

Levy funds could protect Offutt AFB

The state would create a mechanism to provide funds to water management projects at military installations under an amendment considered by the Appropriations Committee Feb. 29.

The amendment was proposed by Omaha Sen. Heath Mello, who said it would ensure that the state is able to successfully complete the Missouri River levy certification process. The levy project—which has been mandated by

the Federal Emergency Management System—would protect many valuable assets in the Omaha metro area, he said, including Offutt Air Force Base.

Mello noted that the base employs more than 10,000 people and that failure to complete the levy process would jeopardize replacement of the base's runway and possibly lead to a Base Realignment and Closure Commission hearing on Offutt's future.

"[The proposed funding] is a very critical investment for the economic security of the state of Nebraska," Mello said.

The amendment would strike the contents of LB537, originally



Sen. Heath Mello said the proposed amendment would protect valuable state infrastructure and assets.

introduced by Syracuse Sen. Dan Watermeier, which would appropriate \$15 million in general funds to the Resources Development Fund.

As amended, the bill instead would create the Military Installation Infrastructure Program, which would be administered by the state Department of Natural Resources. The program would be appropriated \$13.7 million in fiscal year 2016-17 to provide grants to a political subdivision where a military installation is located within or contiguous to its boundaries.

Grants would be provided to political subdivisions to assist in the development and improvement of

(continued page 2)

Fair wage bill advanced

Senators advanced a bill March 2 that would expand state wage discrimination protections.

LB83, as originally introduced by Omaha Sen. Tanya Cook, would have provided legal protection to employees who want to voluntarily disclose their wage information.



Sen. Tanya Cook

A Business and Labor Committee amendment, adopted 27-10, replaced the original provisions of the bill with a provision from LB928 originally introduced by Omaha Sen. Heath Mello.

Currently, employers with at least 15 employees must provide equal pay for equal work, without discriminating based upon an employee's gender. Small businesses—defined as any business with less than 15 employees—are exempt from this provision.

As amended, LB83 would remove the small business exemption. Mello said 45 states currently have some form of wage discrimination protection, six of which—including Nebraska—have exemptions based on the number of employees.

"Nebraska is the only state that puts the mark at 15 or more employees, all others have a lower threshold," he said. "[This] would not go beyond existing federal law when it comes to equal pay statutes."

Cook supported the amendment, saying equal pay is an important

(continued page 3)

Funds could protect Offutt

(continued from front page)

infrastructure related to the management of soil and water resources.

Mello said he intends to offer an additional amendment that would utilize dollars from the state's cash reserve rather than general funds.

John Winkler, general manager of the Papio-Missouri River Natural Resources District (NRD), testified in support of the proposal. The NRD, the cities of Omaha and Bellevue and Sarpy County have entered into a cost-sharing agreement to each provide an additional \$3 million for the levy upgrade project, he said, which is estimated to cost \$25 million.

"We are currently in the permitting phase of the levy project," Winkler said. "We have submitted our plans to the corps of engineers and they are reviewing them."

If the state fails to bring the existing levies—built in the 1970s and 80s—into compliance with FEMA requirements, Winkler said, the runway at Offutt AFB would be in an area classified as a flood plane. As a result, he said, the U.S. Air Force would not pay to

replace the runway and likely would seek to move the 55th Wing to another base.

David Brown of the Greater Omaha Chamber of Commerce also supported the proposal, saying Offutt has an approximately \$1.5 billion annual impact on the state's economy.

While there is no guarantee that the Air Combat Command will elect to replace the base's runway, they have allocated \$7 million to evaluate the project, he said. Nebraska cannot run the risk of the base closing, Brown added.

"It's a major employer, a major economic driver of our economy," he said.

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



COMMITTEE HEARINGS

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

Tuesday, March 8

Executive Board

Room 2102 - 12:00 p.m.

LR455 (K. Haar) Provide the Executive Board of the Legislative Council appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska

Friday, March 18

Transportation & Telecommunications Room 1525 - 1:00 p.m.

Appointment: Tagge, Darold - Board of Public Roads Classifications and Standards

Appointment: Kramer, Lisa - Board of Public Roads Classifications and Standards

Appointment: Gerrard, LeRoy - Board of Public Roads Classifications and Standards ■

UNICAMERAL UPDATE

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Fair wage bill advanced to second round

(continued from front page)

economic security issue for women and their families.

