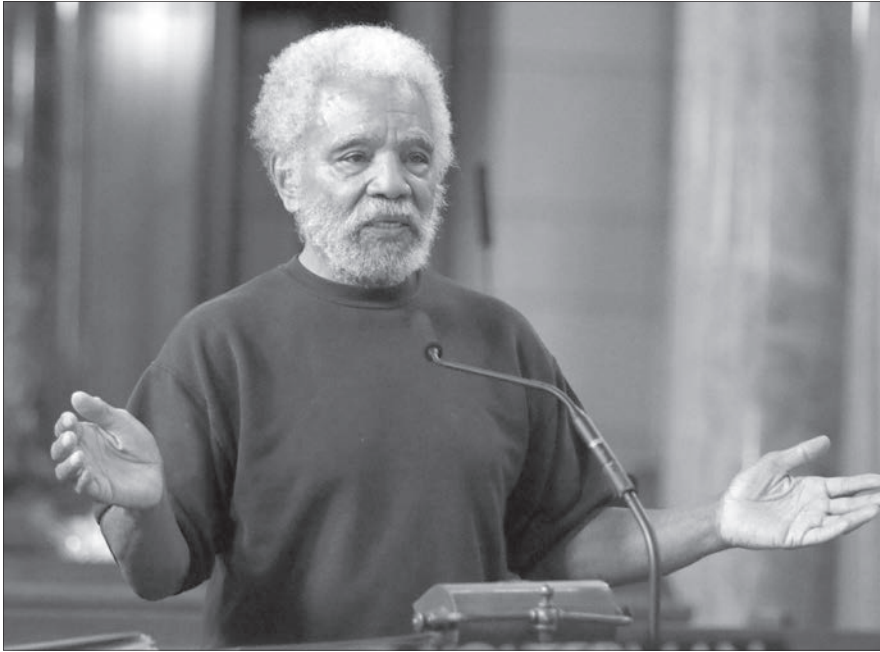


## Senators advance death penalty repeal



Sen. Ernie Chambers said the state should never risk executing an innocent person.

Senators advanced a bill from general file April 16 that would repeal Nebraska's death penalty. Introduced by Omaha Sen. Ernie

Chambers, LB268 would replace death penalty provisions with a sentence of life without the possibility of parole. The effort to end the state's

death penalty has been a career-long effort of Chambers' since 1973.

The bill would apply retroactively to inmates currently serving capital punishment sentences. It would not prevent a sentencing court from ordering restitution or alter the authority of the state Department of Correctional Services to determine appropriate measures for incarceration of an offender.

Chambers said the death penalty should be abolished because too often people are wrongfully convicted and sentenced to death. More than 150 people across the country have been removed from death row, he said, often because new DNA evidence is found to prove their innocence.

"When you have this many people who are proved to be innocent, there is no mistaking the conclusion that innocent people have been executed," Chambers said.

Bellevue Sen. Sue Crawford sup-  
**(continued page 2)**

## Prison reform measures advanced

A bill addressing prison overcrowding was amended and advanced from general file April 14.

Introduced by Omaha Sen. Heath Mello, LB605 would make numerous changes to Nebraska's penal system. Mello said the policy changes were recommended to the Nebraska Justice Reinvestment Working Group—created by LB907 in 2014—through a



Sen. Heath Mello

report provided by the Council of State Governments (CSG) Justice Center.

These changes would include:

- requiring the Office of Parole Administration to establish a process to determine the risk a parolee may pose to a community and the level of supervision required;
- creating the Committee on Justice Reinvestment Oversight to develop and review Nebraska's criminal justice policies;
- requiring that all sentences of one year or more be served in a

state prison and sentences less than one year be served in a county jail;

- appropriating \$30,000 to the Nebraska Supreme Court to create a sentencing information database;
- adding a new felony classification and penalties; and
- updating property offense amount thresholds to account for inflation.

The bill also addresses how probation violations would be punished, rates for restitution payments and how

**(continued page 3)**

# Senators advance death penalty repeal

(continued from front page)

ported bill. An irreversible sentence such as death should not be an option in a legal system where mistakes are made, she said. Further, she said, it has been wrongly used as a threat by law enforcement to coerce confessions.

