

State prison reform measures advanced



Sen. Brad Ashford responds to a question about the proposal from Sen. Sue Crawford of Bellevue.

The Legislature's effort to initiate prison reform advanced from general file March 26.

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

A Judiciary Committee amendment, adopted 36-0, replaced the initial draft of the bill and primarily would:

- appropriate to the state Office of Probation Administration \$5 million to expand mental health services and \$3.8 million to expand new reporting centers;
- appropriate \$5 million to the Nebraska Crime Commission for the vocational and life skills program;

- provide \$200,000 to establish the Nebraska Center for Justice Research at the University of Nebraska at Omaha;
- create a reentry program coordinator to advise corrections officials regarding programs that transition inmates into communities; and
- require the state Department of Correctional Services to ensure that an inmate's rehabilitation/reentry program is complete or near completion upon the inmate serving 80 percent of his or her sentence.

An Ashford amendment to the committee amendment, adopted 36-0, would create the Nebraska Justice Reinvestment Working Group, which would comprise state senators, cor-

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Suicide prevention training advanced

School staff members would receive annual training on suicide awareness and prevention under a bill advanced from general file March 25.

Under LB923, introduced by Lincoln Sen. Amanda McGill, all public school nurses, teachers, counselors, school psychologists and administrators would receive at least one hour of training each year, beginning with the 2014-15 school year. McGill said 14 other states currently require similar training.

"Our state really does nothing when it comes to suicide prevention in our schools," she said. "This is part of a greater conversation happening about mental health in Nebraska and across our country. This bill is intended to potentially save lives."

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

Cedar Rapids Sen. Kate Sullivan said there are new issues facing school districts.

"Ten or 15 years ago we never thought we'd be talking about some

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Prison reform measures advanced

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rectional and law enforcement officials, judges, attorneys, community members and former inmates. The group would assist the Council of State Governments (CSG) Justice Center in producing a report that prescribes how to reduce prison overcrowding to 125 percent within five years.

Ashford said the bill builds a platform from which Nebraska and the CSG, with whom the state has contracted to study its correctional system, can begin solving the problems of prison overcrowding and offender recidivism.

“This will be successful,” Ashford said. “Working with CSG and this Legislature ... we will totally reform and revamp our prison system to reduce the prison population and keep our citizens safer.”

Speaking in support of the bill, Omaha Sen. Heath

Mello said LB907 would save the state money by beginning the process of diverting nonviolent offenders away from prison.

“The process we have right now is very expensive, when we put everyone in corrections,” Mello said.

Omaha Sen. Steve Lathrop said prison overcrowding has led to conditions such as poor air quality and a lack of programs that put the state at risk for inmate lawsuits. LB907, he said, would show the courts that the state is making efforts to fix correctional system problems—possibly protecting Nebraska from mandated prisoner release or prison construction.

The bill includes provisions of two other bills.

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



Sen. Danielle Conrad

LB932, introduced by Lincoln Sen. Bill Avery, would prohibit a public employer from asking a job applicant to disclose their criminal history until the applicant has been determined to meet minimum employment qualifications. Law enforcement agencies would be exempt from the restriction.



Sen. Bill Avery

Senators advanced the bill on a 36-0 vote. ■



Judiciary Committee members Sens. Steve Lathrop (left) and Mark Christensen confer during the debate.

UNICAMERAL UPDATE

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Suicide prevention training advanced

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of these topics,” she said. “These are real issues that school districts are talking about. There is value in having someone look at what the school districts are doing and sharing best practices.”

An Education Committee amendment, adopted 28-1, would add school social workers to the list of school personnel to receive the required training.

The amendment also incorporated provisions of LB872, originally introduced by Omaha Sen. Rick Kolowski. It would create the position of state school security director under the department. The director’s duties would include:

- collecting safety and security plans from each school system;
- recommending minimum standards for school security;
- conducting an assessment of the security of each public school building;
- identifying deficiencies in school security based on the minimum standards adopted by the state;



Sen. Amanda McGill said awareness is the first step in preventing teen suicides.

- establishing security awareness and preparedness tools and training programs for public school staff;
- establishing research-based model instructional programs for staff, students and parents to address causes for violent

- attacks on schools; and
- overseeing suicide awareness and prevention training.

Kolowski said school safety continues to be an important priority in the wake of recent school violence.

“We continue to hear in the news of more acts of violence in schools,” he said. “Families and schools are looking to their lawmakers for leadership. [This bill] is an important first step for our state to ensure Nebraska schools have safe learning environments.”

A Kolowski amendment to the committee

amendment, adopted 28-1, would delay the implementation of the school security director’s



Sen. Rick Kolowski

duties until Jan. 1, 2015. It also would require that the director’s initial assessment of state school security be completed by Aug. 31, 2017.

Senators advanced the bill to select file on a 30-0 vote. ■

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AGRICULTURE

Exotic animal regulations passed

Senators passed a bill March 24 that addresses the state’s authority to regulate exotic animal sales in Nebraska.

LB884, introduced by North Platte Sen. Tom Hansen, adopts the Exotic Animal Auctions or Exchange Venue Act, which requires that exotic animal auctions or swap meets register with the state Department of Agriculture in the same manner as livestock markets and retain or contract with a licensed accredited veterinarian to be available during each sale.



Sen. Tom Hansen

The bill defines an exotic animal as one that is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act, such as miniature cattle, horses and donkeys. The bill requires that each animal that changes ownership be accompanied by a Certificate of Veterinary Inspection (CVI), which would indicate that the animal has been subject to veterinary inspection within 30 days of change of ownership. The CVI provision is limited to bovine, camelid, caprine, ovine or porcine animals.

Further, LB884 requires verification that a permit applicant has contracted for the services of an accredited veterinarian. The department could deny a permit based on an incomplete application, previous violations of the act or an applicant’s inability to fulfill the responsibilities of a permit holder.

The bill passed on a 44-0 vote.

Dairy study bill passed

Senators passed a bill March 24 requiring the state Department of Agriculture to provide the Legislature a report about Nebraska’s dairy industry.

LB941, introduced by Ogallala Sen. Ken Schilz, calls for the report to examine Nebraska’s milk production and processing, marketing and expansion opportunities, productivity comparisons and trends and efforts to recruit dairies and stimulate investment.



Sen. Ken Schilz

The report will study the capacity of in-state processors to increase their use of milk produced in Nebraska and examine the potential for expansion of self-processing and direct marketing of Nebraska milk and dairy products. Additionally, the bill allows the department director to make recommendations for ways that state government could stimulate milk production and markets.

The deadline for the report is Nov. 15, 2014, with the intent that it receive a public hearing by the Agriculture Committee.

The bill passed on a 46-0 vote.

Climate study group parameters advanced

Some duties of the state’s climate study group would be changed under a bill advanced to select file March 24.

LB1008, introduced by Malcolm Sen. Ken Haar, would require the Climate Assessment and Response Committee to produce a climate change report derived from reports and recommendations submitted to it. The final report would be due Dec. 1, 2014.



Sen. Ken Haar

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

“This bill ... will provide the state of Nebraska good, scientifically accurate information that can be put to use by our agriculture industry,” Haar said.

The bill advanced on a 28-1 vote.

APPROPRIATIONS

Budget package approved

Lawmakers gave final approval March 24 to four bills comprising the Legislature’s mid-biennium budget adjustment package.

LB905, introduced by York Sen. Greg Adams on behalf of the governor, is the mainline budget bill and passed on a 40-8 vote.



Sen. Greg Adams

Among other provisions, the bill included the following adjustments:

- \$25 million to the state’s Property Tax Relief Fund;
- \$14 million to address issues in the state’s correctional system;
- \$10 million to the Job Training Cash Fund;
- \$5 million to provide service to individuals on the developmental disability waiting list; and
- \$2.5 million for the early childhood grant program.

LB906, also introduced by Adams at the request of the governor and passed on a 41-7 vote, authorizes various fund transfers.

Among other provisions, the bill

creates the following funds and makes the following transfers:

- \$21 million to the Water Sustainability Fund;
- \$15 million to the Game and Parks Improvement and Maintenance Fund; and
- \$12 million to the Vehicle Title Registration System Replacement and Maintenance Cash Fund.

