

Alzheimer's state plan added to aging and disabled needs bill

A bill seeking to improve access to existing services and support for Nebraskans who are aging or disabled was amended and advanced from general file March 24.

LB320, as introduced by Lincoln Sen. Kate Bolz, would establish resource centers to provide information on long-term care services for aging and disabled Nebraskans and their family members and caregivers.

A Health and Human Services Committee amendment, adopted 26-0, replaced the bill. As amended, LB320 would create three demonstration projects for Aging and Disability Resource Centers (ADRC) to evaluate the feasibility of establishing such centers statewide.

The state Department of Health and Human Services (DHHS) would be required to award ADRC grants to area agencies on aging to participate in

the demonstration project. Agencies would be chosen based on a proposal process and would be reimbursed for their participation.

Among other services, the demonstration project centers would provide:

- personal options counseling;
- mobility management;
- a home care provider registry; and
- assistance in accessing and applying for public benefits programs.

The project would operate through June 30, 2018. DHHS would be required to contract for an evaluation of the project, and would report to the Legislature by Dec. 1, 2016, and again by Sept. 30, 2018.

Bolz said improved coordination and early planning are key to better serving the state's aging and disabled populations. Nebraska needs to do



Sen. Kate Bolz said resource centers could help the aging and disabled delay institutional care

a better job of directing people to community-based services that will allow them to live independently longer, she said.

Nebraska ranks 35th in the nation
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Attempt to repeal helmet law stalls

A bill that would no longer require motorcyclists to wear helmets stalled during the first stage of debate March 23.

Introduced by Hoskins Sen. Dave Bloomfield, LB31 would repeal the law that requires motorcycle and moped operators and



Sen. Dave Bloomfield

passengers to wear a helmet.

In addition to benefitting the state economically by increasing tourism, Bloomfield said, repealing the helmet law could improve motorcycle safety because some helmets reduce drivers' visibility and hearing.

"Accidents happen when those two things go away," Bloomfield said.

Ogallala Sen. Ken Schilz spoke in support of the bill. Without a helmet law, he said, Nebraska would become

a more attractive tourist destination for the 500,000 registered motorcyclists who live in surrounding states. Tourists are estimated to spend \$150 per day while vacationing in the state, he said, so Nebraska would enjoy a substantial economic boost from attracting them as new visitors.

"Our economy runs on people spending money," Schilz said.

Lincoln Sen. Patty Pansing Brooks disagreed, saying statistics regarding
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Alzheimer's state plan added to aging and disabled needs bill

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in provision of home and community-based services, Bolz said, adding that LB320 would pay for itself by keeping people from entering nursing home-level care facilities.

"This kind of approach will help us to best utilize both public and private resources," she said.

Lincoln Sen. Kathy Campbell supported the bill and the amendment, saying Nebraska's population age 65 and older is expected to grow from approximately 246,000 to over 324,000 by 2020. The state needs to proactively prepare for that growth, she said.

"This is an extremely practical solution to making sure that our aging Nebraskans across the state get the information that they need and, if at all possible, to keep them in their homes—safe and healthy," Campbell said.

Sen. Mark Kolterman of Seward spoke in favor of the bill and the amendment, saying the state's area agencies on aging are the right venue to coordinate the state's response to the needs of its aging and disabled populations.

"They just do a wonderful job," Kolterman said. "And if they had the resources that are needed, they could do a lot more."

Hyannis Sen. Al Davis brought an amendment, originally introduced as LB405, which would develop a state Alzheimer's plan. The amendment would require the Aging Nebraskans Task Force to develop a state plan to address the needs of individuals with Alzheimer's and related disorders.



Sen. Al Davis said Nebraska needs a statewide plan to address Alzheimer's disease.

The task force would deliver the plan to the governor and the Legislature by Dec. 15, 2016. The amendment also would extend the task force termination date to Jan. 1, 2017, to accommodate work on the state plan.

In developing a state plan, the task force would:

- determine existing services and resources in the state;
- develop recommendations to respond to escalating needs;
- examine quality of care measures for service delivery; and
- develop strategies to identify gaps in services.

