

Chief justice discourages community corrections cuts



Nebraska Supreme Court Chief Justice Michael Heavican gave his tenth State of the Judiciary address to the Legislature Jan. 19.

Nebraska Supreme Court Chief Justice Michael Heavican appraised the judicial branch's accomplishments over the past decade and urged lawmakers to carefully consider proposed cuts to the state's court system in his State of the Judiciary address Jan. 19.

Heavican told legislators that he had both good and bad news to deliver in his annual address, the tenth he has delivered to the Legislature. He began by summarizing factors that increasingly burden the state's court system. The first, he said, is the growing number of Nebraskans who represent themselves in court without legal assistance.

"This court, the Nebraska State Bar Association, hundreds of volunteer lawyers and both the Creighton

University School of Law and the University of Nebraska College of Law have worked diligently to lessen the problems that unrepresented parties pose to our court system," he said.

The Access to Justice Committee also is working to increase access to legal services in Nebraska, Heavican said, by creating self-help centers at courthouses in Omaha, Lincoln, Grand Island, Scottsbluff, Kearney and Norfolk.

"The committee will try to tackle special problems of access to justice for Nebraska's minority communities and seek ways to fund legal aid and lawyer volunteer services," he said.

It also will look for ways to attract lawyers to the state's rural areas, which face a critical shortage of legal services, Heavican said. The shortage

(continued page 2)

Graduated accountability proposed for juvenile probationers

The Judiciary Committee met for its first day of hearings Jan. 18 and considered a bill that would change how violations of juvenile probation terms are addressed.

LB8, introduced by Omaha Sen. Bob Krist, would authorize the Office of Probation Administration to develop a statewide matrix of immediate, certain and consistent sanctions for violations of court orders.



Sen. Bob Krist

Krist said implementing a graduated response system is an accepted best practice sponsored by the Juvenile Detention Alternatives Initiative (JDAI). He said other JDAI best practices currently used in Nebraska have led to a 50 percent reduction in population at the Youth Regional Treatment Center in Kearney.

"Over 20 years of research tells us that youth have better outcomes when provided graduated responses to behaviors," he said. "Yet our current system mirrors adult statutes and does not allow for age appropriate interventions."

A probation violation would be considered resolved upon a juvenile's successful completion of the sanction. Failure to complete a sanction could result in repetition or increased duration of the sanction, or an entirely new sanction.

The matrix also would include a series of graduated incentives to pro-

(continued page 3)

Chief justice discourages budget cuts to programs

(continued from front page)

also makes it difficult to fill vacancies for judgeships in the state's third congressional district, he added.

The need for interpreters is the second major workload challenge for the state's court system, Heavican said. In 2015, Nebraska's courts needed 133 interpreters speaking 43 different languages, including Spanish, Arabic and Somali. Over the last 10 years, he said, the courts have created a system to certify interpreters and adopted an interpreter code of ethics.

"This system uses technology to provide scarce and unique resources for all of our courthouses, however remote or isolated, with needed interpreter services," he said.

Technology also has made Nebraska's courts more accessible to the public, the chief justice said. Many trial courts have teleconferencing capabilities, Heavican said, and on March 1, all trial courts will provide television, radio and electronic coverage of proceedings. In 2016, he added, 650,000 court documents were filed electronically, and the courts electronically collected approximately \$21 million in fines and fees.

Heavican also summarized major programs the judiciary has taken up at the Legislature's behest. The first program allows judges to appoint legal guardians for elderly and mentally or physically disabled Nebraskans if they have no one else to represent them. In most states, public guardianship programs are housed under the executive branch, Heavican said, but the Nebraska Legislature chose the court system to administer it.

"We take that as a vote of confidence in our ability to competently implement and develop such a program," he said. "We have done that."

The court system also assembled a juvenile justice program from scratch after the Legislature requested it, Heavican added.

"By and large, this too has been a huge success," he said. "Preliminary budget problems were vigorously attacked, and the initial deficit of \$7 million that was projected to continue into this biennium has been completely erased."

But Heavican said the justice reinvestment program, passed into law by the Legislature in 2015 as LB605,

would be eliminated under an \$8.2 million budget cut suggested by Gov. Pete Ricketts. The program, meant to slow the rate of imprisonment and recidivism for short-term criminals by using probation, drug treatment and other measures, was developed and agreed to by the legislative, executive and judicial branches, he said.

"The commitment that all three branches of the government made was apparently for the convenience of the moment," he said. "And now, unless you live up to your end of the justice reinvestment bargain, we are left holding the bag."

To meet the proposed cuts, Heavican said, the judicial branch would have to cancel vouchers used to pay for short-term residential drug treatment, the intensive drug treatment program and other probation options in addition to delaying the hiring of new employees, including probation officers.

"Good community corrections programs work — they save lives and they save money," he said. "Keep the good community corrections programs you already have." ■

UNICAMERAL UPDATE

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Graduated accountability proposed for juvenile probationers

(continued from front page)

mote compliance and positive behaviors for juvenile probationers. Records of incentives for each youth would be available to the individual's attorney and the county attorney upon request.

LB8 would retain a probation officer's authority to file a motion to revoke probation in case of continued failure to complete sanctions or new law violations. It also would allow for detention of an individual if he or she is deemed a safety risk.

Corey Steel, state court administrator, supported the bill. He said targeted intervention would keep low-risk

offenders out of detention and set up youth for greater success during their probation term.

"The research is clear: when low-risk youth are detained for technical violations, it is detrimental to their outcomes," he said. "[The bill] continues to move Nebraska forward to have systems that require accountability while promoting positive behavioral change."

Christine Henningsen, an attorney from the University of Nebraska Center on Children, Families and the Law, also testified in support of the bill. She said minor probation violations

account for one of every four youth currently in detention. Addressing these cases with the sanctions proposed under the bill would be a step in the right direction, she said.

"In order to be effective, sanctions must be certain, immediate, proportionate, fair and tailored to the individual youth," Henningsen said. "Simply increasing the severity of sanctions does not have a deterrent effect. It is most important to be swift and certain."

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

EDUCATION

Protection for teachers' religious rights proposed

The right of a public school teacher to wear religious dress or garb would be protected under a bill heard by the Education Committee Jan. 17.

LB62, introduced by Norfolk Sen. Jim Scheer, would repeal a law prohibiting public school teachers from wearing religious dress or garb at school. School boards are required to suspend for one year any teacher in violation



Sen. Jim Scheer

of the laws and termination of employment is required after a second violation.

Violations could result in a fine of up to \$100 and a sentence of up to 30 days in county jail for a teacher. School board members who fail to report a teacher's violation would be guilty of a Class V misdemeanor, which could

result in a fine of up to \$100.

Scheer said he introduced the bill after learning of Sister Madeleine Miller, a Norfolk nun who was told she would be unable to wear her habit as a substitute teacher in the public school system. He noted that 34 of 35 states that had passed similar legislation have since repealed it.

"I've been around education for a long time and I had never heard of this [statute]," he said, adding that many teachers may be in violation of the law without knowing it.

Martin Cannon, representing the Thomas More Society, testified in support of the bill. He said the original statute is based on a flawed idea.

"[Many states believe] that in order to avoid a government establishing an official religion, it must prohibit teachers from expressing their religion," Cannon said. "[The statute] is blatantly unconstitutional. It cannot be fixed, only cured by repeal."

Representing the Nebraska Family Alliance, Nate Grasz also supported the bill.

"The right to live and work according to a person's beliefs is a critical com-

ponent to our society," he said. "No one should have to abandon their faith when they walk out their front door."

No one testified in opposition to the bill.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Agency review of licensing rules proposed

State agencies would be required to determine whether an occupational licensing rule fulfills its intended purpose under a bill heard by the Government, Veterans and Military Affairs Committee Jan. 20.

LB36, introduced by Omaha Sen. Burke Harr, would require state agencies to review rules and regulations dealing with the issuance of occupational credentials on a regular basis.



Sen. Burke Harr

Agencies would be required to complete documents that explain the purpose of each credentialing rule and the protection that each provides to Nebraska residents. The report also would make a determination that the rule or regulation has achieved its purpose without excessively impeding entrepreneurship and commerce. Finally, the assessment would include an estimate of the rule's cost to state agencies, political subdivisions and the people it regulates.

