

THE NEBRASKA LEGISLATURE'S  
WEEKLY PUBLICATION

## UPDATE

## GI state fair plan clears second round

The Legislature gave second-round approval April 9 to a bill that would relocate the Nebraska State Fair from Lincoln to Grand Island.

Introduced by Bayard Sen. Philip Erdman, **LB1116** would move the state fair to Grand Island's Fonner Park by 2010 and create a State Fair Relocation Cash Fund to collect contributions for the move. The \$42 million cost to rebuild the fair would be shared as follows:

- \$21.5 million from the University of Nebraska;
- \$8.5 million from Grand Island;
- \$7 million from the Nebraska State Fair Board; and
- \$5 million from the State of Nebraska.

The bill contains provisions of **LB1115**, an Erdman bill that would change the makeup of the State Fair Board. The bill would redefine the qualifications for the four appointed members representing the business community to provide that three of them be selected from congressional districts and one be selected to represent Grand Island's business community.

Existing appointed members who qualify would serve out their current terms and be eligible for reappointment subject to limitations.

The governor would appoint a new representative from Grand Island to fulfill the remainder of the term vacated by the member representing Lincoln.

The chairperson of the Nebraska

Arts Council and the chancellor of the University of Nebraska-Lincoln would be removed as ex-officio, voting members of the board and replaced by the state 4-H program administrator and the Nebraska Future Farmers of America executive director.

The current fairgrounds are located adjacent to the University of Nebraska-Lincoln downtown campus. Erdman explained that a group called Vision 2015, comprising Lincoln business and civic leaders, first proposed moving the state fair in 2006 to allow the current fairgrounds to be developed by UNL into a public-private partnership research park.

The Vision 2015 group proposed that the new state fair develop and share the current facilities of the Lancaster County Event Center in east Lincoln. To allow for further development, the university offered land it owns adjacent to the event center in exchange for the current fairgrounds.

Erdman said the Legislature's Agriculture Committee worked with a consultant to help determine the most suitable amenities and location for the state fair. In a committee hearing prior to the 2008 legislative session, two additional options for the fair were presented.

Civic and business leaders from Grand Island proposed moving the fair to Grand Island's Fonner Park to capitalize on its recently completed  
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## Nebraska's Hidden Treasures II



Nebraska Star Party, Valentine  
See page 27 for more details

## INSIDE:

Student assessment bill passed • Robocall bill advanced • Mental health claims bill stalls

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## Agriculture

Beginning farmer incentive measure advances

Lawmakers gave initial approval April 7 and second-round approval April 10 to a bill that would enhance an existing beginning farmer program.

In 1999, the Legislature enacted a program to provide a financial incentive for older, experienced farmers to partner with newer farmers to attract new individuals to the industry.

**LB1027**, sponsored by Bayard Sen. Philip Erdman, would provide a tax exemption on agricultural and horticultural machinery and equipment utilized by a qualified beginning farmer or livestock producer for agricultural or livestock production. The exemption would be for a period of three years, beginning with the first year for which the exemption is claimed.



Sen. Philip Erdman

As amended by an Agriculture Committee amendment, the property tax exemption would be capped at \$100,000.

LB1027 also would establish the application process for the tax exemption and make various technical changes to the beginning farmer program.

As amended, the bill would include provisions of **LB875**, originally sponsored by Lincoln Sen. Tony Ful-



ton, which redefines the “owner of agricultural assets” for the purpose of qualifying for the beginning farmer program.

Erdman said there are various incentive programs sponsored by the state in which the agriculture sector does not have the opportunity to participate. The goal of enhancing the beginning farmer program is to attract new people to the industry, he said.

“The average age of ag producers is increasing at an alarming rate,” Erdman said.

Following the adoption of the committee amendment, LB1027 was advanced to select file by voice vote. After adopting a technical amendment, senators advanced the bill to final reading by voice vote.

### Veterinary incentive bill moves forward

Senators gave first-round approval April 8 and second-round approval April 10 to a proposal that would provide financial incentives to new veterinarians who agree to serve in underserved areas.

**LB1172**, introduced by Sen. Cap Dierks of Ewing, would create the Food Supply Animal Veterinary Incentive Program. The program would provide \$80,000 over four years to food supply veterinarians

who locate and practice veterinary medicine full-time in underserved areas of the state.

The program would be administered by the state Department of Agriculture. Each year, up to four veterinarians would be selected to participate in the program. After completing each of the first two years of practice, a veterinarian would receive \$15,000. After completing each of the final two years of the program, the veterinarian would be eligible for \$25,000.

To qualify, the veterinarian would have to be a graduate of an approved veterinary medical school and licensed to practice veterinary medicine in Nebraska.

As amended by an Agriculture Committee amendment, the assistance provided under LB1172 would be prorated should sufficient financial resources not be available for the program. The amendment also added provisions to the bill relating to the definition of shortage areas and the recapture of benefits.

Dierks said the bill was intended to attract veterinarians to the state. Agriculture is still the major business in Nebraska, he said, and 13



Sen. Cap Dierks

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counties currently lack a licensed veterinarian.

"It is imperative to have trained veterinary professionals to assist our farmers and ranchers in Nebraska," Dierks said.

Sen. Tom Hansen of North Platte said it is very expensive to study veterinary medicine. New veterinarians can accumulate student debt of up to \$100,000 by the time they graduate, he said.

But Lincoln Sen. Ron Raikes said that livestock operations have become more efficient, reducing the need for trained veterinarians compared to the past.

Also, he said, the incentives proposed in LB1172 probably are not enough to change where a new veterinarian intends to locate.

"Make the operation work through the market," Raikes said.

The committee amendment was adopted 28-0 and LB1172 was advanced to select file by a 27-0 vote. The bill was advanced to final reading by voice vote.

## Appropriations

Legislature overrides budget veto of gas tax

Lawmakers voted April 7 to override the governor's line-item veto of a budget appropriation that will increase the state's gas tax.

**LB959**, the Legislature's mainline budget bill, contains a \$14.5 million appropriation to the state Department of Roads to cover salary and health insurance costs.

The state Department of Roads



Sen. Lavon Heidemann

is funded through a variable gas tax based on the department's need as determined by the Appropriations Committee. As a result, Elk Creek Sen. Lavon Heidemann, the committee's chairperson, has said the Roads Department appropriation likely will trigger a 1.2 cent per gallon gas tax increase.

Senators passed LB959 on a 39-9 vote March 28. The appropriation contained in the bill was subsequently line-item vetoed by Gov. Dave Heineman, who wrote in his veto message that now is not the time for a gas tax increase.

"Gasoline and diesel prices are hitting record highs almost every week, the cost of food is increasing and health care costs are soaring," he said.

But Heidemann responded that the increase is not substantial considering the gas tax was 26.4 cents per gallon in 1996.

"If we override this veto, we estimate the gas tax will be 26.5 cents per gallon," Heidemann said.

Valentine Sen. Deb Fischer offered a compromise on **LB846**, a bill she sponsored that as currently written would trigger a second gas tax hike by increasing the Roads Department's budget, in order for the override to succeed.

Fischer said she would instead ask lawmakers to transfer \$15 million from the state's cash reserve fund to the Roads Department. The money could be used only as leverage for \$73 million in earmarked federal highway funds, she said.

Sen. Philip Erdman of Bayard opposed the motion, saying it was unnecessary.



Sen. Deb Fischer

There are viable alternative ways to fund roads in Nebraska, he said, but the Appropriations Committee has chosen not to pursue other options.

Heidemann said changing to a general fund system of funding roads would put road construction and maintenance in direct competition with health care, state aid to schools and other priorities.

"We've always funded the roads with gas tax and motor vehicle tax," he said.

But Erdman cautioned that the effect the Roads Department appropriation will have on the gas tax is unknown.

"It may be 1.2 cents, it may be 5 cents ... it may be less," he said. "You're not setting the tax rate, you're setting an appropriation."

Norfolk Sen. Mike Flood supported the override.

"The roads in this state are in serious trouble if we don't stand up and look at the problem and identify the solution," Flood said.

Heidemann agreed.

"This is the right thing to do," he said. "This is the responsible thing to do."

Lawmakers voted 34-15 to override the veto and restore the budget appropriation.

Cultural preservation funding proposal moves to final

*Ed. Note: In the Unicameral Update, Vol. XXXI, No. 13, the story "Funds proposed for cultural preservation" mistakenly identified the introducer of LB1165. Sen. John Nelson of Omaha introduced LB1165. We apologize for the error.*

Lawmakers gave second-round approval April 9 to a bill that would appropriate \$5 million over the next three years to the Nebraska Cul-

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tural Preservation Endowment Fund, which would be matched by private contributions.

Under **LB1165**, introduced by Omaha Sen. John Nelson, the endowment would be used to fund:

- stabilization of arts organizations;
- arts education programs that have significant statewide impact; and
- advocacy for the importance of the arts to Nebraska's economy, education and quality of life.

The bill advanced to final reading by voice vote.



Sen. John E. Nelson

not necessary to preserve the soundness of the employee benefit plan.

Currently, political subdivisions are required to obtain excess insurance to limit their total claims liability for each plan to not more than 125 percent of the expected claims liability as projected by an independent actuary or insurer. Metropolitan class cities are exempt from this requirement.

A Banking, Commerce and Insurance Committee amendment would limit the bill's excess insurance exemption to metropolitan class cities, primary class cities or counties with a population of more than 200,000.

Omaha Sen. Rich Pahls said limiting the bill's provisions to these categories would mean that only the cities of Omaha and Lincoln, as well as Douglas and Lancaster counties, would be affected.

He said the goal of the limitation was to allow large political subdivisions to self-insure their health insurance plans rather than paying premiums, while guarding against overextension by smaller entities.

