



Sen. Mike Gloor said the proposed amendment to LB958 would increase the amount of property tax credits for owners of agricultural land in 2017.

Ag property tax credit increase considered

The Revenue Committee held a hearing March 24 on a bill meant to reduce property taxes on agricultural landowners.

The committee first heard testimony on LB958 last month. Introduced by Grand Island Sen. Mike Gloor on behalf of Gov. Pete Ricketts, the bill originally was drafted to limit annual aggregate agricultural and horticultural land valuation increases to 3 percent and tighten spending limits on local governments in an effort to slow property tax growth.

Gloor proposed a new amendment that would replace the bill, calling for a second hearing. The amendment

would limit to 3 percent the amount of unused restricted funds that community colleges could carry forward from year to year.

It also would grant \$234 million in property tax credits for tax year 2017. Gloor said \$30 million of those credits would go to agricultural and horticultural landowners.

John Hansen, president of the Nebraska Farmers Union, spoke in support of the amended bill. He said the union would have liked to see structural, long-term changes to how the state funds K-12 education, which relies heavily on property taxes. The proposed measure would, however, provide farmers with

(continued page 2)

Workplace discrimination protections stall

Lawmakers debated a bill March 23 that would protect employees from discrimination based on their sexual orientation and gender identity.

Introduced by Lincoln Sen. Adam Morfeld last session, LB586 would prohibit employers, employment agencies and labor unions from discriminating against individuals based on their sexual orientation or gender identity. The bill would apply to employers with 15 or more employees, employers with state contracts, the state of Nebraska, governmental agencies and political subdivisions.

Currently, the Nebraska Fair Employment Practice Act prohibits workplace discrimination based on race, color, religion, sex, disability, marital status and national origin.

Morfeld said workplace discrimination threatens Nebraska's economic development by causing highly qualified lesbian, gay, bisexual and transgender (LGBT) employees to move to states where equal protection exists. Workers should be judged on their performance, not their lifestyles, he said.

"[LB586] is not only the right thing, it is also good for business and makes us more competitive when recruiting talent from across the country and the world," Morfeld said. "No one should be fired for how their creator made them or who they love."

The bill stalled during general file debate last session and the Legislature

(continued page 3)

Ag property tax credit increase considered

(continued from front page)

some property tax relief sooner rather than later, Hansen said.

“Even a really skimpy bird in the hand is better than one in the bush,” he said.

Dave McCracken, speaking on behalf of the Nebraska Cattlemen, agreed, saying that the proposal would be a first step toward providing more significant property tax relief in the future. He said the difference in the amount of property tax paid per calf in Nebraska compared to neighboring states is “immense.”

Dale Kruse, chairperson of the board of governors for Southeast Community College, spoke against the proposed amendment. He said it would remove the board’s authority to access unused budget authority that it needs to replace aging facilities, build new learning centers and purchase new equipment to support technical training programs.

Johnathan Hladik, policy program director for the Center for Rural Affairs, also testified against the proposal. Approximately two-thirds of the credits would go to the state’s wealthiest farmers, he said, leaving

only \$9 million for smaller farms. The measure also would make it less likely that the Legislature would make significant changes to property taxes in future sessions, he added.

“We’re concerned that this proposal provides just enough token relief

to remove from this body a sense of urgency that many landowners in Nebraska do not have the luxury of escaping,” Hladik said.

The committee voted 7-0 to advance the bill to general file with the new amendment. ■

LIVE COVERAGE OF THE LEGISLATURE OFFERED FOR SMARTPHONES

The Nebraska Capitol Live app allows users of both Android and Apple products to stream all coverage of the Unicameral from bill introduction to final reading.

Provided by the State of Nebraska and Nebraska Educational Telecommunications (NET), the app is free and available from the Apple app store, iTunes and the Google Play store. It also provides live coverage of other state entities, including the Nebraska Supreme Court and the governor’s hearing room.

Additionally, NET Television continues to provide coverage from the Legislature via live broadcasts on NET2 World and its website at netNebraska.org.



UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter published during the legislative session. It is produced by the Clerk of the Legislature’s Office through the Unicameral Information Office. For print subscriptions, call 402-471-2788 or email uio@leg.ne.gov. Visit us online at Update.Legislature.ne.gov and follow us on Twitter.com/UnicamUpdate.

Clerk of the Legislature: Patrick J. O’Donnell
Editor: Heidi Uhing; Writers: Kyle Harpster, Kate Heltzel, Ami Johnson; Photographer: Bess Ghormley

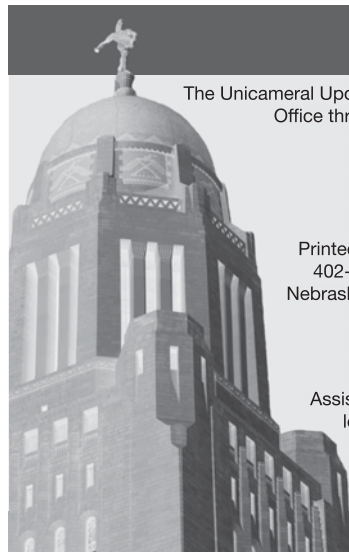
Printed copies of bills, resolutions and the Legislative Journal are available at the State Capitol room 1104, or by calling 402-471-2709 or 800-742-7456. Status of bills and resolutions can be requested at that number or can be found on NebraskaLegislature.gov. Live video of hearings and floor debate can be viewed on NET2 and at NetNebraska.org/capitol.

Senators may be contacted by mail at this address:
Senator Name, District #, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604

Assistance provided by the Clerk of the Legislature’s Office, the Legislative Technology Center, committee clerks, legal counsels, journal clerks, pages, transcribers, mail room and bill room staff and the State Print Shop.

The Unicameral Update is available as an audio recording from the Nebraska Library Commission’s Talking Book and Braille Service. Call (800) 742-7691 for more information.

THE NEBRASKA LEGISLATURE’S OFFICIAL NEWS SOURCE SINCE 1977



Workplace discrimination protections stall

(continued from front page)

moved on to other bills on the agenda.

Morfeld said that he had taken note of concerns raised during last year's debate and worked over the interim to find a compromise, represented in an amendment offered by Lincoln Sen. Colby Coash.

The amendment clarifies that nothing contained in the Nebraska Fair Employment Practice Act would affect the ability of an employer to take action against an employee if such action is otherwise allowed under local, state and federal law. Such actions would include those taken in response to an employee's misconduct, incompetency, behavior, violation of workplace policy, neglect of duty, unprofessional conduct or insubordination.

The amendment also would remove the words "or perceived," which would limit the bill's definition of gender identity to actual appearance, identity or behavior of an individual whether or not those characteristics are different from an individual's assigned sex at birth.

Coash said he was not convinced that workplace discrimination against the LGBT community is a pressing issue, or that the bill would be too onerous for businesses.

Instead, he said, the issue came down to the ability of employers to recruit and retain a quality workforce. He said that when businesses recruit, they not only are attempting to fill a specific position but also are recruiting for their community and their state.

"[Employers] are competing in a global economy," Coash said. "They're competing for a workforce that is changing, and they're competing for a workforce that—for them—this protec-



Sen. Adam Morfeld said all Nebraskans deserve equal protection under the law.

tion is important."

