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UPDATE

Bill would prohibit abortions at 20 weeks

The Judiciary Committee heard testimony on a bill Feb. 25 that would ban abortions performed after 20 weeks gestation, except when the mother's life is at risk.

Norfolk Sen. Mike Flood said he introduced LB1103, the Abortion Pain Prevention Act, in response to new medical evidence that suggests fetuses can feel pain at 20 weeks. He said the state has a legitimate interest in reducing or preventing actions that inflict pain.

"It doesn't prohibit all abortions. It doesn't prohibit most abortions," he said. "This bill presents a middle ground."

Under the bill, doctors are required to determine the probable

gestational age of the fetus. If the fetus is determined to be at 20 weeks or more, an abortion would be prohibited. Abortions currently are banned only beyond the state of pregnancy at which a fetus is capable of living outside the womb, which is determined to be at approximately 24 weeks.

The bill provides a cause of action for actual damages for the patient, the father or the grandparent of the fetus against doctors who violate the act. In any civil or criminal proceedings, the anonymity of the patient would be preserved. No penalty could be assessed against the patient.

Dr. Ferdinand Salvaci3n, a pain management physician from Spring-

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Sens. Steve Lathrop, Amanda McGill and Brenda Council (from left) hear testimony on LB1103, which would ban abortions performed after 20 weeks gestation.



Bill facilitates renewable energy development

A bill intended to encourage private developers to locate renewable energy facilities in Nebraska was heard by the Natural Resources Committee Feb. 24.

LB1048, introduced by the committee, was the subject of two public briefings held this session, which influenced the content of an amendment later brought by committee chairperson Sen. Chris Langemeier of Schuyler.

Langemeier said the amendment would provide a "monumental change" for renewable energy for export in Nebraska.

The amendment would replace the bill and would provide a process for the Nebraska Power Review Board to approve certified renewable export facilities, which the amendment defines as facilities that:

- generate electricity using solar, wind, biomass, landfill gas or methane;
- are constructed and owned by a private entity; and
- have power purchase agreements with an initial term of 10 years that direct between 81 to 90 percent of electric output to out-of-state customers — depending on whether public electric utilities opt to purchase power from the facility.

The amendment would provide a two-step approval process for certified renewable export facility appli-

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A CLOSER LOOK.....

Bill would prohibit abortions at 20 weeks

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field, Ill., testified in support of the bill. He said neurological and physiological findings appear to confirm that a fetus can feel pain, noting that anesthesia is routinely administered to fetuses for that reason.

“All of the neurological components necessary for feeling pain are there by 20 weeks,” he said.

Teresa Collett, a University of St. Thomas law professor, also testified in support of the bill, saying much has changed since the 1973 *Roe v. Wade* decision legalizing abortion.

“We didn’t have a great deal of the medical knowledge that we’ve acquired,” she said. “The current standard is viability, but the court has never said that is the exclusive standard.”

Leslie Griffin, a constitutional law professor at the University of Houston Law Center, testified in opposition to the bill, saying it was unconstitutional because it would ban pre-viability abortions and does not include an adequate medical excep-

tion for cases that threaten the women’s health.

“It doesn’t define physical health broadly enough and it doesn’t consider the woman’s mental health at all,” she said.

Tiffany Campbell of Sioux Falls, S.D., also testified in opposition to the bill. She said she had an abortion at 22 weeks in 2006 after being diagnosed with Twin-to-Twin Transfusion Syndrome, which required the abortion of one twin, in order that the other might survive. The medical exception in LB1003 would not have been sufficient in her case, she said, since it was the twin’s life at risk and



Norfolk Sen. Mike Flood said he introduced LB1103 in response to new medical evidence that suggests fetuses can feel pain at 20 weeks.

not her own.

“The lifesaving procedure that we underwent would have been illegal and unavailable in Nebraska,” Campbell said. “We would have buried two babies instead of one.”

The committee took no immediate action on the bill. ■



Revenue projections revised

The Nebraska Economic Forecasting Advisory Board – whose job is to set annual revenue projections for the state’s sales, income, corporate and miscellaneous taxes – met Feb. 26.

The board voted to decrease revenue projections for fiscal year 2009-10 by \$40.3 million, due mostly to an anticipated decrease in individual income tax receipts.

The board’s projection for FY2010-11, however, was increased by \$8.6 million. Revenues for the 2009-11 biennium are projected to total \$6.9 billion.

The Legislature’s Appropriations Committee uses the board’s projections in crafting the state’s two-year budget. ■

A CLOSER LOOK.....

Bill facilitates renewable energy development

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cants, who would be charged an application fee of \$5,000. Conditional approval would first require that the facility:

- meet the requirements of a certified renewable export facility;
- provide public benefits, including economic development; and
- not pose a substantial risk of causing regulatory, legislative or market changes that would prevent any existing generation or transmission facility owned by public electric utilities from earning a favorable economic return.

After granting conditional approval, the board would grant final approval if the facility agrees to additional requirements and would have no materially detrimental effect on retail electric rates paid by Nebraskans.

Applicants approved by the board would not be subject to eminent domain by public electric utilities or any other entity if the facility is intended for electric generation or transmission. The amended bill also would provide eminent domain powers to public electric utilities for transmission of energy from certified renewable export facilities.

Public electric utilities and governmental entities with regulatory jurisdiction over a facility could apply to the board or the board could file its own motion to decertify a facility if it fails to meet the requirements of a certified renewable export facility. If, after a hearing, the facility were found noncompliant, the facility would have one year to reclaim certification before its protection from eminent domain would be revoked.

Finally, the amended bill would exempt wind turbines from personal property tax and institute a nameplate capacity tax of \$3,518 per megawatt of energy produced. Turbines owned by governmental entities, cooperatives and net-metering customers would be exempt from the nameplate capacity tax, the revenues from which would be directed to local taxing entities that levied personal property taxes on the turbines.

Tim Texel, executive director of the Nebraska Power Review Board, testified in support of the amendment. He said the current board approval process was created in 1963 for public power and antiquated generation methods, so it does not lend itself well to private generation facilities.

For example, he said, current law requires that ap-

plicants prove their facilities can most economically and feasibly supply electricity without unnecessary duplication of facilities or operation. Texel said this criterion doesn't make sense when considering facilities that will export energy.

"It's kind of putting a square peg into a round hole," he said. "You might be able to do it, but it's very difficult."

Texel said the provisions of the bill requiring that the vast majority of power be exported will protect Nebraska utilities from losses incurred by the "dumping" of federally subsidized energy on markets. He said Nebraska electric providers rely on this market to sell their excess energy to keep rates low.

Rick Larson, a member of the Banner County Wind Energy Association, spoke in support of the amendment. He said the school system in his county was established based on oil revenues that have dried up, so new industry is needed to provide tax revenues to the area. Wind developments stimulated by this legislation would fill the void, he said.

Cory Worrell, superintendent of Boone Central Public Schools, agreed that the taxing provisions of the legislation would help school districts in counties with wind developments. The steady stream of revenue from these projects would enable schools to plan more reliable budgets, he said.

Jeff Pursley, representing the Nebraska Energy Export Association, also testified in support of the amendment. He explained that the tax rate developed for the bill's nameplate capacity tax was based on a simple average of county personal property tax rates.

After determining the average rate, he said, the total revenues that a \$1.5 million per megawatt turbine would generate over a five-year depreciation schedule was recalculated to cover the average useful life of a turbine — 29 years. The resulting rate of \$3,518 per megawatt would spread the same amount of revenue over an extended time period, he said.

Chuck Hassebrook of the Center for Rural Affairs also spoke in support of the bill. To encourage Nebraska ownership of energy facilities, he suggested providing 50 cents of sales tax relief to developers for each dollar of stock contributed to an employee stock ownership agreement.

