

Criminal justice system changes proposed

Resocialization and supervision of inmates released from prison was the focus of legislation heard by the Judiciary Committee Feb. 6.

LB907, introduced by Omaha Sen. Brad Ashford, would change how Nebraska manages released prisoners in several ways. The bill would:

- require judges to assign up to three years of supervised release as part of sentencing;
- require judges to consider public safety, accountability and recidivism at the time of sentencing;
- create a reentry probation officer position, based on the federal level probation officers, to oversee reentry into the community;
- conduct comprehensive risk and needs assessments to ensure the identification of various risk factors and reduce recidivism;

- expand reporting centers to every judicial district;
- enhance reporting and accountability for the Office of Probation Administration and the Office of Parole Administration;
- expand mental health services at the reporting centers through the voucher system; and

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Sen. Brad Ashford said too many inmates are leaving prison without supervision and support.

Tax code adjustments recommended

Members of the Revenue Committee heard testimony Feb. 5 on two bills that would change the state's current tax system.

Currently, the income limitation to receive a 100 percent homestead exemption is a maximum household income of \$22,500 for a married claimant. Each increase in income, by \$1,200 increments, results in a reduction in the exemption by 15 percent. Eligibility ends at a household income

of \$28,501 for a married claimant.

The maximum household income for a single claimant to receive a 100 percent homestead exemption is \$19,200. Eligibility for a single claimant ends after reaching a household income of \$24,201.

LB986, introduced by the Revenue Committee, would increase from \$1,200 to \$2,000 the increment by which the exemption is reduced by 10 percent, rather than 15 percent. The bill also would increase the income

level at which eligibility would end to \$40,501 for a married claimant and \$37,201 for a single claimant.

Committee chairperson Galen Hadley said the proposed adjustment is a primary recommendation of the Tax Modernization Committee.

"Anytime you make significant changes to a tax system, it will cost significant dollars," he said. "However, we don't want to have to push the elderly out of their homes because they cannot pay their property taxes."

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Criminal justice system changes proposed

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- establish the Nebraska Center on Justice Research to advise the Legislature on policy, evidence-based programs, mental health needs and to conduct ongoing assessments on Nebraska's justice system.

Ashford said he introduced the bill because nearly 40 percent of released inmates who leave Nebraska prisons do so without adequate supervision and support.

"That is absolutely a recipe for disaster," he said.

Todd Schmaderer, Omaha police chief, testified in support of LB907, saying better inmate supervision after release reduces recidivism.

"We all benefit when an offender has the proper resources and oversight upon release from incarceration," he said. "It gives this individual the best chance of success."

The committee heard testimony on a second bill by Ashford designed to reduce Nebraska's prison population. LB999 would change the emphasis of Nebraska's criminal justice system from incarceration of offenders to transition and reentry to the community.

The bill would:

- increase accountability for the Office of Probation, state Department of Correctional Services and Office of Parole Administration through enhanced reporting requirements and create a deidentified data archive for criminal justice research;
- fund violence reduction and anger management programming, job training and housing; and
- create the Reentry Programming Board and eliminate the Community Corrections Division of the Crime Commission.

The Reentry Programming Board would coordinate with state Department of Correctional Services, the Of-

fice of Parole Administration, the Office of Probation Administration and nongovernmental organizations to track inmate, probationer and parolee participation in programming, develop a plan for transitioning from a community corrections model to a reentry model and inform criminal justice system stakeholders and the general public about the availability, use and benefits of reentry programs.

Jim Vokal, executive director of the Platte Institute, testified in support of both bills. He said about half of Nebraska's prisoners are nonviolent offenders and improving reentry and supervisory programs is a better solution than building more prisons.

"We cannot brick and mortar our way out of this criminal justice predicament," Vokal said.

Omaha City Councilperson Aimee Melton also testified in support of both bills, saying that improved supervision of inmates via electronic devices would deter them from resuming violent behavior.

"I think that [tracking] is an essential tool for the Omaha police and for the probation officer to know who [offenders] are hanging around with," Melton said. "We need to stop these violent offenders from going back into the same life they were in before they were incarcerated."

Hall County Attorney Mark Young testified in opposition to LB907, asking the committee to require that offenders have no contact with victims. He also suggested that victim restitution be made part of the supervised release plans.

The committee took no immediate action on LB907 or LB999. ■

UNICAMERAL UPDATE

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Tax code adjustments recommended

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Mark Intermill, representing the American Association of Retired Persons (AARP), supported the bill, saying Nebraska currently has a slightly regressive tax system.

“Tax revenue sources should distribute the tax burden according to people’s ability to pay,” he said. “[Under this bill] there will be more people who qualify for at least partial exemptions.”

Douglas County Assessor Roger Morrissey also testified in support of the bill. He said last year had the lowest number of approved homestead exemption applicants in the last six years.

“This program makes a difference for a lot of seniors and enables them to stay in their homes,” Morrissey said. “This will definitely help.”

A hearing also was held on LB987, introduced by the committee, which would index state income tax brackets for inflation. The indexing would be done annually by the state tax commissioner.

Hadley said the bill represents a true tax cut for Nebraskans.

“The state, not the citizens, has benefited greatly in paying bills by not allowing bracket [indexing],” he said. “If we don’t index, the citizens of Nebraska will lose \$35 million in purchasing power.”

The bill also would reduce the amount of Social Security benefits that are included in the federal adjusted gross income (AGI) for state income tax purposes. The adjustment would apply to taxpayers with an AGI of \$58,000 or less for married persons filing jointly and \$43,000 or less for all other returns.

James Cavanaugh, representing the National Organization of Social Security Claimants’ Representatives, testified in support of the bill. He said it is the right time to finally address the issue.

“These are not people who will save income from month to month. They spend pretty much their entire income each month,” he said. “If we allow them some tax relief, they will spend that saved amount each month.”

OpenSky Policy Institute Executive Director Renee Fry offered neutral testimony on LB987. She said inflation has led to a decrease in taxpayers’ purchasing power.

“While families’ income has grown with inflation, their



Sen. Galen Hadley explained LB986 and LB987 in a hearing Feb. 5

purchasing power has decreased,” Fry testified. “This would ensure families pay income taxes proportional with inflation. However, we remain skeptical that now is the time to institute major tax relief.”

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

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AGRICULTURE

County ag society equipment levy passed

Senators passed a bill Feb. 7 that increases levy authority for county agricultural societies.

Introduced by O'Neill Sen. Tyson Larson, LB597 expands the use of an agricultural society levy to include purchase of equipment.

The bill requires that a society receive consent from the county board before buying, selling or entering into long-term leases with society-owned real estate. Consent will not be required for short-term leases of 90 days or less.

Senators passed the bill on a 43-0 vote.



Sen. Tyson Larson

Prairie dog management discussed

Restrictions on prairie dog populations would be eased under legislation heard by the Agriculture Committee Feb. 4.

LB673, introduced by Omaha Sen. Ernie Chambers, would repeal the Black-Tailed Prairie Dog Management Act of 2012, which prohibits the uncontrolled spread of colonies of black-tailed prairie dogs. The bill gives county boards authority to administer the program.

Hailing the prairie dog as a species native to Nebraska that provides numerous ecological benefits, Chambers criticized the current law as unnecessary.



Sen. Ernie Chambers

“This hit-and-miss method of saying a certain species of animal is to be managed is contrary to every scientific principle that could be imagined,” he said.

Chambers said the law is flawed because it allows the government unrestricted access to property where prairie dog colonies exist. According to the Act, he said, county agencies, based on landowner complaints, can exterminate prairie dogs without liability for any property damage that may occur.

Property disputes between neighbors can be addressed in court, Chambers said, and do not need to include species management.

Jarel Vinduska of the Nebraska Wildlife Federation testified in support of LB673, saying the current law is an “embarrassment” for Nebraska.

Creating regulations to manage native animals “doesn’t make any sense,” Vinduska said, because landowners already are allowed to control wildlife on their own property.

John Hansen, president of the Nebraska Farmers Union, also spoke in favor of the bill. He said the current law puts county governments and landowners in an “extremely awkward situation” because of the passionate attitudes toward prairie dogs. Wildlife management should remain exclusively in the hands of each property owner, he said.

No one testified in opposition to the bill and the committee took no immediate action on LB673.

New climate study parameters proposed

The duties and parameters used by the state’s climate study group would be changed under two bills heard by the Agriculture Committee Feb. 4.

LB882, introduced by Malcolm Sen. Ken Haar, would direct the Cli-

mate Assessment and Response Committee to redefine “cyclical climate change” as information and research that includes all climate influences considered relevant by scientists, including human influence.

LB1008, also introduced by Haar, would require the committee to produce a climate change report derived from reports submitted to it, rather than produce its own report. The final report would be due Dec. 1, 2014.

Both bills stem from LB583, adopted in 2013, which directed the climate committee to present a report to the governor on the impacts of climate change for the state and to facilitate communication between stakeholders to address those impacts and response strategies.

During floor debate, senators had amended LB583 by inserting the word “cyclical” before the phrase “climate change.” Haar said the climate committee then defined the term “cyclical climate change” as meaning “not to include human influence.”

Haar said LB882, which acknowledges all possible climate influences, is intended to eliminate any confusion regarding what information would be presented to the governor.

“If we allow this idea to continue that the report will only include non-human influences ... that final report in December is going to look pretty stupid,” he said.

Haar said he introduced LB1008 because UNL volunteered to provide a climate study at no charge to the state.

Ken Winston of the Nebraska Sierra Club testified in support of both bills. Studying all elements of climate change makes for more accurate agricultural forecasting, he said.



Sen. Ken Haar

“Including the human elements of climate change is absolutely vital,” Winston said. “We need to make sure we’re using the best science to make the decisions about which way to go.”

No one testified in opposition to the bills and the committee took no immediate action on LB882 or LB1008.

APPROPRIATIONS

Funds sought for state celebration, capitol fountains

The Appropriations Committee heard testimony Feb. 3 on two bills that would provide funds to observe the state’s 150th anniversary and to place fountains in the state Capitol Building courtyards.

