

## Legalization of medical cannabis considered



Sen. Anna Wishart said it is time to provide relief for Nebraskans struggling with chronic illness and pain.

Certain forms of cannabis would be approved for medical use under a bill considered by the Judiciary Committee March 15.

LB622, introduced by Lincoln Sen. Anna Wishart, would allow the state Department of Health and Human Services (DHHS) to regulate the manufacture and use of cannabis in Nebraska for medical purposes.

Wishart said she has heard from many constituents struggling with chronic illnesses and pain that want access to medical cannabis. The state would have considerable oversight under the bill, she said, allowing for safe, limited use by the people who most need it.

“It would be to our benefit as a state that we work on intentionally addressing this in the Legislature in a comprehensive, safe and sustainable way,” she said.

Cannabis permitted under the bill would be only in liquid, oil, pill or vaporized form. A seven-person, governor-appointed Medical Cannabis Board

would advise the department regarding medical cannabis regulations.

Patients with qualifying conditions could apply to DHHS for enrollment on a proposed patient registry.

Qualifying medical conditions under the bill would include:

- amyotrophic lateral sclerosis (ALS) or severe and persistent muscle spasms, including those associated with multiple sclerosis (MS);
- epilepsy and seizures;
- pain, nausea and wasting associated with cancer;
- glaucoma;
- HIV or AIDS;
- Crohn’s disease;
- Tourette’s syndrome;
- post-traumatic stress disorder;
- anxiety; and
- any other illness for which cannabis provides relief, as determined by a health care practitioner.

Also eligible would be terminally ill patients with a probable life expectancy

## Charter schools proposed

The Education Committee heard testimony March 14 on a bill that would allow nonprofit organizations to operate independent public schools – also known as charter schools – in areas with underperforming schools.

LB630, introduced by Sen. Tyson Larson of O’Neill, would create an eight-member commission to grant and oversee charter school compacts. The bill



Sen. Tyson Larson

would also authorize school districts to grant and administer compacts for those schools to operate within their boundaries.

The commission could grant compacts for charter schools to operate within a school district that has at least one school performing at the lowest level established by the State Board of Education.

Larson said some schools in the Omaha Public Schools district that serve predominantly minority students have unacceptable achievement gaps. Allowing charter schools in Nebraska would give those students a chance at a better education, he said.

“We are failing kids and doing so [based] on their skin color and economic status and also doing so in the face of solutions that have been proven effective,” he said. “It is time to stop putting kids last in Nebraska when it comes to this issue.”

The schools, which would be open to all students through a lottery

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# Legalization of medical cannabis considered

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of under one year, if the illness or its treatment produces severe or chronic pain, nausea, severe wasting, hepatitis C, lupus, Huntington's disease, Parkinson's disease, Lyme disease, spinal cord injury or opioid addiction.

Those applying for the registry would be required to provide basic identifying information as well as contact information for a participating health practitioner, designated caregiver or legal guardian.

Patients also must certify that they had an established relationship with the participating health practitioner prior to application for the registry, a diagnosis of a qualifying medical condition and a need, if any, for a designated caregiver to assist in the dispensing of medical marijuana.

Designated caregivers would be at least 21, agree to possession of cannabis only for purposes of assisting the patient, not be a caregiver for more than one patient unless they reside in the same home and pass a criminal background check. Parents and legal guardians would not be required to register with the department but would be subject to a background check.

Retired Lincoln physician Alan Worth, diagnosed with multiple sclerosis in 2005, testified in support of the bill. He said he has taken marijuana extract, which provided significant relief without any negative side effects. He has been prescribed three traditional medications, all of which were ineffective, Worth said.

"As a physician, [cannabis] is just another drug. This is what physicians are licensed for and supposed to do," he said. "As a patient, why would you prevent my access to something that prevents my suffering?"

Dick Clark, also of Lincoln, also supported LB622. His brother struggled for years managing pain associated with Type 1 diabetes and fibromyalgia, he said. Medical cannabis helped his previously bed-ridden brother complete a canoe trip of more than 600 miles, Clark said.

"[Medical cannabis] has a broader therapeutic range than almost any medicine," he said. "[LB622] creates a legal means to alleviate the suffering of patients without the dangers associated with the black market."

Paul Stanford of Portland, OR supported the bill, saying his experience helping

to establish medical marijuana clinics has convinced him of cannabis' effectiveness.

"What we've seen is the vast majority of people who have come to our clinic with chronic pain are already serial users of opioids, which are very addictive," he said. "When people have come back to renew their medical marijuana permits, over 50 percent have completely stopped using prescription painkillers."

Col. Brad Rice, superintendent of the Nebraska State Patrol, opposed the bill. He said his agency generally is opposed to any legislation that would legalize marijuana. For a state already fighting an opioid epidemic, Rice said, legalizing a drug that has led many down the path of addiction would be dangerous.

"Despite being intended only for medical use, there is a significant risk that medical marijuana would nonetheless be used for recreational purposes," he said. "There is also a public safety concern because an increased drug supply usually leads to an increase in criminal activity."

Assistant Attorney General Dave Lopez also opposed LB622. Marijuana

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## UNICAMERAL UPDATE

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Clerk of the Legislature: Patrick J. O'Donnell

Editor: Heidi Uhing; Writers: Kyle Harpster, Kate Heltzel, Ami Johnson; Photographer: Bess Ghormley

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Senator Name, District #, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604

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## Charter schools proposed

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system, would be independent of any school board and managed by a board of trustees.

Each charter school would receive state aid equal to the number of enrolled students multiplied by the statewide average basic funding per formula student. The Legislative Fiscal Office estimates that if 1 percent of public school students attended a charter school this year, approximately \$28.6 million in state aid would go to these independent schools.

Jason Epting, principal at Harlem Village Academies, a New York charter school, testified in support of the bill. A Nebraska native, Epting said charter schools' longer school days, tracking of student performance, teacher development, deep parent involvement and ability to choose their own curriculum set them apart from traditional schools.

Epting said it is difficult to fix failing public schools from within and that the charter school model has proven effective at helping students with the highest needs.

"Although we have a great public school system here, we should give the same excellent school system to every single kid in every single district," he said.

Clarice Jackson of Omaha also testified in support of the bill, saying that it is the Legislature's responsibility to ensure that all students, including African-American students in north Omaha, have a high-quality education.

Jackson said her daughter attended a traditional public school from pre-kindergarten to fourth grade without learning how to read. It was only when Jackson took her daughter out of a traditional setting that she was able to reach a third-grade reading level within a year, she said.



Sen. Tyson Larson said charter schools could offer students at underperforming schools a better education.

"How long do we wait for you all to figure it out and get it together?" Jackson said. "By the time you figure it out, another generation will be failed."

Margaret Raymond, director of the Center for Research on Education Outcomes at Stanford University, also testified in support of the bill. Raymond said charter schools work particularly well for minority students and students in poverty in urban areas. Charter schools have the flexibility to change their teaching styles depending on what their students need, she said, making them a better alternative than investing more money in a failing traditional public school.

"It's actually easier to create a good school from scratch than it is to take a failing school and turn it around," she said.

Testifying in opposition to the bill was Yolanda Williams, an OPS board member. She said charter schools are not needed because OPS already is working to provide school choice through magnet schools, blended learning environments, dual enrollment and other programs.

"We're really trying to make sure that our students and our families and our community are getting what they need," she said. "Do we have room for improvement? Yes, we do — but we are addressing those needs every day."

Bryan Corkle, a science teacher at

O'Neill Public Schools, also testified in opposition to the bill. Corkle said charter schools skim away those students with the greatest potential and leave the majority of students behind in traditional public schools. At the same time, he said, they divert school funding away from traditional public schools that have diverse needs and stretched resources.