“Despite progress in many areas and aspects, women still earn less than their male counterparts, even for the same position and same length of service,” she said. “It’s important we address this unfairness that has negative impacts and consequences for women and families, taxpayers and our overall economy.”

Sen. Joni Craighead of Omaha supported the amended bill. She said that despite progress, women continue to earn just 78 cents for every dollar a man earns.

“My rent is not 78 percent of what men pay. My loaf of bread does not cost 78 percent of what it does for a man,” she said. “This issue is alive and well and we need to deal with it today.”

Calling the documentation requirements under the state’s wage discrimination statute overly burdensome, Sen. Paul Schumacher of Columbus opposed the bill. He said small businesses may not have the resources to meet the requirements of the bill.



Sens. Tanya Cook, Patty Pansing Brooks and Kathy Campbell confer during debate of LB83.

“We have to find a balance between onerous restrictions on businesses and protecting people from discrimination,” Schumacher said “I don’t think we need to burden small businesses that would be subject to these requirements.”

The bill advanced to select file on a 26-7 vote. ■



Former speakers of the Nebraska Legislature visited the Capitol March 2. From left: former Sens. Doug Kristensen, Dennis Baack, current Speaker Galen Hadley, former Sens. Ron Withem, Greg Adams, Mike Flood, Curt Bromm and Kermit Brashear.

EDUCATION

Bill to create education collaboration council stalls

A bill intended to increase coordination and communication among the state's public education programs failed to advance from general file March 1.

LB371, introduced by Sen. Kate Sullivan of Cedar Rapids, would create the Nebraska Council for Educational Success. The council would recommend to the Legislature ways to help students advance through the education system from early childhood to postsecondary school, increase enrollment in teacher education programs, align high school and college academic standards and increase parent involvement in children's education.



Sen. Kate Sullivan

The council would be composed of 21 members with experience in education, government and business, would meet at least once per quarter and would report annually to the Legislature and the governor on its activities.

Sullivan said the council would help the Legislature prioritize its long-term education policy and funding measures, a function similar to that of the executive branch's P-16 initiative. She said the proposed council would have a permanence the current initiative lacks and that it would be subject to open meetings and records laws.

"By putting [the council] in statute, it says that it's important enough to have that collaboration over time by these different education entities," Sullivan said.

Sen. Kate Bolz of Lincoln made LB371 her priority bill this session. She

said the council would help the Legislature address achievement gaps in the state's education system, in which 42 percent of children are at risk of failing in school, only 39 percent are eligible for higher education aid and 29 percent of high school graduates leave college before finishing their freshman year.

Sen. Sue Crawford of Bellevue also supported the bill. She said the council would help the Legislature create sound long-term policy and funding decisions that are not influenced by senators' term limits or the changing of governors' administrations.

"What we've seen in a term-limited Legislature is that we need more attention paid to having long-range planning and long-range policy making," Crawford said. "I think it's very critical that we as a Legislature recognize our role in charting a long-term course for the state in terms of [education] policy."

Sen. Lydia Brasch of Bancroft spoke in opposition to the bill. She said the proposed council would be too similar to the existing initiative and that it is unclear how the council would improve the state's education system.

"I'm not confident that just forming another group is going to achieve a change that we're looking for," Brasch said.

Sen. Dan Hughes of Venango spoke against the bill, saying it would duplicate the P-16 initiative's efforts. He said the state Department of Education should be responsible for long-term education policy planning and anticipating the educational demands of Nebraska's workforce.

Sen. Jim Scheer of Norfolk also spoke against the bill. One of the main challenges the state faces, he said, is ensuring that its education system produces students with the skills needed to succeed in the workforce. He said the composition of the proposed council, which includes only one member

from the business community, would not give business enough of a voice in shaping education policy.

"We're trying to educate our youth to become productive members of society, to earn a living," he said, "and to do that I think we need to have more of an input from business and industry."

The bill failed to advance on a 21-21 vote. Twenty-five votes were needed for advancement.

EXECUTIVE BOARD

Inspector access to child welfare records advanced

Lawmakers gave first-round approval to a bill Feb. 11 that would expedite delivery of confidential records to the Inspector General of Nebraska Child Welfare.

