

THE NEBRASKA LEGISLATURE'S
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UPDATE

Educational Service Units 18 and 19 could be eliminated

The Education Committee heard testimony Feb. 14 on two bills dealing with Educational Service Units (ESUs).

Under LB381, introduced by Norfolk Sen. Mike Flood at the request of Gov. Dave Heineman, ESUs could no longer serve school districts that are designated as a Class IV or Class V school and that consist of only one school district. The bill would eliminate ESUs 18 and 19, which serve the Lincoln and Omaha districts.

The bill also would discontinue Nebraska's membership in the Education Commission of the States and remove the statutory requirement that the Nebraska Department of Education employ a student achievement coordinator.

Larry Bare, the governor's chief of staff, testified in support of the bill, saying that ESUs are not needed for single member school districts.

ESUs were formed to help schools reduce costs and enhance student learning, Bare said, but these two districts already achieve cost savings and outperform other districts.

John Bonaiuto, executive director of the Nebraska Association of School Boards, testified in opposition to the bill, saying that ESUs provide vital

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Sen. Mark Christensen presents LB516 to the Judiciary Committee.

Bill would enable schools to allow guns

The Judiciary Committee heard testimony Feb. 16 on a bill that would allow possession of firearms in schools.

LB516, introduced by Imperial Sen. Mark Christensen, would allow all governing bodies of state educational institutions the option of allowing security guards, administrators and teaching staff to carry a concealed handgun on school property.

The bill would allow school boards to adopt a policy allowing guns on a two-thirds vote and would require that all students and parents be notified of the policy. The bill also would require that personnel carrying concealed

handguns be in compliance with the Concealed Handgun Act and possess a concealed handgun permit.

Some school districts in rural areas of the state can be 25 miles from the nearest law enforcement, Christensen said. LB516 could give superintendents and school boards another option for dealing with threatening situations that may arise before police can arrive, he added.

Andy Allen, president of the Nebraska Firearms Owners Association, testified in support of the bill, saying it is about giving schools options.

"My hometown, when I was growing up, had only one police officer,"

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A CLOSER LOOK

Bill would enable schools to allow guns

(continued from front page)

Allen said.

Since it is not possible to have a police officer at each school, he said, the bill would give schools the option to use more available resources.

Brian Hale, director of communications for the Nebraska Association of School Boards, testified in opposition to the bill.

“We see the ability for more people to have weapons in school as a problem because it gives students the opportunity to wrestle them away,” Hale said. “The safety of schools is probably going to be ensured by having fewer weapons in the school rather than more.”

Bill Kuehn, director of security for Lincoln Public Schools, also testified in opposition to the bill, saying it would cause safety concerns and create a different climate for schools.



Sen. Brad Ashford asks a question of a testifier.

“The primary mission of administrators and teachers is to provide education,” Kuehn said. “Their mission is not to act as law enforcement at school.”

Owen Yardley, chief of police services for the University Nebraska - Lincoln, testified in opposition to the bill.

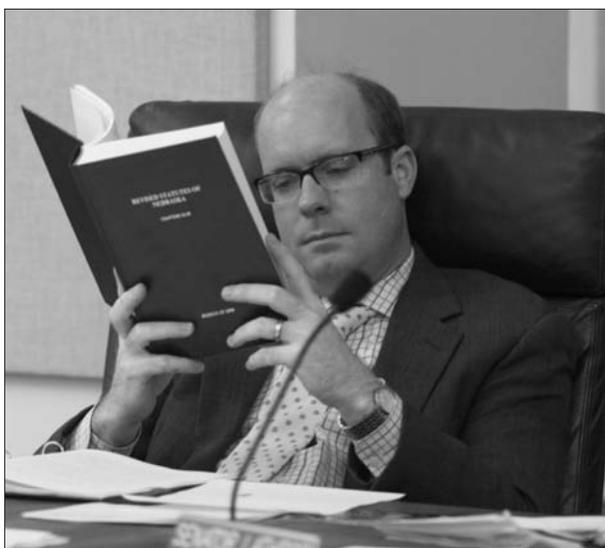
When a situation arises involving a shooter, Yardley said, law enforcement is trained to assume that the person with the gun is the perpetrator. Arming more people

with guns, he said, would cause confusion about who the perpetrator is.

David Baker, deputy chief of the Omaha Police Department, provided neutral testimony, saying he understands that smaller school districts do not have access to the same resources as larger districts.

“If we’re going to permit this on a state level then the state should mandate the training – and specifically training for school environments,” Baker said.

The committee took no immediate action on LB516. ■



Sen. Burke Harr consults the Nebraska statutes during the hearing.

A CLOSER LOOK

Educational Service Units 18 and 19 could be eliminated

(continued from front page)

functions for both small and large school districts.

Eliminating these ESUs would put more pressure on the districts' general operating budget because they would have to pay for services that are currently being funded through the ESU, Bonaiuto said. School districts are already using limited funds to cover other critical areas, he added.

"ESUs have, in essence, been an integral part in delivering services that our [state] Department of Education has not been able to provide," Bonaiuto said. "These things will have to be funded somehow."

Mark Shepard, associate superintendent of business affairs for Lincoln Public Schools and interim administrator for ESU 18, also testified in opposition to the bill.

"You have to look beyond just the issue of a single district ESU," Shepard said.

Eliminating ESU 18 will not only impact Lincoln Public Schools, he said. The ESU provides leadership in statewide programs that offer instructional materials, assessment of professional development, technology services and involvement with the virtual high school project, he said.

Liz Standish, administrator for Omaha Public Schools, also testified in opposition to the bill, saying that ESU 19 serves 49,000 students in the Omaha metro area as well as other students across the state. Last year OPS offered distance learning courses such

as nuclear science, nuclear energy, honors calculus and other advanced mathematics courses, she said. Stu-

“ESUs have, in essence, been an integral part in delivering services that our Department of Education has not been able to provide.”

- John Bonaiuto

dents in smaller districts might not have had the opportunity to take these courses without access to the ESU's distance education program, she added.

About \$5 million in services would be eliminated by LB381, Standish said.

LB446, introduced by York Sen. Greg Adams, was introduced as an alternative to LB381 and would allow educational service units to consist of single school districts. The bill would require ESUs serving only one district to participate in statewide projects that are managed by the ESU Coordinating Council.

"LB446 is an attempt to find, what I think, is a better way to deal with this issue," Adams said.

"I want Omaha and Lincoln, the two biggest school districts in the state, to be statewide players," he said. "School districts of that size have something to offer the whole state."

The committee took no immediate action on either bill. ■



TRANSCRIPTS AVAILABLE ONLINE

A recent addition to the Legislature's website provides the ability to view transcripts of floor debate and standing committee hearings.

Documents are available dating back to the 2007 session.

To search transcripts, simply go to:
www.nebraskalegislature.gov/transcripts

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Agriculture

Advanced bill calls for honey standard

The state Department of Agriculture would adopt a standard for honey under a bill debated on general file Feb. 11 and 14.

LB114, introduced by Fullerton Sen. Annette Dubas, would direct the department to develop rules and regulations for a honey standard consistent with one put forth by the U.N. Food and Agriculture Organization and the World Health Organization. Products failing to meet such a standard could not be labeled as honey.



Sen. Annette Dubas

The bill also would enable those who suffer damages resulting from the improper labeling of products as honey to sue violators for actual damages or \$1,000.

Dubas said LB114 was introduced at the request of the Nebraska Beekeepers Association. With no state definition of honey, she said, honey producers have no civil recourse against producers of adulterated honey, as evidenced by an unsuccessful Michigan case.

“With no standard definition of honey, pure honey is competing with lower-quality, cheaper products that contain corn syrup, cane sugar, artifi-



cial sweeteners and even antibiotics,” she said. “Court challenges to date have not gone anywhere because we do not have an adopted standard.”

LB114 would not require that the department become involved in testing honey or enforcing the honey standard, Dubas said, but it would give honey producers standing in court and add to the national effort to encourage the federal Food and Drug Administration to adopt a honey standard.

An Agriculture Committee amendment, adopted 38-0, removed a provision of the bill that would have permitted producers to bring a cause of action for damages resulting from the improper labeling of honey. The amendment instead would make improper labeling a violation of the Deceptive Trade Practices Act.

Holdrege Sen. Tom Carlson said the purpose of the committee amendment is to avoid multiple lawsuits in which actual damages would be difficult to ascertain. He said the amendment would offer injunctive relief instead of compensatory relief, which may not provide a sufficient deterrent.

The Legislature advanced LB114 from general file on a 36-0 vote.

Prairie dog management proposal heard

Counties could adopt black-tailed prairie dog management programs under a bill heard by the Agriculture Committee Feb. 15.

LB473, introduced by Ellsworth Sen. LeRoy Loudon, would permit counties to adopt resolutions creating coordinated black-tailed prairie dog management programs. Landowners with black-tailed prairie dog colonies on their property would be required to prevent expansion of the colonies to a neighboring property if the adjacent landowner objected to such an expansion.