LB130, introduced by Omaha Sen. Heath Mello, makes transfers from the state's cash reserve, including \$50 million to the General Fund and \$14.5 million to the Nebraska Capitol Construction Fund to begin work to upgrade the State Capitol heating, ventilating and air-conditioning system.



Sen. Heath Mello

The bill passed on a 44-4 vote.

Finally, LB949, introduced by the Business and Labor Committee, approves claims against the state and agency write-offs. The bill includes approval of a \$2 million claim made by the family of Joyce Meeks, who was killed in a vehicle accident by an inmate authorized to drive a state vehicle.

LB949 passed 48-0.

The governor must sign, veto or line item veto the budget within five calendar days, excluding Sunday.

DHHS budgeting, strategic planning bill approved

A bill that requires the state Department of Health and Human Services (DHHS) to include strategic plans in its budget requests was given final approval March 27.

LB974, introduced by Omaha Sen. Heath Mello, requires DHHS to include strategic plans for the following divisions as part of the appropriations

process for each of the next two state budget cycles:

- Division of Behavioral Health;
- Division of Developmental Disabilities; and
- Division of Medicaid and Long-term Care.

The bill also extends an existing strategic plan requirement for the Division of Children and Family Services. The strategic plans must include the main purpose of each program, verifiable and auditable goals for each division and benchmarks for improving performance on key goals.

The plans are required until June 30, 2019.

LB974 includes provisions of three additional bills:

- LB837, introduced by the Legislative Performance Audit Committee, which prohibits the state Department of Administrative Services from authorizing agencies with seven or fewer full-time employees from conducting their own expenditure preaudits;
- LB969, introduced by Cedar Rapids Sen. Kate Sullivan, which increases a cap on growth in the special education appropriation from 5 to 10 percent for future budget years; and
- LB1023, introduced by Mello, which updates statutory references to several budgetary reports and requires that a copy of the reports be provided to the legislative fiscal analyst.

Senators passed the bill 44-0.



New model business act approved

Nebraska's current Business Corporation Act will be replaced under a bill passed March 24.

LB749, introduced by Omaha Sen. Burke Harr, repeals the current act and adopts a revised and updated Nebraska Model Business Corporation Act.



Sen. Burke Harr

The bill passed 48-0.

Benefit corporations approved

Senators passed a bill March 27 that allows a corporation to become a benefit corporation.

Lincoln Sen. Danielle Conrad introduced LB751, which allows entities to migrate between the benefit corporation classification and other corporation types. An entity can become a benefit corporation by a two-thirds vote of each class of shareholders.



Sen. Danielle Conrad

The bill defines a benefit corporation as a domestic business corporation that creates a general public benefit, including:

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

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

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

Senators passed the bill on a 44-0 vote.

Update of insurer reserves approved

Lawmakers gave final approval March 24 to a bill that updates laws governing the establishment of reserves by life and health insurers in Nebraska.

LB755, introduced by Grand Island Sen. Mike Gloor at the request of the state Department of Insurance, adopts the National Association of Insurance Commissioners (NAIC) Standard Valuation Act.



Sen. Mike Gloor

Under the bill, the department director is required to adopt a valuation manual by July 1, 2017, that conforms substantially to the manual adopted by the NAIC. The bill also requires the director annually to value the reserves of every company issued on or after the operative date of the valuation

manual for the following outstanding contracts:

- life insurance;
- deposit-type;
- accident and health; and
- annuity and pure endowment.

LB755 passed on a 48-0 vote.

Bill would ensure coverage for carbon monoxide

Lawmakers gave first-round approval to a bill March 24 that would ensure homeowners receive additional insurance protections.

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

LB876, as originally introduced by Omaha Sen. Sara Howard, would prohibit homeowner insurance policies from excluding coverage for injury or damage resulting from carbon monoxide or other gases released from a heating unit or ventilation system.



Sen. Sara Howard

A Banking, Commerce and Insurance Committee amendment, adopted 33-0, replaced the bill. Under the amended bill, any policy that includes a pollution exclusion clause must contain an exception for bodily injury sustained within a building and caused by smoke, fumes, vapor or soot from a heating or ventilation system.

Senators advanced the bill to select file on a 30-0 vote.

BUSINESS & LABOR

Measure to speed subcontractor payments advanced

A bill to hasten payments to builders and their subcontractors advanced from general file March 25.

Introduced by Omaha Sen. Heath Mello, LB373 originally would have amended the Nebraska Construction Prompt Pay Act to:



Sen. Heath Mello

- provide a definition for the term "substantially complete;"
- require that contractors place any proceeds intended for the payment of subcontractors into a separate trust account;
- establish a maximum cap of 5 percent on the amount of retainage that can be withheld;
- provide that a contractor, owner or subcontractor can bring an action under the act, with attorney's fees and costs awarded to the prevailing party; and
- remove the exemption of residential property from the act.

A Business and Labor Committee amendment, adopted 25-0, changed the major provisions of the bill by:

- reinstating the residential unit exemption;
- removing the trust account and penalty provisions;
- defining "substantially complete" to reflect the definition used by the American Institute of Architects;
- capping the retainage amount at 10 percent and, once the project is 50 percent complete, retainage would be capped at 5 percent;

- requiring the owner or owner's representative to pay the retainage to the contractor within 45 days of substantial completion, after which the contractor must pay subcontractors within 10 days; and
- allowing builders and subcontractors to receive attorney fees and costs if awarded damages.

Mello said that despite current laws addressing the timeliness of payments to contractors and subcontractors, funding delays continue to cause problems for small businesses in Nebraska.

"Unscrupulous owners and contractors, often from out of state, have been avoiding the Prompt Pay law either by abusing retainage provisions or just chancing that the contractor or subcontractor won't file suit to enforce their rights under the act to recoup their costs," Mello said.

Senators advanced the bill on a 27-0 vote.

Short-time compensation plan advanced

Employers could avoid permanent layoffs under a bill advanced from general file March 24.

LB559, introduced by Omaha Sen. Heath Mello, would allow employers to establish a short-time compensation plan, which would temporarily provide unemployment benefits to eligible employees. Mello said short-time compensation plans have been shown to benefit both employers and employees.

"Since 2010, nine states have enacted short-time compensation plan legislation," he said. "It is an option that provides businesses with a valuable tool to prevent layoffs in times of economic downturn."

A short-time compensation plan must be approved by the state commissioner of labor and detail the number of employees affected by the plan,

work hours of each affected employee and the number of employees who would have been laid off.

Employers that provide health and retirement benefits to eligible employees would be required to continue offering the benefits under the plan. Additionally, employers would be prohibited from hiring additional staff while the plan is in effect.

A Business and Labor Committee amendment, adopted 26-0, would ensure that any benefits paid under the bill would not be chargeable to employer accounts. Additionally, employers would not be responsible for reimbursing the Unemployment Compensation Fund for any benefits paid under a short-time compensation plan.

A Mello amendment to the committee amendment, adopted 25-0, would delay implementation of the bill's provisions until Oct. 1, 2016.

Senators advanced the bill to select file on a 25-0 vote.

Wage theft, pay stub bill approved

A bill intended to provide protections and remedies for victims of wage theft received final approval March 27.

LB560, introduced by Omaha Sen. Heath Mello, authorizes the state commissioner of labor to investigate and enforce the Nebraska Wage Payment and Collection Act. The commissioner may subpoena records and witnesses related to an investigation.

Violators will be issued a citation and may incur a fine of up to \$500 for a first offense and up to \$5,000 for subsequent offenses. Employers may contest a citation.

An employer also is required to deliver or make available to each employee, on each regular payday, a statement of hours worked, wages earned and deductions made. An employer is not required to provide the informa-

tion for employees who are exempt from overtime under the federal Fair Labor Standards Act.

The bill passed on a 42-0 vote.

EDUCATION

Lower school funding local effort rate adopted

Senators passed a bill March 27 that changes the state aid formula one year early.

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



Sen. Kate Sullivan

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

It also changes the calculation of the student growth adjustment correction. The correction equals the actual student growth for a school fiscal year minus the estimated student growth for the school fiscal year.

Senators passed the bill on a 44-0 vote.

