

UNICAMERAL UPDATE

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Nebraska marks 150 years of statehood

The Legislature celebrated Nebraska's sesquicentennial with a ceremony in the George W. Norris Legislative Chamber March 1.

Officials from the executive and judicial branches of state government joined senators in the celebration, which included vocal performances, a poetry reading and a recitation by Secretary of State John Gale of the proclamation, signed March 1, 1867, by President Andrew Johnson, which made Nebraska the 37th state in the Union.

Gov. Pete Ricketts opened the ceremony by remembering the Native Americans, explorers and immigrants who endured hardship and persecution to build Nebraska into what it is today. Living in Nebraska has always required courage, determination, perseverance and a willingness to work together to solve common problems, he said.

"Nebraska is culture, a way of life," Ricketts said. "It's how we treat each other with dignity and respect and how we work together to build this great state — Nebraska is what America is supposed to be."

Ricketts then signed a proclamation declaring March 1 as Statehood Day in Nebraska.

Nebraska Supreme Court Chief Justice Michael Heavican said that, throughout the state's history, Nebraska courts have helped uphold the state motto: equality before the law.

"Our forebears chose those words because they embody the spirit of democracy and hope and freedom that so aptly symbolized Nebraska in 1867," he said. "Nebraska's courts provide citizens with an open, fair, efficient and indepen-

(continued page 2)



From top: The Nebraska division of the Pony Express Association delivered the original statehood proclamation to Gov. Ricketts on the west side of the Capitol. The new Nebraska postage stamp was unveiled. Chief Standing Bear was portrayed by actor Taylor Keen. Lincoln's Scott Middle School Select Choir was one of the school groups to perform.

Nebraska marks 150 years of statehood

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dent forum for the resolution of legal disputes in the courthouses of all 93 of Nebraska's counties — equality before the law is on display and thriving.”

Nebraska State Poet Twyla Hansen read her poem “*Nebraska, a Treasured State*,” whose three stanzas focus on the state's natural resources. She said the poem is inspired by works of art in the Capitol, including mosaics, murals and the Sower. Hansen dedicated the poem to her grandparents, who settled in Burr County in the late 1800s after immigrating from Denmark.

“Here we weather hail, heat, drought, tornado, wind, flood, blizzard, thunderstorms — the whims of Great Plains climate,” the poem reads. “Yet we crave each sunrise, each clean breath here beneath the Milky Way, our unfettered star-gazing perspective.”

Eighteen third- through fifth-grade students from Everett Elementary School in Lincoln led the chamber in a sing-along of “*Happy Birthday*,” and a Waverly High School octet performed “*Beautiful Nebraska*.” Vocalist Hannah Huston, a Grand Island native and former finalist on “*The Voice*,” sang “*The Star-Spangled Banner*” and “*America the*

Beautiful.”

The celebration was part of a full day of activities at the Capitol and the Nebraska History Museum to commemorate the anniversary. The U.S. Postal Service issued a new stamp depicting sandhill cranes flying low over the banks of the Platte River. Actors portraying Willa Cather, Chief Standing Bear and Buffalo Bill Cody gave performances in the rotunda and riders with the National Pony Express Association delivered the original statehood proclamation to the governor after parading their horses in the streets around the Capitol. Finally, the Nebraska History Museum opened an exhibit featuring oil paintings depicting scenes from each county.

Norfolk Sen. Jim Scheer, speaker of the Legislature, said Nebraskans' desire for public access to elected officials and transparency in the legislative process is manifested in the state's unicameral Legislature. George Norris, a U.S. Senator and congressman from Nebraska who was instrumental in converting the state's legislature to a one-house system in the 1930s, believed that a unicameral system emphasized that all citizens are



Speaker Jim Scheer

of one class, Scheer said.

“Today, our Unicameral is arguably the most efficient and transparent legislative branch in existence,” he said.

Norris viewed Nebraska as one community, not a divided state, the speaker added. Norris fought for the fair and equal representation of all interests, Scheer said, an ideal the Legislature still upholds today. Scheer said all senators should focus on the common goal of making the state better and protecting it for future generations.

“We all want to ensure that the next 150 years will indeed be better than the past,” he said, “and I am confident to say to you that it will be.” ■

UNICAMERAL UPDATE

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MEET THE SENATOR

Geist dives into first session

Life has a way of interfering with the best laid plans of even the most meticulous of strategists. Lincoln Sen. Suzanne Geist learned this lesson early. The Arkansas native was two weeks away from earning her undergraduate degree in broadcast journalism from the University of Nebraska-Lincoln and eager to take on the world when she was summoned for grand jury duty — jury duty that lasted a year and a half.

Once released from jury duty, Geist found her original career plans detoured. So, with the encouragement of her husband Mark, she decided to forge a different path.

She was a stay-at-home mom for a time to three now-grown children — Alexis, John and Derek — and held a variety of sales positions, including telecommunications and pharmaceuticals. Most recently, she is self-employed as a style consultant and representative for a fashion line.

Being a “people person” helps in sales, Geist said, and on the campaign trail, where she and Mark spent countless hours knocking on doors and listening to voters. While a great way to connect with constituents, the one-on-one campaign style left little time for bicycling, one of Geist’s favorite hobbies.

“One thing people learn about me pretty quickly is that I don’t like to sit still,” she said.

Another warm weather favorite of the new senator is scuba diving.

“I would happily travel anywhere warm to scuba dive,” Geist said, adding that she and her husband planned trips to Bonaire and Cozumel after the primary and general elections, with another on tap after the conclusion of her first session as a state senator.

“It’s quiet, relaxing and inspiring,” she said. “Plus, there’s always a warm beach nearby.”

Those who know her won’t be surprised that Geist is drawn to a quiet hobby. Despite her years in sales, Geist describes herself as a strategic thinker who wants to be knowledgeable and fully prepared before entering any discussion.

Her role model in that regard is former state senator and current U.S. Senator Deb Fischer.

“I watched her over the years in her political career,” Geist said. “She’s respected and admired because she thinks before she speaks and I appreciate her thoughtfulness. I like her style.”

Geist said her approach to the Legislature will mirror her approach to life in general: listen and learn.

“The best advice that I’ve been given so far is to listen more than you talk,” she said.

Although not involved in politics prior to her run for a seat in the Uni-

cameral, Geist said she often found herself in leadership positions in any group that she joined.

“It somehow always happened,” she said with a smile, “and I’d think to myself, ‘Can’t someone else do this?’”

As it turned out, that someone was Geist. After years of being an avid political observer, she expressed frustration to friends regarding state politics and was encouraged to run for office.

“Holding elective office was never a bucket list item for me,” she said, “but I really am enjoying it so far.”

Her five young grandchildren — all of whom live in Lincoln — will provide a much needed reprieve from public life and add balance to the new senator’s busy schedule.

“Seeing my grandchildren is always relaxing for me,” she said. “My plan is to protect time with my family in spite of all the events that come with the office. Weekends are reserved for family time.” ■



Sen. Suzanne Geist enjoys the warm waters of Bonaire, an island in the Caribbean Sea off the coast of Venezuela.

AGRICULTURE

Egg-handling rules clarification passed

The Legislature passed a bill March 3 that updates the state Department of Agriculture’s authority to regulate those who provide eggs for human consumption.

LB134, introduced by Sen. Lydia Brasch of Bancroft, repeals the Graded Egg Act and transfers authority for regulating egg-handling operations to the Nebraska Pure Food Act.



Sen. Lydia Brasch

Egg handlers, defined as those who buy or sell shell eggs or process shell egg products, will now be required to label eggs with an identification number assigned by the U.S. Department of Agriculture or the state Department of Agriculture. The bill also authorizes the state department to establish standards, grades and weight classes for eggs and requires those who sell or package eggs to comply with any applicable regulations under the Pure Food Act.

Senators voted 48-0 to pass the bill.

APPROPRIATIONS

Behavioral health recruitment funds sought

The Appropriations Committee heard testimony Feb. 27 on a bill that would provide funding for recruitment of behavioral health professionals.

LB242, introduced by Lincoln Sen. Kate Bolz, would appropriate \$598,803

in each of the next two fiscal years to the University of Nebraska. The funds would be used to develop and offer clinical rotations at correctional facilities, in partnership with the state Department of Correctional Services, for students studying to become behavioral health professionals.



Sen. Kate Bolz

Funds would provide stipends, clinical supervision, coordination and other recruitment services. The Board of Regents would be required to include a report on the outcome of the recruitment efforts with its annual budget requests in 2020 and 2022.

Bolz said the bill was the result of the Department of Correctional Services Special Investigative Committee’s work. One recommendation from the committee was to design and implement a behavioral health workforce and training program, she said.

“One of the issues that continues to plague the department is workforce development,” Bolz said. “Recruitment and retention in general, but particularly among the behavioral and mental health staff.”

In addition, she said, staff shortages in vital mental health positions mean that inmates may not get the help they need. The result is that inmates have difficulty completing required programming, which in turn exacerbates overcrowding, she said.

Martin Wetzel, a psychiatry professor at Creighton University and the University of Nebraska Medical Center, testified in support of the bill. Correctional institutions provide a unique opportunity for students to learn to provide services in an outpatient setting, he said.

“In medical education the presence of a student, the instructor and patient all together at the same time is the bed-

rock of our profession,” Wetzel said.

Spencer Gallner, a resident at the Creighton-Nebraska Psychiatry Residency Training Program, also supported the bill. Having done rotations at the Lincoln Correctional Center and the Lincoln Regional Center, Gallner said he now is considering practicing in the correctional field and has encouraged other students to do the same.

“[The bill] would provide additional training and supervision opportunities for mental health students with a desire to work in correctional settings,” he said.

Testifying in a neutral capacity, Brent Khan said the bill would help the state Department of Correctional Services address the behavioral health needs of their population while enhancing public safety.

Khan, co-director of the Behavioral Health Education Center of Nebraska, said the entity has developed a program for onsite training at Nebraska correctional facilities, which would be implemented with the bill’s funding.

