

University backers oppose funding cuts



Nebraska University President Hank Bounds (center) presents the case to the Appropriations Committee for restoring the institution's funding.

Supporters of the University of Nebraska turned out for a four and a half hour hearing of the Appropriations Committee Feb. 14 to oppose funding cuts.

Under the state budget proposal

offered by Gov. Pete Ricketts, the university system would lose \$11 million in funding in the current fiscal year and \$23 million in FY2018-19. During the agency budget hearing, administrators, alumni, teachers,

students, business leaders and others lined up in opposition.

President Hank Bounds said the proposed cuts are on top of the across-the-board reductions already absorbed by the university system along with

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Bill would require employers to provide equal wages

Employers would be held accountable for gender-based wage disparities under a bill discussed by the Business and Labor Committee Feb. 12.

LB1014, introduced by Lincoln Sen. Patty Pansing Brooks, would require employers to provide equal pay for employees performing comparable work that requires substantially similar skill, effort and responsibility, performed under similar working conditions.

Pansing Brooks said women in Nebraska currently make 73 cents for every dollar a man makes. Protecting employees who disclose wage information would help women more effectively negotiate higher wages and more quickly close the gender pay gap, she said, which will not close until 2066 if current trends persist.

"While the pay gap has slowly moved in the right direction, it has been far too slow in my opinion," Pansing Brooks said. "Women make up half of the workforce and

receive more college and graduate degrees than men, yet this gap persists."

The bill would provide an affirmative defense in any civil action brought against an employer alleging wage discrimination based on gender, if that employer has completed a self-evaluation in good faith of its pay practices within three years of the complaint.

Additionally, the employer must demonstrate that it has made reasonable progress toward eliminating any wage differentials for comparable work based on such an evaluation.

A person would be guilty of a Class III misdemeanor if he or she fires or discriminates against an employee who has filed a complaint with an employer, the state attorney general or the Equal Opportunity Commission. A Class III misdemeanor carries a penalty of up to three months imprisonment, a \$500 fine or both.

An employer would be guilty of a Class V misdemeanor

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Bill would require employers to provide equal wages

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if it hinders any investigation into wage discrimination by the commission or attorney general by falsifying or failing to furnish related records. A Class V misdemeanor carries a penalty of up to a \$100 fine.

The bill also would prohibit an employer from requiring an employee to sign a waiver or nondisclosure agreement, preventing the employee from disclosing his or her wages.

An employee could file a civil lawsuit against an employer if there is evidence of retaliation for wage disclosure including, but not limited to, coercion, intimidation, interference, discipline or threats against the employee.

If the court finds in favor of the employee, he or she would be entitled to any judgment awarded by the court and reasonable attorney's fees. Additionally, the court could order reinstatement of the employee, restoration of lost service credit, expungement of negative employment records and lost wages.

Representing the Women's Foundation of Lincoln and Lancaster County, Mary Herres spoke in support

of the bill. She said that without a clear understanding of comparable wages, it is difficult for women to challenge unfair pay practices.

"Open and accurate disclosures of wages would help put women on a more equal footing," Herres said. "When women go into negotiations with wage information, they will be better positioned."

Sarah Ann Kotchian, representing the Holland Children's Movement, also supported the bill. She said eliminating the gender pay gap would benefit families, who increasingly are headed by women.

"This would provide greater and more comprehensive employee protections," Kotchian said. "Eliminating the wage gap would provide much needed income to women who sustain their households."

Opposing the bill was Scott Moore,



Sen. Patty Pansing Brooks said employers continue to pay women considerably less than men for doing the same work.

representing the Nebraska Chamber of Commerce. He said the protections proposed under LB1014 already have been addressed through federal legislation.

"Compensation questions like this are already protected at the federal level under the National Labor Relations Act," Moore said. "The bill creates a new standard that is not very workable and could be prone for litigation and a barrier to businesses."

The committee took no immediate action on the bill. ■

UNICAMERAL UPDATE

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other state agencies. Nebraska University accounts for roughly 13 percent of state budget, he said, but is being asked to take approximately 34 percent of the total cuts in state spending.

In what he called “a conversation about Nebraska’s future,” Bounds said the university is essential to the state’s ability to grow its way out of the current economic downturn through workforce development, research and educational opportunity. Overall, he said, the university offers the state a return of \$6 dollars for every dollar invested in the institution, which he said no other state agency can match.

“In my view, we are at a defining moment and we have a choice to make,” Bounds said. “Are we going to reaffirm the partnership between the state and its public university that has opened the door of opportunity to young people and driven economic growth for almost 150 years, or will you decide that you no longer see the value that the University of Nebraska provides?”

The administration already has outlined potential cuts that Bounds said would impact areas across the university spectrum. Proposed recommendations include eliminating the geography, art history and electronics engineering degree programs in Lincoln, closing the Haskell Agricultural Research and Extension Center in Concord, closing the dental hygiene program in Gering and Scottsbluff, eliminating some staffing and faculty positions at the University of Nebraska Medical Center and eliminating the men’s baseball, tennis and golf programs at the Kearney campus.

Bounds said the cuts reflect either programs that are considered “low yield” or are a retreat of satellite

programs to the university’s main campuses.

“This list I just gave you totals a little more than \$9 million,” Bounds said. “We would still have more than \$14 million to go and the decisions don’t get any easier. Today, I’m asking you to limit future damage to your university and restore our base funding of \$580 million to FY2018-19.”

Among over a dozen student testifiers was Carlo Eby, University of Nebraska at Omaha student body president. As the son and grandson of house painters, Eby said he was one

“Today I’m asking you to limit future damage to your university and restore our base funding ...”

**— Hank Bounds,
university president**

of approximately 44 percent of UNO students who are the first in their families to attend college.

Eby said that as a finance major and fiscal conservative, he understands the need for efficiencies in budgeting. However, he said, the state is in danger of going too far and placing an affordable university education out of reach for students like him. Eby urged senators to consider the impact on other first-generation students.

“They have faces; they have names; they have aspirations,” Eby said. “As their elected representative, it’s hard for me share with them the kind of reductions that are being rolled out.

You can see the pain and confusion in students’ eyes as, with each cut, they realize that they are losing another opportunity.”

Tonn Ostergard, chairman and CEO of Crete Carrier Corporation and past chairman of the University of Nebraska Foundation, said the university does not have as much flexibility as the public believes when it comes to funding options.

For example, he said, 99 percent of the funds in the university’s \$1.7 billion endowment are restricted and can be used only for specified expenditures.

“It’s not a piggy bank that we can tap into and use,” Ostergard said, adding that successful organizations make strategic investments even during difficult economic times.

Rich Herink, representing the Nebraska Chamber of Commerce and Industry, said that the organization supports “less drastic” cuts to the university. The chamber surveys its members each year about their concerns, he said, and last fall 80 percent of respondents listed workforce development as the number one issue facing their businesses and communities.

“That’s the sixth year in a row [that] workforce is the number one issue that’s holding back companies in Nebraska from growing,” Herink said, and university graduates are essential to strengthening that resource.

No one testified in support of the proposed budget cuts and the committee took no immediate action. ■

APPROPRIATIONS

Alternative contracting methods for state parks projects advanced

Lawmakers gave first-round approval Feb. 13 to a bill that would authorize the state Game and Parks Commission to use alternative contracting methods for public projects in the state park system.

LB775, introduced by Gering Sen. John Stinner, would authorize the commission to use the design-build and construction manager/general contractor contracting methods.



Sen. John Stinner

A design-build contract is one that is subject to a value-based selection process to furnish architectural, engineering and related design services as well as labor, materials, supplies, equipment and construction services.

A construction manager/general contractor contract is one that is subject to a qualification-based selection process to furnish preconstruction services during the design development phase of the project and—if a satisfactory agreement can be reached—construction services.

Stinner said public schools, cities, villages, state and community colleges and the state Department of Transportation already are authorized to use those methods, which help agencies to more quickly and efficiently build projects, saving the state money.

“As we continue to seek higher levels of efficiency within state government,” he said, “I think it’s important that we also provide state agencies with the full set of tools they need to improve efficiencies and save on state costs.”

Senators voted 48-0 to adopt an Appropriations Committee amendment clarifying that the commission could hire a licensed architect or engineer to assist with the development of requests for proposals, the evaluation of proposals and evaluation of the construction. It also would leave the intellectual property contained in a proposal in the creator’s possession if it is not selected and if the creator does accept a stipend offered by the commission.

After Omaha Sen. Ernie Chambers filed several motions in order to extend debate on the bill, Stinner filed a motion to invoke cloture, or cease debate and vote on the bill. The motion succeeded 46-1.

Senators then voted 47-1 to advance LB775 to select file.

Bill seeks state funds for county prosecution costs

The Appropriations Committee heard testimony Feb. 13 on a bill intended to assist counties facing costs from correctional institution incidents.

LB861, introduced by Syracuse Sen. Dan Watermeier, would require the state to pay a county’s prosecution costs that arise from a single correctional institution incident—defined as one in which a crime is allegedly committed by one or more inmates confined in a state correctional institution—if it exceeds the threshold amount for the county.



Sen. Dan Watermeier

Under the bill, the threshold amount is the amount of property tax revenue raised by the county from a levy of 2.5 cents per \$100 of taxable valuation of property subject to the

levy. The threshold amount would be determined using valuations for the year in which the correctional institution incident occurred.

