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UPDATE

Partner STD treatment advanced

After three days of debate, lawmakers amended and advanced a bill March 27 that would expressly allow expedited partner therapy (EPT) for the treatment of certain sexually transmitted diseases.

Under LB528, sponsored by Omaha Sen. Sara Howard, certain health providers who diagnose gonorrhea or Chlamydia in a patient would be allowed to prescribe, provide or dispense oral antibiotics to the patient's sexual partner or partners without an examination.

Current law does not address whether EPT is allowed in Nebraska, Howard said, and the bill is intended to make



Sen. Sara Howard addressed questions from opponents of the bill.

the practice expressly permissible here, as it is in 33 other states.

Gonorrhea and Chlamydia often are asymptomatic and can lead to a variety of complications including infertility and premature childbirth, she said, adding that both infections can pass from mother to child.

"Both can cause eye infections, which can lead to blindness in newborns," Howard said.

A Health and Human Services Committee amendment, adopted 33-0, replaced the bill.

Lincoln Sen. Kathy Campbell, chairperson of the Health and Human Services Committee, said the amend-

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Plan to contain future wildfires advanced

Senators gave first-round approval March 25 to a bill that would establish new procedures for fighting and preventing wildfires.

LB634, introduced by Hyannis Sen. Al Davis, would direct the Nebraska Forest Service to:

- contract with private aviation companies to place two single engine air tankers at airports near Chadron and Valentine during fire season;
- thin forests to reduce fuel loads, substantially reducing risk to residents, communities and emergency personnel;

- provide expanded training programs for volunteer firefighters, private landowners and communities in order to increase fire suppression effectiveness and safety;
- develop a Nebraska-based Type 3 incident management team that would serve as a comprehensive resource to augment and help manage large wildfire operations;
- expand the federal excess property programs managed by the Nebraska Forest Service to provide volunteer fire districts with fire suppression equipment; and

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Partner STD treatment advanced

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ment provided clarifications requested by health care providers.

As amended, LB528 would specify that a physician, physician assistant, nurse practitioner or certified nurse midwife would be allowed to prescribe or dispense oral antibiotics within their scope of practice.

The bill also would require that prescriptions for a patient's sexual partner or partners must include the partner's name.

"This will allow pharmacists to screen for interactions and follow normal protocols for dispensing antibiotics," Campbell said.

Bancroft Sen. Lydia Brasch opposed the bill and expressed concern about EPT's lack of follow-up care for partners.

"Taking prescription drugs is not as simple as taking over-the-counter medication," she said. "Who is responsible for the care and follow-up for an unknown or stealth patient?"

Grand Island Sen. Mike Gloor said even over-the-counter medications pose health risks and that the peer organization in the state responsible for weighing the medical evidence has spoken on the issue.

"The Nebraska Medical Association finds this appropriate," he said.

During debate March 25, Papillion Sen. Bill Kintner offered an amendment to the committee amendment that would have required a medical practitioner to ask the age of a patient and any sexual

partners of the patient. If either the patient or a sexual partner were under 18, parental notification would have been required.

"It seems we do everything we can to cut parents out,"



Sen. Beau McCoy brought several amendments to the bill. One requiring the distribution of educational materials was adopted.

Kintner said. "If it was your child, you would want to know."

Brasch supported the amendment, saying parents should be involved in their children's medical decisions.

"It's not good public policy to start prescribing medicine to minors without parents being informed," she said.

Howard opposed the amendment, saying current Nebraska law does not require parental notification for minors to be tested and treated for sexually transmitted diseases.

"The concern is that if minors are required to notify parents they will be less likely to seek testing and treatment," she said.

The amendment failed on a 4-21 vote.

Omaha Sen. Beau McCoy offered an amendment to the committee amendment during debate March 26 that would require practitioners to provide written information about Chlamydia and gonorrhea for

the patient and any partners.

"There are about a dozen states that require medical professionals to give this information to patients to pass along," McCoy said.

"The concern is that if minors are required to notify parents they will be less likely to seek testing and treatment."

-- Sen. Sara Howard

Sen. Ernie Chambers of Omaha supported the amendment, calling inclusion of educational materials a pragmatic addition to the bill.

“When we know that the problem is there, it will not be eradicated by turning our eye away from it,” he said.

Omaha Sen. Rick Kolowski also supported the amendment, saying sexually transmitted diseases are mobile and affect many young people in Douglas and Sarpy counties.

“This issue is not just a north Omaha or south Omaha issue,” he said. “We have one-third of the students in the state of Nebraska in those [two] counties.”

The amendment was adopted 37-0.

McCoy offered, and later withdrew, another amendment that would have removed gonorrhea from the bill’s provisions.

A third McCoy amendment, offered March 27, would have provided immunity from civil liability for a practitioner who prescribes, provides or dispenses oral antibiotics pursuant to the bill or who chooses not to prescribe,

provide or dispense such oral antibiotics.

