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## UPDATE

## Budget package clears second round



Sen. Lavon Heidemann presents the Appropriations Committee's budget proposal.

Lawmakers gave second-round approval May 7 to the 2009-11 biennial state budget.

The budget proposed by the Appropriations Committee would provide \$6.9 billion for state government operation and aid during the two-year period, an average annual spending growth rate of 1 percent.

The revenue forecasts on which the budget is based project revenue growth reductions of 2.7 percent in fiscal year 2008-09 and cumulative revenue growth over the three years that impact the upcoming biennium at 13 percent below the historical average.

The committee's budget would result in a \$208.3 million balance at the end of the biennium - \$18.6 million above the minimum 3

percent reserve.

The overall budget picture was improved \$523 million by federal American Recovery and Reinvestment Act funds, according to Appropriations Committee chairperson Lavon Heidemann of Elk Creek.

The budget also utilizes \$254.4 million of the state's cash reserve fund.

Heidemann said responsible planning by senators in previous years had ensured sufficient cash reserve funds to weather the current budget situation.

"We weren't able to do everything we wanted to do this year," he said. "But it's something for us to be proud of."

General file debate on the budget package May 5 focused on deficit ap-

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## Consolidated county aid receives first-round approval

Three county aid programs would be consolidated into one formula under a bill advanced to select file May 8.

LB218, introduced by Bellevue Sen. Abbie Cornett, would eliminate the jail cost reimbursement program, state aid to counties and county property tax relief. The programs would be replaced with a new aid program based solely on the share of statewide taxable value found in each county. Aid distribution would be annually updated.

Funding for the county aid program would range from 0.0075 to 0.0125 percent of the total real and

personal property valuation of all counties. The state tax commissioner would determine the exact percentage to be allocated for the aid program.

Individual counties would receive \$30,000 and the rest of their funding would be distributed based on a county's percentage of the total valuation.

A Revenue Committee amendment, adopted 34-2, would delay implementation of the new aid program until July 1, 2011.

Cornett said the bill would provide counties with a reliable funding stream. She said a single funding program

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# A CLOSER LOOK.....

## Budget package clears second round

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appropriations for the Beatrice State Developmental Center, continuation of a property tax credit and a proposal to address a shortfall in the judges' retirement system.

### **BSDC funding**

LB311, introduced by Norfolk Sen. Mike Flood at the request of the governor, would provide deficit appropriations.

Heidemann said the bill adjusts funding to state operations, aid and construction programs in the current fiscal year ending June 30, 2009. The appropriations will be used for programs in which the originally forecast cost has risen due to circumstances unforeseen when the budget was passed two years ago, he said.

Most contentious was a \$7 million appropriation for the Beatrice State Developmental Center included in the Appropriations Committee amendment.

Omaha Sen. Tom White raised concerns that senators were appropriating additional funds for the facility without a clear idea of what has been done to address issues that led to BSDC being de-certified by the federal government last year.

"If there is an action plan, what is it?" he asked. "I'd sure like to know before we fund it."

The Legislature has no evidence of progress made on correcting the problems pointed out by a federal Department of Justice report, White said.

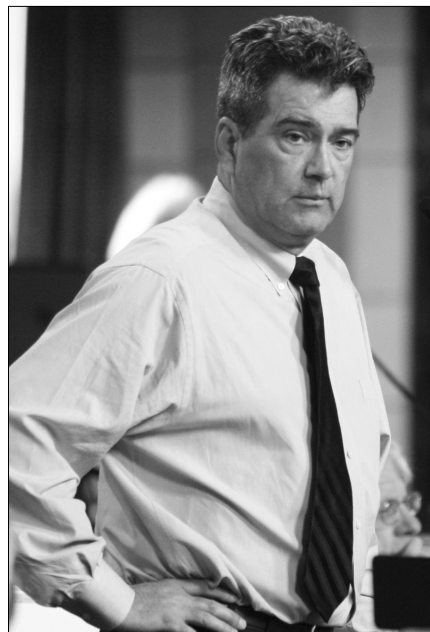
"HHS has done a dismal job of taking care of people," he said.

Sen. Steve Lathrop of Omaha shared some of White's concerns.

Lathrop said senators have had

great difficulty obtaining information about Health and Human Services' specific plans to rectify issues at the facility. The department's developmental disabilities division has consistently rebuffed requests for details, he said.

"We still don't have a sense that there is a plan to take us from the



*Sen. Tom White raised several questions during debate on the budget package.*

dark days," Lathrop said. "It's difficult to tell exactly what's been done to solve the problems. That has been a continuing frustration."

Omaha Sen. Jeremy Nordquist said that while the Appropriations Committee had concerns about the deficit appropriation, members believed they had little choice but to provide the funding and continue to monitor the situation.

"When we had to make a decision on this, it was either fund it without all the answers ... or put the most

vulnerable Nebraskans at risk by not funding it," he said. "It was a tough decision by the committee."

Lathrop said it is "not a realistic option" to remove funding from the facility or for other services for individuals with developmental disabilities.

"BSDC is the governor's institution to run," he said. "But we have every right to insist on being able to hold them accountable."

Sen. Tim Gay of Papillion said the department is making progress, but the Legislature will need time to determine if the plan will succeed. There are many people around the state working hard to do the right thing, Gay said.

"You can't just turn things around overnight," he said. "You've got to let it work."

The committee amendment was adopted 35-0 and LB311 advanced to select file on a 42-0 vote.

During select file debate May 7, Heidemann offered an amendment that would reduce the general fund deficit appropriation for the current fiscal year by \$1.2 million.

The reduction reflects matching federal funds the state will receive under the American Recovery and Reinvestment Act for adoption assistance and foster care, he said.

The amendment was adopted 34-0 and LB311 was advanced to final reading by voice vote.

### **Mainline budget bill**

During the May 5 general file debate, senators made no changes to the mainline budget bill, LB315, other than adoption of the Appropriations Committee amendment that became

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# A CLOSER LOOK.....



*Sen. Mike Friend discusses his proposed amendment to LB315, which he later withdrew.*

the bill on a 46-0 vote.

Sen. Mike Friend of Omaha offered and later withdrew an amendment that would have reduced to .25 percent the scheduled increase in state aid to community colleges. Under the proposed budget, aid would increase 2 percent in FY2009-10 and an additional 1.5 percent in FY2010-11.

"We have a state aid formula that's dysfunctional," Friend said.

Speaking in opposition to Friend's amendment, Sen. Tanya Cook of Omaha reminded lawmakers that the Legislature recently passed LB340 requiring a study of the community college funding formula. She urged lawmakers to allow that process to unfold.

"I am asking that we offer full consideration of the study that will be produced," she said, "and use that to inform our funding decisions."

Debate on LB315, centered on continuation of an approximately \$115 million per year tax credit program.

White said an estimated 25 to 50 percent of tax credit funds would go to out of state, absentee property owners like Ted Turner, Target Corporation

and Kawasaki.