Costs of prosecution would include, but would not be limited to, the costs of defense for indigent defendants, such as attorney and expert witness fees.

Watermeier said the threshold amount for Johnson County, which includes the Tecumseh State Correctional Institution, is approximately \$250,000.

“Everyone is aware of the Mother’s Day riot—as well as several other incidents that have occurred at the Tecumseh State Correctional Institution and other facilities since 2015,” Watermeier said, adding that the state Department of Correctional Services paid for some expenses related to those events. However, he said, the department has indicated that it will not pay any additional claims.

Now, he said, the county must bear the cost of prosecuting inmates for murders that occurred during the incident. While the public defender and the Nebraska Commission on Public Advocacy will assist with the costs, he said, the county will be required to hire additional attorneys to represent numerous co-defendants.

“Counties cannot fail to prosecute a murder just to save the money,” Watermeier said. “To require Johnson County residents to pay more than \$225,000 per incident, to defend inmates who are not from their county, does not seem fair and should be the responsibility of the state.”

Larry Dix, representing the Nebraska Association of County Officials, testified in support of the bill. The tax base in Johnson County is far less than other counties in which state correctional facilities are located, he said, thus the county has fewer resources.

“This is a unique approach to compensating something by looking at the tax levy,” Dix said. “It actually gets to sort of the ability to pay and it also talks about sharing of that expense.”

No opposition testimony was offered and the committee took no immediate action on LB861.

Bill would provide \$5 million for disability providers

The state would step in to rectify a developmental disability provider payment gap from 2016 under a bill heard Feb. 12 by the Appropriations Committee.

Fremont Sen. Lynn Walz, sponsor of LB864, said the bill would rectify a billing error made by the state Department of Health and Human Services’ division of developmental disabilities.



Sen. Lynn Walz

The federal Centers for Medicare and Medicaid discovered that DHHS was paying providers for habilitative services on weekends and holidays in an unapproved manner, she said.

As a result, she said, developmental disability providers were asked to sign new contracts to perform the same services that did not include payment for the federal portion of their reimbursement. The Legislature allocated funds in last year’s budget bill to fill the gap, she said, but a delay in implementation of the state’s new federal waiver meant that several providers were not made whole.

The bill would authorize \$5.4 million in general funds in fiscal year 2017-18 to DHHS as state aid for services rendered after Oct. 1, 2016, for which no federal funds were used to pay providers.

“To me, if you provided a service,

you should get paid for it,” Walz said. “The money is to pay providers for services rendered under contract, where payment for those services was essentially cut in half through no fault of their own but due to a mistake made by the administration.”

Dave Merrill, executive director of Region V Services, testified in favor of the bill. Speaking on behalf of the Nebraska Association of Service Providers, he said all of the entities impacted have tried to act responsibly and kept providing services during a difficult period.

For example, Merrill said Region V Services was paid according to their contract for the first three months of 2016, and then given the choice of signing an amended contract or facing the possibility of not being paid at all.

The organization had to find ways to address a \$200,000 per month shortfall until the new waiver was implemented, he said. Other developmental disability providers like Region V are hoping that the state can rectify the situation with LB864, he said.

“The one-time payment will allow us to cash flow things to try to stabilize the [developmental disability] system as we move to a new funding system,” Merrill said.

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

EDUCATION

Social worker proposed for each educational service unit

Each of the state’s 17 educational service units would hire a social worker to aid students with behavioral or mental health problems under a bill heard by the Education Committee Feb. 12.

LB998, introduced by Fremont Sen. Lynn Walz, would create a collaborative school behavioral and mental health program with the goal of providing each ESU with a social worker to train teachers and other school personnel and to work with parents, schools, behavioral and mental health care providers and other resources to provide services to students.

Walz said the bill’s primary goal is to prevent violent incidents at schools by helping students who have mental and behavioral health problems. LB998 would provide services to address those problems, she said, and it would track resources in communities across the state, giving the Legislature more information on where additional support might be needed.

“If we can prevent, identify and treat problems at an early age,” Walz said, “we will not only see a difference in their childhood but for years to come as they grow into productive adults in our society.”

The program would be a collaboration between the ESU Coordinating Council, the ESUs and the school districts within each ESU. Social workers hired under the program could use screening and assessment tools to identify students in need of services and assist in matching students with appropriate health care providers.

The ESU Coordinating Council would solicit annual program plans from each ESU, identify evidence-based best practices in interventions for students, coordinate training for social workers and other school personnel and complete annual evaluations of each program. It also would create and maintain a statewide map of behavioral and mental health services.

Walz said the program would cost approximately \$1.2 million per year, and she has found private donors to fund it for the first three years.

After that, each ESU would determine the program's cost in its service area. If the ESU decides to continue, the program's cost would be shared by the ESU, school districts within the ESU, state general funds and private donations. The program would end if its costs exceed the ESU's available funds.

David Ludwig, executive director of the ESU Coordinating Council, testified in support of the bill. He said the program would help ESUs and school districts identify gaps or overlaps in behavioral and mental health services to ensure that all Nebraska students have equitable access to those services.

"Right now, we don't have the capacity to do that because we don't have social workers within every ESU," Ludwig said.

Also testifying in support was Debra Anderson Pappas, senior director of early intervention and training at Project Harmony, a child advocacy center in Omaha. She said Project Harmony's Connections program, which identifies children in need of mental health services and matches them with appropriate services, has helped 3,000 students in the Bellevue, Millard, Omaha and Papillion school districts since it began in 2015.

"I urge you to support LB998, as this bill would put school social workers in each ESU to do what we do," Anderson Pappas said, "which is to help families access mental health services, to help schools know how to address behavioral health needs and to help identify and train mental health professional who can best serve them."

Laura Barrett, special services director for ESU 13 in Scottsbluff, also testified in support. She said ESU 13 currently provides school psychologists and a mental health practitioner to students, but a social worker would help connect more families with mental health resources.

School personnel often cannot refer students to mental health services simply because they are not aware of what resources are available, Barrett said, and most do not have the time and resources needed to apply for mental and behavioral health grant programs.

"I think using ESUs as a part of this is a good idea because, as ESUs, we are charged with knowing our school districts," she said. "We have relationships with them—we are in them every day."

Mike Waters, Crete Public Schools superintendent, also testified in support of the bill. He said Crete, Norris School District and Wilber-Claytonia Public Schools have hired a school psychiatrist who spends up to two days per week at each school to provide intensive services to students with severe mental health problems. The psychiatrist serves 19 students at Crete—with at least 10 more on a waiting list—and each student can wait up to three weeks for a one-on-one visit, Waters said.

"There's such a need that it's actually above and beyond what one person can handle," he said.

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

Special instruction for dyslexic students proposed

The Education Committee heard testimony Feb. 13 on a bill that would require Nebraska schools to provide special reading instruction for students with dyslexia beginning this fall.

LB1052, introduced by Lincoln Sen. Patty Pansing Brooks, would require schools to provide students who are identi-



Sen. Patty Pansing Brooks

fied as exhibiting characteristics of dyslexia with evidence-based literacy instruction using a multisensory approach. A technical assistance document created and distributed by the state Department of Education would provide guidance on that instruction.

The document also would provide information on dyslexia's characteristics, its associated conditions and indicators and the screening, evaluation, instruction and intervention for dyslexia. It would be distributed to all school districts, educational service units and teacher education programs in the state to promote awareness of dyslexia.

Pansing Brooks said she learned that the department already had written such a document while visiting schools around the state with Elkhorn Sen. Lou Ann Linehan as part of a 2017 interim study to examine reading, literacy and dyslexia. However, most teachers and administrators did not even know that the document existed, she said.

During their tour, Pansing Brooks said, they saw many teachers using visual, auditory and tactile methods to teach reading, but teachers consistently reported that they were not properly trained in how to recognize dyslexia and provide evidence-based interventions. Many held misconceptions about the condition or were reluctant even to talk about it.

"There were a few teachers who still thought dyslexia required a medical diagnosis," Pansing Brooks said. "It does not."

LB1052 would prohibit school districts from requiring a student who exhibits characteristics of dyslexia to obtain a medical diagnosis to receive interventions.

The bill also would require that each teacher education program approved by the State Board of Educa-

tion include dyslexia instruction in its initial program course requirements beginning in July 2019.

Maddie Fennell, executive director of the Nebraska State Education Association, testified in support of the bill. Fennell said she and her colleagues did not know about the department’s technical assistance document for dyslexia until Pansing Brooks brought it to their attention.

“LB1052 highlights this document and puts it to good use,” she said. “We believe this could be an important resource for teachers, but they first need to know about it.”

NSEA supports mandating dyslexia training in teacher education, Fennell added.

“Every teacher will likely have a student with dyslexia in their career,” she said, “and teachers need to know how to help these students.”

David Holtzclaw of Omaha, who said he was not diagnosed with dyslexia until his freshman year of college, also testified in support of the bill. His son Christopher also is dyslexic, but Holtzclaw said Christopher’s teachers did not know how to identify or address his disability.

“While it may not be surprising to this committee that my K-12 teachers back in the 1980s didn’t recognize dyslexia, the sad part is that the same is true today,” Holtzclaw said. “Thirty years later, literally nothing has changed.”