Davis said over 40,000 Nebraskans are expected to be affected by Alzheimer's by 2025. Many of them live in small communities with little access to needed resources, he said, making statewide coordination of services especially important.

"Nebraska is one of five states that does not have a state plan for those with Alzheimer's," he said.

The Davis amendment was adopted 27-0 and LB320 advanced to select file on a vote of 27-1. ■

UNICAMERAL UPDATE

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Helmet law repeal stalls

(continued from front page)

the number of motorcycle riders passing through the state to Sturgis, S.D., for example, have been inflated. Figures supplied by an AAA representative during committee testimony estimated that fewer than 11,000 motorcyclists would contribute tourism dollars to Nebraska communities, she said.

"This is not a big economic issue to our state," Pansing Brooks said.

North Platte Sen. Mike Groene also spoke in favor of the bill, saying that if legislators are highly concerned with keeping motorcyclists safe, they also should consider regulating other risky activities such as bicycling.

"If we are going to be our neighbor's keeper, how far do you want to go?" Groene asked.

Sen. Robert Hilkemann of Omaha opposed the bill, saying many of the liberties that people enjoy are accompanied by regulations and responsibilities, such as wearing a seatbelt while driving.

"We don't know when that accident is going to happen," Hilkemann said. "That's the reason we protect ourselves—just in case."

After eight hours of debate spanning three days, Bloomfield filed a motion to invoke cloture, which would cease debate and force a vote on the bill. The motion failed 24-18, as 33 votes were needed.

A failed cloture motion results in debate on a bill ceasing for the day. It is unlikely that the bill will be scheduled for debate again this session. ■

COMMITTEE HEARINGS

*Current hearing schedules are always available at: nebraskalegislature.gov/calendar

Tuesday, March 31

Agriculture

Room 2102 - 1:10 p.m.

Appointments: Mary Baker, Barbara Cooksley, Richard Koelsch - Climate Assessment Response Committee

Wednesday, April 1

Government, Military & Veterans Affairs
Room 1507 - 1:00 p.m.

Appointment: Sharon Medcalf - State Emergency Response Commission

Tuesday, April 7

Natural Resources

Room 1525 - 1:00 p.m.

Appointment: James Reed Macy - Dept. of Environmental Quality ■

SEARCH FOR BILLS

Learn more about bills considered by the Unicameral by logging on to www.NebraskaLegislature.gov.

The Legislature's website offers a bill search on the upper-right portion of the home page. Entering a bill number will retrieve the bill's text, fiscal note, statement of intent, transcripts and more.

You also can search current laws using the keyword search found below the bill search.

The screenshot shows the Nebraska Legislature website interface. At the top, the URL is nebraskalegislature.gov/index.php. The main header reads "NEBRASKA LEGISLATURE" with the tagline "The official site of the Nebraska Unicameral Legislature". A navigation menu on the left includes links for Home, Chamber Viewer, About the Legislature, Bills and Laws, Calendar, Committees, Contact, FAQs, Glossary of terms, Legislative Divisions, News, Reports, Senators, Session Information, and Transcripts. The main content area features a prominent announcement: "104th Legislature, 1st Session - Day 3*" with a note to click the day for agenda. Below this, it states "The Legislature is adjourned until Friday, January 9, 2015 at 10:00 am." A "Recent Legislative Information" section lists links for the 2015 Committee List, 2015 Senator List, and Tentative 2015 Session Calendar. On the right side, there are two search boxes: "Search Current Bills" with a dropdown for "LB" and a "Go" button, and "Search Laws" with a "Keywords" input field and a "Go" button. A "Browse Statutes by Chapter" link is also present. A "Live Video Streaming" link is located at the bottom right of the page.

MEET THE SENATOR

Riepe steps up to the plate

Delivered at the family home in rural Iowa with his grandmother's assistance, Sen. Merv Riepe's life began with the help of a strong woman—and that has been a theme ever since.

As the only son in a family of three sisters, he was the natural choice to follow in their father's footsteps and run the family farm. But Riepe's father wanted him to find his own path, which led him to join the U.S. Navy at 17 and become a hospital corpsman.

