

THE NEBRASKA LEGISLATURE'S  
WEEKLY PUBLICATION

## UPDATE

## Metro schools bill advances with compromise

Lawmakers voted to adopt a compromise amendment May 9 that allowed a metro schools bill to move forward.

The amendment was offered by York Sen. Greg Adams to **LB 641**, a bill sponsored by Lincoln Sen. Ron Raikes that was used as a vehicle to address issues related to school funding, boundaries and student achievement in the Omaha metropolitan area.

Raikes called the idea of “one city, one school district” that had been part of state law “sound and enlightened policy.” However, he suggested that Omaha’s growth over time presented challenges to that philosophy.

In 2006, the Legislature passed LB 1024, which

resulted in a learning community comprised of the school districts in Douglas and Sarpy counties. Among the many provisions of LB 1024, the law:

- created a mechanism for the formation of learning communities governed by a coordinating council, resulting in school districts in Douglas and Sarpy counties becoming part of a learning community;
- required schools in the learning community to have a common local property tax levy;
- essentially froze boundaries of school districts in the learning community as of March 1, 2006;
- required the reorganization of Class V school districts – Omaha Public Schools is currently

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Norfolk Sen. Mike Flood talks with Lincoln Sen. Ron Raikes.

## Senators move budget to final reading

Lawmakers voted to advance the budget package to final reading May 8.

Senators made few changes to the Appropriations Committee’s recommendations.

Discussion spanning over two days centered on issues relating to the state Department of Roads, health care facilities and programs and economic development.

## Roads funding

Omaha Sen. Tom White offered an amendment to **LB 321**, the mainline budget bill, that would have reduced appropriations for the Department of Roads by \$19 million in FY2008-09. White said the reduction was intended to avoid an increase in the gasoline tax. Gas price increases have impacted low and middle income

classes, he said.

“You cannot have low taxes without controlling spending,” White said. “We need to teach government to justify their spending.”

Elk Creek Sen. Lavon Heidemann, chairperson of the Appropriations Committee, said he does not like increasing the gas tax, but defended the committee’s approach to roads

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## Agriculture

### State Fair Park study passed

Lawmakers passed a measure May 10 that will study state fair programming and facilities.

**LB 435** authorizes 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 Park or at a new site.



Sen. Ron Raikes

The study will 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 will 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 will be underwritten by contributions received by DAS for that purpose.

The independent consultant's report will be submitted by Nov. 15. The committee will 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 was passed by a 47-1 vote.

### Bill would authorize committee to study corporate farming

Senators advanced a bill May 9 relating to the state's corporate farming policy.

The state's corporate farming law, known as Initiative 300, was ruled unconstitutional by the courts. **LB 516** was introduced in response to the court's ruling.

LB 516, as amended, would authorize the Agriculture Committee and the attorney general's office to contract with various experts in order to study options and create a plan regarding corporate farming in Nebraska.

"The committee preferred taking ownership of this issue," said Bayard Sen. Philip Erdman, chairperson of the committee.



Sen. Philip Erdman

Omaha Sen. John E. Nelson supported the bill.

"I think it's very important for the state of Nebraska to protect and encourage the small operations," he said. "They have a very important part to play in agriculture."

LB 516 was advanced to select file on a 26-0 vote.



Sen. John E. Nelson

## Appropriations

### Bill would create behavioral health task force

Senators advanced a measure May 8 relating to children's behavioral health.

**LB 542**, introduced by Omaha Sen. John Synowiecki, originally would have closed the Hastings Regional Center and redirected funding to community services. But an amendment

offered by Synowiecki and adopted 29-0, would instead create the



Sen. John Synowiecki

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Children's Behavioral Health Task Force and set evaluation and treatment procedures for the behavioral health centers in Hastings and Geneva.

Synowiecki said current policies require that any child or adolescent in the Kearney Youth Development Center assessed as needing residential aid be automatically referred to the Hastings Regional Center. This referral occurs without the input of the family or by any choice of the child, he said.

LB 542, as amended, would require youth development centers to evaluate each patient and develop individualized plans of treatment that may or may not include a referral to the Hastings Regional Center.

"Perhaps some of these kids can be better served elsewhere," Synowiecki said.

As modified by the amendment, the bill also would create a task force to study children's behavioral health policy in the state. The task force would include, among others, the chairpersons of the Health and Human Services and Appropriations committees, a member of the Behavioral Health Oversight Commission, consumers of behavioral health services, a juvenile court judge and representatives from the state Department of Health and Human Services. The task force would prepare a report and recommendations for a statewide behavioral health plan and present it to the Legislature by Dec. 4.

Kenesaw Sen. Carroll Burling said the study would allow the Legislature to make informed decisions about



Sen. Carroll Burling

the future of behavioral health in the state.

LB 542 advanced to select file 33-0.

## Banking, Commerce and Insurance

### Limited cooperative association bill passed

A bill proposing a new type of business organization in Nebraska was given final legislative approval May 10.

**LB 368**, sponsored by Bayard Sen. Philip Erdman, permits the formation of a business structure known as a limited cooperative association.



Sen. Philip Erdman

Traditional cooperative businesses limit participation to patron members who use the services of the cooperative by buying from or selling to the cooperative. State and federal laws applicable to traditional cooperatives restrict their ability to seek investment capital to fund start up costs, expansion or other activities that require equity capital.

A limited cooperative association combines the elements of traditional cooperatives with the ability to raise investment capital. Investor members could earn a return on their investment without participating in the association as a patron member.

The bill sets forth various requirements and regulations governing the formation and existence of limited cooperative associations. Among those

requirements, the bill restricts:

- the allocation of voting control;
- the distribution of profits between patron participants and investor participants; and
- the ability to extend credit or issue bonds.

LB 368 was passed by a 47-0 vote.

## Education

### Freeholder process changes approved

Lawmakers passed a bill May 10 that makes changes to the freeholding process.

Freeholding is the process by which a landowner can, under certain circumstances, petition to have his or her land transferred to a contiguous school district. Those circumstances include situations in which the school district from which the land would be transferred:

- has had an average daily membership in grades 9-12 of less than 60 for the two consecutive school years immediately preceding the filing of the petition;
- has voted to exceed the maximum levy and the vote is effective for the school fiscal year in which the petition is filed or for the following school fiscal year;
- has a high school within 15 miles on a maintained public highway or maintained public road of another high school; and
- is not a member of a learning community.

