UNICAMERAL **PDA**

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Session ends, 17 senators depart



Term-limited senators, joined by former colleagues who began legislative service with them in 2007, reunited for a group photo in the Capitol Rotunda on the final day of the legislative session. From left: former senator Kent Rogert, Sens. Russ Karpisek, Danielle Conrad, John Harms, Annette Dubas, John Wightman, Steve Lathrop, Tom Carlson, Mark Christensen, John Nelson, Greg Adams, Norm Wallman, Bill Avery, Tom Hansen, Amanda McGill, Scott Lautenbaugh, Pete Pirsch and former senators Dave Pankonin and Tim Gay. Not pictured: Sen. Brad Ashford.

he second session of the 103rd Legislature adjourned sine die April 17.

Seventeen senators are leaving the Legislature due to term limits, among them York Sen. Greg Adams, who has served as speaker for the last two sessions.

Adams commended his fellow lawmakers for their work-particularly under the time constraints of a 60-day session-on major issues such as prison reform, water policy concerns and tax modernization. All of the 105 bills designated as priority measures by senators were debated

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Veto of aging task force overridden

Lawmakers voted April 10 to override a gubernatorial veto of a bill that creates a statewide task force on aging and seeks federal grant funds.

LB690, introduced by Lincoln Sen.

Kate Bolz, creates the Aging Nebraskans Task Force to facilitate implementation of a statewide strategic plan for addressing the needs



Sen. Kate Bolz

of Nebraska's aging population.

The task force will include stakeholders as well as representatives of the three branches of state government and will report its recommendations to the Legislature by Dec. 15, 2014. The task force will terminate June 30, 2016, unless extended by the Legislature.

The bill also requires the state Department of Health and Human Services (DHHS) by Sept. 1, 2014, to apply for a federal grant to fund the development of a comprehensive and coordinated system of home- and community based long-term care services.

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LB690 was approved March 31 on a 32-11 vote.

In his veto message, Gov. Dave Heineman objected to the bill's provision requiring DHHS to apply for federal funding through the Balancing Incentive Payments Program. Calling the program a "bait-and-switch," Heineman said Nebraska taxpayers would be

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Session ends, 17 Aging task force senators depart (continued from front page)

on the floor, he said.

"When you think about the end result, as difficult as this session has been ... we've done the state's work," he said. "We addressed the issues; we got through it."

Adams noted that legislative leaders from other states have commented to him at conferences on the challenges of a one-house legislature with diffuse leadership.

"I couldn't help but remind everyone at the table that representative democracy was never meant to be efficient," he said.

Reflecting on his own tenure in the Legislature, Adams said seeing his name on the voting board for the first time brought home the realization of the power that comes from serving in the state's legislative body. And with that power comes responsibility, he said -to all Nebraskans, not just one's own constituents.

"A responsibility to try and make policy and to do so as much as possible without politics entering in," he said.

In his remarks, Gov. Dave Heineman also congratulated senators on their work this session, noting progress on several major issues such as prison reform and water sustainability.

The governor also praised the Legislature's action on tax reform this session, including indexing individual income tax brackets for inflation, eliminating sales tax on repair parts for agricultural machinery and equipment and expanding the homestead exemption program.

"It's been a very good year for Nebraska taxpayers," Heineman said. "We are providing more than \$412 million of tax relief to Nebraskans over the next five years. That is meaningful, responsible and significant tax relief."

The first session of the 104th Legislature is scheduled to convene Jan. 7, 2015. 🔳

veto overridden

(continued from front page)

required to bear the \$30 million annual cost of new programming when the federal match ends.

Bolz offered a motion to override the governor's veto. She said the grant funds simply would mean a higher federal match for longterm care services that the state already must provide to its aging population. The goal of the program, Bolz said, is to incentivize states to encourage home and community-based services that are less expensive than nursing home care.

"This bill is about maintaining our commitment to our aging population, she said.

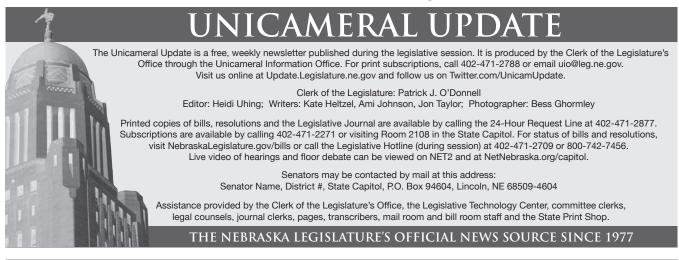
Omaha Sen. Jeremy Nordquist supported the override motion, saying the federal funding would help communities create the capacity needed to provide more home and community-based care, especially in rural areas and small communities.

"It's the right thing to do for the state from a financial perspective and for our constituents, who would much rather age in place," he said.

Sen. Beau McCoy of Omaha opposed the override motion. He expressed concern that Nebraska would be unable to recapture money spent on services if the state failed to meet the grant program's requirements.

"The thresholds to get the matching federal funds are very high," he said.

Lawmakers voted 30-12 to override the governor's veto and enact LB690. Thirty votes are required to override a veto.



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Climate study group parameters passed

Senators passed a bill April 10 that changes some duties of the state's climate study group.

LB1008, introduced by Malcolm Sen. Ken Haar, requires the Climate

Assessment and Response Committee to produce a climate change report derived from reports and recommendations submitted to it. The



e Sen. Ken Ha

final report is due Dec. 1, 2014.

The bill stems from LB583, adopted in 2013, which directed the climate committee to produce an original report to the governor on the impact of climate change on the state and to facilitate communication between stakeholders to address those impacts and response strategies.

The bill passed on a 44-1 vote.

BANKING, COMMERCE & INSURANCE

Government bond lien proposal becomes omnibus banking bill

Lawmakers passed a bill April 17 related to the processing of tangible and intangible property.

As introduced by Columbus Sen. Paul Schumacher, LB788 would have created a statutory lien and granted



a security interest Sen. Paul Schumacher

in bond-pledged revenue sources of an issuing governmental unit. Schumacher offered an amendment during select file debate April 9 to strike the original bill and add provisions of six other banking proposals.

The amendment, divided into six sections at the request of Omaha Sen. Beau McCoy, added provisions of the following bills.

LB151, introduced by Hastings Sen. Les Seiler, creates an acquired or integrated business records exception to Nebraska's hearsay rule. The compo-



nent was adopted 28-0.