Veterans to receive in-state tuition rates

Recently separated veterans, their spouses and dependents are eligible for in-state tuition under a bill passed by the Legislature March 24.

Under LB740, introduced by Bellevue Sen. Sue Crawford, veterans who have separated from a branch of the Armed Forces of the United States within the past two years are eligible for

in-state tuition.

To receive residency status, a veteran must demonstrate intent to become a permanent resident of the state by registering to vote and obtaining a state driver's license.



Sen. Sue Crawford

The bill does not apply to veterans who qualify for benefits under the Yellow Ribbon Program, which pays the difference in tuition and fees not covered under the Post-9/11 GI Bill. Spouses and dependents of Yellow Ribbon benefit recipients still are eligible under the bill.

Senators passed the bill on a 48-0 vote.

Changes to education funding adopted

A bill containing several changes to the Tax Equity and Educational Support Opportunities Act (TEEOSA) and the Education Innovation Fund was passed by the Legislature March 27.

LB967, introduced by the Education Committee, reduces by half the teacher education and instructional time allowances and aid under TEEOSA for fiscal year 2015-16 and eliminates it completely in FY2016-17. The bill also provides district reorganization support grants.

For FY2014-15 and FY2015-16, LB967 incorporates the following changes to allocations and transfers from the Education Innovation Fund:

- adds \$200,000 per year to the existing transfers to the Enhancing Excellence in Teaching Cash Fund, per LB842 by Hyannis Sen. Al Davis;
- limits distance education equipment and incentives to \$2 million for 2014-15 and \$2.5 million for 2015-16;

- transfers \$1 million per year for reorganization support, per LB967;
- allocates \$145,000 per year to continue the college admissions test pilot project for two additional years, per LB835 by Lincoln Sen. Bill Avery; and
- allocates \$335,000 for 2014-15 and an estimated \$344,000 for 2015-16 for evaluating and improving career education programs to align with economic and workforce needs, per LB754 by Papillion Sen. Jim Smith.

Additional provisions related to the Education Innovation Fund will:

- allow lottery funds that are allocated to reorganization support grants and early childhood education prior to the termination of the Education Innovation Fund to be used after the fund terminates on June 30, 2016, per LB967 and LB984 by Cedar Rapids Sen. Kate Sullivan;
- transfer unspent funds from other allocations and transfers to the Nebraska Education Improvement Fund on Aug. 1, 2016, per LB967 and LB984;
- transfer the remaining funds in the Excellence in Teaching Cash Fund to the Nebraska Education Improvement Fund on Aug. 1, 2016;
- retain \$3 million to be transferred to the Nebraska Education Improvement Fund, which will receive lottery funds for education beginning July 1, 2016, per LB984; and
- further clarify the final deadlines for distance education incentives, per LB1069 by Sullivan.

Additional provisions from LB967 and LB984 will:

- phase out the teacher education and instructional time allow-

ances and aid by 50 percent for FY2015-16 and completely for FY2016-17;

- add an intent for all children to have access to early childhood education programs in the year prior to kindergarten; and
- add intent for new appropriations to be used for such access to programs.

Additional provisions from LB1069 will:

- replace outdated references to the North Central Association for postsecondary education;
- harmonize department of education requirements with the Nebraska Publications Clearinghouse requirements;
- specifically authorize school district expenditures related to programs and activities;
- require the Early Childhood Training Center to approve training for the Step Up to Quality Child Care Act;
- update special education definitions; and
- include private postsecondary career schools in any interstate reciprocity agreements for postsecondary distance education.

Provisions from LB958, a bill by

Omaha Sen. Tanya Cook, create the position of achievement coordinator in the state Department of Education and provide intent for early childhood education appropriations.



Sen. Tanya Cook

The bill also incorporates provisions of LB125, introduced by Malcolm Sen. Ken Haar. The original per diem for board



Sen. Ken Haar

members of the Board of Educational Lands and Funds was \$40 per meeting when it was eliminated effective Oct. 1, 2011. The bill reinstates the per diem and increases it to \$50 per meeting. The board is required to meet monthly in Lincoln.

Senators passed the bill on a 44-0 vote.

Visioning process for state education approved

A common statewide vision for education is the focus of a bill passed by the Legislature March 27.

LB1103, introduced by the Education Committee, authorizes members of the committee to conduct a strategic planning process to create the statewide plan.

Members of the committee may conduct meetings, working sessions and focus groups to discuss aspirational goals, visionary objectives, meaningful priorities and practical strategies. The committee also is required to hold at least three hearings throughout the state to receive testimony from the general public.

The committee is required to submit a report to the clerk of the Legislature by Dec. 31, 2014.

Senators passed the bill on a 43-0 vote.

EXECUTIVE BOARD

New state airplane purchase approved

A bill that authorizes the purchase of a plane for state use was passed by the Legislature March 24.

Omaha Sen. Bob Krist introduced LB1016, which authorizes the state Department of Aeronautics to purchase a new aircraft and sell the state's current plane.

The bill is the product of legislation passed last year that commissioned an independent study to determine whether the state should purchase an aircraft for state purposes. The completed study recommended that the state purchase a new aircraft.



Sen. Bob Krist

The study commissioned by the Legislature indicated the King Air C90GTx would incur the lowest costs over a 20-year life cycle. A new King Air C90GTx retails for approximately \$3.85 million.

The department is required to electronically file a quarterly report that details the name of the agency or entity using the plane, the name of all passengers, all purposes of the trip, the destination and intermediate stops and all miles flown.

Senators passed the bill on a 34-5 vote.

GENERAL AFFAIRS

Replayed racing proceeds could go to education, property tax

A measure intended to pave the way for wagering on replayed horse races in Nebraska was returned from final reading March 25 for consideration of an amendment. The proposal is a carry-over measure that was introduced and advanced from general file last session.

LR 41CA, introduced by Omaha Sen. Scott Lautenbaugh, would place a proposed constitutional amendment on the November 2014



Sen. Scott Lautenbaugh

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

During general file debate in 2013, Lautenbaugh explained that an historic horse race creates a pari-mutuel pool via instant racing terminals from wagers placed on a previously held race at a licensed racetrack. Information is supplied regarding the jockeys, horses and track conditions, he said, excluding information that would allow an individual placing a wager to identify the specific race.

Omaha Sen. Beau McCoy offered a motion to return the proposal from final reading to select file for consideration of an amendment that would insert the words "instant racing terminals" into the measure.

McCoy said he opposed the underlying proposal as expanded gambling and said senators should be honest and clear about what they are asking Nebraska voters to approve.

He said court cases and attorney general opinions in other states consistently have shown that instant racing terminals do not qualify as pari-mutuel wagering - the only type of horse racing gaming authorized by the Nebraska Constitution.

"It's wagering - like traditional casino wagering - but it is not the unique form of wagering, either live or simulcast, that's been in existence for well over 150 years," McCoy said. "You can't just call something pari-mutuel wagering and have it be pari-mutuel wagering."

Following a number of tactical attempts by McCoy to extend debate, his amendment was ruled out of order.

Lautenbaugh offered a motion to return the measure for an amendment

that would specify the following allocation for proceeds of historic horse racing if voters approve the measure:

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

Lautenbaugh said the measure was not expanded gambling and could provide a needed boost to the horse racing industry and revenue to the state.

“This is important to our economy,” he said.

Lautenbaugh then offered a cloture motion, which ceases debate and forces a vote on all pending action.

Senators voted 34-14 to invoke cloture and returned the measure to select file for consideration of Lautenbaugh’s amendment, which was adopted 27-12.

LR41CA then was re-advanced to final reading by voice vote.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Online voter registration approved

Senators passed a bill March 27 that allows Nebraskans to register to vote online.

Under LB661, introduced by Omaha Sen. Bob Krist, those with a valid driver’s license or state identification card can complete voter registration through a secure website maintained by the secretary of state’s office. The state Department of Motor Vehicles



Sen. Bob Krist

(DMV) will provide the applicant’s signature from their records to complete the online voter registration.

LB661 also requires the development of a paperless registration system, which will allow the DMV to electronically transmit completed registrations to the proper county election officials. Further, the bill authorizes the DMV to provide applicants’ Social Security numbers to the secretary of state for voter registration purposes.

Senators passed the bill on a 44-0 vote.