He said he supports LB1052 because it would provide teachers with the training they need to recognize and address dyslexia.

Also testifying in support was Ellen Stokebrand, director of special education for ESU 4 in Auburn. An adjunct faculty member in Peru State College’s teacher education program, Stokebrand said the bill would prioritize professional development in reading

instruction as well as interventions for reading disabilities, including dyslexia.

“This focus on the development of skills of teachers—as well as those preservice teachers who are coming into our profession—is something that we’re very excited about supporting across the state,” she said.

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



Increased legislative oversight of DHHS sought

The Executive Board considered two measures Feb. 12 that would increase the level of legislative oversight of the state Department of Health and Human Services regarding children in the state’s child welfare and juvenile justice systems.

Currently, all cases of death or serious injury of a child in a foster home, private agency, child care facility or other program licensed by DHHS must be reported to, and investigated by, the office of the inspector general of Nebraska child welfare.

LB1078, introduced by Bellevue Sen. Sue Crawford, would add to that requirement all allegations of sexual abuse of a state ward or a juvenile on probation, in a detention facility or residential child-caring agency.



Sen. Sue Crawford

Crawford said the bill was in response to a 2017 inspector general report that found 50 cases of child sexual abuse of children served by Nebraska’s child welfare and juvenile justice programs that were substanti-

ated by DHHS or the court system. Of those cases, she said, 27 occurred while the child was in state care.

In light of those findings, she said, the inspector general recommended that the department create a system to collect and review information about allegations of sexual abuse of children served by the state.

Crawford said DHHS rejected the recommendation, claiming it already has an intake system that collects the information in question. However, DHHS could not immediately provide that information when asked for it by the inspector general, she said, adding that it is not a data point that is being properly collected and analyzed.

“That means there is no quick and efficient way to pull information on the number of sexual abuse allegations made in a certain time period involving children in the state’s care,” Crawford said.

LB1078 also would require that the annual report of the DHHS division of children and family services include the number of sexual abuse allegations that occurred among children being served by the division and those placed at a residential child-caring agency, along with the number of corresponding:

- screening decision occurrences by category;
- open investigations by category; and
- agency substantiations, court substantiations and court-pending status cases.

Julie Rogers, inspector general of Nebraska child welfare, testified in support of the bill, saying it would increase transparency and accountability regarding allegations of sexual abuse of children in state care. She said her office’s recommendation to DHHS regarding tracking sexual abuse allegations would allow the state to monitor the issue, analyze trends and suggest

system improvements. The 50 cases outlined in the report were not discovered by the department, she said.

“We had not received notice about the majority of these allegations through complaints or critical incident reports,” Rogers said. “Instead, we discovered victims by individually combing through 971 reports to the Nebraska Child Abuse and Neglect hotline.”

Juliet Summers of Voices for Children in Nebraska also supported the bill. Half of the children whose cases were outlined in the inspector general’s report were abused by caregivers, she said, and that number is “almost certainly an underrepresentation,” because child sexual abuse in general is underreported.

“[The bill] would ensure that allegations of sexual abuse of children in care continue to be investigated and reported to the Legislature for appropriate further action,” Summers said.

Also considered was LR288, sponsored by Lincoln Sen. Kate Bolz, which would create the Nebraska Child Welfare Death and Abuse Special Oversight Committee. She said the proposal also was in response to the inspector general’s report.



Sen. Kate Bolz

An oversight committee could bring together stakeholders and be a catalyst for change, Bolz said. There are a number of legal requirements—including maximum caseloads—that the department currently is not abiding by, she said.

“These are complex areas of law that aren’t working as they should and deserve a response for the safety and well-being of our kids,” Bolz said.

The committee would consist of the following individuals or his or her designee:

- chairperson of the state child and maternal death review team;
- executive director of the Foster Care Review Office;
- inspector general of Nebraska child welfare;
- state court administrator;
- chairperson of the Legislature’s Health and Human Services Committee;
- chairperson of the Legislature’s Judiciary Committee; and
- three members of the Legislature appointed by the Executive Board of the Legislative Council.

The committee would be tasked with studying child deaths and abuse reports alleging harm to children in the care of DHHS and actions taken in response to those allegations. It also would examine the policies and procedures in place to ensure that the backgrounds of staff, parents, foster parents, kinship placements, guardians and other caregivers are sufficiently screened for any history of abuse.

The committee would study staff training policies to assess and mitigate risks for abuse and the status of recommendations made by the office of inspector general of Nebraska child welfare. A report on these findings would be due to the Legislature by Dec. 15, 2018. The committee would continue its work until the beginning of the next legislative session.

Sarah Helvey of Nebraska Appleseed testified in support of LR288, saying it would bring together expertise from several areas and establish a helpful structure within which the Legislature could study the issues of abuse and injury to children in state care.

“The response in Nebraska to [these serious incidents] as investigated by the inspector general has not, to date, included comprehensive efforts to correct inadequate procedures and policies identified in the system,” Helvey said.

Matt Wallen, director of the DHHS division of children and family services, opposed the bill. The department currently submits over 30 quarterly and annual reports to the Legislature, he said, and is subject to ongoing oversight by the federal government as well as the Legislature’s Health and Human Services and Appropriations committees.

In addition, he said, DHHS has fully implemented more than 20 of the recommendations made by the inspector general’s office and is working on several others.

“It is unclear why additional legislative oversight is needed,” Wallen said.

The board advanced LB1078 to general file on a 6-0 vote and took no immediate action on LR288.



Changes to initiative petition process, recall elections proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 14 on a bill that would make several changes to laws governing initiative petitions and recall elections, as well as close a loophole that prevents some 18-year-olds from voting in special elections.

Sen. John Murante of Gretna, sponsor of LB1068, said he introduced the bill on behalf of Nebraska Secretary of State John Gale to make several changes and clarifications to state election law.



Sen. John Murante

Murante said that one of the most important changes would close a loophole in current law that prevents a

Nebraska resident who turns 18 on or before the day of a special election in the month of January in an even-numbered year and in January, November and December in an odd-numbered year from registering to vote in those elections. Under LB1068, those residents could cast a provisional ballot if they complete and sign a registration application before voting.

LB1068 also would clarify what information on the state's voter registration list may be made public. The bill would require the secretary of state, election commissioner or county clerk to withhold from a list of registered voters any information that is designated as confidential. The registrant's name, address, phone number, date of birth, voting precinct and party affiliation, and certain other information would not be confidential.

Wayne Bena, deputy secretary of state for elections, testified in support of the bill. He said the need for that clarification became apparent after numerous requests for access to the state's voter registration list by the Trump administration's Presidential Advisory Commission on Election Integrity.

"Many of the things that the commission was requesting would never have been given out in a public records request anyway," Bena said, "but there was nothing that we could show right off the bat to prove this."

LB1068 also would specifically name the secretary of state—in addition to election commissioners and county clerks—as an official who may make copies of voter registration lists or provide them to the public. Additionally, any person who acquires a list of registered voters would be required to provide his or her name, address, campaign committee or organization name and a statement regarding the purpose of the list.

Currently, the text of a proposed initiative or referendum petition must

be filed with the secretary of state, who then transmits it to the revisor of statutes to review. The secretary of state provides the results of the review and the suggested changes to the sponsor but otherwise keeps them confidential for five days. LB1068 would make both the proposed measure and the review confidential.

Bena said current law allows opponents of a measure to see its contents before the initiative's sponsor can see if the revisor found any problems with it.

LB1068 also would require the sponsors of initiative petitions to sign an affidavit certifying that the petitions have at least the number of signatures necessary to place the issue on the ballot if each signature were to be verified. If the total number of signatures is too low, whether or not they are valid, the sponsors would be liable for the cost to the state and the counties of the signature verification process.

Douglas County Election Commissioner Brian Kruse, who testified in support of the bill, said that the county spent more than 3,200 hours and more than \$37,000 in 2016 verifying signatures on two petitions that did not have the minimum number of signatures.

"This was a true waste of taxpayer resources," he said.

In another cost-saving measure, the bill would allow the secretary of state to instruct election commissioners and county clerks to stop verifying signatures if the counties report that they have verified signatures in excess of 110 percent of the number necessary to place the issue on the ballot.

Additionally, LB1068 would require the governing board of any political subdivision requesting the adjustment of election district boundaries to provide written notice and a revised boundary map that has been approved by the subdivision's governing board.

Sarpy County Election Commis-

sioner Michelle Andahl, who also testified in support of the bill, said the current law on how those changes are requested is vague and does not clarify what documents or steps the political subdivision has taken to warrant changing the boundaries. She said the lack of clarity has caused problems for some cities in Sarpy County that are trying to annex other cities or asking to have their election boundaries changed.

"The amended language removes the burden of interpretation by election officials in political subdivisions," Andahl said, "along with removing the chance of unintentional inequitable treatment from case to case."

Finally, LB1068 would extend the window during which the governing body of a political subdivision may order a recall election. Under current law, the election may be held not less than 30 days nor more than 75 days after the notification of the official whose removal is sought. The bill would change the requirement to not less than 50 days nor more than 80 days.