Morfeld said that a pending technical amendment introduced by the Judiciary Committee was designed only to emphasize that religious entities in Nebraska have been exempt from the state's Fair Employment Practice Act since 1965. According to the statute, the act cannot apply to a religious corporation, association or society with respect to the employment of individuals of a particular religion.

Papillion Sen. Jim Smith opposed the bill and the amendments. He said any discrimination that may be occurring against LGBT Nebraskans is not extensive enough to justify the negative impact the bill could have on the state's small business "job creators."

Smith said that while the Lincoln and Omaha chambers of commerce supported the bill, those entities often do not reflect the interests of small businesses. Large employers have human resources departments and the ability to ensure that they do not violate state personnel regulations, he said.

"The majority of employers and employees are represented by small businesses in our state, yet their voice is rarely

heard," Smith said. "This [bill] is the type of legislation that is burdensome to small business and they will suffer."

Morfeld said small businesses have nothing to fear from LB586 unless they engage in discriminatory practices. The burden of proof for any claim made under the bill's provisions would be on the employee, he said, which would serve as a deterrent to unfounded discrimination claims.

"The bottom line is: don't discriminate and you're fine," Morfeld said, "because there will not be any proof."

Sen. Patty Pansing Brooks of Lincoln supported the bill and the amendment, agreeing that the state needs LGBT protections in the workplace in order to attract and retain talented individuals.

"Almost every LGBT person I have met has mentioned wanting to leave Nebraska because of the [lack of anti-discrimination] laws," she said.

Omaha Sen. Bob Krist offered a motion to bracket the bill until April 20, saying the proposal had been debated sufficiently and lacked the support needed to move forward.

"I believe that LB586 had a fair and honest hearing last year and that there weren't enough votes to take it to the finish line," he said. "I still believe that it's not the kind of legislation that we need to introduce; there's no compelling reason for doing it."

Morfeld opposed the bracket motion, saying the issue of LGBT rights would not disappear once senators stop discussing it.

"We can keep kicking this issue down the road, colleagues, but it's not going away," he said, adding that he would introduce similar legislation next year.

The bracket motion was adopted on a vote of 26-18. ■

AGRICULTURE

Grain storage clarification passed

Lawmakers gave final-round approval March 24 to a bill that clarifies a provision regarding the distribution of assets if a grain warehouse fails.

LB730, introduced by Sen. Jerry Johnson of Wahoo, clarifies a rule under which a person who has recently sold grain to a warehouse may regain their status as an owner eligible for distribution of assets if the Public Service Commission takes control of the warehouse.



Sen. Jerry Johnson

Warehouses are required to post bonds for the benefit of those who own or store grain there in the event the warehouse fails. If that happens, only qualified owners are eligible for the distribution of assets.

An exception in current law provides that the grain seller may revert to the status of owner if he or she holds a check in payment issued within five days of the date the commission takes control of the warehouse. LB730 clarifies that the exception applies to the date of the sale and transfer of title regardless of whether the warehouse issued the seller a check.

The bill passed on a 48-0 vote.

Right to farm constitutional amendment stalls

The Legislature accepted a senator's motion March 24 to end debate on his proposal that would amend the state constitution to guarantee the rights of Nebraska citizens to farm

and ranch.

Sponsored by Sen. John Kuehn of Heartwell, LR378CA offered a constitutional amendment that would prohibit the Legislature from passing laws that restrict the rights of Nebraskans to use agricultural technology and ranching practices without a compelling state interest. The resolution would place the amendment on the November 2016 general election ballot.



Sen. John Kuehn

Kuehn said the amendment would protect the state's largest industry by reducing the influence of animal and environmental advocacy groups on public policy. He said those groups use misinformation to exert pressure on the Legislature to pass laws that restrict certain farming and ranching practices.

Omaha Sen. Ernie Chambers filed a motion to bracket the proposal until April 20, the last day of the session. He said the amendment would not prevent the speech or actions of groups that seek to change farming practices. The amendment's language is unclear and would prevent the Legislature from passing laws related to agriculture that could not meet an extremely strict legal standard, Chambers said.

"The only entity affected by this amendment is this Legislature," he said. "This Legislature is not going to undermine agriculture."

Citing opponents' legal concerns about the amendment's language and the limited time remaining in the legislative session, Kuehn filed a motion to bracket the bill until April 20. There were no objections. The proposal is unlikely to be debated again this session.

APPROPRIATIONS

State budget adjustments approved

Lawmakers gave final approval March 24 to three bills comprising the Appropriations Committee's mid-biennium budget adjustment package.

LB956, introduced by Kearney Sen. Galen Hadley at the request of the governor, makes adjustments to appropriations for state operations, aid and construction programs.



Sen. Galen Hadley

Among other provisions, the bill appropriates \$1.5 million in general funds this fiscal year to recruit and retain quality staff in workforce shortage areas within the state Department of Correctional Services.

The bill also includes \$1.8 million to address capacity and programming needs within the department while the Lincoln Community Corrections Center project is being completed.

The bill passed on a 46-1 vote.

LB957, also introduced by Hadley at the request of the governor, authorizes various fund transfers.

The bill includes the following transfers from the state's Cash Reserve Fund:

- \$50 million to the newly created Transportation Infrastructure Fund as provided for in LB960, a bill introduced by Papillion Sen. Jim Smith;
- \$27.3 million to the Nebraska



Sen. Jim Smith

Capital Construction Fund to cover the three-year cost of adding capacity to the Lincoln Community Corrections Center; and

- \$13.7 million to the Military Installation Infrastructure Fund.

LB957 passed on a 47-0 vote.

Finally, LB981, introduced by the Business and Labor Committee, approves claims against the state and agency write-offs.

Among the claims approved in the bill are:

- \$800,000 for a tort claim against the state Department of Roads involving a vehicle accident resulting from a traffic control system problem;
- \$243,000 for a tort claim against the state Department of Health and Human Services for failure to provide Medicaid coverage for medically necessary autism treatment;
- \$230,000 in negotiated attorney fees to Nebraska Appleseed for a claim settled by the state regarding non-timely processing of applications for the Supplemental Nutrition Assistance Program; and
- \$185,000 in negotiated attorney fees to the American Civil Liberties Union of Nebraska for a claim filed by seven couples who challenged the Nebraska constitutional prohibition against same-sex marriage.

The bill passed 46-0.

The governor must sign, veto or line item veto the budget within five calendar days, excluding Sunday.

Updates to state agency budget process approved

Lawmakers gave final approval March 24 to a bill that updates certain

administrative budget practices for state agencies.

Under LB1092, introduced by Omaha Sen. Heath Mello, any department, office, institution or expending agency that proposes changes to its appropriation for the biennium in progress will be required to file budget forms with the office of the Director of Administrative Services (DAS). Forms must be filed by Oct. 24 of each odd-numbered year.



Sen. Heath Mello

In addition, DAS is required to develop a certification form and procedure, to be included in each budget request, through which each department and agency will certify whether an administered program is an evidence-based program or practice. If not, the department or agency will be required to certify whether the program or practice is reasonably capable of becoming evidence based.

The bill passed 48-0.

Economic development measures amended, advanced

Senators advanced a select file bill March 22 that would change several economic development provisions.