The committee took no immediate action on the bill. ■

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Agriculture

Bill requires shared maintenance of division fences

Neighbors must contribute equally to the construction and maintenance of division fences under a bill passed 46-0 by the Legislature Feb. 25.

Adjoining landowners are required to maintain and construct a "just proportion" of division fence.

LB667, introduced by Cedar Rapids Sen. Kate Sullivan, defines just proportion as an equitable allocation of the portion of the fenceline that each landowner must construct and maintain, or an equitable financial contribution. An equitable allocation shall result in an equal burden unless otherwise specified in law or by an agreement between landowners.

The bill also removes the geographical application of the division fence law and changes the fence standard from a lawful fence to a wire fence.



Sen. Kate Sullivan

Appropriations

Bill would establish art maintenance fund

Senators gave first-round approval Feb. 24 to a bill intended to reduce costs and permit more efficient administration of the Nebraska Arts Council.



LB1063, sponsored by Omaha Sen. John Nelson, would allow the arts council to set aside up to 10 percent of its administrative budget to establish a fund to maintain and preserve artwork.



Sen. John E. Nelson

The council is responsible for over 465 state-owned works of art worth over \$5 million, Nelson said, and could use its current appropriation to ensure the collection's maintenance.

"The money is available right now," he said. "There is no cost to the state, nothing coming out of the general fund."

The bill also would allow the council to inventory certain works of art on a regular schedule rather than annually, as is currently required. Nelson said the state would save several thousand dollars a year by not requiring annual travel to the more than 50 different sites where the artwork is located.

An Appropriations Committee amendment, adopted 28-0, would reduce the maximum annual transfer from the general fund to the Nebraska Cultural Preservation Endowment Fund from \$1.5 million on Dec. 31, 2011 and 2012, to \$500,000 per year beginning Dec. 31, 2011 and ending

Dec. 31, 2016.

Sen. Lavon Heidemann of Elk Creek said that spreading the payments over a longer period of time will lessen the impact on the general fund in each of the state's upcoming two-year budget cycles.

LB1063 advanced to select file on a 32-0 vote.

Banking, Commerce, & Insurance

Fines for unlicensed realtors approved

Lawmakers passed a bill Feb. 25 that allows the Nebraska Real Estate Commission to assess fines against unlicensed individuals conducting activity that requires a real estate license.

LB691, sponsored by Schuyler Sen. Chris Langemeier, creates a civil penalty of up to \$1,000 per day, or the amount of commissions earned without a license, whichever is greater. The penalties can be assessed only after



Sen. Chris Langemeier

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deliverance of notice and an administrative hearing before the commission. The bill passed 47-0.

Senators advance new limited liability company regulations

Senators advanced a bill from general file Feb. 22 that would repeal and replace Nebraska's current Limited Liability Company (LLC) Act.

LLCs are businesses that provide limited liability protection for the partners and federal partnership taxation for the owners.

Lincoln Sen. Danielle Conrad said she introduced LB888 to update current LLC statutes.

"What we have now is a lack of uniformity," she said.

The bill would clarify the duties of loyalty and care that members owe the company and one another and their ability to define and limit those duties. The bill also would provide for perpetual duration of the company and preserve the distinction between manager-managed and member-managed LLCs while giving new attention to the authority of members to bind the company.

LB888 was advanced on a 32-0 vote.



Sen. Danielle Conrad

Business & Labor

Changes to labor commission proposed

The Business and Labor Committee heard joint testimony Feb. 22 on three bills that would make changes to the way the state's Commission on Industrial Relations (CIR) resolves

labor disputes.

The bills, introduced by Lincoln Sen. Tony Fulton, focus on the analyses undertaken by the CIR to determine wage and benefit comparability in labor disputes:



Sen. Tony Fulton

- LB1040 would adopt the Nebraska Municipal Comparability Act;
- LB1041 would require the CIR to consider the wage rates and conditions of employment of both public and private employees when determining comparability; and
- LB1042 would allow the CIR to make adjustments based on economic dissimilarities shown to have a bearing on prevalent wage rates, and would apply a reasonableness standard for determining rates of pay and conditions of employment.

Fulton said the purpose of LB1040 is to improve predictability for labor negotiations and municipal budgets. The current means of dispute resolution relies too heavily on expert testimony, he said, and needs more structure.

"This system always favors salaries and benefits skewed higher," Fulton said. "The CIR does not have an objective standard for job comparability analysis."

Among other provisions, the bill would:

- encourage labor organizations and municipal governments to use joint arrays and surveys;
- call for arrays to be comprised of employers in the closest geographic proximity to the municipality involved in litigation;
- recognize good faith agreements

reached in negotiations; and

- provide deadlines for collective bargaining.

Lynn Rex of the League of Nebraska Municipalities testified in support of LB1040, saying it would codify standards that have not been applied uniformly by the CIR across various cases.

"If the standard is always changing, how do you know what you are supposed to do?" she asked. "There should be a process in place; right now there is not."

Dave Engler, president of the Nebraska Firefighters Association, testified in opposition to LB1040, saying the CIR currently applies variables to a particular case when they are pertinent and that attempts to impose uniformity likely would backfire.

"Changes to this will make things very unpredictable and will result in a lot of litigation," he said. "The system works well – it's worked for over 40 years."

Lincoln City Council member John Spatz testified in favor of LB1042, saying the CIR should consider economic disparities when examining wages and benefits.

A city experiencing declining revenues should not be compared with a more prosperous city, Spatz said, citing Lincoln as an example. In order to pay certain city employees a wage comparable to that earned in cities facing less harsh economic times, Lincoln's options were to raise taxes, cut services or cut staff, he said.

"We cut staff," Spatz said. "The people paying the price for that are the people at the low end of the salary schedule."

Mark McGuire, general counsel for the Nebraska State Education Association, testified against the reasonableness provision of LB1042. Any attempt to determine whether a compensation package is reasonable for a city to pay

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opens the door to subjectivity, he said. "Ability to pay is a quagmire," McGuire said. "It sounds nice, but it's insidious."

Testifying in a neutral capacity, CIR presiding officer Pete Burger said the reasonableness standard is an invitation to arbitrary decision-making.

The CIR addresses only a small segment of employees in any given case, he said, and should not be required to examine a city's entire budget and determine their ability to pay a certain wage.

"I don't want to have that responsibility," Burger said.

The committee took no immediate action on the measures.

Education

Senators pass bill to allow school unification

Senators passed a bill Feb. 25 that allows school districts to unify through interlocal agreements.

LB711, introduced by Ewing Sen. Cap Dierks, allows school districts to create new unifications. The bill also allows school districts to continue as a unification even if another district withdraws or a unification dissolves.

Unifications are local systems of school districts brought together through an interlocal agreement. While unifications are treated as single school districts for most purposes, each school district still receives its own calculation for state aid and maintains the election of their school board members. A unification board, which determines



Sen. Cap Dierks

a general fund levy, is composed of school board members from participating districts, but building funds and bonding are the responsibility of the individual school districts.

Under LB711, districts are required to include in the interlocal agreement a plan regarding the division of liabilities and assets upon the partial or complete termination of a unification. Currently, when a district withdraws or a unification dissolves, the assets and liabilities are divided pursuant to a declaratory judgment.

The bill also sets March 10 as the certification date for state aid to schools.

LB711 was passed on a 47-0 vote.

Bill would create charter school option

The Education Committee heard testimony on a bill Feb. 23 that would allow the creation of charter schools, which would report to the state Board of Education.

Ellsworth Sen. LeRoy Loudon said he introduced LB1028 to ensure access to community education in sparsely populated areas of the state. A law adopted in 2005 eliminated school districts with only elementary grades causing some families to make a two-hour commute to school each day, he said.



