

Proposal to fund Game and Parks advanced

A bill that would divert state sales tax revenue to the state Game and Parks Commission was advanced to select file March 4.

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

Avery said the bill represents a reasonable way to address the needs of the commission.

"We can no longer ignore the fact that we have some very serious issues in our state parks," he said.

"We have something to be proud of and something that brings significant economic development to the state. [This bill] represents a responsible way to address those needs."

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 also would be directed to a newly created Game and Parks Commission Capital Maintenance Fund.

A Revenue Committee amendment, adopted 31-0, incorporated provisions of LB841, originally intro-



Sen. Bill Avery said LB814 would fund maintenance that is long overdue in the state parks.

duced by Kearney Sen. Galen Hadley. Under the amendment, the state sales tax revenue collected from all-terrain and utility-type vehicles that have been titled in Nebraska also would be dedicated to the Game and Parks Commission Capital Maintenance Fund.

Cedar Rapids Sen. Kate Sullivan supported the bill, saying updates are sorely needed in many parks across the state.

"All of these parks are greatly loved by the people who visit them throughout the year," she said, "but that will only work if they can go to places that

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Priority school designation advanced

Senators advanced a bill from select file March 5 that would provide special assistance to the state's three lowest performing schools.

Under LB438, introduced by York Sen. Greg Adams, an intervention team appointed by the State Board of Education would assist the school district and school staff in diagnosing issues and designing and implementing strategies to address them. A school would retain the priority designation until the State Board of Education determines it is no longer necessary.



Sen. Greg Adams

The intervention team — in conjunction with school district staff — would be required to develop a progress plan to include specific action by the school and district to remove the priority designation. Any priority school would be required to comply with the progress plan for the school district to maintain accreditation.

The State Board of Education annually would review progress plans and suggest any modifications. If a school were designated as a priority school for five consecutive years, the board would be required to reevaluate the progress plan.

Adams introduced an amendment,

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Proposal to fund Game and Parks advanced

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look good and are properly maintained.”

Hoskins Sen. Dave Bloomfield opposed the bill. He said Game and Parks’ mismanagement of resources has led to its current state.

“[Game and Parks] is a mismanaged organization that has not spent well the resources we have given them,” he said. “They have had ample opportunity to divest themselves of property that should be put back as farmland and on the property tax rolls.”

Senators advanced the bill on a 32-1 vote. ■

Priority school designation moves

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adopted 28-0, that would authorize the state board to implement an alternative administrative structure if a school consistently fails to meet the guidelines set forth in its progress plan.

Adams said the amendment gives the board more authority to respond in crisis situations.

“[During earlier debate] I heard more than one senator say we need to do more,” he said. “I’m trying to strike what I perceive to be a very delicate balance between giving the state board the authority and flexibility to go into schools and get them turned around, yet not going at it with a chain saw.”

Omaha Sen. Rick Kolowski supported the amendment, saying it is important that schools are given clear expectations.

“[Schools] know they have standards and that they must meet those standards,” he said. “[They need to know that] when they don’t [meet those standards], they’re going to have help from the state Department of Education to get to the level of acceptability.”

Senators advanced the bill to final reading by voice vote. ■

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AGRICULTURE



Hunting permit bill amended to include report

Senators advanced a bill from select file March 6 that would allow a developmentally disabled person to purchase a hunting permit.

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



Sen. Tyson Larson

Another licensed hunter must accompany the disabled hunter.

Applicants for the certificate would 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 currently is not a danger to himself, herself or others.

The bill also would consolidate current hunter education programs to form one program covering all hunting implements including firearms, crossbows, bow and arrows and air guns.

Lincoln Sen. Amanda McGill filed a motion to suspend the germaneness rule, which prevailed 30-0, to allow consideration of an amendment that would add provisions of her bill, LB1035.

The amendment would require the Nebraska State Patrol and the state Department of Health and Human Services (DHHS) to provide the Legislature a record of citizens unable



Sen. Amanda McGill

to purchase handguns due to disqualification or disability. The report also would be published on the Nebraska State Patrol and DHHS websites.

McGill said an investigation by her office discovered that statistics provided to the federal database by Nebraska regarding handgun purchase denials were not accurate. Updated information is important, she said, to prevent gun sales to individuals who suffer from mental instability, domestic violence offenders, fugitives from justice and people who have been served a restraining order.

The McGill amendment was adopted 29-0.

Senators adopted a technical amendment brought by Larson and advanced LB699 to final reading on a voice vote.

Changes to livestock brand inspection procedures advanced

Senators gave first-round approval March 6 to a bill that would create brand inspection service areas.

LB768, as originally introduced by Ogallala Sen. Ken Schilz, would have allowed the Nebraska Brand Committee to charge and collect a fee to cover the actual expenses for livestock brand inspections occurring outside the brand inspection area.



Sen. Ken Schilz

An Agriculture Committee amendment, adopted 29-0, replaced the bill. As amended, the bill would revise the fee calculation for feedlots and dairies by basing the calculation on capacity only upon an initial application. It also would utilize annual average inventory for calculating the fee for subsequent renewals to reflect current practices.

Schilz said the bill is a response to a

report by the state auditor that found inconsistencies between statute and current practices.

"[This bill would] bring certain feed provisions in line with legislative intent and current practice," he said. "It would insert express statutory authority for the feed processes that have been followed by the brand committee."