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



Bill seeks to curb teen indoor tanning

Lawmakers began debate Feb. 15 on a bill that would prohibit Nebraska tanning facilities from allowing people younger than 18 to use tanning equipment.

In 2014, the Legislature outlawed the use of tanning equipment—which includes sun lamps, tanning booths and tanning beds—in indoor tanning facilities by people younger than 16.

An exception exists if a parent or legal guardian signs a statement before each use indicating an understanding of the warnings provided by the facility and consenting to the minor's use of tanning equipment.

LB838 would raise the age to 18 and remove the exception for parental permission.

The bill would not apply to a licensed physician who uses phototherapy in the practice of medicine. Phototherapy is defined as the use of equipment that emits ultraviolet radiation for the diagnosis or treatment of disease or injury.

Lincoln Sen. Anna Wishart, sponsor of LB838, said it is time for the Legislature to revisit the issue. Evidence continues to mount regarding the danger of indoor tanning, she said, including new research showing that the use of tanning beds before the age of 35 increases the risk of melanoma by 75 percent.



Sen. Anna Wishart

The 2014 law likely has saved lives, she said, but is inadequate.

"Science tells us that youth have a diminished capacity to understand and weigh long-term consequences before taking action," Wishart said. "This session we can be leaders in reducing rates of skin cancer by imposing similar restrictions to those we have on tobacco products."

Omaha Sen. Rick Kolowski, a former high school principal, spoke in support of the bill. He recalled the intense peer pressure exerted on teens—especially cheerleaders and dance team members—to use tanning beds. That activity certainly has resulted in negative health impacts, he said.

The state does not allow minors to purchase alcohol or cigarettes with

parental consent because of the dangers those products pose, he said, and indoor tanning should be treated the same way—as a public health concern.

"Even with the current parental permission requirement, parents may not be fully aware of the dangers of indoor tanning," Kolowski said.

Sen. Bob Krist of Omaha opposed the bill, saying it may not accomplish its intended purpose and would limit parental authority. He said a group of young people in Omaha recently took a discarded tanning bed and severely harmed themselves by using it without any supervision because their parents would not sign the consent required under current law.

Rather than restrict young people further, he said, the Legislature should concentrate on making sure that current law is being followed.

"I want anybody who wants to go to a tanning bed [to] go to a tanning bed in a safe condition that's regulated," Krist said. "This bill takes out all parental rights."

The Legislature moved on to another item on the agenda without taking any action on LB838.



Bill would expand authority for mental health professionals

Mental health professionals would have the same authority as law enforcement to place people in emergency protective custody under a bill heard by the Judiciary Committee Feb. 14.

Under LB964, introduced by Omaha Sen. Mike McDonnell, a mental health professional could take a mentally ill and dangerous person or a dangerous sex offender into emergency protective custody until commitment

proceedings could be initiated if he or she believes the person may cause harm.



Sen. Mike McDonnell

McDonnell said the bill would help avoid the criminalization of mental illness and allow for a smarter, more responsive solution to an already emotional situation.

"Having a police officer arrive at an already stressful situation, handcuff the person and transport them to a secure facility can make a situation even more traumatic," McDonnell said. "If we can improve the process in just a few cases, it would be worth it."

Levi Mohr, representing the Mental Health Action Team of Omaha Together One Community, spoke in favor of the bill. Mental health practitioners currently can do only so much to help people in crisis, he said.

"We have had patients who we felt were in the middle of a suicidal or homicidal crisis, but our pathways to care were limited," Mohr said. "This tool would be an excellent way to advocate for our patients."

Also supporting the measure was Marilyn Rhoten, vice president of behavioral health services for CHI Health. Most emergency protective custody cases likely would still require law enforcement engagement, she said, but there may be instances where it is not necessary or helpful.

"Having trained mental health practitioners involved earlier in the process will improve outcomes," Rhoten said. "We appreciate that many law enforcement agencies are pursuing additional crisis response training, but we already ask a lot of our officers every day."

Opposing the bill was Melissa Lemmer, representing the Mental Health Association of Nebraska. Knowing

that a therapist could initiate the emergency protective custody process would do considerable damage to the trust necessary in a therapy environment, she said.

“Just knowing that our provider could potentially take us into custody could change our therapeutic relationship,” Lemmer said. “Public safety is the job of law enforcement, but mental health providers are supposed to create a safe environment for us to heal and grow.”

The committee took no immediate action on the bill.

Early termination of rental agreements proposed for victims

The Judiciary Committee heard testimony Feb. 15 on a bill that would allow the termination of a rental agreement in cases of domestic violence or abuse.

Under LB992, introduced by Lincoln Sen. Kate Bolz, a tenant or household member could obtain release from a rental agreement if they are a victim of domestic violence, sexual assault, domestic assault, stalking, human trafficking, neglect, or exploitation of a vulnerable or senior adult.

Bolz said that 1 in 4 women will experience some form of domestic violence in her lifetime. Victims must be able to safely remove themselves from violent or abusive situations, she said, without facing the financial repercussions from early termination penalties.

The bill would address a problem experienced personally by a constituent, Bolz said.

“I bring this bill to you with the intention of working to represent people who have not only been victims of crimes, but are being economically abused and manipulated,” she said.

Before seeking release from a rental agreement, the tenant seeking termination would be required to obtain and provide proof of a protective or restraining order against the alleged perpetrator or seek assistance from a qualified third party.

The bill defines a qualified third party as a law enforcement officer, physician, psychologist, physician assistant, nurse, nurse aide or other medical, developmental disability or mental health professional, state Department of Health and Human Services employee or an employee of an organization providing services to domestic violence victims in conjunction with or at the direction of the department.

An amendment offered by Bolz would narrow the qualifying medical professionals to include only physicians and psychologists.

The tenant would be required to sign and submit a report about the alleged incident including the date, time, location, the perpetrator’s identity and a brief description of the incident. The qualified third party then would provide a signed confirmation document to the victim, consisting of a copy of the report with the alleged perpetrator’s name redacted.

To seek official release, the tenant would be required to provide to the landlord a copy of the protective order or the confirmation document. Additionally, notice to the landlord would include the names of any household members to be released and the date upon which the rental agreement would terminate—no sooner than 14 days and no later than 30 days upon delivery of the order or confirmation document.

Bolz offered a second amendment that would change the time frame for termination to no sooner than 30 days and no later than 45 days.

The tenant would be liable for payment of rent for the month in which the agreement is terminated.

Any person who seeks release from a rental agreement under LB992 as a victim of domestic violence would not be liable for rent or damages incurred after the release date, subject to any termination fee and would be entitled to any rental deposit or prepaid rent.

Additionally, the bill would allow landlords to terminate a rental agreement of a tenant that commits an act of domestic violence. If evicted or removed from a rental agreement, a perpetrator would be liable for all amounts due under the agreement. Any person remaining in the rental unit could execute a new rental agreement for the remainder of the original lease term.

The landlord could require any remaining tenant or occupant to agree, in writing, to prohibit the tenant who perpetrated the act of domestic violence onto the premises and to promptly report the perpetrator’s presence to law enforcement or the landlord. Violation of this provision would be cause for termination of the rental agreement.

Robert Sanford, representing the Nebraska Coalition to End Sexual and Domestic Violence, supported the bill. He said there are only limited protections currently in place for victims of domestic violence living under private rental agreements.

“Housing needs are a key consideration for victims working on a safety plan,” Sanford said. “This is a small enhancement to our current law that offers significant options to victims that few of us have ever had to consider.”



Sen. Kate Bolz

While supportive of the concept behind the bill, Gene Eckel of the Nebraska Association of Commercial Property Owners opposed parts of the bill that could be open to exploitation.

“[The bill] doesn’t indicate whether a tenant needs a temporary or permanent protection order,” he said. “Can a tenant terminate a lease, go to another property and then use the same protection order to terminate again, even if there’s no imminent threat?”

The committee took no immediate action on the bill.

Increased pet deposit proposed

Renters could be required to pay more to own pets under a bill discussed by the Judiciary Committee Feb. 15.

Currently, landlords who require a pet security deposit can charge up to 25 percent of one month’s rent. LB1039, introduced by Elkhorn Sen. Lou Ann Linehan, would increase this amount to 100 percent.



Sen. Lou Ann Linehan

Linehan said as a pet owner she has firsthand experience with the damage a puppy or untrained dog can inflict on an apartment or house.

“It seems to me that if a landlord is willing to rent to someone with a pet, it’s reasonable to charge a deposit that is enough to cover the damage that may be caused by that pet,” she said.

Supporting the measure was Gene Eckel, representing the Nebraska Association of Commercial Property Owners. He said the increased pet deposit would cover most, if not all, costs a landlord would encounter when a cat or dog does damage.

“A lot of times the amount of damage caused by a pet is going to be

more than that 25 percent pet deposit submitted by the tenant,” he said.

Rebecca Dostal, a law student living in Lincoln, opposed the bill. Under current state law, a landlord does not have to return a security deposit to a tenant at the end of a rental agreement unless a tenant demands it, unbeknownst to most renters.

LB1039 simply would add to this financial burden for many people, she said.

“We’re allowing landlords to hold and potentially keep an amount equal to a month’s rent until a tenant demands that it be returned,” Dostal said.

The committee took no immediate action on the bill.