The state's tax policy has made it economically more favorable to own land and not live on it than to work the land, he said.

"We are discouraging young people," White said. "This is a reverse Homestead Act. It turns young people away from being independent farmers."

But North Platte Sen. Tom Hansen encouraged senators to consider proportionality.

Turner owns approximately 460,000 acres

of land in Sherman County, he said, and pays a great deal of money in property taxes as a result. What he receives back as a tax credit is fair, Hansen said.

Sen. John Wightman of Lexington agreed, saying Turner pays approximately \$900,000 per year in taxes.

"That's a pretty good contribution to the state of Nebraska," he said.

LB315 advanced to select file 45-1.

Heidemann offered an amendment to LB315 on select file that would make several changes to the mainline budget bill.

"There were some things that came up late that we couldn't address [on general file]," he said. "This was a very tight time frame."

Among other technical changes, the amendment would make the following adjustments:

- separate the budgets of the legislative research office and the audit office as required by LB620;
- appropriate an additional \$622,514 in Help America Vote Act funds received from ARRA

and the required match;

- decrease general funds by \$555,042 in FY2009-10 to reflect actual insurance premium taxes available to fund the Tax Equity and Education Opportunities Support Act;
- appropriate an additional \$286,393 over the biennium to increase developmental disability provider rates by 2.5 percent per year; and
- authorize a school employees retirement system payment of \$5.2 million in FY2009-10.

Heidemann said the retirement plan payment is not an additional expenditure, but reflects an earlier than anticipated initial installment on a scheduled five-year payment plan outlined in LB187.

The amendment was adopted 41-0.

South Sioux City Sen. Robert Giese offered and later withdrew an amendment to LB315 that would have reinstated a \$44,970 per year earmark for the Tri-State Graduate Center.

The center is a "vital educational resource" to the region, Giese said.

LB315 was advanced to final reading by voice vote.

## Judges' retirement funding

Also included in the budget package was LB414, which would increase state Supreme Court judges' salaries by 2.5 percent annually for the next two years. Other judges also would receive an increase because their salaries are statutorily tied to the salaries of Supreme Court judges.

Louisville Sen. Dave Pankonin offered an amendment during general file debate May 5 intended to address a shortfall in the judges' retirement system. The amendment

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# A CLOSER LOOK.....

## Budget package clears second round

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would require a monthly 1 percent increase in certain judges' contribution rates from July 1, 2009, until July 1, 2014.

Also included is a \$1 increase in court filing fees. Pankonin explained that this fee is dedicated solely to funding the judges' retirement system and serves as the employer contribution.

The amendment includes a reverse severability clause, meaning that if any provision is ruled unconstitutional,

the entire bill would be invalidated, Pankonin said.

Sen. Russ Karpisek of Wilber said that while he was grateful the judges came to the negotiating table to solve the retirement shortfall, he wished they had done so sooner.

"They have a very good retirement plan," Karpisek said. "It may be the Cadillac of retirement plans."

White defended the judges' retirement system, saying judges earn far less money than they would as private practice attorneys.

"What they trade [for] is a secure pension," he said. "We can't just say, 'We're not going to fund your pension plan.'"

The amendment was adopted 37-0 and LB414 advanced to select file 40-0.

### Other provisions

Also advanced were two bills introduced by the Business and Labor Committee relating to claims against the state and write-offs of uncollectable state agency debt.

As amended 39-0 on general file, LB628 includes a total appropriation of \$5.2 million and would authorize the state Department of Administrative Services to make payments to parties listed in the bill.

Claims are divided into tort claims, miscellaneous claims and agency write-off requests.

Among the tort claims are a \$3.6 million payment resulting from litigation in which the state was found at fault for a traffic accident and \$600,000 to settle a claim made against HHS by a father whose daughter

died while a resident at the Beatrice State Developmental Center.

LB629 includes a total of \$117,713 and would authorize the denial of three claims against the state.

Both bills advanced to select file on 37-0 votes and to final reading by voice vote.

Senators also advanced the following components of the budget package to select file May 5:

- LB312, advanced 44-0, would appropriate funds for state senators' salaries;
- LB313, advanced 43-0, would appropriate funds for constitutional officers' salaries;
- LB314, advanced 44-0, would appropriate funds for capital construction;
- LB316, advanced 41-0, would provide for various transfers between funds;
- LB318, advanced 41-0, would suspend certain depreciation charges assessed by the Department of Administrative Services; and
- LB456, advanced 37-0, would transfer \$254.4 million from the state's cash reserve fund.

On select file May 7, Heidemann offered an amendment to LB316 that would reduce a general fund transfer to the Ethanol Production Incentive Cash Fund by \$5.3 million for FY2010-11.

The amendment was adopted 41-0 and all the remaining budget bills were advanced to final reading by voice vote. ■

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## Consolidated county aid receives first-round approval

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would provide counties with greater flexibility.

"Counties [will] know how much they are going to receive and when they are going to receive it," Cornett said.

Omaha Sen. Tom White spoke in opposition to the bill. The state has failed to honor jail reimbursement commitments, he said, and fulfilling those promises would be better than instituting a new program. Furthermore, the incarceration of a large number of criminals in a smaller county could bankrupt that county under the proposed program, he said, because it would receive a lump sum of county aid without regard to its number of prisoners.

"If the jail reimbursement goes away, it won't come back. What won't go away is the dishonor of this state not paying its bills," White said. "We are trading a promise for one that we have repeatedly broken."

South Sioux City Sen. Robert Giese offered an amend-



*Sen. Abbie Cornett explains her plan for a single county aid program.*

ment that would reinstate the jail reimbursement program and lower the minimum percentage allocated for the new county aid program to 0.0047 percent of total real and personal property.

Giese said LB218 is another case of the Legislature creating a program and not fully funding it. He said elimination of the jail reimbursement program will hurt most the counties that rely on the program. For example, he said, Dakota County would lose more than \$100,000 under LB218 than it receives under the current programs.

Kearney Sen. Galen Hadley opposed the Giese amendment. He said the state would have to spend

another \$4.1 million, on top of the current \$3.9 million, to fully fund the jail reimbursement program.

The Giese amendment failed on a 7-22 vote and LB218 advanced 30-5. ■

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# ISSUES UPFRONT

## Agriculture

### Extension approved for vegetation management program

A program providing grants for noxious weed control in river basins will be extended for four years under a bill passed May 7.

Introduced by Holdrege Sen. Tom Carlson, LB98 extends the sunset date from 2009 to 2013 for a grant program offering \$2 million annually to weed control entities and natural resources districts to combat invasive species in fully appropriated or overappropriated river basins.



Sen. Tom Carlson

The bill also provides for a four-year extension of the Riparian Vegetation Management Task Force and a one-time transfer of \$500,000 from the Buffer Strip Incentive Cash Fund to the Noxious Weed and Invasive Species Assistance Fund.

Finally, the bill requires the director of the state Department of Agriculture, who administers the vegetation control program, to apply for grants from the Nebraska Environmental Trust Fund and the USDA Natural Resources Conservation Service.

