

Grant, task force on aging advanced

A bill that would create a statewide task force on aging and seek federal grant funds advanced from general file Feb. 26 after several days of debate.

Under LB690, introduced by Lincoln Sen. Kate Bolz, the state Department of Health and Human Services would be required by Sept. 1, 2014, to apply for a federal grant to fund the development of a comprehensive and coordinated system of home and community based long-term care services.

The bill also would create the Aging Nebraskans Task Force to facilitate implementation of the statewide strategic plan for addressing the needs of Nebraska's aging population. The nine-member task force would include stakeholders as well as representatives of each of the three branches of state government and would report its recommendations to the Legislature by Dec. 15, 2014.

A Health and Human Services Committee amendment, adopted 40-4 on Feb. 25, would terminate the task force on June 30, 2016, unless extended by the Legislature. The amendment also specifies that legislative members of the task force's executive committee would be voting members, while the other members would be nonvoting.

Bolz said the bill would allow Nebraska to access federal funds that would provide the state with a four-to-one re-



Sen. Kate Bolz responds to questions during discussion of LB690.

turn on money currently spent on programs for the aging. An application for the federal grant must be made by the

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New state airplane purchase advanced

Senators gave first-round approval Feb. 27 to a bill that would authorize the purchase of a plane for state use.

Omaha Sen. Bob Krist introduced LB1016, which would authorize the state Department of Aeronautics to purchase a new aircraft and sell the state's current plane. Krist said it is an important investment to make for the state.



Sen. Bob Krist

“It is not an easy decision to decide to invest in this kind of travel, but the state of Nebraska does need air travel,” he said.

The bill is the product of legislation passed last year that commissioned an independent study to determine whether the state should purchase an aircraft for state purposes. The completed study recommended that the state purchase a new aircraft.

The study commissioned by the Legislature indicated the King Air C90GTx would have the lowest costs

over a 20-year life cycle. A new King Air C90GTx would retail for approximately \$3.85 million.

An Executive Board amendment, adopted 28-0, removed a provision in the bill that would have authorized the Nebraska Emergency Management Agency to operate, maintain and hangar the plane. A Krist amendment to the committee amendment, adopted 29-0, removed options to charter or lease a plane and instead authorizes the state only to purchase a plane.

Hoskins Sen. Dave Bloomfield sup-

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Grant, task force on aging advanced

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end of the year, she said, with the goal of incentivizing states to direct their aging populations toward home and community-based services rather than nursing home care.

“At the end of the day, we know that our aging population is booming and we should plan for it,” Bolz said, adding that the percentage of Nebraska’s population over age 65 is expected to increase by 74 percent in the next 20 years.

Increasing that population’s access to more affordable services is the goal of the bill, Bolz said, adding that the average per person per year cost for home and community-based care is \$2,316, while nursing home care can cost \$56,000 per person per year.

Scottsbluff Sen. John Harms supported the bill. He said developing strategies to help Nebraska’s aging population stay at home rather than enter nursing facilities is central to addressing the needs of the state’s aging population.

“We need to get ahead of that issue and start to put together a model program for people who are growing older,” Harms said. “It is a problem that’s coming and we need to get ahead of it now because you can’t do it in a time of crisis.”

Omaha Sen. Heath Mello said the bill would be key to slowing the growth of Medicaid spending in Nebraska. The state must provide care for the elderly, he said, regardless of their ability to pay.

“Sixty-five percent of all Medicaid spending [in Nebraska] is for the aged and disabled,” he said. “The reality is that the way the Medicaid system is structured, without LB690, without this grant, we’re going to continue to spend money.”

Sen. Mark Christensen of Imperial questioned whether home and community-based care is superior to nursing care, as well as the wisdom of utilizing federal funds to support their provision.

“We’ve got a totally out-of-control money-spending machine in Washington,” Christensen said.

Omaha Sen. Bob Krist said Nebraska would lose \$36 million of federal funding by failing to apply for the grant. He said the state has used federal funding in the past for a variety of purposes and should take advantage of the current opportunity.

“We send that money to [Washington,] D.C. and we bring it back to provide for the citizens of our state,” he said. “We cannot do this on our own; we need to take some of those federal dollars back.”

Sen. Bill Kintner of Papillion offered and later withdrew an amendment that would have removed all provisions of the bill except establishment of the task force. He said the state should not rush into applying for grant funds and should be leery of accepting federal dollars. Lawmakers should proceed based on their own time frame, he said.

“Let’s figure out what works for Nebraska to address the needs of our seniors as they age,” Kintner said.

Bolz opposed the amendment, saying federal funds simply would help the state pay for services it already is providing.

“We should jump at the chance to take more federal funds to do it even better,” she said.

Senators voted 31-11 to advance LB690 to select file. ■

UNICAMERAL UPDATE

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New state airplane purchase advanced

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ported the bill, saying it represents a better investment for the state than the used plane that was available in 2013.

“I do believe we need a state airplane, but the idea of the one we had the opportunity to purchase last year versus this new one is black and white,” he said. “This would be more fuel-efficient and safer. We should spend a little more money to get the new one.”

Omaha Sen. Jeremy Nordquist introduced an amendment, adopted 28-0, which would ensure that the plane is used only for state business. He said it would prevent the plane from being used for campaign purposes and other abuses.

“Whether it’s leased, chartered or owned, this would ensure [the plane] is used for the appropriate purpose,” he said. “It would prevent the governor from traveling to a state function and then making nonstate function stops on the way back.”

Under the amendment, the depart-

ment would be required to electronically file a quarterly report that details the name of the agency or entity using the plane, the name of all passengers, all purposes of the trip, the destination and intermediate stops and all miles flown.

Nordquist introduced an amendment to his amendment that also would require the duration of the trip be noted in the report. It was adopted 28-0.

Omaha Sen. Ernie Chambers opposed the bill, saying it did not go far enough to prevent potential abuse.

“There is nothing currently in statute to prevent a governor from deciding to travel to multiple sites on different days when they could all occur in one day,” he said. “I don’t believe that one of these airplanes needs to be owned by the state. None of the reasons [I’ve heard] are persuasive to me.”

