

## Senators discuss helmet law repeal

Lawmakers debated a bill March 19 and 20 that would abolish Nebraska's motorcycle helmet law.

Introduced by Hoskins Sen. Dave Bloomfield, LB31 would repeal the law that requires motorcycle and moped operators and passengers to wear a helmet.

Bloomfield said Nebraska's 97,000 motorcyclists should have the freedom to make their own decisions about their personal safety.

"This is an infringement of individual rights and we should do away with it," Bloomfield said.

Columbus Sen. Paul Schumacher supported the bill, saying that life is full of risks that may cause injury. Without risk, he said, humanity would cease to advance.

"Our societies arise out of the acceptance of risk and the freedom to pursue it," Schumacher said.

Omaha Sen. Bob Krist also supported the bill, saying the state's concern about the risks of motorcycle riding should not outweigh people's right to choose how to protect themselves.

"I've heard the arguments from all sides," Krist said. "This is a personal right. The freedom of choice should apply here as it does in other places."

O'Neill Sen. Tyson Larson esti-

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## Increase in aid to dependent children advances



Sens. Kathy Campbell (right) and Sara Howard consult during debate on LB89.

A bill intended to remove the "cliff effect" in the state's Aid to Dependent Children (ADC) program advanced from general file March 18.

Lincoln Sen. Kathy Campbell, introducer of LB89, said the bill would ensure that Nebraska is using federal funds appropriately to aid low-income families and prevent the unnecessary entry of children into the child welfare system.

Campbell said the state Department of Health and Human Services currently has \$50 million in unused Temporary Aid to Needy Families (TANF) block grant funds. Increasing the maximum ADC benefit and

changing the earned income disregard would make the best use of those TANF dollars, she said, and would protect the state's vulnerable children.

For example, she said, the maximum ADC benefit in Nebraska has not changed in over 30 years. In addition, the cliff effect causes families to lose access to the ADC program if they accept even a small hourly wage increase, she said.

"Having spent nearly 40 years working on children's issue, I've come to realize that one of the major risk factors in child abuse and neglect is poverty," Campbell said.

LB89 would increase the maximum benefit each year through 2019, after

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# Increase in aid to dependent children advances

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which it would be set at 70 percent of the standard need. The bill also would change the amount of gross earned income that is disregarded for ADC applicants, increasing it to 50 percent once eligibility is established.

Bellevue Sen. Sue Crawford spoke in favor of the bill, saying the state should use federal block grant funds wisely and for their intended purpose.

For TANF funds, she said, that purpose is to assist children in poverty and to help low-income families achieve self-sufficiency. The current maximum monthly benefit of \$293 does not achieve those goals, she said, because it is not enough to ensure that struggling parents can meet their children's basic needs.

"Our low maximum payment puts children at greater risk for involvement in our child welfare system," Crawford said.

Seward Sen. Mark Kolterman also supported the bill, saying it would help low-income families become taxpayers rather than users of tax dollars.

"I think it's time, after 30 years, that we support this," Kolterman said.

The bill advanced to select file on a 26-0 vote. ■



Sen. Mark Kolterman said it is time to increase ADC payments.



## COMMITTEE HEARINGS

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

**Wednesday, March 25**  
**Nebraska Retirement Systems**  
**Room 1525 - 12:00 p.m.**  
Presentation of Annual Reports

**Tuesday, March 31**  
**Agriculture**  
**Room 2102 - 1:10 p.m.**  
*Appointments: Mary Baker, Barbara Cooksley, Richard Koelsch - Climate Assessment Response Committee*

**Tuesday, April 7**  
**Natural Resources**  
**Room 1525 - 1:00 p.m.**  
*Appointment: James Reed Macy - Dept. of Environmental Quality* ■

## UNICAMERAL UPDATE

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# Senators discuss helmet law repeal

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mated that western and central Nebraska businesses lose at least \$4 million in tax revenue annually from riders who avoid the state on their way to the motorcycle rally in Sturgis, S.D.

“We are missing out on millions of dollars that are circumventing this state,” Larson said. “That is true economic development that we are ignoring.”

Omaha Sen. Robert Hilkemann offered a motion March 19 to bracket the bill, or postpone further debate on it for the rest of the session. The motion failed 21-19.

“It is important that we keep this helmet law in place,” Hilkemann said. “Show me the data that it does not save lives to have a helmet on—you cannot find it.”

Grand Island Sen. Mike Gloor also opposed the bill, saying studies show unhelmeted motorcycle riders are three times more likely to suffer a brain injury in a crash than those wearing a helmet. Helmet laws make sense, he said, because helmets are 37 percent effective in preventing fatal head injuries to motorcyclists.

“All states that have repealed or revoked helmet laws have reported an increase in motorcycle fatality rates,” Gloor said.

Malcolm Sen. Ken Haar said that being struck by a car years ago while riding a motorcycle proved to him the effectiveness of motorcycle helmets.

“I believe that helmet saved my life,” he said, opposing the bill.

In her opposition to the bill, Lincoln Sen. Kate Bolz



Sen. Robert Hilkemann said wearing a helmet is part of the responsibility of riding a motorcycle.



Sen. Dave Bloomfield said Nebraska’s motorcycle helmet law infringes on individual freedom.

said that the medical costs to treat severe brain injuries can be more than \$3 million over a patient’s lifetime. Expenses not covered by insurance are passed on to taxpayers, she said.

“I cannot stand behind a change that will cost the state so much,” Bolz said. “Not only in dollars and cents, but in quality of life.”

A pending Judiciary Committee amendment would make the bill apply only to operators and passengers under 21 years old. The amendment also would require all motorcyclists to use eye protection such as goggles, a windshield or a face shield attached to a helmet.

