

THE NEBRASKA LEGISLATURE'S  
WEEKLY PUBLICATION

## UPDATE

## Options considered following repeal of LB 126

The concept of honoring the will of the voters came into conflict with the realities of carrying out public policy at an Education Committee hearing Feb. 20.

In 2005, the Legislature enacted LB 126, a measure that required many Class I school districts to assimilate into K-12 school systems beginning in the 2006-07 school year and eliminated Class VI school districts. Some Class I districts, based on proximity, size and enrollment, were granted

protections from closing under the legislation.

Class I school districts generally serve only kindergarten through eighth grade. Class VI districts, which were eliminated by LB 126, served only high school students.

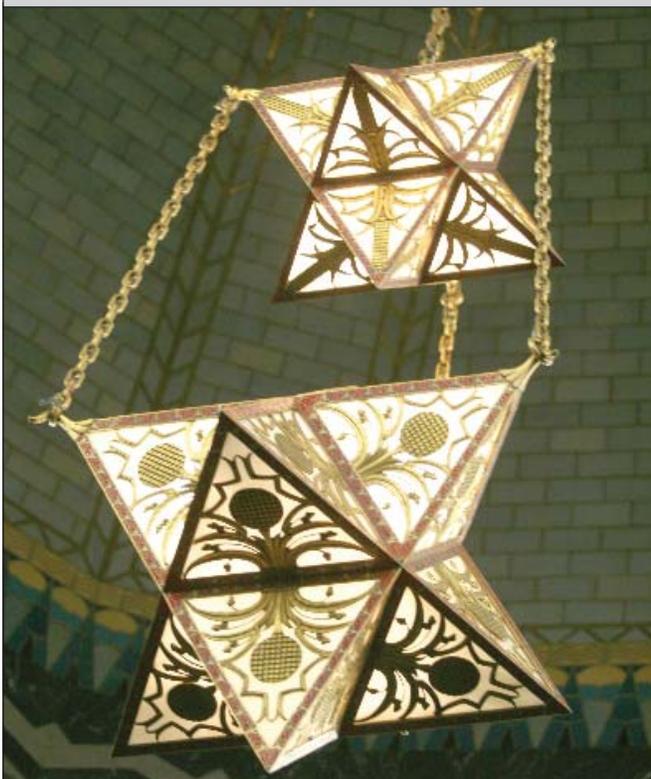
In the November election last year, voters approved Referendum 422, which repealed LB 126. This action, however, came after many Class I districts were dissolved under an order issued by the State Committee for the

Reorganization of School Districts. According to the Legislative Fiscal Office, 215 Class I districts were dissolved as a result of LB 126, and 53 elementary attendance centers from the former districts have been closed by their respective K-12 districts.

Supporters of Referendum 422 descended on the State Capitol in support of measures they say would restore their ability to operate Class I schools. Others, however, contended

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## CAPITOL SNAPSHOT



The chandelier in the rotunda of the Capitol's 14th floor.

## Committee releases state budget report

The Appropriations Committee released its preliminary budget report Feb. 23, proposing adjustments that would increase state obligations by \$31.6 million in comparison to Gov. David Heineman's budget plan. Later in the day, the Nebraska Economic Forecasting Advisory Board voted to revise its revenue projections upward.

The Appropriations Committee's recommendations would result in a financial status that is \$389.8 million above the minimum reserve – \$107 million below the governor's recommendations.

During the 2005-07 bi-

ennium, the average spending growth was 7.4 percent. Heineman recommended a spending growth rate of 3.8 percent and the committee's preliminary report puts the spending growth average at 4.2 percent.

The difference between the governor's proposed budget and the committee's preliminary budget amounts to about 0.5 percent of the total general fund budget over the two-year period.

The differences in amounts can be attributed to school aid funding and salary and health insurance cost increases. The committee used actual school

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# ISSUES UPFRONT



## Banking, Commerce and Insurance

### Omnibus banking bill moves forward

Lawmakers gave first-round approval Feb. 21 to a measure that would make numerous changes to the state's banking laws.

**LB 124**, introduced by the Banking, Commerce and Insurance Committee, would update statutes for state-chartered banks, building and loan associations and credit unions. As modified by a committee amendment, the bill also would include provisions from 12 other bills as follows:

**LB 114**, originally introduced by Omaha Sen. Rich Pahls, would change various sections of the Nebraska Uniform Trust Code to adopt updates that were approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws.



Sen. Rich Pahls

**LB 122**, originally sponsored by the committee, would change laws relating to assessments, examination costs and fees collected by the state Department of Banking and Finance.

**LB 125**, originally introduced by Pahls, would change the law that authorizes state-chartered banks to make community development

investments. The bill would increase the amount of a bank's aggregate investment from 10 percent to 15 percent of its capital and surplus. The bill also would repeal the law that requires banks to account for these investments as "other assets."

**LB 126**, originally introduced by Pahls, would add trust companies to the list of financial institutions covered under existing state law that prohibits two or more financial institutions in the same city, village or county from having identical or confusingly similar names.

**LB 127**, originally introduced by Pahls, would update laws governing loan brokers to require that the disclosure statement given to prospective borrowers must include the telephone number, e-mail address and Internet address of the loan broker. The bill also would require that the loan brokerage agreement to be signed by the loan broker and the borrower include the telephone number and e-mail and Internet address of the loan broker and the loan broker's agent for service of process.

**LB 128**, originally sponsored by Pahls, would require sales finance companies to have and maintain a minimum net capital requirement of \$100,000 and provide a surety bond of \$50,000 to cover any losses

resulting from violations of the law. Current licensees would have until Oct. 1, 2008, to meet these new requirements.

**LB 129**, originally sponsored by Pahls, would prohibit a person with a felony conviction from being employed at, or as an agent of, a mortgage banker. The bill would prohibit licensees, employees and agents from obtaining a signature on a document to be notarized without obtaining a notarial attestation until sometime later and outside the presence of the signer. The state would be authorized to participate in a uniform system of electronic licensing for entities that make residential mortgage loans.

**LB 130**, originally sponsored by Pahls, would set forth requirements for the relocation of a licensed installment office. The proposed requirements would include an application, a fee of \$150 and the publication of a notice in the county where the licensee wishes to relocate. If a substantive objection is filed to the proposed relocation, an administrative hearing would be held.

**LB 149**, originally introduced by Papillion Sen. Tim Gay, would change existing banking law that currently prohibits individuals, firms, companies, corporations



# ISSUES UPFRONT.....

or associations other than banks, building and loan associations, savings and loan associations or savings banks from using the word "bank" or any form of that word as any part of a title or description of any business activity.



Sen. Tim Gay

**LB 156**, originally introduced by Schuyler Sen. Chris Langemeier, would change banking law regarding boards of directors, bank premises, and account bonuses and premiums.



Sen. Chris Langemeier

**LB 189**, originally sponsored by Blair Sen. Mick Mines, would provide that certain transactions would not be presumed to be affected by a conflict of interest between the personal and fiduciary interests of a trustee if the transaction and any investment made pursuant to it complies with the prudent investor rule and is in the best interests of the beneficiaries.



Sen. Mick Mines

**LB 346**, originally introduced by Pahls, would change Nebraska's central filing system law relating to the filing of effective financing statements to better accommodate electronic filings of amendments and continuation statements. The bill would provide an alternative to the current requirement of including

the debtor's Social Security number or federal taxpayer identification number on such a statement.

LB 124 was advanced to select file by a 39-0 vote.

## Committee hears bill on auto insurance requirements

The Banking, Commerce and Insurance Committee heard a measure Feb. 20 that would adjust minimum automobile insurance requirements.

**LB 262**, sponsored by Omaha Sen. Lowen Kruse, would increase the minimum amount of liability insurance that motor vehicle owners would be required to carry. The bill would double the required coverage, creating new required minimums of \$50,000 for bodily injury, up to \$100,000 for bodily injury to two or more people and \$50,000 for property damage.



Sen. Lowen Kruse

According to Kruse, the changes would better reflect the current costs associated with motor vehicle accidents. The minimum liability rates were last adjusted in 1983.