“This is a model program that, if implemented, would provide opportunities for well-qualified mental health providers to stay in Nebraska,” he said.

No one testified in opposition to LB242 and the committee took no immediate action on it.

Bill would increase funds for violence prevention

The Appropriations Committee heard testimony March 1 on a bill that would appropriate additional funds to expand the work of the state violence prevention office.

LB580, introduced by Omaha Sen. Mike McDonnell, would authorize a one-time, \$1



Sen. Mike McDonnell

million general fund appropriation to the Nebraska Commission on Law Enforcement and Criminal Justice to expand the work of the Office of Violence Prevention (OVP) across the state.

The bill would require local matching funds for new projects aimed at reaching geographic and racially diverse communities throughout Nebraska. The OVP would be required to collect and analyze data on violence prevention programs and funding.

McDonnell said OVP, established by the Legislature in 2009, has proven an effective tool to prevent violence in Nebraska. The office currently receives \$350,000 per year in state dollars, he said, which are used to provide grant funds to nonprofit and law enforcement efforts aimed at reducing gang involvement and recidivism.

“While the program is well-regarded and effective, it is underfunded and could benefit from additional strategic funding,” McDonnell said. “This is people stepping up and working together and every dollar is going to make a difference in these people’s lives to possibly help them be the best version of themselves.”

Lt. Ken Kanger of the Omaha Police Department testified in support of the bill. Enforcement alone is insufficient to address gang violence, he said, so the department established a gang specialist program in 2012 with funds from the OVP. A gang specialist can relate to at-risk youth and their parents in ways that other officers cannot, he said.

“I can go in and talk to these kids all day long and they’re not going to pay as much attention as they will to someone like our gang specialist,” Kanger said.

Scott Hazelrigg, president of North-Star Foundation, an all-boys extended day program in Omaha, also supported the bill.

He said the young men the foundation serves are from the lowest income areas of the city and are highly susceptible to gang recruitment. OVP grant funds are leveraged to gain additional charitable support for programming that has resulted in less engagement in high-risk behavior and increased school engagement, he said.

“[OVP funds] allow us to reach, teach and retain young men in the community who know all too well the negative impact of gang violence,” Hazelrigg said.

No one testified in opposition to LB580 and the committee took no immediate action on it.



Increased auto liability limits proposed

Nebraska motorists would be required to carry twice the current liability insurance on their automobiles under a bill heard by the Banking, Commerce and Insurance Committee Feb. 28.

LB643, introduced by Omaha Sen. Bob Krist, would increase liability insurance limits from \$25,000 to \$50,000 for the bodily injury to or death of one person in any one accident and from \$50,000 to \$100,000 for the bodily injury to or death of two or more persons in any one accident. Additionally, the liability limit for the destruction of property in any one accident would increase from \$50,000 to \$100,000.

Nebraska drivers are required to

carry additional coverage to pay for bodily injury, sickness, disease or death caused by an accident with an uninsured or underinsured driver. The bill would increase the required amount from \$25,000 to \$50,000.

Krist said Nebraska has not increased its liability limits on auto insurance since 1988.

“Inflation and [increased] health costs over the last 29 years have made the old limits inadequate to cover modern automobile values and, of course, to help take care of health care costs,” he said.

Steve Mason, speaking on behalf of the Independent Insurance Agents of Nebraska, testified in support of the bill. He said a recent Insurance Research Council study found that increasing a state’s minimum required liability limits does not increase the number of uninsured drivers.

Mason said the average cost of a car in 1988, when the limits were last increased, was approximately \$14,000, or approximately \$27,000 today adjusted for inflation. A hospital room cost \$270 a day on average, compared to \$545 in today’s dollars, he added. A helicopter ambulance service can charge between \$25,000 and \$30,000 just to take off and a further \$200 to \$400 per mile to operate the aircraft, he added.

“It’s obvious if you want to buy or repair a car, if you want to visit a doctor, be hospitalized [or be] transferred by an emergency vehicle that the cost ... more than doubled since 1988.”

Mark Richardson, speaking on behalf of the Nebraska Association of Trial Attorneys, also testified in support of the bill. Of the auto liability cases his firm has handled in the past year, he said, only one did not exceed the current \$25,000 limit. For many drivers, Richardson said, the next worst thing to being hit by an uninsured driver is being hit by one who has only the



Sen. Bob Krist

minimum required coverage.

“When you have somebody driving down the road with minimum limits and they cause an accident,” he said, “two people’s financial stability is immediately put in jeopardy.”

Testifying in opposition to the bill was Jim Dobler of the Nebraska Insurance Information Service. He said Nebraska drivers are required to carry a minimum of \$25,000 of underinsured and uninsured coverage in addition to \$25,000 in liability insurance.

The average amount paid for an auto accident claim is \$22,000, Dobler said, and 87.9 percent of all liability claims for bodily injury are resolved for less than the current minimum limit. The average payment on property damage claims is \$2,790, he added, and 99 percent of those claims are resolved for less than the minimum limit.

“In our view, there just isn’t any need for change,” Dobler said.

Tad Fraizer of the American Insurance Association also testified in opposition. He said increasing the minimum limits also could increase the number of Nebraska drivers who go without insurance because they could not afford higher premiums. Even if the limits are increased to \$1 million, he said, that would not cover some people who suffer catastrophic injuries in car crashes.

“There are always going to be outliers,” he said.

The committee took no immediate action on the bill.

BUSINESS & LABOR

Mental health benefits sought for frontline state employees

State employees could receive workers’ compensation benefits for mental health injuries under a bill heard by the

Business and Labor Committee Feb. 27.

LB244, introduced by Lincoln Sen. Kate Bolz, would extend benefits to employees of the state Department of Correctional Services or Department of Health and Human Services who regularly and directly interact with high-risk individuals.



Sen. Kate Bolz

The bill defines a high-risk individual as someone in state custody with a history of violent or physically intimidating behavior, including a committed offender, regional center patient and a committed juvenile offender.

Such benefits currently are provided to first responders.

Bolz said frontline staff members experience physical and emotional trauma through the natural course of their work duties. She said she does not expect to see frequent claims under the bill, considering only 21 claims have been filed by first responders since 2010.

“Staff who experience traumatic events may develop post-traumatic stress disorder or other psychological injuries,” she said. “Passing LB244 ensures that staff who experience trauma are able to receive the treatment they need.”

Mike Marvin, executive director of the Nebraska Association of Public Employees, testified in support of the bill, saying a lack of mental health support has led to high rates of employee turnover. The increased news coverage of assaults on correctional employees is new, he said, but the assaults are not.

“Not providing mental health treatment to these employees leads to many problems – not just for the employee, but also the agency,” Marvin said. “It is time to stand up and support these employees and everything we ask of them.”

Kasie Livezey, an employee of the Tecumseh State Correctional Institution, also supported the bill. She was physically assaulted while working at the institution in September 2015. She said she has coworkers who have suffered trauma from receiving daily threats from inmates.

“The employee assistance program is not enough. It sometimes helps, but it’s not the same as having the help you need within the walls of the institution,” she said. “If we’re to help rehabilitate these high-risk individuals for reentry into society, we need to have [mentally] strong employees.”

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

Bill would allow nonelection of workers’ compensation coverage

The Business and Labor Committee heard testimony Feb. 27 on a bill that would allow individual employers to opt out of workers’ compensation coverage.

Under LB553, introduced by Kearney Sen. John Lowe, any individual employer, partner, limited liability company member or self-employed person who is engaged full time in business who elects not to come under the Nebraska Workers’ Compensation Act must file an acknowledgement with the Nebraska Workers’ Compensation Court.



Sen. John Lowe

Lowe said the bill would help clarify whether or not independent contractors carry workers’ compensation coverage. This would help general contractors make better informed hiring choices, he said.

“When an independent contractor is injured while working for a third party, it’s up to the workers’ compensation court to determine if the third party’s insurance would cover the injury,” he said. “[Under LB553] general contractors would know if an independent contractor has their own workers’ compensation insurance before making a hiring decision.”

Nonelection of coverage would not waive any rights or remedies available to the person in a civil action related to a personal injury suffered by the individual during employment.

Anyone who elects to opt out of coverage may choose to rescind a nonelection acknowledgement at any time by filing a notice of termination with the court. Coverage would not apply to any injury sustained or disease incurred less than one week after the notice of termination is filed.

Tom Champoux, representing the Independent Insurance Agents of Nebraska, supported the bill. He said when an independent contractor makes a workers’ compensation claim under a third party’s policy, it can lead to permanent premium increases for the third party’s insurance coverage.

Sen. Mark Kolterman, who owns an independent insurance agency in Seward, also testified in support of the bill, saying there has been uncertainty in this area of insurance law for decades.

“For many years general contractors have ended up paying [for independent contractors],” Kolterman said. “This bill is an easy solution to a long-term problem.”

Tad Frazier, representing the American Insurance Association, opposed LB553. Currently, individual employers and independent contractors must opt in to workers’ compensation coverage. The bill, he said, could create legal confusion if someone opts out of

coverage but does not file a nonelection of coverage form.

“We understand the intent of this bill in trying to provide some exemptions, but it doesn’t provide much clarity,” Frazier said. “Even though you’re outside of coverage until you opt in, you have to declare that you’re opting out. When you do terminate your declaration, you’re still not under coverage until you opt in.”

The committee took no immediate action on the bill.



More state aid proposed for students of private colleges

The Education Committee heard testimony Feb. 27 on a bill that would increase state financial aid to students who attend accredited independent colleges and universities in Nebraska.

LB490, introduced by Sen. Lynne Walz of Fremont, would create a need-based grant program for eligible students who attend privately controlled, non-profit postsecondary institutions in the state. Nebraska residents enrolled as full-time or part-time undergraduates at eligible institutions could receive the grants.



Sen. Lynne Walz

Nebraska’s Coordinating Commission for Postsecondary Education would administer the program in conjunction with eligible institutions. The commission would determine criteria for the eligibility of award recipients and for setting the minimum and maximum size of the awards. It also would allocate the grants to the schools, which would distribute them to students.