The state Department of Health and Human Services would be the first state agency required to review its occupational licensing rules and regulations, beginning Jan. 1, 2018. The reviews then would be required every five years, beginning in 2023. The state Department of Labor would begin similar periodic reviews of its rules in 2019, followed by all other state agencies in 2020.

Harr said many state agencies already review their occupational licensing rules and regulations periodically, but they are not required to invite public input during that process.

LB36 would require agencies to conduct a public hearing on each rule's assessment before submitting a final version to the Legislature's Executive Board. If agencies fail to assess a rule, it would be nullified.

"I think we have to constantly review our rules and regs," Harr said. "Is their purpose still valid? Is it still necessary?"

Jon Wilbeck, executive director of the Nebraska Board of Engineers and Architects, spoke in support of the bill. He said the board, which licenses 6,500 engineers and 1,500 architects around the state, plans to review its existing regulations early this year and hold a public hearing on proposed changes in April.

Wilbeck said requiring his agency to review its occupational licensing regulations every five years would be burdensome, but not overly so.

"The process outlined simply gives a more formal structure to what we essentially already do," he said, "and that is to put in place sufficient, relevant, easy-to-understand and necessary regulations."

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

Bill would require payment of penalties prior to candidacy

The resolution of civil sanctions would be required of candidates for public office under a bill heard by the Government, Military and Veterans Affairs Committee Jan. 18.

Under LB85, introduced by Bellevue Sen. Carol Blood, any person with outstanding late filing fees or civil penalties issued by the Nebraska Accountability and Disclosure Commission (NADC) would be prohibited from filing for election to public office.

Blood said candidates for public office should be held to a higher standard.

"Elected officials' salaries are paid by the public and these jobs place us in a position of public trust," she said. "When we address issues such as nonpayment of NADC fines, we continue to foster an ethical and moral culture that also expresses that certain behaviors have consequences."

The bill also would prohibit a person with outstanding civil penalties from appointment to any elected or appointed office. Blood had prepared an amendment that would narrow the scope of the bill to pertain only to outstanding civil penalties, not late filing fees.

Bill O'Donnell of Bellevue supported the bill. When a candidate disregards legal sanctions, he said, it tells voters that a candidate believes he

or she is above the law.

"Anyone elected to office has a moral and ethical obligation to the electorate that his or her candidacy reflects the highest honor, integrity and adherence to the law," O'Donnell said. "People aren't perfect, but it doesn't mean voters should have to accept behaviors or actions that disregard the rule of law and accountability."

NADC Executive Director Frank Daley also testified in support of the bill.

"[LB85] provides the Nebraska Accountability and Disclosure Commission an additional tool to collect civil penalties and helps us to avoid the expense of engaging in litigation and collection activities," he said.

There was no opposition to the bill and the committee took no immediate action on it.

Legislature would receive written corrective action reports

A bill intended to make audited agencies more responsive to recommendations by the state auditor's office was heard by the Government, Military and Veterans Affairs Committee Jan. 19.

Under LB151, introduced by Sen.

John Stinner of Gering, any entity subject to a comment or recommendation by the auditor of public accounts must electronically submit a



Sen. John Stinner

written report detailing any corrective action it has taken or plans to take in response. The bill would require the agency to submit the report no more than six months after the comment or recommendation was issued.

The auditor of public accounts would then evaluate the report and submit findings to the governor and the appropriate legislative committee.

The bill also would require the auditor to deliver the report to the Legislature's Appropriations Committee so that it could be entered into the record during the committee's budget hearing process.

Stinner said current law requires audited entities to work with the auditor of public accounts during the audit, but agencies sometimes disregard audit reports after completion.

"It is my intent to ensure that there is a follow-up throughout this process to demonstrate what, if any, corrective actions are being taken to alleviate concerns raised throughout the audit," he said.

Russ Karpisek, legislative liaison for the auditor of public accounts, testified in support of the bill. He said many audit findings are not corrected from one audit to the next.

"The auditor's office does not have any authority to enforce entities to use corrective action, and there have been instances where the entity has told the office that there is nothing we can do to them so they will not be doing anything we recommend," Karpisek said. "Unfortunately they are right."

The proposed bill would encourage entities to take the auditor's recommendations more seriously, he said, because it would give the Legislature—which approves state agencies' budgets—a clear sign of whether an agency took corrective action.

Carolyn Murphy, speaking on behalf of the Nebraska State College System, provided neutral testimony on the bill. She said the NSCS is concerned that the bill would repeal the current requirement that the auditor of public accounts conduct audits in a timely manner and in accordance with certain auditing standards.

"Conducting audits in a timely manner is critical for the NSCS when there are federal and state requirements as well as bond covenants containing

audit finding deadlines," she said.

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



Dental assistant licensure proposed

Nebraska dental assistants would have the option of becoming licensed under a bill heard Jan. 18 by the Health and Human Services Committee.

Seward Sen. Mark Kolterman, sponsor of LB18, said the bill is essentially the same as a measure he introduced in 2016, which was the result of six years of discussions among dentists, hygienists and others. That bill advanced from committee with strong support, he said, but the Legislature ran out of time to take action on it during floor debate.



Sen. Mark Kolterman

LB18 would create a new category of licensed dental assistant. Licensure would be optional under the bill, which also would create the position of expanded function dental assistant.

Kolterman said some dental practices in the state would benefit from dental assistants being able to obtain licensure and perform more procedures. However, he said, the goal of the bill also is to allow individuals currently employed as dental assistants to remain unlicensed if they choose.

"The goal is to create safe and quality care at the least cost and to be able to allow Medicaid providers the ability to appropriately delegate functions," he said.

Under the bill, a licensed dental as-

sistant applicant must be a graduate of an accredited dental assisting program or have performed a minimum of 1,500 hours of dental assisting. Passage of an exam and completion of continuing education also would be required.

A licensed dental assistant would be authorized, under the indirect supervision of a licensed dentist, to:

- perform coronal polishing;
- take dental impressions and x-rays; and
- monitor and administer nitrous oxide analgesia.

In addition to creating the position of licensed dental assistant, the bill would provide the option for credentialing in expanded duties for licensed dental assistants, dental hygienists and public health hygienists.

Cynthia Cronick, representing the Nebraska Dental Assistants Association, testified in support of the bill. Allowing dental assistants to become licensed would provide a career path for individuals who desire it, she said, without placing an undue burden on dental practices.

"This ensures that current dental assistants do not lose their jobs or any of their duties," she said. "LB18 ensures that no dental assistants are displaced."

Jessica Meeske, a children's dentist with practices in Hastings and Grand Island, also testified in support. Allowing other members of a dental team the option of taking on more procedures in a dental practice would improve access to care and oral health in rural Nebraska, she said.

Meeske said that Medicaid covers nearly half of the children in Nebraska, including 70 percent of those seen in her practice. As long as Medicaid reimbursement remains stagnant, she said, the reality of these numbers puts pressure on dental practices.

"Allowing us to delegate those duties where the dentist's expertise is not

needed allows us to be more efficient in how we deliver dental care,” she said.

No one testified in opposition to the bill and the committee voted 7-0 to advance it to general file.

Bill would remove acupuncture referral requirement

A bill heard Jan. 18 by the Health and Human Services Committee would remove a requirement that an individual receive a referral from a medical practitioner before seeking services from a licensed acupuncturist.

Under current law, a patient must obtain a letter of referral from a medical practitioner within a 90-day period prior to seeking services from an acupuncturist.

Seward Sen. Mark Kolterman, sponsor of LB19, said a recent state review determined that the requirement serves no public safety interest and should be removed.

“LB19 simply codifies in statute the findings of the [review] report,” he said.

Under the bill a licensed acupuncturist instead would be required to refer a patient to an appropriate practitioner if his or her symptoms were beyond the training, experience or competence of the acupuncturist.

Donna Huber, a licensed acupuncturist and representative of the Nebraska Acupuncture and Oriental Medicine Association, testified in support of the bill. The state currently has stringent licensure requirements for acupuncture practitioners, she said, adding that referral by a doctor does not make treatment safer, only more expensive.