An amendment to the committee amendment brought by Lincoln Sen. Roy Baker would have permitted the operation of motorcycles without helmets by parade participants riding up to 30 miles per hour who are at least 21 years old. The amendment failed 6-21.

The Legislature adjourned for the day before taking further action on the bill. Debate on the issue will resume March 23. Several amendments are pending. ■

# MEET THE SENATOR

## Service a priority for senator

Receiving one's high school diploma is a momentous occasion, but for Sen. Patty Pansing Brooks, the event was even more memorable because the person presenting the certificate was her mother.

Wanting to make a greater impact in the school district, Lu Pansing had earned a seat on the Lincoln Board of Education, Pansing Brooks said.

One of her duties was to hand out diplomas.

And one of those she impacted was her daughter.

"Having your mom do that—it was pretty significant to a high schooler," the senator said.

Community service was normal behavior in her household, Pansing Brooks said: her mother served on the Lincoln Community Foundation and her father, Tom, served on the Lincoln City Council.

Seeing her parents give back to the

community instilled the same values in her, she said. The result is an extensive list of volunteer efforts, from serving on parent-teacher organizations to co-chairing the \$6 million fundraising campaign for downtown Lincoln's new Union Plaza.

"Once you start participating in groups, then you see the joy in the giving yourself to help others," Pansing Brooks said. "It becomes addictive. I hope to make a difference in the lives of other people."

Following the example set by her grandfather and father, she started a business in District 28, (a law firm with her husband, Loel, in 1986), and began volunteering as a way to meet people and give back to Lincoln. Being a state senator was not in her long-range plan, she said.

But with the youngest of her three



The senator enjoys playing guitar in her spare time.

children leaving for college this year and years of wide-ranging community involvement under her belt, the time was right take her civic endeavors to the next level.

Pansing Brooks said some of her goals as a new senator include learning the Unicameral system, advocating for those in her district who struggle with low incomes and making sure Nebraska's educational priorities survive a legislative session where property tax reductions have been suggested.

"We all have the same goals of helping Nebraska to thrive," she said. "It's just a matter of details on how to get there." ■



The senator's family, from left: Avery, Graham, husband Loel, and Taylor.

# APPROPRIATIONS

## Fiscal volatility report requirement clears first round

A bill that would require the Legislature’s fiscal office to report on revenue volatility advanced from general file March 17.

LB33, introduced by Omaha Sen. Heath Mello, would require the fiscal office to produce a revenue volatility report in advance of new biennial budgets. Mello said the report would assist the Legislature in preparing for potential economic downturns and strengthening state fiscal policy.



Sen. Heath Mello

“This is simply a recommended report that will help all of us to understand the nature of revenue volatility as it impacts the state’s economy and our state budget process,” he said.

The report would:

- evaluate the tax base and volatility of revenue streams that provide funding for the state General Fund budget;
- identify federal funding included in the state budget and any projected changes in the amount or value of that funding;
- identify and analyze the adequacy of current and projected balances of the Cash Reserve Fund;
- include revenue projections for the ensuing two fiscal years included in the impending biennial budget; and
- contain any other recommendations that the legislative fiscal analyst determines are necessary.

An Appropriations Committee

amendment, adopted 39-0, removed a provision that would have required the report to include a recommendation of the appropriate Cash Reserve Fund balance adequate to sustain essential government operations in the event of a recession.

Mello said the amendment reflected concerns regarding potential differences of opinion among lawmakers as to the definition of essential government operations.

Following adoption of the committee amendment the bill advanced to select file 36-0.

## Bill would increase funding for dental health

The state’s seven federally-qualified community health centers would receive funding to address unmet dental health needs under a bill heard March 17 by the Appropriations Committee.

LB82, introduced by Omaha Sen. Tanya Cook, would appropriate \$150,000 in general funds in fiscal year 2015-16 and FY2016-17 to each of the seven community health centers. Cook said the need for dental care among low-income Nebraskans is growing, especially among children.



Sen. Tanya Cook

“Throughout Nebraska there is a severe lack of access to both preventative and acute dental care for low-income Nebraskans,” she said.

Addressing this unmet need would decrease costs to the state and increase the quality of life for families that currently do not have a dental home, Cook said.

Kenny McMorris, CEO of Charles Drew Health Center in Omaha, testified in favor of the bill. The funding would allow his center to serve approximately 1,400 additional patients

each year, he said, which would help shorten long wait times and improve dental health.

“We have reached the limit of what we can accomplish without a steady source of revenue,” McMorris said.

David O’Doherty of the Nebraska Dental Association also testified in support, saying disparities in access to dental care are well documented. Preventive dental care saves the state money in the long term, he said.

Only one in five adults can afford routine dental care, O’Doherty said, and only 35 percent of working-age adults visited a dentist in 2012.

“The oral health problems of low-income Nebraskans do not disappear,” O’Doherty said. “They go somewhere else.”

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

## Bill would fund perinatal collaborative

A collaborative focused on perinatal issues would receive state dollars under a bill heard March 16 by the Appropriations Committee.

LB233, introduced by Omaha Sen. Sara Howard, would appropriate \$100,000 in general funds in fiscal year 2015-16 and FY2016-17 to the state Department of Health and Human Services. The funds would be



Sen. Sara Howard

used to contract with the University of Nebraska Medical Center (UNMC) for the Nebraska Perinatal Quality Improvement Collaborative.