Walz said the bill would help more Nebraska students attend the school of their choice. Total need-based aid to Nebraska’s private, nonprofit colleges and universities is approximately \$3.1 million, compared to \$16 million for public postsecondary schools and \$1.8 million for private, for-profit schools, she said.

At the same time, Walz said, the state’s private, nonprofit schools enroll more than 33,000 students and in 2013 awarded more than 40 percent of bachelor’s and advanced degrees in the state, including 54 percent of all business degrees, 57 percent of all health science degrees and more than one-third of all teacher education degrees. Those institutions also awarded 200 more degrees to African-American students than the University of Nebraska and other state colleges combined, she said.

“Despite their smaller size and more limited funds, independent colleges serve as an essential option for minority students,” Walz said.

William Motzer, vice president for enrollment management at Nebraska Wesleyan University, testified in support of the bill on behalf of the Nebraska Independent Institutions of Higher Education. Over the next five years, he said, the number of white, non-Hispanic Nebraska high school graduates will decrease by 9 percent and the number of Hispanic graduates, whose families generally earn less, will double. Those changing demographics will result in college enrollments that are more diverse and in greater need of financial aid, Motzer said.

“Supporting LB490 will ensure that the growing number of low-income students will have financial access to the institution of their choice,” he said.

Brian Friedrich, president of Con-

cordia University, also spoke in support of the bill on behalf of the Nebraska Independent Institutions of Higher Education. Nebraska's support for resident students attending independent colleges and universities is less than every other Big 10 state, he said. In 2016, Friedrich added, Iowa awarded \$49.1 million to students attending independent colleges and universities, 15 times more than Nebraska.

"While many students want to attend public research institutions, state colleges and community colleges," he said, "others prefer and benefit from a more personal educational setting that is afforded to them by our independents."

Angie Cook, a junior at Nebraska Wesleyan University, also testified in support of LB490. She said her family could not have afforded tuition there if she had not received one of the school's two full-tuition scholarships it offers to incoming freshmen.

"I chose Wesleyan because everyone there cared about me," Cook said. "The personal attention and care has truly made a difference in my education."

Testifying in opposition to the bill was Susan Fritz, executive vice president and provost and dean of the graduate college at the University of Nebraska. She said the bill would create a separate state financial aid program for students who attend private colleges at a time when the state is considering millions of dollars of cuts to public higher education.

Fritz said the Legislature instead should allot more funds for the Nebraska Opportunity Grant (NOG) program, which provides need-based aid to students who attend public or private institutions. In the 2014-15 school year, she said, 11,478 University of Nebraska students were eligible for a NOG grant, but only 3,865 received

one due to a lack of funds.

Mike Baumgartner, executive director of the Coordinating Commission for Postsecondary Education, provided neutral testimony on the bill. He said the NOG program, which the commission administers, awarded \$16.8 million in aid to both public and private school students for the 2015-16 school year, but only about a third of those eligible received a grant before funding ran out.

"The commission supports any efforts to increase financial aid for low-income students in Nebraska, including programs outlined in this bill," he said. "However, because of the state's economic situation, we do have concerns about funding the program and how it could affect funding for a financial aid program that benefits a broader pool of students."

The committee took no immediate action on the bill.



Bill would eliminate waiting period for voting rights

The Government, Military and Veterans Affairs Committee heard testimony March 1 on a bill that would restore voting rights upon completion of a felony sentence or probation. Current law requires a two-year waiting period.

Omaha Sen. Justin Wayne, sponsor of LB75, said the two-year waiting period is outdated and unnecessary. Almost all felons



Sen. Justin Wayne

now are subject to supervised release, he said, so they already experience a period of time post-incarceration in

which they are not allowed to vote. Extending that period by two years is unfair and disproportionately impacts minority communities, he said.

"[Voting] is one of our most fundamental rights and one of the most basic tenets of our democratic process," Wayne said. "We can send a message that we're no longer going to disenfranchise people."

Former state senator DiAnna Schimek of Lincoln testified in support of the bill. Prior to 2005, she said, ex-felons in Nebraska had to go before the state's pardons board in order to have their right to vote reinstated. The two-year waiting period was attached to the bill that automatically restored the right to vote in a pragmatic effort to help ensure its passage, she said.

In the intervening years, Schimek said, it's been shown that people who vote after they are released from prison are less likely to reoffend.

"As a matter of public safety the state should encourage full political participation," she said. "There is an easy fix—eliminate the two-year waiting period so an individual's right to vote is restored immediately upon release."

Danielle Conrad, testifying on behalf of ACLU of Nebraska, also supported the bill. Restrictions on voting for ex-felons serve to silence the political voice of minority populations, she said. For example, she said, while only 10 percent of the state's population identify as members of a racial or ethnic minority, they comprise more than 40 percent of the incarcerated population.

In addition, Conrad said, Nebraska has one of the most overcrowded prison systems in the country. The more deeply an ex-felon can connect to his or her community, the less likely they are to return to prison, she said, and voting is one of those connections.

"If we can shave off even just a few percentage points on that recidivism

rate, it has a significant impact on overcrowding,” Conrad said.

Shakur Abdullah, a case manager at ReConnect Inc., a prison reentry initiative in Omaha, said he has never voted. Testifying in support of the bill, Abdullah said he was released from prison a year ago after serving a decades-long sentence for a crime he committed as a juvenile.

The two-year waiting period makes him a “second-class citizen,” Abdullah said, adding that more than 7,000 people in Nebraska have completed their sentence but cannot vote.

“I served my sentence, every day of it, yet that fact hasn’t placed me on par or on square with other citizens,” he said. “[Yet] I’m taxed like every other citizen in the state. Taxation without representation – that is the status that I am in.”

No one testified in opposition to LB75. The committee voted 6-1 to advance the bill to general file.

County law clerk designation revised

Senators passed a bill March 3 intended to help county attorneys and public defenders recruit and retain law clerks and law students.

LB80, introduced by Bellevue Sen. Carol Blood, designates law clerks and law students who work for county attorneys or public defenders as unclassified employees. The proposal places law students and law clerks under the same hiring framework as attorneys, making it easier for them to transition to full-time employment.

The bill applies only to counties with populations between 150,000 and 300,000.

LB80 passed on a 45-3 vote.



Sen. Carol Blood

Voter ID constitutional amendment considered

Nebraskans would be asked to decide whether voters must show identification under a measure considered March 2 by the Government, Military and Veterans Affairs Committee.

LRICA, introduced by Gretna Sen. John Murante, would place a proposed constitutional amendment on the November 2018 general election ballot. If approved, the amendment would require voters in Nebraska to present an ID containing a photograph or digital image prior to casting a ballot.



Sen. John Murante

The Legislature would be tasked with determining the specifics of the voter ID requirement through enabling legislation.

Murante said that 32 states have some form of voter ID requirement and that the proposed amendment would be a first step in determining if Nebraska wishes to join that group. Approximately 70 percent of people polled in the state support voter ID, he said, and nearly half of all Americans believe that their vote is being diluted by voter fraud.

“The threat that we have today is a lack of confidence in the integrity of our election systems,” Murante said. “[This measure] is introduced for the purposes of giving the voters of Nebraska a voice in whether voter ID should be the law of the land.”

Doug Kagan of Nebraska Taxpayers for Freedom testified in support of the measure, saying that any burden that voter ID would place on citizens would be minor and outweighed by the need to make sure that only legitimate votes are cast.

“Currently, anyone can walk into a polling place, write in your name and

address and vote under your name,” he said. “We believe that it’s incumbent upon the state Legislature to preserve the integrity of the voting process.”

James Szama of Omaha also supported the proposal. He said that a recent Kansas election resulted in 221 cases of voter fraud that were not fully investigated due to a lack of time and resources among county attorneys. A similar situation could be happening in Nebraska, he said, but without voter ID there is no way to know.

“In the past decade, important elections have become more competitive with key races won by very slim margins,” he said, noting an Omaha legislative race that was won by only 14 votes.

Calling a voter ID requirement “common sense,” Lee Todd of Lincoln also testified in support. Anyone can afford a photo ID, he said, and lawful voters won’t be deterred by the requirement.

“So many activities in our communities today require photo IDs,” he said. “We know that photo IDs are ridiculously cheap, as evidenced by the fact that it’s virtually impossible to find anyone without one.”

Major Dewayne Mays, representing the Lincoln Branch of the NAACP, testified in opposition to the proposal. The Nebraska secretary of state has consistently reported that voter impersonation is not a problem in the state, he said, and the proposed ballot amendment would require additional costs to inform the public of voter ID requirements and implementation of a new election system at a time when the state is facing a budget crisis.

In addition, he said, the requirement would place an undue burden on the state’s most vulnerable populations who often lack the resources to comply, including the elderly, low-income individuals and young people who move frequently.

“The amendment appears to be an

underhanded way of trying to force [voter ID] upon the citizens of the state in spite of a refusal by the Legislature to pass such bills after a number of unsuccessful attempts,” Mays said.

Bri McLarty Huppert of Nebraskans for Civic Reform, also opposed the measure. Several studies have shown a link between voter ID requirements and lower voter turnout among minority groups, she said, and the state should focus its efforts on encouraging, rather than discouraging, civic participation.

“We all understand that the right to vote is fundamental,” she said, “The next question we should ask ourselves is what policies should the Legislature invest in and how should we spend our money to preserve that right?”

Scott Kurz, testifying on behalf of the Anti-Defamation League in Omaha, said any change to voting rights in Nebraska should be made with utmost consideration of the impact on all voters and be undertaken only if there is a demonstrated need for change.

“An unsubstantiated argument for voter fraud drums up fear and division and this in itself creates a self-fulfilling prophecy of a lack of confidence in our democracy,” Kurz said. “And this committee should not exacerbate that without clear evidence to support that voter fraud is actually a rampant threat to our democracy.”

