

THE NEBRASKA LEGISLATURE'S  
WEEKLY PUBLICATION

## UPDATE

**100th Legislature adjourns sine die**

The 100th Legislature, Second Session drew to a close April 17 following 60 legislative days during which lawmakers addressed a number of weighty issues and witnessed the departure of Nebraska's longest serving senator.

Since convening on Jan. 9, Nebraska's lawmakers have considered 471 new bills and enacted more than 150 pieces of legislation. Most prominent among those bills passed were proposals to move the Nebraska State Fair from Lincoln to Grand Island, enhance the state's primary business tax incentive program, require statewide student assessment, implement a compromise on stem cell research, enact a statewide smoking ban in many public buildings and provide additional funding for roads.

In his closing address, Speaker Mike Flood thanked colleagues for their work and sacrifices during the session and their willingness to work toward compromise on issues.

"It can be said we do the people's business. We did the people's business

and we did it well," the speaker said. "Our accomplishments this session are outstanding."

He specifically thanked those leaving the Legislature due to term limits for their experience and mentoring. He also praised the class of senators who entered the Legislature two years ago.

"You have impressed us. You have demonstrated respect for the Legislature as an institution," Flood said.

Gov. Dave Heineman called the session an historic one in which lawmakers could be very proud of their collective accomplishments.

The governor drew attention to a variety of issues, including the Legislature's work on balancing the budget and maintaining the state's cash reserve.

"With signs of an economic downturn approaching, these two items were essential to keep Nebraska moving forward," Heineman said.

**A legendary legislative career ends**

Fifteen senators were recognized for their service to the state as their time in the Legislature came to a close. Together, the term-limited senators represent a combined 201 years of

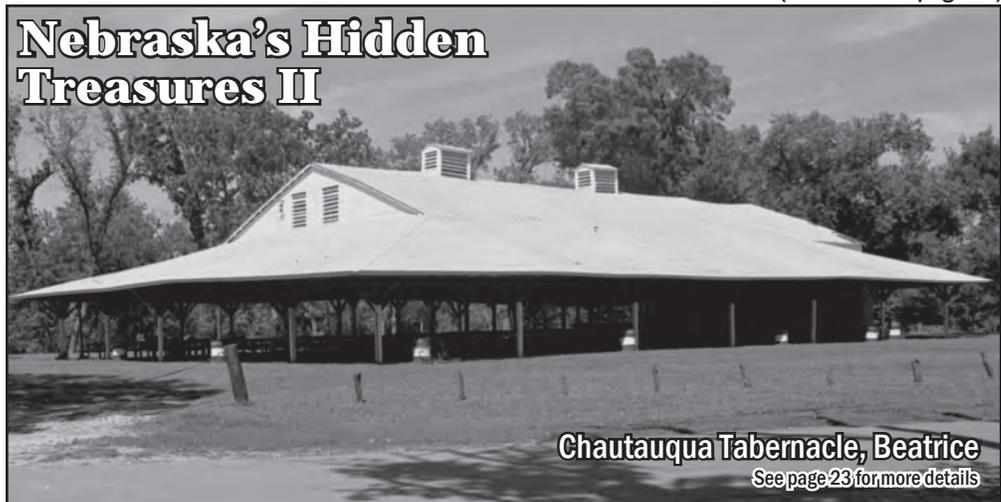
legislative experience.

Although their terms will continue through January 2009, the retiring senators cast their final legislative votes, barring a special session.

Most prominent among them was Sen. Ernie Chambers of Omaha, whose 38-year legislative career will stand as the longest in state history. Legislative term limits enacted in 2000 now restrict senators to two consecutive four-year terms.

Chambers, who represents District 11 in north Omaha, was first elected to the Legislature in 1970. During his tenure, he has garnered a reputation for

(continued on page 14)

**Nebraska's Hidden Treasures II**

**Chautauqua Tabernacle, Beatrice**

See page 23 for more details

**INSIDE:**

State Fair goes to Grand Island • Gas tax revised, passed • Governor's fluoride veto overridden

# ISSUES UPFRONT

## Agriculture

### Beginning farmer incentive measure passed

**L**awmakers gave final legislative approval April 17 to a bill that enhances 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, provides 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 is capped at \$100,000 and exists for a period of three years, beginning with the first year for which the exemption is claimed.

The bill also includes provisions of **LB875**, originally sponsored by Lincoln Sen. Tony Fulton, which redefines the "owner of agricultural assets" for the purpose of qualifying for the beginning farmer program.

LB1027 was passed 47-0.



Sen. Philip Erdman

### State Fair goes to Grand Island

The Legislature gave final approval April 16 to a bill directing the



Nebraska State Fair to move from Lincoln to Grand Island.

Introduced by Bayard Sen. Philip Erdman, **LB1116** will 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 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 fairgrounds to be developed by UNL into an Innovation Park to encourage public-private research partnerships.

The \$42 million cost to rebuild the fair will 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 indicates that the Nebraska State Fair Board shall cooperate and coordinate with the Hall County Livestock Improvement Association, the city of Grand Island and other appropriate entities to provide for and carry out any plan of improvements to Fonner Park, including the construction of buildings, other capital

facilities and other enhancements necessary to develop the site as a location suitable for conducting the Nebraska State Fair.

The University of Nebraska is required to provide an annual master plan and business plan for the Innovation Campus to the state Department of Administrative Services and the Legislature starting Dec. 1, 2009.

The bill contains provisions of **LB1115**, an Erdman bill that changes the makeup of the State Fair Board. The bill redefines 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 will serve out their current terms and be eligible for reappointment subject to limitations.

The governor will 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 will be removed as ex-officio, voting members of the board and replaced by the state 4-H program administrator and the Nebraska Future Farmers

# ISSUES UPFRONT.....

of America executive director.

Senators passed LB1116 on a 44-3 vote.

## Veterinary incentive bill sent to governor

Senators gave final approval April 17 to a proposal that provides financial incentives to new veterinarians who agree to serve in underserved areas.

**LB1172**, introduced by Sen. Cap Dierks of Ewing, creates the Food Supply Animal Veterinary Incentive Program. The program will 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 will be administered by the state Department of Agriculture. Each year, up to four veterinarians will be selected to participate in the program. After completing each of the first two years of practice, a veterinarian will receive \$15,000. After completing each of the final two years of the program, the veterinarian will be eligible for \$25,000.

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

The assistance provided under LB1172 will be prorated should sufficient financial resources not be available for the program. The bill also defines shortage areas and provides for the recapture of benefits.

LB1172 was passed by a 48-0 vote.



Sen. Cap Dierks

## Appropriations

### New grant requirements passed

The Legislature passed a bill April 16 that adds new reporting and funding requirements for business incentive grants funded through the Job Training Cash Fund.

**LB956**, introduced by Lincoln Sen. DiAnna Schimek, requires annual reporting from the state Department of Economic Development to the Legislature regarding the status of the Job Training Cash Fund and grants awarded through the program.

The bill designates a portion of the cash fund for businesses located in high-poverty areas, rural areas and small businesses with 25 or fewer employees. Also included are provisions to encourage DED to utilize community colleges in administering worker training programs.

Annual reports regarding grant awards through the cash fund must include the following information for any grant active or completed during the reporting period:

- the grant amount;
- the duration and end date of the training program;
- the number of new or existing employees that received or will receive training; and
- whether the training is administered through a community college or through a private or in-house program.