Howard said a Nebraska perinatal collaborative is being developed with the goal of reducing infant mortality, preterm births, substance abuse dur-

ing pregnancy and maternal mortality. A normal birth costs an average of \$4,000 per child, she said, while a preterm birth costs an average of \$49,000 per child. The state and hospitals currently absorb much of that cost, she said.

“This legislation is an investment in the future of our citizens,” Howard said. “If mothers and babies are given the best possible care in starting their journey, they will certainly live healthier lives.”

Ann Anderson Berry, medical director of the Nebraska Perinatal Quality Improvement Collaborative, testified in favor of the bill. She said that the most successful collaboratives in other states have been public/private partnerships.

Anderson Berry said LB233 would fund administrative costs to house the collaborative at UNMC, which would provide the necessary infrastructure—including databases, statisticians and providers—to reduce infant and maternal mortality and morbidity.

“The state is a necessary public health partner,” she said.

John Sparks, an Omaha neonatologist, also testified in support. Sparks said he is able to care for preterm infants as a neonatologist, but as part of a collaborative he would be able to work with other professionals to prevent preterm births from happening.

“This model has been highly successful in other states and I believe it will be successful here,” he said.

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

### **Funds sought for substance abuse treatment housing**

The Appropriations Committee heard testimony March 17 on a bill intended to increase access to residential

treatment for people recovering from substance abuse disorders.

LB381, introduced by Omaha Sen. Tanya Cook, would state the intent of the Legislature to appropriate \$200,000 to the state Department of Health and Human Services to provide housing services to support people recovering from substance abuse disorders. Cook said the funds would be used to support evidence-based practices that conform to nationally recognized standards for residential treatment and increase access to residential treatment in geographic areas of the state with demonstrable need.

“LB381 will expand this transformational treatment by supporting expansion and administration of the programs that work the best,” she said.

Kristin Hallberg, Nebraska outreach services staff for Oxford House, Inc., testified in support of the bill. She said research shows that the kind of residential treatment environment that Oxford House provides—housing that is self-supporting and self-governed by the individuals recovering from substance abuse who live there—achieves superior success rates.

“Last year, only 16.7 percent of residents were expelled for relapse nationwide,” Hallberg said, adding that LB381 would allow the program to expand the number of houses in Nebraska.

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

### **Restoration of state aid to cities and counties proposed**

Nebraska municipalities and counties would see some direct state aid restored under a bill heard by the

Appropriations Committee March 18.

As introduced by Gering Sen. John Stinner, LB633 would appropriate \$40 million in general funds beginning in fiscal year 2015-16, to be divided equally between incorporated municipalities and counties.

Funds could be used only for public infrastructure projects.

Stinner presented an amendment to the committee that provides formulas for distributing the funds and specifies qualifying public infrastructure projects.

Under the amendment, the \$20 million appropriation to municipalities would be allocated proportionally based on the population of each incorporated municipality. The \$20 million appropriated to counties would be allocated proportionally based on lineal feet of bridges in each county. A county with no bridges would receive a distribution equal to 85 percent of the smallest county aid distribution.

A qualifying municipal public infrastructure project would include, but not be limited to, highways and bridges, sidewalks, wastewater systems, hazardous waste disposal systems, airports and mass transit systems.

A qualifying county infrastructure project would include public roads, highways and bridges, jails and correction facilities, buildings and equipment used for county services.

Stinner said the elimination of direct state aid to cities and counties in 2011 has added to the challenge of maintaining public infrastructure across Nebraska. The infrastructure deficit for streets, roads and bridges alone is in the billions, he said.

“Obviously, the funds appropriated by LB633 would not totally address the



Sen. Tanya Cook



Sen. John Stinner

huge infrastructure deficit facing municipalities and counties,” Stinner said. “However, LB633 is an important first step to help restore the historic partnership between the state and municipal and county governments.”

Lincoln Mayor Chris Beutler testified in support of the bill, saying local infrastructure is a pressing need for many cities and counties. Lincoln would receive approximately \$2.8 million under the formula outlined in the amendment, he said, which likely would be used for roads.

“The city of Lincoln maintains about 1,240 miles of roads,” Beutler said. “We spend \$51 million annually on road repair, rehabilitation and new construction. That is \$7 million less than the closest estimate of what our needs are, which is \$58 million a year.”

Renee Fry, executive director of OpenSky Policy Institute, also testified in support of the bill, saying it would reduce reliance on property taxes to fund infrastructure needs. Nebraska ranks 43rd in state aid to local governments, she said.

“If we want to meaningfully and sustainably reduce our over-reliance on property taxes,” she said, “increasing state aid to local governments such as proposed in LB633 is a good first step.”

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

## EXECUTIVE BOARD

### Appointments made to three special committees

The Executive Board of the Legislature announced appointments to three special investigative committees March 18.

The Developmental Disabilities Special Investigative Committee has been providing ongoing oversight of the placement and care of the developmentally disabled in Nebraska since 2008.

The committee was reauthorized Feb. 27 with the adoption of LR32. Appointed to the committee are:

- Lincoln Sen. Roy Baker;
- Lincoln Sen. Kate Bolz;
- Lincoln Sen. Colby Coash (chairperson);
- Hyannis Sen. Al Davis;
- Omaha Sen. Burke Harr;
- Omaha Sen. Robert Hilke-mann; and
- Wahoo Sen. Jerry Johnson.

The ACCESSNebraska Special Investigative Committee was established in 2014. ACCESSNebraska is an online and call center system developed and implemented by the state Department of Health and Human Services to determine public benefit eligibility and deliver benefits to clients.

