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# UPDATE

## Bill to increase juvenile court usage advanced



Sen. Brad Ashford explains the role of the juvenile court system.

Senators advanced a bill March 21 that would result in fewer juvenile offenders being tried in adult court.

Under LB464, introduced by Omaha Sen. Brad Ashford, all charges against juveniles younger than 18 years old would be filed in juvenile court. Cases could be transferred to adult court upon a motion by the prosecutor and be heard before the juvenile court if the alleged law violation is either

a felony or a misdemeanor and the juvenile was 16 or 17 years old at the time the crime was committed.

Ashford said prosecutors currently file juvenile cases in adult court regardless of the severity of the offense. In 2012, 4,537 Nebraska youth were charged as adults, he said, and a majority of those cases were for minor offenses. Requiring more cases to originate in juvenile court would give more youth a chance at rehabilitation

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## Tax modernization commission plan advanced

After several days of discussion, senators gave first-round approval March 20 to a bill that would establish the Tax Modernization Commission to review and recommend updates to Nebraska's tax code.

Under LB613, introduced by Columbus Sen. Paul Schumacher, the commission would continually review and recommend updates to Nebraska's tax code. Schumacher said the Legislature needs to take a step back and look at tax policy as a whole.



Sen. Paul Schumacher

"This is far more complex and involved, dealing with so many interests, that we need to pause for a moment," he said. "We need to try to figure out in the long term what is right for the people of Nebraska and what will hopefully serve the state as long as the current system."

An Executive Board amendment, adopted 47-0, replaced the bill.

As amended, LB613 would direct the commission to consider fairness, competitiveness, simplicity and compliance, stability, adequacy and complementary tax systems as it evaluates Nebraska's current tax code.

The commission would comprise the speaker of the Legislature and

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# Bill to increase juvenile court usage advanced

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and reduce their odds of having criminal records, he said.

Further, Ashford said, Nebraska's juvenile justice system is based on a prosecutory model and not a rehabilitative model, which results in higher recidivism rates. The judicial system is beginning to recognize that children's brains function differently from adults', Ashford said, and that juveniles must receive sufficient treatment for abuse and mental health issues that may be overlooked in adult court.

"This bill is so very critical to starting the [juvenile justice] continuum in the right place, and that is the juvenile court system," Ashford said.

A Judiciary Committee amendment, adopted 37-0, would no longer require juveniles who are committed to the Office of Juvenile Services to remain committed until they are 21 years old or legally discharged.

Omaha Sen. Ernie Chambers spoke in support of the bill. Children are not miniature adults—their brains are not fully developed until they reach their 20s, he said.

"We do not want cruel and unusual punishments inflicted on children," Chambers said. "What may not be considered cruel and unusual for an

adult is cruel and unusual for a child."

Scottsbluff Sen. John Harms also supported the bill, saying that Nebraska has one of the highest youth incarceration rates in the nation.

"Youth are more susceptible to peer pressure and incapable of weighing long-term consequences," he said. "Juvenile court was established

to recognize the unique needs and treatment of children that are not offered in adult court."

Columbus Sen. Paul Schumacher said he was concerned about reversing the current procedure that allows county attorneys to determine in which court juvenile cases are prosecuted and

instead provide judges more discretion.

"I think what we are dealing with is an attempt to channel the county attorneys' discretion," he said. "That really does not change the underlying issue we are dealing with, which is a juvenile system that is cumbersome and does not serve our children in the most effective way."

Senators advanced the bill from general file on a 39-0 vote. ■

**"What may not be considered cruel and unusual for an adult is cruel and unusual for a child."**

**-- Sen. Ernie Chambers**

## UNICAMERAL YOUTH LEGISLATURE



High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2013 Unicameral Youth Legislature, which will convene June 9-12.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol Building and coordinated by the Clerk's Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral. Students will learn about the inner workings of the Legislature directly from senators, staff and lobbyists. Bills will be based on legislation considered during the current legislative session.

Early-bird registration is available until April 1. Registration forms can be obtained from the Legislature's Unicameral Youth Legislature page: [www.nebraskalegislature.gov/education/unicamyouth.php](http://www.nebraskalegislature.gov/education/unicamyouth.php) and the UNL Big Red Summer Academic Camps website: [liferaydemo.unl.edu/web/4hcamps/bigredcamps](http://liferaydemo.unl.edu/web/4hcamps/bigredcamps). The registration deadline is May 15.

# MEET THE SENATOR

## New senator steps up to the plate



Sen. Kintner enjoys working as an umpire for high school and college baseball games.