LB704, introduced by Lincoln Sen. Bill Avery, would create the Nebraska Sesquicentennial Fund and appropriate \$2 million in general funds. The money would be used to observe and celebrate the 150th anniversary of Nebraska statehood in 2017.

Avery said the bill is a companion to another measure he introduced that would establish a Sesquicentennial Commission to coordinate a statewide celebration of Nebraska’s statehood anniversary.

“This is the seed money that the Commission needs to jump-start the fundraising effort around the state,” Avery said.

Allen Beermann testified in support of the bill, saying he served on two previous state commemorative commissions. He said a commitment of government funds sends a message to private donors that the state sup-

ports celebration efforts.

“It makes a great statement to private donors,” Beermann said. “And we have lots of private donors.”

Nancy Fulton, president of the Nebraska State Education Association, also supported the bill, saying it would help school children appreciate Nebraska’s history. The state appropriated \$600,000 to Nebraska’s centennial celebration, she said, which would be approximately \$4.5 million in current dollars.

Matt Litt, state director of Americans for Prosperity, testified in opposition to the bill, calling it a “\$2 million slush fund.”

“We believe that Nebraska can celebrate her birthday without spending this many dollars,” Litt said.

The committee also heard testimony on LB797, introduced by Omaha Sen. John Nelson, which would create the Complete the Capitol Fund for the placement of a fountain in each of the state Capitol’s four courtyards.

The bill would transfer \$2.5 million in general funds to the Complete the Capitol Fund in the following increments:

- \$625,000 on July 1, 2014;
- \$1.25 million on July 1, 2015; and
- \$625,000 on July 1, 2016.

The fund also would be authorized to accept gifts, grants, bequests or donations and could be used only for the construction and placement of the fountains. The state Capitol Commission would carry out work on the project.

Nelson said the fountains would complete architect Bertram Goodhue’s original design for the Capitol when construction began in 1922. Under the bill, the fountains would be completed

in time for Nebraska’s sesquicentennial celebration in 2017, he said.

“LB797 would provide a moderate amount of public funds to complete the project,” Nelson said, adding that the building is a “state treasure” that belongs to the people.

“We owe it to the people of Nebraska to complete its construction,” he said.

Bob Wickersham of the Nebraska Association of Former State Legislators testified in support of the bill, saying that water currently is not well represented in the architecture or artwork of the Capitol.

“The fountains could become ... a recognition of the importance of water as a resource in the state of Nebraska,” Wickersham said, adding that projected ongoing maintenance costs for the four fountains is \$1,500 annually.

Litt testified in opposition to LB797. Previous exterior renovation projects were necessary investments in the Capitol’s structure, Litt said, but he questioned funding for decorative elements.

“We have to draw the line between proper maintenance and things that are extra,” he said.

The committee took no immediate action on the bills.

State park maintenance fund proposed

Nebraska’s state parks would receive maintenance funds under a bill heard Feb. 4 by the Appropriations Committee.

LB873, introduced by O’Neill Sen. Tyson Larson, would create the Game and Parks State Park Improvement and Maintenance Fund.

A \$15 million transfer from the state’s cash reserve would be made to the fund by July 31, 2014. The fund also could receive gifts, grants, bequests and donations.

Larson said the bill would allow



Sen. Bill Avery



Sen. John Nelson

the Nebraska Game and Parks Commission to begin work on a long list of deferred maintenance projects and would help ensure that the parks continue to draw people to the state.

“There are serious infrastructure needs that must be addressed,” he said. “We are trying to make Nebraska more and more of a destination for tourists – for economic growth – and our park system does that.”

Jim Douglas, director of the Nebraska Game and Parks Commission, testified in support of the bill. The state park system has an annual economic impact on the state of nearly \$750 million, he said.

Douglas said the cost of retrofitting the aging park system to comply with federal environmental regulations and accessibility requirements has rapidly outpaced the income that parks generate from entry permits and general fund dollars allocated for maintenance.

“All of these new mandates add a tremendous amount of money to the maintenance side,” he said.

Douglas said the roughly \$12 million in the Commission’s annual maintenance budget cannot cover the more than \$40 million in deferred maintenance needs in the 79 parks that comprise the system.

Louisville Mayor Alan Mueller also supported the bill, saying state recreation areas provide needed employment and economic development.

“Every business on our main street [receives] an economic reward from having the park system in our community,” Mueller said.

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

Special education increase sought

The Appropriations Committee

heard testimony Feb. 5 on a bill that temporarily would increase the cap on growth in special education funding in Nebraska.

LB969, introduced by Cedar Rapids Sen. Kate Sullivan, would increase the cap on growth in special education appropriations from 5 to 10 percent for fiscal year 2014-15. Currently, special education aid may not increase by more than 5 percent per year over the previous fiscal year’s funding level.



Sen. Kate Sullivan

Sullivan said special education costs continue to rise while the cap on state funding growth has stayed in place. Federal law requires that all special education students receive a free, quality public education, she said.

“Special education expenses are not optional expenses that a [school] district can control,” Sullivan said.

Jay Sears of the Nebraska State Education Association testified in support of the bill, saying schools are forced to cut programs to all students in order to make up for special education costs in excess of state funding.

“The excess costs in special education are increasing astronomically,” Sears said.

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



Credit unions could house public funds

The Banking, Commerce and Insurance Committee heard testimony Feb. 4 on a bill that would allow for

the deposit of public funds in credit unions.

LB734, introduced by Columbus Sen. Paul Schumacher, would allow deposit of public funds in credit unions insured by the National Credit Union Administration.



Sen. Paul Schumacher

Some small towns in Nebraska have credit unions but not a bank, Schumacher said, and the bill would give them another option for depositing public funds.

“[LB734] extends that authority to the local government to put their money there,” he said.

Brandon Luetkenhaus of the Nebraska Credit Union League testified in support of the bill, saying 25 states currently allow credit unions to accept public funds. He said the bill would increase local control and could provide municipalities with better rates and service.

“Credit unions are locally owned and operated,” Luetkenhaus said.

Beth Bazyn Ferrell of the Nebraska Association of County Officials also testified in support of the bill. She said at least one county seat in Nebraska does not have a bank, and an official must drive 36 miles one way to deposit funds.

“This will give counties more flexibility in where they put their deposits,” she said.

Robert Hallstrom of the Nebraska Bankers Association testified in opposition to the bill. He said credit unions should not “feed from the public trough” because some of them are exempt from federal taxation.

Hallstrom said the bill does not distinguish between state- and federally-chartered credit unions and that certain institutions are not subject to

the full array of taxes that banks are required to pay.

“To the extent that they don’t pay their full share of taxes, they should not accept public deposits,” he said.

The committee took no immediate action on the bill.

Benefit corporations considered

The Banking, Commerce and Insurance Committee heard testimony Feb. 3 on a bill that would allow a corporation to become a benefit corporation.

Lincoln Sen. Danielle Conrad introduced LB751 to allow entities to migrate between the benefit corporation classification and other corporation types.



Sen. Danielle Conrad

An entity could become a benefit corporation by a two-thirds vote of each class of shareholders. Conrad said the bill would benefit socially conscious businesses.

“This will help Nebraska compete by allowing corporations to elect to become benefit corporations if they so choose,” Conrad said. “It’s a way for entrepreneurs to signal to shareholders that, in addition to profit, they also have a social benefit that they are seeking to produce.”

The bill defines a benefit corporation as a domestic business corporation which would create a general public benefit, including:

- providing low-income or underserved individuals with benefit products or services;
- promoting economic opportunity for individuals in communities beyond creation of jobs in normal courses of business;
- protecting or restoring the environment;

- improving public health;
- promoting the arts, sciences or advancement of knowledge;
- increasing the flow of capital to entities with a purpose to benefit society or the environment; and
- conferring any other particular benefit on society or the environment.

Under LB751, the benefit director would be required to submit an annual report to shareholders explaining whether or not the corporation’s actions were in accordance with its stated public benefit purposes. The annual report also would detail the impact of its actions on shareholders, employees, customers, the community and the ability of the corporation to achieve its general public benefit purpose.

William Clark of Drinker Biddle and Reath, testified in support of the bill. He said the concept of benefit corporations is not a new idea.

“This is designed for people who want to pursue what we call the triple bottom line: profits, people and the planet,” Clark said. “These are businesses that want to conduct business for profit, but in a way that has a positive impact on people.”

Michael Wallace of Omaha also supported the bill, saying, “The intersection between business and the common good should not be seen as mutually exclusive.”

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

Enterprise fund proposed

Businesses could apply for economic incentives under a bill considered by the Banking, Commerce and Insurance Committee Feb. 3.

LB1010, introduced by Fremont Sen. Charlie Janssen, would cre-

ate the Nebraska Enterprise Fund. Janssen said the bill could help Nebraska entice companies to locate in the state.



Sen. Charlie Janssen

“If a new company has narrowed down its choice for a new location, it could ensure Nebraska is chosen over another site,” he said. “We need to do everything we can to invest in the businesses that have invested in us.”

Any money appropriated by the Legislature to the fund could be used only for economic development, infrastructure development, community development, job training programs and business incentives. The governor would be permitted to negotiate on behalf of the state to award grants from the fund.

Giovanni Infante-Still of Blair testified in support of the bill, saying this type of incentive makes a real difference for a company looking to relocate.

“It gives Nebraska a real point of differentiation that is not a backside tax incentive,” he said. “It provides funding when it is needed, at the point when the deal is closing.”

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



Minimum wage increase proposed

Minimum wage workers in Nebraska would get a raise under two proposals heard by the Business and Labor Committee Feb. 3.

LB943, introduced by Omaha Sen. Jeremy Nordquist, would increase the minimum wage incrementally from

\$7.25 per hour to \$9.00 by 2017.

“The purpose of this bill is to make hard work pay in Nebraska,” Nordquist said. Nebraska’s minimum wage has not increased since 2009, he said, when it was raised to \$7.25 an hour. Nordquist said 32,000 workers currently earn minimum wage in Nebraska—the 13th highest ranking in the nation—with many of them needing Medicaid or other financial assistance to survive.

