

Senators advance state budget bills



Sen. Heath Mello (center), chairperson of the Appropriations Committee, confers with committee vice chairperson Sen. Robert Hilkemann (right) and Michael Calvert, director of the Legislative Fiscal Office.

Lawmakers gave first-round approval April 30 to the state's \$8.6 billion budget package. The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years.

As introduced, the Appropriations Committee budget proposal would result in a financial status at the end of fiscal year 2016-17 that is \$48.9 million more than the 3 percent minimum reserve.

Omaha Sen. Heath Mello, chairperson of the Appropriations Committee, said the budget package represents a 3.1 percent average growth rate in spending over the biennium. That level is the lowest in 30 years, he said, with the exception of 2003 and 2009, when the state was battling significant economic recessions.

Mello said the budget package would maintain a strong cash reserve while focusing on property tax relief, economic development, education and public/private partnerships.

"The decisions in this budget package recognize the priorities of this Legislature," he said.

Papillion Sen. Bill Kintner spoke in support of the budget package, saying it represents a compromise among individual committee members with very different perspectives.

"No one got everything they wanted in this budget," he said. "But overall, we funded what we had to fund. We said no to some things that were tough to say no to; we put things off that we may very well fund in the future. I think, on balance, this is probably a good budget."

Sen. Jeremy Nordquist of Omaha agreed, calling the package a sustainable, responsible budget. He said the five new members on the committee brought a willingness to look at issues and agencies with a fresh perspective.

"The new members brought a lot of great questions and a willingness to dig in," he said.

Mainline budget bill

Introduced by Kearney Sen. Galen Hadley at the request of the governor, LB657 is the mainline budget bill. An Appropriations Committee amendment, adopted 27-0, replaced the bill and contains recommendations for state operations and state aid.

Among other provisions, the amendment includes the following general fund increases over the biennium:

- \$79.8 million for the Tax Equity and Educational Opportunities Support Act;
- \$75.9 million for the federal Medicaid match rate;

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- \$64.4 million for Medicaid reimbursement rates; and
- \$53.8 million for a 3 percent increase in funding to colleges and universities.

One of the largest increases is \$20.3 million—an 11.2 percent increase—to the state Department of Correctional Services. The increase would cover inmate medical costs, including an expensive new Hepatitis C treatment, as well as additional security and be-

havioral health staff.

Debate on the mainline budget bill centered on a proposal based on LB584, originally introduced by Ogalala Sen. Ken Schilz, which attempts to address a statewide shortage of oral health care providers.

The provisions would appropriate \$8 million to the Coordinating Commission for Postsecondary Education to develop, award and administer a contract to provide reduced-fee oral health services and oral health workforce development.

Under provisions specified in LB661, also part of the budget package, the commission could contract with an entity that meets certain criteria to provide dental services in underserved areas.

Among other restrictions, the criteria specify a nonprofit entity that graduates at least 75 dental students each year and is partnered with at least five school districts or federally-qualified health centers.

Omaha Sen. Ernie Chambers offered an amendment to strike the provision, saying the



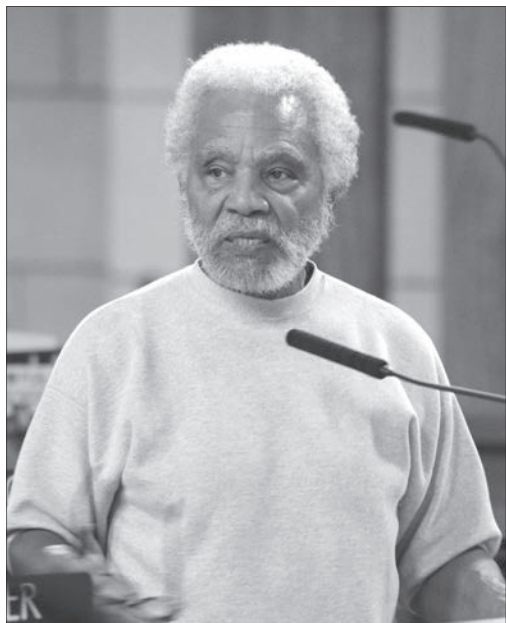
Sen. Tanya Cook

criteria established could be met only by the Creighton University School of Dentistry.