Sen. Bill Kintner has spent his life involved in two games: baseball and politics. His Capitol office décor – a mixture of sports memorabilia and an homage to former President Ronald Reagan – leaves little doubt about where his heart lies.

“I was a foot soldier in the ‘Regan Revolution,’” Kintner said, tracing his interest in politics and fiscal conservatism to his college days. After volunteering in the 1984 presidential race, he went on to lead several political campaigns, beginning with a congressional campaign in North Carolina when he was just 25 years old.

“I’ve worked on tons of campaigns over the years,” he said. “I just never thought I’d run myself.”

Kintner said it was his interest in reducing the size of government and making it more efficient in delivering needed services that led him to run for a seat in the Unicameral.

“Simply put, the government spends too much money,” Kintner said, noting that he visited a variety of state agencies before the legislative session began, to learn where and how citizen’s tax dollars are being spent.

Originally from Cincinnati, Kintner decided to take advantage of his greater level of job flexibility and make his home in Nebraska with his wife Lauren.

Never one to shrink from a challenge, Kintner manages to find time to work his “day job” as a market research sales professional, as well as occasionally putting in time as a sports writer and baseball umpire for high school and college games.

A former high school baseball coach, Kintner joked that he has “gone over to the dark side” as an umpire – a position he clearly relishes.

“I still get to be involved in the game I love,” he said. “I still manage to get paid to have dirt under my feet.” ■

## Tax modernization commission plan advanced

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members of the appropriations, health and human services, revenue and legislature’s planning committees.

Ex-officio members would include the Legislature’s fiscal analyst, tax experts from the University of Nebraska and the tax commissioner and property tax administrator from state Department of Revenue.

Under the bill, the commission would provide a preliminary report to the Legislature and the governor by Dec. 15, 2013, and a final report would be due by Nov. 15, 2014. The commission would continue to meet

at least once per year to review and evaluate the tax code.

Kearney Sen. Galen Hadley supported the bill. He said the goal of the commission would be to ensure that all Nebraskans are treated equitably under the tax code.

“It is very clear to us that people would like us to look at modernizing our tax system,” Hadley said. “We need to make sure we can look at this from a neutral standpoint.”

Omaha Sen. Heath Mello also supported the bill, saying it is the appropriate path forward.

“We need to take a step back and make a determination on how best to make changes instead of quickly pushing through radical changes,” he said.

In an effort to extend debate, Omaha Sen. Ernie Chambers brought several technical amendments that he said would improve a poorly worded bill.

After senators adopted several of the amendments, Schumacher moved to invoke cloture, or cease debate on the bill. Senators obliged on a 44-2 vote and advanced the bill to select file 47-1. ■

## Appropriations

### Funding sought for wind energy projects in schools

The Appropriations Committee heard testimony March 19 on a bill intended to replace federal funding for a wind energy initiative in Nebraska.

LB184, introduced by Malcolm Sen. Ken Haar, would appropriate \$50,000 annually in fiscal years 2013-14 and 2014-15 to the University of Nebraska Board of Regents for the Nebraska Wind Application Center.



Sen. Ken Haar

The center partners with K-12 schools across the state to build turbines and study wind energy, Haar said. Federal funding that has supported the project since 2007 is ending, he said, and the bill would provide a two-year bridge until private funding sources emerge.

"It's a hands-on project that gets kids excited, gets kids motivated," Haar said. "After water, wind is probably our greatest potential in the state. There will come a time when we utilize that potential, and the sooner the better."

Dan McGuire, facilitator of the Nebraska Wind for Schools Program, testified in support of the bill. The Nebraska Wind Application Center has worked with the program to develop partnerships with 25 schools, he said, providing students with an up-close understanding of wind energy.

"The program provides teachers and students with direct, hands-on experience with wind turbines," he said.

John Hansen, president of the Nebraska Farmers Union, also supported the bill, saying the support that the Nebraska Wind Application Center provides to schools for building turbines is an important part of the

effort to train Nebraska's youth for a future in wind energy.

"This is all about creating jobs and economic opportunity for the future," Hansen said.

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

### Funds sought for rail compact dues

The Appropriations Committee heard testimony March 21 on a bill intended to bring Nebraska up-to-date on the state's dues to the Midwest Interstate Passenger Rail Compact.

LB486, introduced by Fullerton Sen. Annette Dubas, would appropriate \$15,000 in fiscal year 2014-15 to the Legislative Council to pay Nebraska's annual dues to the compact.



