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# UPDATE

## Texting ban considered for drivers

The Transportation and Telecommunications Committee heard testimony on a bill Feb. 9 that would prohibit drivers from using handheld wireless communication devices to read, type or send written communications while operating a motor vehicle in motion.

Written communication would be defined to include

text messages, instant messages, e-mails and Web sites.

LB945, introduced by Scottsbluff Sen. John Harms, would define a handheld wireless communication device to include cellular phones, text messaging devices, PDAs, pagers and laptops, but would not include an electronic device that is part of the vehicle, permanently attached to the vehicle or a hands-free device.

The bill exempts from its provisions law enforcement, firefighters, emergency responders and those operating a vehicle in an emergency situation.

Violators would be fined \$200 for the first offense, \$300 for the second and \$500 for the third and subsequent offenses and would be assessed three points on their driver's license.

Harms said the practice of using electronic devices while driving has risen from a "dangerous practice" to a "deadly epidemic." He cited a study that found motorists engaged in texting are six times more likely to be involved in an accident. Another study he cited found the act

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Sen. John Harms introduces a bill that would ban the use of handheld wireless devices while driving.

## Trail resolution proposed for NRDs and landowners

Natural resources districts' use of eminent domain for recreational trails was the subject of a bill heard by the Natural Resources Committee Feb. 11.

LB1010, introduced by Louisville Sen. Dave Pankonin, would create a process NRDs must follow if eminent domain is to be used to take private land for a recreational trail or corridor. If an agreement cannot be negotiated with landowners, a 75 percent supermajority of an NRD board could conduct a public hearing with public

input at which another 75 percent supermajority could vote to exercise eminent domain.

To proceed, the board would need to find, by clear and convincing evidence, that all of the following criteria have been met:

- public notice and mailed notice for landowners with affected property have been provided;
- good faith attempts to negotiate agreements with property owners have been made and

have failed for some or all of the property necessary for the trail to be developed;

- trail route alternatives not requiring eminent domain are not viable;
- the selected trail route is the most reasonable, direct and safe alternative and is the least intrusive to landowners as possible;
- the selected trail route minimizes the adverse effects on

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# A CLOSER LOOK.....

## Texting ban considered for drivers

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of receiving or sending a text message takes a motorist's eyes off the road for an average of 4.6 seconds, during which, at 55 mph, one can travel the length of a football field.

"Four point six seconds isn't very long," Harms said, "but it is quick enough to kill you."

Twenty states, including the District of Columbia, have banned texting while driving, he said, and President Obama recently banned federal employees from texting while operating federal vehicles and equipment.

In addition to saving lives, Harms said, legislation banning texting could save money in the future, as federal legislation has been introduced to withhold 25 percent of federal highway funding from states without a texting ban.

Benson High School student Jilian Humphries testified in support of the bill. A member of the school's Text and Drive Team, which has advocated against texting while driving, Humphries said the fines levied against motorists in the bill would discourage people — especially teenagers — from engaging in texting while driving.

"If teens are going to be forking out that money, it's probably going to be coming from their parents," Humphries said. "And that is going to be hung over their head for a while."

Rob Reynolds, director of the CAR Alliance for Safer Teen Driving, testified in support of the bill and advocated for a complete ban on cell phone use while driving. Eleven percent of the driving public is holding an electronic device at any given

moment, he said, and texting and dialing are the most distracting phone activities.

Committee members also heard testimony on LB697, introduced by Omaha Sen. Rich Pahls, which would prohibit school bus drivers from using a wireless communication device while operating buses in motion.

Lincoln East High School student Brittany Gondringer testified in support of LB697. Research indicates that listening to a cell phone conversation reduces a driver's attention by 40 percent, she said, and driving impairments caused by cell phone use rival those associated with drunk driving.

"Parents pay taxes for schools to employ these bus drivers," Gondringer said, "and when a bus driver is negligent enough to use a cell phone while transporting students, it's not at all fair to student and parents."

Neeka Choobineh, another Lincoln East student, also testified in support. During the 2007-08 school year, 64,737 students used school buses for daily transportation, she said.

"It is not comforting to know that each of those lives could be put at great risk any time a school bus driver is talking on a cell phone," she said.

The committee took no immediate action on either bill. ■

### Spotlight on the Ombudsman

The Ombudsman investigates and resolves citizens' complaints involving state agencies and local jail facilities. Each year the office handles more than 2,000 cases.

In addition, the Ombudsman's Office also provides general information about state government to the public.

Broad exposure to the operation of state government and direct access to various agencies enables the Ombudsman's Office to provide citizens with information that they may otherwise have difficulty finding.

Senators and legislative staff may seek assistance from the Ombudsman's Office to help resolve constituent problems.

For more information, contact the Ombudsman's Office at 402-471-2035.

# A CLOSER LOOK.....

## Trail resolution proposed for NRDs and landowners

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adjacent landowners;

- good faith attempts have been made to address the concerns of landowners regarding trail design, privacy, land protection, management and maintenance; and
- any development and management of the trail is designed to harmonize with and complement any established forest or agricultural plan for the affected land.

If landowners disagree with the district's decision, the bill would permit them to appeal to the district court in the county where the land is located. The bill would prohibit the use of eminent domain before the court's final decision.

The bill also would provide some liability protection for affected landowners and require formal agreements between districts and landowners that outline each party's rights and obligations regarding the use of the trail.

Pankonin said he introduced the bill in response to constituent complaints regarding the MoPac East Trail, which is intended to connect the cities of Lincoln and Omaha.

"This is an important way for the Legislature to demonstrate its responsibility to protect the rights of private landowners," Pankonin said, adding that only eight states permit the unlimited use of eminent domain for trail projects.

Renea Panska of Murdock testified in support of the bill. There is no disagreement about the value of trails, she said, but the benefits are not sufficient to support unchecked use of eminent domain.

"This provides for what should be a fundamental right of citizenship,



*Sen. Dave Pankonin introduced a bill that would create a process NRDs must follow if eminent domain is to be used to take private land for a recreational trail or corridor.*

which is the right to appeal a decision by government," Panska said.

Roger Gaebel of Louisville also spoke in support of the bill, which he said would provide a check on NRD eminent domain power without hampering their ability to complete projects that few people oppose. Currently, the only legal recourse landowners have to fight the use of eminent domain is to argue the price of the property, he said.

"Price was never an issue here. It was about the private rights of landowners — or, in this case, the lack thereof," Gaebel said.

Representing the Nebraska Association of Resources Districts, Glenn Johnson spoke in support. He said the bill would address many of the concerns voiced by landowners in regard to eminent domain for trail projects.

"It provides a workable — though

challenging — process," Johnson said, "but it is a workable process."

Steve Grasz, representing the Papio-Missouri NRD, testified in support but raised concerns regarding the "quasi-judicial" aspects of the bill.

Grasz said the public hearing conducted by NRD boards would require that it operate as a court or tribunal, in that the board would receive evidence, hear testimony and create a record. After appealing a decision to a district court, proceedings would basically start over, he said, resulting in significant legal costs for both districts and landowners.

Sadie Nicholson of Wabash testified in opposition to the bill. She said federal law prohibits the use of eminent domain for trails.

The committee took no immediate action on the bill. ■

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## Agriculture

### Bill would diversify funding for commercial dog, cat inspectors

The Agriculture Committee heard testimony Feb. 9 on a bill intended to diversify the funding source for the state's inspection program under the Commercial Dog and Cat Operator Inspection Act.

Sen. Tom Carlson of Holdrege said he introduced LB910 to reduce the program's reliance on general funds, which he said currently cover two-thirds of the cost of carrying out inspections.