LB1093, introduced by Omaha Sen. Heath Mello, initially dealt with cash funds for tobacco prevention and stem cell research. A committee amendment adopted on general file replaced the provisions with those of three other bills.

The bill includes technical changes from LB1028, introduced by Sen. Adam Morfeld of Lincoln. The provisions would require



Sen. Adam Morfeld

the state Department of Economic Development to contract with a state-wide microenterprise development assistance organization and a statewide venture development organization.

LB1093 also incorporated provisions from an amendment to LB560, introduced by Sen. Matt Williams of Gothenburg, that would require the University of Nebraska's Board of Regents to report annually to the Legislature with benchmarks that lawmakers could use to evaluate the performance of the Nebraska Innovation Campus.



Sen. Matt Williams

The bill contains additional provisions from Omaha Sen. Brett Lindstrom's LB1017 that would eliminate a residency requirement for student interns under a grant program.



Sen. Brett Lindstrom

Mello introduced an amendment, adopted 34-0, that would extend the program to eleventh and twelfth grade students.

A Morfeld amendment, adopted 32-0, incorporated provisions of his LB987 that would create a bioscience steering committee made up of five senators. The committee would study bioscience's impact on the state's economy and identify ways to stimulate job growth in science, technology and engineering and encourage biotechnology companies to locate in Nebraska.

Senators advanced the bill to final reading on a voice vote.

BUSINESS & LABOR

Small business wage protections passed

Senators passed a bill March 24 that expands state wage discrimination protections.

The provisions of LB83, originally introduced by Omaha Sen. Tanya Cook, were replaced by a provision of LB928, originally introduced by Omaha Sen. Heath Mello.



Sen. Tanya Cook

The bill removes a small business exemption—applicable to employers of less than 15 people—from the state’s equal pay statute, which requires equal pay for equal work without consideration of an employee’s gender.

The bill passed on a 32-11 vote.

Workforce innovation bill advanced

Lawmakers gave first-round approval March 23 to a bill that would provide future guidance for the state’s workforce investment system.

LB1110, introduced by Omaha Sen. Heath Mello, would outline guiding principles for the state’s workforce programs and services so that they are responsive to the needs of employers, workers and students.



Sen. Heath Mello

Mello said the bill would codify legislative intent by including language related to workforce investment and development including career and technical education, upward mobility,

training, union involvement and adult career education.

A Business and Labor Committee amendment, adopted 29-0, incorporated provisions of Mello’s LB1029. These provisions would create a sector partnership program to study labor availability and skills gaps in the state. They also would direct the state Department of Labor to provide technical assistance to public-private sector partnerships.

Bellevue Sen. Sue Crawford supported the bill, saying the creation of public-private partnerships would allow more people to join the state’s workforce.

“This is a critical issue in growing and developing our state,” she said. “It will provide opportunities to people to get the skills they need and participate in the workforce.”

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

EDUCATION

Tuition waiver for law enforcement officers passed

Nebraska law enforcement officers can apply for a tuition waiver under a bill approved by legislators March 24.

LB906, introduced by Sen. Brett Lindstrom of Omaha, authorizes a 30 percent tuition waiver for law enforcement officers who attend any state university, state college or community college in Nebraska.



Sen. Brett Lindstrom

To qualify, an officer must maintain satisfactory job performance, meet all admissions requirements of the postsecondary institution and pursue an associate or baccalaureate

degree related to his or her career in law enforcement.

Senators voted 46-0 to pass the bill.

EXECUTIVE BOARD

Entrepreneurship task force advanced

Lawmakers gave first-round approval March 21 to a bill that would create a legislative task force focused on innovation and entrepreneurship in Nebraska’s economy.

LB1083, introduced by Gothenburg Sen. Matt Williams, would adopt the Next Generation Business Growth Act. The bill also would create a Venture Development and Innovation Task Force consisting of six senators appointed by the Executive Board.



Sen. Matt Williams

Nebraska needs to increase the number and diversity of high-wage jobs across the state, Williams said, and the Legislature should be involved in the endeavor.

“Often our plans for growth have included focusing on attracting new businesses to our state,” he said. “In recent years, however, it’s been demonstrated that working with existing businesses can be a significant catalyst for economic growth.”

The task force would be charged with developing a statewide strategic plan to cultivate a climate of entrepreneurship and innovation in Nebraska. The strategic plan would include:

- an inventory of existing state-sponsored and locally sponsored programs and resources that are targeted to small busi-

nesses, microenterprises and entrepreneurial endeavors in the state;

- an economic impact analysis of the existing programs under the Nebraska Business Innovation Act;
- an overview of best practices from other states; and
- a review of previously issued statewide strategic plans focused on high-growth businesses and various policy options.

In consultation with the Executive Board, the task force would employ a nonprofit organization to assist in development of the strategic plan by Dec. 1, 2016. The \$75,000 in funding for development of the strategic plan would come from the Community Development Assistance Act.

The Next Generation Business Growth Act would terminate on Jan. 1, 2017.

Sen. Al Davis of Hyannis supported the bill. Rural representation on the task force is essential, he said, because rural areas of the state continue to lose population to areas with higher paying jobs.

“The problem is in rural Nebraska, where depopulation continues to be our number one, most serious problem,” he said. “Economic diversification is an important tool for our state.”

Sen. Mike Groene of North Platte questioned whether the task force was necessary, noting that Nebraska has a state Department of Economic Development, innovation campus and other entities to encourage economic growth.

“It seems redundant to me of other initiatives that we have in the state,” Groene said.

The bill advanced to select file 32-1.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

County population threshold increases advance

Certain county population thresholds would change under a bill given first-round approval March 21.

Nebraska law recognizes four county classifications based on population. Counties currently are classified as follows:

- Class I has a population of at least 300,000;
- Class II has a population of at least 200,000 and less than 300,000;
- Class III has a population of at least 100,000 and less than 200,000; and
- Class IV has a population less than 100,000.

LB742, introduced by Lincoln Sen. Matt Hansen, would raise the Class I threshold to a population of 400,000 and adjust the Class II threshold accordingly.



Sen. Matt Hansen

Hansen said Lancaster County is on target to reach the current 300,000 threshold by the 2020 federal census. In order for Lancaster County to retain its Class II classification—which impacts various laws, including election of judges and county board members—that threshold needs to be raised, he said.

Hansen offered an amendment, adopted 35-0, which specifies that the population would be determined by the most recent federal decennial census. It also would require a county to comply with the bill’s provisions within six months of a determination that the new

threshold requirement has been met.

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

Omnibus election bill clears first round

Lawmakers gave first-round approval March 24 to a bill that would make a number of changes to the state’s election laws.

LB874, introduced by Gretna Sen. John Murante, would make the process for filling vacancies on school boards consistent statewide. Currently, the term of an appointee to a school board



Sen. John Murante

vacancy varies depending on the class of the school board. Some appointees come up for election at the next primary election, while others serve until the end of the unexpired term.

The bill would apply the current Class V process statewide, in which an appointee fills the vacancy for the remainder of the unexpired term.

A Government, Military and Veterans Affairs Committee amendment, adopted 25-4, incorporated provisions of four additional bills.