The committee amendment also incorporated provisions of LB846, originally introduced by Hyannis Sen. Al Davis. It would create a brand inspection service area which would include any Nebraska county, or portion thereof, immediately adjacent to the mandatory brand inspection area.



Sen. Al Davis

The amended bill also would require that the amount of federal beef checkoff collected under the Federal Beef Promotion and Research Order be enumerated on a bill of sale.

O'Neill Sen. Tyson Larson introduced an amendment that would have allowed feedlots and dairies to claim a refund of any excess fees charged by the Nebraska Brand Committee during the period from Nov. 1, 2006 to present. Larson said the matter is a question of fairness.

"The fact that it took an auditor's report and eight years for the brand committee to catch something of this nature is ludicrous," he said. "It is wrong that these business owners across the state were overcharged for years."

Davis opposed the Larson amendment, saying it would be counterproductive.

"People are well aware that this has been an issue, but not one person has come and said 'Give us our money back,'" he said. "We're trying to harmonize the statutes, but this amendment drives a wedge back into the situation."

Larson withdrew his amendment and senators advanced the bill to select file on a 33-0 vote.

Exotic animal sale regulation advanced

Senators gave first-round approval March 4 to a bill that would redefine and expand the state's authority to regulate exotic animal sales in Nebraska.

North Platte Sen. Tom Hansen, sponsor of LB884, said the bill would more closely regulate the type of livestock animals being sold, purchased, bartered or otherwise transferred through exotic animal auctions or swap meets.



Sen. Tom Hansen

"I take very seriously the health of our livestock," Hansen said.

As introduced, LB884 would adopt the Exotic Animal Auctions and Swap Meets Act and would define an exotic animal as one that is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act. The definition would include miniature cattle, horses and donkeys, as well as sheep, goats, alpaca, llamas and pot-bellied pigs.

The bill would require exotic animal auctions or swap meets to 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.

The bill also would require each animal that changes ownership to 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.

An Agriculture Committee Amendment, adopted 28-0, would rename the act as the Exotic Animal Auctions or

Exchange Venue Act. The amendment also would require verification that a permit applicant has contracted for the services of an accredited veterinarian and would limit the bill's CVI provision to bovine, camelid, caprine, ovine or porcine animals.

Finally, 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.

Ogallala Sen. Ken Schilz, chairperson of the committee, said exotic animal auction venues are growing in popularity in Nebraska and the intermingling of native and exotic species creates a vector for the introduction and spread of disease.

Sen. Dave Bloomfield of Hoskins called the committee amendment an improvement on the bill as introduced.

"Given the makeup of Nebraska agriculture, it is vitally important that we protect our livestock herds," he said. "That is the intent of the bill and it goes a long way toward doing that."

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

Dairy study bill advanced

The state Department of Agriculture would provide the Legislature a report about Nebraska's dairy industry under a bill advanced from general file March 6.

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

The bill would permit the agriculture director to make recommenda-

tions for ways that state government could stimulate milk production and markets. The deadline for the report would be Nov. 15, 2014, with the intent that it receive a public hearing by the Agriculture Committee.

The estimated \$32,000 cost of the report would come from the Commercial Feed Administration Cash Fund.

Schilz said the report is necessary because Nebraska has seen a long-term attrition of dairies and dairy animals. A recent closure of a cheese factory in Ravenna eliminated 170 jobs, he said, and a UNL Extension Office study showed Nebraska has fallen to 27th in milk production nationally.

"There is a concern that the loss of milk producers and stagnant milk production is a key factor in decisions by some processors to abandon processing facilities in Nebraska," Schilz said.

The report would provide important baseline data, Schilz said, that would elicit recommendations from state dairy officials to help the industry grow.

An Agriculture Committee amendment, adopted 28-0, clarifies that the report should study the capacity of in-state processors to utilize increased in-state milk production and the potential for expansion of self-processing and direct marketing of Nebraska milk and dairy products.

The bill advanced to select file on a 28-0 vote.

APPROPRIATIONS

DHHS budgeting, strategic planning bill advanced

A bill that would require the state Department of Health and Human Services (DHHS) to include strategic plans in its budget requests advanced from general file March 6.



Sen. Ken Schilz

LB974, introduced by Omaha Sen. Heath Mello, would require DHHS to include strategic plans for the following divisions as part of the appropriations process for each of the next two state budget cycles:



Sen. Heath Mello

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

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

The plans would be required until June 30, 2019.

Mello said Nebraska's largest state agency needs more accountability, oversight and transparency.

"Recent audits ... have convinced me that these additional divisions should face greater scrutiny than our budget process currently provides," he said.

Scottsbluff Sen. John Harms supported the bill, saying many states are moving toward performance-based budgeting. Nebraska's current budget process leaves lawmakers struggling to determine DHHS's goals and benchmarks, he said, and inhibits strategic planning.

"This is a start in the right direction," Harms said.

An Appropriations Committee amendment, adopted 28-0, incorporated provisions of three additional bills:

- LB837, introduced by the Legislative Performance Audit

Committee, which would prohibit 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 would increase a cap on growth in the special education appropriation from 5 to 10 percent for future budget years; and
- LB1023, introduced by Mello, which would update statutory references to several budgetary reports and require that a copy of the reports be provided to the legislative fiscal analyst.

Senators advanced the amended bill to select file on a 32-0 vote.

BUSINESS & LABOR

Wage theft, pay stub bill advances

A bill intended to provide protections and remedies for victims of wage theft advanced from general file March 6.