Gretna Sen. Gail Kopplin offered and later withdrew an amendment that would have included first class cities in the excess insurance exemption.

Following adoption of the committee amendment 26-0, senators advanced the bill to final reading by voice vote.

## Banking, Commerce and Insurance

Bill would allow benefit plan changes

Lawmakers gave second-round approval April 10 to a bill that would change employee benefit plan provisions for certain political subdivisions.

Introduced by Lincoln Sen. Tony Fulton, **LB734** would expand the Political Subdivisions Self-Funding Benefits Act to allow any political subdivision to provide an employee benefit plan without excess insurance if an independent actuary or insurer determines that excess insurance is



Sen. Tony Fulton

## Business and Labor

Bill to expand injury definitions stalls

Lawmakers declined to advance a bill April 10 that would change the Nebraska Workers' Compensation Act.

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

**LB1082**, introduced by Bellevue Sen. Abbie Cornett, would make mental injuries unaccompanied by a physical injury compensable for first responders in limited circumstances. The bill would exclude recovery for mental injuries resulting from normal employer and employee relations, including personnel and disciplinary actions.



Sen. Abbie Cornett

Cornett said the exclusion of mental injuries unaccompanied by a physical injury limits the workers' compensation system in helping traumatized workers. Thirty states allow compensation for stand-alone mental injury, she said.

Omaha Sen. Steve Lathrop said the state needs to treat seriously injuries such as post-traumatic stress disorder and depression that result from witnessing or surviving a violent criminal act. The bill would not increase the state's liability significantly because these incidents are rare, he said.

"This doesn't happen very often," Lathrop said. "But the people who experience it need our help."

Under current law, according to Omaha Sen. Tom White, a convenience store clerk who has a gun put in his or her mouth during a robbery would have a valid workers' compensation claim if the result was a chipped tooth. If, however, the result was an incapacitating mental injury with no physical harm, the employee would have no recourse.

"The law has an obligation to be

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humane and to make sense," White said.

Lincoln Sen. Tony Fulton expressed concern about increasing employer liability for events they cannot control. Fulton said an employer can mitigate most workers' compensation claims by providing a safe work environment and proper employee training. However, violent crime is something employers cannot prevent, he said, and employers should not be held liable when these crimes injure employees.

Omaha Sen. John Nelson said the bill's criterion for determining violent crime victims is vague. He said those who encounter the immediate aftermath of a violent crime, but do not directly witness the event, may also be victimized.

"We're kind of going out on dangerous ground here," Nelson said.

Omaha Sen. Scott Lautenbaugh offered an amendment that would have limited the bill's provisions to first responders. Lautenbaugh said the bill represented a substantial expansion of workers' compensation coverage and needed to be narrowed.

But Cornett said workers who are not first responders are most in need of the bill's provisions. Police officers receive months of training in how to respond to violent crime and other mental trauma, she said, while the average worker has no such training or workplace support system.

The amendment failed 22-17, falling three votes short of adoption.

A committee amendment that would have provided compensability for mental injuries without accompanying physical injury for employees who are witnesses or victims of violent crimes and for employees who are first responders failed on a 22-26 vote.

Following the committee amendment's rejection, Cornett offered and

later withdrew an amendment that would have removed first responders from the jurisdiction of the Workers' Compensation Act.

Cornett said the Legislature should provide another avenue of compensation if it refuses to allow first responders recourse for mental injuries under workers' compensation provisions. First responders should be allowed to sue for mental injuries if they can establish employer negligence, she said.

"Currently, they have no remedy," Cornett said.

A final Cornett amendment that she called her "concession" would limit the bill's provisions to first responders whose mental injuries arise from extraordinary and unusual employment conditions. Only injuries that occur after the bill's passage would be covered.

The amendment was adopted 26-4, and LB1082 was advanced to select file 25-7.

Senators declined to advance the bill to final reading on a 22-18 vote, three votes short of advancement.

## Education

Community college aid revisions passed

Lawmakers gave final legislative approval April 7 to a proposal that makes adjustments in the state aid formula for community colleges.

Sponsored by Lincoln Sen. Ron Raikes, **LB973** addresses issues related to definitions of property tax used in the formula,



Sen. Ron Raikes

the role of the Coordinating Commission for Postsecondary Education in the data collection process, enrollment and need growth and further definition of the average revenue remainder element of the formula for aid calculations in fiscal year 2009-10.

The bill defines the formula's base growth rate as the existing base limitation minus 0.5 percent for the FY2008-09 calculation and makes the base growth rate the existing base limitation plus 0.5 percent for FY2009-10 and each fiscal year thereafter. This effectively makes the formula's base growth rate 2 percent for FY2008-09 and 3 percent for FY2009-10 and thereafter.

The bill sets the maximum levy at 20 percent above the local effort rate used in the formula. Currently, the maximum levy is 15 percent above and the minimum levy is 20 percent below the local effort rate.

Beginning in FY2009-10, the bill will add a factor of 98 percent to the formula that establishes the amount of prior year base revenue needed to stabilize the total need for community college areas.

Finally, the bill makes technical changes to various definitions and factors in the aid formula.

Senators voted 48-0 to pass **LB973**.

Education cleanup bill clears second round

Senators gave second-round approval April 9 to an education policy bill that would, among other things, alter certain early childhood and special education provisions.

**LB1153**, originally introduced by Lincoln Sen. Ron Raikes, would allow a parent or guardian of a special education student who is at least 17 years old and has not completed an

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individualized education plan (IEP) to be issued a certificate of attendance by their school district. The district then would be required to allow the student to participate in the high school graduation ceremony.

Students receiving certificates of attendance also could earn a diploma or high school equivalency. School districts still would be required to provide special education services until completion of the IEP or until the student turns 21.

The certificate of attendance provisions were originally introduced by Imperial Sen. Mark Christensen as **LB990**.

The bill also would change provisions related to the state's early childhood education program by:

- increasing to 10 percent per fiscal year the amount of the program's cash fund reserved to evaluate programs for at-risk children from birth to age three;
- removing educational service units from grant eligibility; and
- streamlining the selection process for the at-risk metropolitan area member of the board of trustees.

During general file consideration, senators amended LB1153 to allow students who meet the age requirements for kindergarten, but who are not enrolled in a kindergarten class, to enroll in any early childhood education program. Such students would not be included in any state aid calculations.

The enrollment provision was to be in effect through the 2010-11 school year. Raikes offered an amend-

ment, adopted 26-0, that would sunset that enrollment provision following the 2008-09 school year. The amendment also made technical revisions to portions of the bill relating to state aid.

LB1153 was advanced to final reading by voice vote.

### Learning community changes passed

Lawmakers passed a bill April 8 that makes a number of changes to the state's learning community laws.

**LB1154**, sponsored by Lincoln Sen. Ron Raikes:

- expands the learning community coordinating council to include non-voting members;
- establishes an advisory committee of affected school superintendents;
- designates the secretary of state to assist the initial learning community coordinating council in getting started;
- allows school district boundaries to be modified prior to the establishment of the learning community;
- modifies the distribution of the common levy to reflect the previous resources for the first three years;
- narrows the potential uses for the learning community capital levy;
- allows a school district to exceed its applicable allowable growth rate for expenditures to pay for the transfer of land from another school district;
- streamlines provisions regard-

ing diversity plans and educational options within the learning community;

- modifies the qualifications to become a learning community;
- redefines focus programs, focus schools, magnet schools and pathways;
- eliminates a requirement that a learning community coordinating council pay for mediation services; and
- requires that free transportation be provided to a student contributing to the socioeconomic diversity of enrollment who is attending another school in the learning community only if the student lives more than one mile from the school to which he or she transfers.

LB1154 limits the continuing student provisions for students enrolled in focus schools, focus programs and magnet schools.

Learning community state funding can be used for up to six social workers in the elementary learning centers. Learning community member districts also will be required to report truancy information to the coordinating council.

Raikes said the purpose of the bill is to address concerns raised about the learning community law since its 2007 enactment.

The bill also includes provisions from other bills, including several introduced by Raikes:

- **LB605**, which limits property tax authority for single-district educational service units (ESUs);
- **LB1081**, which allows ESUs additional budget authority;
- **LB1021**, which allows an additional option for some option enrollment students; and
- **LB1083**, which requires learning communities to share in the



Sen. Mark Christensen



Sen. Ron Raikes

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ESU core services and technology infrastructure funds.

The bill also contains provisions of:

- **LB1005**, a bill brought by Omaha Sen. Gwen Howard that adds a sibling preference to the open enrollment provisions; and
- **LB1158**, a bill brought by Omaha Sen. Brad Ashford that allows businesses partnering with learning communities or school districts to qualify for an additional \$5,000 in job training grants per job created.

The bill was passed 30-15.

## General Affairs

Bill revises gamblers assistance program

The Legislature approved a bill April 8 that changes the relationship between the State Advisory Committee on Problem Gambling and Addiction Services and the HHS Behavioral Health Division.

According to its sponsor, Sen. Vickie McDonald of St. Paul, **LB1058** restores the advisory committee to its more active original role in Nebraska's problem gambling program.

The bill changes the committee's name to the State Committee on Problem Gambling and requires the committee to develop and recommend guidelines and standards for the Compulsive Gamblers Assistance Fund.

The bill also requires the Behavioral Health Division to adopt



Sen. Vickie McDonald

program guidelines and standards based on the committee's recommendations.

LB1058 passed on a 45-0 vote.

## Government

Robocalling regulation amended, advanced

Senators advanced a bill April 10 seeking to restrict the use of robocalls in political campaigns.

A robocall is a prerecorded telephone call made using a computer or automated dialing device typically used in election campaigning and telemarketing.

