

## Student assessment revisions advanced

The Education Committee advanced a bill March 4 that would amend law relating to Nebraska's system of student learning assessment.

**LB1157** was originally introduced by Lincoln Sen. Ron Raikes. As amended, the bill would make several changes to the state's existing student assessment law.

A technical advisory committee of nationally recognized assessment experts would be appointed by the governor 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 would be reported to the governor, the chairperson of the Legislature's Education Committee and the Clerk of the Legislature. The state board would select grade levels for assessment and reporting according to the assessment instruments.

Annual statewide assessments would be 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.

References to "locally" adopted standards, local assessment instruments and generic grade levels would be eliminated from the law. An existing requirement that the department adopt rules regarding the development of local standards also would be stricken.

A reference to assessment portfolios would be eliminated and school districts would be required to report individual student data for scores and sub-scores on national assessment instruments according to procedures established by the state board and the department.

The state board would be allowed to select additional grade levels and additional subject areas for statewide assessment to comply with federal requirements. The state board would be prohibited from requiring school districts to administer assessments or assessment instruments other than as

prescribed by law.

A recent performance audit found that the department did not meet the statutory requirement that they select four model assessments in each area. Instead, school districts had adopted individual models of their own.

"Through their words and actions, they have made clear that change in statute is necessary," Raikes said.

Raikes said there is also concern about whether the local assessments comply with the federal No Child Left Behind requirements. Noncompliance could risk the loss of federal funds totaling \$4.5 million per year.

York Sen. Greg Adams referred to his personal experience as a classroom teacher who worked on local assessments. The advantage of having local assessments, he said, is that the teacher receives immediate feedback from the students' results, giving the teacher time to revise teaching methods to ensure successful learning.

(continued on page 11)

### Nebraska's Hidden Treasures II



Art Farm, Marquette  
See page 19 for more details.

## INSIDE:

Resolution on impeachment advanced • Community college aid could change • Dog law revisions advance

# ISSUES UPFRONT

## Education

Community college aid revisions advanced

Lawmakers gave first-round approval March 6 to a proposal that would make adjustments in the state's aid formula for community colleges.

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



Sen. Ron Raikes

As amended, the bill would define the formula's base growth rate as the existing base limitation minus 0.5 percent for the FY2008-09 calculation and would make the base growth rate the existing base limitation plus 0.5 percent for FY2009-10 and each fiscal year thereafter. This would effectively make the formula's base growth rate 2 percent for FY2008-09 and 3 percent for FY2009-10 and thereafter.

The bill would set 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 would 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 would make technical changes to various definitions and aspects of the aid formula.

Raikes categorized the proposal as a follow-up to a major reform of community college aid enacted by the Legislature in 2007. Those changes based the aid formula heavily on the concept of providing equalization among community college areas throughout the state, he said.

Lexington Sen. John Wightman, who prioritized the measure, said the proposal would create more stability in the aid formula without a fiscal impact to the state.

"What we're doing is really sharing the pie and cutting those slices slightly differently," he said.

After voting 33-0 to adopt an Education Committee amendment, senators voted 36-0 to send LB973 to select file.

## Government, Military and Veterans Affairs

County commissioner election changes passed

Lawmakers passed a bill March 4 that changes the manner in which some county commissioners are elected.

**LB268**, introduced by Lincoln Sen. Amanda McGill, requires that all county commissioners be nominated and elected by voters of the district they wish to represent.



Sen. Amanda McGill

Under current law, commissioner election rules are determined by the population bracket into which the county falls. Counties are divided into three population brackets:

- under 150,000;
- 150,000 to 300,000; and
- over 300,000.

Lancaster County is the only county currently in the middle population bracket.

The top and bottom population brackets elect their officials directly from the districts they live in, while Lancaster County commissioners face a district-only primary, but are

# ISSUES UPFRONT.....

elected by the entire county population in the general election. LB268 removes the general election provision for counties in the middle population bracket.

The bill will take effect in 2010.

LB268 was passed by a vote of 41-4.

## Capitol landscaping bill stalls

Senators rejected a bill March 6 that would have completed a portion of the original plan for the Nebraska State Capitol Building grounds.