The committee took no immediate action on LR1CA.



Concealed carry exception proposed for law enforcement

Law enforcement officers would not be required to take the state’s concealed carry weapons course under

a bill heard by the Judiciary Committee March 1.

LB500, introduced by Gordon Sen. Tom Brewer, would allow off-duty law enforcement officers in good standing to carry a concealed weapon anywhere they are authorized to carry while uniformed or on duty.



Sen. Tom Brewer

Any person carrying a concealed weapon under the bill would be required to provide photographic identification issued by his or her law enforcement agency. Retired officers would be required to prove successful completion of an active duty officer handgun training course within the most recent 12 months.

Pierce County Sheriff Rick Eberhardt, spoke in favor of the bill. He said law enforcement officers interact with violent individuals regularly and thus may feel the need to carry a concealed weapon while off duty for personal protection.

“Many officers across this state have dealt with individuals who have caused serious harm and made threats against our safety,” Eberhardt said. “By allowing me to carry a concealed weapon, it would give me the ability to protect myself and others nearby, should the need arise.”

Ray Essman of Taylor, a retired federal law enforcement officer, also testified in support of the bill. He said law enforcement officers are trained to take action when public safety is threatened. The confusion over whether to act when off duty would be clarified under LB500.

“If an off-duty officer is not in their jurisdiction, they must make a decision whether to respond to a violent felony or to not carry a firearm,” he said. “Does he take action as trained

or go unarmed for fear of violating the law?”

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

Bill would consider intent for knife possession charge

The Judiciary Committee heard testimony March 1 on a bill that would clarify the intent of Nebraska’s deadly weapon statute.

Currently, Nebraska statute considers possession of any knife with a blade over 3.5 inches to be a deadly weapon, regardless of the owner’s intent. LB558, sponsored by Columbus Sen. Paul Schumacher, would clarify that the intended use of a knife over 3.5 inches should be considered when charging a person with a crime.



Sen. Paul Schumacher

If a person purchased a knife set as a wedding present and had it gift wrapped, Schumacher said, it currently would be considered a concealed deadly weapon under state law. If that same person were to commit an unrelated crime while the knife set remained in his or her vehicle, Schumacher said, they would be guilty of a felony.

Spike Eickholt, representing the ACLU of Nebraska, supported the bill, saying current law is simply too broad. He said prosecutors and law enforcement officers are charging people with felony possession of knives, regardless of intent. Those felony charges will follow people throughout life and affect future job searches, Eickholt said.

“It really is sort of an over-criminalization of behavior,” he said. “It sounds bad to a prospective employer

when a person has to divulge a concealed weapon charge for possession of a knife.”

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

Stronger protections proposed for child depositions

Additional considerations would be made for children involved in criminal court cases under a bill heard by the Judiciary Committee March 2.

Under LB589, introduced by Bellevue Sen. Sue Crawford, no deposition of a child would be granted if a video-recorded forensic interview has been conducted by an accredited child advocacy center, unless the deposition would aid in the disclosure of evidence vital to a defendant’s case.



Sen. Sue Crawford

Crawford said the bill shifts the burden of proof to the defense attorney requesting a deposition of a child. LB589 does not prohibit depositions from taking place, but it does allow for greater protection of the child’s physical and mental health, she said.

The judge granting the deposition would be required to implement any protective measures to shield the child from harm or distress, harassment or intimidation. Such measures could include designating a specific time and location for the deposition to take place, limiting the scope of the deposition, providing a victim advocate or guardian ad litem, physically excluding the defendant from the deposition or any other reasonable protection for the child.

Dan Salvo-McGinn, an assistant county attorney for Pottawattamie County, supported the bill, saying a fo-

rensic interview is far less detrimental to a child and could yield better results than a deposition.

“With depositions, the key in interviewing a child is to establish a rapport with the child and that rarely happens in a deposition,” he said. “The rapport is always there in a forensic interview because the child is in a comfortable room and [the interviewer] can freely get the information.”

Nebraska CASA Executive Director Corrie Kielty also testified in support of the bill. She said the well-being of children must take precedence when preparing someone for trial. Depositions can be stressful for any person, she said, let alone a young child who may have experienced physical and emotional trauma.

“It is essential that the courts work to provide a safe environment and do everything possible to not re-victimize children,” Kielty said. “There is no reason to risk re-traumatization of child victims for a deposition.”

Christopher Lathrop, representing the Nebraska Criminal Defense Attorneys Association, opposed the bill. He said it would figuratively handcuff attorneys and make it difficult to adequately represent their clients.

“This bill is a direct assault on the integrity of the system,” he said, adding that it is unfair to give the prosecution unlimited access to a child to prepare for trial while limiting access to the defense.

The committee took no immediate action on the bill.

Stronger penalties requested for crimes based on employment

The Judiciary Committee heard testimony March 3 on a bill that would provide stronger criminal penalties for assaults committed against a person based on his or her employment.

When an assault is committed against a person because of his or her job or the legal discharge of their duties, the defendant could be charged with the next highest criminal penalty than currently allowed for a similar offense under LB638, introduced by Brainard Sen. Bruce Bostelman.



Sen. Bruce Bostelman

The bill would pertain to assaults against a peace officer, firefighter, emergency responder, health care professional or employee of the state Department of Correctional Services or Department of Health and Human Services.

LB638 also would add local correctional employees to the class of protected employees. The bill would not apply to offenses that already are categorized as a Class IB felony or higher.

“It’s time for us to protect the people who serve and protect us,” Bostelman said.

He provided an amendment that would incorporate provisions of two related bills: LB577, introduced by Lincoln Sen. Mike Hilgers,



Sen. Mike Hilgers

which would create the offense of assault by ambush; and LB623, introduced by Lincoln Sen. Anna Wishart, which would extend protections for frontline employees.



Sen. Anna Wishart

Craig Gottschalk, an assistant director at the Hall County Department of Corrections, testified in support of the bill. He said he has twice been physically assaulted while working

and received numerous verbal threats against his and his family's safety.

"Local correctional officers interact with and address our citizens at some of the most dangerous and volatile moments in their lives," he said. "While the threats I've received are an accepted part of the risk I take going to my job every day, [my family members'] lives have changed because of my choice to work as a correctional officer."

Representing the Nebraska Criminal Defense Attorneys Association, Spike Eickholt opposed the bill. He said it is unnecessary to elevate more criminal acts to the level of a felony offense given that assault already is illegal.

"We understand the dynamic of many of these people who work on the front lines of law enforcement," he said. "However, it's already against the law to assault anyone. There are enough crimes on the books with enough ample penalties."

The committee took no immediate action on the bill.



Moratorium on Sandhills wind energy projects proposed

The Natural Resources Committee heard testimony March 1 on a bill that would place a two-year moratorium on wind energy development in the Nebraska Sandhills.

LB504, introduced by Sen. Tom Brewer of Gordon, would create a task force to study and make recommendations to the Legislature regarding



Sen. Tom Brewer

the siting of wind energy projects in the Sandhills, a sand dune formation in north-central Nebraska that covers approximately 19,000 square miles. The moratorium on industrial development of wind energy projects and the placement of turbines in the region would begin Jan. 1, 2018.

Brewer said the bill is neither for nor against wind energy development.

"The reason I introduced this bill is to try and do something to heal the communities of my district," he said. "Commercial wind energy development in the Sandhills is tearing the communities apart."

Brewer said the issue is too complex and its effects too far-reaching to be left to individual counties to address. The bill is intended to pause development and create a nonpartisan venue through which all voices on each side of the debate can be heard, he said.

"This rush to build has made the loudest voices in this argument those that have the deepest pockets," Brewer said. "I think ordinary Nebraskans are not being heard."

Wayne Eatinger, a Cherry County resident, testified in support of the bill. He said the moratorium and task force would help ease the bitterness among the county's residents over wind energy development, including a proposed 30-turbine wind farm near Kilgore.

"If this wind development is the thing to do, it'll be the thing to do a couple of years from now," Eatinger said. "The Sandhills deserve special accordance and special consideration."

George Cunningham, conservation chair of the Nebraska chapter of the Sierra Club, also testified in support of the bill. He said the Sierra Club supports the development of wind energy, as long as it is properly sited. The Sandhills is one of the largest grass-stabilized dune regions in the

world, Cunningham said, with abundant surface water and groundwater and high wildlife diversity. Building industrial infrastructure such as energy facilities and transmission lines in the region would be inappropriate, he said.

Cunningham said Nebraska's wind energy needs can be met by placing wind farms on existing converted lands, including approximately 16 million acres that have been converted to row crop agriculture.

"We see no need to place energy development facilities on native grasslands, river bluff lands or near wetland complexes," he said.

Testifying in opposition to the bill was Bree DeNaeyer, a Cherry County landowner and a member of Cherry County Wind, a group of landowners working to develop wind energy projects on their land. Wind energy development in the area is a contentious issue, DeNaeyer said, but the county zoning board already has in place some of the strictest wind energy regulations in the country.

"Our local zoning, planning and commissioner boards — in Cherry County specifically — have had the pulse on and are hearing what is best for our area and are actively enacting regulations to reflect the will of our local citizens," she said.

DeNaeyer said the moratorium would appease only one side of the debate and would penalize landowners who have voluntarily agreed to allow wind energy systems to be built on their land.

"The chaotic environment pitting neighbor versus neighbor is very accurate, but I don't believe it's something that can be legislated against," she said. "We're not going to be mollified by state laws or a two-year ban — it simply would kick the can down the road."

Tom Budler, president of BHE Wind, also testified in opposition to the bill. He said BHE completed the 400-megawatt Grande Prairie Wind Farm in Holt County last year, a project that will generate approximately \$2.5 million in landowner lease payments and an additional \$2 million in new property tax revenue annually. He said Omaha Public Power District has issued a request for proposal for another 450 megawatts of renewable energy.