LB98 passed on a 45-0 vote.

### Statewide seed and fertilizer regulations advance

Local law regarding agricultural seed could not preempt state law under a bill advanced to select file May 6.



Introduced by Tekamah Sen. Kent Rogert, LB263 would prohibit political subdivisions from regulating the registration, labeling, sale, storage, transportation, distribution or use of seeds and fertilizers as authorized under the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act.



Sen. Kent Rogert

The bill includes provisions that would protect the authority of cities and counties to adopt and enforce zoning regulations.

An Agriculture Committee amendment, adopted 35-0, would protect the Nebraska Ground Water Management and Protection Act from preemption by the Nebraska Fertilizer and Soil Conditioners Act.

Some farmers have land spanning multiple political subdivisions, Rogert said, and various local regulations regarding the seed and fertilizer they use would result in burdensome costs and confusion.

"This doesn't take away local control," Rogert said. "Cities and counties can still adopt and enforce zoning regulations."

Cedar Rapids Sen. Kate Sullivan said she is concerned about the future

implications of the bill, such as its effect on organic farming.

LB263 advanced on a 35-2 vote.

## Banking, Commerce & Insurance

### Bill would make funding changes to NECHIP

Several funding changes would be made to the Nebraska Comprehensive Health Insurance Pool (NECHIP) Act under a bill advanced to select file May 7.

LB358, introduced by Omaha Sen. Rich Pahls, would raise premium rates for NECHIP participants and allow the state Department of Insurance to set health care provider rates at 125 percent of Medicare reimbursement rates. Under the bill, people who apply for NECHIP based on eligibility other than that required by the Health Insurance Portability and Accountability Act would have to exhaust coverage under



Sen. Rich Pahls



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the COBRA health coverage program.

NECHIP provides health insurance to Nebraska residents who are unable to obtain it at an affordable price or without restrictions because of a medical condition. The bill also would require COBRA participation.

Pahls said the NECHIP program could be insolvent as early as 2012 if changes are not made.

The Banking, Commerce and Insurance Committee offered an amendment that would remove a provision of the bill allowing the department to set health care provider rates at 125 percent of Medicare reimbursement rates. Instead, the amendment would require the CHIP board of directors to conduct an annual review to determine if reimbursement rates are excessive and whether savings could be achieved by establishing the level of reimbursement as a multiplier of an objective standard.

Pahls said the amendment would force health care providers and insurance companies to negotiate a reasonable rate.

"We have let things slip and now it is time to put our house in order," he said.

Omaha Sen. Steve Lathrop supported the bill, saying affordable insurance is in the best interest of all citizens.

"If we can't keep this affordable for the uninsurable," he said, "they're simply going to opt to not be insured and we'll all end up paying for it through increased premiums."

The committee amendment was adopted 33-0 and LB358 advanced to select file on a 38-0 vote.

## Bill extends insurance age limit

Legislators passed a bill May 7 that allows families to continue providing health insurance for children over 23 years of age.

Currently, insurance policies must

contain a provision that coverage may include any children younger than 23 years old. LB551, introduced by Omaha Sen. Tom White, increases the age to 30 if a child is unmarried and meets other criteria.

Under the bill, self-funded insurance plans are required to provide the option of continued coverage for a child who would otherwise be terminated from a policy. A family may choose to continue insuring a child until he or she:

- marries;
- ceases to be a Nebraska resident, unless enrolled on a full-time basis in a college, university or trade school;
- receives coverage under another insurance plan; or
- reaches age 30.

Insurance companies are allowed to charge an additional premium for the child.

The bill passed 45-0.



Sen. Tom White

## Business & Labor

### Peace officer complaint procedures passed

Lawmakers gave final approval May 7 to a bill that guarantees procedural safeguards for peace officers during formal administrative investigations.

LB158, introduced by Omaha Sen. Tom White, requires villages, second-class cities and sheriff's offices to adopt rules and procedures for the suspension, demotion or removal of any police officer or deputy sheriff, with or with-

out pay, upon a written accusation.

The rules and procedures must:

- include provisions for giving notice and a written copy of the accusation to the officer;
- establish the officer's right to have an attorney present at all hearings and proceedings regarding the accusation;
- authorize both parties, or their attorneys or representatives, to record all hearings and proceedings; and
- establish an appeal process.

The bill's provisions do not apply to an officer or deputy sheriff during his or her probationary period.

LB158 also prohibits:

- disclosure of a peace officer's personal financial records unless pursuant to a valid search warrant or subpoena;
- inclusion of any disciplinary action in a peace officer's records unless the officer has received a written copy of such action;
- public release of a photograph of a peace officer who is the subject of an investigation without written permission from the officer; and
- threat of or actual retaliation against or discharge of a peace officer for exercising his or her rights as outlined in a municipality or county's investigation rules and procedures.

Senators passed LB158 on a 46-1 vote.

## Education

### Changes to learning community procedures advanced

Senators advanced a bill May 6 that would make technical changes to learning community procedures.

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York Sen. Greg Adams, sponsor of LB392, said the bill would “smooth the road towards implementation” of the learning community in Omaha. Created by legislation passed in 2007 and enacted in January, a learning community is a political subdivision that shares the territory of member school districts and is governed by a learning community coordinating council.



Sen. Greg Adams

Under the bill, a primary election would be held for candidates running for the coordinating council. The bill also would allow new focus schools to access the new school adjustment for state aid. The deadline to establish elementary learning centers would be delayed under the bill and non-voting coordinating council members would be authorized to participate in achievement sub councils.

The Education Committee offered an amendment that would further delay the elementary learning center deadline. The committee amendment also would clarify that funds resulting from levies set by the coordinating council go directly to school districts.

Adams offered one technical amendment to the committee amendment, adopted 36-0, and another that would remove a provision of the bill allowing new focus schools access to the new school adjustment. Adams said he wanted to wait and see how the focus schools would work before granting them access to the adjustment.

Adams’ amendment was adopted 34-0 and the committee amendment was adopted 37-0.

Omaha Sen. Jeremy Nordquist

offered an amendment that would include provisions from another bill.

LB221, sponsored by Nordquist, would allow school districts to use checks. Current law requires school districts to pay by warrant.

Nordquist’s amendment was adopted on a 35-0 vote.

Adams offered a technical amendment to the bill, adopted 38-0, and LB392 advanced on a 39-0 vote.

## Senators approve education cleanup bill

Lawmakers passed a bill May 7 that makes changes in education procedures ranging from option enrollment applications to school district procedures for submitting documents to the state.

LB549, sponsored by York Sen. Greg Adams, is a technical cleanup bill from the state Department of Education. As amended, the bill also includes provisions from three other bills.

LB257, sponsored by Scottsbluff Sen. John Harms, eliminates the Seamless Delivery System Pilot Project, which ended in 2001, making the statutes obsolete.