“Just having the death penalty on the books, even if rarely used, can corrupt justice even for non-death-penalty offenses,” Crawford said.

Papillion Sen. Bill Kintner would rather keep the death penalty. Only in rare circumstances, he said, do law enforcement, prosecutors and families

of murder victims depend on capital punishment when seeking justice.

“I want to give [those in the criminal justice system] what they need to correctly do their job,” Kintner said. “I believe the death penalty is a sanctioned requirement for the most heinous of crimes.”

Sen. Mike Groene of North Platte also opposed the bill, saying it is part of the Legislature’s responsibility to ensure that the most dangerous criminals are removed from Nebraska communities.

“The death penalty is an extension of our duty to protect civilized society,” Groene said.

Sen. Tanya Cook of Omaha disagreed that having a death penalty provides additional protections. She said her district has not seen any decrease in violent crime as a result of the death penalty, so it is not serving as a deterrent. The issue seems to be more about revenge than protection, she added.



Sen. Bill Kintner said a penalty of death is an appropriate form of justice for the most violent crimes.



Sen. Tanya Cook said the death penalty is a means of revenge, not public protection.

“It’s not our role to be deliverers of vengeance,” Cook said. “Should anger be the basis of any public policy?”

Sen. Tommy Garrett of Bellevue said his support of the bill is based partially on the cost of prosecuting and appealing death penalty cases, which is more expensive than incarcerating offenders for life. Since 1978, he said, California has spent \$4 billion on capital punishment cases and likely will spend another \$1 billion over the next five years.

“The state has no business playing

## UNICAMERAL UPDATE

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Senators may be contacted by mail at this address:

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God, and in fact, is quite bad at it," Garrett said. "This is not an economic issue for me, it is a moral and ethical issue."

The United States is ranked fifth in the world in the number of people executed, Garrett added, which places it after China, Iran, Iraq and Saudi Arabia.

"We can do better than that," he said. "We are the greatest nation in the world and we should be demonstrating that."

Sen. David Schnoor of Scribner disagreed that death penalty cases are more expensive to prosecute. Appeals in Nebraska are processed by salaried employees and do not require extra work or cost, he said in opposition to the bill. Only 34 appeals have been made on death row cases in Nebraska, in contrast to 5,943 appeals in non-capital-offense cases, he added.

Lincoln Sen. Colby Coash recounted his participation with the crowd outside of the Nebraska State Penitentiary that had gathered for the 1996 execution of serial killer John Joubert. Two distinct groups had formed, he said—one quietly praying and the other in celebration.

"I was on the wrong side of the debate that night and I have never forgotten it," Coash said.

Nebraska is not likely to carry out any further executions, he added, because the state currently cannot acquire



Sens. Matt Williams (left) and Colby Coash confer during debate.

the chemicals necessary to conduct lethal injections.

"The reality is that Nebraska is done executing people," he said.

A technical Judiciary Committee amendment was adopted 31-13 and several other amendments were withdrawn.

Senators then advanced LB268 to select file on a 30-13 vote. ■

## Prison reform measures advanced

(continued from front page)

criminal history information would be disseminated.

Nebraska's prisons currently are at 159 percent capacity and are estimated to be at 170 percent capacity by 2020, Mello said. Following the guidelines suggested in the report would increase public safety by better preparing inmates for reentry into society, he said, and save the state the \$260 million otherwise needed to build a new prison.

Simply adding more prison capacity would not address the causes of overcrowding, he said, making that option only a short-term solution.

"Temporary measures and band-

(continued page 4)



Sen. Beau McCoy (right) discusses LB605 with Sens. Les Seiler and Bob Krist.



aid solutions are no longer a viable option,” Mello said.

A Judiciary Committee amendment, adopted 32-4, replaced the bill. Amended and new provisions include:

- requiring the Board of Parole to create regulations to reduce the number of offenders released from prison without supervision;
- requiring the board and state Department of Correctional Services to annually report the number of offenders on unsupervised release to the Legislature, governor and Supreme Court;
- requiring the department and Probation Administration to prepare a post-release supervision plan for each offender released on probation;
- requiring the department and state Court Administrator to create regulations regarding restitution payment and requiring the department to report annu-

ally to the Legislature on the collection of restitution from inmate wage funds; and

- increasing the maximum compensation from \$10,000 to \$25,000 allowed from the Victim Compensation Fund.