“The state cannot make a direct appropriation to a private entity,” he said, “so this is making an end-run around the [state] constitution.”

Sen. Tanya Cook of Omaha supported the amendment, saying Creighton—a Catholic university—accepts extensive private donations and uses those funds to advocate for anti-government public policy.

“At the same time—with a straight face—they are asking the taxpayers



Sen. Ernie Chambers

UNICAMERAL UPDATE

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of Nebraska for a subsidy for expansion of their private, parochial campus,” Cook said.

Lincoln Sen. Kathy Campbell also expressed concerns, saying no Creighton students have utilized an existing state program designed to incentivize medical providers to practice in underserved and rural areas.

Using state funds to directly benefit Creighton could encourage other private institutions to approach the state for additional scholarship assistance, she said.

“I am concerned about the precedent we’re setting for other private schools in the state that may provide medical education in some form,” Campbell said.

Schilz opposed the amendment, saying the goal of the provisions was to increase Creighton University’s dental class size by 30 students per year, which would benefit the entire state.

“For three years when we talked about Medicaid expansion, I looked out there to see what the situation was in my neighborhood, and everywhere I turned it was lack of access to health care,” Schilz said. “I told myself ... that whenever I got an opportunity that makes sense to bring more health care to rural Nebraska, I’d pick it up and go with it.”

Sen. Jeremy Nordquist of Omaha also opposed the amendment, saying the state currently has several contracts with Creighton University to provide expertise on public policy issues, including cancer research.

Chambers withdrew his amendment when senators agreed to offer a compromise amendment to



Sen. Jeremy Nordquist

LB661, which would open the contract process up to both Creighton and the University of Nebraska College of Dentistry.

North Platte Sen. Mike Groene offered and later withdrew an amendment to strike \$2.5 million in matched funds for The Yeutter Institute for International Trade and Finance

at the University of Nebraska. He said voters in his district are interested in tax relief, not funding public/private partnerships with the university.

“If [Yeutter] wants that to exist, he should pay for it,” Groene said.

Heartwell Sen. John Kuehn, who originally introduced the proposal as LB496, opposed the amendment.



Sen. John Kuehn

The state’s investment would be matched by private funds, he said, which already have been raised. Funds would not be used for bricks and mortar, but to expand research and increase Nebraska exports, he said.

“This is a priority of state government and it is a priority of the state of Nebraska,” Kuehn said.

Following adoption of a technical amendment offered by Mello, LB657 advanced to select file on a 26-0 vote.

Fund transfers

LB661 would create funds and make certain fund transfers. An Appropriations Committee amendment, adopted 26-1, became the bill.

The amendment includes a \$60 million per year increase to the Property Tax Credit Cash Fund. The transfer would increase to \$200 million the amount available for property tax relief, Mello said. This would allow for a credit equal to \$93 per \$100,000 of valuation—a \$28 increase over the current level.

The committee amendment also would transfer:

- \$11 million each year from the General Fund to the Water Sustainability Fund;
- \$3.3 million each year from the General Fund to the Water Resources Cash Fund; and
- \$3 million each year from the Water Sustainability Fund to the Nebraska Resources Development Fund.

Mello offered an amendment, as a compromise regard-

(continued next page)



Sen. Mike Groene

ing funds for expanded low-income dental care, to remove criteria that otherwise would have excluded the University of Nebraska Dental College. It also stipulated that if multiple applicants meet the contract requirements, matching funds would be allocated proportionally.

The amendment was adopted on a vote of 25-4 and LB661 advanced to select file 33-2.

LB662 would authorize transfers to and from the Cash Reserve Fund. An Appropriations Committee amendment, adopted 37-1, became the bill.