Sen. Tom Carlson

Inspections increased from approximately 175 a year to 750-800 per year following passage of 2002 legislation requiring all licensees to be inspected every two years, he said.

Carlson said he is concerned that meeting the dog and cat inspection mandate potentially could divert resources from other duties of the state Department of Agriculture unless the funding source is altered.

"There is consensus on all sides for maintaining a strong inspection program," he said. "The primary goal of this legislation is to diversity cash funding."

As introduced, the bill would require a \$10 fee on the sale of each dog from a breeder, dealer, animal control facility, rescue organization, boarding kennel or pet shop. The fee



would be paid by the purchaser to the licensee, who would collect and remit the fee to the state. Carlson said the fee would require those who purchase pets to share in the cost of the inspection program.

The bill also would add a licensure category for animal rescue organizations.

Carlson offered an amendment to the bill that would replace the \$10 fee with a \$1 fee collected at the time of pet licensure and would add several categories to the existing fee schedule for licensees. Currently there are three categories in the licensing fee schedule based on an entity's daily average number of dogs or cats:

- 10 or fewer, \$150;
- 11 to 50, \$200; or
- more than 50, \$250.

The amendment would add fee categories in 50-animal increments up to 500 animals, Carlson said.

Judy Varner of the Nebraska Humane Society supported the bill and the proposed amendment, saying it is unfair for a breeder with 50 dogs to pay the same fee as one with 500.

She said the state must ensure the viability of the inspection program to keep puppy mills from locating in Nebraska.

"Unless some drastic action is taken, this program will be gone,"

Varner said.

Clem Disterhaupt of the Nebraska Professional Pet Breeders Association agreed.

Testifying in support of the bill, he said the current fee system encourages large breeders.

"It says the more animals you have, the less you pay," he said. "The new fee schedule will help, in a fair way, to fund the program."

Opponents said they wanted the inspection program to continue, but expressed concern about the funding changes.

Michael Nolan, executive director of the League Association of Risk Management, which is administered by the Nebraska League of Municipalities, testified in opposition to the bill.

Nolan said the bill's provisions likely would be administered effectively in Lincoln and Omaha, but not in smaller cities. Some small towns and villages in Nebraska do not have animal control programs, he said, making enforcement difficult.

"If the bill is passed, it won't be applied uniformly," Nolan said.

Lorraine Rexroat of Charlie's Angels Pet Center in Omaha also opposed the bill.

She said many pet owners do not license their animals, especially in



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difficult economic times and in small towns. Most dog owners do, however, vaccinate their animals for rabies, she said.

"It would be better to add a dollar to the rabies shot [fee]," Rexroat said.

The committee took no immediate action on the bill.

## Banking, Commerce & Insurance

### Beginning farmer, small business loan program proposal stalls

A bill proposing a linked deposit loan program fell short of the requisite votes needed to advance from select file Feb. 8.

LB297, introduced by Fullerton Sen. Annette Dubas, would create the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act, which would offer linked deposit loans not to exceed \$250,000 to eligible farmers who have a net worth not exceeding \$500,000.



Sen. Annette Dubas

Some small businesses also could have received loans under the program.

During select file debate, Dubas offered an amendment, adopted 25-4, that would limit the total loans provided to \$2 million in fiscal year 2011-12, \$4 million in FY2012-13 and \$4 million in FY2013-14.

Dubas said the bill would provide an "economic shot in the arm" for

rural economies by directing funds from the Nebraska Investment Council's Operating Investment Pool to a loan program for beginning farmers and small businesses.

"These are dollars ... that the Investment Council already has available to invest," Dubas said. "So why not take a very small portion of these total investment dollars and invest in our own citizens?"

Lincoln Sen. Danielle Conrad spoke in support of the bill. She said the linked deposit loan program would fill a void in existing policies and programs for beginning farmers and ranchers.

Hastings Sen. Dennis Utter opposed the bill, saying liquidity in Nebraska banks is sufficient to extend credit to beginning farmers.

"Most rural bankers in this state go out of their way to do things and make loans to young farmers and ranchers," Utter said.

Elk Creek Sen. Lavon Heidemann questioned using the Operating Investment Pool to fund state programs. The \$4 million allocated for the loan program represents a small portion of the Operating Investment Pool, he said, but it would provide a precedent for redirecting funds, which could lead to numerous programs supported by investment dollars.

LB297 failed to advance from select file on a 22-12 vote.

### Rural tourism development program considered

The Banking, Commerce and Insurance Committee heard testimony Feb. 8 on a bill that would create the Rural Tourism Development Program.

Sen. Tom Hansen of North Platte said he introduced LB1068 to pro-

mote agri-tourism and ecotourism in rural Nebraska, including activities such as farm and ranch tours, horseback riding and branding.

Under the bill, the state Department of Economic Development would administer the program, which would provide loans to small tourism businesses in counties with fewer than 100,000 residents.

The bill would create the Rural Tourism Development Fund, which would receive two \$500,000 transfers from the Local Civic, Cultural and Convention Center Financing Fund. The transfers would occur on July 1 of 2010 and 2011.



Sen. Tom Hansen

Hansen said the Local Civic, Cultural and Convention Center Financing Fund was created to direct a portion of Quest Center turn-back funds to rural areas and is not being used to its fullest potential. He said LB1068 would allow the state to access those funds for projects other than civic and community centers.

"It seems like the demand for those community centers is waning," he said. "This will help promote economic development in rural areas of the state."

The department would use the tourism fund to offer loans at zero percent interest for up to five years. Loans could not exceed \$500,000 or total more than 40 percent of a project's cost and the department would require 10 percent equity from borrowers.

Craig Head of the Nebraska Farm Bureau testified in support of the bill, saying the program would help farmers and ranchers fill a market for agri-tourism.

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Many people in the state's larger cities have grandparents who owned farms but whose children have never experienced farm life, he said, adding that agri-tourism would give them the opportunity to do so.

"Not everybody has the connection to agriculture the way they used to," Head said.

Lisa Burke of the North Platte Convention and Visitors Bureau also supported the bill, saying it would allow farmers and ranchers to diversify by creating tourism businesses.

She said it often is difficult for individuals wanting to start agri-tourism businesses to convince banks to lend them the necessary funds.

"It's difficult to explain to a banker that [tourists] will pay extremely large amounts of money to see what the everyday life of a Nebraskan is all about," Burke said.

Jerry Stilmock of the Nebraska Bankers Association opposed the bill, saying the state should not be in the business of loaning money to farmers or anyone else. Political entities have a role to play in economic development, he said, but that should not include direct lending.

"We believe that banking should stay in banking and that government, hopefully, stays in government," Stilmock said.

The committee took no immediate action on the bill.

## Media job training program proposed

A bill that would add certain media production companies to the state Department of Economic Development's job training grant program was considered by the Banking, Commerce and Insurance Committee Feb. 8.

LB1074, introduced by Omaha

Sen. Heath Mello, would allow a production company to apply for job training grants if it will:

- produce a media product in Nebraska;
- spend over \$1 million on goods and services in the state; and
- employ Nebraska citizens at wages greater than the average prevailing state wage.



Sen. Heath Mello

Eligible productions would include films, television productions, television commercials and web-based or Internet-delivered content that is filmed or developed in Nebraska.

Mello said he introduced the bill to help make Nebraska workers competitive in media fields and to create an infrastructure for the film industry in the state.

"Stimulating Nebraska's workforce and economy is the key component of this legislation," he said.

Michelle Schrage of the Nebraska Film Association testified in support of the bill, saying it is more cost effective for production companies to hire local talent than to fly in hundreds of workers from elsewhere.

Having a trained pool of talent would benefit the industry and individual Nebraskans, she said, who want to remain in the state to practice their trade.