A bill passed by the Legislature in 2015 expanded the jurisdiction of the inspector general to include the state's juvenile services division of the Office of Probation Administration. It authorized the inspector general to access confidential information pertinent to investigations, including video testimony from victims of abuse.

LB954, introduced this year by Omaha Sen. Bob Krist, additionally would authorize the inspector general to submit written requests for access to records of juvenile probation officers. The bill would require that those records be delivered within five days of a juvenile court order.

Krist said the bill is the result of six months of negotiations between the legislative and judicial branches.



Sen. Bob Krist

“If [the Legislature] does not exercise our constitutional requirement, our mandates to legislate, appropriate and apply oversight to all branches, we might as well go home,” he said. “For the most part it’s the oversight of [the Legislature] that holds government in check. [LB954] is another one of those very important issues.”

Upon receipt of orders from the juvenile court or the Office of Probation Administration, the juvenile services division would grant direct computer access to all computerized records maintained by the division relevant to a specific case under investigation.

Omaha Sen. Heath Mello supported the bill.

“Compromise always takes a little bit of time for the two sides to find middle ground on a very difficult issue,” Mello said. “[LB954] will protect legislative prerogative when it comes to oversight but also protect judicial independence.”

The bill also directs the inspector general to immediately notify the probation administrator of possible misconduct by an employee of the juvenile services division found during an investigation. Pertinent information regarding a potential personnel matter would be provided to the Office of Probation Administration.

LB954 also directs the juvenile court to provide confidential record information to the Foster Care Review Office.

Following adoption of a technical amendment, the bill advanced to select file on a 44-0 vote.

Expanded audit authority approved

Lawmakers passed a bill March 1 that authorizes the Legislative Audit Office to conduct performance audits of two judicial branch offices.

Introduced by Syracuse Sen. Dan Watermeier, LB1016 subjects the Office of Probation Administration and the Office of Public Guardian to performance audits by the Legislative Audit Office. The office reviews state agency programs to ensure they effectively implement the Legislature’s intent.



Sen. Dan Watermeier

The bill passed on a 49-0 vote.

Special election committee created

Lawmakers approved the creation of a temporary committee Feb. 29 that will analyze the current state of election technology in Nebraska.

LR403, introduced by Lincoln Sen. Matt Hansen, creates the seven-member Election Technology Committee to study the longevity of technology used by election commissioners and county clerks to conduct elections as of Jan. 1, 2016.



Sen. Matt Hansen

The committee also will study the feasibility of updating or replacing elections technology.

Hansen said that passage of the 2002 Help America Vote Act required states to ensure equal access to elections for individuals with disabilities. In response, the Nebraska secretary of state’s office used approximately \$15 million in federal funds to purchase Automark machines, which are used by visually impaired voters.

Those machines soon will need to be replaced, Hansen said, and the state must decide who will bear the replacement cost.

“This will allow us to create a broad range of interested senators and highlight the need for [new equipment] to citizens,” he said. “We need to take a good hard look at how elections are [administered] in this state.”

The committee will seek input from interested stakeholders including the secretary of state, county election commissioners, individuals with disabilities and voting rights advocates before submitting a final report to the Legislature by Dec. 15, 2016.

Following the adoption of a technical amendment, the resolution passed on a 30-4 vote.

Behavioral health task force established

A task force to examine gaps in Nebraska’s behavioral and mental health system was approved by senators Feb. 29.

Syracuse Sen. Dan Watermeier, introducer of LR413, said the proposal resulted from a legislative performance audit that found a need for additional study regarding the adequacy of the state’s system.

“The report identified several likely gaps in the system,” Watermeier said.

The resolution establishes the Task Force on Behavioral and Mental Health to monitor the progress of a statewide needs assessment and the development of a strategic plan being undertaken by the state Department of Health and Human Services division of behavioral health.

Lincoln Sen. Kate Bolz supported the resolution, saying the state has been moving toward more community-based rather than institution-based behavioral health strategies since passage of LB1083 in 2004.

“But, we still have some work to do in implementing the true vision established by that piece of legislation

12 years ago,” she said, adding that the state’s child welfare and correctional systems both would benefit from greater access to behavioral health services.

LR413 was approved on a 32-0 vote.