Senators voted to advance the bill to select file on a 31-3 vote. ■

Forecasting board raises revenue projections

The Nebraska Economic Forecasting Advisory Board voted to raise revenue projections during a Feb. 28 meeting at the Capitol. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state’s budget.

Revenue projections for the current fiscal year and FY2014-15 were raised primarily based on anticipated increases in individual income tax receipts of \$30 million in FY2013-14 and \$64 million in FY2014-15.

Total projected revenue receipts for FY2013-14 were raised to \$4.10 billion, an increase of \$36 million. The adjusted projection included an anticipated \$10 million increase in corporate income taxes.

Projected total revenue receipts for FY2014-15 were set at \$4.24 billion, an increase of \$63 million.

The anticipated increases in income tax receipts were offset slightly by minor projected downturns in miscellaneous taxes for both fiscal years.

The next board meeting is scheduled for Oct. 31. ■



Sen. Bob Krist (right) discusses a potential amendment with Sen. Jeremy Nordquist during floor debate on LB1016.



BANKING, COMMERCE & INSURANCE



Debit card preauthorization notice proposed

Consumers would be notified of debit card preauthorization hold practices under a bill considered Feb. 24 by the Banking, Commerce and Insurance Committee.

LB880, introduced by Scottsbluff Sen. John Harms, would require businesses to inform a customer if preauthorization hold practices are being conducted and facilitated.



Sen. John Harms

Preauthorization hold is defined in the bill as approval for a debit card transaction in an amount greater than the amount of the actual purchase in order to provide additional funds for possible future purchases of goods or services by a consumer.

Notification to consumers that a business uses preauthorization holds would be through either oral or electronic communication during the transaction or a posting in at least 14 point in capital letters displayed at the point of sale. The notification would include the maximum amount and duration of the preauthorization hold. A business that fails to comply with the bill would be subject to a civil action penalty up to \$2,000 under the Uniform Deceptive Trade Practices Act.

The bill also would require the state Department of Banking and Finance to work with interested groups on a consumer awareness brochure to be distributed to businesses and financial institutions.

Harms said many Nebraska families do not have a financial cushion in

the bank accounts that are tied to their debit cards. As a result, he said, they face hardships when their debit card is declined due to preauthorization holds applied to previous purchases, which can be in place for up to 72 hours.

“My intent is to protect the low-income families who cannot afford ... debit holds above the purchase price for any duration,” Harms said.

David Piester, a volunteer at the Center for People in Need in Lincoln, testified in support of LB880. Most people are not aware of the practice of preauthorization holds, he said, and the bill simply would ensure that consumers understand the practice.

“It would at least provide notice to the buyer,” Piester said. “It is the least action the state could take to protect the consumer.”

Kathy Siefkin of the Nebraska Grocery Industry Association testified in opposition to the bill. She said preauthorization holds apply only to open-ended transactions where the final dollar amount of a purchase is unknown, such as when a debit card is swiped at a gas pump.

In addition, Siefkin said, banks control when holds are removed from accounts. If consumer education is the goal, she said, it should be up to the banks to provide it.

“We have no control over the debit cards at all,” she said. “Retailers don’t control the processing; we are the people in the middle who sell the product.”

The committee took no immediate action on the bill.

Interchange fees discussed

The Banking, Commerce and Insurance Committee heard testimony Feb. 24 on a bill that would change the collection of sales tax on cards swiped for purchases at Nebraska retailers.

LB991, introduced by Omaha Sen. Jeremy Nordquist, would prohibit imposition of interchange fees by payment card networks on the sales tax portion of a purchase made using a debit or credit card.



Sen. Jeremy Nordquist

Nordquist said Nebraska retailers and restaurant owners currently must pay a fee to the payment card networks based on the amount of a sale plus applicable sales tax. The result, he said, is that business owners are forced to remit approximately \$8.4 million more per year than they collect on a net basis.

LB991 would allow a payment card network to deduct the sales tax portion of a purchase prior to calculating interchange fees. If a credit or debit card terminal is incapable of capturing and transmitting tax amounts to a payment card network, the bill would allow submission of monthly tax payment documents and sales data to the payment card network for a rebate of applicable interchange fees.

Nordquist said that in the past, Nebraska businesses were allowed to retain a small percentage of sales tax collected to offset the cost of interchange fees, but that provision was removed from state law in 2002.

Jim Otto, representing the Nebraska Retail Federation and the Nebraska Restaurant Association, testified in support of the bill. He said the proposal simply would shift the financial burden of collecting sales tax from retailers to credit card companies.

“The point of sale is becoming the popular place to collect everything,” Otto said.

Lincoln business owner Deb Evans-Olson also supported the bill.

“I don’t know of any other tax that

businesses are required to collect and remit that results in a net loss for the business,” she said.

Jerry Stilmock of the Nebraska Bankers Association testified in opposition to the bill, saying reliable technology does not exist that would allow retailers and credit card companies to comply with the bill’s provisions.

“I’m not aware that there is any way to separate [the necessary information] at the point of sale now,” Stilmock said.

The bill also would authorize the state attorney general to bring action against payment card networks that have intentionally violated the bill’s requirements and to seek civil penalties of up to \$5,000 for each violation. In addition, an individual who is charged interchange fees could bring action to recover actual damages.

The committee took no immediate action on LB991.

BUSINESS & LABOR

Paid sick leave bills considered

Programs giving employees paid leave from work would be created under two bills heard by the Business and Labor Committee Feb. 24.

LB955, introduced by Fullerton Sen. Annette Dubas, would adopt the Paid Family Medical Leave Act, which would provide income for employees if they must leave work to care for family members who are incapable of caring for themselves. The bill would provide eligible employees up to six consecutive workweeks or up to 42 nonconsecutive days per year



Sen. Annette Dubas

of paid leave.

The paid leave would be provided by the Paid Family Medical Leave Fund, which would consist of employee contributions collected as payroll deductions and remitted to the state treasurer. The state Commissioner of Labor would manage the fund.

Dubas said the United States is the only advanced economy in the world that does not guarantee workers paid leave. This creates economic challenges for workers who are torn between taking care of their family or maintaining a career, she said.