"Projects come and go," Schrage said, "but the people are here to stay."

Mark Hoeger, president of the film association and owner of Oberon Entertainment, agreed.

Testifying in support of the bill, he said production companies are similar to general contractors.

"We assemble the crews and the talent necessary in the same way that builders would gather subcontractors of painters and plumbers," he said.

Hoeger said having a permanent, trained workforce would make the state much more attractive to production companies.

Dana Markel of the Nebraska Travel Association testified in opposition, citing a provision in the bill that would allow expenditures from the Tourist Promotion Fund to be used for media projects that promote the tourist potential of the state.

She said the travel association is opposed to using promotion dollars for job training grants.

Mello said funds from the Tourist Promotion Fund would be used to promote films that in turn promote Nebraska and are not part of the bill's job training provisions.

The committee took no immediate action on LB1074.

## Business & Labor

### Committee considers changes to workers' compensation

The Business and Labor Committee heard testimony Feb. 8 on two bills that would change the Nebraska Workers' Compensation Act.

Currently, the act indicates that mental injuries are compensable only when tied to a compensable physical injury.

LB780, introduced by Omaha Sen. Steve Lathrop, would make mental injuries unaccompanied by



Sen. Steve Lathrop

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a physical injury eligible for compensation for first responders, in limited circumstances. The bill would exclude recovery for mental injuries resulting from normal employer and employee relations, including personnel and disciplinary actions.

Lathrop said the exclusion of mental injuries unaccompanied by a physical injury limits the workers' compensation system in helping traumatized workers.

"We ask [first responders] to do some of the most difficult work," he said. "Providing them with appropriate care early on is going to allow them to return back to service."

Michael Dwyer, representing the Nebraska State Volunteer Firefighters Association, testified in support of the bill. He said volunteer responders are particularly susceptible to mental trauma.

"The nature of volunteering in our local communities means that occasionally the worst happens to our friends and families," he said.

Bill Fortune, president of the association, also testified in support. He said fire departments' recruitment and retention efforts are in "dire straits."

"We are losing firefighters every year due to the horrific and searing images we see on a daily basis," Fortune said.

Opponent testimony centered on the potential cost of the measure.

Jack Cheloha, representing the city of Omaha, testified in opposition to the bill.

"They see it as an expansion and they're worried about the increase in claims," he said.

League of Nebraska Municipalities executive director Lynn Rex agreed. Instead of increasing workers' compensation, she said, first responder benefits could be increased

to offer more comprehensive services, such as critical incident debriefings.

"Many of our municipalities already provide coverage through their health insurance," she said.

The committee also heard testimony on LB1044, introduced by Omaha Sen. Scott Lautenbaugh. The bill stipulates that an employer is liable only in cases when a work-related accident is the prevailing factor in causing both the personal injury and the resulting disability.



Sen. Scott Lautenbaugh

Under the bill, gradual deterioration caused by aging or day-to-day living would not be compensable.

"This is just a matter of where you draw the line as far as who is responsible," Lautenbaugh said.

Dan Fridrich, representing Nebraskans for Workers' Compensation Equity and Fairness, testified in support of the bill. He recounted a situation in which an employer was required to pay for a total knee replacement even though the injured worker had a bad knee before the injury.

Under the bill, he said, the employee would have to prove that the injury was the prevailing factor.

"That seems to be the most fair," Fridrich said.

Patricia Hagamen, a former truck driver, testified in opposition to the bill. Hagamen broke her leg in four places when exiting her truck. She said she wouldn't have been able to provide for her family without the workers' compensation she received.

Under the bill, Hagamen said she

might not have qualified for compensation because women are statistically more susceptible to osteoporosis, which weakens bones.

"I did not have to fight over what the primary cause of my injury was," she said. "I was one of the lucky ones."

The committee took no immediate action on the bills.

## Education

### Bill would require lead testing for school children

The Education Committee heard testimony Feb. 9 on a bill that would require lead testing for students prior to school enrollment.

Under LB962, introduced by Omaha Sen. Brenda Council, school districts would require blood lead level testing for children by the time they turn four years old.



Sen. Brenda Council

The state Department of Health and Human Services would develop testing rules and regulations and school districts would inform families of the blood lead testing requirements prior to the date of school registration.

Under the bill, a child could be exempt from the testing requirements if the child had been medically determined to have low risk for high levels of lead.

Council said lead poisoning results in decreased IQ, academic failure and behavioral problems. If a child's test reveals high blood lead levels, she said, measures can be taken to remove lead from the home.

"Once that's reported, the health

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department dispatches a team to inspect the home and make recommendations on how to eliminate the hazards,” Council said.

The fiscal note estimates a cost of \$31,000 in state general funds for the first year. However, the actual cost would be less, Council said, because children who are on Medicaid or in the Children’s Health Insurance Pool already are being tested as a part of their annual exams.

Kara Eastman, executive director of the Omaha Healthy Kids Alliance, testified in support of the bill. Although there is no treatment for high lead levels, she said, awareness would lead to future prevention.

“The lead test goes a long way in educating parents,” she said. “This is crucial.”

Reduction in lead poisoning would increase graduation rates and reduce crime, Eastman said, thereby saving the state millions each year.

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

## Bill would restructure Nebraska School Activities Association

The Education Committee heard testimony Feb. 9 on bill that would restructure the Nebraska School Activities Association.

The NSAA comprises 312 member schools and oversees high school sports and other activities.

LB1021, introduced by Lincoln Sen. Bill Avery, would adopt the High School Activities Association Act, reorganizing the NSAA.

Avery said he introduced the bill after an in-



Sen. Bill Avery

terim study revealed problems ranging from disproportionate representation to lack of public access to the association.

“What we discovered from the study was essentially an old boys club dating back 100 years that has an iron grip on the governance of school sports,” he said.

Although the number of female student-athletes has greatly increased over time, Avery said, there has been only one female member of the governing board and no minority members.

The association’s district lines have not been changed since 1926, he said, resulting in unequal representation as population levels have changed. For example, District 6 in the panhandle has 3,810 students while District 2, which includes Omaha, has 39,000.

“Things have changed,” Avery said, “but the NSAA has not.”

The bill stipulates six equally distributed districts based on student participation levels and would allow any educator who holds a Nebraska teaching or administrative certificate from a member school to be eligible for election to leadership positions.

All elected positions would have three-year terms and no position could be held for more than three consecutive terms. The board of directors created under the bill would include one member of the state Board of Education, the state Commissioner of Education and a representative from the Legislature.

The bill also would require independent appeals committees for each district and an association appeals board. Avery said this would eliminate conflicts of interest during investigations and final disposition of appeals.

Under the act, the NSAA would be

subject to open meeting and records laws.

Jack Mayfield testified in support of the bill, saying it would promote proportional representation, openness and accountability.

“Those are the basic concepts of good governance,” he said.

Laura Holmes, a parent of a child involved in high school athletics, also supported the bill. She said she has been repeatedly denied access to information on concussion and waiver data. The public is not allowed access to financial data, she said, beyond the association’s published audit reports, which Holmes called “general in nature.”

“The public has no say in how these funds are spent,” she said.

NSAA executive director Jim Tenopir testified in opposition to the bill, saying it goes too far.

“The NSAA has done a good job,” he said. “And it is strongly supported by our member schools.”

Tenopir noted that the board is in the process of approving a policy that would bring the association into compliance with open meeting laws. He also said the board is addressing representation problems through redistricting.

“That is something we are working toward and something that can be addressed without LB1021,” Tenopir said.

Holdrege School Superintendent Cinde Wendell, representing the Nebraska Council of School Administrators, agreed.