“A two-year moratorium on any wind development in the Sandhills could definitely hamper Omaha Public Power District’s efforts to deliver low-cost, renewable energy to its ratepayers and our ability to further invest in the state,” Budler said. “More generally, it would send the message that Nebraska is not open for the business of wind development and would encourage us and other likely developers to focus our financial resources in other states.”

The committee took no immediate action on the bill.

Liability insurance on oil and gas wells discussed

Oil and gas companies would be required to carry liability insurance on certain types of wells under a bill heard by the Natural Resources Committee March 2.

LB533, introduced by Sen. Tony Vargas of Omaha, would require proof of at least \$5 million in liability insurance before the Nebraska Oil and Gas Conservation Commission



Sen. Tony Vargas

could issue a permit for the drilling of an underground enhanced recovery injection well or wastewater disposal well.

Commercial disposal facilities that dispose of injection well wastewater also would be required to provide proof of at least \$5 million in liability insurance.

Additionally, LB533 would prohibit the issuance of permits for the drilling of an enhanced recovery injection well or a wastewater disposal well if the proposed well would be located in the Nebraska Sandhills or an area where the drinking water aquifer lies within 50 feet of the surface.

Vargas said the state should protect itself against the financial burden caused by accidental pollution from oil and gas drilling. He acknowledged that no such accidents have yet occurred.

“The state, local governments and – even more importantly – taxpayers simply cannot afford to be on the hook for an accident that could cost millions to clean up,” he said. “That financial burden should be carried by a private company conducting the activity.”

James Cavanaugh of the Nebraska chapter of the Sierra Club testified in support of the bill. Insurance policies covering general liability for accidental pollution are available today, Cavanaugh said, and many states now require oil and gas companies to carry liability insurance. He said such insurance should be required of companies that are pumping liquids into the ground near the Ogallala aquifer.

“Why does the state require us by statute to have insurance on our car ... but it doesn’t require by statute for us to have the same liability protections for the largest freshwater aquifer in North America?”

Chelsea Johnson of the Nebraska League of Conservation Voters also testified in support of the bill. Most drilling companies carry general liability insurance that protects them

from bodily injury and property damage claims, she said, and Ohio passed a law in 2012 requiring oil and gas companies to carry at least \$1 million in such coverage.

“However, environmental exclusions and other limitations placed on such policies mean other types of coverage need to be in place to protect fully against environmental and seismic claims,” she said.

Testifying in opposition to the bill was Chris Peterson of the Nebraska Petroleum Producers Association. He said the oil and gas industry in Nebraska is well-regulated and paid approximately \$2.9 million in severance tax in 2015, most of which went to funding public schools. He said the bill is unnecessary because it seeks to protect against something that has never happened.

“There has been no known environmental contamination of drinking water in the decades that oil and gas producers have been operating within Nebraska,” he said.

Dana Wreath of Berexco, a Nebraska oil company, also testified in opposition to the bill, saying that none of the eight states in which the company operates requires liability insurance. Wreath said operators have been drilling injection wells in Nebraska for more than 60 years without incident. The wells’ mechanical design, which includes multiple steel pipes and concrete casings, makes them inherently safe against leaks, he added.

“Disposal and injection wells are essential for oil production to continue in this state,” he said. “LB533 would effectively ban the oil and gas industry from being able to operate in the western two-thirds of the state.”

Bill Sydow, director of the Oil and Gas Conservation Commission, provided neutral testimony on the bill. He said the commission requires

companies or individuals to post a surety bond of \$100,000 for each well up to 10 wells. If the operator does not plug and clean up those wells when it shuts them down, the commission can garnish those funds to do the job.

“Honestly, [LB]533 is unnecessary,” Sydow said.

The committee took no immediate action on the bill.



Economic forecasting board lowers revenue projections

The Nebraska Economic Forecasting Advisory Board voted to lower revenue projections during a Feb. 27 meeting at the Capitol. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state’s budget.

Revenue projections for the current fiscal year and FY2017-18 were lowered primarily based on anticipated decreases in individual income tax receipts of \$55 million in FY2016-17 and \$20 million in FY2017-18.

Total projected revenue receipts for FY2016-17 were lowered to \$4.31 billion, a decrease of \$91 million. Projected total revenue receipts for FY2017-18 were set at \$4.51 billion, a decrease of \$51.2 million.

In addition, overall projected revenue receipts for FY2018-19 were set at \$4.73 billion, a \$26.3 million decrease.

The preliminary budget put the state \$134.7 million short of achieving the minimum cash reserve. The net impact of the revised forecast adds \$152.9 million to that imbalance, which now totals \$287.6 million.

The next board meeting is scheduled for April 26.

Bill would shift burden of proof in some valuation appeals

The Revenue Committee heard testimony March 1 on a bill that would shift the burden of proof from property owners to county boards in valuation appeals heard by an independent commission.

The Tax Equalization and Review Commission (TERC) hears property owners’ appeals of county board of equalization decisions regarding taxation, valuation or assessment of property and the annual equalization of assessed value.

Currently, a property owner must present evidence to the commission that the valuation of their property is wrong. Under LB385, sponsored by Omaha Sen. Brett Lindstrom, if the assessed value has increased by more than 5 percent from the previous year, the county board of equalization would be required to prove, by a preponderance of evidence, that the assessed value reflects the property’s actual value.



Sen. Brett Lindstrom

The change would not apply if the assessed value subject to appeal is based on improvements to the property made in the prior tax year.

The bill also would expand the list of people who may appeal to the TERC on a property owner’s behalf. Currently the property owner, a legally designated trustee or an officer, director or full-time employee of a legal entity owning the property may appeal. Under LB385, a person with a power of attorney or durable power of attorney, a trustee of an estate or a person or entity who is contracted by the taxpayer could appeal.

Lindstrom said the proposed chang-

es would help taxpayers, businesses and landowners who own more than one parcel of land and would allow non-lawyers to file a TERC appeal on behalf of the property owners they represent.

“The changes proposed in LB385 help our taxpayers navigate the property valuation appeals system in a more beneficial and friendly manner,” he said.

Vanessa Silke, speaking on behalf of the Nebraska Association of Commercial Property Owners, testified in support of the bill. She said it would make simple changes to the appeal process that would make it fairer for taxpayers, especially in cases where assessed values increase significantly from year to year.

“As it stands right now, property owners that file an appeal have the entire burden of proof to show that this valuation is incorrect,” Silke said. “When it’s increased by this much, we do think that the county board should come and meet that burden.”

Testifying in opposition to the bill was Shakil Malik, speaking on behalf of the Nebraska County Attorneys Association. A deputy Douglas County attorney who handles the county’s TERC appeals and subsequent court actions, Malik said the change could create a situation in which the burden of proof lies on the owner for one year’s appeal and on the county for the next year’s appeal. This could disrupt the commission’s current practice of holding consolidated hearings, in which a property owner’s appeals of valuation for multiple years are heard at once.

“It’s going to get really messy,” he said. “In execution, it could really be a nightmare.”

Further, Malik said, the bill would allow contracted property tax representatives to file TERC appeals on behalf of property owners. Those representatives are not licensed, bound by a code of ethics or even authorized

to practice law, he said.

Tom Placzek, Platte County Assessor, also testified in opposition. He said the current appeal system is working and that changing it could lead to many more appeals to the TERC.

“This change presumes the assessor is wrong,” Placzek said, “when in fact they are the most qualified to set the value, versus a homeowner who is motivated solely by personal gain and most of the time is unaware of the current market values.”

Rob Hotz, one of three TERC commissioners, provided neutral testimony on the bill. He said the list of those who may sign or execute a TERC appeal is already lengthy and includes anyone authorized by law to represent a property owner. The bill would add to that list contracted representatives who have no fiduciary duty to their clients. Additionally, Hotz said, shifting the burden of proof would upend existing law.

“There is longstanding settled law on presumptions in favor of assessors, presumptions in favor of county boards of equalization,” he said. “This bill would really tip ... the burden of persuasion significantly.”

The committee took no immediate action on the bill.

Bill would end historic building renovation tax credit

A tax credit intended to preserve and renovate historic buildings would end this year under a bill heard by the Revenue Committee March 3.

LB475, introduced by Sen. Paul Schumacher of Columbus, would terminate the Nebraska Job Creation and Mainstreet Revitalization Act. Enacted in 2014, the act provides up



Sen. Paul Schumacher

to \$15 million a year in tax credits for the rehabilitation, preservation and restoration of historically significant buildings. Credits for individual projects are capped at \$1 million. The current sunset date for the act is Dec. 31, 2022.

Schumacher said the Nebraska State Historical Society, which jointly administers the act with the state Department of Revenue, has not followed the law’s intent, which is to provide aid to cities and towns throughout the state. Most of the credits have gone to projects in Omaha, he said, and the complex application process makes it difficult for small towns or developers to compete.

Cutting the program would help the state make up its current budget shortfall, Schumacher added.

“Right now, we’ve got to shake every nickel out of everything,” he said. “And this is \$15 million a year of nickels.”

Renee Fry of the OpenSky Policy Institute testified in support of the bill. She said eliminating the tax credit would help the Legislature close the \$288 million gap between the preliminary state budget and projected revenues. Investments in education, roads, Medicaid and correctional services can generate just as much economic activity as tax credits, Fry said.

“As we’re looking at significant budget cuts, we have to ask ourselves where we’re getting the biggest bang for our buck,” she said.

Testifying in opposition to the bill was Trevor Jones, director and CEO of the Nebraska State Historical Society. He said the application process for the tax credits is complex because the historical society must determine whether a project complies with complex federal standards.

“We would like to have that be a simpler process,” he said, “but the law constrains us.”

Jones acknowledged that most of the applications for the tax credit in

2015, the first year they were available, came from Omaha because developers there were ready to start projects. In 2016, he said, the historical society received 16 applications from Omaha projects and 14 from the rest of the state, including rural areas.

Also testifying in opposition was David Levy, a lobbyist for Turner Park North and a board member of Omaha by Design and the Nebraska Association of Commercial Property Owners. He said the program is working and helps small towns make use of buildings that otherwise are hard to renovate.