As introduced by Omaha Sen. Heath Mello, LB560 would require employers to provide employees with an itemized statement listing their wages and deductions on each payday and give 30 days' written notice before altering an employees' wages.

A Business and Labor Committee amendment, adopted 27-0, removed provisions that would have prohibited retaliation against individuals who oppose an unlawful employer practice or who testify, assist or participate in an investigation, proceeding or hearing.

Also removed was a proposed re-

quirement that employment records be kept for at least five years if an employer is under the Nebraska Fair Employment Practice Act or longer if required by the Nebraska Equal Opportunity Commission. The amendment also clarified that investigatory and subpoena powers would be limited to information that is relevant and reasonable in scope.

In addition, the amendment replaced the original criminal penalty with a civil penalty similar to those provided under the Contractor Registration Act. The fine would be \$500 for a first offense and up to \$5,000 for subsequent offenses. Employers could contest a citation.

Mello said Nebraska lags in providing employees protection from wage theft. He cited a study that found over 60 percent of low-wage workers suffer from some type of wage violation on a weekly basis.

"Working families in lower wage sectors can far too easily fall victim to wage theft in Nebraska," he said.

Mello said the amended bill would provide the state Department of Labor the ability to investigate violations of existing wage theft laws and enforce the law through administrative procedures.

Provisions of LB903, sponsored by Omaha Sen. Steve Lathrop, also were added to the bill

by the committee amendment. The provisions would require an employer to deliver or make available to each employee, on each regular payday, a statement of hours worked, wages earned and deductions made. An employer would not be required to provide the information for employees who are exempt from overtime under the federal Fair Labor



Sen. Steve Lathrop

Standards Act.

Columbus Sen. Paul Schumacher offered an amendment that would have exempted employers in cases where an employee works no more than 40 hours a week and is paid a fixed gross amount each week that is at least the minimum wage.

Schumacher said the bill's wage statement provisions would be an excessive burden on small business owners and that the exception outlined in his amendment would not harm LB560's intent.

"There is no sense under the sun that we should make it any more complicated than it should be," he said.

Lathrop opposed the Schumacher amendment. The bill would not require small businesses to engage in a needless amount of additional paperwork in order to comply, he said. Instead, it simply would require employers to provide specific wage information to their employees on a regular basis.

"I don't know how to make it more simple," Lathrop said. "We're not burdening business. We do this stuff; we calculate people's pay before payday - just tell them what it is."

The amendment failed on a 16-18 vote.

Following adoption of a technical amendment offered by Papillion Sen. Jim Smith on a vote of 31-0, lawmakers advanced LB560 to select file 28-4.

EXECUTIVE BOARD

Committee will study public benefit access system

Lawmakers approved a measure March 7 that establishes a special investigative committee of the Legislature to study the state's public benefit access system.

LR400, introduced by Fullerton Sen. Annette Dubas, establishes the ACCESSNebraska Special Investigative Committee of the Legislature. ACCESSNebraska is an online and call center system developed by the state Department of Health and Human Services (DHHS) and implemented in 2009 to determine public benefit eligibility and to deliver those benefits to clients.



Sen. Annette Dubas

Under the proposal, the scope of the investigation will include but not be limited to the:

- experiences of clients and their families;
- adequacy of the technology used within the ACCESSNebraska system; and
- adequacy of staffing and training of DHHS employees working within the system.

The committee will consist of seven members of the Legislature appointed by the Executive Board. The committee is authorized to hold hearings and issue subpoenas as deemed necessary and will issue a report of its findings and recommendations to the Legislature no later than Dec. 15, 2014. Dubas said the state has experienced a variety of problems with ACCESSNebraska since its inception, including long wait times for callers, high worker turnover and lost paperwork. Nebraskans have waited hours to access the system, she said, and 70 percent of the current workforce has less than 18 months of experience.

"This program needs a comprehensive [examination] to determine where we are at and what we need to do at multiple levels to take corrective action," she said. "Rather than continue to introduce random pieces of

legislation ... we would be better served to do our own independent analysis."

Lincoln Sen. Kathy Campbell supported the resolution, saying people have been "patient beyond belief" with the system but that patience is running out.

"It is unconscionable that our customer service to Nebraskans is not the best that it can be," she said.

Omaha Sen. John Nelson questioned whether establishing a special committee was necessary. The ACCESSNebraska system is improving, he said, and perhaps could be provided adequate oversight through the work of standing legislative committees.

"Is there another way that we can encourage that?" Nelson said.

Dubas said DHHS reform efforts have been halting and not comprehensive.

"This program has been in place since 2009, and we are still trying to make it work," she said. "I'm not sure how much longer we can wait."

The resolution was adopted on a 23-0 vote. Legislative resolutions require a simple majority of members present for adoption.

Senators to investigate prison's management of inmate

Lawmakers approved a resolution March 7 directing the Legislature to conduct its own investigation of a former prison inmate suspected of multiple murders.

The month after Nikko Jenkins' July 2013 release from the Nebraska State Penitentiary, Jenkins allegedly killed Juan Uribe-Pina, Jorge Cajiga-Ruiz, Curtis Bradford and Andrea Kruger in Omaha. Jenkins was found by an ombudsman's report to have requested continued incarceration because he feared he would kill people upon his release.

LR424, introduced by Omaha Sen. Steve Lathrop, establishes the Department of Correctional Services Special Investigative Committee to study the circumstances of Jenkins' incarceration and release. The committee will issue a report to the Legislature by Dec. 15, 2014.