LB879, originally introduced by Murante, would change the requirement to place a candidate’s name on the partisan general election ballot by petition to at least 10 percent of the registered voters entitled to vote for the office.

LB787, originally introduced by Lincoln Sen. Adam Morfeld, would allow a voter to voluntarily photograph his or her ballot after it is marked and reveal the photograph.



Sen. Adam Morfeld

LB741, originally introduced by Lincoln Sen. Matt Hansen, would remove from the list of banned electioneering practices the display of yard signs on private property within 200 feet of a polling place that is not under common ownership with the polling place.



Sen. Matt Hansen

LB682, originally introduced by Omaha Sen. Joni Craighead, would change the deadline for a voter to request a vote-by-mail ballot from 4 p.m. of the Wednesday preceding the election to the close of business on the second Friday preceding the election.



Sen. Joni Craighead

The provisions also would designate the 22nd day before an election as the earliest date that an election commissioner or county clerk may send out vote-by-mail ballots. That date currently is the 20th day before an election.

Columbus Sen. Paul Schumacher expressed concern about allowing a voter to photograph his or her marked ballot and display it. He said that so-called "ballot selfies" could be used by groups to pressure members into voting a certain way, or as a condition of membership for individuals wishing to join.

"I think that is enormous pressure that violates that very, very precious thing of a moment alone with your conscience and that ballot," Schumacher said.

Sen. Curt Friesen of Henderson echoed those concerns. Allowing display of a marked ballot could encourage voter fraud, he said, because

it would serve as verification if an individual were being paid to vote in a certain way.

"If we allow this to happen now, what is the point of having a secret ballot box?" he said.

Murante said the concerns were unfounded. He said it would remain illegal to take a picture of someone else's ballot, demand to see another person's marked ballot or coerce an individual to vote in a certain way.

The provisions simply would permit a form of free speech that voters may participate in and enjoy, he said.

"This bill says that you can show your ballot to someone else if you want to. It is your ballot," Murante said.

The bill advanced to select file 29-0.

Change to university leader hiring process approved

Lawmakers passed a bill March 24 that updates the University of Nebraska's hiring process for its chancellor and president positions.

LB1109, introduced by Sen. John Murante of Gretna, requires the university's Board of Regents to provide public notice of a preliminarily selected candidate 30 days before the board votes on whether to hire the candidate. The board is required to make public the candidate's application materials and provide a forum in which the candidate would meet with and answer questions from the public.



Sen. John Murante

This replaces a process in which the final four candidates are made public.

The bill passed on a 38-8 vote.

HEALTH & HUMAN SERVICES

Health care consumer protections adopted

A bill that seeks to enhance protections for vulnerable individuals who receive health care services was given final approval March 24.

LB698, sponsored by Omaha Sen. Heath Mello, creates the Home Care Consumer Bill of Rights, which applies to individuals 60 and older, those 18 and older with a disability or who are incapacitated and to the parent or guardian of a minor who receives home care services.



Sen. Heath Mello

A consumer of home care services, or the parent or guardian of a consumer who is a minor, will have the right to privacy and have grievances addressed in a timely manner. They also will have the right to:

- refuse service;
- participate in the approval of services and any changes in service;
- receive care in a way that promotes his or her dignity and individuality; and
- information on the cost of services and whether those costs are covered by insurance or a public or private program.

An individual who violates the bill's provisions will be subject to a civil penalty of \$100 per violation, up to a maximum of \$2,000.

The bill was amended to include provisions from four additional bills.

LB963, introduced by Omaha Sen. Nicole Fox, updates state law to com-

ply with changes to the federal Older Americans Act and equalizes the process for how the Area Agencies on Aging fund local programs.



Sen. Nicole Fox

LB708, introduced by Lincoln Sen. Kate Bolz, requires the state Department of Health and Human Services to develop an endorsement for assisted living facilities that provide high quality care for individuals with cognitive impairment, dementia and Alzheimer's disease.



Sen. Kate Bolz

The department also is required to examine the Medicaid rate structure and make recommendations regarding a higher or supplemental reimbursement rate for facilities that qualify for the endorsement.

LB849, introduced by Bellevue Sen. Sue Crawford, requires a hospital to give each patient or the patient's legal guardian the opportunity to name an individual as a designated caregiver.



Sen. Sue Crawford

A designated caregiver will be consulted regarding the patient's discharge plan and the hospital will be required to describe the patient's aftercare needs post-release or transfer, including a description and demonstration of any aftercare tasks.

LB869, also introduced by Crawford, aligns Nebraska law with federal requirements for fingerprinting and background checks of high-risk Medicaid providers.

The bill passed on a 47-0 vote.

Public assistance research exemption approved

A bill aimed at promoting research on the impact of poverty on children was given final approval March 24.

LB1081, sponsored by Lincoln Sen. Kathy Campbell, will allow low-income Nebraskans to be part of a nationwide study on the impact of public assistance on early childhood development.



Sen. Kathy Campbell

The bill will exclude the following types of public assistance from a participant's income when determining eligibility:

- the child care subsidy program;
- the low-income home energy assistance program;
- Temporary Assistance for Needy Families (TANF); and
- Supplemental Nutrition Assistance Program (SNAP).

The exclusion is limited to \$4,000 per year for four years and will be discontinued at the end of 2022.

Omaha Sen. Heath Mello offered an amendment during select file debate March 21, which incorporated provisions of his LB701. The amendment extends provisions under the state's public assistance statutes relating to education work requirements.

Mello said Nebraska law currently allows certain educational opportunities—such as hours spent working toward a GED, diploma or associate degree—to count toward core work requirements for the purposes of a self-sufficiency contract under the Aid to Dependent Children program.

"[These educational activities] are key for families working to move out of poverty and ultimately transition off of state public benefits," he said.

The amendment removes the termination date of the provisions, which had been set for Dec. 31, 2016.

Following adoption of the Mello amendment 30-0, the bill advanced to final reading by voice vote.

Senators passed the bill March 24 on a 47-0 vote.

JUDICIARY



Hazing banned for all students

Lawmakers passed a bill March 24 that expands the prohibition on hazing.

LB710, introduced by Venango Sen. Dan Hughes, extends the prohibition on hazing by postsecondary students to include all primary and secondary school students.



Sen. Dan Hughes

Hazing is defined 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.

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

The bill has a severability clause, which means that if one part of the bill is declared unconstitutional, the declaration will not impact the remaining parts of the bill.

The bill passed on a 47-0 vote.

Private adoption provisions advance

Parents who conduct an adoption privately or through an agency would be authorized to enter into a communication and contact agreement under a bill advanced from general file March 23.

Syracuse Sen. Dan Watermeier, sponsor of LB744, said he introduced the bill in response to a recent case in which the Nebraska Supreme Court stated that



Sen. Dan Watermeier

it could not uphold a communication and contact agreement—also referred to as an open adoption agreement—for a private adoption because such agreements are not authorized in state law.

Watermeier said the court further ruled that a violation of the open adoption agreement in the case was grounds to set aside the adoption decree, and the child was returned to the birth parents.

Open adoption agreements are allowed for adoption of state wards, he said, but the Legislature has not authorized them for private or agency adoptions. To preserve the state's adoption system and protect the best interests of children, lawmakers need to authorize open adoption agreements for private adoptions as well, he said.