The bill passed 46-0.



Sen. DiAnna Schimek

### Cultural preservation funding proposal passes

Lawmakers passed a bill April 16 that appropriates \$5 million over the next three years to the Nebraska Cultural Preservation Endowment Fund, which will be matched by private contributions.

Under **LB1165**, introduced by Omaha Sen. John Nelson, the endowment will 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 passed on a 47-0 vote.



Sen. John E. Nelson

## Banking, Commerce and Insurance

### Bill allows benefit plan changes

Lawmakers passed a bill April 17 that changes employee benefit plan provisions for certain political subdivisions.

Introduced by Lincoln Sen. Tony Fulton, **LB734** expands the Political Subdivisions Self-Funding Benefits Act to allow any political subdivision to provide an employee benefit plan without excess insurance if an independent



Sen. Tony Fulton

# ISSUES UPFRONT.....

actuary or insurer determines that excess insurance is 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.

LB734 exempts metropolitan class cities, primary class cities or counties with a population of more than 200,000 from the excess insurance requirement.

The bill passed on a 46-0 vote.

## Bill limits some insurance policies

Senators passed a bill April 15 relating to stranger-originated life insurance (STOLI).

**LB853**, introduced by the Banking, Commerce and Insurance Committee, prohibits some viatical settlement transactions in which a life insurance policy is purchased so it can be sold to an investor.

A STOLI investor solicits a person to purchase a life insurance policy, pays for the policy and then receives the policy's death benefit when the insured person dies. In exchange, the insured person receives an immediate cash payment and free life insurance, in effect allowing the "stranger," or investor, to speculate on his or her life.

The bill discourages STOLI policies by extending the current two-year restriction on selling a life insurance policy to five years. This change makes it more difficult for STOLI investors to predict the time frame of a prospective purchaser's likely death, negatively affecting their rate of return.

Generally, the shorter the insured lives, the more money a STOLI investor makes.

LB853 allows exceptions to the five-year wait if the insured experiences life-changing events such as bankruptcy, terminal or chronic illness, divorce, disability, retirement or death of a spouse.

Senators rejected two attempts by Omaha Sen. Ernie Chambers to return the bill to select file for consideration of amendments and voted 40-2 to pass LB853.

## Business and Labor

### Expansion of injury definitions passed

Following resolution of two rules challenges on their technical ability to do so, lawmakers voted April 15 to revisit changing the Nebraska Workers' Compensation Act.

Senators voted 25-18 to return **LB819**, a bill introduced by Bellevue Sen. Abbie Cornett that would change provisions related to employment security law, for consideration of a specific amendment.



Sen. Abbie Cornett

LB819 was returned to select file from final reading and Cornett offered an amendment incorporating the provisions of **LB1082**, a bill she introduced that would make mental injuries unaccompanied by a physical injury compensable in limited circumstances.

Under current law, mental injuries are compensable only when tied to a compensable physical injury.

LB1082 failed to advance from select file April 10 by a 22-18 vote, three votes short of advancement.

As amended, LB1082 would have changed the Nebraska Workers' Compensation Act to allow for stand-alone mental injury claims for first responders if the injury arose from extraordinary or unusual employment conditions. Injuries resulting from normal employer and employee relations, including personnel and disciplinary actions, would be excluded, as would injuries that occurred before the bill's passage.

Cornett's amendment added a Jan. 1, 2014, sunset clause to the provisions of LB1082, which she said would address senators' concerns about the bill's potential costs.

The amendment was adopted on a 26-18 vote and LB819 advanced to final reading on a 26-17 vote.

After declining April 17 to pass LB819 with an emergency clause, senators voted 28-17 to pass the bill with the clause stricken.

## Education

### Education cleanup bill clears final round

Senators gave final legislative approval April 16 to an education policy bill that, among other things, alters certain early childhood and special education provisions.

**LB1153**, originally introduced by Lincoln Sen. Ron Raikes, allows a parent or guardian of a special education student who is at least 17 years old and has not completed an individualized education plan (IEP) to be issued a certificate of attendance by their school district. The district is then required to allow the student to participate in the high school gradu-



Sen. Ron Raikes

# ISSUES UPFRONT.....

ation ceremony.

Students receiving certificates of attendance also will be able to earn a diploma or high school equivalency. School districts still will 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**.

LB1153 also changes provisions related to the state's early childhood education program by:



*Sen. Mark Christensen*

- 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.

For the 2008-09 school year, LB1153 allows 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.

Finally, the bill makes technical revisions to state aid laws.

LB1153 was passed 46-0.

## Government, Military and Veterans Affairs

### Robocalling regulation approved

Senators passed a bill April 17 that restricts 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.

The bill applies 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.



*Sen. DiAnna Schimek*

Under LB720, sponsored by Lincoln Sen. DiAnna Schimek, robocalls other than telephone solicitations will 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 will 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 will 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. Robocalls made by political subdivisions also are exempt.

The bill takes effect Jan. 1, 2009. LB720 passed on a 45-0 vote.

### Bill exempts corrections employees

Legislators gave final approval April 16 to a bill that exempts certain state Department of Correctional Services employees from the state personnel system.

**LB745**, introduced by Sen. Ray Aguilar of Grand Island, exempts the chief executive officer of each facility operated by the department, as well as the department's medical director and all pharmacists, physicians, psychiatrists and psychologists employed by the department.



*Sen. Ray Aguilar*

The bill passed on a 48-0 vote.

### Guard members will receive extended tuition credit

Lawmakers gave final approval April 17 to a bill that extends tuition credits for some members of the Nebraska National Guard.

Currently, guard members may

# ISSUES UPFRONT.....

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, will extend the allotted time period if a guard member is unable to complete their course of study due to deployment.

If a guard member is deployed for no less than 120 days on either the federal or state level, the adjutant general may extend the member's tuition entitlement for a period equal to the time spent on active duty, up to a maximum of five years.

The bill passed on a 47-0 vote.

## Health and Human Services

### Drinking water fluoridation veto overridden

Lawmakers voted April 17 to override the governor's veto of a bill that changes provisions relating to the fluoridation of Nebraska drinking water.

**LB245**, introduced by Kearney Sen. Joel Johnson, requires the fluoridation of the human drinking water supply of any city or village with a population of 1,000 people or more that lacks sufficient amounts of naturally occurring fluoride.

Cities or villages that do not currently fluoridate their water may prohibit fluoridation through adoption of a voter initiative placed on the ballot by the city or village's governing body.

The bill specifies that any rural water district supplying water to a community required to add fluoride



Sen. Joel Johnson

will not be responsible for any resulting costs, equipment, testing or maintenance, unless the district has agreed to assume such responsibilities.

Senators passed LB245 on a 34-8 vote April 16. It was subsequently vetoed by Gov. Dave Heineman who said in his veto message that the bill's opt-out provision amounted to an unfunded mandate. Further, he said fluoridation should remain a local decision.

Johnson said he was disappointed by the governor's veto and questioned his interpretation of the bill's provisions.

"Governor, please read the bill again. It is a local decision," Johnson said.

Johnson also said the bill's fiscal impact is limited because of the ability to include the opt-out provision on general election ballots.

"How much does it cost to put two lines on a ballot for a general election?" he asked.

Lawmakers voted 31-4 to override the governor's veto and LB245 takes effect June 1, 2010.