Freeholding applications are considered for approval by a board comprised of the county assessor, clerk and treasurer.

**LB 219**, sponsored by Sen. Cap Dierks of Ewing, changes the process

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by requiring freeholding petitions to be submitted by July 15, 2007, and by June 1 each year thereafter. Petitions also will have to be approved by the school board of the district to which the land would be attached. Approved petitions would become effective the following Jan. 1.

County officials will have until Nov. 1 each year to approve or reject freeholding petitions.

LB 219 was passed by a 46-0 vote.

### Community college aid formula to be revised

Lawmakers gave initial approval May 8 to a measure that would change the way community colleges are funded.

As amended by an Education Committee amendment, **LB 342** would establish a state aid funding formula for community colleges based on concepts similar to those used in the formula for state aid to K-12 schools.

Lincoln Sen. Ron Raikes, the bill's introducer, said the state's six community college areas are funded through a combination of sources with the goal of providing 40 percent through state aid, 40 percent through local property tax revenues and 20 percent through tuition and other receipts.

The new formula would attempt



Sen. Cap Dierks

to equalize funding for community colleges statewide. The formula would be based on the idea that a community college area's needs minus its resources would result in the amount of state aid it would receive.

The bill would establish the manner in which a community college area's formula needs would be calculated, taking into account foundation need, reimbursable education units, adjustments based on average spending per full-time equivalent student and a revenue remainder allowance. An area's formula resources would be based on local property tax revenues, tuition receipts, foundation aid and reimbursable education unit aid.

A common local effort property tax rate would be set for the purpose of determining total aid and the property tax levy limit. The levy limit would be set at 15 percent above the local effort rate used in the aid formula. An area's minimum levy would be 20 percent below the local effort rate.

LB 342, as amended, also would make adjustments in state higher education scholarship programs. The mission of a state-supported scholarship program aimed at minority students would be changed to provide scholarships for students from diverse racial, ethnic and cultural backgrounds, rather than from specific racial groups. Also, the maximum award under a general state-supported scholarship program would be increased from 25 percent to 50 percent of the tuition and mandatory fees for a full-time, resident undergraduate student.

Raikes said that under the current system, only full state funding of the formula would avoid disparities between property tax levies in

different community college areas. The new system would equalize funding for community colleges across the state, he said.

Sen. Pat Engel of South Sioux City, who prioritized LB 342, said the issue of community college funding was long-standing and that the bill would begin to fix problems with the current system.

"We can either keep this band-aid approach and continue to tweak the system ... or we can change the system to make it more equitable," Engel said.

LB 342 was advanced to select file by a 27-0 vote.

## General Affiars

### Liquor tax return changes amended, advanced

Lawmakers advanced a bill May 9 that deals with the state liquor tax.

**LB 578**, introduced by St. Paul Sen. Vickie McDonald, would allow amounts on liquor tax returns or reports to be rounded off to the nearest dollar when the administration of the tax might be more efficiently conducted.



Sen. Vickie McDonald

McDonald said the proposal mirrors an existing law regarding state Department of Revenue tax reports and returns.

Omaha Sen. Lowen Kruse brought a technical amendment, adopted 27-0, that would make changes to a bill passed last year regarding repeat drunken driving offenders.

Kruse offered another amendment that would have incorporated

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provisions of **LB 335** into the bill. The amendment would have allowed individuals who have been placed in civil protective custody three or more times during the previous month to be held in civil protective custody for up to 72 hours, if necessary, to preserve life or prevent injury.



*Sen. Lowen Kruse*

He said the change would allow police to retain a drunk person long enough for the intoxication to completely wear off, enabling them to seriously consider the treatment offered them once they are sober.

Sen. John Synowiecki of Omaha objected to the amendment, saying it was contrary to the purpose of police custody.



*Sen. John Synowiecki*

“Our civil protective custody statutes are not meant to be a gateway to treatment,” he said. “What you’re essentially saying is that you’re going to get three days in jail. It’s punitive.”

Kruse withdrew the amendment and LB 578 advanced to final reading by voice vote.

## Government, Military and Veterans Affairs

### Mixed martial arts regulations approved

A bill regulating mixed martial arts, commonly known as ultimate fighting, was passed May 10.

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



*Sen. Ernie Chambers*

- 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.

Under the bill, professional mixed martial arts matches or exhibitions cannot exceed three rounds in length, except a championship match, which cannot exceed five rounds. No round can be longer than five minutes with at least one minute between rounds.

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

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

LB 471 was passed by a 46-0 vote.

## Health and Human Services

### In-home services and health credentialing bill passed

A measure intended to set forth requirements for in-home personal care workers and services passed May 10.

Under **LB 236**, sponsored by Kearney Sen. Joel Johnson, in-home personal service agencies can provide in-home services that do not entail medical or nursing judgment without being licensed as a home health agency, provided they have the appropriate background checks and training.



*Sen. Joel Johnson*

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

Provisions of three other bills were amended 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 bill passed on a 44-1 vote.

### Health care credentialing updates passed

Lawmakers passed a bill May 10 that updates the licensing and credentialing of health care professionals.

**LB 463**, introduced by Kearney Sen. Joel Johnson, is a recodification

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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.

The bill clarifies the requirements necessary to obtain, renew or reinstate a license or voluntarily surrender a license. It also outlines behavior that will 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 defines the types of disciplinary action that can be imposed when a violation is found.

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

The bill passed 47-1.

### Bill to create autism pilot program advanced

Senators advanced a bill to select file May 8 that would improve autism intervention and treatment.

According to Kearney Sen. Joel Johnson, who introduced **LB 482**, autism affects one in every 150 children. The condition has a profound impact on a child's life, Johnson said, "but with the best treatment, 85 percent of kids can make huge gains."

As amended, the bill would create a pilot program for intensive early intervention for autistic children in Nebraska and establish a cash fund for the program.

The fund would receive transfers of \$1 million annually for five years

from the Nebraska Health Care Cash Fund. The transfers would be contingent on matching funds from two private donors. According to Johnson, these donors have pledged \$1 for every \$2 of state funds up to \$500,000 each.

Johnson said that by getting the private sector involved the state will be working with entities that are used to getting results and who will demand accountability.

"This is obviously not going to cure autism in Nebraska," Johnson said. "But as we look at the state of Nebraska, we have done very, very little. It's time we start," he said.

The pilot program would require the state Department of Health and Human Services to apply for a Medicaid waiver or an amendment to an existing waiver for provision of autism treatment.

