retirement as prescribed

### Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB83 (Schumacher) Change requirements for use of turn signals  
LB85 (Schumacher) Authorize vehicular traffic weighing less than one thousand pounds to proceed through a traffic light after stopping  
LB399 (Lautenbaugh) Permit members of certain organizations to use flashing amber lights on motor vehicles  
LB453 (Karpisek) Change provisions relating to motor vehicle headlights

### Urban Affairs

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

LB208 (Harr) Change provisions relating to metropolitan utilities districts  
LB404 (McGill) Change State Natural Gas Regulation Act provisions relating to infrastructure system replacement cost recovery charges  
LB529 (Dubas) Change requirements for approval of redevelopment plans under the Community Development Law  
LR29CA (Adams) Constitutional amendment to change provisions relating to redevelopment projects

## Wednesday, February 13

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

LB215 (Schilz) Change provisions relating to use of the County Visitors Promotion Fund  
LB222 (McCoy) Change provisions regarding certain reports submitted electronically to the Legislature  
LB217 (Avery) Change constitutional officers' salaries  
LB192 (Karpisek) Change provisions relating to requests for information by the Auditor of Public Accounts

### Health & Human Services

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

LB530 (Dubas) Add, change, and

# COMMITTEE HEARINGS

eliminate provisions relating to foster care reimbursements

LB443 (Cook) Adopt the Children's Residential Facilities and Placing Licensure Act

LB359 (Cook) Change eligibility redeterminations relating to a child care subsidy

## Judiciary

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

LB284 (Conrad) Change provisions of the Political Subdivisions Tort Claims Act relating to limits on actions and amounts recoverable

LB461 (Karpisek) Provide liability limitation for bucking bull activities

LB551 (Schilz) Change recreational liability provisions

LB169 (Gloor) Change provisions relating to jury commissioners

LB482 (Kintner) Prohibit the state and political subdivisions from adopting certain policy recommendations

## Natural Resources

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

LB517 (Carlson) Create the Water Sustainability Project Task Force

## Revenue

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

LB97 (Mello) Adopt the Nebraska Municipal Land Bank Act and authorize land banks to acquire tax-delinquent properties

LB341 (Wightman) Change tax sale procedures

LB571 (Harr) Adopt the Community Enhancement Financing Assistance Act

LB191 (Nordquist) Adopt the Nebraska Job Creation and Mainstreet Revitalization Act and provide tax credits

LB153 (Dubas) Change the Civic and Community Center Financing Act

## Thursday, February 14

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

LB235 (Howard) Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees

LB525 (Haar) Change deadlines under the Election Act

LB271 (Lautenbaugh) Change provisions relating to early voting

## Health & Human Services

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

LB556 (McGill) Provide for telehealth services for children, change the medical assistance program, and provide duties for the Department of Health & Human Services

LB605 (Pirsch) Provide for Telehealth Behavioral Health Services Program

LB260 (Gloor) Change requirements for a data and information system under the Nebraska Behavioral Health Services Act

## Judiciary

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

LB412 (Schumacher) Adopt the Freedom from Unwarranted Surveillance Act

LB280 (Pirsch) Change domestic assault provisions

LB233 (Pirsch) Change award and report provisions under the Nebraska Crime Victim's Reparations Act

LB607 (Pirsch) Change provisions relating to protection order violations and conditions of release violations

LB611 (Pirsch) Redefine serious bodily injury for purposes of domestic assault

## Natural Resources

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

LB57 (Larson) Change provisions relating to grants from the Nebraska Environmental Trust Fund

LB325 (Brasch) Change provisions relating to approval of natural resources district boundary changes

## Revenue

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

LB572 (Harr) Change the Nebraska Advantage Act and provisions relating to extraordinary dividends and capital gains on certain capital stock

LB501 (Hadley) Redefine a term in the Nebraska Advantage Act

LB104 (Lathrop) Provide tax incentives under the Nebraska Advantage Act for renewable energy projects

LB627 (Conrad) Provide for termination of certain tax incentives as prescribed

## Tuesday, February 19

### Agriculture

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

LB654 (Davis) Change the brand inspection area under the Livestock Brand Act

LB647 (Davis) Change cattle identification provisions of the Animal Importation Act