Transparency proposed for immigration enforcement

Public notification would be required before local law enforcement agencies could accept immigration enforcement responsibilities under a bill discussed by the Judiciary Committee Feb. 14.

The director of U.S. Immigration and Customs Enhancement currently can delegate immigration enforcement functions to state and local law enforcement officers who receive appropriate training and operate under the supervision of ICE officers.

LB1082, introduced by Omaha Sen. Tony Vargas, would require a law enforcement agency or jail that enters into such an agreement with any other public agency to investigate, interrogate, detain, detect or arrest people for immigration enforcement purposes to provide written notification to the governing body of



Sen. Tony Vargas

its political subdivision at least 30 days before entering into the agreement.

Vargas said agencies that enter into such agreements take on costly additional work and reporting that traditionally would be paid for by the federal government. Local political subdivisions also would be liable for any civil rights violations that could arise from enforcement practices, he said.

An enforcement agreement cost Alamance County in North Carolina \$4.8 million in just one year, Vargas said, while Prince William County in Virginia spent \$5 million more than anticipated in the first year of its agreement.

“Taxpayers have a right to know how their tax dollars are being spent and if they’re being spent responsibly,” Vargas said. “Taxpayers should have the opportunity to have a voice in the process.”

The subdivision would be required to include the notice on the agenda for its next regularly scheduled public meeting to accept community feedback.

Any agreement entered into by the Nebraska State Patrol also must be reported to the Legislature’s Judiciary Committee and the Nebraska Commission on Law Enforcement and Criminal Justice.

Within 60 days of entering into an agreement, the agency or jail would be required to provide a report to the commission including a written copy of the agreement, notice to the political subdivision’s governing body and all records of public meetings held by the political subdivision about the agreement including any exhibits, testimony transcripts, statements made by governing board members or recorded votes by members.

Rose Godinez, representing the ACLU of Nebraska, spoke in support of the bill. She said that communities have a right to know about issues that

could impact the safety of residents. If a person is scared to engage with law enforcement because they are concerned about being deported, Godinez said, crimes could go unreported.

"[The bill would not] prohibit an agency from entering into an agreement, it merely asks us to continue the proud Nebraska tradition of an open and transparent government," she said.

Latino American Commission Executive Director Lazaro Spindola also supported the measure. Preserving trust between members of the community and law enforcement must be the priority, he said.

"There needs to be transparency as to why decisions are made," Spindola said. "The more transparent you are, the more you gain the trust of citizens."

Opposing the bill was Omaha resident Larry Storer. He said the bill would impede the lawful enforcement of federal immigration laws.

"We enforce the laws according to our Constitution," Storer said. "If you don't want to do that, you should probably get out of office."

The committee took no immediate action on the bill.



Approval of scrap tires for home building requested

Scrap tires could be used to build walls in single-family houses under a bill heard by the Natural Resources Committee Feb. 15.

LB908, introduced by Lincoln Sen. Roy Baker, would modify state law so that tires could be used in a building system and filled with earth as permanent forms for walls in a sin-

gle-family dwelling. The builder would be required to obtain prior approval from the state Department of Environmental Quality.

Baker said he introduced the bill on behalf of a constituent, Cathy Krueger, who is building a home in Gage County referred to as an earthship, which uses earth-filled scrap tires as building blocks for walls.

Current law permits the use of scrap tires if they are processed into material for artificial turf, playground surfaces and residential and garden applications, among other uses, Baker said. However, the DEQ approached Krueger during construction of her home and informed her that the law does not permit the use of tires in building construction.

After taking into account the significant investment Krueger had made in her home, Baker said, the department allowed a one-time exception. LB908 would ensure that future builders of earthships comply with state law.

Krueger testified in support of the bill, saying that she was surprised when the tires became an issue because no one voiced concern when she submitted her plans and bought her building permit.

"I thought everybody would be excited that I'm recycling and not adding to the landfill," she said.

Earthships have been built for the past 20 years in every climate from Canada to Indonesia, Krueger said. The houses are designed to use as many recycled materials as possible, she said, and they use passive solar heating and geothermal cooling to reduce reliance on fossil fuels.

"This will never be a mainstream building material, and I realize that,"



Sen. Roy Baker

Krueger said. "However, for those of us who really want to build our own home and live sustainably, earth friendly and without adding to the landfill, it's a very viable option."

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



OPS retirement funding options proposed

The Legislature's Nebraska Retirement Systems Committee heard two proposals Feb. 14 to deal with funding shortfalls in the Omaha school retirement system.

Two amendments were proposed to LB548, a bill introduced last session by Omaha Sen. Brett Lindstrom that would have consolidated the Class V (Omaha) School Employees Retirement System (OSERS) with the School Employees Retirement Plan.



Sen. Brett Lindstrom

Lindstrom proposed an amendment this session, AM1529, that instead would expand the bonding power of school districts in Nebraska to include bonds to address retirement system pension obligations in an amount determined by an actuary. A bond could be authorized by a majority vote of the entire school board or board of education and would not be subject to voter approval.

Lindstrom said the bonds would be inside the \$1.05 levy limit, so they would not result in increased taxpayer obligations. In addition, he said, authorizing pension bonds now would

allow Omaha Public Schools to take advantage of current interest rates.

Currently, he said, OPS faces actuarially required contribution (ARC) payments to the OSERS plan on an annual basis to address the system's unfunded liability. These payments are in addition to the statutorily required 101 percent contribution rate, he said, and are difficult to budget for because they change on a yearly basis.

Lowering those ARC payments in the short-term would produce millions in long-term savings for Omaha taxpayers, Lindstrom said, and allow OPS to schedule predictable yearly payments.

"I believe my amendment provides a sensible and fiscally responsible solution for OPS to re-structure existing debt into a more manageable and affordable payment method," he said.

OPS board member Lou Ann Goding supported the amendment, saying the board is working hard to find a solution to the retirement system's unfunded liability. The system required a \$12.8 million ARC payment in 2017, she said, and the total unfunded liability over 30 years could total roughly \$880 million if nothing changes.

"The OPS board understands that the unfunded liability is our obligation. We understand that these ARC payments must be paid, and they will be paid," Goding said, adding that an infusion of approximately \$200 million in capital through a pension bond would lessen the likelihood of future ARC payments—at least in the short term.

OPS board president Marque Snow also testified in support. He said the board is looking at ways to cut \$16 million from this year's budget "from as far away from the classroom as possible" in order to cover the 2018 ARC payment. The board also is examining structural changes that would lower the retirement system's unfunded liability in the long term, he said.

"Our job is to try to find the best solutions possible for our students, for our employees, for our retirees and for our taxpayers," Snow said.

Randy Gerke, director of the Nebraska Public Employees Retirement System (NPERS), testified in opposition to a provision in the amendment that would require the Public Employees Retirement Board (PERB) to perform an actuarial valuation of the OSERS plan every five years, beginning Jan. 1, 2023. The study would determine whether an ARC payment is necessary to maintain the system's solvency.

Gerke said he did not believe that PERB has the authority to administer to the OSERS plan, nor does it have a mechanism to pay for the study. In addition, he said, the NPERS and OSERS plans operate according to different assumptions.

Lindstrom said he would be willing to remove that provision.

Also considered was an amendment offered by Seward Sen. Mark Kolterman, AM1758, which would withhold from OPS all state aid certified through the school funding formula unless the district certified that it has paid any required ARC in full by Aug. 31 each year.

The amendment also would update mortality tables and clarify retirement plan practices not specified currently in state law.

Kolterman, chairperson of the Nebraska Retirement Systems Committee, said that while OPS has expressed intent to make their full ARC payments every year, his amendment would provide an additional assurance.

"At the present time, neither the state nor [the committee] has an enforcement mechanism to ensure compliance with the funding commitment," he said. "If the full ARC payment is made each year, on time, the mechanism is never triggered."

OSERS executive director Cecelia Carter supported the proposal. The amendment would provide a defined funding date for any future ARC payments and makes other needed changes, she said.

"This amendment provides—to the existing and future OPS executive and finance staff and board of education members—clear and precise procedures, timelines and consequences with respect to the annual payment of any [ARC] payment," Carter said.

David Kramer, OPS outside counsel, opposed a provision in the Kolterman amendment requiring that an ARC payment be made by a board of education within 45 days of receiving written notification.

"That is not always easy, even for a school district as large as Omaha Public Schools is," he said.

Kramer also expressed concern that the amendment has the potential to give the unelected OSERS board the ability to manipulate the assumptions that are used to calculate the ARC, ultimately giving them the ability to move taxpayer dollars into the retirement system.

The committee took no immediate action on either amendment.

REVENUE

Bills would increase taxes on tobacco, cap taxes on cigars

The Revenue Committee heard testimony Feb. 15 on a bill that would raise taxes on cigarettes by \$1.50 per pack and another that would limit the tax on cigars.

LB1117, introduced by Sen. Sue Crawford of Bel-



Sen. Sue Crawford

levue, would increase the tax on a pack of cigarettes from \$0.64 to \$2.14 and the tax on snuff from \$0.44 per ounce to \$1 per ounce. The tax on all other tobacco products would increase from 20 percent of the purchase price to 45 percent.

The bill would direct the additional revenue to the state's general fund and increase an annual transfer to the Nebraska Health Care Cash Fund from \$1.25 million to \$2.5 million.