"My dad told me that I should take over the farm only because I wanted to, not because I had to," he said. "I ended up studying respiratory therapy at the University of California, Los Angeles because the program was a bit like being on a farm; it felt like family."

There also may have been a girlfriend involved in the decision to stay in California, "but that's a story for another day," he said, laughing.

After developing an interest in finance and administration, Riepe worked his way through undergraduate school at the University of Nebraska at Omaha and graduate school at the University of Iowa. He went on to become a hospital administrator. Riepe retired in 2008, but found himself taking a variety of interim positions.

"I didn't do retirement very well," he said.

His late wife, Janet, was the driving force in Riepe's interest in politics. Her father was a sheriff in Hastings, he said, and she was as adept at helping her father win support as any seasoned politician.

"She could work a room," he said. "And she would push me to engage

with people. It was a great way to learn about what's important to folks and how to connect."

Janet lost a 17-year struggle with multiple sclerosis, and Riepe focused on being a father to their son and on work.

While on the administrative staff of Children's Hospital, he was traveling from Dallas back to Omaha and spotted a woman in the St. Louis airport. As luck would have it, they ended up on the same plane with only one seat separating them. Riepe learned that she was headed to Omaha to see family.

"I told her that 10 days seemed like a long time to spend with just family," he said, hoping for a lunch date. Sparks flew and he has been married to Jody for 17 years.

"She's a very talented interior designer," Riepe said. "She saw my office at the Capitol and said, 'We have to

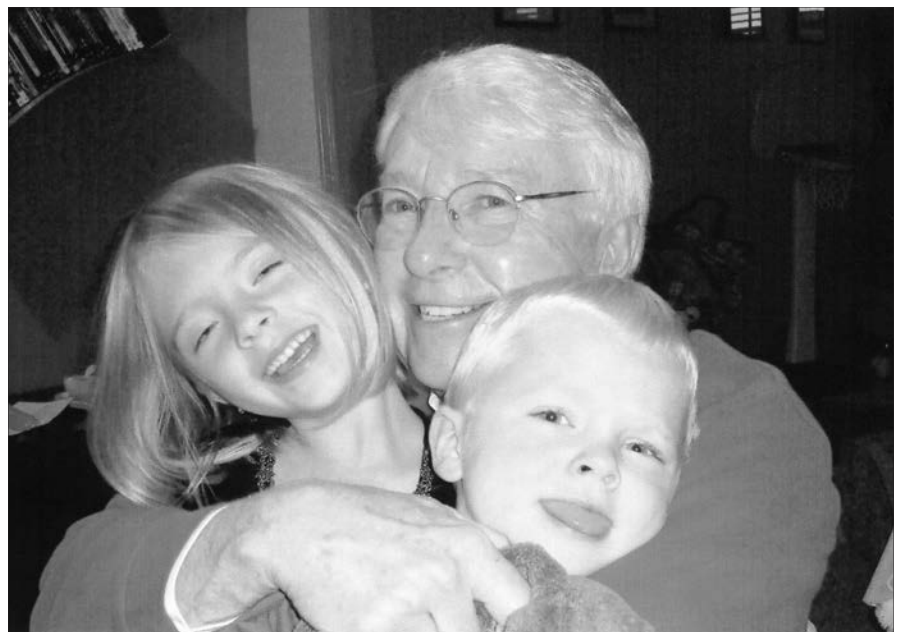
do something about this!'"

The space now reflects the new senator's personality, with photos taken by his wife and several pieces of sculpture and artwork. Not that he has much time to enjoy the ambience.

"The learning curve here is steep," Riepe said. "I joke with people that the pace is similar to being in a batting cage with a toy bat—facing two high-speed machines and without a helmet."

In spite of the challenges, Riepe said he is looking forward to bringing his work experience to the Legislature. He hopes to focus on Medicaid reform and developing better systems for health care delivery.

"As I always tell my son, the important thing in life is to be coachable," Riepe said. "I have a great deal to learn, but I am excited about all of it." ■



Sen. Riepe gets hugs from grandchildren Brynn and Drew.