The committee took no immediate action on LB 262.

## Health and Human Services

### Committee hears assistance program bills

The Health and Human Services Committee heard several bills Feb. 21 relating to medical and food stamp assistance programs.

**LR 10**, introduced by Kearney Sen. Joel Johnson, would urge

Nebraska's congressional delegation to ensure that Congress reauthorizes the state's children health insurance program. The program, known as Kids Connection, was authorized by Congress in 1996 and is up for reauthorization this year.



Sen. Joel Johnson

The federal government encouraged states' participation in the program by paying 72 percent of the cost of children's health insurance.

Johnson said that in 2005, more than 137,000 children – 30 percent of all children in Nebraska – obtained access to health care services through the Kids Connection and Medicaid programs. Still, he said, nearly 30,000 Nebraska children remain uninsured. Because of inflation and the rising cost of health care, Johnson said Nebraska will face a federal funding shortfall of \$14 million in fiscal year 2007-08 if the federal government does not provide the necessary dollars.

**LB 518**, introduced by Omaha Sen. Gwen Howard, would change the eligibility provisions for children less than 19 years old and pregnant women with family income at or below 185 percent of poverty guidelines who receive medical assistance from the Kids Connection program.



Sen. Gwen Howard

The bill would extend the initial length of coverage eligibility from six consecutive months to 12

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consecutive months prior to review of eligibility. It also would change the time between reviews to 12 months of continuous eligibility.

**LB 666**, introduced by Elkhorn Sen. Dwite Pedersen, would provide those individuals released from incarceration with psychiatric disabilities with access to medical assistance. The bill would also require that these individuals be provided a 30-day supply of any psychiatric medications they were taking prior to release.



Sen. Dwite Pedersen

The state Department of Correctional Services and the Health and Human Services System would identify individuals with psychiatric disabilities and offer assistance in filling out applications and connecting them to programs for which they are eligible.

Under the bill, case management services would be provided at least 90 days prior to release. A case manager would work with the incarcerated person to arrange shelter, mental health services and access to federal benefit programs for which the person is eligible.

**LB 292**, introduced by North Platte Sen. Tom Hansen, would permit an intergovernmental transfer of money by allowing counties to make assistance payments to the state Department of Health and



Sen. Tom Hansen

Human Services Finance and Support.

HHS would then forward the assistance payments to the appropriate provider. Under current law, those payments are made directly to the provider.



Sen. Gail Kopplin

**LB 171**, introduced by Gretna Sen. Gail Kopplin, would require HHS to apply for and use all options and waivers available to the state under the federal food stamp program.

The committee took no immediate action on the bills.

### Bill would require policies on sex offender transfer, release

The Health and Human Services Committee heard testimony Feb. 22 on a bill that would require the state Department of Health and Human Services to develop policies regarding the handling of sex offenders.

**LB 610** was introduced by the Legislative Performance Audit Committee as a follow-up to its August 2006 report on the Lincoln Regional Center's sex offender services program. The report found that although the program had written policies regarding the transfer and discharge of sex offenders, the policies needed to be clarified and the transfer and release of sex offenders needed to be formalized.

The committee took no immediate action on the bill.

## Judiciary

### Work camp changes given initial okay

Senators gave first-round approval Feb. 22 to a bill that would alter the role and mission of the work ethic camp in McCook.

**LB 83**, introduced by Omaha Sen. John Synowiecki, would allow the Parole Board to use the work ethic camp in McCook as a transitional program for incarcerated offenders prior to being released on parole.



Sen. John Synowiecki

Currently, the work ethic camp program is limited to individuals who are sentenced to intensive supervised probation instead of incarceration. Under LB 83, the Parole Board could use the work ethic camp as a transitional phase prior to release on parole for certain offenders who the board believes would benefit from participation in the program. Placement at the camp as a condition of release on parole could last no longer than 180 days. Offenders convicted of sexual assault or a capital crime, or who have been incarcerated previously for a violent felony would be ineligible.

Offenders placed at the work ethic camp by the Board of Parole would be released on parole upon successful completion of the work camp program. If such an offender fails to complete the work ethic camp program, he or she would be

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returned to the Parole Board to face a rescission hearing.

After adopting a technical amendment offered by Omaha Sen. Ernie Chambers, lawmakers advanced LB 83 to select file on a 32-0 vote.

## Natural Resources

### Lawmakers debate changes to Environmental Trust Board appointments

Senators began second-round debate Feb. 20 on a proposal that would change geographic areas from which members of the Environmental Trust Board are appointed.

**LB 291**, sponsored by North Platte Sen. Tom Hansen, would model new districts after the Game and Parks Commission districts created in 2002. Currently, the board consists of nine citizen members representing the three congressional districts and five members of the executive branch. Executive branch members include the directors of the Environmental Quality, Natural Resources and Agriculture departments and the secretary of the Game and Parks Commission.



Sen. Tom Hansen

LB 291 would allow the governor to appoint one citizen from each of the eight newly-created districts.

Sen. Don Preister of Bellevue offered an amendment that would essentially kill the bill.

"We're totally turning around the democratic process," Preister said of LB 291.

He said the bill would divide the

districts based on geography rather than on population. This is unnecessary because state law already requires the Environmental Trust Board to consider geography in awarding funding to various projects, Preister said.

"The system is not broken and has worked," he said.

Hansen said the bill would make the process fairer for citizens in rural areas since representation wouldn't be based on population.

The Legislature adjourned before a vote was taken on Preister's amendment.



Sen. Don Preister

## Retirement Systems

### School retirement measures heard

The Retirement Systems Committee heard three measures Feb. 20 related to retirement plans for school employees.

**LB 499**, sponsored by Omaha Sen. Tom White, would make two changes to the retirement plan for employees of the Omaha Public Schools system.

First, the bill would require the state to provide funding for the OPS retirement system at the same rate as is provided to the School Retirement Fund, which serves the rest of the state's school employees, when funding is provided to cover an unfunded actuarial liability.

Second, the bill would increase



Sen. Tom White

the contribution rates for the OPS retirement plan. Under LB 499, the employee contribution rate would increase from 6.3 percent to 7.3 percent and the employer contribution rate would increase from 100 percent to 101 percent of the employee contribution.

**LB 508**, introduced by Sen. John Synowiecki of Omaha, would extend the deadlines by which plan members applying for disability retirement benefits and surviving spouses have to make applications and claims on their accounts. The changes would affect members of both the school employee and judges' retirement plans.



Sen. John Synowiecki

**LB 596**, sponsored by Gretna Sen. Gail Kopplin, would increase the monthly benefit for retired school personnel by providing an adjustment based on the Consumer Price Index.

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



Sen. Gail Kopplin

## Revenue

### College textbook exemption proposed

The Revenue Committee heard a proposal Feb. 23 that would exempt college textbooks from sales tax.

Under **LB 32**, introduced by Lincoln Sen. Danielle Nantkes, students who attend an institution of

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higher learning in Nebraska, purchase textbooks from either a college or retail bookstore in Nebraska and present a valid student identification at the time of the sale would be exempt from paying sales tax on the purchase.



Sen. Danielle Nantkes

Fiscal estimates suggest the proposed exemption could reduce state revenues by \$3 million in fiscal year 2007-08 and by \$3.1 million in FY2008-09.

The committee took no immediate action on LB 32.

## Transportation and Telecommunications

### Motorcycle safety debated in hearing

The Transportation and Telecommunications Committee heard testimony Feb. 20 pertaining to motorcycle riders.

**LB 253**, introduced by Tekamah Sen. Kent Rogert, would no longer require certain motorcycle or moped operators who are 21 or older to wear a protective helmet.



Sen. Kent Rogert

Those under the age of 21 would continue to be required to wear a protective helmet. Those 21 or older would be required to wear a protective helmet, unless they have successfully completed a motorcycle safety course. Beginning on Jan. 1,

2008, those riders exempt from the helmet requirement also would be required to wear eye protection.

Operators who were born prior to 1987 would be exempt from the requirement to wear a protective helmet, provided they wear eye protection and had a motorcycle license prior to Jan. 1, 2008. They would not be required to carry proof of successful completion of a motorcycle safety course.