LB530, introduced by Cedar Rapids Sen. Kate Sullivan, extends the authorization for school districts and educational service units to enroll students in early childhood education programs when the students are kindergarten eligible, but not of mandatory attendance age. The authorization does not apply to early childhood education programs that receive state grants or funding through the Tax Equity and Educational Opportunities Support Act. The extension would apply to the 2009-10 school year.

LB461, sponsored by Adams, allows members of the state Board of Education to run for state office without having to resign.

The bill also includes provisions originally found in LB548, which clarifies that student records include academic and disciplinary material when a student transfers and expands the application of requirements for vehicles used to transport school children.

LB549 passed on a 45-0 vote.

## Executive Board

### New planning committee approved

The creation of a committee devoted to setting goals and benchmarks for the state received final approval May 7.

LB653, introduced by Scottsbluff Sen. John Harms, establishes the Planning Committee as a special committee of the Legislature.

Committee members will include the speaker, Executive Board chairperson, Appropriations Committee chairperson and six senators chosen by the chairperson of the Executive Board.

The bill passed on a 46-0 vote.



Sen. John Harms

## General Affairs

### Modifications to distribution of lottery and pickle card proceeds pass

The distribution of the monies collected from the state lottery and pickle cards will be affected by a bill passed May 7.

LB286, introduced by Wilber Sen.



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Russ Karpisek, removes the sunset date for directing transfers from the State Lottery Operation Trust Fund to the Education Innovation Fund, Nebraska Scholarship Fund, Nebraska Environmental Trust Fund, Nebraska State Fair Board and the Compulsive Gamblers Assistance Fund. The bill also provides that the amount transferred be the greater of the dollar amount transferred in fiscal year 2002-03 or at least 22 percent, but not more than 25 percent, of annual lottery ticket sales.



*Sen. Russ Karpisek*

The bill authorizes the tax commissioner and lottery director to transfer available funds exceeding 25 percent of sales.

In addition, the bill permits licensed organizations to use up to 12 percent of pickle card profits to pay for allowable expenses. Of the 12 percent, no more than 6 percent of the profit may be used for compensation to sales agents for the marketing, sale or delivery of pickle card units.

LB286 passed on a 46-0 vote.

## Government

### Proposal clarifies nepotism laws

Senators approved a bill May 7 that clarifies prohibitions on nepotism in the state's executive branch.

Sponsored by Lincoln Sen. Bill Avery, LB322 prohibits an executive branch official or employee from engaging in nepotism or su-



*Sen. Bill Avery*

pervising family members.

Under the bill, a family member is defined as a spouse, child, parent, sibling, grandchild or grandparent by blood, marriage or adoption.

Exceptions to the bill's prohibitions are possible, provided the agency head granting the exception shows good cause and notifies the Accountability and Disclosure Commission.

An employee or official is required to notify his or her agency head within seven days of becoming a supervisor to a family member.

LB322 passed on a 45-0 vote.

### Extension for convention center financing assistance amended

Localities would have an additional two years to submit convention center projects for state assistance under a bill amended May 7.

LB402, introduced by Lincoln Sen. Bill Avery, would extend the deadline from June 1, 2010, to Dec. 31, 2012, for applications made under the Convention Center Facility Assistance Act.

The act permits political subdivisions that have approved general obligation bonds for convention center projects to apply for the remittance of state sales tax revenues generated by entities benefiting from the facility.

LB402 would permit bonds approved by more than 50 percent of voters at any statewide or local primary, special, joint or general election.

The bill was returned from final reading May 7 for a specific amendment providing enabling legislation for a constitutional amendment passed by Nebraska voters in 2008.

The constitutional amendment allowing diversification of public

endowment funds was approved by 58 percent of voters, Avery said, but is not self-executing.

"It is important that this enabling legislation be passed," he said.

Senators adopted the amendment 43-0 and returned the bill to final reading by voice vote.

### Shooting range protections receive first-round OK

A bill receiving general file approval May 7 would prohibit localities from passing zoning and noise ordinances to regulate Nebraska shooting range facilities.

LB503, introduced by Schuyler Sen. Chris Langemeier, would prohibit cities, counties and other political subdivisions from regulating shooting ranges through zoning, noise or discharge of a firearm laws, rules, regulations or ordinances.



*Sen. Chris Langemeier*

A Government, Military and Veterans Affairs Committee amendment, adopted 39-1, would prohibit localities from enacting additional regulations on existing shooting ranges in compliance with shooting range performance standards. The amendment would, however, permit regulation regarding the location and construction of new shooting ranges.

Under the amendment, the Game and Parks Commission would administer shooting range performance standards as detailed in "A Guide To Planning And Construction," a book adopted by the National Rifle Association. The commission would be required to review these standards at least every five years and revise them if necessary.

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Localities also would be prohibited from using eminent domain on property with shooting ranges when the proposed use of the property is for shooting-related activities, recreational activities or private commercial development. The use of eminent domain for infrastructure projects would not be affected.

Ranges in compliance with the shooting range performance standards would be permitted to repair or rebuild facilities, as well as expand membership activities within existing areas.

Finally, the amendment would permit cities, counties and other political subdivisions to limit the hours of shooting ranges to between 7 a.m. and 10 p.m.

Langemeier said LB503 is meant to protect “qualified, certified gun ranges” from urban sprawl and punitive ordinances.

Omaha Sen. John Nelson spoke in favor of the bill. He said the legislation would protect existing facilities from onerous local regulations.

“You can effectively almost put a shooting range out of business,” Nelson said. “Existing shooting ranges do deserve protection.”

Omaha Sen. Brenda Council voiced opposition to the bill. The bill could impede economic development, she said, because a shooting range placed in a proposed development area would not be subject to local regulation or eminent domain powers.

Council offered an amendment to the bill that would have exempted cities of the metropolitan class from the bill’s provisions. Shooting ranges have to meet only shooting range performance standards to expand activities and facilities at the range, she said, and these standards do not reflect city building codes and other local ordinances.

“The city of Omaha has a valid, vested interest in being able to control those operations,” Council said.

Council’s amendment failed on a 3-25 vote, and LB503 advanced 42-2.

## **Bill would allow counties to enact ordinances**

Senators advanced a bill to final reading May 7 that would allow county boards to enact ordinances and impose penalties for violations.

Under LB532, introduced by Bellevue Sen. Scott Price, county ordinances would not be effective within the boundaries of incorporated municipalities. The bill would require a public hearing to be held on the proposed ordinance.



*Sen. Scott Price*

Currently, counties have the authority to pass only non-binding resolutions.

The bill would allow county ordinances in five areas:

- parking relating to snow removal and emergency vehicle access;
- abandoned and junk vehicles not including agricultural equipment;
- graffiti;
- false alarms; and
- public indecency.

Under the bill, counties could assess a fine of up to \$500. The bill stipulates that county ordinances would not be valid inside city limits and that city ordinances over unincorporated areas would preempt county ordinances.