Bayard Sen. Philip Erdman expressed concern about the bill's waiver requirement and its potential impact on the state's Medicaid program's performance.

Nebraska currently ranks second in the nation in the quality and scope of Medicaid services provided, Erdman said, and could become the top Medicaid program in the country, but only by continuing to be efficient and effective.

Sen. Mick Mines of Blair acknowledged the need to keep an eye on Medicaid spending, but noted that Nebraska currently ranks close to last in the nation in state funding for autism.

"When you're next to last in treatment, it's not an honor," he said.

According to Johnson, the pilot program expects to enroll 50 children the first year and up to 100 in each of the next four years of initial funding. The program would be administered by the Center for Autism Spectrum Disorders at the University of Nebraska Medical Center.

LB 482 advanced to select file by a vote of 38-1.

### New protocol passed for releasing sex offenders

**LB 610** requires 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 requires 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.

The bill passed on a 48-0 vote.

## Judiciary

### Debate continues on safe haven bill

Lawmakers continued debate May 10 on a bill that would provide procedures for safely leaving a newborn in the permanent care of others.

**LB 157**, offered by Sen. Arnie Stuthman of Platte Center, would allow parents to abandon an infant child less than 72 hours old at a fire



Sen. Mick Mines



Sen. Arnie Stuthman

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station or hospital.

The recipient of the child would be authorized to perform any act necessary to preserve the health of the child while the infant is in his or her custody. The bill would guarantee immunity from criminal or civil liability for any good faith acts or omissions performed.

The bill would require the state Department of Health and Human Services to maintain a monthly count of the number of abandoned infants and provide a report to the Legislature by Jan. 1, 2008.

Stuthman said the bill would be worth it "if we can save one infant from a creek bed or a dumpster."

Nebraska, Hawaii and Alaska are the only three states without a safe haven law, he said.

A pending committee amendment would:

- clarify that leaving a child with a safe haven provider would not subject a parent to prosecution for child abandonment;
- increase the age of infants who can be left with a safe haven provider from three days old to 30 days old;
- remove the requirement that a parent leaving a child with a safe haven provider must indicate an intention not to return for the child;
- remove immunity from civil or criminal liability for good faith acts or omissions performed by firefighters or hospital personnel;
- require HHS to track and report children who are abandoned at other locations so that a meaningful comparison can be made; and
- remove provisions directing HHS to place a child left at a safe haven with an adoptive family as soon as possible and to file a petition to terminate the parental rights.

Stuthman brought an amendment that would eliminate fire stations

from the bill, leaving hospitals as the only authorized locations to legally abandon an infant. His amendment also would allow only newborns no older than 72 hours to be legally abandoned and require the parent dropping off the infant to provide proof of identification.

Omaha Sen. Ernie Chambers opposed the bill and Stuthman's amendment, in part, because it would make a mother guilty of abandonment and neglect if she does not provide identification when dropping off a child. If men would assume their responsibility as fathers, he said, young mothers "might not be in such desperate straights."

Chambers moved to bracket the bill until May 31, the last day of the legislative session.

Sen. Gwen Howard of Omaha said the bill undermines the traditional adoption process and would create barriers to establishing parental rights, making the adoption of these infants more difficult and time consuming.

Other states having similar programs have not seen a decrease in unsafe abandonments, she said. Moreover, the bill would send a message that deserting one's child is acceptable, Howard said.

Lawmakers adjourned before taking a vote. The bill remains on general file with the bracket motion pending.



Sen. Ernie Chambers



Sen. Gwen Howard

## Pseudoephedrine limits to be adjusted

Lawmakers passed a bill May 10 that would change Nebraska's existing restrictions on the purchase of products containing pseudoephedrine or phenylpropanolamine.

Currently, consumers are limited to purchasing no more than 1.44 grams per day of these specific drugs, which are a common ingredient in cold remedies. In 2005, the Legislature enacted the current restrictions because the drugs being regulated are often used in the manufacture of methamphetamine, an illegal substance.

**LB 218**, sponsored by Kenesaw Sen. Carroll Burling, would allow individuals to purchase up to 3.6 grams of these products per day and up to 9 grams per month. The bill also would require retailers to keep a logbook of applicable purchases.

Burling said the change would make state law consistent with federal regulations.

LB 218 passed by a 47-0 vote.



Sen. Carroll Burling

## Lawmakers amend and advance judge salary increase

Salaries of judges would be increased under a bill advanced to select file May 8.

**LB 377**, introduced by Omaha Sen. Brad Ashford, was originally intended to



Sen. Brad Ashford

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increase the number of district court judges. However, Ashford offered an amendment, adopted 28-0, that would increase the salaries of supreme court judges and other judges by 3.5 percent.

Sen. Steve Lathrop of Omaha said the raises were important in retaining the quality of judges in the state. The bill would help the judges' salaries keep up with what they might make in private practice, he said.



Sen. Steve Lathrop

Omaha Sen. Ernie Chambers brought an amendment, defeated 3-24, that would have stricken references to the supreme court chief justice from the bill.



Sen. Ernie Chambers

The Ashford amendment was adopted 30-3 and the bill advanced to select file 29-3.

## Recreational liability bill passed

Senators passed a bill dealing with political subdivisions' liability for accidents on public and private lands May 10.

**LB 564**, sponsored by Omaha Sen. Mike Friend, was introduced in response to a 2006 Nebraska Supreme Court decision, *Bronsen v. Dawes County*. In that case, the court overruled more than 25 years of precedent declaring that state law does not provide governmental entities with



Sen. Mike Friend

the same limited immunity afforded to private landowners who make their land available free of charge to the public for recreational purposes.

Friend has said the state and many of its political subdivisions have opened thousands of acres of public land over the years for activities such as hunting, fishing, swimming, hiking and biking. These recreational uses of the land now leave governmental entities open to significant legal and financial vulnerability, Friend said.

Several towns have closed public facilities, such as skate parks and biking trails, as a result.

The bill will specifically create three exemptions to the liability of state or local government for claims relating to recreational activities for which no fee is charged:

- claims resulting from the inherent risk of the activity;
- claims arising out of a spot or localized defect of the premises unless the defect is not corrected by the state or political subdivision within a reasonable time after actual or constructive notice of the defect; and
- claims arising out of the design of a skate park or bicycle motocross park that was constructed using generally recognized standards in existence at the time the facility was constructed.