In 2007, lawmakers passed LB198, sponsored by Lincoln Sen. DiAnna Schimek, restricting robocall use. Gov. Dave Heineman vetoed that bill, citing concerns about the constitutionality of limiting the bill's provisions to calls that are political in nature.

Schimek said she chose not to try to override last year's veto because the governor was in support of the bill's general idea. Instead, Schimek offered **LB720** as a "new and improved robocall bill."

As amended by a Government, Military and Veterans Affairs Committee amendment, LB720 would apply to robocalls other than telephone solicitations. A telephone solicitation is defined in the bill as a telephone call or message using an automatic dialing-announcing device to encourage the purchase or rental of property, goods or services.

Under the bill, robocalls other

than telephone solicitations would be required to:

- identify, at the beginning of the message, the person on whose behalf the message is being transmitted;
- state clearly, either during or after the message, the telephone number or address of the person operating the automated dialing device; and
- transmit messages only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

In addition, a person contracting with a third party to conduct robocalls for reasons other than telephone solicitations would be required to file the message to be used with the Public Service Commission within 24 hours of the message transmission. The person contracting and the person making the call would be jointly and severally liable for any violations.

The bill provides exemptions for robocalls made to students, parents or employees by schools, to employees advising them of work schedules and to persons with whom the transmitter of the message has an established business or personal relationship.

Senators adopted a Schimek amendment 26-0 that would add political subdivisions to the exemption.

Omaha Sen. John Nelson offered an amendment, adopted 25-3, that would delay the bill's operative date to Jan. 1, 2009. He said the change would avoid any potential problems caused by implementing the bill's provisions during the state's primary campaigns.

Schimek said the bill is the proper response to robocall abuses during the 2006 election, and said she's confident that it will withstand free



Sen. DiAnna Schimek

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speech scrutiny.

LB720 was advanced to select file 26-1 and to final reading by voice vote.

Guard members would receive extended tuition credit

Lawmakers gave first-round approval April 9 to a bill that would extend tuition credits for some members of the Nebraska National Guard.

Currently, guard members may receive a credit for 75 percent of resident tuition rates for up to 10 years from the date of their initial guard membership.

**LB746**, sponsored by Grand Island Sen. Ray Aguilar, would extend the allotted time period if a guard member is unable to complete their course of study due to deployment.



Sen. Ray Aguilar

As amended by a Government, Military and Veterans Affairs Committee amendment, the bill stipulates that if a member is deployed for no less than 120 days on either the federal or state level, the adjutant general may extend their tuition entitlement for a period equal to the time spent on active duty, up to a maximum of five years.

"These men and women sacrifice a great deal when they're deployed," Aguilar said, urging the Legislature not to make guard members sacrifice even more when they return home.

Aguilar said the tuition credit has been a valuable recruitment and retention tool and said the bill would help to alleviate the impact of extended and multiple deployments.

Lincoln Sen. Bill Avery drew paral-

els between LB746 and the federal GI Bill. He said both measures reward service members rather than penalize them.

"I am a fortunate recipient of the GI Bill and it ... opened up vast opportunities that wouldn't have been there otherwise," Avery said. "Education is the pathway to a better life."

Following adoption of the committee amendment 32-0, the bill advanced on a 39-0 vote.

Bill provides construction alternatives for political subdivisions

Lawmakers gave final approval April 7 to a measure that allows some political subdivisions to utilize construction alternatives for certain public projects.

**LB889**, sponsored by Norfolk Sen. Mike Flood, broadens the Nebraska Schools Construction Alternatives Act to allow counties, cities, villages, school districts and community colleges to enter into design-build or construction management at risk contracts.



Sen. Mike Flood

Political subdivisions are prohibited from using the alternative methods for road, street, highway, water, wastewater, utility or sewer construction projects. An exception is provided for metropolitan class cities using such contracts to comply with state or federal requirements to control or minimize overflows from combined sewers.

A two-thirds vote of a political subdivision's governing body is required to adopt a resolution selecting the design-build or construction management at risk contract delivery

system.

The bill passed on a 49-0 vote.

## Health and Human Services

Food stamps bill passed

Lawmakers gave final approval April 7 to **LB171**, a bill introduced by Gretna Sen. Gail Kopplin dealing with the federal food stamp program.

The bill requires the state Department of Health and Human Services, within limits established by the Legislature, to apply for and utilize all appropriate food stamp options to maximize the number of Nebraska residents being served under the program.

LB171 also directs HHS to maximize federal funding under the program and to minimize the use of state funding. The department is required to report annually to the Health and Human Services Committee on its efforts to implement the bill.

The bill passed on a 48-0 vote.



Sen. Gail Kopplin

Drinking water fluoridation bill amended, advanced

Lawmakers amended and advanced a measure April 9 that would change provisions relating to the fluoridation of Nebraska drinking water.

**LB245**, in-



Sen. Joel Johnson

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roduced by Kearney Sen. Joel Johnson, would require the fluoridation of the human drinking water supply of any city or village with a population of 1,000 people or more. Under the bill, cities or villages that do not currently fluoridate their water may prohibit fluoridation through adoption of a voter initiative.

As amended, the bill would:

- clarify that fluoridation would not be required if a city or village has sufficient amounts of naturally occurring fluoride in its water supply;
- allow the governing body of a city or village to place an ordinance prohibiting fluoridation on the ballot for a public vote; and
- postpone the bill's effective date and opt-out provisions until June 1, 2010.

Johnson said the bill would provide Nebraska communities the opportunity to reconsider decisions made 35 years ago. Fluoridation was mandated in 1973, Johnson said, and cities and villages were allowed to opt out of that mandate, but had no option for reconsideration.

Valentine Sen. Deb Fischer said there was no need for the new legislation.

"Communities have already decided to opt out," she said. "We've already made that decision."

But Johnson said his understanding is that communities wishing to reconsider their previous opt-out decision cannot do so without passage of LB245.

"That decision would stand unless this law is passed," he said.

A Johnson amendment, adopted 26-0, would provide that any rural water district supplying water to a community required to add fluoride would not be responsible for any resulting costs, equipment, testing

or maintenance, unless the district has agreed to assume such responsibilities.

Fischer expressed concern about the potential cost to communities of opting out of the bill. She said the bill effectively forces taxpayers to pay for an election.

"I find that ridiculous," Fischer said. "I find that irresponsible."

Johnson said communities have two years to make a decision under the bill – a timetable chosen to allow communities to place the opt-out measure on a general election ballot instead of requiring a separate election. He said the resulting costs would be negligible.

LB245 advanced to final reading 27-6.

Certificate of need bill passed

Senators gave final approval April 7 to a bill clarifying provisions relating to certificates of need for rehabilitation and long-term care beds in Nebraska.

Introduced by Papillion Sen. Tim Gay, **LB765** clarifies that a certificate of need is required before a health care facility can increase long-term care or rehabilitation beds by more than 10 percent of total bed capacity or 10 beds, whichever is less, over a two-year period.

Under the bill, a certificate of need for up to three beds can be granted if the average occupancy for all rehabilitation beds within a health planning region exceeds 80 percent during the three consecutive calendar quarters prior to the exception application and no comparable services are available



Sen. Tim Gay

in the health planning region.

LB765 passed on a 44-4 vote.

Bill would change service animal regulations

Lawmakers gave second-round approval April 9 to a bill that would change provisions relating to service animals.

**LB806**, introduced by Cortland Sen. Norm Wallman, is intended to harmonize Nebraska law with Americans with Disabilities Act (ADA) regulations regarding the definition of service animals.



Sen. Norm Wallman

According to Wallman, the ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to a disabled individual. If animals meet this definition, they are considered service animals whether or not they are licensed or certified by a state or local government.

As amended, LB806 would:

- bring Nebraska law in line with ADA definitions;
- exempt service animals from local license fees whether or not the animal graduates from a recognized training school; and
- prohibit those who rent, lease or otherwise provide housing from charging an extra deposit for a service animal.

Senators advanced the bill to final reading by voice vote.

Prescription drug bill advanced

A bill intended to lower the cost of Medicaid prescription drugs in

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Nebraska received second-round approval April 9.

Sponsored by Omaha Sen. Steve Lathrop, **LB830** would establish a preferred drug list for the state's Medicaid program. As amended, the bill would require the state Department of Health and Human Services to create and maintain the preferred drug list and to establish a pharmaceutical and therapeutics committee to advise the department on all matters relating to the list. All therapeutic classes of prescription drugs except antidepressants, antipsychotics and anticonvulsants would be considered for the preferred drug list.



Sen. Steve Lathrop

To ensure Nebraska obtains the lowest available price for Medicaid drugs, the bill would require HHS to:

- enter into a multi-state purchasing pool;
- negotiate directly with manufacturers or labelers; and
- contract with pharmacies for negotiated discounts or rebates.

A Lathrop amendment, adopted 36-0, clarifies who could serve on the pharmaceutical and therapeutics committee and requires that rebates and discounts be considered when comparing the cost-effectiveness of two or more therapeutically equivalent drugs.

According to the bill's fiscal note, an HHS analysis suggests a potential savings to the Medicaid program of \$1.9 million to \$3.9 million once the bill is fully implemented. Savings from the multi-state purchasing pool could range from \$6.7 million to \$9 million once fully implemented.

The bill includes a general fund

appropriation of \$682,000 in fiscal year 2008-09 and \$1.2 million in FY2009-10 to fund additional staff and other operating costs associated with implementing the program. Elk Creek Sen. Lavon Heidemann introduced an amendment to draw the funds for FY2008-09 from the Health Care Cash Fund.

Following adoption of the Heidemann amendment 34-0, the bill advanced to final reading by voice vote.

Omnibus health policy bill amended, advanced

Lawmakers gave second-round approval April 9 to a bill that would make changes to several areas of health and human services in Nebraska.