The amendment also incorporated provisions of LB12, introduced by Omaha Sen. Bob Krist, which would require the state Department of Health and Human Services and Department of Correctional Services to ensure that a medical assistance program is suspended rather than terminated when an individual enters a public institution.

Seiler offered an amendment to the committee amendment, adopted 36-4, which contained provisions based on LB483. That bill, introduced by Lincoln Sen. Patty Pansing Brooks, would require that the minimum sentence limit imposed by the court be no more than one-third of the maximum sentence limit.

Omaha Sen. Burke Harr supported the amendments and the bill, saying that prison overcrowding caused the problems found by the special investigative committee established by LR424 in 2014.

“What was found going on in our prisons is an absolute embarrassment to our state,” Harr said.

Revising Nebraska’s sentencing structure by sending nonviolent offenders to county jail or diversion programs would address both prison



Sen. Burke Harr said prison overcrowding caused most of the problems found in the state’s correctional system.

overcrowding and out-of-date statutes, he said.

“This bill is not prison reform—it is a sentencing reform,” Harr said.

Sen. Bob Krist of Omaha also supported the amended bill. Inmates who are released into communities directly from solitary confinement or without supervision place the public at risk, he said.

“This happens because we don’t have a [supervised release] process on the back end,” Krist said.

Omaha Sen. Beau McCoy questioned whether provisions for indeterminate sentencing included in the bill adhered closely enough to the recommendations made by the CSG.

“I find it troubling ... that we would buy into the CSG report and now add something to the bill they can’t model for,” McCoy said.

Senators advanced the bill on a 35-3 vote. ■

## COMMITTEE HEARING

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

**Thursday, April 30**

**Health & Human Services Room 1510 - 12:00 p.m.**

*Appointments:* Courtney Phillips - Dept. of Health & Human Services; Calder Lynch - Division of Medicaid and Long Term Care, Dept. of Health & Human Services ■

# MEET THE SENATOR

## Lindstrom propelled by history

**A**s a history major, Sen. Brett Lindstrom's favorite era to study was the Industrial Revolution.

"It really laid the groundwork for us as a country to build power and economic prosperity," he said. "Much of what we enjoy today in the United States stems from that moment in time."

The era's optimism and value of hard work seems to have propelled Lindstrom's determination like a steam engine.

A quarterback on the University of Nebraska-Lincoln's football team from 1999 to 2003, he said football helped him be more assertive and overcome a lot of his natural shyness.

"Coming up in that competitive environment really helped when I decided to run for office. It gave me confidence in my abilities and taught me about perseverance and facing adversity."

He accepted early on that his future was not that of a professional athlete and became a financial advisor in Omaha where he lives with wife, Leigh, and their two children: three-year-old daughter Colette and one-year-old son Barron.

"I had accepted that I wasn't going to turn pro pretty early on," he says good-naturedly, pointing to the metal screws in his foot.

Lindstrom aimed high for his first foray into public service. In 2012 he ran for Congress, looking to unseat incumbent Rep. Lee Terry in the 2nd Congressional District.

He came in second place, earning 23 percent of the vote. The experience might have made others leery of im-

mediately running for another public office, but Lindstrom looked at his defeat differently.

"I like to go big—I don't have any regrets," he says with a grin. "I hate to lose, but it's not the worst thing in the world."

Undeterred, Lindstrom made the decision to run for the Nebraska Legislature's District 18 days later. He won with 55 percent of the vote.

On his first day as a freshman state senator, he took another bold step by running for chairperson of the Legislature's Retirement Committee, narrowly losing by one vote. Lindstrom said at the time that with 18 new senators, the new members needed to be willing to take on leadership roles early.

Lindstrom intends to focus his attention on working with his colleagues to ensure Nebraska's economic stability. He's learning that nothing can happen without cooperation and compromise, he said, adding that he has been impressed with his colleagues from across the state.

"Honestly, the people I thought I'd butt heads with are the people I find myself working with the most," he says. "It's

amazing when you can find that commonality with such a diverse group of people."