EXECUTIVE BOARD

Plan to sell Norfolk's former regional center advanced

The site of a former regional center would come under new ownership under a bill advanced from general file March 25.

LB56, introduced by Norfolk Sen. Jim Scheer, initially would have donated the land housing Norfolk's former regional center to Northeast Community College. Unused for more than 20 years, the land is adjacent to the college campus.

"The buildings have not been used, are decaying and are in terrible condition," Scheer said. "[Northeast Community College] is poised to have the ability to bring in entrepreneurs to help encourage real economic development throughout Nebraska."

An Executive Board amendment, adopted 33-0, instead would give the college the first right of refusal to purchase the property at its fair market value.

Venango Sen. Dan Hughes supported the bill, saying it is time for the state to take care of the dilapidated property.

"The roofs are leaking, the windows are broken and the doors are wide open," he said. "[LB56] would help the state clean up the property, remove potential liability issues and clear a path for that area of the state to continue to grow."

Columbus Sen. Paul Schumacher introduced an amendment, adopted 37-0, which clarified that the sale would be based on the property's appraised

value rather than fair market value.

Senators advanced the bill to select file on a 42-0 vote.

HEALTH & HUMAN SERVICES

Medicaid payment for juvenile therapies advanced

Lawmakers gave first-round approval March 24 to a bill that would authorize Medicaid reimbursement for therapies used to assist troubled Nebraska youth.

LB500, sponsored by Omaha Sen. Sara Howard, would direct the state Department of Health and Human Services (DHHS) to submit an application by July 1, 2015, to the Centers for Medicare and Medicaid Services for a state plan amendment to provide payment for multisystemic therapy (MST) and functional family therapy (FFT) for youth who are eligible for both Medicaid and the Children's Health Insurance Program.

A Health and Human Services Committee amendment, adopted 26-0, removed youth who are on probation from the bill's provisions. Lincoln Sen. Kathy Campbell, chairperson of the committee, said the change would ensure that the bill meets federal requirements.

Howard said the bill is an attempt to clarify that the state already is obligated to provide MST and FFT if the services can be accessed. She said the therapies involve the entire family of a troubled youth and have proven effective in reducing juvenile recidivism

and out-of-home placements.

The problem, Howard said, is that the current billing process is so burdensome that the cost to bill for the therapies often is greater than the reimbursement that providers receive. As a result, she said, there is no incentive for providers to offer them.

"This bill is about a service that we already cover," Howard said. "We're trying to clarify the Medicaid state plan so that our managed care provider feels comfortable billing [for] it."

Sen. Merv Riepe of Ralston said lawmakers should give the new administration time to examine problems with DHHS and the state's Medicaid program before asking for a state plan amendment. He also expressed concern that the bill would constitute an expansion of Medicaid.

"DHHS is a broken system," he said. "I want to be part of helping them be successful."

Seward Sen. Mark Kolterman supported the bill, calling it a way to begin reforming the state's Medicaid system. Currently, funding for MST and FFT for qualified juveniles is paid with general fund dollars, he said, while Medicaid is the more appropriate source.

"I'm not a supporter of Medicaid expansion," Kolterman said, "but I didn't look at this as Medicaid expansion as I approached the issue."

Campbell agreed, saying the state should access available federal dollars to offset the cost of services that are proven effective. Medicaid funds are, in part, tax dollars that Nebraskans have paid into the system, she said.

"The emphasis here is that we have a great opportunity to help youth ... stay in their home instead of being in an out-of-home placement," Campbell said. "And we have a chance to rebuild families."

The bill advanced to select file on a vote of 28-1.



Sen. Jim Scheer



Sen. Sara Howard

UNMC disease training center resolution approved

Lawmakers approved a resolution March 26 recommending that an infectious disease training center be established in Nebraska.

LR41, introduced by the Health and Human Services Committee, urges Nebraska's congressional delegation to support efforts in Congress to establish an infectious disease training center at the University of Nebraska Medical Center (UNMC) in Omaha.

The medical center is home to the Nebraska Biocontainment Patient Care Unit, which treated Ebola patients during the 2014 outbreak of the disease. Built in 2005, the unit is one of only three facilities in the nation designed to care for patients who have contracted the most highly contagious diseases.