Sen. LeRoy Loudon

"The present school system is expecting children to put in more hours a day than many people work at jobs," Loudon said.

Under the bill, charter schools could be formed by nonprofits or at least three Nebraska residents and would have to serve at least five students between pre-kindergarten and eighth

grade. Charter schools would have to be located more than seven miles from the nearest local school district attendance site and notarized letters of intent signed by parents would be required for students to attend. The schools would be required to have at least one certified teacher who would report to the state Department of Education.

Charter schools would receive 100 percent of the district's average cost per elementary student, times the number of students attending the charter school.

Kristen Eggerling, representing the Nebraska Cattlemen, testified in support of the bill.

"There are still areas of the state that don't have good solutions because of some of the mandatory school reorganizations," she said. "This provides options."

Jerry Hoffman, representing the Nebraska State Education Association, opposed the measure. He said the bill could result in educational problems in more populated areas of the state. For example, if available in urban areas, Hoffman said, parents might decide to send students to charter schools based on racial or economic issues.

The committee took no immediate action on the bill.

Committee considers community college funding changes

The Education Committee heard testimony Feb. 22 on two bills aimed at resolving funding disputes between state community colleges.

Omaha's Metropolitan Community College stopped paying annual dues to the Nebraska Community College Association, which facilitates the statewide community college system budget request and coordinates program-needs assessments. Metro officials said the failure to pay the dues

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was in protest of what Metro officials believed was unfair treatment that resulted in a loss of state aid. Metro was expelled from the association in 2009.

LB1072, introduced by York Sen. Greg Adams, would make several adjustments to the state aid to community colleges formula in an attempt to equalize funding.



Sen. Greg Adams

“Our community colleges are becoming ever more important,” he said. “At a time when they should be getting a lot of positive press, they’ve been getting a lot of negative press because of a fight over money.”

The bill authorizes the Nebraska Coordinating Commission for Postsecondary Education to develop measurable indicators for evaluating higher education. The commission would develop auditing and data collection guidelines and six categories for determining reimbursable education units, rather than the three categories used in the current funding formula.

The bill would slow down the formula’s cost growth factor by reducing it from 70 to 60 percent of the three-year average of reimbursable education units allocation. The bill also defines the tuition and fees amount as 90 percent of tuition and fees minus any refunds.

Under the bill, participation in the Nebraska Community College Association would not be mandatory.

As an alternative to Adams’ proposal, Bellevue Sen. Abbie Cornett introduced LB1082, which would phase in a new state funding method for community colleges. Under the bill, state aid for community colleges is set for fiscal year 2009-10. In FY2010-11, aid would be based on the number of

full-time equivalent students. Beginning in FY2011-12, the bill would allocate 80 percent of state aid based on the population of each community college’s expected student population. The remaining 20 percent of available state aid would be evenly divided among the community colleges as foundation aid.

Under LB1082, participation in the Nebraska Community College Association also would not be mandatory.

Metro Community College representatives testified in support of Cornett’s proposal, while representatives from the other five community colleges supported LB1072.

Speaking in opposition to LB1072, Metro’s executive vice president Jim Grotrian said adjusting the current formula would not adequately address Metro’s funding needs. He supported Cornett’s proposal because it would give priority to full-time equivalent students.

“We cannot support policies that erode our local control and give us less while asking us to do more,” he said.

Central Community College board of governors member Sandra Borden testified in support of LB1072 and opposed Cornett’s proposal. She said while it may seem simpler to base funding solely on the number of full-time equivalent students, a more complicated formula is necessary to fairly distribute state aid. The current formula takes into account factors other than student population, she said, such as the cost of offering more expensive educational programs.

“Anyone who is looking for inequality can always find it,” she said. “Our goal should be making sure that all Nebraskans have the same opportunity for educational experiences whether they live in Omaha or Scottsbluff.”

Tom Perkins, representing the Nebraska Community College Association, also supported LB1072, but

said participation in the association should be required.

“The weakness of the NCCA was that there were no consequences for not belonging,” he said.

The committee took no immediate action on either of the bills.

General Affairs

Alcohol shipping fee increased

The cost of obtaining an annual shipping license from the Nebraska Liquor Control Commission will increase under a bill given final approval Feb. 25.

LB867, introduced by Wilber Sen. Russ Karpisek, will increase from \$200 to \$1,000 the fee Nebraska collects from out-of-state wine, spirit and beer shippers.



Sen. Russ Karpisek

The bill passed on a 46-1 vote.

Government, Military & Veterans Affairs

Senators pass bill to simplify airport zoning process

Cities and counties sharing jurisdiction of an airport are no longer required to form a joint board to set and enforce airport hazard regulations under a bill passed Feb. 25.

LB512, introduced by Omaha Sen. Scott Lautenbaugh, allows cities and counties that adopt minimum zoning regulations prescribed by the state Department of Aeronautics to forego

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the current requirement to form a joint board to set and enforce such regulations.

The bill removes the requirement of a joint board for cities and counties that share zoning authority of an airport if minimum regulations are adopted by both entities.

LB512 was passed on a vote of 44-1.

Priority given to nonprofits in sale of historical property

Senators passed a bill Feb. 25 that changes some state Department of Administrative Services procedures, among them one related to the sale of historical properties.

LB722, introduced by Lincoln Sen. Bill Avery, allows the state to sell buildings and lands on the National Register of Historic Places to a nonprofit community organization that intends to use the building for its intended purposes.



Sen. Bill Avery

Currently, the state is required to give priority to a state agency or a political sub-division. The state also must prioritize projects that will create low-income housing or economic development.

Senators passed LB722 on a 46-0 vote.

Overseas voting bill advanced

Overseas voters would have a new tool for tracking their ballots under a bill given first-round approval Feb. 23.

Lincoln Sen. Bill Avery, sponsor of LB951, said the measure is designed to bring Nebraska into compliance with the federal Military and Overseas Voter Empowerment Act (MOVE), which was passed in October 2009.

According to Avery, MOVE requires states to make ballots and other election materials available via facsimile or electronic mail to members of the armed forces, overseas citizens and persons residing outside the country. Beginning with the November 2010 general election, states must send validly requested absentee ballots no later than 45 days before a federal election.

States also must develop a process for those casting ballots under the provisions of MOVE to be able to check the status of their ballot via the Internet or a toll-free telephone call.

Avery said that Help America Vote Act funds could cover the \$80,000 cost of developing the required Web site, eliminating the bill's fiscal impact on the general fund.

"This is federal money," he said. "It is not state money."

Lawmakers advanced LB951 on a 41-0 vote.

Health & Human Services

Hospital licensure moratorium proposed

The Health and Human Services Committee heard testimony Feb. 24 on a bill that would provide for a two-year moratorium on the issuance of new hospital licenses in Nebraska.

LB999, sponsored by Lincoln Sen. Kathy Campbell, would direct the state Department of Health and Human Services not to accept applications from or issue licenses to new hospitals from Sept. 1, 2010 through Aug. 31,



Sen. Kathy Campbell

2012. The bill makes an exception for critical access hospitals.

Campbell said the Legislature could use the moratorium to study the status of hospital development in Nebraska and its impact on the cost and quality of the care provided.

"No study or review has taken place since 1997," she said.

Janice Wiebusch, trustee of Good Samaritan Hospital in Kearney, testified in support of the bill, saying community hospitals provide services that may need to be protected from competition from for-profit hospitals.

For example, Good Samaritan provides \$19 million a year in charity care, unreimbursed Medicare, education and other services, she said.

Bruce Rieker of the Nebraska Hospital Association also supported the bill.

A moratorium would give the Legislature time to establish rules and policies to regulate the growth of physician-owned hospitals, he said, a move several other states have already taken.