Lindstrom is mindful that he has only a limited amount of time to push his goals forward in this office. Until the steam runs out on his term, he has a single goal in mind.

"When I leave the Legislature, I hope that I leave it a better place than when I came." ■



Sen. Lindstrom and his wife, Leigh, have a "super" Halloween with daughter Colette and son Barron.

# BUSINESS & LABOR

## Tip earner minimum wage increase stalls

A bill that would have increased the minimum wage for Nebraska workers who earn tips failed to advance from general file April 14.

LB494, introduced by Sen. Jeremy Nordquist of Omaha, would have increased the tip earner wage from the current \$2.13 to \$3 per hour in 2015. For each year thereafter, it would increase by the lesser of 95 cents or the amount necessary to equal 50 percent of the regular minimum wage.

Nordquist said the minimum wage for Nebraska's 15,000 tip-earning workers has not increased since 1991. Although federal law requires that businesses compensate gratuity workers the difference between tip and minimum wage, he said, research shows 84 percent of businesses do not comply with the law.

It is time for restaurants to stop relying on customers and taxpayers to provide a living wage for their employees, he said.

"Every worker is entitled to a level of base pay," Nordquist said. "These are families that count on this."

Lawmakers failed to adopt a Business and Labor Committee amendment on a 20-25 vote that instead would have increased the wage to \$2.35 on Aug. 1, 2015, and \$2.64 on Jan. 1, 2016.

Lincoln Sen. Matt Hansen supported the amendment and bill, saying Nebraskans overwhelmingly supported a ballot initiative in 2014 to raise the state minimum wage.

"We need to focus on and recognize

that the people of Nebraska have been very clear on this issue," Hansen said.

Gretna Sen. John Murante spoke in opposition to the bill. Tip earners receive the bulk of their pay from tips and can earn hundreds of dollars a night in gratuities, he said. The wage increase would be especially unfair to owners of smaller restaurants and those that sell less expensive meals, Murante said, because servers receive lower commissions at those venues.

Sen. Mike Groene of North Platte also spoke in opposition to the bill. Raising the wage would force restaurants in smaller communities to fire workers because their volume of customers is so low, he said.

"There's an awful lot of small town restaurants that just can't make it," Groene said. "They are going to send those kids home."

The bill failed to advance on a 18-27 vote. It is unlikely to be scheduled for further debate this session.

## Lower wage advanced for youth workers

A bill to create a separate minimum wage for young workers was amended and advanced April 15.

As introduced by Crete Sen. Laura Ebke, LB599 would have allowed employers to pay \$7.25 an hour for workers age 18 and younger. The proposed rate was raised to \$8 per hour by a successful committee amendment.

Workers could receive the rate for only 25 percent of the hours worked. The bill would apply only to workers enrolled in public or private schools and would not include employees participating in vocational training programs.

Last November, Nebraska voters approved Initiative 425, which raised

the state's minimum wage from \$7.25 to \$8.00 per hour for 2015. Nebraska's minimum wage will increase to \$9.00 in 2016.

The ballot initiative was the result of a successful petition drive that followed the 2014 Legislature's rejection of a bill to increase the wage. Amending laws enacted by voter initiative require 33 votes for passage.

Ebke said the bill is designed reduce labor costs for businesses such as grocers in small communities in rural Nebraska. Making young workers more affordable for employers will result in more job opportunities for youth and help small businesses survive, she said.

"Research suggests that the best way to interconnect young adults to their first jobs is by lowering barriers to hiring them," Ebke said.

A Business and Labor Committee amendment, adopted 26-0, would require employers to pay young student workers at least \$8 per hour beginning Jan. 1, 2016.

Omaha Sen. Jeremy Nordquist opposed the bill and the amendment, saying 60 percent of voters in 73 counties statewide just voted to increase the state's minimum wage.

"Clearly this issue had very broad-based support in Nebraska," Nordquist said. "Now we have an attempt to come in here and start picking it apart."

Because the measure would affect only young workers enrolled in school, Nordquist added, some students may quit school to pursue higher wages.

"We are creating an perverse incentive to encourage our kids to drop out," he said.