Sen. LeRoy Loudon

The county board would provide general notice of the program in one or more newspapers in the county. Landowners whose properties serve as a habitat for unmanaged black-tailed prairie dog colonies could receive individual notice.

After receiving individual notice, landowners would have 60 days to provide evidence of appropriate management actions. If, after the 60 days,

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a landowner failed to remit required notice and evidence, the county could enter his or her property for the purpose of managing the colony. Expenses associated with managing the colony would be added as a lien on a landowner's property if unpaid after two months.

Landowners failing to take appropriate action could be fined \$100 per day per violation up to a total of \$1,500.

Louden said LB473 is meant to control infestations of black-tailed prairie dogs so that landowners do not repeatedly have to eradicate rodents coming from an adjacent property. Currently, some landowners who engage in management actions see infestations shortly thereafter due to an unmanaged colony nearby, he said.

Allan Guse of Longmont, Colo., testified in support of the bill, saying his family's ranch south of Hay Springs has prairie dog infestations due to passive landowners. He said his family has spent \$1,200 on poisoning measures that provide only temporary relief.

Black-tailed prairie dogs devastate pastureland by destroying vegetation and digging holes in which cattle and wildlife can fall and break their legs, Guse said.

"We're not advocating controlling the freedom of landowners to do as they wish with their land," Guse said, "but when that freedom affects other landowners by increasing the costs to earn a livelihood, then it's time for action such as this bill to ensure they are not forced to bear the burden unjustly."

Larry Dix, executive director of the Nebraska Association of County Officials, also testified in support of the bill. Because county boards would need to adopt resolutions to create management programs, he said, the bill would affect only counties with troublesome

black-tailed prairie dog populations.

Jarel Vinduska, representing the Nebraska Wildlife Federation, testified in opposition to LB473, saying prairie dogs are native to Nebraska, not an invasive species. The only way to respect a landowner's right to keep prairie dogs on his or her property, he said, is to use the current standard of managing them at the fence line.

"I think it is bad public policy to [target] a native species and take away a person's private property rights and say that you have to take care of them on your property," Vinduska said.

The committee took no immediate action on the bill.

Banking, Commerce & Insurance

Elective abortions would not be covered under state health insurance exchanges

The Banking, Commerce and Insurance Committee heard testimony Feb. 15 on two bills that would opt out of allowing health insurance plans that cover abortions.

The federal Patient Protection and Affordable Care Act allows each state to opt out of offering abortion coverage through qualified health plans offered in the act under a health insurance exchange.

LB132, introduced by Fullerton Sen. Annette Dubas, would opt out of allowing elective abortion coverage in state insurance exchanges created under the act.

The bill would not apply to an abortion that is performed when the

life of the mother is endangered by a physical disorder, illness, injury or a life-endangering physical condition caused by the pregnancy itself.

Many Nebraskans have strong feelings about protecting the sanctity of life and are concerned about potential health risks to mothers who have elective abortions, Dubas said.

"I think that having tax dollars involved with providing abortions is something that would provide concern," she said.

LB22, introduced by Omaha Sen. Beau McCoy, also would opt out of allowing health insurance plans operating under health insurance exchanges to cover elective abortions unless necessary to prevent the death of the woman.

Additionally, LB22 would prohibit private health insurance policies in the state from providing coverage for an elective abortion, except through an optional rider paid for solely by the insured.

"Nebraskans who morally reject abortion should not have to pay for elected abortions," McCoy said.

Dave Bydalek, executive director of Family First, testified in support of both bills, saying the U.S. Supreme Court has determined that states are able to make their own decisions about funding abortions.

Through existing statute, Bydalek said, Nebraska has favored the life of the unborn child whenever possible.

"The bills provide the vehicles needed to ensure that Nebraskans will not have to pay for abortions," he said.

Karen Bowling, associate director of the Nebraska Family Council, testified in support of LB22, saying that Nebraska continues to be a pro-life state.

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Most Nebraskans do not want abortion covered in health care exchanges, Bowling said. By prohibiting private insurance companies in the state from covering elective abortions, she said, LB22 would ensure that Nebraskans are not indirectly funding abortions.

Alan Peterson, an attorney for the ACLU, testified in opposition to the bills.

“We oppose these two bills because it appears that they try to create additional and substantial barriers between individual people and their families and something that they have a constitutional right to choose,” Peterson said.

The committee took no immediate action on the bill.

Education

New funding formula for community colleges

Senators passed a bill Feb. 16 that provides a formula to determine the amount of state aid appropriated among the state’s six community colleges for fiscal year 2011-12 and FY2012-13.

LB59, introduced by York Sen. Greg Adams, distributes the total amount of state aid according to a new formula:



Sen. Greg Adams

- 8.86 percent for the Central Community College Area;
- 26.51 percent for the Metropolitan Community College Area;
- 9.05 percent for the Mid-Plains Community College Area;
- 28.27 percent for the Southeast

- Community College Area;
- 13.27 percent for the Western Community College Area; and
- 14.04 percent for the Northeast Community College Area, with 0.1 percent of that amount going to the Nebraska Indian Community College and 0.2 percent to the Little Priest Tribal College.

The bill passed with a 49-0 vote and takes effect immediately.

Education cuts advance, multicultural programs retained

A bill was advanced from general file Feb. 16 that contained recommendations prepared by the Education Committee in anticipation of budget reductions.

LB333, introduced by York Sen. Greg Adams, would remove the statutory requirement that schools have a student achievement coordinator, estimated to save \$103,000 over the next two fiscal years.

Additionally, the bill would transfer funds to the lottery fund to support the following programs:

- Early Childhood Education Grants;
- high ability learner grants;
- an integrated information system; and
- the Center for Student Leadership and Extended Learning.

Under the bill, fees for teaching certificates and permits also would be increased by \$15 to cover costs for investigating and prosecuting certification violations.

An Education Committee amendment, adopted 36-0, removed provisions from the bill that would have eliminated

a requirement that schools offer multicultural education programs.

The committee determined that the multicultural education requirement should be reinstated, Adams said, due to a strong showing of public support for it at the committee hearing.

Omaha Sen. Brenda Council spoke in support of the committee amendment.

In order to eliminate the learning gap among minority children, Council said, the state must maintain its commitment to multicultural education.

Adams said the committee tried to preserve programs that the state Department of Education felt were important.

The amended bill advanced on a 41-0 vote.

Additional requirements could be added to high school civics courses

The Education Committee heard testimony Feb. 14 on a bill that would add requirements to high school civics education curricula.

High school students currently are required to take civics courses in at least two grade levels.

LB544, introduced by Boys Town Sen. Rich Pahls, would require that those courses include students’ active participation in improving their society and would include practicing civil discourse between opposing interests.



Sen. Rich Pahls

“We’re trying to promote civics because we feel like it has slipped with the demands that are placed on other

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content areas,” Pahls said.

Brian Halstead, assistant commissioner for the state Department of Education, testified in support of the bill.

The requirements could be incorporated when the department updates social studies standards later this year, Halstead said.

The committee took no immediate action on the bill.

Executive Board

Bill seeks transparency in state legal contracts

The Executive Board held a hearing Feb. 17 on a measure that would adopt the Private Attorney Retention Sunshine Act.

Lincoln Sen. Danielle Conrad said she introduced LB604 to ensure accountability and openness in the hiring of private legal services for state business.

Among other provisions, the bill would require the attorney general to file a proposed contract for private legal services exceeding \$50,000 with the Appropriations Committee, which then would hold a public hearing on the proposed contract and make recommendations.

At the conclusion of a legal proceeding for which private legal services had been retained on a contingent-fee basis, a statement of hours worked, expenses and hourly fees would be required. The state would be prohibited from incurring legal fees greater than \$1,000 per hour.



Sen. Danielle Conrad

Conrad said the bill would ensure the same open and competitive bidding process that is required for other state contracts.

“This should be extended to other contracts for legal services,” she said. “Taxpayer dollars are at issue here.”

Assistant attorney general Dale Comer testified against the bill, saying it would restrict his office’s ability to hire attorneys best suited to a particular case. In addition, he said, requiring a public legislative hearing on a potential legal contract would violate constitutional separation of powers.

“We believe that involves the Legislature directly in the process of executive function,” Comer said.

No proponent testimony was given and no immediate action was taken on the bill.

Extension of legislative oversight committees proposed

Members of the Legislature’s Executive Board heard testimony Feb. 17 on resolutions that would continue the work of two select committees.

LR30, sponsored by Lincoln Sen. Kathy Campbell, would establish the Health Care Reform Implementation and Oversight Committee. Campbell said the committee would build



Sen. Kathy Campbell

on work done over the interim by a previous select committee established to research and provide recommendations for implementing new federal health care legislation.

Campbell said the Legislature must prepare for significant changes in health

care provision even if federal legislation is significantly changed or repealed.

“We need to be prepared no matter what,” she said.

The Health Care Reform Implementation and Oversight Committee would consist of nine senators appointed by the Executive Board, including two members each from the Banking, Commerce and Insurance, Health and Human Services and Appropriations committees.

Among other issues, the proposed committee would examine:

- creation of a state insurance exchange;
- technology for storing and transmitting health information;
- health care delivery and payment systems; and
- leveraging federal grants, pilot programs and other funding sources to assist with health care reform.

