

THE NEBRASKA LEGISLATURE'S
WEEKLY PUBLICATION

UPDATE

Veto of young driver restrictions overridden

Lawmakers voted to override Gov. David Heineman's veto of a bill placing additional restrictions on teenage drivers April 26.

Introduced by Scottsbluff Sen. John Harms, **LB 415** prohibits those with a provisional learner's permit or school permit from using interactive wireless communication devices when driving. The bill's provisions will be enforced as a secondary offense.

Examples of interactive wireless communication devices include cell phones, text messaging devices, digital assistants, audio or video players that send or receive messages and laptop computers.

The bill also limits provisional permit drivers to having only one pas-

senger under age 19 in the car who is not an immediate family member for the first six months of use.

LB 415 also extends the school permit's validity for three months to cover the gap between a person's 16th birthday and the time when a provisional license is issued. Currently, a school permit expires on an individual's 16th birthday.

Under the bill, a person must have a learner's permit for at least six months and have no moving traffic violations within the previous six months before they can obtain a provisional operator's license.

In his veto, Heineman stated that **LB 415** "substitutes the wisdom, judgment and responsibility of parents with that of state government,"

and noted potential difficulties with enforcement.

Harms responded that he'd heard from parents who are grateful that someone is setting a standard. It is the job of the Legislature to set standards, he said, and they cannot be too high.

"We have a responsibility to protect the very future, and that's our teenagers," he said.

Lincoln Sen. Bill Avery supported overriding the veto. The bill does not substitute, but rather supplements parental wisdom, he said.

"It gives parents another tool to deal with the issue of teen driving," Avery said.

The motion to override the veto passed by a 33-7 vote.

CAPITOL SNAPSHOT



Student senators from Legislative District 47 participate in a mock committee hearing.

Water policy proposal passed

The Legislature passed a major water policy proposal intended to address water compact issues April 26.

The proposal is outlined in **LB 701**, originally introduced by Imperial Sen. Mark Christensen.

The state must comply with an interstate compact with Kansas and Colorado that allocates the water that flows through the Republican River basin. According to Christensen, Nebraska is approximately 136,000 acre feet of water short of compliance.

LB 701 attempts to address the

(CONTINUED ON PAGE 10)

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ISSUES UPFRONT

Agriculture

State Fair Park study advanced

Lawmakers supported a measure April 25 that would study state fair programming and facilities.

As modified by an Agriculture Committee amendment, **LB 435** would authorize the committee to study programming needed to conduct a state fair, enhance other uses of a state fair campus and examine the costs to achieve such programming needs at State Fair



Sen. Ron Raikes

Park or at a new site.

The study would include:

- identification of the capital facilities and infrastructure required at the present state fair site to meet 15-year program needs, maximize off-season utilization and meet cash flow projections; and
- identification of the capital facilities and infrastructure required at an alternative location to meet a comparable 15-year program need and 15-year cash flow projection.

The study would be assisted by analysis and recommendations from an independent consultant commissioned with the assistance of the state Department of Administrative Services. The cost of the study would be underwritten by contributions received by DAS for that purpose.

The independent consultant's report would be submitted by Nov.



15. The committee would report its findings and recommendations by Dec. 15 after a public hearing.

Sen. Ron Raikes of Lincoln, the bill's sponsor, said the study is needed to provide objective information on which of the property's proposed uses would better serve the state.

LB 435, as amended, was advanced to select file by a 33-0 vote.

Appropriations

Appropriations Committee recommendations released

The Appropriations Committee released its 2007-09 budget recommendations April 25.

The budget anticipates spending of \$7.1 billion for the upcoming biennium. Overall spending levels would increase by 3.7 percent in fiscal year 2007-08 and 5.3 percent in FY2008-09. Those spending increases would be significantly less than the 7.8 percent and 7 percent increases realized in FY2005-06 and FY2006-07.



Sen. Lavon Heidemann

The budget package anticipates revenue growth of 3.9 percent in FY2007-08 and 5.1 percent in FY2008-09. The package takes into account tax reductions currently moving through the legislative process of \$218 million in FY2007-08 and \$210.8 million in FY2008-09.

The committee's budget proposes spending of approximately \$59 million more over the two-year period than does the budget proposed by Gov. David Heineman. That difference is attributable to:

- salary increases for employees of the University of Nebraska and state colleges;
- state employee salary increases resulting mostly from a special master ruling;
- updated state school aid information; and
- health and human services provider rate adjustments.

The Appropriations Committee's complete report, "Appropriations Committee FY2007-08/FY2008-09 Budget Recommendations," can be downloaded from the Legislature's web site at <http://nebraskalegislature.gov/web/public/reports/fiscal>. First-round debate on the budget package is expected to begin sometime during the week beginning April 30.

ISSUES UPFRONT.....

Business and Labor

Workers' comp hospital fee schedule moves forward

A Business and Labor Committee bill that would make changes in how workers' compensation claims are reimbursed received first-round legislative approval April 25.



Sen. Abbie Cornett

Bellevue Sen. Abbie Cornett, the committee's chairperson, said the measure was the result of work

among various parties to determine an equitable and fair fee schedule for medical services related to workers' compensation claims.

LB 588 makes three major changes to the system. First, the bill would establish a prospective payment system for in-patient hospital services. The intent of the new system would be to provide consistency and produce savings for employers and payors. The proposed fee schedule would be based on the payment method used by Medicare. The bill would account for differences between individual hospitals by incorporating hospital-specific Medicare rates into the fee schedule and then increasing those amounts by 40 percent.

Second, the bill would establish a "prompt payment" provision with the intent of reimbursing hospitals in a timelier manner.