**LB928**, introduced by Kearney Sen. Joel Johnson, would repeal the Hepatitis C Education and Prevention Act, which terminated Dec. 31, 2007.

The bill was amended on general file to include provisions from the following bills:

- **LB738**, introduced by Lincoln Sen. Tony Fulton, which would make technical changes to brain injury registry notification and reporting requirements;
- **LB796**, introduced by Johnson, which would create a new licensure category of limited computed tomography radiographer under the Radiation Control Act;
- **LB906**, introduced by Louisville Sen. Dave Pankonin, which would change provisions



Sen. Joel Johnson

relating to certification and inspection fees for laboratories regulated by the state Department of Health and Human Services; and

- **LB1173**, introduced by Ewing Sen. Cap Dierks, which would allow zoo animal health care to be performed by credentialed health care professionals under the immediate supervision of a zoo veterinarian.

The bill was amended extensively on select file.

Johnson offered an amendment that would exempt recreation facilities, centers or programs operated by political or government subdivisions from licensure requirements under the Child Care Licensing Act.

The amendment also would stipulate that signing a specific consent form for HIV testing would not be required if a person signs a general consent form for medical tests or procedures. The person must be informed that an HIV test may be performed under general consent and that they may refuse the test.

The amendment was adopted 27-0.

An amendment offered by Sen. Lavon Heidemann of Elk Creek would alter the funding mechanism for the state's newly established Stem Cell Research Cash Fund. Heidemann said funding will not be available until 2009 unless the transfer mechanism is changed.

The amendment was adopted 26-0.

Bayard Sen. Philip Erdman offered an amendment, adopted 26-1, that would add HHS to the list of parties who must receive notice upon the death of a person who was 55 or older or who resided in a medical institution.

Erdman said the change would make it easier to comply with federal

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law requiring the state to attempt to recover funds from the estates of Medicaid recipients. He said the change would not remove safeguards that exempt residences and certain other assets.

A final Johnson amendment, adopted 26-0, would:

- change provisions relating to fluoroscopy use;
- remove the chairperson of the Behavioral Health Oversight Commission from the Children's Behavioral Health Task Force;
- require HHS to perform a comprehensive analysis of Nebraska's options under federal law for providing medical assistance to employed persons with disabilities;
- require federally recognized Indian tribes to have self-determination agreements in place with Indian Health Services to cover all costs for enrolled tribal members before a certificate of need waiver could be granted for a Nebraska facility; and
- require HHS to report any proposed changes to the state's Medicaid program to the governor, the Legislature and the Medicaid Reform Council by Dec. 15.

Omaha Sen. John Synowiecki expressed concern about the Behavioral Health Oversight Commission.

Synowiecki said the commission is tied directly to a specific piece of reform legislation, the mission of which has not been completed. The commission has been instrumental in Nebraska's move from institutional to community-based mental health services, he said.

There are approximately 35 people yet to be transitioned, Synowiecki said.

"These will be the toughest ones to place," he said. "We're not done with

the reform."

Norfolk Sen. Mike Flood offered an amendment that would reconfigure the Behavioral Health Oversight Commission.

The amendment, adopted 34-1, would establish the commission as of July 1 with 12 governor-appointed members representing consumers, advocates, providers, administrators, regional centers and cities.

An amendment offered by Fullerton Sen. Annette Dubas, adopted 32-0, would require HHS to report any proposed changes to the state's Medicaid program to the governor, the Legislature and the Medicaid Reform Council by Dec. 1.

Dubas said lawmakers need more time before the start of legislative sessions to respond to proposed changes.

Following adoption of a technical amendment, LB928 was advanced to final reading by voice vote.

Veterinary drug distribution provision advanced

A measure that would create the Veterinary Drug Distribution Licensing Act was given second-round approval April 9.

**LB1022**, introduced by North Platte Sen. Tom Hansen, would regulate the sale or distribution of veterinary legend drugs in Nebraska by anyone other than a pharmacist or veterinarian. A veterinary legend drug is one required to bear a label indicating that federal law restricts the drug to use by, or on the order of, a licensed veterinarian.



Sen. Tom Hansen

The bill would create a new class of license exclusive to those who handle only veterinary legend drugs. A \$50 base fee and additional fees up to \$500 would be charged for the license. Oversight, licensure and inspection would be performed by the state Department of Health and Human Services.

A Hansen amendment, adopted 33-0, would make the bill take effect Dec. 1.

LB1022 advanced to final reading by voice vote.

## Judiciary

Ignition device required on first DUI offense

Lawmakers passed a bill April 8 that adds new penalties for drunken driving.

**LB736**, introduced by Lincoln Sen. Tony Fulton, requires the installation of an ignition interlock device upon conviction for driving under the influence of alcohol (DUI) for either a first or second offense.

A first offense will result in a 60-day license revocation or impoundment, followed by the required installation and use of an ignition interlock device for 120 days. The driver also will be required to obtain a restricted license to allow for driving with an interlock device.

A second DUI offense, or the first offense of driving with a blood alcohol level of more than .15, will bring a penalty of a 120-day license revocation or impoundment followed by an



Sen. Tony Fulton

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ignition interlock device and license restriction for 245 days.

Drivers with an ignition interlock are allowed to drive only to work, school, alcohol treatment or an interlock facility.

The bill specifies that the fee for an interlock permit is \$45, with \$40 going to the state's general fund and \$5 to the state Department of Motor Vehicles. Drivers must pay all expenses for installing the device unless they are deemed indigent, in which case the device would be provided free of charge by the state.

Current law allows, but does not require, the installation of an ignition interlock device upon the third DUI conviction.

Fulton equated the devices to "electronic parole officers" that would prevent repeat drunk driving.

The bill takes effect Jan. 1, 2009. LB736 passed 43-0.

Scrap metal recycling bill focuses on copper theft

Lawmakers passed a bill April 7 aimed at reducing thefts of copper and other metals.

**LB766**, introduced by Bellevue Sen. Abbie Cornett, establishes regulations for scrap metal processors and requires businesses to record information that identifies sellers of recyclable metals. Under the bill, businesses must record:

- the seller's name, address and ID;
- a photo and description of the metal being purchased;
- fingerprints of sellers of copper



Sen. Abbie Cornett

- and catalytic converters;
- the payment amount;
- the name, signature and address of the vendor; and
- the transaction date and time.

Businesses failing to comply with these provisions will be guilty of a Class II misdemeanor.

Recycled items exempted from the bill include food and beverage cans, items collected through community recycling programs and items collected from businesses that generate or sell scrap metals in the ordinary course of business. LB766 passed 44-5.

Bill would strengthen consumer protections

A bill that would increase protections against deceptive business practices received first-round approval April 9.

**LB781**, introduced by Tekamah Sen. Kent Rogert, would expand the definition of a deceptive trade practice under the Uniform Deceptive Trade Practices Act. The bill would prohibit:

- the use of false pretenses, representations or promises to obtain money or property;
- the sale, distribution, supply or procurement of property as part of a fraudulent scheme;
- unsolicited promotional or incentive checks that obligate the endorser to pay for goods and services if cashed or deposited; and
- unsolicited billing statements or invoices charging the consumer for goods or services that were not purchased.



Sen. Kent Rogert

The bill also would clarify that the act applies both to fraud that occurs in Nebraska and affects residents or non-residents, as well as fraud that occurs outside the state and affects Nebraska residents.

Rogert said the bill is an attempt to protect consumers from solicitation scams.

Holdrege Sen. Tom Carlson said his father was the victim of such a scam.

"These practices take advantage of people who shouldn't be taken advantage of," he said.

Senators adopted a Judiciary Committee amendment 28-0 that would make it illegal to knowingly and intentionally deceive a person in an effort to obtain money or property.

LB781 advanced to select file on a 34-0 vote.

Alcohol server training bill passed over

The sponsor of a bill related to drunken driving liability passed over his bill April 8.

**LB810**, introduced by Omaha Sen. Lowen Kruse, originally was designed to hold a retailer liable for the resulting death, injury or damage done by a drunk driver if the retailer was reckless or negligent in serving alcohol to that person prior to the accident.



Sen. Lowen Kruse

However, if the bar or restaurant owner and all their employees who serve alcohol have successfully completed a state-certified server training program and were following the training tenets at the time of sale or service to the individual who caused

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harm or injury to a third party, the owner would not be held liable.

Kruse stressed the importance of server training in saving the lives of potential drunken driving accident victims.

"The person making that sale is the last person who sees that intoxicated person before they get into a car," he said.

A Judiciary Committee amendment would have replaced the bill with new provisions that required only mandatory training within 60 days of employment for those serving alcohol. Employees would have been required to complete the training every three years.

The amendment also outlined penalties for employers who fail to train their employees.

Kruse said the training is offered online and took him 35 minutes to complete.

Wilber Sen. Russ Karpisek voiced concern that the bill's training schedule was too aggressive.

"Fifty thousand people would have to get through this training by the end of the year," he said. "It's a fine idea, but I don't know that there's time enough to do it."

St. Paul Sen. Vickie McDonald said she introduced an interim study that would allow the Legislature's Judiciary and General Affairs committees and the Nebraska Liquor Control Commission to collaboratively address server training with future legislation.

After the committee amendment failed to be adopted on a 20-21 vote, Kruse asked senators to pass over LB810. The bill remains on general file.

Bill would increase penalties for marijuana possession

Senators gave second-round ap-

proval April 8 to a measure that would increase penalties for possession of marijuana weighing up to one pound.

As amended, **LB844**, introduced by Wilber Sen. Russ Karpisek, would increase to a Class III misdemeanor the penalty for possession of marijuana weighing more than one ounce but less than one pound. The penalty carries a \$500 fine and up to three months in jail.