**LB 564** requires political subdivisions to post and maintain a sign at each skateboard park and bicycle motocross park sponsored by the political subdivision indicating that it is not liable for injury or death resulting from the inherent risks of the recreational activities.

The absence of a sign would not increase liability on the part of the political subdivision.

The bill passed 48-0.

## Retirement Systems

### Retired teacher benefit adjustment passes

Lawmakers passed a bill May 10 that will increase retirement benefits for retired school staff.

**LB 596**, sponsored by Gretna Sen. Gail Kopplin, increases 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.



Sen. Gail Kopplin

The employee contribution rate will 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 will increase as well. In the Omaha Public Schools retirement system, the employee contribution rate will increase to 7.3 percent.

**LB 596** was passed by a 48-0 vote.

## Urban Affairs

### Lawmakers bracket bill to add Omaha city council members

Senators gave unanimous consent May 9 to bracket a bill that would add two members to the Omaha City Council.

**LB 405**, introduced by Elkhorn Sen. Dwite Pedersen, was bracketed until May 31, the final day of the legislative



Sen. Dwite Pedersen

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session, to allow for an interim study on the issue to be done.

The bill would require election commissioners in counties housing a city of the metropolitan class to divide the city into nine city council districts of compact and contiguous territory. Omaha is the state's only city of the metropolitan class.

Current law provides for seven city council members. If passed, the eighth and ninth council members would be appointed by a majority vote of the current council members within 90 days of the bill's effective date. Those two members would serve until their successors are elected in the general city election in

May 2009.

Pedersen said the bill is intended to provide representation for the Elkhorn area that was annexed by Omaha.

LB 405 remains on select file.

## Public investment amendment to go before voters

Legislators passed a resolution May 10 that proposes a constitutional amendment to allow investment flexibility for public endowments.

**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 proposal, if passed by the voters, would allow the Legislature to authorize the investment of public endowment funds by any city that can establish a city charter. Only cities having a population of 5,000 or greater are authorized by the state constitution to establish a charter.

LR 6CA passed 42-2.



Sen. Bill Avery

## 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.

### A Student Guide to the Nebraska Legislature

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 .....

## Metro schools bill advances with compromise

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the state's only Class V district – into separate districts with at least two high schools effective July 1, 2008; and

- required the formation of an integration task force charged with examining how issues of diversity and integration in the learning community's school districts can best be addressed.

Since the passage of LB 1024 last year, efforts to find alternative solutions have continued. Implementation of the law was put on hold by a court injunction.

As modified by the Adams amendment, LB 641 would rewrite much of the learning community law enacted in LB 1024. Adams said compromise was necessary to move the issue forward.

"There are issues that surpass any one community, like poverty, like student achievement. It takes a cooperative effort to deal with those kinds of things," he said.

Adams called the amendment a "beginning point" and urged his colleagues to be visionary in examination of the issue.

Speaker Mike Flood agreed, offering lawmakers a process by which concerns, questions and issues would be recorded and considered as the bill moves to select file. He acknowledged that the amendment and the bill would still need work.

"But it takes us from zero almost all the way across the football field down to the five yard line on the other side," Flood said.

Significant features of the Adams amendment include the following provisions.

*Establishment of learning communities* – LB 641 would

retain current law regarding the procedure for establishing a learning community. The existing requirement for a learning community comprised of districts within and adjacent to a metropolitan class city would remain in place. Learning communities also could be established outside a city of the metropolitan class at the request of one or more local school boards provided that all school districts headquartered in a specific county are participating and either the school districts are all sparse or very sparse for the purpose of calculating state aid or the requesting school districts have at least 2,000 students.

*Governance* – Learning communities would be governed by an 18-member coordinating council elected from six districts. Council members would be chosen through a process known as limited voting. Limited voting means that each voter could vote for two candidates to fill the three available seats. The intent of limited voting is to increase the likelihood of diversity on the coordinating council. The board members would be paid a salary that is the average of salaries for county board and city council members in a metropolitan class city.

The three members from each election district would serve as an achievement subcouncil for their district. Achievement subcouncils would be responsible for:

- operating elementary learning centers;
- reviewing and approving the poverty and limited English proficiency plans for the schools located in their districts; and
- receiving community input and complaints regarding achievement

in their territory.

*School district boundaries* – The bill would repeal existing law that would result in the division of the Omaha Public Schools district into three separate districts. School districts within the learning community would not be allowed to expand into territory of another school district without a mutual agreement with the other district.

*Learning community authority* – Learning communities would be charged with the following responsibilities:

- analyzing achievement data;
- coordinating the development of focus schools;
- providing annual school fairs to provide students and parents the opportunity to explore educational opportunities;
- developing elementary learning centers;
- receiving community input and complaints;
- establishing a procedure for utilizing a mediation center to resolve disputes between member school districts; and
- assisting planning commissions in developing a long range plan for deconcentration of affordable housing.

*School finance* – Under the amended bill, the common property tax levy for learning communities would be eliminated. Each school district within the learning community would be allowed a property tax levy of up to \$1 per \$100 of valuation. Beginning in fiscal year 2008-09, each school district within a learning community would receive additional state aid equal to a 5-cent property tax levy in its district.

*Budget limitations* – Budget

# A CLOSER LOOK .....



York Sen. Greg Adams introduces his amendment to LB 641.

limitations for all K-12 school districts would be changed, limiting annual general fund budget expenditures to the greater of the following:

- the prior year's general fund expenditures plus the local system's allowable growth rate, which is the existing limitation; or
- 103.5 percent of the school district's needs for the purpose of calculating state aid.

*Educational opportunities* – Priority in open enrollment among learning community school districts would be given to students who bring a school building's enrollment diversity closer to the average diversity of the entire learning community. As part of a learning community's diversity plan, each regular middle school building and high school building would be required to reserve 5 percent of its capacity for students from outside its attendance area.

Free transportation would be provided to a student who transfers from one school to another within the learning community if he or she

is:

- a poverty student, generally defined as a student who qualifies for free milk or lunches;
- moving to a school building where at least 50 percent of the students who live in the attendance area of the school and attend the school are poverty students; or
- attending a focus school.

Interdistrict transportation would not be provided to students who would not improve the socioeconomic diversity of the school building they attend. Laws requiring an integration task force and providing for sanctions against school districts not in compliance with integration goals would be repealed.