The committee originally was established in 2014 to investigate an array of problems including long wait times for callers, high worker turnover and lost paperwork. The adoption of LR33 on Feb. 27 authorized continuation of the committee’s oversight of the ACCESSNebraska system. Appointed to the committee are:

- Omaha Sen. Joni Craighead;
- Bellevue Sen. Sue Crawford;
- Lincoln Sen. Matt Hansen;
- Omaha Sen. Sara Howard (chairperson);
- Omaha Sen. John McCollister;
- Ralston Sen. Merv Riepe; and
- Gering Sen. John Stinner.

The Department of Correctional Services Special Investigative Committee was established in 2014, and was authorized to study the administration of good time laws, policies relating to inmate segregation and the availability

of rehabilitative and mental health programs.

LR34, adopted on Feb. 27, reauthorized the committee. Appointed are:

- Lincoln Sen. Kate Bolz;
- Omaha Sen. Ernie Chambers;
- Lincoln Sen. Colby Coash;
- Crete Sen. Laura Ebke;
- Omaha Sen. Bob Krist;
- Omaha Sen. Heath Mello;
- Lincoln Sen. Adam Morfeld;
- Lincoln Sen. Patty Pansing Brooks;
- Columbus Sen. Paul Schumacher;
- Omaha Sen. Les Seiler (chairperson); and
- Gothenburg Sen. Matt Williams.



### Winner-take-all election bill stalls on second round

After three days of select file debate, an attempt to force a vote on a bill that would reinstate a winner-take-all system for allocating Nebraska’s presidential electoral votes failed March 17.

Currently, the winner of Nebraska’s statewide popular vote receives two Electoral College votes. The state’s three congressional districts also award one electoral vote each based on the popular vote winner in each district. Maine is the only other state to use this system.

LB10, sponsored by Omaha Sen. Beau McCoy, would reinstate a winner-take-all system and award all five electoral votes to the



Sen. Beau McCoy

winner of the state's popular vote.

"In light of the fact that we are a small, agriculturally-based state, we should protect and uplift the entire state by holding our entire five votes together in the winner-take-all system that we used in Nebraska prior to 1991," McCoy said.

During select file debate March 9, Crete Sen. Laura Ebke said Nebraska's system reflects the intent of the framers of the U.S. Constitution. Until 1832, she said, it was not unusual for states to split their Electoral College votes.

"This is about being true to the intent of the Constitution and I can't get past that," she said.

Omaha Sen. Ernie Chambers offered a series of unsuccessful amendments and motions on select file in an effort to extend debate. In his opposition to LB10, he said the bill would discourage political participation.

"This bill represents an attempt to put in place in Nebraska a return to what the Republican Party wants to see happen—that is to totally demolish any effective political participation by people who are not Republicans," Chambers said.

Ebke expressed a similar concern, noting that Democratic candidates consistently garner 30 to 35 percent of the vote in Nebraska. Given those numbers, she said, it is logical that an electoral outcome that reflects the state's diversity would encourage greater political participation in areas of Nebraska that are closely divided between the two major parties.

"We should all want people to be involved, even when they disagree with us," Ebke said. "I want more people involved in our [political] system, not less."

McCoy said Nebraska's plan has not boosted voter turnout as was promised when enacted in 1991, nor has it become a national trend.

"It has not happened in any other

state," he said. "It has not even gotten close in any other state."

McCoy offered a motion to invoke cloture—or cease debate and force a vote on the bill. The motion failed on a 31-18 vote. Thirty-three votes were needed.

A failed cloture motion prevents further debate on a bill for the day. LB10 is unlikely to be scheduled for further debate this session.

### Pay-per-signature petition bill advances

Petition circulators in Nebraska could be paid by the signature under a bill that cleared the first round of debate March 18.

LB367, introduced by North Platte Sen. Mike Groene, would remove a prohibition on circulators being paid by the number of signatures collected. Groene said the prohibition, in place since 2008, violates the free speech rights of Nebraskans.



Sen. Michael Groene

"This absolutely destroys grassroots efforts to get an issue on the ballot," he said, adding that average citizens cannot afford to finance a petition effort that requires hiring a company to collect signatures.

"It has really broken the back of people trying to take part in our government through the petition process," Groene said.

Sen. John Murante of Gretna supported the bill, saying the right of citizens to petition their government is especially important in a state with a one-house Legislature where the people serve as the second house.

Murante said state lawmakers have added barriers to the petition process over the years, resulting in a cost of ap-

proximately \$1 million to successfully place an issue on the ballot.

"The right to petition the government—the right of the petition initiative process—is in the constitution in the state of Nebraska and it is the first right reserved to the people," he said.

The bill advanced to select file on a 38-0 vote.

## JUDICIARY



### Felony for fake gun crimes proposed

Using a fake firearm to commit a crime would be a felony in Nebraska under a bill heard by the Judiciary Committee March 19.

LB14, introduced by Omaha Sen. Bob Krist, would classify as a Class III felony the use of a facsimile or nonfunctioning firearm to commit a felony, punishable by up to 20 years' imprisonment and a \$25,000 fine, or both.



Sen. Bob Krist

The bill defines a facsimile firearm as any replica, toy, starter pistol or other object that reasonably resembles an actual firearm. Use of the facsimile or nonfunctioning firearm would be treated as a separate offense from the felony being committed.

Krist said he introduced the bill because Nebraska does not have a law specifically prohibiting the use of a facsimile firearm to commit a crime. He said recent crimes in the state have proven that when criminals use fake guns, "the results are dangerous, and in certain cases, deadly."

Anthony Conner, vice president of the Omaha Police Officers Associa-



tion, testified in support of the bill. He said there is no difference in the emotional trauma caused to victims by crimes committed with real or fake guns.

“Even though the gun is fake, the fear it causes the victim is 100 percent real,” Conner said.