### Bill changes service animal regulations

Lawmakers gave final approval April 16 to a bill that changes 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.

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.

The bill:

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

Senators passed LB806 on a 47-0 vote.



Sen. Norm Wallman

### Medicaid prescription drug bill passed

Lawmakers adopted the Medicaid Prescription Drug Act April 16, a bill intended to lower the cost of prescription drugs in Nebraska's Medicaid program.

Sponsored by Omaha Sen. Steve Lathrop, **LB830** establishes a preferred drug list and other cost saving measures under the state's Medicaid program. Once fully implemented, the provisions in the bill are estimated to save the state as much as \$2 million annually.

The bill requires the state Department of Health and Human Services to create and maintain a preferred drug list and to establish a pharmaceutical and therapeutics committee to advise the department on all matters relating to the list. HHS and the committee must consider all therapeutic classes of prescription drugs for the preferred



Sen. Steve Lathrop

# ISSUES UPFRONT.....

drug list, except for antidepressants, antipsychotics and anticonvulsants. Drugs will be placed on the preferred drug list if they are the most cost-effective among therapeutically equivalent alternatives.

Additional cost saving measures in the bill require HHS to:

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

Included in the bill is a two-year appropriation for fiscal years 2008-09 and 2009-10 totaling \$3.8 million in state-federal matching funds. The appropriation provides for additional HHS staff and operating costs associated with implementing the preferred drug list program and other cost saving measures.

The bill passed 47-0.

## Omnibus health policy bill approved

Lawmakers gave final approval April 17 to a bill that make changes to several areas of health and human services in Nebraska.

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

The bill was amended to include provisions from the following bills.

**LB738**, introduced by Lincoln Sen. Tony Fulton, which makes technical changes to brain injury registry notification and reporting requirements;

**LB796**, introduced by Johnson, which creates a new licensure category of limited computed tomography radiographer under the Radiation Control Act;

**LB906**, introduced by Louisville Sen. Dave Pankonin, which changes

provisions 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 allows zoo animal health care to be performed by credentialed health care professionals under the immediate supervision of a zoo veterinarian.

Under the bill, signing a specific consent form for HIV testing will 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.

In addition, the bill:

- exempts recreation facilities, centers or programs operated by political or government subdivisions from licensure requirements under the Child Care Licensing Act;
- alters the funding mechanism for the state's newly established Stem Cell Research Cash Fund;
- adds 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;
- changes provisions relating to fluoroscopy use;
- removes the chairperson of the Behavioral Health Oversight Commission from the Children's Behavioral Health Task Force;
- requires HHS to perform a comprehensive analysis of Nebraska's



Sen. Dave Pankonin



Sen. Cap Dierks

options under federal law for providing medical assistance to employed persons with disabilities;

- requires 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
- requires 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 each year.

Finally, the bill will reestablish the Behavioral Health Oversight Commission as of July 1 with 12 governor-appointed members representing consumers, advocates, providers, administrators, regional centers and cities.

LB928 passed on a 47-0 vote.

## Veterinary drug distribution provision passed

A measure that creates the Veterinary Drug Distribution Licensing Act earned final legislative approval April 17.

**LB1022**, introduced by North Platte Sen. Tom Hansen, regulates 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.

The bill creates a new class of li-



Sen. Tom Hansen

# ISSUES UPFRONT.....

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

LB1022 was returned from final reading April 15 for a Hansen amendment clarifying the vet-patient relationship. The amendment was adopted 38-0 and the bill was returned to final reading by voice vote.

The bill takes effect Dec. 1, 2008. LB1022 passed on a 47-0 vote.

## Judiciary

Bill strengthens consumer protections

The Legislature gave final approval April 17 to a bill that increases consumer protections against deceptive trade practices.

**LB781**, introduced by Tekamah Sen. Kent Rogert, expands the definition of deceptive trade under the Uniform Deceptive Trade Practices Act. The bill also prohibits knowingly and intentionally deceiving a person in an effort to obtain money or property.

According to Rogert, LB781 is intended to protect consumers from deceptive solicitation schemes.

Under the bill, such schemes are illegal if the fraud occurs in Nebraska and affects either residents or nonresidents, or if the fraud occurs outside the state and affects Nebraska residents. The bill adds to the current definition of deceptive trade:

- the use of false pretenses, repre-



Sen. Kent Rogert

sentations 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.

Senators voted 46-0 to pass LB781.

### Penalties increase for marijuana possession

Lawmakers passed a bill April 15 to increase penalties for possession of marijuana weighing up to one pound.

According to the bill's sponsor, Sen. Russ Karpisek of Wilber, the measure is intended to discourage recreational use of marijuana among teens.

**LB844** increases to a Class III misdemeanor the penalty for possession of marijuana weighing more than one ounce but not more 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 are:

- 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



Sen. Russ Karpisek

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.

The bill passed 40-2.

### Omnibus Judiciary Committee bill passed

Lawmakers passed a bill April 15 whose original provisions relating to judicial vacancies were replaced by provisions that create a loan forgiveness program for certain public lawyers.

**LB1014**, introduced by Omaha Sen. Brad Ashford, was further amended to contain provisions of the following bills.



Sen. Brad Ashford

**LB606**, introduced by Ashford, authorizes Nebraska courts to refer civil cases to mediation and other forms of alternative dispute resolution and allows individual trial courts, appellate courts and the Supreme Court to adopt rules of practice regarding the referral process.

**LB774**, sponsored by Lexington Sen. John Wightman, states that HHS is not responsible for reviewing or filing an application to modify child support for incarcerated parents.

**LB804**, introduced by Kenesaw Sen. Carroll Burling, allows jurors to take notes during both civil and criminal trials regardless of whether the parties agree. Under current case law, jurors are permitted to take notes only if the parties agree to allow it.

**LB933**, introduced by Ashford, changes training requirements for county court clerk magistrates.

**LB935**, introduced by Ashford, authorizes the Supreme Court to

# ISSUES UPFRONT.....

establish rules regarding the service and delivery of court papers.

**LB1025**, introduced by Lincoln Sen. Amanda McGill, requires courts to notify a person convicted of a sexual assault or subject to a protection order that it may be a violation of federal law to ship, transport, receive or possess by interstate or foreign commerce any firearm or ammunition.

**LB1085**, introduced by Norfolk Sen. Mike Flood, changes provisions passed in the Parenting Act last year regarding child custody proceedings, ex parte limitations, financial plans, liens, paternity and judge and attorney training requirements.

**LB1107**, introduced by Omaha Sen. John Synowiecki, gives statutory authority to Special Court programs and requires the Legislature to appropriate funds separately to each court program.

**LB1159**, introduced by Ashford, addresses high school truancy rates.

**LB1160**, introduced by Ashford, attempts to reduce repeat juvenile offenses by making changes to the Nebraska juvenile justice system.

LB1014 passed 43-0.

Bill addresses dangerous dogs and animal cruelty

Lawmakers passed a bill April 17 that changes laws related to dangerous dogs and dogs running at large.

**LB1055**, introduced by St. Paul Sen. Vickie McDonald, makes it unlawful for any dog to run



Sen. Amanda McGill

at large. The bill increases fines and allows counties, cities and villages to enact additional penalties for dog owners with more than three violations.