“The current NSAA framework and governance is effective, consistent and fair,” she said. “I’m confident the changes can be made through the existing framework.”

The committee took no immediate action on the bill.



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## Government, Military & Veterans Affairs

### Presidential electoral system change proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 10 on a bill that would adopt the National Popular Vote interstate compact.

Under LB1015, introduced by Sen. Ken Haar of Malcolm, the compact would require Nebraska's presidential electors to pledge their Electoral College votes to the winner of the national presidential popular vote. The compact would take effect once it is enacted by states possessing a majority of the electoral votes. States representing 23 percent of the necessary 270 electoral votes already have enacted it, Haar said.

Currently, two of Nebraska's five Electoral College votes are pledged to the statewide popular vote winner, with the remaining three pledged to the popular vote winner in each of the state's congressional districts. All other states except Maine allocate electoral votes on a statewide, winner-take-all basis.

Current Electoral College rules exist in state law, Haar said, and no changes to the U.S. Constitution are necessary to alter how a state's electors vote.

"States have exclusive and complete power to decide on a method of awarding their electoral votes,"



Sen. Ken Haar

he said.

Haar said the current system encourages presidential candidates to concentrate their efforts on battleground states - those with many electoral votes and a history of alternating between parties.

"Two thirds of states are ignored in presidential elections," Haar said. "The system does not honor the idea of one person, one vote."

Larry Sokol of National Popular Vote testified in support of the bill, saying legislation on joining the compact has been introduced in all 50 states. Electing the president based on the nationwide popular vote would ensure that every vote is counted equally, he said.

"[The presidency] is the only office for which you can receive the most votes and still lose," Sokol said.

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

### Online signature gathering for petitions proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 10 on a measure that would allow individuals to sign initiative and referendum petitions via the Internet.

LB1059, introduced by Lincoln Sen. Bill Avery, would require the Nebraska secretary of state to design a system to allow electors to use digital or electronic signatures to sign initiative and referendum petitions online.

Under the bill, the system must include a means of determining the

validity of the digital or electronic signatures and petition sponsors could choose whether or not to use the Internet to collect signatures.

"It is a bold new world that I am proposing," Avery said. "It is based upon a belief of mine that we ought to be making it as easy as we can for citizens to participate in the political process."

He said the state should begin looking at ways to move Nebraska government into the 21st century. If businesses can provide secure online banking and bill paying, he said, the state also should be able to navigate the digital age.

Paul Schumacher of Columbus, who said he has been involved in several recent petition drives in Nebraska, testified in support of the bill.

Allowing online signatures would streamline the petition process by removing the need for circulators, he said, adding that state government needs to overcome its reluctance to innovate.

Neal Erickson, deputy secretary of state for elections, testified in opposition, calling the bill vague and unworkable.

"The introduced copy doesn't give us any guidelines whatsoever," he said.

Erickson said the secretary of state's role is to administer elections, not to establish processes such as those outlined in the bill. While there likely is a future for online petitions in Nebraska, he said, LB1059 is not the mechanism with which to implement them.

Brian Mikkelsen of the Nebraska State Education Association also testified in opposition, citing concerns about fraud. Current laws meant to ensure valid signatures on petitions are not enforced, he said, and moving the process online would make the



Sen. Bill Avery

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situation worse.

“I think it only opens the door more for the kind of fraudulent activity that has become the norm in petition drives,” he said.

The committee took no immediate action on the bill.

## Health & Human Services

### Welfare recipient drug testing proposed

Nebraska applicants and recipients of cash assistance benefits under the Welfare Reform Act would be subject to drug testing under a bill heard Feb. 11 by the Health and Human Services Committee.

LB940 would require the state Department of Health and Human Services to develop a program to screen Aid to Dependent Children (ADC) applicants or recipients for use of non-prescribed controlled substances, if there is reasonable cause to believe the individual is using such a substance.

If a positive result is confirmed after an administrative hearing, the individual would be ineligible for ADC assistance for one year and the department would refer the individual to the division of behavioral health for referral to a treatment program.

Fremont Sen. Charlie Janssen, sponsor of the bill, said he introduced the measure after many Nebraskans told him it was unfair for them to be drug tested to qualify for employment when no such requirement exists for those receiving



Sen. Charlie Janssen

assistance from the state.

Janssen said he limited the bill’s provisions to individuals with children because drug use clouds their ability to care for their dependents. At least 20 states have introduced similar legislation, he said.

Corinne O’Brien testified in support of the bill, saying substance abuse problems often are transferred from one generation to the next. Continuing to offer cash assistance to parents who abuse drugs encourages the behavior and endangers children, she said.

“We continue to enable the cycle of substance abuse for future generations,” O’Brien said. “This would just be one small step [toward] making them accountable.”

Tiffany Seibert of Voices for Children testified against the bill, saying its provisions are punitive and contrary to ADC’s goal of moving families to self-sufficiency.

A family that becomes ineligible for ADC through a positive drug test also would lose Medicaid eligibility, she said, leaving them without the financial means necessary to overcome drug addiction.

“[The bill would] push them out of the system and not give them any resources,” Seibert said. “I don’t think LB940 is the solution.”

Calling the bill “patently offensive to the Constitution,” ACLU attorney Amy Miller said the state likely would face legal challenges if the measure becomes law.

Drug testing for private sector employment is not the same as the government engaging in drug testing, Miller said, because Fourth Amendment search and seizure prohibitions do not apply to the private sector.

“That’s a private arrangement with your employer,” she said.

James Goddard of Nebraska Ap-

pleseed also testified in opposition, saying there is no reason to believe that individuals receiving ADC have higher rates of drug use than any other population. Such assumptions, he said, “are based on myths, on stereotypes, on stigmas associated with low-income families.”

For recipients who do have substance abuse problems, Nebraska would be better served by following the lead of states that focus on treatment rather than removal of benefits, Goddard said.

The committee took no immediate action on LB940.

### Bill would authorize partners’ STD treatment

The Health and Human Services Committee heard testimony Feb. 11 on a bill that would allow expedited partner therapy (EPT) for the treatment of a sexually transmitted disease (STD).

Under LB992, sponsored by Lincoln Sen. Amanda McGill, a physician, physician assistant or advanced practice registered nurse who diagnoses certain STDs in a patient would be allowed to prescribe or dispense oral antibiotics to that patient’s sexual partner or partners without an examination.



Sen. Amanda McGill

Current law is ambiguous as to whether EPT is allowed in Nebraska, McGill said, so the bill is intended to make the practice expressly permissible. EPT protocol has existed for approximately 70 years and has been shown to reduce reinfection rates and increase the likelihood of partner notification, she said.

# ISSUES UPFRONT.....

Tim Timmons of the Lancaster County Health Department testified in support of the bill, saying it could help “break the chain of infection” by ensuring that the partners of those infected with STDs also get treatment.

The bill would be most beneficial in battling chlamydia and gonorrhea, he said, because those bacterial infections are easily treated with oral antibiotics. In many cases, partners are not aware of their exposure and have no symptoms, he said.

“The reduction of sexually transmitted infections is a major public health challenge,” Timmons said.

Adi Pour of the Douglas County Health Department testified in support, saying the county needs more options to address STDs. The county officially declared an epidemic in 2004, she said.

“What we are seeing is that we’ve just about used every tool in the toolbox,” she said. “Now we need to look broader.”

Pour said 70 percent of Douglas County residents diagnosed with chlamydia or gonorrhea are 15 to 24 years old. Even if patients inform their partners, the partners often have no symptoms and will not seek treatment due to the stigma attached to STDs, she said.

“EPT offers us a way to reach those partners,” Pour said.