*Poverty and LEP plans* – Each school district within a learning community would be required to develop and adopt plans addressing needs created by poverty and limited English proficiency. The poverty plans would address:

- attendance;
- student mobility;

- parental involvement;
- class size;
- uninterrupted teaching time;
- access to early childhood education programs for poverty students;
- student access to social workers;
- access to summer school;
- mentoring for new and reassigned teachers;
- professional development for teachers focused on the educational needs of poverty and diverse students; and
- evaluation of the poverty plan.

The limited English proficiency plans would address language programs as well as teacher recruitment and professional development.

*Professional development* – The learning community would develop a professional development plan for staff that would work in conjunction with its plans for diversity, poverty and limited English proficiency.

*Elementary learning centers* – An elementary learning center would be required for each 25 elementary schools in which at least 50 percent of the students attending the school from its attendance area would be poverty students.

Programs offered by elementary attendance centers would be designed to enhance the academic success of elementary students, and would include:

- summer school, extended school day programs and extended school year programs;
- literacy centers for providing intensive assistance to elementary age children and their parents;
- computer labs;
- tutors and mentors for elementary students;
- services for transient students;
- assistance in resolving truancy

# A CLOSER LOOK .....

issues;

- transportation for truant students;
- English classes for parents and other family members;
- health services;
- childcare for parents working on their own or their child's literacy skills at the center;
- nutritional services for families working on skills at the center;
- transportation for participating families;
- distribution of clothing and school supplies;
- information on other resources to assist participating families;
- access to ombudsmanservices; and
- interpreter services for educational needs.

Adams said the proposal's governance and diversity provisions were critical.

"This is a way of putting OPS back together and creating a community of interest around schools," he said.

Sen. Brad Ashford of Omaha said the approach would offer hope for improving educational opportunity through collaboration and cooperation. Often times, poor families find themselves without options when it comes to education, he said.

"This bill says, 'You now have choices,'" Ashford said.

Some questioned the necessity of adding a layer of governance on top of existing local school boards. Sen. Tim Gay of Papillion acknowledged that people would be needed to run the programs called for in the

amendment, but suggested that perhaps the funding needed for the learning community coordinating council and its members' salaries could be too much to swallow. Estimates indicate the annual salaries of learning community coordinating council members could be approximately \$30,000.

"Where could that go to create some opportunities for children in

and its members, meaning the governance portion of the plan is not merely more bureaucracy, Chambers said.

"It is going to drive the engine that is going to make this whole plan work," he said.

Sen. John Synowiecki of Omaha urged those working on the issue to maintain the proposal's preference in open enrollment policies for students

who increase diversity in school buildings throughout the learning community. He expressed concern that some schools may reach capacity otherwise and not allow students to pursue educational opportunities outside of their attendance area.

"If they put up 'No Vacancy' signs, this thing will fail," Synowiecki said.

But Gretna Sen. Gail Kopplin indicated the proposal's 5 percent space requirement would not be easy to implement. Diversity needs to be part of the proposal's goals, but schools that have reached capacity would have difficulty in complying with the 5 percent requirement, he said.

"The only way to make 5 percent of the space available is to tell 5 percent of the students to go away," Kopplin said.

Flood, Adams and Raikes all indicated they would work with lawmakers on the issues raised before the bill returns for second-round debate.

The Adams amendment was adopted 42-0 and the bill was advanced to select file 42-0.

“

**This is a way of putting OPS back together and creating a community of interest around schools.**

Sen. Greg Adams

”

poverty?" Gay asked.

Omaha Sen. Rich Pahls said in listening to Adams describe the amendment, he found himself agreeing with the proposal's broad goals. However, Pahls suggested many of these tasks could be handled by existing school boards.

"I don't think there are a bunch of educators saying we need the extra layer," he said.

Omaha Sen. Ernie Chambers, who along with Raikes developed LB 1024 as it was enacted, indicated he would support the compromise. The Adams amendment, he said, holds potential for addressing many of the same issues that he believed a breakup of OPS would have addressed.

School boards and superintendents would be forced to cooperate with the learning community coordinating council

# A CLOSER **LOOK** .....

## Senators move budget to final reading

(CONTINUED FROM FRONT PAGE)

funding. Construction costs increased 36.2 percent between 2004 and 2006 while state receipts for highway funds totaled 3.25 percent, he said.

By its actions, the committee anticipates a 1.8 cent increase in the gas tax in FY2008-09. The current tax is 27.1 cents.

"What we are about to give them this biennium is a drop in the bucket," Heidemann said.

White's amendment failed on a 17-23 vote.

However, the issue came up again during debate on **LB 323**, which provides for transfers from the cash reserve fund. Bayard Sen. Philip Erdman introduced an amendment that would have transferred \$19 million from the cash reserve fund to the highway cash fund. Erdman said the transfer would leave the cash fund at about \$405 million, which

would still meet the Appropriations Committee's goal of having more than \$400 million in the cash fund.

Heidemann said it is important to protect the cash fund in preparation for budget shortages in the future.

"I don't believe this is the path we want to start to go down," Heidemann said. "It's just delaying the pain."

Omaha Sen. Mike Friend said the Legislature should take advantage of the opportunity to avoid raising taxes.

"We are flush with cash," he said. "There's no need to raise taxes at all, not one penny."

But Sen. John Synowiecki of Omaha disagreed. He said the Roads Department has traditionally been funded through user fees, such as motor vehicle registration fees, the gas tax and sales tax on vehicles. Using money from the cash reserve fund would mean using money that

may have come from people who do not even have cars.

"I think that violates principles of equity and fair taxation," he said.

The Erdman amendment failed on a 16-24 vote and LB 323 was advanced to final reading by a voice vote.

### Economic development

In the area of economic development, Elkhorn Sen. Dwite Pedersen offered an unsuccessful amendment that would have restored funding for the Nebraska Lied Main Street Program. The amendment would have appropriated \$113,850 in each of FY2007-08 and FY2008-09 for the program.

Grand Island Sen. Ray Aguilar said the program provides funds for communities to revitalize their main street districts. He mentioned Burwell, Elkhorn and Fremont as communities that have benefited from the program.

Heidemann said the committee made the decision not to fund the program because private matching funds were available only through 2008.

Pedersen's amendment failed on a 18-23 vote.