The bill contains provisions of **LB769**, a bill introduced by Bellevue Sen. Abbie Cornett that amends animal abuse laws prohibiting dog fighting, cockfighting and bearbaiting to provide definitions for the terms "mutilation," "repeated beating" and "torture."

The bill was returned to select file April 10 to consider an amendment lessening the original bill's penalties and exempting actions that are commonly accepted practices related to commercial livestock operations. The amendment was adopted 39-0.

LB 769 prohibits individuals convicted of a Class IV felony under these statutes from owning, possessing or residing with an animal for at least five years and no more than 15 years. A person found in violation of this section will be guilty of a Class I misdemeanor.

A person convicted of a Class I or Class III misdemeanor under this act will be prohibited from owning, possessing or residing with an animal for up to five years. A person found in violation of this section will be guilty of a Class IV misdemeanor.

LB1055 passed on a 44-0 vote.

Sponsor passes over slavery resolution

The sponsor of a resolution that would have apologized for the state's role in slavery asked to pass over it April 16.

Elkhorn Sen. Dwite Pedersen, who sponsored **LR284**, said a pending



Sen. Abbie Cornett

Judiciary Committee amendment caused him to reconsider pursuing the resolution. The amendment stops short of an apology and instead would express regret for the state's role in slavery.

The amendment also would condemn any form of racial discrimination against African-Americans.

Pedersen said he wanted to avoid spending the Legislature's time debating the issue when he did not support the committee's version of the resolution.

"I don't think Nebraska is ready for apology," he said, but added that he hopes the state will do so in the future.

Omaha Sen. Ernie Chambers said the resolution had been watered down and supported Pedersen's intent to pass over it. He said the amendment would trivialize a very serious issue and showed "the depth and breadth of racism in this state."

And anyway, he said, "I wouldn't accept an apology."



Sen. Dwite Pedersen

## Natural Resources

Electronics recycling bill approved

Senators approved a measure April 17 aimed at reducing landfill disposal of household electronic devices.

**LB986**, introduced by Bellevue Sen. Don Preister, creates the Electronics Recycling Act, which outlines



Sen. Don Preister



Sen. Vickie McDonald

# ISSUES UPFRONT.....

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

The bill requires manufacturers to provide, at no cost to consumers, a method for returning an electronic device to the manufacturer for recycling. The bill also establishes manufacturer fees to be collected annually by the state Department of Environmental Quality and credited to the Waste Reduction and Recycling Incentive Fund.

DEQ must report annually regarding the financial status of the fund and proceeds will be used to award grants for privately operated electronic recycling programs.

The bill outlines a tiered fee schedule based on a manufacturer's annual unit sales in Nebraska. Manufacturers annually selling fewer than 500 units are exempt. For manufacturers selling more than 500 units annually, the fees are:

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

Fees can be discounted by up to half for manufacturers with certified electronic waste recycling programs and fees can be adjusted to ensure that annual revenue remains between \$1 million and \$5 million.

LB986 was passed 42-4.

## Retirement Systems

Retirement systems bill passed

Lawmakers approved a bill April 17 that changes retirement systems provisions.

Introduced by the Nebraska Retirement Systems Committee, **LB1147** makes a technical change to the way cost of living adjustments are calculated in the state's defined benefit plans.

The measure also includes provisions from several other bills.

**LB937** requires county and state agency employees authorized to participate in the retirement system to enroll and begin making the required contributions immediately upon employment. Currently, employees have 60 days from the date of employment to enroll and begin contributing.

**LB938** allows beneficiaries of deceased members of county or state defined contribution plans to choose investment options. Currently, beneficiaries do not have the statutory authority to transfer investments among the various funds.

**LB1143** requires a review of the current statutory, regulatory and organization practices of the Nebraska Investment Council and the best practices of similar state investment offices. A qualified independent organization will be hired to make recommendations to the council, the governor and the Legislature.

**LB365** allows Nebraska judges to retire at age 62 and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity.

LB1147 passed on a 45-0 vote.

## Revenue

Gas tax proposal revised, passed

Lawmakers voted to return a proposed gas tax measure to select file April 15 to consider an amendment brought by the bill's sponsor. The amendment, which delayed implementation of a new method for taxing gasoline, was adopted 34-4.



Sen. Deb Fischer

Valentine Sen. Deb Fischer, the introducer of **LB846**, said the amendment instead would provide for a one-time transfer of \$15 million from the cash reserve fund as a 20 percent match to leverage federal road funding earmarks.

The money would give the state access to \$73 million in federal funds for projects such as the Kennedy Freeway in Sarpy County, the Lincoln South Beltway and the Heartland Expressway across the Panhandle.

The transfer would be divided into three annual \$5 million transfers beginning in July 2009.

"We've all heard from our constituents around the state about the increase," she said. "I believe this amendment will address their concerns."

She said the amendment was the result of a promise she made to senators when they agreed to override the governor's line-item veto of a budget appropriation to cover salary and health insurance costs for Roads Department employees. That appropriation likely will result in a 1.2 cent per gallon gas tax increase.

"I don't step up readily to take money from general funds, but I am

# ISSUES UPFRONT.....

now," she said. "In the future we are going to have to look at a variety of ways to fund roads, perhaps general funds, even though I don't like that."

The bill still establishes a 5 percent tax on the wholesale price of gasoline and reorganizes the way funds are distributed to funnel more tax proceeds to the state for roads building. The new taxing method was to have taken effect this year. As amended, however, the wholesale tax will go into effect July 1, 2009.

Lincoln Sen. DiAnna Schimek said the change may appease those who want to avoid a gas tax increase, but other taxes will have to make up for the depleted cash reserve.

"What we will be doing is raising income and sales tax in order to replenish the rainy day fund," she said. "If we eventually raise other taxes to replenish the reserves, I don't think we're doing them any favors."

Omaha Sen. John Synowiecki said he was concerned the change represented a move away from the state's tradition of paying for roads with user fees. The state should not start paying for roads with general funds, he said.

"What we are doing is putting roads funding in competition with human service areas where there are huge needs," he said.

Sen. Tony Fulton of Lincoln said he supported the amendment, although it did not solve the ongoing roads funding problem. In the short term, he said, it makes sense to leverage the funds to take advantage of available federal funding, but the long-term issues will take more work.

"We will be dealing with this again next year and many years into the future," Fulton said.

After senators adopted the amendment, LB846 was readvanced to final

reading. The bill passed April 17 on a 39-5 vote.

## Super Advantage tax program clears final round

Lawmakers passed a measure April 15 that creates a new tier in a business tax incentive program created in 2005.

The Nebraska Advantage program awards tax incentives based on five tiers of capital investment and job creation.

**LB895**, introduced by Sen. Ray Janssen of Nickerson at the request of the governor, creates a sixth tier of qualifications for the program called the Nebraska Super Advantage tier. Companies that invest at least \$10 million and create at least 75 new jobs that meet a wage threshold, or invest at least \$100 million and hire at least 50 new employees, will qualify for tax credits under the new tier of the program.



Sen. Ray Janssen

To qualify, the newly created jobs must pay at least 200 percent of the average wage in the county in which the project is located or at least 150 percent of the statewide average wage, whichever is higher.

LB895 allows benefits for projects in villages if the project promises at least two new jobs and at least \$125,000 of new investment. Currently, such small projects must be in counties with a population of 15,000 or less, or in an enterprise zone.