The amendment would authorize transfers from the fund of:

- \$25 million to the Nebraska Capital Construction Fund for construction of the Global Center for Advanced Inter-professional Learning at the University of Nebraska Medical Center (UNMC);
- \$17 million to cover payment of federal penalties imposed on the state Department of Health and Human Services; and
- up to \$5.5 million in the current fiscal year to the Republican River Compact Litigation Contingency Cash Fund.

Scribner Sen. David Schnoor offered an amendment to remove the \$25 million transfer to construct the center at UNMC. Schnoor said the state's cash reserve should be used to provide tax relief rather than fund construction.

"This is excess money; I'd like to see it go back to taxpayers," he said.

Omaha Sen. Robert Hilke, who originally introduced the proposal as LB532, opposed the amend-



Sen. David Schnoor

ment. He said the center would be a one-time investment of "seed money" on the part of the state that would help UNMC recruit top teachers and researchers.

Mello also opposed the amendment, saying the cash reserve historically has been used for one-time



Sen. Robert Hilke

appropriations and not for ongoing tax relief.

"This [amendment] generally runs against good fiscal policy," he said.

The amendment failed on a 14-20 vote. A second Schnoor amendment to remove the \$8 million transfer for expanded dental care also failed 13-22.

LB662 advanced to select file 39-3.

Additional provisions

Four additional bills included in the committee's budget package were advanced to select file April 30:

- LB658, which would fund the \$12,000 annual salaries of Nebraska's 49 state senators, advanced 33-0;
- LB659, which would fund salaries and benefits for judges and constitutional officers, advanced 38-0;
- LB660, which would appropriate funds for capital construction and property acquisition, advanced 28-0; and
- LB656, which would make adjustments to appropriations for the current fiscal year, advanced 38-0.

Finally, LB663 also was advanced. As introduced, the bill would have increased salaries for Nebraska judges by 2.25 percent in 2015 and 2.4 percent in 2016.

A Judiciary Committee amendment, adopted 41-3, changed the proposed increase to 3.5 percent in 2015 and 2016. The amendment also would increase Nebraska Supreme Court judges' salaries from the current \$160,540 to \$166,159 in 2015 and \$171,974 in 2016.

LB663 advanced to select file 42-2. ■

MEET THE SENATOR

Morfeld follows his own advice

A self-described “military brat,” Sen. Adam Morfeld spent his childhood moving from California to South Carolina, to Nebraska and finally to Sioux Falls, South Dakota.

His Lincoln classmates at St. Theresa’s had a difficult time figuring out the new kid from South Carolina with a thick southern accent.

“I’m not sure they really knew what to do with me,” he laughed.

Being raised by a single mother for much of his adolescence instilled a strong work ethic in the future senator. Rather than enrolling in college full time right after high school, he opted to work full time and attend night classes for two years. He then returned to Nebraska, which he says “always felt like home,” and enrolled as a political science major at the University of Nebraska-Lincoln.

During his time at the university, Morfeld learned a valuable lesson in perseverance when he lost a campaign for UNL student body regent. Despite his disappointment, Morfeld found a renewed passion for helping young people become more engaged in their government.

While still an undergrad, he founded Nebraskans for Civic Reform (NCR), a non-partisan, nonprofit or-

ganization dedicated to strengthening civic education and community engagement, readying veterans for jobs and making elections more accessible.

After completing law school at UNL, Morfeld’s passionate advocacy with NCR eventually led him to a life-changing decision.

“I realized it was hypocritical of me to encourage other people to become more engaged in the process and not take on a more active role myself,” he said. “We need more young voices at the table.”

The new senator said balancing his professional commitments with his new role as a lawmaker has been challenging. He worries this is an

obstacle to encouraging more young people to become involved in their state government.

“Not many junior associates can get six or seven months off to be a legislator. It is really tough to be a working Nebraskan and serve. Unfortunately, that means that our Legislature is not very representative of young Nebraskans,” he said.

While free time is hard to come by, Morfeld makes a concerted effort to “go off the grid” when he can as a back country camper. He relishes any opportunity to immerse himself in nature—“and not one of those campsites by the highway either,” he joked.

“Back country camping really makes you appreciate what you have and how little you need,” he said. “I’d much rather travel and see the world than have a lot of material things.”