Jennifer Carter of Nebraska Ap-pleseed testified in support of the resolution, saying the previous committee had been very useful, but that work remains to be done.

“There are many decisions big and small that need to be made,” she said. “It would be extremely helpful to have this process.”

The committee would report its findings to the Legislature by Dec. 31, 2011.

LR47, sponsored by Omaha Sen. Steve Lathrop, would provide for continuation of the Developmental Disabilities Special Investigative Committee. The committee was established in 2008 in response to significant problems at the Beatrice State Developmental Center (BSDC), he said, and was extended for two years in 2009.

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Lathrop said the committee was instrumental in positive changes at Beatrice and needs one more year to oversee the facility's recertification by the federal government.

"We need to see BSDC across the finish line," he said. "I think it's important that we do it."

The resolution would reauthorize the committee until January 2012.

No opposition testimony was given on either measure and the Executive Board took no immediate action on the resolutions.

General Affairs

Alcohol could be permitted in charter vehicles

A bill that would allow limousine and private bus passengers to consume alcohol advanced from general file Feb. 17.

Under LB281, introduced by Wilber Sen. Russ Karpisek, passengers would be allowed to consume alcoholic beverages if their chartered limousine or bus is in a public parking area or on any state highway as long as the driver is prohibited from consuming alcohol and it is not readily accessible to the driver.



Sen. Russ Karpisek

"I think that people are trying to be smart about going on trips to football games or weddings and having a designated driver," Karpisek said. "I think people are trying to do the right thing by not drinking and driving, but they are breaking the law and don't even know they are breaking the law."

"I don't think that makes a lot of sense," he said.

The bill advanced on a 31-1 vote.

Government, Military & Veterans Affairs

Manual recount bill bracketed

A bill bracketed on general file Feb. 17 would have allowed candidates for public office who fail to garner enough votes for nomination or election to request manual recounts.

Current law triggers automatic machine recounts paid by political subdivisions if the margin of victory is 1 percent or less for an election in which more than 500 votes were cast, or 2 percent or less for elections in which 500 or fewer votes were cast. Candidates can request a recount at their expense if the margin of victory is greater.

LB161, introduced by Wilber Sen. Russ Karpisek, would have permitted a candidate to request that the recount be done manually, at his or her own expense.

A Government, Military and Veterans Affairs Committee amendment would have restricted a manual recount to elections in which the margin of victory would trigger an automatic recount.

Karpisek said the bill would increase voter confidence in machine counts by adding an option for manual recounts. Currently, only a court order provides for access to paper ballots, he said.

"Anytime we can do something to help people feel that their vote counts,

it is a good move," he said.

Lincoln Sen. Bill Avery spoke in support of the bill, citing an election supervisor in Palm Beach, Calif., who acknowledged that 14 percent of ballots were not counted for a 2008 city commissioner election.

"If the potential for error exists, why not provide a means for verifying the votes counted by visual inspection?" Avery asked.

Sen. Scott Lautenbaugh of Omaha spoke in opposition to LB161. He said election officials run test ballots before and after an election to verify that the machines are tabulating correctly. Furthermore, machines are superior to hand recounts in accuracy, he said.

"This bill would do nothing to create greater accuracy, transparency or confidence in the process," Lautenbaugh said. "What this would do instead is hamper the process, delay finality and introduce questions that have no merit."

Lautenbaugh offered a motion to bracket the bill until June 8, and lawmakers adopted the motion 26-11.

Bill would make election of city and county offices nonpartisan

Local officials, from city council members to county attorneys, would be elected on a nonpartisan ballot under a bill heard by the Government, Military and Veterans Affairs Committee Feb. 16.

LB214, introduced by Louisville Sen. Dave Pankonin, would require nonpartisan ballots for the nomination and election of county



Sen. Dave Pankonin

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and city officials.

Pankonin said local offices are largely ministerial, so an officials' responsibilities have little bearing on political party affiliation. Furthermore, he said, party affiliation tells voters nothing about the qualifications of candidates.

Voters in a close primary election also can switch parties to vote in a more competitive race, he said.

"This actually makes party affiliation a meaningless designation, creates work for election offices and inconveniences the affected voters," Pankonin said.

Doris Royal of Springfield testified in support of the bill. A party label does not indicate whether a candidate will be a good or bad officeholder, she said, and nonpartisan ballots would base elections solely on who voters think would be the best candidate.

"That is the American way: let the majority rule," Royal said.

Larry Dix, representing the Nebraska Association of County Officials, testified in opposition to the bill. The election of 92 new county board members in the last election cycle indicates that partisan ballots do not result in entrenched incumbents, he said.

Some county officials make decisions based on policies that are aligned with their party affiliation, Dix said, adding that county officials see no need to discontinue partisan ballots.

The committee took no immediate action on the bill.

Bill would clarify when political parties can nominate

Senators gave first-round approval Feb. 17 to a bill that seeks to clarify when a political party can nominate

a candidate.

Under LB368, sponsored by Bancroft Sen. Lydia Brasch, political parties would be prohibited from nominating a candidate for an office at a state post-primary convention if the party did not nominate a candidate for the office at the primary election. An exemption would be provided for new political parties.

Parties would be able to nominate candidates at a convention in cases of a special election or a vacancy on the ballot.

Brasch said the bill would ensure that political parties do not bypass the primary process by placing a candidate on a ballot when no vacancy exists.

"I believe that primaries are vital to our political process," she said.

LB368 advanced to select file on a 37-0 vote.

Nomination petition signature requirements could change

Lawmakers advanced a bill from general file Feb. 17 that would change nomination petition signature requirements for certain offices.

Under current law, an individual who wants to place his or her name on a general election ballot as a candidate for nonpartisan office must obtain at least 25 signatures from each county that contains at least 100 registered voters in the district.

LB399, introduced by Lincoln Sen. Bill Avery, would eliminate the distribution requirement and the standard would become at least 10 percent of



Sen. Lydia Brasch

the registered voters who cast ballots for governor or president in the last election, not to exceed 2,000 signatures. The distribution requirement for the Board of Regents also would be eliminated under the bill.

Similarly, an individual who wants to place his or name on a general election ballot for statewide partisan office currently is required to obtain 50 signatures from one third of the counties in the state. Under LB399, the standard for partisan statewide offices would be at least 4,000 signatures, with at least 750 signatures obtained in each congressional district.

Avery said the bill would assist the state in a pending lawsuit, which contends that current petition requirements violate the 14th Amendment of the U.S. Constitution. Courts in other states have struck down similar distribution rules because they are based on geography rather than population, he said.

"This bill will go a long way toward eliminating the weakest part of the state's case in this trial," Avery said. "The secretary of state says we're likely to lose if this provision remains in law."

Valentine Sen. Deb Fischer said eliminating the distribution requirement could discourage candidates from engaging with citizens across the state. For example, she said, under the proposed rules a candidate could obtain the required number of signatures for a statewide partisan office by visiting only Omaha, Lincoln and Norfolk.

"I don't know if it's wise that we legislate in anticipation of what a court may rule," Fischer said.



Sen. Bill Avery

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Avery said the state likely would be required to pay the plaintiff's attorney fees, estimated at \$100,000, if current provisions are found unconstitutional.

"No court has upheld laws of this type," he said.

The bill advanced to select file on a 31-2 vote.

Bill would prohibit write-in campaigns for members of political parties

Members of political parties could not launch write-in campaigns under a bill heard by the Government, Military and Veterans Affairs Committee Feb. 16.

LB449, introduced by Omaha Sen. John Nelson, would declare persons registered with a political party as of March 1 in the year of a general election ineligible for nomination by petition for a partisan office.



Sen. John Nelson

"Partisan primary voters should not have their will subverted by candidates who avoid primaries only to run by petition in the general election," Nelson said.

The bill also would:

- increase the maximum precinct size from 1,000 registered voters to 3,000;
- open early voting records to public view prior to an election;
- allow for inspections of registered voter lists and sign-in registers within 8 feet of ballot boxes or ballots being counted by a counting board;
- permit election commissioners

to campaign for another office;

- allow election commissioners to hold another office within six months of leaving office;
- allow election commissioners and deputy election commissioners to participate in election campaigns and fundraisers;
- set Dec. 15 as the earliest date for submission of candidate filing forms;
- require the principal circulator of a recall petition to collect the petition forms from the election commissioner or county clerk within 20 days after receipt of a targeted official's defense statement;
- extend the maximum time to hold a recall election from 45 days after notification of a targeted official to 75 days;
- require deputy voting registrars to complete a training session offered by election commissioners and county clerks once every 3 years;
- add e-mail addresses to the voter registration form;
- add the learning community to the list of political subdivisions that must pay the cost of nominating and electing officers; and
- add Class V school district boards to the list of offices that do not require names to be listed on the primary ballot if all candidates automatically advance to the general election.

Douglas County election commissioner Dave Phipps testified in support of the bill. Early voting has resulted in lower voter turnout on election days, he said, so expanding precinct size would allow counties to consolidate polling places and be more efficient.