“If families are required to use up all of their vacation, personal and sick days to stay at home with their newborns,” Dubas said, “what happens if they need that time later?”

The workforce is changing, Dubas said. Half of all workers are women, she said, and two-thirds of working mothers are the primary wage earners for families. Many workers earn only minimum wage, however, and cannot afford lengthy, unpaid absences from work, she said.

“Paid family leave allows families to be caregivers as well as breadwinners,” Dubas said. “The reality is we need to bring our thinking about families out of the 1950s and recognize the need for flexibility in the workforce.”

LB1090, introduced by Lincoln Sen. Danielle Conrad, would require certain employers to provide full-time employees one hour of paid sick leave for every 30 hours worked up to a maximum of 40 hours in a calendar year, unless the employer selects higher amounts.



Sen. Danielle Conrad

The bill would not apply to domestic servants, farm workers or minors employed by their parents.

Conrad said she brought the bill because almost half of working Nebraskans do not have paid sick leave. Without that benefit, she said, workers don’t seek medical care and go to work sick, which spreads and prolongs illness resulting in weakened businesses.

“Providing a basic level of paid sick leave is a critical work support for Nebraska working families,” Conrad said.

Rodney Vlcek of the Nebraska AFL-CIO testified in support of both bills. He said LB955 is important because it would give employees security during unpredictable leaves of absence.

“This bill ... would allow Nebraskan working families the flexibility to put their loved ones first,” he said.

Further, he said, LB1090 would be good for employers because it keeps sick employees out of the workplace.

“For businesses, a healthy workforce is a productive workforce,” Vlcek said.

Molly McCleery of Nebraska Appleseed also testified in support of both bills.

“Nebraska workers shouldn’t have to choose between financial stability and caring for themselves or their loved ones,” she said.

Robert Hallstrom of the National Federation of Independent Business testified in opposition to both bills, saying they would create problems for businesses that need to keep positions filled during employees’ extended absences.

Harvey Sankey of Printing Industry Midwest also testified in opposition to the bills. LB955 is a payroll tax employees can’t afford, he said and LB1090 would be a burden to businesses because employers should be allowed to offer paid sick leave at their own discretion.

The committee took no immediate action on the bills.

EDUCATION

Streamlined process for capital construction projects advances

Senators gave first-round approval Feb. 27 to a bill that would streamline the approval process for certain bond projects.

Under LB546, introduced by Omaha Sen. Rick Kolowski, revenue bond projects proposed by the state university or college systems would no longer require review and approval from the Legislature or Coordinating Commission for Postsecondary Education. Instead, bond projects would be allowed to proceed following Board of Regents approval.



Sen. Rick Kolowski

Kolowski said the current system of three different levels of approval makes for a disjointed process.

“The infrequency and disconnected timing of meetings creates long waiting times [to begin projects],” he said. “[This bill] seeks to streamline the process ... allowing revenue bond projects to proceed in a timely manner.”

An Education Committee amendment, adopted 26-0, would retain legislative approval for capital construction projects when state general funds, funds received by the University of Nebraska or any state college, tuition or the state’s operating investment pool investment income constitute any part of the funds used for the repayment of bonds.

Senators advanced the bill to select file on a 25-0 vote.

School achievement coordinator proposed

The appointment of a student achievement coordinator was the focus of a bill heard by the Education Committee Feb. 24.

LB958, introduced by Omaha Sen. Tanya Cook, would authorize the state commissioner of education to appoint a person to evaluate and coordinate existing resources for low-achieving students. Cook said the bill addresses concerns raised about the use of state funds to alleviate the effects of poverty.



Sen. Tanya Cook

“[This bill] addresses concerns about the way we are funding poverty initiatives, supporting students with limited English proficiency and supporting the needs of highly mobile students,” she said. “It ensures greater accountability with the state’s limited resources and encourages best practices among the state’s districts.”

The person appointed would be required to have a background and training in addressing the unique needs of students in poverty, limited English proficient students and highly mobile students.

The coordinator would be responsible for reviewing successful poverty and limited English proficiency plans. The bill also would require the coordinator to develop a staggered review schedule for the plans and assist school districts in implementing proven best practices.

Jay Sears, representing the Nebraska State Education Association, testified in support of the bill. He said it’s important to provide information to all teachers on what works best for students with different needs.

“It’s important that [the state Department of Education] be given the

resources for the position,” he said. “It’s important to actually review, analyze and get back to the districts, with these best practices.”

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

Bill would authorize independent public schools

Members of the Education Committee heard testimony on a bill Feb. 25 that would allow for independent public schools.

Under LB972, introduced by Omaha Sen. Scott Lautenbaugh, an independent public school would be classified as a political subdivision, operating under a compact granted by the state Board of Education. Lautenbaugh said his support of these schools – commonly referred to as charter schools – is not something he entered into lightly.



Sen. Scott Lautenbaugh

“We do have, as a nation, experience with charter schools,” he said. “We’ve seen what’s worked and what has failed. In underserved communities, particularly where poverty is present, that is where we’re seeing charter schools get the most bang for the buck.”

Those eligible to establish an independent public school would include teachers, parents, school administrators, community residents, public organizations and nonprofit organizations. The school district of residence would be required to pay the district’s actual per pupil cost for each student attending an independent public school.

The bill also would authorize a pilot program to include up to five independent public schools to oper-

ate in a city of the metropolitan class. Currently, Omaha is Nebraska's only city of the metropolitan class.

The state board would review the pilot program after five years and make a determination on renewing the schools' compacts. Under the bill, the school district within which the pilot school is located would be required to provide student transportation to and from school.

Jason Epting, principal of Harlem Village Academies Charter School in New York City, testified in support of the bill. He said it is important not to label students, but instead to create an engaging learning environment.

"Our students who are impoverished are able to learn if you create an environment that caters to their needs," he said. "We place a banner of impossibility over these students because of their socioeconomic status. Education really is the way to break the cycle of poverty."

Kevin Lytle, vice president of programming at the Leadership Institute for Urban Education, also supported the bill. Lytle said growth in his north Omaha neighborhood has been stagnant, despite Omaha's progress.