Sen. Annette Dubas

The bill also asks for an unspecified appropriation for the current fiscal year to bring the state current on its past dues, which have been in arrears since 2010.

Nebraska stopped paying annual dues to the compact because of budget constraints, Dubas said, and is now \$60,000 in arrears. She said the compact may be willing to negotiate for less than the full amount of the dues owed, which is why the dollar amount for the current fiscal year was left unspecified in the bill.

Dubas said the state should seek to regain membership in good standing in the compact in order to have a voice in regional passenger rail development.

"I believe that it's important for Nebraska to remain a member of this compact," she said. "I think we should be at the table as the future of rail is discussed."

Laura Kliewer, director of the Midwest Interstate Passenger Rail Commission, testified in support of the bill. Ridership on the existing corridor service in the Midwest has grown rapidly in recent years, she said, noting that the number of riders has doubled since 2004.

Kliewer said Nebraska was one of the first states to join the compact, which she said has helped Midwest states obtain \$2.6 billion in federal funds for rail improvements, including the Omaha to Chicago corridor.

David Purdy, president of ProRail Nebraska, also supported the bill, saying it is important for Nebraska to be part of regional rail planning so that the state is not left behind.

"Passenger rail exits and it is headed our way," he said. "Rail development that doesn't point toward Omaha will go in other directions."

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

## Business & Labor

### Workers' compensation changes discussed

The Business and Labor Committee heard testimony March 18 on two bills that would change certain provisions of Nebraska's workers' compensation system.

LB324, sponsored by Omaha Sen. Scott Lautenbaugh, would revise the interest rate applicable to a workers' compensation benefit award in cases in which an attorney's fee is allowed from the rate provided in statute - currently 14 percent - to the judgment rate.



Sen. Scott Lautenbaugh

The bill also would allow employees, prior to the time of sustaining an injury, to “opt out” of having first injury reports relating to their workplace injuries made available for public inspection or copying except under specified circumstances.

In addition, the bill stipulates that no compensation would be allowed if an employee falsely represented his or her medical condition at the time of hiring and a causal connection existed between the false representation and an injury.

Robert Hallstrom, representing the Nebraska Chamber of Commerce and Nebraskans for Workers’ Compensation Equity and Fairness, testified in support of the bill. The 14 percent interest rate may have been appropriate when it was put in place, he said, but is out line with current interest rates.

Hallstrom said interest rates in workers’ compensation benefit cases should be tied to other money judgment rates.

“Virtually all other money judgments are at 2 percent,” he said.

Robert Moodie of the Nebraska Association of Trial Attorneys testified in opposition to the bill, saying the 14 percent interest rate applies only when an award is not paid within 30 days. The provision is based on the same principle that encourages people to pay their taxes on time, he said.

“Any employer that pays benefits when they’re supposed to pay them is not going to pay any interest,” Moodie said.

LB584, sponsored by Papillion Sen. Jim Smith, would require the scope and duration of medical, surgical and hospital services to be provided in accordance with the official disability guidelines published by the Work Loss Data Institute.



Sen. Jim Smith

Under the bill, no insurer, risk-management pool or self-insured employer would be responsible for charges for medical, surgical or hospital services not provided in accordance with the official disability guidelines unless such services were:

- provided in a medical emergency;
- preauthorized by the insurer, risk-management pool or self-insured employer; or
- approved by an independent medical examiner.

If the parties to a dispute agreed to use an independent medical examiner, the medical findings of the independent medical examiner would be binding on the parties and constitute a final resolution.

Smith said the bill would save time and money by eliminating unnecessary back and forth between providers and payers.

“Twenty-eight states have adopted evidence-based utilization and treatment guidelines and have seen success with this policy,” he said.

Dr. Doug Martin of St. Luke’s Center for Occupational Health Excellence in Sioux City testified in support of the bill. He said the involvement of employers, attorneys, human resource professionals and state and federal agencies can complicate and delay treatment of injured workers.

“It’s not just the doctor and the patient,” Martin said, adding that following specified treatment guidelines would streamline the process.

“The goal here is only on one single thing,” he said, “and that is to do what is in the best interest of the Nebraska patient worker.”

Omaha orthopedic surgeon Ian Crabb testified in opposition to the bill, saying it would not improve the state’s workers’ compensation system. Most disputes regarding claims involve whether or not an injury happened at work, he said, not whether the treatment

provided to a claimant is appropriate.

Furthermore, he said, providers already have access to evidence-based treatment guidelines.

“From a treatment standpoint ... the guidelines don’t give me much,” Crabb said. “It is just a laundry list of possible options.”