Benefits also will be allowed for projects in one or more census tracts located in metropolitan class cities that have more than 30 percent of residents in poverty and in any adjacent census tracts if the project

promises at least two new jobs and at least \$125,000 in new investment. Currently, these small projects must be in small counties or in enterprise zones.

Benefits will be allowed for projects in second class cities if the project promises at least five new jobs and at least \$250,000 of new investment. Currently, projects in this tier must be in counties with a population of 25,000 or less.

The tax credits awarded under the new Super Advantage tier will equal 10 percent multiplied by the average annual compensation of new employees, multiplied by the number of new employees. The company also will receive a tax credit equal to 15 percent of the investment made in qualified property and can receive a tax exemption for personal property at the project.

Under the bill, qualifying companies can use tax credits by obtaining reimbursement for real estate taxes paid on real property included in the qualifying project and acquired by the taxpayer after the date the application was filed. Qualifying Internet web portal companies also can claim a personal property tax exemption for computers.

The annual dollar cap for tax credits will be \$3 million through fiscal year 2008-09 and \$4 million for FY2009-10 and thereafter.

The bill excludes livestock modernization or expansion efforts performed to correct environmental violations if they are made within five years of a complaint by the director of the state Department of Environmental Quality.

Finally, companies seeking benefits under the Super Advantage program are required to pay a \$10,000 nonrefundable application fee.

LB895 was passed by a 43-1 vote.

# ISSUES UPFRONT.....

## Utility energy-saving grant program passed

A grant program to help low-income households make their homes more energy efficient was passed April 15.

**LB1001**, sponsored by Omaha Sen. Tom White, allows electric utilities to opt into a program that will provide grants for low-income Nebraska residents to make energy-saving improvements to their homes. The grant fund will 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 must make less than 150 percent of the federal poverty level.



Sen. Tom White

The total amount of sales taxes designated in any calendar year is limited to 5 percent of the total amount collected in the prior calendar year.

The bill also incorporates provisions from **LB1175** that 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 will be 5 percent.

The bill takes effect on July 1, 2009.

LB1001 was passed by a 43-1 vote.

## Transportation and Telecommunications

### Railroad crossing procedures passed

Lawmakers passed a bill April 17 that provides a way for communities 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.

Under **LB837**, introduced by Wilber Sen. Russ Karpisek, 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. Such a written request exempts a railroad crossing from being closed.

The bill passed 47-0.



Sen. Russ Karpisek

### New driver's licensing procedures passed

The Legislature passed a bill April 17 regarding driver's licensing procedures.

**LB911**, introduced by Malcolm Sen. Carol Hudkins, directs the state Department of Motor Vehicles to develop licenses by April 1, 2009, that prevent identity theft, fraud, forgery and counterfeiting.

The bill autho-



Sen. Carol Hudkins

rizes the DMV to provide for the centralized production and issuance of licenses from a secure facility. New licenses will be delivered by mail.

Driver's license tests, however, will continue to take place at current examination centers. State identification cards will 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 will be required to attend fraudulent document recognition training. The DMV may collect an identity security surcharge of no more than \$8 to cover the cost of technology and security practices.

The bill passed 33-9.

## Urban Affairs

### Natural gas regulations approved

Lawmakers approved a bill April 16 that adjusts state natural gas regulations.

**LB1072**, sponsored by Omaha Sen. Mike Friend, prohibits ex parte communications by the parties of a contested case under the State Natural Gas Regulation Act. The bill also adjusts the time available to the Public Service Commission to pursue general rate filings.



Sen. Mike Friend

Contained in the bill are provisions of LB1095, originally introduced by Sen. Ray Aguilar of Grand Island, to amend a regulatory exemption that prohibits extending duplicative or redundant gas mains or other utility infrastructure.

# ISSUES UPFRONT.....

These provisions apply to jurisdictional utilities, cities that own or operate their own natural gas distribution systems and the Metropolitan Utilities District. The bill passed 47-0.

## Constitutional amendment supports municipal development

Lawmakers approved a proposal April 17 to remove certain funding restrictions on local economic and industrial development.

**LR229CA**, introduced by St. Paul Sen. Vickie McDonald, places a proposal on the November ballot to amend the state constitution. The amendment would remove provisions in current law that restrict the sources of tax revenue available to municipalities for economic development.



Sen. Vickie McDonald

Currently, cities and villages must obtain legislative authority and voter approval to fund economic or industrial development with local tax revenue. Only general taxes, including property and local sales tax can be authorized.

If passed by voters in November, the amendment will allow the Legislature to authorize municipalities to access additional sources of revenue, such as local occupation taxes and utility charges.

According to McDonald, the amendment would benefit rural communities that have difficulty funding projects with proceeds from property and sales tax alone.

The resolution was advanced to final reading April 15 and passed by the Legislature 46-0.



Sen. Brad Ashford opens on a resolution to name the Ernie Chambers Hearing Room.



Gov. Dave Heineman greets senators following his address to the Legislature.



Sen. DiAnna Schimek casts one of her final votes as a lawmaker.

# A CLOSER LOOK.....

## 100th Legislature adjourns sine die

(continued from page 1)

representing minorities and the less fortunate. In the Legislative Roster, he annually has listed his occupation as “Defender of the Down-trodden.”

At one point during the 1970s, he served as chairperson of the Government and Veterans Affairs Committee. In the 1990s, he served as vice chairperson of the Judiciary Committee. He also served as a member of the Legislature’s Executive Board for 26 years.

Among the many legislative achievements of Chambers’ career was his success in gaining passage of legislation that divested Nebraska financially from South Africa in response to that nation’s policy of apartheid and bills that provided for election of the Omaha City Council, Douglas County Board and Omaha Public School Board by district. He also was instrumental in recent legislation that restructured K-12 education in the Omaha metropolitan area.

Legislatively, however, Chambers may be remembered most for his efforts to repeal the state’s death penalty.

Every year since 1976, Chambers has sponsored legislation to strike capital punishment from Nebraska statutes. In 1979, he was successful in convincing senators to pass a bill repealing the death penalty. That legislation was vetoed by then-Gov. Charles Thone.



Sen. Ernie Chambers listens while his colleagues honor his 38 years of service in the Legislature.

On the legislative floor, Chambers is regarded as a master of legislative rules and procedure. His expertise and knowledge of the legislative process accumulated over many years positioned him as a potent force to be reckoned with on any given piece of legislation. Many debates on bills with which he had unwavering disagreement would result in what some have referred to as a filibuster, but which Chambers preferred to call “extended debate.”

On a more interpersonal level, Chambers was known for his ability to quote the law, literature, scripture and pop culture from rote memory during debate, his care and concern for the welfare of children and animals and his trademark T-shirts and

blue jeans, which he began wearing in the 1970s in response to a proposed legislative dress code.

Senators voted 48-0 to adopt **LR404**, a resolution introduced by the Judiciary Committee honoring Chambers for his years of service by naming Room 1113 of the State Capitol Building, the committee’s hearing room, the Ernie Chambers Hearing Room.

Omaha Sen. Brad Ashford, the Judiciary Committee chairperson, talked about the privilege of working with Chambers on the committee.

“It’s very much like listening to a great orchestra ... a virtuoso ... someone who can talk about an issue in a way no one else can,” he said.