AccessNebraska special legislative committee authorized

Lawmakers voted Feb. 29 to authorize a special committee of the Legislature to provide oversight to a portion of the state’s public benefit delivery system.

LR418, introduced by Omaha Sen. Sara Howard, creates the ACCESS-Nebraska Oversight Committee. Howard said the committee will provide oversight and ongoing dia-



Sen. Sara Howard

logue between the Legislature and the state Department of Health and Human Services (DHHS) to ensure continued improvement of the system.

ACCESSNebraska is an online and call center system developed and implemented by DHHS to determine public benefit eligibility and deliver benefits to clients.

The ACCESSNebraska Special Investigative Committee of the Legislature was created in 2014 to investigate an array of problems, including long wait times for callers, lost paperwork and high worker turnover. Authorization for the committee was extended until the beginning of the current legislative session in January of 2016.

Howard said Nebraska ranked first in the nation in processing Supplemental Nutrition Assistance Program benefits prior to changing to the ACCESSNebraska system.

“Then we switched to a call center system and we went down to 51st,”

she said. “We’re now sitting at 32nd.”

Howard, who served as chairperson of the committee last year, said that while an investigative committee is no longer necessary, continued communication is.

“We wanted to maintain one more year of legislative oversight,” she said. “We want them to know that we’re still watching and we still want those call wait times to go down and the processing of those applications to speed up.”

Lincoln Sen. Kate Bolz supported the resolution, saying the public benefits that are accessed through the system are essential to keeping children and the elderly safe and secure. As a result, she said, timely processing of applications is essential.

“There is still a lot of work to be done and I don’t think that we are quite where we need to be,” Bolz said, adding that continued oversight could result in even more improvement in the system.

Sen. Merv Riepe of Ralston opposed the resolution. As a member of the previous special investigative committee, Riepe said he disagreed both with the findings of the committee’s report and the recommendation for an oversight committee.

“I believe we have to acknowledge where we are today and not wallow in past failures,” he said.

Bellevue Sen. Sue Crawford, also a member of the special investigative committee, supported the resolution. Before it dissolved, she said, the previous committee considered continued investigation, an oversight committee or turning oversight back to DHHS.

“After discussing the pros and cons of each of those three directions, it was the sense of the [investigative] committee that to move forward with this oversight committee was the appropriate step to take,” Crawford said.

Lawmakers voted 26-7 to adopt the resolution.



Water lab changes approved

Lawmakers gave final approval Feb. 29 to a bill that makes changes to state law relating to the laboratory testing of drinking water in Nebraska.

LB19, sponsored by Omaha Sen. Bob Krist, requires the state Department of Health and Human Services to develop certification standards for private laboratories to test drinking water samples provided by public water systems for all acute toxins.



Sen. Bob Krist

The department will develop regulations regarding quality assurance and quality control procedures, communication of test results and staffing, equipment, procedures and methodology for conducting laboratory tests.

LB19 passed on a 41-0 vote.

Statewide stroke response system narrowed, advanced

Lawmakers narrowed and advanced a bill March 2 that would develop a statewide stroke system of care in Nebraska.

Sen. Roy Baker of Lincoln, sponsor of LB722, said Nebraska needs to address the state’s fragmented care delivery system for stroke victims, especially given that time is



Sen. Roy Baker

an essential component of stroke care. “[Prompt care] can save the lives of stroke patients and in some patients can

reverse neurological damage,” he said. “You can also save significant dollars by avoiding long-term care patient costs.”

Baker said stroke is the fifth leading cause of death in Nebraska and one of the leading causes of disability. Twelve states have adopted comparable legislation, he said, and 17 are considering similar proposals.

As introduced, the bill would require the state Department of Health and Human Services (DHHS) to compile a list of hospitals in the state that meet the criteria to be a comprehensive stroke center, primary care stroke center or acute stroke-ready hospital.

The department would adopt and distribute a nationally recognized, standardized stroke triage assessment tool and develop a plan for achieving continuous quality improvement. The department also would be required to maintain a statewide stroke database.

A task force would be established by DHHS to address matters of triage, treatment and transport of stroke patients. In addition, licensed Emergency Medical Service (EMS) providers would be required to use a stroke triage tool, establish triage and transport protocols and develop training and assessments.