Phipps also said the recall election extension from 45 to 75 days is needed to accommodate recalls for offices with a high number of voters, as seen in the recent recall election for the mayor of Omaha.

Wayne Bena, election commissioner for Sarpy County, also testified in support of the bill. He said the new time period for submitting candidate filing forms would prevent candidates from filing for office years before the election and would help election officials collect the correct filing fees.

Bena also spoke in support of the provision permitting election commissioners to run for and take another office without waiting 6 months. Ninety of the 93 county election officials in the state can run for office, he said, and LB449 would make this uniform statewide.

Neal Erickson, deputy secretary of state for elections, testified in a neutral capacity. He advised against allowing election commissioners to run for another office, saying citizens in counties with elected clerks have expressed concerns regarding the motives of campaigning election officials.

Increasing the precinct size to between 1,750 and 2,000 could be a good idea, Erickson said, but 3,000 would be too high. As recently as the 2004 general election, there were long lines at certain precincts in Douglas and Sarpy counties, he said, so tripling the current precinct size could cause problems.

Erickson said the provisions prohibiting partisan candidates from using the petition process likely would be unconstitutional based on freedom of association.

The committee took no immediate action on the bill.

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Hamilton/Merrick county border could be set by GPS

The dividing line between Hamilton and Merrick counties would no longer conform to the Platte River under a bill advanced from general file Feb. 17.

State law currently uses the middle of the south channel of the Platte River to define the border separating the two counties.

LB556, introduced by Fullerton Sen. Annette Dubas, would use GPS coordinates instead of the Platte River to draw the boundary line.

Dubas said the constant movement of the river provides problems for accurately establishing county boundaries. Consequently, there is accretion ground along the river that neither county can claim with certainty, she said.

Boundaries for land ownership will not change, Dubas said, only the boundary used for county ownership.

The bill advanced from general file on a 35-0 vote.



Sen. Annette Dubas

Under a bill passed by the 2008 Legislature, cities or villages with a population of at least 1,000 were required to add fluoride to their drinking water supply unless voters approved local opt-out ordinances by June 1, 2010. The fluoridation requirement does not apply to municipalities with a population under 1,000.

LB36, sponsored by Scottsbluff Sen. John Harms, would extend the opt-out deadline for cities and villages that reach the population threshold for mandatory fluoridation after June 1, 2010.

“These citizens should have, deserve to have, the same privilege and opportunity,” he said.

Under the bill, a city or village that reaches a population of 1,000 or more after June 1, 2010, could place a proposal on the next statewide general election ballot to prohibit the addition of fluoride to the water supply.

LB36 advanced to select file on a 33-3 vote.



Sen. John Harms

Bill addressing clinical privileges for midwives approved

Lawmakers gave final approval to a bill Feb. 16 that prevents denial of privileges to individuals based solely on their classification as certified nurse midwives.

LB68, introduced by Lincoln Sen. Tony Fulton, adds certified nurse midwives to the list



Sen. Tony Fulton

of practitioners who cannot be denied clinical privileges based on their credential by any hospital licensed under the Health Care Facility Licensure Act.

The bill passed on a 49-0 vote.

Changes to county mental health boards approved

Senators passed a bill Feb. 16 designed to broaden the pool of professionals eligible to serve on county mental health boards.

LB111, sponsored by Grand Island Sen. Mike Gloor, removes a requirement that one member be a psychiatric social worker and adds a position for a licensed independent mental health practitioner.

County mental health boards are charged with assessing the mental health status of individuals placed in emergency protective custody through an affidavit from a mental health professional or by law enforcement.

LB111 passed on a 49-0 vote.



Sen. Mike Gloor

Guardianship changes for vulnerable adults approved

Lawmakers gave final approval Feb. 16 to a bill that seeks to strengthen the state's guardian and conservatorship system for vulnerable adults.

LB157, sponsored by Lincoln Sen. Colby Coash, requires that a potential guardian or conservator complete a criminal



Sen. Colby Coash

Health & Human Services

Bill would extend fluoridation opt-out

Senators advanced a bill from general file Feb. 14 that would eliminate a deadline for cities and villages to opt out of Nebraska's mandatory drinking water fluoridation provisions.

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background check and file the results with the court 10 days prior to an appointment hearing.

Exceptions to the background check requirements include financial institutions serving as conservators and expedited, temporary and emergency guardian/conservator appointments.

Among other provisions, the bill requires a guardian/conservator to:

- file his or her papers with the register of deeds in each county in which the ward owns property or property interest;
- file an inventory of the ward's assets within 30 days of an appointment and mail it to all interested persons;
- obtain court permission to move the ward's place of abode outside the state; and
- furnish a bond on the ward's assets if they exceed \$10,000.

The bond can be waived for good cause and is not required for banks or other financial institutions serving as a conservator.

LB157 also allows the court to refer contested guardian/conservator cases to mediation or other dispute resolution.

Finally, the bill allows a judge to intervene when an interested person submits concerns, through an affidavit, that a ward's safety, health or financial welfare is at risk. An interested person who files an affidavit in bad faith with the court concerning a vulnerable adult will be required to pay the opposing party reasonable attorney's fees and costs.

LB157 passed 49-0.

Bill would make changes to foster care system

The Health and Human Services Committee heard testimony Feb. 16 on a bill that would make several changes to the Nebraska foster care system.

Lincoln Sen. Kathy Campbell said LB177 is intended to assist the state Department of Health and Human Services in implementing three specific requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

"LB177 underscores the importance of these three major themes," she said.

Under the bill, HHS would be required to notify adult relatives within 30 days of a child's removal from his or her home. An exception would be provided if an adult relative's history of domestic or family violence would make notification inappropriate.

The bill also would require that HHS and the court make reasonable efforts to place siblings together and provide for frequent visitation when siblings are not placed together. An exception would be provided if joint placement or visitation would be contrary to the safety and well being of any sibling.

Finally, the bill would require the department to develop an individual proposal for each child transitioning out of foster care into adulthood. Such a proposal would include assessment of a foster child's educational, employment, housing, health care and other support needs.



Sen. Kathy Campbell

Kelli Hauptman, staff attorney with the court's Through the Eyes of the Child Initiative, testified in support of the bill. She said placing the requirements in state law would encourage Nebraska judges to implement provisions of the federal law.

"Court stakeholders most often refer to Nebraska statutory law and case law," she said.

Doug Peters of Voices for Children in Nebraska also supported the bill. Out of home placements often are intrusive and traumatic, he said, so making a greater effort to place children with family is important.

"Children deserve to be in the least restrictive, most family-like setting possible," Peters said.

Georgie Scurfield, chairperson of the Foster Care Review Board, also testified in support of LB177, focusing on the transition plan requirement for children aging out of foster care.

The transition period into adulthood is difficult even under the best of circumstances, she said, and is especially difficult for young people leaving foster care.

"We watch those kids with great concern," Scurfield said, "because we know that they become vulnerable adults."

Proper planning on the part of caseworkers, the courts and others is essential to state wards' economic and emotional survival, she said.

"They have to have not only a job that will pay them a wage that can support them," she said, "but they also have to have somewhere to go on Thanksgiving."

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

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Drug incineration program bill clears first round

Nebraska pharmacies could participate in a nationwide drug disposal program under a bill given first-round approval Feb. 14.

Grand Island Sen. Mike Gloor, sponsor of LB274, said the bill makes changes to the Pharmacy Practice Act that would have a positive environmental impact on the state. Currently, state law allows unused prescription drugs to be returned to the dispensing pharmacy for immediate disposal, he said, which normally means flushing the drugs down the toilet.

"They find their way into our water system," Gloor said. "Yet, we continue to do this because we have no better way of disposing of these medications."

Gloor said removing the words "dispensing pharmacy" and "immediate" from state law would allow Nebraska to participate in a nationwide program that provides pharmacies secure containers to collect unused drugs regardless of where they were dispensed. When full, containers are shipped to a medical incinerator for disposal, he said.

LB274 would allow pharmacies to charge a fee for drug disposal and would change the calculated expiration date for prescriptions from six months to one year.

The bill advanced from general file on a 38-0 vote.



Sen. Mike Gloor

Judiciary

K2 drug banned

Synthetic cannabinoids will be banned under a bill that passed Feb. 16.

LB19, introduced by Omaha Sen. Beau McCoy, expands the Uniform Controlled Substances Act to ban the class of synthetic cannabinoids used to make the drug commonly known as K2 or Spice.



Sen. Beau McCoy

Those found to be in possession of substances related to the drug will be guilty of:

- an infraction, receive a citation and a \$300 fine and could be assigned to attend a course as prescribed for the first offense;
- a Class IV misdemeanor, receive a citation and a \$400 fine and may be imprisoned no longer than five days for a second offense; and
- a Class III misdemeanor, receive a citation and a \$500 fine and be imprisoned no longer than seven days for the third and all subsequent offenses.

The bill passed on a 49-0 vote and takes effect immediately.

Penalties would increase for unlawful intrusion

A bill that would increase penalties for unlawful intrusion advanced from general file Feb. 15.