Job training was another issue that came up during the budget discussion. Lincoln Sen. DiAnna Schimek introduced an amendment that would have reduced funding for the state Department of Economic Development's job training program. Although Schimek withdrew the amendment, Omaha Sen. Ernie Chambers offered an amendment that would have eliminated the \$10 million appropriation for the next biennium. Chambers said the



*Elk Creek Sen. Lavon Heidemann confers with Nickerson Sen. Ray Janssen.*

# A CLOSER LOOK .....

program had not yet spent the \$15 million appropriated to the program in the last biennium and called the proposed spending a “boondoggle.”

“We could wipe out this program without hurting anything,” he said.

Sen. Pat Engel of South Sioux City said the program was key to the economic development of the state.

“We have to compete with these other states because of our tax climate,” Engel said. “If we’re going to grow Nebraska, then I think it’s absolutely necessary.”

Chambers eventually withdrew the amendment and offered another in its place that would have reduced the program’s appropriation to only \$5 million for FY2007-08.

Lincoln Sen. Tony Fulton said any decrease in the fund could potentially reduce the incentive companies would have to move to Nebraska for a trained workforce.

The amendment failed on a 9-27 vote.

## Health care

In the area of health care, two issues rose to the surface; one regarding services for the elderly and the other relating to health care professional recruitment programs.

Chambers offered an amendment to appropriate \$290,000 each fiscal year of the biennium to the Eastern Nebraska Office on Aging. The office provides services such as Meals on Wheels to area seniors. Chambers said the office was on the verge of having to cut services because of a lack of funds.

“I don’t think we ought to wait until people are in extremely dire situations,” Chambers said. “Prevention is better than cure.”

Heidemann said he appreciated

the services the office provided, but defended the committee’s stance against appropriating more funding. He said the office had lost federal funds and the state could not be relied on to make up for that lack of funds.

Omaha Sen. Brad Ashford said the state couldn’t afford not to fund programs like this.

“If we don’t invest this money, the cost of other medical services will be much greater in the long run,” he said.

The Chambers amendment was adopted on a 31-7 vote.

Sen. Vickie McDonald of St. Paul introduced an amendment that would appropriate \$250,000 in FY2007-08 and \$500,000 in FY2008-09 for area health education centers. Citing a shortage of health care professionals, McDonald said the centers’ work in recruiting young people to careers in the medical field is essential.

The centers are currently funded by federal grants that will expire in the next few years. Those whose grants have expired cannot reapply for federal grants until all of the state’s centers’ grants are expired. McDonald said that would happen in 2011.

Heidemann said the Appropriations Committee could not begin covering losses in federal funds.

“The federal government is notorious for starting programs and then walking away from them,” Heidemann said.

Although the amendment initially failed on a 20-14 vote, reconsideration of the amendment the following day resulted in its adoption on a 27-15 vote.

## Other amendments

Sen. Chris Langemeier of Schuyler offered, and later withdrew, an amendment that would have reduced funding for the Board of Educational Land and Funds.

Blair Sen. Mick Mines offered, and later withdrew, an amendment that would have transferred \$4 million of general funds from the regional centers to behavioral health aid programs. The amendment also would have included the state’s intent to close the Hastings Regional Center on July 1 and transfer developmental disability services to the Norfolk Regional Center.

Sen. Mark Christensen of Imperial offered, and later withdrew, an amendment that would have reduced University of Nebraska research funding by \$1 million. Christensen said he introduced the amendment in light of the university’s stance on embryonic stem cells.

Several other bills comprise the budget package. Each was advanced by voice vote to final reading.

**LB 317** would provide for deficit appropriations. Heidemann offered an amendment, adopted 26-1, that would increase the governor’s emergency fund by \$1 million in light of damage caused by recent heavy rainfall.

**LB 318** would appropriate funds for salaries of members of the Legislature.

**LB 319** would appropriate funds for salaries of constitutional officers.

**LB 320** would appropriate funds for Capital construction. Heidemann offered an amendment, adopted 32-0, that would change the cash flow for capitol restoration funding.

**LB 322** would change provisions relating to certain funds and provide for transfers of funds and extend an excise tax.

# MEET THE SENATORS

## Politics one of many interests for White

The first thing to greet visitors in Sen. Tom White's Capitol office is a huge abstract oil painting its thick green and blue paint strokes dragged over small yellow squares. It was painted by a recent University of Nebraska graduate, he said, and is one of many works he's collected by Omaha area artists.

Art collecting is but one of his many hobbies. Riding horses also is a favorite pastime for White, who owns a beautiful chestnut-colored horse named Elvis. A recent trail ride took them more than 300 miles, from Ogallala to Omaha's River City Roundup.

"Elvis was coming unglued the whole way," he said. "He was bred to run."

White also likes to read and tend his garden, which he said is sadly neglected these days. He tries to make time for golfing with long-time friends, whom he said have learned to use his busy schedule to their advantage.

"Stress kills my golf game," he said, shaking his head.

His first session serving as state senator for Omaha's eighth district has left little time for such hobbies.

"My kids still talk to me, however," he joked.

He and his wife, Barb, have a 15-year-old son named Logan and a 13-year-old daughter, Reilly. Their names are traditional Irish names, following the convention of naming one's children with their mother's or grandmother's maiden name. Tom's middle name is Malloy, for the same reason.

Tom met his wife while attending Creighton Law School after he returned from a year's stint hitchhiking across New Zealand and Australia. He saved money for the trip by driving a truck after finishing his philosophy

and history degrees at Denver's Regis College.

Once overseas, he picked fruit and installed satellites to fund his stay. He also worked on mail boats on the fjords surrounding Mount Cook, New Zealand's highest mountain.

After law school, White clerked for an 8th Circuit Court of Appeals judge and later started a small firm with another law school classmate. As a partner with the firm White, Wulff and Jorgensen, his career has focused on commercial contracts, workplace discrimination and civil rights law.

When asked when his interest in government began, he equated the question to "asking a fish when he was first wet."

His family has been active in politics since before Nebraska was a state, he said, with many family members holding public office. Most recently, his father served as a Nebraska Supreme Court judge from 1977-1998, serving as chief justice the last four years. So it



*Sen. Tom White rides his horse, Elvis. A recent trail ride took them more than 300 miles across the state.*

was no surprise to Tom's family that he decided to run for a legislative seat.

Since taking office, he's been impressed by his colleagues' breadth of knowledge, he said.

"I've been stunned at how really smart and skilled they are," White said. "I learn so much from them."

He admitted that his new role in public office has been time consuming and a lot of work, but he says it's an honor to do it. As the session wears on, he reminds himself that the arguments are about issues, not the people, he said. It's an adage that served him well in his law career.