Sen. Dave Bloomfield of Hoskins supported the bill. State and federal regulations prohibit young workers from completing certain tasks or operating machinery, he said, which limit their value to an employer.

"There is no reason a store should pay the same salary for somebody who can



Sen. Jeremy Nordquist



Sen. Laura Ebke



do only half the job,” Bloomfield said.

Heartwell Sen. John Kuehn also spoke in favor of the bill. First jobs are critical to the long-term earning potential of workers, he said, with early work experience resulting in 7 percent higher annual wages in later years.

Sen. Adam Morfeld of Lincoln opposed the bill, saying some young workers depend on their wages to help support their families. The bill unfairly targets a group of citizens who are not old enough to vote, he said, and sends a message that their work is worth less than the same job done by an older coworker.

“The people we are subjecting to this don’t have a political voice,” Morfeld said. “We are devaluing the work that they do.”

Lawmakers advanced the bill from general file on a 32-11 vote.

## EXECUTIVE BOARD

### Proposal to extend legislative terms stalled

A proposed constitutional amendment that would extend legislative term limits failed to advance from select file April 13.

Currently, a state senator can serve two consecutive four-year terms. LR-7CA, introduced by Columbus Sen. Paul Schumacher, originally would have extended this to two six-year terms. An amendment adopted on general file changed the resolution to instead propose three four-year terms.



Sen. Paul Schumacher

Schumacher introduced a select file amendment, adopted 27-15, to return the proposal to two six-year

terms and provide a more comprehensive transition plan. Beginning in 2020 and 2022, the Legislature would proportion the number of members to be elected for either a four- or six-year term. This would result in just one-third of senators being up for election every even-numbered year beginning with the November 2024 election.

Schumacher said the amendment would lower legislative turnover with each election.

“Voters have already spoken on three four-year terms,” he said. “This gives the voters a chance to vote on something they’ve never had the chance to vote on before.”

Venango Sen. Dan Hughes supported the amendment, saying there is a steep learning curve in the Legislature.

“The melding of skills with time, through the process of doing the work of the people, only makes us better,” he said. “The longer we have to hone those skills, to do the work, the better off the people of Nebraska will be.”

Sen. Mike Groene of North Platte opposed the changes, saying it is time to respect the will of the people.

“This is a big issue to the people of Nebraska who went to the trouble to get [term limits]. The issue has been decided four or five times so we need to leave it alone,” he said.

The amended resolution failed to advance on a 20-22 vote. It is unlikely to be debated again this session.

## HEALTH & HUMAN SERVICES

### Changes to dental sedation advance

Lawmakers gave first-round approval April 14 to a bill that would change the permitting process for dentists to

administer sedation.

Grand Island Sen. Mike Gloor, sponsor of LB80, said the bill would bring Nebraska law into alignment with American Dental Association recommendations. The sedation portion of Nebraska law that regulates the practice of dentistry has not been updated since 1986, he said.



Sen. Mike Gloor

“Although the bill looks complex, it’s just an updating of the laws relating to anesthesia that dentists can use for dental work,” Gloor said. “It’s a bill brought to us by dentists to improve the safety and care that they provide to patients.”

The bill would replace the current permitting process for general anesthesia with separate permits for minimal, moderate and deep sedation. The bill also would update education and training requirements for dentists and correlate incident reporting with the new definitions.

Under the bill, a dentist licensed in Nebraska would be allowed to administer inhalation analgesia in the practice of dentistry without a permit.

Gloor said the bill’s July 1, 2016 operative date would allow time for rules and regulations to be adopted by the state Board of Dentistry and for current permits to be used through their renewal dates.

Lincoln Sen. Kathy Campbell supported LB80, saying the changes included in the bill were endorsed at all three stages of review by a technical committee, the state Board of Health and the state’s chief medical officer.

In addition, she said, the bill resulted from the desire of dentists to make their practice safer for patients.

“I think the profession should be commended,” Campbell said.

The bill advanced to select file 36-0.

**Aid to dependent children changes amended, advanced**

A bill intended to remove the “cliff effect” in the state’s Aid to Dependent Children (ADC) program was amended to include an intergenerational poverty task force and advanced from select file April 13.

LB89, introduced by Lincoln Sen. Kathy Campbell, would increase the maximum benefit each year through 2019, after 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.