“This [bill] is standard language adopted in other states and that we are trying to make uniform,” Huber said. “We are committed to making acupuncture accessible, affordable and above all safe.”

No one testified in opposition. The

committee advanced LB19 to general file on a 7-0 vote.

Medical licensure compact participation sought

A bill that would clear the way for qualified physicians to practice in other states through participation in an interstate compact was heard Jan. 19 by the Health and Human Services Committee.

Seward Sen. Mark Kolterman, sponsor of LB61, said Nebraska participation in the compact would increase health care accessibility for patients in underserved and rural areas. The compact would not change the state’s existing medical licensure requirements, he said, but would enhance health care options for Nebraskans.

Kolterman said 18 states have passed legislation to join the compact, including all of Nebraska’s neighbors except Missouri.

“These Midwestern states see this as an opportunity to expand our health care work force by streamlining licensure while still maintaining our Medical Licensure Practice Act,” he said.

Under the bill, Nebraska would join the existing compact, through which a physician licensed in a member state who meets eligibility requirements can receive an expedited license in another member state.

Nebraska also would be a member of the interstate commission that develops rules governing membership in the compact and provides mediation and binding dispute resolution between member states.

Jeanne McClure, government affairs administrator for CHI Health, testified in support of the bill. Participation in the compact could increase telehealth opportunities in Nebraska, she said, which currently faces a shortage of specialists and primary care providers.

“Telehealth allows health care workers to stay in their communities, receive continuing education, certification and recertification,” she said, “Telehealth’s biggest benefit, however, is when a patient in one location can see a specialist in another without either one having to travel.”

Kim Robak, representing the Nebraska Medical Association, also testified in favor of LB61.

“It’s important to take whatever steps that we can to remove barriers to access — to telemedicine particularly — across state borders,” Robak said, and allowing licensure in multiple states would advance that goal.

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

Background checks for child care providers considered

Criminal background checks for all licensed child care programs in Nebraska would be mandatory under a bill heard Jan. 20 by the Health and Human Services Committee.

Under LB284, introduced by Ralston Sen. Merv Riepe, the state Department of Health and Human Services (DHHS) would have the authority to require federal criminal background checks for all staff and employees of licensed child care programs and providers that receive federal subsidy funds.

Riepe said the reauthorized federal Child Care and Developmental Block Grant Act requires the background checks. DHHS currently may require federal criminal background checks as part of the licensure process, but it is not mandatory.



Sen. Merv Riepe

LB284 would make those checks mandatory at the expense of the licensee. An estimated 14,500 federal background checks would be required, Riepe said, at a cost to the licensee of approximately \$29 each.

Nebraska receives more than \$30 million annually from the block grant to fund child care licensing activities in the state, Riepe said.

“In addition, Nebraska uses the funds for an array of activities supporting quality child care, including child care subsidies, health and safety monitoring of licensed child care providers, professional development and trainings,” he said. “Failure to comply with grant requirements would result in the potential loss of all or part of those funds.”

Jennifer Roberts-Johnson, deputy director of the DHHS Division of Public Health, testified in support of the bill. The block grant funds provided by the federal government is the primary funding source for improving the quality of child care in Nebraska, she said.

“All states that receive Child Care and Developmental [Block Grant] funds must ensure that there is an FBI background check completed on all licensed child care programs, as well as programs that are not required to be licensed but receive subsidy,” Roberts-Johnson said.

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

JUDICIARY

Privacy restrictions suggested for automatic license plate readers

Members of the Judiciary Committee heard testimony Jan. 19 on a bill designed to protect the privacy of information collected by automatic

license plate readers.

An automatic license plate reader is a mobile or fixed automated, high-speed camera used in conjunction with a computer to convert images of license plates into readable data. That data can then be used to enforce parking and traffic violations, aid weighing stations in performing their duties and assist law enforcement in pursuing criminal warrants.

Under LB93, introduced by Lincoln Sen. Matt Hansen, a governmental entity or criminal defendant could obtain a court order to release data captured by a license plate reader if it could be proven that the data is relevant to an ongoing criminal or missing persons investigation.

Hansen said the technology can be especially useful for law enforcement agencies.

“However, as with any technology that enables the government to collect data on its citizens, [automatic license plate readers] create concern,” he said. “It makes sense to implement a policy of best practices to secure the data.”

Amy Miller, legal director of the ACLU of Nebraska, testified in support of the bill. She said the average license plate reader can scan up to 1,800 license plates in one minute.

“[LB93] permits the use of automatic license plate readers for police but also provides limits and guidelines to ensure we balance that with the privacy rights of citizens,” she said, adding that a national study showed 99.09 percent of images captured are of citizens who have done nothing wrong.

The bill stipulates that data obtained by a license plate reader would be destroyed upon denial of such a court order or after six months, whichever is

later. The sharing of data obtained by a license plate reader would be prohibited and any person who violates the provision would be subject to civil liability.

Each governmental entity would provide a report of its license plate reader data to the Nebraska Commission on Law Enforcement and Criminal Justice. The report would include the number of license plates scanned, lists of names matched against plate data, the number of matches resulting in arrest or prosecution and the number of requests to preserve data.

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

Stronger penalty proposed for witness tampering

Creating a stronger deterrent to the crime of witness tampering was discussed during a hearing of the Judiciary Committee Jan. 19

Currently, tampering with a witness in an attempt to change the outcome of a felony charge is categorized as a Class IV felony, which carries a penalty of up to two years in prison with one year of post-release supervision, a fine of up to \$10,000 or both.

LB102, introduced by Omaha Sen. Robert Hilkemann, would raise the offense to a Class II felony, which carries a penalty of one to 50 years in prison. Hilkemann said witness tampering is a serious problem impacting the successful prosecution of violent crimes.

“As a state senator, it’s my job to ensure that, as a state, we are tough on crime,” he said. “[LB102] would ensure witnesses feel safe in coming forward with valuable information so



Sen. Matt Hansen



Sen. Robert Hilkemann

that serious and violent crimes could be effectively prosecuted.”

Matt Kuhse, Omaha city prosecutor, supported the bill, saying a person facing life in prison for murder could convince a key witness to disappear, resulting in a dismissed case. If found guilty of tampering, that person would face up to only two years in prison under current law.

“Increasing the penalty from a Class IV to Class II felony would serve as a deterrent,” Kuhse said. “Maybe a little more thought goes on before engaging in tampering when they could be convicted of a more serious crime.”

Omaha Deputy Police Chief Greg Gonzalez also testified in support of the bill.

“To get witnesses to come forward and then to not have them on the first day of trial is disheartening,” he said. “[The bill] would add credence to the system insofar as protecting the integrity of our witnesses.”

Mandy Gruhlkey, representing the Nebraska Criminal Defense Attorneys Association, opposed LB102 saying the leap from a potential two-year sentence to a 50-year penalty is too extreme. Language regarding who may be charged under the bill also is too vague, she said.

The committee took no immediate action on the bill.

Bankruptcy provisions, wage garnishment discussed

The Judiciary Committee heard two bills Jan. 20 that would expand bankruptcy provisions and establish a wage garnishment fee.

Currently, a person may exempt up to \$2,500 of personal property when filing for bankruptcy or resolving a creditor judgment. LB105, in-



Sen. Lydia Brasch

roduced by Bancroft Sen. Lydia Brasch,

would increase that exemption to \$5,000.

Brasch said the exemptions were created as a safety net for personal property. Modernizing the 20-year old limits will help debtors maintain a level of dignity in the face of financial hardship, she said.

“The longer the Legislature goes without updating exemption amounts, the less debtors will be able to keep due to inflation,” Brasch said.

LB105 additionally would increase an exemption for household items from \$1,500 to \$3,000 and an exemption for business tools and equipment from \$2,400 to \$5,000. The bill also includes a separate exemption for a debtor’s interest in a motor vehicle for up to \$5,000.

Gregg Neuhaus, a Grand Island attorney, spoke in favor of the bill. He said the separate motor vehicle exemption is important for many Nebraskans.

“A lot of people in Nebraska don’t have access to public transportation and accommodations,” he said. “A rural Nebraskan may have to drive 40 or 50 miles to get to the doctor or the grocery store. Vehicles are necessary for survival, not just getting to work.”