LB775, also introduced by Seiler, provides an exception to the disclosure of confidential information rules to allow banks and other corporations to release information regarding date of death valuation and beneficiary designations for property in their possession. The component was adopted 30-0.

LB810, introduced by Syracuse Sen. Dan Watermeier, prohibits lo-

cal ordinances or resolutions from interfering with the enforcement or servicing of any real estate loan agreement or any mortgage,



Sen. Dan Watermeier

deed of trust or other security instrument by which the loan is secured. The prohibition does not apply to a local ordinance or resolution related to tax increment financing. The component

was adopted 28-0.

LB815, introduced by Gretna Sen. John Murante, makes state law regarding the pledging of secu-



Sen. John Murante

rities for trust funds awaiting investment or distribution conform with federal law. The component was adopted 31-0.

LB819, introduced by Lexington Sen. John Wightman, updates provi-

sions regarding the way debts or obligations and future advances may be secured pursuant to a mortgage or trust deed cover-



ing an interest in Sen. John Wightman real property. The component was adopted 30-0.

LB988, introduced by Schumacher, creates a process for entry into a decedent's safe deposit box for the limited purposes of locating a will, deed to a burial plot or burial instructions. The component was adopted 32-0.

Following adoption of all six components of the Schumacher amendment, LB788 advanced to final reading by voice vote.

The bill passed on a 45-0 vote.

Insurance company salary disclosure bill amended, debate stalls

A bill dealing with salary disclosure of insurance company executives was amended to include several additional bills before stalling during general file debate April 7.

LB799, as introduced by Holdrege

Sen. Tom Carlson, would repeal a requirement that every insurance company holding a certificate of authority to transact insurance business



Sen. Tom Carlson

in Nebraska must annually file the salaries and compensation of its officers with the state director of insurance.

A pending Banking, Commerce

and Insurance Committee amendment would retain the filing requirement regarding insurance company officer salaries but would require that such information be maintained as confidential and not disclosed to anyone outside the state Department of Insurance except as agreed to by the insurance company or as ordered by a court.

The bill was amended to include provisions of three additional bills.

Lincoln Sen. Colby Coash brought

an amendment, adopted 36-1, which incorporated provisions of LB505. A carryover measure that he introduced last session, the bill would require in-



surance coverage for applied behavior analysis and other autism spectrum disorder treatments.

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

Required annual coverage amounts would be a maximum of \$25 hours per week until the insured person is 21 years old. An insurer would have the right to request a review of an individual's treatment every six months.

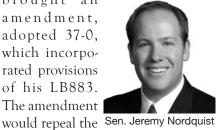
The measure would not apply to qualified health plans in individual and small group markets sold through and outside the state's health insurance exchange that are required to include essential health benefits under the federal Affordable Care Act.

Coash said the amendment would provide needed services to approximately 900 children in Nebraska, adding that 34 other states already require coverage for autism spectrum disorders. Those states have seen an average per member, per month premium increase of 15 cents, he said.

"We are not going into uncharted territory," Coash said. "We are not the canary in the coal mine that's going to figure out how this is going to work."

Omaha Sen. Jeremy Nordquist

brought an amendment, adopted 37-0, which incorporated provisions of his LB883. The amendment



Dec. 31, 2015 termination date for a requirement that individual and group health policies, certificates and

contracts and self-funded employee benefit plans-to the extent not preempted by federal law-provide coverage for orally administered anticancer medication on a basis no less favorable than intravenously administered or injected anticancer medications.

Nordquist said the sunset date on a parity requirement for intravenous and oral chemotherapy treatments, passed in 2012, was put in place to ensure that the requirement would not have an adverse impact on premiums and should be removed.

Sen. Danielle Conrad of Lincoln

offered an amendment, adopted 34-0, which would adopt a pilot program based on her LB397 introduced last session. The



require the state Department of Health and Human Services to establish a two-year program to provide amino-acid based elemental formulas for the diagnosis and treatment of food allergies, food protein induced enterocolitis syndrome, eosinophilic disorders and short-bowel syndrome.

The program would provide funding when an ordering physician has issued a written order stating that amino-based elemental formula is necessary for the treatment of a disease or disorder. A \$250,000 appropriation would fund the pilot program, which would provide up to 50 percent of out-of-pocket costs for treatment, not to exceed \$12,000 per child in a 12-month period.

Conrad said that although rare, severe food allergies and related disorders require expensive formula that is not covered by all private insurance companies. She said the amendment represents a compromise that would provide short-term relief to families rather than a mandate for insurance coverage of treatment.

"This proposal will help to provide some assistance to families in need," Conrad said.

Omaha Sen. Ernie Chambers offered an amendment that would have stripped the original provisions of LB799 from the bill. No public benefit would be served by removing the requirement for insurance companies to report executive salaries, Chambers said, adding that his opposition did not extend to the other bills amended into the proposal.

"We don't need this [underlying bill]," he said. "Keep those amendments; this vehicle has served its purpose."

Carlson opposed the amendment, saying it is unfair for the state to require executive salary disclosure from insurance companies.

"I think this was a reasonable request because no other private companies have to divulge those figures," he said.

The amendment failed on a 17-23 vote.

Two additional proposed amendments were ruled not germane to the underlying bill. A motion offered by Chambers to recommit LB799 to the Banking, Commerce and Insurance Committee was pending when the Legislature adjourned for the day.

Coverage for carbon monoxide required

Lawmakers passed a bill April 10 that ensures homeowners receive additional insurance protections.

Currently, some homeowner insurance policies contain what is known as a pollution exclusion, which denies coverage for damage resulting from a carbon monoxide leak.

Under LB876, introduced by Omaha Sen. Sara Howard, any policy that

includes a pollution exclusion clause must contain an exception for bodily injury sustained within a building and caused by smoke,



Sen. Sara Howard

fumes, vapor or soot from a heating or ventilation system.

Senators passed the bill on a 48-0 vote.



Workers' comp, unemployment bill passed

Lawmakers passed a bill April 10

that affects workers' compensation and unemployment benefits.

LB961, as introduced by Omaha Sen. Tanya Cook, originally would

Sen. Tanya Cook

have enabled workers injured due to willful negligence of their employers to seek damages outside of the Nebraska Workers' Compensation Act.

During general file debate, senators adopted a Judiciary Committee amendment on a 30-0 vote. It replaced the bill with provisions of three other bills:

LB951, introduced by Omaha Sen.