McCoy said medical providers should not have to be concerned about being sued when making treatment decisions.

“[The amendment] provides immunity from civil liability for medical practitioners who choose to perform EPT or who choose not to,” he said.

Sen. John Nelson of Omaha supported the amendment, saying liability concerns could pose a barrier to care if medical providers fear future lawsuits.

Howard opposed the amendment, saying there are no documented cases of an adverse outcome from EPT and that the medical community has not expressed concern about liability issues.

“At this moment in time, the doctors aren’t asking for this amendment,” she said. “They aren’t asking to be immune from liability.”

The amendment failed on a vote of 15-27 and senators voted 32-3 to advance the bill to select file. ■

Plan to contain future wildfires advanced

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- rehabilitate forest lands that have been destroyed by wildfires.

Davis said the bill would address serious deficiencies in the state’s response to wildfires.

“Last year was the worst land wildfire year in Nebraska’s history,” he said. “These megafires are occurring more frequently than in the past. It’s time for Nebraska to take the steps to control these fires as soon as possible.”

A Natural Resources Committee amendment, adopted 36-0, designated the Nebraska Emergency Management Agency as responsible for carrying out the bill’s provisions. Holdrege Sen. Tom Carlson said the bill would save the state money over time.

“If this bill is passed, we’ll have planes in position to respond quickly to fires,” Carlson said. “It will cost the state less money and will save a lot of property for the citizens of Nebraska.”

Omaha Sen. Bob Krist supported the bill, saying that timing is vitally important when it comes to fighting wildfires.

“The right equipment and people need to be in place and overseeing the scene,” he said. “I don’t know how many lives we can risk before putting in place some form of prevention.”

A technical amendment to the committee amendment was adopted 35-0. Senators voted to advance the bill to select file 36-0. ■



Sen. Al Davis (right) discusses the financial implications of LB634 with Appropriations Committee chairperson Sen. Heath Mello.

Appropriations

Bills would postpone, end health care fund transfer reductions

The Appropriations Committee heard testimony March 25 on two bills that would reduce or end scheduled reductions in transfers from the state's Health Care Cash Fund.

LB4, introduced by Omaha Sen. Bob Krist, would postpone for two years the implementation date of reductions to fund transfers. Transfers from the Health Care Cash Fund are scheduled to be reduced by 5 percent annually through 2015.



Sen. Bob Krist

As a result, the current \$59 million transfer will be reduced to:

- \$56.4 million in 2013;
- \$53.2 million in 2014; and
- \$50.2 million in 2015 and thereafter.

Krist said the reductions were meant to protect the corpus of the fund, but that reductions are not needed this biennium.

LB285, introduced by Lincoln Sen. Danielle Conrad, would eliminate the reductions entirely and maintain the transfer at \$59 million annually.



Sen. Danielle Conrad

Conrad said a pending \$18 million distribution from the Nebraska Tobacco Settlement Fund would help ensure the Health Care Fund's sustainability into the future without reductions in transfers.

Tom Murray, associate vice president for health science research at Creighton University, testified in sup-

port of both bills, saying he relocated to Nebraska in part because of access to research dollars from the Health Care Fund.

The fund is projected to have a higher balance in 20 years than it has today, he said, adding that the biomedical research the fund supports had a \$3.5 million impact on the state's economy in 2011.

"Research fuels Nebraska's economy," Murray said.

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

Public health, rural health provider incentive funds sought

The Appropriations Committee heard testimony March 25 on bills seeking funds to improve public health programs and incentivize rural health providers.

LB119, introduced by Omaha Sen. Tanya Cook, would appropriate \$3.6 million annually in fiscal years 2013-14 and 2014-15 to the state Department of Health and Human Services. The department then would distribute \$200,000 to each of the state's 18 local public health departments to improve preventive health programs.



Sen. Tanya Cook

Cook said that each public health department has completed a strategic plan for their service area outlining the preventative health needs of the population they serve.

"These preventative health programs are designed to address the specific health priorities of each community," she said.

Lincoln-Lancaster County Health Department director Judy Halstead testified in support of the bill, saying

the increased funds would improve programs designed to increase physical activity and reduce obesity, among other objectives.

"The majority of Nebraska state funds are focused on treating health problems, not preventing them," Halstead said. "We can and must create a culture of wellness."

LB20, introduced by Omaha Sen. Jeremy Nordquist, would appropriate annually \$600,000 in general funds and \$600,000 in cash funds in fiscal years 2013-14 and 2014-15 to the Rural Health Provider Incentive Program.



Sen. Jeremy Nordquist

Nordquist said the bill is intended to help alleviate shortages of mental health, medical, dental and other health care providers by increasing funding to two programs - the Nebraska Student Loan Program and the Nebraska Loan Repayment Program - that offer financial incentives to practice in shortage areas.