Finally, the bill would incorporate provisions from **LB 77**, a bill originally introduced by Lincoln Sen. Danielle Nantkes. The bill would provide that certain injured

employees could be reimbursed according to their loss of earnings capacity, rather than according to the schedule set in statute. According to Cornett, the provision would ensure that at least a portion of the savings created by the new hospital fee schedule would be passed along to the injured worker.

Omaha Sen. Steve Lathrop offered an amendment, adopted 28-0, that would exempt diagnostic related groups for traumatic injuries from the new proposed inpatient hospital fee schedule until 2010.

After the adoption of a committee amendment, **LB 588** was advanced to select file by a 33-0 vote.

Education

School breakfast reimbursements amended, advanced to final

A bill dealing with reimbursements to schools for school breakfasts served to students advanced to final reading April 23.

Introduced by Lincoln Sen. Amanda McGill, **LB 73** would remove language that allows state reimbursement payments for school breakfast programs to be prorated if state funding is insufficient to fund the full 5 cents per school breakfast served.



Sen. Amanda McGill

As amended, the state would base the program appropriation on the use of the program during the school year two years prior.

As amended on general file, the bill would have allowed the prorating of state funding to continue.

However, an amendment offered by Omaha Sen. Ernie Chambers and adopted 32-2 returned the bill to its original position of providing full reimbursement.

The bill was advanced to final reading by voice vote.

ESU funding bill gains first-round approval

A bill that would change the funding formula for educational service units gained first-round approval April 24.

LB 603, as amended by an

E d u c a t i o n
C o m m i t t e e
a m e n d m e n t,
incorporates six bills relating to the operation of ESUs.



Sen. Ron Raikes

Lincoln Sen. Ron Raikes, the bill's sponsor, said the most significant change would relate to funding.

ESUs are groups of local school districts within a geographical area that share and collaborate on various educational services, such as technology and professional development. There are currently 17 ESUs across the state. Omaha Public Schools and Lincoln Public Schools each operate their own ESU.

Last year, the committee conducted an interim study that examined various policy issues related to ESUs. **LB 603** addresses the findings of that study.

LB 603 would combine core services and technology infrastructure funding for ESUs beginning in fiscal year 2008-09 and provide a new equalized distribution formula. The new equalized aid formula would take

ISSUES UPFRONT.....

into account factors such as distance education and telecommunications costs, satellite offices, sparsity, the number of students served and a base amount for each ESU.

As amended, the bill also incorporates several other bills relating to ESUs.

LB 600 would require the State Board of Education to adjust ESU boundaries when the boundaries do not align with the boundaries of member school districts.

The boundaries would be adjusted to match member school districts as they exist on July 1 each year. The adjustments would be referred to the appropriate county and ESU officials for implementation and necessary changes to maps and tax records.

LB 600 also would clarify the use of a hearing officer to conduct a public hearing on an ESU reorganization petition.

LB 601 would create the Educational Service Unit Coordinating Council on July 1, 2008, and would transfer the responsibilities, assets and liabilities of the Distance Education Council to the new coordinating council. The coordinating council would be composed of one administrator from each ESU and would be funded by 1 percent of the state aid to ESUs, appropriations for distance education and fees established for services provided to educational entities.

LB 602 would require ESU board members to be elected by district beginning in 2008.

Each ESU board would be required to divide its territory into equally populated districts by Dec. 31, 2007, and after each decennial census.

Two other provisions related to distance education also are included in LB 603. Under the

bill, up to \$200,000 of the School District Reorganization Fund could be used for aggregation routing equipment and network transport costs for Network Nebraska. The other provision related to distance education would modify distance education financial incentives.

Raikes called the creation of a statewide coordinating council in LB 601 a modest form of reforming ESU operations. While there is currently an informal mechanism for ESUs to coordinate activities, there are services – such as technological services – that can be provided more efficiently on a statewide basis.

“This formula, for the first time, takes into account the special circumstances in each ESU,” Raikes said.

In addition to changing the formula, the bill also proposes a \$4.7 million funding increase for ESU core services and technology infrastructure. Raikes said if the budget does not allow for an increase of that size, each ESU would receive funding over the next two years of at least 95 percent of its funding level from the previous year.

Sen. John Harms of Scottsbluff offered an amendment, adopted 31-0, that would lengthen that hold harmless period to three years.

The committee amendment was adopted 37-0 and LB 603 advanced to select file on a 38-0 vote.

Executive Board

Proposed legislative pay raise rejected

Lawmakers chose not to advance a legislative salary increase proposal to select file April 24.

LR 1CA, introduced by Sen. Don Preister of Bellevue, would ask voters to consider an amendment to Article III, Section 7 of the Nebraska Constitution. The amendment would increase the annual salary for state senators from \$12,000 to \$22,000.

Preister said he offered the proposed constitutional amendment because public service should not be limited only to those who can afford it.



Sen. Don Preister

State lawmakers have received only four salary increases since 1934, when the unicameral system was approved by the voters. The constitutional limit also prevents lawmakers from being eligible for the state’s retirement plan or state contributions toward health insurance, Preister said.

“We are not the U.S. Congress. Our pay stubs say we get paid \$5.76 per hour,” he said.

However, Blair Sen. Mick Mines suggested the move would come too soon after voters rejected a pay increase proposal. A measure on the May 2006 primary election ballot seeking an increase to \$21,000 annually with periodic adjustments based on the Consumer Price Index failed by a margin of 55 to 45 percent.

Mines said his colleagues knew what the pay would be when they ran for the office.

“That’s not the reason you came here,” he said.

LR 1CA failed on a 22-20 vote, falling three votes short of the 25 needed for advancement.

ISSUES UPFRONT.....