Physicians are responsible for admitting patients to hospitals, Rieker said, and there is concern that doctors will steer profitable patients toward facilities they own, while Medicaid patients and those unable to pay become the responsibility of community hospitals.

"In health care, physicians are the gatekeepers," he said. "We need to have legislative guidance; it's in the public's best interest."

But Sean Denney, chairman of the board of the new Kearney Regional Medical Center, said the line between for-profit and nonprofit hospitals is not always clear. For example, he said, the national CEO of the company that owns Good Samaritan Hospital earned \$2.5 million last year.

Denney said he and 40 other Kearney physicians chose to open

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their own hospital out of concern for patient care, adding that a physician-owned hospital would not negatively impact health care provision.

“We will take on charity care just as we do in our clinics,” he said. “Let the taxpaying citizens of Kearney decide. Help a local town retain local control of its health care.”

John Schulte, a physician who said he hoped to provide care at the Kearney Regional Medical Center should it be completed, also testified in opposition to LB999.

“This bill appears to be targeted directly at our hospital,” Schulte said. “You do not need a moratorium to conduct a study.”

The committee took no immediate action on the bill.

Bill would create new prenatal care program

The Health and Human Services Committee heard testimony Feb. 25 on a bill that would establish a program to offer prenatal services to low-income women regardless of immigration status.

Lincoln Sen. Kathy Campbell, sponsor of LB1110, said the bill is intended to allow Nebraska to continue a 20-year practice of covering the cost of prenatal and pregnancy-related services connected to the health of an unborn child.

Campbell said the federal government notified the state late last year that it could no longer provide medical services for unborn children under Medicaid. However, the notice indicated that Nebraska can establish a separate state program for prenatal care under the targeted low-income child health option of the Children’s Health Insurance Program (CHIP), she said.

Under the bill, HHS would be required to establish such a program

solely for the unborn children of mothers who are ineligible for coverage under Medicaid. Eligibility for service would be determined using an income budgetary methodology of no greater than 185 percent of the federal poverty guideline.

Benefits would include:

- laboratory testing;
- outpatient hospital care;
- pharmaceuticals and prescription vitamins;
- radiology, ultrasound and other necessary imaging;
- services related to conditions that could complicate the pregnancy; and
- professional fees and hospital costs related to labor and delivery.

The bill would require the department, within 30 days of passage of LB1110, to seek federal approval of a state plan amendment or waiver for Nebraska’s program.

Many who testified in support of the bill focused on the potential long-term cost savings to the state.

Karen Gray of Creighton University said providing quality prenatal care greatly reduces the risk of complications, including premature and low-birth weight babies. The risk of premature birth increases five- to seven-fold without prenatal care, she said, and the cost of caring for premature infants likely will be borne by taxpayers.

Nebraska state auditor Mike Foley agreed, calling the bill sound fiscal policy.

Children born in the United States are automatically citizens and qualify for Medicaid services, he said, and providing prenatal care can limit the state’s future financial responsibility.

“It is in the state’s fiscal interest to promote healthy children in the earliest stages of life,” he said.

Anita Jaynes, a certified nurse

midwife with the Nebraska Medical Center, also supported the bill, saying the state should choose to spend tax dollars wisely.

“If these women have no access to prenatal care, they will not go away,” she said. “They will go to the ER ... and will be treated at a far greater cost.”

Kerry Winterer, chief executive officer of HHS, testified in opposition to the bill.

While acknowledging the value of prenatal care, Winterer said funding that care should not fall to taxpayers.

“The issue is who should be paying for that,” he said. “That is the real question here.”

Reading from a letter signed by himself and Gov. Dave Heineman, Winterer said that none of the states surrounding Nebraska provide CHIP coverage to illegal immigrants.

“We are opposed to illegal immigrants receiving taxpayer-funded benefits,” he said.

Susan Smith of the Nebraskans Advisory Group also opposed the bill, saying members of her group are “furious that our taxpayer dollars are being abused.”

Providing benefits to those in the country illegally only encourages more illegal immigration, she said.

“When you shut off benefits and service to illegal aliens ... they will self-deport,” Smith said.

The committee took no immediate action on the bill.

Judiciary

DNA collection for felons passes

Lawmakers gave final approval Feb. 25 to a bill that requires the collection and testing of DNA for all persons convicted of any felony for

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the state sample bank.

LB190, introduced by Lincoln Sen. Bill Avery, will apply retroactively to those currently imprisoned for felonies who do not have a DNA sample on file. The bill also requires the collection of samples from those convicted of certain misdemeanors such as stalking, sexual abuse of a vulnerable person and violations of the sex offender registry.



Sen. Bill Avery

All costs associated with collecting the DNA sample will be paid by a convicted felon as a condition of release from probation.

LB190 passed on a 47-0 vote.

Rights for minors expanded

Senators passed a bill Feb. 25 that expands some rights for 18-year-olds.

LB226, introduced by Tekamah Sen. Kent Rogert, allows 18-year-olds to enter into binding contracts or leases and consent to medical treatment if the parent or guardian gives consent through power of attorney. The bill does not pertain to state wards.



Sen. Kent Rogert

LB226 passed on a 46-0 vote and takes effect immediately.

Racial profiling committee membership changed

Senators gave final approval to a bill Feb. 25 that expands the role and membership of the state's Racial Profiling Advisory Committee.

LB746, introduced by Sen. Robert Giese of South Sioux City, adds

to the committee representatives from the National Association for the Advancement of Colored People, the Commission on Indian Affairs, the Latino-American Commission and a member of the Nebraska State Bar Association.



Sen. Robert Giese

The committee will meet semi-annually rather than quarterly to analyze racial profiling data and make policy recommendations to the Commission on Law Enforcement and Criminal Justice.

LB746 also extends to Jan. 1, 2014, the requirement that state and local law enforcement officers collect data on racial profiling.

The bill was passed on a 46-0 vote.

Bill calls for cost study of death penalty

A cost study of the state's death penalty would be required under a bill heard by the Judiciary Committee Feb. 24.

Omaha Sen. Brenda Council first proposed the study as an amendment to LB306, a bill she introduced that would have repealed the death penalty. After the amendment failed, the bill was laid over Jan. 21. Council then introduced the proposed study as a bill.



Sen. Brenda Council

LB1105 would require the state auditor to conduct an audit on the cost of the death penalty.

Council said she introduced the bill to "set aside emotion and focus on getting a handle on the financial cost." Citing a similar study conducted in

Kansas in 2003, she said the median cost to the state of a death penalty case was \$1.2 million. In contrast, the median cost of a case resulting in a life sentence without parole was \$740,000.

Nebraska Catholic Conference executive director Jim Cunningham testified in support of the bill. He said the cost of the death penalty impedes the state from directing resources to more effective public safety measures, such as prevention and rehabilitation.

"There are legitimate and serious questions about the economic drain and cost effectiveness of hanging on to the death penalty," Cunningham said.

Madison County Attorney Joe Smith, representing the Nebraska County Attorney Association, testified in opposition to the bill. He said death penalty costs are irrelevant because it is a just punishment in some cases, like the Norfolk bank murders in 2002.

"This is more than an economic thing," he said.

The committee took no immediate action on the bill.

Natural Resources

Repeal of scheduled corn and grain sorghum checkoff advances

Lawmakers advanced a bill from general file Feb. 23 that would repeal a future excise tax on corn and grain sorghum.

LB689, introduced by Schuyler Sen. Chris Langemeier, would repeal a scheduled 0.6-cent per bushel or hundredweight excise tax, or "checkoff," on corn and grain sorghum sold or delivered from Oct. 1, 2012, to



Sen. Chris Langemeier

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Oct. 1, 2019.

The current rate of the excise tax is 0.875 cents per bushel or hundredweight. Revenues currently are deposited in the Ethanol Production Incentive Cash (EPIC) Fund, and the unexpended balance is scheduled for transfer to the Water Resources Cash Fund on Dec. 31, 2012.