“By reusing those buildings, these cities not only revitalize their main streets and their downtowns,” Levy said, “but they also make most efficient use of existing municipal facilities and services, thereby saving additional public money.”

Levy agreed with Schumacher that the program can be difficult to use, but he said the application process should include safeguards to ensure public money is well spent.

“There have to be some standards, there has to be a balance so that the projects that benefit from this program are the projects that it’s targeted to — are the projects that actually need it,” he said. “That balance may not be in the right place right now, I fully acknowledge that.”

Michael Sothan, executive director of Main Street Beatrice, also testified in opposition to the bill. Since Beatrice was placed on the National Register of Historic places last year, he said, at least four developers have expressed interest in starting renovation projects in the city’s downtown.

“Without this tool, I know we would not see the type of investment in our downtown that we are talking about right now.”

The committee took no immediate action on the bill.

TRANSPORTATION & TELECOMMUNICATIONS

Honor license plates approved for military reservists

Lawmakers passed a bill March 3 that expands eligibility for military honor license plates.

Active duty service people and honorably discharged veterans currently are eligible to purchase a military honor license plate.

LB45, introduced by Syracuse Sen. Dan Watermeier, extends eligibility for the license plates to people who serve or have served on reserve duty.



Sen. Dan Watermeier

Reservists serving in the United States Navy, Marine Corps, Coast Guard, Air Force and Army are eligible under LB45.

The bill incorporates provisions of LB419, introduced by Omaha Sen. John McCollister, that further extend eligibility to current and former commissioned officers of the United States Public Health Service and National Oceanic and Atmospheric Administration.

The bill passed on a 46-1 vote.

“Choose life” license plates advanced after cloture

After more than four hours of general file debate spanning several days, senators advanced a bill Feb. 28 that would require the state Department of Motor Vehicles to design “choose life” license plates.

Under LB46, introduced by Syracuse Sen. Dan Watermeier, the plates would be available for an additional \$5 for an alphanumeric plate or \$40 for

a personalized message plate. Watermeier said 29 states currently offer the option of “choose life” license plates.

“The designs would reflect support for the protection of Nebraska’s children,” he said. “We should join these other states to show our support for pregnant women and unborn children.”

Watermeier introduced an amendment, adopted 38-0, that would direct 75 percent of the plate fees to the state Department of Health and Human Services’ Temporary Assistance for Needy Families program.

Bellevue Sen. Carol Blood supported the amendment and bill, saying the Legislature had established precedent for allowing specialized message license plates.

“Now that that gate is open,” she said, “whether you support this cause or not, I truly believe this is about freedom of speech.”

Lincoln Sen. Adam Morfeld introduced an amendment that would replace “choose life” with “stop child abuse” license plates. He said the specialized plates that previously have been issued have been fairly uncontroversial. The bill, if passed, would set a dangerous precedent, Morfeld said.

“It concerns me that we are essentially giving the stamp of the state on a controversial, divisive issue and it goes on a state-issued license plate,” he said. “If we are going to have political statements on state license plates, then we should be able to avail our citizens of both arguments and both sides of the debate.”

Sen. Mike Hilgers of Lincoln disagreed with Morfeld’s assessment. He said two recent U.S. Supreme Court decisions have supported the authority of state legislatures to issue specialized license plates such as those proposed under the bill.

“[The Supreme Court] found that

the government can allow, through legislatures, certain types of speech and discriminate against other types of speech,” Hilgers said. “We can choose certain types of speech we want to allow on license plates and the check on that power is the democratic process.”

The Morfeld amendment failed 5-31.

Omaha Sen. Ernie Chambers filed several motions and amendments in an effort to delay a vote on the bill. He said when he first came to the Legislature, he originally opposed all specialty plates because license plates are intended to merely identify the owner of a car. During his four years away from the Legislature, however, a new precedent was set to allow for a variety of specialty plates, he said.

Chambers said he opposed the “choose life” plate specifically because it represents an official endorsement of a controversial position by the state.

“[LB46] chooses sides on a very contentious issue and we all know what that issue is,” he said.

After more than four hours of debate, Watermeier filed a motion to invoke cloture, or cease debate and vote on the bill. The motion prevailed 36-6.

Senators then voted 37-7 to advance the bill to select file.

Bill would list traffic stop procedures in driving manual

The Transportation and Telecommunications Committee heard testimony Feb. 28 on a bill that would provide guidance on interacting with law enforcement in the Nebraska driver’s manual.

LB82, introduced by Bellevue Sen. Carol Blood, would direct the state Department



Sen. Carol Blood

of Motor Vehicles (DMV) to include information on how a driver should navigate a traffic stop by law enforcement.

Blood said almost 25 percent of deaths among law enforcement occur during traffic stops. The bill would increase officers' safety because it would reduce the amount of time an officer spends on the side of the road, she said.

"Although conducting traffic stops is a routine duty of law enforcement officers, it can also be the most dangerous," she said. "These stops will often put law enforcement at risk of death or injury, either through intentional or unintentional acts."

The additional information would explain how to respond when a law enforcement officer signals a driver to pull over, the need to alert the officer to any firearms in the vehicle and how to interact with the officer in a non-threatening manner.

Representing the Omaha Police Officers Association, Julia Plucker testified in support of the bill. She said encouraging clear communication between law enforcement officers and citizens would benefit all people involved.

"It is an uncertain situation for every officer when they approach a vehicle because not everyone follows the etiquette this bill would provide," Plucker said. "[LB82] is an important tool and would be a good thing to educated citizens on how to conduct themselves during a traffic stop."

Michael Chittenden of the Arc of Nebraska also supported the bill, saying many people with developmental disabilities are licensed drivers who would benefit from clear guidelines on how to interact with law enforcement.

"We know of instances throughout the nation and in Nebraska where a police officer didn't readily identify a person with a disability and some

behaviors the person may not be able to control," he said.

DMV Director Rhonda Lahm testified in opposition to the bill. She said she supports the concept behind the bill, but the department already had taken steps to include similar language in the driver's manual.

"The DMV feels this bill is unnecessary to update the Nebraska driver's manual," she said. "We conducted a review of the manual in the fall and a section on traffic stops will be included."

Also opposing the measure was Col. Brad Rice, superintendent of the Nebraska State Patrol. He said law enforcement officers must have discretion in dealing with each unique traffic stop. If drivers are operating under the assumption that every traffic stop will proceed in the same manner, Rice said, it could cause additional problems.

The committee took no immediate action on the bill.

Bill would make texting while driving a primary offense

A police officer could stop and ticket a driver solely for texting while driving under a bill heard by the Transportation and Telecommunications Committee Feb. 27.

State law prohibits the use of a handheld wireless communication device to read, type or send a written message while operating a motor vehicle while it is in motion. Currently, the law may be enforced only as a secondary action when a driver has been cited or charged with a traffic violation or some other offense. LB471, sponsored by Omaha Sen. Rick Kolowski,

would change enforcement of the law to a primary action.

"This means that law enforcement will be able to pull you over when they see you texting," Kolowski said.

The bill would lead to increased enforcement of the texting-while-driving ban, he added, protecting property and saving lives, particularly those of teenage drivers.

Rose White, speaking on behalf of AAA and the Auto Club Group, testified in support of the bill, saying that crashes as a result of distracted driving are increasing. More than 35,000 people died in crashes on the nation's roadways in 2015, she said, and early data for 2016 show an 8 percent increase over 2015. White said 4 in 10 drivers engage in social networking while driving and 75 percent of teens reported that texting while driving is common among their friends.

"We want a law that will simply send a message loud and clear that texting while driving is not acceptable," she said.

Laurie Klosterboer, executive director of the Nebraska Safety Council, also spoke in support of the bill. In a recent annual survey the council conducted with the Nebraska Department of Roads Highway Safety Office, she said, 89 percent of respondents indicated they would support a primary enforcement law that bans texting while driving.

"The primary law is going to really send the message — not only to the general public — but to law enforcement that we support traffic safety laws in our state and we want people to be focused on driving when they are behind the wheel," Klosterboer said.

Julie Harris, speaking on behalf of the Nebraska Bicycling Alliance, also testified in support of the bill. She said a 2013 University of Nebraska Medical Center study found a 45 percent



Sen. Rick Kolowski

increase in fatalities for pedestrians and a 31.5 percent increase in fatalities for bicyclists in Nebraska between 2005 and 2010. As the number of cars on the road and the use of cell phones continue to increase, Harris said, fatalities and injuries among pedestrians, bicyclists and road construction workers also will increase.

“The most vulnerable users on our roads need to be protected,” she said, “and they need to know that we take this law seriously in our state.”

Beverly Reicks, president and CEO of National Safety Council Nebraska, also testified in support. In a recent National Safety Council Poll, she said, 24 percent of teens responded that they had a friend who was injured or killed in a crash caused by a technology-related distraction. Half responded that they still would check social media while driving, one-third said they would text and 1 in 5 said they would text often. Reicks said tougher state laws and better education for young drivers would help address the problem.

“Americans believe that there is nothing we can do to stop crashes from happening, but that is not true,” she said. “We know what needs to be done — we just haven’t done it.”

Testifying in opposition to the bill was Spike Eickholt, speaking on behalf of the Nebraska Criminal Defense Attorneys Association. He said the bill as written would allow police officers to stop drivers just for looking at or touching their phones and would criminalize other things people use their phones for, such as getting directions from an app.

“We would argue that that would just give too much discretion to the officers,” he said.

The committee took no immediate action on the bill.

Bill would extend school permits to young city drivers

Young drivers could apply for school driving permits regardless of geography under a bill heard by the Transportation and Telecommunication Committee Feb. 28.

Currently, school permits are available to young drivers — those older than 14 years and 2 months and younger than 16 years and 3 months — who live in cities of the second class and villages. Holders of these permits may drive directly to school and school-sponsored activities only.