The committee took no immediate action on either bill.

## Education

### Early childhood education allocation discussed

The Education Committee heard testimony March 19 on a bill that would allocate funds to support early childhood education grant programs.

LB495, introduced by Cedar Rapids Sen. Kate Sullivan, would direct funds from the Education Innovation Fund to the early childhood education grant program administered by the state Department of Education.



Sen. Kate Sullivan

Scheduled distributions include \$1.75 million in fiscal year 2013-14, \$1.85 million in FY2014-15 and \$1.95 million in FY2015-16.

Sullivan said the cost of the grant allocations would not require new funding.

“We’re not talking about new money here,” Sullivan said. “We’re talking about using funds that have been previously allocated for other things. Those programs would now be supported through a different funding source.”

An additional \$1 million from the Education Innovation Fund would be directed annually for the next three fiscal years to the Early Childhood Endowment Cash Fund for grants to public school programs that serve at-risk children from birth to age three.

The bill also would change a funding source for programs currently supported by the Education Innovation Fund. General fund dollars would be used to fund:

- an integrated student information system;
- the Center for Student Leadership and Extending Learning Act;
- multicultural education; and
- employment costs for individuals investigating and prosecuting alleged teacher and administrator certificate violations.

Melody Hobson, representing the state Board of Education, supported the bill. She said investments in early childhood programs pay for themselves.

“Since 2006, more than 100 school districts in Nebraska have benefited from an early childhood program grant,” she said. “These programs reduce the readiness gap that schools see with children upon entry into kindergarten.”

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

### Bill would overturn pledge of allegiance requirement

The Education Committee heard testimony March 18 on a bill that would make reciting the pledge of allegiance in public schools voluntary.

LB540, introduced by Omaha Sen. Ernie Chambers, would nullify a rule adopted last year by the state Department of Education requiring that all public school students be led in the pledge of allegiance to the United States flag every day that school is in session.

The rule allows a student to opt out of saying the pledge. Chambers said



Sen. Ernie Chambers

the rule coerces students, teachers and parents to comply out of fear.

“Any child who behaves differently is marked ‘odd child out,’” he said. “There can be serious negative repercussions in a community because some people equate whether or not you say this pledge with being a patriot.”

Mike Lewis, chairman of the Nebraska Secular Advocates, supported the bill, saying that the pledge forces nonreligious people to acknowledge the existence of God.

“Atheists are just as proud to be Americans as people who are religious,” Lewis said. “This rule needlessly sets students and teachers apart, making them seem unpatriotic.”

Representing the Nebraska Disabled Veterans, Greg Holloway opposed the bill. He said the department has the authority to create rules like the one disputed in LB540.

“The Department of Education is entrusted to decide what is in the history books,” he said. “This is no different than setting aside time for the instruction of history within our educational process.”

The committee took no immediate action on the bill.

### Professional development for school board, council members proposed

Public school board members would be required to complete professional development training under a bill heard by the Education Committee March 18.

LB575, introduced by Omaha Sen. Burke Harr, would require newly elected or appointed board or council members to complete a minimum of 12 hours of professional develop-



Sen. Burke Harr

ment within six months of their election or appointment. Board members who have served at least one year would be required to complete a minimum of eight professional development hours.

Harr said school boards are facing greater scrutiny, oversight and demands for transparency.

“There is broad agreement among board members at the state and national levels that the advent of performance-based accountability has changed the way local boards operate,” he said. “Continuing education for board members is just as important as continuing education for teachers.”

The training, administered by the state Department of Education, could include:

- the powers and duties of school board members;
- compliance with public records laws;
- compliance with education standards;
- the financial and fiduciary duties of board members;
- financial planning training;
- education and labor law;
- ethics training; and
- information on the school district’s demographics, graduation and dropout rates, truancy, staffing levels and educational assessment scores.

Any board member who fails to complete the required professional development would not be eligible for reelection or reappointment in the following election cycle, but would be eligible during the subsequent election cycle.

John Bonaiuto, representing the Nebraska Association of School Boards, opposed the bill, but not the concept of professional development.

“We oppose making the professional development mandatory,” he said. “Our data shows that 75-80 percent of board members are already involved

in or taking some kind of training.”  
 No one testified in support of the bill and the committee took no immediate action on it.

## Executive Board

### Senators appointed to behavioral health committee

The Executive Board met March 21 and appointed senators to the Children’s Behavioral Health Oversight Committee.

The committee was created in 2009 to provide oversight of programs created in the wake of the state’s safe haven crisis to assist families and children in need of behavioral health services.