Price offered an amendment that would remove public indecency from the list of allowable county ordi-

nances. He said public indecency is already included in the criminal code. His amendment also would clarify definitions of false alarms and authorize county attorneys to prosecute violations of county ordinances.

Although Omaha Sen. Mike Friend opposed the bill, he supported the amendment and withdrew a motion to indefinitely postpone the bill.

“Philosophically, I have a problem with counties having ordinance power,” he said. “But this is workable.”

Price’s amendment was adopted 34-0 and LB532 advanced to final reading on a voice vote.

## **Public officials’ use of public resources debated**

Lawmakers advanced a bill May 6 that would make changes to regulations governing the use of public resources by public officials and employees.

LB626, introduced by Wilber Sen. Russ Karpisek, would allow public officials and employees to use public resources that are considered incidental. Under the bill, public resources such as cell phones and computers could be used to communicate unexpected schedule changes or essential personal business. The bill would prohibit such communication from interfering with public business.



*Sen. Russ Karpisek*

The bill also would allow public officials and employees to use public resources to express opinions regarding ballot questions.

Finally, the bill would allow for the use of public resources in preparing, presenting or disseminating information about ballot questions.

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The bill would not apply to mass mailings and other forms of mass communication.

Karpisek said he introduced LB626 in response to an August 2008 decision by the Nebraska Accountability and Disclosure Commission in which a city administrator was fined for sending an e-mail relating to a campaign event.

The Government, Military and Veterans Affairs Committee offered an amendment, adopted 35-6, which clarified several provisions included in the bill. Lincoln Sen. Bill Avery said the measure would help clear up confusion for public officials and employees.

"We're trying to make it easier for people to understand what is permissible and what is not," Avery said.

Under the amendment, restrictions on the use of public resources for communicating about a ballot issue would be put into effect once a legislative body decides to put an issue on the ballot. The amendment also would:

- extend the exemption for incidental use of public resources when it could result in personal financial gain or when used in relation to ballot issues,
- allow public officials and employees to use their official title when campaigning for or against ballot questions on personal time, and;
- outline appropriate use of government vehicles by public officials and employees.

An amendment to the committee amendment, brought by Karpisek and adopted 42-0, would prohibit public officials from using public resources to express their opinion on ballot issues.

Cedar Rapids Sen. Kate Sullivan opposed LB626, saying it loosened

regulations too much.

"I really do believe public officials are held to a higher standard," she said.

Omaha Sen. Scott Lautenbaugh also opposed the bill, saying it didn't go far enough to make needed changes to campaign regulations.

"Until the whole thing gets addressed I don't think we should address it at the margins," he said.

Lautenbaugh offered an amendment to the committee amendment that included provisions from LB638, a bill he sponsored that would repeal the Campaign Finance Limitations Act and require greater disclosure of political contributions.

Under Lautenbaugh's amendment, all contributions and expenditures over \$50 would be disclosed. The current requirement for disclosure is set at \$250. His amendment also would require daily electronic filing of contributions and expenditures by 2012.

While candidates are limited in how much they can spend during campaigns, Lautenbaugh said, independent committees are not, allowing them too large a role in campaigns. Anyone can start a committee and raise as much money as possible, he said, in effect creating non-candidate bases and unregulated campaigns that put candidates at an unfair advantage.

Avery opposed the measure, calling it a "backdoor approach."

"This does not solve the problem," Avery said, adding that campaign finance reform cannot be accomplished by simply repealing the current system.

Lautenbaugh withdrew his amendment and LB626 advanced to select file on a 32-4 vote.

## Health & Human Services

### Changes to statewide trauma system advanced

Senators advanced a bill May 7 that would bring Nebraska's Statewide Trauma System Act into compliance with federal requirements.

LB195, introduced by Papillion Sen. Tim Gay, would revise several definitions relating to the statewide trauma system and would require that:

- basic level trauma centers maintain appropriate equipment for resuscitation and stabilization of pediatric trauma patients;
- general level trauma centers provide trauma-trained physicians and nurses to the emergency department within 30 minutes; and
- comprehensive level trauma centers provide an emergency trauma team available within 15 minutes, 24 hours a day.

In addition, the bill would require that trauma plans be updated every five years instead of every two years and would update the duties of the State Trauma Advisory Board and the state Department of Health and Human Services.

As amended, the bill contains provisions from six other bills.

LB132, introduced by Lincoln Sen. Tony Fulton, would make technical changes to the state Barber Act.

LB220, introduced by Grand Island Sen. Mike Gloor, is a technical cleanup bill relating to pharmacy



Sen. Tim Gay



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practice in Nebraska.

LB250, also introduced by Gloor, is a cleanup bill relating to physician assistant practices. Among other provisions, LB250 would prohibit a physician from supervising more than four physician assistants at a time and would allow physician assistants to sign birth and death certificates.

LB367, introduced by Gloor, would make changes to the state's certificate of need requirements. Among other provisions, the bill would exempt from certificate of need requirements a transfer or relocation of long-term care beds from one facility to another.

LB451, introduced by Lincoln Sen. Kathy Campbell, would update terms relating to hearing instruments, allow for one member not licensed as an audiologist to serve on the state Board of Hearing Instrument Specialists and permit hearing instrument fitters and dealers to practice under an existing license until it expires.

LB515, introduced by Norfolk Sen. Mike Flood, would create the following new classifications for out-of-hospital emergency care providers: emergency medical responder, advanced emergency medical technician and paramedic. The bill would allow for temporary licensure of care providers who have completed educational requirements but have not yet completed the testing requirements for licensure.

Gloor offered a technical amendment adopted 32-0 and Omaha Sen. Tanya Cook offered an amendment that would incorporate provisions from LB341, which would allow nurse practitioners to dispense drugs for the treatment and prevention of tuberculosis that are provided through the state Department of Health and Human Services at no charge to the patient.

Citing a recent case of tuberculosis diagnosed in Nebraska, Cook said the provisions of the measure were necessary.

"This bill addresses a real, not perceived, public health concern," Cook said.

Cook's amendment was adopted 26-0.

Fullerton Sen. Annette Dubas offered, and later withdrew, an amendment that would have entitled provisionally licensed mental health practitioners to Medicaid reimbursement. Citing mental health care access problems discovered by the safe haven issue, Dubas said her amendment would help expand access.

Although several senators expressed support for the measure, they agreed that the issue should be introduced as a bill rather than offered in an amendment.

"We owe it to all of you that we look into this issue," Papillion Sen. Tim Gay said.

LB195 was advanced to final reading on a voice vote.

## Dental assistant regulation proposed

Lawmakers began discussion May 6 on a bill that would give statutory authority to the state Department of Health and Human Services, with the recommendation of the Board of Dentistry, to establish rules and regulations for the education and training of dental assistants.

Lincoln Sen. Kathy Campbell, sponsor of LB542, said the department believes it appropriate to regulate dental assistants but needs the Legislature to authorize them to do so.

The attorney general issued an opinion in January stating that the department may list duties for dental assistants but has no statutory authority to regulate those

duties, Campbell said.