LB587, introduced by Bellevue Sen. Sue Crawford, would extend eligibility for school permits to young drivers across the state, regardless of city size. She said many students living in cities have an equally difficult time getting to school safely. Many streets in Omaha pose a barrier to students walking or biking to school safely, Crawford said, due in large part to heavy traffic, crime and a lack of safe sidewalks.

“I had a constituent ask me why there is an ability for students who live in rural parts of the state to have the availability to have driving privileges that are unavailable to students in cities of the metropolitan, primary and first class,” she said. “Providing school permits to both rural and urban students would ensure every student that meets the training requirements under state law could get to school and school activities safely.”

Bellevue resident Tim Barner testified in support of the bill. He said his two daughters attended a private school that offered no bus service. There was no option other than driving them to and from school every

day, Barner said, often during peak commute and work hours.

“We made the effort because we thought it was important for them to participate in activities,” he said. “It certainly would have helped if one of them could have obtained a permit, but we couldn’t because we lived in town.”

Laurie Klosterboer, executive director of the Nebraska Safety Council, opposed the bill. She said inexperienced teen drivers often exhibit high levels of immaturity that can lead to high-risk behaviors like speeding or texting while driving. In Nebraska, drivers aged 15-24 were involved in 27.8 percent of traffic crashes — the highest percentage of any age group, Klosterboer said.

“If this passes, we will be taking a giant step backwards with everything that we’ve gained with our graduated driver licensing law,” she said. “This [would] increase the number of teens we have behind the wheel getting injured or killed in traffic crashes.”

The committee took no immediate action on the bill.



Sen. Sue Crawford

URBAN AFFAIRS

County population threshold changes approved

Lawmakers gave final approval March 3 to a bill that clarifies references to certain county population thresholds in Nebraska.

LB74, sponsored by Bellevue Sen. Sue Crawford, aligns population thresholds for annexation, review of proposed subdivision plats and approval of planned unit developments for counties with a population between 100,000 and 250,000.

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

The bill also clarifies that population thresholds will be determined by the most recent federal decennial census or the most recent revised certified count by the U.S. Bureau of the Census.

LB74 passed on a 45-3 vote.

TIF constitutional amendment proposed

The Urban Affairs Committee heard testimony Feb. 28 on a proposed constitutional amendment to extend certain repayment times related to tax increment financing (TIF).

LR16CA, introduced by Omaha Sen. Justin Wayne, would place a proposed constitutional amendment on the November 2018 general election ballot. The amendment would authorize the Legislature to extend the



Sen. Justin Wayne

maximum repayment period for TIF indebtedness from 15 to 20 years if more than half of the property in a project area was designated as extremely blighted.

If voters approve the constitutional amendment, Wayne said, lawmakers can define extremely blighted through enabling legislation – possibly using federal Housing and Urban Development Promise Zones, neighborhood revitalization districts, enterprise zones or other criteria.

Wayne said that many surrounding states have longer standard repayment periods, which he said can serve as an incentive to focus developers on extremely blighted areas of cities.

“We’re behind the ball when it comes to TIF and how we use it as a tool to attract economic development,” Wayne said.

Dave Landis, urban development department director for the city of Lincoln, testified in support of the bill. TIF is essential for urban develop-

ment he said, particularly in the most blighted areas where developers need an incentive to tear down existing, dilapidated structures.

“You incentivize the market, reduce their risk and make something attractive that otherwise was not attractive,” Landis said.

Ken Bunger, testifying on behalf of the North Platte Area Chamber of Commerce and Development Corporation, also supported the bill. Developers that take on extremely blighted areas often have less capital to work with, he said, and an extra five years to pay back a TIF debt could reduce the risk that a bank would not support such a project.

“Anything that you can do to reduce that risk and provide for some additional coverage – in this case, additional time – would be welcome,” Bunger said.

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

UNICAMERAL YOUTH LEGISLATURE REGISTRATION



High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2017 Unicameral Youth Legislature, which will convene June 11-14.

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

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

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships are also available.

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

Registration forms can be obtained from the Legislature’s Unicameral Youth Legislature page:

NebraskaLegislature.gov/uyl

The registration deadline is May 15.

COMMITTEE HEARINGS

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

Monday, March 6

Appropriations

Room 1524 - 1:30 p.m.

Agency 5: Supreme Court

Agency 11: Attorney General

Agency 94: Commission on Public Advocacy

Agency 15: Neb. Board of Parole

Agency 46: Dept. of Correctional Services

LB378 (McCollister) Appropriate funds to the Department of Correctional Services

LB538 (Wishart) Appropriate funds for Legal Education for Public Service and Rural Practice Loan Repayment Assistance

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB141 (Williams) Adopt the Revised

Uniform Unclaimed Property Act

LB345 (Craighead) Eliminate an experience requirement for abstracters

LB641 (Morfeld) Create a Bioscience Innovation Program

Business & Labor

Room 1510 - 1:30 p.m.

LB609 (Linehan) Provide fee schedules under the Nebraska Workers' Compensation Act

LB408 (Lowe) Provide for a drug formulary under the Nebraska Workers' Compensation Act

LB319 (Halloran) Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act

LB147 (Hansen) Change workers'

compensation provisions relating

to waiting time, termination of compensation, and attorney's fees

Education

Room 1525 - 1:30 p.m.

LB634 (Wayne) Include virtual school students in the state aid to schools formula

LB409 (Groene) Change the base limitation and local effort rate for school districts

LB484 (Kolowski) Create the School Financing Review Commission

Tuesday, March 7

Appropriations

Room 1524 - 1:30 p.m.

LB270 (Kolowski) Appropriate funds to the State Department of Education

LB465 (Watermeier) Appropriate funds to the State Department of Education

Agency 13: Dept. of Education

Agency 32: Board of Educational Lands and Funds

Agency 34: Neb. Library Commission

LB221 (Stinner) Change the transfer from a fund

Agency 29: Dept. of Natural Resources

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB550 (Lindstrom) Change provisions relating to the Comprehensive Health Insurance Pool

LB559 (Schumacher) Prohibit the

collection of interchange fees on

specified taxes and fees relating to

electronic payment transactions

LB582 (McDonnell) Authorize membership in a credit union by

geographic boundary

Education

Room 1525 - 1:30 p.m.

LB651 (Linehan) Adopt the Nebraska Reading Improvement Act

LB662 (Linehan) Establish a grading system for schools and school districts

Wednesday, March 8

Appropriations

Room 1003 - 1:30 p.m.

Agency 72: Dept. of Economic Development

Agency 91: Neb. Tourism Commission

Agency 54: Neb. State Historical Society

Agency 52: State Fair Board

LB115 (Harr) Direct the Nebraska

Tourism Commission to provide for certain uses of a fund

LB281 (Quick) Appropriate funds to the Nebraska State Historical Society

LB379 (Harr) Create the Willa Cather

Historical Building Cash Fund and

provide for a transfer of funds

LB620 (Wayne) Appropriate funds

to the Department of Economic Development

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB364 (Walz) Change and eliminate licensure, regulation, and penalty

provisions under the Professional

Landscape Architects Act

LB437 (Craighead) Change requirements

for independent instrumentalities under

the Taxpayer Transparency Act

LB510 (Ebke) Provide a restriction on

installment contracts for the purchase of real or personal property by political

subdivisions

Health & Human Services

Room 1510 - 1:30 p.m.

LB282 (Riepe) Change telehealth

provisions relating to children's

behavioral health

LB441 (Morfeld) Change eligibility provi-

sions under the Medical Assistance Act

Judiciary

Room 1113 - 1:30 p.m.

LB501 (Brewer) Change prohibition on locations where permitholder may carry a concealed weapon

LB520 (Hansen) Require notification

when persons prohibited by state

or federal law obtain a handgun or

concealed carry permit

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

LB637 (Bostelman) Prohibit disclosure

of information relating to firearm owners

and concealed carry permitholders

LB666 (Lowe) Change provisions

relating to carrying a concealed weapon

Revenue

Room 1524 - 1:30 p.m.

LB443 (Bolz) Adopt the Student Loan Repayment Tax Credit Act

LB561 (Schumacher) Create the

Taxpayer Investment Program

LB557 (Harr) Adopt the Great

Opportunities Nebraska Act

LB616 (Wayne) Adopt the Startup

Nebraska Program Act and provide an

exemption from income, sales, and use taxes

COMMITTEE HEARINGS

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

Thursday, March 9

Appropriations

Room 1003 - 1:30 p.m.

Agency 19: Dept. of Banking
 Agency 22: Dept. of Insurance
 Agency 87: Accountability and Disclosure Commission
 Agency 65: Dept. of Administrative Services
 LB611 (Stinner) Require state agencies to provide a federal funding inventory

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB34 (Ebke) Change filing requirements for partisan candidates
 LB112 (Hansen) Permit registered voters moving within Nebraska without reregistering to vote provisionally
 LB197 (Kolowski) Provide for electronic application for an early voting ballot
 LB290 (Vargas) Provide for voter registration upon application for driver's license, state identification card, or certain benefits
 LB25 (Murante) Change provisions for presidential electors

Health & Human Services

Room 1510 - 1:30 p.m.

Appointments: Deegan, Thomas; Smith, James; Jensen, Linda; Cerny, Joel - Board of Emergency Medical Services
 LB596 (Groene) Exempt equine massage therapy from credentialing and regulation under the Veterinary Medicine and Surgery Practice Act

Judiciary

Room 1113 - 1:30 p.m.

LB67 (Brasch) Adopt the Fair Repair Act
 LB434 (Ebke) Change videoconferencing provisions relating to certain juvenile hearings
 LB516 (Pansing Brooks) Change provisions relating to a report on juvenile facilities
 LB656 (Baker) Provide for claims against the state by persons wrongfully incarcerated
 LB658 (Wayne) Provide for expert witness appointment as prescribed in certain juvenile proceedings
 LB226 (Wishart) Provide for purchase of

motor vehicles and insurance by certain juveniles, change foster care transition proposal provisions, and provide immunity from liability for caregivers

Revenue

Room 1524 - 1:30 p.m.