The state Department of Revenue estimates that the bill would increase revenue to the general fund by approximately \$93.7 million in fiscal year 2018-19 and a further \$97.6 million in FY2019-20.

Crawford said the bill would have two main benefits. First, raising the tax would reduce the number of young Nebraskans who start smoking each year, thereby reducing state health care costs from diseases caused by tobacco use. Second, it would generate additional revenue the state could use to offset the current budget shortfall or to replenish the cash reserve if the Legislature chooses to draw from it this session.

"As we enter the second consecutive year of fiscal shortfalls, it is critical that we consider adding additional sources of revenue," she said. "Raising our tobacco tax rate would provide an important influx to the state's general fund."

Fernando Wilson, a faculty member at the UNMC College of Public Health, testified in support of the bill on his own behalf. According to the Centers for Disease Control and Prevention, Wilson said, smoking-related illnesses cause 2,500 deaths among Nebraskans each year, and the state's health care system incurs approximately \$800 million in costs from treating those illnesses annually.

Roger Wiese, director of the North Central District Health Department in O'Neill, also testified in support

of the bill. According to the U.S. surgeon general, he said, increasing the price on cigarettes is one of the most effective tobacco control interventions because it is proven to reduce smoking, especially among youth and those with low incomes. If the current tobacco use pattern persists, Wiese said, 38,000 Nebraska children under the age of 18 will ultimately die prematurely from smoking-related illnesses.

"A tobacco price increase simply saves lives," he said.

Testifying in opposition to the bill was Scott Lautenbaugh, who spoke on behalf of the Nebraska Premium Tobacco Association. He said cigars should not be treated the same as other tobacco products because they do not have the same negative health effects and do not contribute to youth smoking rates.

"Premium cigars are not a gateway for youth smoking," Lautenbaugh said. "They're already priced out of the market for kids."

Sarah Curry, policy director at the Platte Institute, also testified in opposition to the bill, saying that the tax increase would do more harm than good. Revenue from tobacco taxes has fallen 2.1 percent per year over the last decade, she said, making such a revenue source unreliable for funding state operations. It also would affect low income earners the most, she said.

"Research has also found that higher tobacco taxes reduce usage by an insignificant amount and are more likely to increase smuggling and [create] an illegal tobacco market without necessarily improving health outcomes," Curry said.

Jeff Doll, owner of Safari Cigars and Lounge in Omaha, also testified in opposition. He said 80 percent of his customers also buy cigars from internet sellers because they can save 30 to 50 percent after factoring in state excise and sales taxes, as well as local

taxes. Increasing the state tobacco tax only would drive more people to buy online, Doll said.

"You won't get any more tax [revenue]," he said. "You'll probably get less tax from the cigar side of it."

Under LB1087, introduced by Omaha Sen. Justin Wayne, cigars, cheroots and stogies still would be taxed at 20 percent of their purchase price, but the tax would be capped at 50 cents per item. Wayne said the cap would help Nebraska retailers better compete with internet sellers.



Sen. Justin Wayne

"The tax imposed when buying in state has gotten a little out of control," he said. "It should be capped per unit to encourage purchasing cigars here in Nebraska rather than online."

The state Department of Revenue estimates that the bill would reduce excise tax revenue by approximately \$239,000 in FY2018-19 and a further \$335,000 in FY2019-20.

Phil Vanderpool, an Omaha cigar shop owner, testified in support of the bill, saying that it would help him grow his business.

"It's going to reduce the price of our expensive cigars," he said, "and hopefully we can get some of our customers that have gone to the internet and mail order houses back into our shops."

Testifying in opposition to the bill was Matt Prokop of the American Cancer Society Cancer Action Network. He said cigars contain many of the same cancer-causing substances as cigarettes and other tobacco products and are a major cause of throat, oral and esophagus cancers. Eight percent of Nebraska high school students smoke cigars, Prokop added.

"Capping or limiting the cigar tax would ensure that these products stay

affordable for youth and further incentivize dangerous and addictive tobacco use by young Nebraskans,” he said.

The committee took no immediate action on either bill.

TRANSPORTATION & TELECOMMUNICATIONS

Pilot project proposed for automated vehicles

Driverless cars could be traveling on city streets under a bill heard by members of the Transportation and Telecommunications Committee Feb. 13.

LB989, introduced by Lincoln Sen. Anna Wishart, would authorize a city of the primary class to conduct a pilot project to test autonomous vehicles, which operate without a human operator in the vehicle.



Sen. Anna Wishart

Currently, Lincoln is the only primary class city in the state.

Wishart said the bill reflects groundbreaking and leading-edge technology in both transportation and telecommunications. Lincoln is particularly poised for a pilot project, she said, because of its pioneering spirit.

“Autonomous vehicle technology is full of promise in the areas of safety, mobility, agriculture and economic development,” Wishart said. “In a time when vehicular crashes and fatalities are on the rise, autonomous vehicle technology shows great potential in saving lives and reducing the numbers of crashes.”

Under the bill, any vehicle tested under the pilot project would be limited to an area within the city’s boundaries, designated by the city, and could not travel any faster than

35 mph. Before beginning the project, the city would be required to obtain insurance coverage, a surety bond or proof of self-insurance of at least \$5 million for all claims per occurrence.

Verification must be submitted to the state Department of Transportation that:

- the vehicle had been tested in a controlled setting that closely resembles real-world conditions;
- the vehicle can operate in autonomous mode only in the designated testing area under the authorized environmental, traffic and speed conditions;
- the testing complies with all applicable Federal Motor Vehicle Safety Standards;
- the testing complies with National Highway Traffic Safety Administration Automated Driving Systems 2.0: A Vision for Safety;
- the vehicle is equipped with a communication link between the autonomous vehicle and a remote operator; and
- the vehicle is designed to detect and respond to roadway conditions in compliance with the Rules of the Road and local traffic regulations.

For testing purposes, the state Department of Transportation could require data collection to evaluate the safety of autonomous vehicles including, but not limited to, any collision involving property damage, bodily injury or death.

The city conducting a pilot project would be required to develop and submit a law enforcement interaction plan, which would inform how local law enforcement agencies interact with autonomous vehicles in emergency and traffic-enforcement situations.

Miki Esposito, director of Public Works and Utilities for Lincoln, spoke in support of the bill. She said one of

the city’s responsibilities is to provide safe and reliable transportation options to citizens who need access to jobs, education and health care services.

The pilot project proposed under LB989 is an exciting, but logical first step in researching autonomous vehicle technology, Esposito said.

“This project represents an opportunity to carefully investigate and understand the impacts, issues, barriers, benefits and challenges associated with this technology,” she said. “[The project] is about information acquisition and sharing that information with other interested stakeholders.”

Also supporting the bill was Bruce Bohrer, representing the Lincoln Chamber of Commerce. He said the project could be a valuable economic development tool by dispelling misconceptions about Lincoln.

“The perception of Nebraska is that we’re behind the times,” Bohrer said. “This certainly helps in rebutting that image by embracing technology and looking ahead.”

Uber representative Carla Jacobs opposed the measure, saying it would show preference for a single provider, rather than supporting the general concept.

“By just authorizing one single pilot program, the state is essentially signaling to broad industry groups that it’s supporting the single entity that partners with [Lincoln] instead of broadly testing the most innovative technology available,” Jacobs said.

Nebraska would be best served by a comprehensive, statewide policy, instead of a localized pilot project, said state Department of Motor Vehicles Director Rhonda Lahm.

“Autonomous vehicle technology will have a significant impact on the safe operation of vehicles on the roads of Nebraska,” she said. “The goal of the department has been and is to establish comprehensive policy re-

garding the operation of autonomous vehicles statewide.”

The committee took no immediate action on the bill.

Bill would make excavators responsible for locate costs

Breaking ground on new construction projects could become costlier for excavators under a bill discussed by the Transportation and Telecommunications Committee Feb. 13.

Great Plains One-Call Service is a system used by excavators to identify and locate underground facilities prior to excavation to protect the facilities from damage. A notice to the service center is required prior to performing an excavation.

Currently, the cost of locating such facilities is paid by the utility that owns it. LB1031, introduced by Henderson Sen. Curt Friesen, instead would require excavators to pay for the locate requests for large construction projects.

Friesen said having the utilities bear the expense



Sen. Curt Friesen

can cause the cost to be passed on to a utility’s customers, regardless of whether they live in the area that might benefit from the new construction project.

“It’s only fair that the project developers—rather than the utility rate-payers—pay the locate costs for these projects,” he said.

Before undertaking a large construction project, the bill would require an excavator to send notification of a planning meeting to all utilities with facilities in the proposed construction area. The bill defines “large project” as an excavation in any city of the metropolitan, primary or first class measuring more than one mile in length, taking

more than 90 days to complete.

For an excavation that does not meet the definition of a large project, the excavator would be required to pay the locate costs after three locate costs are incurred in the same excavation area.

The bill would require the state fire marshal to adopt regulations for large projects to include processes for large project planning meetings, complaint procedures, cost allocation and reimbursement procedures.

Finally, excavators would be prohibited from using mechanical excavating equipment within the marked location of an underground facility until the excavator has made thorough efforts to confirm the facility’s location.