General Affairs

Liquor commissioner salary increase rejected

A bill to raise salaries of the Nebraska Liquor Control Commission's members failed to advance to select file April 23.

LB 404, as amended by the General Affairs Committee by a 33-10 vote, would raise the maximum salary for commissioners from \$12,500 to \$16,000.

Nickerson Sen. Ray Janssen said the current salary of \$12,500 has not been adjusted for 34 years.

The bill failed on a 13-25 vote.

Mixed martial arts regulation advanced

A bill that would regulate mixed martial arts, commonly known as ultimate fighting, was advanced to select file April 23 and final reading April 26.

LB 471, sponsored by Omaha Sen. Ernie Chambers, would authorize the state athletic commissioner to:

- issue licenses and permits;
- require bonds for licenses;
- require referees to be in attendance;
- grant licenses for judges;
- require licensees to pay a 5 percent tax on the gross receipts of any professional or amateur mixed martial arts match or exhibition; and
- make rules and regulations for the administration and enforcement of mixed martial arts.

Professional mixed martial arts matches or exhibitions could not exceed three rounds in length, except a championship match,

which could not exceed five rounds. No round could be longer than five minutes with at least one minute between rounds.

The size of the Athletic Advisory Committee would be expanded to six members, one of whom has been active in mixed martial arts.

The bill would define mixed martial arts as an unarmed combat sport in which two competitors seek to achieve dominance by utilizing a combination of permitted martial arts techniques, including, but not limited to, grappling, kicking and striking.

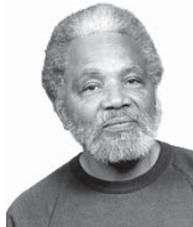
Chambers said the purpose of the event is for a competitor to inflict as much damage as possible to his opponent.

"Anybody who has seen one of these events will understand why it needs regulation," he said.

The bill's intent is not to ban the events, Chambers said, but rather to keep such events safe and avoid driving them underground where they would be difficult to regulate.

Several senators said it would be preferable not to have the sport, but that if such events are to be held they should be properly regulated.

LB 471 was advanced to select file by a 38-0 vote. The bill later advanced to final reading by voice vote.



Sen. Ernie Chambers

Health and Human Services

In-home services bill advanced

A measure intended to set forth requirements for in-home personal care workers and services advanced to final reading April 23.

Under **LB 236** as amended, in-home personal service agencies could provide in-home services that do not entail medical or nursing judgment without being licensed as a home health agency, providing they follow the requirements of the bill. These requirements include appropriate background checks and training.



Sen. Joel Johnson

In-home personal care agencies also would be exempt from medication aide regulations providing that their workers only provide reminders to take medications or assist clients in the delivery of non-therapeutic topical applications.

Kearney Sen. Joel Johnson, the bill's sponsor, introduced an amendment that incorporated several Health and Human Services Committee bills into LB 236:

LB 398, relating to the credentialing of optometrists;

LB 399, relating to the licensing of perfusionists; and

LB 426, relating to the registration of pharmacy technicians.

The amendment was adopted 31-0 and the bill advanced to final reading by voice vote.

ISSUES UPFRONT.....

Health care credentialing updates advanced

Lawmakers advanced a bill April 25 that would update the licensing and credentialing of health care professionals.

LB 463, introduced by Kearney Sen. Joel Johnson, is a recodification of the Uniform Licensing Law and adopts the Uniform Credentialing Act. The bill pertains to all health care professions and occupations credentialed by the state Department of Health and Human Services.



Sen. Joel Johnson

The bill clarifies the requirements necessary to obtain, renew or reinstate a license or voluntarily surrender a license. It also outlines behavior that would constitute grounds for disciplinary action and the processes for filing a complaint for violation of the law, including investigations, confidentiality and the process for imposing disciplinary action.

Lastly, LB 463 would define the types of disciplinary action that can be imposed when a violation is found.

The bill would not change existing requirements for obtaining a license; nor would it change the scope of practice for any regulated profession, occupation or entity. The bill would go into effect on Dec. 1, 2008.

Johnson said the bill deals with 39 health care professions and occupations.

Lawmakers adopted a technical amendment 30-0 and the bill advanced to select file 32-0.

New protocol for releasing sex offenders advanced

LB 610 would require the state Department of Health and Human Services to develop written policies or administrative regulations regarding the transfer and discharge of sex offenders. The bill also would require specific types of documentation to be kept in the offenders' medical records.

The bill was introduced by the Legislative Performance Audit Committee as a follow-up to its August 2006 report about the Lincoln Regional Center's sex offender services program.

Lincoln Sen. DiAnna Schimek said the agency's method of discharging offenders from the program should contain more adequate safeguards to protect public safety.

The bill advanced to select file April 25 by a 27-0 vote.

Judiciary

Bill would not penalize medical apologies

Lawmakers advanced a bill to select file April 24 that would prevent apologies from medical personnel from being used as an admission of liability in court.

Supporters of **LB 373** said that doctors and nurses are discouraged from talking to patients and their families if something goes wrong with a medical treatment or surgery because their statements can be used against them in future litigation.

Lincoln Sen. DiAnna Schimek, the bill's sponsor, said that when something goes wrong, patients expect that someone will take

responsibility and apologize and that the hospital will take measures to prevent it from happening again.

"Those are reasonable expectations," Schimek said. "But there is often a difference between what happens and what patients expect."



Sen. DiAnna Schimek

D o c t o r s often avoid expressing sympathy or apologizing for a medical problem for fear of possible legal liability, but this seeming lack of sympathy can be upsetting, she said.

LB 373 would encourage health care providers to give full disclosure of an unfavorable outcome to the patient and family and apologize for it, which will help maintain the patient-provider relationship, Schimek said.

Omaha Sen. Tom White said medical malpractice is the third or fourth leading cause of preventable death in the country.