Agency reporting changes advanced

Lawmakers gave first-round approval March 25 to a bill meant to strengthen state agency reporting requirements.

LB719, introduced by Bellevue Sen. Sue Crawford, would add a public comment summary to the required information that a state agency must submit to the secretary of state, attorney general and governor regarding a proposed rule change under the Administrative Procedures Act.



Sen. Sue Crawford

Citizens often travel long distances to testify at hearings on proposed agency rules changes that will significantly impact their lives, Crawford said, and should be assured that agencies are listening to their concerns.

“Our rulemaking system, like our other public systems, should be accountable to the citizens that it regulates,” she said.

Under the bill, agencies would be required to attach a written summary of testimony offered at the public hearing that lists any specific issues or questions presented at the hearing or in written testimony.

The report also would be required to contain written responses from the agency and a copy of the public comment summary would be submitted to the Legislature.

A Government, Military and Veterans Affairs Committee amendment, adopted 31-0, would require the Executive Board of the Legislative Council to refer each written report for review to the chairperson of the standing legislative committee with subject matter jurisdiction over the issue.

In addition, if practicable, each report would be submitted to the senator who was the primary sponsor of the bill or amendment that initially granted rule-making authority to the agency.

Crawford offered an amendment that added provisions of LB720, a bill she also introduced, that would expand an existing complaint process regarding proposed agency regulations.

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

The amendment would expand that process to existing rules and regulations or their repeal. It also would add the following criteria for filing a complaint:

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

Crawford said the new provisions would strengthen senators’ ability to ensure that the laws they pass are carried out by the executive branch as intended.

“Legislative oversight is one of our most important duties,” she said.

Kearney Sen. Galen Hadley agreed, saying the need for consistent oversight is especially important in the era of term limits. The Legislature soon will lose a significant number of senior members due to term limits, he said.

“And with them goes a lot of information that they’ve gathered over the last eight years. So any kind of process that allows us to ... have that information available, I think, is something that can help future legislators as they go about their duties,” Hadley said.

Following adoption of the Crawford amendment 27-0, senators advanced LB719 to select file on a 29-0 vote.

Election guideline changes passed

Lawmakers passed a bill March 27 that establishes new guidelines for election practices.

LB946, introduced by Gretna Sen. John Murante, makes numerous changes to the Election Act, including:



Sen. John Murante

- delaying from noon to 8 p.m. on election day the deadline for a voter to return the statement declaring that an original early ballot was lost;
- allowing the election commissioner or county clerk to mail a notice explaining how to obtain a ballot in place of a ballot to all registered voters who have been sent a notice and failed to respond in a special election by mail;
- maintain current law preventing an election commissioner from holding elective office or

becoming a candidate for elective office within six months after leaving office, which would have been removed by the original bill;

- requiring presidential electors to take a pledge and cast a ballot for the presidential and vice presidential candidates who receive the highest number of votes in their district;
- allowing for a special election for a Class IV or Class V school district to be held in conjunction with the primary or general election for a city of the primary or metropolitan class which is governed by a home rule charter;
- requiring that workers appointed to the counting board for the purpose of counting ballots for school district bonds receive minimum wage; and
- changing reporting thresholds in the Nebraska Political Accountability and Disclosure Act.

The bill also allows any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1, and before the general election in the calendar year of the general election, to have his or her name placed on the general election ballot for a partisan office by filing petitions or by nomination by political party convention or committee.

The bill includes provisions of four other bills:

- LB726, introduced by Norfolk Sen. Jim Scheer, which changes the number of school board members for Class II and Class III school districts and outlines their election procedures;
- LB743, introduced by Murante, which specifies when terms of

elected officials begin;

- LB833, introduced by Fullerton Sen. Annette Dubas, which defines how county surveyors can be elected or appointed; and
- LB1084, introduced by Bellevue Sen. Tommy Garrett, which clarifies how city council vacancies are filled.

The bill passed on a 43-0 vote and will go into effect Jan. 1, 2015.



Youth indoor tanning ban passed

Nebraskans younger than 16 will need a parent’s signature before using a tanning bed under a bill passed March 24.

LB132, introduced by Omaha Sen. Jeremy Nordquist, prohibits indoor tanning facilities in Nebraska from allowing people younger than 16 to use tanning equipment. The prohibition applies to sun lamps, tanning booths and tanning beds.



Sen. Jeremy Nordquist

An exception is provided if a parent or legal guardian signs a statement at the facility before each use indicating an understanding of the warnings provided by the facility and consenting to the minor’s use of tanning equipment.

The bill requires tanning facilities to post a warning sign in a conspicuous location outlining the dangers of overexposure to ultraviolet radiation. An owner or operator of a tanning facility found to be in violation of the bill’s provisions will be subject to a civil penalty of \$100.

The bill also adds a tanning facility owner to the state Board of Cosmetology.

Senators approved LB132 on a 40-1 vote.

Special education Medicaid reimbursement advanced

Senators advanced a bill March 24 that would allow schools to seek Medicaid reimbursement for a broader array of services delivered to Medicaid-eligible special education students.

LB276, sponsored by Omaha Sen. Jeremy Nordquist, would allow school districts to seek reimbursement for audiology services, counseling, psychological and behavioral services, nursing, nutritional services, personal assistance, transportation, social work and vision services.

Nebraska schools currently are limited to seeking reimbursement for three types of services, Nordquist said, and the bill would allow reimbursement from the federal government for a greater array of services.

"We're expanding beyond the current services of physical, occupational and speech therapy," he said. "Our schools are already providing these (additional) services to special education students but can't seek reimbursement."

Nordquist offered an amendment, adopted 31-0, that replaced the bill.

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



Sen. Jeremy Nordquist

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

The amendment would appropriate \$2 million in annual funding to the Early Intervention Act and retain the current reimbursement rate of 11.5 percent of federal Medicaid funds.

The departments also would certify by Dec. 31 each year the aggregate amount to be included in the formula for Tax Equity and Educational Opportunities Support Act (TEEOSA) aid to be calculated for the next school fiscal year, minus the amount for the current school fiscal year for school districts that are not receiving any equalization aid.

Cedar Rapids Sen. Kate Sullivan supported the bill, saying it would result in reduced TEEOSA aid and keep benefits within the districts that already are providing services to special education students.

"This turns out to be really fiscally neutral," Sullivan said.

Omaha Sen. Rick Kolowski agreed, saying the bill would increase aid to schools without using state and local funds.

"We have the potential to bring in an additional \$20 million to the state in federal dollars," he said.

The bill advanced to select file 30-0.

Child care subsidy changes approved

A bill that disregards income when determining continued eligibility for the state's child care subsidy program was approved by the Legislature March 27.

LB359, sponsored by Omaha Sen. Tanya Cook, increases the percentage of a household's gross earned income that must be disre-



Sen. Tanya Cook

garded when determining continued eligibility for the subsidy. The income disregard is set at 10 percent after 12 continuous months on the program and at each subsequent redetermination of eligibility.

The bill also removes 529 savings plans, student scholarships and work-study income from asset limit tests for the state's child care subsidy program and the Supplemental Nutritional Assistance Program.

The bill passed 44-0 and takes effect immediately.

Bill to allow optometrists to perform minor surgery advanced

Senators advanced a bill from general file March 26 that would change licensure and certification provisions to allow optometrists to perform certain minor surgical procedures and injections.

LB526, introduced by Omaha Sen. Sara Howard, would expand the scope of practice for licensed optometrists in Nebraska by authorizing those who have completed the required training and demonstrated the necessary skills to:

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

Howard said the bill would allow optometrists to inject patients for treatment of anaphylaxis, remove several narrow restrictions on prescription authority and allow them to lance benign cysts. Patients often



Sen. Sara Howard

attempt to lance such cysts at home, she said, which carries a greater risk of infection.

Many rural counties in Nebraska are not served by an ophthalmologist, Howard said, and allowing optometrists to perform a limited number of additional procedures would benefit under-served areas of the state.

“LB526 is primarily a bill about enhanced access to eye care services,” she said.

A Health and Human Services Committee amendment, adopted 25-7, clarified that qualified optometrists would be limited to the treatment of chalazions, hordeolums, sweat gland cysts or oil gland cysts of the eyelids.