“By raising the minimum wage, we can affirm the dignity in a hard day’s work, help rebuild the middle class and help families earn enough to meet their basic needs,” Nordquist said.

Aubrey Mancuso of Voices for Children in Nebraska testified in support of both bills. The current minimum wage does not allow for one or two working parents to adequately provide for their family, she said.

“Parents working full time should be able to meet all of their children’s basic needs without assistance,” she said.

The committee also heard testimony on a second bill that would raise wages for tip earners.

LB947, introduced by Omaha Sen. Steve Lathrop, would increase the tip earner minimum wage from \$2.13 to \$3.00 in 2014, and for each year thereafter, the lesser of 95 cents or the amount necessary to equal 70 percent of the regular minimum wage.

Waitress Sonia Bentley testified in support of LB947. Calling herself the “working poor,” Bentley told the committee that the current tip earner minimum wage of \$2.13 per hour is



Sen. Jeremy Nordquist

not a fair rate.

“When a person works two full-time jobs and can still not manage to squeak by, then there’s an injustice being committed,” she said. “We are working as hard as we can just to keep our heads above water.”

Large corporations take advantage of tip-earning workers, she said, by paying low wages and shifting payment responsibilities onto customers. Gratuities should be considered only as reward for superior service, she added.

“They (customers) should not be expected to pay the biggest part of the salary of the employees of a multi-million or billion dollar corporation,” Bentley said.

If minimum wage kept pace with inflation, workers would receive more than \$10 per hour, said Willie Barney of the Empowerment Network. Speaking in support of the bills, Barney said full-time minimum wage workers in Nebraska struggle to pay for essentials such as medication and utilities, despite doing “everything they are expected to do” to make a living.

Dick Clark of the Platte Institute testified in opposition to both bills.

“Raising the minimum wage is detrimental to workers, employers and consumers alike, and could be a real blow to Nebraska’s economy,” he said, largely because it makes workers too expensive to hire.

Coby Mach of the Lincoln Independent Business Association also testified in opposition to the bills. He called minimum wage jobs a “pathway into the workforce” from which a majority of workers quickly graduate to higher wages.

He said Lincoln’s economy would suffer adverse effects on a variety of levels from wage increases.

“Raising the minimum wage, we believe, would cause wage inflation as well as limit employers’ ability to

hire low-skilled and inexperienced workers,” Mach said.

The committee took no immediate action on LB943 or LB947.

EDUCATION

Public notice of superintendent, ESU contracts approved

Public notice of potential fiscal impacts of superintendent and ESU administrator contracts will be required under a bill passed by the Legislature Feb. 7.

Under LB470, introduced by Norfolk Sen. Jim Scheer, a superintendent or ESU administrator’s contract—including all current and future costs to the school district—must be publicly posted at least five days before being considered for approval by a school board.



Sen. Jim Scheer

The bill also requires that contracts for existing superintendents and ESU administrators be published three days prior to approval and two days after approval for new officials. Electronic publication on a school district website satisfies the requirement if public access to the entire contract is prominently displayed.

After approval of a contract, the bill requires a 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 will be withheld until the school board is compliant.

Additionally, the county treasurer

will be directed to withhold all school money until the contract is filed with the Department.

Senators passed the bill on a 43-0 vote.

Lower school funding local effort rate advances

Senators gave first-round approval to a bill Feb. 5 that would make changes to the state aid formula one year early.

LB725, introduced by Cedar Rapids Sen. Kate Sullivan, would lower the local effort rate (LER) used to calculate aid under the Tax Equity and Educational Opportunities Support Act (TEEOSA).



Sen. Kate Sullivan

Currently, the LER is scheduled to be decreased from \$1.03 to \$1.00 for the 2015-16 school fiscal year. The bill would implement the decrease for the 2014-15 school fiscal year and continue into the foreseeable future.

Sullivan said lowering the LER would result in more money that would go into the state aid formula.

“School districts stepped up to the plate during the recession. They knew they had to do their part, despite rising expectations on the part of patrons and families,” she said. “Our children deserve to have their schools funded in a way that allows educators to focus on education.”

Imperial Sen. Mark Christensen opposed increasing state aid without addressing rising agricultural land valuations.

“I get concerned when we put more money into [the aid formula] before we see the decrease in property values,” he said. “These top schools that will get most of the money - what are they going to do when they get used to spending that? We need to make sure we’re looking ahead.”

Omaha Sen. Bob Krist supported the bill, saying the state must make the best use of resources when they are available.

“If a crisis does come, we will need to make different decisions. That is our job and we’ll make those tough decisions,” Krist said, “but when the money is there, we need to put that money back into the state education funds.”

Sullivan introduced an amendment, adopted 29-0, which would change the calculation of the student growth adjustment correction. Under the amendment, the correction would equal the actual student growth for a school fiscal year minus the estimated student growth for the school fiscal year.

Senators voted to advance the bill to select file on a 29-0 vote.

Early childhood education coordination and funding discussed

Members of the Education Committee heard testimony Feb. 4 on two bills that would support early childhood education efforts in the state.

LB992, introduced by Omaha Sen. Sara Howard, would create a governing body to plan for a unified early childhood data system. The governing body would be required to provide a final report to the governor and Legislature before July 1, 2016.



Sen. Sara Howard

Howard said that the state must be able to transform data into actionable information to leverage the investments made in early childhood education.

“Each year Nebraska invests millions of dollars in early childhood education, yet there remains skepticism of its efficacy,” she said. “The ability to analyze data to support policy and

strategic public investment is critical to learning, development and our state’s economic future.”

Jen Goettemoeller, representing First Five Nebraska, testified in support of the bill. She said it was important that coordination of data be used to implement more focused programs.

“When it comes to early childhood education, we already know what works and what children need,” Goettemoeller said. “We rarely pull all of the data together and that can keep us from targeting our investments more closely.”

The committee also heard testimony on LB984, introduced by Cedar Rapids Sen. Kate Sullivan, which would increase the early childhood education appropriation for pre-kindergarten grants by the state Department of Education.

Sullivan said the \$4.6 million proposed in the bill for fiscal year 2014-15 is not a new funding request, but instead represents existing funds previously appropriated for education.

The funding would support start-up costs for 30 additional preschool classrooms and provide full-day preschool for approximately 560 additional children. State Department of Education staff would monitor grant recipients to ensure classrooms meet a set of objective quality standards.

“We’ve recognized the importance of early childhood education,” she said. “We have a goal of 100 percent access to early childhood education in Nebraska. [With this bill] we are continuing our support.”

The bill also would direct any unused lottery funds in FY2015-16 to the same pre-kindergarten grants.

John Bonaiuto, representing the Nebraska Council of School Administrators, supported the bill, saying early childhood education remains a critical issue in the state.

“This bill will capture dollars that have already been budgeted for education,” Bonaiuto said. “These dollars are so important to funding areas that really need targeted resources.”

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

EXECUTIVE BOARD

State agency oversight bills proposed

The Executive Board heard testimony Feb. 6 on two bills that would increase legislative oversight of state agencies.

LB909, introduced by Papillion Sen. Bill Kintner, would amend the Administrative Procedures Act to require state agencies that promulgate rules and regulations to submit a list of all agency regulations that are currently in effect and have been in effect for more than five years.



Sen. Bill Kintner

Agencies also would be required to cite the legislative basis for each regulation.

Kintner said the list would increase transparency and help determine whether any regulations should be repealed or amended.

“I want every regulation to come before the Performance [Audit] Committee every five years,” he said.

LB996, introduced by Lincoln Sen. Amanda McGill, would require state agencies to respond within four business days to written requests



Sen. Amanda McGill

for information from a member of or employee of the Legislature. The bill would not apply to political subdivisions.

If a legal basis exists for denial of access to information, or if the entire request could not be fulfilled within the time constraint, an agency would be required to provide a written denial or explanation.

McGill said the bill would provide clarity and consistency to the process surrounding legislative requests for information from state agencies. The timeline requirement in the bill mirrors that of a public records request, she said.

“The bill is not intended to be punitive or to overburden agencies,” McGill said.

Former state senator Loran Schmit testified in support of both bills.

“Each of these bills in its own way is an attempt to solve a problem that should not exist,” he said. “There should be no reluctance on the part of a state agency to respond to a request for information.”

Rhonda Lahm, director of the Nebraska Department of Motor Vehicles (DMV), testified in opposition to LB996. The DMV has been diligent in responding to information requests, she said, but the department must abide by the Uniform Motor Vehicle Records Disclosure Act.

Lahm said the bill as introduced may conflict with the Act, which requires a written agreement between the DMV and the requesting entity.

The committee took no immediate action on either proposal.

Bill would create redistricting commission

Redistricting in Nebraska would be the responsibility of an independent commission under a bill heard Feb. 7 by the Executive Board.

Currently, the Legislature is responsible for drawing new governmental boundaries every 10 years after the decennial census for districts pertaining to the U.S. House of Representatives, the Legislature, Public Service Commission, University of Nebraska Board of Regents and the state Board of Education.

LB976, introduced by Wilber Sen. Russ Karpisek, would create an Independent Redistricting Advisory Commission. Two commission members of different party affiliation would be chosen by each congressional legislative caucus and subject to approval by the full Legislature.



Sen. Russ Karpisek

Under the bill, membership would be restricted to Nebraska citizens who have been registered to vote for at least one year. Registered lobbyists, public or political officeholders or their relatives would be prohibited from serving on the commission.

Commission members also would be prohibited from participating in political campaigns or running for or holding an office within the commission’s redistricting authority for two years.

Karpisek said the Legislature’s process has become overly partisan and that votes strictly followed party lines during the last round of redistricting in 2011.

“We’re supposed to be a nonpartisan Legislature, so let’s act like it and lead by example,” he said.

John Hansen, president of the Nebraska Farmers Union, testified in support of the bill. He said senators appear to be having greater difficulty avoiding partisanship in the Nebraska Legislature, which may impact how citizens view the redistricting process.