A Health and Human Services Committee amendment, adopted 30-0, narrowed the bill. The amendment removed the following requirements:

- promulgation of rules and regulations by the department;
- maintenance of a statewide database;
- EMS assessment and training; and
- quality improvement planning.

Lincoln Sen. Kathy Campbell, chairperson of the committee, said the requirements were removed due to cost concerns. Campbell said the remaining requirements would benefit patients while not placing an undue burden on hospitals and EMS personnel.

“If you have ever had a family member or a close friend experience a stroke you can understand the importance of the bill that Sen. Baker has brought to you,” she said.

Baker supported the amendment, saying it likely would reduce the bill’s fiscal impact to approximately \$100,000.

Continuing to take the first steps toward a complete statewide system remains important, he said, because the level of care that an individual has access to varies greatly depending on where in the state a stroke occurs.

“Not all hospitals in Nebraska are equally prepared to deal with stroke victims in the same manner,” Baker said.

Sen. Merv Riepe of Ralston expressed concerns about the proposal. Calling the bill’s provisions “needless duplication,” he said a well-managed hospital would have adequate standards and transportation plans already in place.

“One of the reasons that we have higher health care costs is that we keep layering more and more things on hospitals,” Riepe said. “That just becomes burdensome and then we try and figure out how we can possibly afford health care.”

Senators voted 29-4 to advance the bill to select file.

Bill would harmonize barber school requirements

A bill that would update Nebraska barber laws to align with federal financial aid requirements was heard March 2 by the Health and Human Services Committee.

LB842, introduced by Malcolm Sen. Ken Haar, would require a high school diploma or GED prior to admittance to a



Sen. Ken Haar

barber school if the school operates as a postsecondary barber college. Haar said the change is required by the U.S. Department of Education.

“This is important because it enables barber students to be eligible for financial aid through federal programs,” he said.

The bill also would allow the state barber board to continue to authorize licensed barber schools at the non-postsecondary level.

Ken Allen of the Nebraska Board of Barber Examiners testified in support of the bill, saying it would allow the state’s barber college to continue to provide students with financial aid.

In addition, he said, authorizing licensure at the non-postsecondary level would allow the potential for a barber school within the state’s correctional system without requiring federal accreditation.

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

Hair braiding license exemption approved

Natural hair braiding will be exempt from cosmetology credentialing requirements under a bill passed by the Legislature March 3.

Sponsored by Omaha Sen. Nicole Fox, LB898 exempts an individual engaged solely in the practice of natural hair braiding from the state’s licensing requirements.



Sen. Nicole Fox

The bill defines natural hair braiding as a service of twisting, wrapping, weaving, extending, locking or braiding hair by hand or with mechanical devices without the application of dyes, reactive chemicals, chemical

joining agents or other preparations to alter the color or structure of the hair.

The bill passed on a 42-0 vote.

JUDICIARY

Expedited disposition of tenant property approved

Lawmakers passed a bill Feb. 29 that clarifies the authority of landlords to dispose of tenants' property.

LB221, introduced by Omaha Sen. Burke Harr, allows a tenant to voluntarily designate a person to retrieve property upon the tenant's death. A landlord will have 10 days following the death of a tenant to make a reasonable attempt to contact the designated person. The designee will have 20 days to respond to the landlord, then 20 days to retrieve the property.

If a tenant's personal property is not removed within the appropriate time period, the landlord may dispose of the property and will not be held liable for any lost, damaged or stolen property. Likewise, if the tenant's authorized person does not respond within 20 days, the landlord may dispose of the property.

The bill also incorporates provisions of LB385, originally introduced by Omaha Sen. Brett Lindstrom.

These provisions permit a landlord or his or her representative to begin eviction litigation five days after notification of the termination of a rental agreement. Currently,



Sen. Burke Harr



Sen. Brett Lindstrom

the Uniform Residential Landlord and Tenant Act requires landlords to wait 30 days to evict a tenant after notification.

The expedited eviction process applies only in cases where tenants, roommates or their guests threaten the health, safety or peaceful enjoyment of the landlord or other tenants. Activities that can prompt a landlord to begin the eviction process include actual or threatened physical assault, illegal use of a firearm or possession of a controlled substance.

Tenants who report threatening behavior to law enforcement or have sought a protection or restraining order will not be subject to eviction.