In opposition to the bill, Omaha creditor attorney Sara Bauer said the exemptions made sense for bankruptcy filings, but could create unnecessary difficulties for creditors attempting to collect on valid judgments against debtors.

The committee also heard testimony on LB229, introduced by Gothenburg Sen. Matt Williams, which would allow financial institutions to impose a \$15 fee for each wage garnishment request filed by a creditor.



Sen. Matt Williams

If a financial institution charges a process fee to a debtor as part of a garnishment proceeding, the \$15 fee would be deducted from the process fee.

Under current law, creditors must have a good reason to believe that a debtor maintains an account with a specific financial institution before filing a garnishment request. Williams said many creditors ignore the law and file multiple requests at different banks, which must then absorb the associated costs regardless of whether an account exists.

“The small fee proposed by LB229 is justified compensation for the benefits received [by the creditor],” he said. “Everyone in the chain of collection is paid some sort of fee by the judgment creditor, except for the banks. It’s time to fix that.”

Representing the Nebraska Bankers Association, Robert Hallstrom supported the bill, saying it would encourage creditors to more closely follow existing law and discourage them from “fishing” for accounts that may or may not exist.

John Rogers, an Omaha creditor attorney, opposed LB229. Each time a creditor files multiple garnishment requests without a good reason to believe an account exists at a particular bank, he said, those fees are passed on to the debtor.

“This \$15 fee is going to raise the cost of a judgment every time a creditor files a garnishment,” Roger said, adding that the bill will not make the process easier or cheaper for the debtor.

The committee took no immediate action on the bill.



Savings account for first-time home buyers proposed

The Revenue Committee heard a bill Jan. 18 that would allow first-time home buyers in Nebraska to deposit money in a dedicated, tax-advantaged

savings account.

LB15, introduced by Omaha Sen. Joni Craighead, would allow individuals, or those filing a joint income tax return, to open a first-time home buyer savings account at a Nebraska financial institution. Earned interest and other income in the account would not be subject to Nebraska income tax as long as the money is used to pay for the purchase and closing costs of a single-family home in the state.



Sen. Joni Craighead

Craighead said the bill would enable parents and grandparents to set aside money for their children or grandchildren to buy their first home.

“The bill would create not only a tax incentive for becoming a first-time home buyer in our state,” she said, “but would have extending benefits to the real estate, banking and financial industries of Nebraska.”

Beginning Jan. 1, 2018, individuals could contribute up to \$14,000 per year to the account, and those filing a joint tax return could contribute up to \$28,000 per year. Total contributions per year would be limited to \$50,000, and the account would be capped at \$150,000.

All contributions to the account would be post-tax. For state income tax purposes, an account holder’s federal adjusted gross income would be reduced by the amount of earned interest or other income in the account.

Arla Meyer, a managing broker at Woods Bros Realty in Lincoln, testified in support of the bill. She said the measure would encourage young people to buy homes at a time when home ownership in Nebraska is at a 50-year low. She said the proposal would induce millennials to stay in Nebraska instead of moving to states that have incentives for first-time home buyers.

“We have to have something that’s going to keep [millennials] here and want to stay here in Nebraska instead of going other places that may offer these incentives,” she said.

Real estate transactions also help drive the state’s economy, Meyer said. The typical home sale generates more than \$13,000 for agents, brokers, appraisers, inspectors and repairmen, she said, and people typically spend \$4,500 on furniture and appliances when they buy a new home.

Gene Brake, representing the Nebraska Realtors Association, also supported the bill. He compared the proposed savings account to a 529 savings account, which gives parents, grandparents and others the ability to deposit money in a tax-advantaged account to be used for a child’s education. He said allowing such contributions could help young Nebraskans afford their first home.

“I think this is a great opportunity to help young folks get involved in real estate,” he said.

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

URBAN AFFAIRS

Population thresholds, verification procedures proposed

The Urban Affairs Committee heard two bills Jan. 17 that would clarify how population thresholds for certain cities and counties are met and verified in state law.

Lincoln Sen. Matt Hansen introduced LB113, which he said arose from an interim study to clarify how population



Sen. Matt Hansen

thresholds are measured and verified in Nebraska. He said that while the state has clear threshold numbers for the five classifications of municipalities, clarification is needed to determine when those thresholds are met.

“[The interim study] pointed out several issues that needed to be updated,” Hansen said. “Since the interim hearing, we’ve been working to find the best way to update the statutes in a clear and concise way.”

Under the bill, all municipalities would notify the Nebraska secretary of state when a population threshold is crossed. Currently, some classifications of municipalities are required to provide notification to the governor.

The bill also would specify that population would be determined by the most recent federal decennial census or certified U.S. Census Bureau count.

Hansen said he is working on a possible amendment that would allow municipalities also to use the American Community Survey to verify population numbers.

David Cary, planning director of the Lincoln/Lancaster Planning Department, testified in support of LB113, saying Lincoln is nearing the 300,000 population threshold to move from a primary class to a metropolitan class city under state law. However, the threshold likely will be met between mid-2020 and late 2021, he said, meaning that the city would have to wait until the 2030 census to certify the status change under current law.

Providing for use of the annually conducted American Community Survey would enable the city to apply for reclassification before confirmation by a new census, he said.

“If the city was not allowed to formally move into the metropolitan class of city until after the 2030 decennial census, Lincoln and the state of Nebraska would have lost nearly a full

decade of the potential benefits that a metropolitan class designation offers its citizens,” Cary said.

Also introduced was LB74, sponsored by Bellevue Sen. Sue Crawford. She said laws passed several years ago created different annexation and development review procedures for municipalities of dif-



Sen. Sue Crawford

ferent sizes located within a county with a population between 100,000 and 200,000.

“LB74 would align the county population threshold for annexation, review of proposed subdivision plats and the approval of planned unit developments at a range between 100,000 and 250,000,” she said.

Currently, Sarpy County is the only Nebraska county that falls within the population range covered by the bill.

Crawford said the bill also would

clarify that the population thresholds would be determined by the most recent federal decennial census or the most recent revised certified count by the U.S. Bureau of the Census.

Joe Kohout, representing the United Cities of Sarpy County, testified in support of the bill. He said that La Vista, Papillion, Springfield and Gretna are in favor of the clarifications.

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

NEW BILLS

Jan. 17, 2017

Bill	Introducer	One-line description
LB431	Erdman	Change provisions relating to cash reserves under the Nebraska Budget Act
LB432	Erdman	Eliminate provisions of the Nebraska Budget Act relating to allowances for delinquent taxes and anticipated litigation
LB433	Ebke	Require a criminal history record information check for employees who have direct access to federal tax information
LB434	Ebke	Change videoconferencing provisions relating to certain juvenile hearings
LB435	Ebke	Change provisions relating to escape
LB436	Ebke	Change the definition of employer to exclude franchisors for purposes of certain labor statutes
LB437	Craighead	Change requirements for independent instrumentalities under the Taxpayer Transparency Act
LB438	Howard	Increase cigarette and tobacco taxes as prescribed and provide for the distribution of funds
LB439	Wishart	Change licensure and regulation provisions for assisted-living facilities
LB440	Wishart	Provide immunity from criminal or civil liability for removal of an animal from a vehicle by forcible entry as prescribed
LB441	Morfeld	Change eligibility provisions under the Medical Assistance Act
LB442	Bolz	Create the Medical Assistance Managed Care Organization Oversight Committee
LB443	Bolz	Adopt the Student Loan Repayment Tax Credit Act
LB444	Walz	Prohibit cities and counties from canceling health insurance coverage for injured law enforcement officers
LB445	Chambers	Prohibit lobbyist-provided meals and beverages for legislators during session in the State Capitol
LB446	Chambers	Eliminate the death penalty and change and eliminate provisions relating to sentencing
LB447	Chambers	Eliminate certain mandatory minimum penalties
LB448	Chambers	Eliminate provisions relating to the hunting of mountain lions
LB449	Chambers	Repeal the Black-Tailed Prairie Dog Management Act
LB450	Chambers	Adopt the Patient Choice at End of Life Act
LB451	Murante	Change various provisions relating to elections as prescribed
LB452	Lindstrom	Impose sales tax on services and change income tax rates and personal exemption amounts
LB453	Lindstrom	Change provisions relating to income tax adjustments for social security benefits
LB454	Lindstrom	Allow credit unions to opt out of licensing loan officers
LB455	Quick	Update references to the National Electrical Code
LB456	Briese	Provide for supportive services for disabled parents in family and dependency matters
LB457	Briese	Change exceptions to school district levy and budget exceptions for voluntary termination agreements