Although he has a new title now, Morfeld maintains his mission to help young people become more civically engaged and keep elections open and honest.

“If people don’t understand the importance of engagement, then political accountability is all for naught,” Morfeld says. “It’s important for us to remember that young, diverse people can come together and find solutions to common problems.” ■



An avid outdoorsman, Sen. Morfeld takes advantage of every opportunity to get away and enjoy back country camping.

APPROPRIATIONS

Economic forecasting board raises revenue projections

Greater expectations of individual income tax revenues by the Nebraska Economic Forecasting Advisory Board resulted in a higher forecast April 28.

The board provides an advisory forecast of general fund receipts that the Legislature uses to craft the state's budget. The April meeting of the board provides the last forecast on which the state budget will be based this legislative session.

During its February forecast, the board set revenue projections at \$4.3 billion for fiscal year 2014-15, \$4.4 billion for FY2015-16 and \$4.6 billion for FY2016-17.

The board projected that revenues over the next three fiscal years would be \$22 million greater than their February forecast, mostly due to an anticipated \$35 million increase in individual income taxes. Sales and use tax revenues and miscellaneous revenues curtailed some of the income tax gains.

The projection for FY2014-15 was increased by \$12 million. That for FY2015-16 was increased by \$17 million, while the FY2016-17 projection was reduced by \$7 million.

Five members of the nine-member board are appointed by the Legislature's Executive Board and four are appointed by the governor. Appointees must demonstrate expertise in the field of tax policy, economics or economic forecasting.

The next meeting of the board is set for Oct. 30.

Senators advance business and tourism development

A bill that would boost business and tourism development in Nebraska advanced to final reading April 28 after senators amended it to allow signage for tourist attractions.

LB449, introduced by Omaha Sen. Heath Mello, would increase the maximum amount of microloan funds from \$1 million to \$2 million that could be awarded annually by the state Department of Economic Development. The department would be required to increase from \$500,000 to \$1 million the minimum amount it awards each year and individual microloan limits would be increased from \$50,000 to \$100,000.

Additionally, the bill would require the state Tourism Commission to expand the use of tourism promotion funds for marketing assistance grants to communities and organizations hosting events that have the potential to attract large numbers of out-of-state visitors.

Bancroft Sen. Lydia Brasch introduced an amendment on select file that would include provisions of her LB571. Adopted 31-1, the amendment would authorize the commission to use highway markers to identify significant tourism attractions in the state. The commission would not be permitted to purchase markers until funding is secured through gifts or other sources.

The state Department of Roads would be required to locate, install and maintain the markers. The commission would reimburse expenses

incurred by the department.

Besides cultivating tourism in Nebraska, Brasch said, the amendment would encourage community organizations to work with the commission because funds for the signs would come from private sources. The resulting public and private partnership would give smaller communities the opportunity to promote the unique aspects of their areas, she said.

"I believe these signs will be an economic benefit to those communities," Brasch said.

Omaha Sen. Ernie Chambers opposed the amendment, saying it did not adequately specify design and location standards for the markers.

"We will wind up with tacky-tacky little signs scattered throughout the state," Chambers said. "There ought to be some pride taken in the appearance of the state."

Other provisions of LB449 would increase from \$1 million to \$4 million the maximum amount the department may award annually through matching federal grant programs for:

- small business planning;
- agriculture enterprise development;
- companies or individuals wanting to market a product prototype or process;
- companies using Nebraska public or private college or university faculty and facilities for new product research and development; and
- companies or individuals seeking to create a product prototype developed in a Nebraska business, or public or private college or university, in which case the grant limit would be raised from \$50,000 to \$150,000 per project.

Senators advanced the amended bill on a 31-5 vote.



Sen. Heath Mello



Sen. Lydia Brasch

BUSINESS & LABOR

State claims bill advanced

Claims against the state would be approved by a bill advanced from general file May 1.

If a person sues the state of Nebraska, he or she files a claim with the state claims board. Approved claims exceeding \$50,000 must be reviewed by the Legislature.