Don Kleine, representing the Nebraska County Attorneys Association, also spoke in favor of the bill. He said the punishment proposed by the bill for criminals who use facsimile firearms is appropriate because victims do not perceive the threat differently than when a real weapon is used.

“The intent of the individual is the same as if he had a real gun,” Kleine said.

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

### **Responsibilities of appointed guardians amended, advanced**

The duties of a guardian appointed to represent juveniles in court would be specified by legislation advanced from general file March 17.

LB15, introduced by Omaha Sen. Bob Krist, would require a guardian ad litem to follow guidelines established by the Nebraska Supreme Court. Responsibilities would include consulting with the assigned juvenile in person, attending all their hearings, limiting their own caseloads and submitting itemized billing statements. The bill also would permit guardians ad litem to be compensated on a per-case or multi-case contract basis.

Krist said interim studies have shown that not all guardians ad litem act in the best interest of the juveniles they represent. The bill would clarify what guardians are bound to do and make the guidelines enforceable, he said.

A Judiciary Committee amend-

ment, adopted 36-0, would add an emergency clause and require the Supreme Court to codify the guidelines into court rules by July 1, 2015.

The amendment also would require a guardian to:

- consult with the assigned juvenile within two weeks of placement;
- conduct consultations every three months;
- submit written reports at dispositional, review or permanency planning hearings; and
- submit itemized statements for multi-case contracts.

Speaking in support of the amendment, Lincoln Sen. Kathy Campbell said committee members learned of cases in which guardians ad litem had not visited with children prior to representing them in court. The bill would make guardians more accountable, she said.

“This is a core responsibility of government,” Campbell said. “Children don’t have a voice. They have to depend on, in the courtroom, that the guardian ad litem speaks for them.”

Senators advanced the bill on a 35-0 vote.

### **Abortion notification requirement proposed**

Health care facilities that perform abortions would be required to post signs and online messages notifying women of their rights under a bill heard by the Judiciary Committee March 18.

LB187, introduced by Papillion Sen. Bill Kintner, would require any health care facility that performs abortions—other



Sen. Bill Kintner

than those necessary to prevent the

death of the woman—to post a sign stating that a woman seeking an abortion cannot be coerced or forced into having an abortion.

The bill also would require the state Department of Health and Human Services (DHHS) to develop and maintain a web page containing ultrasound images of unborn children, a list of facilities providing a free ultrasound and information on abortion alternatives. Facilities with websites would be required to place a link to the DHHS page on their home page.

The bill would impose a \$500 fine for each day the sign is not posted.

Kintner said the bill, especially its provisions for online access to information, would be a way to bring Nebraska’s informed consent statutes “into the 21st century.” Research confirms, he said, that a substantial number of women feel forced by boyfriends, spouses, parents and others to have abortions.

Information provided by online and posted messages would reiterate to women that decisions about abortion are exclusively theirs and that legal protection from coercion is available, he said.

“No woman in Nebraska should ever regret not having enough information about abortion,” Kintner said. “I want to give that woman one more chance to say yes to life.”

Maris Bentley of Nebraskans United for Life testified in support of the bill, saying that women are coerced into abortion far more regularly than is reported. It is critical that pregnant women be provided as much information about abortion as possible, she said.

“It won’t keep coercion and forced abortions from happening, but it will help,” Bentley said.

Greg Schleppebach of the Nebraska Catholic Conference agreed, citing a study reporting that 64 percent of

women felt pressured to have an abortion. The bill would provide women relevant information that would help them make a decision that is “freely made and fully informed,” he said in his testimony supporting the bill.

“No woman should be coerced or pressured to have an abortion,” Schleppenbach said.

DeLoris Tonack of the American Association of University Women testified in opposition to the bill. She said signs and websites displaying narrowly defined abortion language would infringe on individuals’ right to make decisions for themselves and would lead to the publication of additional state-mandated messages.

“This bill is not about information,” Tonack said. “It is about coercion—it is the coercion.”

Scout Richters of American Civil Liberties Union Nebraska also spoke in opposition to the bill. The measure would require an exclusively pro-life message be displayed, she said, which would violate the First Amendment rights of clinics.

“This bill is not about safety, it is about harassing providers and shaming women,” Richters said.

The committee took no immediate action on the bill.

### Repeal of local firearm ordinances proposed

Firearms regulation would be consistently enforced across the state under a bill heard by the Judiciary Committee March 19.

Introduced by Crete Sen. Laura Ebke, LB289 would repeal individual city and village ordinances governing the registration, possession, transporta-



Sen. Laura Ebke

tion, transfer and storage of firearms and ammunition. Cities and villages would retain the authority to enforce prohibitions on firearm discharge.

The bill also would revoke regulations that remain in some city and village ordinances but were superseded in 2006 by the Concealed Handgun Permit Act.

Ebke said that the wide range of firearms regulations enacted by Nebraska communities has created confusion for residents who travel with guns throughout the state. Laws governing how a hunting rifle may be transported and stored in a vehicle may differ in rural and urban communities, she said, causing Nebraska citizens to unintentionally violate the law.

Statewide, uniform gun regulations based on the state’s constitution and laws override local gun ordinances, Ebke said, calling the bill a “common sense modification.”

Anna Kopperud of the National Rifle Association testified in support of the bill. She said very few states still allow communities to set individual gun ordinances because of the confusion it causes.

“This patchwork [of gun regulations] makes compliance very difficult and almost impossible for responsible gun owners,” Kopperud said.

Marty Bilek of the Omaha mayor’s office agreed. In his testimony supporting the bill, he said numerous community ordinances sometimes are at odds with state gun ownership requirements.