The bill passed on a 46-0 vote.

Hazing ban for all students advanced

Lawmakers gave first-round approval March 2 to a bill that would expand the state's prohibition on hazing.

Current statute defines hazing as any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with or continued membership with any organization. Hazing committed by postsecondary students currently is prohibited.

LB710, introduced by Venango Sen. Dan Hughes, would extend that prohibition to include all primary and secondary school students. Hughes said because most incidents occur off campus, many schools are unsure how to address hazing.

"It is not our intent to bind schools but to make this a criminal penalty

that courts can handle because most schools don't feel they have the authority to handle it," he said. "[LB710] will reinforce to our young people that this behavior is unacceptable and will not be tolerated."

The bill would include in the definition of hazing acts of sexual penetration, exposure of genitals, lewd fondling and caressing of another person. A person found to have committed an act of hazing would be guilty of a Class II misdemeanor, which carries a maximum penalty of six months in jail, a \$1,000 fine or both.

A Judiciary Committee amendment, adopted 30-0, would expand the hazing definition further to include coercing another person to commit an act of public indecency. It also would add a severability clause, which means that if one part of the bill were declared to be unconstitutional, the declaration would not impact the remaining parts of the bill.

Omaha Sen. Bob Krist supported the bill, saying bullying is a problem that impacts children everywhere.

"Whether it happens in Scottsbluff, Chadron or Omaha, these kinds of situations have to be dealt with in a way that is moral, legal and timely," Krist said "We can put tools in the right hands of educators, county attorneys and public defenders and fight these kinds of issues at the base level."

Sen. Rick Kolowski of Omaha also spoke in support of the bill.

"Fostering a positive climate and culture within a school is extremely important," he said. "We limit ourselves many times as far as our outreach and what we might do to foster positive behavior with our students when we hesitate to act out of fear of the legal implications to our actions."

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



Sen. Dan Hughes

Bill would allow concealed guns in more locations

Public and private entities could allow for the concealed carry of handguns, regardless of local ordinance, under a bill heard by the Judiciary Committee March 3.

LB769, introduced by Bellevue Sen. Tommy Garrett, would allow businesses and other entities to set their own policies pertaining to gun-free zones and concealed carry permit holders. Gar-



Sen. Tommy Garrett

rett said a 2014 Purdue Homeland Security Institute study showed mass shooters kill an average of three people per minute, while the average law enforcement response time is 10 minutes.

All but two mass shootings in the United States since 1950 have occurred in gun-free zones, Garrett said.

“In society we use laws to promote a just, fair and safe society,” he said. “Current law criminalizes Nebraskans’ rights to self and family protection. We need to enable law-abiding Nebraskans, not disable them.”

Entities where concealed carry currently is banned would be allowed to set their own policies, including government meetings, the Legislature, buildings which contain a courtroom, political rallies, polling places, schools, college campuses, hospitals, banks, places of worship, athletic events and bars.

Rod Moeller, representing the Nebraska Firearms Owners Association, supported the bill. He said it makes no sense to authorize concealed carry in some locations but not others.

“Concealed handgun permit holders are some of the most law-abiding folks you’re going to find,” he said. “Just because [permit holders] cross into an establishment that has 58

percent of sales from liquor, doesn’t make us more dangerous.”

The bill also would enable the state or its political subdivisions to publicly auction firearms forfeited or abandoned to the state that are no longer needed as evidence or for any law enforcement purpose. The revenue generated by the auctions would be allocated exclusively for aid to schools.

The National Rifle Association supports the bill generally and the public auction provision specifically, said Katie Spohn.

“Political subdivisions routinely sell forfeited property to the law-abiding public,” she said. “This would limit the wasteful practice of destroying firearms that could be distributed for sale through authorized dealers.”

University of Nebraska-Lincoln (UNL) Faculty Senate President John Bender opposed the bill.

The Faculty Senate voted 45-2 to reject any proposal to allow the concealed carry of handguns on the UNL campus, Bender said, because college campuses are not an appropriate place for firearms.

“If LB769 were to pass, the question of whether firearms would be allowed on campus would inevitably become a campaign issue for every candidate for Board of Regents,” Bender said. “That would divert their attention and that of the voters from the issues that are central to the success and welfare of the entire university community.”