LB554, introduced by the Business and Labor Committee and modified by a committee amendment adopted 35-0, would approve such claims to the tune of \$1.2 million for tort claims. Included in the approved tort claims are settlements for three of the six Nebraskans wrongly convicted for the 1985 murder of Helen Wilson in Beatrice.

The bill also includes \$1.2 million for miscellaneous claims and \$974,000 in write-offs for fiscal year 2014-15.

Following the adoption of a technical amendment, senators advanced LB554 to select file 38-0.

Lower wage advanced for young workers

Young workers could be paid a reduced minimum wage under a bill advanced to final reading April 29 after a successful cloture vote.

LB599, introduced by Crete Sen. Laura Ebke, would allow employers to pay workers ages 18 and younger \$8 an hour beginning Jan. 1, 2016, for up to 25 percent of their hours worked.



Sen. Laura Ebke

Nebraska's minimum wage in-

creased to \$8 per hour this year and is set to increase again in 2016 to \$9 per hour, following the approval of Initiative 425 by Nebraska voters last November. The ballot initiative was the result of a successful petition drive that followed the 2014 Legislature's rejection of a bill to increase the state's minimum wage.

Ebke said businesses in villages with fewer than 500 inhabitants have a small customer base, making them more vulnerable to failure than their counterparts in larger cities. Without local commerce, small towns cannot survive, she said.

Sen. John Kuehn of Heartwell spoke in support of the bill, saying the lower wage would give smaller businesses such as locally-owned grocery stores in rural Nebraska an economic incentive to hire young workers. When these rural businesses fail, he said, unemployment rises and residents are forced to drive long distances for groceries.

"It helps keep our stores solvent and our local communities vibrant," Kuehn said.

Lincoln Sen. Adam Morfeld opposed the bill, saying that small businesses should explore other options for financial support, such as price increases or tax credits. Rural Nebraska cannot afford to discriminate against young residents, he said.

"We are sending the wrong message to young Nebraskans who we have a hard time keeping here to begin with," Morfeld said. "If paying people less is the key to rural economic development, then we need to go back to the drawing board."

Kuehn introduced an amendment, adopted 32-13, which would require that young student workers be paid either \$8 per hour or 85 percent of the federal minimum wage, whichever is higher. The amendment also would

modify the definition of a young worker to include employees who do not have a high school diploma and who do not have a dependent child.

Omaha Sen. Burke Harr questioned the legality of the amendment, saying it would place employers at risk of being sued if they appear to eschew older workers and parents in favor of less expensive younger workers who have no children. It is illegal for Nebraska employers to inquire about an applicant's age or parental status, he said, which would prevent them from knowing who would be eligible for the new wage.

"You can't ask these questions," Harr said. "This is a law without enforcement."

Sen. Al Davis of Hyannis supported the bill. He said a grocer in his district estimated that his labor cost would increase by \$15,000 when the \$9 per hour wage takes effect in 2016. Small town merchants risk losing customers to shops in neighboring towns if they raise prices to generate more revenue, he said.

Bellevue Sen. Sue Crawford disputed the alleged benefits of a reduced youth wage because only one-fourth of their wages would be eligible for the lower rate.

"It's not that big of a hit to their bottom line," Crawford said.

Omaha Sen. Jeremy Nordquist added that Nebraska statute already exempts from minimum wage law businesses with three employees or fewer. Other groups also are exempt from being paid a minimum wage, he said, such as agricultural workers, employees working for family members and employees earning a training wage. Creating additional classes of exempt workers is not necessary, he said.

"What more do we need than what is already on the books?" Nordquist asked.

After four hours of debate, Ebke moved to invoke cloture—or cease debate and force a vote on all pending measures—which senators approved on a 33-14 vote.

Senators then rejected another amendment offered by Nordquist, on a 10-33 vote, which would have required that the minimum and young worker wage rates be adjusted by the percentage change in the consumer price index established by the federal Department of Labor.

Lawmakers advanced the bill from select file on a 31-13 vote. Because LB599 would amend a law enacted by voter initiative, it requires 33 votes on final reading for passage.