Under LB61, introduced by Elk Creek Sen. Lavon Heidemann, the penalty for viewing a person in a

state of undress without their knowledge in a place of solitude or seclusion would increase from a Class III to a Class I misdemeanor. Current law defines a place of solitude or seclusion as one in which a person has a reasonable expectation of privacy, such as a restroom, tanning booth, locker room or dressing room.



Sen. Lavon Heidemann

The bill also would increase to a Class IV felony the penalty for making a video or electronic recording of an unlawful intrusion. Distributing such a recording would be a Class III felony.

Heidemann said he introduced LB61 after hearing from a victim who unknowingly was recorded while undressing and later saw the video posted on the Internet.

The crime had a severe impact on the victim, he said, but the charge against the perpetrator was minor. Recording someone undressing is not only a sexual offense, Heidemann said, but also a violation of human rights. The punishment should fit the crime, he added.

The Judiciary Committee introduced an amendment to the bill that revised the definition of intrude to mean the viewing or recording of another person in a state of undress either by video or other electronic means without the person's consent.

The amendment also places a three-year statute of limitations on the crime beginning when the victim reaches the age of 21 or when the victim or law enforcement receives constructive notice of either the existence of a video.

The committee amendment was adopted on a 38-0 vote.

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Heidemann proposed an amendment to LB61 that would require a defendant over the age of 19, whose victim was under the age of 18, to register under the Sex Offender Registration and Notification Act.

Heidemann said the amendment was introduced at the request of the state patrol to remain compliant with the Adam Walsh Child Protection and Safety Act.

Heidemann's amendment was adopted 38-0 and the bill advanced from general file on a 40-0 vote.

Bill would authorize public breast-feeding

A bill that would allow a mother to breast-feed her child in public advanced from general file Feb. 15.

Fullerton Sen. Annette Dubas, sponsor of LB197, said legislation was needed to codify that a woman is not breaking a law when feeding her baby.



Sen. Annette Dubas

Dubas said she has met mothers who received rude comments and were asked to leave the premises or told to take their baby to a public restroom or car to be fed.

"We don't ask women who are bottle-feeding a baby to go into the bathroom and I don't think we should ask women who are breast-feeding to go into a bathroom either," she said.

Nebraska is one of only two states without a law to protect women who breast-feed, she said. No woman should feel ashamed, apologetic or threatened when responding to the needs of their child, Dubas added.

Grand Island Sen. Mike Gloor spoke in support of the bill, saying breast-feeding is healthy for infants and should be encouraged.

The bill advanced from general file on a 41-0 vote.

Adoptions could require testing for fetal alcohol disorders

The Judiciary Committee heard testimony Feb. 17 on a bill that would require testing for fetal alcohol spectrum disorders.

LB324, introduced by Omaha Sen. Gwen Howard, would require that state wards younger than 10 years old be evaluated for fetal alcohol spectrum disorders (FASD) upon filing for petition of adoption unless there is no indication of FASD.



Sen. Gwen Howard

"Children who suffer FASD face considerable challenges, as do the families that adopt them," Howard said.

The state Department of Health and Human Services enters into a contract with an adoptive family, she said. If fetal alcohol issues are not addressed during the adoption process, Howard said, the department provides minimal services if FASD-related problems develop in the future. Testing would ensure that adoptive parents are more prepared and have access to necessary services, she said.

Jessyca Vandercoy, program director for Right Turn, testified in support of the bill, saying children exposed to alcohol in utero can have significant challenges.

Thirty-eight percent of Right Turn

families are parenting a child diagnosed with FASD, she said, and some have more than one child with the disorder.

Parents often need help deciding how to best address symptoms that arise, Vandercoy said. If an adoptive family is made aware of the challenges they may face, she said, they could be better prepared to deal with a child with FASD later on.

Beth Conover, a genetics counselor and nurse practitioner, also testified in support of the bill, saying alcohol has a severe impact on babies in utero.

If the issue is identified early enough, she said, services can be provided that could help a child reach his or her full potential.

The committee took no immediate action on the bill.

Natural Resources

Aquatic invasive species management program proposed

The state would create a program to control aquatic invasive species under a bill heard by the Natural Resources Committee Feb. 17.

LB392, introduced by Ogallala Sen. Ken Schilz, would create the Aquatic Invasive Species Program, administered by the state Game and Parks Commission.



Sen. Ken Schilz

The program would authorize the commission to monitor state waters for

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aquatic invasive species, hire a coordinator, enforce the program and decontaminate motor vehicles, trailers, boats and other vessels that could convey such species.

Possession, importation, exportation, sale and transport of aquatic invasive species would be prohibited by the bill.

Law enforcement and commission inspectors would be authorized to stop motor vehicles and boats for inspection, after which decontamination could be ordered. Those who refuse inspection or fail to decontaminate their vehicles would be guilty of a Class III misdemeanor, be charged a fine of at least \$500 and have their vehicles subject to impoundment.

The program would be funded by a new \$30 aquatic invasive species stamp required for out-of-state boats and 20 percent of Nebraska boat registration fee revenues.

Schilz said the recent detection of zebra mussels in Zorinsky Lake and its infestation of the Offut Air Force Base Lake warrant a program to deal with such invasive aquatic species. Colorado, Iowa and Kansas have programs similar to LB392 to combat zebra mussels, he said.

“The threat of infestation by aquatic invasive species is high for many water bodies in Nebraska,” Schilz said. “An aquatic invasive species program could help mitigate costs.”

Dave Tunink, representing the state Game and Parks Commission, testified in support of LB392. Most states have some level of boat inspection to prevent infestation, he said, and many require that boats exiting state lakes be completely drained and cleared of vegetation.

Lake McConaughy in particular could be susceptible to contamination from an out-of-state vessel, Tunink said. A survey of boats at the lake last year found that 49 percent of the vessels were not from Nebraska, with a total of 22 states represented.

Karie Decker, coordinator of the Nebraska Invasive Species Project at the University of Nebraska-Lincoln, testified in a neutral capacity. Aquatic invasive species like zebra mussels, phragmites and Asian carp can damage hydropower plants, irrigation, fishing habitats and municipal infrastructure, she said. The total cost of aquatic invasive species treatments nationwide is \$20 billion a year, she said.

Zebra mussels clog irrigation pipes and intake pipes at power plants and water treatment facilities, Decker said, as they out-compete sport fish for food. When the mussels die, she said, their sharp shells float to the shoreline and make beaches unsafe.

Decker said the city of Wichita recently allocated \$2 million to upgrade water treatment facilities due to problems caused by zebra mussels.

The committee took no immediate action on the bill.

Redistricting

Bills propose adding, removing legislative districts

The Redistricting Committee heard testimony Feb. 16 on two proposals that would change the number of representatives in Nebraska’s 49-member Legislature.

LB195, sponsored by Cedar Rapids Sen. Kate Sullivan, would increase

the number of legislators to 50, while LB233, introduced by Omaha Sen. Bob Krist, would reduce the number to 45.

Under Sullivan’s proposal, a 50th legislative district would be created and the governor would appoint a representative to serve until the November 2012 general election.

Sullivan said Nebraska’s population is continually shifting east, placing a burden on rural senators whose districts are growing geographically. Creating a new district would give the committee greater flexibility in drawing new district lines based on the 2010 census, she said.

“Rural representation should not fall victim to shifting demographics,” Sullivan said, adding that representing a large rural district requires a major time commitment to stay connected to constituents.

“I spend a great deal of time traveling the district,” Sullivan said. “A lot of that, unfortunately, is windshield time. Constituents aren’t served when I’m traveling from town to town.”

Under Krist’s proposal, 45 new districts would be drawn, with representatives of the newly created odd-numbered districts elected in 2012 and even-numbered districts in 2014.

Nine senators will be barred from running for re-election in 2012 due to term limits, Krist said, making it an ideal time to implement change.



Sen. Kate Sullivan



Sen. Bob Krist

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“We have a unique historic point in time in the state of Nebraska,” he said.

Reducing the number of districts would save money, increase diversity within districts and better balance the state’s rural and urban divide, Krist said. Moving to 45 districts would mean an increase of less than 5,000 constituents per senator, he said.

“A small increase would not be overly burdensome,” Krist said, adding that improvements in technology would allow senators and constituents to connect even across geographically large districts.

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

Revenue

Single-commissioner TERC hearings proposed

Taxpayers who believe a parcel of land is valued incorrectly by their county board of equalization could receive a single-commissioner hearing from the Tax Equalization and Review Commission (TERC) under a bill heard by the Revenue Committee Feb. 17.

LB405, introduced by Bellevue Sen. Abbie Cornett, would authorize single-commissioner hearings for parcels that are less than \$1 million in valuation. After the TERC chair designates an appeal for a single-commissioner hearing and both sides agree, an informal single-commissioner hearing could be held.



Sen. Abbie Cornett

The usual common-law or statutory rules of evidence would not apply at single-commissioner hearings. Either party could request a rehearing before the entire commission.

Cornett said the purpose of the bill is to help TERC manage its caseload and streamline its operations.