"If this small area isn't growing, why are we not being open to all of the possibilities to help this small area grow?" he asked. "We're not asking for anyone to come in and be our savior. We're asking for the freedom to create things to help ourselves."

State Commissioner of Education Matt Blomstedt, representing the state board, opposed the bill. He said the board supports the goals of the bill, but not the execution.

"We are certainly not opposed to building-level leadership, creativity and autonomy," he said. "We encourage organizing community support systems for schools. However, charter schools are not the only way to accom-

plish these goals."

Rachel Pinkerton, representing the Liberty Education Advocacy Project, also testified in opposition to the bill. She said the newly reconfigured Omaha Public Schools (OPS) board needs time to turn things around.

"I started out a true believer in charter schools, but after years of research, I reluctantly came to see that as a false hope," she said. "[This bill] would complicate, diffuse and undermine the OPS board's focus."

The committee took no immediate action on the bill.



Bill to curb teen indoor tanning debated

Lawmakers began debate Feb. 28 on a bill aimed at curbing indoor tanning among teenagers in Nebraska.

As introduced by Omaha Sen. Jeremy Nordquist, LB132 would prohibit tanning facilities in Nebraska from allowing people younger than 18 to use tanning equipment. The prohibition would apply to sun lamps, tanning booths and tanning beds.



Sen. Jeremy Nordquist

Nordquist said he introduced the bill to lower the risk of skin cancer among young adults in Nebraska.

"This is an issue that truly is a matter of life and death and demands our attention and action," he said.

Lawmakers have a history of protecting young people from the long-term consequences of dangerous behavior, Nordquist said. He noted

that people younger than 18 are not allowed under state law to purchase handguns, alcohol or cigarettes and cannot legally consent to a tattoo.

A pending Health and Human Services Committee amendment would apply the prohibition only to minors younger than 16 and provide an exception for individuals with a physician's order.

The amendment also would require tanning facilities to post a warning sign in a conspicuous location outlining the dangers of overexposure to ultraviolet radiation. An owner or operator of a tanning facility found to be in violation of the bill's provisions would be subject to a civil penalty of \$100.

The bill also would add a tanning facility owner to the state Board of Cosmetology.

Norfolk Sen. Jim Scheer offered an amendment to the committee amendment that would have replaced the physician's order exception with a written note from a parent or legal guardian.

Scheer agreed that teenage tanning is a problem, but said the bill's proposed solution was flawed in two ways. The amended bill would have no impact on older teens, he said, who are more likely to abuse indoor tanning. In addition, Scheer said, the state should not interfere with parental rights on this issue.

"When it comes right down to it, the bill does not address the problem," he said. "If we're going to try and address the problem, parents have to be involved."

Bancroft Sen. Lydia Brasch supported the amendment, saying parents' rights should be respected.

"The intent of LB132 is to protect our children, to protect them from harm," Brasch said, "and I believe as a state ... the best way we can protect our

children is to enable their parents.”

Nordquist opposed the amendment. LB132 represents a compromise between the indoor tanning industry and the medical community, he said, and parental consent was considered during negotiations on the bill. The tanning industry does not want to be responsible for “policing” parental notes, he said, adding that young people likely would find a way to circumvent a parental note requirement.

The amendment failed on a vote of 18-18.

A second Scheer amendment to the committee amendment would exempt those younger than 16 from the bill’s provisions if accompanied by a parent or legal guardian. Scheer said the amendment would provide a simple solution to the potential problem of teenagers forging their parent’s signature on a note.

“If [a parent] is not with them, don’t provide the services,” he said. “We don’t have to involve the medical community; we don’t have to waste their time.”

Campbell said the physician exception was included in the committee amendment because of testimony given during the hearing on LB132.

“We heard testimony that at times a physician is treating a particular skin condition and ... may prescribe that someone use the [tanning] bed for a limited amount of time,” she said.

The Legislature adjourned for the day before taking action on the pending amendments.

Behavioral health internship bill advanced

Lawmakers gave first-round approval Feb. 24 to a bill intended to increase access to behavioral health services in Nebraska.

LB901, introduced by Lincoln Sen. Amanda McGill, would require

the University of Nebraska Medical Center’s Behavioral Health Education Center to fund five one-year doctoral-level internships within 12 months of the bill’s enactment. The number of internships would increase to 10 within 36 months.



Sen. Amanda McGill

Under the bill, interns would be placed in communities where their presence would improve access to behavioral health services for patients residing in rural and underserved areas of Nebraska.

Every psychologist must complete an internship as part of their course of study, McGill said, forcing doctoral students to leave the state when internships are not available in Nebraska. Those who leave to complete their training likely will not return, she said.

“This bill will build our mental health workforce and reach thousands of patients that may not get help otherwise,” she said.

Fullerton Sen. Annette Dubas supported the bill, saying the lack of mental health providers in rural areas heavily impacts education. Teachers spend a great deal of time attempting to address behavioral health problems, she said, even though they are not trained or equipped to do so.

“What does that mean to the overall ability to educate all of our children?” Dubas said.

Sen. Kate Sullivan of Cedar Rapids also spoke in favor of the bill, saying that none of the nine counties in her legislative district currently is served by a psychologist. The new internships outlined in the bill could help fill the void, she said.

McGill offered an amendment, adopted 30-0, that adds physician assistants to the list of health care pro-

fessionals that the center analyzes in terms of demographic and geographic availability to determine underserved areas in Nebraska.

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

JUDICIARY

Expansion of synthetic drug ban considered

Additional variations of synthetic drugs known as “K2” or “spice” would be banned under legislation heard by the Judiciary Committee Feb. 26.

LB811, introduced by Ogallala Sen. Ken Schilz, would amend one class of currently banned



Sen. Ken Schilz

substances under the Uniform Controlled Substances Act and would add another class of synthetic cannabinoids to the list of banned substances. The bill also would revise the act to apply to substantially similar imitations of currently prohibited controlled substances.

The bill would increase the penalty for the manufacture, distribution, delivery or possession with intent to distribute or deliver an imitation controlled substance. First time offenders would be guilty of a Class I misdemeanor punishable by up to one year imprisonment, a \$1,000 fine or both. Subsequent offenses would be a Class IV felony, punishable by five years imprisonment, a \$10,000 fine or both.