David Filipi, president of the Nebraska Medical Association, also testified in support, saying it is common practice for doctors in the state to treat partners without seeing them in person. He cautioned the committee, however, to consider liability issues, particularly regarding potential reactions to the drugs given.

“We don’t want to create a practice standard that we can’t live with,” Filipi said.

No opposition testimony was

given and the committee took no immediate action on the bill.

## Additional heart defect screening for newborns proposed

All Nebraska newborns would be screened for congenital heart defects using pulse oximetry under a bill heard by the Health and Human Services Committee Feb. 10.

Tekamah Sen. Kent Rogert, sponsor of LB1067, said congenital heart defects occur in approximately 1 in 110 births and are the leading cause of newborn and infant death.

Studies show that half of serious congenital heart defects are missed during routine examinations after birth, he said, and that pulse oximetry can detect three-fourths of critical defects.

“Early detection is key,” Rogert said. “We can save lives.”

Marci Smith, whose daughter was born with a serious congenital heart defect, testified in support of the bill. She said the defect was not detected during pregnancy or during her daughter’s initial health assessment.

“Even the most severe heart defects can go undetected,” she said, adding that pulse oximetry helped in her daughter’s diagnosis.

“Her early intervention may have been the pivotal moment that saved her life,” Smith said. “The screening is not invasive and it gives an immediate response.”

Don Wesely, testifying on behalf of the Nebraska Nurses Association, also supported the bill.

Physical exams often fail to detect

congenital heart defects, he said, and the nurses association supports the bill’s attempt to improve detection rates.

“This won’t catch every case, but it will catch some,” Wesely said. “It will save lives.”

David Buntain of the Nebraska Medical Association testified in opposition, saying decisions about which medical tests to perform should be left to medical professionals.

“The Legislature should not be put in the position of legislating standards of care,” he said.

The committee took no immediate action on LB1067.

## Judiciary

### Committee considers bill on community service, MIP penalties

The Judiciary Committee heard testimony Feb. 10 on a bill that would change community service provisions and penalties for minors in possession of alcohol.

LB868, introduced by Norfolk Sen. Mike Flood, would no longer require community service programs to provide workers’ compensation coverage.

Flood said the cost discourages cities from offering community service

sentencing programs. The bill also would limit the liability of community service programs. By removing these hurdles, he said, the number of meaningful community service assignments could be expanded to programs such as neighborhood beautification.

“This kind of work would bring



Sen. Kent Rogert



Sen. Mike Flood

# ISSUES UPFRONT.....

together an offender and a grateful owner,” Flood said.

Norfolk City Administrator Al Roller testified in support of the community service provisions of the bill. He said 80 hours of community service could cost the city \$13,500 worth of workers’ compensation coverage.

“This is not feasible,” he said.

Gary Krumland, representing the League of Nebraska Municipalities, testified in support of the bill, saying it would make it easier for cities to get involved with community service programs.

John Lindsay, representing the Nebraska Trial Attorneys Association, opposed the removal of workers’ compensation and liability from community service programs. He said the provisions could cause problems if, for example, an offender who was performing community service was at fault in a car accident.

LB868 also would change the penalty for minors in possession of alcohol. Under the bill, the driver’s license of a minor in possession could be impounded for 90 days for the first offense and one year for subsequent offenses.

Reginald Burton, trauma center medical director at BryanLGH, testified in support of the increased penalties. He said the current penalty of up to three months in jail and a \$500 fine does not go far enough.

“The MIP doesn’t mean anything to them,” he said. “It’s a joke that does not seem to have the impact that it should.”

Andrew Karpisek, a graduate student at the University of Nebraska-Lincoln, also testified in support of the bill. Seven out of 42 students in his high school class had multiple alcohol violations, he said, so increased penalties are needed to discourage

underage drinking.

LB868 also would:

- authorize courts to require an adult offender to perform community service in addition to other conditions of probation;
- provide additional administrative sanctions for referrals for employment, skills or cognitive programming; and
- create noncriminal violations if a probationer fails to attend self-help groups or rehabilitative programming as ordered.

The committee took no immediate action on the bill.

### **Bill would allow sale of fireworks for New Year’s Eve**

The Judiciary Committee heard testimony Feb. 10 on two bills relating to the sale of fireworks.

LB880, sponsored by Tekamah Sen. Kent Rogert, would allow the sale of fireworks from December 28 to Jan. 1. Currently, fireworks may be sold only from June 24 until July 5.



*Sen. Kent Rogert*

Under the bill, the Nebraska fire marshal would no longer be required to test fireworks that have been nationally tested and approved. Calling the testing process redundant and time-consuming, Rogert said eliminating it would allow a wider variety of fireworks to be sold in the state.

“The more things we could sell, the more revenue we create for the retailers and the more tax revenue we bring in,” he said.

LB880 also would set an applica-

tion deadline for fireworks display permits and raise the application fee for a distributor, jobber or retailer license. The bill contains a list of prohibited fireworks and sets a one-year minimum license revocation for violations.

LB881, also introduced by Rogert, contains the same provisions as LB880, but would not allow for an additional fireworks sale period.

Craig Hamre, a fireworks retailer in Oxford, testified in support of both bills. By subscribing to national standards, he said retailers could be more competitive with states like Missouri and South Dakota.

“It has been somewhat difficult to sell a variety of quality products,” he said.

Regina Shields, representing the fire marshal, testified in support of LB881. She voiced concerns about a provision in LB880, however, that would require a 10 percent failure rate of 20 samples of a firework in order for the fire marshal to disallow that firework. Requiring that many samples would be very costly, she said, noting that some fireworks cost \$50 each.

The committee took no immediate action on the bills.

### **Bill would allow waiver of mediation in child custody cases**

The Judiciary Committee heard testimony Feb. 11 on a bill that would allow a waiver of the mediation requirement in certain child custody cases.

Currently, parents involved in custody and parenting time cases are required to attend at least one session with a mediator.

LB901, introduced by Lexington Sen. John Wightman, would require courts to hold an evidentiary hearing



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to grant a mediation requirement waiver. Under the bill, a waiver could be granted if both parents agree and good cause is shown by clear and convincing evidence. A waiver also could be granted if mediation is not possible without undue delay or hardship for either parent.

The bill also stipulates a list of factors relating to the best interest of the child that judges must consider when deciding custody cases.

“This will aid judges in making good decisions,” Wightman said.

Casey Karges, executive director of the Mediation Center, testified in support of the bill. He said mediation may not be beneficial in cases where one parent is not an active part of the child’s life or there are criminal charges pending.

Nancy Johnson, a mediator in Hitchcock County, also testified in support of the bill. She said mediation is impossible for cases in which one parent is in prison or out of the country.

“Although mediation is good in some cases, it’s just not doable or practical in every case,” she said.

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

## Retirement

### Bill would address labor employee retirement plan

The Nebraska Retirement Systems Committee heard testimony Feb. 9 on a bill that would provide for the transition of certain state Department

of Labor employees to the State Employees Retirement System.

LB979, introduced by the committee on behalf of the state Department of Labor, would apply to the 61 active members of the department’s independent retirement plan that was closed to new membership in 1984.

Department of Labor Commissioner Catherine Lang, who assumed her duties in 2008, testified on behalf of the bill.

Lang explained that the department established an independent retirement plan for some employees in the early 1960s at the urging of the federal government. The plan is managed by the department and administered by the commissioner of labor, she said.

In the 1990s the labor commissioner decided to cease employee contributions to the plan, believing that it was fully funded and could be self-sustaining, Lang said. However, the plan’s current market value is approximately \$75 million, she said, which is below the actuarial value.

“There is great concern that there is not enough value in the plan to meet the obligations of the plan,” Lang said.