Currently, all motorcycle or moped operators are required to wear protective helmets on state highways.

The bill would increase the motorcycle registration fee by \$5 starting Oct. 1 to provide for the expected increase in demand by motorcycle operators to enroll in a motorcycle safety course.

The words "helmet not required" would be printed on the operator's license for those who are exempt from wearing a helmet.

The minimum fine for operation of a motorcycle without a motorcycle operator's license or endorsement would increase from \$10 to \$75. Any individual violating this law would be guilty of a Class III misdemeanor.

### **LB 589**

sponsored by Bellevue Sen. Abbie Cornett, would make a motorcycle safety training course part of a three-step process when obtaining a motorcycle license.



Sen. Abbie Cornett

The bill would require individuals to take the safety training course prior to obtaining a learner's permit.

Persons age 21 or older who have a valid motorcycle license when this bill would be enacted would not be

required to take the class.

The committee took no immediate action on either bill.

## Urban Affairs

### Bill would add Omaha city council members

The Urban Affairs Committee advanced a bill Feb. 20 that would allow the addition of two city council members in cities of the metropolitan class.

**LB 405**, introduced by Elkhorn Sen. Dwite Pedersen, 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.



Sen. Dwite Pedersen

Current law provides for seven city council members. Omaha is the state's only city of the metropolitan class.

If passed, the eighth and ninth council members would be appointed by a majority vote of the current council members within 90 days of 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 Elkhorn and other areas that may be annexed by the city of Omaha.

The U.S. Supreme Court denied the city of Elkhorn's request Feb. 22 to freeze Omaha's annexation.

The committee voted 6-0 to advance the bill with amendments.

# A CLOSER LOOK.....

## Options considered following repeal of LB 126

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that it may not be easy to revert back to the system as it was prior to LB 126.

**LB 234**, sponsored by Ewing Sen. Cap Dierks, would reestablish school districts that existed on Nov. 30, 2005, but were later dissolved. The reestablished school districts would have the same boundaries, assets, liabilities, board members, legal powers and budget authority that they possessed on Nov. 30, 2005. Assets that were the property of a dissolved Class I school district on June 14, 2006, would be conveyed to the reestablished school district.

**LB 30**, introduced by Sen. Carol Hudkins of Malcolm, would require that Class I and Class VI school districts that were reorganized pursuant to LB 126 be restored on the effective date of the bill according to their boundaries as of Nov. 30, 2005. The school board of the reorganized district would hold a special election within two months to decide if the district should remain a Class I or Class VI district. The state Department of Education would be required to pay the costs of the special election.

If patrons voted to retain the new district, then property, assets and liabilities of the districts would be returned. Staff who were formerly employed by a Class I or Class VI district would have the first opportunity for employment at the salary they earned as of Nov. 30, 2005. Districts would receive state aid based on the average daily membership of the district for the most recently available complete data year on Nov. 30, 2005. If patrons would vote to dissolve the districts, then the districts would

remain as they were reorganized pursuant to LB 126.

Dierks said Class I schools fulfill a unique purpose in rural Nebraska.

"The children receive an excellent education in these schools without traveling long distances to larger schools," he said.

He said LB 234 was a simple response to what the majority of voters indicated they wanted done in the November election.

"Nebraska voters have clearly told us what they want done with Class I schools. They want them back," Dierks said.

Hudkins said LB 126 was unnecessary because between 10 and 12 Class I schools had been closing each year on their own.

LB 234 would inadvertently affect Class I schools that had voluntarily closed, she said. Her bill, LB 30, would allow Class I patrons to decide whether to assimilate or maintain their district.

John Recknor, a Lincoln attorney who has represented Class I districts, said passing LB 234 is the only way the Legislature can keep faith with the voters. Those who voted to repeal LB 126 expect to be heard, he said.

"People are not going to go away and they're not going to be quiet," Recknor said.

While there may be logistical issues in restoring Class I districts, statutes already exist that can help work through those issues, he said.

Joan Hanson of Ithaca said closing Class I districts has not only affected the rural areas of western Nebraska, but communities like hers. She said the Class I school in Ithaca was closed by Wahoo Public Schools even though residents believed the school would be kept open.

People were building new houses in Ithaca, with one of the community's selling factors being the school, she said.

"When you shut down a community such as Ithaca, you're going to end up paying one way or another," Hanson said.

Broken Bow rancher Jeff Johnson said because of LB 126, he was unable to choose the school district his property tax dollars go to support.

"I have a Broken Bow address. I do business in Broken Bow. I support that community. My land got affiliated with something I have nothing to do with," Johnson said.

Lancaster County resident Ed Swotek supported LB 30. It was the loss of legitimate self governance and budget authority for Class I districts that led to the repeal of LB 126, he said.

Swotek has served as the chairman of the attendance center operating council for the Oak Valley school. He said the Malcolm school district has now decided to close Oak Valley.

Swotek said either LB 30 or a combination of LB 30 and LB 658 could help Nebraskans put the Class I issue behind them.

**LB 658**, sponsored by Sen. Ron Raikes of Lincoln, would establish a reorganization process allowing for the creation of new Class I school districts. The process would be initiated by an individual or group developing a plan describing the proposed district, resident students, facilities, staffing, estimated budget and a proposed method for dividing assets and liabilities.

Reorganization plans would be filed with the affected K-12 school district and the State Committee for the Reorganization of School

# A CLOSER LOOK.....

Districts. The plan would either be approved or denied by the state committee. If approved, the county clerk or election commissioner would prepare appropriate petitions for circulation. To be successful, a petition would need to receive signatures from 15 percent of the registered voters in the K-12 district and 55 percent of the registered voters in the proposed Class I district. The proposal would then be put on the ballot in the next statewide general election for consideration by the K-12 district voters. If successful, the proposal would take effect the following July 1.

The bill would require that Class I districts be affiliated with a single K-12 district and that their budgets be set by the high school district.

The option of reorganizing with a Class VI district would be eliminated and Class I districts would be part of a K-12 district for the purposes of voting and taxation. All reporting to the state Department of Education would be done from the K-12 district level.

Scott Norby, representing the Nebraska State Education Association, said LB 658 was the better response to the repeal of LB 126. Having represented Class I teachers in negotiations in recent months, he expressed concern that LB 234 would lead to reductions-in-force by K-12 districts and further

disruptions to the state's educational system.

"You can't turn back the hands of time," Norby said.

Gene Neddenriep, superintendent of Malcolm Public Schools, said the ability of school districts like his to meet their financial obligations would be threatened if forced to return assets back to the Class I districts that were dissolved.

"That money wasn't put in a jar somewhere. It's gone," he said. "I do

on," Grosshans said.

Acknowledging that not everyone in his district would agree with him, the superintendent of Schuyler Community Schools told the committee that LB 126 gave his school district the chance to "take a good system and make it a great system."

Robin Stevens said reorganizing the Schuyler district had improved communication, made more efficient use of personnel and streamlined the budget process. Work in these areas will continue, but reverting to the system prior to LB 126 is not the answer, he said.

"Improvements in these areas are a process, not an event," Stevens said.

Senators also took testimony on an option offered by Norfolk Sen. Mike Flood. **LB 357** would restore some of LB 126's provisions that

were repealed by voters in November 2006.

The bill would restore the ability to designate an elementary attendance center as a community school through the formation of an operating council. The bill also would restore provisions of LB 126 prohibiting the closure of elementary attendance centers unless certain conditions are met. Eligible K-12 school districts would be allowed to qualify for elementary improvement grants from fiscal year 2008-09 through FY2010-11.

The Education Committee took no immediate action on any of the bills.



Sen. Cap Dierks of Ewing introduced a bill that would reinstate Class I schools.

not believe you can turn back a year in time like nothing ever happened."

Norris school board member Larry Grosshans said the teachers in his district who previously worked for Class I districts probably would not want to return to the way things were before LB 126.

He said the teachers Norris has brought into their system from neighboring Class I districts have told him they are enjoying additional resources, increased compensation and team teaching opportunities.