"I'm a trial lawyer," he said, "so I know people can be very emotional about issues."

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MAY 7, 2007, THROUGH THURSDAY, MAY 10, 2007

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
12	Mines	Change the Commercial Dog and Cat Operator Inspection Act	Advanced from Select File
69	Hudkins	Change the Agricultural Opportunities and Value-Added Partnerships Act	Passed by Legislature
435	Raikes	Provide for a study relating to the Nebraska State Fairgrounds	Passed by Legislature
516	Agriculture	Authorize a study with respect to corporate farming and agricultural production in Nebraska	Placed on Select File

## Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
317	Speaker Flood, req. of Gov.	Provide for deficit appropriations	Placed on Final Reading
318	Speaker Flood, req. of Gov.	Appropriate funds for salaries of members of the Legislature	Placed on Final Reading
319	Speaker Flood, req. of Gov.	Appropriate funds for salaries of constitutional officers	Placed on Final Reading
320	Speaker Flood, req. of Gov.	Appropriate funds for capital construction	Placed on Final Reading
321	Speaker Flood, req. of Gov.	Appropriate funds for state government expenses	Placed on Final Reading
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 Final Reading
323	Speaker Flood, req. of Gov.	Provide for transfers from the Cash Reserve Fund	Placed on Final Reading
542	Synowiecki	Create the Children's Behavioral Health Task Force	Placed on Select File

## Banking, Commerce and Insurance

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

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
88	Business and Labor	Provide for payment of claims against the state	Placed on Final Reading
226	Cornett	Change provisions relating to boiler inspections	Passed by Legislature
339	Business and Labor	Change provisions relating to claims against the state	Placed on Final Reading
588	Business and Labor	Change provisions relating to the workers' compensation hospital fee schedule, payment of providers, and disability compensation	Placed on Final Reading

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MAY 7, 2007, THROUGH THURSDAY, MAY 10, 2007

## Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
219	Dierks	Change requirements for freeholder petitions	Passed by Legislature
316	Friend	Create the Special Education Services Task Force	Placed on Final Reading
342	Raikes	Adopt the Community College Foundation and Equalization Aid Act and change postsecondary education scholarship provisions	Placed on Select File
641	Raikes	Provide for the division of a learning community into separate education centers and establish procedures	Advanced from General File

## General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
578	McDonald	Change alcohol excise tax provisions, prohibited interests in alcoholic liquor wholesalers and business premises, and penalties for driving under the influence	Placed on Final Reading

## Government, Military, Veterans Affairs

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

## Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
144	McDonald	Adopt the Hepatitis C Education and Prevention Act	Passed by Legislature
236	Johnson	Provide for and change regulation of perfusionists, optometrists, pharmacy technicians, and in-home personal service providers	Passed by Legislature
445	Stuthman	Provide qualifications and certification requirements for certain persons under the Commission for the Blind and Visually Impaired Act	Passed by Legislature
463	Johnson	Adopt the Uniform Credentialing Act	Passed by Legislature
481	Johnson	Change criminal background check and examination requirements under the Uniform Licensing Law	Passed by Legislature
482	Johnson	Adopt the Autism Treatment Program Act	Placed on Select File
610	Legislative Performance Audit	Provide documentation and recordkeeping requirements for the Department of Health and Human Services regarding sex offenders	Passed by Legislature

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MAY 7, 2007, THROUGH THURSDAY, MAY 10, 2007

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
8	Preister	Increase penalty for accumulation of junk	Passed by Legislature
132	Nantkes	Provide for setting aside a legal separation decree	Passed by Legislature
152	Pankonin	Change insurer reporting requirements regarding professional liability claims	Passed by Legislature
214	Ashford	Change acting county attorney compensation, provide for county judge interchange, and eliminate an obsolete procedure	Passed by Legislature
218	Burling	Change provisions relating to the acquisition of certain drug products	Passed by Legislature
227	Cornett	Change provisions governing certain offenses relating to animals	Passed by Legislature
274	McDonald	Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability	Placed on Final Reading
373	Schimek	Provide for inadmissibility of apologies regarding medical care as evidence	Placed on Final Reading
377	Ashford	Reallocate county, district, and separate juvenile court judgeships and change salary provisions of judges	Placed on Select File
382	Pahls	Change provisions relating to notaries public	Passed by Legislature
424	Adams	Prohibit the breathing, inhaling, or drinking of certain compounds	Passed by Legislature
449	Ashford	Change provisions on how judicial records are proved	Passed by Legislature
540	Synowiecki	Adopt the Probation and Parole Services Study Act	Placed on Final Reading
564	Friend	Change provisions relating to tort claims with respect to recreational liability	Passed by Legislature
580	Preister	Change provisions relating to tobacco product manufacturers	Passed by Legislature
674	Lathrop	Adopt the Credit Report Protection Act and prohibit certain uses of social security numbers	Advanced from Select File

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
504	Mines	Prohibit hunting through the Internet	Advanced from Select File
629	Dierks	Adopt the Rural Community-Based Energy Development Act	Placed on Final Reading
664	Hudkins	Eliminate an exemption from licensure as a geologist	Passed by Legislature

## Retirement

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

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, MAY 7, 2007, THROUGH THURSDAY, MAY 10, 2007

## Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
305	Fischer	Change distribution of certain sales tax revenue	Placed on Final Reading
334	Dierks	Provide for merger of Department of Property Assessment and Taxation and Department of Revenue and change property tax provisions	Advanced from Select File
364	Flood	Change apportionment of inheritance tax revenue	Passed by Legislature
367	Janssen	Change and eliminate estate tax, property tax, sales and use tax, and income tax provisions	Placed on Final Reading
456	White	Provide an income tax credit for franchise taxes paid by certain financial institutions	Placed on Select File

## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
147	McDonald	Change penalty provisions for vehicle loads	Passed by Legislature
277	Mines	Change provisions relating to a metropolitan transportation improvement program in lieu of a Department of Roads plan	Passed by Legislature
561	Fischer	Change provisions relating to removal of disabled or immobilized vehicles	Passed by Legislature

## Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR6CA	Avery	Constitutional amendment to allow investment of public endowment funds by certain cities	Passed by Legislature

## Contacting the Capitol: Popular legislative web site features



Nebraska Legislature Web..... <http://nebraskalegislature.gov>  
 Bills & Laws..... <http://nebraskalegislature.gov/web/public/research>  
 Senators..... <http://nebraskalegislature.gov/web/public/senators>  
 Unic@meral Update Online ..... <http://nebraskalegislature.gov/web/public/update>  
 Warner Institute for Education in Democracy..... <http://nebraskalegislature.gov/web/public/learning>

# CAPITOL NEWS

## Project Citizen students propose policies

Nebraska students traveled to the State Capitol May 7 to participate in the state's high school Project Citizen program.