Employees in the plan began making contributions at the same rate as other state employees in January 2010, she said.

The bill would not impact the department’s 342 retired plan members, Lang said, and only would assure that active employees would become immediately vested in the state plan, should the department plan be terminated in the future. Retirement benefits accrued under the



Sen. Dave Pankonin

independent retirement plan would continue to be governed by the terms of that plan, she said.

Lang said she could not speculate about if or when the department might terminate the independent retirement plan.

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

## Revenue

### Community-based energy development expansion discussed

Eligibility for community-based energy development (C-BED) projects would be expanded under a bill heard Feb. 10 by the Revenue Committee. The projects are intended to create new rural economic development opportunities, broaden the manufacturing and services base and create renewable energy jobs.

Current law offers sales and use tax exemptions for the purchase, lease or rental of property used in C-BED projects. For developers to be eligible for tax benefits, a third of the difference between gross revenues derived from projects and financing costs must go to Nebraskans.

LB1049, introduced by Schuyler Sen. Chris Langemeier, would add another eligible class for C-BED projects: those using qualified inputs for at least a third of the costs to construct the project.

The bill would define qualified inputs as components, equipment, materials and services necessary to construct a project that are either pur-



Sen. Chris Langemeier

# ISSUES UPFRONT.....

chased from a Nebraska company or manufactured, assembled or fabricated in Nebraska.

Langemeier said the bill would encourage wind developers to purchase products and services from Nebraskans.

Adam Herink, representing Boyd Jones Construction, spoke in support of the bill. He said entrance to the wind development market often is stymied because of the size of projects, the fledgling nature of the industry and the scarcity of end-users, which results in fewer opportunities.

Most construction companies for wind projects have come from outside the state, he said, and they usually complete large portions of projects with imported workers. With LB1049, developers would be incentivized to employ Nebraskans when building projects. Furthermore, he said, the bill could attract developers to locate projects in Nebraska.

Nebraska Public Power District renewable energy development manager David Rich also spoke in support. He said the bill would send a message to wind turbine manufacturers to consider using Nebraska suppliers.

"If we can do anything to encourage that manufacturer to use Nebraska parts, that would be beneficial for all of us," Rich said.

Nebraska Farmers Union president John Hansen spoke in opposition to the bill. He said the purpose of C-BED incentives is to develop wind resources with maximum benefit to the state. To that end, he said, sales tax abatement should be used only for projects owned, at least in part, by Nebraskans.

"The primary economic development benefit of wind energy is ownership," Hansen said.

Hansen suggested either raising the C-BED standard or creating a separate sales tax exemption for those using

Nebraska products and services.

The committee took no immediate action on the bill.

## Transportation & Telecommunications

### Motorcycle helmet repeal stalls again

After the bill was bracketed on Feb. 3, lawmakers resumed debate Feb. 10 on a bill that would repeal the state's motorcycle helmet law. A failed attempt to require a vote on the bill ended debate on the measure Feb. 11.

LB200, introduced by Fremont Sen. Charlie Janssen, would permit motorcyclists 21 years of age and older to operate their vehicles without wearing a helmet, but it would require that motorcyclists and their passengers wear eye protection.



Sen. Charlie Janssen

During previous general file debate, Janssen offered an amendment that would require those registering motorcycles to provide proof of insurance with medical coverage of at least \$1 million.

On Feb. 10, Janssen withdrew the amendment and offered another that instead would require only riders choosing not to wear a helmet to procure health insurance policies with caps of at least \$1 million. Riders would be required to carry proof of their policies when operating motorcycles.

The amendment also would change helmet law violations to a secondary offense and discontinue the bill's provisions in five years.

Janssen said the switch from requiring motorcycle insurance to requiring health insurance was due to the unavailability of motorcycle insurance policies with at least \$1 million in medical coverage. Health insurance policies with medical reimbursement coverage of at least \$1 million are prevalent, he said.

"This is not an undue burden on those who choose to ride with a helmet," Janssen said, explaining that those who plan to wear a helmet are not required to carry the insurance. "Medical reimbursement coverage is standard health insurance that most Nebraskans already have."

Omaha Sen. Steve Lathrop opposed Janssen's amendment. Riders may not have health insurance, he said, and the costs associated with treating more severe brain injuries will fall to the state. Approximately 42 percent of patients treated during the past 10 years at Creighton Medical Center and the Nebraska Medical Center for injuries sustained in motorcycle accidents without helmets lacked health insurance or received Medicaid benefits, he said.

"We are either going to pass the cost of this care for these additional brain-injured Nebraskans on to our hospitals and trauma centers ... or we're going to pass the cost on to taxpayers who will pay it through Medicaid," Lathrop said.

Lathrop also said the amendment lacks penalties for those without the required insurance.

Holdrege Sen. Tom Carlson said he had concerns regarding the assumption of risk associated with not wearing a helmet. Whereas a motorcycle insurance policy with medical coverage would pool the risk among riders, he said, a health insurance requirement could affect

# ISSUES UPFRONT.....

policyholders who do not ride motorcycles without helmets.

“I don’t want to pay for your foolishness of not wearing a helmet,” Carlson said. “As long as you can have a policy that pays for your added risk, and I don’t pay for it, I’m okay with it.”

Lathrop offered an amendment to Janssen’s amendment that would strike the section making riding without a helmet a secondary offense, saying the provision was unenforceable.

Omaha Sen. Scott Lautenbaugh, a supporter of the bill, offered a motion to bracket LB200 until April 14, 2010. He said he offered the motion as a means to measure support for the bill, but later withdrew the motion.

On the fifth day of debate on the bill, Janssen offered a motion to invoke cloture, which requires that votes be taken on all pending amendments and the bill without further debate.

The motion failed 27-20, six votes short of the 33 votes needed. Legislative rules require that debate cease for the day on a bill after an unsuccessful cloture vote.

## Cell phones could help locate missing persons

Cell phone companies would help law enforcement locate customers in danger under a bill given first-round approval Feb. 11.

LB735, introduced by Papillion Sen. Tim Gay, would create the Kelsey Smith Act, named after an 18-year-old Kansas girl who was abducted



Sen. Steve Lathrop

and murdered in 2007. The bill would require that wireless carriers provide, as soon as is practicable, the best available call location information of a wireless device upon the request of a law enforcement agency. This requirement would apply to situations in which there is risk or threat of death or serious physical harm.

Under the bill, no cause of action could be held against a wireless company that provides call location information while acting in good faith. The bill also would hold wireless carriers harmless from claims, damages, costs, expenses and attorney fees arising from or related to the release of call location information.

A Transportation and Telecommunications Committee amendment, adopted 37-0, would narrow the definition of law enforcement agency to a police department, town marshal, sheriff’s office or the state patrol. The amendment also would limit the bill’s hold harmless provisions to information released at the request of a law enforcement agency.

Calling LB735 a common-sense proposal, Gay said the bill would provide a means for cell phone companies to provide information to law enforcement in emergency situations without fear of liability.

“This very simple bill has huge potential to prevent serious injury or death,” he said.

Lawmakers advance the bill to select file on a 38-0 vote.

## ‘Penalty reset’ for driving with revoked license considered

A bill dealing with driver’s license revocation was heard by the Trans-

portation and Telecommunications Committee Feb. 8.

LB772, introduced by Lincoln Sen. Colby Coash, would reset the revocation period for persons with licenses revoked for violations such as driving under the influence of alcohol or vehicular homicide if they are caught violating traffic laws. No credit would be given for days served on the previous revocation.



Sen. Colby Coash

Coash said the bill would not affect a person’s ability to obtain a work permit or an ignition interlock device.

Assistant Attorney General Jeff Gaertig testified in support of the bill. He said there were 1,911 convictions for driving under revocation in 2009.