"They said the era of Class Is was behind them and it was time to move

# A CLOSER LOOK.....

## Committee releases state budget report

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aid certification figures from fiscal year 2007-08 that weren't available to the governor when his recommendations were made. The governor proposed to fund state salary increases of 2 percent, while the committee proposed funding increases of 3 percent for university and state colleges and 2.5 percent for state agencies.

Among the significant adjustments from the current biennium recommended by the committee were the following:

- a \$197 million increase in state aid to schools;
- an \$80 million increase in state salaries;
- a \$47 million increase in the state's Medicaid program;
- a \$33 million increase in funding for homestead exemptions;
- a \$26 million reduction in retirement for K-12 schools, judges and State Patrol;
- a \$21 million increase in special education;
- a \$15 million increase in state health insurance;
- a \$15 million increase to fund the Norfolk sex offender unit;
- an \$11 million reduction in vacancy savings at state agencies, colleges and universities;
- a \$3.9 million decrease in county jail cost reimbursement; and
- a \$3.5 million decrease in the storm water grant program.

Heineman's \$6.7 billion biennial budget proposal came before the Legislature's Appropriations Committee Feb. 20.

The governor's recommendations would leave the state \$497 million above the minimum reserve, which

the governor would use for income tax reductions of \$431 million, repeal of the estate tax using \$30.4 million, repeal of the remaining sales tax on contractor labor using \$14.3 million, additional transfers to the Ethanol Production Incentive Cash fund totaling \$15.5 million and transfers to the water cash fund totaling \$5.4 million.

State Budget Administrator Gerry Oligmueller said the governor's plan includes a net reduction of \$16.5 million in general fund appropriations and a two-year average increase in general fund appropriations of 3.8 percent.

Testimony focused on a portion of **LB 320**, which would appropriate funds for capital construction.

Among other construction projects, the bill would set aside \$3.34 million to fund the state's portion of the Beal Slough flood project. The state penitentiary in Lincoln lies in a floodway and the possibility of a 100-year flood endangers the prison. A project to alleviate the problem is to be funded by the city of Lincoln, the state and the Lower Platte South Natural Resources District.

However, Nicole Fleck-Tooze of Lincoln's Department of Public Works and Utilities testified that the state was not contributing enough to the project.

She said the project's total cost would be \$7.32 million and the state's share should be \$5.79 million.

Other testimony was heard regarding **LB 322**, which would create and transfer various funds. One portion of the bill would credit revenue from an excise tax on corn and grain sorghum to the Ethanol Production Incentive Cash Fund and

the Water Resources Cash Fund.

Dean Edson of the Nebraska Association of Resource Districts said building a source of revenue to deal with Nebraska's water issues is an important step.

However, Don Batie of the Nebraska Farm Bureau said the checkoff is unfair.

"The governor's proposal leans too heavily on agriculture to meet the challenge," Batie said. "We strongly believe all Nebraskans have an interest in resolving our water challenges."

Several bills comprise the governor's budget package:

**LB 321** is the mainline budget bill and would appropriate funds for state government expenses.

**LB 318** would appropriate funds for legislative salaries.

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

**LB 323** would make various transfers to and from the state's cash reserve fund.

**LB 317** would make adjustments to funding for state operations, aid and construction programs.

The committee also heard testimony on **LB 249**, a bill sponsored by Elk Creek Sen. Lavon



Sen. Lavon Heidemann

Heidemann that would change how interest income is generated by the cash reserve fund beginning July 1. Current law directs that interest income from the fund be deposited to the general fund through June

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30 and then be directed to State Capitol restoration projects. LB 249 would continue sending interest income from the cash reserve fund to the general fund.

The forecasting board – whose job it is to set annual revenue projections for sales, income, corporate and miscellaneous

taxes – increased the amount of money the committee will have to work with in balancing the budget.

The board voted to increase the revenue projections for the current fiscal year by \$30 million, most of which is being anticipated from increased

individual income tax receipts.

For FY2007-08, the board predicts revenues will be \$27 million more than originally thought. The projection for FY2008-09 was increased by \$26 million. The board projects revenues for the 2007-09 biennium to total \$7.05 billion.

## Contacting the Capitol

### State government office phone numbers



Governor's Office .....	(402) 471-2244
Lt. Governor's Office.....	(402) 471-2256
Secretary of State's Office .....	(402) 471-2554
State Capitol Tours .....	(402) 471-0448
Legislative Hot Line (Lincoln).....	(402) 471-2709
Legislative Hot Line (Nebraska outside Lincoln) .....	(800) 742-7456
Legislative 24-Hour Automated Request Line .....	(402) 471-2877

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Nebraska Legislature Web site .....	nebraskalegislature.gov
Bills & documents search .....	nebraskalegislature.gov/web/public/research
Unic@meral Update Online .....	nebraskalegislature.gov/web/public/update
Warner Institute for Education in Democracy.....	nebraskalegislature.gov/web/public/learning

# A CLOSER LOOK.....

## Committee hears drunken driving bills

Preventing drunk driving was the topic of several bills heard Feb. 22 by the Judiciary Committee.

Under **LB 573**, introduced by Omaha Sen. Lowen Kruse, an establishment that negligently or recklessly serves alcohol to a noticeably intoxicated person would be liable for any injury, death or damage done to someone else by the intoxicated person.

Establishments could not be held liable if the employees have passed a state-certified server training program and the training was adhered to at the time of the alcohol sale to the intoxicated person.

"If you have trained your servers, a case against an establishment is not winnable," Kruse explained. "The person has to be noticeably intoxicated to other people in the bar."

Kruse called the server training the "heart of the bill."

"I am not interested in having a bunch of lawsuits or hassling bars," he said. "I am interested in educating servers."

Under the bill, a social host also would be liable for injury, death or damage resulting from his or her provision of alcohol to a minor.

Nebraska has a tremendous problem of people procuring for minors, primarily at keg parties, Kruse said. The state spends \$447 million per year in costs relating to underage drinkers. Those procuring for minors should be held accountable, he said.

"It's not an accidental offense. You do it knowingly," he said

Kruse said he would make LB 573 his priority bill this session.

Robert R. Moodie, representing the Nebraska Association of Trial Attorneys, supported the bill. He said 44 other states have similar laws holding the drinking establishment accountable.

"It's appropriate to hold the drunk driver responsible for the injuries and damages they have caused, but

“

I am not interested in having a bunch of lawsuits or hassling bars. I am interested in educating servers.

Sen. Lowen Kruse

”

it is also appropriate to hold the establishment responsible for their role," he said.

Nebraska City parent Tim Regler quoted statistics from the National Institute on Alcohol Abuse and Alcoholism that half of all rape cases involve alcohol consumption by the victim, the perpetrator or both.

Moreover, he said, alcohol companies should be held responsible for the results of intoxicated minors because they advertise directly to youth.

"Some billboards refer to liquor as liquid party-remover," Regler said.

"The door of responsibility swings in two directions," he said. "They need to stop trying to sell their product to minors who cannot legally purchase it."

Cathy Burson of Pride Omaha

Inc., an organization working to prevent tobacco, alcohol and drug use among youth, said the bill would serve as a strong deterrent.

Alcohol is the most preventable cause of death among youth in Nebraska, she said, stating that 79 percent of high school seniors report the illicit use of alcohol.

Mark Vasina, president of Nebraskans for Peace, said the bill would help solve the alcohol problems in Whiteclay. The town of 14 residents has four liquor establishments that are frequented by those living in the dry Pine Ridge Reservation.

"It looks like a senior frat party, wild in the streets," he said.

The liquor establishments there need to be held accountable for serving noticeably intoxicated people, who in turn cause problems in the community, Vasina said.

However, Jim Moylan, a lobbyist for the Nebraska Licensed Beverage Association, equated the bill to suing pop companies for causing sugar diabetes and fast food restaurants for causing obesity.

"Do we want to shift the responsibility of an individual to a third party?" he asked.

Moylan said insurance for this kind of liability can be incredibly expensive, averaging \$1,200 to \$2,400 a month for establishments serving wine and liquor.