TERC chairperson Bob Wickersham testified in support of the bill, saying it would provide a process used by seven other states. He said the bill would address concerns that full hearings before the commission are too formal and require oaths, marked exhibits and adherence to limited rules of evidence.

TERC commissioner Bill Warnes also testified in support of the bill, saying the purpose of the single-commissioner hearings is not to reduce the number of appeals, but to match resources to needs.

“There is no sense in having three or four commissioners sitting before mom and pop on the average, uncomplicated residential appeal,” he said.

Warnes said a similar process in Kansas suggests that 75 percent of hearings before a single commissioner will not result in a hearing of the full commission.

Jarel Vinduska of Gretna, a supporter of LB405, said his hearing before TERC lasted 6.5 hours due to the formality. The rules of evidence often require that parties prove the most basic points, he said.

Representing the Douglas County Assessor’s Office, Mike Goodwillie testified in a neutral capacity. The committee should reduce the valuation limit for single-commissioner appeals, he said, because landowners with parcels valued near \$1 million likely will have more complicated cases.

Goodwillie also suggested that single-commissioner hearings offer both parties a waiver to agree not to request a rehearing after the commissioner’s decision. He said this would add some finality to single-commissioner hearings and prevent duplicative full-commission hearings.

The committee took no immediate action on the bill.

Transportation & Telecommunications

Motorcycle helmet law repeal heard

Motorcyclists who are at least 21 years old would not be required to wear a helmet under a bill heard by the Transportation and Telecommunications Committee Feb. 14.

LB52, introduced by Omaha Sen. Bob Krist, also would provide an exemption for younger riders. Motorcyclists aged 16 up to 21 who pass a motorcycle safety course and carry proof of course completion would not be required to wear a helmet.



Sen. Bob Krist

Class M operator’s licenses would indicate whether the license holder was required to wear a helmet.

Violations of the helmet law would be a secondary offense under the bill.

Finally, the bill would require motorcyclists and their passengers to wear eye protection.

Krist said the current state helmet law does not treat motorists equally.

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“Singling out citizens who choose to ride motorcycles and imposing mandatory helmet laws ... is unconstitutional in that, by mandating helmets for motorcycles, as opposed to all motorists, we violate the equal protection guarantee of the 14th Amendment,” Krist said.

Krist said wearing a helmet is a good decision, but not one that the government should mandate.

Todd Miller, representing American Bikers Aimed Toward Education of Nebraska, testified in support of LB52, saying the current helmet law infringes on liberties without providing protection for other citizens.

“[LB52] does not prohibit anyone from wearing a helmet while riding a motorcycle; it merely gives us the right to choose,” Miller said.

Kevin Signor of Norfolk also testified in support of the bill. He said it is difficult to attract out-of-state motorcyclists to attend Nebraska biker events due to the state’s helmet law.

Robert Ailor of York testified in support, saying 30 of the 50 states do not require helmets for all motorcyclists. While most of the country permits riding without a helmet, he said, helmeted riders account for more fatalities, with 59 percent of motorcyclist deaths in 2009. He also said helmets can prevent head injuries but cause spinal cord injuries instead.

The biggest factors contributing to motorcycle injuries are speed and driving while impaired, Ailor said.

“Helmets aren’t the magic bullet to cure fatalities with motorcycle riders,” Ailor said.

Dr. Joseph Stothert, director of trauma and surgical/critical care at the University of Nebraska Medical Center, testified in opposition to LB52. He

said 258 motorcyclists were treated at the medical center from 2001 to 2010. Severe head injuries were found in 19 percent of patients who wore helmets, he said, compared to 26 percent of those who did not. Neck fractures were sustained by 22 percent of riders with helmets and 35 percent without helmets, he said, and 3 percent of helmeted riders died, as opposed to 8 percent of riders who did not wear helmets.

The costs associated with motorcycle accidents are substantial, Stothert said. Total charges for the 258 motorcyclists were \$13 million, he said, and 29 percent of them were self-pay or Medicaid.

“It is clear from the data presented — both at my trauma center and across the state — that not wearing a helmet increases the risk of dying by over 50 percent and increases the chances of significant disability for those people who do survive,” Stothert said.

Representing the National Transportation Safety Board, Christopher Hart also testified in opposition to LB52. He said states that repealed or weakened their helmet laws have seen damaging effects. Louisiana’s motorcyclist fatality rate increased 25 percent, Arkansas saw twice as many unhelmeted crash fatalities and Texas saw almost 10 times more traumatic brain injuries in unhelmeted riders over four years, Hart said.

Duane Schroeder of Wayne opposed the bill, saying it should at least require unhelmeted riders to carry extra health insurance. This would help pay for medical costs resulting from their decision not to wear a helmet, he said.

“If I’m going to be the rugged individualist ... I’d better be able to pay for everything that follows,” Schroeder said.

The committee took no immediate action on the bill.

Online application process for handicapped parking permits passes

The state Department of Motor Vehicles will create an online system for handicapped parking permit applications under a bill passed Feb. 16.

Current law requires handicapped parking permit applicants to collect a form from their county office or the state Department of Motor Vehicles to be completed by a physician for verification purposes and then processed by the department.

LB163, introduced by Valentine Sen. Deb Fischer, directs the department to establish by Jan. 1, 2013, an electronic system for processing applications for handicapped or disabled parking permits. Renewals for handicapped parking permits may be made within 180 days of their expiration, instead of the previous 30-day limit.

The bill also extends the renewal period for permanent handicapped parking permits from three years to six years and changes a provision of law that prohibits a person from holding more than one permit tag to allow up to two tags.

Finally, the bill calls for an additional medical certification if a permit holder requests more than two replacement tags in a six-year period.

LB163 was approved 49-0, along with its accompanying appropriation bill of \$38,000.



Sen. Deb Fischer

ISSUES UPFRONT

Urban Affairs

Bill would establish new minimum energy standard

The Urban Affairs Committee heard testimony Feb. 15 on a measure that would adopt a new minimum energy standard for the state.

LB329, introduced by Omaha Sen. Tanya Cook, would adopt the 2009 International Energy Conservation Code (IECC) as the Nebraska Energy Code. The bill also would update language regarding existing structures and historic buildings to conform to the 2009 code and would provide for IECC training for builders and inspectors.

Cook said she introduced the bill on behalf of the Nebraska Energy Office because the state is required to make a reasonable effort to update its energy code as a condition of receiving \$31 million in federal American Recovery and Reinvestment Act funds.



Sen. Tanya Cook

"If the code is not updated, the state of Nebraska will risk future funding," Cook said.

Nebraska Energy Office director Ginger Willson testified in support of the bill, saying updating the code would allow Nebraska to remain competitive in seeking federal grants. An important change in the 2009 code is that the entire state is designated as the same climate zone, she said, rather than three different zones as under the 2003 code.

Nathan Pepper of the Midwest Energy Efficiency Alliance testified in support of the bill, saying the single climate zone designation is a positive change.

"This change will result in more uniformity across the state," he said. "It will also make training and enforcement efforts more straightforward."

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

Municipal bidding procedure waiver advanced

Cities and villages in Nebraska would be able to waive municipal

bidding procedures when required to comply with a federal grant, loan or program under a bill given first-round approval Feb. 15.

Lincoln Sen. Amanda McGill said she introduced LB335 in the wake of possible conflicts between municipal bidding procedures and bidding procedures for federal stimulus grants under the American Recovery and Reinvestment Act (ARRA) program.



Sen. Amanda McGill

For example, McGill said, concerns were raised that the ARRA "buy American" bidding requirement would conflict with a lowest responsible bidder requirement in municipal procedures. LB335 would allow cities and villages to waive state bidding requirements when they conflict with federal bidding requirements, she said.

"With this bill, the question will be resolved for future federal programs," McGill said.

Senators advanced the bill to select file on a 38-0 vote. ■

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COMMITTEE HEARINGS

Tuesday, February 22

Agriculture

Room 2102 - 1:30 p.m.

LB354 (Carlson) Change funding provisions for the Weight and Measures Act
 LB355 (Carlson) Provide for an agricultural trade representative and funding intent
 LB356 (Carlson) Authorize funding for administration of the Beginning Farmer Tax Credit Act

Appropriations

Room 1524 - 1:30 p.m.

LB485 (Karpisek) Change provisions relating to the Nebraska Cultural Preservation Endowment Fund
 Agency 13: Dept. of Education
 Agency 32: Board of Educational Lands and Funds
 Agency 34: Library Commission
 Agency 69: Arts Council

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB571 (Price) Change provisions relating to homeowners' association and condominium association liens
 LB613 (Pirsch) Change certain lien provisions relating to homeowner's associations and condominiums
 LB614 (Pirsch) Change provisions relating to homeowners' association and condominium association liens
 LB639 (Schumacher) Change provisions relating to articles of organization and charging orders relating to limited liability companies
 LB478 (McCoy) Adopt the Nebraska Insurance Claims Fraud Prevention Act
 LB317 (Conrad) Adopt the Nebraska Revised Uniform Unincorporated Non-profit Association Act

Education

Room 1525 - 1:30 p.m.