“Those of us who have been public officials know that the perception of impropriety is as damaging and toxic to a reputation as actual impropriety,” Hansen said.

Jean Henry Seibel of Bellevue also testified in support, calling the bill a “sensible solution” to how best to accomplish redistricting in Nebraska.

“Sen. Karpisek has crafted a fair and impartial strategy to make this constitutional mandate more objective and transparent,” she said.

The committee voted 6-0 to advance LB976 to general file.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

County Visitors Promotion Fund requirement passed

Senators passed a bill Feb. 7 that places restrictions on how money from the County Visitors Promotion Fund can be spent.

Currently, if county attractions do not require improvement, the county’s governing body may use the money to promote attractions in the county. Under LB215, introduced by Ogallala Sen. Ken Schilz, the governing body will be required to use the funds to promote, encourage and attract visitors to the county.



Sen. Ken Schilz

Senators passed the bill on a 44-0 vote.

Fee cap reinstated, bill passed

Lawmakers passed a bill Feb. 7 that makes a technical change to language regarding certifications by the Nebraska secretary of state.

As introduced by Omaha Sen.

Pete Pirsch, LB278 would have made the following changes to procedures at the secretary of state’s office:

- change from “letter” to “certificate” the document electronically transmitted to indicate that a business is properly registered;
- remove a \$2,000 fee cap per request for batch requests for images of records accessed over the Internet; and
- clarify language regarding pricing for content and images stored in the Corporations and Uniform Commercial Code databases.



Sen. Pete Pirsch

Concerns were raised during general and select file debate regarding the fee cap and clarifying language. A motion to bracket the bill until April 17, 2014, was offered and withdrawn by Columbus Sen. Paul Schumacher on Jan. 31.

Omaha Sen. Ernie Chambers offered a series of amendments to the measure during select file debate Feb. 3. The last of the amendments, adopted 26-1, removed all provisions except the change from letter to certificate regarding registering businesses with the secretary of state’s office.

Pirsch supported the amendment, saying retaining the change was the most important aspect of the bill.

“That would be meaningful and that is something that we could achieve in this session without a filibuster,” he said.

Following adoption of the Chambers amendment, the bill advanced to final reading by voice vote.

Senators voted 44-0 to pass LB278 on Feb. 7.

Electoral winner-take-all bill bracketed

Senators gave unanimous consent Feb. 5 to bracket a bill that would change presidential election procedures.

Currently, the winner of Nebraska’s statewide popular vote receives two Electoral College votes. The state’s three congressional districts also award one electoral vote each based on the popular vote winner in each district. Maine is the only other state to use this system.

LB382, introduced by Fremont Sen. Charlie Janssen, would reinstate a winner-take-all system that would award all five electoral votes to the winner of the state’s popular vote.



Sen. Charlie Janssen

The bill was debated on general file for two days in January. Saying enough time had been spent discussing the proposal and that lawmakers had other issues to attend to, Janssen asked to bracket the bill until April 17.

No objection was made to the motion, ending debate on LB382 for the session.

Bill would change university candidate searches

The Government, Military and Veterans Affairs Committee heard testimony Feb. 6 on a bill that would change public records requirements for certain university job candidates’ application materials.

Current law requires job application materials of finalist for employment by a public body to be public record when the final four candidates are selected.

LB1018, sponsored by Kearney Sen. Galen Hadley, would make

an exception for certain positions at the University of Nebraska. The bill would reduce to one the number of finalists for the position of president necessary to trigger the release of candidate application materials.



Sen. Galen Hadley

The bill also would apply to finalists for vice president or chancellor positions who are submitted by the university president.

Revealing finalists' names during a public search for top positions at universities is becoming a thing of the past, Hadley said. Top candidates may narrow their search to schools with closed searches, he said, especially presidents of other universities.

"The main argument for a closed search is that you will get a better pool of people applying for that position," Hadley said. "One of the reasons that you try and get sitting presidents in the pool is that they have experience at these complicated jobs."

Tim Clare, past chairman and member of the Nebraska Board of Regents, testified in support of the bill. He said requiring the board to name the top four finalists for the position puts the university at a competitive disadvantage.

University presidents would be unwilling to jeopardize their standing at their current schools, Clare said, and do not want to compromise their institutions by being identified as a candidate elsewhere.

"This is why many other states provide for university searches similar to what we propose," Clare said. "All Nebraskans expect us to find the best possible individuals to serve in these critical leadership positions."

University of Nebraska Foundation chairman Tonn Ostergard also testi-

fied in support of the bill, saying the board of regents could be counted on to choose the right candidate.

"We have entrusted the governance of the university to the elected members of the board of regents," Ostergard said. "Let's let them do their job without encumbering the process. Anything less would be a disservice to the university and the citizens of Nebraska."

John Bender, professor of journalism and mass communication at the University of Nebraska-Lincoln, testified in opposition to the bill on behalf of the UNL faculty senate executive committee.

Bender said faculty also want the best person to lead the university, but are concerned about depriving the public of an opportunity to compare top candidates for the position. The bill runs contrary to the public nature of a university, he said, and a closed search could lead to cynicism about the selection process among the public.

"Where secrecy is the rule, those doubts gain a foothold and start to erode the public trust," Bender said.

Rose Ann Shannon, news director of KETV in Omaha, also opposed the bill, saying students, faculty and the public have a right to know who is being considered to lead the university. She said the bill could lead to "creeping government secrecy."

"I've seen the good that has come from openness and I've seen the harm that comes from secrecy," Shannon said. "As a lifelong Nebraskan, I think [a closed search] sells our state and our university system short."

The committee took no immediate action on the bill.



Radon resistant construction proposal bracketed

Lawmakers gave unanimous consent Feb. 3 to bracket a bill that would require all new homes in Nebraska to include radon resistant construction.

As amended on general file, LB13 would have applied to all new residential construction beginning Jan. 1, 2016.

Omaha Sen. Bob Krist, sponsor of LB13, asked lawmakers to bracket the bill until April 10, 2014, saying lobby groups involved in the issue were unable to reach consensus regarding unresolved issues with the bill.



Sen. Bob Krist

No objection was offered to the motion and the bill was bracketed.

Health care database bill approved

Lawmakers gave final approval Feb. 7 to a bill intended to promote transparency in the cost and quality of health care services in Nebraska.

LB76, introduced by Omaha Sen. Jeremy Nordquist, establishes a Health Care Data Base Advisory Committee tasked with making a series of recommendations to improve transparency in the state's health care system.



Sen. Jeremy Nordquist

Committee members will be appointed by the state Department of

Insurance director and will include representatives of academia, the health care and insurance industries and consumer advocates.

The committee will make recommendations regarding creation and implementation of the Nebraska Health Care Data Base. The database will be used to:

- provide information to consumers and purchasers of health care;
- determine the capacity and distribution of existing health care resources;
- identify health care needs and inform health care policy;
- evaluate the effectiveness of intervention programs on improving patient outcomes;
- review costs among various treatment settings, providers and approaches; and
- improve the quality and affordability of patient health care and health care coverage.

The Department director will report the advisory committee's recommendations to the governor and the Legislature by Dec. 15, 2014.

LB76 passed 43-0 and takes effect immediately.

Bills attempt to slow Medicaid changes

The Health and Human Services Committee heard testimony Feb. 5 on two bills intended to slow proposed Medicaid changes in Nebraska.

LB854, introduced by Omaha Sen. Bob Krist, would prohibit the state Department of Health and Human Services (DHHS) from releasing a request for proposals relating to procurement of Managed Long Term Services and Supports (MLTSS) prior to Sept. 1, 2015.

Krist said DHHS actively has been pursuing MLTSS since last fall, but

has had only two stakeholder meetings to help determine the best way to proceed. He said the state has a history of entering into privatization and contracts that have not gone well.

"We need to make them stop [and] take a breath," Krist said. "The state needs to do this the right way."

Heath Boddy, president and CEO of the Nebraska Health Care Association, testified in support of the bill. He said the process of converting Medicaid in Nebraska from a fee for service plan to managed care will be the most significant challenge that providers have faced in 20 years.

Boddy said other states have experienced setbacks with the process - including increased paperwork and decreased reimbursement rates - and Nebraska should take the time to research these experiences with MLTSS.

"There are plenty of things happening in other states that give us concern," he said.

Mark Intermill of AARP also supported the bill. He said Nebraska is facing a significant increase in the number of people in the age group that will need long-term care. While managed care can be a good option, he said, the state should consider all of the implications of making the shift.

"We believe that there needs to be a better planning process," Intermill said. "It needs to be a comprehensive and open planning process and not a predetermined conclusion."

The committee also heard testimony on LB1076, introduced by Lincoln Sen. Kathy Campbell, which would postpone until 2015 changes in Medicaid authorization and pay-

ment for medically necessary home health services and reimbursement

rates.

Campbell said the bill would require DHHS to review the outcomes obtained by 17 other states that have utilized the Balancing Incentive Program, which is intended to increase access to noninstitutional services for disabled adults and the elderly.

Those pilot programs conclude in 2015, she said, and LB1076 would give DHHS access to their experience before making proposed changes to Medicaid reimbursement rates for home health services in Nebraska.

"A number of states are already doing this and will publish the results of their efforts when those programs are completed," Campbell said. Stephanie Wise of Elite Professionals Home Care Company in Lincoln testified in support of the bill. Home health agencies likely no longer would be able to accept Medicaid patients if the reimbursement rate cuts proposed by DHHS take effect, she said, which would force many individuals into institutional settings.

"There is no way for any agency to sustain this kind of cut for any period of time," Wise said.

Robert Rieck of Lincoln also supported the bill, saying his ability to use a home health agency is essential to his independence. Rieck said he's been in a wheelchair for 18 years and does most things for himself, but needs assistance in the morning.

"I have no desire to go to a nursing home," Rieck said, adding that some of the personal assistants he has hired on his own have been unreliable and have stolen from him.

"You're stuck in a vulnerable position," he said.