Joint public agency bonding power change advanced

Lawmakers amended and advanced a bill April 28 that would change the bonding power of any joint public agency (JPA).

LB132, introduced by Crete Sen. Laura Ebke, would require a JPA to follow the bond issuance procedures required by law for the participating public agency from which the JPA derived taxation powers.



Sen. Laura Ebke

Ebke offered an amendment on select file that would authorize a JPA to issue refunding bonds that are payable from the same security and tax levy authority as bonds being refunded without holding an election if the issuance of the refunding bonds does not allow additional principal and

does not allow extension of the final maturity date of the indebtedness.

She said the amendment would address concerns expressed on general file and give public entities an opportunity to save money.

“It allows refinancing of existing bonds as long as there is not an increase in the amount of principal,” she said.

The bill also specifies election procedures that would be required prior to a JPA issuing a general obligation bond paid by a property tax and clarifies the electorate that would vote on a bond issue if the participating public agencies have overlapping jurisdiction of a geographic area.

Following adoption of the Ebke amendment 30-0, the bill was advanced to select file by voice vote.

School emergency expenditure bill advanced

Schools would be allowed to make emergency expenditures under a bill advanced from general file April 29.

Currently when there is a disaster, emergency or civil defense situation, local governments may make expenditures for emergency management purposes. LB283, introduced by Lincoln Sen. Roy Baker, would extend that authority to school districts and educational service units (ESUs).



Sen. Roy Baker

Prior to making expenditures, a school district or ESU would be required to secure a certificate from the emergency management director serving the local jurisdiction in which the school or ESU is located.

As the former superintendent of the Norris School District, Baker said

he had firsthand experience of the need for the bill. The district campus was struck by a tornado in May 2004 and suffered \$35 million in damage, he said.

“The most important thing to remember here is that after an emergency—after a crisis such as we experienced—the need to move rapidly is the most important thing,” Baker said. Without an expedited process, he said, the district likely would not have been able to hold classes the following year.

Baker offered an amendment, adopted 33-0, which changed the word “certificate” to an emergency proclamation. He said some smaller counties do not use certificates.

LB283 advanced to select file 32-0.

School electronic records bill advanced

Schools would be allowed to keep records in electronic form under a bill given first-round approval April 29.

LB365, introduced by Sen. Roy Baker of Lincoln, would allow a school district or Educational Service Unit (ESU) to retain all books, papers, documents, reports, records and minutes of board meetings as electronic records.

Baker said the bill would clarify the ability of school districts and ESUs to comply with public records laws through electronic means. In addition, he said, it is easier to retrieve data in electronic form.

“[LB365] reflects the way that school districts operate,” Baker said. “Service units also are moving to a paperless era.”

The bill advanced on a 29-0 vote.

HEALTH & HUMAN SERVICES

Extension of behavioral health program removed from bill

A bill seeking to make a children’s behavioral health screening and referral program permanent was amended April 29 to terminate in 2015.

In 2013, the Legislature created the Behavioral Health Screening and Referral Pilot Program at the University of Nebraska Medical Center to develop ways to address unmet children’s behavioral health needs that could be replicated statewide.

LB240, introduced by Lincoln Sen. Matt Hansen, would remove the Sept. 6, 2015, termination date for the program and an existing cap on the number of clinic sites.



Sen. Matt Hansen

Columbus Sen. Paul Schumacher offered an amendment during select file debate that would retain the 2015 termination date. The pilot project was poorly structured, he said, and too many questions remain unanswered regarding the success of the program.

“I think it’s perfectly obvious ... that this pilot program is inconclusive and hasn’t given us the kind of data we need to make it a permanent program,” Schumacher said.

Sen. Merv Riepe of Ralston supported the amendment, saying the pilot program lacked the proper metrics to evaluate its success.

“As we all know, [once] an item or a program is enacted into law, it is very, very difficult to back out of that situation,” he said.

Hansen opposed the amendment.

The pilot program has proven to be an important tool in bridging the gap between screening and treatment, he said, and should be available across the state.