Ashford said one of the most im-

# A CLOSER LOOK.....

portant reasons to honor Chambers is his gift for connecting with children.

“The children of today and of tomorrow will see that name and never forget the contributions that Sen. Chambers has made,” he said.

Flood recounted a story about a visit to the Legislature by a fourth grade class. After they had observed the Legislature in action and Flood had spoken with the class, the lone African-American student in the audience raised his hand and asked how he could be like Chambers when he grew up.

At that moment, Flood said, he

fully recognized Chambers’ lasting contribution.

“That’s one hell of a legacy to leave behind,” Flood said.

Omaha Sen. Steve Lathrop, the committee’s vice chairperson, said Chambers’ role as “defender of the downtrodden” is significant because there is no organized lobby for the disadvantaged.

“We can take up many issues here, but ultimately the downtrodden will be represented by our conscience, and Ernie is a man of conscience,” Lathrop said.



*Sen. Mike Flood recounts an anecdote about Sen. Chambers.*



# ISSUES UPFRONT.....

## Other senators recognized

Other senators recognized for their service in the Legislature are:

*Sen. DiAnna Schimek of Lincoln (District 27)* – First elected in 1988. Chairperson of the Legislative Performance Audit Committee. Twice served previously as chairperson of the Government, Military and Veterans Affairs Committee.

*Sen. Carol Hudkins of Malcolm (District 21)* – First elected in 1992. Chairperson of the Rules Committee.

*Sen. Ray Janssen of Nickerson (District 15)* – First elected in 1992. Chairperson of the Revenue Committee. Previously served as chairperson of the General Affairs and Retirement Systems committees.

*Sen. Dwite Pedersen of Elkhorn (District 39)* – First elected in 1992. Chairperson of the Committee on Committees.

*Sen. Don Preister of Bellevue (District 5)* – First elected in 1992. Vice chairperson of the Legislature's Executive Board.

*Sen. Pat Engel of South Sioux City (District 17)* – First appointed in 1993. Chairperson of the Legislature's Executive Board.

*Sen. Ron Raikes of Lincoln (District 25)* – First appointed in 1997. Chairperson of the Education Committee. Previously served as chairperson of the Intergovernmental Cooperation Committee.

*Sen. Ray Aguilar of Grand Island (District 35)* – First appointed in 1999. Chairperson of the Government, Military and Veterans Affairs Committee. Previously served as chairperson of the Intergovernmental Cooperation Committee.

*Sen. Carroll Burling of Kenesaw (District 33)* – First elected in 2000. Previously served as vice chairperson

of the Business and Labor Committee.

*Sen. Philip Erdman of Bayard (District 47)* – First elected in 2000. Chairperson of the Agriculture Committee.

*Sen. Lowen Kruse of Omaha (District 13)* – First elected in 2000. Chairperson of the Intergovernmental Cooperation Committee.

*Sen. Vickie McDonald of St. Paul (District 41)* – First appointed in 2001. Chairperson of the General Affairs Committee.

*Sen. John Synowiecki of Omaha (District 7)* – First appointed in 2002. Chairperson of the Retirement Systems Committee.

*Sen. Joel Johnson of Kearney (District 37)* – First appointed in 2002. Chairperson of the Health and Human Services Committee.



*Sen. DiAnna Schimek*



*Sen. Carol Hudkins*

# ISSUES UPFRONT.....



*Sen. Ray Janssen*



*Sen. Dwite Pedersen*



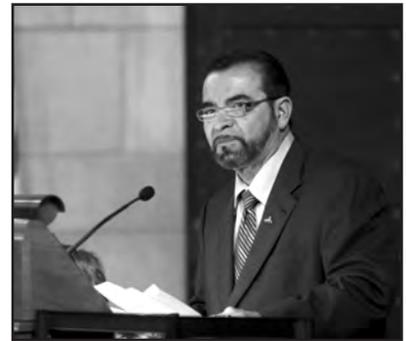
*Sen. Don Preister*



*Sen. Pat Engel*



*Sen. Ron Raikes*



*Sen. Ray Aguilar*



*Sen. Carroll Burling*



*Sen. Philip Erdman*



*Sen. Lowen Kruse*



*Sen. Vickie McDonald*



*Sen. John Synowiecki*



*Sen. Joel Johnson*

# WEEKLY REVIEW

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1027	Erdman	Provide a personal property tax exemption under the Beginning Farmer Tax Credit Act	Presented to Governor April 17, 2008
LB1116	Erdman	Provide for Nebraska State Fair relocation and a fair relocation plan and change membership on the Nebraska State Fair Board	Presented to Governor April 16, 2008
LB1172	Dierks	Adopt the Food Supply Animal Veterinary Incentive Program Act	Presented to Governor April 17, 2008
LB789	Erdman	Change grant provisions under the Agricultural Opportunities and Value-Added Partnerships Act	Approved by Governor on April 16, 2008

## Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1165	Nelson	Provide for transfers of funds to the Nebraska Cultural Preservation Endowment Fund	Approved by Governor on April 17, 2008
LB956	Schimek	Change provisions relating to job training grants	Approved by Governor on April 17, 2008

## Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1011	Langemeier	Change the Real Property Appraiser Act	Approved by Governor on April 16, 2008
LB1045	Pankonin	Change provisions relating to coverage changes in property and casualty and automobile liability policies	Approved by Governor on April 16, 2008
LB734	Fulton	Change employee benefit plan provisions for certain political subdivisions	Presented to Governor April 17, 2008
LB848	Erdman	Change and eliminate provisions of the Nebraska Limited Cooperative Association Act	Approved by Governor on April 16, 2008
LB853	Banking, Commerce and Insurance Committee	Change provisions of the Viatical Settlements Act	Approved by Governor on April 17, 2008
LB907	Pirsch	Change provisions relating to corporations and limited liability companies	Approved by Governor on April 17, 2008
LB953	Nelson	Change manufactured home and mobile home provisions relating to bankruptcy, certificates of title, and security interests	Approved by Governor on April 17, 2008

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB609	Carlson	Provide additional purposes for the Building Entrepreneurial Communities Act	Presented to Governor April 17, 2008
LB819	Business and Labor Committee	Change provisions of the Employment Security Law and the Nebraska Workers' Compensation Act	Presented to Governor April 17, 2008
LB821	Business and Labor Committee	Change provisions relating to claims against the state and the Risk Manager	Approved by Governor on April 16, 2008

## Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1100	Adams	Adopt the Quality Education Trust Act	Placed on General File with AM2775
LB1153	Raikes	Provide for certificates of attendance for special education students and change provisions relating to early childhood education funding	Approved by Governor on April 17, 2008
LB1154	Raikes	Change provisions relating to learning communities, schools, educational service units, and job training grants	Approved by Governor on April 14, 2008
LB850	Erdman	Change insurance coverage provisions for members of school boards, boards of education, learning community coordinating councils, and boards of educational service units	Approved by Governor on April 16, 2008
LB973	Raikes	Change calculation of state aid to community colleges	Approved by Governor on April 11, 2008