Penalties for possession of marijuana weighing one ounce or less would be:

- an infraction citation plus a \$300 fine and assignment to a drug course at a judge's discretion for a first offense;
- a Class IV misdemeanor citation plus a \$400 fine and up to five days in jail for a second offense; and
- a Class IIIA misdemeanor citation plus a \$500 fine and up to seven days in jail for a third offense.

St. Paul Sen. Vickie McDonald introduced, but later withdrew, an amendment that would have classified a plant commonly known as saliva divinorum as a controlled substance.

McDonald said she is concerned about the plant's hallucinogenic effects and its growing popularity among teens. She said salvia divinorum currently is regulated in some states and foreign countries, and the Legislature should take action before it becomes a problem in Nebraska.

Karpisek introduced an amendment to remove a drug course requirement for misdemeanor convictions of minors in possession of alcohol.



Sen. Russ Karpisek

Following adoption of the Karpisek amendment 26-0, the bill advanced to final reading on a voice vote.

Bill limits subpoenas by state patrol

A bill limiting law enforcement's ability to issue administrative subpoenas passed April 7.

**LB952**, introduced by Omaha Sen. Steve Lathrop, removes the authority of state administrative departments to compel testimony by issuing administrative subpoenas.



Sen. Steve Lathrop

The bill requires state patrol officers to get a court order or go through a county attorney or the attorney general's office in order to send subpoenas.

An opinion issued by Attorney General Jon Bruning last year offered a broad interpretation of this authority. His opinion allowed the Nebraska State Patrol to use administrative subpoenas in criminal investigations to compel the contents of electronic communication records to be turned over without a court order.

This information includes records of the websites a suspect visited or phone calls they made, but not the content of those web pages or phone calls.

Lathrop explained that the opinion allowed the state patrol to prepare letters that appear to be from the attorney general's office requesting personal information from a doctor's office, pharmacy or an internet or phone company, with no consultation with the attorney general's office or a lawyer.

LB952 passed 49-0.

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## Judiciary Committee advances slavery resolution

The Judiciary Committee advanced a resolution April 9 that would express the Legislature's regret for the state's role in slavery, especially during its territorial period prior to statehood.

**LR284**, under a proposed committee amendment, would express "deepest sympathies and solemn regrets" to those who were enslaved and their descendants. The resolution also would state the Legislature's intent that children be taught about slavery "to ensure that these tragedies will not be forgotten or repeated."

Elkhorn Sen. Dwite Pedersen explained that he was moved to introduce the resolution after learning about slaves being held in the territory that later became Nebraska.

"I was convinced not just that it was a mistake, but that we need to do something about it," he said. "Healing is what this is about."

As originally introduced, the resolution would apologize for the state's role in slavery. The committee advanced the resolution to general file on a 6-0 vote with a pending amendment that expresses regret but would replace the apology with a condemnation of any form of racial discrimination against African-Americans.

The amendment would encourage citizens to teach children the history of slavery and its effects. It also would add language indicating that the resolution shall not be deemed a waiver of the state's sovereign immunity.



Sen. Dwite Pedersen

## Legislature

Legislature will study conditions at state institution

The Legislature will examine quality of care and staffing issues at the Beatrice State Developmental Center (BSDC) under a resolution adopted April 8.

**LR283**, introduced by Norfolk Sen. Mike Flood, creates the Developmental Disabilities Special Investigative Committee of the Legislature. Flood offered the resolution in response to a recently released U.S. Department of Justice report that documented civil rights violations at the state-run facility.

"The safety and quality of life of patients at Beatrice should be of utmost concern," Flood said. "It is time for the legislative branch to take ownership in this matter."

The committee will consist of seven members of the Legislature appointed by the Executive Board and will examine:

- quality of care and related staffing issues at BSDC;
- placement and quality of care statewide for developmentally disabled persons in Nebraska; and
- the role of the state Department of Health and Human Services with respect to such facilities.

An Executive Board amendment, adopted 42-0, added to the committee's duties a study of the conditions within HHS that permitted services to decline to the level documented in the federal report.



Sen. Mike Flood

The amendment calls for a Dec. 15 report of the committee's findings and authorizes the Executive Board to hire legal counsel, consultants and investigators to support the committee's work.

Papillion Sen. Tim Gay supported the resolution and said the Legislature can provide a comprehensive view of the BSDC situation that is unconstrained by labor and funding issues.

Lincoln Sen. Danielle Nantkes also supported the resolution and urged the committee to reach out to patients' families for help in understanding the problems at BSDC.

The resolution was adopted on a 43-0 vote.

## Natural Resources

Electronics recycling bill amended, advanced

Lawmakers amended and advanced a measure April 10 aimed at reducing landfill disposal of household electronic devices.

**LB986**, introduced by Bellevue Sen. Don Preister, would create the Electronics Recycling Act,

which outlines a statewide recycling initiative for consumer-owned televisions, personal computers and video display devices. Exempted from the act would be electronic devices used in an industrial, commercial, governmental or medical setting. Also exempted would be consumer products such as cellular phones and home appliances.



Sen. Don Preister

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Funding for e-waste recycling programs would come from manufacturer fees, collected annually by the state Department of Environmental Quality and credited to the Waste Reduction and Recycling Incentive Fund.

Fees collected under the act would be awarded as grants to businesses and other organizations to cover costs associated with electronics recycling programs. Fees would be based on a manufacturer's unit sales during the previous calendar year, and manufacturers with fewer than 500 unit sales in a year would be exempt.

Beginning Jan. 31, 2009, manufacturers would be required to register annually with the state Department of Environmental Quality and certify the number of unit sales for the previous year. Senators adopted a Preister amendment 28-0 containing new DEQ requirements and changes to manufacturer fees.

As amended, DEQ would adjust fees as needed in order to maintain annual revenue between \$1 million and \$5 million. The department also would report annually to the Legislature regarding the financial status of the Waste Reduction and Recycling Incentive Fund.

The amended fee structure would be:

- \$1,000 for annual sales of 501 – 1,000 units;
- \$7,500 for annual sales of 1,001 – 5,000 units; and
- \$20,000 for annual sales of more than 5,000 units.

The amendment removes a \$2 per unit recycling fee and would require manufacturers to provide, at no cost to consumers, a method for returning an electronic device to the manufacturer for recycling.

Manufacturers with certified e-waste recycling programs could qualify for reduced fees.

Gretna Sen. Gail Kopplin introduced an amendment to provide tiered discounts ranging from 10 to 50 percent of the manufacturer's fee, based on the certified volume of electronics a manufacturer recycles annually.

Preister supported the amendment and said it would provide an incentive for manufacturers to implement and expand e-waste recycling programs.

The Kopplin amendment was adopted 31-0.

Sen. LeRoy Loudon of Ellsworth said the bill won't prevent people from dumping electronics in landfills and more will need to be done to fix the problem.

Cortland Sen. Norm Wallman said he supported the bill as a good start in addressing the problem.

"We're going to have to pass this earth on to somebody else, so we should take care of it," he said.

The bill was advanced to final reading by voice vote.

## New criteria for Game and Parks Commission established

The Legislature passed a bill April 7 that amends the terms and qualifications of game and parks commissioners.

Current law establishes a commission of eight members and requires that no more than four have the same political affiliation. Each commissioner represents a designated district and serves a single five-year term. At least three members must work in agriculture and two of those must reside on a farm or ranch.



Sen. Philip Erdman

**LB1049**, introduced by Bayard Sen. Philip Erdman, increases membership to nine by adding one at-large member and limits to five the number of members having the same political affiliation. The bill also:

- removes the requirement that members reside on a farm or ranch;
- requires that political affiliation be based on a member's voter registration as of the statewide general election prior to his or her appointment;
- extends the terms of members serving districts 4, 6 and 8 to allow future multiple appointments to be made at one time; and
- establishes a lifetime membership limit of two four-year terms.

The bill passed on a 40-2 vote.

## Revenue

### Sales tax exemption for assisted living facilities passed

Lawmakers voted April 7 for a proposal exempting nonprofit, licensed assisted living facilities from sales tax.

**LB575**, introduced by Omaha Sen. Lowen Kruse, also makes similar sales tax exemptions applicable only to nonprofit entities. Those entities include education and health care entities as well as childcare and child placement agencies.

The bill will effectively reduce state revenues by \$350,000 in fiscal year 2008-09 and by \$480,000 in FY2009-10.

LB575 was passed on a 47-0 vote.

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## Ag land definitions changed

Lawmakers passed a bill April 7 that changes the definition of agricultural and horticultural land for the purpose of property tax valuation.

As amended during select file consideration, **LB777** clarifies that agricultural and horticultural land does not include "any building or enclosed structure and the land associated with such building or enclosed structure located on the parcel."

The bill, which was sponsored by Sen. Carol Hudkins of Malcolm, will take effect on Jan. 1, 2009.

Senators voted 25-15 to pass **LB777**.



Sen. Carol Hudkins

## Corporate income tax rate adjustment approved

Senators gave final legislative approval April 7 to a bill that adjusts corporate income tax rates.

Current law taxes corporations on the first \$50,000 of taxable income at a rate of 150.8 percent of the primary individual income tax rate. For taxable income in excess of \$50,000 the rate is currently 211 percent of the primary individual income tax rate.

Under **LB888**, sponsored by Kenesaw Sen. Carroll Burling, the 150.8 percent corporate income tax rate now applies to the first \$100,000 of taxable income. Corporate income in excess of \$100,000 will



Sen. Carroll Burling

continue to be taxed at the current rate.

The bill was passed on a 48-0 vote.

## Lincoln arena assistance measure approved

Lawmakers gave final legislative approval April 7 to expand an existing financial assistance program for convention and arena facilities.