"LB630 ultimately jeopardizes the great promise of a quality education to all of our citizens by creating a new model for segregation of our students and sapping resources from the institutions that serve those in the greatest need," Corkle said.

Jeannette Eileen Jones-Bazansky, president of the Lincoln branch of the NAACP, also spoke against the bill. Last year the association called for a moratorium on charter school expansion until those schools are subject to the same accountability and transparency standards as public schools, she said. Jones-Bazansky said any expansion of charter schools should not be funded at the expense of traditional public schools, where most minority students would remain.

"If we open a charter school in Omaha ... who is going to go?" she said. "And then what's going to happen to those who can't go?"

The committee took no immediate action on the bill. ■

# Cannabis

(continued from page 2)

remains illegal as a Schedule I drug under the federal Controlled Substances Act, he said. Lopez said the federal government has maintained that marijuana has a high potential for abuse and has no currently accepted medical use in the U.S.

“Any regulatory scheme in Nebraska to facilitate, promote or license marijuana – even for medical purposes – would be preempted and illegal under federal law,” he said.

LB622 would authorize DHHS to register only one cannabis manufacturer in each of the state’s three con-

gressional districts. Each manufacturer would be required to contract with an independent laboratory – subject to approval by the department – to test the safety and efficacy of its product.

Additionally, the department could register up to four cannabis dispensaries in each congressional district. All medical cannabis would be dispensed by a licensed pharmacist.

Any county, city or village governing body would be authorized to adopt a resolution or ordinance prohibiting the operation of a manufacturer or dispensary or both within its boundaries.

Manufacturers and dispensaries would pay a \$25,000 application fee to be remitted to a Medical Cannabis

Regulation Fund to offset implementation costs of the bill. The fund also would collect annual operating fees of no more than \$75,000 from manufacturers and \$25,000 from dispensaries, to be collected by DHHS.

Under a proposed amendment presented by Wishart, manufacturers would be replaced by up to 10 cannabis producers and 10 processors in each congressional district. Additionally, it would authorize up to eight dispensaries, in each congressional district.

The amendment also would impose a \$40,000 annual fee on each producer and processor.

The committee took no immediate action on the bill. ■

## SPEAKER PRIORITY BILLS

Bill	Introducer	Status	One-line description
LB35	Harr	General File	Change provisions relating to the Nebraska Model Business Corporation Act
LB97	Crawford	General File	Adopt the Riverfront Development District Act
LB98	Friesen	Referral	Extend certain levy authority for natural resources districts
LB137	Lindstrom	General File	Adopt the Unclaimed Life Insurance Benefits Act
LB151	Stinner	General File	Change and provide for duties of the Auditor of Public Accounts and certain audited entities
LB152	Craighead	General File	Change and eliminate provisions relating to the fees for recording and filing certain documents
LB166	Kolterman	General File	Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act
LB172	Albrecht	General File	Change the Employment Security Law
LB180	Bolz	General File	Provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court
LB253	Crawford	Referral	Authorize intergovernmental service agreements under the County Industrial Sewer Construction Act and provide for a special tax levy
LB257	Craighead	General File	Provide for a statute of limitations under the Nebraska Real Estate License Act
LB267	Linehan	General File	Change provisions relating to onsite vaccinations at health care facilities
LB296	McCollister	General File	Change immunity provisions with respect to asthma and allergic reactions
LB300	Krist	General File	Eliminate the statute of limitations on civil actions for sexual assault of a child
LB317	Hughes	General File	Provide for a re Levy or reassessment of a special assessment for cities of the second class or villages as prescribed
LB323	Kolterman	General File	Adopt the Palliative Care and Quality of Life Act
LB346	Lowe	General File	Eliminate the requirement for a motor vehicle, motorcycle, or trailer salesperson license
LB389	Friesen	Referral	Adopt the Small Wireless Facilities Act
LB478	Groene	General File	Provide for possession of archery equipment and knives for recreational purposes
LB481	Kuehn	General File	Provide for drug product selection for interchangeable biological products
LB509	Ebke	General File	Change provisions relating to the issuance of subpoenas
LB605	Riepe	General File	Change rate provisions relating to the ICF/DD Reimbursement Protection Fund
LB628	Larson	General File	Prohibit ordinances and resolutions prohibiting certain short-term rentals of residential property
LB639	Bostelman	General File	Change when a preference is required for certain government employment relating to servicemembers and their spouses and veterans
LB647	Pansing Brooks	General File	Change judges’ salaries

# MEET THE SENATOR

## Albrecht returns to public service

It can never be said that Sen. Joni Albrecht is afraid to take a risk. In fact, she has built a career on following her instincts and exceeding people's expectations.

She was born and raised in Papillion, back when being from Papillion meant you were from the countryside. Albrecht prides herself on having raised daughters Michaela and Cortney while working full-time and serving her community.

Albrecht spent 33 years in the automobile industry, working her way up from a salesperson to management. Finding success in a traditionally male-dominated industry was no problem for her, she said, although Omaha proved a little daunting at first for the self-proclaimed "country girl."

"I pulled up to Huber Chevrolet in Omaha and it looked as big as the UNO campus," she said. "I came, I saw and I turned right around and went home."

She eventually overcame those first-day jitters, ultimately finding her voice in community service. Working on Donnie Brandt's mayoral campaign in Papillion opened Albrecht's eyes to endless opportunities to reinvest in her community. She eventually would hold Brandt's city council seat, from 1998 to 2006.

"I would spend the whole weekend reading so that I could make an informed decision on Tuesday night," Albrecht said.

She would go on to win election to the Sarpy County Board of Commissioners in 2006.

Albrecht relished her role serving her community, but a gentle nudge from her father inspired her to place some focus back on herself. In an effort to help, her daughter created an online dating profile hoping to find a new partner that could make her mother happy and even handpicked three potential suitors for her mother.

Little did she know, some enterprising sons in Thurston County also had decided it was time for their father, Mike, to jump back into the dating world after the death of his wife.

"I was probably talking to one of his sons at first," she laughed. "He was the only man I ever corresponded with on there. The rest is history."

When Mike proposed, it forced Albrecht to make an important decision: file for re-election or embark on a new adventure with this farmer in Thurston County.

"I had people asking me left and right why I wasn't putting in my name for re-election," she said.

Albrecht would decide to take a step back from public life and the couple married in 2010. She not only gained a husband, but four adult children: Gregory, Laura, Scott and Andrea. Together they have 10 grandchildren under age 8.

The transition to life in a small farm community came naturally, she says. In fact, it reminded her of home.

"The people are so kind and welcoming, it's easy to blend in," Albrecht said. "It's all about community, church and family."

She was enjoying life on the farm, but last year Albrecht felt that familiar itch to once again get involved in her community. It really was a calling to service for her, she said, to run for the Legislature.

As she navigates her first year at the Capitol, Albrecht is focused on providing a strong voice for farming and ranching families in Nebraska. She said she never wants to lose sight of the issues affecting her constituents each day.

"I want to be mindful of the people and contribute to good government," she said. "Ultimately, I want to be remembered as a statesman, not a politician." ■



Sen. Joni Albrecht and her husband Mike grow soybeans and operate a cow/calf operation and small feedlot on their family farm in Thurston County.

# APPROPRIATIONS

## Bill seeks to lower child welfare caseloads

A bill aimed at reducing child welfare caseloads was considered March 14 by the Appropriations Committee.

LB189, introduced by Omaha Sen. Sara Howard, would appropriate \$500,000 in general funds in each of the next two fiscal years to the state Department of Health and Human Services (DHHS). The funds would be used by DHHS solely for recruitment and retention of child welfare caseworkers to ensure that state caseload standards are met and maintained.



Sen. Sara Howard

Currently, state law requires that caseloads be within a range of 12 to 17 per caseworker, depending on the case type. Howard said the state has yet to be in compliance with those caseload standards, which were established in 2012. On average, she said, at least 30 percent of DHHS child welfare caseworkers were out of compliance in 2016.