"It can be anything from giving the wrong pills, to cutting off the wrong leg," he said.

He discouraged lawmakers from supporting any bill that would make it more difficult to litigate such claims.

The bill advanced to select file 29-5.

Bill would restrict use of employees' Social Security numbers

Lawmakers gave second-round approval April 23 to a measure that would restrict employers' use of employees' Social Security numbers.

Omaha Sen. Steve Lathrop,

ISSUES UPFRONT.....

the bill's introducer, said **LB 674** would help reduce identity theft. In 2006, nine million Americans were victims of identity theft, Lathrop said, and I.D. theft occurring in the workplace made up 90 percent of those cases.



Sen. Steve Lathrop

As amended, the bill would prohibit employers from:

- posting more than the last four digits of a Social Security number;
- requiring an employee to transmit more than the last four digits of his or her Social Security number over the Internet unless encrypted or over a secure connection;
- requiring the use of more than the last four digits of a Social Security number to access an Internet site; and
- using more than the last four digits of a Social Security number as an employee number.

A violation would be a Class V misdemeanor, punishable by a maximum penalty of a \$100 fine.

Sen. Mick Mines of Blair offered an amendment that would allow a consumer, including a minor at the request of a parent, to place a security freeze on his or her file at a consumer reporting agency. The freeze would prevent the reporting agency from releasing a consumer's credit report to a third party without prior authorization from the consumer.

Mines said the amendment would help prevent some of the 10 million cases of identity theft and fraud throughout the country.

The amendment was adopted 29-0 and the bill advanced to final reading by voice vote.

Natural Resources

Wind energy bill breezes to select file

A measure that would encourage wind energy development was given first-round legislative approval April 26.

LB 629, sponsored by Sen. Cap Dierks of Ewing, is intended to create new economic development opportunities through rural community-based energy development, also known as C-BED.

As modified by a Natural Resources Committee amendment, the bill would:

- allow a C-BED project developer to negotiate a power purchase agreement with an electric utility;
- allow a C-BED project to have an equity partner so long as no more than 67 percent of the power purchase payments flow to the non-qualified owner;
- prohibit the transfer of a C-BED project, except for an inherited interest, from a qualified owner to a non-qualified owner for the term of the power purchase agreement, which would be 10 years as modified by a Dierks amendment;
- prohibit the granting of net energy billing for a C-BED project that is operating under a power purchase agreement; and
- require project approval by the state Power Review Board.

Under the bill, an electric utility would be responsible for encouraging the aggregation of C-BED projects located in the same general geographical area and requiring an



Sen. Cap Dierks

owner to provide sufficient security to assure performance under the power purchase agreement.

Electric utilities that determine the need to construct new renewable generation facilities would be required to examine the feasibility of using C-BED projects to meet that need. C-BED developers would be required to provide property owners on whose property a wind turbine would be located an opportunity to invest in projects.

Electric utilities would not be required to enter into a power purchase agreement with a C-BED project. Also, the bill would limit a utility's power of eminent domain to acquire a C-BED project if the utility has a contract to purchase power from such a facility for a period of at least 10 years.

Dierks said Nebraska ranks sixth in the nation for wind energy potential.

"However, we have been slow to capitalize on this clean, available energy source," he said.

LB 629 is based on a model law in Minnesota, but was tailored to accommodate Nebraska's unique public power system, he said.

The bill was advanced to select file by a 36-0 vote.

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ISSUES UPFRONT.....

Retirement Systems

State Patrol retirement adjustments advance

A measure that would make changes in the State Patrol retirement plan was advanced to select file April 25.

LB 324, introduced by Speaker Mike Flood at the request of the governor, would maintain both the existing employer contribution rate of 15 percent of pay and the current employee contribution rate of 13 percent of pay.



Sen. Mike Flood

Those contribution rates are currently scheduled July 1 for a reduction to 13 percent and 12 percent respectively.

Before advancing the bill, lawmakers voted 33-0 to adopt an amendment offered by Omaha Sen. John Synowiecki that would establish a deferred retirement option plan for members of the State Patrol plan. The amendment was originally introduced as **LB 303**.

LB 324, as amended, was advanced by a 33-0 vote.

Retired teacher benefit adjustment moves to final reading

Lawmakers advanced a bill April 23 that would increase retirement benefits for retired school staff.

LB 596, sponsored by Gretna Sen. Gail Kopplin, would increase the monthly benefit for retired school personnel in the School Employees Retirement System to 85 percent of the purchasing power of the original

annuity benefit.

Kopplin said he introduced the measure to increase pensions for older retired teachers.



Sen. Gail Kopplin

He offered a select file amendment that would adjust contribution rates. Under the amendment, the employee contribution rate would increase from 7.25 percent to 7.28 percent. Because the employer contribution rate is set at 101 percent of the employee contribution rate, employer contributions would increase as well. In the Omaha Public Schools retirement system, the employee contribution rate would increase to 7.3 percent.

Kopplin said the amendment was needed in order to avoid cost to the state's general fund during the current fiscal biennium. The amendment was adopted 37-0.

LB 596 was advanced to final reading by voice vote.

Revenue

Biodiesel fuel incentive measure advanced

A bill that would provide incentives for biodiesel fuel development was given second-round approval April 23.

LB 343, introduced by Sen. Chris Langemeier of Schuyler, would provide



Sen. Chris Langemeier

an income tax credit equal to 30 percent of investment in a biodiesel fuel facility. The maximum credit that could be allowed would be \$250,000. The credit also would be limited to no more than half of the taxpayer's liability.

If the investment is withdrawn, the credit could be recaptured by the state. The entire investment must be expended at the facility for the plant, equipment, research and development, marketing or working capital.