Sen. Steve Lathrop

An Executive Board amendment, adopted 34-0, increased the committee membership from five to seven senators, who will be appointed by the Executive Board.

The resolution authorizes the committee to study the following with respect to the state Department of Correctional Services:

- administration of good time laws;
- policies relating to the segregation of inmates;
- adequacy of programs designed to rehabilitate inmates;
- availability of mental health care and measures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process; and
- transition of inmates from incarceration to the community at large.

Regarding Jenkins specifically, the committee plans to study the inmate's:

- criminal history and sentences received;
- involvement in the juvenile justice and child welfare systems;
- requests for mental health treatment and how the requests were considered; and
- threats to kill people upon his release and how officials responded to those threats.

"The public deserves to know how

Nikko Jenkins was permitted to walk the streets of the city of Omaha and ultimately be allegedly responsible for the deaths of four people," Lathrop said. "And we need to know more about the administration of the Department of Corrections."

Lathrop said the Jenkins case and prison overcrowding has created a "perfect storm" of correctional problems that the Legislature needs to address now.

"We should get to the bottom of what happened because there should be accountability in state government," Lathrop said. "This committee will be a vehicle for gathering information to facilitate the necessary reforms in the Department of Corrections."

Omaha Sen. Ernie Chambers spoke in favor of the resolution. He said that the department should be held accountable for Jenkins' actions because of prison officials' refusal to heed Jenkins' pleas for mental health help and the excessive amount of time Jenkins spent in solitary confinement.

"They created a monster, as sure as Victor Frankenstein created a monster when he built Adam," Chambers said.

Senators adopted the resolution 31-0.

Evaluation of tax incentive programs advanced

The Executive Board heard testimony March 4 on a proposal to provide ongoing evaluation of the state's tax incentive programs and voted 8-0 to advance the resolution to general file. Senators debated and approved the resolution March 7.

LR444, introduced by the Legislative Performance Audit Committee, will create the Tax Incentive Evaluation Committee. The committee will develop a proposal for evaluating the state's tax incentive programs and report to the Legislature by Dec. 15, 2014.

Committee chairperson Sen. John Harms said existing goals for tax incentive programs are not specific enough.

"The key question we asked was how were [tax incentive programs] performing in comparison to the goals set by the Legislature," he said. "While tax incentive program evaluations may not be able to fully answer the questions, there's still value to be gained from the programs. We need to have another set of eyes to go in and review them."

The new committee comprises the seven members of the Legislative Performance Audit Committee, the chairperson and vice chairperson of the Appropriations and Revenue committees and one other senator chosen by the Executive Board.

The committee is tasked with developing recommendations regarding specific and measurable goals for each tax incentive program and a process for regular evaluation.

The full Legislature adopted the resolution on a 34-0 vote.

GENERAL AFFAIRS

Historic horse racing measure clears second round

Senators took up select file debate March 5 on a measure intended to pave the way for wagering on replayed horse races in Nebraska. The proposal is a carry-over measure that was introduced and advanced from general file last session.

LR41CA, introduced by Omaha Sen. Scott Lautenbaugh, would place a proposed constitutional amendment on the November 2014 general elec-



Sen. Scott Lautenbaugh

tion 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.

Lautenbaugh said he believes wagering on historic horse races to be legal under current Nebraska law, but introduced LR41CA to provide constitutional clarification that races run in the past qualify as pari-mutuel wagering.

Omaha Sen. Beau McCoy offered an amendment that would insert the words “on an instant racing terminal” into the measure. McCoy said he opposed the underlying measure as expanded gambling and said senators should be honest and clear about what they are asking Nebraska voters to approve.

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

“The good people of Nebraska ought to know that there are two issues at hand,” he said. “One is instant racing terminals – never used before in our state – and two, that this is not pari-mutuel wagering.”

Lincoln Sen. Bill Avery agreed, saying the underlying goal of LR41CA always has been expanded gambling. Avery said his opposition was based on

economic concerns rather than moral ones. Gambling has been shown to produce a net negative economic impact, he said, adding that most of the revenue generated comes from a small percentage of problem gamblers.

“Gambling does not produce a new product ... gambling does not add value to an existing product,” Avery said. “In fact, gambling is a sterile transfer of money – generally from people who don’t have it to people who do.”

Omaha Sen. Ernie Chambers opposed the measure, calling it “casino gaming by another name.” Instant racing terminals are similar to slot machines, he said, adding that problem gambling often devastates families.

“This is the kind of thing that undermines and loosens the moral fabric of society,” he said.

Wilber Sen. Russ Karpisek supported the measure, saying Nebraska is losing millions in revenue to other states by not allowing instant racing terminals. The horse racing industry remains viable, he said, and the state often approves programs that support business interests.

“I do think that this is away to help the horse racing industry,” he said. “I do not think that it’s expanded gambling.”

Omaha Sen. Steve Lathrop also spoke in support. He said that while the evils of gambling exist, the state clearly is losing money to casino gaming in Iowa.

“When you go over there and you drive through the [casino] parking lot, it’s all Omaha people,” Lathrop said. “You don’t have to guess; you can see their license plates. I look at this [proposal] as an opportunity to intercept some of those cars.”

The McCoy amendment failed on a 16-16 vote.

Senators voted 25-18 to advance the measure from select file.

GOVERNMENT, MILITARY & VETERANS AFFAIRS



Tied election procedures amended, advanced

A bill that would allow a tied candidate in the primary election to file as a write-in candidate in the general election was amended March 5 to exclude statewide and federal office elections.