Nebraska has a shortage of health care providers, Nordquist said, and loan incentives are an important element in recruiting and retaining them. He said there currently is a waiting list for the state's incentive programs.

"While this certainly will not solve our provider issue ... it is one step," Nordquist said.

Jerusha Hancock of Nebraska Appleseed testified in support of LB20.

Many Nebraskans soon will have access to health care services for the first time under federal health care reform, she said, and the state lacks the provider capacity to handle the influx. Eleven counties in Nebraska do not have a primary care physician, she said.

"We can begin to address the short-

age [with this bill] and ensure that all Nebraskans have access to a primary care provider,” Hancock said.

Jessica Meeske, a pediatric dentist from Hastings, also testified in support, saying she and her husband were recipients of the loan repayment program in the 1990s. Meeske said the program was an important incentive in recruiting them to the area and allowing them to serve a large number of Medicaid recipients and other underserved populations.

“Had this program not been in place, I’m not sure we would have chosen to practice in rural Nebraska,” she said.

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

Funds sought for developmental disability waiting list

Funds would be allocated for services for people on the state’s developmental disabilities waiting list under a bill heard March 26 by the Appropriations Committee.

Omaha Sen. Steve Lathrop, sponsor of LB375, said the funds would be allocated to the state Department of Health and Human Services to provide services for individuals with developmental disabilities who were on the waiting list and past their date of need for such services on Jan. 18, 2013.



Sen. Steve Lathrop

The bill’s fiscal note calls for an annual appropriation of \$41 million in general funds in fiscal years 2013-14 and 2014-15.

Lathrop said approximately 1,800 people on the list are past their date of need and are waiting for the state to provide funds for the services that they

need. The amount in the fiscal note is insufficient to provide services for everyone on list, he said, but it would reduce the number of people waiting.

“While I’m not asking for the full amount today, I do think it’s important to keep chipping away at the list year after year,” Lathrop said. “Basically, we put what [money] we can into the waiting list and turn it over to the division to provide as many services to as many people as we can.”

Marla Fischer-Lempke, executive director of the Arc of Nebraska, testified in support of the bill, saying that people with disabilities have the right to a good quality of life and to live outside of institutional settings.

“They have been waiting for services for which they are eligible and for services that allow them to stay in their homes and communities,” she said.

Brad Meurrens of Disability Rights Nebraska also testified in support of the bill, saying the average wait for services for individuals on the list currently is several years.

“[LB375] is the right thing to do,” Meurrens said. “The state has an obligation to fund the waiting list.”

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

Government, Military & Veterans Affairs

Emergency management registry approved

Senators gave final approval March 28 to a bill intended to facilitate assistance to people with functional needs in emergency situations.

LB434, introduced by Bellevue Sen. Scott Price, allows emergency man-

agement and other public agencies to create registries for the purpose of planning assistance for people with functional needs before, during and after a disaster or emergency.



Sen. Scott Price

Information obtained for such purposes will not be considered a public record and participation is voluntary. Improper release of registry information will be a Class III misdemeanor.

The bill passed on a 43-0 vote.

Natural Resources

Changes to hunting permits adopted

Senators passed a bill March 28 that allows nonresidents to apply for state hunting permits.

LB94, introduced by Fullerton Sen. Annette Dubas, authorizes the state Game and Parks Commission to issue deer permits to nonresidents only after 85 percent of the available permits have been issued to residents.



Sen. Annette Dubas

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

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

The bill passed on a 42-0 vote.

Expanded Game and Parks powers passed

Senators passed a bill March 28 that expands powers delegated to the state Game and Parks Commission.

LB499, introduced by Bancroft Sen. Lydia Brasch, establishes a new set of administrative procedures under which commission orders can be passed.

The bill categorizes several issues including conservation orders, seasons, open and closed areas and bag limits under the new administrative procedures. This will allow the commission to make changes to the orders at the same meeting in response to public input before publishing final orders.

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

The bill passed on a 44-0 vote.

Water sustainability task force advanced

Senators gave first-round approval March 28 to a bill that would create a task force to address the long-term sustainability of state water resources.

LB517, introduced by Holdrege Sen. Tom Carlson, would create a 15-member task force to work on the state's water issues. Carlson said water is the most important natural resource in Nebraska and its proper management is necessary.

"The drought of 2012 has helped



Sen. Lydia Brasch



Sen. Tom Carlson

us to realize that our water supply is not unlimited," he said. "The state must engage in and invest in building a new water supply infrastructure and promoting collaboration among all water users."

A Natural Resources Committee amendment, adopted 33-0, replaced the bill and would create the Water Funding Task Force, which would comprise the Nebraska Natural Resources Commission, the director of Natural Resources, the chairperson of the Natural Resources Committee and 10 additional members to be appointed by the governor.