Schilz said he brought the bill because manufacturers of synthetic cannabinoids circumvent current bans by changing the chemical makeup of their products to create legal sub-

stances. The results are deadly, he said.

“This process seems to have made the end product even more dangerous than the original substance it is intended to mimic,” Schilz said. “Nebraska children are obtaining the new versions of these synthetic cannabinoids and literally dying because of the chemicals used to produce them.”

Christine Gabig, Douglas County Sheriff’s forensic scientist, testified in support of the bill. She said the bill includes language that would give law enforcement flexibility in combating imitation cannabinoid compounds they have yet to encounter.

Steve Tucker of Waverly said the substance was responsible for killing his son, William Tucker. Testifying in support of the bill, Tucker asked the committee to consider banning additional compounds not yet available in the United States.

Kali Smith also spoke in favor of LB811, saying synthetic cannabinoids caused her son, Tyler, to commit suicide. She said he had been misled into using the product, assuming it was harmless because he was able to purchase it legally.

“Our children deserve better,” Smith said. “They deserve to know what they are buying and they don’t deserve to be lied to and deceived by this type of marketing of synthetic drugs.”

Chris Eickholt of the Nebraska Criminal Defense Attorneys Association testified in opposition to the bill. He said the bill’s “loose language” does not clearly specify which compounds are illegal. Further, he said, increasing the subsequent offense penalty is too severe.

“You’re going to make a lot of people felons who shouldn’t be there,” Eickholt said.

Omaha Sen. Ernie Chambers also testified in opposition to the bill, say-

ing the Legislature’s current method of banning new compounds annually is “a hoax and a sham” that does not protect the public.

“Criminalizing a substance every time a new one comes into being ... is futile,” he said.

The committee took no immediate action on LB811.

Concealed handguns for school employees proposed

Teachers would be permitted to carry concealed weapons in schools under a bill heard by the Judiciary Committee Feb. 28.

LB879, introduced by Imperial Sen. Mark Christensen, would create a new concealed handgun permit to carry concealed handguns in schools. The bill would give school administrations the option to authorize school employees to obtain the new Level II permit to carry concealed handguns in designated schools.



Sen. Mark Christensen

In addition to the handgun training and safety course required by the Concealed Handgun Permit Act, an applicant for the Level II permit would be required to complete 24 additional hours of training, to include best practice responses and actions during an active-shooter incident, along with a demonstration of competency during a simulated active-shooter scenario. LB879 would require the Nebraska State Patrol to develop minimum standards for the new training courses and instructors.

Christensen said schools in rural areas are more at risk than urban schools because it would take law enforcement longer to respond to an armed intruder situation. The bill would allow each

school administration to decide how to secure its students, he said.

“I do not want to force guns into schools where folks do not want them,” Christensen said. “I brought the bill as an alternative for schools that don’t feel like they can afford to hire police enforcement.”

Rodney Moeller of the Nebraska Firearms Owners Association testified in support of the bill. Recent school shootings have shown that guns are the best way to stop armed intruders, he said.

“The sooner we have well-trained good guys with guns respond to stop armed bad guys, the more children we will save,” Moeller said.

Jay Sears of the Nebraska State Education Association testified in opposition to the bill, saying better building security and on-site law enforcement is the best solution for school safety.

“We should leave carrying of deadly weapons and tools to trained law enforcement professionals,” he said. “Teachers are trained to teach—that’s what they’re supposed to do—and nothing else.”

The committee took no immediate action on the bill.

Abortion clinic signs proposed

Health care facilities that perform abortions would be required to post signs notifying women of their rights under a bill heard by the Judiciary Committee Feb. 27.

LB1032, introduced by Papillion Sen. Bill Kintner, would require any health care facility that performs abortions—other than those necessary to prevent the death of the



Sen. Bill Kintner

woman—to post a sign stating that a woman seeking an abortion cannot

be coerced or forced into having an abortion.

The bill would impose a \$10,000 fine for each day the sign is not posted.

Kintner asked the committee to consider an amendment to the bill that would exempt hospitals and doctors' offices from posting the signs.

Kintner said the proposed sign would tell a woman she cannot be coerced into having an abortion against her will.

"I am saddened that there are cases out there where abortions don't need to be performed because of situations where a woman was threatened to the point that she went through with an abortion she did not want to have," Kintner said.

Olivia Gans Turner of American Victims of Abortion testified in support of the bill, saying she had been coerced into having an abortion. She said having information that would appear on the proposed sign would have helped her during a stressful time in her life.

"I believe strongly I would have found the courage if anyone in any way had sent the message to me at that moment: You don't have to do what someone else tells you to do—even if it's the father of your child," Gans Turner said.

Shauna Benjamin of Planned Parenthood of the Heartland testified in opposition to the bill. She said the signs are unnecessary because women seeking abortions undergo counseling that takes coercion into consideration.

Alan Peterson of American Civil Liberties Union Nebraska also testified in opposition to the bill, saying the state cannot force businesses to display a government message.

The committee took no immediate action on LB1032.

Handgun purchase eligibility records sought

Records of individuals who have been denied handgun purchases in Nebraska would be provided to the Legislature under a bill heard by the Judiciary Committee Feb. 26.

LB1035, introduced by Lincoln Sen. Amanda McGill, would require the Nebraska State Patrol and the state Department of Health and Human Services (DHHS) to provide the Legislature a record of citizens unable to purchase handguns due to disqualification or disability.



Sen. Amanda McGill

The report also would be published on the Nebraska State Patrol and DHHS websites.

McGill said she brought the bill in response to constituents' concerns that Nebraska agencies are not thoroughly sharing records of handgun purchase denials. Her investigation found that while the list contains more than 7,000 names, several thousand more should be listed, McGill said.

Maintaining an accurate list is important, she said, because it helps prevent gun sales to individuals suffering from mental instability, domestic violence offenders, fugitives from justice and those who have been served with restraining orders.

"Every day the records are missing, the public is at risk," McGill said.