"I chose to introduce [the bill] because at this point we are at a standstill," she said.

The Legislature adjourned for the day before taking any action on the bill and resumed discussion May 8.

Sen. Galen Hadley of Kearney expressed concern that regulations resulting from passage of the bill might hinder delivery of dental care in rural Nebraska. Individuals in rural areas likely would have to travel to obtain any required education, he said, placing a burden on dentists who need help and on those wishing to become dental assistants.

"Half the counties in the state are designated as dental shortage areas," Hadley said.

But Papillion Sen. Tim Gay supported the bill, saying it was unlikely that regulations would be too burdensome.

"The Board of Dentistry doesn't want training so strict that it would harm their [own practices]," he said.

Grand Island Sen. Mike Gloor said senators should provide the Board of Dentistry and HHS the necessary tools to resolve stakeholders' competing interests.

"At some point we'll have to make a decision and provide this guidance," he said. "I don't think it will be any easier or any less heated next year or the year after."

LB542 remains on general file.



Sen. Kathy Campbell

## Judiciary

### Bill combating organized crime, identity theft advances

Lawmakers gave first-round approval May 7 to a bill aimed at addressing organized crime, theft schemes and identify theft.

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LB155, introduced by Tekamah Sen. Kent Rogert, would adopt the Public Protection Act, which is modeled after federal Racketeering Influenced and Corrupt Organizations statutes. Among other provisions addressing racketeering, the bill would prohibit the use of funds obtained from racketeering activities for the operation of any enterprise as well as the use of "strong-arm tactics" to obtain real estate or an interest in an enterprise.



*Sen. Kent Rogert*

The bill also would:

- introduce Class III felony charges for those violating the racketeering section and Class IB felony charges for those connected with racketeering activity punishable as a Class I, IA or IB felony;
- permit courts to levy fines equal to three times the value gained by the violating enterprise or gross loss caused to victims, whichever is greater;
- permit the aggregation of multiple victims' losses resulting from one theft scheme, which could raise the level of punishment pursued against perpetrators;
- define criminal impersonation violations as instances when a person knowingly provides false identifying information to courts, law enforcement or employers; and
- provide for enhanced penalties for subsequent criminal impersonation violations.

The Judiciary Committee offered an amendment that would make changes to the bill's definition of racketeering activity. Under the

amendment, several offenses would be removed from the definition, including:

- second and third degree promotions of gambling;
- first, second and third degree sexual assault of a child;
- second and third degree sexual assault; and
- abuse of a vulnerable adult.

The amendment also would add a requirement of at least a \$1,500 loss or gain for a crime to be considered racketeering activity and remove all forfeiture provisions in the bill. Originally the bill would have allowed the state to seek forfeiture of property used, derived or realized through racketeering activity.

Under the amendment, insufficient fund checks and "no account" checks would be two separate offenses and the provisions of the bill would not be retroactive.

Omaha Sen. Steve Lathrop said the committee amendment would make the bill constitutional by removing its retroactivity. He also said by deleting the gambling reference in the definition of racketeering, small gambling pools such as NCAA basketball bracket pools would not be affected.

Omaha Sen. Pete Pirsch offered an amendment to the committee amendment, adopted 34-0, that would incorporate provisions of LB76, which would allow the total amount of multiple checks forged during a single forgery scheme to be used for penalty classification.

Pirsch said using the sum total of forged checks instead of the highest amount of one forged check would allow for a higher penalty classification. Under the measure, checks forged during a 60-day period within one county would be considered part of a single forgery scheme.

Criminals can be strategic about

forgery, Pirsch said.

"They know in their experience where that threshold is in regard to misdemeanor and felony," he said. "This will make sure that the state has the tools in its possession to close these loopholes."

Under the measure, sum totals of forged checks less than \$300 would be a Class I misdemeanor. Totals between \$300 and \$1,000 would be a Class IV felony and sum totals above \$1,000 would be a Class III felony.

The committee amendment was adopted 34-0 and LB155 advanced to select file on a 37-0 vote.

## Senators lessen proposed penalties for owners of dangerous dogs

Lawmakers gave second-round approval to a bill May 8 that would change provisions relating to dangerous dogs.

LB494, introduced by Omaha Sen. Beau McCoy, originally would have charged the owner of a dangerous dog with a Class IV felony if the dog mutilates a person or causes the loss of a body part. However, several senators raised concerns on select file that the felony penalty would be too extreme.



*Sen. Beau McCoy*

Lexington Sen. John Wightman offered an amendment that would reduce the Class IV felony to a Class I misdemeanor. He said the \$5,000 fine or maximum of 5 years in prison that comes with the Class IV felony is not an appropriate punishment for the crime.

Wightman's amendment was adopted on a 39-0 vote.

The bill defines a dangerous dog as

# ISSUES UPFRONT.....

one that, according to the records of an animal control authority, has:

- killed a human being;
- inflicted injury on a human being that required medical treatment;
- killed a domestic animal without provocation; or
- been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination, after which the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal or threatens the safety of humans or domestic animals.

As amended during general file debate, a dog also would be deemed dangerous if it causes injuries resulting in sutures, surgery or treatment for one or more broken bones.

McCoy emphasized that the bill's increased penalties would not pertain to an owner whose dog has no previous record of committing, or attempting to commit, a violent act. The owner also would be exempted if the dog was under the control of a person other than the owner or the owner's family at the time of the attack.

The bill would exempt owners from penalties if the attack resulted from abusing, assaulting or tormenting the dog or if the victim was trespassing on the owner's property. Police dogs would be exempted from the bill's provisions.

Bellevue Sen. Abbie Cornett offered an amendment, adopted 31-0, that included provisions of LB71 requiring animal care workers who have reason to suspect cases of animal abandonment, neglect or abuse to report instances to the appropriate investigative entities. The measure would provide immunity from liability for those who make reports.

LB494 advanced to final reading on a voice vote.

## Natural Resources

### Senators pass procedures for tracking streamflow changes

Natural resources districts will have a uniform process for tracking streamflow gains and depletions under a bill passed by the Legislature May 7.

Current law requires the appropriate natural resources district to develop an integrated management plan when a river basin, subbasin or reach is designated as overappropriated or receives a final declaration of fully appropriated. The plan examines the effects of existing and potential water uses on existing surface and ground water users.

LB54, introduced by Valentine Sen. Deb Fischer, requires that plans include procedures for tracking depletions and gains resulting from new, expired or modified water uses. The bill will not, however, affect plans approved before its enactment.

The bill requires that districts use generally accepted methodologies to estimate streamflow depletions and gains and provide information on gains as offsets to new uses.

Districts will be required to establish that new uses will have a minimal effect on existing surface or ground water uses. They also will be required to submit a procedure for sharing information with the state Department of Natural Resources.

In addition, districts will identify

water available to mitigate new uses and offer a plan for water offsets for economic development purposes. Districts also will develop application procedures for new water uses and corresponding offsets.