Children suffer when caseworkers are overburdened, Howard said, citing the 2016 annual report from the Office of the Inspector General (OIG) of Nebraska Child Welfare. The OIG report highlighted 22 cases in which children involved in the state's child welfare or juvenile justice systems died or were severely injured.

"These are 22 deaths and serious injuries that may have been prevented with a robust and fully staffed child and family services workforce," Howard said. "These are staff who are first in line to protect the children in our state who are at risk of abuse and neglect."

Inspector General of Nebraska Child Welfare Julie Rogers testified in support of the bill. She said high caseloads directly contribute to negative outcomes for children in the state's child welfare system. For example, she said, the four supervisors working the state's child abuse hotline are responsible for reviewing an average of 1,500 calls per month, in addition to their other duties.

The OIG investigated the case of a 4-year-old who suffered a skull fracture in spite of 11 reports of possible abuse made to the hotline prior to that injury, she said.

"When staff have too much work, corners get cut, problems get missed and errors are made," Rogers said. "A skilled, stable workforce is key to delivering effective services."

Testifying on behalf of Nebraska Appleseed, Sarah Helvey also supported the bill, saying staffing among frontline child welfare workers has been a core challenge at DHHS for a number of years. High caseload levels lead to high worker turnover rates, she said, which costs the state money and delays permanency for children.

"The ongoing failure of DHHS to comply with existing statutory requirements has and continues to put children at risk of harm," Helvey said.

No one testified in opposition to LB189 and the committee took no immediate action on the bill.

## Rate increase for developmental disability providers sought

The Appropriations Committee heard testimony March 14 on a bill that would increase rates for providers of community-based developmental disability services.

Under LB206, introduced by Omaha Sen. Bob Krist, provider rates would increase by approximately 3 percent over the next two fiscal years. The bill would

appropriate \$4.4 million in general funds in FY2017-18 and \$8.9 million in FY2018-19 for the rate increases, which would be matched by federal funds.



Sen. Bob Krist

Krist acknowledged the state's difficult budget situation, but said the small rate increases secured by providers in the past have been insufficient to meet the needs of Nebraskans with developmental disabilities.

"I'm well aware that we do not have the money to fund everything that we would like to fund," he said. "The state, however, does have an obligation to fund basic government services and this is one of those functions that we can't just ignore."

Alan Zavodny, CEO of NorthStar Services – a developmental disability services provider – testified in support of the bill. Providing services to individuals with disabilities is the legal responsibility of the state, he said, and companies such as his need adequate funding in order to carry out those services.

The last rate study was conducted in 2011, he said, so current rates do not reflect the existence of the Affordable Care Act, the recent increase in Nebraska's minimum wage or the cost shift from the state to providers for employee background checks.

"We are not a special interest group asking for money," Zavodny said. "We are conducting your business and can no longer afford to do so."

Michael Chittenden, executive director of the Arc of Nebraska, also supported the bill, which he said would adequately fund the state's developmental disability providers. The cost of doing business rises by 3 or 4 percent per year, he said, and state rates have not kept pace.

“Historically, this group of business people has been treated very poorly,” Chittenden said. “[In part because] they are not allowed to negotiate their rates or contracts.”

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



**Comprehensive banking law updates amended, advanced**

A comprehensive update of Nebraska’s banking laws was amended and advanced from select file March 16.

Gothenburg Sen. Matt Williams, sponsor of LB140, said the bill is the first comprehensive update of the state’s banking laws since 1963.



Sen. Matt Williams

Williams offered an amendment that incorporated provisions of three additional bills.

LB196, introduced by Omaha Sen. Joni Craighead, would provide an annual update of statutory reference dates to align state financial institutions with their federal counterparts.



Sen. Joni Craighead

LB454, introduced by Omaha Sen. Brett Lindstrom, would allow credit unions in Nebraska to opt out of licensing of its executive officers by the state Department of Bank-



Sen. Brett Lindstrom

ing and Finance.

LB341, also introduced by Lindstrom, would clarify provisions relating to the license suspension or revocation of an executive officer who is acting in an unsafe or unauthorized manner or endangering the interests of stockholders or depositors.

The director of the state Department of Banking and Finance could levy a maximum \$10,000 personal civil penalty against an executive officer whose license is suspended or revoked. An individual whose authority has been revoked or suspended with prejudice could not act as an executive officer at any other bank without authorization from the department.

The amendment was adopted on a 35-0 vote.

Among other provisions, LB140 would:

- allow a minor to open and maintain a safe deposit box;
- allow electronic filing of bank fidelity bonds with the department;
- require banks that employ a mortgage loan originator to register that employee with the Nationwide Mortgage Licensing System;
- allow a bank to acquire the stock of another financial institution if the transaction is part of the merger, consolidation or acquisition of assets of the other institution;
- authorize an increase in the maximum number of a bank board of directors from 15 to 25 and require that a bank president be a member of the board;
- prohibit bank-affiliated individuals from being paid a higher rate of interest on deposits than paid by the bank for similar deposits and provide that a violation is a Class IV felony; and

- allow a bank, in a state of emergency, to open a temporary office to conduct business for up to 30 months, or allow a mobile branch to serve as a temporary emergency branch office.

The bill also would repeal obsolete sections of the state’s banking laws. LB140 was advanced to final reading by voice vote.



**Bill would delay criminal history check on job applicants**

A prospective employer would be required to evaluate a job applicant’s qualifications without an initial check of his or her criminal history under a bill heard by the Business and Labor Committee March 13.

LB420, introduced by Sen. John McCollister of Omaha, would bar employers and employment agencies from asking about a job applicant’s criminal history until the employer or agency determines whether the applicant meets the minimum qualifications of the position. The requirement would apply only to businesses with 15 or more employees.



Sen. John McCollister

McCollister said more than 1,500 cities and counties in 25 states have adopted similar proposals – often called “ban the box” laws, in reference to the box on job applications that applicants must check to indicate whether they have been convicted of a crime. He said LB420 would prevent the automatic disqualification of otherwise qualified applicants because of their criminal history.

McCollister said more than 1,500 cities and counties in 25 states have adopted similar proposals – often called “ban the box” laws, in reference to the box on job applications that applicants must check to indicate whether they have been convicted of a crime. He said LB420 would prevent the automatic disqualification of otherwise qualified applicants because of their criminal history.

“This would allow an applicant who may have made a mistake in his or her past to at least get a foot in the door to meet with a potential employer,” he said.

Exceptions to that rule would apply if the person is applying for a job for which federal or state law requires a criminal history check. Employers or employment agencies also could ask about an applicant’s criminal history if federal or state law specifically disqualifies an applicant with a criminal background or if the request is limited to the types of criminal offense that require a background check or disqualify an applicant.

McCollister brought an amendment to the hearing that would add an exemption for private and parochial schools.

If an employer or employment agency request that an applicant disclose his or her criminal history – and the applicant is still eligible for the job – the applicant must be given the chance to explain the information and the circumstances of the conviction.

Jasmine Harris of Omaha testified in support of the bill, saying that many employers are biased against those with criminal records. She was denied a full-time job because of her criminal past, she said, even though she had successfully worked in the same job for months as a temporary employee. Harris said she applied for countless jobs and eventually attained a work-study position when she applied for graduate school.

“Being denied position after position without as much as a call for an interview became disheartening, almost to a point of wanting to give up,” she said.

Fran Kaye of Reentry Alliance of Nebraska also testified in support of the bill. Kaye said a person is 15 to 30 percent less likely to be employed after

they have served a prison sentence. Another study found that employers are only about half as likely to call an applicant back if he or she has a criminal record and that the odds of being hired improve if the applicant has a chance to speak with the hiring manager, she said.