LB570 (Friesen) Provide a property tax exemption for all tangible personal property
 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
 LB576 (Brewer) Limit increases in property tax bills
 LB599 (Groene) Exempt certain improvements on land from taxes as prescribed

Transportation & Telecommunications

Room 2102 - 1:00 p.m.

Appointments: Spray, Daniel; Greckel, Shane - Neb. Information Technology Commission
 Appointment: Budke, Stephan - Motor Vehicle Industry Licensing Board

Monday, March 13

Appropriations

Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services (Operations, Medicaid and Long Term Care, Public Health, Veterans Homes Divisions)
 LB513 (Hilkemann) Appropriate funds to provide a base rate increase for certain hospital services as prescribed

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB292 (Larson) Authorize series limited liability companies under the Nebraska Uniform Limited Liability Company Act
 LB551 (Walz) Change qualifications for certain real property appraiser credentials
 LB594 (Groene) Require a limited liability company seeking a tax benefit to file an amended certificate of organization

Business & Labor

Room 2102 - 1:30 p.m.

LB420 (McCollister) Adopt the Fair Chance Hiring Act
 LB473 (Walz) Require rest periods for employees
 LB436 (Ebke) Change the definition of employer to exclude franchisors for purposes of certain labor statutes

Tuesday, March 14

Appropriations

Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services (Division of Developmental Disabilities, Children and Family Services, Behavioral Health)
 LB189 (Howard) Appropriate funds to the Department of Health & Human Services for recruitment and retention of caseworkers
 LB205 (Krist) Designate funds appropriated to the Department of Health & Human Services for state aid
 LB206 (Krist) Appropriate funds to the Department of Health & Human Services for developmental disability services
 LB493 (Krist) Appropriate funds to maintain the Network of Care

Education

Room 1525 - 1:30 p.m.

LB630 (Larson) Adopt the Independent Public Schools Act
 LB650 (Linehan) Change provisions for teaching certificates
 LB568 (Erdman) Change provisions related to temporary teaching certificates

Wednesday, March 15

Appropriations

Room 1003 - 1:30 p.m.

LB356 (Bolz) Create the Civic Engagement Cash Fund and state intent relating to fund transfers
 Agency 69: Neb. Arts Council
 Agency 84: Dept. of Environmental Quality
 Agency 71: Neb. Energy Office
 Agency 33: Game & Parks Commission

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB277 (Wayne) Change population requirements for election precincts

COMMITTEE HEARINGS

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

LB619 (Wayne) Permit certain counties to conduct elections by mail
LB316 (Murante) Change election provisions relating to technology and funding

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

LB120 (Schumacher) Provide for Medical Assistance Act coverage for family planning services as prescribed
LB578 (McDonnell) Change medicaid reimbursement provisions relating to ground emergency medical transportation

Judiciary

Room 1113 - 1:30 p.m.

LB405 (Baker) Change provisions relating to DNA samples, DNA records, and thumbprints under the DNA Identification Information Act
LB435 (Ebke) Change provisions relating to escape
LB450 (Chambers) Adopt the Patient Choice at End of Life Act
LB622 (Wishart) Adopt the Medical Cannabis Act

Revenue

Room 1524 - 1:30 p.m.

LB374 (Schumacher) Provide an income tax credit for corporate income taxes paid and change sunset dates under the Nebraska Advantage Act
LB467 (Krist) Change provisions relating to certain tax incentive programs
LB543 (Watermeier) Change provisions relating to applications and reporting requirements under the Nebraska Advantage Act
LB565 (McCollister) Require the posting of tax incentive information under the Taxpayer Transparency Act

Thursday, March 16

Appropriations

Room 1003 - 1:30 p.m.

Agency 40: Neb. Motor Vehicle Licensing Board
Agency 17: Dept. of Aeronautics
Agency 27: Dept. of Roads
Agency 47: Neb. Educational Telecommunications Commission

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

LB163 (Vargas) Require additional polling places prior to elections in certain counties
LR15CA (Morfeld) Constitutional amendment prohibiting requiring a voter to present identification prior to voting

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

LB360 (Kolterman) Adopt the Surgical Technologist Registry Act
LB439 (Wishart) Change licensure and regulation provisions for assisted-living facilities

Judiciary

Room 1113 - 1:30 p.m.

LB527 (Morfeld) Provide for subpoena of records in certain cases
LB529 (Harr) Authorize county courts sitting as probate courts in cases of guardianship to authorize abortions in judicial by-pass cases
LB145 (Hansen) Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service
LB395 (Morfeld) Change provisions relating to conditions of and ability to post bail
LB615 (Wayne) Provide for expungement of criminal history record information in cases of arrests based upon mistaken identity

Revenue

Room 1524 - 1:30 p.m.

LB592 (Crawford) Change the tax incentives available under the Nebraska Advantage Act
LB613 (Wayne) Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act
LR17CA (Wayne) Constitutional amendment to eliminate requirements that property taxes be levied by valuation uniformly and proportionately

Friday, March 17

Appropriations

Room 1003 - 1:30 p.m.

LB524 (Walz) Appropriate funds to supplement financial assistance from the Nebraska Internet Enhancement Fund

LB621 (Wayne) Appropriate funds to the Public Service Commission
LB149 (Stinner) Reduce a Legislative Council appropriation
Agency 7: Governor
Agency 8: Lieutenant Governor
Agency 9: Secretary of State
Agency 10: Auditor of Public Accounts
Agency 12: State Treasurer
Agency 14: Public Service Commission
Agency 3: Legislative Council

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

LB111 (Hansen) Provide for nonpartisan election of county officers
LB139 (Crawford) Authorize change to nonpartisan election of county officers
LB183 (Hughes) Authorize change of nomination and election provisions for county officers

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

LB649 (Pansing Brooks) Prohibit additional services or populations under the medicaid managed care program
LB552 (Walz) Provide for the Children's Connection program

Judiciary

Room 1113 - 2:00 p.m.

LB491 (McCollister) Create the offense of fraudulent misrepresentation of a service animal and provide penalties
LB424 (Ebke) Provide for earned time and discontinue use of good time in the Department of Correctional Services
LB585 (Linehan) Change provisions relating to dangerous dogs, seizure of animals, and animal control authorities
LB562 (McCollister) Require a monthly report from the Department of Correctional Services as prescribed

Revenue

Room 1524 - 1:30 p.m.

LB361 (Kolowski) Exempt sales of clothing and footwear from sales and use taxes as prescribed
LB438 (Howard) Increase cigarette and tobacco taxes as prescribed and provide for the distribution of funds ■

HISTORY OF A UNICAMERAL

“ There is no more reason for a two-house legislature in any of our states than there is for a bank to have two boards of directors or for a city to have two separate boards of aldermen. Indeed there is no more use for a two-branch legislature than there is for two governors.”

- George W. Norris

Nebraska’s legislature is unique among all state legislatures in the nation because it has a single house. It wasn’t always a unicameral, however. The state had a senate and a house of representatives for 68 years before Nebraskans voted to eliminate half of their state legislature in 1934.

The change did not come easily. Nebraskans rejected similar proposals several times before interest in reining in state spending heightened because of the Great Depression. The cause also was helped by a zealous petition campaign led by the prestigious U.S. Sen. George W. Norris and the fact that two other popular proposals were on the ballot that year: local option on prohibition and legalized pari-mutuel betting. The vote was 286,086 for and 193,152 against a unicameral system.

Norris, a “New Deal Republican” who settled in McCook, wore out two sets of automobile tires while he drove throughout the state campaigning for the measure. He said the two-house system was outdated, inefficient and unnecessary.

The bicameral system was modeled after the British Parliament, Norris said, which is made up of the House of Commons, with representatives elected by the people, and the House of Lords, with its aristocratic members appointed by the king.

The one-house system differs little from most city, county and school district governing bodies. All Canadian provinces operate with single-house systems.

Implementation of the unicameral legislature in 1937 cut government costs for obvious reasons. Legislative membership went from 133 in the bicameral to 43 in the new single house – nearly a 70 percent reduction.

Also, the one-house system was more efficient than its predecessor. The number of committees was pared down from 61 to 18, and 581 bills were introduced in 1937 as opposed to twice that many the previous session. The last bicameral session in 1935 ran 110 days, passed 192 bills and cost \$202,593. The first unicameral session two years later ran 98 days, passed 214 bills and cost \$103,445.

A common question regarding unicameralism was how to preserve checks and balances to prevent abuse of power. Norris argued there would be checks and balances without a second house. The Supreme Court and the governor would rule on or veto measures deemed improper, he said.

More importantly, the people would serve as a check upon the possible abuse of power by their elected officials with the right to vote and petition, Norris said. The Nebraska Unicameral would have easy-to-follow procedures and extend greater privileges to the press to allow for greater public awareness.

In a one-house legislature, Norris said, no actions could be concealed as was commonly done in the conference committee of bicameral legislatures. Conference committees resolve differences when bills passed in both houses vary in content.

Another unique aspect of Nebraska’s legislature is its nonpartisanship, which was included in the successful 1934 unicameral amendment. A nonpartisan body allows senators to concentrate on local interests without being influenced by national party lines. National party lines, Norris argued, often have little to do with local government. A voter who votes according to party lines might vote for a state candidate who disagrees with him or her on matters over which the senator will have jurisdiction.

Movements for unicameralism have existed throughout the United States since the nation’s independence. There were several pro-unicameral movements in Nebraska before one finally succeeded. The same year Nebraska’s unicameral legislature began operating, attempts in 21 other states to become one-house legislatures failed. Many states looked to Nebraska as a model of an effective one-house legislature. Those states included California, Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Minnesota, Montana, New York, Oklahoma, Rhode Island, Tennessee and Texas. Despite the interest unicameralism has received over the years, Nebraska remains the only state with a unicameral legislature. ■



George W. Norris

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Feb. 27 to March 3 was Music Education Week at the Capitol. Student groups from across the state performed in the Capitol Rotunda. Pictured: Crete High School Choir, directed by Matthew Gunter.