The amendment also would add four hours of tested education from an accredited school of optometry to the requirements for certification in the use of pharmaceutical agents authorized under the bill.

An optometrist licensed in Nebraska would be allowed to administer injections authorized by the bill if he or she provides:

- evidence of certification in another state that is deemed satisfactory by the state board;
- evidence of passing the injection skills examination of the national licensing board for optometrists for a licensee graduating from a school of optometry after Dec. 31, 2012; or
- evidence of completion of a minimum of eight hours of transcript-quality education from an accredited school of optometry for a licensee who graduated on or before Dec. 31, 2012.

An optometrist licensed in Nebraska would be allowed to perform minor surgical procedures authorized by the bill if he or she provides:

- evidence of certification in another state that is deemed

satisfactory by the board;

- evidence of competency from an accredited school of optometry that is deemed satisfactory by the board, or proof of compliance by the end of the first licensure renewal period, for a licensee graduating after Dec. 31, 2012; or
- evidence of completion of a minimum of 16 hours of transcript-quality education from an accredited school of optometry for a licensee who graduated on or before Dec. 31, 2012.

Finally, the amendment states that a licensed optometrist who performs minor surgical procedures or administers injections would be required to provide a standard of care to patients comparable to that provided by a physician licensed in Nebraska to practice medicine and surgery.

O’Neill Sen. Tyson Larson supported the bill, saying residents of his district face a wait of up to a month to see an ophthalmologist. Expanding the scope of practice for optometrists would improve access to eye care, he said, adding that optometrists would continue to refer patients to an ophthalmologist when necessary.

“LB526 gives optometrists the ability to perform simple procedures that are not controversial, not complex, and if they feel uncomfortable, they won’t do it,” Larson said.

Grand Island Sen. Mike Gloor opposed the bill, saying the state’s process for evaluating proposed scope of practice changes yielded a mixed report. While the state board of health recommended the change, he said, a technical review board and the state’s chief medical officer did not.

Senators are not clinicians, Gloor said, and should either trust the review process or change it. Otherwise, he said, health care providers of all types

would be encouraged to bypass the scope of practice review process and come directly to the Legislature with their requests.

“Let’s not fall into that trap,” he said.

The bill advanced to select file on a 27-10 vote.

Extension of child welfare pilot project passed

A pilot project authorized as part of the Legislature’s response to the state’s troubled child welfare reform effort may be extended under a bill passed March 27.

Efforts undertaken by the 2012 Legislature to address child welfare reform included returning child welfare case management to the state Department of Health and Human Services (DHHS) except in the eastern service area, where the department was allowed to contract for lead agency case management as a pilot project.

LB660, introduced by Omaha Sen.

Bob Krist, allows DHHS to extend the pilot, which is currently under contract with the Nebraska Families Collaborative (NFC). The bill



Sen. Bob Krist

also requires an evaluation of the pilot project to determine whether case management should be returned to DHHS and whether private contractors should be used in the case management process.

Evaluation results will be reported to the Legislature, DHHS and NFC by Dec. 31, 2015.

The bill passed on a 43-0 vote.

Grant, task force on aging advanced

A bill that would create a statewide task force on aging and seek federal grant funds was amended and ad-

vanced March 25.

Under LB690, introduced by Lincoln Sen. Kate Bolz, the state Department of Health and Human Services (DHHS) would be required by Sept. 1, 2014, to apply for a federal grant to fund the development of a comprehensive and coordinated system of home and community based long-term care services.



Sen. Kate Bolz

The bill also would create the Aging Nebraskans Task Force to facilitate implementation of the statewide strategic plan for addressing the needs of Nebraska's aging population.

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

Bolz offered an amendment on select file that added two more legislative members to the proposed task force's executive committee and specified that executive and judicial branch representatives would be nonvoting, ex officio members.

The amendment also specified that the four stakeholder members appointed to the task force by the executive committee would be nonvoting members.

Finally, the amendment removed provisions for hiring task force staff and would require DHHS to report annually the percentage of growth in Medicaid spending for people over age 65 for five years following acceptance of the federal grant application.

Following adoption of the amendment 28-0, senators advanced LB690 to final reading by voice vote.

Change to background checks approved

A bill that will bring Nebraska into compliance with federal regulations regarding background checks for certain employees passed March 24.

LB728, introduced by Scottsbluff Sen. John Harms, removes a requirement for a finger printing and national criminal history record check of all employees who work directly with developmental disabilities clients who are employed by contracted providers.



Sen. John Harms

The Nebraska State Patrol still will be required to undertake a criminal history record search for each state employee and the state Department of Health and Human Services will coordinate and pay for background checks for third-party contractor employees through an alternative provider.

LB728 passed 44-0 and takes effect immediately.

Alternative response, foster care transition changes approved

A bill that updates a program that provides foster care transition services and authorizes a pilot program for alternative response in certain Nebraska child welfare cases passed March 27.

LB853, introduced by Lincoln Sen. Amanda McGill, updates the Young Adult Bridge to Independence Act, which is intended to ease the transition for young people aging out of the foster care system.



Sen. Amanda McGill

The bill makes a number of changes to the program, including:

- stipulating that payments made on behalf of a former state

ward after the appointment of a guardian would no longer terminate on or before the individual's 19th birthday if he or she is eligible for extended guardianship assistance;

- requiring continuation of services by the department until age 21 if a former ward is in the bridge to independence program regardless of whether he or she is regularly attending school or training programs;
- requiring the state Department of Health and Human Services (DHHS) to provide information on community resources if a former ward voluntarily terminates a support agreement; and
- requiring that a DHHS independence coordinator meet with former wards who are determined no longer eligible for the program.

LB853 also requires DHHS, in consultation with the Nebraska Children's Commission, to develop an alternative response implementation pilot program. Implementation will include provision of concrete supports and voluntary services, including mental health and substance abuse services and assistance with child care, food, clothing, housing and transportation.

When the plan has been developed, DHHS will begin using alternative response in up to five project locations designated by the department. DHHS will provide a report on evaluation of the status of the pilot program by Dec. 15, 2015, and could begin using alternative response in up to five additional locations after Jan. 1, 2016, and another five after Jan. 1, 2017.

Continuation of the pilot program beyond that date will require legislative approval.

The bill also requires the same initial training for all child welfare

case managers, whether employed by DHHS or an organization under contract with the department.

DHHS also will collaborate with social work programs at Nebraska public colleges and universities to establish a program to provide stipends for undergraduate and graduate students who are committed to working in the child welfare services field. The stipends will be funded with federal Title IV-E dollars.

LB853 passed on a 42-0 vote.

Later date for Medicaid changes approved

A bill intended to slow proposed Medicaid changes in Nebraska was approved by the Legislature March 24.

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

Senators passed the bill on a 46-0 vote.

Behavioral health bill approved

Lawmakers gave final approval March 27 to a bill intended to increase access to behavioral health services in Nebraska.

LB901, introduced by Lincoln Sen. Amanda McGill, requires the University of Nebraska Medical Center's Behavioral Health Education Center to fund five one-year doctoral-level internships within 12 months of the bill's enactment. The number of internships will increase to 10 within 36 months.

Under the bill, interns will be placed in communities where their

presence will improve access to behavioral health services for patients residing in rural and underserved areas of Nebraska.

The bill also requires the state Department of Health and Human Services to establish a mental health first aid training program. The program will:

- help the public identify, understand and respond to the signs of mental illness and substance abuse;
- emphasize the need to reduce the stigma of mental illness; and
- assist persons believed to be developing a mental health or substance abuse problem.

The program will be administered through the state's behavioral health regions with instructors certified by a national authority. The department is required to measure the efficacy of the training program and report to the Legislature annually.

LB901 passed on a 43-0 vote.

Nurse practitioner changes advanced

Lawmakers gave first-round approval March 24 to a bill intended to address the shortage of primary care providers in rural Nebraska.

Bellevue Sen. Sue Crawford, sponsor of LB916, said the bill would bring the Nurse Practitioner Practice Act in line with the future of collaborative models of health care to achieve the best safety and wellness outcomes for all Nebraska patients.