Marika Stone, an anesthesiologist at the University of Nebraska Medical Center in Omaha, spoke in opposition to the bill.

“College life is rife with risk factors like alcohol and drugs. Mixing these with firearms can add an element of danger to an already insecure time in a child’s life,” Stone said. “We want to keep our children safe but the solution does not lie in adding more guns in sensitive areas.”

Rev. Gretchen Woods of the Unitarian Church of Lincoln also opposed the bill. She said the potential presence of concealed handguns would undermine the sanctity of traditional safe havens.

“[LB769] guts the protections of our sacred institutions—schools, places of worship—that serve our most vulnerable people,” she said. “The moral and ethical concept of sanctuary is at stake here. We should not allow our civil laws to decimate our moral laws.”

The committee took no immediate action on the bill.

Change to firearm permit restrictions proposed

Mental health boards would use a clear standard of proof to determine whether petitioners with a history of mental illness may possess firearms under a bill heard by the Judiciary Committee March 3.

A person who has been released from a mental illness treatment center is disqualified from possessing a firearm or receiving a permit to carry a concealed handgun under current law. He or she may petition a mental health board to remove those restrictions by providing mental health and criminal records as well as evidence of his or her character.

Under LB815, introduced by Sen. John Stinner of Gering, a petitioner also would need to provide the board clear and convincing evidence that he or she is not likely to be a danger to public safety and that removing the restriction would not be contrary to the public interest.

Stinner said mental health boards require clear and convincing evidence when determining whether a person is mentally ill or dangerous. The same



Sen. John Stinner

standard of proof should apply to hearings in which a person asks a mental health board to remove restrictions that prevent him or her from owning firearms or applying for a concealed carry permit, he said.

Tom Perkins, a member of the 12th Judicial District Board of Mental Health, spoke in support of the bill, saying that it would provide clear guidance to state mental health boards on the standard of proof required to remove a petitioner's disqualifications to own a firearm. He said each board currently sets its own policy on the level of proof required, which could lead to inconsistent rulings that adversely affect a petitioner's constitutional rights and public safety.

"The board of mental health does have a great responsibility balancing the needs and the rights of the subject with the needs and rights of the community to be safe," he said.

Rod Moeller, speaking on behalf of the Nebraska Firearms Owners Association, also testified in support of the bill. He said any appeals process for restoring a person's firearms should require a clear and consistent standard of proof.

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

Expansion of problem-solving courts advanced

Problem-solving courts could be used in more cases under a bill advanced by lawmakers March 1.

Problem-solving court programs accommodate offenders already in the criminal justice system who have specific problems—including drug abuse and domestic violence—that cannot be addressed adequately in a traditional court setting. These programs are used only for offenders committing

low-level felonies and misdemeanors.

LB919, introduced by Omaha Sen. Matt Williams, would allow new categories of problem-solving courts to address problems related to veterans, mental health, driving under the influence and reentry.



Sen. Matt Williams

Williams said problem-solving courts not only save taxpayers' money but also provide better outcomes for nonviolent offenders.

"Rather than take these low-level offenders and put them in prison, we have the ability to take them through a process that works out very well," he said. "These courts work, cost less money and [offenders] have a much better chance of returning to a normal, productive life."

Sen. Bob Krist of Omaha spoke in support of LB919. He said problem-solving courts help certain populations like veterans to help themselves.

"We have a group of people who come back from service and find themselves with PTSD or any number of issues at a point where their life is out of control," Krist said. "Besides the fact that [problem-solving courts] are saving us money, they're helping return veterans to [stability]."

Crete Sen. Laura Ebke also supported the bill. She said observing a problem-solving court helped her to see just how beneficial the program is to everyone involved.

"As a whole, it seems to me that these problem-solving courts are better for the offenders who are then held accountable, it's better for taxpayers who will be saved from paying for extended incarceration and it's better for society in the long run," Ebke said.

Following the adoption of a technical amendment, the bill advanced to select file on a 35-0 vote.

Bill would prevent sale of fetal tissue

Members of the Judiciary Committee heard testimony March 2 on a bill that would prohibit the sale of fetal tissue for profit.

LB990, introduced by Hyanis Sen. Al Davis, would make unlawful the acquisition, receipt or transfer of human fetal tissue for profit.