LB435 (Hansen) Provide for out-of-state brand permits under the Livestock Brand Act

LB587 (Schilz) Change provisions of the Livestock Brand Act

### Banking, Commerce & Insurance

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

LB384 (Nordquist) Adopt the Nebraska Exchange Transparency Act

LB568 (Harr) Provide for licensure of insurance navigators

LB59 (Larson) Change a presumption relating to rebates to insurance agents

### Executive Board

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

LB609 (Pirsch) Create the Nebraska's Emerging Future Subcommittee of the Legislature's Planning Committee

LB612 (Schumacher) Require the Department of Revenue to present reports to legislative committees

LB613 (Schumacher) Create the Tax Modernization Commission

## Wednesday, February 20

### Health & Human Services

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

LB343 (Coash) Change terminology related to mental retardation

LB220 (Avery) Change children's eligibility provisions relating to the Medical Assistance Act

LB8 (Krist) Provide for coverage of children's day services under medicaid and social services

LB507 (Campbell) Adopt the Step Up to Quality Child Care Act

### Natural Resources

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

LB272 (Carlson) Change provisions relating to chemigation permits and fees

LB493 (Davis) Authorize transfer of portions of the Cowboy Trail

# COMMITTEE HEARINGS

## Nebraska Retirement Systems

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

LB321 (Crawford) Change a provision relating to disability retirement payments  
LB263 (Nebraska Retirement Systems) Change provisions relating to government retirement systems

## Revenue

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

LB457 (Krist) Change provisions relating to deductions for net operating losses and capital losses  
LB81 (Schumacher) Provide an income tax deduction for corporate dividends  
LB328 (Pirsch) Change corporate income tax rates  
LB281 (Pirsch) Change the amount of tax credits allowed under the Angel Investment Tax Credit Act

## Thursday, February 21

### Health & Human Services

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

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 Department of Health & Human Services

## Natural Resources

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

## Friday, February 22

### Health & Human Services

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

LB76 (Nordquist) Adopt the Health Care Transparency Act

LB458 (Krist) Require general acute hospitals to offer tetanus-diphtheria-pertussis vaccinations as prescribed  
LB459 (Krist) Require certain health care facilities to offer onsite vaccination services

## Natural Resources


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

LB391 (Davis) Change water law provisions relating to water storage  
LB634 (Davis) Adopt the Wildfire Control Act of 2013  
LR40 (Davis) Request the United States Forest Service to reconsider its original decision not to pay a proportionate share of the replacement costs of fences destroyed by wildfires between private and public lands in certain counties

## Revenue

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

LB547 (Kolowski) Provide an income tax credit for payments to school districts for extracurricular activities and character education programs  
LB468 (Scheer) Allow an income tax deduction for tuition payments  
LB53 (Hadley) Change provisions relating to sales and use tax with respect to the sale of a business ■



## UNICAMERAL YOUTH LEGISLATURE

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2013 Unicameral Youth Legislature, which will convene June 9-12.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol Building and coordinated by the Clerk's Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral.

Students will learn about the inner workings of the Legislature directly from senators, staff and lobbyists. Bills will be based on legislation considered during the current legislative session.

Early-bird registration is available until April 1. Registration forms can be obtained from the Legislature's Unicameral Youth Legislature page: [www.nebraskalegislature.gov/education/unicamyouth.php](http://www.nebraskalegislature.gov/education/unicamyouth.php) and the UNL Big Red Summer Academic Camps website: [liferaydemo.unl.edu/web/4hcamps/bigredcamps](http://liferaydemo.unl.edu/web/4hcamps/bigredcamps). The registration deadline is May 15.

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](mailto:uio@leg.ne.gov).



On Twitter at  
[twitter.com/UnicamUpdate](https://twitter.com/UnicamUpdate)



By RSS feed at  
[update.legislature.ne.gov](http://update.legislature.ne.gov)



Online at  
[update.legislature.ne.gov](http://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](http://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](http://www.nebraskalegislature.gov)

### SENATOR WEB PAGES

[www.nebraskalegislature.gov/senators](http://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](http://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)