"No one should have to experience what these families have had to experience," Watermeier said.

A Judiciary Committee amendment, adopted 38-0, would:

- authorize a court to incorporate a communication and contact agreement into an adoption agreement;
- stipulate that failure to comply with the terms of a communi-

cation and contact agreement is not grounds to invalidate an adoption or the relinquishment of parental rights;

- allow a communication and contact agreement to be enforceable in civil action if the petitioner has participated or attempted to participate in good faith mediation;
- require an adoption agency to be invited to participate in mediation; and
- require certain disclosures to be included in a communication and contact agreement.

Watermeier offered an amendment, adopted 31-0, which would require parties seeking court enforcement of a communication and contact agreement to participate in mediation first.

"In other states it's been found that mediation effectively resolves the vast majority of these situations," he said.

The amendment also changes the term "birth parent" to "relinquishing parent" in the bill and would require that a relinquishing parent be provided independent legal counsel and at least three hours of professional counseling at the expense of the adoptive parent or parents prior to relinquishment.

"Whether to place your child for adoption is a very important decision and should not be taken lightly," Watermeier said. "[These provisions] will help ensure that biological parents are well aware of the ramifications of their decision."

Gothenburg Sen. Matt Williams supported the bill and the amendments, saying LB744 is important to create a system to allow for more open adoptions with greater protections for all parties.

"I found it somewhat scary that there were situations in open adoptions where one attorney was repre-

senting both the adoptive parents and the [birth parents]," he said.

Sen. Mark Kolterman of Seward also supported the bill, saying his family has benefitted from open adoption.

"Both the birth parents and the adoptive parents need to have a clear understanding of what they're getting into," he said.

The bill advanced to select file 42-0.

Human trafficking immunity amended, advanced

Lawmakers amended and advanced a bill from select file March 21 that would provide legal immunity to victims of human trafficking.

LB843, introduced by Lincoln Sen. Patty Pansing Brooks, proposed legal immunity from prostitution charges for any person proven by law enforce-



Sen. Patty Pansing Brooks

ment to be a victim of labor or sex trafficking.

The bill would establish an affirmative defense for trafficking victims. An affirmative defense allows a defendant to present certain facts that mitigate the legal consequences of his or her unlawful conduct.

Omaha Sen. Burke Harr introduced an amendment, adopted 32-1, that instead would allow a person charged with prostitution to file a motion to dismiss the charge if he or she can provide written evidence that they were a victim of human trafficking.

Harr said the amendment would properly place the burden of proof on the person charged.

"We have to be very careful when, where and how we give immunity," he said. "When we do provide immunity, we have to ensure there is built-in ac-

countability.”

The bill includes provisions of LB1097, originally introduced by Lincoln Sen. Adam Morfeld and adopted on general file. These provisions would create the Sexual Assault Payment Program to pay up to \$500 for out-of-pocket costs associated with sexual assault medical examinations. Currently, the patient covers the costs for such examinations directly or submits a claim to his or her insurance.



Sen. Adam Morfeld

Associated costs covered would include patient examination and interview, collection and evaluation of physical evidence, facility fees and laboratory processing fees.

A program administrator would distribute forensic medical examination kits to health care providers at no cost to the providers and oversee examination training throughout the state.

Senators advanced the bill to final reading by voice vote.

Juvenile court standards amended, advanced

Lawmakers amended and advanced a bill March 22 that would clarify the rights of individuals appearing in juvenile court.

Under LB894, introduced by Lincoln Sen. Patty Pansing Brooks, juvenile courts could accept a juvenile’s waiver of right to counsel only on the record in open court and confirmed in writing signed by the juvenile. The court would consider the juvenile’s age, intelligence and emotional stability in determining whether to accept such waiver.

Under no circumstance would a waiver of right to counsel be accepted for a juvenile under age 14 or for a detention hearing, dispositional hearing

requiring out-of-home placement or motion to transfer a case from juvenile to adult court.

The bill also would require the juvenile court, when appointing counsel, to do so after a juvenile petition is filed but before the juvenile appears before the court. It also would ensure a juvenile’s timely right to counsel.

Law enforcement would be required to use developmentally appropriate language when explaining a juvenile’s right to counsel. The bill also would direct the state Supreme Court to establish professional standards by July 1, 2017 for all attorneys practicing in juvenile court.

Sen. Mike Groene of North Platte said LB894 is an unnecessary mandate, particularly in smaller rural counties with low numbers of juvenile court cases. He said not all counties employ a public defender and those that do may not always have the time and resources to adjudicate every case brought in juvenile court.

Omaha Sen. Bob Krist introduced an amendment on select file to address concerns raised by Groene and others. The amendment would apply the provisions of LB894 only to counties with a population of more than 150,000 people.

It also would authorize the court to find parents in contempt of court if they have accepted free counsel despite an ability to afford such counsel.

Cedar Rapids Sen. Kate Sullivan opposed the amendment. Juveniles living in rural counties also need assistance when appearing before a court, she said, adding that it is a myth that poverty only exists in Omaha and Lincoln.

“All of us would be surprised at the depths of poverty that exists all over our state,” she said. “I don’t feel comfortable telling [rural Nebraska] that representation will be given to juveniles in just a few select counties.”

The Krist amendment was adopted 33-7.

Krist introduced a second amendment, adopted 35-0, which incorporated provisions of his LB673. As amended, the bill would enable counties to establish internal guardian ad litem divisions, which would be similar to a public defender’s office.



Sen. Bob Krist

Sen. Ernie Chambers of Omaha brought an amendment to the Krist amendment that clarified a judge’s authority to appoint a guardian outside of a county’s division as he or she sees fit.

The Chambers amendment was adopted 36-0.

Provisions of three additional bills were incorporated into LB894 on general file, including:

- LB709, originally introduced by Omaha Sen. Sara Howard, which would reclassify secure and nonsecure detention as detention and alternatives to detention and require additional court review of such programs;
- LB845, introduced by Pansing Brooks, which would require thorough documentation of each instance of solitary confinement of a juvenile, including the length of confinement and the race, ethnicity age and gender of confined juveniles; and
- LB893, introduced by Pansing Brooks, which would require that a juvenile be at least 11 years old to be prosecuted or adjudicated for a criminal law



Sen. Sara Howard

violation and would give county juvenile courts jurisdiction of children who are 10 or younger who engage in conduct that otherwise would be considered a law violation.

The bill was advanced to final reading on a 33-1 vote.

Cloture attempt on parole administration bill fails

After four hours of select file debate, an attempt to force a vote on a bill that would have granted more oversight to the Inspector General for the Department of Correctional Services failed March 22.

A bill passed last year provided for the state Department of Correctional Services' Office of Parole Administration to transition to the state Board of Parole. LB910, as introduced this year by Lincoln Sen. Kate Bolz, would ensure the inspector general has oversight of parole administration once that transition is complete.



Sen. Kate Bolz

The parole administration office would be required to provide public counsel and the inspector general access to all computerized records, reports and documents maintained by the office in connection with the administration of parole. Release of medical or mental health records would be subject to a parolee's consent.

The bill also would require the department director to annually submit a report detailing the race, gender and age of all inmates held in restrictive housing as well as the length of time spent in such housing. The report must include the number of inmates diagnosed with mental illness or behavior disorders held in restrictive housing.