Sen. Al Davis

Disposal of human remains by authorized abortion providers would be limited to burial, cremation or approved hospital-type incineration. Abortion providers would be required to submit to the state a monthly report detailing the treatment of each aborted fetus.

Davis said Gov. Pete Ricketts ordered an investigation into the alleged sale of human fetal tissue in November 2015 after several sting videos surfaced purporting to show evidence of the practice. The investigation results showed no such sales had occurred in Nebraska.

"The [state Department of Health and Human Services] did not find evidence of [sales]," he said, "but [LB990] would make certain the practice would not happen in Nebraska and if it did we would have the law in place to stop it."

Patrick Borchers of Omaha spoke in favor of the bill, saying it would not impede medical research of human fetal tissue.

"[The bill] does not prevent the transfer of tissue for purposes of research as long as the reimbursement is limited to reasonable costs," Borchers said. "It may well be that this practice is not going on in Nebraska. This is just a proactive effort to ensure that there is no sale for profit."

Meg Mikolajczyk, representing Planned Parenthood, opposed the

bill. She said the bill's limitations on disposal of an aborted human fetus would in fact prevent tissue donation for medical research.

"This bill is a knee-jerk reaction to fraudulently edited videos as an attack against Planned Parenthood and reproductive health care," she said. "[Human fetal tissue] has been instrumental in developing cures for viruses that affect only human cells. The direct impact [of LB990] is to rob those diagnosed with disease from being able to find a cure."

The committee took no immediate action on the bill.

TRANSPORTATION & TELECOMMUNICATIONS

Certain vehicles approved for single license plates

Owners of certain vehicles will need only one license plate under a bill passed by the Legislature Feb. 29.

LB53, introduced by Norfolk Sen. Jim Scheer, exempts from the state's two license plate requirement owners of cars not manufactured to be equipped with a front license plate bracket.

Eligible vehicle owners will be issued a decal to be displayed on the lower left corner of the vehicle's front windshield. An annual \$100 fee will be charged for the decal.

The bill passed on a 44-0 vote.

Longer public transit buses allowed

Public transit systems can carry additional riders under a bill passed by lawmakers March 3.

LB735, introduced by Henderson

Sen. Curt Friesen, increases the current 40-foot limit for an articulated bus operated by a transit authority to 65 feet. The bill will allow Omaha to adopt a rapid transit system beginning in fall 2018.

The bill passed on a 48-0 vote.

Certain county-numbered license plates eliminated

Some Nebraska counties will have different license plate numbers under a bill passed by the Legislature March 3.

Currently, farm truck and trailer registrations in counties with populations over 100,000 display county-numbered license plates. These include Douglas, Lancaster and Sarpy counties.

Under LB811, introduced by Bancroft Sen. Lydia Brasch, these vehicles instead will use the alphanumeric system otherwise used in those counties, which displays three letters followed by three numbers.

The bill passed on a 47-0 vote.

URBAN AFFAIRS

Zoning ordinance changes adopted

A bill passed Feb. 29 will require some municipalities to provide notification to a county board before changing zoning ordinances within their extrajurisdictional zoning jurisdiction (ETJ).

Under LB295, sponsored by Norfolk Sen. Jim Scheer, a first- or second-class city or village will be required to



Sen. Curt Friesen

provide the county board of a county in which the municipalities' ETJ is located with written notice of—and the opportunity to comment on—proposed zoning ordinance changes within the ETJ.

A municipality may make its final decision on proposed changes within an ETJ either 30 days following notice given to the county or when a county board submits comments or recommendations to the city prior to the expiration of the 30 days.

The bill does not apply to cities or villages located in a county with a population greater than 100,000 or counties in which the city and county have a joint planning commission or joint planning department.

The bill passed on a 46-0 vote.

Voter approval required for some city refinancing

Lawmakers passed a bill Feb. 29 that changes voter approval requirements for a first-class city to borrow funds for parks and recreation public improvements.

LB378, sponsored by North Platte Sen. Mike Groene, requires that the specific type of security pledged to secure financing be noted on the initial ballot. In addition, any refinancing proposal to change the type of security from revenue bonds to general obligation bonds must be subject to a vote of the people.

Senators voted 47-0 to pass the bill. ■



Sen. Jim Scheer



Sen. Lydia Brasch



Sen. Mike Groene

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