Matt Schaefer of the Nebraska Shooting School Foundation testified in support of the bill. He said numerous agencies contribute names to the handgun denial list, so it is difficult to access the most recent data. The bill would simplify the process for obtaining accurate information, he said.

"A background check is only as good as the records and database,"

Schaefer said.

Rodney Moeller, president of the Nebraska Firearms Owners Association, testified in opposition to the bill. He said LB1035 would be unnecessary if DHHS did a better job of reporting names to the National Instant Criminal Background Check System.

"If we know DHHS is not reporting what they should, why are we proposing another bill?" Moeller asked. "To ask them to publish a report to tell us they are doing their job is just silliness."

The committee took no immediate action on the bill.

Bill would mitigate property disputes

Land developers would have more time to reclaim ownership of their property under a bill heard by the Judiciary Committee Feb. 26.

LB1049, introduced by Lexington Sen. John Wightman, would change the statute of limitations for initiating recovery of property from 10 to 20 years for platted and subdivided lots. Current law



Sen. John Wightman

permits a person to use a process called "adverse possession" to claim title to land by proving that he or she openly has been using and maintaining the land continuously and exclusively for 10 years.

Wightman said the bill would address instances in new subdivisions where lot line markers disappear over time. Problems arise, he said, because landowners who encroach on neighboring vacant land may leave the true property owner with parcels of land too small to meet city building codes.

"We need to allow entrepreneurs who take a considerable risk to develop and build homes more time to

build communities without a person taking property without paying taxes and ignoring lot lines,” Wightman said.

He said the centuries-old rule regarding adverse possession causes unnecessary litigation.

“The purchaser of the lot should not be put in the position where they must pursue costly litigation to determine if they really own the property described in their deed,” Wightman said.

Jeffrey Nix, representing the Home Building Professionals of Greater Omaha, testified in support of the bill. He said land developers sometimes purchase property that has been vacant for many years and have had no opportunity to designate or maintain lot boundaries. The bill gives developers necessary time to avoid costly delays caused by property disputes, he said.

Ward Hoppe of the Nebraska Realtors Association testified in opposition to the bill, saying situations the bill hopes to mitigate are too rare to warrant a policy change.

The committee took no immediate action on LB1049.



Hunting permits for developmentally disabled advanced

A developmentally disabled person could purchase a hunting permit under a bill advanced from general file Feb. 27.

Under LB699, introduced by O’Neill Sen. Tyson Larson, a license-purchase



Sen. Tyson Larson

exemption certificate issued by the state Game and Parks Commission would allow a developmentally disabled person to purchase a hunting permit.

Larson said a disability should not prohibit a person from participating in a popular sport like hunting.

“There are people who want to participate, but because of their disabilities are unable to meet the qualifications to obtain a permit,” he said. “[With this bill] we will give kids and adults with special needs the ability to participate in a sport that is important to many Nebraskans.”

The bill also would consolidate current hunter education programs to form one program covering all hunting implements including firearms, crossbows, bow and arrows, and air guns.

A Natural Resources Committee amendment, adopted 30-0, would require a person applying for an exemption certificate to provide a written note from their physician, indicating that the person is at all times capable of understanding and following directions given by another person and that he or she currently is not a danger to himself, herself or others.

Holdrege Sen. Tom Carlson, chairperson of the committee, said the amendment also addresses concerns from bow hunters and trainers about consolidating the hunter education programs by providing for additional bow hunter education.

Lincoln Sen. Colby Coash introduced an amendment to the committee amendment that would ensure any physician providing written approval would have knowledge that the person would be using a firearm to hunt.

“We want to make sure the physician is fully aware of what the hunter will be engaging in before authorizing the note,” Coash said.

Following the 25-0 adoption of the

Coash amendment, two additional technical amendments were adopted. Senators then voted to advance the bill to select file on a 27-1 vote.

Bill would shift commission focus to water sustainability

The Natural Resources Commission heard testimony Feb. 26 on a bill that would restructure the Nebraska Natural Resources Commission to create a greater emphasis on water sustainability.

LB1098, introduced by Holdrege Sen. Tom Carlson, would increase the commission’s membership to 27 by adding 11 governor-appointed members. Currently, three members are appointed by the governor and 13 are elected to represent river basins across the state.



Sen. Tom Carlson

The bill directs the governor to appoint members that represent diverse geographic regions of the state, including urban and rural areas. The 14 appointed members would represent the following:

- agribusiness and agricultural interests;
- ground water irrigators and surface water irrigators;
- irrigation districts;
- manufacturing interests;
- wildlife conservation interests;
- municipal water users;
- outdoor recreation users;
- public power and irrigation districts;
- range livestock owners; and
- metropolitan utilities districts and public power districts.

The reconstructed commission would be required to establish criteria by which projects, programs and activities would be ranked and prioritized

according to the water sustainability goals established by the commission.

Carlson said the commission would evaluate proposals and fund those that best meet the needs of future generations across a range of priorities, including reducing aquifer depletion, increasing stream flow, managing flood threats, ensuring that municipal and industrial needs can be met, protecting wildlife and promoting conservation.

Nebraska can retain its important agricultural position in the country only by ensuring a sustainable water supply for all of the state's needs, he said.

"In Nebraska, agriculture is our number one industry," Carlson said, "and now that we've just become number one in the nation in cattle on feed - there's a reason for that. People are leaving other states like Texas because they don't have the water to raise crops to feed the cattle."

Clint Johannes, member of the Lower Platte North Natural Resources District, testified in support of the bill. The current commission has done good work, he said, but may be slightly slanted toward agricultural interests and would benefit from broader input from all water users in the state.

"I think it's appropriate that we have this good base to build on ... but that we add all of these other interests," Johannes said.

Marian Langan, executive director of Audubon Nebraska, also supported the bill, saying the state's current approach to water issues has been disjointed. Nebraska needs to commit to comprehensive planning and funding to ensure its future water supply, she said.

"We haven't taken a big enough look," Langan said.

No one spoke in opposition to LB1098 and the committee took no immediate action on the bill.

REVENUE

Expanded grant funding proposed for energy conservation projects

Members of the Revenue Committee heard testimony on a bill Feb. 26 that would expand assistance under the Low-Income Home Energy Conservation Act.