The bill would remove the requirement for an integrated practice agreement between a nurse practitioner and a collaborating physician. It also would remove the requirement that a nurse

practitioner complete a minimum of 2,000 hours of practice under the supervision of a physician.

Crawford said the bill simply would remove a restrictive supervisory requirement that encourages nurse practitioners to leave the state. For example, she said, 70 percent of psychiatric nurse practitioners leave Nebraska to practice in other states and cite practice restrictions as the reason.

"Study after study shows that nurse practitioners provide safe and effective care in other states without this kind of agreement," Crawford said.

A Health and Human Services Committee amendment, adopted 34-0, replaced the integrated practice agreement with a transition to practice agreement, which is defined as a collaborative agreement between a nurse practitioner and a supervising provider.

Under the amendment, a supervising provider could be a physician, osteopathic physician or nurse practitioner licensed and practicing in Nebraska. The supervising provider must be in the same practice specialty, related specialty or field of practice as the nurse practitioner being supervised.

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

Lincoln Sen. Kathy Campbell, chairperson of the committee, said Colorado is the only other state that requires nurse practitioners to have a practice agreement with a physician. She said keeping nurse practitioners in Nebraska is vital because of their focus on primary care specialties.

Syracuse Sen. Dan Watermeier supported the bill, saying nurse practitioners should be supervised by someone who provides the same patient-centered type of health care that they do. The bill's focus, he said, is on removing unnecessary restrictions on business arrangements.



Sen. Bob Krist



Sen. Sue Crawford

“This is not really a scope of practice [bill]. ... It’s more of a scope of business. We’re not changing one thing about what this health care provider can do for the general public,” Watermeier said. “This is an example of finding a real solution for health care concerns – health care needs – for the state of Nebraska.”

Norfolk Sen. Jim Scheer offered, and later withdrew, an amendment that would have removed nurse practitioners from the list of authorized supervisors under the new transition to practice agreement. He said new nurse practitioners initially should be under the supervision of a physician.

Sen. Mike Gloor of Grand Island opposed the amendment. Gloor said he understood Scheer’s concerns, but argued that the idea of a physician at the top of a pyramid with all other health care providers subordinate to him or her was an outdated way of conceptualizing health care provision.

“It’s not the way we train and practice health care in this day and age,” he said. “It’s a circle with the patient in the middle and all of the providers work as a team to provide care to the patient.”

LB916 advanced to select file 29-2.

DHHS fee increases advanced

Senators advanced a bill March 25 that would increase the fees that the state Department of Health and Human Services (DHHS) may charge to issue certified copies or abstracts of marriage and for searches of death certificates.

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

Lincoln Sen. Kathy Campbell,

chairperson of the committee, said fees have not been increased in many years and currently do not cover the cost of services.

“Historically, vital records has been funded solely by fees,” she said.

DHHS submitted a \$600,000 request during the last budget cycle to cover the shortfall, Campbell said, adding that the \$5 increase for a marriage certificate was expected to generate \$690,000 in revenue.

The bill advanced to select file on a 25-0 vote.

Telehealth added to delay of Medicaid changes

A bill that would postpone certain Medicaid authorization and payment changes was amended and advanced from select file March 25.

LB1076, introduced by Lincoln Sen. Kathy Campbell, would require that proposed changes in Medicaid authorization and payment for medically necessary home health services and reimbursement rates be



Sen. Kathy Campbell

delayed until the state Department of Health and Human Services (DHHS) has reviewed the results of other state’s pilot programs.

The bill would mandate that there be no reduction in reimbursement rates and no changes in limitations on services for Medicaid home health. Services that would be retained would include, but not be limited to, more than one home health visit in a day to provide skilled nursing services, nursing services and aide services.

Omaha Sen. Jeremy Nordquist offered an amendment, adopted 26-1, that added provisions of his LB1078 relating to telehealth service provision in Nebraska. The amendment would allow physi-

cians, physician assistants, nurse practitioners and pharmacists to use telehealth – or electronic communication – for the purpose of prescribing medication.



Sen. Jeremy Nordquist

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

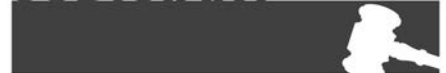
Nordquist said DHHS currently prohibits Medicaid reimbursement for telehealth services if a comparable in-person service is available within 30 miles. Many Medicaid eligible individuals in rural areas have difficulty accessing care under the current restriction, he said, due to long distances and transportation limitations.

Allowing the elderly and medically fragile to access health care from their homes has been shown to reduce hospitalizations and health care costs and improve clinical outcomes, he said.

“This would be a step in the right direction for our Medicaid services,” Nordquist said.

Following adoption of a technical amendment offered by Campbell, senators advanced LB1076 to final reading by voice vote.

JUDICIARY



Expansion of synthetic drug ban advanced

Additional variations of a synthetic drug would be banned under a bill advanced to select file March 25.

Introduced by Ogallala Sen. Ken Schilz, LB811 would amend one class

of currently banned substances under the Uniform Controlled Substances Act and would add another class of synthetic cannabinoids to the list of banned substances. The bill would revise the act to apply to substantially similar imitations of prohibited controlled substances that may be developed in the future.



Sen. Ken Schilz

As introduced, the bill would have increased the penalty for manufacturing, distributing or delivering an imitation controlled substance to a Class I misdemeanor or a Class IV felony for subsequent offenses.

A Judiciary Committee amendment, adopted 27-0, retained the existing penalties. Under the amendment, first-time offenders would be guilty of a Class III misdemeanor punishable by up to three months imprisonment, a \$500 fine or both. A subsequent offense would be a Class II misdemeanor punishable by up to six months imprisonment, a \$1,000 fine or both.

Schilz said manufacturers of synthetic cannabinoids evade current law by changing the chemical composition of their products to create versions unaffected by the ban. This results in substances that are more dangerous than the original drug the products are made to mimic, he said.

“Nebraska’s children are obtaining the new versions of these synthetic cannabinoids and in some instances, dying because of the chemical make-up,” Schilz said.

Omaha Sen. Steve Lathrop said LB811 goes a step further than outlawing the latest version of synthetic narcotics by including language that essentially would ban future versions of the compounds.

“Senator Schilz has done some-

thing that I think is very creative, which is to try to generally describe what we’re trying to outlaw so that you can’t come up with a variation in the chemical compound and get away with it again,” Lathrop said.

Senators advanced the bill on a 33-0 vote.

Guardianship program passed

Senators passed a bill March 27 creating a state office to offer legal guardianship for Nebraskans who lack other options.

LB920, introduced by Lincoln Sen. Colby Coash, adopts the Public Guardianship Act, which establishes an office to serve as guardian or conservator in situations in which no family member or suitable individual is available. The office will provide education, training and support to current and future guardians and conservators.



Sen. Colby Coash

The bill establishes the Office of Public Guardianship under the jurisdiction of the Nebraska State Court Administrator, which will employ a director, deputy public guardian and up to 12 associate guardians. The bill also creates the Public Guardianship Cash Fund.

The bill passed on a 44-0 vote.

Behavioral health correctional facility proposed

Inmates with mental illness and substance addiction would be treated in a special facility in Hastings under a bill advanced from general file March 26.

Introduced by Omaha Sen. Brad Ashford, LB999 initially was drafted



Sen. Brad Ashford

to make administrative changes to Nebraska’s criminal justice system to revise its focus from incarceration to transitioning offenders to re-enter the community.

Hastings Sen. Les Seiler brought an amendment, adopted 30-0, which replaced a proposed Judiciary Committee amendment and became the bill.

As amended, LB999 would authorize the state Department of Health and Human Services to study the feasibility of establishing a behavioral health center at the site of the former Hastings Regional Center. The department would provide the governor, by Dec. 15, a program statement that examines:

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

Ashford said the bill would address the challenges faced by the state Department of Correctional Services in rehabilitating mentally ill inmates for release back into the community

“Failure to treat mental illness ... can have very dangerous repercussions,” he said.

Seiler said Hastings is especially suited to host an inmate rehabilitation facility because it would be supported by the mental health staff at Mary Lanning Healthcare.

Following adoption of the amended committee amendment, senators advanced the bill to select file on a 38-0 vote.

Industrial hemp research bill passed

Senators passed a bill March 27 permitting industrial hemp to be grown for research in Nebraska.