“The real issue at hand is the efficacy of this program,” he said.

Lincoln Sen. Kathy Campbell also opposed the amendment, saying the pilot program grew out of the state’s safe haven “debacle” in 2008. In the years following passage of the law, she said, it became clear that Nebraska needed to do more to identify and treat behavioral health disorders in young people.

“This is not a new rodeo,” Campbell said. “This is an extension of a program that has been very successful.”

The Schumacher amendment was adopted 26-9.

Hoskins Sen. Dave Bloomfield offered a motion to bracket the bill until June 5, saying senators should have access to more data before making a decision on the fate of the pilot program.

“The bill would still be alive next session when we would have the required information,” he said.

The bracket motion failed 14-31. Lawmakers voted 26-14 to advance the amended bill to final reading.

Family finding pilot project amended, advanced

A bill that would create a pilot project to establish family connections for state wards was amended and advanced from select file April 29.

As introduced by Lincoln Sen. Kate Bolz, LB243 would create a four-year statewide pilot program to provide family finding services in two or more service areas. The state Department of Health and Human Services (DHHS) would contract



Sen. Kate Bolz

with providers to carry out the program and would provide oversight.

The department also would be required to establish a data collection system and contract with an academic institution to complete an independent evaluation of the pilot project’s effectiveness.

Bolz offered an amendment during select file debate that added provisions of LB441, which she sponsored.

The amendment would make several technical changes to the Bridge to Independence Program, designed to assist youth who are aging out of the state’s foster care system.

Among other changes, the amendment would:

- offer youth a choice between the program or extended guardianship;
- update language referring to juveniles as children;
- include medical care for youth in extended guardianships;
- mandate extended medical assistance services coverage; and
- add a provision regarding the final hearing before DHHS jurisdiction is terminated to identify available resources.

Bellevue Sen. Sue Crawford supported the amendment, saying it provided needed clarifications to the Bridges to Independence Program.

“This is a very important program to make sure that we create a setting in which our foster youth are able to transition to independence,” she said.

The amendment was adopted 25-1.

A second Bolz amendment, adopted 26-1, removed “fictive kin” and domestic partner from the bill’s definition of a family member. Instead, the amendment would add any individual who is a primary caretaker or trusted adult in a kinship home.

The amendment defines a kinship home as a home in which a child

receives foster care and at least one of the primary caretakers has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child.

Bolz said the amendment aligns the bill with existing statutes and addressed concerns expressed during general file debate.

Following adoption of the amendments, LB243 was advanced to final reading by voice vote.

Expanded licensure for sign language interpreters advanced

Lawmakers advanced a bill April 29 that would expand licensure requirements for sign language interpreters.

Malcolm Sen. Ken Haar, sponsor of LB287, said the bill was introduced on behalf of the Nebraska Commission for the Deaf and Hard of Hearing. One percent of Nebraskans are deaf and 9 percent are hard of hearing, Haar said, and expanded licensure of interpreters would enable the commission to address proficiency and competency issues.



Sen. Ken Haar

“The passage of LB287 guarantees that all Nebraskans receiving sign language interpreting services will obtain a higher standard of communication access,” Haar said.

Under the bill, all interpreters would be required to obtain licensure by Jan. 1, 2016, and pay a licensure fee established by the commission. An individual or entity providing interpreting services without a license after that date would be subject to a civil penalty of up to \$500 for each offense.

Interpreting services would be exempt from the licensure requirement if conducted:

- as part of a religious service;
- in a health care emergency until a licensed interpreter could be obtained;
- by a student under the direct supervision of a licensed interpreter;
- by an educational interpreter working under regulation of the state Department of Education; or
- by an individual licensed in another state who is awaiting commission approval in Nebraska.

LB287 also would create a licensure category for video remote interpreting services.

A Health and Human Services Committee amendment, adopted 27-0, removed specific references to American Sign Language from the bill.

Lincoln Sen. Kathy Campbell, chairperson of the committee, said the change was introduced at the request of the commission.