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



Sen. Kathy Campbell

JUDICIARY

Safety requirement for novelty lighters approved

Cigarette lighters sold in Nebraska that resemble children's toys will require a safety feature under a bill passed by the Legislature Feb. 7.

LB403, introduced by Hastings Sen. Les Seiler, outlaws the sale of novelty lighters in Nebraska without a child-proof safety feature.

The bill defines a novelty lighter as a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes and designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage container or a similar item that plays musical notes, has flashing lights or has more than one button or function.

The bill does not apply to standard refillable lighters or lighters:

- manufactured prior to Jan. 1, 1980;
- incapable of being fueled or lacking a device necessary to produce combustion or flame; and
- that are disposable and printed or decorated with a logo, label, decal, artwork or heat shrinkable sleeve.

Novelty lighters being transported through Nebraska or stored in non-retail facilities in the state also are exempt from the ban.

Senators passed the bill on a 34-6 vote.



Sen. Les Seiler

Definition of innocent third party discussed

Passengers in vehicles fleeing law enforcement could be charged with a crime under legislation heard by the Judiciary Committee Feb. 7.

LB881, introduced by Syracuse Sen. Dan Watermeier, would codify the judicial definition of "innocent third party" to mean any person who has not promoted, provoked or persuaded a driver to engage in flight from law enforcement and one who is not sought to be apprehended in the fleeing vehicle.



Sen. Dan Watermeier

The bill also would expand the definition to acknowledge circumstances when a passenger in a fleeing vehicle should not be considered an innocent third party. This could occur when it is evident that the passenger was engaged in illegal activity or entered into the vehicle without coercion or knowing that the driver was under the influence of alcohol or drugs.

Watermeier said he introduced the bill because "innocent third party" is not defined in statute. He also cited a recent lawsuit in which a passenger in a fleeing vehicle may not have been innocent.

Omaha Deputy City Attorney Tom Mumgaard testified in support of the bill, saying that expanding the definition would better describe what police are actually encountering.

"The current definition doesn't fit reality," Mumgaard said.

Jason Ausman of the Nebraska Association of Trial Attorneys testified in opposition to the bill, saying it is difficult to know what effect a passenger's actions have on a fleeing driver.

The committee took no immediate action on LB881.

Medicinal hemp oil bill withdrawn

Senators voted to withdraw a bill from consideration Feb. 4 that would have permitted use of hemp oil in Nebraska for medicinal purposes.

LB1102, introduced by Bellevue Sen. Sue Crawford, would have allowed the use of hemp oil extract in Nebraska for medical purposes. Only patients with debilitating and chronic medical conditions who suffer seizures or muscle spasms would have been eligible for the treatment.



Sen. Sue Crawford

Crawford said she introduced the bill after meeting a family whose son suffered seizures that were resistant to traditional treatments. Crawford said she intended to pursue the bill if at least one epilepsy specialist in Nebraska was willing to support the law and prescribe the oil for patients.

Despite promising research and legislative efforts in other states advocating the use of hemp oil for epilepsy treatment, Crawford said, "at this time, these physicians in our state are not ready to do that."

Crawford said she would introduce a legislative resolution calling for an interim study on hemp oil, its use in treating epilepsy and its decriminalization in other states.

Senators voted 41-0 to withdraw the bill.



Shorter NRD notification approved

Natural resources districts can enforce actions more quickly under a

bill passed by the Legislature Feb. 7.

LB513, introduced by Holdrege Sen. Tom Carlson, reduces from 10 to three the number of days required before a natural resources district can issue a cease and desist order.



Sen. Tom Carlson

Senators passed the bill on a 43-0 vote.

Water pollution loan program adopted

A program to fund wastewater treatment efforts was given final approval by the Legislature Feb. 7.

Introduced by Holdrege Sen. Tom Carlson, LB514 authorizes the state Department of Environmental Quality to create and regulate a linked deposit program. The program will promote loans for the construction, rehabilitation and enhancement of water pollution control projects.

The bill also authorizes a portion of loan funds to be deposited with eligible financial institutions in low-yielding deposit accounts, certificates of deposit or other agreed upon deposits for loans at a rate lower than the prevailing rate.

The Department also can buy or refinance debt of municipalities for wastewater treatment works under LB514.

Senators passed the bill on a 44-0 vote.

Fracturing water measurement proposed

The Natural Resources Committee heard testimony Feb. 7 on a bill that would require water usage measurement for hydraulic fracturing stimulation.

LB856, introduced by Cortland Sen. Norm Wallman, would require

any person who withdraws ground water for hydraulic fracturing stimulation to install a meter to measure the amount of water used for the stimulation and the amount of fracturing fluid recovered.



Sen. Norm Wallman

The bill would require submission of an annual report of the measurements to the state Department of Natural Resources.

Wallman said it is important to know how much water is being used in the fracturing process.

“Water, as we all know in here, is one of our greatest resources that Nebraska has,” he said.

Ken Winston of the Nebraska Sierra Club testified in support of the bill, saying it could help the state find ways to sustain its water supply.

“We think tracking the amount of water that is being used in a process like this just makes sense, so we know how much is being used [and] how much is being recovered,” Winston said.

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

Bill would clarify NRDs erosion authority

Natural Resources Districts (NRDs) would be authorized to issue cease and desist orders to resolve incidences of excessive erosion under a bill heard by the Natural Resources Committee Feb. 6.

LB896, introduced by Holdrege Sen. Tom Carlson, would establish a definition of excessive erosion and implement a process for NRDs to resolve erosion issues. Carlson said the Erosion and Sediment Control Act, as currently written, limits NRDs in

dealing with potential problems.

“The conversion and development of highly erodible land raises the potential for increased erosion and sediment problems,” he said. “This would provide the authority they need to effectively handle complaints.”

The bill would define excessive erosion as the occurrence of erosion in excess of the applicable soil-loss tolerance level, which causes or contributes to an accumulation of sediment upon the lands of any other person to the detriment or damage of such person. Ephemeral and gully erosion also would be included in the calculation of soil loss under the bill.

If an NRD determined that erosion occurred as a result of an activity not normally associated with tillage, seeding or cultivation of farm land, LB896 would authorize the district to petition for an immediate cease and desist order until excess erosion could be brought into conformance with the soil-loss tolerance level or sediment resulting from excess erosion were prevented from leaving the property.

LB896 also would remove a requirement that NRDs provide at least 90 percent cost-sharing assistance to landowners to reach compliance with accepted soil-loss tolerance levels. NRDs still would be authorized to provide cost-sharing assistance to landowners on a voluntary basis. A lack of available cost-sharing assistance would not offset a landowner’s responsibility to bring his or her land into compliance.

Mike Onnen, general manager of the Little Blue NRD, testified in support of the bill. He said currently landowners simply can ask their neighbors to file complaints in order to take advantage of the cost-sharing assistance to bring land into compliance.

“This bill would tighten the reins, address some loopholes and give

NRDs a little more teeth to manage soil erosion,” Onnen testified.

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

New groundwater definitions proposed

Members of the Natural Resources Committee heard testimony Feb. 6 on a bill that would redefine overappropriated groundwater sources.

Under current language adopted as part of the Platte River Recovery Program, only certain sections of the Platte River can be designated as overappropriated.

LB1074, introduced by Omaha Sen. Steve Lathrop, would broaden the language so that any river basin, subbasin or reach could be designated as overappropriated if a state Department of Natural Resources evaluation deems current supply to be insufficient to sustain previously granted appropriations.



Sen. Steve Lathrop

The bill also would deem a basin, subbasin or reach as overappropriated if current use creates a reduction significant enough to fall out of compliance with an interstate compact.

Lathrop said the current language does not take into account areas that are using more water than is sustainable.

“We can neither predict nor control the weather,” he said. “This addresses what we can control, which is adopting sustainable management practices.”

If an official evaluation results in a status change from fully appropriated to overappropriated, the department would be required to notify the relevant natural resources district (NRD)

and implement temporary surface and ground water restrictions. The changes would remain in effect until a new integrated management plan could be adopted.

Mace Hack, state director of The Nature Conservancy of Nebraska, supported the bill, saying current consumption rates are unsustainable.

“Sustainable use of natural resources — especially water — should be the focus of our work in Nebraska,” he said. “We have a collective obligation to current and future generations to fix this problem.”

Ann Bleed of Lincoln also testified in support of the bill. She said current law cannot solve the problems faced by the state.

“We are fooling ourselves if we think the current law will do anything to maintain the sustainability of our water,” she said. “If we are really serious about trying to sustain our water supplies, we need to pass this bill.”

Jay Rempe, vice president of the Nebraska Farm Bureau, testified in opposition to the bill. He said the changes proposed in the bill would have questionable impact.

“The [current] process isn’t perfect, but we’ve come a long way in trying to address these integrated management issues,” he said, “and we’re not sure that [the changes] would get you any closer to resolving any of these issues.”

The committee took no immediate action on the bill.

REVENUE 

Plan for electronic tax levy pilot program approved

Senators passed a bill Feb. 7 that authorizes the state tax commissioner to electronically file levies against per-

sonal property.

LB33, introduced by Kearney Sen. Galen Hadley, authorizes the state Department of Revenue to contract with in-state financial institutions for an electronic levy pilot project.



Sen. Galen Hadley

The bill also makes a number of changes, including:

- allowing the department to waive the traditional three-year statutory lien period when a taxpayer has entered into an agreement to satisfy an overdue tax liability;
- repealing the individual income tax return checkoff for contributions to the Campaign Finance Limitation Cash Fund; and
- authorizing the imposition of a 25 percent penalty for filing a late tobacco products tax return.

Senators passed the bill on a 42-0 vote.

Decrease in ag land valuations proposed

Owners of agricultural land would see a decrease in property taxes under a bill heard by the Revenue Committee Feb. 7.

Currently, agricultural and horticultural land is valued at 75 percent of the land’s actual value for property tax purposes. LB670, introduced by Omaha Sen. Beau McCoy, would ultimately lower the valuation percentage to 65 percent over a three year phase-in. McCoy said the feedback he received while on the Tax Modernization Committee is that property taxes



Sen. Beau McCoy

are too high.