Introduced by Cortland Sen. Norm Wallman, LB1001 allows post-secondary institutions or the state Department of Agriculture to grow industrial hemp for agricultural or academic research. The department is required to develop regulations for industrial hemp cultivation and certify sites where it is grown.



Sen. Norm Wallman

Only plants containing three-tenths percent or less of tetrahydrocannabinols (THC), the active ingredient of the cannabis plant, are approved for use.

The bill passed on a 39-2 vote.



Wind energy tax credit expanded

Senators passed a bill March 27 that allows more wind projects to qualify for a wind energy sales tax exemption.

Currently, private wind energy projects can qualify for a sales tax exemption on the equipment and supplies used in construction if at least 33 percent of the revenue from the project for the first 20 years is directed back to Nebraska residents or companies.

LB402, introduced by Omaha Sen. Heath Mello, defines a qualifying community-based energy development project as a new wind energy generation project using a wind, solar, biomass, landfill gas



Sen. Heath Mello

or low-emission fuel source that reduces the overall carbon emissions of the generation system.

The bill amends the current statute by:

- expanding the definition of “payments to the local community” to include payments for products manufactured in Nebraska or by Nebraska companies and services provided by Nebraska companies as well as lease and easement payments to property owners;
- reducing the qualifying percentage threshold from 33 percent to 25 percent; and
- loosening corporate restrictions by allowing corporations domiciled in Nebraska to meet the definition of “qualified owner.”

Senators passed the bill on a 43-0 vote.

Mountain lion hunting repeal approved, vetoed

Senators passed a bill March 24 that would have prohibited the hunting of mountain lions. Gov. Dave Heineman vetoed the bill on March 28.

LB671, introduced by Omaha Sen. Ernie Chambers, would repeal the law passed in 2012 that authorized the state Game and Parks Commission to hold a mountain lion hunting season.



Sen. Ernie Chambers

The bill would continue to allow farmers and ranchers to kill a mountain lion they perceive to be a threat.

Senators passed the bill on a 28-13 vote. Chambers has five legislative days to consider filing a motion to override the veto.

Hunting permits for developmentally disabled passed

A developmentally disabled person can purchase a hunting permit under a bill passed by the Legislature March 27.

Under LB699, introduced by O’Neill Sen. Tyson Larson, a license-purchase exemption certificate issued by the state Game and Parks Commission allows a developmentally disabled person to purchase a hunting permit.



Sen. Tyson Larson

People applying for an exemption certificate will be required to provide a written note from their physician, indicating that the person is at all times capable of understanding and following directions given by another person and that he or she is not currently a danger to himself, herself or others.

The bill also consolidates current hunter education programs to form one program covering all hunting implements including firearms, crossbows, bows and arrows and air guns. Those applying for bow hunter permits will be required to take additional bow hunter education programming.

Senators passed the bill on a 43-0 vote.



Ag machinery tax exemption approved

Senators gave final approval March 27 to a bill that exempts certain agricultural machinery purchases from state sales tax.

Under LB96, introduced by Fullerton Sen. Annette Dubas, the sale of repairs and replacement parts for agri-

cultural machinery or equipment is exempt from state sales tax. Any qualifying purchases made prior to Oct. 1, 2014, remain eligible for refund.



Sen. Annette Dubas

Senators passed the bill on a 40-0 vote.

Tax credit for historic building restoration amended, advanced

Senators amended and advanced a bill from select file March 24 that would provide a nonrefundable tax credit to people restoring historically significant property.

Under LB191, as originally introduced by Omaha Sen. Jeremy Nordquist, owners returning a historically significant property to service would have qualified for a tax credit equal to 20 percent of eligible expenditures up to \$10 million and 10 percent of expenditures over \$10 million.



Sen. Jeremy Nordquist

Nordquist introduced an amendment, adopted 27-0, which replaced the bill and would impose stronger restrictions on those applying for the credit.

The amended bill would allow owners to apply for a tax credit equal to 20 percent of eligible expenditures up to \$1 million. The total amount of credits available per year would be limited to \$15 million. Taxpayers would be eligible for the credit beginning Jan. 1, 2015, and applications would be accepted until Dec. 31, 2018.

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

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

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

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

If recapture occurs within:

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

Omaha Sen. Burke Harr introduced an amendment, adopted 26-0, which incorporated provisions of his LB885.

Under the amendment, in counties of at least 150,000 people, two or more vacant or unimproved lots owned by the same person in the same tax district and



Sen. Burke Harr

held for sale or resale could be included in one parcel for property tax purposes.

The amendment also would direct county assessors to use the discounted cash-flow analysis method, in addition to the income approach, when determining property taxes.

Columbus Sen. Paul Schumacher supported the Harr amendment, saying it was a suggestion made to the Legislature’s Tax Modernization Committee.

“[This amendment] gives [county assessors] an opportunity have a fair way to tax empty lots that won’t sell for a long time,” he said, “while still maintaining a framework that allows developers to develop large tracts of land.”

Following the adoption of a technical amendment, senators advanced the bill to final reading on a voice vote.

Flexible rental car fees passed

Senators passed a bill March 27 permitting rental car companies to adjust certain fees.

LB251, introduced by North Platte Sen. Tom Hansen, allows rental car companies to charge a fee of up to 5.75 percent to cover licensing costs for the cars in their fleets.



Sen. Tom Hansen

Currently, car rental companies are required to charge a 4.5 percent fee and remit excess funds to their county treasurers. Under LB251, companies may vary the fee to recover licensing costs but are not forced to collect the fee if it is not needed.

The bill passed on a 43-0 vote.

Sales tax funding for Game and Parks passed

A bill that diverts state sales tax revenue to the state Game and Parks Commission was passed by the Legislature March 27.

LB814, introduced by Lincoln Sen. Bill Avery, dedicates the state sales tax revenue derived from the sale or lease of motorboats and personal watercraft for commission infrastructure maintenance projects.



Sen. Bill Avery

Currently, state sales tax revenue is deposited into the state General Fund, the State Highway Capital Improvement Fund and the Highway Allocation Fund. Under LB814, the revenue will be directed to a newly created Game and Parks Commission Capital Maintenance Fund.

The state sales tax revenue collected from all-terrain and utility-type vehicles that have been titled in Nebraska also will be dedicated to the Game and Parks Commission Capital Maintenance Fund under the bill.

LB814 defines all-terrain vehicles as vehicles 50 inches or less in width with a weight of 1,200 pounds or less. A utility-type vehicle is defined as 74 inches or less in width with a weight of 2,000 pounds or less.

Senators passed the bill on a 43-1 vote.

Inclusion of tax incentive goals approved

Senators passed a bill March 27 that adds basic goal language to certain Nebraska tax incentive programs.

LB836, introduced by the Legislative Performance Audit Committee, adds language to the state's tax incentive programs indicating legislative intent regarding the type of jobs and industries that the programs are meant to encourage.

The bill specifies that the goal of the Nebraska Advantage Rural Development Act is to make tax structure revisions that encourage businesses to locate in rural Nebraska in order to decrease unemployment, create new

jobs and increase investment.

LB836 also specifies that it is Nebraska state policy to encourage modernization of livestock facilities, increase research and development and create quality jobs - specifically those related to research and development, manufacturing and large data centers.

Finally, the bill adds language to the Angel Investment Tax Credit Act stating that it is state policy to encourage entrepreneurship and increase investment in high technology industries in underserved areas of Nebraska.

LB836 passed on a 42-0 vote.

Property tax relief approved

More retirees would be eligible for property tax relief under a bill passed by the Legislature March 27.

LB986, introduced by the Revenue Committee, changes the Nebraska homestead exemption program by increasing the maximum eligible income from \$28,500 to \$46,900 for partial exemptions to married claimants older than 65. The maximum eligible income for partial exemptions to single claimants older than 65 is increased from \$24,200 to \$39,500.

The Nebraska homestead exemption program gives property tax relief to homeowners who are older than 65, disabled or totally disabled veterans or their surviving spouses.

Senators passed the bill on a 43-0 vote.

Adjustments to state income, social security taxes adopted

Senators passed a bill March 27 that indexes state income tax brackets for inflation.