Steve Meradith, Windstream Communications’ vice president of state government affairs, spoke in support of the bill. He said locate costs easily can exceed \$1 million by the end of a large fiber optic installation project.

“This would provide an equitable cost distribution mechanism when excavators on large projects create the need for utilities to mark their resources,” Meradith said. “We face competition in our markets, so we can’t simply raise our costs to customers without potential negative consequences.”

Utilities regulated by the Public Service Commission are prohibited from simply passing on costs to their customers because their rates are set by the commission, said PSC Public Advocate Bill Austin.

“This will fairly allocate the costs of locating utilities under the one-call system when a large project is involved,” he said. “There is nothing anti-competitive or anti-business about asking those who need a service to pay the costs.”

Requiring a utility to locate its facilities is a practice used consistently across the country, said ALLO Communications President Brad Moline in opposition to the bill. His company

has installed high-speed fiber throughout the state, he said, but requiring companies like his to pay for locate costs would discourage growth and investment in the state.

“Between 2016 and 2018, we invested almost \$250 million in the state,” Moline said. “We want to continue expanding in Nebraska, not only in our existing communities, but in additional ones.”

David Young, fiber infrastructure manager for the city of Lincoln, also opposed LB1031. As the owner of five utilities, Lincoln would benefit from not having to pay locate costs, he said. However, Young said, the city must prioritize developing the community and encouraging large projects like the ALLO installation.

“The original purpose of the locate legislation was to encourage safety,” he said. “When you push the costs onto the excavators, you encourage risky behavior. If it’s going to cost money, they might not make the call.”

The committee took no immediate action on the bill.

URBAN AFFAIRS

Updates to TIF rules amended, advanced

Lawmakers amended and advanced a bill from general file Feb. 15 that would update the state’s tax-increment financing rules.

Introduced by the Urban Affairs Committee, LB874 is the result of an interim study to answer questions about the use of TIF that were raised in a 2016 report by the state auditor of public accounts.

Under a segment of the state’s community development law, Nebraska

municipalities are able to designate areas as substandard and blighted, allowing them to be redeveloped. When a redevelopment plan is approved, TIF bonds may be issued for the acquisition and improvement of the property. The increased property taxes generated by the improvements are used to pay for the financing of TIF projects.

Omaha Sen. Justin Wayne, chairperson of the committee, said the bill represents a clean-up of the state's development laws and offers an opportunity to end a "constant drum beat" of proposals in the Legislature regarding TIF that have had a "chilling effect" on economic development.

"We want to provide stability over the next three to four years, to allow our cities and municipalities to develop, while at the same time taking the anti-TIF bills and the pro-TIF bills [and] putting them together to make sure we address all their concerns," Wayne said.

Among other provisions, LB874 would authorize the state auditor to audit a community redevelopment authority whenever the auditor believes it necessary, or when requested to do so by the governing body.

The bill would require that:

- a planning commission hearing be held on a redevelopment plan;
- municipalities conduct a substandard and blighted analysis on whether a redevelopment project meets the requirements and include that analysis in the public hearing notice;
- cost-benefit analyses on TIF projects consider the impact on school districts and be made available to the public;
- if a redevelopment project divides the tax on only a portion of the real property included in the project, the property must be clearly related to the redevelopment project;

- proceeds from the repayment of loans made for TIF projects be deposited in the municipality's general fund and prohibit those proceeds from being used to establish a revolving loan fund;
- TIF redevelopment contracts include a provision requiring developers to retain copies of all supporting documents associated with the project and provide them to the municipality;
- an annual TIF report on projects be provided to a municipality's governing body; and
- each municipality that utilizes TIF retain copies of all redevelopment plans, substandard and blighted studies and analyses, cost-benefit analyses and supporting documents associated with the redevelopment plan or any related substandard and blighted declaration.

The bill also would:

- limit reimbursement of costs incurred prior to the approval of a redevelopment project;
- redefine the term redevelopment project to include enhancements to structures in the redevelopment project area that exceed minimum building and design standards in the community and prevent recurrence of substandard and blighted conditions; and
- allow redevelopment projects to include a provision that requires that all property taxes levied on a redevelopment project be paid before such taxes become delinquent to be eligible to receive TIF funds.

An Urban Affairs Committee amendment, adopted 31-0, eliminated a provision requiring that each county and school district be given the opportunity to appoint a non-voting member to

a municipality's community redevelopment authority. The amendment also:

- expands the prohibition on revolving fund loans to clarify that no proceeds from indebtedness incurred for a TIF project could be used;
- clarifies that audits done by a community development authority be paid for by that authority;
- eliminates the requirement that each municipality that utilizes TIF establish a local auditing plan; and
- makes a series of reporting, auditing and notice clarifications.

The amendment incorporated provisions of LB846, introduced by Albion Sen. Tom Brieese, which would require findings commonly referred to as the "but/for" test to be documented in writing. The test is meant to ensure that redevelopment would not be feasible and would not have occurred, but for the use of TIF financing, he said, and serves as a protection against erosion of a municipality's tax base.

"There is a concern—founded or unfounded, depending on your perspective—that this causation and economic feasibility requirement is too often only given lip service," Brieese said, "that someone is simply checking a box."

Brieese said that requiring documentation would encourage proper use of TIF by making sure that there is a record of the rationale for a project.

Sen. Mike Groene of North Platte agreed, saying the but/for provision has been distorted in the past and that placing clearer guidance and parameters on the program would help municipalities determine the proper use of TIF.

"When we use TIF it should be for the purpose of urban renewal," Groene said. "There are a lot of good fixes in this bill."

LB874 advanced to select file on a 33-0 vote. ■

COMMITTEE HEARINGS

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

Tuesday, February 20

Agriculture

Room 1510 - 1:30 p.m.

LB893 (Wishart) Change seller disclosure statement requirements and provide for restrictions and duties on pet shop owners under the Dog and Cat Purchase Protection Act
Appointment: Carl Sousek - Climate Assessment Response Committee
Appointment: Richard (Rick) Rasby - Climate Assessment Response Committee

Business & Labor

Room 2102 - 12:30 p.m.

Appointment: Johnie Jason Girmus - Boiler Safety Code Advisory Board
Appointment: Patricia L. Vannoy - Commission of Industrial Relations
Appointment: Joel Carlson - Commission of Industrial Relations

Education

Room 1525 - 1:30 p.m.

LR285CA (Murante) Constitutional amendment to eliminate the State Board of Education
LR291 (Kolowski) Recommend that school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks
Appointment: Lisa May - Neb. Educational Telecommunications Commission
Appointment: Robert Kobza - Board of Educational Lands and Funds
Appointment: Joyce Simmons - Coordinating Commission for Postsecondary Education
Appointment: Deborah Frison - Coordinating Commission for Postsecondary Education
Appointment: John Bernthal - Coordinating Commission for Postsecondary Education

Transportation & Telecommunications

Room 1113 - 1:00 p.m.

DMV Compliance Hearing as required by Neb. Rev. Stat. 84-901.01
LB1113 (Walz) Provide an exception for leasing dark fiber or providing broadband, Internet, telecommunications, or video services by an agency or political subdivision of the state

LB1114 (Walz) Provide for creation and maintenance of a statewide geographic information system map under the Nebraska Telecommunications Regulation Act
LB856 (Morfeld) Adopt the Internet Neutrality Act, change communications provider requirements under the Nebraska Telecommunications Regulation Act, and change financial assistance provisions relating to the Nebraska Internet Enhancement Fund

Wednesday, February 21

Executive Board

Room 2102 - 12:00 p.m.

LR295CA (Vargas) Constitutional amendment to change the annual legislative salary to fifty percent of the median household income
LR296 (Walz) Provide the Executive Board of the Legislative Council appoint a special committee known as the State-Licensed Care Facilities Investigative Committee of the Legislature

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Roger Dixon - Nebraska Tourism Commission
Appointment: Starr Lehl - Nebraska Tourism Commission
Appointment: Ashley Olson - Nebraska Tourism Commission
Appointment: Sarah Sortum - Nebraska Tourism Commission
LB814 (Schumacher) Provide a procedure to resolve protests of government service contract procurement decisions
LB746 (Watermeier) Change provisions regulating the use of the State Capitol and capitol grounds
LB807 (Harr) Provide for replacement of a statue in the United States Capitol
LB694 (Blood) Prohibit cities and villages and counties from taxing or regulating distributed ledger technology

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Becky D. Rieken - Commission for the Blind and Visually Impaired
Appointment: Diane Schutt, Diane - Commission for the Deaf and Hard of Hearing

Appointment: Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing
LB1127 (Kolterman) Provide additional fees for certain credentials under the Uniform Credentialing Act and create the Patient Safety Cash Fund
LB1093 (Walz) Create the office of Inspector General of Nebraska Public Health
LR281CA (Morfeld) Constitutional amendment to state that affordable health care is a right and to expand eligibility under the medical assistance program

Judiciary

Room 1113 - 1:30 p.m.

LB763 (Harr) Prohibit obstruction of a public power district employee
LB797 (McDonnell) Change penalties for second and third degree arson
LB811 (Lindstrom) Change prohibited uses of scanning devices and encoding machines
LB872 (Harr) Change provisions relating to appeals by prosecutors
LB1010 (Hansen) Change procedures for determining competency to stand trial in counties containing a city of the primary class

Natural Resources

Room 1525 - 1:30 p.m.