LB689 would stop the transfer to the Water Resources Cash Fund and instead split half of the fund's balance between the Nebraska Corn Development, Utilization, and Marketing Fund and the Grain Sorghum Development, Utilization, and Marketing Fund based on the portion of the fund derived from the individual commodities. The remaining 50 percent of the EPIC Fund would be deposited in the state general fund.

During general file debate on Feb. 22, Langemeier said the future designation of the checkoff as an annual \$7.5 million funding source for the Water Resources Cash Fund provides a disincentive for identifying a better means of funding the Platte River recovery program.

"This isn't the right choice," Langemeier said. "We need to look for a better funding source."

Fullerton Sen. Annette Dubas said checkoff dollars are intended for research, development and production of a specific commodity. While agriculture has a role in funding solutions for water issues, she said, checkoff funds are not the appropriate funding mechanism.

Dubas said a consequence of not finding a new funding source for the Water Resources Cash Fund would be irrigation restrictions.

"There is a huge incentive for [farmers] to come to the table because the alternative is they lose their water. The alternative is they are shut off. The alternative is they lose their

livelihood," Dubas said.

Although appreciative of concerns voiced by dryland farmers who do not contribute to water scarcity problems, Elk Creek Sen. Lavon Heidemann questioned repealing the checkoff without designating a new funding source.

"What leads us to believe that if [LB689 is passed] that in the next two years we'll find an alternative funding source?" Heidemann asked.

Lawmakers voted 44-1 to advance the bill from general file.

Bill would allow water planning for more NRDs

Natural resources districts could develop plans for the proactive management of water resources under a bill advanced from general file Feb. 23.

Currently, NRDs encompassing river basins, subbasins or reaches designated as overappropriated or finally determined to be fully appropriated are required to jointly develop integrated management plans (IMPs) with the state Department of Natural Resources. IMPs require NRDs and the department to consider the effects of existing and potential new water uses on surface water appropriators and ground water users.

LB764, introduced by Valentine Sen. Deb Fischer, would give other NRDs the option of creating IMPs with the department.

An NRD choosing to develop an IMP would be required to notify the department by Oct. 1 of its intention to develop a plan focused on maintaining a not fully appropriated status. If the river basin, subbasin or reach addressed in the IMP is later determined to be fully appropriated,

the department and NRD would be permitted to amend the IMP.

A Natural Resources Committee amendment, adopted 37-0, removed the Oct. 1 notification date and would change the objective of IMPs from maintaining a not fully appropriated status to achieving and sustaining a long-term balance between water users and water supplies.

Fischer said the bill would foster proactive management of state water resources by permitting NRDs to develop IMPs before they are declared fully appropriated.

"It's important that we work together to build comprehensive IMPs unique to each basin to ensure that we fully develop our water resources, while protecting them for future generations," she said.

IMPs developed under LB764 could help avoid new fully appropriated designations by balancing needs and resources, Fischer said, adding that locally developed IMPs could be used collectively as a statewide water plan if needed.

Imperial Sen. Mark Christensen spoke in support of the bill, saying it would offer NRDs a means for managing state resources before water scarcity issues arise.

"We're always starting to plan when we are fully appropriated instead of starting these plans ahead of time," he said.

LB754 was advanced from general file 40-0.

Revenue

Delinquent taxpayer list and E-filing provisions advance

A bill providing for a published list of delinquent taxpayers and requirements for electronic tax filings was



Sen. Deb Fischer

ISSUES UPFRONT.....

advanced from general file Feb. 23.

LB879, introduced by Bellevue Sen. Abbie Cornett, would direct the state departments of Labor and Revenue to prepare and publish a list of delinquent taxpayers owing taxes, penalties and costs in excess of \$20,000 for which a notice of lien has been filed. The list would be published on either department's Web site and would include the debtor's name, address, and type and amount of the tax or fee due.



Sen. Abbie Cornett

Debtors would receive notice from the tax commissioner or commissioner of labor 30 days before their names are published. Listings would be removed within 15 days after full payment is received or a payment agreement is made.

Other changes proposed in LB879 include:

- permitting the state Department of Motor Vehicles to provide the department with information, such as Social Security numbers and addresses, about license or state identification card holders;
- eliminating criteria for waiving interest on delinquent payments of motor fuel taxes;
- changing the funding source for the state athletic commissioner's office expenses from the Charitable Gaming Operations Fund to the State Athletic Commissioner's Cash Fund;
- authorizing the department to disclose taxpayer information to the state Department of Labor to administer the Employment Security Law or the Contractor Registration Act; and
- simplifying sales and use tax

refunds under the Nebraska Advantage Act for purchases made by contractors.

After adopting a technical Revenue Committee amendment 31-0, lawmakers considered an amendment offered by Omaha Sen. Tom White regarding the list of delinquent taxpayers. Adopted 36-0, the amendment would require that debtors be able to exhaust or waive all rights of appeal from a final balance of tax liability before their names are added to the list.

White said his amendment was needed to offer taxpayers a right to dispute their tax liability before being added to a "wall of shame."

Cornett offered an amendment containing provisions of two bills she introduced that had been advanced to general file by the Revenue Committee.

LB1078 would update references in Nebraska law to the most recent version of the federal Internal Revenue Code.

LB878, as amended into LB879, would reduce the threshold from \$20,000 to \$5,000 for instances in which electronic fund transfers of taxes or fees are required. It also would require employers to deduct and withhold income taxes using the prescribed method of the tax commissioner.

Cornett said the threshold reduction would provide efficiencies by increasing the number of E-filers, without burdening elderly and low-income taxpayers. She said the new limit generally would require taxpayers with incomes of at least \$100,000 to file electronically.

Other measures incorporated from LB878 include changing from March 15 to Feb. 1 the date by which an employer must provide employees with copies of statements detailing taxes withheld on wages or payments subject to withholding.

Finally, the amendment would ex-

empt individual income taxpayers from having to pay a \$100 penalty for failing to make a required payment electronically. It also would prohibit interest from accruing on tax overpayments if the return is not filed electronically and the tax commissioner has approved and implemented an electronic form or method for filing returns.

The amendment would help facilitate cost savings for the Department of Revenue, Cornett said, which does not have the budget to hire temporary staff to process numerous paper tax returns.

"We have cut their budget ... to the point that we have a necessity to move to electronic filing," Cornett said.

After adopting Cornett's amendment 31-0, lawmakers advanced the bill 34-0.

Transportation & Telecommunications

Minitrucks and UTVs approved for road use

Minitrucks and utility-type vehicles (UTVs) will be permitted on Nebraska roads under a bill passed by the Legislature Feb. 25.

LB650, introduced by Imperial Sen. Mark Christensen, permits the operation of minitrucks on all Nebraska roads except interstate highways, controlled-access highways and expressways.



Sen. Mark Christensen

Minitrucks are defined as vehicles weighing less than 4,200 pounds with:

- widths of no more than 67 inches;
- top speeds of approximately 55 mph;

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- four or more tires;
- headlights, taillights, turn signals, windshield wipers and a rearview mirror;
- an occupant protection system;
- a bed or back compartment for hauling purposes;
- a four- or five-speed manual or automatic transmission;
- an enclosed passenger cab; and
- engines less than 1,000 cubic centimeters.

Minitrucks must be titled, registered, insured and licensed. In addition, only licensed motor vehicle dealers will be permitted to sell minitrucks.

The bill permits the operation of UTVs up to 30 mph during daylight hours on a two-lane highway if being used for agricultural purposes, or within municipal limits if authorized by ordinance. Headlights, taillights and safety flags must be used during operation.