NEW BILLS

Bill	Introducer	One-line description
LB458	Harr	Change provisions relating to the County Purchasing Act
LB459	Smith	Change provisions relating to governance of the statewide one-call notification center and provide for the establishment of best practices
LB460	Smith	Change provisions regulating the transportation of clients of the Department of Health and Human Services and other authorized agencies as prescribed
LB461	Smith	Correct references to a federal act in a revenue statute
LB462	Smith	Correct provisions relating to the streamlined sales and use tax agreement
LB463	Watermeier	Change a provision relating to appointment to certain cemetery boards
LB464	Watermeier	Change provisions of the Administrative Procedure Act relating to rules and regulations
LB465	Watermeier	Appropriate funds to the State Department of Education
LB466	Brasch	Change credentialing and regulation of nurse-midwives
LB467	Krist	Change provisions relating to certain tax incentive programs
LB468	Krist	Change revenue and taxation provisions
LB469	Larson	Adopt the Fantasy Contests Act and provide a gambling exception for conducting or participating in fantasy contests
LB470	Larson	Change provisions of the Nebraska County and City Lottery Act relating to the manner of play of keno, use of electronic tickets, and authorized methods of payment
LB471	Kolowski	Provide for enforcement of the prohibition against using a handheld wireless communication device as a primary action
LB472	Bostelman	Change provisions relating to signs and advertising on highways
LB473	Walz	Require rest periods for employees
LB474	Baker	Require insurance coverage for synchronizing prescription medications
LB475	Schumacher	Change the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act
LB476	Hilgers	Change provisions relating to domestication of foreign corporations and the effect on original incorporation dates
LB477	McCollister	Prohibit certain unlawful acts as prescribed relating to the Weights and Measures Act
LB478	Groene	Provide for possession of archery equipment and knives for recreational purposes
LB479	Groene	Change public hearing provisions and redefine a term under the Nebraska Budget Act
LB480	McCollister	Provide requirements relating to health benefit plan coverage for insureds in jail custody
LB481	Kuehn	Provide for drug product selection for interchangeable biological products
LB482	Smith	Adopt the Government Neutrality in Contracting Act
LB483	Hilgers	Provide a rules of procedure exemption for the Public Service Commission
LB484	Kolowski	Create the School Financing Review Commission
LB485	Pansing Brooks	Create Chief Standing Bear and Indigenous Leaders' Day
LB486	Kolterman	Change continuing education requirements for insurance licensees
LB487	Morfeld	Provide exception to certain crimes for persons witnessing or experiencing drug overdoses and provide protection from civil liability for emergency responders and peace officers administering naloxone
LB488	Groene	Adopt the Water Conservation Grant Act
LB489	Groene	Redefine development project under the Community Development Law
LB490	Walz	Adopt the College Choice Grant Program Act
LB491	McCollister	Create the offense of fraudulent misrepresentation of a service animal and provide penalties
LB492	Harr	Adopt the Self-Service Storage Facilities Act and authorize certain liens
LB493	Krist	Appropriate funds to maintain the Network of Care
LB494	Briese	Provide for withholding public records relating to energy infrastructure

NEW BILLS

Jan. 18, 2017

Bill	Introducer	One-line description
LB495	Riepe	Change provisions relating to developmental disabilities
LB496	Stinner	Define and redefine terms under the Community Development Law
LB497	Brewer	Change references to a federal form relating to veterans
LB498	Brewer	Change provisions relating to transfer of homestead exemptions
LB499	Brewer	Provide for voluntary registration and duties for the Department of Agriculture under the Nebraska Apiary Act as prescribed
LB500	Brewer	Authorize the carrying of concealed handguns by qualified active and retired law enforcement officers
LB501	Brewer	Change prohibition on locations where permit holder may carry a concealed weapon
LB502	Brewer	Adopt the Permitless Concealed Carry Act
LB503	Brewer	Prohibit certain provisions in collective-bargaining agreements
LB504	Brewer	Provide for a moratorium on industrial development of wind energy projects and for a task force study as prescribed
LB505	Brewer	Adopt the Refugee Resettlement Notification Act
LB506	Albrecht	Adopt the Compassion and Care for Medically Challenging Pregnancies Act
LB507	Albrecht	Eliminate the Farm Labor Contractors Act
LB508	Hilgers	Change the population threshold for the county civil service system
LB509	Ebke	Change provisions relating to the issuance of subpoenas
LB510	Ebke	Provide a restriction on installment contracts for the purchase of real or personal property by political subdivisions
LB511	Education	Change provisions for payment of educational costs for state wards and students in residential settings
LB512	Education	Change provisions related to education
LB513	Hilkemann	Appropriate funds to provide a base rate increase for certain hospital services as prescribed
LB514	Bolz	State intent to appropriate funds for a Justice Reinvestment Initiative Coordinator
LB515	Bolz	Create the Nebraska Integrated Education and Training Grant Program
LB516	Pansing Brooks	Change provisions relating to a report on juvenile facilities
LB517	Pansing Brooks	Change provisions regarding transfer of property upon death
LB518	Williams	Adopt the Rural Workforce Housing Investment Act and transfer funds from the Affordable Housing Trust Fund
LB519	Hansen	Change Employment Security Law provisions relating to employers' experience and reimbursement accounts
LB520	Hansen	Require notification when persons prohibited by state or federal law obtain a handgun or concealed carry permit
LB521	Walz	Change provisions related to early childhood education in the Tax Equity and Educational Opportunities Support Act
LB522	Walz	Change Nebraska Telecommunications Universal Service Fund provisions
LB523	Walz	Change provisions relating to financial assistance from the Nebraska Internet Enhancement Fund
LB524	Walz	Appropriate funds to supplement financial assistance from the Nebraska Internet Enhancement Fund
LB525	Morfeld	Change funding provisions related to the Education Innovation Fund
LB526	Morfeld	Change provisions relating to debtor's rights, garnishment, attachment, and other debt collection procedures
LB527	Morfeld	Provide for subpoena of records in certain cases
LB528	Harr	Change provisions relating to the New Markets Job Growth Investment Act
LB529	Harr	Authorize county courts sitting as probate courts in cases of guardianship to authorize abortions in judicial by-pass cases