LB548 (McCoy) Change, transfer, and eliminate provisions relating to learning communities
 LB558 (Nordquist) Change provisions relating to focus schools, focus programs, and magnet schools
 LB615 (Krist) Change provisions relating to access to student records and learning community reporting and diversity plans

LB636 (Adams) Change provisions relating to access to student records and learning community reporting and diversity plans

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB104 (Schilz) Change certain vehicle weight provisions
 LB102 (Schilz) Change provisions relating to vehicle loads
 LB35 (Harms) Change provisions relating to oversize vehicle permits
 LB420 (Dubas) Provide an exception for farm tractor-farm wagon combinations from vehicle load limits

Wednesday, February 23

Appropriations

Room 1003 - 1:30 p.m.

Agency 64: State Patrol
 Agency 21: State Fire Marshal
 Agency 35: Liquor Control Commission
 Agency 78: Commission on Law Enforcement and Criminal Justice
 Agency 46: Dept. of Correctional Services

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB21 (McCoy) Change provisions relating to ballots cast by presidential electors
 LB367 (McCoy) Change balloting and vacancy provisions for presidential electors
 LB501 (Cook) Change ballot status procedures for Presidential and vice-presidential candidates
 LB583 (K. Haar) Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote

Health & Human Services

Room 1510 - 1:30 p.m.

LB525 (Lathrop) Provide for a medicaid plan amendment or waiver and transfer of funds relating to the Nebraska Regional Poison Center
 LB456 (Health & Human Services) Change provisions relating to health and human services
 LB602 (Campbell) Require the Department of Health and Human Services to apply for medicaid amendments, options, and waivers

Judiciary

Room 1113 - 1:30 p.m.

LB232 (Christensen) Change use of force provisions to include protection of an unborn child as prescribed
 LB298 (Christensen) Change provisions relating to self-protection
 LB512 (Christensen) Change provisions relating to mental health determinations regarding the possession and purchase of handguns
 LB518 (Christensen) Change certain penalty and violation provisions of the Concealed Handgun Permit Act
 LB658 (Karpisek) Change the fee for obtaining a handgun certificate

Natural Resources

Room 1525 - 1:30 p.m.

LB487 (Karpisek) Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects
 LB103 (Schilz) Change instream appropriation provisions
 LB458 (Schilz) Change expense recovery provisions relating to oil and gas wells

Revenue

Room 1524 - 1:30 p.m.

LB65 (Cornett) Change provisions relating to C-BED projects sales tax exemptions
 LB432 (Hadley) Create sales and use tax credits for certified renewable export facilities
 LB362 (Cornett) Provide tax incentives for renewable energy projects under the Nebraska Advantage Act
 LB253 (Larson) Eliminate provisions relating to a tax credit for wind energy generating facilities
 LB360 (Cornett) Change provisions governing wind energy tax credits and property taxation

Thursday, February 24

Appropriations

Room 1003 - 1:30 p.m.

LB282 (Louden) Appropriate funds to the Designated Collection Fund for use by the Commission on Indian Affairs
 Agency 81: Commission for the Blind and Visually Impaired

COMMITTEE HEARINGS

Agency 67: Equal Opportunity Commission
Agency 68: Latino-American Commission
Agency 70: State Foster Care Review Board
Agency 76: Indian Commission
Agency 82: Commission for the Deaf and Hard of Hearing

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB239 (Janssen) Require presentation of government-issued photographic identification to vote in elections
LB365 (Sullivan) Change access provisions for voter information and voter registration registers
LB605 (Conrad) Provide for voter registration on election day and require identification to vote
LB169 (Avery) Authorize provisional ballots for registered voters changing residence within Nebraska
LB631 (Cook) Provide for a permanent early voting request list

Health & Human Services

Room 1510 - 1:30 p.m.

LB304 (McGill) Provide for treatment of sexually transmitted diseases as prescribed
LB413 (Conrad) Authorize use of the Affordable Housing Trust Fund for programs benefiting homeless youth
LB542 (Howard) Require hospitals to offer and mandate employee influenza vaccinations
LB591 (Gloor) Provide for a syndromic surveillance program and change immunization information exchange provisions

Judiciary

Room 1113 - 1:30 p.m.

LB669 (Flood) Change provisions relating to sealing of juvenile court records
LB670 (Flood) Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code
LB301 (Ashford) Change provisions for sealing records under the Nebraska Juvenile Code
LB463 (Ashford) Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions

Natural Resources

Room 1525 - 1:30 p.m.

LB369 (Howard) Require state agencies to develop and implement energy conservation plans
LB533 (Fischer) Change membership of the Niobrara Council
LB227 (Mello) Require the State Energy Office to perform a state energy assessment

Revenue

Room 1524 - 1:30 p.m.

LB627 (Mello) Adopt the Remanufacturing and Job Creation Act and provide tax credits
LB682 (Mello) Adopt the Major Gas, Water, and Sewer Infrastructure Improvement and Replacement Assistance Act
LB642 (Cornett) Authorize the Department of Revenue to enter into contracts for products and services
LB489 (Cornett) Authorize municipalities to receive sales tax information
LB426 (Cornett) Change grant provisions under the Sports Arena Facility Financing Assistance Act

Friday, February 25

Appropriations

Room 1003 - 1:30 p.m.

Agency 28: Dept. of Veterans' Affairs
Agency 37: Workers' Compensation Court
Agency 75: Investment Council
Agency 77: Commission of Industrial Relations
Agency 85: Public Employees Retirement Board

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR2CA (Harms) Constitutional amendment to authorize county manager form of county government
LB597 (Pahls) Require consolidation of county offices
LB344 (Ashford) Change provisions relating to municipal counties and merger of governmental services

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Dilly, Douglas - Rural Health Advisory Commission

Appointment: Kralik, Shawn - Rural Health Advisory Commission
Appointment: Boswell, Kathy - Rural Health Advisory Commission
LB686 (Schilz) Provide an exception from the Veterinary Medicine and Surgery Practice Act for transplantation of bovine embryos
LB687 (Schilz) Provide for issuance of a veterinarian locum tenens

Judiciary

Room 1113 - 1:30 p.m.

LB296 (Coash) Eliminate oath requirements for filing of a criminal complaint and for verifying information
LB349 (Lautenbaugh) Change demand for trial by jury provisions
LB447 (Fulton) Change provisions relating to vehicular pursuit
LB513 (Christensen) Adopt the Escort Services Accountability and Permit Act

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Willson, Ginger S. - State Energy Office
LB579 (K. Haar) Change provisions relating to power supply plan contents
LB580 (K. Haar) Create the Energy Auditor Advisory Board

Revenue

Room 1524 - 1:30 p.m.

LB83 (Coash) Rename and repurpose the Local Civic, Cultural, and Convention Center Financing Act
LB99 (Coash) Adopt the Nebraska Film Advantage Act
LB297 (Dubas) Change the Local, Civic, Cultural, and Convention Center Act
LB608 (Pirsch) Adopt the Local Innovation Economic Development Act and change grant and fund provisions
LB666 (Pirsch) Change use of the Local Civic, Cultural, and Convention Center Financing Fund

Monday, February 28

Appropriations

Room 1524 - 1:30 p.m.

Agency 48: Coordinating Commission for Postsecondary Education
Agency 50: State College System
Agency 83: Community College Aid

COMMITTEE HEARINGS

Business & Labor

Room 2102 - 1:30 p.m.

LB517 (Christensen) Repeal the Conveyance Safety Act and adopt the Elevator Inspection Act
 LB588 (Nordquist) Change the Conveyance Safety Act
 LB593 (Carlson) Change provisions of the Boiler Inspection Act
 LB594 (Carlson) Change the Nebraska Amusement Ride Act and the Conveyance Safety Act and outright repeal the acts in 2013

Education

Room 1525 - 1:30 p.m.

LB572 (Price) Limit transfers of students between learning community member school districts
 LB53 (Krist) Change free transportation provisions relating to learning community students
 LB520 (Howard) Change provisions relating to student transportation
 LB145 (K. Haar) Provide for school transportation safety committees

General Affairs

Room 1510 - 1:30 p.m.

Appointment: Covi, Kristopher - State Racing Commission
 Appointment: Galyen, Jeffrey - State Racing Commission
 Appointment: Laughlin, Mark - Arts Council
 Appointment: Culver, Robert "Bob", Jr. - Arts Council
 Appointment: Hastings, Donna - Arts Council
 Appointment: Smith, Nana - Arts Council
 Appointment: Bergstraesser, Edwin - State Electrical Board
 Appointment: Mueller, Cory - State Electrical Board
 LB56 (Mello) Amend the State Electrical Act and update references to the National Electrical Code
 LB470 (Karpisek) Provide requirements for approval of library personnel policies and procedures
 LB554 (Harms) Prohibit open containers of alcohol in or on a vessel, motorboat, or personal watercraft
 LB567 (Schumacher) Change provisions relating to liquor licensee violations

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

Appointment: Stone, Fred - Motor Vehicle Industry Licensing Board
 Appointment: Reeg, William - Motor Vehicle Industry Licensing Board
 Appointment: Dillon, Blake - Motor Vehicle Industry Licensing Board
 LB500 (Cook) Change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle
 LB625 (Fulton) Change certain penalties relating to driving under the influence
 LB659 (Karpisek) Prohibit driving with controlled substances in bodily fluids

Tuesday, March 1

Agriculture

Room 2102 - 1:30 p.m.