Under the bill, the facility must produce a type of biodiesel fuel known as B100. All processing must take place within the state and Nebraska individuals or organizations must own at least 51 percent of the investment.

The credit would be available beginning with tax year 2007 and would be available only for investments made prior to 2015.

Langemeier offered an amendment that would require eligible companies to take the credit over a four-year period. No more than 10 percent of the credit could be claimed during the first two years, with the remainder divided between the last two years of the eligibility period. To qualify, facilities would have to be operating at 70 percent of their rated capacity during the first two years of eligibility.

Langemeier said he offered the amendment to ensure that facilities for which companies receive credits were actually operating. The amendment was adopted 38-0.

LB 343 was advanced to final reading by voice vote.

ISSUES UPFRONT.....

Urban Affairs

Public investment amendment could go before voters

Legislators amended and advanced a resolution to final reading April 23 that proposes a constitutional amendment to allow investment flexibility for public endowments.



Sen. Bill Avery

LR 6CA, introduced by Lincoln Sen. Bill Avery, would ask voters to amend Article XI, Section 1 of the Nebraska Constitution, which currently

limits the types of investments that can be made by city, village or school district endowments.

The resolution, as amended 37-1 by an Avery amendment, would allow the Legislature to authorize the investment of public endowment funds for any city that can establish a city charter, if the amendment is approved by the voters at the ballot.

Only cities having a population of 5,000 or greater are authorized by the state constitution to establish a charter.

Avery explained that these public endowments are created to hold investments from donations and the sale of public properties to generate income rather than being spent immediately. Current investment limitations, placed in the state constitution in 1875, allow only investments in bonds, which Avery equated to "putting your money under your mattress and hoping it grows."

LR 6CA advanced to final reading 40-1.

Legislative information available to the public

The Unicameral Information Office produces several informational brochures and booklets about the Nebraska Legislature. All the publications below are free and may be obtained from the Clerk of the Legislature's Office, State Capitol, Room 2018, P.O. Box 94604, Lincoln, NE 68509-4604. The Information Office phone number is (402) 471-2788.

A Look at Your Unicameral

Booklet that includes a history of the Unicameral, the steps of how a bill becomes law, photos and addresses of state senators, a list of the duties of a state senator, descriptions of legislative support offices, a description of the legislative chamber and a glossary of legislative terms.

2007 Nebraska Legislature:

Unicameral Membership and Committees

Brochure listing all senators by district, their home addresses and phone numbers, and their Capitol room numbers and phone numbers. Also lists the members of all legislative committees and indicates when and where the committees regularly meet.

Public Hearing Testimony in the Nebraska Legislature

Brochure outlining the procedures for testifying at a public hearing on legislation being considered by committees.

The Nebraska Unicameral: A Citizen's Legislature

Brochure exploring the nation's only unicameral legislature. Also identifies ways that citizens can become involved in the process.

Unicam Kids Student Guide

Booklet targeted to grade-school students that provides information about the Legislature and incorporates puzzles and questions to test students' knowledge. Includes photos of state senators, a description of how a bill becomes law, maps of legislative districts and a glossary of legislative terms.

A CLOSER LOOK.....

Legislature passes water policy proposal

(CONTINUED FROM FRONT PAGE)

issue in four ways: local funding, state funding, regulation and vegetation management.

The bill includes provisions that would:

- create a \$2 million vegetation removal program implemented by a task force along fully or over appropriated rivers, basins and sub basins to conserve water supplies;
- authorize natural resources districts in the Republican River basin to impose an additional 10-cent levy and a \$10 per acre occupation tax on irrigated lands;
- extend an existing additional levy authority of three cents per \$100 valuation in fully or over appropriated river basins through 2012;
- appropriate \$3 million to

the state Department of Natural Resources to negotiate surface water rights in the Bostwick Irrigation District;

- create a Water Resources Cash Fund administered by the department to comply with interstate water compacts and conserve water in NRDs with over or fully appropriated river basins;
- transfer \$2.7 million annually from the state's general fund to the Water Resources Cash Fund through fiscal year 2018-19 with access granted to NRDs with a 40 percent match requirement;
- appropriate \$3 million in each of FY2007-08 and FY2008-09 to allow the department to expend the general fund transfers;
- require a transfer of

unexpended funds from the Ethanol Production Incentive Cash Fund to the water fund at the end of 2012;

- impose a three-fifths cent per bushel or hundredweight excise tax on corn or grain sorghum sold between 2012 and 2019 that would be deposited into the Water Resources Cash Fund;
 - allow NRDs to impose an immediate temporary stay on the construction of any new water wells or the addition of irrigated acres for 180 days without prior notice or a public hearing; and
 - expand the definition of a water well to include any excavation made for any initial purpose that is used for irrigation.
- LB 701 was passed by a 43-0 vote.

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MEET THE SENATORS

Sen. Lathrop scores career and legislative goals



Coach Lathrop on the sidelines with members of his soccer team.

Being goal oriented, a good strategist and a patient person all are traits that Steve Lathrop utilizes as a state senator.

They also make him a great soccer coach.

Being the father of four daughters, he's found coaching soccer and softball to be a great opportunity to spend time with them.

"I get to know their friends and kids in their class," he said.

His interests go beyond spectator sports, though. He looks forward to annual skiing trips with his daughters, and works in golf games when he can. Every February, he tries to go somewhere warm to go scuba diving and escape the cold weather.

"I try to do that once a year, but this legislative gig is interfering with scuba diving" he joked.

Lathrop, one of nine children, grew up in the Benson area of north Omaha and attended Archbishop Rummel's all-boys school. Later, he attended Creighton University, earning a bachelor's degree in business and a law degree, like his father had after serving in World War II.