NEW BILLS

Bill	Introducer	One-line description
LB530	Harr	Change requirements for providing information to the Legislative Fiscal Analyst and provide for withholding appropriations
LB531	Harr	Change sales tax collection fees for motor vehicles
LB532	Kolterman	Change provisions relating to a military service credit for certain retirement plans as prescribed
LB533	Vargas	Require liability insurance for and restrict locations of underground enhanced recovery injection wells and wastewater disposal wells
LB534	Vargas	Provide for a housing coordinator within the Department of Health and Human Services
LB535	Hughes	Provide an exception for filing a statement with the register of deeds when recording an oil, gas, or mineral lease
LB536	Hughes	Clarify disbursement provisions for natural resources districts
LB537	Hughes	Provide for drug screening for applicants and recipients of cash assistance
LB538	Wishart	Appropriate funds for Legal Education for Public Service and Rural Practice Loan Repayment Assistance
LB539	Krist	Change investigation and report provisions relating to the Office of Inspector General of the Nebraska Correctional System
LB540	Stinner	Provide for a temporary aid adjustment factor in the Tax Equity and Educational Opportunities Support Act
LB541	Quick	Change provisions of the Nebraska Lottery and Raffle Act relating to gross proceeds restrictions, special permits, and prize percentages
LB542	Kuehn	Provide for liens and recovery of debt incurred under the Medical Assistance Act
LB543	Watermeier	Change provisions relating to applications and reporting requirements under the Nebraska Advantage Act
LB544	Watermeier	Provide for elimination of the office of clerk of the district court as prescribed
LB545	Watermeier	Provide for fund transfers relating to the Property Tax Credit Cash Fund
LB546	Watermeier	Change the Nebraska Advantage Act
LB547	Watermeier	State legislative findings, change provisions relating to eminent domain, and review by the Nebraska Power Review Board
LB548	Lindstrom	Provide for the consolidation of the Class V school employees' retirement system and the School Employees Retirement System of the State of Nebraska
LB549	Lindstrom	Eliminate requirement under the Nebraska Real Estate License Act that broker trust accounts be non-interest-bearing
LB550	Lindstrom	Change provisions relating to the Comprehensive Health Insurance Pool
LB551	Walz	Change qualifications for certain real property appraiser credentials
LB552	Walz	Provide for the Children's Connection program
LB553	Lowe	Provide for a nonelection of coverage under the Nebraska Workers' Compensation Act
LB554	Smith	Provide for a financial transparency web site for schools, school districts, and educational service units
LB555	Smith	Change and eliminate provisions of the Tax Equalization and Review Commission Act
LB556	Halloran	Change provisions relating to firearms and create the offenses of use of a facsimile or nonfunctioning firearm to commit a felony and possession of a firearm by a prohibited juvenile offender
LB557	Harr	Adopt the Great Opportunities Nebraska Act
LB558	Schumacher	Define the term knife for certain provisions of the criminal code
LB559	Schumacher	Prohibit the collection of interchange fees on specified taxes and fees relating to electronic payment transactions
LB560	Schumacher	Change restrictive housing and inmate discipline provisions
LB561	Schumacher	Create the Taxpayer Investment Program
LB562	McCollister	Require a monthly report from the Department of Correctional Services as prescribed
LB563	McCollister	Impose sales tax on certain services and eliminate certain sales tax exemptions
LB564	McCollister	Adopt the Nebraska Main Street Fairness Act
LB565	McCollister	Require the posting of tax incentive information under the Taxpayer Transparency Act

NEW BILLS

Bill	Introducer	One-line description
LB566	Nat. Resources	Adopt the Interstate Wildlife Violator Compact
LB567	Bolz	Change funding for county public assistance offices
LB568	Erdman	Change provisions related to temporary teaching certificates
LB569	Friesen	Establish the Community College Task Force and sunset community college levies
LB570	Friesen	Provide a property tax exemption for all tangible personal property
LB571	Friesen	Change state aid provisions relating to allocated income tax funds
LB572	Friesen	Provide termination dates for the Property Tax Credit Act and the Tax Equity and Educational Opportunities Support Act and change application deadlines under the Nebraska Advantage Act
LB573	Friesen	Change local competition determinations and rate list filing requirements under the Nebraska Telecommunications Regulation Act and provide for a nonregulated activity
LB574	Kintner	Change provisions relating to intimidation by telephone call and provide for intimidation by electronic message
LB575	Kolowski	Provide funding for schools offering certain programs and courses as prescribed
LB576	Brewer	Limit increases in property tax bills
LB577	Hilgers	Create offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush
LB578	McDonnell	Change medicaid reimbursement provisions relating to ground emergency medical transportation
LB579	McDonnell	Provide for termination of city occupation taxes subject to a vote and require vote on tax rate changes
LB580	McDonnell	Appropriate funds for the Office of Violence Prevention
LB581	McDonnell	Require lobbyists to disclose conflicts of interest to principals and provide for cancellation of contracts
LB582	McDonnell	Authorize membership in a credit union by geographic boundary
LB583	Kuehn	Remove the authority of veterinarians to dispense controlled substances
LB584	Friesen	Change provisions relating to mowing of weeds
LB585	Linehan	Change provisions relating to dangerous dogs, seizure of animals, and animal control authorities
LB586	Linehan	Change requirements for the prescription drug monitoring system
LB587	Crawford	Change provisions relating to school permits
LB588	Crawford	Exempt reflexology from licensure under the Massage Therapy Practice Act
LB589	Crawford	Provide for depositions of a child victim or child witness
LB590	Crawford	Change state building code provisions
LB591	Crawford	Provide for enforcement of building codes under the Contractor Registration Act
LB592	Crawford	Change the tax incentives available under the Nebraska Advantage Act
LB593	Hughes	Create the offense of criminal trespass to vehicles
LB594	Groene	Require a limited liability company seeking a tax benefit to file an amended certificate of organization
LB595	Groene	Provide for the use of physical force or physical restraint or removal from a class in response to student behavior
LB596	Groene	Exempt equine massage therapy from credentialing and regulation under the Veterinary Medicine and Surgery Practice Act
LB597	Groene	Provide for application process through county assessor and Tax Commissioner prior to using tax-increment financing
LB598	Groene	Require consideration of certain factors by the Commission of Industrial Relations when establishing wage rights
LB599	Groene	Exempt certain improvements on land from taxes as prescribed
LB600	Agriculture	Change various provisions of the Livestock Brand Act relating to the Nebraska Brand Committee
LB601	Erdman	Change distribution of sales and use tax revenue and provide duties for Department of Revenue
LB602	Erdman	Change and eliminate provisions relating to the valuation of agricultural land
LB603	Riepe	Require a high-deductible plan for state employees' health insurance

NEW BILLS

Bill	Introducer	One-line description
LB604	Riepe	Adopt the Nebraska Right to Shop Act and place duties on insurance carriers
LB605	Riepe	Change rate provisions relating to the ICF/DD Reimbursement Protection Fund
LB606	Riepe	Adopt the Volunteer Care Act and change provisions governing remedies for injuries or damages
LB607	Kintner	Provide a homestead exemption for certain first responders
LB608	Linehan	Adopt the Parental Choice Scholarship Program
LB609	Linehan	Provide fee schedules under the Nebraska Workers' Compensation Act
LB610	Kolowski	Adopt the Community Solar Energy Economic Development Act
LB611	Stinner	Require state agencies to provide a federal funding inventory
LB612	Wayne	Require direct access to 911 emergency service from certain telephone systems using Internet protocol-enabled services
LB613	Wayne	Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act
LB614	Wayne	Eliminate a restriction relating to appropriations under the Local Option Municipal Economic Development Act
LB615	Wayne	Provide for expungement of criminal history record information in cases of arrests based upon mistaken identity
LB616	Wayne	Add the Startup Nebraska Program Act and provide an exemption from income, sales, and use taxes
LB617	Wayne	Adopt the Industrial Hemp Act
LB618	Wayne	Change provisions relating to the use of the Transportation Network Company Regulation Cash Fund
LB619	Wayne	Permit certain counties to conduct elections by mail
LB620	Wayne	Appropriate funds to the Department of Economic Development
LB621	Wayne	Appropriate funds to the Public Service Commission
LB622	Wishart	Adopt the Medical Cannabis Act
LB623	Wishart	Change and eliminate provisions and penalties relating to assault on an officer, certain employees, or a health care professional
LB624	Wishart	Provide procedure to withhold from the public law enforcement officers' residential addresses in county records
LB625	Larson	Change the Property Assessed Clean Energy Act
LB626	Larson	Adopt the Shared Community Solar Act
LB627	Larson	Provide for the operation of autonomous motor vehicles as prescribed
LB628	Larson	Prohibit ordinances and resolutions prohibiting certain short-term rentals of residential property
LB629	Larson	Exempt certain commercial driver's license holders from hazardous waste endorsement requirements
LB630	Larson	Adopt the Independent Public Schools Act
LB631	Larson	Change the Nebraska Pickle Card Lottery Act and authorize methods of payment for participation in certain gaming activities as prescribed
LB632	Larson	Change provisions relating to the Nebraska Liquor Control Act and music licensing agencies
LB633	Kolowski	Authorize school districts to levy a tax and exceed budget authority for school security measures and student technology
LB634	Wayne	Include virtual school students in the state aid to schools formula
LB635	Bostelman	Change certain violations and penalties under the Game Law
LB636	Bostelman	Prohibit interference with hunting, trapping, or fishing by intimidation using a telephone or other communication device
LB637	Bostelman	Prohibit disclosure of information relating to firearm owners and concealed carry permit holders
LB638	Bostelman	Provide enhanced criminal penalties based upon a person's employment as prescribed
LB639	Bostelman	Change when a preference is required for certain government employment relating to servicemembers and their spouses and veterans
LB640	Groene	Change provisions of the Property Tax Credit Act and provide school district property tax relief
LB641	Morfeld	Create a Bioscience Innovation Program