“LB420 gives individuals who are trying to reenter society a chance to talk to a hiring manager and to make their case for themselves, something that checking boxes on an application can never do,” she said.

Also testifying in support was Lancaster County Public Defender Joe Nigro, speaking on behalf of the Nebraska Criminal Defense Attorneys Association. Getting a job is crucial for men and women who have been released from prison and who are trying to become positive and productive members of their community, he said.

“If they can’t obtain gainful employment, the odds that person will engage in further criminal conduct go way up,” Nigro said. “We see clients get very frustrated when they can’t find work.”

Testifying in opposition to the bill was Robert Hallstrom of the National Federation of Independent Business. He said LB420 would lead to more lawsuits from job applicants alleging that an employer rejected them at the final stage because of their criminal record.

Hallstrom said the bill also would delay the hiring process, which would particularly hurt small businesses. If a criminal record ultimately will disqualify an applicant, he said, then employers should have that information sooner rather than later.

“The earlier that that small business employer can know about it, the better,” Hallstrom said.

The committee took no immediate action on the bill.



## Nonpartisan county elections considered

The Government, Military and Veterans Affairs Committee heard testimony March 17 on three proposals for nonpartisan election of county officials.

LB183, introduced by Venango Sen. Dan Hughes, would allow counties with a population of fewer than 15,000 residents to adopt a nonpartisan primary ballot for election of county officers.



Sen. Dan Hughes

If a county adopted the change, the general election ballot would list the top two vote-getters from the primary – regardless of party affiliation – on a partisan ballot. The change to a nonpartisan primary would require voter approval and could be initiated by the county board or by petition. The question of moving to nonpartisan ballots could not be put to voters more than once every three years.

Hughes said changing to a nonpartisan ballot could increase voter participation in rural counties by allowing all registered voters to participate in the primary election. He offered an example from a county in his legislative district in which all four candidates for sheriff belonged to the same party.

“Very frequently, county offices in low population counties are generally decided in the primary,” Hughes said. “This is due to the partisan nature of the balloting that only allows one person from either party to advance to the general election in most races.”

J.D. Schluntz, a Harlan County



supervisor, testified in support of the bill, saying many nonpartisan voters feel left out of the current primary system. LB183 would enable county residents to decide whether to switch to a nonpartisan system in order to increase voter participation, he said.

“This bill leaves it up to the voters to choose which method they prefer,” Schluntz said. “I would think that probably the voters have a better idea of what is going on out in the counties than [members of] the Legislature.”

LB139, introduced by Bellevue Sen. Sue Crawford, would allow for nonpartisan election of county officers in both the primary and general election in any Nebraska county. The bill would allow the change to be initiated by a county board or by voters and the question could not be put to voters more than once every three years.



Sen. Sue Crawford

Crawford said that one-third of Nebraska voters do not have a party affiliation but are interested in politics and eager to participate. Nonpartisan elections work well for the Legislature, she said, and opening up county elections to the same process would benefit the state.

“This bill is about two fundamental Nebraska principles: local control and the value of nonpartisan governance,” she said, noting that not all counties may wish to participate, but those that do could learn from the experience of early adopters of the new system.

In contrast, LB111, introduced by Lincoln Sen. Matt Hansen, would require all 93 counties in Nebraska to move to nonpartisan elec-



Sen. Matt Hansen

tion of county officials.

Bri McLarty Huppert, representing Nebraskans for Civic Reform, testified in support of both LB139 and LB111, saying either proposal could encourage greater nonpartisan voter participation across the state. Nebraska’s partially closed primary system can be confusing for nonpartisan voters and election workers, she said.

“Expanding nonpartisan elections to the county level would, we believe, be one of the ways that we could provide greater visibility that nonpartisans can participate in the primary elections,” McLarty Huppert said.

Nathan Leach of Nonpartisan Nebraska also supported LB111, saying that candidates should run on issues and not party affiliation. In addition, he said, partisan ballots essentially are publicly-funded advertisements for political parties, which are private organizations.

Beth Bazyn Ferrell of the Nebraska Association of County Officials testified in opposition to all three bills. Among the organization’s concerns is the singling out of county officials for nonpartisan election when many other offices in Nebraska are elected on partisan ballots, she said.

The committee took no immediate action on any of the bills.

**Extended early voting hours proposed**

Early voting hours would be extended in Douglas, Lancaster and Sarpy counties under a bill heard by the Government, Military and Veterans Affairs Committee March 16.

As introduced by Sen. Tony Vargas of Omaha, LB163 is intended to expand access to voting in counties



Sen. Tony Vargas

with more than 100,000 people.

Vargas brought an amendment to the hearing that would require the election commissioner in those counties to provide additional office hours during which registered voters may vote and pick up or return early voting ballots.

Voting locations would be required to be open at least four hours on each of the two Saturdays preceding an election and at least five hours on business days during the two-week period before the election in addition to normal business hours.

Vargas said extending early voting hours would help Nebraska voters who work or attend school during normal business hours to have the same opportunity to cast their early ballots as other voters who have more flexible schedules or live or work closer to their election commissioner’s office.

“Doing something that seems so small as adding 18 hours of early voting time could make a big difference for Nebraska voters and for participation in our elections,” he said.

Douglas County Commissioner James Cavanaugh also testified in support of the bill. He said the modest investment it would require would improve voter turnout, particularly in municipal elections.

“Voting is the air supply and lifeline of any democracy,” he said. “Anything that we can do to enhance people’s ability to exercise their right to vote is something we should encourage.”

Joe Kohout, representing the Lancaster County Board of Commissioners, also spoke in support of the bill as amended. He said it simply would codify many of Lancaster County’s early voting procedures.

Kohout suggested the bill be amended to apply only to primary and general elections, not special elections. Lancaster County commissioners also would like to have the flexibility to

move extended hours from the workweek to a Saturday if that provides more voter access, he said.

Testifying in opposition to the bill was Brian Kruse, Douglas County election commissioner. He said election commissioners already can choose to extend early voting hours and that the bill would impose a rigid time frame on commissioners that would limit their ability to make the best decisions for voters in their jurisdictions.

“Each election is different,” Kruse said, “and the local election officials should be allowed to choose what works best for their voters.”

In response to requests from the community, Kruse added, Douglas County plans to add early voting hours for upcoming elections and make it easier for early voters to see if their ballots were accepted or rejected. Thirty-four percent of Douglas County voters cast early ballots in the last election, he said.

Wayne Bena, Sarpy County election commissioner, also testified in opposition to the bill. If early voting hours are extended and voters do not use them, he said, it would take another act of the Legislature to reduce them.

“The decision regarding any county department of what hours they should have should rest between the department head and the county board that controls their budget,” Bena said.

The committee took no immediate action on the bill.



### Increased access to family planning, preventive health services proposed

A bill that would expand eligibility for the state’s publicly funded family

planning services and increase access to preventive health care was heard March 15 by the Health and Human Services Committee.

LB120, introduced by Columbus Sen. Paul Schumacher, would require the state Department of Health and Human Services (DHHS) to submit a state plan amendment to the federal Centers for Medicare and Medicaid Services no later than Sept. 1, 2017, to provide medical assistance for family planning services to individuals with a family earned income at or below 185 percent of the federal poverty level.

Under the bill, family planning services would include coverage for all federally approved family planning methods as well as training in parenthood and education in the financial, career and generational implications of pregnancy and child rearing.

Schumacher said low-income individuals often do not understand the long-term consequences of unplanned pregnancies and become mired in a cycle of poverty.

“Anything we can do to help people from being trapped in the world of dependency – which limits their potential for their own development and for their contribution to society – we should try to do,” he said.

The bill also would appropriate \$500,000 in general funds in fiscal year 2017-18 and FY2018-19 to DHHS. The funds would be directed to the Every Woman Matters program for services including mammograms, breast examinations, Pap smears, colposcopy, associated laboratory costs and education and outreach.