The following senators were appointed to the Children’s Behavioral Health Oversight Committee:

- Sens. Jeremy Nordquist and Kate Bolz from the Appropriations Committee;
- Sens. Kathy Campbell and Sue Crawford from the Health and Human Services Committee;
- Sens. Colby Coash and Amanda McGill from the Judiciary Committee; and
- Sens. Bill Avery, Annette Dubas and Pete Pirsch.

The committee was reauthorized Feb. 12 by adoption of LR31, which was introduced by Campbell and considered by the Legislature’s Executive Board.

The committee is authorized to meet with representatives of the state Department of Health and Human Services, the Nebraska Children’s Commission and other interested parties and may hold public hearings and issue reports as warranted.

Oversight functions will be transferred to the Nebraska Children’s Commission when the Children’s Behavioral Health Oversight Committee’s authorization expires at the start of the next legislative session in January 2014.

## Government, Military & Veterans Affairs

### Emergency management registry bill amended, advanced

Senators gave second-round approval March 20 to a bill intended to facilitate assistance to people with special needs in emergency situations.

LB434, introduced by Bellevue Sen. Scott Price, would allow emergency management and other public agencies to create registries for the purpose of planning assistance for people with special needs before, during and after a disaster or emergency.



Sen. Scott Price

Information obtained for such purposes would not be considered a public record and participation would be voluntary.

Price offered an amendment, adopted 39-0, which he said was in response to concerns raised during general file debate.

The amendment would:

- specify that a registry would include individuals with functional needs;
- clarify that registry information may be shared only with agencies that have a legitimate and specific interest in the information; and
- provide for a Class III misdemeanor charge for improper release of registry information.

Following adoption of an additional technical amendment, the bill was advanced to final reading by voice vote.

## Health & Human Services

### Expansion of contraceptive access discussed

The Health and Human Services Committee heard testimony March 20 on two bills that would expand access to contraceptive health care in Nebraska.

LB395, introduced by Lincoln Sen. Danielle Conrad, would remove the prohibition against allowing health care professionals working at school-based health clinics to dispense, prescribe or counsel for contraceptive drugs or devices.



Sen. Danielle Conrad

Conrad said the bill was introduced at the request of some school-based clinics that see a need for contraceptive health care services but are unable to provide them.

“The clinics are doing great work,” she said, “but they are unable to treat the health needs of the population that they are meant to serve.”

Greg Schleppenbach of the Nebraska Catholic Conference opposed the bill, saying studies indicate that improved access to contraceptives does not decrease teen pregnancy.

“We believe it would send a terrible message,” he said.

No one testified in support of the bill.

LB452, also sponsored by Conrad, would require the state Department of Health and Human Services to submit a state plan amendment to the federal Centers for Medicare and Medicaid Services (CMS) to provide medical assistance for family planning services for individuals whose earned income is at or below 185 percent of the federal poverty level.

Conrad said the state already provides family planning services under Medicaid, and that expanding eligibility could save the state almost \$13 million a year.

“It is past time that we ... expand eligibility for low-income women in our state,” she said.

Robin Summers, policy director for the National Family Planning and Reproductive Health Association, testified in support of LB452. Thirty-one states have expanded eligibility as allowed under federal law, she said, resulting in reduced rates of unplanned pregnancies and increased cost savings.

Carol Russell of the March of Dimes also testified in support of the bill, saying increased access to family planning services leads to healthier pregnancies and infants.

Russell cited a study of eligibility expansion in Rhode Island that showed a 50 percent reduction in short-interval pregnancies and a reduction in infant mortality. Short-interval pregnancies are a risk factor for preterm birth and a number of other negative outcomes, she said.

Schleppenbach testified against LB452, saying the studies relied upon by supporters of expanded eligibility are flawed. He said a CMS study shows that a majority of states that have expanded eligibility are not experiencing a reduction in unintended pregnancies.

The committee took no immediate action on either bill.

**Partnership proposed for health care system evaluation**

The Health and Human Services Committee heard testimony March 20 on a resolution that would create a partnership to examine how best to control costs and improve quality in Nebraska’s health care system.

LR22, introduced by Lincoln Sen.

Kathy Campbell, would designate the Health and Human Services Committee, in cooperation with the Banking, Commerce and Insurance Committee, to convene a Partnership Towards Nebraska’s Health Care System Transformation.