LB910 was amended on general file to include provisions of LB690, originally introduced by Lincoln Sen. Adam Morfeld. These provisions would eliminate a ban on Supplemental Nutrition Assistance Program (SNAP) eligibility for individuals convicted of a drug-related felony offense.



Sen. Adam Morfeld

Sen. Mike Groene of North Platte introduced an amendment that would limit SNAP eligibility for former drug felons to those who complete a state or nationally accredited substance abuse treatment program or submit to voluntary, random drug tests at least once every six months.

Groene said there is a precedent for limiting the rights of individuals convicted of felonies.

"If you are convicted of a felony in Nebraska, you lose your right to vote and you lose your right to the Second Amendment," he said.

Morfeld opposed the Groene amendment, saying that it mirrors current statute preventing drug felons from receiving SNAP benefits unless they complete substance abuse treatment at their own expense. Newly released felons would be unlikely to afford services at an accredited treatment center, which costs an average of \$2,500, he said.

"We already have a de facto ban for those people right now because if they don't have \$2,500 [to pay for their drug treatment], they don't get SNAP benefits," Morfeld said. "This goes to the core of who we are as human beings. No one should be denied food, especially those who have paid their debt to society."

The Groene amendment failed on a 16-18 vote.

Columbus Sen. Paul Schumacher

introduced an amendment that would incorporate provisions of his LB861. These provisions would allow an inmate housed in solitary confinement to seek a review of his or her placement after 90 days of confinement in a single calendar year.



Sen. Paul Schumacher

Schumacher said the amendment would ensure a more in-depth review of the department's current solitary confinement policies.

"This doesn't mandate a hearing or an appearance by the incarcerated person, but it does put the situation on the desk of a responsible person outside of the department," he said.

Sen. Bob Krist of Omaha supported the amendment. He said the department has not moved quickly enough in adopting new solitary confinement policies.

"[The department] has not taken proper action to get to a point where there are programs, policies and procedures put in place to limit the amount of time a prisoner spends in [solitary confinement]," he said.

The Schumacher amendment was pending when Bolz filed a motion to invoke cloture, or cease debate and take an immediate vote on the bill.

The motion failed 28-15. Thirty-three votes were needed.

A failed cloture motion prevents further debate on the bill for the day. LB910 is unlikely to be scheduled for further debate this session.

Professional licenses sought for young immigrants

A new class of Nebraskans would be eligible for professional licensure under a bill advanced from general file March 23.

LB947, introduced by Omaha Sen. Heath Mello, would allow Nebraska residents who are covered by the federal Deferred Action of Childhood Arrivals (DACA) program to apply for a professional or commercial license in order to practice his or her profession.



Sen. Heath Mello

Administered by the U.S. Department of Homeland Security, the DACA program is designed to protect from deportation individuals who were brought into the country illegally as children. Those who meet DACA guidelines are eligible for a work permit and may request deferred action for two years, subject to renewal. To qualify for the program residents must have:

- lived in the U.S. continuously since June 15, 2007;
- been no older than 31 as of June 15, 2012;
- entered the country prior to their 16th birthday;
- attended school, earned a diploma or general education certificate or been honorably discharged from the U.S. Armed Forces; and
- not been convicted of a felony or significant misdemeanors.

Mello said restricting those authorized to work under DACA is unreasonable and economically shortsighted for the state.

“Many young immigrant Nebraskans and their communities have benefited in a variety of ways from DACA but there remains a gap in our state law that prevents these work-authorized Nebraskans from fully maximizing their educational and professional potential,” he said.

A Judiciary Committee amendment, adopted 31-5, clarified that

residents eligible under DACA could apply for credentials under the Uniform Credentialing Act.

Committee chairperson Sen. Les Seiler of Hastings said it is incomprehensible that a person educated to practice as an accountant, nurse or engineer would be barred from seeking employment in their chosen professional area.

“We have people running all over the country trying to get people to move to Nebraska,” he said. “We raise them, we educate them and then we tell them to go across the river and practice in Iowa. That should never happen.”

Sen. John Kuehn of Heartwell opposed the bill. He said he supported providing driver licenses to DACA residents in 2015 but providing professional or commercial licenses is a different situation.

“Noncitizens have been advised all the way along the educational process of the complications associated with their choice of area of study and that they may be denied licensure,” he said, adding that DACA residents enter a professional field knowing they do not currently qualify.

Senators advanced the bill to select file on a 27-7 vote.

Sale of “lookalike” drugs banned

Lawmakers passed a bill March 24 that bans certain synthetic drugs.

LB1009, introduced by Gothenberg Sen. Matt Williams, bans the sale and use of “lookalike” substances.



Sen. Matt Williams

The bill defines a lookalike substance as one that is not specifically categorized as a controlled substance but possesses one or more

of the following characteristics:

- packaging or labeling that suggests a user would achieve euphoria, hallucination, mood enhancement or stimulation that mimics those of a controlled substance;
- images or labels that suggest it is a controlled substance;
- disproportionately high pricing; or
- warning labels suggesting compliance with state and federal controlled substance laws.

A person who knowingly offers, displays, markets or sells a lookalike substance could be charged with a Class IV felony, which carries a maximum penalty of three years imprisonment with 18 months probation, a \$10,000 fine or both.

LB1009 also classifies the production, distribution and sale of certain lookalike substances as violations of the Uniform Deceptive Trade Practices Act. Each individual package will be considered a separate violation. The bill does not restrict the ability of scientific experts to use synthetic substances for investigative purposes.

The bill has a severability clause, which means that if one part of the bill is declared unconstitutional, the remaining parts of the bill will not be impacted.

The bill passed with an emergency clause on a 47-0 vote.

Criminal statutes updated, parole oversight advanced

Lawmakers advanced a bill from general file March 23 that would update the state’s criminal statutes.

The Legislature passed LB605 in 2015 to slow Nebraska’s prison population growth, ease prison overcrowding, contain corrections spending and reinvest a portion of savings in strategies to reduce recidivism and increase

public safety.

LB1094, introduced by the Judiciary Committee, would clarify many of the provisions in LB605 with updated language. Committee chairperson Sen. Les Seiler of Hastings said the committee knew the implementation of the bill would require updated language in the future.

“We knew we’d get input from a number of people who would provide us with feedback [on LB605],” he said. “[LB1094] is not intended to make any substantive shift in the policies adopted under LB605 but it will assist with its implementation.”

A Judiciary Committee amendment, adopted 35-0, made additional technical changes primarily to parole administration.

Lincoln Sen. Kate Bolz introduced an amendment that would add provisions of her LB910 into the bill. It was debated on select file March 22 but stalled after a failed cloture motion due to a controversial amendment that was adopted on general file.

Her amendment would require the parole administration office to provide access for public counsel and the Office of the Inspector General to all computerized records, reports and documents maintained by the office in connection with the administration of parole. Release of medical or mental health records would be subject to a parolee’s consent.

The amendment also would require the department director to annually submit a report detailing the race, gender and age of all inmates held in restrictive housing as well as the length of time spent in such housing. The report must include the number of inmates diagnosed with mental illness or behavior disorders held in restrictive housing.