The bill requires that parties, such as political subdivisions, be afforded the opportunity to provide input when assessing water offsets for economic development opportunities.

Under the bill, the department may forgo an annual evaluation for a river basin, subbasin or reach during the four years following a status change as defined by LB483, which was passed earlier in the session.

LB54 was passed on a 47-0 vote.

### Senators approve changes to livestock waste discharge penalties

Penalties for illegally discharging livestock waste into state waters will be applied on a facility-by-facility basis under a bill passed May 7.

Under current law, violations of the Livestock Waste Management Act result in "strikes" being levied against offending National Pollutant Discharge Elimination System permit holders. Strikes are applied to the violating facility, as well as other facilities in partnership with them.

LB56, introduced by Valentine Sen. Deb Fischer, clarifies that strikes do not apply to partners, shareholders, parent companies, subsidiaries or affiliates of permit holders. As amended, the bill retains the three strikes allowance before a facility's permit is revoked or a new application is rejected.

LB56 passed on a 43-3 vote.

### Renewable energy metering passes

Nebraskans with renewable ener-



Sen. Deb Fischer



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gy generators will be compensated for the electricity they produce under a bill passed by the Legislature May 7.

LB436, introduced by Malcolm Sen. Ken Haar, implements a state-wide net metering policy to provide credits to consumers for the electricity they generate for power utilities.

Consumers will be credited at a retail rate for the electricity they consume, and they will be compensated by utilities at a wholesale rate for additional electricity generated. Utilities will not be required to accommodate additional customer generators after total capacity of all customer generators meets or exceeds 1 percent of customer peak demand for that year.

Net metering is guaranteed only for generators with a rated capacity less than 25 kilowatts. Customer generators are subject to pay the costs borne by utilities to connect their renewable energy generators, while utilities must provide customer generators a free metering system that monitors electricity flow in both directions.

LB436 passed 46-0.

## Wind development proposals advance

Two bills aimed at developing wind energy in Nebraska were combined and advanced from general file May 6.

LB561, introduced by Omaha Sen. Steve Lathrop, would permit public power districts to limit eminent domain powers in order to acquire



Sen. Ken Haar

wind power generation facilities.

To ensure Nebraska stays a public power state, Lathrop said, eminent domain powers for power generation facilities were granted to districts. While advantageous to the preservation of public power, eminent domain discourages wind developers from investing in Nebraska projects, he said.

In order to stimulate the development of wind energy in the state, Lathrop said, his bill would give public power districts the option to limit eminent domain in their agreements. Therefore, developers would be assured that their investment is safe and will not be subject to eminent domain, he said.

"If we don't provide an exception ... no one will come in and develop wind industry in the state of Nebraska," Lathrop said.

Ewing Sen. Cap Dierks spoke in opposition to the bill. He said the bill was an attack on community-based energy development legislation passed two years ago and would permit out-of-state entities to reap the rewards of locally produced energy.

"If we allow corporate America to come in and harvest this energy, corporate America will take the profits out of the state," Dierks said.

The Natural Resources Committee offered an amendment containing provisions of LB471, introduced by Lincoln Sen. Tony Fulton. The amendment would extend a provision offered to small energy producers that exempts them from a Nebraska Power Review Board requirement that only generators that can most economically and feasibly supply electricity be approved.

The amendment would permit public power districts and other electric utilities to submit for approval renewable energy facilities generating more than 10,000 kilowatts of electricity if

the total production does not exceed 10 percent of the utility's total energy sales and its governing body has held at least one advertised public hearing.

The amendment also would allow C-BED projects to apply to the board as long as the appropriate utility holds a public hearing and the electricity generated by a project is to be sold exclusively to the utility for at least 20 years.

Fulton said the amendment would eliminate a "statutory hurdle" in the development of renewable energy production in the state. While most generation facilities must be approved on a "least cost basis," he said, his bill would change the criteria for renewable energy generators and give larger facilities an opportunity to qualify.

The amendment was adopted 38-1, and LB561 advanced to select file 37-2.

## Retirement

### County and state retirement changes passed

Senators passed a bill May 8 that makes several changes to provisions of the state retirement system. LB188 was introduced by Louisville Sen. Dave Pankonin at the request of the Nebraska Public Employees Retirement System (NPERS).

The bill extends two timelines for state and county retirement plan members.

Members who have earned credit in another Nebraska government plan will have 180 days to apply for vesting credit



Sen. Dave Pankonin



Sen. Steve Lathrop

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under the bill. The current window is 30 days. The window of opportunity for beneficiaries to file death benefit applications under state and county plans will increase to 180 days from the current 120 days.

State and county members who were employed and participating in a retirement system prior to Jan. 1, 2003, who terminate but return to work after 120 days but before five years have transpired, will be enrolled in the cash balance benefit plan.

LB188 also:

- provides a one-year moratorium on required minimum distributions for members of defined contribution plans who have terminated and reached the age of 70 1/2 in 2009;
- allows state plan members to transfer an account to a deferred compensation plan after terminating employment;
- clarifies that employee records received by NPERS and used to administer retirement systems will not be subject to the public records act; and
- increases a state patrol plan member's contribution rate to 16 percent of monthly compensation beginning July 1, 2010. The employer contribution rate also will increase to 16 percent.

LB188 passed on a 45-0 vote.

## Revenue

### Ag-based sales tax exemptions advance to final reading

Farmers and grain elevator operators could benefit from two sales tax exemptions offered under a bill advancing to final reading May 8.

As introduced, LB9 would exempt

from sales and use tax purchases of wood and corn when more than half of the purchase is intended to fuel irrigation, farming and electricity generation, or is used by a hospital.

Current law exempts, among other energy sources, acquisitions of electricity, coal, gas, fuel oil, diesel, propane, natural gas and butane, but does not provide for fuel from wood or corn.

Lexington Sen. John Wightman, the bill's sponsor, said during general file debate that some farmers have received sales tax exemptions in the past for the wood they purchased for the processing of alfalfa. Recently, however, sales tax has been charged for these purchases because the use is not specifically named as an exemption, he said.

On select file, York Sen. Greg Adams offered an amendment that would exempt from sales and use taxes mineral oil applied to grain as a dust suppressant.

Adams said his amendment would resolve an issue in dispute: auditing of sales tax collections for mineral oil has been inconsistent, as co-ops and the state Department of Revenue have wrestled with the question of whether mineral oil should be taxed.

"We need the clarification," Adams said. "It is that simple."

Ellsworth Sen. LeRoy Loudon spoke in favor of Adams' amendment. He said it would provide clarification for the department and prevent a tax on a commodity input.

"Whenever you put a sales tax on what you use to produce a commodity that you are trying to export ... you have a problem," Loudon said.

Omaha Sen. Rich Pahls said the department decided in 2000 to tax

mineral oil, so there should be no confusion.

"This is not something that should be misunderstood by those who use mineral oil," Pahls said.

Pahls offered, and later withdrew, a motion to bracket the bill until June 4. He said deflated state receipts warrant closer examination of sales tax exemptions, especially since the Adams amendment would substantially raise the fiscal impact of LB9.