“Cities and municipalities have made gun ownership unnecessarily cumbersome,” Bilek said.

Representing the Nebraska chapter of Moms Demand Action for Gun Sense in America, Jan Hobbs testified in opposition to the bill. Community officials who attempt to enforce outdated local gun regulations would be

vulnerable to costly lawsuits by gun rights organizations, she said. Common sense should guide how firearms are governed in individual cities, she said, not state mandates.

“Gun laws should not be ‘one size fits all,’” Hobbs said.

Courtney Lawton, a public school teacher, also spoke in opposition to the bill, saying statewide gun regulations deprive local officials and voters of their authority to decide what is best for their communities. She said local government and law enforcement officials who are the most familiar with the residents they serve should make and enforce gun regulations.

“Different cities have different needs,” Lawton said.

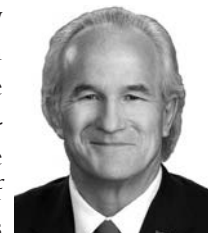
The committee took no immediate action on the bill.

### Removing parental rights of sex offenders considered

Parental rights of convicted sex offenders could be terminated by a bill heard by the Judiciary Committee March 18.

LB358, introduced by Bellevue Sen. Tommy Garrett, would require a county attorney to file a petition on behalf of the state to terminate the parental rights of the biological father of a child conceived as a result of a sexual assault. Parental rights of the biological father could be restored if the child’s mother or guardian consents, or the court finds it in the best interest of the child.

The bill also would prohibit the court from considering biological fathers of children conceived as a result of a sexual assault when attempting to preserve and reunify a family. If a bio-



Sen. Tommy Garrett

logical father has been charged with a sexual assault, the bill would require a court to delay paternity action until guilt or innocence is determined.

Garrett said our country has a sexual assault problem, citing the 25,000 to 32,000 rape-related pregnancies reported each year. Sexual assault victims in Nebraska have only two options to guarantee their assailants remain out of their lives, he said: terminating the pregnancy or placing the child for adoption. These women deserve better protection from their assailants, he said.

“We are forcing mothers to bargain with their rapists in giving these criminals continual control of their victims,” Garrett said. “The bottom line is that they should not be forced to keep their assaulters in their lives and the lives of their children.”

A victim of rape testified in support of the bill, saying her decision to keep her baby should not have given her rapist the option to remain in her child’s life. Without a law protecting her family, she said, she is forced to co-parent with a person she does not trust, causing her stress and fear for the child’s safety.

“Rapists do not deserve parental rights. It is like rewarding them,” she said.

A Missouri parent of a rape victim also spoke in favor of the bill. When her daughter’s rapist sought full custody of her grandson, she said her family felt “lucky” that a judge denied him parenting privileges. Better legal avenues should exist to ensure families can fully sever ties with rapists, she said.

“Prevailing under these circumstances should not be about luck,” she said. “It should be about law.”

Robert Sanford, legal director for the Nebraska Coalition to End Sexual and Domestic Violence, also testified

in support of the bill. Some states still require victims of sexual assault to acquire an assailant’s permission before placing a child for adoption, he said. LB358 would prevent mothers of children conceived by sexual assault from being repeatedly victimized, he said.

“This bill recognizes the power and control an attacker has over the victim months—and even years—later,” Sanford said.

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

## REVENUE

### Rent-restricted property appraisal changes advanced

Senators gave first-round approval March 18 to a bill that would adjust the property appraisal calculation for rent-restricted housing.

LB356, introduced by Omaha Sen. Burke Harr, would require county assessors to use an income approach calculation for all rent-restricted housing projects to determine taxable valuation. Harr said the bill would create a fair system of appraisal for owners of such properties.



Sen. Burke Harr

“This acknowledges that even if you have two nearly identical housing units located next to each other, that the rent-restricted housing does not create as much income as the other property,” he said. “By [adopting LB356], developers will likely build more rent-restricted housing and provide more places for low-income families to reside.”

Rent-restricted housing project is defined as a project consisting of five or more houses or residential units that is financed, in whole or in part, with an allocation of federal low-income housing tax credits.

The bill would create the Rent-Restricted Housing Projects Valuation Committee, which would develop a market-derived capitalization rate to be used by county assessors when determining assessed value for qualified projects.

The committee would include the state tax commissioner, as well as:

- a representative of local government assessing officials appointed by the commissioner;
- a representative of the low-income housing industry appointed by the commissioner; and
- an appraiser from the private sector appointed by the tax commissioner.

Owners of a rent-restricted housing project would be required to file a detailed income and expense data statement with the committee and the county assessor by Oct. 1 of each year.

Gothenburg Sen. Matt Williams supported the bill, saying that it is a crucial economic development tool.

“Often times, we try to go out and create new jobs in our districts. The plain fact is that we just don’t have the people to fill the jobs that are available,” Williams said. “[Providing affordable housing] is essential in creating new housing in the state and [filling available jobs].”

Following the adoption of two technical amendments, senators advanced the bill to select file on a 30-0 vote.

# URBAN AFFAIRS

## Expanded SID authority advanced

Legislators gave first-round approval March 18 to a bill that would expand the authority of sanitary and improvement districts (SIDs).

When a property developer buys land for a housing development, an SID is created to install streets, sewers and power, as well as buy land for public parks. The SID is vested with taxing authority to finance these services.

LB324, introduced by Omaha Sen. John McCollister, would authorize SIDs to contract for solid waste collection services. McCollister said that the bill addresses an ambiguity in state statute with regard to SID authority.