Following the 35-0 adoption of the Bolz amendment, senators advanced the bill to select file on a 34-0 vote.

NATURAL RESOURCES

Power board representative pay increase advanced

Lawmakers advanced a bill March 24 that would increase the pay for Nebraska’s representative on a committee that oversees the region’s electric transmission infrastructure.

LB 824, as originally introduced by Sen. John McCollister of Omaha, dealt with electric generation facilities. A committee amendment, adopted 27-0, replaced the bill with provisions from LB914, introduced by Sen. Ken Schilz of Ogallala.

The amended bill would increase from \$60 to \$250 per day the compensation for the Nebraska Power Review Board member who represents the state on the Southwest Power Pool’s regional state committee.

Total compensation would be capped at \$20,000 per year. Another board member who serves as proxy would receive the same daily compensation when serving as representative.

The Nebraska Power Review Board authorizes and oversees electric generation and transmission facilities in the state. The regional committee provides guidance on the development and operation of electric transmission infrastructure within the Southwest Power Pool—a group of utilities, power generation and transmission companies that oversees electricity infrastructure in 14 states including Nebraska.



Sen. John McCollister



Sen. Ken Schilz

The Nebraska Public Power District, Omaha Public Power District and Lincoln Electric System are members.

Senators voted 30-0 to advance the bill to select file.

Hedging transaction authority for power agencies approved

A bill that allows certain public power districts to engage in hedging transactions on commodity futures was passed by the Legislature March 24.

Introduced by Omaha Sen. Brett Lindstrom, LB897 authorizes any power-generating agency that operates in a regional transmission organization to participate in hedging transactions for fuel, power or energy.

The agency could use no more than 5 percent of its annual gross revenue averaged over the previous three years for the transactions. It could use only funds designated for the investments—not facilities or other assets—and the agency’s governing body must authorize any hedging agreement.

The bill passed on a 48-0 vote.



Sen. Brett Lindstrom

Water appropriation stream flow bill advances

Water currently used for generating hydropower could instead be used to maintain stream flow for fish, wildlife and recreation under a proposal advanced from general file March 22.

LB1038, as introduced by Sen. Al Davis of Hyannis, originally dealt with the transfer of water rights.

A Natural Resources Committee amendment, adopted



Sen. Al Davis

37-1, replaced the bill. It would allow a water appropriation used to generate hydropower at a facility on a natural stream to be changed to an instream basin management appropriation to be held jointly by the state Game and Parks Commission and at least one natural resources district.

As amended, the bill incorporated provisions from LB711, introduced by Sen. Dan Hughes of Venango. The provisions would re-establish a task force with the goal of eradicating invasive plant species that reduce stream flows. The task force would receive \$1 million per year beginning in fiscal year 2016-17.



Sen. Dan Hughes

An amendment introduced by Bellevue Sen. Tommy Garrett, adopted 38-0, would require the state Department of Roads to provide permits to trim vegetation that obscures lawfully placed advertising signs or displays.

Senators voted 41-0 to advance the bill to select file.

Fracking well reporting requirement passed

Senators approved a bill March 24 that enhances disclosure and public notice regulations on wells used in hydraulic fracturing, commonly called fracking.

LB1082, sponsored by Sen. Ken Schilz of Ogallala, requires commercial injection well operators to sample and analyze injected wastewater at least once per year and provide the resulting data to the Oil and Gas Conservation Commission, which regulates Nebraska's oil and gas production.



Sen. Ken Schilz

The bill also requires the certifica-

tion and monitoring of vehicles used to transport the wastewater and the periodic evaluation of an operator's ability to pay the costs of shutting down a well.

The commission is required to provide public notice of an injection well permit application to the county, city or village where the well would be located and could conduct public meetings to review them.

The bill passed on a 48-0 vote.



Omaha school retirement bill passed

Lawmakers passed a bill March 24 that makes changes to the Omaha school employee retirement plan.

LB447, introduced by Omaha Sen. Heath Mello, makes a number of governance and benefit changes to the Class V (Omaha) School Employees Retirement (OSERS) Act.



Sen. Heath Mello

The bill places OSERS staff under the control of the OSERS board of trustees and allows the board to appoint the OSERS administrator and oversee the administrator and staff. It also transfers investment authority for OSERS funds to the state treasurer, the Nebraska Investment Authority and the state investment officer.

State funding also changes under the bill. If the state appropriates funds for an actuarially required contribution (ARC) in the school employee plan, and the OSERS plan also has an ARC, the Omaha Public School District may request a public hearing before the Appropriations Committee to request

additional state funding to pay its ARC.

If the committee recommends payment of the additional funding, and it is approved by the Legislature, the school plan ARC will be computed as a percent of payroll and the state will contribute to OSERS the lesser of the same percent of payroll that was paid to the school plan or the percent of OSERS members' compensation needed to meet the OSERS plan ARC.

The bill limits the state service annuity and medical cost of living increase in the Omaha school plan to individuals who were members prior to July 1, 2016.

In addition, school plan members will no longer be able to work up to 20 hours per week while receiving the disability benefit. An employee hired after July 1, 2016, no longer will be able to vest with half year of service credit if he or she is at least 65.

The bill also incorporates provisions of three additional measures.

LB805, introduced by Mello, requires each political subdivision that has a defined benefit plan to conduct an actuarial experience study at least every four years.

LB922, introduced by Seward Sen. Mark Kolterman, adjusts the terms of the Public Employee Retirement Board (PERB) so that no more than two members will be appointed or re-appointed in any one year. It also clarifies procedures for filling a vacated term.



Sen. Mark Kolterman

LB986, introduced by the Retirement Systems Committee, adds new duties for the Nebraska Public Employees Retirement Systems executive director, the PERB and the actuary regarding experience studies and annual evaluation reports.

The bill passed on a 46-0 vote.

REVENUE



Tax exemption for treatment centers, others advanced

Lawmakers advanced a bill from general file March 22 that would provide a tax exemption for certain treatment centers.

LB774, introduced by Norfolk Sen. Jim Scheer, would provide a sales and use tax exemption for purchases made by nonprofit substance abuse treatment centers. Scheer said other nonprofit healthcare providers currently receive the exemption.



Sen. Jim Scheer

“The Nebraska tax policy was never intended to levy taxes on nonprofit healthcare providers,” he said.

A Revenue Committee amendment, adopted 34-0, incorporated provisions of LB510 as originally introduced by Omaha Sen. Tanya Cook. These provisions would allow an employer to apply a non-refundable tax credit against 20 percent of its expenses used for an employee’s post-secondary tuition or costs associated with a high school equivalency program. The tax credit would be valid for no more than two years of an eligible employee’s expenses.



Sen. Tanya Cook

The committee amendment incorporated provisions of five additional bills, including:

- LB542, originally introduced by Omaha Sen. Burke Harr,



Sen. Burke Harr

which would create a sales tax exemption for county agricultural societies;

- LB888, originally introduced by Omaha Sen. Heath Mello, which would clarify that insurance companies are eligible for tax credits under the Nebraska



Sen. Heath Mello

Job Creation and Mainstreet Revitalization Act and also would reserve the first \$4 million in credits for applications seeking credits of \$150,000 or less until April 1 each year;

- LB1015, introduced by Harr, which would create a sales tax exemption for museums that rent or lease property;
- LB1047, introduced by Harr, which would add as a qualified activity the drying and aerating of grain in commercial facilities under the sales tax exemption for energy used in manufacturing and processing; and
- LB1088, originally introduced by Hyannis Sen. Al Davis, which would create a sales tax exemption for independent living centers.