"That would be a field day for insurance companies," he said.

Jim Partington, executive director of the Nebraska Restaurant Association, said most restaurants in the state are small businesses

# A CLOSER LOOK.....

employing 10 to 40 employees.

“These restaurants are unable to bear the cost of expensive litigation, even if they win in court,” he said.

Moreover, the alcohol consumption of their customers is difficult to monitor because their wait staffs are constantly moving around the restaurants, he said.

Joe Kohout, a lobbyist for the Responsible Beverage Operators of Nebraska, recommended that the bill provide guidelines for licensees to consider when determining whether to serve alcohol to an individual. He also said the requirement that all members

of an establishment’s staff be trained is unrealistic. These establishments have turnover, he explained, and it would take time to get new employees through the server training.

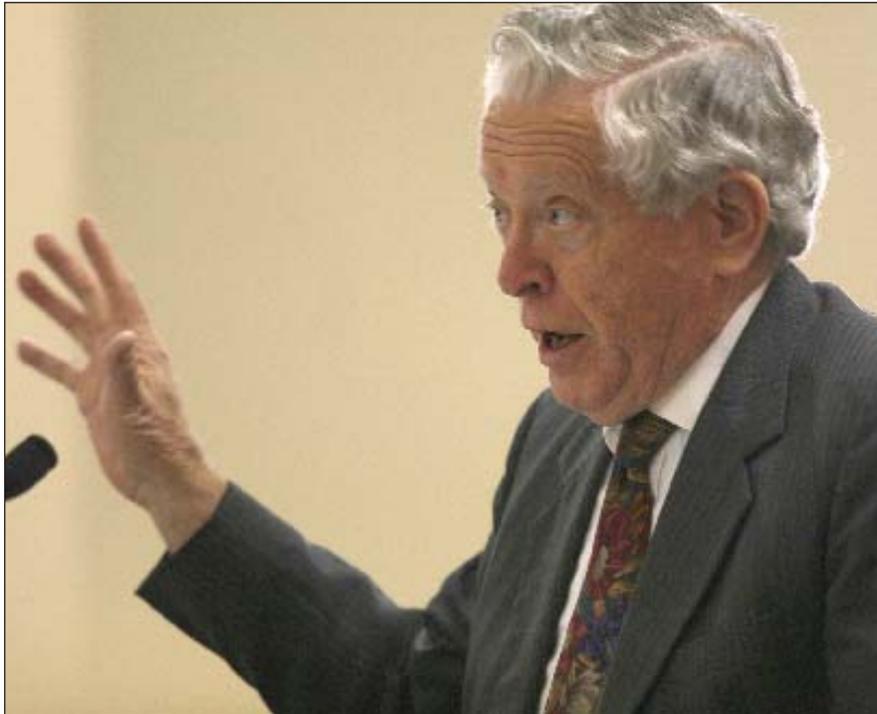
**LB 260**, also sponsored by Kruse, would add the penalties for violating implied consent to chemical test provisions when driving under the influence of alcohol or drugs to the recently enhanced penalties for driving with a blood alcohol level of .15 as enacted under LB 925 last year.

**LB 553**, sponsored by Sen. Mike Flood of Norfolk, would repeal the administrative license revocation

that applies when a driver submits to a chemical test and an illegal concentration of alcohol is detected.

The bill would allow judges to deny bail for individuals who would

prevents a driver’s car from starting if a breath test reveals the driver’s blood alcohol level to be over .025. The legal blood alcohol level limit for driving is .08.



*Sen. Lowen Kruse explains his bill that would hold an establishment that negligently or recklessly serves alcohol to a noticeably intoxicated person liable for any injury, death or damage done by the intoxicated person.*

U p o n conviction for a second or subsequent violation of the law relating to driving under the influence, the court currently orders all motor vehicles owned by the person to be immobilized for five days to eight months.

LB 407 would change the immobilization requirement to “not less than the minimum period of ineligibility for an employment driving permit or ignition interlock device.”

**LB 424,**

introduced by York Sen. Greg Adams, would change statutes relating to intoxication.

Under current law, the offense of inhaling, breathing or drinking intoxicating substances similar to ethyl and methyl alcohol only applies to a person who would induce another to use such substances.

The bill would allow county attorneys to prosecute the person who actually uses one of these substances in addition to the person who entices another to do so.

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

constitute an immediate threat to public safety. Judges would be required to impound the operator’s licenses of drivers charged with certain drunken driving violations.

**LB 407**, introduced by Elkhorn Sen. Dwite Pedersen, would change the ignition interlock requirements for any person who has submitted to a chemical alcohol test and has had his or her operator’s license revoked for one year.

The driver would be eligible, after a 45 day revocation period, to apply for a permit to operate a motor vehicle equipped with an ignition interlock device. This device

# MEET THE SENATORS

## Pete Pirsch returns to State Capitol

This wasn't the first time that Pete Pirsch sat in the Norris Chamber for the swearing in of new senators. He first attended when he was nine years old to see Sen. Carol Pirsch, his mother, take the oath of office in 1979.

He remembers being excited about exploring the Capitol building that day.

"I was just awed and overwhelmed by the grandeur of the building and the hustle and bustle of it," he remembered.

Growing up with a mom who was also a senator fostered Pirsch's interest in government, which he studied at the University of Virginia. He went on to work in Washington, D.C. at the White House, on Capitol Hill for a congressman, and as an intern for the U.S. Department of Commerce.

After that, he returned to Omaha to join the family food sales business and attend law school at the University of Nebraska-Lincoln.

Pirsch worked as a criminal prosecutor for the city of Omaha for 10 years and served as a member of the Nebraska Crime Commission from 2003-2007. He also earned a master's degree in business administration from the University of Nebraska at Omaha.

But until he'd had all those experiences, it hadn't occurred to him to run for office himself.

"In running a family business and being a criminal

prosecutor, you learn that things are not always as they should be," he said. "You assume those things will be changed, but then a couple years go by and you realize they may not change unless you do something about them."

Pirsch credits his supportive family, his wife Lori and his constituents for helping him meet his goal of becoming a state senator.

"I'm very appreciative of people who placed me in this position," he said. "I can't believe how nice and supportive they've been."

In his spare time, Pirsch has been active as a volunteer for Boy Scouts, Jaycees, his church and as a Big Brother mentor for 11 years.

He also likes to read and said he has gone through "phases" of swimming, biking and running marathons. All the walking he did throughout his district during his campaign also became an extreme sport.

"I was a lot lighter a few

months ago," he quipped.

Although he grew up in Omaha, Pirsch appreciates the less populated areas of the state that make it unique.

"My mother loved the state so much we would only vacation in Nebraska—Fort Robinson, Niobrara, Wayne Chicken Days, the Burwell Rodeo. I became familiar with the state and saw what wonderful things we had to offer," he said.



*Sen. Pete Pirsch and his wife, Lori, pose for a picture in the Capitol's Norris Chamber on Pirsch's first day as a state senator.*

# COMMITTEE HEARINGS

## MONDAY, FEBRUARY 26, 2007

### Appropriations

Room 1524 - 1:30 p.m.

**AGENCY 5** Supreme Court and State Court Administrator

**AGENCY 11** Attorney General

**AGENCY 15** Board of Pardons and Board of Parole

**AGENCY 94** Commission on Public Advocacy

### Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

**LB 368** (*Erdman*) Adopt the Nebraska Limited Cooperative Association Act

**LB 174** (*Janssen*) Provide duties for and prohibit certain actions by issuers of credit and debit cards

**LB 113** (*Pahls*) Prohibit branch banking by industrial loan companies

### Business and Labor

Room 2102 - 1:30 p.m.

**LB 265** (*Business and Labor Committee*) Change various provisions of the Employment Security Law

**LB 339** (*Business and Labor Committee*) Change provisions relating to claims against the state

**LB 500** (*White*) Change provisions relating to disqualifications for unemployment benefits

### Education

Room 1525 - 1:30 p.m.