LB722 (Wayne) Provide a renewable energy electric power generation requirement for certain public power and irrigation districts
LB723 (Wayne) Change net metering provisions by redefining qualified facility and increasing the rated capacity limit as prescribed

Revenue

Room 1524 - 1:30 p.m.

LB798 (McDonnell) Provide a sales and use tax exemption for feminine hygiene products
LB914 (Riepe) Provide an income tax credit for certain long-term care insurance policy premiums
LB954 (Hansen) Provide refundable income tax credits to individuals who rent their primary residence
LB1022 (Schumacher) Adopt the Irrigation Tax Act and change the

valuation of agricultural land for property tax purposes
LB1045 (Schumacher) Adopt the Nebraska Excellence Fund Tax Credit Act

Thursday, February 22

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Marty Callahan - Accountability and Disclosure Commission
Appointment: Tom Carlson - Accountability and Disclosure Commission
Appointment: Patrick Guinan - State Personnel Board

LB817 (Chambers) Change provisions regarding funds of candidate committees
LB839 (Crawford) Require reporting regarding electioneering communication under the Nebraska Political Accountability and Disclosure Act
LB1129 (Kuehn) Prohibit state employees from certain political activities
LB1027 (Wayne) Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Norman B. Weverka - Commission for the Deaf and Hard of Hearing
LB862 (Howard) Adopt the Prescription Drug Cost Transparency Act
LB686 (Blood) Adopt the Psychology Interjurisdictional Compact
LB891 (Pansing Brooks) Prohibit discrimination in the provision of services as prescribed under the Psychology Practice Act

Judiciary

Room 1113 - 1:30 p.m.

LB927 (Howard) Change provisions relating to juveniles' out-of-home placement, care, and custody
LB981 (Baker) Change provisions relating to arraignment of juveniles and authorize juvenile court jurisdiction to age twenty-one with consent of the juvenile and legal counsel
LB1051 (Pansing Brooks) Change provisions relating to family member visitation
LB1086 (Wayne) Provide for intervention in certain proceedings involving juveniles as prescribed
LB1112 (Vargas) Change provisions relating to placement and detention of juveniles and permit an additional use of funds under the Community-based Juvenile Services Aid Program

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Robert P. Goodwin - Neb. Oil and Gas Conservation Commission
Appointment: Thomas D. Oliver - Neb. Oil and Gas Conservation Commission
Appointment: John W. Orr - Environmental Trust Board
LB713 (Erdman) Change compensation of members of the Nebraska Oil and Gas Conservation Commission
LB761 (Hughes) Change compensation provisions relating to the Nebraska Oil and Gas Conservation Commission

Revenue

Room 1524 - 1:30 p.m.

LB939 (McDonnell) Provide a homestead exemption for certain dwelling complexes located on military installations
LB965 (Schumacher) Change provisions relating to lists of real property subject to sale for delinquent taxes
LB1016 (Briese) Adopt the Money Transmission Fee Act and provide income tax credits
LB1095 (Hilgers) Change the information included in certain tax notices and receipts
LB1097 (Hilgers) Change provisions relating to treasurer's tax deeds
LB1075 (Friesen) Impose a fee on transfers of real estate
LB1076 (Friesen) Increase the documentary stamp tax and provide for the use of the revenue

Friday, February 23

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Shery Blaha - Emergency Response Commission
Appointment: John Grimes - Emergency Response Commission
Appointment: Joseph Oswalt - Emergency Response Commission
LB1036 (Kolowski) Change the expenditure limit for a recognition dinner under the Local Government Miscellaneous Expenditure Act
LB682 (Blood) Provide consumer protection and civil relief for servicemembers and provide a duty for the National Guard
LB969 (Wayne) Change signature requirements for nomination of partisan candidates by petition
LB1032 (Murante) Provide for a statewide presidential primary election

Health & Human Services

Room 1510 - 1:30 p.m.

LB835 (Howard) Provide for independent audits and reviews under the Nebraska Behavioral Health Services Act
LB1057 (Kuehn) Change provisions relating to prescription drug monitoring
LB968 (Wayne) Adopt the Disability Employment and Engagement Program Act

Judiciary

Room 1113 - 1:30 p.m.

LB693 (Blood) Regulate and create criminal offenses regarding the use of unmanned aircraft systems
LB892 (Howard) Prohibit restraining animals in the event of certain natural or manmade disasters or severe weather events as prescribed
LB897 (Howard) Change medical providers' duties under offense of failure to report injury or violence
LB977 (Wayne) Make post-release supervision optional for Class IV felonies

Revenue

Room 1524 - 1:30 p.m.

LB910 (Bolz) Adopt the Property Tax Circuit Breaker Act and change the funding of the Property Tax Credit Act
LB937 (Stinner) Change filing fees for appeals to the Tax Equalization and Review Commission
LB1006 (McCollister) Change provisions relating to rehearings under the Tax Equalization and Review Commission Act
LB1100 (Erdman) Change the valuation of agricultural land and horticultural land
LB1104 (Friesen) Change provisions relating to the special valuation of agricultural or horticultural land

Monday, February 26

Business & Labor

Room 2102 - 1:30 p.m.

LB1096 (Hilgers) Change provisions relating to state vehicles and workers' compensation claims, tort claims, and other claims against the state
LB950 (Albrecht) Provide for payment of claims against the state
LB951 (Albrecht) Deny claims against the state
LB991 (Bolz) Create the Nebraska Integrated Education and Training Grant Program
LB1134 (Vargas) Adopt the Nebraska Worker Adjustment and Retraining Notification Act

LB1109 (Harr) Create the Grow Nebraska Through Quality Employment Strategic Partnership

Education

Room 1525 - 1:30 p.m.

LB1033 (Murante) Eliminate learning communities

LB1125 (Groene) Change school finance base limitation and local effort rate provisions

General Affairs

Room 1510 - 1:30 p.m.

LB747 (Thibodeau) Provide for bottle clubs under the Nebraska Liquor Control Act

LB679 (Krist) Change the distribution of taxes remitted to the Charitable Gaming Operations Fund

Tuesday, February 27

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment: Matthew J. DiVito -

Emergency Response Commission

LB1115 (Murante) Provide population requirements for establishing district boundary lines for legislative districts, Supreme Court districts, and certain political subdivisions

Judiciary

Room 1113 - 1:30 p.m.

LB680 (Krist) Adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act

LB690 (Blood) Adopt the Counterfeit Airbag Prevention Act

LB1126 (Bolz) Adopt the Sexual Assault Survivors' Bill of Rights Act

Revenue

Room 1524 - 1:30 p.m.

LB759 (Hughes) Eliminate a sales and use tax exemption relating to zoos and aquariums

LB996 (Crawford) Change defined terms and other provisions of the Nebraska Advantage Act

LB1023 (Schumacher) Change sunset dates on certain tax incentive programs

LB1021 (Schumacher) Eliminate certain sales and use tax exemptions

LB941 (Wayne) Change the calculation of the tax on the average wholesale price of gasoline

LB1026 (Wayne) Authorize issuance of highway bonds, create a fund, and change existing highway funding provisions

LB1088 (Wayne) Adopt the Nebraska Education Formula and the Remote Seller Sales Tax Collection Act, terminate the Tax Equity and Educational Opportunities Support Act and the Property Tax Credit Act, and eliminate certain tax exemptions ■



Students invited to attend Unicameral Youth Legislature

High school students are invited to take on the role of state senators at the Unicameral Youth Legislature June 10-13. At the State Capitol, student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral.

The Unicameral Youth Legislature gives behind-the-scenes access to students who have an interest in public office, government, politics, law, public policy, debate or public speaking. Students will learn about the inner workings of the Legislature directly from senators and staff.

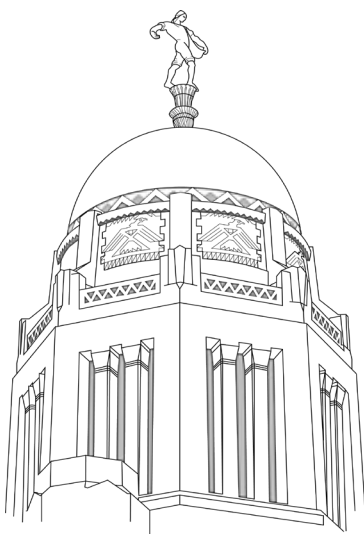
"Participants will be able to engage with their peers from across the state

to discuss and debate the issues that are important to their communities," said Ami Johnson, the Legislature's civic education coordinator.

The deadline to register is May 15. Students are encouraged to submit an essay to be considered for several scholarships that cover the full cost of tuition. Partial scholarships also are available.

To learn more about the program, go to www.NebraskaLegislature.gov/uyl, email uio@leg.ne.gov or call (402) 471-2788.

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



LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

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

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

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

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

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

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

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

Chair - the presiding officer.

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

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

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

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

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

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

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

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

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

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

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

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

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

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

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

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

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

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

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



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

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

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

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

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

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

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

Override a Veto - see Veto Override.

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

Presiding Officer - the senator currently presiding over legislative proceedings.

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

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

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

Resolution - see Legislative Resolution.

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

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

may be printed in the Legislative Journal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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