UTVs are defined as vehicles weighing between 900 and 2,000 pounds with:

- widths between 48 and 74 inches;
- lengths no more than 135 inches;
- four or more low-pressure tires;
- steering wheels; and
- bench or bucket-type seating for at least two people to sit side-by-side.

Golf carts and low-speed vehicles are not classified as UTVs. UTV owners will be required to title their vehicle, obtain an operator's license and procure liability insurance.

LB650 was passed 47-0 and will go into effect Jan. 1, 2011.

Veteran license plate limitation repealed

Lawmakers gave final approval to a bill Feb. 25 that removes a limitation on the number of specialty

license plates some veterans are allowed to purchase.

Introduced by Malcolm Sen. Ken Haar, LB705 eliminates a restriction prohibiting applicants for Disabled American Veteran, Pearl Harbor Survivor and Prisoner of War specialty license plates from registering more than one motor vehicle, trailer, semitrailer or cabin trailer.

The cost for the license plates is \$5 more per vehicle than the regular license plate fee. The \$5 fee is deposited in the Nebraska Veteran Cemetery System Operation Fund.

LB705 passed on a 46-0 vote.



Sen. Ken Haar

Changes to state highway system priorities advance

Factors considered by the state Department of Roads in prioritizing state roads projects would change under a bill advanced from general file Feb. 22.

When prioritizing projects, current law requires the department to consider current and projected traffic volume, safety requirements, economic development needs, current and projected demographic trends, and maintenance and enhancement of the quality of life for all Nebraska citizens.

LB821, introduced by Valentine Sen. Deb Fischer, would make preservation and maintenance of the existing state highway system the department's primary priority.

Fischer said the department predicts there will not be enough funds in two years to cover maintenance



Sen. Deb Fischer

activities. Funds allocated for highway construction have fallen from \$390 million five years ago to a predicted \$300 million next fiscal year, she said.

The 20-year funding needs for state roads amount to \$13 billion, Fischer said, but the current financing mechanism for roads will produce only \$6.4 billion. Consequently, several high-dollar projects and the Nebraska expressway system have been put on hold, she said, and the department has instead focused on maintaining existing assets.

"It would be irresponsible of us not to protect the system," Fischer said.

After adopting a technical amendment offered by the Transportation and Telecommunications Committee, lawmakers advanced the bill 36-0.

Road signs for attractions advanced

Amusement and historical attractions could purchase signs to be placed along state highways under a bill advanced from general file Feb. 24.

Currently, only informational signs regarding camping, lodging, food and motor fuel and associated services can be erected within the right-of-ways of interstate and state primary system roads.

As introduced, LB926 would have permitted informational signs only for wineries. A Transportation and Telecommunications Committee amendment, adopted 41-0, expanded the bill to allow signs for attractions of regional significance with the primary purpose of providing amusement, historical, cultural or leisure activity to the public. Eligible attractions would be required to have restroom facilities, drinking water and adequate parking.

Tekamah Sen. Kent Rogert, the bill's sponsor, said it could help entrepreneurs in agritourism market their businesses to highway travelers.

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“Agritourism is part of the secret to economic development and the savior to rural Nebraska,” he said.

The amendment also would change eligibility requirements for signs promoting food services. Current law requires qualifying food service providers to serve three meals a day for the entire week. The amendment reduces this requirement to two meals a day, six days a week, and requires that restrooms be provided.

Finally, the amendment would amend eligibility requirements for tourist-oriented directional signs requiring that qualifying wineries be open at least 20 hours per week. Currently, eligible facilities must be open at least five eight-hour days per week.

Lincoln Sen. Colby Coash spoke in favor of the bill, saying the aid currently offered by the state to tourism is inadequate. Tourism is Nebraska’s third largest industry, he said, but the state ranks 44th in the nation for state expenditures for tourism marketing.

LB926 was advanced from general file 42-0.

Regulations for towing companies heard

Vehicle towing charges and notice would be regulated by two bills heard by the Transportation and Telecommunications Committee Feb. 23.

Current law permits towing companies to charge a “reasonable cost” for towing and storage fees.

LB1092, introduced by Omaha Sen. Steve Lath-



Sen. Kent Rogert

rop, would provide a definition for reasonable cost. It would prohibit companies from charging towing and storage fees that exceed the contracted rate a city or county would pay for towing vehicles from public property. If no such contract exists, the rate cap would be based on the contract of a metropolitan class city.

Lathrop said current law provides no standard for determining reasonable costs.

“We have left it to the tow company to determine what is reasonable,” he said. “We need a measure for what is reasonable.”

Lathrop said the state should regulate towing and storage fees because the state allows a lien for towing companies, which permits them to retain vehicles without appeal until fees are paid. Excessive costs charged for towing vehicles amount to a penalty, he said, and penalties paid in the state are supposed to be remitted to school districts.

Sara Schwartztrauber of Capital Towing testified in opposition. She said her company loses money with its city contract for public towing. If her fees were based on city-contracted rates, she said, the city contract would have to increase substantially.

In addition, private property tows cost more because of liability issues resulting from the absence of police officers, she said, who are present for public property tows.

Speaking in opposition, JoAnne Hitz, president of the Professional Towers Association of Nebraska, said LB1092 attempts to address a municipal issue with a statewide mandate that will adversely affect towers in less-populated counties. She said the costs associated with towing fluctuate based on the conditions of a tow, making it difficult to establish a dollar amount for tows.

The second bill heard by the com-

mittee would affect notice provided by towing companies.

LB1065, introduced by Elk Creek Sen. Lavon Heidemann, would reduce the time frame in which a towing company must notify a lienholder of a vehicle it has towed. Current law requires notice within 30 days; the bill would reduce this to five business days.

“With today’s technology, this shouldn’t be a hardship for the towing companies,” Heidemann said, adding that more prompt notice would help reduce storage fees.

The bill also would require towing companies to return a towed vehicle, upon receiving payment for towing and storage fees, to the vehicle’s owner, lienholder or any other person lawfully entitled to the possession of the vehicle.

Jerry Stilmock, representing the Nebraska Bankers Association, testified in support of the bill. He said the five-day deadline would give creditors enough time to work with car owners to reclaim their vehicle. If a buyer elects to default, he said, the bill would grant creditors the authority to claim the vehicle.

Both Schwartztrauber and Hitz testified in opposition to LB1065.

Schwartztrauber said her company towed more than 3,200 cars from private property last year, and 63 percent of those vehicles were never claimed by their owners.

Unclaimed vehicles substantially increase processing costs for towing companies, she said. She estimated that her towing fees would increase by \$75 if LB1065 passes because of the need to hire another employee to do processing.

Hitz said most states require notice within 30 days.

“There is no way you can do this in five days,” she said.

The committee took no immediate action on either bill.



Sen. Steve Lathrop

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Road access proposed for golf cars and low-speed vehicles

Golf cars and low-speed vehicles would be permitted on certain Nebraska roads under two bills heard by the Transportation and Telecommunications Committee Feb. 22.

LB1004, introduced by Ellsworth Sen. LeRoy Loudon, would permit the daylight operation of those vehicles on roads with speed limits of no more than 35 mph, although they would be authorized to cross roads with a higher speed limit.



Sen. LeRoy Loudon

Loudon said 45 other states permit the operation of golf cars, which are well-suited for neighborhoods, especially those occupied by senior citizens.

The bill defines golf cars as vehicles with:

- at least four wheels;
- a maximum speed of 20 mph;
- a maximum payload of 1,200 pounds;
- a maximum gross vehicle weight of 2,500 pounds; and
- a maximum passenger capacity of no more than four persons.

The bill defines low-speed vehicles as vehicles other than golf cars with:

- four wheels;
- a maximum speed greater than 20 mph but not greater than 25 mph; and
- a maximum gross vehicle weight less than 3,000 pounds.