Scott Lautenbaugh, clarifies that a lump sum settlement that is not required to be submitted for approval by



the state Workers' Compensation Court shall be final and conclusive unless procured by fraud.

LB820, introduced by Hyannis Sen. Al Davis, authorizes the governor to make Nebraska a member of the Great Plains Interstate Fire Compact.



Sen. Al Davis

LB895, introduced by Norfolk Sen.

Jim Scheer, ensures that the wage used to calculate workers' compensation indemnity benefits for volunteer fire or emergency service personnel is



Sen. Jim Scheer

1.5 times the maximum state average weekly wage or wages from his or her regular employer, whichever is higher.

During select file debate, Omaha Sen. Heath Mello offered an amendment that included provisions from two of his bills. Senators adopted the amendment on a 27-0 vote.

LB373 amends the Nebraska Construction Prompt Pay Act to establish a maximum cap on the retainage amount at 10 percent and, once the project is 50 percent complete, at 5 percent. The bill requires the owner to pay the retainage to the contractor within



Sen. Heath Mello

45 days of substantial completion, after which the contractor must pay subcontractors within 10 days. Builders and subcontractors may receive attorney fees and costs if awarded damages.

LB559 allows employers to establish a short-time compensation plan, which temporarily provides unemployment benefits to eligible employees. Employers that provide health and retirement benefits to eligible employees are required to continue offering the benefits under the plan. Employers are prohibited from hiring additional staff while the plan is in effect.

Senators advanced the amended bill from select file on a voice vote April 8.

The bill was passed April 10 on a 47-0 vote.

EDUCATION

Coverage for autism spectrum disorders approved

Lawmakers passed a bill April 17 requiring insurance coverage for children with autism spectrum disorders.

LB254, as originally introduced by York Sen. Greg Adams, would have renamed the Nebraska Educational Television Commission.



Sen. Greg Adams

Lincoln Sen. Colby Coash introduced an amendment during select

file debate April 9, adopted 41-0, which replaced the original bill. The amendment incorporated provisions of his LB505,



which required insurance coverage for applied behavior analysis and other autism spectrum disorder treatments.

The measure requires that insurance plans in Nebraska provide coverage for autism screening, diagnosis and treatment provided by a boardcertified behavior analyst or licensed psychologist. Disease-specific and self-funded employee plans are exempt from the bill's provisions.

Required annual coverage amounts are a maximum of \$25 hours per week until the insured person is 21 years old. An insurer may request a review of an individual's treatment every six months.

The measure does not apply to qualified health plans in individual and small group markets sold through and outside the state's health insurance exchange that are required to include essential health benefits under the federal Affordable Care Act.

Coash thanked the families who have worked to get coverage for their children.

"These are families that struggle. They've done much more than I have based on the love for their children," he said. "They fight for their kids and they have hung through this issue for the past two years."

The amendment also incorporated provisions of LB397, originally introduced by Lincoln Sen. Danielle Conrad,



which requires the Sen. Danielle Conrad

state Department of Health and Human Services to establish a two-year program to provide amino-acid based elemental formulas for the diagnosis and treatment of food allergies, food protein induced enterocolitis syndrome, eosinophilic disorders and short-bowel syndrome.

The program provides funding when an ordering physician issues a written order stating that amino-based elemental formula is necessary for the treatment of a disease or disorder. A \$250,000 appropriation funds the pilot program, which will provide up to 50 percent of out-of-pocket costs for treatment, not to exceed \$12,000 per child in a 12-month period.

Additionally, the amendment incorporated provisions of LB883,

originally introduced by Omaha Sen. Jeremy Nordquist. It repealed the Dec. 31, 2015, termination date for a



requirement that Sen. Jeremy Nordquist

individual and group health policies, certificates and contracts and selffunded employee benefit plans-to the extent not preempted by federal law-provide coverage for orally administered anticancer medication on a basis no less favorable than intravenously administered or injected anticancer medications.

Senators passed the bill on a 48-0 vote.

Suicide prevention training, security director approved

School staff members will receive annual training on suicide awareness and prevention under a bill passed by the Legislature April 17.

Under LB923, introduced by Lincoln Sen. Amanda McGill, all public school nurses, teachers, counselors, school psychologists, school social workers and administrators will receive at least one hour of training each year, beginning with the 2014-15 school year.



Sen. Amanda McGill

The required training will be included under the existing in-service training framework required by the state Department of Education or as part of required professional development activities. The department is required to collaborate with appropriate organizations and experts to develop a list of approved training materials.

The bill incorporates provisions of LB872, originally introduced by Omaha Sen. Rick Kolowski, to create the position of state school security director under



Sen. Rick Kolowski

the department. The director's duties will begin Jan. 1, 2015, and include:

- collecting safety and security plans from each school system;
- recommending minimum standards for school security;
- conducting an assessment of the security of each public school building;
- identifying deficiencies in school security based on the minimum standards adopted by the state;
- establishing security awareness and preparedness tools and training programs for public school staff:
- establishing research-based model instructional programs for staff, students and parents to address causes for violent attacks on schools; and
- overseeing suicide awareness and prevention training.

Omaha Sen. Beau McCoy introduced an amendment during select file debate April 9 to exempt private, parochial and denominational schools from the state school security director's authority. Exempted school districts still may consult with the security director on individual matters.

McCoy said including the private, parochial and denominational schools in the original bill could lead to more state intervention in the future.

Wilber Sen. Russ Karpisek opposed the amendment, saying it does not make sense to protect some students and not others.

"I'm wondering if private school students aren't in as much jeopardy or aren't as important as public school students," he said. "Why would we make the public schools do this and not the private schools? All kids deserve to be protected."

Senators adopted the McCoy amendment on a 26-7 vote.

Omaha Sen. Steve Lathrop intro-

duced an amendment, adopted 38-1, which incorporated provisions of his LB782. The amendment established a "return-to-learn"



protocol to help Sen. Steve Lathrop ease the transition for students who have suffered a concussion.

A second amendment, adopted

36-0, incorporated provisions of LB741, a bill originally introduced by Gretna Sen. John Murante that requires public school districts



icts Sen. John Murante

to conduct at least two tornado preparedness drills each school year.

Senators passed LB923 on April 17 on a 45-0 vote.

EXECUTIVE BOARD

Redistricting commission proposal stalls

After extended debate on select file April 8, an attempt to force a vote on a measure that would create an independent redistricting commission in Nebraska failed.