“As we traveled the state we heard overwhelmingly that property taxes are a huge burden, not just for [agricultural] producers, but all Nebraskans,” he said. “Agriculture producers represent just 3 percent of the state’s population, but are paying nearly 25 percent of total property taxes.”

The bill also would phase in decreases to the acceptable range of valuation for agricultural and horticultural land from the current level of 69-75 percent to 59-65 percent of actual value by tax year 2017.

Finally, the bill would decrease the adjusted valuation percentage for purposes of determining state aid under the Tax Equity and Educational Opportunities Support Act (TEEOSA) from the current level of 72 percent to 62 percent of actual value by tax year 2017.

Jarel Vinduska, a farm owner in Sarpy County, supported the bill. He said agricultural land owners currently are forced to pay property taxes based on inflated land values.

“There is no relationship between [agricultural] land and your ability to pay, like with income or sales tax,” he said. “When [agricultural] commodities go down, you’re still stuck with the high prices.”

OpenSky Policy Institute Executive Director Renee Fry testified in opposition to the bill, saying it would have detrimental effects on school funding.

“If state aid to schools is increased [as proposed under the bill], property tax levy rates would have to increase an average of 4.5 cents to avoid service cuts,” she said. “More than 100 schools would be pushed over their levy limits. [This bill] will either shift taxes or will result in significant cuts to important services like education and public safety.”

Lowering the agricultural and hor-

ticultural land valuation would result in higher equalization aid under the TEEOSA formula. As introduced, LB670 would result in state aid increases of \$7.9 million in fiscal year 2014-15, \$16.7 million in FY2015-16 and \$28.9 million in FY2016-17.

The bill would take effect Jan. 1, 2015.

The committee took no immediate action on the bill.

TRANSPORTATION & TELECOMMUNICATIONS

Waste spill penalty increase approved

Senators gave final approval Feb. 7 to a bill that increases penalties for drivers who spill livestock excrement on highways in urban areas.

LB174, introduced by Omaha Sen. Heath Mello, increases from \$100 to \$250 the minimum fine for any driver who spills manure or urine from a vehicle on a highway located within the corporate limits of a metropolitan class city. The violation is a Class IV misdemeanor.

The bill also changes penalties for zoning ordinance violations in metropolitan class cities to a Class IV misdemeanor for a first or second violation and a Class II misdemeanor for third and subsequent violations, if committed within two years of a prior violation.

The bill passed on a vote of 40-2.

Bill allowing amber lights on vehicles stalls

An attempt to force a vote on a bill that would allow public safety volunteers to use special lights to identify

their vehicles failed Feb. 4.

LB399, introduced by Omaha Sen. Scott Lautenbaugh, would allow volunteer members of public safety or crime prevention organizations to use rotating or flashing amber lights on any motor vehicle. As amended, the bill would require county attorneys to register and authorize volunteer members of public safety groups before they are allowed to display the lights.

Currently, flashing amber lights may be displayed on vehicles used for specific purposes such as military, public utility maintenance, towing, vehicle maintenance, Civil Air Patrol, oversized load, railroad, emergency management and storm spotting.

Calling the bill “impractical, unworkable and unconstitutional” because it does not detail the guidelines the county attorney would use to authorize use of the lights, Omaha Sen. Ernie Chambers offered a motion to bracket LB399 until April 17. The motion failed 16-24.

Lautenbaugh introduced several technical amendments that were either withdrawn, not adopted or remained pending.

After eight hours of debate spanning three morning sessions, Lautenbaugh offered a motion to invoke cloture and force a vote on the bill. The motion failed 32-12, falling one vote short of the number required.

A failed cloture attempt prevents further debate on the bill for the day. LB399 remains stalled on select file.

Vehicle flood damage bill approved

Lawmakers gave final approval Feb. 7 to a bill intended to protect con-



Sen. Scott Lautenbaugh



Sen. Heath Mello

sumers from unknowingly purchasing flood-damaged vehicles.

Introduced by Lincoln Sen. Bill Avery, LB446 adds flood-damaged vehicles to the definition of salvage in the Motor Vehicle Certificate of Title Act.



Sen. Bill Avery

The bill defines a flood-damaged vehicle as one that has been submerged in water to the point that rising water has reached over the floorboard, entered the passenger compartment and caused damage to any electrical, computerized or mechanical components.

The designation of flood damaged does not apply to a water-damaged vehicle in which no electrical, com-

puterized or mechanical components were damaged by water or to a vehicle in which damaged components were repaired or replaced as indicated by an insurance claim representative or vehicle repairer.

Under the bill, any vehicle designated as flood damaged will receive a salvage title.

Lawmakers approved the bill on a 44-0 vote. ■

UNICAMERAL UPDATE ONLINE

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

The site provides links to get the Update's RSS and Twitter feeds. Readers may search Update stories by bill number, senator's name or keyword using the search box provided in the top-right corner.

The screenshot shows the website update.legislature.ne.gov. The main header features the title "UNICAMERAL UPDATE" with the tagline "The Nebraska Legislature's official news source since 1977". A navigation menu includes "Committees", "Sections", "Senator Features", "Session Review 2013", "Slideshows/Videos", and "Announcement".

Under "RECENT HEADLINES:", there are three featured articles:

- Day two bill introduction**: Published January 9, 2014, in Ceremonies. Text: "Senators reconvened Jan. 9 to continue bill introduction. Among the 49 measures introduced were: LB727, sponsored by Scottsbluff Sen. John Harms, which would change provisions relating to anatomical gift donation designations on driver's licenses and state identification cards; LB730, sponsored by Omaha Sen. Rick Kolowski, which would change reporting provisions under the Child Protection Act;..."
- First Day of Session 2014**: Published January 8, 2014, in Slideshows/Videos. Text: "The second session of the 103rd Nebraska Legislature convened on Jan. 8. Senators brought family and friends to observe the proceedings."
- Session convenes; bills introduced**: Published January 8, 2014, in Ceremonies. Text: "Lawmakers convened Jan. 8 to begin bill introduction for the 103rd Legislature, second session. Among the measures introduced were: LB660, sponsored by Omaha Sen. Bob Krist, which would provide for extension of a pilot project and a contract relating to case..."

Other visible headlines include "Session Review: Appropriations" (dated July 8, 2013) and "Session Review: Business".

A calendar for January 2014 is shown, with the 10th highlighted. A "net" logo with the text "Click here for streaming video." is also present. A "Recommendations" section at the bottom right shows a live coverage link with 4 recommendations.

COMMITTEE HEARINGS

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

Monday, February 10

Appropriations

Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services
LB689 (Bolz) Appropriate funds to the Department of Health & Human Services
LB827 (Harms) Appropriate funds to the Department of Health & Human Services
LB889 (Dubas) Appropriate funds to the Department of Health & Human Services for emergency medical services training and licensure
LB936 (Bolz) Create and provide duties for the State Ward Permanency Pilot Project

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB876 (Howard) Prohibit exclusions of coverage for injury or damage from carbon monoxide or other gas exposure
LB716 (Gloor) Provide procedures relating to electronic delivery of insurance notices and documents and Internet posting of certain insurance policies
LB849 (B. Harr) Redefine automobile liability policy relating to the Motor Vehicle Registration Act
LB971 (Kolowski) Change and eliminate provisions relating to stacking of insurance coverage

Business & Labor

Room 2102 - 1:30 p.m.

LB951 (Lautenbaugh) Change lump-sum settlement provisions under the Nebraska Workers' Compensation Act
LB731 (Kolowski) Change provisions relating to workers' compensation first injury reports
LB793 (Wallman) Change workers' compensation death benefit provisions
LB961 (Cook) Change exclusive remedy provisions of the Nebraska Workers' Compensation Act
LB997 (McGill) Change provisions relating to the Nebraska Training and Support Trust Fund
LB1083 (Garrett) Change job training grant provisions relating to veterans

Education

Room 1525 - 1:00 p.m.

Appointment: Zeiss, Jess D. - Board of Trustees of the Neb. State Colleges
Appointment: Lauritzen, Mary - Coordinating Commission for Postsecondary Education

Appointment: Wilson, William "Scott" - Coordinating Commission for Postsecondary Education

Appointment: Probyn, Dwayne - Coordinating Commission for Postsecondary Education

Appointment: Warner, Lori L. - Coordinating Commission for Postsecondary Education

LB1103 (Education) Provide for a strategic planning process for education

LB1077 (Sullivan) Adopt the Shared Responsibility for Access and Success Act

LB779 (Scheer) Change duties of the Coordinating Commission for Postsecondary Education relating to transfer-of-credit policies

LB1055 (Janssen) Provide for tuition-free credits for veterans and military personnel as prescribed

LB1061 (Lautenbaugh) Change from elected to appointed boards for community college areas

Executive Board
Room 2102 - 12:00 p.m.

Executive Board

Room 2102 - 12:00 p.m.

LR400 (Dubas) Provide the Executive Board of the Legislative Council appoint a special committee to be known as the ACCESSNebraska Special Investigative Committee of the Legislature
LR424 (Lathrop) Provide the Executive Board of the Legislative Council appoint a special committee of the Legislature to be known as the Dept. of Correctional Services Special Investigative Committee of the Legislature

General Affairs

Room 1510 - 1:30 p.m.

Appointment: Morrissey, George - State Electrical Board

Appointment: Elsasser, Stanley - State Electrical Board

Appointment: Henning, Candy - Neb. Arts Council

Appointment: Laughlin, Mark - Neb. Arts Council

Appointment: Marvin, Melissa - Neb. Arts Council

Appointment: Hoffman, Edward F. - Neb. Commission on Problem Gambling

LB914 (Karpisek) Provide for a limited bottling endorsement under the

Nebraska Liquor Control Act

LB948 (Karpisek) Change catering license fees under the Nebraska Liquor Control Act

LB1020 (Schumacher) Change provisions relating to liquor licensee violations

LB1052 (Karpisek) Change restrictions on retailers under the Nebraska Liquor Control Act

LR416CA (Karpisek) Constitutional amendment to authorize casino gaming, provide for a local vote, and provide for distribution of tax proceeds

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB1029 (Coash) Change provisions relating to size, weight, and load with respect to vehicles transporting fertilizer

LB1039 (Dubas) Change provisions relating to size, weight, and load for farm equipment

LB1082 (Brasch) Allow all-terrain vehicles and utility-type vehicles to be operated as authorized emergency vehicles

Tuesday, February 11

Agriculture

Room 2102 - 1:30 p.m.