**LB 521** (*Howard*) Add classifications of students to be reported in the fall school district membership reports

**LB 643** (*Raikes*) Change the Tax Equity and Educational Opportunities Support Act to eliminate certain income tax provisions

**LB 644** (*Raikes*) Provide for summer school student units in the state aid formula

**LB 649** (*Raikes*) Modify the state aid formula under the Tax Equity and Educational Opportunities Support Act

**LB 691** (*Synowiecki*) Change Tax Equity and Educational Opportunities Support Act provisions with respect to full-day kindergarten

### General Affairs

Room 1510 - 1:30 p.m.

**Steven Bloch** - Nebraska Arts Council

**Sandra J. Schroeder** - Nebraska Arts Council

**Joanne F. Shephard** - Nebraska Arts Council

**LB 345** (*Burling*) Change the state song

**LR 11CA** (*Flood*) Constitutional amendment to change the distribution of lottery proceeds

**LB 544** (*Synowiecki*) Eliminate prohibition on retail beer licensees accepting credit from a beer manufacturer or wholesaler

### Transportation and Telecommunications

Room 1113 - 1:30 p.m.

**Jack Henry** - Nebraska Motor Vehicle Industry Licensing Board

**Toby Miller** - Nebraska Motor Vehicle Industry Licensing Board

**Kelly Smith** - Nebraska Motor Vehicle Industry Licensing Board

**Linda Aerni** - Nebraska Information Technology Commission

**Patrick Flanagan** - Nebraska Information Technology Commission

**Lance Hedquist** - Nebraska Information Technology Commission

**Daniel Hoelsing** - Nebraska Information Technology Commission

**Harold Huggenberger** - Nebraska Information Technology Commission

**Doug Kristensen** - Nebraska Information Technology Commission

**LR 28** (*Fischer*) Provide the Legislature opposes enactment or enforcement in the State of Nebraska of the REAL ID Act

**LB 486** (*McGill*) Adopt the Local Community Rail Security and Employee Education Act

**LB 676** (*Dubas*) Prohibit the blocking of railroad crossings for more than a specified time and to provide penalties

## TUESDAY, FEBRUARY 27, 2007

### Agriculture

Room 2102 - 1:30 p.m.

**LB 46** (*Hudkins*) Require payments by grape producers

**LB 69** (*Hudkins*) Change the Agricultural Opportunities and Value-Added Partnerships Act

**LB 626** (*Dierks*) Create a production incentive for biodiesel fuel

### Appropriations

Room 1524 - 1:30 p.m.

**LB 55** (*Howard*) Change provisions governing funding of home visitation, child, and parenting programs

**LB 56** (*Howard*) Appropriate funds for alcohol-related birth defects prevention programs

**LB 71** (*Fischer*) Appropriate funds for a child advocacy center

**LB 229** (*Wallman*) Appropriate funds for developmental disability aid

**LB 281** (*Stuthman*) Appropriate funds for federally qualified community health centers

**LB 327** (*Speaker Flood, req. of Gov.*) Change provisions relating to child care reimbursement rates

**AGENCY 20** Department of Health and Human Services Regulation and Licensure

**AGENCY 25** Department of Health and Human Services

**AGENCY 26** Department of Health and Human Services Finance and Support

### Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

**LB 85** (*Howard*) Create the Nebraska Health Insurance Policy Coalition

**LB 134** (*Schimek*) Require insurance coverage of colorectal cancer screenings

**LB 647** (*Johnson*) Change provisions relating to insurance coverage of mental health and physical health conditions

# COMMITTEE HEARINGS

## Education

Room 1525 - 1:30 p.m.

**LB 455 (White)** Allow school districts to exceed applicable allowable growth rate for increased energy or insurance costs

**LB 492 (Harms)** Adopt the Education Facilities State Aid Act and create the Education Facilities Review Board

**LB 498 (White)** Adopt the Business Partnership in Rural Education Program Act

**LB 595 (Kopplin)** Create the Task Force on School Funding for Economic Growth

**LB 614 (Raikes)** Change adjusted valuation provisions under the Tax Equity and Educational

Opportunities Support Act

**LB 655 (Raikes)** Change state aid to school provisions relating to adjustments on budget statements

## Nebraska Retirement Systems

Room 1525 - 12:15 p.m.

**LB 365 (Synowiecki)** Change Judges Retirement Act provisions relating to early retirement

**LB 679 (Avery)** Eliminate the cap on retirement contributions for University of Nebraska employees

## Transportation and Telecommunications

Room 1113 - 1:30 p.m.

**LB 182 (Kruse)** Change grant provisions under the public transportation assistance program

**LB 439 (Raikes)** Create the Highway Finance Task Force

**LB 277 (Mines)** Change provisions relating to a metropolitan transportation improvement program in lieu of a Department of Roads plan

**LB 447 (Stuthman)** Require the Department of Roads to conduct a feasibility study for a Platte River bridge

**LB 276 (Schimek)** Rename the Department of Roads

## Urban Affairs

Room 1510 - 1:30 p.m.

**LB 387 (Langemeier)** Require separate plumbing and water metering for new construction as prescribed

**LB 562 (Adams)** Change provisions relating to the Community Development Law

## WEDNESDAY, FEBRUARY 28, 2007

### Appropriations

Room 1003 - 1:30 p.m.

**LB 452 (Burling)** Appropriate funds for drug abuse prevention and education programs

**LB 587 (Cornett)** Eliminate limitations on appropriations for county jail reimbursement assistance

**AGENCY 21** State Fire Marshal

**AGENCY 30** State Electrical Division

**AGENCY 64** State Patrol

**AGENCY 78** Commission on Law Enforcement and Criminal Justice

**AGENCY 46** Department of Correctional Services

### Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

**Carlos Castillo** - Department of Administrative Services

**LB 352 (Langemeier)** Adopt the Nebraska Shooting Range Protection Act

**LB 477 (Wightman)** Change contribution levels for state and political subdivision employee health plans

**LB 572 (Kruse)** Provide for the inclusion of certain library employees under the Nebraska State Insurance Program

**LB 252 (Avery)** Change land surveyor application and registration fees

**LR 14 (Engel)** Provide the Legislature supports the negotiation of a Taiwan-United States Free Trade Agreement

### Judiciary

Room 1113 - 1:30 p.m.

**LB 36 (Hudkins)** Change the number of county court judges

**LB 37 (Hudkins)** Change the number of district court judges

**LB 38 (Hudkins)** Change the number of separate juvenile court judges

**LB 377 (Ashford)** Reallocate district court judgeships

**LB 214 (Ashford)** Change acting county attorney compensation, provide for county judge interchange, and eliminate an obsolete procedure

**LB 552 (Flood)** Increase the salaries of Supreme Court judges

**LB 659 (Pedersen)** Increase the salaries of Supreme Court judges

**LB 533 (Heidemann)** Remove a requirement of consent and waiver of physical appearance for audiovisual court appearances

### Natural Resources

Room 1525 - 1:30 p.m.

**Mark Graham** - Nebraska Power Review Board

**Ronald H. Stave** - Game and Parks Commission

**LB 701 (Christensen)** Adopt a river basin administration committee

**LB 458 (Carlson)** Require vegetation management in certain streams

### Revenue

Room 1524 - 2:30 p.m.

**LB 502 (Mines)** Change inheritance tax rates

**LB 501 (Mines)** Provide for cigarette tax collection by direct sellers

**LB 662 (Hudkins)** Change distribution of certain sales tax revenue

**LB 507 (Burling)** Change provisions relating to ethanol production incentive tax credits

## THURSDAY, MARCH 1, 2007

### Appropriations

Room 1003 - 1:30 p.m.

**AGENCY 81** Commission for the Blind and Visually Impaired

**AGENCY 38** Commission on the Status of Women

**AGENCY 68** Commission on Mexican-Americans

**AGENCY 70** State Foster Care Review Board

**AGENCY 76** Commission on Indian Affairs

**AGENCY 82** Commission for the Deaf and Hard of Hearing

# COMMITTEE HEARINGS

## Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

**John E. Falgione** - State Fire Marshal

**LB 686 (Karpisek)** Provide for partisan ballots for unaffiliated voters at primary elections

**LB 528 (Aguilar)** Change provisions relating to elections

**LB 646 (Nelson)** Change provisions relating to counting ballots

**LB 694 (Christensen)** Authorize planning for a parking facility near the capitol

## Judiciary

Room 1113 - 1:30 p.m.