Every 10 years, after the decennial census, the Legislature is responsible for drawing new governmental boundaries 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, as introduced by Wilber Sen. Russ Karpisek, would create an

Independent Redistricting Advisory Commission. Each congressional legislative caucus would choose two commission members, subject to approval Sen. Russ Karpisek

by the full Legislature.

The six-member commission would submit proposed redistricting maps to the Legislature for approval.

Karpisek said the bill would be a first step toward removing partisanship from the redistricting process, which he said was an issue when lines were redrawn in 2011.

"What can it hurt to let an independent, nonpartisan group sit down and do this? I think this is a good idea and it can only improve our [process]," he said.

Omaha Sen. Heath Mello spoke in favor of the bill, saying supporters were willing to address any technical concerns raised by the opposition. He expressed doubt, however, that those concerns dealt with the substantive aspects of LB976.

"There are no arguments against this bill except that you want to keep a partisan redistricting process," he said.

Papillion Sen. Bill Kintner opposed the bill. An independent redistricting commission simply would trade one partisan process for another, he said. Individuals who would want to serve on such a commission likely would be ideologically driven, he said, and voters would not be able to hold commission members accountable for their decisions.

"There's no such thing as nonideological people ... everyone's got an agenda," Kintner said.

Senators narrowly rejected several motions that were offered in an effort to extend debate.

After four hours of discussion, Karpisek offered a cloture motion, which ceases debate and forces a vote on all pending action on a bill. The motion failed on a vote of 27-22, six votes short of the number required.

GENERAL AFFAIRS

Replayed horse racing measure approved

Following a motion to reconsider a final reading vote taken last week, senators voted April 7 to pass a measure intended to pave the way for wagering on replayed horse races in Nebraska.

The measure failed April 3 on a 28-18 vote and introducer Sen. Scott Lautenbaugh of Omaha filed a



Omaha filed a Sen. Scott Lautenbaugh motion to recon-

sider that vote. He said it is important for lawmakers to give the horse racing industry one last chance to overcome "arcane" constitutional constraints.

"Please don't turn your back on these people," Lautenbaugh said. "Please don't turn your back on these jobs."

LR41CA will place a proposed constitutional amendment on the November 2014 general election ballot regarding historic horse racing. If approved by voters, the amendment will allow wagering on the results of live, replayed or delayed horse races at licensed racetracks where live racing occurs by a pari-mutuel method.

If voters approve the measure, proceeds from historic horse racing will be allocated as follows:

- 49 percent for elementary and secondary education;
- 49 percent to reduce property taxes; and
- 2 percent to the Compulsive Gamblers Assistance Fund.

Senators voted 32-13 to reconsider the earlier vote and 30-17 to pass the measure. Thirty votes are needed to pass a proposed constitutional amendment.



Same-day voting, registration changes approved

People wanting to register to vote

and cast an early ballot on the same day will face new requirements under a bill passed by the Legislature April 9.



LB565, introduced by Omaha Sen. John Nelson Sen. John Nelson, creates new procedures for registering to vote and casting an early ballot on the same day.

Under the bill, an early ballot cast will be placed in an envelope with the voter's name and address and kept securely for counting. It cannot be counted if an acknowledgement of registration sent to the registrant is returned undeliverable within 10 days of mailing. If the acknowledgement is not returned after 10 days, the ballot will be counted.

The deadline for registering to vote and voting on the same day is the same as the deadline for voter registration.

Senators passed the bill on a 37-3 vote.

Agency reporting changes adopted

Lawmakers gave final approval April 9 to a bill meant to strengthen state agency reporting requirements.

LB719, introduced by Bellevue Sen. Sue Crawford, adds a public com-

ment summary to the required information that a state agency must submit to the secretary of state, attorney general

and governor re- Sen. Sue Crawford garding a proposed rule change under the Administrative Procedures Act.

The bill requires agencies to provide the Legislature a report containing a written summary of testimony offered at a public hearing, any specific issues or questions presented at the hearing or in written testimony and written responses from the agency.

The Executive Board of the Legislative Council will refer each written report to the chairperson of the standing legislative committee with subject matter jurisdiction over the issue for review.

In addition, if practicable, each

report will be submitted to the senator who was the primary sponsor of the bill or amendment that initially granted rule-making authority to the agency.

The bill includes provisions of LB720, also introduced by Crawford, that expand an existing complaint process regarding proposed agency regulations.

Current law provides a process for senators to file a complaint regarding proposed regulations on the basis that the proposed rule is unconstitutional, in excess of statutory authority or inconsistent with the legislative intent of the authorizing statute.

The bill expands that process to existing rules and regulations or their repeal. It also adds the following criteria for filing a complaint:

- a rule or regulation creates an undue burden;
- circumstances have changed since passage of a law that a rule or regulation implements; or
- a rule or regulation overlaps, duplicates or conflicts with other laws, rules or ordinances. LB719 passed on a 46-0 vote.



Special education Medicaid reimbursement amended, approved

S e n a t o r s passed a bill April 17 that allows schools to seek Medicaid reimbursement for a broader ar-



ray of services Sen. Jeremy Nordquist delivered to Medicaid-eligible special education students. LB276, sponsored by Omaha Sen. Jeremy Nordquist, allows school districts to seek reimbursement for audiology services, counseling, psychological and behavioral services, nursing, nutritional services, personal assistance, transportation, social work and vision services.

The bill requires the state Department of Health and Human Services (DHHS) and the state Department of Education, before Oct. 1, 2015, jointly to revise the statewide billing system to simplify the claims process, update reimbursement rates and incorporate the new services into the state plan.

After the reimbursement rates have been updated, they will be reviewed at least once every five years.

The bill was amended on select file April 9 to require DHHS to retain an amount equal to the lesser of the actual cost of implementing and administering the statewide billing system and early intervention services coordination or:

- \$250,000 for fiscal year 2014-15;
- \$300,000 for FY2015-16; and
- the amount retained plus 5 percent for FY2016-17 and each fiscal year thereafter.

The amendment also removed a requirement that nonparticipating districts would lose special education funding.

LB276 passed on a 48-0 vote.

Minor surgery provisions removed from optometrist bill

Senators approved a narrowed

version of a bill April 17 dealing with optometrist's scope of practice in Nebraska.