Sen. Kathy Campbell

The partnership would bring together policymakers and stakeholders at all levels to work toward the following goals:

- providing a comprehensive review of Nebraska’s health care delivery, cost and coverage demands;
- engaging partners in dialogue, roundtable discussions and public policy discourse;
- developing a framework for health care system transformation to meet public health, workforce, delivery and budgetary responsibilities; and
- developing cooperative strategies and initiatives for the design, implementation and accountability of services to improve care, quality and value while advancing the overall health of Nebraskans.

Campbell said passage of federal health care reform has provided the state an opportunity to discuss what Nebraska’s health care priorities should be and how to achieve them.

“LR22 sets the wheels in motion to get us to think creatively and innovatively,” she said.

James Goddard of Nebraska Appleseed testified in support of the resolution, saying policymakers should work to ensure that Nebraskans who will now have access to health care are entering a functional health care system.

“This is a good first step toward changing the health care delivery sys-

tem in Nebraska,” he said.

No one testified in opposition to the resolution and the committee took no immediate action.

**Judiciary**

**Bills would reject federal restrictions on firearms**

The Judiciary Committee heard testimony March 20 on two bills that would prohibit certain federal firearm restrictions in Nebraska.

Under LB451, introduced by Fremont Sen. Charlie Janssen, any federal law, rule, regulation or order that bans or restricts semiautomatic firearm or magazine ownership or that requires any firearm or firearm accessories to be registered beyond Nebraska’s requirements would be deemed unenforceable in Nebraska.



Sen. Charlie Janssen

Janssen said he believes the federal government has been increasingly using executive orders to implement controversial policies such as expanded firearm restrictions. Nebraskans have a constitutional right to bear firearms, he said, and the bill would secure those rights by preventing such federal laws from being implemented in the state.

Grant County Sheriff Shawn Hebert testified in support of the bill. Any executive order that attempts to control gun ownership is in direct violation of the U.S. Constitution, he said, and the federal government will not prevent violent gun tragedies by eliminating its citizens’ right to own a firearm.

“Violence and hatred come from within, and limiting guns will not pre-



vent violence, hatred or massacres,” Hebbert said.

Cheryl Evenson, a Valentine resident, also testified in support, saying the bill would be a proactive approach to preventing the federal government from banning Nebraska citizens’ right to own a firearm.

University of Nebraska – Lincoln student Nick Sauma testified in opposition to the bill. The more appropriate way for the state to respond to federal gun control laws is by way of the judicial system, he said.

Joe Piper, a Nebraska resident, also opposed the bill, saying it would not be enforceable.

“We cannot restrict the federal government’s ability to enforce federal laws because it violates the Supremacy Clause of the U.S. Constitution,” he said. “For the state to pass legislation in order to make a blanket statement is impractical and reckless.”

Hoskins Sen. Dave Bloomfield introduced a second bill establishing that Nebraska-manufactured personal firearms, firearm accessories or ammunition would no longer be subject to federal laws or regulations within the state’s borders.

Under LB602, state and federal employees, officials and agents who attempt to enforce federal firearm restrictions on these items would be guilty of a Class I misdemeanor. The state attorney general would be allowed to defend a Nebraska citizen who is prosecuted by the U.S. government for violation of a federal firearms ban.

Bloomfield said Nebraskans should not be subject to any federal law or regulations that would prohibit gun ownership.

Lincoln resident Caleb Larsen testified in support of the bill, saying that gun restrictions impact law-abiding citizens more than they do criminals

by eliminating citizens’ rights.

“When we strip away [gun] rights, then citizens do not have the capability to stand up against a government that could become oppressive in the future,” he said.

No one testified in opposition to LB602 and the committee took no immediate action on either bill.

## Natural Resources

### Steel manufacturing byproduct use advanced

Senators gave first-round approval March 21 to a bill regarding solid waste under the Environmental Protection Act.

LB203, introduced by Norfolk Sen.

Jim Scheer, would exclude slag from being considered solid waste under Nebraska’s Environmental Protection Act. Scheer said slag is a valuable byproduct of steel manufacturing and should not be considered waste.



Sen. Jim Scheer

“Slag is a defined product, made to a certain standard,” he said.

Wahoo Sen. Jerry Johnson supported the bill, comparing slag to coal ash, another manufacturing byproduct.

“There is a lot of value to these byproducts,” Johnson said. “They’re not solid waste and should not be classified that way.”

Bancroft Sen. Lydia Brasch also supported the bill.

“Slag looks a lot like steel gravel and has great potential for roads use,” she said.

Senators adopted a Natural Resources Committee amendment 42-0 to make technical improvements to the bill. The bill then advanced to select file on a 40-0 vote.