Lincoln Sen. Kathy Campbell, chairperson of the committee, said she introduced the resolution, in part, to coincide with the 10th anniversary celebration of the biocontainment unit. The unit is recognized worldwide for its work treating Ebola patients, she said.



Sen. Kathy Campbell

"This is a great opportunity to recognize what a wonderful resource we have," Campbell said.

Omaha Sen. Jeremy Nordquist supported the resolution. Following the Ebola outbreak, he said, UNMC began fulfilling requests from other medical institutions to train staff for future infectious incidents. Congressional support would give UNMC an opportunity to expand its role as a leader in training healthcare professionals, he said.

"This is a national treasure," Nor-

quist said. "UNMC has responded to a global crisis just as Nebraskans would be expected to do."

Senators adopted LR41 on a 31-0 vote.

JUDICIARY



Out-of-home juvenile placement updates advance

Collection and management of information regarding juveniles in out-of-home care is the focus of a bill amended and advanced from general file March 24.

Introduced by Lincoln Sen. Kathy Campbell, LB265 would make a number of changes relating to juveniles and child welfare, including:

- establishing a pilot project to demonstrate how state agency data can be used by state offices to oversee juveniles in out-of-home care;
- permitting the Foster Care Review Office or local board to participate in a foster care placement dispositional hearing; and
- defining a young adult as older than 18 years old but younger than age 21.

Campbell said the bill contains ongoing refinements to the state's child welfare system that are designed to provide more accurate information about children in out-of-home care.

"We need these refinements to ensure our systems are workable and accountable," she said.

A Judiciary Committee amendment, adopted 29-0, replaced the bill and incorporated language from two bills introduced Omaha Sen. Bob Krist.

LB13 would set aside funding for

the Community-based Juvenile Services Aid Program to develop a data system and evaluate the effectiveness of the program. The provisions would require recipients to submit annual reports to the University of Nebraska at Omaha Juvenile Justice Institute. LB25, the second bill, would extend jurisdiction of the juvenile court.

Krist brought an amendment to the committee amendment that made technical changes and clarified that the juvenile court could extend its jurisdiction to young adults who were under age 18 when an offense was committed.

The amendment was adopted 28-0 and senators advanced the bill to select file on a 29-0 vote.

OIG oversight of juvenile justice system amended, advanced

A bill designed to change oversight of the state's juvenile justice system advanced from general file March 24.

Under LB347, introduced by Sen. Bob Krist of Omaha, the Office of the Inspector General of Nebraska Child Welfare (OIG) also would oversee the juvenile justice system.



Sen. Bob Krist

Currently, the OIG conducts audits, inspections and other reviews of the state's child welfare system.

Krist said the bill is part of the significant juvenile justice reforms established by the Legislature in 2012. The improved accountability and transparency provided by the OIG would benefit the state, he said, by helping to keep Nebraska's youth out of correctional facilities.

A Judiciary Committee amendment, adopted 33-0, would authorize the OIG and state Foster Care Review

Office to access confidential records and allow the OIG access to video testimony by a child victim or witness describing sexual assault or abuse. The amendment also would permit courts to identify the OIG as an entity permitted to disclose confidential information.

The bill advanced to select file on a 32-0 vote.

Procedures for juvenile offenders advanced

Lawmakers gave first-round approval March 24 to a bill relating to the treatment of juveniles charged with certain crimes.

Under LB482, introduced by Omaha Sen. Bob Krist, juveniles charged with running away or being uncontrollable or truant would not be fingerprinted or placed in a juvenile detention facility or out-of-home care unless certain factors exist.

The bill also would require a county attorney to make reasonable efforts to refer juveniles and family to community-based resources and would prohibit juveniles from being restrained during court proceedings, unless certain conditions exist.

Krist said the bill is aimed at youth who commit status offense infractions—such as skipping school or disobeying their parents—that do not pose a risk to public safety. Because of the high risk of those youth to reoffend, he said, it is important to exhaust all community-based treatment options before out-of-home placement is considered.