The bill would send a strong message to those with revoked licenses, he said, adding that other states have used similar measures to deter driving under revocation.

“We’re trying to step up the enhancement penalties and provisions so that people take these matters very seriously,” he said.

Colleen Nielsen, representing the Nebraska Criminal Defense Attorneys Association, testified in opposition. The bill would hinder the efforts of those with suspended and revoked licenses to obtain jobs, she said, which usually requires driving.

“Do we want these people to be able to secure a job and carry insurance on their cars, or do we want to continually punish them to the point where we want to send them to prison?” Nielsen asked.

The committee took no immediate action on the bill.



Sen. Tim Gay

# ISSUES UPFRONT.....

## Standard license plates and DMV photos sought for investigations

The Transportation and Telecommunications Committee heard testimony on two bills Feb. 8 that would help facilitate state and local investigations.

LB810, introduced by Tekamah Sen. Kent Rogert, would permit the issuance of undercover license plates and driver's licenses to the state Department of Justice for investigative purposes. He said numerous agencies, such as the state patrol, local law enforcement and the state departments of Health and Human Services and Agriculture may use regular license plates and carry undercover driver's licenses.



Sen. Kent Rogert

"[Vehicles with] state license plates can hinder an investigation because they are easily identifiable as a government vehicle," Rogert said.

Mark Collins, assistant attorney general and director of the Nebraska Medicaid Fraud Unit, testified in support of LB810. Unit investigators sometimes conduct stationary surveillance, he said, but using a vehicle with state plates makes it difficult to remain inconspicuous.

LB841, introduced by Omaha Sen. Scott Lautenbaugh, would permit certified law enforcement officers employed by a local agency in an investigation to have access to state Department of Motor Vehicle photos and digital images.



Sen. Scott Lautenbaugh

Current law permits access for officers employed by federal and state agencies but not investigators for local agencies.

John McCormick, battalion chief of the Omaha Fire Department's fire investigation bureau, testified in support of LB841. He said it would aid arson investigations and provide safety for investigators, who currently are not provided a photo before questioning potential felons.

"It would be very helpful to have a photo because there is less of a chance that a person might be deceitful in their identity," McCormick said.

No one testified in opposition to either bill.

The committee took no immediate action on LB810, but LB841 was advanced to general file 8-0.

## Urban Affairs

### Bill would allow enhanced recycling in Omaha

The Urban Affairs Committee heard testimony Feb. 9 on a bill that would amend the state's Solid Waste Management Act to allow metropolitan class cities to establish a voluntary, fee-for-service recycling program.

Omaha is Nebraska's only metropolitan class city and, under current law, cannot impose any fee on individual residences for waste removal unless approved by voters.

Sen. Heath Mello of Omaha, sponsor of LB1099, said the current provision was put in place to prevent Omaha from imposing a mandatory, residential garbage fee. That prohibition would not change under the proposed legislation, he said.

The bill would allow metropolitan class cities to develop voluntary,

enhanced recycling programs, he said, for which the city could charge a fee. The bill could save the city up to \$400,000 annually in landfill fees, he said.

Omaha's current free, limited recycling program would remain available, Mello said.



Sen. Heath Mello

David Karnes of Curbside Rewards, a company operating an incentive-based recycling program in several Nebraska communities, testified in support of the bill.

The company offers coupons to various local and national vendors as an incentive to residents, he said, adding that some cities have seen 300 percent increases in recycling rates since starting the program.

Omaha's free recycling program has a residential participation rate of 30 percent, Karnes said, and 90 percent of the city's recyclable material ends up in a landfill.

"The city wants and needs to do better," he said.

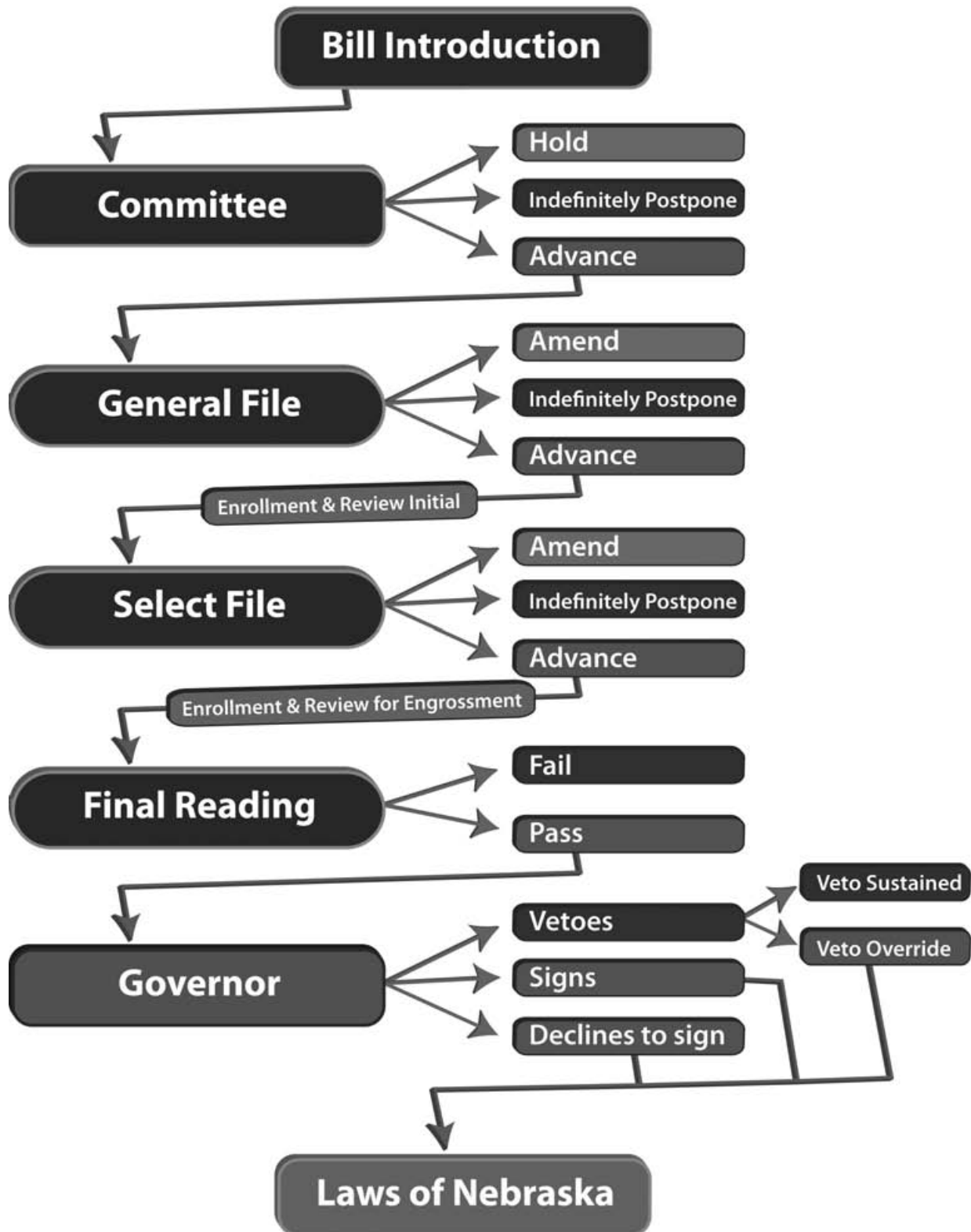
Jack Cheloha, testifying on behalf of the city of Omaha, agreed, saying the city would welcome the ability to expand recycling.

"We see it as a way to encourage recycling and enhance our existing program," he said. "If we are allowed to do this, I think the public will respond positively."