Venango Sen. Dan Hughes supported the bill but raised concerns about passing additional sales tax exemptions.

“There is a growing disparity between sales and income taxpayers and property taxpayers,” he said. “There are things the state needs to spend money on but I’m more concerned about the equity of where that money comes from.”

Gering Sen. John Stinner introduced an amendment to the committee amendment, which incorporated provisions

of his LB1014. These provisions would exempt from levy limits any property taxes levied for bonds issued by a county airport authority.



Sen. John Stinner

The Stinner amendment was adopted 35-0 and senators advanced the bill to select file on a 40-0 vote.

Tax credit for volunteer emergency responders advanced

Senators gave first-round approval March 23 to a proposal to give tax credits to volunteer emergency responders.

LB886, introduced by Sen. Al Davis of Hyannis, would create a \$250 refundable tax credit for volunteer emergency responders, rescue squad members and firefighters who meet certain criteria. The bill would establish a point system to determine annual qualifications for the credit.



Sen. Al Davis

The bill is estimated to reduce tax revenue by \$2.2 million in fiscal year 2017-18 and again in FY2018-19.

Davis said volunteers play a critical role in providing emergency services in much of the state, particularly in rural areas. Without volunteers, he said, local governments would need to raise property taxes to pay for professional emergency services. Davis said the tax credit would help compensate volunteers for the amount of time and money they spend training and responding to calls and provide an incentive to new volunteers.

“This is just a minimum recognition of all the good [volunteers] do for our citizens,” he said.

Sen. Dan Watermeier of Syracuse

supported the bill, saying that volunteer emergency responders cover 75 percent of the state's geographic area and provide services to 55 percent of Nebraska's population. He said the proposal should be part of a larger discussion on whether the state or local governments should be responsible for providing emergency medical services.

Senators voted 34-0 to advance the bill to select file.

TRANSPORTATION & TELECOMMUNICATIONS

Statewide 911 system proposal advances

Lawmakers gave first-round approval March 22 to a proposal to create a statewide 911 system.

LB938, as introduced by Sen. Jim Smith of Papillion, would authorize the Nebraska Public Service Commission to plan, implement, coordinate, maintain and organize funding for a statewide system that would be capable of next-generation service. This means public safety answering points would have the ability to receive 911 calls via voice, text or video using Internet protocol.

Smith said the bill is not designed to supplant local governments' control over 911 services but to establish a statewide framework for coordinating, managing and funding next-generation 911 service. He said the costs incurred to develop the plan would be covered by existing surcharges and not general funds.

A Transportation and Telecommunications Committee amendment, adopted 34-0, would require at least two public hearings on the plan. The



Sen. Jim Smith

commission would present the plan to the Legislature no later than Dec. 1, 2017, and it would be implemented sometime after July 1, 2018.

The plan would estimate the start-up and ongoing costs of a statewide system and recommend the number of public safety answering points the state should maintain. The commission would ensure uniform statewide standards for technical support, training, efficiency and quality assurance at public safety answering points.

The bill also would create a fund that would be used to pay for the commission's expenses in developing the plan, estimated to be \$1.1 million in fiscal year 2016-17 and an additional \$1 million in FY2017-18.

Additionally, the commission would provide an annual report to the Legislature that would assess the level of wireless 911 location accuracy compliance for wireless carriers.

Senators voted 31-0 to advance the bill to select file.

URBAN AFFAIRS

Economic development disclosure approved

Businesses will be required to disclose additional information before applying for certain local economic development programs under a bill passed by the Legislature March 24.

The provisions of LB1059, introduced by Bellevue Sen. Sue Crawford, apply to businesses seeking economic development incentives under the Local Municipal Economic Development Act or contracts



Sen. Sue Crawford

using tax increment financing (TIF).

Before applying for special incentives, a business must certify:

- whether it has filed or intends to file an application to receive tax incentives under the Nebraska Advantage Act for the same project;
- whether such application includes or will include a refund of the municipality's local option sales tax revenue; and
- whether such application has been approved.

The bill also includes provisions of two related bills.

LB860, originally introduced by Venango Sen. Dan Hughes, authorizes a municipality to use funds from a Local Municipal Economic Development plan for workforce housing. Currently funds from such plans may be used only for low- and moderate-income housing.



Sen. Dan Hughes

Originally introduced by Lincoln Sen. Matt Hansen, LB808 allows a municipality to amend an existing Local Municipal Economic Development plan to add or remove a qualifying business if its citizen advisory review committee recommends the removal. The provisions require a public hearing and a supermajority vote—two-thirds of members—of the municipality's governing body.



Sen. Matt Hansen

The bill passed on a 44-1 vote. ■

LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

Amendment On File - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

Amendment Printed Separate - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

Appropriation Bill (“A” Bill) - a bill to appropriate funds to finance another bill bearing the same number.

Attorney General’s Opinion - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

Call of the House - a procedure used to compel attendance of unexcused senators in the chamber.

Carry-over Legislation - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

Chair - the presiding officer.

Cloture - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

Constitutional Amendment Resolution - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

Consent Calendar - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

Emergency Clause (“E” Clause) - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

Engrossment - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

Enrollment and Review (E&R) - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

Executive Session - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

Final Reading - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

Fiscal Note - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

Floor - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” it means the bill is being sent to the full Legislature for consideration.

General File - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

Hearing - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

House Under Call - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

Interim Study Resolution - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

Laws of Nebraska (Session Laws) - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

Legislative Bill (LB) - a proposal to create, change or delete one or more laws.



Legislative History - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

Legislative Journal - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

Legislative Resolution (LR) - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

Line-Item Veto - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

Machine Vote - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

Major Proposal - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

One-liner - a one-line description of a bill or resolution.

Override a Veto - see Veto Override.

President of the Legislature - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madam President, the lieutenant governor alone holds the official title.

Presiding Officer - the senator currently presiding over legislative proceedings.

Priority Bill - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

Record Vote - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system and the senators' names and corresponding votes are then printed in the Legislative Journal.

Regular Session - the annual session that begins the first Wednesday after the first Monday in January.

Resolution - see Legislative Resolution.

Revisor Bill - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

Roll Call Vote - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

Select Committee - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

Select File - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

Session - a period of time, usually a number of days, during which the Legislature meets and transacts business.

Session Laws - compilation of all laws and constitutional amendment resolutions passed in a session.

Sine Die - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

Slip Law - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

Speaker of the Legislature - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and presides in the absence of the lieutenant governor.

Special Committee - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

Special Session - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

Standing Committee - a permanent committee with subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

Summary Sheet - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

Veto - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

Veto Override - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

Voice Vote - a vote in which senators cast their votes orally and no totals are recorded.

Worksheet - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



Unicameral Information Office
Nebraska Legislature
P.O. Box 94604
Lincoln, NE 68509
03-23-05

PRESRT STD
U.S. POSTAGE PAID
LINCOLN, NE
PERMIT NO. 212