“Our focus is to work with juveniles in the home and the community,” Krist said. “We’re talking about kids. We’re talking about their futures.”

A Judiciary Committee amendment, adopted 28-0, outlined the conditions necessary for restraints

to be used on a juvenile appearing in court. These include situations in which a juvenile presents a substantial risk of flight from the courtroom or has a history of disruptive courtroom behavior that has placed others in potentially harmful positions.

Senators advanced the bill from general file on a 32-0 vote.

NATURAL RESOURCES

Pollutant permits advanced

Municipalities would be required to obtain a permit to discharge pollutants under a bill advanced from general file March 24.

LB413, introduced by Omaha Sen. Heath Mello, would authorize the state Department of Environmental Quality to issue permits to any political subdivision seeking to discharge pollutants from a point source into any body of water in the state.



Sen. Heath Mello

Mello said that communities of all sizes across Nebraska face ever changing water regulations imposed by the federal Environmental Protection Agency (EPA).

“These unfunded federal mandates come with a significant price tag for municipalities that must follow them,” Mello said. “This is a critical tool for municipalities across the state in reducing the financial burden that will be imposed upon their businesses and residents by the EPA.”

The political subdivision could request an evaluation to determine how best to meet federal requirements in a sustainable way. The department

would evaluate several factors, including:

- the capability of the political subdivision to raise and secure necessary funding;
- affordability to ratepayers;
- growth potential of the political subdivision;
- efficacy of existing infrastructure for projected needs;
- overall costs and environmental benefits;
- environmental improvements made by the political subdivision; and
- other relevant economic and social concerns or environmental conditions.

A Natural Resources Committee amendment, adopted 29-0, would give the department flexibility in deciding which criteria to use in evaluating individual permits.

Committee chairperson Sen. Ken Schilz of Ogallala said that the amendment would make the process more effective.

“By changing the mandatory language, the Department of Environmental Quality will be allowed to use their discretion about what information will be most useful [to individual political subdivisions],” he said.

Senators advanced the bill to select file on a 34-0 vote.

REVENUE

Tax on mechanical amusement devices amended, advanced

Operators of mechanical amusement devices would face an additional tax under a bill advanced from select file March 23.

LB70, introduced by Columbus

Sen. Paul Schumacher, would impose the tax—10 percent of the gross revenue derived from the operation of the device—on any business operating such a device.



Sen. Paul Schumacher

Schumacher said the state has seen a rapid proliferation of machines that could be considered illegal gaming machines under the Nebraska Constitution.

Mechanical amusement device, as defined in state statute, includes any machine in which a person plays a game by inserting some form of currency, a prize is paid and the results are determined by chance. Included are game and draw lotteries and coin-operated automatic musical devices. The bill does not include vending machines or pickle card dispensing machines.

Schumacher introduced an amendment, adopted 32-0, which would allow an operator of a mechanical amusement device to apply for an exemption from the tax. To receive the exemption, an operator would be required to apply to the tax commissioner for a determination that the device does not constitute illegal gaming.

The operator would have to prove by a preponderance of evidence that the device is specifically authorized by state law or does not fall within the definition of a mechanical amusement device.

If the commissioner determines that a device qualifies for the exemption, the determination would be sent to the attorney general for review. If the attorney general does not object within 30 days, the commissioner would grant the exemption.

If a device is declared ineligible for the exemption, the operator could

request a hearing before the commissioner. The outcome of the hearing would be final, although the decision could be appealed under the state's Administrative Procedure Act.

Senators advanced the bill to final reading by voice vote.

Ongoing tax incentive evaluations advanced

Senators gave first-round approval March 24 to a bill that would require regular evaluation of the state's tax incentive programs.

LB538, introduced by the Performance Audit Committee, would create an ongoing evaluation process for all current and future tax incentive programs enacted for the purpose of recruiting or retaining businesses in Nebraska.

Syracuse Sen. Dan Watermeier, chairperson of the committee, said that work conducted by a special tax incentive evaluation committee in 2014 found that regular evaluation of current incentive programs was needed.