# WEEKLY REVIEW

## 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	Approved by Governor on April 14, 2008
LB1103	Karpisek	Change provisions relating to sale of farm winery wines	Approved by Governor on April 16, 2008
LB251	Synowiecki	Eliminate a restriction on adding alcohol to beer	Indefinitely postponed
LB544	Synowiecki	Eliminate prohibition on retail beer licensees accepting credit from a beer manufacturer or wholesaler	Indefinitely postponed
LB546	Synowiecki	Provide for parimutuel wagering on historic horseraces	Indefinitely postponed
LB645	Heidemann	Change Nebraska Liquor Control Act provisions to exempt a bed and breakfast establishment from an occupation tax	Indefinitely postponed
LB728	Karpisek	Change provisions relating to the state song	Approved by Governor on April 16, 2008
LB955	Dierks	Change provisions under the Nebraska Liquor Control Act relating to manufacturers' interest in wholesalers	Indefinitely postponed
LB993	McDonald	Change expenditure provisions relating to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund	Approved by Governor on April 16, 2008
LB995	General Affairs Committee	Change provisions relating to cemeteries	Approved by Governor on April 17, 2008

## Government, Military and Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1067	Aguilar	Change provisions allocating election costs to political subdivisions	Approved by Governor on April 16, 2008
LB195	Preister	Repeal the authorization for the Nebraska State Quarter	Approved by Governor on April 16, 2008
LB720	Schimek	Change requirement regarding prerecorded messages	Presented to Governor April 17, 2008
LB745	Aguilar	Change exemption provisions relating to the State Personnel System	Approved by Governor on April 17, 2008
LB746	Aguilar	Change provisions relating to tuition credits for National Guard members	Presented to Governor April 17, 2008
LB838	Karpisek	Change procedures relating to elections	Approved by Governor on April 16, 2008
LB889	Flood	Provide construction alternatives for political subdivisions	Approved by Governor on April 11, 2008
LB904	Lautenbaugh	Change provisions relating to applications for veterans aid	Approved by Governor on April 16, 2008
LR223	Avery	Urge the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American \$1 coin	President/Speaker signed

## Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1022	Hansen	Adopt the Veterinary Drug Distribution Licensing Act	Presented to Governor April 17, 2008
LB1048	Nantkes	Provide for issuance of birth certificates for stillbirths	Approved by Governor on April 16, 2008
LB1108	Erdman	Change licensure and practice provisions for mental health practitioners	Approved by Governor on April 16, 2008
LB171	Kopplin	Require Department of Health and Human Services to apply for food stamp options and waivers	Approved by Governor on April 11, 2008
LB245	Johnson	Change provisions relating to fluoridation of drinking water	Certificate
LB308	Stuthman	Adopt the Automated Medication Systems Act	Presented to Governor April 17, 2008

# WEEKLY REVIEW

## Health and Human Services

LB469	Chambers	Change funding restrictions under the Nebraska Health Care Funding Act	Presented to Governor April 17, 2008
LB765	Gay	Change provisions relating to certificates of need	Approved by Governor on April 11, 2008
LB806	Wallman	Change provisions relating to dog guides, hearing aid dogs, and service dogs	Approved by Governor on April 17, 2008
LB830	Lathrop	Adopt the Medicaid Prescription Drug Act	Approved by Governor on April 17, 2008
LB928	Johnson	Change and repeal provisions relating to public health and welfare	Presented to Governor April 17, 2008
LB972	Gay	Change optometry licensure provisions	Approved by Governor on April 16, 2008
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	Enrolled Resolution

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1014	Ashford	Change provisions relating to courts	Approved by Governor on April 16, 2008
LB1055	McDonald	Change provisions relating to animal abuse, dogs running at large, and dangerous dogs	Presented to Governor April 17, 2008
LB151	Gay	Provide a statute of limitations for certificate of deposit obligations as prescribed	Approved by Governor on April 16, 2008
LB179	Lathrop	Require electronic recording of custodial interrogations	Approved by Governor on April 11, 2008
LB280	Stuthman	Provide for jurisdiction over custody proceedings of juveniles as prescribed	Approved by Governor on April 16, 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	Approved by Governor on April 11, 2008
LB736	Fulton	Provide for ignition interlock permits and change provisions relating to other driving permits and penalties for driving under the influence	Approved by Governor on April 16, 2008
LB764	Cornett	Prohibit certain treatment of bovines and equines	Approved by Governor on April 16, 2008
LB766	Cornett	Regulate scrap metal recycling	Approved by Governor on April 11, 2008
LB775	Wightman	Change deputy court clerks provisions	Approved by Governor on April 16, 2008
LB781	Rogert	Change the Uniform Deceptive Trade Practices Act	Presented to Governor April 17, 2008
LB844	Karpisek	Change penalty provisions for marijuana possession	Approved by Governor on April 16, 2008
LB902	Pankonin	Change provisions relating to controlled substances schedules and inventory	Approved by Governor on April 16, 2008
LB952	Lathrop	Change state administrative departments investigatory powers and Attorney General and county attorneys investigatory and enforcement powers	Approved by Governor on April 11, 2008

# WEEKLY REVIEW

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1049	Erdman	Change membership provisions for the Game and Parks Commission	Approved by Governor on April 11, 2008
LB1145	Louden	Change dates relating to expenditures from the Petroleum Release Remedial Action Cash Fund	Approved by Governor on April 16, 2008
LB1162	Lautenbaugh	Remove statutory minimum fees under the Game Law	Approved by Governor on April 16, 2008
LB724	Natural Resources Committee	Change fees under the Remedial Action Plan Monitoring Act	Approved by Governor on April 16, 2008
LB726	Natural Resources Committee	Change provisions relating to the Wastewater Treatment Facilities Construction Loan Fund	Approved by Governor on April 16, 2008
LB727	Natural Resources Committee	Change provisions relating to hearings conducted by the Department of Natural Resources	Approved by Governor on April 16, 2008
LB798	Louden	Change provisions relating to irrigation water reuse pits, transfer of water appropriations, and intentional underground water storage permits	Approved by Governor on April 16, 2008
LB805	Wallman	Change membership of the Propane Education and Research Council	Approved by Governor on April 16, 2008
LB865	Hudkins	Allow trapping of raptors within the county road right-of-way	Approved by Governor on April 16, 2008
LB986	Preister	Adopt the Electronics Recycling Act	Presented to Governor April 17, 2008

## Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1147	Nebraska Retirement Systems Committee	Change provisions relating to retirement and the Nebraska Investment Council	Presented to Governor April 17, 2008

# WEEKLY REVIEW

## 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	Approved by Governor on April 16, 2008
LB1004	Cornett	Change an income tax withholding amount	Approved by Governor on April 16, 2008
LB575	Kruse	Change a sales tax exemption for nonprofit entities and provide an exemption for nonprofit assisted-living facilities	Approved by Governor on April 11, 2008
LB710	Pahls	Require notice of sale of real property by a land reutilization authority	Approved by Governor on April 16, 2008
LB754	Synowiecki	Change provisions of the Convention Center Facility Financing Assistance Act	Approved by Governor on April 16, 2008
LB777	Hudkins	Redefine agricultural land and horticultural land for property tax purposes	Approved by Governor on April 11, 2008
LB846	Fischer	Change motor fuel taxes	Presented to Governor April 17, 2008
LB893	Langemeier	Change provisions relating to tax deeds and foreclosures	Approved by Governor on April 16, 2008
LB895	Janssen	Change provisions of tax incentive laws	Approved by Governor on April 17, 2008
LB912	Avery	Redefine terms for purposes of the Convention Center Facility Financing Assistance Act	Approved by Governor on April 11, 2008
LB916	Revenue Committee	Change sales tax provisions	Approved by Governor on April 14, 2008
LB965	Revenue Committee	Change property tax provisions	Approved by Governor on April 14, 2008