The Adams amendment was adopted 39-0, and LB9 advanced on a voice vote.

### Contractor database approved

Contractor registration requirements will be simplified under a bill passed by the Legislature May 7.

LB162, introduced by Bellevue Sen. Abbie Cornett, will create a single contractor database to be used by the state departments of Labor and Revenue for the purposes of the Revenue Act and the Contractor Registration Act.

The Department of Labor will administer the database and both departments will be allowed to share registration information.

The bill also transfers registration and fee collection for nonresident contractors from the state tax commissioner to the Department of Labor and eliminates bonding requirements for nonresident contractors. The commissioner of labor is authorized to establish regulations regarding electronic submission of documents and payments.

Contractors submitting applications containing false statements will be guilty of a Class I misdemeanor.

LB162 passed on a 45-2 vote.



Sen. John Wightman



Sen. Abbie Cornett

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## Transportation & Telecommunications

### 'Move over' bill passes

Highway drivers approaching parked emergency vehicles are required to move over under a bill passed May 7.

LB92, introduced by Omaha Sen. Gwen Howard, requires drivers on controlled-access highways with four or more lanes to move into a lane at least one lane apart from stationary emergency and road assistance vehicles that are using audio and visual signals. Violators will be guilty of a traffic infraction for the first offense and a Class IIIA misdemeanor for second and subsequent offenses.

Emergency vehicles, as defined in the bill, include motorist assistance vehicles operated by the Nebraska State Patrol, towing and roadside assistance vehicles registered with the U.S. Department of Transportation and vehicles operated by the state Department of Roads.

The bill includes exemptions for poor weather and unavailable lanes. Drivers facing those circumstances will be required to maintain a safe speed and proceed with caution.

Finally, the Department of Roads will erect signs along controlled-access highways that give notice of the bill's move over provision.

LB92 passed 47-0.

### Updates adopted for ignition interlock permits

Policies for issuing ignition interlock permits will be modified under a bill passed by the Legislature May 7.

LB497, introduced by Lincoln Sen. Tony Fulton, makes changes to legislation passed last year implementing ignition interlock devices to reduce drunken driving recidivism. The bill permits those with two or more DUI convictions to apply for ignition interlock permits and decreases acceptable blood-alcohol concentration limits from 0.08 to 0.03 for ignition interlock devices.

The bill also permits those who refuse to submit to a chemical test to apply for ignition interlock permits 60 days after their license is revoked. This provision is offered only to those who have not refused an additional chemical test within 12 years.

Another modification is a 45-day minimum waiting period for ignition interlock permit eligibility for those convicted of second or subsequent DUI offenses and for first-time offenders with high blood-alcohol concentrations.

LB497 was passed 47-0.



Sen. Tony Fulton



Sen. Gwen Howard

## Urban Affairs

### Annexation clarification bill passed

Lawmakers gave final approval May 7 to a measure intended to clarify subdivision property transfers during annexation.

LB495, introduced by Omaha Sen. Mike Friend, clarifies that a municipality becomes the owner

of designated streets and public areas upon annexation and not upon mere approval of a plat.

Three bills were amended into LB495 during select file debate.

LB104, sponsored by Bellevue Sen. Abbie Cornett, changes annexation law for cities and villages in a county with a population of more than 100,000 but less than 200,000. The bill applies only to cities and villages in Sarpy County.

Under the bill, a city or village clerk must send notice by certified mail no later than 14 days before a planning commission hearing on a proposed annexation to listed entities providing energy services to customers in the area proposed for annexation.

LB338, sponsored by Friend, changes regulations relating to weed height in first class cities. The bill retains the 12-inch height for a first offense, but cities may reduce the height to 8 inches if grasses have been removed at the same location at the city's expense within the same calendar year.

Vegetation planted expressly for weed or erosion control on ground that is vacant or under development is not subject to nuisance vegetation provisions.

LB647, sponsored by Imperial Sen. Mark Christensen, requires that first and second class cities and villages provide notice to property owners when such property is the subject of a proposed annexation. Notice must be postmarked at least 10 working days prior to the planning commission public hearing on the proposed annexation. The same notice must be sent by certified mail to the clerk of any sanitary and improvement district that is part of a proposed annexation.

LB495 passed 46-1. ■



Sen. Mike Friend



# ISSUES UPFRONT.....

## Sen. Council energized by challenges

**W**hen Sen. Brenda Council returns to her Omaha home after a long day at the Capitol, she can always count on her dog Boo Boo to welcome her.

"He's the first one to greet me when I get home," Council said.

The 70-pound shepherd-chow mix has a special place in her heart. She once drove 1,400 miles round trip to retrieve him after he ran away during a family visit in Arkansas.

"People think I'm crazy when they hear that," she said.

Boo Boo was missing for about two weeks, but Council kept calling her family in Arkansas to see if there had been any sign of him. Much to her relief, Boo Boo eventually turned up.

This character trait of not giving up can be traced through Council's public service history. She is energized by challenges.

"That is what motivates me," she said.

Growing up in north Omaha, Council said she has always been interested in improving the quality of life of her neighbors. Her first opportunity to do that came when she returned to Omaha from her first job as a practicing attorney in Kansas City.

Motivated by a recent decision by the Omaha Board of Education to cut summer school, Council decided to run.

After getting beat "pretty soundly" in the primary, Council came back to win the general election and served on the board for 11 years, from

1982-93. During her service on the city council, she decided to run for mayor. She lost, but ran again and lost by less than 800 votes in 1997.

In addition to elected office, Council also has been an active supporter and board member of several community organizations in Omaha, such as Boys and Girls Club, Latino Center of the Midlands and North Omaha Economic Development Project.

Council attributes her commitment to public service to the opportunity it affords her to make a positive difference.

"What really keeps me going is the support I receive from the community," she said, adding that she especially appreciates hearing from young constituents. "That's tremendously rewarding."

Becoming a state senator also has been a rewarding experience for Council, although it has required some adjustment.

"I'm not really a morning person," she said, smiling. "I'm getting used to getting up at an hour that I am not accustomed to seeing."

Between her daily commute and her legislative duties, Council said she doesn't have time for much else.

"I used to have hobbies," she said with a laugh.

In fact, she completed a marathon in 1998 in Bermuda as part of the Leukemia and Lymphoma Society Team in Training. But Council said her marathon days are over. These days she's happy to find a few moments to enjoy with her family and, of course, with Boo Boo.

"He wants as much attention as he can get," she said. ■



Sen. Brenda Council poses in her yard with Boo Boo, her shepherd-chow dog.

# CITIZEN VIEWS of the CAPITOL



photo by Keith Stueven, used with permission

Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers. This color photo series is available on the Unicameral Update online at <http://unicameralupdate.blogspot.com>.

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name and district number in the address.

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DISTRICT #  
STATE CAPITOL  
P.O. BOX 94604  
LINCOLN, NE 68509-4604