Sen. Dan Watermeier

"The study found that the goals of the Nebraska tax incentive programs are too broad to permit meaningful program evaluation," he said. "[LB538] would allow lawmakers to draw conclusions about how tax incentive programs are working and meeting their intended goals."

The Legislature's Performance Audit Office would develop and publish a schedule for conducting the evaluations, ensuring that each program is reviewed at least once every three years.

Each evaluation of a tax incentive program would analyze program-spe-

cific goals and economic and fiscal impacts of the program and recommend changes to evaluation procedures that would allow for easier evaluation in the future.

In addition to future tax incentive programs, eight current programs would be evaluated under LB538, including the:

- Angel Investment Tax Credit Act;
- Beginning Farmer Tax Credit Act;
- Nebraska Advantage Act;
- Nebraska Advantage Microenterprise Tax Credit Act;
- Nebraska Advantage Research and Development Act;
- Nebraska Advantage Rural Development Act;
- Nebraska Job Creation and Mainstreet Revitalization Act; and
- New Markets Job Growth Investment Act.

Watermeier introduced an amendment, adopted 34-0, which would establish a sunset date of Dec. 31, 2019, for certain incentives under the Nebraska Advantage Act, Nebraska Advantage Rural Development Act and the New Markets Job Growth Investment Act.

Omaha Sen. Heath Mello spoke in favor of the bill and the amendment, saying that continual evaluation of the state's tax policy is a proven best practice.

"We go through a process every year with regard to evaluating appropriations we, as a Legislature, choose to make," he said. "It's important that we use evidence-based evaluations to determine whether tax incentive programs are meeting their outcomes because we don't really have that in Nebraska right now."

Senators advanced the bill to select file on a 37-0 vote.

TRANSPORTATION & TELECOMMUNICATIONS

Organ donor status requirement considered

Senators debated a bill March 24 and 25 that would require Nebraskans to indicate their organ donor status when applying for a driver's license.

Introduced by Syracuse Sen. Dan Watermeier, LB47 would require a person to state whether or not they wish to be an organ donor when applying for a state driver's license or identification card.

The bill also specifies that an organ donor's status would continue until amended or revoked by the licensee and that a donor's status could not be terminated by telephone.

Watermeier said 90 percent of Nebraska's more than 750,000 organ and tissue donors registered through the current driver's license and state identification card application process. Requiring an answer to the organ donation question likely would increase the number of donors, he said, which would help address the high demand for organs.

"We have hundreds of people needing organ donations on any given day," Watermeier said.

Omaha Sen. John McCollister supported the bill, saying organ donation represents a public good that outweighs the personal liberty possibly infringed upon by the application question. More than 120,000 people are waiting for organ transplants in this country, he said, and another person is added to the list every 12 minutes.

Sen. Ernie Chambers of Omaha offered a motion March 24 to bracket the bill until June 5, the last scheduled day of the session. He said the state

cannot compel a person to declare their opinion on an issue by threatening to deny the right to obtain a driver's license.

"The right to free expression is the right to not express yourself at all," Chambers said.

Hoskins Sen. Dave Bloomfield supported the bracket motion, saying government should not require that one's organ donation status be displayed on a driver's license.

"It's a voluntary decision and it should stay that way," Bloomfield said.

The bracket motion failed on a 14-19 vote.

A pending Transportation and Telecommunications Committee amendment would exempt license and permit applicants under age 16 from answering the organ donor question. The amendment also would reinstate language allowing individuals to terminate their donor status by telephone and clarify that donors who want to specify which organs and tissues they intend to donate must contact the state's donor registry.

The Legislature adjourned for the week before taking further action on the bill.

Rights for disabled pedestrians amended, advanced

Senators amended and advanced a bill from general file March 24 concerning the rights of disabled pedestrians.

Introduced by Bellevue Sen. Tommy Garrett, LB641 would give a person operating a manual or motorized wheelchair on a sidewalk, in a crosswalk or across a roadway the same rights as other pedestrians.



Sen. Tommy Garrett

Garrett said current statute defines pedestrians in a way that excludes persons operating personal mobility devices such as scooters and wheelchairs. The bill would give all pedestrians the same protection regardless of their mobility, he said.