NEW BILLS

Bill	Introducer	One-line description
LB642	Krist	Delay prescription drug monitoring requirements for veterinarians
LB643	Krist	Change automobile liability insurance and financial responsibility requirements
LB644	Government, Military & Veterans Affairs	Provide, change, and eliminate provisions governing boards, commissions, and similar entities
LB645	Pansing Brooks	Add dyslexia for purposes of special education
LB646	Pansing Brooks	Provide for an extreme weather preparedness task force and strategic action plan
LB647	Pansing Brooks	Change judges' salaries
LB648	Pansing Brooks	Create the New Machine Age Task Force
LB649	Pansing Brooks	Prohibit additional services or populations under the medicaid managed care program
LB650	Linehan	Change provisions for teaching certificates
LB651	Linehan	Adopt the Nebraska Reading Improvement Act
LB652	Kolowski	Authorize the display of the Honor and Remember Flag
LB653	Murante	Adopt the Redistricting Act
LB654	Murante	Provide jurisdiction under the Automatic Dialing-Announcing Devices Act to the Nebraska Accountability and Disclosure Commission for certain telephone calls and messages as prescribed
LB655	Murante	Authorize state employees to volunteer at public schools and certain nonprofit organizations
LB656	Baker	Provide for claims against the state by persons wrongfully incarcerated
LB657	Wayne	Adopt the Retail Electricity Transparency Act
LB658	Wayne	Provide for expert witness appointment as prescribed in certain juvenile proceedings
LB659	Wayne	Change and eliminate pipeline siting provisions and eminent domain provisions
LB660	Wayne	Adopt the Nebraska Retail Electricity Choice Act and remove a restriction on the sale or delivery of retail electricity by a private electric supplier
LB661	Kuehn	Provide for confidentiality of information relating to performing a lethal injection
LB662	Linehan	Establish a grading system for schools and school districts
LB663	Kuehn	Require a copy of a lobbying contract for lobbyist registration as prescribed
LB664	Kuehn	Prohibit a political subdivision from using taxes or fees to employ a lobbyist
LB665	Kuehn	Require a statement of activity regarding certain lobbying activity
LB666	Kintner	Change provisions relating to carrying a concealed weapon
LB667	Hilkemann	Change and eliminate provisions on taxes and fees on horseracing
LR15CA	Morfeld	Constitutional amendment prohibiting requiring a voter to present identification prior to voting
LR16CA	Wayne	Constitutional amendment to allow cities and villages to pledge taxes relating to a redevelopment project for up to twenty years in area is extremely blighted
LR17CA	Wayne	Constitutional amendment to eliminate requirements that property taxes be levied by valuation uniformly and proportionately
LR18CA	Larson	Constitutional amendment to change the age for eligibility for public office



COMMITTEE HEARINGS

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

Monday, January 23

Banking, Commerce & Insurance Room 1507 - 1:30 p.m.

LB140 (Williams) Change provisions relating to the Nebraska Banking Act, Department of Banking and Finance powers and duties, and other financial institution regulation

LB184 (Lindstrom) Change provisions relating to loan brokerage agreements, disclosure documents, and rights to cancel

LB185 (Lindstrom) Provide procedure and notice requirements and powers and duties for the Department of Banking and Finance with respect to certain abandoned license applications

LB186 (Lindstrom) Change provisions relating to licensee surety bonds under the Nebraska Money Transmitters Act
LB196 (Craighead) Revise powers of state-chartered banks, building and loan associations, and credit unions

Business & Labor

Room 2102 - 1:30 p.m.

LB203 (Kuehn) Change provisions relating to maximum annual unemployment

benefits and disqualification for benefits
LB181 (Quick) Provide for reimbursement to employees for certain medical examinations under the Nebraska Workers' Compensation Act
LB248 (Harr) Adopt the Youth Opportunities in Learning and Occupations Act
LB212 (Hansen) Adopt the In the Line of Duty Compensation Act

Education

Room 1525 - 1:30 p.m.

LB103 (Murante) Change provisions relating to accelerated or differentiated curriculum and require establishment of focus groups

LB235 (Walz) Clarify grant requirements for the Summer Food Service Program
LB109 (Blood) Provide for a temporary teaching certificate or permit for military spouses

General Affairs

Room 1510 - 1:30 p.m.

Appointments: Candy Henning, Melissa Marvin, Paula L. Pflueger, Reven Wright, Stephen Bader - Neb. Arts Council

Appointment: Helen Abbott Feller - State Racing Commission

Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB86 (Blood) Eliminate a requirement regarding opening bridge bids
LB271 (Hilgers) Authorize the Department of Roads to assume certain responsibilities under federal environmental laws and provide for limited waiver of the state's sovereign immunity
LB114 (Craighead) Change provisions relating to motor vehicle lighting requirements

Tuesday, January 24

Agriculture

Room 2102 - 1:30 p.m.

Appointment: Dennis Hoffman - Neb. State Fair Board
LB135 (Lowe) Change and eliminate Department of Agriculture provisions relating to publicity, publications, and personnel
LB276 (Albrecht) Change provisions relating to hybrid seed corn and provide enforcement powers and judicial remedies

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB17 (Craighead) Change and eliminate provisions of the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act
LB35 (Harr) Change provisions relating to the Nebraska Model Business Corporation Act

LB138 (Lindstrom) Provide for transfer of business interests under uniform transfer-on death security registration
LB142 (Williams) Redefine effective financing statement and change provisions relating to the master lien list with respect to farm product security interests

Education

Room 1525 - 1:30 p.m.

LB124 (Baker) Increase the probationary period of community college staff
LB123 (Pansing Brooks) Provide for reimbursement when certain postsecondary institutions terminate operations
LB396 (Morfeld) Change residency provisions relating to postsecondary educational institutions

Nebraska Retirement Systems Room 1525 - 12:00 p.m.

LB32 (Kolterman) Eliminate a duty of the Public Employees Retirement Board and change provisions relating to prior service retirement benefit payments for county employees

LB110 (Kolterman) Change duties and requirements relating to certain retirement plan reporting and change duties of the Auditor of Public Accounts and the Public Employees Retirement Board

Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB164 (Geist) Change provisions relating to trailers, commercial motor vehicle disqualification provisions, accident reports, and motor vehicle records disclosure and authorize the Department of Motor Vehicles to keep and sell certain registration and certificate of title records
LB177 (Bostelman) Change provisions relating to apportionable and fleet vehicles, motor fuel tax collections and enforcement, and powers and duties of the Director of Motor Vehicles

Urban Affairs

Room 1510 - 1:30 p.m.

LB317 (Hughes) Provide for a relevy or reassessment of a special assessment for cities of the second class or villages as prescribed

LB315 (Murante) Change provisions relating to the sale of real property by a city of the second class or village
LB159 (McCollister) Change provisions relating to when special assessments are payable for cities of the metropolitan class
LB130 (Urban Affairs) Change municipal annexation provisions relating to certain districts

Wednesday, January 25

Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.

LB240 (Baker) Provide for videoconferencing and telephone conferences for school board meetings
LB318 (Hughes) Authorize telephone conferencing for meetings of the Nebraska Brand Committee
LB388 (Lindstrom) Authorize remote electronic notarial acts

COMMITTEE HEARINGS

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

Health & Human Services Room 1510 - 1:30 p.m.

LB333 (Riepe) Eliminate an independent review of denial of aid to the disabled
LB334 (Riepe) Change Department of Health and Human Services provisions relating to families
LB335 (Riepe) Change provisions relating to a child care market rate survey
LB336 (Riepe) Provide a fee for registry checks under the Child Protection and Family Safety Act

Judiciary Room 1113 - 1:30 p.m.

LB146 (Hansen) Provide for set-asides of convictions for infractions
LB167 (Ebke) Include cannabidiol as a Schedule V controlled substance
LB293 (Larson) Include U-47700 as a Schedule I controlled substance under the Uniform Controlled Substances Act
LB350 (McCollister) Provide for setting aside certain misdemeanor and felony convictions

Natural Resources Room 1525 - 1:30 p.m.