As originally introduced by Omaha Sen. Sara



Omaha Sen. Sara Sen. Sara Howard Howard, LB526 would have authorized licensed optometrists in Nebraska who have completed the required training and demonstrated the necessary skills to:

- inject pharmaceutical agents into the eyelid for certain therapeutic purposes;
- perform minor surgical procedures on the eyelid and ocular adnexa; and
- prescribe oral steroids, oral antiglaucoma medication and immunosuppressives.

Howard offered an amendment during select file debate April 9 that removed all provisions except the authority to inject pharmaceutical agents for therapeutic purposes—including an epinephrine autoinjector for treatment of anaphylaxis—and the authority to prescribe oral steroids, oral antiglaucoma medication and oral immunosuppressive agents.

The amendment was the result of a compromise between ophthalmologists and optometrists, Howard said, and was an appropriate reflection of the way eye care has evolved since the last time that practice issues for the professions were addressed.

"As health care is changing, scope of practice has to change with it," she said.

Lincoln Sen. Kathy Campbell supported the amendment. She said the two professions have been at odds for years regarding practice issues and she encouraged senators to support the compromise that the groups had reached.

"Scope of practice is never really worked out on the floor of the Legislature, nor should it be," Campbell said.

Omaha Sen. Ernie Chambers opposed the amendment, citing concerns about patient care.

"I don't believe these optometrists ought to have any expansion in what they are allowed to do," he said.

The Howard amendment was adopted on a 34-3 vote and the bill

was advanced to final reading by voice vote.

Senators passed the bill April 17 on a 45-0 vote.

Nurse practitioner changes approved

Lawmakers gave final approval April 17 to a bill intended to address the shortage of primary care providers in rural Nebraska.

LB916, introduced by Bellevue Sen. Sue Crawford, removes the re-

quirement for an integrated practice agreement between a nurse practitioner and a collaborating physician and replaces it with a



places it with a Sen. Sue Crawford transition to practice agreement.

The new agreement is defined as a collaborative agreement between a nurse practitioner and a supervising provider, which may be a physician, osteopathic physician or nurse practitioner licensed and practicing in Nebraska. The supervising provider must be in the same practice specialty, related specialty or field of practice as the nurse practitioner being supervised.

A nurse practitioner must have 10,000 hours of practice to serve as a supervising provider.

The bill passed on a 43-0 vote.

Marriage and death document fees increased

Senators passed a bill April 9 that increases the fees that the state Department of Health and Human Services may charge to issue certified copies or abstracts of marriage and for searches of death certificates.

Under LB994, introduced by the Health and Human Services Committee, the fee to issue a certified copy or abstract of marriage will increase from \$11 to \$16. The current cap of \$2 on the fee for a search of death certificates will increase to \$3.

The bill passed on a 46-1 vote and takes effect immediately.

Prescription via telehealth allowed

A bill that would make changes to telehealth provision in Nebraska was approved April 10.

As originally introduced by Lincoln Sen. Kathy Campbell, LB1076 would have required that proposed changes in Medicaid authorization

and payment for medically necessary home health services and reimbursement rates be delayed until the state Depart-



ment of Health Sen. Kathy Campbell and Human Services (DHHS) has reviewed the results of other state's pilot programs.

Campbell offered an amendment during select file debate April 8 to remove those provisions. She said DHHS had agreed to eliminate the proposed Medicaid changes that led her to introduce the original bill. It was approved on a 40-0 vote.

Remaining in the bill are provisions of LB1078, originally introduced by Omaha Sen. Jeremy Nordquist. Adopted on general file, the provisions allow physicians, physician assistants, nurse practitioners and pharmacists to use telehealth-or electronic communication-for the purpose of prescribing medication.

The measure also clarifies that the reimbursement rate for a telehealth consultation be set at least as high as the Medicaid rate for a comparable in-person consultation regardless of the distance between the health care practitioner and the patient.

LB1076 passed on a 48-0 vote.

JUDICIARY



Emergency act changes passed

Lawmakers approved a bill April 17 that limits the governor's authority during a state of emergency.

LB390, introduced by Imperial Sen. Mark Christensen, amends the

Emergency Management Act by removing the governor's authority to suspend or limit the sale, dispensing or



transportation of Sen. Mark Christensen firearms during a state of emergency.

The bill includes provisions of two other bills:

LB694, introduced by Hastings Sen.

Les Seiler, which allows firearms on school campuses for use in historical reenactments, hunter education programs or as part of an honor guard; and

LB772, introduced by Hyannis Sen.

Al Davis, which allows the adjutant general to spend up to \$25,000 per event on aerial fire suppression or hazardous material response without

a state of emergency proclamation issued by the governor.

The bill advanced from select file on a voice vote April 9.

Senators passed LB390 April 17 45-0.

Sen. Les Seiler



Juvenile iustice, truancy bill passed

Senators passed a bill April 9 that updates Nebraska's juvenile justice system.

LB464, introduced by Omaha Sen. Brad Ashford, requires that misde-

meanor and Class IIIA and IV felony cases involving a iuvenile be initiated in juvenile court. The bill exempts Class I, II and III



felonies for minors Sen. Brad Ashford aged 14 and older from the mandatory juvenile court initiation.

Prosecutors have the option to transfer cases to adult court or have them heard before the juvenile court for a felony violation or for misdemeanor violations if a juvenile was 16 or 17 years old at the time the crime was committed.

The bill also outlines a plan for school districts and families to address student attendance problems. The plan may consider:

- illness related to physical or behavioral health of the child;
- educational counseling;
- educational evaluation;
- referral to community agencies for economic services;
- family or individual counseling: and
- assisting the family in working with other community services.

If a plan is unsuccessful and a student has missed 20 days of school, the school has the option to submit a report to the county attorney. Illness that makes attendance impossible or impracticable cannot be included as the basis for referral to the county attorney.

Further, the bill creates a 10-person Council on Student Attendance that will review school district absentee policies and submit a report to the Legislature annually.

Provisions of LB1093, introduced by Bancroft Sen. Lydia Brasch, also are included in the bill. These expand

the definition of juvenile facilitated conferencing and transfer \$450,000 from the state Department of Health and Human Ser-



vices' budget to the Sen. Lydia Brasch state court administrator's budget, foregoing the current granting process.

Senators passed LB464 on a 46-0 vote.

Cloture attempt on nondiscrimination bill fails

After nearly eight hours of debate spanning two days, an attempt to force a vote on a bill that would extend Nebraska's workplace nondiscrimination laws to include gay and transgender employees failed April 7.