Sen. John McCollister

“The current law does not clearly authorize an SID to enter into a contract for solid waste removal services,” he said. “[LB324] would make it possible to offer a neighborhood-wide solid waste removal plan and improve the quality of life for its residents.”

Under an Urban Affairs Committee amendment, adopted 30-2, any solid waste collection contract entered into by an SID would be cancelled upon the district’s annexation by a city or village. The amendment also incorporated provisions of two other bills: LB197 and LB420.

Originally introduced by Norfolk Sen. Jim Scheer, LB197 would provide additional powers to an SID when it is too close to a municipality to incorporate, yet too far away from a

municipality to be annexed. These would have to be approved by the city council or village board within whose zoning jurisdiction the SID is located.

A qualifying SID would have the power to regulate:

- licensure of dogs and other animals;
- parking of abandoned vehicles;
- streets and sidewalks, including removal of obstructions and encroachments; and
- parking on public roads and rights of way relating to snow removal and access by emergency vehicles.

In order to qualify for the additional powers, an SID would have to be:

- located in a county with a population less than 100,000 thousand people;
- located in a different county than the county of the municipality within whose zoning jurisdiction the SID is located;
- unable to incorporate due to its close proximity to a municipality; and
- unable to be annexed by a municipality with zoning jurisdiction because the SID is not adjacent or contiguous to such municipality.

LB420, originally introduced by Bellevue Sen. Sue Crawford, would require a person purchasing a home located in an SID to acknowledge in writing their understanding that:

- the property is located within an SID;
- SIDs are located outside the corporate limits of any municipality;
- residents of SIDs are not eligible to vote in municipal elections; and
- owners of property located in an SID have limited access to services provided by nearby

municipalities.

Omaha Sen. Beau McCoy introduced an amendment to the committee amendment that would have prohibited SIDs from levying a tax to pay for contracted solid waste collection services. Instead, any person owning property in an SID that uses such contracted services would pay on an individual basis.

While SIDs have elected boards of directors, McCoy said, property owners would not have a say in taxes levied upon them.

“I want to make certain that those in an SID have the option to not participate in the taxes placed on them for solid waste services,” he said. “This is an issue that is very important to me and to the members of my district.”

McCollister opposed the amendment, saying that LB324 represents an agreement between the municipalities, SIDs and homeowners.

“When you choose to live inside an SID, you give a certain amount of taxing authority to the board of directors,” he said. “We’re simply adding one more item that the SID board could contract for.”

The McCoy amendment failed on a 14-20 vote. Senators then advanced the bill to select file on a 30-2 vote. ■



# SPEAKER PRIORITY BILLS

Bill	Introducer	Status	One-line description
LB47	Watermeier	General File	Change provisions relating to anatomical gifts under the Motor Vehicle Operator's License Act
LB196	Campbell	General File	Change provisions of the Rural Health Systems and Professional Incentive Act
LB200	Davis	General File	Change the distribution of sales and use tax revenue and provide duties for the Department of Revenue
LB231	Smith	General File	Provide for regulation and operation of autocycles
LB240	Hansen	General File	Change provisions relating to a behavioral health pilot program
LB315	Howard	General File	Change provisions relating to medicaid recovery audit contractors
LB317	Kintner	General File	Repeal the Midwest Interstate Passenger Rail Compact
LB325	Davis	General File	Change levy provisions for rural and suburban fire protection districts
LB347	Krist	General File	Expand the jurisdiction of the Inspector General to the juvenile justice system
LB361	Harr	General File	Clarify that certain assessments levied as prescribed are levied and collected as special assessments
LB382	Cook	General File	Change provisions of the Diploma of High School Equivalency Assistance Act and state intent relating to certain transfers
LB415	Pansing Brooks	General File	Change provisions relating to the Uniform Interstate Family Support Act
LB452	Hilkemann	General File	Provide advertising requirements under the Uniform Credentialing Act
LB457	Gloor	General File	Change the Site and Building Development Act and terminate a fund
LB458	Kolterman	General File	Authorize limited lines travel insurance producer licenses
LB500	Howard	General File	Require application for medicaid state plan amendment for multisystemic therapy and functional family therapy
LB539	Watermeier	General File	Change provisions relating to the office of Legislative Audit and the Auditor of Public Accounts
LB540	Crawford	General File	Adopt updated international building code standards
LB547	Campbell	Referral	Change provisions of the Quality Child Care Act
LB577	Murante	General File	Permit counties to regulate peddlers, hawkers, and solicitors
LB581	Nordquist	Referral	Adopt the Nebraska Clean-burning Motor Fuel Development Act
LB591	Bolz	Referral	Create the achieve a better life experience program and provide for adjustments to taxable income
LB605	Mello	Referral	Change classification of penalties, punishments, probation and parole provisions, and provisions relating to criminal records and restitution and provide for a special legislative committee
LB607	Mello	General File	Adopt the Home Care Consumer Bill of Rights Act
LB642	Garrett	General File	Change provisions relating to motorboat, motor vehicle, and trailer registration and titling

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# CRAFTING THE STATE BUDGET

The primary constitutional duty of the Legislature is to pass the state budget. Before a budget is passed, however, the Legislature must consider virtually thousands of funding requests for the creation, maintenance or improvement of government services, programs, equipment and infrastructure.

This lengthy process is governed and guided by provisions of the Nebraska Constitution, state statutes and legislative rules.

**BIENNIUM** Nebraska's budget cycle consists of two fiscal years, called a biennium. Biennial budgets are enacted during regular 90-day legislative sessions held in odd-numbered years. Budget adjustments are made during regular 60-day sessions held in even-numbered years. Consequently, the volume of issues and dollar value of decisions during short sessions typically is less.