Sen. Kathy Campbell

Omaha Sen. Heath Mello offered an amendment, which he originally introduced as LB335, that would establish a task force to study intergenerational poverty in Nebraska. The state needs to analyze poverty demographics and evaluate existing state programs and policies that seek to alleviate poverty, he said.



Sen. Heath Mello

Mello noted that the Hispanic poverty rate in Omaha has increased 40 percent in the last decade and said poverty is a consistent problem in counties across Nebraska.

“Intergenerational poverty, particularly as it relates to children, is an issue facing the entire state,” he said.

The task force would include the chairpersons of the Health and Human Services and Appropriations committees as well as three at-large members appointed by the Executive Board of the Legislative Council.

Nonvoting members would include

representatives from the state departments of Labor, Health and Human Services (DHHS) and Education as well as a variety of community stakeholders and policy experts.

The task force would analyze the ADC, Supplemental Nutrition Assistance, child care assistance and Employment First programs with a focus on helping children escape the cycle of poverty. A preliminary report would be presented to the Legislature and the governor by Dec. 15, 2015, and a final report—including a long-range strategic plan—by Dec. 15, 2016.

Omaha Sen. John McCollister spoke in favor of the amendment, saying the arrival of new leadership at DHHS provides an opportune time to examine programs aimed at eliminating poverty in Nebraska.

“The Legislature has a legitimate interest in the effectiveness of these programs,” he said.

Following adoption of the Mello amendment on a 32-0 vote, lawmakers advanced the bill to final reading by a voice vote.

**Issuance of credentials based on military service advanced**

Military education, training or service would result in issuance of health profession credentials under a bill advanced from general file April 15.

Lincoln Sen. Adam Morfeld, sponsor of LB264, said the bill would ensure that the skills and experience acquired through military service are recognized for the 34 health professions that the state’s Uniform Credentialing Act oversees.



Sen. Adam Morfeld

“I want Nebraska to be known as a state that welcomes our sons and

daughters back home,” Morfeld said. “Nebraska is the only state, including the District of Columbia, that does not have a law like this on our books.”

As introduced, the bill would require the state Department of Health and Human Services (DHHS), by Dec. 15, 2015, to specify methods of meeting the minimum credentialing requirements through military service.

A Health and Human Services Committee amendment, adopted 33-0, allows DHHS to make credentialing decisions for similar applicants based on standard criteria.

Lincoln Sen. Kathy Campbell, chairperson of the committee, said the amendment was a result of discussions with DHHS and would alleviate the need for the department to make credentialing decisions on a case-by-case basis.

“The amendment shifts the burden of proving satisfactory military education, training or service from each individual applicant to the department and applicable board—for all similarly situated applicants—to allow the department to make the credentialing decision based on standard criteria,” Campbell said.

Seward Sen. Mark Kolterman supported the bill and the amendment. Having a program in place to ensure the credentialing process will assist in efforts to recruit individuals in the health professions who are transitioning out of the military, he said.

“I think it’s important that we show them that we’re serious about this,” Kolterman said.

The bill advanced to select file on a 33-0 vote.

**Medicaid payment for juvenile therapies amended, advanced**

Lawmakers gave second-round approval April 13 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 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 and functional family therapy for youth who are eligible for both Medicaid and the Children's Health Insurance Program.



Sen. Sara Howard

Ogallala Sen. Ken Schilz offered an amendment, adopted 29-0, which added the in-home family services model to the list of therapies in the state plan amendment. He said the addition would ensure that the entire state has therapy models that fit the needs of Nebraska's youth and families.

"This is the Boys Town model," Schilz said. "It's trademarked, it works well and it fits with western Nebraska."

Howard supported the amendment saying it would provide a more complete system of care for the state's troubled youth.

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

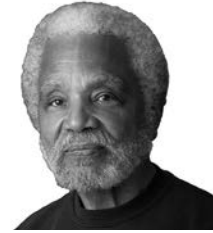
## JUDICIARY

### Removal of minimum sentences advanced

A bill that would alter sentencing procedures for Nebraska courts was amended and advanced from general file April 15.