Testimony focused on the portion of LB120 that would expand family planning services.



Sen. Paul Schumacher

Sarah Ann Kotchian, testifying on behalf of the Holland Children’s Movement, supported the bill, saying it would improve health outcomes, reduce unintended pregnancies and save the state money.

Citing a report on teen pregnancy in the state, Kotchian said the economic impact of those pregnancies is stark. She said the cost to the state of the 1,411 children born to Nebraska teenagers in 2014 is projected to be \$279 million by the time they turn 18. That figure does not include public housing, foster care, incarceration or other likely costs, she said.

“Bottom line: unintended pregnancies come with a very real cost,” Kotchian said.

Dr. Sofia Jawed-Wessel, a public health professor at the University of Nebraska at Omaha, also testified in support. Providing expanded access to family planning services may seem costly, she said, but unwanted and mistimed pregnancies have significant negative consequences for individual women, their families and society as a whole.

She said that 43 percent of all pregnancies in Nebraska are unintended and highly concentrated among poor women who need public assistance for the costs associated with their pregnancies.

“Access to modern contraception, screening for sexually transmitted infections and preventative screenings are a vital component of public health,” Jawed-Wessel said.

Bryn Willson, a senior medical student at Creighton University School of Medicine, testified in support of the bill as well. Having children too soon or without sufficient time between pregnancies has negative outcomes for women and children’s health and family self-sufficiency, she said.

“Women spend the majority of their reproductive years wanting to avoid preg-

nancy,” Wilson said. “Allowing women to determine whether and when to have children is a social imperative.”

Calder Lynch, director of the DHHS Division of Medicaid and Long-term Care, testified in opposition. While the bill may result in savings in future years, he said, the up-front costs are known and significant. The division would need eight additional staff members to process applications for an anticipated 15,000 new enrollees, he said, at a cost to the state of approximately \$1.95 million in the first fiscal year.

“We can’t count on the savings, but we can count on the costs,” Lynch said.

Tom Venzor, testifying on behalf of the Nebraska Catholic Conference, also testified in opposition to the bill. He said studies show that state-financed expansion of access to contraception has not always reduced unintended pregnancies or resulted in cost savings.

In addition, he said, research shows that women choose not to use contraception because of its failure rate and side effects, not because they cannot afford it. For example, he said, a Guttmacher Institute study showed that only 13 percent of women cite lack of access – which includes high cost – as a barrier to using birth control.

“The cost-savings argument behind this bill is deeply flawed,” Venzor said. “There is also no meaningful data to support the claims that free contraception causes improved women’s health.”

The committee took no immediate action on LB120.

**Bill seeks more federal funds for emergency transports**

The Health and Human Services Committee heard testimony March 15 on a bill that would allow public and nonprofit emergency medical transporters to be reimbursed by Medicaid

at the same rate as hospitals and other medical providers.

LB578, introduced by Omaha Sen. Mike McDonnell, would establish a Ground Emergency Transport Program in Nebraska to allow eligible providers to receive supplemental Medicaid reimbursement for ground emergency medical transport services.



Sen. Mike McDonnell

McDonnell, who served 24 years as a firefighter, said several other states have established similar programs as a way to capture higher reimbursement rates for ground transport of Medicaid patients in emergency situations. Currently, the supplemental reimbursement is available only to a hospital, physician or nursing facility.

Most of the state’s fire departments are financially strapped, McDonnell said, and many times emergency transfers go unpaid and taxpayers must pick up the cost.

“This program will help local departments fill a funding discrepancy without dipping into the state’s general fund,” McDonnell said.

Under the bill, the state Department of Health and Human Services would administer the program and participation by local government entities would be voluntary. The program would apply to providers owned or operated by the state or a city, county, rural or suburban fire district, hospital district, federally recognized Indian tribe or other unit of government.

Lincoln Fire Chief Micheal Despain testified in support of the bill, saying the underpayment departments receive for emergency ground transport of Medicaid patients has to be made up elsewhere.

For example, he said, the average cost of an ambulance ride is \$500, but a pub-

lic Emergency Medical Services (EMS) department only receives approximately \$170 in reimbursement from Medicaid. This creates a need to charge other payers in excess of \$1,000 in order to make up the difference, he said.

“Unfortunately, for EMS it continues to get worse because of the requirements that we have to provide service,” Despain said. “LB578 would help close this gap.”

Micheal Dwyer, an Arlington volunteer firefighter, testified in support of the bill on behalf of the Nebraska State Volunteer Firefighters Association. He said rural EMS services face particular challenges because they have small budgets and in some cases no public funding. Any additional funds that these entities could capture from the federal government could be used for much-needed recruitment and retention efforts, he said.

“Funding issues continue in rural Nebraska and this is a piece of being able to help with that,” Dwyer said.

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

**JUDICIARY**

**One additional juvenile court judge advanced**

A bill that would increase the number of juvenile court judges in Omaha by one was advanced from select file March 16.

LB10, introduced by Omaha Sen. Bob Krist, initially would have added one juvenile court judge in counties with populations of at least 400,000 people.



Sen. Bob Krist

Douglas County currently is the only county to qualify.

A Judiciary Committee amendment adopted on general file had increased the number of additional judges to two. Krist introduced an amendment on select file, however, that reduced the number of additional judges back to one, citing the state's current budget concerns.

Senators adopted the Krist amendment 39-1 and advanced the bill to final reading by voice vote.

### Alternatives to traffic and criminal fines proposed

Members of the Judiciary Committee heard testimony March 16 on a bill that would offer alternatives to defendants unable to pay legal fines.

LB145, introduced by Lincoln Sen. Matt Hansen, would require a court to determine a defendant's ability to pay a fine before imposing a jail sentence for nonpayment. If the defendant is found to be unable to pay the fine, that court could authorize an installment payment plan or community service as an alternative to payment of the fine.

Hansen said housing minor offenders in jail is not an efficient or constitutional means of resolving issues of nonpayment. If LB145 were to pass, offenders would spend 22,000 fewer nights in Lancaster County jail, he said.

"It would better protect our citizens' 14th Amendment rights and also makes good fiscal sense for taxpayers in the county," he said.

A defendant arrested or facing revocation of a driver license for nonpayment would have the right to a court hearing to prove inability to pay legal fines.

LB145 also would raise the rate

from \$90 to \$150 per day for "sitting out" a fine in jail.

Lancaster County Public Defender Joe Nigro testified in support of the bill on behalf of the Nebraska Criminal Defense Attorneys Association. He said jails should not keep people locked up simply because they are poor. For many poor people, Nigro said, every day is chaotic.

"It's easy to forget the due date on a fine when you're worried about where you're going to sleep that night or where you're going to find food," he said. "Passing this would mean our jails would no longer be debtors' prisons housing the poor."

Amy Miller, representing the ACLU of Nebraska, also supported the bill. She said determining a defendant's ability to pay a fine would not put an undue burden on judges. Not doing so, Miller said, could make Nebraska vulnerable to civil rights class action lawsuits.

"Judges may impose fines but they are not required to do so," she said. "The judicial branch is now reflexively imposing fines and court costs without consideration of a person's ability to pay."

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

### Process proposed to assist in death for terminally ill

Members of the Judiciary Committee heard testimony March 15 on a bill that would provide terminally ill patients access to aid-in-dying medication.

Under LB450, introduced by Omaha Sen. Ernie Chambers, an adult diagnosed with a terminal illness — with less than six months to live — and capable of making his or her own medical decisions, could request a pre-

scription for aid-in-dying medication.

A person would not be eligible for medication based solely on age or disability and the medication would have to be self-administered by the patient.

Chambers said denying a dying person the right to end his or her life in a humane, dignified manner is insensitive and wantonly cruel. Someone who finds the bill's provisions abhorrent is free to personally reject the choice, he said, but should not be able to prevent others from doing so.