“The amendment is necessary to ensure that we are not limiting [the bill] to a particular language,” she said.

LB287 advanced to select file on a 27-0 vote.



Retirement plan revisions amended

Senators amended a bill May 1 that would change the retirement plan for Nebraska judges.

Introduced by Omaha Sen. Jeremy Nordquist, LB468 would create a new tier of reduced benefits for judges who become members of the judges’ retirement plan on and after July 1, 2015.

The bill would set the maximum cost-of-living adjustment (COLA) at

1 percent unless the plan is 100 percent funded. If the plan is completely funded, the Nebraska Public Employees’ Retirement Board would have the authority to grant a supplemental COLA, which would be in addition to the 1 percent COLA and could not exceed 1.5 percent.



Sen. Jeremy Nordquist

The measure also would require that the final retirement benefit be calculated using an average of the five highest years of salary and that the contribution rate for judges in this tier not decrease after 20 years.

Nordquist said updating the retirement plan for judges is necessary because it is partially funded by court fees, which have decreased in recent years. Attractive retirement benefits are critical to retaining employees, he said.

“This is a recruiting tool and a retention tool,” Nordquist said. “This makes sure we are looking forward and that the plan is sustainable.”

A Nebraska Retirement Systems Committee amendment, adopted 33-0, would increase the contribution rate to 10 percent for judges who become members of the plan on and after July 1, 2015. It also would:

- redirect specific county court fees to the judges’ retirement fund that currently are deposited into the state’s General Fund;
- direct \$2 each from civil, criminal, traffic and probate case docket fees to the retirement fund, beginning July 1, 2015;
- assess a \$6 fee on each participant in adult and traffic pre-trial diversion programs and direct the funds to the retirement fund, beginning Oct. 1, 2015;
- direct \$3 each from civil, crimi-

nal, traffic and probate case docket fees to the retirement fund, beginning July 1, 2017;

- require the county or city treasurer to forward revenue collected from pre-trial diversion participants to the Nebraska Public Employees' Retirement System; and
- require each county and city attorney who has established a pre-trial diversion program to inform, within 60 days of establishment, the director of the Nebraska Public Employees' Retirement System about which pre-trial diversion programs have been established.

Omaha Sen. Ernie Chambers, opposing the bill and the amendment, filed a motion to bracket LB468. It is a conflict of interest when court fees are used to pay for or provide retirement benefits to justice system employees, he said.

"They want to create cash-register or checkbook justice," Chamber said, and withdrew the bracket motion.

Sen. Jerry Johnson of Wahoo also opposed the amendment, saying that higher fees for pre-trial diversion programs might dissuade people from enrolling.

Nordquist disagreed, saying diversion programs like Nebraska's Safety Training Option Program (STOP) is too popular to be affected by a price increase.

"A \$6 fee won't deter people from participating in [Nebraska's traffic ticket dismissal] STOP program," he added. "The issue is, do we want to move away from court fee towards general funds?"

After adopting the committee amendment, lawmakers adjourned for the weekend before taking further action on the bill. It is scheduled for further debate Monday afternoon. ■

COMMITTEE HEARINGS

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

Tuesday, May 5

Agriculture

Room 2102 - 12:30 p.m.

Appointment: Joeckel, R.M. (Matt) - Climate Assessment Response Committee

Health & Human Services

Room 1510 - 12:00 p.m.

Appointment: Turk, Frank R. - Commission for the Deaf and Hard of Hearing

Appointment: Hogue, John - Commission for the Deaf and Hard of Hearing

Appointment: Teetor, Travis James - State Board of Health

Appointment: Fleming, Shane - State Board of Health

Appointment: Hopp, Russell - State Board of Health

Appointment: Borchert, Kevin - State Board of Health

Appointment: Vander Broek, Douglas - State Board of Health

Appointment: Low, Kevin C. - State Board of Health

Thursday, May 14

Agriculture

Room 2102 - 12:30 p.m.

Appointment: Hellbusch, Jim - Neb. Environmental Trust Board

Appointment: Krohn, Robert F. - Neb. Environmental Trust Board

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