**LB 696 (Christensen)** Provide a fee increase and a waiting period for marriage licenses if marriage education requirements are not met

**LB 164 (Fischer)** Change provisions of the Relocation Assistance Act

**LB 104 (Erdman)** Change age of majority from nineteen to eighteen

**LB 112 (Erdman)** Provide for the judicial emancipation of minors

**LB 478 (Johnson)** Change provisions relating to adoption procedures

**LB 571 (Kruse)** Provide for adoption by two adult persons jointly

**LB 151 (Gay)** Provide a statute of limitations for certificate of deposit obligations as prescribed

## Natural Resources

Room 1525 - 1:30 p.m.

**LB 493 (Langemeier)** Change provisions relating to the Water Policy Task Force

**LB 594 (Kopplin)** Limit the granting of water well permits as prescribed

## Revenue

Room 1524 - 1:30 p.m.

**LB 169 (Cornett)** Exclude military retirement benefits from income taxation

**LB 183 (Carlson)** Exclude military retirement benefits from income taxation

**LB 354 (Cornett)** Exclude military retirement benefits from income tax

**LB 416 (Karpisek)** Exempt government retirement benefits

from income tax

**LB 496 (White)** Provide an income tax adjustment for extraordinary dividends

## TENTATIVE SCHEDULE

### MONDAY, MARCH 5, 2007

#### Appropriations

Room 1524 - 1:30 p.m.

**AGENCY 48** Coordinating Commission for Postsecondary Education

**AGENCY 50** State College System

**AGENCY 83** Community College System

#### Business and Labor

Room 2102 - 1:30 p.m.

**LB 31 (Nantkes)** Change minimum wage and training wage provisions

**LB 175 (Cornett)** Require employer to terminate employee a reason for termination

**LB 432 (Friend)** Change the Act Prohibiting Unjust Discrimination in Employment Because of Age

**LB 609 (Carlson)** Adopt the Nebraska Recruitment Promotion Act

#### Education

Room 1525 - 1:30 p.m.

**J. Richard Shoemaker** - Nebraska Educational Telecommunications Commission

**LB 193 (Howard)** Provide for a special authorization for teachers not addressed by an existing endorsement

**LB 353 (Legislative Performance Audit Committee)** Change the Quality Education Accountability Act

**LB 529 (Nantkes)** Create a mentor teacher supplemental compensation pilot project

**LB 615 (Raikes)** Provide for a system of tracking student achievement

**LB 653 (Raikes)** Require implementation of a statewide

system for assessment of student learning and for reporting

## Transportation and Telecommunications

Room 1113 - 1:30 p.m.

**Richard Pierce** - Board of Public Roads Classifications and Standards

**LB 162 (Fischer)** Provide for an electronic lien system for certificates of title

**LB 667 (Pedersen)** Permit municipalities to allow pedestrians to solicit contributions on roadways

**LB 415 (Harms)** Change provisions relating to provisional operator's permits and other operator's licenses and permits

**LB 285 (Transportation and Telecommunications Committee)**

Authorize compliance with the driver's license provisions of the federal REAL ID Act of 2005

### TUESDAY, MARCH 6, 2007

#### Appropriations

Room 1524 - 1:30 p.m.

**LB 105 (Louden)** Appropriate funds for the Nebraska Forest Service

**LB 109 (Agriculture)** Appropriate funds to the Board of Regents of the University of Nebraska with respect to crop insurance

**LB 438 (McDonald)** Appropriate funds to the Board of Regents of the University of Nebraska

**LB 275 (Kruse)** Change a fund transfer and appropriate funds for biomedical research

**LB 483 (Johnson)** Appropriate funds from the Nebraska Health Care Cash Fund for biomedical and autism research

**AGENCY 51** University of Nebraska

**AGENCY 69** Arts Council

#### Education

Room 1525 - 1:30 p.m.

**LB 520 (Howard)** Create the Early Childhood Education Legislative Study Group

**LB 650 (Raikes)** Change provisions relating to early childhood education and the Special Education Act

# COMMITTEE HEARINGS

**LB 651 (Raikes)** Change and eliminate education provisions  
**LB 654 (Raikes)** Transfer veterans education and training duties to the State Department of Education  
**LR 12CA (Fischer)** Constitutional amendment relating to educational lands and investment of the school trust permanent portfolio

## WEDNESDAY, MARCH 7, 2007

### Appropriations

Room 1003 - 1:30 p.m.

**AGENCY 18** Department of Agriculture  
**AGENCY 31** Military Department  
**AGENCY 33** Game and Parks Commission  
**AGENCY 54** State Historical Society

### Judiciary

Room 1113 - 1:30 p.m.

**LB 625 (Engel)** Prohibit civil actions based upon weight gain  
**LB 700 (Christensen)** Adopt the Human Cloning Prohibition Act  
**LB 599 (Aguilar)** Permit the filing of voluntary acknowledgement of parentage in cases of gestational surrogacy  
**LB 668 (Hudkins)** Eliminate provisions relating to gift cards and gift certificates  
**LB 293 (Pedersen)** Redefine public safety official with respect to infectious disease exposure  
**LB 623 (Pirsch)** Change provisions relating to speedy trial  
**LB 376 (Ashford)** Change felony complaint procedures  
**LB 363 (Ashford)** Adopt the Legal Education for Public Service Loan Repayment Act

### Revenue

Room 1524 - 2:30 p.m.

**LB 170 (Kopplin)** Change the tax levy authority of educational service units  
**LB 604 (Raikes)** Change educational service units' taxing authority  
**LB 605 (Raikes)** Change tax levy and distribution provisions relating to educational service units  
**LB 640 (Raikes)** Authorize a learning community levy for certain approved capital projects

## THURSDAY, MARCH 8, 2007

### Appropriations

Room 1003 - 1:30 p.m.

**LB 42 (Hudkins)** Change distribution of the cigarette tax  
**LB 446 (Stuthman)** Require Department of Roads to let contracts for the construction of a Platte River bridge and for highway improvements  
**AGENCY 24** Department of Motor Vehicles  
**AGENCY 40** Motor Vehicle Industry Licensing Board  
**AGENCY 17** State Aeronautics Department  
**AGENCY 27** Department of Roads

### Judiciary

Room 1113 - 1:30 p.m.

**LB 47 (Hudkins)** Create the offense of interference with child visitation  
**LB 535 (Schimek)** Create the juvenile legal services division of the Commission on Public Advocacy and eliminate a council  
**LB 413 (Flood)** Change provisions governing children born out of wedlock and the offense of violation of custody  
**LB 554 (Flood)** Adopt a new Parenting Act  
**LB 682 (Wightman)** Change provisions relating to use of the Supreme Court child support guidelines  
**LB 76 (Hudkins)** Change provisions governing physical and legal custody arrangements of a minor child

### Natural Resources

Room 1525 - 1:30 p.m.

**LB 704 (Preister)** Adopt the Fishable and Swimmable Waters Act

### Revenue

Room 1524 - 1:30 p.m.

**LB 355 (Cornett)** Change provisions relating to taxation of air carriers  
**LB 627 (Dierks)** Redefine real property and tangible personal property for purposes of taxation  
**LB 688 (Karpisek)** Provide for development of an income-based

method of valuing agricultural land  
**LB 703 (Friend)** Change use of the income-approach calculation in determining the assessed valuation for rent-restricted housing projects

## FRIDAY, MARCH 9, 2007

### Appropriations

Room 1003 - 1:30 p.m.

**AGENCY 28** Department of Veterans' Affairs  
**AGENCY 37** Workers' Compensation Court  
**AGENCY 75** Investment Council  
**AGENCY 77** Commission of Industrial Relations  
**AGENCY 85** Public Employees Retirement Systems

### Revenue

Room 1524 - 1:30 p.m.