LB485, introduced by Lincoln Sen. Danielle Conrad, would prohibit

employers, employment agencies and labor organizations from discriminating against an individual on the basis of sexual



orientation. The Sen. Danielle Conrad

bill would apply to employers with 15 or more employees, employers with state contracts, the state of Nebraska, governmental agencies and political subdivisions.

Current law prohibits discrimination based on race, color, religion, sex, disability, marital status or national origin.

A pending Judiciary Committee amendment would add the terms "gender identity" and "sexual orientation" to the proposed bill. Gender identity would be defined as the actual

or perceived appearance, expression, identity or behavior of an individual, whether or not that appearance, expression, identity or behavior is different from the individual's assigned sex at birth. Sexual orientation would be defined as actual or perceived homosexuality, heterosexuality or bisexuality.

The amendment also would broaden the religious exemptions in the bill to include religious organizations such as schools, colleges, universities or other educational institutions.

Conrad said 20 states and 180 communities already have approved measures similar to LB485, and a majority of Nebraskans support the bill.

"In the workplace, people should be judged on merit, qualifications and performance," she said. "It's time for Nebraska to move forward and send a message across this country that we're open for business to all who are willing to work hard and play by the rules."

Omaha Sen. Beau McCoy spoke in opposition to the bill, saying it would force employers to tolerate lifestyles that their religions condemn.

"Our state government should not be in charge of telling small business owners who have religious objections to check their religious faith at the door of their homes when they leave for work in the morning," he said.

Conrad offered a motion to invoke cloture, or cease debate and take an immediate vote on the bill. The motion failed 26-22. Thirty-three votes were needed.

Synthetic drug ban, assault penalties passed

Senators approved an amended bill April 17 that updates the list of banned synthetic drug compounds in Nebraska. The bill advanced from select file following a cloture vote.

Introduced by Ogallala Sen. Ken

Schilz, LB811 amends one class of currently banned substances under

the Uniform Controlled Substances Act and adds another class of synthetic cannabinoids to the list of banned substances. The bill also revises the act to



Sen. Ken Schilz

apply to substantially similar imitations of prohibited controlled substances that may be developed in the future.

An amendment offered during select file debate April 9 by Grand Island Sen. Mike Gloor was adopted 36-0. In addition to making technical changes, it contained regulations for prescribing, transferring, record-keeping and destruction of controlled substances.

An amendment brought by Omaha Sen. Steve Lathrop was adopted 36-6 and incorporated provisions of his LB752. The amendment expands

the list of professions protected by enhanced assault penalties and increases the penalty to the next higher classification for assaults on firefight- Sen. Steve Lathrop



ers, paramedics, state correctional employees, state Department of Health and Human Services employees and health care professionals.

Lathrop said he introduced the amendment because attacks on first responders are happening more often and-unlike law enforcement personnel-firefighters and paramedics do not expect confrontation from the people they serve.

"I think there is good reason to take care of our first responders," Lathrop said. "They run toward circumstances where they are vulnerable and providing them with additional protections is altogether appropriate."

Omaha Sen. Ernie Chambers spoke in opposition to the amendment, saying that laws should not favor one group of people over another. To illustrate his point that many jobs can be dangerous, he brought two amendments that would have extended protections to pizza delivery drivers and utility workers. Both efforts failed.

"Let the law as it exists now ... let that be the law for everybody," Chambers said.

Following adoption of technical amendment brought by Chambers, Schilz filed a motion to invoke cloture—or cease debate and force a vote on the bill—which senators approved on a 38-3 vote.

Senators then advanced LB811 as amended from select file on a 44-4 vote.

The bill passed 46-0.

Prison reform measures passed

Senators gave final approval April 10 to a measure that initiates prison reform in Nebraska.

Introduced by Omaha Sen. Brad Ashford, LB907 is intended to reduce the recidivism rate of offenders released from prison.

The measure appropriates to the

state Office of Probation Administration \$5 million to expand mental health services and \$3.8 million to expand new reporting



centers, \$5 million Sen. Brad Ashford

to the state Department of Correctional Services to create the vocational and life skills program and \$200,000 to establish the Nebraska Center for Justice Research at the University of Nebraska at Omaha.

The bill also directs the department to develop a reentry program to transition inmates into communities and ensure an inmate's rehabilitation/ reentry program is complete or near completion upon the inmate serving 80 percent of his or her sentence.

LB907 also:

- requires parole officers to assist parolees and inmates prior to release in accessing housing and mental and physical health care;
- permits supervision of parolees via global positioning systems and other monitoring technology;
- directs the Commission on Public Advocacy to identify areas in Nebraska that need legal professionals; and
- creates the Nebraska Justice Reinvestment Working Group, comprising members selected by the governor, chief justice of the supreme court and speaker of the legislature. The group will assist the Council of State Governments Justice Center in producing a report by Sept. 1, 2015, that prescribes how to reduce prison overcrowding.

The bill includes provisions of two other bills.

LB808, introduced by Lincoln Sen. Danielle Conrad, provides \$500,000 to expand a student loan assistance program for attorneys who provide public legal service in rural Nebraska. Recipients will be eligible for \$6,000 a year in loan forgiveness for at least three years of practice in areas with a population of less than 15,000.

LB932, introduced by Lincoln

Sen. Bill Avery, prohibits the state and political subdivisions from asking job applicants to disclose their criminal history until an applicant has been



determined to meet the minimum

employment qualifications. Law enforcement agencies are exempt from the restriction, as are school districts when a criminal record relates to sexual or physical abuse.

Senators passed the bill with an emergency clause on a 46-0 vote.

Behavioral health facility study passed

The state will determine whether abandoned facilities in Hastings can be renovated for use as a treatment center for mentally ill and substance addicted inmates under a bill passed April 10.

Introduced by Omaha Sen. Brad Ashford, LB999 initially was drafted to make administrative changes to Nebraska's criminal justice system to revise its focus from incarceration to transitioning offenders to re-enter the community.

The amended measure authorizes the state Department of Health and Human Services to study the feasibility of establishing a behavioral health center at the site of the former Hastings Regional Center. The department must provide the governor, by Dec. 15, 2014, a program statement that examines:

- long-term needs of mentally ill and substance addicted inmates;
- renovation or construction of facilities for up to 200 inmates at the center;
- criteria for inmates to be placed in the center;
- programs needed to provide mental health and substance abuse treatment; and
- estimated costs of building renovation, staffing, operation and a proposed project schedule.