LB173, introduced by Omaha Sen. Ernie Chambers, would remove the mandatory minimum sentence for

habitual criminals and classify as habitual criminals only those offenders convicted of three violent offenses. Offenders would remain subject to a possible sentence of 10 to 60 years' imprisonment.



Sen. Ernie Chambers

Violent offenses include first degree murder, second degree murder, manslaughter, first degree assault, kidnapping, first degree sexual assault, sexual assault of a child, robbery and motor vehicle homicide.

Chambers said LB173 is part of a package of bills based on recommendations provided by the Council of State Governments Justice Center (CSG) and work done by a special investigative committee convened in 2014 to study overcrowding and administrative misconduct in Nebraska's correctional system.

Criminals do not consider mandatory minimum sentences before committing crimes, Chambers said, so long sentences are not working as a crime deterrent.

"This idea of stacking punishment upon punishment is not valuable and is counterproductive," Chambers said. "If that [greater third offense penalty] was a deterrent, why do you still have shootings unabated?"

A Judiciary Committee amendment, adopted 31-11, incorporated the provisions of another bill introduced by Chambers.

Provisions of LB172 would repeal the mandatory minimum sentence for Class IC and ID felonies. Currently, the mandatory minimum imprisonment for a Class IC felony is five years and three years for a Class ID. Both classes are punishable by up to 50 years' imprisonment.

Omaha Sen. Beau McCoy opposed the bill and the amendment, saying that

Nebraska's current statutes requiring mandatory minimum sentences have helped reduce the state's crime rate every year for the past decade. Reducing the prison population should not come at the expense of public safety, he said.

"We made a conscious decision in this Legislature to be tough on crime and I think this legislation goes back the opposite way," McCoy said. "I think we can be tough on crime and smart on crime."

Sen. Patty Pansing Brooks of Lincoln supported the bill and the amendment, saying lawmakers should trust the CSG recommendations. Our correctional system cannot afford to treat nonviolent criminals the same as violent offenders, she said.

"Do we really want to be filling our prisons with people who are doing things that are nonviolent?" Pansing Brooks said.

Senators advanced the bill from general file on a 28-9 vote.

### Inmate confinement reform amended, advanced

A bill focusing on inmate isolation policies for Nebraska's prisons was amended and advanced April 14.

Introduced by Columbus Sen.

Paul Schumacher, LB598 would require the state Department of Correctional services, beginning July 1, 2016, to use the least re-



Sen. Paul Schumacher

strictive manner required for maintaining institutional order when isolating inmates from the general prison population. It also would require the department director to submit a report to the governor and the Legislature that outlines a long-term plan for the use and reduction of inmate segregation.

Due before April 1, 2016, the report

would include the behavior, conditions and mental health status under which an inmate would be placed in each confinement level and regulations for transitioning inmates back to the general prison population or to society. The report also would contain a plan for oversight of the department by an independent third party.

Additionally, the director would be required to develop a plan to keep electronic records of all inmates and report quarterly to the Legislature the number of inmates in isolation, reasons for segregation, whether those inmates have been diagnosed with mental illness and the number of inmates released from segregation directly to parole or the community.

LB598 also would create a long-term segregation work group, consisting of the department director and other department officials, mental health professionals and prisoners' rights advocates appointed by the governor. The group would be required to meet no later than July 1, 2015, and at least semiannually thereafter and would advise the department on treatment and care of offenders in long-term segregation.

As the hearings conducted by a special investigative committee revealed, Schumacher said, a lack of regulations regarding solitary confinement led to Nikko Jenkins being isolated for more than half of his incarceration. Schumacher said testimony showed that Jenkins' time in segregation likely did psychological damage and contributed to him killing four people in Omaha following his release from the Nebraska State Penitentiary in 2013.

A Judiciary Committee amendment, adopted 31-0, incorporated provisions of two other bills into the measure.

Provisions of LB606, introduced by Omaha Sen. Heath Mello, would create the Office of Inspector General of the Nebraska Correctional System. The

inspector general would serve a five-year term and be appointed and supervised by the Office of Public Counsel.

Duties of the inspector general would include conducting investigations, audits, inspections and other reviews of the Nebraska correctional system. The inspector would be required to provide a summary of all reports and investigations to the Judiciary Committee and governor on or before Sept. 15 each year.