**LB 431 (Friend)** Provide an income tax credit for certain educational expenses  
**LB 683 (Dubas)** Increase the earned income tax credit

## Voice your views

Public hearings offer people the opportunity to make their views known on proposed legislation and have them incorporated into the official legislative record. In Nebraska, most bills, with the exception of a few technical bills, receive a public hearing before a legislative committee.

A weekly schedule of committee hearings is available in the Clerk's Office, the Legislative Bill Room and the Legislature's web site at [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov). The schedule also can be found in the Unicameral Update and the Sunday Lincoln Journal-Star.

To testify before a committee, attend and fill out the sign-in sheet at the witness table, orally identify yourself and spell your last name for the record and state who, if anyone, you represent as you begin your testimony. Be prepared to answer questions.

Please note that addressing committee members or witnesses from the audience, public demonstrations and applause are prohibited.

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, FEB. 20, 2007, THROUGH FRIDAY, FEB. 23, 2007

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
12	MINES	Change the Commercial Dog and Cat Operator Inspection Act	Advanced to Select File
108	AGRICULTURE	Change provisions relating to fence disputes	Placed on Final Reading
422	ERDMAN	Change membership of the Nebraska Brand Committee	Placed on Final Reading

## Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
116	PAHLS	Change provisions relating to priority of purchase-money security interests	Placed on General File
117	BANKING	Change provisions relating to insurance	Placed on Final Reading
124	BANKING	Change provisions relating to banking and finance	Placed on Select File
191	MINES	Change provisions relating to directors of certain corporations	Placed on Final Reading

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
211	BUSINESS AND LABOR	Change payment provisions for members of the Commission of Industrial Relations	Placed on Final Reading
255	ROGERT	Change the Nebraska Wage Payment and Collection Act	Placed on General File
271	FRIEND	Change fringe benefit provisions under the Nebraska Wage Payment and Collection Act	Indefinitely postponed
472	CHAMBERS	Change statutory references to members of the Commission of Industrial Relations	Placed on Final Reading
505	MINES	Change provisions of the Nebraska Wage Payment and Collection Act	Placed on General File

## General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
441	MCDONALD	Change provisions relating to distribution of shippers' license fees	Advanced to Select File
549	SYNOWIECKI	Provide for microdistilleries	Placed on Final Reading

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, FEB. 20, 2007, THROUGH FRIDAY, FEB. 23, 2007

## Government, Military, Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
5	PAHLS	Change provisions relating to the state's employee suggestion system	Placed on General File
198	SCHIMEK	Change requirements for campaign messages	Placed on General File
256	AGUILAR	Change administrative provisions relating to state government	Placed on General File
298	BURLING	Change the number of signatures required on nominating petitions	Placed on Final Reading
311	AGUILAR	Change provisions relating to petition signature verification	Placed on Final Reading
388	AGUILAR	Change duties and membership of the Economic Development Commission and the Department of Economic Development	Placed on General File
389	AGUILAR	Change provisions relating to public records	Placed on General File
396	JOHNSON	Increase the range of fees imposed by the State Board of Landscape Architects	Placed on General File
434	AVERY	Change late filing fees under the Nebraska Political Accountability and Disclosure Act	Placed on Final Reading
464	CHAMBERS	Change enforcement provisions relating to the Campaign Finance Limitation Act and Nebraska Political Accountability and Disclosure Act	Placed on General File
471	CHAMBERS	Authorize regulation of mixed martial arts by the State Athletic Commissioner	Placed on General File
527	AGUILAR	Provide registration fees for political committees and allow waiver of interest on late filing fees and penalties	Placed on Final Reading

## Health & Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
283	STUTHMAN	Provide for biennial renewal of medication aide registrations	Signed by Governor

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
67	STUTHMAN	Permit service of summons of proposed jurors by first-class mail	Placed on Final Reading
83	SYNOWIECKI	Provide for Board of Parole recommendations relating to incarceration work camps	Placed on Select File
99	WIGHTMAN	Change provisions relating to the appointment of receivers by the district court	Placed on Final Reading
213	ASHFORD	Change provisions relating to preserving testimony	Placed on Final Reading
237	PAHLS	Change the homestead exemption amount for judgments and execution	Placed on Final Reading
290	PIRSCH	Change judicial nominating commission provisions	Placed on Final Reading
470	CHAMBERS	Change provisions relating to dissemination of records of arrest	Advanced to Select File

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
263	HUDKINS	Change permit provisions under the Integrated Solid Waste Management Act	Placed on Final Reading
313	NATURAL RESOURCES	Amend the Livestock Waste Management Act with respect to certain engineering requirements	Placed on Final Reading
333	JOHNSON	Change the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act	Placed on Final Reading
390	AGUILAR	Require certain rules and regulations related to underground storage tanks and tank operators	Advanced to Select File
504	MINES	Prohibit hunting through the Internet	Placed on General File
636	NATURAL RESOURCES	Exempt certain public power district contracts from sealed bidding requirements	Placed on General File
690	FISCHER	Provide for apprentice hunter education exemptions under the Game Law	Placed on General File

# WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, FEB. 20, 2007, THROUGH FRIDAY, FEB. 23, 2007

## Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
106	ENGEL	Change the tax on snuff	Placed on General File
145	MCDONALD	Require annual notices to property tax homestead exemption claimants	Placed on Select File
166	REVENUE	Change provisions relating to property taxation and assessment	Placed on Final Reading
223	REVENUE	Change tax laws	Advanced to Select File
356	CORNETT	Change provisions relating to greenbelted agricultural land	Indefinitely postponed
364	FLOOD	Change apportionment of inheritance tax revenue	Placed on General File
456	WHITE	Provide an income tax credit for shareholders of subchapter S financial institutions	Placed on General File

## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
147	MCDONALD	Change penalty provisions for vehicle loads	Placed on General File
239	FISCHER	Update references to federal law in certain state motor vehicle statutes	Advanced to Select File
307	STUTHMAN	Change provisions relating to operation of all-terrain vehicles	Placed on Final Reading
489	HARMS	Change provisions relating to and require buses to have occupant protection systems	Indefinitely postponed
663	HUDKINS	Change distribution and allocation of motor vehicle registration fees	Placed on General File
681	PEDERSEN	Increase motor vehicle dealer licensing fees and a bond	Placed on General File

## Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
517	ERDMAN	Provide for the consolidation of one or more cities of the first class	Indefinitely postponed
607	ASHFORD	Provide a requirement for full-time fire personnel in certain cities of the first class	Indefinitely postponed
LR2CA	ROBERT	Constitutional amendment changing provisions related to substandard and blighted property	Placed on General File
LR5CA	FRIEND	Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises	Placed on General File
LR6CA	AVERY	Constitutional amendment to provide for investment by political subdivisions	Placed on General File

# 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.

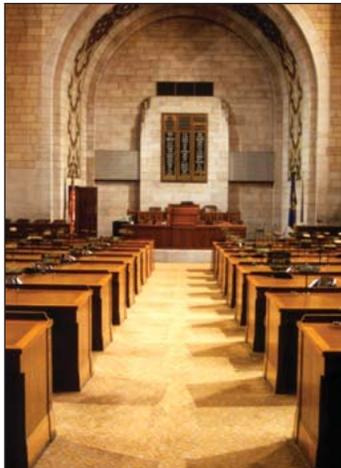
**Interim Study Resolution** - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

**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 are 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.

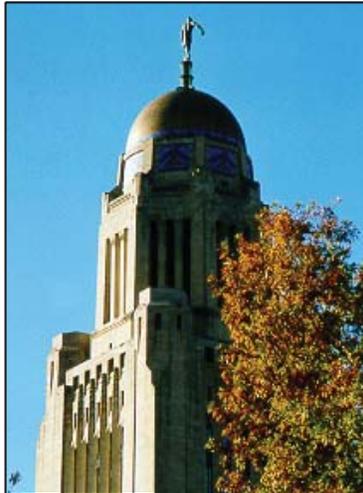
**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**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



Olivia Wolodkewitsch, age 9, Springville Elementary, Omaha. "My law is every Friday the kids get a half day of school."

## 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. 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](mailto:uio@leg.ne.gov)

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