Senators passed LB999 on a 47-0 vote.

NATURAL RESOURCES

Water fund and commission restructuring advances

Senators passed a bill April 10 that creates a Water Sustainability Fund and restructures the Nebraska Natural Resources Commission to better emphasize water sustainability.

LB1098, introduced by Holdrege

Sen. Tom Carlson, requires that the Water Sustainability Fund be used to contribute to multiple water supply management



goals, fund municipal sewer infrastructure projects, increase water productivity, enhance water quality and comply with inter-

state compacts or other agreements. Funds will be distributed equitably throughout the state with no more than 10 percent dedicated annually to sewer infrastructure projects.

Carlson said controlling the state's water supply is essential to the longterm security of the state's future.

"We have responsibilities to make sure people across the state have adequate water supply," he said. "This bill will be a huge move in the right direction."

Currently, three state Natural Resources Commission members are appointed by the governor and 13 are elected to represent river basins across the state. LB1098 adds 14 members to the commission who will be appointed by the governor and represent the following interests:

- agribusiness;
- agriculture;
- ground water irrigators;
- irrigation districts;
- manufacturing;

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

Carlson introduced an amendment during select file debate April 8, adopted 42-0, that requires basins including three or more natural resources districts operating under an integrated management plan to develop a basin-wide plan for any areas with hydrologically connected water supplies.

The amendment represented a compromise between Carlson and Omaha Sen. Steve Lathrop, who said mismanagement of water resources could cause the state to fall out of compliance with an interstate compact.

"We're going to have to start writing checks to Kansas [if we mismanage our resources]," he said. "We need to manage it before it goes so far away from us that we can't reel it back in."

Under the amended bill, the Legislature's Appropriations Committee will conduct a biennial analysis of the Water Sustainability Fund, beginning in the 2019-2021 biennium.

Ogallala Sen. Ken Schilz supported the amendment, saying that accountability is paramount when funding statewide water issues.

"When the state steps up to pay for something, the state is going to want to know that it's doing what it's supposed to do," Schilz said. "The state is going to want to know that money is being spent effectively."

Senators adopted several amendments that incorporated provisions of other bills, including:

> • LB391, introduced by Hyannis Sen. Al Davis, which adds "downstream" to current statute

prohibiting storing water in reservoirs when water is required for direct irrigation;

- LB710, introduced by Imperial Sen. Mark Christensen, which requires that a natural resources district hold a public hearing before entering into a water augmentation project outside district boundaries;
- LB723, introduced by Christensen, which creates subclasses of irrigated cropland for use in the sales comparison approach of land valuation; and
- LB687, introduced by Christensen, which changes the order of steps required to obtain a real estate salesperson or broker license.

Senators passed the bill on a 48-0 vote.

Electricity transmission study funding passed

Lawmakers passed a bill April 10 that funds an electricity transmission study to be conducted by the Nebraska Power Review Board.

LB1115, introduced by Hyannis Sen. Al Davis, appropriates \$200,000

from the General Fund to study existing and future state, regional and national transmission infrastructure and policy.



Sen. Al Davis

The bill also establishes a working group, including five members of the Legislature, which will provide input to the board. A report detailing the results of the study will be provided by the board to the governor by Dec. 15, 2014.

Senators passed the bill on a 47-0 vote.



Changes to school retirement plans approved

Lawmakers passed a bill April 10 that makes changes to the state's school retirement plans.

LB1042, introduced by Omaha Sen.

Jeremy Nordquist, changes the cost for repurchase of relinquished creditable service in the School Employees Retirement Plan.



Sen. Jeremy Nordquist

Current plan members who rejoined the school system prior to the effective date of the bill and file an application for repurchase of creditable service prior to July 1, 2016, will be charged the current lower cost for service credits.

All other members who rejoin the system after the effective date of the bill, and members who already have rejoined the system but choose not to file an application prior to July 1, 2016, will be charged the actuarial cost to the retirement system to repurchase relinquished creditable service.

Under the bill, returning employees must complete repurchase of credits within six years. A member must pay to the retirement system an amount equal to the previously withdrawn contributions for the credible service to be restored, plus an amount equal to the actuarial assumed rate of return on such amount to the date of repayment—currently 8 percent.

The bill also includes provisions of LB1041, introduced by Nordquist, which changes the length of service required for new employees of the School Employees Retirement Plan and the Class V (Omaha) School Employees Retirement Plan to be eligible to purchase additional service credit.

Beginning July 1, 2014, new employees of the two plans will not be eligible to purchase service credit – also known as "air time"—until they have acquired 10 years of creditable service. Employees hired before the deadline still will be eligible to purchase air time after acquiring five years of creditable service.

LB1042 passed on a 48-0 vote.



Tax credit provided for historic building restoration

Senators passed a bill April 10 that provides a nonrefundable tax credit to people restoring historically significant property.

Under LB191, introduced by Omaha Sen. Jeremy Nordquist, owners returning a historically significant property to service can qualify for a tax credit equal to 20 percent of eligible expenditures up to \$1 million. The total amount of credits available per year is limited to \$15 million. Taxpayers are eligible for the credit beginning Jan. 1, 2015, and applications will be accepted until Dec. 31, 2018.

The bill also allows recipients of credits to transfer, sell or assign up to 50 percent of the credits to any person or legal entity. If the credits are transferred to a political subdivision or a tax-exempt entity, the 50 percent restriction does not apply.

The Nebraska State Historical Society—in conjunction with the state Department of Revenue—is required to electronically file a report by Dec. 31, 2017, detailing the number of applications and credits approved or denied under the program.

In order to be eligible for the credit, an application must be filed with the state historic preservation officer prior to beginning work. Within 12 months of the project's completion, a final approval request must be made, after which the final credit would be awarded.

If a property restored under the tax credit program is significantly changed within five years of completion — including, but not limited to, work done out of compliance with standards or demolition — the department can employ a sliding scale to recapture credits.

If recapture occurs within:

- one year of project completion, 100 percent of the credit may be recaptured;
- two years of project completion, 80 percent of the credit may be recaptured;
- three years of project completion, 60 percent of the credit may be recaptured;
- four years of project completion, 40 percent of the credit may be recaptured; or
- five years of project completion, 20 percent of the credit may be recaptured.

The bill also incorporates provisions of LB885, originally introduced by Omaha Sen. Burke Harr.