LB696 (K. Haar) Prohibit the use of and require labeling of food containers containing Bisphenol A

LB768 (Schilz) Change fee provisions of the Livestock Brand Act

LB846 (Davis) To create the brand inspection service area for brand inspection fees and estray disposition

Appropriations

Room 1524 - 1:30 p.m.

Agency 5: Supreme Court

Agency 46: Dept. of Correctional Services

Agency 64: Neb. State Patrol

Agency 78: Neb. Commission on Law Enforcement and Criminal Justice

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB735 (Bolz) Require refund of certain insurance premiums upon death of insured

LB860 (Nordquist) Adopt health insurance requirements relating to dollar limits, rescissions, preexisting conditions, and dependents

COMMITTEE HEARINGS

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

LB875 (Howard) Change provisions relating to long-term insurance
LB993 (Christensen) Provide that health care sharing ministries are not insurance

Education

Room 1525 - 1:30 p.m.

LR421CA (Lautenbaugh) Constitutional amendment to eliminate references to the State Board of Education, State Dept. of Education, and the Commissioner of Education
LB1059 (Lautenbaugh) Change membership of learning community coordinating councils
LB865 (Smith) Eliminate certain taxing authority of learning communities and change state aid calculations
LB1101 (Crawford) Change and eliminate provisions relating to state aid and learning communities
LB1068 (Sullivan) Change provisions relating to learning communities
LB1070 (Sullivan) Change provisions relating to state aid to schools

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB795 (B. Harr) Change provisions relating to operator's license reinstatement
LB990 (Nordquist) Add a penalty and change a record requirement for 911 service suppliers

Urban Affairs

Room 1510 - 1:30 p.m.

LB1095 (Davis) Create the Tax-increment Financing Division of the Department of Economic Development and change the Community Development Law
LB1014 (Murante) Change provisions for election of metropolitan utilities district board of directors

Wednesday, February 12

Appropriations

Room 1003 - 1:30 p.m.

Agency 3: Legislative Council
Agency 10: Auditor of Public Accounts
Agency 11: Attorney General
Agency 12: State Treasurer
Agency 16: Dept. of Revenue
Agency 91: Neb. Tourism Commission

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Grimes, John L. - Emergency Response Commission
Appointment: Salo, Benjamin - Emergency Response Commission
LB1037 (McGill) Authorize Auditor of Public Accounts to examine certain entities formed under the Interlocal Cooperation Act
LB1058 (Murante) Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote
LB1084 (Garrett) Change provisions governing the filling of certain vacancies
LB945 (Davis) Provide procedures for aid to political subdivisions from the Governor's Emergency Program

Health & Human Services

Room 1510 - 1:30 p.m.

LB1072 (Lathrop) Adopt the Prescription Monitoring and Health Information Exchange Act
LB1078 (Nordquist) Change the Nebraska Telehealth Act, provide for the establishment of a patient relationship through video conferencing, and require insurance coverage for telehealth services
LB1017 (Krist) Change and transfer pharmacy, prescription, and drug provisions

Judiciary

Room 1113 - 1:30 p.m.

LB664 (Krist) Provide immunity under the Engineers and Architects Regulation Act during an emergency
LB1022 (Seiler) Change legal procedure provisions of hearsay, disposition of untried charges, and speedy trial
LB1001 (Wallman) Allow production and marketing of industrial hemp, exempt industrial hemp from the Uniform Controlled Substances Act, and provide powers and duties for the Dept. of Agriculture
LB832 (Lautenbaugh) Change provisions relating to reductions in sentence, change good-time provisions, and provide for earned time
AM1805 - LB503

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Bell, Richard R. - Game & Parks Commission
LB1040 (Karpisek) Create an energy conservation grant program
LB1115 (Davis) Appropriate funds to the Neb. Power Review Board for a study and state public policy

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

LB1041 (Nordquist) Change retirement provisions relating to school employees
LB1042 (Nordquist) Provide for repayments by school employees rejoining a retirement system

Revenue

Room 1524 - 1:30 p.m.

LB691 (Bolz) Increase a child and dependent care tax credit
LB787 (Schumacher) Provide an income tax deduction for loan principal payments for graduate degrees
LB897 (Cook) Provide an income tax credit to employers of public assistance recipients
LB1092 (Dubas) Authorize issuance of highway construction bonds

Thursday, February 13

Appropriations

Room 1003 - 1:30 p.m.

LB666 (Krist) State intent relating to funding for the Civil Air Patrol
LB738 (Larson) Create a fund and appropriate funds to the Dept. of Motor Vehicles
LB891 (Dubas) Appropriate funds to the Legislative Council to pay dues under the Midwest Interstate Passenger Rail Compact
LB904 (Kolowski) Create an endowment fund to provide grants for a black history museum and center
LB1004 (Avery) Authorize additional sources of funding for the Commission on Indian Affairs Cash Fund

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB737 (Dubas) Change qualifications for county veterans service officers
LB805 (Avery) Change application requirements to Nebraska veterans homes

COMMITTEE HEARINGS

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

LB935 (Gloor) Require legislative approval to move state services

Judiciary

Room 1113 - 1:30 p.m.

LB870 (Bolz) Adopt the Public Debt Recovery Program Act

LB1063 (Lautenbaugh) Require juvenile court approval to obtain a juvenile court proceeding transcript

LB1093 (Brasch) Change provisions relating to juvenile facilitated conferencing and funding

LB1021 (Seiler) Change provisions relating to the sealing of records of a juvenile

LB1028 (Coash) Change the number of judges of the separate juvenile court as prescribed

Natural Resources

Room 1525 - 1:30 p.m.

LB818 (K. Haar) Change provisions relating to net metering

LB1100 (K. Haar) Create the Public Power Task Force

Revenue

Room 1524 - 1:30 p.m.

LB721 (Janssen) Change tax provisions
LB902 (Crawford) Exempt military retirement income from state income taxation

LB1056 (Davis) Change individual income tax brackets and rates

LB1097 (B. Harr) Change individual income tax brackets and rates and corporate income tax rates

Tuesday, February 18

Agriculture

Room 1510 - 1:30 p.m.

LB942 (Schilz) Change provisions relating to packers under the

Competitive Livestock Markets Act

LB1080 (Bloomfield) Provide for non-profit nursery stock distributors under the Plant Protection and Plant Pest Act

LB941 (Schilz) Provide for a dairy growth study

Appropriations

Room 1524 - 1:30 p.m.

LB1091 (Conrad) Transfer funds from the Cash Reserve Fund to the Job

Training Cash Fund and change job training grant provisions

LB1094 (Davis) Change a fund transfer to the Property Tax Credit Cash Fund
LB1086 (Pirsch) Transfer cash reserve funds to the Property Tax Credit Cash Fund

LB669 (McCoy) Transfer cash reserve funds to the Property Tax Credit Cash Fund

LB940 (Schilz) Create the Water Sustainability Fund and transfer cash reserve funds

LB1046 (Carlson) Create the Water Sustainability Fund and transfer General Funds

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB831 (Christensen) Provide a requirement relating to coverage of medical equipment and prohibit unreasonable delays relating to preapproval of coverage

LB858 (Howard) Provide requirements relating to pharmacists and health care services in health insurance

LB883 (Nordquist) Eliminate a termination date on coverage requirements for anticancer medication

LB953 (Howard) Adopt the Health Information Initiative Act and provide funding

LB926 (Howard) Change provisions relating to rules and regulations of the Dept. of Insurance

Education

Room 1525 - 1:30 p.m.

LB1106 (McGill) Change provisions relating to career academies

LB826 (McCoy) Provide for a study relating to education incentives for high-need occupations

LB754 (Smith) Provide funds for career education programs

LB1064 (Lautenbaugh) Adopt the Teach for Nebraska Program Act

LB842 (Davis) Change provisions relating to allocations to the Excellence in Teaching Cash Fund

Nebraska Retirement Systems

Room 1525 - 9:00 a.m.

Appointment: Werner-Robertson, Gail - Neb. Investment Council

Appointment: Leonard, Dennis W. - Public Employees Retirement Board

Urban Affairs

Room 1510 - 1:30 p.m.

LB823 (Lautenbaugh) Terminate metropolitan utilities districts on Jan. 1, 2015

Appropriations

Room 1003 - 8:30 a.m.

LB1023 (Mello) Change certain budgetary reports

LB1047 (Carlson) Appropriate funds to the Department of Natural Resources
LB1114 (Mello) Change and state intent relating to funding for economic development programs and change a termination date

LB1019 (Schumacher) Adopt the Development and Venture Enterprise Act

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Loudon, Andrew - Neb. Accountability and Disclosure Commission

LB980 (Johnson) Change provisions relating to termination of a township board

LB773 (Davis) Provide for partisan ballots for unaffiliated voters at primary elections

LB1013 (Murante) Permit counties to regulate peddlers, hawkers, and solicitors by ordinance

Health & Human Services

Room 1510 - 1:30 p.m.

LB1054 (Karpisek) Redefine treatment under the Health Care Facility Licensure Act

LB1107 (Conrad) Change medicaid payment provisions for federally qualified health centers as prescribed
LB852 (Crawford) Change provisions relating to asbestos regulation

Natural Resources

Room 1525 - 1:30 p.m.