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



# UNICAMERAL PROCESS.....



# COMMITTEE HEARINGS

## Tuesday, February 16

### Agriculture

#### Room 2102 - 1:30 p.m.

Appointment Atkins, Sallie - Nebraska State Fair Board

Appointment Lovgren, Linda - Nebraska State Fair Board

LB986 (Conrad) Authorize grants for electronic scanners and point-of-sale devices at farmers markets

### Banking, Commerce and Insurance

#### Room 1507 - 1:30 p.m.

LB1083 (Dierks) Change provisions relating to contents of a certification of trust

LB813 (Gloor) Prohibit prepaid dental service plans from limiting fees for certain services

LB1017 (Cornett) Provide requirements for insurers for prescription drug coverage

LB1088 (Cornett) Adopt the Physician and Patient Prescription Protection Act

### Education

#### Room 1525 - 1:30 p.m.

LB1096 (Haar) Adopt the Nebraska High Performance Schools Initiative Act

LB966 (Pahls) Adopt the Classroom Educational Expenditure Act

LB1007 (Adams) Provide for performance measures under the Quality Education Accountability Act

LB957 (Adams) Provide for memoranda of understanding related to student information sharing

### Nebraska Retirement Systems

#### Room 1525 - 12:10 p.m.

LB899 (Nordquist) Change retirement benefit adjustment provisions

LB927 (Nebraska Retirement Systems) Change employee deposit requirements under the School Employees Retirement Act

LB928 (Nebraska Retirement Systems)

Change contribution rates under the Nebraska State Patrol Retirement Act

### Transportation and Telecommunications

#### Room 1113 - 1:30 p.m.

LB773 (Wightman) Exempt manure-spreading implements from titling and registration requirements and weight and load restrictions

LB820 (Janssen) Provide an exception from width, height, length, weight, and load restrictions for certain emergency vehicles

LB896 (Christensen) Provide a permit for exceeding weight limits for vehicles transporting livestock

LB933 (Utter) Change the Motor Vehicle Certificate of Title Act with respect to manufactured homes and mobile homes

LB991 (Schilz) Provide a special permit for farmers hauling hay and change livestock-foragevehicle provisions

### Urban Affairs

#### Room 1510 - 1:30 p.m.

LB943 (Harms) Provide for the merger of civil service commissions under the Civil Service Act

LB969 (Urban Affairs) Provide for terms of office for municipal officers

LB1064 (Nelson) Adopt the Limited Purpose Sanitary and Improvement District Act

LR297CA (Karpisek) Constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development

## Wednesday, February 17

### Government, Military and Veterans Affairs

#### Room 1507 - 1:30 p.m.

LR300CA (Nelson) Constitutional amendment to change signature requirements for initiative petitions

LR301CA (Price) Constitutional

amendment to change initiative and referendum petition signature requirements

LR279CA (Avery) Constitutional amendment to change the number of signatures required on initiative petitions

### Health and Human Services

#### Room 1510 - 1:30 p.m.

LB1038 (Fulton) Change provisions relating to informed consent for genetic testing

LB941 (Gay) Permit optometrists to dispense cosmetic and medicated contacts as prescribed

LB1005 (Karpisek) Create the Substance Abuse Treatment Grant Program under the Native American Public Health Act

### Judiciary

#### Room 1113 - 1:30 p.m.

LB699 (McCoy) Require information obtained pursuant to certain arrests be forwarded to federal immigration authorities

LB996 (Lathrop) Change provisions relating to use of the federal immigration verification system by public contractors

LB801 (Fulton) Change the Uniform Deceptive Trade Practices Act

LB907 (Conrad) Change provisions relating to homestead property exempt from execution

LB1029 (Stuthman) Change court nonjudicial days provisions

LB1085 (Lautenbaugh) Change provisions relating to garnishment

### Natural Resources

#### Room 1525 - 1:30 p.m.

LB755 (Dierks) Provide requirements and fees for certain oil or natural gas companies

LB964 (Christensen) Prohibit the leasing of land in a county road right-of-way for oil and gas exploration and development

# COMMITTEE HEARINGS

## Revenue

### Room 1524 - 1:30 p.m.

LB779 (Lathrop) Change the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act  
 LB789 (Ashford) Change grant limits under the Local Civic, Cultural, and Convention Center Financing Act  
 LB851 (Avery) Change the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act

## Thursday, February 18

## Health and Human Services

### Room 1510 - 1:30 p.m.

LB1093 (Lathrop) Change Medicaid Prescription Drug Act provisions  
 LB778 (Coash) Adopt the Umbilical Cord Blood Information Act  
 LB1027 (Coash) Change Developmental Disabilities Services Act provisions

## Judiciary

### Room 1113 - 1:30 p.m.

LB894 (Pirsch) Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure  
 LB955 (Giese) Adopt the Correctional Facility Reimbursement Act  
 LB1050 (Price) Require a second coroner's opinion as prescribed  
 LB989 (Council) Provide for administrative segregation of certain committed offenders as prescribed  
 LB1062 (McGill) Change provisions relating to murder in the second degree and create the offenses of voluntary and involuntary manslaughter  
 LB1084 (Karpisek) Provide for seizures of pet animals and equines as prescribed

## Natural Resources

### Room 1525 - 1:30 p.m.

LB785 (Carlson) Provide an exception to required approval for certain water transfers  
 LB1016 (Christensen) Adopt the Nebraska Statewide Water Planning Commission Act  
 LB1025 (Avery) Change provisions relating to stays on new water appropriations

## Revenue

### Room 1524 - 1:30 p.m.

LB1031 (Dierks) Change tax levy authority relating to natural resources districts  
 LB1032 (Dierks) Change tax levy authority relating to natural resources districts  
 LB1077 (Karpisek) Change the manner of valuing agricultural land for property tax purposes  
 LB1107 (Pirsch) Change the priority of liens for special assessments

## Friday, February 19

## Government, Military and Veterans Affairs

### Room 1507 - 1:30 p.m.

LR292 (Fulton) Memorialize the United States Congress to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution  
 LR273 (Howard) Urge the United States in its relations with the Turkish government to encourage the Turkish government to take certain actions

## Judiciary

### Room 1113 - 1:30 p.m.

LB939 (Stuthman) Change support order enforcement provisions  
 LB971 (Campbell) Change provisions relating to care and placement of neglected children and children in foster care

LB1037 (Fulton) Change provisions relating to support enforcement and arrearages

LB1045 (Lautenbaugh) Change provisions relating to the designation of jury commissioner

LB1046 (Lautenbaugh) Change speedy trial and indefinite continuance provisions

LB973 (Coash) Change provisions relating to the central register of child protection cases and authorize a hearing

## Natural Resources

### Room 1525 - 1:30 p.m.

LB1048 (Wind Briefing) Public Hearing for LB1048 will be held on February 24

## Revenue

### Room 1524 - 1:30 p.m.

LB775 (Stuthman) Authorize transportation development districts and a local sales tax  
 LB796 (Stuthman) Impose a fuel tax for use to complete the state expressway system  
 LB1052 (Christensen) Adopt the Agricultural Production and Economic Stability and Assistance Act  
 LB1108 (Nordquist) Impose an excise tax on compressed natural gas, create a grant program, and change provisions relating to jurisdictional utilities

## Transportation and Telecommunications

### Room 2102 - 1:00 p.m.

Appointment Keegan, Barbara - Board of Public Roads Classifications and Standards  
 Appointment Peters, Randall - Board of Public Roads Classifications and Standards  
 Appointment Daws, James - Board of Public Roads Classifications and Standards  
 Appointment Litchfield, James - Board of Public Roads Classifications and Standards

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