LB459 (Schilz) Limit the adoption of any law by a political subdivision regarding the ownership of an animal
 LB698 (Christensen) Eliminate labeling requirements for alcohol-blended fuel
 LB200 (Council) Adopt the Nebraska Healthy Food Financing Initiative Act

Appropriations

Room 1524 - 1:30 p.m.

LB414 (Conrad) Provide that University of Nebraska funds not lapse and change cash funds
 Agency 47: Educational Telecommunications Commission
 Agency 51: University of Nebraska System

Education

Room 1525 - 1:30 p.m.

LB283 (K. Haar) Provide school boards with tax levy and bond authority relating to energy efficiency projects
 LB522 (K. Haar) Adopt the High Performance Green Schools Transparency Act
 LB633 (Adams) Change provisions relating to certain tax levies and certain bonds of school districts and authorize refunding bonds
 LB634 (Adams) Change provisions relating to the tax levy authority of school districts relating to certain bonds

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

LB679 (Heidemann) Provide for new judges and members of the Nebraska State Patrol to become members of the State Employees Retirement System of the State of Nebraska
 LB680 (Heidemann) Adopt the School Employees Cash Balance Retirement Act

Transportation & Telecommunications

Room 1113 - 2:30 p.m.

Appointment: Flanagan, Patrick - Information Technology Commission
 Appointment: Hedquist, Lance - Information Technology Commission
 Appointment: Hoelsing, Daniel - Information Technology Commission
 Appointment: Huggenberger, Harold - Information Technology Commission
 Appointment: Kristensen, Doug - Information Technology Commission
 Appointment: Shundoff, Dan - Information Technology Commission

Wednesday, March 2

Appropriations

Room 1003 - 1:30 p.m.

Agency 31: Military Dept.
 Agency 33: Game and Parks Commission
 Agency 29: Dept. of Natural Resources
 Agency 72: Dept. of Economic Development

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB566 (Schumacher) Provide for online petition signatures for recall, initiative, and referendum petitions
 LB312 (Coash) Adopt the Brain Injury Act to provide ongoing support for veterans with brain injury
 LB606 (Avery) Require reporting of electioneering communication under the Nebraska Political Accountability and Disclosure Act

Health & Human Services

Room 1510 - 1:30 p.m.

LB265 (Coash) Change Department of Health and Human Services petty cash fund provisions

COMMITTEE HEARINGS

LB646 (Christensen) Redefine emergency medical service
LB600 (Campbell) Adopt the Nursing Facility Quality Assurance Assessment Act
LB601 (Campbell) Change provisions relating to child care reimbursement

Judiciary

Room 1113 - 1:30 p.m.

LR39 (Council) Provide the Nebraska Legislature recommends certain basic principles as a guide for state and federal immigration policy and call upon Congress to enact reforms
LB48 (Janssen) Adopt the Illegal Immigration Enforcement Act
LR28 (Fulton) Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012
LB569 (Coash) Require employers to e-verify the immigration status of new employees

Revenue

Room 1524 - 1:30 PM

LB620 (Larson) Change income tax rates and calculations
LB632 (Avery) Provide an adjustment to income for certain depreciation
LB590 (Gloor) Change provisions relating to cigarette taxation

Thursday, March 3

Appropriations

Room 1003 - 1:30 p.m.

Agency 19: Dept. of Banking
Agency 22: Dept. of Insurance
Agency 23: Dept. of Labor
Agency 87: Accountability and Disclosure Commission
Agency 65: Dept. of Administrative Services
LB491 (Mello) Change state budget preparation provisions

Health & Human Services

Room 1510 - 1:30 p.m.

LB316 (Heidemann) Change provisions relating to the practice of optometry
LB534 (Smith) Adopt the Phototherapy Practice Act
LB557 (Dubas) Provide requirements

regarding health care facilities employing surgical technologists
LB581 (K. Haar) Change provisions regarding certified nurse midwives

Judiciary

Room 1113 - 1:30 p.m.

LB667 (Flood) Change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation
LB675 (Pirsch) Provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances
LB693 (Carlson) Adopt the Alcoholic Liquor Liability Act
LB660 (Karpisek) Create the offense of providing a bodily fluid sample containing a controlled substance

Revenue

Room 1524 - 1:30 p.m.

LB439 (Heidemann) Change valuation of agricultural and horticultural land for school tax purposes
LR9CA (Schilz) Constitutional amendment to change agricultural and horticultural land valuation
LB428 (Cornett) Adopt the Agricultural Tax Credit Act
LB441 (Heidemann) Change levy provisions for rural and suburban fire protection districts

Friday, March 4

Government, Military & Veterans

Affairs

Room 1507 - 1:30 p.m.

LB550 (Wightman) Clarify incumbent filing deadline provisions
LR19CA (Avery) Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment
LB610 (Pirsch) Provide procedures for recall of state elective officers
LR45CA (Pirsch) Constitutional amendment authorizing recall of state elective officers

Health & Human Services

Room 1510 - 1:30 p.m.

LB630 (McGill) Adopt the Applied Behavior Analysis Practice Act
LB330 (Cook) Change requirements for dental hygienists in public health-related settings
LB406 (Cook) Provide for reentry licenses under the Medicine and Surgery Practice Act
LB481 (Krist) Provide exemption from medical radiography licensure for auxiliary personnel and cardiovascular technologists

Judiciary

Room 1113 - 1:30 p.m.

LB668 (Flood) Change penalties relating to the purchase, receipt, or acquisition of pseudoephedrine or phenylpropranolamine
LB300 (Ashford) Change provisions relating to the Community Trust
LB276 (Council) Change a penalty from death to life imprisonment without possibility of parole and change other penalties as prescribed

Revenue

Room 1524 - 1:30 p.m.

LB436 (Gloor) Change provisions relating to taxation of cigarettes and tobacco products
LB40 (Hadley) Change a sales tax exemption for health clinics
LB570 (Coash) Change provisions relating to Wyuka Cemetery and exempt certain cemetery purchases from sales and use taxes
LB400 (Janssen) Eliminate the Long-Term Care Savings Plan Act ■

2011 Legislative Session

January

Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10 DAY 4	11 DAY 5	12 DAY 6	13 DAY 7	14 DAY 8	15
16	17 HOLIDAY	18 DAY 9	19 DAY 10	20 DAY 11	21 DAY 12	22
23	24 DAY 13	25 DAY 14	26 DAY 15	27 DAY 16	28 DAY 17	29
30	31 DAY 18					

February

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1 DAY 19	2 DAY 20	3 DAY 21	4 DAY 22	5
6	7 DAY 23	8 DAY 24	9 DAY 25	10 DAY 26	11 DAY 27	12
13	14 DAY 28	15 DAY 29	16 DAY 30	17 DAY 31	18 RECESS	19
20	21 HOLIDAY	22 DAY 32	23 DAY 33	24 DAY 34	25 DAY 35	26
27	28 DAY 36					

March

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1 DAY 37	2 DAY 38	3 DAY 39	4 DAY 40	5
6	7 DAY 41	8 DAY 42	9 DAY 43	10 DAY 44	11 RECESS	12
13	14 DAY 45	15 DAY 46	16 DAY 47	17 DAY 48	18 RECESS	19
20	21 RECESS	22 DAY 49	23 DAY 50	24 DAY 51	25 DAY 52	26
27	28 DAY 53	29 DAY 54	30 DAY 55	31 DAY 56		

April

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1 RECESS	2
3	4 RECESS	5 DAY 57	6 DAY 58	7 DAY 59	8 DAY 60	9
10	11 DAY 61	12 DAY 62	13 DAY 63	14 DAY 64	15 RECESS	16
17	18 DAY 65	19 DAY 66	20 DAY 67	21 DAY 68	22 RECESS	23
24	25 RECESS	26 DAY 69	27 DAY 70	28 DAY 71	29 HOLIDAY	30

May

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2 DAY 72	3 DAY 73	4 DAY 74	5 DAY 75	6 RECESS	7
8	9 DAY 76	10 DAY 77	11 DAY 78	12 DAY 79	13 RECESS	14
15	16 RECESS	17 DAY 80	18 DAY 81	19 DAY 82	20 DAY 83	21
22	23 DAY 84	24 DAY 85	25 DAY 86	26 DAY 87	27 RECESS	28
29	30 HOLIDAY	31 DAY 88				

June

Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1 DAY 89	2 RECESS	3 RECESS	4
5	6 RECESS	7 RECESS	8 DAY 90**	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Federal & State Holidays

January 17 – Martin Luther King Jr. Day April 29 – Arbor Day
February 21 – Presidents' Day May 30 – Memorial Day

Legislative Recess Days

February 18 April 1, 4, 15, 22, 25
March 11, 18, 21 May 6, 13, 16, 27
June 2, 3, 6, 7

*The Speaker reserves the right to reschedule the 90th day at a later date.

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