In 1999, lawmakers passed a bill allowing local governments that build convention center facilities to apply to the state for a return of sales tax proceeds generated by the convention center, also known as attributable revenue.

A formula for distributing the attributable revenue divides it between funding construction of the Qwest Center in Omaha, construction of other eligible facilities and improvement of local tourist attractions. The Legislature revised that formula last year.

**LB912**, sponsored by Lincoln Sen. Bill Avery, allows financial assistance for convention or meeting centers or arenas to include both privately and publicly owned facilities. Currently, facilities must be publicly owned to qualify for state financial assistance.



Sen. Bill Avery

The bill also extends the reach of the financial assistance to publicly or privately owned associated hotels within 450 yards of an eligible facility, excluding parking or other affiliated structures. Under current law, such an associated hotel must be publicly owned and within 200 yards of an eligible facility.

Eligible sports arena facilities in-

clude only those arenas with a seating capacity of 16,000 or less that apply for financial assistance after Feb. 1 of this year.

**LB912** was passed by a 47-0 vote.

## Sales tax cleanup bill passed

Lawmakers passed a Revenue Committee cleanup bill relating to sales taxes April 8.

**LB916**, introduced by the committee, amends several sections of the sales tax statutes to enact and clarify definitions and otherwise assist the Department of Revenue in enforcing the sales tax statutes.

The bill also provides for enforcement of sales tax through a responsible officer or employee and allows taxpayers and the tax commissioner to waive the deadline for resolving disputes by agreement.

Among the bill's provisions is the application of the state sales tax to digital audio works, digital audiovisual works, digital codes and digital books. In addition, the bill amends the law regarding taxation of installation services charges.

**LB916** also includes provisions from:

- **LB1137**, originally introduced by Bellevue Sen. Don Preister, which clarifies the sales tax exemption for community-based energy development projects enacted last year;
- **LB1126**, originally introduced by Omaha Sen. Tom White, which provides a sales tax exemption for copies of medical records obtained by patients and both originals and copies of depositions and court documents; and
- **LB1134**, originally introduced by Schuyler Sen. Chris Lange-meier, which expands the sales

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tax exemption for livestock to include game birds. LB916 was passed 34-4.

## Revenue cleanup bill passed

A bill that amends a number of property tax statutes cleared final reading April 8.

**LB965**, introduced by the Revenue Committee:

- eliminates the requirement that forms reporting the sales price of real property be produced in quadruplicate, allowing for electronic forms that could be sent to different offices without being produced in multiple paper copies;
- clarifies the personal property tax statutes and refund procedures;
- provides a uniform three-year statute of limitations on personal property tax return corrections;
- moves up from Aug. 10 to Aug. 1 the date on which personal property that is exempt from taxation under two tax incentive acts is certified to counties and the taxpayer; and
- repeals a statute that requires the county assessor to report tax-exempt government-owned property to the state every four years.

The bill also includes provisions of **LB964**, which:

- provides that if a greenbelt applicant fails to protest the denial of special value because of a failure to receive notice, the Nebraska Tax Equalization and Review Commission (TERC) may consider the protest and may determine special value for that year or, for 2009 or earlier, the recapture value;

- allows the official record for an appeal of an equalization order to be limited to the material dealing with the appealing county; and
- excludes the TERC and its employees from the personnel code except for vacation, sick leave and retirement.

LB965 was passed 43-0.

## Utility energy-saving grant program advanced

A grant program to help low-income households make their homes more energy efficient was amended April 8.

**LB1001**, sponsored by Omaha Sen. Tom White, would allow electric utilities to opt into a program that would provide grants for low-income Nebraska residents to make energy-saving improvements to their homes. The grant fund would receive 20 percent of the sales tax received from the utility matched by the utility's own funds. To qualify as a low-income resident, an individual would make less than 150 percent of the federal poverty level.

The bill also incorporates provisions from **LB1175**. Those provisions would add a new withholding requirement for any business making payments of more than \$600 for construction services to persons who are not employees. The rate of withholding would be 5 percent.

White offered a motion to return LB1175 to select file for an amendment that would postpone the bill's effective date until July 1, 2009, and

would limit the total amount of sales taxes designated in any calendar year to 5 percent of the total state sales tax collected in the prior calendar year.

He explained that the amendment was intended to limit the bill's fiscal impact.

The motion to return the bill to select file was adopted 41-0 and the White amendment was adopted 43-0.

LB1001 was readvanced to final reading by a voice vote.

## Transportation and Telecommunications

### Railroad crossing procedures advanced

Lawmakers advanced a bill April 10 that would provide a way to prevent the closing of certain railroad crossings.

Current law requires the state Department of Roads to close certain unmarked railroad crossings that are located within one quarter mile of public crossings marked with gates, signals, alarm bells or warning personnel.

Parties may object to a closing by having an engineer submit a written request to the department explaining why the crossing is safe as designed and should not be closed.

Sen. Russ Karpisek of Wilber introduced **LB837**, which originally would have repealed the law entirely. He said many members of the Legislature misunderstood the law when it was



Sen. Tom White



Sen. Russ Karpisek

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debated and passed in 2006. They assumed that if a town did not want a crossing to be closed, it simply needed a professional engineer to say it was safe, he said.

“The Nebraska Department of Roads has written an implementation program that does not follow the intent of the legislation,” Karpisek said. “They get the final say.”

A committee amendment, adopted 26-0, would preserve the current law but would state specifically that a written request from an engineer shall exempt a railroad crossing from closure.

Valentine Sen. Deb Fischer said the amendment would remove the final authority from the Roads Department director and give it to a professional engineer.

“This puts the bill in line with the original intent,” she said. “It puts the decision back in the hands of the local people.”

LB837 advanced to select file 32-0 April 8 and to final reading April 10 by voice vote.

### New driver’s licensing procedures advanced

The Legislature advanced a bill April 9 regarding driver’s licensing procedures.

**LB911**, introduced by Malcolm Sen. Carol Hudkins, originally would have implemented security procedures that would make the state more compatible with the federal REAL ID Act. The bill also would have authorized the DMV to take over driver licensing from counties, create regional centers and begin central issuance of licenses and iden-



Sen. Carol Hudkins

tification cards.

A Transportation and Telecommunications Committee amendment, adopted 25-3, replaced these provisions with others that would charge the state DMV with developing licenses by April 1, 2009, that prevent identity theft, fraud, forgery and counterfeiting.

As amended, the bill would authorize the DMV to provide for the centralized production and issuance of licenses from a secure facility. New licenses would be delivered by mail.

Driver’s license tests, however, would continue to take place at current examination centers. State identification cards would be renewed in person at least once every 10 years to have a new digital image taken.

Those handling source documents or engaged in the issuance of licenses would be required to attend fraudulent document recognition training. The amendment would allow the DMV to collect an identity security surcharge of no more than \$8 to cover the cost of technology and security practices.

Valentine Sen. Deb Fischer said implementation of the federal REAL ID program was not necessary for Nebraska because any security and fraud issues occurring in the state can be addressed by other means.

Because a person’s driver’s license is used as their primary source of state identification, it makes sense for the state to take a greater role in how licenses are produced to ensure their integrity and security, she added.

“Our intent is making our driver’s license more secure, more tamper-proof,” Fischer said.

Gretna Sen. Gail Kopplin introduced, and then withdrew, an amendment that would have removed the DMV’s authorization to collect the \$8 security surcharge.

“I don’t care what you call it, it’s

another tax,” he said. “And I don’t want to pay it.”

A technical amendment was adopted 25-0 and the bill advanced to select file 26-11.

### Rural road classification bill passes

Senators gave final approval to a bill April 8 that creates a new classification for Nebraska county roads.

**LB1068**, sponsored by Ellsworth Sen. LeRoy Louden, creates the classification of remote residential road.

A remote residential road is defined as a road or segment of road that serves as primary access to no more than seven residences and is located in a remote area of a county with a population density of no more than five people per square mile or an area of at least 1,000 square miles.

The bill requires the Board of Public Roads Classifications and Standards to adopt specific criteria for remote residential roads by December 2010. A county board is required to hold a public hearing before requesting that the state Department of Roads reclassify an existing road as remote residential.

LB1068 passed on a 46-0 vote.



Sen. LeRoy Louden

## Urban Affairs

### Natural gas measure moves to final

Lawmakers gave second-round approval April 9 to a bill that would adjust state natural gas regulations.

**LB1072**, sponsored by Omaha

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Sen. Mike Friend, would change certain rate filing provisions under state natural gas regulations. The bill also would apply prohibitions on ex parte communications to contested regulatory cases before the Public Service Commission.

During general file consideration, provisions of **LB1095**, originally introduced by Sen. Ray Aguilar of Grand Island, were amended into LB1072. Those provisions would make adjustments to existing exemptions from regulations that prohibit extending duplicative and redundant gas mains or other utility infrastructure. The bill would apply to jurisdictional utilities, cities that own or operate their own natural gas distribution systems and the Metropolitan Utilities District.

Following the adoption of a technical amendment offered by Aguilar, senators advanced LB1072 to final reading by voice vote.

Constitutional amendment would support economic development

A proposal to remove funding restrictions for local economic and

industrial development projects was advanced April 8.

**LR229CA**, introduced by St. Paul Sen. Vickie McDonald, would place a proposal to amend the Nebraska Constitution on the November ballot. If passed by voters, the amendment would remove constitutional references to "local sources of revenue" as they relate to municipal economic development.



Sen. Vickie McDonald

Under current law, the Legislature can authorize cities and villages to use proceeds from local property and sales taxes to fund economic or industrial development.

If LR229CA is enacted, the Legislature could authorize the funding of such projects with proceeds from local occupation taxes or utility charges. The amendment would not change provisions requiring a city or village to obtain voter approval to fund any economic development project.