Currently, eligible entities may apply for grants to fund energy conservation improvement projects under the act. The entities are required to deposit \$50,000 with the state Department of Revenue before receiving matching funds.

LB978, introduced by Omaha Sen. Burke Harr, would allow an eligible entity to apply for up to \$50,000 in grant funding without depositing the matching funds with the state. Harr said it would incentivize consumers to upgrade their homes.



Sen. Burke Harr

"This represents a common-sense approach to helping residential customers to reduce their energy bills," he said. "It would enable more customers to benefit from energy efficiency upgrades."

The bill would define an eligible entity as a public power district, rural public power district, electric cooperative, nonprofit corporation organized for the purpose of furnishing electric service, joint entity organized under the Interlocal Cooperation Act or a municipality.

The benefits would expire on Jan. 1, 2016.

Scott Kleeb of Energy Pioneer Solutions testified in support of the bill.

He said making necessary improvements can be cost prohibitive for many homeowners.

"Of those that go ahead and get [an energy audit] completed, only 2 percent actually make the improvements," he said. "This is a really elegant way the citizens of Nebraska can improve their energy efficiency."

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

Education trust fund proposed

Members of the Education Committee heard testimony Feb. 28 on a bill that would establish an education trust fund.

Under LB1025, introduced by Lincoln Sen. Kate Bolz, sales tax proceeds from online purchases occurring after Jan. 1, 2015, would be directed to a newly created Educational Trust Fund. The fund would provide a dedicated source of revenue to stabilize state aid to schools under the Tax Equity and Educational Opportunities Support Act (TEEOSA).



Sen. Kate Bolz

Bolz said pending federal legislation will give states the tools to collect online sales tax, estimated at \$61.3 million in 2012.

"[This bill] will stabilize our educational funding streams," she said. "It will protect local taxpayers from tax hikes during an economic downturn, when they can least afford one."

The Legislature would be authorized to transfer funds from the Educational Trust Fund to fund TEEOSA aid whenever it is deemed necessary.

Jason Hayes, representing the Nebraska State Education Association, supported the bill, saying Nebraska currently ranks 49th in the nation in

state aid to schools.

“Nebraska consistently falls short of providing the level of aid our schools require,” he said. “Establishing an Educational Trust Fund will send a clear message that we value education and recognizes the importance of consistency when it comes to funding education.”

Deborah Lyons, a teacher at Alcott Elementary in Hastings, also supported the bill. She said 53 percent of her district’s annual budget is dependent on state aid.

“Our district is completely dependent on state aid due to our landlocked status,” she said. “[This bill] could help smooth the economic peaks and valleys for our schools and provide our students with quality teachers and a quality education.”

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

Extensions proposed for Nebraska Advantage Act

A bill that would extend sunset dates for the Nebraska Advantage Act was heard by the Revenue Committee Feb. 26.

LB1067, introduced by Kearney Sen. Galen Hadley, would extend the current application deadline for Tier 1 and Tier 3 projects under the Nebraska Advantage Act from Dec. 31, 2015 to Dec. 31, 2017. The deadline for Tier 6 projects under the Act would be extended from Jan. 1, 2016 to Jan. 1, 2018.



Sen. Galen Hadley

Hadley said extending the deadlines is vital to encouraging new businesses to locate in the state.

“These are important [changes] because some of them are at the end of

this year,” he said. “If we don’t act now to extend those sunsets, we will lose one of our very important economic development tools.”

The bill also would change the year in which a business may first claim a tax credit under the Nebraska Advantage Research and Development Act from tax years beginning Dec. 31, 2015 to tax years beginning Dec. 31, 2017.

The state Department of Revenue’s deadline to approve applications under the Nebraska Advantage Microenterprise Tax Credit Act would be extended from Dec. 31, 2015 to Dec. 31, 2017.

State Department of Economic Development Director Catherine Lang testified in support of the bill. She said the Nebraska Advantage Act has resulted in the creation of over 7,000 jobs since its inception.

“The Department of Economic Development believes that growing investment and creating jobs is intrinsically important to the success of the state,” she said. “It’s important that we continue the efforts to modernize these incentive programs.”

Joseph Young, director of public policy for the Greater Omaha Chamber of Commerce, also supported the bill, saying that the state receives \$3.02 for every \$1 spent under the act.

“Besides the cost of doing business, predictability and certainty are paramount when we’re talking about what business owners are going to do with long-term planning,” he said. “[This bill] tells people Nebraska is open for business, not just this year but for the foreseeable future.”

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

TRANSPORTATION & TELECOMMUNICATIONS

Additional motorcycle lights considered

Motorcyclists would be permitted to display additional lights on their motorcycles under a bill heard by the Transportation and Telecommunications Committee Feb. 25.

LB667, introduced by Omaha Sen. Bob Krist, would allow motorcyclists to display



Sen. Bob Krist

light-emitting diodes (LED) on a motorcycle. Current law prohibits the use of red or green lights that are visible from

the front of any vehicle except police and fire department vehicles or school buses.

Krist said he brought the bill on behalf of a constituent who had been ticketed by law enforcement for using multi-colored lights on his motorcycle. Krist said he agreed with the rider that making a motorcycle more visible is a good idea.

“To see a motorcycle is to avoid it,” Krist said.

Joe Jones, a motorcycle rider from Omaha, testified in support of the bill. He said his motorcycle is very quiet so he relies on additional LED lights to enable drivers to notice him. Jones said he should not be ticketed for using a safety feature that does not impede other drivers.

“I wouldn’t be here if I thought having those lights on my bike was going to endanger someone else,” he said.

No one testified in opposition to the bill and the committee took no immediate action on LB667.

Bicycle definition could include e-bikes

The definition of a bicycle would be expanded under a bill heard by the Transportation and Telecommunications Committee Feb. 25.

LB756, introduced by Papillion Sen. Jim Smith, would change the state’s definition of a bicycle to include electric-assist bicycles. In addition to having two or three wheels and pedals for propulsion by human power, an electric bicycle features an electric motor producing up to 750 watts, up to one brake horsepower and a maximum speed of 20 mph.