## Transportation & Telecommunications

### Bill would change utility-type vehicle restrictions

The Transportation and Telecommunications Committee heard testimony March 18 on a bill that would amend utility-type vehicle (UTV) provisions.

LB84, introduced by Columbus Sen. Paul Schumacher, would allow UTVs to cross



highways with more than two marked traffic lanes if:

- the UTV’s headlight and taillight are on at the time of crossing;
- the intersection is controlled by and in compliance with a traffic light; and
- the local governing body has authorized UTV crossings at that intersection.

UTVs currently are prohibited from crossing controlled access highways with more than two marked traffic lanes.

Schumacher said retirees in small communities often prefer to operate UTVs. LB84 would make the vehicles more functional and could attract more retirees to live in the state by lessening restrictions on them, he said.

Richard Snyder, a Columbus UTV operator, testified in support of the bill. The current restriction is inefficient and deters people from buying or operating UTVs in the state, he said, adding that he must travel an additional 1.5 miles to avoid crossing a controlled access highway.

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

### Universal telecommunications fund reallocation requested

The Transportation and Telecommunications Committee heard testimony March 19 on a bill that would amend the Nebraska Telecommunications Universal Service Fund Act.

Currently, 6.95 percent of every telephone bill is deposited into the Nebraska Universal Fund. The fund is distributed by the Public Service Commission to companies to offset the costs of ensuring comparable access to telecommunications services.

Columbus Sen. Paul Schumacher introduced LB617, which would change the fund's allocation provisions. Telecommunications companies receive roughly \$50 million annually from the fund, he said, but some rural communities still receive poor telecommunications services and pay high costs for them.



Sen. Paul Schumacher

Since significant advancements in technology have been made and broadband service has become more affordable since the fund's creation in 1997, he said, it is time to either phase out the fund or determine how to use it more effectively.

The bill would reduce the current 6.95 percent assessment to 3.5 percent by Jan. 1, 2021, and reallocate the funds to:

- promote private competition by allowing competitors to use the fund and requiring competitive access to facilities;
- identify fiber optic and wireless infrastructures;
- encourage the aggregation of community broadband demand over local area networks;
- provide affordable acquisition of access to tier one network providers;
- reinforce federal bans on the practice of implicit subsidization of local phone companies; and
- emphasize broadband com-

munications using Internet protocols.

Great Plains Communications CEO Todd Foje testified in opposition to the bill, saying the funds enable companies to provide telecommunications services in high-cost areas. Many telecommunications companies would not be able to continue supporting rural areas without such funds, he said.

Curt Bromm, representing Verizon Communications, also testified in opposition, saying the Federal Communications Commission currently is discussing how to provide universal broadband coverage through federal policies. Furthermore, he said, companies already offer sufficient telecommunications services in the state.

"I think the reforms and the modernization are going to come about and be generated through what has begun on the federal level and will have more of a significant impact over time," Bromm said.

No one testified in support of the bill and the committee took no immediate action on it. ■

## LIVE VIDEO STREAMING OF THE UNICAMERAL

Nebraska Educational Telecommunications (NET) provides live video coverage of hearings and floor debate on the Legislature's website.

To watch, click on the "Live Video Streaming" link on [www.NebraskaLegislature.gov](http://www.NebraskaLegislature.gov). Then click on the room you would like to observe.

The screenshot shows the homepage of the Nebraska Legislature website. The main header reads "NEBRASKA LEGISLATURE" with the tagline "The official site of the Nebraska Unicameral Legislature". Below the header, there is a navigation menu on the left and a main content area. The main content area features a section titled "103rd Legislature, 1st Session - Day 2\*" with a sub-note: "\* click the day above to see Agenda and other calendar activity". Below this is a "Recent Legislative Information" section with links to "2013 Committee List", "2013 Senator List", "2013 Tentative Legislative Session Calendar", "Introduced Legislation", "Legislator's Guide to Nebraska State Agencies (1/9/2013)", "Hearing schedules", and "General Fund Financial Status". On the right side, there are search boxes for "Search Current Bills", "Search Past Legislation", and "Search Laws". At the bottom right, there is a "Live Video Streaming" link with a "net" logo, which is circled in red and pointed to by an arrow.

# COMMITTEE HEARINGS

\*Current hearing schedules always are available at: [http://nebraskalegislature.gov/calendar/hearings\\_range.php](http://nebraskalegislature.gov/calendar/hearings_range.php)

## Monday, March 25

### Appropriations

Room 1524 - 1:30 p.m.