According to McDonald, the resolution is needed to give cities more opportunities to fund economic development.

"The bill benefits smaller communities more than large metropolitan areas," McDonald said. "They've currently reached the limit of what they can use."

Lincoln Sen. Ron Raikes said he opposed the bill because it could encourage a city that owns a utility to raise rates to generate funds for economic development.

Omaha Sen. Ernie Chambers introduced, but later withdrew, a motion to indefinitely postpone the resolution. Chambers said the measure would create a transfer of public funds to private entities.

"A city that wants a new Walmart might increase fees for local utilities in order to get the people's approval to spend that money to build facilities for Walmart," he said.

Norfolk Sen. Mike Flood said he was comfortable that all safeguards are in place and that there are ample checks and balances.

The resolution was advanced to select file 30-4.

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# 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.

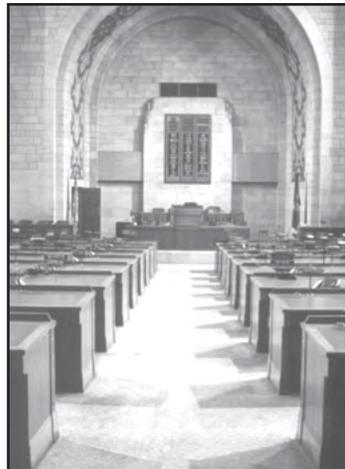
**IPP** - see Indefinitely Postpone.

**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 ayes 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 Madam 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 corresponding 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.

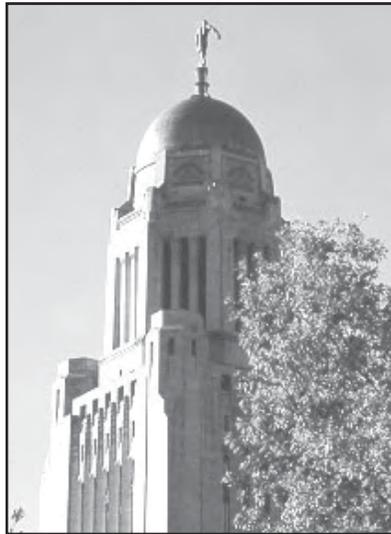
**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**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.



# A CLOSER LOOK.....

## Student assessment revisions passed

**A** bill changing Nebraska's system of student education assessment was passed April 7.

**LB1157**, introduced by Lincoln Sen. Ron Raikes, requires annual statewide student assessments.

A recent performance audit found that the state Department of Education did not meet a statutory requirement that they select four model statewide student assessments in particular subject areas. Instead, school districts had developed and adopted individual models of their own.

Raikes has said the bill was a needed change that would allow

teachers to spend less time on developing local assessments and more time teaching students.

The bill directs the governor to appoint a technical advisory committee of nationally recognized assessment experts to advise him, the Legislature, the State Board of Education and the state Department of Education on the development of statewide assessment instruments and a statewide assessment plan.

The plan for the statewide assessment and reporting system will be reported to the governor, the chairperson of the Legislature's Education Committee, the Clerk of the Legis-

lature and the state Department of Education. The state board will select grade levels for assessment and reporting according to the assessment instruments.

Annual statewide assessments are now required for:

- reading beginning in the 2009-10 school year, with assessment instruments in grades 3-8 and one high school grade;
- mathematics beginning in the 2010-11 school year, with assessment instruments in grades 3-8 and one high school grade; and
- science beginning in the 2011-12 school year, with assessment instruments in at least one elementary grade, one middle school or junior high grade and one high school grade.

A statewide assessment for writing already exists.

The bill allows the state board to select additional grade levels and additional subject areas for statewide assessment to comply with federal requirements. The state board is prohibited from requiring school districts to administer assessments or assessment instruments other than as prescribed by law.

The bill requires the state board to appoint committees of teachers from each appropriate subject area and administrators to assist in the development of statewide assessment instruments required by the act.

References to locally adopted standards, local assessment instruments and generic grade levels are eliminated from the law.

Senators voted 33-15 to pass LB1157.

## GI state fair plan clears second round

(continued from page 1)

Heartland Events Center. The State Fair Board also submitted a proposal for keeping the fair at its current Lincoln location, which would require significant upgrades to the facilities.

Erdman explained that Grand Island would own improvements made to the new fair site and, in turn, would assume the ongoing maintenance costs for the facilities.

Over the course of the session, he said, the committee facilitated a process to allow the interested parties to resolve the issue among themselves.

"It's a negotiated solution," he said.

An Erdman technical amendment was adopted 39-0 and LB1116 advanced to final reading by voice vote.

## Access daily legislative updates

The Unicameral Update is available on the Internet.

Unicameral Update Online offers readers full access to legislative coverage featured in the Unicameral Update's print version with greater functionality... all from a computer.

Readers can search this year's articles by key word or select all the articles for a particular bill or committee.

Users also have access from each article to QuickSearch, the Legislature's search tool for legislation.

Finally, readers can receive online RSS news feeds from the Unicameral Update Online to keep them updated throughout the week.

The Unicameral Update Online can be accessed from the front page of NebraskaLegislature.gov, the Legislature's web site, or directly by going to <http://nebraskalegislature.gov/web/public/update>.

# WEEKLY REVIEW

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1027	Erdman	Provide a personal property tax exemption under the Beginning Farmer Tax Credit Act	Advanced to Enrollment and Review for Engrossment
LB1116	Erdman	Provide for Nebraska State Fair relocation and a fair relocation plan and change membership on the Nebraska State Fair Board	Placed on Final Reading with ST9101
LB1172	Dierks	Adopt the Food Supply Animal Veterinary Incentive Program Act	Advanced to Enrollment and Review for Engrossment
LB789	Erdman	Change grant provisions under the Agricultural Opportunities and Value-Added Partnerships Act	Placed on Final Reading

## Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1165	Nelson	Provide for transfers of funds to the Nebraska Cultural Preservation Endowment Fund	Placed on Final Reading with ST9103
LB956	Schimek	Change provisions relating to job training grants	Placed on Final Reading
LB959	Speaker Flood	Provide for deficit appropriations	Certificate

## Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1011	Langemeier	Change the Real Property Appraiser Act	Placed on Final Reading
LB1045	Pankonin	Change provisions relating to coverage changes in property and casualty and automobile liability policies	Placed on Final Reading
LB734	Fulton	Change employee benefit plan provisions for certain political subdivisions	Advanced to Enrollment and Review for Engrossment
LB848	Erdman	Change and eliminate provisions of the Nebraska Limited Cooperative Association Act	Placed on Final Reading with ST9088
LB907	Pirsch	Change provisions relating to corporations and limited liability companies	Placed on Final Reading
LB953	Nelson	Change manufactured home and mobile home provisions relating to bankruptcy, certificates of title, and security interests	Placed on Final Reading

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1082	Cornett	Amend the Nebraska Workers' Compensation Act to redefine injury and personal injuries	Failed to advance to Enrollment and Review for Engrossment
LB819	Business and Labor Committee	Change provisions relating to the Employment Security Law	Placed on Final Reading
LB821	Business and Labor Committee	Change provisions relating to claims against the state and the Risk Manager	Placed on Final Reading

# WEEKLY REVIEW

## Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1005	Howard	Change provisions relating to learning community diversity plans	Indefinitely postponed
LB1021	Raikes	Change provisions relating to the enrollment option program	Indefinitely postponed
LB1023	Friend	Change tax levy authority of educational service units which have school districts which are members of a learning community	Indefinitely postponed
LB1083	Raikes	Change tax levy and funding provisions for school districts, school districts that are members of learning communities, and educational service units	Indefinitely postponed
LB1153	Raikes	Provide for certificates of attendance for special education students and change provisions relating to early childhood education funding	Placed on Final Reading with ST9100
LB1154	Raikes	Change provisions relating to learning communities, schools, educational service units, and job training grants	Presented to Governor April 08, 2008
LB1155	Raikes	Change provisions relating to teacher certification	Indefinitely postponed
LB1157	Raikes	Change provisions relating to the statewide system for assessment and reporting of student learning	Approved by Governor on April 10, 2008
LB1158	Ashford	Provide economic development grants for private, nonprofit organizations in high-poverty areas	Indefinitely postponed
LB490	Harms	Repeal the Seamless Delivery System Pilot Project	Indefinitely postponed
LB614	Raikes	Change adjusted valuation provisions under the Tax Equity and Educational Opportunities Support Act	Indefinitely postponed
LB649	Raikes	Modify the state aid formula under the Tax Equity and Educational Opportunities Support Act	Indefinitely postponed
LB655	Raikes	Change state aid to school provisions relating to adjustments on budget statements	Indefinitely postponed
LB691	Synowiecki	Change Tax Equity and Educational Opportunities Support Act provisions with respect to full-day kindergarten	Indefinitely postponed
LB873	Kopplin	Provide for a student growth adjustment and correction in the Tax Equity and Educational Opportunities Support Act	Indefinitely postponed
LB879	Kopplin	Provide for a construction, expansion, and alteration adjustment in the Tax Equity and Educational Opportunities Support Act	Indefinitely postponed
LB886	Gay	Change provisions relating to student transportation	Indefinitely postponed
LB970	Gay	Eliminate taxing authority of learning communities and change state aid calculations	Indefinitely postponed
LB973	Raikes	Change calculation of state aid to community colleges	Presented to Governor April 07, 2008
LB976	Raikes	Change provisions relating to dissolution of unified school districts	Indefinitely postponed
LB987	Raikes	Change provisions relating to the Quality Education Accountability Act	Indefinitely postponed
LB990	Christensen	Provide for a certificate of attendance for certain students as prescribed	Indefinitely postponed