LB840 (K. Haar) Require rules and regulations for mandatory water well permits in management areas

LB959 (Carlson) Provide a permit application exemption for certain water storage reservoirs

COMMITTEE HEARINGS

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Thursday, February 20

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Blaha, Sherry -
Emergency Response Commission
LB1065 (Lautenbaugh) Eliminate secret ballot provisions under the Open Meetings Act
LB1066 (Lautenbaugh) Require a recorded roll call vote by certain county boards
LB1075 (B. Harr) Prohibit employment of certain persons leaving public positions

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Spurgin, Mark - Game & Parks Commission
LB985 (Davis) Provide standing to natural resources districts and provide requirements for water appropriations
LB1111 (Christensen) Provide duties relating to integrated management plans

Friday, February 21

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR393CA (Murante) Constitutional amendment to change signature requirements for initiative petitions
LR395 (Brasch) Recognize Feb. 10, 2014, as the 60th anniversary of the addition of the words "under God" to the Pledge of Allegiance
LR411CA (Karpisek) Authorize municipalities and counties to exercise powers in matters of local concern and to eliminate home rule charters

Health & Human Services

Room 1510 - 1:30 p.m.

LR422 (Campbell) Provide the Health & Human Services Committee, in cooperation with the Banking, Commerce & Insurance Committee, be designated to develop policy recommendations towards transformation of Nebraska's health care system

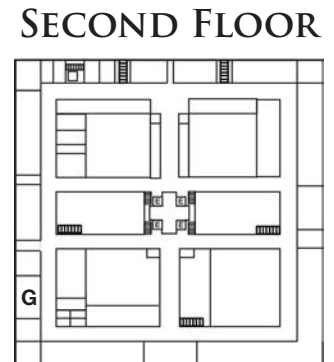
Natural Resources

Room 1525 - 1:30 p.m.

LB1003 (Kolowski) Provide for natural resources districts to issue general obligation bonds ■

HEARING ROOMS

Hearing Room	Committee	Meeting Days
2102 (G)	Agriculture	Tu
1524 (B)	Appropriations	M, Tu
1003 (A)	Appropriations	W, Th, F
1507 (E)	Banking, Commerce & Insurance	M, Tu
2102 (G)	Business & Labor	M
1525 (C)	Education	M, Tu
1510 (D)	General Affairs	M
1507 (E)	Government, Military & Veterans Affairs	W, Th, F
1510 (D)	Health & Human Services	W, Th, F
1113 (F)	Judiciary	W, Th, F
1525 (C)	Natural Resources	W, Th, F
1525 (C)	Nebraska Retirement Systems	(Meets at noon as scheduled)
1524 (B)	Revenue	W, Th, F
1113 (F)	Transportation & Telecommunications	M, Tu
1510 (D)	Urban Affairs	Tu



TESTIMONY SUGGESTIONS

- Always state your name and spell it for the record, as hearings are transcribed.
- Prepare written copies of your testimony to distribute to the committee.
- Be prepared to limit your testimony, and try not to repeat the points offered by previous testifiers.
- Please turn off cell phones.

SENATOR CONTACT INFO

Sen. Greg L. Adams York, District 24 Room 2103 (402) 471-2756 gadams@leg.ne.gov news.legislature.ne.gov/dist24	Sen. Colby Coash Lincoln, District 27 Room 2028 (402) 471-2632 ccoash@leg.ne.gov news.legislature.ne.gov/dist27	Sen. Tom Hansen North Platte, District 42 Room 1012 (402) 471-2729 thansen@leg.ne.gov news.legislature.ne.gov/dist42	Sen. Tyson Larson O'Neill, District 40 Room 1019 (402) 471-2801 tlarson@leg.ne.gov news.legislature.ne.gov/dist40	Sen. Jim Scheer Norfolk, District 19 Room 1117 (402) 471-2929 jscheer@leg.ne.gov news.legislature.ne.gov/dist19
Sen. Brad Ashford Omaha, District 20 Room 1103 (402) 471-2622 bashford@leg.ne.gov news.legislature.ne.gov/dist20	Sen. Danielle Conrad Lincoln, District 46 Room 1008 (402) 471-2720 dconrad@leg.ne.gov news.legislature.ne.gov/dist46	Sen. John N. Harms Scottsbluff, District 48 Room 2011 (402) 471-2802 jharms@leg.ne.gov news.legislature.ne.gov/dist48	Sen. Steve Lathrop Omaha, District 12 Room 2000 (402) 471-2623 slathrop@leg.ne.gov news.legislature.ne.gov/dist12	Sen. Ken Schilz Ogallala, District 47 Room 1022 (402) 471-2616 kschilz@leg.ne.gov news.legislature.ne.gov/dist47
Sen. Bill Avery Lincoln, District 28 Room 1423 (402) 471-2633 bavery@leg.ne.gov news.legislature.ne.gov/dist28	Sen. Tanya Cook Omaha, District 13 Room 1208 (402) 471-2727 tcook@leg.ne.gov news.legislature.ne.gov/dist13	Sen. Burke J. Harr Omaha, District 8 Room 1120 (402) 471-2722 bharr@leg.ne.gov news.legislature.ne.gov/dist08	Sen. Scott Lautenbaugh Omaha, District 18 Room 1021 (402) 471-2618 slautenbaugh@leg.ne.gov news.legislature.ne.gov/dist18	Sen. Paul Schumacher Columbus, District 22 Room 1124 (402) 471-2715 pschumacher@leg.ne.gov news.legislature.ne.gov/dist22
Sen. Dave Bloomfield Hoskins, District 17 Room 1206 (402) 471-2716 dbloomfield@leg.ne.gov news.legislature.ne.gov/dist17	Sen. Sue Crawford Bellevue, District 45 Room 2104 (402) 471-2615 scrawford@leg.ne.gov news.legislature.ne.gov/dist45	Sen. Sara Howard Omaha, District 9 Room 1523 (402) 471-2723 showard@leg.ne.gov news.legislature.ne.gov/dist09	Sen. Beau McCoy Omaha, District 39 Room 2015 (402) 471-2885 bmccoy@leg.ne.gov news.legislature.ne.gov/dist39	Sen. Les Seiler Hastings, District 33 Room 1017 (402) 471-2712 lseiler@leg.ne.gov news.legislature.ne.gov/dist33
Sen. Kate Bolz Lincoln, District 29 Room 1522 (402) 471-2734 kbolz@leg.ne.gov news.legislature.ne.gov/dist29	Sen. Al Davis Hyannis, District 43 Room 1117 (402) 471-2628 adavis@leg.ne.gov news.legislature.ne.gov/dist43	Sen. Charlie Janssen Fremont, District 15 Room 1403 (402) 471-2625 cjanssen@leg.ne.gov news.legislature.ne.gov/dist15	Sen. Amanda McGill Lincoln, District 26 Room 1212 (402) 471-2610 amcgill@leg.ne.gov news.legislature.ne.gov/dist26	Sen. Jim Smith Papillion, District 14 Room 1118 (402) 471-2730 jsmith@leg.ne.gov news.legislature.ne.gov/dist14
Sen. Lydia Brasch Bancroft, District 16 Room 1016 (402) 471-2728 lbrasch@leg.ne.gov news.legislature.ne.gov/dist16	Sen. Annette M. Dubas Fullerton, District 34 Room 1110 (402) 471-2630 adubas@leg.ne.gov news.legislature.ne.gov/dist34	Sen. Jerry Johnson Wahoo, District 23 Room 1529 (402) 471-2719 jjohnson@leg.ne.gov news.legislature.ne.gov/dist23	Sen. Heath Mello Omaha, District 5 Room 1004 (402) 471-2710 hmello@leg.ne.gov news.legislature.ne.gov/dist05	Sen. Kate Sullivan Cedar Rapids, District 41 Room 1107 (402) 471-2631 ksullivan@leg.ne.gov news.legislature.ne.gov/dist41
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Sen. Tom Carlson Holdrege, District 38 Room 1210 (402) 471-2732 tcarlson@leg.ne.gov news.legislature.ne.gov/dist38	Sen. Mike Gloor Grand Island, District 35 Room 1401 (402) 471-2617 mgloor@leg.ne.gov news.legislature.ne.gov/dist35	Sen. Bill Kintner Papillion, District 2 Room 1115 (402) 471-2613 bkintner@leg.ne.gov news.legislature.ne.gov/dist02	Sen. John E. Nelson Omaha, District 6 Room 2107 (402) 471-2714 jnelson@leg.ne.gov news.legislature.ne.gov/dist06	Sen. Dan Watermeier Syracuse, District 1 Room 1404 (402) 471-2733 dwatermeier@leg.ne.gov news.legislature.ne.gov/dist01
Sen. Ernie Chambers Omaha, District 11 Room 1114 (402) 471-2612 news.legislature.ne.gov/dist11	Sen. Ken Haar Malcolm, District 21 Room 1018 (402) 471-2673 khaar@leg.ne.gov news.legislature.ne.gov/dist21	Sen. Rick Kolowski Omaha, District 31 Room 1528 (402) 471-2327 rkolowski@leg.ne.gov news.legislature.ne.gov/dist31	Sen. Jeremy Nordquist Omaha, District 7 Room 2004 (402) 471-2721 jnordquist@leg.ne.gov news.legislature.ne.gov/dist07	Sen. John M. Wightman Lexington, District 36 Room 2010 (402) 471-2642 jwightman@leg.ne.gov news.legislature.ne.gov/dist36
Sen. Mark R. Christensen Imperial, District 44 Room 1000 (402) 471-2805 mchristensen@leg.ne.gov news.legislature.ne.gov/dist44	Sen. Galen Hadley Kearney, District 37 Room 1116 (402) 471-2726 ghadley@leg.ne.gov news.legislature.ne.gov/dist37	Sen. Bob Krist Omaha, District 10 Room 2108 (402) 471-2718 bkrist@leg.ne.gov news.legislature.ne.gov/dist10	Sen. Pete Pirsch Omaha, District 4 Room 1101 (402) 471-2621 ppirsch@leg.ne.gov news.legislature.ne.gov/dist04	

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With the bitter cold and icy weather in Lincoln, conditions were right Wednesday morning for the appearance of parhelia, or “sun dogs” in the morning sky. In this view from the tower of the State Capitol, the “phantom suns” are visible, created by the refraction of the sun’s light in tiny ice crystals.