Provisions of LB606 also would require the governor, beginning July 1, 2020, to declare an overcrowding emergency when the director of correctional services certifies that the prison population is over 140 percent of design capacity.

Currently, the governor has the option on whether or not to declare an emergency when the population reaches the 140 percent threshold. Declaration of an overcrowding emergency mandates that the state Parole Board immediately consider all eligible inmates for parole.

Incorporated provisions of LB592, introduced by Lincoln Sen. Kate Bolz, would require the department to administer a mental health evaluation to all inmates within the first two weeks of their incarceration. The department would be required to treat mentally ill inmates and re-evaluate them prior to release. The bill's provisions would authorize the chief executive officer of a correctional facility to segregate or transfer mentally ill and dangerous inmates to a psychiatric facility outside of the department.

Additionally, the department's Parole



Sen. Heath Mello

Administration Office would be placed under the supervision of the state Board of Parole beginning June 1, 2016. Finally, a provision of the bill would change a community re-entry program for incarcerated parents into a permanent program.

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Change to ATV tax collection vetoed

Gov. Pete Ricketts vetoed a bill April 13 that would have changed the imposition of ATV and UTV sales taxes in Nebraska. The veto came at the request of its introducer, Sen. Galen Hadley of Kearney.

LB498 would have required retailers of all-terrain vehicles (ATVs) and utility-type vehicles (UTVs) to collect sales tax at the time of the sale. For ATVs and UTVs purchased from dealers, county treasurers currently collect the sales tax when they are registered.

Hadley said the bill erroneously was written to apply to ATVs and UTVs sold before the bill's operative date. He said he planned to make corrections and reintroduce the measure in the 2016 legislative session.

The registration fee for ATVs and UTVs would have been \$8, with \$7 of the fee retained by the county and \$1 deposited in the state Department of Motor Vehicles cash fund.

The bill also would have prohibited the operation of any unregistered ATV or UTV, required vehicles to be registered 30 days after purchase and



Sen. Galen Hadley



Sen. Kate Bolz

required the department to record all ATV and UTV registrations.

Current statute defines an all-terrain vehicle as 50 inches or less in width, 1,200 pounds or less, which travels on three or more non-highway tires. A utility-type vehicle is defined as 74 inches or less in width, 180 inches or less in length with a weight of 2,000 pounds or less, which travels on four or more non-highway tires.

## 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 select file April 13.

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.

Bellevue Sen. Sue Crawford, chairperson of the committee, brought an amendment on select file that made several changes to the bill.



Sen. Sue Crawford

The amendment authorizes direct borrowing by resolution as well as ordinance and clarifies that municipalities could use direct borrowing to refinance loans at a lower rate. The amendment also removed the term “significant” in reference to taxpayer savings over traditional bond financing as a requirement for direct borrowing.

Crawford said concerns were raised after the bill was discussed on general file that the term was ambiguous and possibly could leave municipalities vulnerable to litigation.

Under the amended 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.

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 taxpayer savings over traditional bond financing.

The bill also includes 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.

Following adoption of the Crawford amendment on a 30-0 vote, the bill advanced to final reading by voice vote. ■

## UNICAMERAL YOUTH LEGISLATURE



High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2015 Unicameral Youth Legislature, which will convene June 7-10.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol Building and coordinated by the Clerk’s Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation’s only unicameral.

Students will learn about the inner workings of the Legislature directly from senators and staff. Bills will be based on legislation considered during the current legislative session.

**Registrants are encouraged to apply for a Speaker Greg Adams**

**Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships are also available.**

The University of Nebraska–Lincoln’s Extension 4-H Youth Development Office coordinates housing and recreational activities for the camp as part of their Big Red Summer Camps program.

Registration forms can be obtained from the Legislature’s Unicameral Youth Legislature page: [www.NebraskaLegislature.gov/uyl](http://www.NebraskaLegislature.gov/uyl).

The registration deadline is May 15.



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Former senators were invited to the State Capitol April 15 to be recognized by the Legislature. Top left: Former Sen. Elaine Stuhr is welcomed by current senators. Top right: Former Sen. Ed Schrock converses with current Sen. John Kuehn.