Under LB144, as introduced by Bancroft Sen. Lydia Brasch, any candidate who loses a primary election decision “by lot” for county, city, village or school district office would be eligible as a write-in candidate in the general election for the same office.



Sen. Lydia Brasch

Brasch said the current method for resolving a tie is unfair.

“[This process represents] a crucial aspect of democracy,” she said. “The bill allows a chance to be elected by the choice of the voters, instead of by lot.”

Currently, these primary elections that result in a tie are decided by lot – an object used to determine a question by chance such as a coin toss or the drawing of a card. The loser of the decision by lot is ineligible to run for the same office in the general election, including write-in candidacy, filing by petition or filing a nomination. The only exception is when there is a vacancy on the ballot for that office.

A Brash amendment, adopted 27-0, excluded from the bill candidates for statewide office, including governor, state senator, attorney general and state auditor, as well as candidates for federal offices.

Senators advanced the bill to final reading by voice vote.

Sesquicentennial commission advanced

Senators gave first-round approval March 7 to a bill that would establish a planning commission for the 150th anniversary of Nebraska statehood.

Under LB744, introduced by Lincoln Sen. Bill Avery, the governor would appoint 17 members to the Nebraska Sesquicentennial Commission. The commission would work with state agencies, boards and commissions to develop programs to celebrate the state's anniversary in 2017.

The bill would require that no more than eight members be affiliated with the same political party and that all regions and major interests in the state be represented. The commission would terminate June 30, 2018.

Avery said the commission would build on work started by a group - Friends of the Nebraska 150 Sesquicentennial - that has been raising money and awareness in preparation for the anniversary. He said the group has laid the groundwork for the celebration but that a statewide commission needs to be established to coordinate their efforts.

"They are dedicated citizens and they have a great deal of enthusiasm for the work they're doing," Avery said, "They are committed to making this one of the premier events of the last 25 to 50 years in this state."

Omaha Sen. John Nelson supported the bill.

"I think it's wise that we get started on this three years ahead of time," Nelson said. "There is a lot of work to be done on this."

A Government, Military and Veterans Affairs Committee amendment, adopted 28-0, places the commission



Sen. Bill Avery

within the Nebraska State Historical Society for administrative and budgetary purposes and empowers the commission to expend appropriations authorized by the Legislature.

"This provision was added because it enables the commission to hit the ground running," Avery said.

LB744 advanced to select file on a 27-0 vote.

HEALTH & HUMAN SERVICES

Bill to curb teen indoor tanning amended, advanced

Nebraskans younger than 16 would need a parent's signature before using a tanning bed under a bill advanced from general file March 4.

As introduced by Omaha Sen. Jeremy Nordquist, LB132 would prohibit tanning facilities in Nebraska from allowing people younger than 18 to use tanning equipment. The prohibition would apply to sun lamps, tanning booths and tanning beds.

Nordquist said he introduced the bill to lower the risk of skin cancer among young adults in Nebraska.

A Health and Human Services Committee amendment, adopted 35-0, applies the prohibition only to minors younger than 16 and would have provided an exception for individuals with a physician's order.

Norfolk Sen. Jim Scheer offered an amendment, adopted 32-0, that replaced the physician exception with a requirement that a parent or legal guardian sign a statement at the indoor tanning facility before each

use by a minor younger than 16. The statement would indicate that a parent or guardian understands the warnings provided by the facility and consents to the minor's use of tanning equipment.

Scheer said the change would ensure that parents' rights are respected while still protecting young Nebraskans.

"This should be a compromise that everyone can live with," he said.

Nordquist supported the amendment, saying he hoped that discussion of the bill would increase parents' awareness of the dangers of indoor tanning.

"I think it's a reasonable approach to require a parent to be there every time and sign a statement," he said.

The committee amendment also would require 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 would be subject to a civil penalty of \$100.

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

Senators voted 34-0 to advance LB132 to select file.

Child care subsidy changes amended, advanced

A bill that would disregard income when determining continued eligibility for the state's child care subsidy program was advanced from select file March 5.

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



Sen. Tanya Cook

regarded when determining continued eligibility for the subsidy. The income disregard would be set at 10 percent

upon redetermination of eligibility.

Cook offered an amendment during select file debate, adopted 33-0, that would apply the disregard after 12 continuous months on the program and at each subsequent redetermination. The amendment would clarify that the bill does not change initial eligibility for the child care subsidy program, she said, while ensuring that those on the program do not have to forego raises to continue eligibility.

“Public policy should support Nebraskans who are working hard to get off of public assistance programs,” Cook said.

Holdrege Sen. Tom Carlson supported the amendment, saying the state should pursue every opportunity to place incentives in public benefit programs that encourage people to better themselves.

Sen. Rick Kolowski of Omaha offered an amendment, adopted 27-0, that incorporated provisions from LB732, which he sponsored.



Sen. Rick Kolowski

The amendment would remove 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 (SNAP).

Kolowski said the state should remove barriers that keep low-income students and families from seeking higher education.

“The premise of this amendment ... is that if students save for college, no matter how small the amount may be, they are more likely to go to college,” he said.

Following adoption of the Kolowski amendment, senators advanced the bill to final reading by voice vote.

Change to background checks advanced

A bill that would bring Nebraska into compliance with federal regulations regarding background checks for certain employees advanced from general file March 4.