Under LB987, introduced by the Revenue Committee, state income tax brackets will be indexed annually by the state tax commissioner.

The bill also reduces the amount of Social Security benefits that are included in the federal adjusted gross income

(AGI) for state income tax purposes. The adjustment applies to taxpayers with an AGI of \$58,000 or less for married persons filing jointly and \$43,000 or less for all other returns.

The estimated reduction in state General Fund revenue is as follows:

- \$8.3 million in fiscal year 2014-15;
- \$24.9 million in FY2015-16;
- \$37.3 million in FY2016-17; and
- \$51.6 million in FY2017-18.

The bill also allows an individual to make a one-time election to exclude a portion of his or her military retirement income from state income tax within two years of retirement. The individual can either choose to exempt 40 percent of military retirement income for seven consecutive years or 15 percent for each year, beginning with the year he or she turns 67.

The exemption applies only to individuals retiring after Jan. 1, 2015.

Senators passed the bill on a 44-0 vote.

Road construction bonds advanced after cloture

Senators continued a second day of general file debate March 26 on a bill that would enable the state to borrow money to fund road construction. It advanced to select file after a successful cloture vote.

LB1092, as introduced by Fullerton Sen. Annette Dubas, would have authorized the State Highway Commission to issue up to \$400 million in bonds for highway construction projects.



Sen. Annette Dubas

The amount was reduced to \$200 million by a Revenue Committee amendment March 12.

Under the bill, at least 25 percent of bond proceeds would be dedicated to construction of federally desig-

nated, high priority corridors and the expressway system through Chadron, Alliance and Scottsbluff.

The bonds would be repaid with revenue from the State Highway Capital Improvement Fund, which currently receives .25 percent of the state sales and use tax. LB1092 also would pledge the revenue from all fuel taxes, registration fees and other highway user fees for the purpose of bond repayment. Interest rates for the bonds would not be allowed to exceed five percent.

Citing a state Department of Roads needs assessment, Dubas said road projects over the next 20 years would cost \$14.1 billion. Bonding accelerates delayed projects and helps the state overcome decreasing gas tax revenues caused by conservative driving habits and fuel-efficient cars, she said.

“The gas tax revenues are simply not going to continue to be there like they have in the past,” she said. “If we go this route ... it gets more construction projects going in a quicker fashion and at the end of the day you’re going to save money in the long run.”

Hyannis Sen. Al Davis supported the bill, saying quality highways will address population losses in rural Nebraska.

“You have to face the brutal fact that business development requires infrastructure; most businesses aren’t going to look at development in a community that doesn’t have a divided highway,” he said.

Bancroft Sen. Lydia Brasch opposed the bill. She said the bonds would give Nebraskans a false expectation that projects would be completed more quickly, when the department currently requires eight years for the completion of a road project.

Omaha Sen. Ernie Chambers also spoke against the bill, saying that it breaks with the state’s tradition of paying for projects with currently available

funds and places a financial burden on future legislatures.

“This is a bill that is a radical departure from the way the state has conducted business when it comes to road building and maintenance,” he said. “If we put a bad plan in place, then future generations are going to be negatively impacted by it.”

A motion by Chambers to bracket the bill until April 17 failed, as did a Chambers technical amendment.

Dubas moved to invoke cloture—or cease debate and force a vote on the bill—which senators approved on a 34-14 vote. LB1092 then advanced to select file on a 32-14 vote.

TRANSPORTATION & TELECOMMUNICATIONS

Rural mailbox requirements advanced

A bill updating mailbox location requirements along highways was advanced to select file March 24.

LB757, introduced by Papillion Sen. Jim Smith, would relax the requirement that a mailbox must be placed 1 foot outside the shoulder line of a highway. The bill also would remove the requirement that the state Department of Roads regulate Nebraska’s diminishing wayside, or picnic, areas. Finally, the bill would repeal an outdated county roads numbering system in favor of the more modern E-911 road numbering system.



Sen. Jim Smith

Smith said the bill is needed to remove dated and obsolete language from Nebraska statutes. The highway mailbox location requirements, for example, are more than 50 years old,

he said.

Senators advanced the bill on a 32-0 vote.

DMV updates passed

Senators passed a bill March 24 that updates state Department of Motor Vehicles (DMV) policy dates.

LB776, introduced by Kearney Sen. Galen Hadley, makes state laws administered by the DMV consistent with federal laws by amending reference dates in several statutes. Included in the updates is a requirement that DMV employees who handle licensing and registration documentation be subject to background checks.



Sen. Galen Hadley

The bill, which goes into immediate effect, passed on a 47-0 vote.

Federal mandates for roads passed

Senators passed a bill March 24 that prohibits drivers of commercial and passenger vehicles from using phones while driving.

LB983, introduced by Fullerton Sen. Annette Dubas, updates Nebraska statutes to comply with federal regulations regarding commercial driver’s licenses, permits and identification cards issued by the state Department of Motor Vehicles.

If convicted of using a hand-held telephone while driving, commercial vehicle drivers, drivers of nine- to 15-passenger vans and school bus drivers would have a three-point penalty assessed against their license. The bill also exempts farmers, their family members and employees from commercial driving regulations when driving covered farm vehicles.

Senators passed the bill, which goes into effect immediately, on a 42-0 vote.

Farm equipment transportation rules advanced

Load restrictions would be relaxed for farm equipment haulers under a bill advanced to select file March 24.

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

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

Dubas said bill would save commercial haulers the time and expense of filing for additional permits currently needed to haul agricultural equipment.

Senators advanced the bill on a 33-0 vote.



Sen. Annette Dubas

Mello, a neighborhood association electing to receive notices could request a preferred method of notice, including email, regular, certified or registered mail.

Mello said the bill would allow neighborhood associations to stay informed on zoning and development issues via email and help planning departments reduce postage costs.

The bill advanced on a 36-0 vote.

Blight guidelines passed

Senators passed a bill March 27 that revises guidelines for the accounting of certain blighted properties.

LB1012, introduced by Ogallala Sen. Ken Schilz, permits cities to exempt redevelopment projects using formerly used defense sites when determining the amount of blighted land in their municipalities.



Sen. Ken Schilz

Currently, metropolitan, primary and first class cities cannot designate more than 35 percent of the city as blighted. Second class cities may not designate more than 50 percent of the city as blighted and villages may not designate more than 100 percent of the village as blighted.

The bill passed on a 43-0 vote.

MUD district elections passed

Lawmakers passed a bill March 24 that authorizes district elections for the metropolitan utilities district (MUD) board of directors.

LB1014, introduced by Omaha Sen. John Murante, authorizes the MUD board of directors to divide the district's territory into seven election subdivisions.



Sen. John Murante

The board has until Feb. 1, 2016, to establish districts composed of substantially equal population and compact and contiguous territory and will assign each member a numbered subdivision for the remainder of their current term of office.

Assignments will be made so as to stagger elections to the new districts until 2023. The board must redistrict following each federal decennial census.

The bill passed on a 47-0 vote.

Economic development changes approved

Lawmakers gave final approval March 27 to a bill that makes changes to two Nebraska economic development programs.

LB1114, introduced by Omaha Sen. Heath Mello, places a pilot program currently under the Small Business Innovation Act under the umbrella of the Business Innovation Act. The pilot program provides technical support for Nebraska-based, high-growth businesses to foster growth and development.

In addition, the bill extends the Business Innovation Act termination date from Oct. 1, 2016 to Dec. 1, 2021.

The bill also appropriates \$50,000 to a new High Growth Business Development Cash Fund, which will be administered by the state Department of Economic Development. The fund will be used to commission an analysis of ways to support and increase venture capital in Nebraska, including an examination of best practices in other states.

Finally, the bill changes a cap on grants in the Community Development Assistance Act. The current cap of \$350,000 per year will be reduced to \$300,000 for fiscal year 2014-15.

LB1114 passed on a 43-0 vote. ■

URBAN AFFAIRS

Zoning notification changes advanced

Senators gave first-round approval March 24 to a bill that would change requirements for municipalities providing notice to neighborhood associations of zoning and redevelopment plan changes.

Currently, municipalities are required to provide notice by certified mail. Under LB679, introduced by Omaha Sen. Heath



Sen. Heath Mello

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