"This is a hole in the law that we need to cover," Garrett said.

The bill originally would have extended the same rights to bicyclists. A Transportation and Telecommunications Committee amendment, adopted 37-0, removed this provision.

Sen. Jim Smith of Papillion said bicyclists were removed from the bill because they travel at a higher rate of speed than pedestrians. Drivers would not have enough time to react to a cyclist suddenly entering a crosswalk, he said.

"Our primary concern was the safety of the bicyclists," Smith said.

Garrett introduced an amendment that would have reinserted a provision for bicycles but would have required cyclists to reduce their speed when entering a crosswalk and audibly warn pedestrians before passing them. It also would have prohibited cyclists from suddenly veering from sidewalks into traffic or operating a bicycle in a manner that would endanger any person or property.

If operated in a responsible manner, Garrett said, bicycles should be afforded the same protection as pedestrians.

Omaha Sen. Beau McCoy opposed the amendment, saying it contained a significant change that should be considered as a separate bill in order to receive a public hearing. Additionally, he said, language in the amendment regarding cyclists' speed in crosswalks is too vague.

Garrett said the amendment could use more work and he withdrew it from consideration.

Senators then advanced the bill to select file on a 34-0 vote.

URBAN AFFAIRS

Borrowing authority for municipalities amended, advanced

Cities and towns in Nebraska would have the express authority to borrow funds to purchase property or construct improvements under a bill advanced from general file March 25.

LB152, introduced by the Urban Affairs Committee, would allow municipalities to borrow from state- or federally-chartered banks, savings banks, building and loan associations and savings and loan associations.

Under the bill, funds could be borrowed for any purpose for which a municipality is authorized by law to purchase property or fund improvements. Loans would not be restricted to a single year and could be repaid in installments.

An Urban Affairs Committee amendment, adopted 33-0, limits the ability of municipalities to borrow

directly from financial institutions to cases in which financing the purchase of property or construction of improvements:

- would be impractical;
- could not be completed within the time restraints facing the municipality; or
- would generate significant taxpayer savings over traditional bond financing.

The amendment also adds additional public notice requirements for direct borrowing from a financial institution and caps the total amount of indebtedness from direct borrowing to 10 percent of the municipal budget for a city or 20 percent of the municipal budget for a village.

Bellevue Sen. Sue Crawford, chairperson of the committee, said the bill is an attempt to remove ambiguity regarding whether cities and villages have the authority to engage in direct borrowing, while placing reasonable restrictions on that



Sen. Sue Crawford

authority.

“We want to make sure that we have appropriate limitations to protect the public interest and the taxpayer while still being workable on the ground for municipalities and banks,” Crawford said.

Gothenburg Sen. Matt Williams spoke in favor of the bill, saying it would clarify the issue of direct borrowing.

“Currently, we have city attorneys that are giving communities conflicting advice on whether or not they can borrow from their local financial institutions,” he said. “And LB152 will clear that up.”

Sen. John Stinner of Gering said banks have financed many small projects for cities and villages, including replacing fire trucks and upgrading water systems. Such projects are more suitable for direct borrowing than bond financing, he said.

“The idea of going out and trying to get bonding for this is extremely expensive,” Stinner said.

The bill advanced to select file on a 37-0 vote. ■

UNICAMERAL UPDATE ONLINE

While the Unicameral Update print edition is mailed out weekly, the Web version of the publication, located at update.legislature.ne.gov, is updated continually throughout the legislative day.

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The screenshot shows the website header with the title "UNICAMERAL UPDATE" and the tagline "The Nebraska Legislature's official news source since 1977". Navigation links include "HOME | ABOUT | PHOTOS | TEACHER'S GUIDE" and a search box. A menu bar lists "Committees", "Sections", "Senator Features", "Session Review 2013", "Slideshows/Videos", and "Announcement".

Under "RECENT HEADLINES:", there are two featured stories:

- Day two bill introduction**: Published January 9, 2014, in Ceremonies. Text: "Senators reconvened Jan. 9 to continue bill introduction. Among the 49 measures introduced were: LB727, sponsored by [image]".
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