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



Sen. John Harms

Harms said Nebraska’s policy of having third-party contractors access the FBI database for background checks violates the 1974 Federal Privacy Act. He said the Nebraska State Patrol has been informed that it may lose access to the database if state law is not changed.

“Unfortunately, our state law is in conflict with federal law in this instance,” Harms said.

Harms offered an amendment, adopted 33-0, which replaced the bill. Under the amended bill, employees of state-operated services and facilities still would be required to undergo an FBI Fingerprint National Criminal Background Check. Employees of the state Department of Health and Human Services (DHHS) who work directly with developmental disabilities clients would provide a complete set of legible fingerprints to the department. A copy would be transmitted by DHHS to the Nebraska State Patrol, which would then transmit a copy to the FBI’s Identification Division for a national criminal history record check.

The Nebraska State Patrol would be required to undertake a criminal history record search for each state

employee and issue a report to the department. Any criminal history record information subject to federal confidentiality requirements would remain confidential except upon written authorization of the employee.

Harms said background checks for third-party contractor employees still would be paid for by DHHS, which would coordinate background checks with an alternative provider.

Lincoln Sen. Colby Coash offered an amendment, adopted 31-0, which added an emergency clause to the bill. He said the Nebraska State Patrol currently has a backlog of background checks for potential employees of third-party contractors, which it stopped conducting in anticipation of LB728’s passage.

“We need to get this into practice as soon as possible,” Coash said.

Senators advanced LB728 to select file 36-0.

Foster care transition, alternative response bill advanced

A bill that would update a program to provide foster care transition services was amended March 7 to authorize a pilot program for alternative response in certain Nebraska child welfare cases.

LB853, introduced by Lincoln Sen. Amanda McGill, would rename, amend and update the Young Adult Voluntary Services and Support Act that was passed by the Legislature in 2013. The measure was intended to



Sen. Amanda McGill

ease the transition for young people aging out of the foster care system and required the state Department of Health and Human Services (DHHS) to apply for a state plan amendment

to implement the program.

LB853 would make 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 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.

Last year's bill established an advisory committee, McGill said, and LB853 would incorporate recommendations received from the group.

"We are currently waiting for the federal government to approve DHHS's state plan amendment authorizing matching funds," she said, adding that passage of LB853 would ensure that an improved program is ready to go when approval is granted.

A Health and Human Services Committee amendment, adopted 26-0, renamed the program the Young Adult Bridge to Independence Act and made several additional changes, including:

- clarifying that extended guardianship and adoption subsidies are to be used use for the benefit of the young adult;

- clarifying that creation of a health care power of attorney for young adults is optional and not mandatory for all young adults in the program; and
- removing a requirement that DHHS conduct a re-determination of income eligibility on young adults in the program for purposes of Title IV-E.

Lincoln Sen. Kathy Campbell, chairperson of the committee, said the amendment addressed several technical concerns raised by the department and that the program title change would send a better message to former state wards.

"It is so important for young people aging out of the system to feel that there is a transition program to help them," she said.

Lincoln Sen. Colby Coash offered an amendment, adopted 33-0, which builds upon a measure that he introduced last session to require DHHS to develop a model alternative response to reports of child abuse or neglect under the Child Protection Act. Alternative response is a practice that handles low-risk child welfare cases by empowering families rather than engaging in a criminal investigation or placing parents on the Child Abuse and Neglect Registry.

Coash said alternative response recognizes the value of responding differently to suspected child abuse and neglect. Often problems within families result from poverty, he said, and can be resolved with a small amount of additional help.

"Sometimes it's the little things that can make a world of difference," Coash said.

The amendment requires DHHS, in consultation with the Nebraska Children's Commission, to develop an alternative response implementation pilot program. Implementation

would include the provision of concrete supports and voluntary services, including:

- child care assistance;
- food and clothing assistance;
- housing and transportation assistance; and
- mental health and substance abuse services.

When the plan has been developed, DHHS would begin using alternative response in up to five project locations designated by the department. DHHS would 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 would require legislative approval.

DHHS would be required to develop rules and regulations that would include provisions on the transfer of cases from alternative response to traditional response and notice to families of their rights, including the opportunity to challenge DHHS determinations.

Under the pilot program, a review team would review intakes that are not assigned to traditional response based on criteria developed by DHHS and determine the appropriate response.

Coash said the new program would allow DHHS to avoid a finding of neglect against some low-income families by addressing the underlying issue of poverty, which he said is evident in many suspected neglect cases.

"This is part of a bigger plan," he said. "This is one component of a sea change that must happen. We have to change the way we think about serving children and keeping children safe."

Omaha Sen. Sara Howard supported the amendment, saying she initially had been skeptical of alterna-

tive response as a way of bypassing the system in cases involving a genuine suspicion of abuse.

However, she said, the Nebraska Children's Commission has outlined 21 exclusionary criteria - to be used by DHHS in developing the pilot program - which would ensure children's safety. In addition, she said, alternative response has been used in 23 other states.

Following adoption of the Coash amendment, LB853 advanced to select file on a 33-0 vote.

Bill to slow Medicaid changes advanced

A bill intended to slow proposed Medicaid changes in Nebraska advanced from general file March 6.

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

Krist said DHHS actively has been pursuing MLTSS since last fall but has not gathered adequate input from the medical community and other stakeholders. Implementing managed care for individuals with long-term illnesses and those in retirement homes can be especially complicated, he said.

"This bill is asking them to delay that process ... and to do it correctly," Krist said.

Senators advanced the bill to select file 29-0.