His father's career as an Omaha trial attorney inspired the younger Lathrop to become a lawyer when he grew up, a goal that he set as early as the seventh grade. He met that goal and three of his brothers did the same.

"It's a family thing," he said, adding that he still enjoys practicing law after 25 years.

His siblings are now scattered around the country (and Canada), but they still get together for a family reunion every summer in Minnesota, where they rent several cabins to catch up and spend time together.

He credits their help, in part, for a successful campaign for the 12th legislative district seat. They all came back to Omaha to knock on people's doors throughout the district and tell people how their brother would make a great state senator.

Since he won by only 14 votes out of 11,000, Lathrop said every person who voted for him and helped with his campaign made all the difference.

"Every vote matters. I'm the poster child for that saying."

Lathrop had wanted to run for office for a long time, but waited until his children were older and he could afford to do so, he said.

"It may sound corny, but it really is an honor to serve," he said. "Every day is a privilege to be here."

He's found the 48 other senators he serves with to be "remarkable, thoughtful people." He said he was struck by how much the Legislature is a true cross-section of the state, with people coming from all walks of life: mayors, Ph.Ds, medical doctors, farmers, ranchers, grocers, social workers, and engineers.

"That's the perfect way to run this place," he said. "All bring a different perspective. There needs to be that tension there."

Lathrop said he was pleased to discover that a nonpartisan legislature actually does work in practice most of the time. He hasn't seen the partisan split on issues that other state legislatures experience. Instead, senators' votes are based on how they think, allowing them to be more honest with their vote, he said.

"That is a very good thing," he said. "The Legislature should be very careful to preserve that."

Lathrop, like other new senators, is discovering that serving in the Legislature can be a life-changing experience. Everywhere he goes, people want to talk to him about an issue, from schools to the death penalty to taxes.

"Every bit of my life has changed," he said. "I'm in the car at 7:30 a.m. and when I walk in the door to my office, there are people waiting to talk to me."

Luckily, Lathrop likes talking policy, so he's happy to do it. Just not on Tuesday and Thursday nights.

"I enjoy time with Nicole, my youngest," he said. "I try to avoid events on Tuesdays and Thursdays so I can spend time with her."

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, APRIL 23, 2007, THROUGH THURSDAY, APRIL 26, 2007

Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
516	Agriculture	Adopt the Corporate Farming Policy Advisory Act	Placed on General File
435	Raikes	Provide for a Nebraska State Fairgrounds Master Plan	Placed on Select File
69	Hudkins	Change the Agricultural Opportunities and Value-Added Partnerships Act	Placed on Select File

Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
323	Speaker Flood, req. of Gov.	Provide for transfers from the Cash Reserve Fund	Placed on General File
322	Speaker Flood, req. of Gov.	Change provisions relating to certain funds and provide for transfers of funds and extend an excise tax	Placed on General File
321	Speaker Flood, req. of Gov.	Appropriate funds for state government expenses	Placed on General File
320	Speaker Flood, req. of Gov.	Appropriate funds for capital construction	Placed on General File
319	Speaker Flood, req. of Gov.	Appropriate funds for salaries of constitutional officers	Placed on General File
318	Speaker Flood, req. of Gov.	Appropriate funds for salaries of members of the Legislature	Placed on General File
317	Speaker Flood, req. of Gov.	Provide for deficit appropriations	Placed on General File
542	Synowiecki	Appropriate funds to the Department of Health and Human Services	Placed on General File

Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
188	Mines	Eliminate a notice requirement relating to motor vehicle service contracts	Placed on Final Reading
368	Erdman	Adopt the Nebraska Limited Cooperative Association Act	Placed on Final Reading

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, APRIL 23, 2007, THROUGH THURSDAY, APRIL 26, 2007

Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
88	Business and Labor	Provide for payment of claims against the state	Placed on General File
339	Business and Labor	Change provisions relating to claims against the state	Placed on General File
588	Business and Labor	Change the workers' compensation hospital fee schedule and payment of providers	Placed on Select File
226	Cornett	Change provisions relating to boiler inspections	Placed on Select File
609	Carlson	Adopt the Nebraska Recruitment Promotion Act	Placed on General File

Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
219	Dierks	Change requirements for freeholder petitions	Placed on Final Reading
73	McGill	Change school breakfast reimbursement provisions	Placed on Final Reading
603	Raikes	Change core services and technology funding provisions relating to educational service units	Placed on Select File
342	Raikes	Provide adjustments to base-year operating revenue for community colleges	Placed on General File
316	Friend	Create the Special Education Services Task Force	Placed on Select File

Executive Board

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR1CA	Preister	Constitutional amendment to change legislative salaries	Placed on Select File

General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
404	Janssen	Change Nebraska Liquor Control Commission members' salaries	Placed on Select File

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, APRIL 23, 2007, THROUGH THURSDAY, APRIL 26, 2007

Government, Military and Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
208	Aguilar	Change bond requirements for certain public building projects	Placed on Final Reading
289	Louden	Change procedure relating to elections to exceed the tax levy limit	Placed on Final Reading
471	Chambers	Authorize regulation of mixed martial arts by the State Athletic Commissioner	Placed on Final Reading
232	Dubas	Change the Building Entrepreneurial Communities Act	Signed by Governor
233	Pirsch	Provide a residency requirement for certain members of public building commissions	Placed on Select File
252	Avery	Change land surveyor application and registration fees	Placed on Select File
388	Aguilar	Change duties and membership of the Economic Development Commission and the Department of Economic Development	Placed on Select File
256	Aguilar	Change administrative provisions relating to state government	Placed on Select File
5	Pahls	Change provisions relating to the state's employee suggestion system	Placed on Select File
396	Johnson	Increase the range of fees imposed by the State Board of Landscape Architects	Placed on Select File
199	Schimek	Changes municipal cooperative financing and open meetings provisions	Placed on Select File
195	Preister	Repeal the authorization for the Nebraska State Quarter	Placed on Select File

Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
144	McDonald	Adopt the Hepatitis C Education and Prevention Act	Placed on Final Reading
247	Johnson	Change provisions relating to pharmaceuticals	Placed on Select File
610	Legislative Performance Audit	Provide documentation and recordkeeping requirements for the Department of Health and Human Services regarding sex offenders	Placed on Select File
463	Johnson	Adopt the Uniform Credentialing Act	Placed on Select File
445	Stuthman	Provide qualifications and certification requirements for certain persons under the Commission for the Blind and Visually Impaired Act	Placed on Select File
469	Chambers	Change funding restrictions under the Nebraska Health Care Funding Act	Placed on Select File
236	Johnson	Provide for and change regulation of perfusionists, optometrists, pharmacy technicians, and in-home personal service providers	Placed on Final Reading
481	Johnson	Change criminal background check and examination requirements under the Uniform Licensing Law	Placed on Select File

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, APRIL 23, 2007, THROUGH THURSDAY, APRIL 26, 2007

Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
674	Lathrop	Adopt the Credit Report Protection Act and prohibit certain uses of social security numbers	Placed on Final Reading
457	Hansen	Require a caregiver information form for foster care proceedings	Signed by Governor
382	Pahls	Change provisions relating to notaries public	Placed on Select File
424	Adams	Prohibit the breathing, inhaling, or drinking of certain compounds	Placed on Select File
8	Preister	Increase penalty for accumulation of junk	Placed on Select File
580	Preister	Change provisions relating to tobacco product manufacturers	Placed on Select File
214	Ashford	Change acting county attorney compensation, provide for county judge interchange, and eliminate an obsolete procedure	Placed on Select File
449	Ashford	Change provisions on how judicial records are proved	Placed on Select File
132	Nantkes	Provide for setting aside a legal separation decree	Placed on Select File
227	Cornett	Change provisions governing certain offenses relating to animals	Placed on Select File
221	Lathrop	Change legal procedure complaint and notice provisions	Placed on Select File
152	Pankonin	Change insurer reporting requirements regarding professional liability claims	Placed on Select File
274	McDonald	Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability	Placed on Select File
682	Wightman	Change provisions relating to use of the Supreme Court child support guidelines	Placed on General File
373	Schimek	Provide for inadmissibility of apologies regarding medical care as evidence	Placed on Select File
478	Johnson	Change provisions relating to adoption procedures	Placed on General File
218	Burling	Change provisions relating to the acquisition of certain drug products	Placed on Final Reading

Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
629	Dierks	Adopt the Rural Community-Based Energy Development Act	Placed on Select File
701	Christensen	Create a task force and fund and provide for bonds, taxes, and other funding for water and vegetation management projects	Passed by Legislature
664	Hudkins	Eliminate an exemption from licensure as a geologist	Placed on Select File
504	Mines	Prohibit hunting through the Internet	Placed on Select File

Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
324	Speaker Flood	Change provisions relating to state patrol retirement system contributions	Placed on Select File
508	Pahls	Change provisions of the Judges Retirement Act and the School Employees Retirement Act	Placed on Select File
596	Kopplin	Change benefit and contribution provisions for school retirement systems	Placed on Final Reading

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, APRIL 23, 2007, THROUGH THURSDAY, APRIL 26, 2007

Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
502	Mines	Change inheritance tax provisions	Signed by Governor
364	Flood	Change apportionment of inheritance tax revenue	Placed on Select File
648	Preister	Provide tax credits relating to wind energy projects	Indefinitely postponed
608	Raikes	Change the sales tax rate	Indefinitely postponed
511	Avery	Change valuation of agricultural land and create a homestead exemption	Indefinitely postponed
510	Avery	Create a homestead exemption and the Scholarship Trust Fund	Indefinitely postponed
453	White	Provide an income tax credit for property taxes	Indefinitely postponed
444	Stuthman	Change provisions relating to the renewable energy tax credit	Indefinitely postponed
436	Raikes	Change income tax calculations, rates, and schedules and eliminate certain itemized deductions and taxes	Indefinitely postponed
430	Langemeier	Change property tax levies	Indefinitely postponed
366	Janssen	Provide state funding for community colleges, change valuation of agricultural land, and create a homestead exemption	Indefinitely postponed
331	Janssen	Eliminate the estate tax and sales tax on construction services and change income tax calculations	Indefinitely postponed
325	Speaker Flood, req. of Gov.	Repeal business child care income tax credits	Indefinitely postponed
23	Wightman	Exclude a portion of capital gains from income tax	Indefinitely postponed
343	Langemeier	Provide an income tax credit for investments in biodiesel facilities	Placed on Final Reading
367	Janssen	Change and eliminate estate tax, property tax, sales and use tax, and income tax provisions	Placed on Select File

Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
415	Harms	Change provisions relating to provisional operator's permits and other operator's licenses and permits	Passed Notwithstanding Objections of Governor
277	Mines	Change provisions relating to a metropolitan transportation improvement program in lieu of a Department of Roads plan	Placed on Select File
162	Fischer	Provide for an electronic lien system for certificates of title	Placed on Select File
561	Fischer	Change provisions relating to removal of disabled or immobilized vehicles	Placed on Select File
147	McDonald	Change penalty provisions for vehicle loads	Placed on Select File

Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
562	Adams	Change provisions relating to the Community Development Law	Signed by Governor
LR6CA	Avery	Constitutional amendment to allow investment of public endowment funds by certain cities	Placed on Final Reading

GUIDE TO LEGISLATIVE TERMS

“A” Bill - see Appropriation Bill.