The bill also would permit governing bodies of counties, cities and villages to adopt more stringent ordinances regulating golf car or low-speed vehicle use.

The second bill heard by the committee, LB1100, would apply to low-speed vehicles only. Introduced

by Omaha Sen. Heath Mello, the bill includes similar definitions and restrictions, although it also would permit the operation of low-speed vehicles at night.

Both bills would require operators to procure liability insurance coverage and obtain a Class O operator's license.

Mello said the measures would encourage walkable communities and positive urban design.

"The market of alternative vehicles will continue to grow," he said. "Addressing this issue now allows the state to maintain a consistent authority over low-speed vehicle registrations."

Joe Masek, president of Masek Golf Car Co., testified in support of LB1004. He said golf cars and low-speed vehicles are safer than traditional vehicles due to their low maximum speeds, adding that the few reported crashes have generally been caused by an intoxicated driver on a steep golf course.

Justin Allred of Gering also testified in support of the bill. A golf car owner who lives a mile away from his work, Allred said he would like to operate his golf car on roads. The vehicles are efficient and convenient for short commutes, he said.

Robert Perry, representing the League of Nebraska Municipalities, testified in opposition to both bills. He said the vehicles are unsafe for use on roads, citing environmental concerns regarding power sources and the threat of flying debris into a vehicle lacking a windshield.

The committee took no immediate action on either bill.

Urban Affairs

Community improvement district bill debated, returned to committee

Lawmakers approved a motion

Feb. 25 to return a bill from general file to the Legislature's referencing committee, the body responsible for determining to which of the Legislature's 14 standing committees a bill is sent for public hearing.

Sen. Abbie Cornett of Bellevue brought a motion objecting to the original referencing of LB381 to the Urban Affairs Committee, saying the Revenue Committee was a more appropriate venue for the bill.



Sen. Abbie Cornett

The motion prevailed on a 31-3 vote.

Senators had previously rejected a Cornett motion offered during general file debate Feb. 24 to bracket the bill, which would allow the creation of community improvement districts (CIDs) with the ability to set a separate sales tax or special assessment within their boundaries to pay for services or improvements within the district.

Under LB381, sponsored by Tekamah Sen. Kent Rogert, a CID with the ability to impose up to a 1 percent maximum sales tax could be created through a petition filed in the municipality where the district would be located.

The petition would have to be signed by property owners who collectively own at least 50 percent of the assessed value of the real property within the proposed district and are more than 50 percent per capita of all owners of real property within the proposed district.

A petition would have to include a five-year plan and an estimate of the project's cost. The governing body of the municipality would be required to hold a public hearing and could approve the creation of the proposed district by ordinance.

A CID also could be created by a nonprofit corporation with the power

ISSUES UPFRONT.....

to impose special assessments.

A pending Urban Affairs Committee amendment would remove provisions allowing for the creation of transportation development districts with the authority to levy a real property tax.

Rogert said CIDs have been used in nearby states to develop shopping malls, parks, lakes, music facilities, childcare facilities and lighting and murals for outdoor spaces. Allowing citizens to voluntarily fund community improvements through a self-imposed sales tax is a tool Nebraska should explore, he said.

"This is a voluntary tax that is added to just the district, voted on by the people of that district," Rogert said.

When offering her motion to bracket LB381 until April 14, 2010, Cornett cited a variety of concerns with the bill.

Under the bill, a CID could be formed on the authorization of as few as five people, she said, who could then impose a 1-cent sales tax on everyone who does business within that district. Further, if there were no residents in a proposed CID, those five voters could be business owners, she said.

"I don't think that tax policy should be dictated by private corporations," Cornett said. "The bill as written is too broad in terms of what [purpose] we can tax for and who can authorize a tax."

Platte Center Sen. Arnie Stuthman spoke against the bracket motion, saying the state needs to be more creative in considering economic development tools.

"It's working in other states," he said. "It's about local control. If you don't want to pay that sales tax, don't go out to that area."

Sen. Bob Krist of Omaha agreed, citing the success of the power and light district in Kansas City.

"They used a CID in Kansas City to start a rebuilding project from the

sewer system up," he said. "This is an enabling tool for the citizens of the state to do what they need to do."

But Kearney Sen. Galen Hadley said the power and light district has fallen well below several of its projections, including occupancy, and that the city backed \$295 million of the bonds that paid for the district's development.

"You don't sell bonds unless the city or state puts their name on it," he said. "And when [the bonds] go south, the taxpayer pays."

Lincoln Sen. Kathy Campbell also spoke in favor of the bracket motion, saying differential tax collection inside and outside of a CID would be a "nightmare" for business owners.

"We need to think carefully about how we structure tax collection," she said.

Lincoln Sen. Amanda McGill said lawmakers should start thinking about ways to revitalize communities and give young people a reason to spend their entertainment dollars in Nebraska.

"We are lacking vision and direction," she said. "Other states are taking advantage of tools like this; when will we begin to truly show some vision?"

The bracket motion failed on a 21-22 vote.

The following day, Cornett filed a motion objecting to the referencing of LB381 to the Urban Affairs Committee rather than the Revenue Committee.

Rogert supported the motion, saying the earlier bracket motion vote indicated insufficient support either to move the bill forward or to stop it.

"We had a basic stalemate," he said.

Cornett said she expects LB381 to be referenced to the Revenue Committee and for a public hearing to be scheduled within the next few weeks.

Revenue bond ballot measure advanced

Lawmakers gave first-round ap-

proval Feb. 22 to a proposed constitutional amendment that would authorize the use of revenue bonds to develop property for use by nonprofit enterprises.

LR295CA, introduced by Lincoln Sen. Amanda McGill, would place a proposed constitutional amendment on the May 2010 primary election ballot that would authorize any county, city or village to acquire, own, develop and lease real and personal property for use by charitable nonprofit enterprises, and to issue revenue bonds to defray the cost of acquiring, developing or financing such property.



Sen. Amanda McGill

Any revenue bonds authorized under the measure would not be the obligation of the issuing county, city or village and could not be repaid from any property of the county, city or village. Bonds would be satisfied from the project and from revenues received; no taxes could be levied to pay for the bonds.

McGill said similar measures in other states have allowed charitable organizations to develop hospitals, nursing homes and museums.

"Let's get this on the ballot and do our best to get it passed," she said.

Sen. Kathy Campbell of Lincoln supported the measure, calling it an important tool for nonprofit entities. She said lawmakers should educate voters on how the proposed measure would work, specifically that any nonprofit involved would be responsible for bonds issued.

"You are never backing these bonds with property taxes," Campbell said. "The city or county is not responsible."

The measure advanced to select file on a 32-0 vote. ■

Priority **BILLS**

Priority Bills have priority status and generally are 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.