"When it comes to the most significant and portentous decision in a dying person's life, no third party — including the government — has the right to interfere with, impede or countermand the wishes of the person," he said. "For the government to withhold from such a person the right and means to carry out his or her final decision is totally unjustified, inexcusable and unacceptable."

To receive a prescription under LB450, a qualifying patient would:

- have a diagnosis of terminal illness from an attending physician;
- express a wish to receive the prescription voluntarily and without coercion; and
- demonstrate the physical and mental ability to self-administer the medication.

A request for aid-in-dying medication would be made orally and in writing to an attending physician. The written request must be signed and dated by the patient in the presence of two witnesses who can attest to his or her capacity to make medical decisions and that the decision was made voluntarily and without coercion.

The bill requires that one of the witnesses not be related to the patient by blood, marriage or adoption, entitled to any portion of the patient's estate upon death, or the owner or employee of a health care facility where the pa-



Sen. Matt Hansen



Sen. Ernie Chambers

tient is receiving medical treatment.

An attending physician would determine whether the patient requesting aid-in-dying medication has a terminal illness, has made the request voluntarily and is qualified to receive the medication. Upon reaching a qualifying determination, the attending physician would refer the patient to both a consulting physician for confirmation of diagnosis and a mental health professional for confirmation of mental capacity to make medical decisions.

Jenna Hyde, representing the National Association of Social Workers, testified in support of the bill. She said a core value of social workers is respecting the dignity of each person and patients' rights to make decisions about their own care.

"If a patient has the desire, the patient should be allowed to end their suffering on their own terms so that they can experience the dignified death they deserve," she said.

Opposing the measure was Michael Chittenden, executive director of the Arc of Nebraska. He said there is a common misperception that individuals with developmental disabilities experience a poor quality of life. Families, friends and health care workers could unduly influence these individuals to end their lives if LB450 were to be enacted, Chittenden said.

"There is a long and documented history of our constituents being unduly influenced by health care workers, doctors, social workers, family and friends," he said. "A guardian, family member or friend could collude to assist someone in taking a pill that they really don't want to take."

Nate Grasz, representing the Nebraska Family Alliance, also opposed the bill. He said taxpayers who morally oppose suicide would be forced under the bill to fund a person's suicide if the terminally ill patient is on Medicare or

Medicaid. Lawmakers should focus on providing quality palliative care for those at the end of their lives, Grasz said.

"We can all agree that end-of-life decisions are incredibly difficult but this bill compromises the doctor-patient relationship and creates more problems than solutions," he said. "We should respond with true compassion and care, not a prescription for death."

Health care providers may choose whether to provide aid-in-dying medication and would not be held criminally or civilly liable for practicing in good faith under the bill. However, any person who knowingly forges, alters or intentionally destroys a written request for medication would be guilty of a Class III felony.

Similarly, any person who coerces or exerts undue influence on a person to request medication also would be guilty of a Class III felony. A Class III felony could result in one to 20 years' imprisonment, a \$25,000 fine or both.

The certificate of death would report the terminal illness as the cause of death, not suicide, for any patient who dies as a result of aid-in-dying medication.

The committee took no immediate action on the bill.

### Penalties proposed for misrepresenting service animals

Rental property pet restrictions would be reinforced under a bill heard by the Judiciary Committee March 17.

Under LB491, introduced by Omaha Sen. John McCollister, a person who fraudulently represents a pet as a service animal would be guilty of a Class III misdemeanor, punishable by up to three months in prison, a \$500 fine, or both. Subsequent offenses would be categorized as a Class II misdemeanor,

punishable by up to six months in prison, a \$1,000 fine, or both.

State statute defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other animals are not considered eligible service animals.

It currently is illegal for anyone to impede or interfere with a service animal. Landlords must accept tenants with service animals, regardless of an established pet policy and cannot charge an additional pet fee.

McCollister said rental property owners and landlords often have little recourse when they suspect a person is misrepresenting a pet as a service animal. Tenants are not required to provide documentation or explain the nature of their disabilities to landlords, he said, making it difficult to combat abuse of the policies.

"As the use of service animals increases, landlords and business owners find people who are abusing the protections designed for people who depend on service animals," he said. "[LB491] addresses these dishonest individuals who take advantage of these protections."

The same penalties would be applied to a person who misrepresents himself or herself as a service animal trainer.

Lynn Fisher, a Lincoln rental property owner, testified in support of the bill. He said his company has a strict no-pet policy, but he has seen a dramatic increase of people using service animals. Registering a pet as a service animal online is relatively easy, Fisher said.

"More and more people are claiming they have a disability as they learn more about the current law," he said "People used to ask if we allow pets, but now they just tell us they have a service or emotional support animal."

Representing Disability Rights Ne-



Sen. John McCollister

braska, Brad Meurrens opposed the bill. He said the problems the bill is designed to address already can be resolved through existing state and federal statutes. The bill would criminalize behavior with which people, businesses and landlords may simply be unfamiliar.

“This bill is not needed, given the existing avenues landlords and retailers already have under state and federal law to curb bad behavior,” he said. “It does demonstrate, however, that more awareness and education is needed about the recourse already available under state and federal law.”

The committee took no immediate action on the bill.

**Expungement proposed for mistaken identity cases**

The Judiciary Committee held a hearing March 16 on a bill that would prevent cases of mistaken identity from remaining on a person’s criminal record.

LB615, introduced by Omaha Sen. Justin Wayne, would require a law enforcement agency to file a petition in district court within 90 days to order the expungement of a criminal history record established as a result of an arrest due to mistaken identity, as long as charges were not filed.



Sen. Justin Wayne

The court would be required to order the expungement within 90 days of the petition filing.

Wayne said an individual currently must initiate the process to have a mistaken identity arrest expunged from their record. Even if charges are filed and later dismissed, he said, that will remain on a person’s record and could impact future employment and education opportunities.

“The only way you can do it now is to petition the court, city and state to remove that arrest from the record,” he said. “Many people cannot afford an attorney or do not know how to navigate that process.”

Omaha high school student Nadia Spurlock testified in support of the bill. She said she was improperly charged with a crime after her cousin gave Nadia’s name as her own during a shoplifting arrest. The dismissed charge remains on her record, Spurlock said, and she worries it could negatively impact future college and employment applications.

“This is a roadblock I sincerely hope won’t get in the way of my dreams for my future,” she said.

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



**Cigarette tax increase proposed to fund health services**

An increase in cigarette taxes would be used to fund public health services under a bill heard by the Revenue Committee March 17.

LB438, introduced by Omaha Sen. Sara Howard, would raise taxes on a pack of 20 cigarettes from 64 cents to \$2.14 beginning July 1, 2017. Cigarette tax revenue credited



Sen. Sara Howard

to the state’s general funds would increase from 49 cents per pack to \$1.24. The bill also would increase the tax on other tobacco products — excluding snuff — from 20 percent of the purchase price to 65 percent.

Howard said more than 150,000 teens start smoking in the U.S. each year. If current tobacco use patterns continue, she said, approximately 38,000 youths under age 18 who continue to smoke into adulthood will die prematurely from smoking-related illnesses.

“Raising the tax on tobacco products may not only deter abuse by youths but provide much-needed revenue for our state during a time of severe economic shortfalls,” Howard said.

The Legislative Fiscal Office and the state Department of Revenue estimate the bill would increase general funds by approximately \$50 million.

Additionally, LB438 would increase the annual transfer of cigarette tax revenue to the Nebraska Health Care Cash Fund from \$1.25 million to approximately \$60 million. The programs funded would include local public health departments, community health centers and a tobacco prevention and control program. The bill also would create a fund intended to help reimburse behavioral health service provider rates.