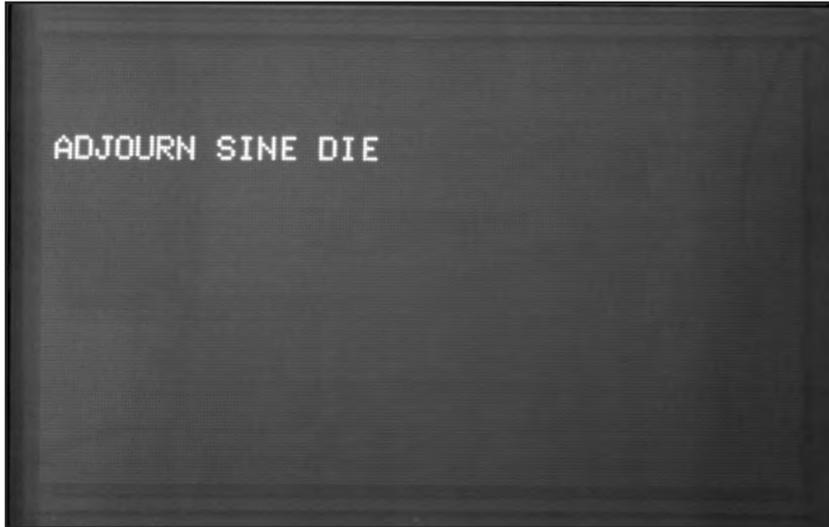
## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1068	Louden	Create the road classification of remote residential road and require a public transportation report	Approved by Governor on April 14, 2008
LB837	Karpisek	Change provisions relating to railroad crossings	Presented to Governor April 17, 2008
LB845	Fischer	Create a penalty for motor carrier out-of-service order violations and authorize administrative fines	Approved by Governor on April 16, 2008
LB911	Hudkins	Change provisions relating to issuance of motor vehicle operator's licenses and state identification cards	Presented to Governor April 17, 2008

## Urban Affairs

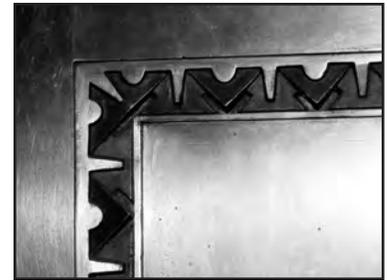
BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1072	Friend	Change the State Natural Gas Regulation Act	Approved by Governor on April 17, 2008
LB947	Friend	Increase minimum bidding amount requirements for cities of the first and second class and villages	Approved by Governor on April 16, 2008
LR229CA	McDonald	Constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development	Presented to Secretary of State April 17, 2008

## THE CAPITOL'S HIDDEN TREASURES



*Thank you for following the Capitol's Hidden Treasures series. Contact the Capitol Tours Office at (402) 471-0448 to plan a visit to Nebraska's Capitol Building to admire these and other hidden treasures in person.*

**A:** *The detail featured in last week's issue is from the outer door of a Capitol elevator.*



### 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 Chautauqua Tabernacle, located in Beatrice, was built in 1889 for the Interstate Chautauqua Assembly. The Chautauqua offered secular and religious education through summer assemblies until the 1920s. Sessions featured performances, discussions, lectures and oratory as well as lessons in fine art and domestic science.

The tabernacle had a seating capacity of 2,500 and featured speakers such as Presi-

dent Rutherford B. Hayes, William Jennings Bryan, Frances Willard and Sen. Robert La-Follette. The building is listed on the National Register of Historic Places.

When the Chautauqua Board ceased operation in 1916, the grounds and Tabernacle became part of the Beatrice City Park System.

For more information, visit [www.beatrice.ne.gov](http://www.beatrice.ne.gov).

## UNICAMERAL UPDATE

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

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

To subscribe, you may contact the Unicameral Information Office, P.O. Box 94604, Lincoln, NE 68509, (402) 471-2788.

You can also subscribe by e-mailing:  
[uio@leg.ne.gov](mailto:uio@leg.ne.gov)

Clerk of the Legislature  
Patrick J. O'Donnell

Editor  
Mitchell S. McCartney

Contributors  
Shanna Belschner  
Bess Ghormley  
Kate Heltzel  
Heidi Uhing

Assistance provided by

Clerk of the Legislature's Office  
Legislative Bill Room  
Legislative committee clerks  
Legislative committee legal counsels  
Legislative journal clerks  
Legislative Mail Room  
Legislative pages  
Legislative Technology Center  
Legislative Transcribers  
Nebraska State Print Shop

# Contact Information

## UNICAMERAL UPDATE:

- 24-Hour Request Line: (402) 471-2877
- [www.nebraskalegislature.gov/web/public/update](http://www.nebraskalegislature.gov/web/public/update)

## STATUS OF BILLS OR RESOLUTIONS:

- Legislative Hot Line - Lincoln: (402) 471-2709
- Legislative Hot Line - Nebraska, outside Lincoln: (800) 742-7456
- [www.nebraskalegislature.gov/web/public/research](http://www.nebraskalegislature.gov/web/public/research)

## BILLS, RESOLUTIONS OR LEGISLATIVE JOURNALS:

- Subscriptions: State Capitol Room 2018 or (402) 471-2271
- Individual copies: 24-Hour Request Line at (402) 471-2877
- [www.nebraskalegislature.gov/web/public/research](http://www.nebraskalegislature.gov/web/public/research)

## UNICAMERAL WEB SITE:

- [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov)
- Technical assistance: [support@leg.ne.gov](mailto:support@leg.ne.gov)

## UNICAM LIVE! VIDEO COVERAGE:

- [www.nebraskalegislature.gov/web/public/unicamlive](http://www.nebraskalegislature.gov/web/public/unicamlive)

## NEBRASKA BLUE BOOK:

- Nebraska Blue Book Office: (402) 471-2220
- [www.nebraskalegislature.gov/web/public/bluebook](http://www.nebraskalegislature.gov/web/public/bluebook)

## WARNER INSTITUTE FOR EDUCATION IN DEMOCRACY:

- Unicameral Information Office: (402) 471-2788
- [www.nebraskalegislature.gov/web/public/learning](http://www.nebraskalegislature.gov/web/public/learning)

# UNICAMERAL UPDATE

## CLERK OF THE LEGISLATURE

Patrick J. O'Donnell  
State Capitol Room 2018  
Lincoln, NE 68509-4604

Legislative Hot Line  
Voice/Telephone Text - (V/TTY)  
Lincoln...(402) 471-2709  
Nebraska (outside Lincoln)...(800) 742-7456

24-Hour Automated Request Line  
(402) 471-2877

Web Site  
[www.nebraskalegislature.gov](http://www.nebraskalegislature.gov)

Unicameral Update Online  
[www.nebraskalegislature.gov/web/public/update](http://www.nebraskalegislature.gov/web/public/update)

Use the address below to  
contact your senator. Include your senator's  
name and district number in the address.

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

Unicameral Information Office  
Nebraska State Legislature  
P.O. Box 94604  
Lincoln, NE 68509  
03-23-05

PRESRT STD  
U.S. POSTAGE PAID  
LINCOLN, NE  
PERMIT NO. 212