Administered by the Office of the Clerk of the Legislature, Project Citizen promotes student participation in local and state government by teaching young people to monitor and influence public policy.

In their presentations, the students explained how their proposed policies would solve the problems they identified. They examined various alternative policies to address the issue and explained how they would proceed to implement their policies.

Johnson-Brock High School, led by teacher Lori Broady, earned

first place with their presentation on improving security on college campuses. Wilcox-Hildreth High School, led by Ken Meyers, won second with their presentation on clarifying their school's tobacco policy. Third place went to Lincoln East High School, led by Tim Bayne, for their proposal to change student identification requirements.

The event was judged by Janet Bancroft, public information officer for the Nebraska Supreme Court; Doris Huffman, executive director of the Nebraska State Bar Foundation; and Sean Schmeits, legislative aide to Omaha Sen. Steve Lathrop. Holdrege Sen. Tom Carlson spoke to the students during the event.

The program is part of the Legislature's Warner Institute for

Education in Democracy. To learn more about Project Citizen, visit [www.nebraskalegislature.gov/web/public/pc](http://www.nebraskalegislature.gov/web/public/pc).



*The Project Citizen judges engage in question-and-answer about the students' presentations.*



*Wilcox-Hildreth High School students give their Project Citizen presentation in the Capitol building's Warner Chamber May 7.*

# 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.

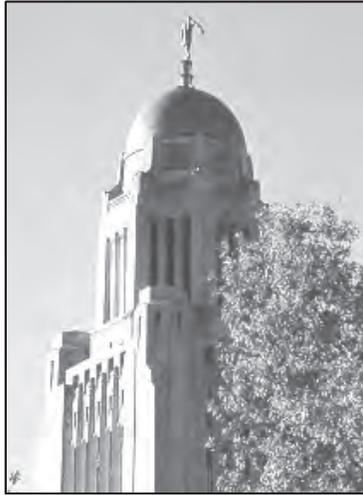
**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**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.

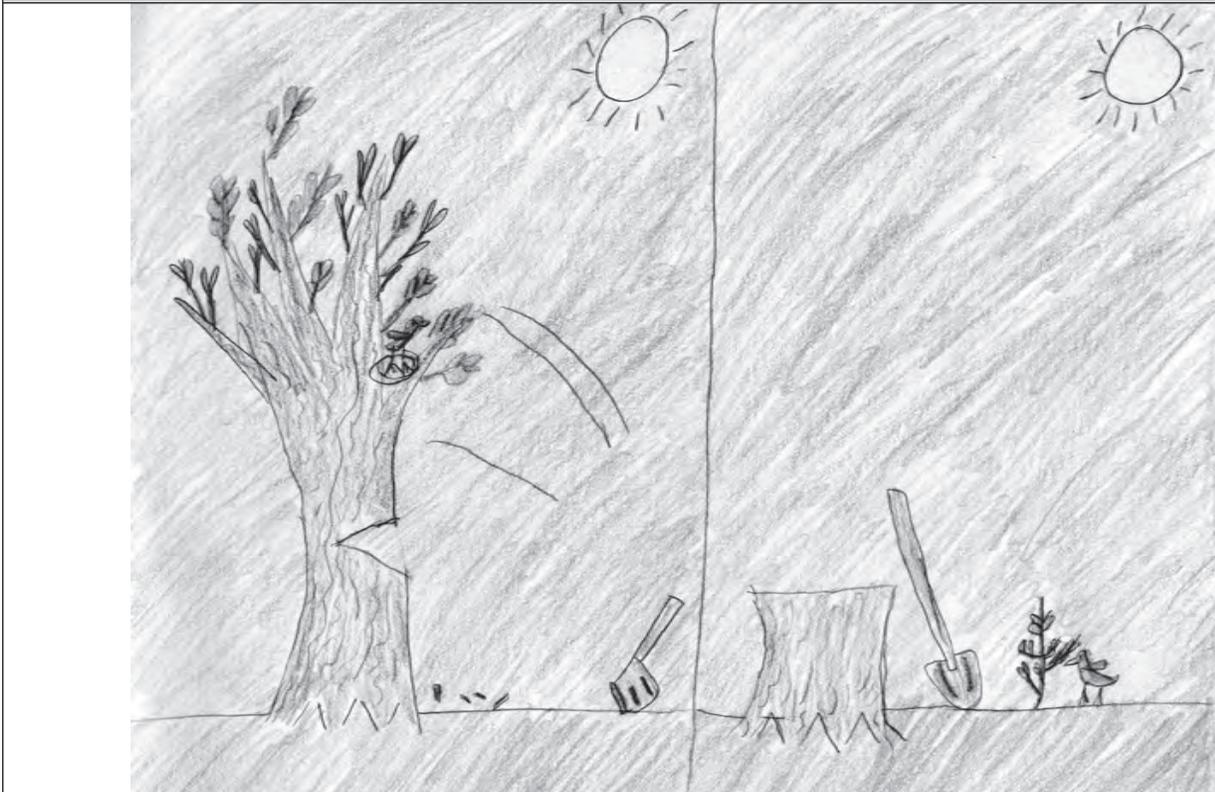
**Veto Override** - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

**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



**Third place winner:** Kali Lenhoff, age 11, Randolph Elementary School, Randolph. "When you take down a tree, you need to plant another one."

## 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](http://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.

## UNICAMERALUPDATE

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.

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Clerk of the Legislature  
Patrick J. O'Donnell

Editor  
Mitchell S. McCartney

Contributors  
Lauren Adams  
Kate Heltzel  
Connie Pritchard  
Heidi Uhing

Assistance provided by

Bess Ghormley  
Clerk of the Legislature's Office  
Legislative Bill Room  
Legislative committee clerks  
Legislative committee legal counsels  
Legislative journal clerks  
Legislative Mail Room  
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# UNICAMERAL UPDATE

## CLERK OF THE LEGISLATURE

Patrick J. O'Donnell  
Room 2018, State Capitol  
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