Mental health training added to behavioral health internship bill

Lawmakers gave second-round ap-

proval March 6 to a bill intended to increase access to behavioral health services in Nebraska.

LB901, introduced by Lincoln Sen. Amanda McGill, would require 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 would increase to 10 within 36 months.

Under the bill, interns would be placed in communities where their presence would improve access to behavioral health services for patients residing in rural and underserved areas of Nebraska.

Lincoln Sen. Kate Bolz offered an amendment, adopted 26-0, that incorporated provisions of LB931, which she sponsored.

The amendment would require the state Department of Health and Human Services to establish a mental health first aid training program. The program would:

- 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 would be administered through the state's behavioral health regions and instructors would be certified by a national authority. The department would be required



Sen. Amanda McGill



Sen. Bob Krist



Sen. Kate Bolz

to measure the efficacy of the training program and report to the Legislature annually.

Bolz said mental health first aid is similar to traditional first aid and provides training in early intervention to community members so that they can respond properly in emerging mental health crisis situations. She said individuals in crisis frequently reach out to friends, family, church members and teachers.

"I do believe that just like CPR and other kinds of first aid, this training has the potential to help community members help one another through crises," she said.

Bolz said the bill would provide \$100,000 in annual grants to the state's behavioral health regions, which would be used to provide certified training to 60 individuals who would in turn train 500 people in the first year.

Bellevue Sen. Sue Crawford supported the amendment, saying the training could prove particularly useful for military families. It is not uncommon for a military member to have mental health issues after serving in a combat zone, she said.

Having more people in the community who are able to recognize combat-related mental health issues could diffuse potentially dangerous situations, she said.

"The more we can do on the prevention side ... the better off we will be," Crawford said.

Following adoption of the Bolz amendment, senators advanced LB901 to final reading by voice vote.

Delay of Medicaid changes advanced

A bill that would postpone certain proposed Medicaid authorization and payment changes advanced from general file March 7.

LB1076, introduced by Lincoln Sen. Kathy Campbell, would postpone until 2015 changes in Medicaid authorization and payment for medically necessary home health services and reimbursement rates.



Sen. Kathy Campbell

Campbell said the bill would require the state Department of Health and Human Services (DHHS) to review the outcomes obtained by 17 other states that have utilized the federal Balancing Incentive Program, which is intended to increase access to noninstitutional services for disabled adults and the elderly.

Those pilot programs conclude in 2015, she said, and LB1076 would give DHHS access to their experience before making proposed changes to Medicaid reimbursement rates for home health services in Nebraska.

"We should learn from [other states] and LB1076 will give us the chance to do so," Campbell said. Among the outcomes DHHS should be looking for are cost-effective payment structures and standards for home health provider training, she said.

A Health and Human Services Committee amendment, adopted 31-0, clarified that the bill would mandate no reduction in reimbursement rates and no changes in limitations on services for Medicaid home health.

Services that could not be changed 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.

Campbell said the amendment corrected a drafting error in LB1076 and would eliminate the bill's fiscal impact.

Hoskins Sen. Dave Bloomfield

supported the bill, saying there are some services that the state has a duty to provide.

"Young people and the vulnerable are not the place to save a few bucks," he said.

Sen. Bob Krist of Omaha also supported the bill, saying DHHS has a history of cutting services without reason or adequate warning. Lawmakers need to hold the department accountable, he said, especially on behalf of the vulnerable populations it serves.

"We legislate, we appropriate and - most importantly - we provide the oversight," Krist said.

The bill advanced to select file on a 31-0 vote.

Continued health care system evaluation approved

A partnership established to examine how best to control costs and improve quality in Nebraska's health care system is continued under a resolution adopted March 7.

LR422, introduced by Lincoln Sen. Kathy Campbell, builds on a resolution adopted by the Legislature in 2013, which designated the Health and Human Services Committee, in cooperation with the Banking, Commerce and Insurance Committee, to evaluate the state's health care system.

Campbell said the initial resolution resulted in a conference attended by 157 stakeholders from across Nebraska to discuss challenges and opportunities facing the state's health care system. She said she hears weekly from people who wish to attend future conferences and be part of the dialogue.

"We're trying to take a look at what health care in Nebraska should look like in 15 years," she said.

Grand Island Sen. Mike Gloor spoke in support of the resolution, saying the Legislature needs to focus more on long-term strategic planning.

Under LR422, the committees will 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;
- defining opportunities for expansion of health care delivery to rural and medically underserved regions;
- determining the role of team-based care;
- assessing opportunities for loan forgiveness for health care providers who practice in designated underserved counties;
- engaging partners in dialogue, round-table 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.

The Health and Human Services Committee will hold additional hearings and make recommendations in conjunction with the Banking, Commerce and Insurance Committee regarding health care for all Nebraskans.

Funding for activities outlined in the resolution will be provided by existing appropriations from the Nebraska Health Care Cash Fund.

The resolution was adopted on a vote of 26-1.

JUDICIARY

Senators advance hemp bill

Industrial hemp could be grown in Nebraska under a bill advanced from general file March 4.

LB1001, introduced by Cortland Sen. Norm Wallman, would allow industrial hemp to be grown in Nebraska for commercial purposes and exempt it from the Uniform Controlled Substances Act. Only plants containing one percent or less of tetrahydrocannabinols (THC), the active ingredient of the cannabis plant, would be approved for use.

As originally introduced, the bill would require those wishing to grow hemp to obtain a license from the state Department of Agriculture. A legal description of the land to be used for production would be required. LB1001 would direct the department to create regulations for licensing, testing for THC levels and documenting seed varieties.