LB4 (Krist) Change Nebraska Health Care Cash Fund transfer provisions  
 LB234 (Howard) State intent relating to appropriations for nurse visitation  
 LB285 (Conrad) Change authorized transfers to the Nebraska Health Care Cash Fund  
 LB119 (Cook) State intent relating to appropriations for Public Health Aid  
 LB157 (Cook) State intent relating to the appropriation of funds in support of dental services  
 LB187 (Nelson) Appropriate funds to the Department of Health and Human Services to fund the Dental Health Director  
 LB20 (Nordquist) State intent relating to appropriations for the rural health provider incentive program  
 Agency 25: Department of Health & Human Services

Agency 25: DHHS - Veterans Homes  
 Agency 25: DHHS - Operations  
 Agency 25: DHHS - Medicaid and Long Term Care  
 Agency 25: DHHS - Public Health

Agency 25: DHHS - Developmental Disabilities  
 Agency 25: DHHS - Children and Family Services  
 Agency 25: DHHS - Behavioral Health

## Tuesday, March 26

### Appropriations

Room 1524 - 1:30 p.m.

LB375 (Lathrop) Appropriate funds to the Department of Health & Human Services to be used for services for persons with developmental disabilities  
 LB268 (Campbell) State intent to appropriate funds for upgrade of an electronic data collection system related to child welfare and other economic assistance programs  
 LB425 (Campbell) State intent to appropriate funds for intervention services for at-risk children and youth  
 Agency 25: Department of Health & Human Services

## Wednesday, March 27

### Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

*Presentation of Annual Reports:* Nebraska Public Employees Retirement Systems and Nebraska Investment Council

## Thursday, April 4

### Natural Resources

Room 1525 - 12:45 p.m.

*Appointment:* Brandt, Henry Rick - Nebraska Environmental Trust Board  
*Appointment:* Lauritzen, Gerry - Nebraska Environmental Trust Board  
*Appointment:* Vinton, Sherry - Nebraska Environmental Trust Board ■

# SPEAKER PRIORITY BILLS

Priority bills generally are scheduled for debate before other bills. Each senator may select one priority bill and each committee may select two priority bills. The Speaker may select up to 25 priority bills per session.

Bill	Introducer	One-line description
LB3	Krist	Change filing provisions relating to nonconsensual liens
LB34	Hadley	Change provisions of the Nebraska Advantage Act
LB55	Wightman	Change provisions relating to reassumption of assessment function by counties
LB69	Schilz	Change provisions of the Pesticide Act
LB90	Haar	Change sales tax provisions on the furnishing of electricity service
LB99	Mello	Change provisions relating to racial profiling information reviews
LB115	Lautenbaugh	Change provisions relating to homicide
LB182	Avery	Change paternity provisions for a child conceived as a result of sexual assault
LB232	Lathrop	Change judges' salaries
LB255	McGill	Change provisions relating to hearsay child abuse and offenses relating to morals
LB265	Coash	Change foster care licensure and kinship home and relative home provisions
LB298	McCoy	Change provisions relating to controlled substances schedules
LB306	Nordquist	Change judges' contribution for retirement as prescribed
LB326	Howard	Change provisions of Pharmacy Practice Act and Automated Medication Systems Act
LB331	Harms	Change provisions relating to the Nebraska Opportunity Grant Act
LB348	Harr	Change provisions relating to the assessment of certain rent-restricted housing projects
LB368	Crawford	Create a subsidized employment pilot program within the Department of Health and Human Services
LB384	Nordquist	Adopt the Nebraska Exchange Transparency Act
LB483	Bolz	Provide for a reentry planning program in adult correctional facilities
LB495	Sullivan	Change provisions relating to the Education Innovation Fund and early childhood grant reporting
LB545	Dubas	Change Public Service Commission appeal procedures
LB565	Nelson	Prohibit registering to vote and voting early on the same day
LB574	Harr	Provide that certain assessments are levied and collected as special assessments
LB589	Watermeier	Change provisions of the One-Call Notification System Act
LB623	Price	Change provisions relating to bridge construction and road improvements

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03-23-05

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## UNICAMERAL UPDATE

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Assistance provided by the Clerk of the Legislature's Office, the Legislative Technology Center, committee clerks, legal counsels, journal clerks, pages, transcribers, mail room and bill room staff and the State Print Shop.

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[www.nebraskalegislature.gov/bills](http://www.nebraskalegislature.gov/bills)  
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Senator Name  
District #  
State Capitol  
P.O. Box 94604  
Lincoln, NE 68509-4604

### NEBRASKA BLUE BOOK

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