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

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

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

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

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

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

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

Chair - the presiding officer.

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

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

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

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

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

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

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

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

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

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

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

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

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

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

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

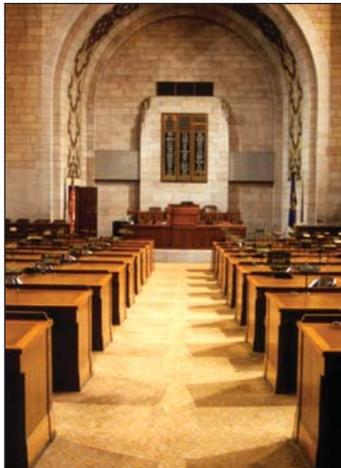
Interim Study Resolution - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

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

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



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

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

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

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

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

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

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

Override a Veto - see Veto Override.

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

Presiding Officer - the senator currently presiding over legislative proceedings.

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

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

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

Resolution - see Legislative Resolution.

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

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

ing votes may be printed in the Legislative Journal.

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

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

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

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

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

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

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

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

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

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

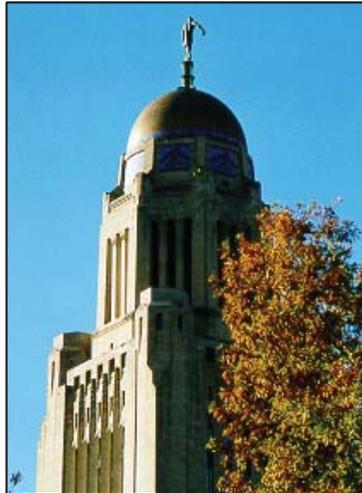
Summary Sheet - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

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

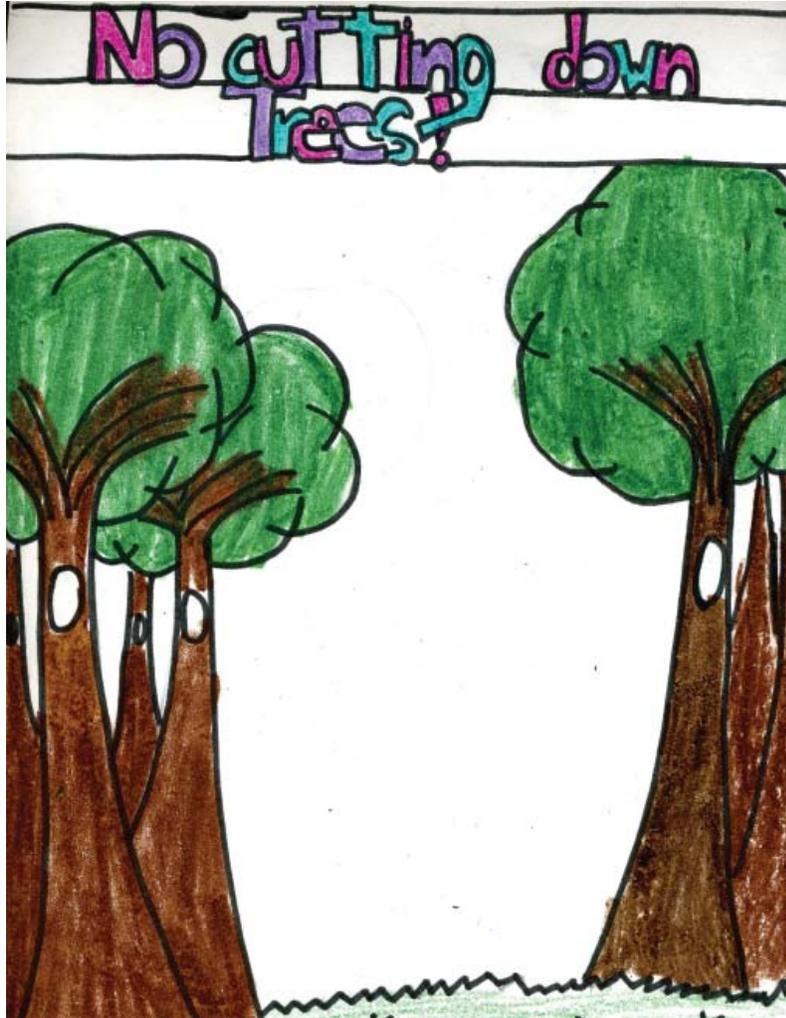
Veto Override - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

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

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



IF I COULD MAKE A LAW



Brigit Mahoney, 6th grade, Oakdale Elementary, Omaha. "No cutting down trees!"

STUDENT ART SERIES

To commemorate the 100th Nebraska Legislature, fourth- through sixth-grade students throughout the state were invited to submit artwork depicting a law they would propose if they were a senator.

Selected entries will be published in each edition of this session's Unicameral Update and also will be posted on the Legislature's website at nebraskalegislature.gov/web/public/learning/makealaw.

Published entries were selected by Larry Starr, director of social science education at the state Department of Education, Karen Janovy, curator of education for the University of Nebraska-Lincoln's Sheldon Memorial Art Gallery and Heidi Uhing, civic learning coordinator for the Nebraska Legislature. The top three entries will be published in the last three issues this session.

UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter offered during the legislative session covering actions taken in committees and on the floor of the Legislature.

The Unicameral Update is produced by the Clerk of the Legislature's Office through the Unicameral Information Office.

To subscribe, you may contact the Unicameral Information Office, P.O. Box 94604, Lincoln, NE 68509, (402) 471-2788. You can also subscribe by e-mailing: uio@leg.ne.gov

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UNICAMERAL UPDATE

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