Wallman said nine states have passed laws permitting research and growth of industrial hemp since the federal government approved it for commercial use.

"I believe there is a market for this product and I'd like to see Nebraska jump in at the beginning," he said.

A Judiciary Committee amendment, adopted 32-0, removed from the proposed application process a required criminal background check and fingerprinting, as well as language that would have deemed any person with a prior criminal conviction ineligible for a license.



Sen. Norm Wallman

"There's no reason to have any kind of criminal penalties for misuse of this product because it's not an illegal substance," said Omaha Sen. Brad Ashford, the committee chairperson. "It's a legitimate agricultural product that will bring a significant amount of revenue into our state."

Senators advanced the bill on a 32-1 vote.

REVENUE

Tax code adjustments advanced

Senators gave first-round approval March 4 to several technical changes to the state tax code regarding auto museums, sports arenas, bouillon and postage.

Currently, only a municipal employee is authorized to access sales and use tax information of permit holders within city limits. LB867, introduced by Kearney Sen. Galen Hadley, would broaden the statute to include any person certified by the municipality seeking the information. Confidentiality provisions already in statute still would bind the certified person, who could include a financial or accounting contractor.

Hadley said the bill is a response to public feedback received during hearings of the Legislature's Tax Modernization Committee.

"These are things we heard that we're trying to get corrected," he said. "It might not be earth-shaking, but they are important to the people of Nebraska."

Columbus Sen. Paul Schumacher

supported the bill, saying it would prevent people from leaving the state to conduct business in more tax-friendly states.

"These are common sense adjustments to our laws that are modern," he said. "[This bill will ensure] that our folks are competitive and eliminate border bleed."

A Revenue Committee amendment, as amended 35-0, would incorporate the provisions of several bills, including:

- LB809, originally introduced by Lincoln Sen. Colby Coash, which would exempt from sales and use taxes purchases made by historic automobile museums;
- LB783, originally introduced by Omaha Sen. Steve Lathrop, which would change the annual determination and certification of sales tax revenue under the Sports Arena Financing Act to a quarterly determination and certification;
- LB159, originally introduced by Columbus Sen. Paul Schumacher, which would exempt the sale, lease or rental of currency or bouillon from sales and use taxes; and
- LB829, also introduced by Schumacher, which would exempt separately stated postage charges from sales and use taxes.

Following the adoption of a technical amendment 31-0, the committee amendment was adopted on a 33-0 vote.

Senators voted to advance the bill on a 37-0 vote.

Property tax relief measure advanced

More retirees would be eligible for property tax relief under a bill advanced from general file March 6.

LB986, introduced by the Revenue Committee, would change 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 would increase from \$24,200 to \$39,500.

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

Citing a recent report calling Nebraska one of the 12 worst states in which to retire, Hadley said LB986 would address older citizens' complaints about property taxes.

"We haven't done a good enough job of looking at our retirees and making Nebraska a fairer place for people to retire," he said. "One of the keys to having people retire and stay in Nebraska is the ability for them to keep their home. I can think of nothing more heart wrenching than a person to lose their home based on their inability to pay for property taxes on the home."

Syracuse Sen. Dan Watermeier introduced an amendment, adopted

32-0, that added people with developmental disabilities to the list of those eligible for the exemptions. Watermeier said the bill represents an opportunity to elevate the quality of life for more Nebraskans.

"Any time you keep someone, like a DD person, out of an institution and in their own home, you can just see the pride well up in them," Watermeier said.

Following adoption of a technical committee amendment on a 34-0 vote, senators advanced the bill to select file 34-0.

URBAN AFFAIRS

MUD district elections move forward

Lawmakers gave second-round approval March 6 to a bill that would authorize district elections for the metropolitan utilities district (MUD) board of directors.

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

Under the bill, the board would

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

Assignments would be made so as to stagger elections to the new districts until 2023. The board would be responsible for redistricting following each federal decennial census.

Murante said MUD is the only remaining political subdivision in Omaha to utilize at-large elections. He said a similar bill in 2013 changed the Omaha Public Power District (OPPD) board from at-large to district elections.

"The reasons were pretty clear," he said. "In the history of OPPD and MUD, never once had a minority ever been elected to either board."

Murante said every political subdivision in Omaha with district elections has elected at least one person of color.

"It's a problem that this Legislature has recognized and that we have corrected," he said.

The bill advanced to select file on a 27-0 vote. ■



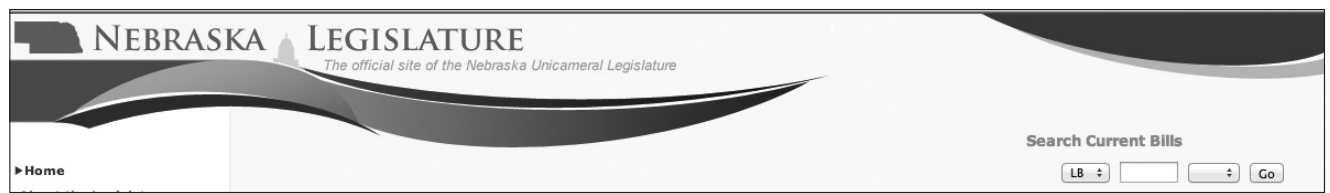
Sen. John Murante

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During Music Education Week at the Capitol, students from across the state shared their musical talents while performing in the Rotunda.