Roger Wiese, health director for the North Central District Health Department in O’Neill, testified in support of the bill. He said tobacco-related illnesses, such as lung cancer and pulmonary and cardiovascular disease, cost Nebraskans an estimated \$795 million per year. Research has shown that a 10 percent increase in cigarette taxes can reduce the number of youth smokers by 4 to 5 percent, Wiese added.

“Preventing tobacco use in teens is critical to ending tobacco use in Nebraska,” he said. “The best way to reduce the impact of smoking is simply not to start.”

Brooklyn Larimore, a youth tobacco prevention advocate for the Campaign for Tobacco-Free Kids, also spoke in support of the bill. She said Nebraska’s youth smoking rate of

13.3 percent is among the highest in the country. At the same time, Larimore said, the state has not raised its cigarette tax rate in 15 years and has the 41st lowest rate in the nation. An increase in cigarette taxes would cut the number of teen smokers because youths are three times more sensitive to prices than adults, she added.

“Considering that 9 out of 10 adult smokers became addicted when they were teens, it is important that we do all we can to keep these products out of the hands of our youths,” Larimore said.

Fernando Wilson of the Center for Health Policy at the University of Nebraska Medical Center also testified in support of LB438 on his own behalf. One-third of Nebraskans age 14 to 18 have smoked a cigarette at least once, he said. The proposed tax increase could result in a nearly 20 percent reduction in the approximately 11,300 Nebraska youths who smoke.

According to the Centers for Disease Control and Prevention, he said, 18.4 percent of all Nebraskans smoke and more than 2,300 Nebraskans die from smoking-related illnesses each year.

“Policies that reduce the likelihood of smoking can have substantial benefits for population health in Nebraska,” Wilson said.

Testifying in opposition to the bill was Tim Keigher on behalf of the Nebraska Petroleum Marketers and Convenience Store Association and the Nebraska Chamber of Commerce. He said the proposed increase would make Nebraska’s cigarette tax 72 cents a pack higher than neighboring Iowa, driving Nebraska customers over the border.

“Just because you raise the tax does not mean you are going to generate more revenue,” Keigher said. “Some of those people are going to quit coming to Nebraska or they’re going to go down to Missouri where the tax is 17 cents a pack.”

Chaz Kline, testifying on behalf of the Nebraska Premium Tobacco Association, also spoke against the bill. The owner of two tobacco retail stores and a cigar lounge in Omaha, Kline said the tax would place Nebraska’s premium tobacco industry at an even greater competitive disadvantage to online retailers, which do not have to collect state sales or tobacco taxes.

“Financially, that is devastating to us as an industry,” he said.

Nicole Fox of the Platte Institute also testified in opposition to the bill, saying that it would unfairly burden low-income adults. She said 31.6 percent of Nebraskans who earn less than \$15,000 a year are smokers. Additionally, Fox said, the cigarette tax is a relatively unreliable source of funding.

“If Nebraska is to rely on this tax to fund necessary services for the state’s most vulnerable populations, it will create long-term funding shortfalls that will have to be paid for with other budget revenues,” she said.

The committee took no immediate action on the bill.

### **Public disclosure of tax incentive program financial data proposed**

The Revenue Committee heard testimony March 15 on a bill intended to increase the amount of financial information on state tax incentive programs that is available to the public.

As introduced by Sen. John McCollister of Omaha, the bill would require the state treasurer to add tax incentive program data to a website it maintains showing how the state spends tax dollars. Data on seven existing programs, including the Nebraska Advantage Act,

and any future tax incentive programs meant to recruit or retain businesses in the state would be included.

McCollister said the bill would cap an effort begun with the enactment of a law last year that requires quasi-public agencies to post their financial information on [StateSpending.Nebraska.gov](http://StateSpending.Nebraska.gov). Providing taxpayers with more information on Nebraska’s business tax incentive programs would ease concerns raised last year by a Performance Audit Committee report on the Nebraska Advantage Act, he said.

“LB565 would give citizens the ability to see for themselves how much these programs cost and what they — the taxpayers — are receiving for their money,” McCollister said.

McCollister brought an amendment to the hearing that would require the following information to be listed on the site for each taxpayer receiving a credit or refund under the programs:

- the identity of the taxpayer;
- the location where the taxpayer is using tax credits or refunds;
- the name of the tax incentive program under which the taxpayer is earning the credits or refunds;
- the total tax credits used or tax refunds received by the taxpayer under the program for the prior two-year period;
- the increases in jobs and investment that are intended to be produced to earn the credits or refunds;
- the increases in jobs and investment that actually are produced; and
- any amount of credits or refunds recouped from the taxpayer for failure to provide the increases in jobs and investment that are required under the tax incentive program.

Data from fiscal years 2014-15 through 2016-17 would be on the



Sen. John McCollister

website no later than Dec. 31, 2017. For each subsequent fiscal year, the data would be available by Dec. 31 following the end of the fiscal year.

Nebraska State Treasurer Don Stenberg testified in support of the bill. Stenberg said the amount of information required to be publicly reported by the state tax commissioner varies from program to program. LB565 would create a uniform list of disclosures for each tax incentive program, he said.

“This would be a big step forward for Nebraska,” Stenberg said. “A number of other states are now disclosing this type of information on their state transparency websites.”

Renee Fry of the OpenSky Policy Institute also testified in support of the bill. A 2015 Governmental Accounting Standards Board statement compels government entities to report tax incentive programs in their budgets, she said. This helps citizens understand how these programs affect a government’s future ability to raise revenue and meet financial obligations.

“Tax credits, which are a form of state spending, are in many cases extended anonymously,” Fry said, “which prevents taxpayers from fully accounting for how the state is spending money through the tax code.”

Joseph Young, speaking on behalf of the Nebraska Chamber of Commerce and Industry and the Lincoln and Omaha chambers of commerce, provided neutral testimony on the bill. He said LB565 would require financial disclosures similar to those required under the Nebraska Advantage Act.

“The Nebraska Advantage Act does have pretty good transparency provisions relative to the rest of the country,” Young said. “We think the current provisions are appropriate.”

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Attempt to repeal helmet law stalls

A cloture motion that would have forced a vote on the advancement of a bill to repeal the state’s motorcycle helmet requirement failed by one vote March 14.

Current state law requires motorcycle and moped riders to wear a protective helmet. LB368, introduced by Kearney Sen. John Lowe, instead would give riders 21 and older the option to wear no helmet but would require that eye protection be used.



Sen. John Lowe

The bill also would prohibit children younger than six years of age from riding a motorcycle or moped.

Lowe said repealing the helmet requirement would respect the freedom of all Nebraskans and increase tourism revenue by attracting riders who previously have bypassed the state on their way to national motorcycle rallies.

“Individuals who choose to ride a motorcycle should be allowed to choose whether or not they wear a helmet,” he said. “We as a state cannot regulate all personal conduct and we should not be regulating this personal choice.”

Crete Sen. Laura Ebke supported the bill and agreed that it is not the role of the state to protect individuals from themselves. She said the need to protect individual liberties must remain the Legislature’s priority.

“You can go into any long-term care center and find one or two people who are there because of a motorcycle accident. On the other hand, you will find people there because of too many

years smoking, eating the wrong foods or drinking too much,” she said. “There are a lot of decisions we make as individuals that wind up having high societal costs.”

Sen. Adam Morfeld of Lincoln also supported LB368. He would wear a helmet while riding a motorcycle, he said, but ultimately it is a decision that each individual must make for themselves.

“It’s about personal responsibility—respecting an adult making a decision based on what they think is in their best interests and safety,” Morfeld said.

Omaha Sen. Robert Hilkemann introduced an amendment that would raise the proposed age restriction of passengers from six to 16 years of age. It was one of several amendments he filed to delay a vote on the bill.

Hilkemann opposed the bill but said raising the passenger age requirement would improve the bill. It is just common sense, he said, to require passengers to be older and more capable of protecting themselves in case of a collision.