Speaker priority bills

Senator/Committee	Bill	One-line description
Speaker Flood	LB571	Adopt the Guaranteed Asset Protection Waiver Act
Speaker Flood	LB701	Change distribution of ICF/MR Reimbursement Protection Fund
Speaker Flood	LB702	Change provisions relating to a patient's access to medical records
Speaker Flood	LB707	Change provisions and penalties relating to unlawful intrusion
Speaker Flood	LB727	Change compensation for retired judges serving temporary duty
Speaker Flood	LB768	Provide for the termination of township boards as prescribed
Speaker Flood	LB799	Change state and local building code provisions
Speaker Flood	LB801	Change the Uniform Deceptive Trade Practices Act
Speaker Flood	LB820	Provide an exception from width, height, length, weight, and load restrictions for certain emergency vehicles
Speaker Flood	LB836	Change deer hunting provisions, provide for mandatory deer depredation seasons, and provide a tax credit for allowing deer hunting
Speaker Flood	LB842	Change procedures in cases of death during apprehension by law enforcement officers or while in custody
Speaker Flood	LB864	Provide duties for the Community Corrections Council
Speaker Flood	LB877	Change property assessment and tax provisions
Speaker Flood	LB880	Change provisions relating to fireworks
Speaker Flood	LB882	Change provisions relating to disposal of dead animals
Speaker Flood	LB901	Change child custody determination provisions
Speaker Flood	LB924	Change provisions relating to ignition interlock orders
Speaker Flood	LB926	Change provisions for information signs along highways
Speaker Flood	LB943	Provide for the merger of civil service commissions under the Civil Service Act
Speaker Flood	LB956	Rename the Nebraska Scholarship Act and change award provisions
Speaker Flood	LB970	Change provisions relating to appeals from county planning commission decisions
Speaker Flood	LB1051	Change provisions relating to certificate terms, fees, and rosters of abstracters
Speaker Flood	LB1063	Authorize an art maintenance fund for public art and provide for an inspection schedule
Speaker Flood	LB1094	Adopt the Nonrecourse Civil Litigation Act
Speaker Flood	LR297CA	Constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development

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Priority **BILLS**

Senator priority bills

Senator	Bill	One-line description
Adams	LB1072	Rename and change a formula in the Community College Foundation and Equalization Aid Act
Ashford	LB1070	Change provisions relating to learning communities
Avery	LB1021	Adopt the High School Activities Association Act
Campbell	LB999	Provide a two-year moratorium on new hospital licenses
Carlson	LB1057	Create the Republican River Basin Water Sustainability Task Force
Christensen	LB443	Provide for the regulation of adult and sexually oriented businesses
Coash	LB1018	Adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act
Conrad	LB1109	Adopt the Nebraska Innovation and High Wage Employment Act
Cook	LB975	Change the Convention Center Facility Financing Assistance Act relating to projects undertaken in areas with a high concentration of poverty
Cornett	LB763	Adopt the Successor Asbestos-Related Liability Act
Council	LB1105	Require an audit of death penalty costs
Dierks	LB594	Adopt the Women's Health Protection Act governing abortion and provide a civil remedy for failure to comply with the act
Dubas	LB689	Change Water Resources Cash Fund, Ethanol Production Incentive Cash Fund, and ethanol excise tax provisions
Fischer	LB764	Change provisions relating to integrated management plans under the Nebraska Ground Water Management and Protection Act
Flood	LB1103	Adopt the Abortion Pain Prevention Act
Fulton	LB817	Exempt concealed handgun permitholders from the requirement that they obtain a certificate to purchase a handgun
Gay	LB735	Adopt the Kelsey Smith Act to require wireless carriers to provide call location information in certain emergency situations
Giese	LB709	Adopt the Small Business Regulatory Flexibility Act
Gloor	LB949	Change provisions relating to state and local building codes
Haar	LB1014	Create the Teacher Performance Pay Fund and provide for additional public teacher pay
Hadley	LB918	Redefine certain terms and provide certain tax incentives under the Nebraska Advantage Act
Hansen	LB937	Eliminate per diem payments for members of learning community coordinating councils
Harms	LB258	Change and provide penalties for minors in possession of alcoholic liquor
Heidemann	LB771	Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, discovery, and juveniles
Howard	LB507	Change provisions and penalties regarding domestic assault in the third degree
Janssen	LB200	Change motorcycle and moped helmet requirements
Karpisek	LR296CA	Constitutional amendment to permit the Legislature to authorize and regulate charitable poker
Krist	LB987	Require the Department of Veterans' Affairs to contract for a study of lung cancer in veterans
Langemeier	LB728	Adopt the Exploited Children's Civil Remedy Act and redefine a term with respect to pleas
Lathrop	LB779	Change the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act
Lautenbaugh	LB1102	License and regulate wagering on historic horseraces
Louden	LB1002	Authorize state sales tax revenue assistance derived from the sale of alcoholic liquor for certain political subdivisions
McCoy	LB742	Provide requirements for settlement agreements involving public entities and provide that such agreements are public records
McGill	LB925	Require employment of Nebraska laborers for public works projects during excessive unemployment
Mello	LB1081	Provide a tax credit and authorize job training grants for teleworkers
Nelson	LR300CA	Constitutional amendment to change signature requirements for initiative petitions
Nordquist	LB1106	Provide for school-based health centers under the Medical Assistance Act
Pankonin	LB1010	Provide procedures and limitations on the use of eminent domain by natural resources districts for recreational trails
Pirsch	LB510	Require the deposit and distribution of certain surcharges and inmate wages for the benefit of victims of crime
Price	LB948	Change provisions relating to agency requisitions and competitive bidding
Rogert	LB1087	Change provisions relating to payment for educational services

Priority **BILLS**

Senator	Bill	One-line description
Schilz	LB919	Permit a city of the first class to remain as such despite a population decrease
Stuthman	LB1036	Adopt the Revised Uniform Anatomical Gift Act
Sullivan	LB965	Change school board and educational service unit vacancy provisions
Utter	LR284CA	Constitutional amendment to abolish the office of the State Treasurer
Wallman	LB780	Change Nebraska Workers' Compensation Act provisions relating to personal injuries
White	LB952	Exempt certain public utility income for infrastructure replacement and sewer programs from sales tax
Wightman	LB945	Prohibit use of handheld wireless communication devices while driving

Committee priority bills

Committee	Bill	One-line description
Agriculture	LB910	Change the Commercial Dog and Cat Operator Inspection Act
Agriculture	LB865	Adopt the Livestock Animal Welfare Act
Banking, Commerce and Insurance	LB888	Adopt the Nebraska Uniform Limited Liability Company Act
Banking, Commerce and Insurance	LB931	Change the Real Property Appraiser Act
Business and Labor	LB563	Adopt the Contractor Employee Classification Act
Business and Labor	LB961	Provide for economic development job training grants
Education	LB1071	Change provisions relating to schools
Education	LB1006	Change provisions relating to kindergarten entrance age
Executive Board	LB770	Change provisions relating to the distribution of the session laws and journal of the Legislature and copies of the statutes
Executive Board	LB685	Change membership provisions relating to the Executive Board of the Legislative Council
General Affairs	LR277CA	Constitutional amendment to allow for parimutuel wagering on horseraces at a satellite wagering facility
General Affairs	LB861	Transfer, reorganize, and remove unconstitutional provisions of the Nebraska Liquor Control Act
Government, Military and Veterans Affairs	LB686	Change fees received by clerks and registers of deeds
Government, Military and Veterans Affairs	LB951	Change provisions relating to early voting at elections
Health and Human Services	LB849	Change provisions relating to the Department of Health and Human Services
Health and Human Services	LB1110	Change provisions relating to coverage for certain children under the Medical Assistance Program as prescribed
Judiciary	LB712	Change the Disposition of Personal Property Landlord and Tenant Act
Judiciary	LB800	Provide methods of early intervention for children at risk
Natural Resources	LB862	Change provisions relating to issuance and repayment of river-flow enhancement bonds
Natural Resources	LB1048	Provide for approval and taxation of certain power generating facilities using wind as a fuel source
Nebraska Retirement Systems	LB979	Provide for the transition of certain employees to the State Employees Retirement System
Nebraska Retirement Systems	LB950	Change provisions relating to retirement
Revenue	LB879	Change revenue and taxation provisions
Revenue	LB1079	Change the time for appealing to the Tax Equalization and Review Commission and certain dates relating to property tax assessment and equalization
Transportation and Telecommunications	LB805	Adopt by reference updates to the International Registration Plan and certain federal laws and regulations governing motor vehicles
Transportation and Telecommunications	LB821	Change provisions relating to road priorities
Urban Affairs	LB381	Adopt the Community Improvement District Act and the Transportation Development District Act
Urban Affairs	LR295CA	Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises

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