The Legislature's Appropriations Committee is responsible for reviewing budget requests and presenting a budget recommendation to be considered by the full Legislature. Before submitting its recommendation, the committee considers recommendations from the governor, requests from state agencies and fiscal impacts of bills sponsored by senators.

The process begins when state agency requests come to the Legislative Fiscal Office in the fall prior to each session. Fiscal Office staff study the requests and prepare briefings for the Appropriations Committee. At the same time, budget analysts from the executive branch are reviewing agency requests and working with the governor to formulate his or her budget recommendation.

**GOVERNOR'S RECOMMENDATION** The governor is required to submit his or her budget recommendation by Jan. 15 in odd-numbered years, except that in the first year of office a governor may submit a proposal on or before Feb. 1. The governor communicates his or her proposals through a state of the state address and formally submits his or her recommendation to the Legislature through one or more bills, introduced by the speaker of the Legislature at the request of the

governor.

The governor's appropriation bills routinely are referred to the Appropriations Committee. Other substantive bills that are instrumental to the governor's budget recommendation are referred to the standing committee having subject matter jurisdiction. Such substantive bills are not subject to the Jan. 15 deadline.

During the first 10 days of session, senators introduce other bills, which may require an appropriation to implement.

In January and February, the Appropriations Committee reviews

the fiscal office analysis of each agency budget request. Under legislative rules, the committee must submit its preliminary recommendations in a report to the Legislature 20 to 30 legislative days after the governor's budget submission.

The report includes preliminary funding levels and an overall analysis of the state's spending capacity based on current revenue forecasts, tax rate assumptions and compliance with the statutory minimum reserve, which must fall between 3 and 7 percent of available general funds. The estimates in the preliminary report become the basis of discussion during subsequent public hearings with state agencies and other interested parties.

During this time, other standing committees are conducting hearings on bills referred to them. Each bill has an accompanying fiscal note, which is an estimate of the financial impact of the legislation, including expenditures and revenues.

The fiscal note becomes the basis for estimating what appropriation may be necessary if the bill becomes law. When a committee advances a bill that has a financial impact, a companion bill authorizing an appropriation is introduced. This bill is assigned the same number as its companion along with an "A" suffix.

COMMITTEE RECOMMENDATION

After issuing its preliminary report, the Appropriations Committee conducts public hearings on the budget and then reviews all preliminary decisions, information obtained during the hearings and any other information brought to its attention.

The committee meets for about two weeks to complete a set of recommendations that is offered to the full Legislature in the form of amendments to the governor's legislation or new bills.

During a long session the committee has until the 70<sup>th</sup> day to place its budget bills on general file. During a short session, the deadline is the 40<sup>th</sup> legislative day. If the committee fails to introduce its bills by the deadline, legislative rules require that senators consider the appropriation bills as introduced by the governor.

At a minimum, the Legislature must consider three appropriation bills: one for legislators' salaries; another for constitutional officers' salaries, which generally include other elected officials and judges; and a third to appropriate for all other expenditures.

However, the committee typically introduces several bills that fall under broad categories. One large bill appropriates most state funds for operations and state aid. A second bill typically is offered to make appropriations for capital construction projects. Another bill provides for deficit appropriations, which are adjustments to appropriations previously authorized for the

current year. It is not unusual for the deficit bill to be considered early in the session because some of the adjustments may be emergencies that apply to the current year.

Other bills also may be offered, including bills making appropriations for salary increases, increased benefit costs or substantive law changes – such as authorization for a fee and creation of a fund – that implement some aspect of the committee recommendation.

STATUS REPORT

After the committee's bills are placed on general file, a daily financial status report of the general fund accompanies the daily agenda. The status report indicates the amount of budgeted funds under the committee recommendation and the amount of additional spending that could be accommodated beyond the statutorily required minimum reserve.

For planning purposes, the status also indicates financial conditions for the biennium under consideration plus the two following years. Although the Legislature considers only the first two years for appropriations, simulating impacts for two additional years provides useful information on the state's ability to sustain future obligations.

During long sessions, all other bills having a general fund expenditure or a general fund revenue loss are held on final reading and may not be read until the Appropriations Committee's budget bills pass. During short sessions, other bills may be read after the 45<sup>th</sup> day.

By rule, the Legislature must pass

appropriations bills by the 80<sup>th</sup> day in a long session or the 50<sup>th</sup> day in a short session. There is no penalty for not passing appropriation bills as provided by rule, other than the holdup of bills during a long session. Circumstances such as volume of amendments, length of debate and full discussion of appropriations matters can extend passage of the appropriations bills beyond the prescribed deadlines. Appropriations bills usually carry the emergency clause, which requires 33 votes for passage on final reading. This also is true of deficit bills. Bills without the emergency clause need 25 votes to pass.

VETOES

On appropriation bills, the governor has the option of signing the bill, letting the bill become law without his or her signature, vetoing the bill or returning the bill to the Legislature with one or more line-item vetoes. Within a day of the return of appropriation bills to the Legislature with total or line-item vetoes, the Appropriations Committee must report on the impact of the vetoes and may offer a motion to override all or part of them.

Individual members of the Legislature may then offer their own veto override motions. For an override motion to succeed, two-thirds of the Legislature must vote for it.

All final appropriations ultimately enacted take effect July 1 of the designated fiscal year or, if passed without the emergency clause, three calendar months after the end of the legislative session. Deficit bills making adjustments to current-year appropriations with the emergency clause are effective immediately. ■

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Sen. Adam Morfeld addresses ninth graders from Lincoln North Star High School, who visited the Capitol this week to learn about the legislative process.