“Any child who has not yet grown to near-adult size would be defenseless in a motorcycle accident,” he said.

Also opposing LB368 was Albion Sen. Tom Briese, who said it would be unfair to expect Nebraska taxpayers to absorb the costs incurred by an uninsured rider that suffers a catastrophic injury.

“If the increased healthcare costs associated with repealing the helmet law could be paid for entirely by those individual riders riding without a helmet, I’d have no problem with the bill,” he said. “I am reluctant, however, to impose these additional costs on Nebraska taxpayers and our citizens.”

After six hours of debate spanning several days, Lowe offered a motion to invoke cloture — or cease debate and force a vote on the bill. The motion failed on a vote of 32-12, one vote short of the number required.

A failed cloture motion results in debate on a bill ceasing for the day. ■



# COMMITTEE HEARINGS

\*Current hearing schedules are always available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## Monday, March 20

### Business & Labor

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

LB171 (Albrecht) Provide for payment of claims against the state  
 LB170 (Albrecht) Deny claims made against the state  
 LB503 (Brewer) Prohibit certain provisions in collective-bargaining agreements  
 LB598 (Groene) Require consideration of certain factors by the Commission of Industrial Relations when establishing wage rights

### Education

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

LB155 (Brasch) Require successful completion of a civics examination as a prerequisite to high school graduation  
 LB308 (Brasch) Change provisions relating to the committee on Americanism  
 LB14 (Krist) Require successful completion of a civics examination as a prerequisite to high school graduation

### Nebraska Retirement Systems

#### Room 1525 - 8:30 a.m.

Appointment: Schulz, James D. - Public Employees Retirement Board

## Tuesday, March 21

### Education

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

LB540 (Stinner) Provide for a temporary aid adjustment factor in the Tax Equity and Educational Opportunities Support Act

## Wednesday, March 22

### Government, Military & Veterans Affairs

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

LB581 (McDonnell) Require lobbyists to disclose conflicts of interest to principals and provide for cancellation of contracts  
 LB153 (Kuehn) Prohibit certain officeholders and public employees from being a lobbyist  
 LB663 (Kuehn) Require a copy of a lobbying contract for lobbyist registration as prescribed  
 LB664 (Kuehn) Prohibit a political subdivision from using taxes or fees to employ a lobbyist

LB665 (Kuehn) Require a statement of activity regarding certain lobbying activity

### Health & Human Services

#### Room 1510 - 2:00 p.m.

Appointment: Wiebe, Scott C. - Board of Emergency Medical Services  
 LB128 (Groene) Change eligibility provisions relating to the Supplemental Nutrition Assistance Program  
 LB59 (Murante) Require the Department of Health and Human Services and health care facilities to provide information regarding abortion

### Judiciary

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

LB446 (Chambers) Eliminate the death penalty and change and eliminate provisions relating to sentencing  
 LB560 (Schumacher) Change restrictive housing and inmate discipline provisions  
 LB593 (Hughes) Create the offense of criminal trespass to vehicles  
 LR26 (Vargas) Oppose any federal action that would rescind Deferred Action for Childhood Arrivals  
 LB366 (Halloran) Change and eliminate provisions relating to parole administration

### Revenue

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

LB362 (Riepe) Adopt the Health Savings Account Act and provide an income tax deduction  
 LB373 (Schumacher) Change and eliminate revenue and taxation provisions

## Thursday, March 23

### Government, Military & Veterans Affairs

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

LB485 (Pansing Brooks) Create Chief Standing Bear and Indigenous Leaders' Day  
 LB421 (Murante) Change provisions of the Nebraska Political Accountability and Disclosure Act  
 LB422 (Murante) Change provisions of the Election Act  
 LB423 (Murante) Change provisions relating to counties  
 LB426 (Murante) Change expense reimbursement provisions for state officers and agencies

### Health & Human Services

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

Appointment: Turk, Frank R. - Commission for the Deaf and Hard of Hearing  
 LB223 (Kuehn) Change provisions relating to prescription drug monitoring  
 LB586 (Linehan) Change requirements for the prescription drug monitoring system

### Judiciary

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

LB397 (Wayne) Require application of the Nebraska Evidence Rules at parental termination hearings  
 LB502 (Brewer) Adopt the Permitless Concealed Carry Act  
 LB606 (Riepe) Adopt the Volunteer Care Act and change provisions governing remedies for injuries or damages  
 LR27 (Bolz) State legislative intent regarding refugees in Nebraska

## Friday March 31

### Nebraska Retirement Systems

#### Room 1525 - 8:00 a.m.

Appointment: DeFusco, Richard - Neb. Investment Council

- Presentation of the Neb. Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to §72-1243(2)
- Presentation of the Neb. Public Employees Retirement Systems Annual Report to the Nebraska Retirement Systems Committee pursuant to §84-1503(3) ■



# LEGISLATIVE GLOSSARY

**“A” Bill** - see Appropriation Bill.

**Amendment On File** - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

**Amendment Printed Separate** - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

**Appropriation Bill (“A” Bill)** - a bill to appropriate funds to finance another bill bearing the same number.

**Attorney General’s Opinion** - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

**Bill** - see Legislative Bill.

**Bracket** - to delay consideration of a bill.

**Call of the House** - a procedure used to compel attendance of unexcused senators in the chamber.

**Carry-over Legislation** - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

**Chair** - the presiding officer.

**Cloture** - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

**Constitutional Amendment Resolution** - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

**Consent Calendar** - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

**“E” Clause** - see Emergency Clause.

**E&R** - see Enrollment and Review.

**Emergency Clause (“E” Clause)** - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

**Engrossment** - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

**Enrollment and Review (E&R)** - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

**Executive Session** - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

**Final Reading** - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

**Fiscal Note** - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

**Floor** - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” it means the bill is being sent to the full Legislature for consideration.

**General File** - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

**Hearing** - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

**House Under Call** - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

**Indefinitely Postpone (IPP)** - to kill a bill.

**Interim** - the period between regular legislative sessions.

**Interim Study Resolution** - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

**IPP** - see Indefinitely Postpone.

**Journal** - see Legislative Journal.

**Laws of Nebraska (Session Laws)** - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

**Legislative Bill (LB)** - a proposal to create, change or delete one or more laws.



**Legislative History** - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

**Legislative Journal** - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

**Legislative Resolution (LR)** - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

**Line-Item Veto** - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

**Machine Vote** - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

**Major Proposal** - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

**One-liner** - a one-line description of a bill or resolution.

**Override a Veto** - see Veto Override.

**President of the Legislature** - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madam President, the lieutenant governor alone holds the official title.

**Presiding Officer** - the senator currently presiding over legislative proceedings.

**Priority Bill** - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

**Record Vote** - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system and the senators' names and corresponding votes are then printed in the Legislative Journal.

**Regular Session** - the annual session that begins the first Wednesday after the first Monday in January.

**Resolution** - see Legislative Resolution.

**Revisor Bill** - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

**Roll Call Vote** - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

**Select Committee** - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

**Select File** - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

**Session** - a period of time, usually a number of days, during which the Legislature meets and transacts business.

**Session Laws** - compilation of all laws and constitutional amendment resolutions passed in a session.

**Sine Die** - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

**Slip Law** - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

**Speaker of the Legislature** - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and presides in the absence of the lieutenant governor.

**Special Committee** - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

**Special Session** - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

**Standing Committee** - a permanent committee with subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**Veto** - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

**Veto Override** - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

**Voice Vote** - a vote in which senators cast their votes orally and no totals are recorded.

**Worksheet** - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



Unicameral Information Office  
Nebraska Legislature  
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A cast bronze skirt for a Capitol fountain is rolled into the center of the southwest courtyard March 15. Fountains are being installed in each of the four courtyards this spring, completing the final component of architect Bertram Goodhue's original design for the Nebraska Capitol.