## Executive Board

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR283	Flood	Create the Developmental Disabilities Special Investigative Committee of the Legislature	President/Speaker signed

## General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1058	McDonald	Rename and change powers and duties of the State Advisory Committee on Problem Gambling and Addiction Services	Presented to Governor April 08, 2008
LB1103	Karpisek	Change provisions relating to sale of farm winery wines	Placed on Final Reading
LB993	McDonald	Change expenditure provisions relating to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund	Placed on Final Reading
LB995	General Affairs Committee	Change provisions relating to cemeteries	Placed on Final Reading

# WEEKLY REVIEW

## Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1022	Hansen	Adopt the Veterinary Drug Distribution Licensing Act	Placed on Final Reading with ST9104
LB1048	Nantkes	Provide for issuance of birth certificates for stillbirths	Placed on Final Reading
LB1108	Erdman	Change licensure and practice provisions for mental health practitioners	Placed on Final Reading
LB171	Kopplin	Require Department of Health and Human Services to apply for food stamp options and waivers	Presented to Governor April 07, 2008
LB245	Johnson	Change provisions relating to fluoridation of drinking water	Placed on Final Reading
LB308	Stuthman	Adopt the Automated Medication Systems Act	Placed on Final Reading with ST9098
LB469	Chambers	Change funding restrictions under the Nebraska Health Care Funding Act	Advanced to Enrollment and Review for Engrossment
LB765	Gay	Change provisions relating to certificates of need	Presented to Governor April 07, 2008
LB806	Wallman	Change provisions relating to dog guides, hearing aid dogs, and service dogs	Placed on Final Reading with ST9099
LB830	Lathrop	Adopt the Medicaid Prescription Drug Act	Placed on Final Reading with ST9096
LB928	Johnson	Change and repeal provisions relating to public health and welfare	Advanced to Enrollment and Review for Engrossment
LB972	Gay	Change optometry licensure provisions	Placed on Final Reading
LR238	Kruse	Commend the "Divided We Fail" effort to address access to health care and long-term financial security with individuals, businesses, health care providers, nonprofit organizations, and government working together to find solutions	Reported to Legislature for further consideration

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1055	McDonald	Change provisions relating to animal abuse, dogs running at large, and dangerous dogs	Advanced to Enrollment and Review for Reengrossment
LB179	Lathrop	Require electronic recording of custodial interrogations	Presented to Governor April 07, 2008
LB467	Chambers	Grant the Ombudsman authority with respect to county and municipal jails and mental health and veterans institutions and provide for appointment of an assistant public counsel	Presented to Governor April 07, 2008
LB736	Fulton	Provide for ignition interlock permits and change provisions relating to other driving permits and penalties for driving under the influence	Placed on Final Reading Second with ST9095
LB764	Cornett	Prohibit certain treatment of bovines and equines	Placed on Final Reading
LB766	Cornett	Regulate scrap metal recycling	Presented to Governor April 07, 2008
LB781	Rogert	Change the Uniform Deceptive Trade Practices Act	Placed on Select File
LB844	Karpisek	Change penalty provisions for marijuana possession	Placed on Final Reading with ST9094
LB902	Pankonin	Change provisions relating to controlled substances schedules and inventory	Placed on Final Reading
LB952	Lathrop	Change state administrative departments investigatory powers and Attorney General and county attorneys investigatory and enforcement powers	Presented to Governor April 07, 2008
LR284	Pedersen	Recognize slavery in the history of Nebraska	Reported to Legislature for further consideration with AM2750

# WEEKLY REVIEW

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1049	Erdman	Change membership provisions for the Game and Parks Commission	Presented to Governor April 07, 2008
LB1145	Louden	Change dates relating to expenditures from the Petroleum Release Remedial Action Cash Fund	Placed on Final Reading
LB1162	Lautenbaugh	Remove statutory minimum fees under the Game Law	Placed on Final Reading
LB727	Natural Resources Committee	Change provisions relating to hearings conducted by the Department of Natural Resources	Placed on Final Reading
LB798	Louden	Change provisions relating to irrigation water reuse pits, transfer of water appropriations, and intentional underground water storage permits	Placed on Final Reading
LB986	Preister	Adopt the Electronics Recycling Act	Advanced to Enrollment and Review for Engrossment

## Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1147	Nebraska Retirement Systems Committee	Change provisions relating to retirement and the Nebraska Investment Council	Advanced to Enrollment and Review for Engrossment

## Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1001	White	Adopt the Low-Income Home Energy Conservation Act and change provisions relating to income tax withholding of independent contractors	Placed on Final Reading Second with ST9093
LB575	Kruse	Change a sales tax exemption for nonprofit entities and provide an exemption for nonprofit assisted-living facilities	Presented to Governor April 07, 2008
LB710	Pahls	Require notice of sale of real property by a land reutilization authority	Placed on Final Reading
LB777	Hudkins	Redefine agricultural land and horticultural land for property tax purposes	Presented to Governor April 07, 2008
LB888	Burling	Change corporate income tax calculations	Approved by Governor on April 09, 2008
LB895	Janssen	Change provisions of tax incentive laws	Placed on Final Reading with ST9090
LB912	Avery	Redefine terms for purposes of the Convention Center Facility Financing Assistance Act	Presented to Governor April 07, 2008
LB916	Revenue Committee	Change sales tax provisions	Presented to Governor April 08, 2008
LB965	Revenue Committee	Change property tax provisions	Presented to Governor April 08, 2008

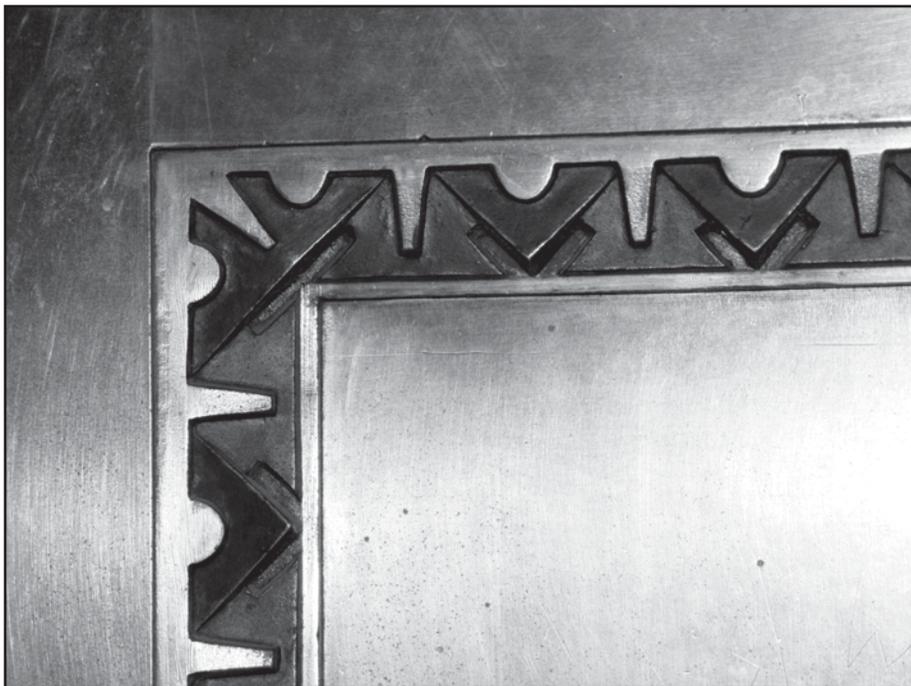
## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1068	Louden	Create the road classification of remote residential road and require a public transportation report	Presented to Governor April 08, 2008
LB837	Karpisek	Change provisions relating to railroad crossings	Advanced to Enrollment and Review for Engrossment
LB845	Fischer	Create a penalty for motor carrier out-of-service order violations and authorize administrative fines	Placed on Final Reading with ST9092
LB911	Hudkins	Change provisions relating to issuance of motor vehicle operator's licenses and state identification cards	Placed on Select File with ER8243

## Urban Affairs

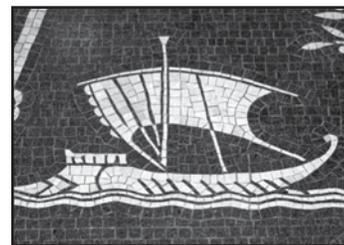
BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1072	Friend	Change the State Natural Gas Regulation Act	Placed on Final Reading
LR229CA	McDonald	Constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development	Placed on Select File

## THE CAPITOL'S HIDDEN TREASURES



**Q:** *This architectural detail can be found somewhere in the State Capitol Building. Do you know where it is?  
Check next week's issue to learn where to find this hidden treasure.*

**A:** *The detail featured in last week's issue is from the tile mosaic on the floor of the rotunda outside the Norris Chamber on the second floor.*



## FROM THE COVER

Editor's Note: During the 2008 session, each week's cover of the Unicameral Update will feature a "Hidden Treasure of Nebraska II." Hidden treasures are sites and events throughout Nebraska that may not be widely known or publicized and reflect the state's culture, heritage and diversity. This series picks up where the 2004 series left off.

The 15th annual Nebraska Star Party will be held at Merritt Reservoir south of Valentine July 27 to Aug. 1. The event is one of the nation's premier star-viewing parties due to the extremely dark skies above the Sandhills. Scheduled events include observational challenges, an astro photo contest, speaker programs, a beginner's astronomy field

school course, a science-oriented program for children and a traditional Friday night viewing event for the public to be held on Aug. 1.

Go to [www.nebraskastarparty.org](http://www.nebraskastarparty.org) or contact Doug Bell at (402) 489-8197 or [dougbell@navix.net](mailto:dougbell@navix.net) for more information.

## UNICAMERAL UPDATE

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

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# UNICAMERAL UPDATE

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