LB182 (Hughes) Change powers and duties of the Department of Environmental Quality under the Drinking Water State Revolving Fund Act

Revenue Room 1524 - 1:30 p.m.

LB233 (Smith) Change revenue and taxation provisions
LB234 (Smith) Update references to the Internal Revenue Code
LB161 (Friesen) Change a carryover period under the Nebraska Advantage Act

Thursday, January 26

Executive Board Room 2102 - 12:00 p.m.

LB210 (Watermeier) Change standard and quality control provisions relating to legislative performance audit
LB230 (Watermeier) Create the Nebraska Economic Development Advisory Committee
LB464 (Watermeier) Change provisions of the Administrative Procedure Act relating to rules and regulations

Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.

LB431 (Erdman) Change provisions relating to cash reserves under the Nebraska Budget Act
LB432 (Erdman) Eliminate provisions of the Nebraska Budget Act relating to allowances for delinquent taxes and anticipated litigation
LB479 (Groene) Change public hearing provisions and redefine a term under the Nebraska Budget Act

Health & Human Services Room 1510 - 1:30 p.m.

LB255 (Crawford) Adopt the Dialysis Patient Care Technician Registration Act
LB267 (Linehan) Change provisions relating to onsite vaccinations at health care facilities
LB285 (Linehan) Change and eliminate provisions relating to human immunodeficiency virus testing

Judiciary Room 1113 - 1:30 p.m.

LB158 (Pansing Brooks) Change provisions relating to appointment of counsel for juveniles
LB180 (Bolz) Provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court
LB269 (Watermeier) Require motion picture theaters to provide open captioning
LB296 (McCollister) Change immunity provisions with respect to asthma and allergic reactions

Natural Resources Room 1525 - 1:30 p.m.

LB154 (Geist) Exempt completion certification for dam or reservoir from filing fee
LB176 (Bostelman) Eliminate obsolete provisions related to milldams

Revenue Room 1524 - 1:30 p.m.

LB295 (Smith) Adopt the Opportunity Scholarships Act and provide tax credits
LB65 (Hansen) Provide income tax credits for caregivers
LB118 (Hilkemann) Adopt the Education Savings Account Act and provide income tax adjustments

Friday, January 27

Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.

LB200 (Lowe) Provide that the county surveyor shall perform the duties of county highway superintendent in certain counties as prescribed
LB209 (Watermeier) Amend the Administrative Procedure Act by redefining a term and changing provisions relating to an index
LB458 (Harr) Change provisions relating to the County Purchasing Act

Health & Human Services Room 1510 - 1:30 p.m.

LB425 (Crawford) Change and eliminate provisions relating to the Nurse Practitioner Practice Act
LB166 (Kolterman) Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act
LB117 (Hilkemann) Adopt the Investigational Drug Use Act

Judiciary Room 1113 - 2:00 p.m.

LB162 (Krist) Change provisions relating to criminal mischief and change and provide additional penalties for bribing or tampering with witnesses, informants, or jurors
LB199 (McCollister) Eliminate certain state aid to counties for law enforcement and jail operations
LB349 (Hilkemann) Change provisions relating to the maintenance and administration of the State DNA Sample and Data Base Fund

Nebraska Retirement Systems Room 1525 - 12:00 p.m.

LB79 (Blood) Adopt the Small Business Retirement Marketplace Act

Revenue Room 1524 - 1:30 p.m.

LB44 (Watermeier) Adopt the Remote Seller Sales Tax Collection Act
LB564 (McCollister) Adopt the Nebraska Main Street Fairness Act
LB462 (Smith) Correct provisions relating to the streamlined sales and use tax agreement ■

MEET THE SENATOR

Lightning bolt moment sparks career in public service

Sen. Anna Wishart can tell you the exact moment that she was first inspired to run for elective office.

While attending an annual luncheon in honor of former Lincoln Mayor Helen Boosalis in 2010, she heard a speech by state Sen. Amanda McGill on the importance of women running for office. McGill had been elected to the Legislature in her early 20s.

“I turned to my mom and said, ‘Oh my gosh, I could do this,’” Wishart said. “I remember it so clearly; Amanda literally spoke to me.”

Soon after, the 25-year-old decided to run for the Lincoln Airport Authority. After five years on the board, including serving as chairperson, Wishart decided to take an even bigger leap and seek the open seat in her legislative district.

Having served as a legislative staffer for six years — and as campaign manager for a state senator — Wishart knew the territory well. As a life-long Lincoln resident, she also knew her district, but wanted to learn more.

So, she and her faithful border collie Finnegan hit the campaign trail.

“Knocking doors is an incredible opportunity to get to know the people you want to serve,” Wishart said, “but I’m slightly introverted, so my dog Finn was a great icebreaker. People still ask about him.”

Another dog, along with two horses, help the new senator pursue her love of the outdoors. A fan of long distance running and horseback riding, Wishart said she spends as much time in nature as possible, visiting Lincoln’s Wilderness Park four or five times per week.

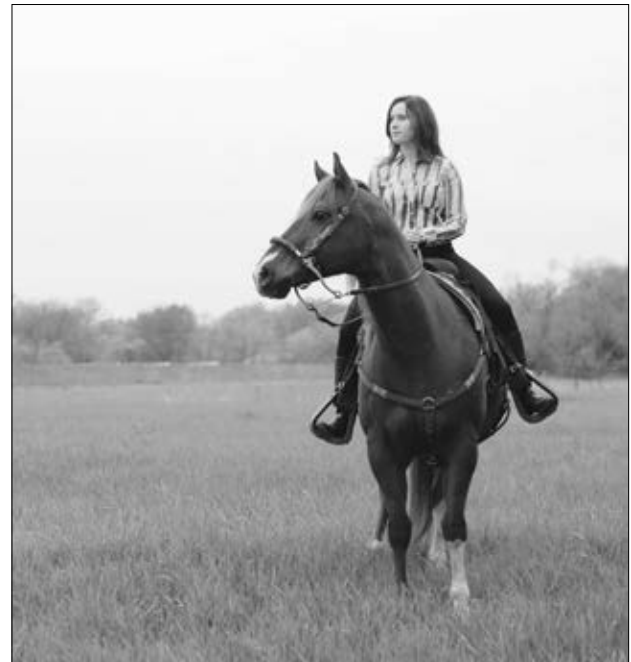
She credits her family for instilling in her a strong sense of place. Her father, a UNL professor who focuses on Great Plains studies, helped impart an appreciation for Nebraska’s wide open spaces.

“My family wasn’t involved in party politics,” she said, “but my twin sister and I were taught at a young age to feel rooted in a sense of community.”

Anna and her sister were active in We the People at Southeast High School, reaching the national finals in the civic education competition. Wishart said she loved learning about the constitution and government, but a career in political office never crossed her mind at the time.

Instead, after graduation she headed to Middlebury College in Vermont to study film.

“I love classic films,” she said, “especially John Ford westerns.” College led to work as an assistant location manager on a film



Sen. Anna Wishart and her quarter horse Bubba enjoy some quiet time in Lincoln’s Wilderness Park.

that was shot in Iowa, but Lincoln has always been home.

Now in office, Wishart said she feels a keen sense of responsibility to the constituents who live in the neighborhoods where she grew up, adding that following through for them means something distinctive in Nebraska’s unique legislative environment.

Success here, she said, requires checking one’s ego and party at the door and cultivating an open attitude and a willingness to work closely with those who see the world differently than you do.

“I’ve never wanted to live in an echo chamber of my own beliefs,” she said. “Some of my best political mentors have been people who’ve challenged me.”

Asked what might surprise people about life as senator, Wishart said some Nebraskans may not realize how open and available senators are and how willing they are to work for their constituents.

She recalled a day as a staffer several years ago when she encountered a man and his son outside the Capitol building looking confused and hesitant. Wishart asked if she could help.

“The man asked which door the public could use to enter,” she said. “I replied, ‘All of them. This is your building. This is the people’s house.’” ■

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Senators escort Chief Justice Michael Heavican (center) and other justices of the Nebraska Supreme Court to the legislative chamber for the State of the Judiciary address.