The bill also would allocate \$3 million for research, data collection and production of a final report, which the task force would submit to the Legislature by Jan. 31, 2014. The report would identify water resources programs, projects and activities in need of funding to meet the long-term statewide goals of water sustainability, efficiency and productivity including:

- research, data and modeling needed to assist the state in meeting its water management goals;
- rehabilitation or restoration of existing and new water supply infrastructure;
- conjunctive management, storage and integrated management of ground and surface water; and
- compliance with interstate compacts or agreements.

Fullerton Sen. Annette Dubas supported the bill, saying that water is vital in every aspect of daily life.

"This bill is about more than agricultural use of water," she said. "This is about ensuring our water resources will be here for all of us. Do we feel this issue is important enough that we're willing to invest our dollars to ensure this resource is protected from

here on out?"

Ogallala Sen. Ken Schilz also supported the bill. He said the issue of water management has been overlooked for too long.

"2003 was the last time someone brought a proposal to the Legislature dedicated to the study of water," he said. "We can't just plan for it year after year. We need to start managing it."

Omaha Sen. Steve Lathrop supported the intent of the bill, but said carrying out the future task force's recommendations would cost money and ultimately require tax increases or education cuts.

"The only reason to do a study like this is if we're prepared to follow through with the recommendations," Lathrop said. "When this bill turns into higher taxes, are you still willing to vote for it?"

Omaha Sen. Ernie Chambers introduced, and later withdrew, an amendment that would have removed the governor's authority to appoint members to the task force, saying the natural tension between the executive and legislative branches would threaten the efficacy of the task force.

"You cannot look at things in isolation," he said. "There would be an inability to look at the complete picture."

Senators advanced the bill to select file on a 36-0 vote.

Revenue

Municipal land banks discussed

Senators began debating a bill March 27 that would allow metropolitan class cities or counties that have at least three first class cities—currently only Douglas and Sarpy counties—to establish land banks or tax-exempt political subdivisions that acquire, manage and develop vacant and tax-

delinquent properties.

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

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

Property owners who do not pay their property taxes often abandon the property and leave it vacant, Mello said, so tax lien sales are critical for properties in which the amount of taxes owed exceeds the market value. Half of Omaha's property tax liens sold in 2012 were purchased by out-of-state investors, he said, who are not necessarily concerned about property redevelopment.

Vacant and abandoned properties



Sen. Heath Mello

are a recurring problem in Douglas and Sarpy counties, Mello said, and they sometimes attract criminal behavior, such as drug trafficking and prostitution, that poses a public health and safety risk. Land banks would give communities an alternative option to address the issue, he said.

The bill also would require each land bank to have a seven-member board of directors appointed by the mayor. The appointed board members must:

- be residents of the land bank's municipality or be representing an entity whose primary place of business is located in the land bank's municipality;
- represent, to the greatest extent possible, the racial and ethnic diversity of the municipality that created the land bank; and
- have verifiable skills and knowledge in the areas of law, financing, asset management, purchasing and sales, economic and community development and market-rate and affordable residential, commercial, industrial and mixed-use real estate development.

A Revenue Committee amendment, adopted 36-0, would clarify board member requirements, narrow the board's ability to acquire property in the bidding process and require the board to submit an activity report to the Legislature for review.

Lincoln Sen. Amanda McGill supported the bill. Over 13,000 Omaha properties currently are vacant or condemned, she said, and the city lacks the necessary resources to address the problem.

Omaha Sen. Brad Ashford also supported the bill. Cities are facing revenue shortages and currently are unable to acquire abandoned properties, he said, so creating a partnership

between public and private entities could remedy the problem.

Sen. Ernie Chambers of Omaha said he was concerned about allowing the mayor to appoint the land bank board members and called the board requirements "gratuitous." The bill would require people to serve on the board who are more concerned about making a profit than they are about the affected communities, he said.

Further, Chambers said, a racially and ethnically diverse board would be difficult to achieve through the proposed requirements. He offered an amendment, adopted 39-0, which would eliminate the board requirement to represent racial and ethnic diversity of the municipality.

Papillion Sen. Jim Smith said he was opposed to creating governmental agencies that could purchase commercial properties and become competitive with private entities.

"I do see a potential that this [land bank] could become profitable and grow too large," he said.

Smith offered, and later withdrew, two amendments that would cap the land banks' assets at \$25 million and would cause the bill to expire Jan. 1, 2019.

The Legislature adjourned before taking further votes. One amendment from Chambers is pending. ■



COMMITTEE HEARING

Thursday, April 4

Natural Resources

Room 1525 - 12:45 p.m.

Appointment: Brandt, Henry Rick - Neb. Environmental Trust Board

Appointment: Lauritzen, Gerry - Neb. Environmental Trust Board

Appointment: Vinton, Sherry - Neb. Environmental Trust Board ■

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