Sen. Jim Smith

Smith said current law does not accurately recognize electric-assist bicycles. Without the bill, he said, e-bikes could be considered a motor vehicle and be subject to licensing and helmet laws. Because e-bikes are certain to become more prevalent in Nebraska, Smith said, it is time to clearly identify these new vehicles.

“With an aging population that tends to be more active and health conscious, and with more and more people looking for alternative methods of transportation,” Smith said, “I anticipate these bikes to increase in popularity.”

Bill Moore, publisher of EV World.com, testified in support of the bill. E-bikes are a growing market, he said, with 159,000 of them produced in the United States in 2013. Unlike scooters and motorcycles, he said, e-bikes offer health benefits because they are designed like a bike and provide electric assistance only during more strenuous portions of a ride.

“If we’re looking for a way to extend the quality of life of an aging population, while reducing health

care costs along with pollution and traffic congestion,” Moore said, “I believe LB756 is a good place to start.”

David Cary, long-range planning manager for the Lancaster County Planning Department, also testified in support of the bill. He said LB756 is important because it would clearly define a vehicle already in use in Nebraska.

“E-bikes can be expected to become an increasingly important part of the transportation system in Lincoln and throughout Nebraska,” Cary said.

No one testified in opposition to the bill and the committee took no immediate action on LB756.

DMV updates advanced

State Department of Motor Vehicles (DMV) policy dates would be updated under a bill advanced from general file Feb. 26.

LB776, introduced by Kearney Sen. Galen Hadley, would keep state laws administered by the DMV consistent with federal laws by amending reference dates in several statutes. Included in the updates is the statute requiring that DMV employees who handle licensing and registration documentation be subject to background checks.



Sen. Galen Hadley

Hadley said the bill’s passage is necessary for Nebraska to continue receiving federal funding for highways.

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

Cyclists’ rights, routes and signage discussed

Guidelines for a bicycle transportation system in Nebraska would be created under a bill heard by the Transportation and Telecommunica-

tions Committee Feb. 25.

LB1071, introduced by Omaha Sen. Steve Lathrop, would require the state Department of Roads to establish minimum safety design criteria for planning and constructing routes for bicycles.



Sen. Steve Lathrop

Elements covered by the cycling transportation system study would include:

- uniform specifications and symbols for signs, markers and traffic-control devices to designate bikeways, regulate traffic, improve safety and convenience for bicyclists and alert pedestrians and motorists to the presence of bicyclists; and
- structural specifications such as design speed of a facility, minimum widths, clearances, grade, radius of curvature, pavement surface, actuation of automatic traffic control devices and drainage.

The bill also would give cyclists the same rights as pedestrians when riding their bicycles on sidewalks, crosswalks and roadway shoulders. Cyclists would be required to yield to pedestrians when riding on sidewalks and give an audible signal when necessary before overtaking and passing pedestrians.

Lathrop said he brought the bill because bikeway guidelines would help provide design consistency among different communities.

Theresa Catalano of Lincoln testified in support of the bill. Catalano said she was surprised to learn that cyclists don’t have the same rights as pedestrians after she suffered numerous injuries from being struck by a car while riding her bike in a crosswalk.

“When I was in the hospital, the

officer that was assigned to my case told me I was very lucky that I wasn't being charged for the damage my body caused to the other car," she said.

Catalano asked the committee to advance the bill because cyclists deserve the same protection from cars as pedestrians.

Elisabeth Reinkordt of BicycLincoln also testified in support of LB1071, saying that creating a safer cycling environment especially encourages and benefits new cyclists and families.

"This change in the law will make it more safe and more reasonable for people to use bikes as a viable means of transportation," she said.

Khalil Jaber of the Nebraska Department of Roads testified in a neutral capacity. He said the department already follows federal standards regarding bicycle and pedestrian accommodations. Further, he said, the bill lacks specific design standards as well as a source for funding.

No one testified in opposition to the bill and the committee took no immediate action on LB1071. ■

Youth legislature registration now open

Registration for the 2014 Unicameral Youth Legislature is now open. Scheduled for June 8-11, the Unicameral Youth Legislature offers high school students the opportunity to learn what it's like to serve as a state senator. Student senators will discover the unique process of our nation's only unicameral by sponsoring bills, conducting committee hearings and debating legislation.

Participants will learn the details of the Nebraska Legislature directly from senators, staff and lobbyists using bill topics based on actual legislation considered during the most recent unicameral session.

Students will conduct their legislative duties in the historic Warner Chamber, the former home of the Nebraska Senate.

If you know a student who has an interest in law, government, leadership or public speaking, encourage them to visit the Unicameral Youth Legislature website to learn more about this unique four-day event.

Early-bird registration is available until April 1. Registration and scholarship application forms can be obtained from NebraskaLegislature.gov/uyl or bigredcamps.unl.edu. The registration deadline is May 15.



COMMITTEE HEARINGS

*Current hearing schedules available at: nebraskalegislature.gov/calendar

Tuesday, March 4

Executive Board

Room 2102 - 12:00 p.m.

LR444 (Legislative Performance Audit)
Create the Tax Incentive Evaluation Committee as a special legislative committee

Transportation & Telecommunications

Room 1113 - 12:30 p.m.

Appointment: Harvey, Dorest - Neb. Information Technology Commission
Appointment: Meininger, Randy - Neb. Information Technology Commission
Appointment: Shundoff, Dan - Neb. Information Technology Commission

Appointment: Warren, Gerald (Gary) - Neb. Information Technology Commission

Appointment: Weir, Walter - Neb. Information Technology Commission

Tuesday, March 18

Transportation & Telecommunications Room 1113 - 9:00 a.m.

Appointment: Cerny, Dean - Neb. Motor Vehicle Industry Licensing Board
Appointment: Hansen, Donald - Neb. Motor Vehicle Industry Licensing Board
Appointment: Quinn, Angela - Neb. Motor Vehicle Industry Licensing Board ■



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CAPITOL VISITORS

Students from Lincoln East High School (left) and North Star High School (below) conducted mock legislative hearings while spending a day at the Capitol.