In counties of at least 150,000 people, two or more vacant or unimproved lots owned by the same person in the same tax district and held for sale or



Sen. Burke Harr

resale can be included in one parcel for property tax purposes. County assessors are directed to use the discounted cash-flow analysis method, in addition to the income approach, when determining property taxes.

Senators passed the bill on a 45-0 vote.

Road funding bill fails

A bill that would have enabled the state to borrow money to fund road construction failed to advance from final reading April 10.

LB1092, introduced by Fullerton Sen. Annette Dubas, would have authorized the State Highway Com-

mission to issue up to \$200 million in bonds for highway construction projects.



Under the bill, at least 25 percent of bond proceeds

Sen. Annette Dubas

would have been dedicated to construction of federally designated, high priority corridors and the expressway system through Chadron, Alliance and Scottsbluff.

The bonds would have been repaid with revenue from the State Highway Capital Improvement Fund, which currently receives one-quarter percent of the state sales and use tax. LB1092 also pledged the revenue from all fuel taxes, registration fees and other highway user fees for the purpose of bond repayment.

LB1092 failed on a 27-16 vote, three votes below the number required for passage.

TRANSPORTATION & TELECOMMUNICATIONS

Military Honor license plates passed

Specialty license plates are available to current and former military personnel under a bill passed by lawmakers April 17. Introduced by Fremont Sen. Charlie Janssen, LB383 creates the Military

Honor license plate. To be eligible, current and former service members or their surviving spouses are required to



register with the Sen. Charlie Janssen state Department of Veterans' Affairs.

The fee for alphanumeric plates is \$5, which is credited to the Veteran Cemetery System Operation Fund and could be waived on one set of plates. Personalized plates cost \$40, with 75 percent credited to the cemetery fund and 25 percent credited to the state Department of Motor Vehicles Cash Fund. Lost, stolen or mutilated plates can be replaced upon request without charge and are transferable.

Individuals receiving Prisoner of War and Purple Heart plates are exempt from the \$5 fee. The Military Honor plates will be available in January 2016. Fees for the plates are in addition to standard motor vehicle registration fees.

Senators advanced the bill from select file April 9 on a voice vote.

The bill passed April 17 48-0.

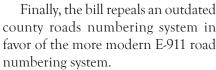
Rural mailbox requirements passed

Senators gave final approval April 9 to a bill updating mailbox location

requirements along highways.

LB757, introduced by Papillion Sen. Jim Smith, relaxes the requirement that a mailbox

be placed 1 foot out- Sen. Jim Smith side the shoulder line of a highway. The bill also removes the requirement that the state Department of Roads regulate Nebraska's diminishing wayside, or picnic, areas.



Senators passed the bill 46-0.

Farm equipment transportation rules passed

Farm equipment dealers have more shipping options under a bill passed by senators April 10.

LB1039, introduced by Fullerton Sen. Annette Dubas, allows farm equipment dealers to designate commercial haulers as their agents when moving their equipment. Haulers are required to carry documentation signed by the dealers identifying them as dealer representatives.

The bill also permits commercial haulers to follow the same width, height and length restrictions reserved specifically for farm equipment dealers.

Senators passed the bill 48-0.



Zoning notice change passed

Senators gave final approval April 9 to a bill that changes requirements for municipalities providing notice to neighborhood associations of zoning and redevelopment plan changes.

Currently, municipalities are re-

quired to provide notice by certified mail. Under LB679, introduced by Omaha Sen. Heath Mello, a neighborhood association electing to



Sen. Heath Mello

receive notices may request a preferred method of notice, including email, regular, certified or registered mail.

The bill passed on a 47-0 vote.

DEPARTING SENATORS

T his year marks the end of service for 17 senators due to term limits. Before adjournment, departing senators delivered speeches to their colleagues reflecting on their time in the Unicameral.



SEN. GREG ADAMS

"When you think about the end result, as difficult as this session has been, we've done the state's work. We moved a lot of legislation this session. We addressed the issues and we got through it."



SEN. BRAD ASHFORD "I leave this place with the thought that there are no bad ideas—we're so much more the same than we are different."





SEN. TOM CARLSON

"I respect the unicameral form of government and I really believe, in spite of some shortcomings, it's the best form of government in the United States." "Soon my name will no longer be on that voting board and I assure you that doesn't matter. This place will endure; you will do it right."



SEN. MARK CHRISTENSEN

"It's been an honor to serve with you. It's been so interesting to take on battles we have gone through and they've defined each one of us."



SEN. DANIELLE CONRAD

To her daughter in the audience: "You remind me every single day why I work so hard and why I fight so hard because I want our Nebraska to be more fair and more just for the next generation."



Sen. Annette Dubas

"I've been given so much throughout these past eight years by so many of you. I only hope I've given back as much as I received."



Sen. Tom Hansen

"In my adult life I have a motto: 'All's well that ends.' It has been an honor to serve my district and this body."



SEN. JOHN HARMS "Whatever my failings as a senator, I hope that they

"Whatever my failings as a senator, I hope that they have been mitigated by the unwavering devotion and the passion I have for the legislation I introduced."



Sen. Russ Karpisek

"I have come to love this building and this institution. Please keep it as nonpartisan as possible and don't let outside forces influence how it functions."



Sen. Steve Lathrop

"I can't tell you how much I love this place. I consider it a privilege to be a lawyer ... but it doesn't compare to the privilege, the honor, that I have experienced serving with all of you."



SEN. SCOTT LAUTENBAUGH

"I have 14-year-old twins that are going into high school now and they need my constant attention ... so it's time to go home."



SEN. AMANDA MCGILL "In so many ways this has been a true coming of age experience for me. You've seen me go from a quiet listener to someone who is willing to fight on the tough issues that are not easy to solve."



SEN. JOHN NELSON "I look back at some significant contributions during my tenure here and take satisfaction in that."



Sen. Pete Pirsch

"I'm proud to have made a difference in passing laws that make Nebraskans safer from crime—especially children and to help agriculture and commerce in our state."



Sen. Norm Wallman

"I'm pleased to serve the great state of Nebraska. May God bless this state and may God bless you all."



Sen. John Wightman

"I've enjoyed working with all of you. I hope that many of you have had as much pleasure as I've had serving here this year." Unicameral Information Office Nebraska Legislature P.O. Box 94604 Lincoln, NE 68509 03-23-05 PRESRT STD U.S. POSTAGE PAID LINCOLN, NE PERMIT NO. 212