**LB721**, sponsored by Lincoln Sen. DiAnna Schimek, would have reinstated legislative intent regarding completion of the interior courtyard landscaping at the Nebraska State Capitol Building.

A committee amendment narrowed the bill's scope to completion of the plan's fountains by June 30, 2011. Schimek supported the amendment, saying the original master plan for the building included fountains for each of the four interior courtyards.

"The fountains are the last thing that we have never done on the original Capitol plan," she said. "It's been waiting 70 years."

Bayard Sen. Philip Erdman was one of several senators who expressed concern about making landscaping a budgeting priority, particularly given the ongoing restoration work needed on the Capitol building itself.

"We need to make sure the house is in order before we landscape the yard," Erdman said, and suggested that pursuing private funding for the project might be more appropriate.

Sen. Lowen Kruse of Omaha as-

sured the Legislature that the fountains would not compete with other building restoration projects because the restoration funds have already been appropriated.

Cortland Sen. Norm Wallman acknowledged the project's cost, but said the expense would be worth it.

"We should finish the building the way it was designed by the original architect," Wallman said.

LB721 failed to advance to select file by a 23-14 vote.

## Health and Human Services

### Child abuse disclosure rules approved

Senators gave final legislative approval March 4 to a bill that expands the state's ability to release information in child abuse and neglect cases.

**LB782**, introduced by Omaha Sen. Gwen Howard at the request of the governor, permits the Nebraska HHS Director of Children and Family Services or the department's CEO to release information in child abuse cases under limited circumstances.

Among the situations when disclosure will be allowed are those involving the death or near death of a child, when a child is missing from an HHS placement or when information related to a case has already been made public by sources outside of HHS.

Under the bill, any disclosure made cannot impede an ongoing criminal investigation.

LB782 was passed by a 47-0 vote.

Health and Human Services cleanup bill moves forward

Senators amended and advanced a bill March 7 containing changes to several provisions relating to health and human services in Nebraska.

Sen. Joel Johnson of Kearney said **LB797** is intended to clean up technical issues resulting from last session's reorganization of the state Health and Human Services Department.

The bill, introduced by the Health and Human Services Committee, would reinstate some provisions that were inadvertently repealed in 2007. The provisions require HHS to establish an administrative disqualification process for Aid to Dependent Children and child care subsidy programs.

Several amendments to the bill were proposed during select file debate.

LB797 was amended 35-0 to include provisions from two other bills dealing with mobile and manufactured homes.

**LB749**, introduced by Sen. Arnie Stuthman of Platte Center, would provide an electronic option for submitting mobile home park license applications. The bill also would allow for the imposition of civil penalties of up to \$2,000 per day for mobile home park code violations.

"We're trying to make sure that people who are occupying mobile homes are safe and being taken care of," Stuthman said.

**LB892**, introduced by Elkhorn Sen. Dwite Pedersen, would increase various fees paid by mobile home manufacturers. Pedersen said the fees included in the bill have not increased in 20 years.

A Johnson amendment clarifying language regarding breast and cervical cancer provisions passed



Sen. DiAnna Schimek



Sen. Gwen Howard

# ISSUES UPFRONT.....

on a 36-0 vote. Johnson said the amendment was needed to reinstate language requiring that a critical access hospital be located in rural Nebraska, a provision found in the Managed Care Act repealed by the Legislature in 2006.

Omaha Sen. John Synowiecki introduced and later withdrew an amendment that would have added provisions of **LB809** to the bill.

LB809 would have provided a religious exemption from mandatory infant metabolic screening. Under current law, all infants born in Nebraska must be screened for a number of metabolic diseases.

Nebraska is one of only three states that do not provide some form of religious exemption from metabolic screening, Synowiecki said, and some parents have deeply held religious beliefs that infant blood is sacred and should not be withdrawn for any purpose.

But several senators noted the potentially devastating impact of the disorders screened for by the test and questioned prioritizing a parent's right to exercise their religion over the state's interest in protecting minor children.

"Children don't choose their parents," Omaha Sen. Ernie Chambers said. "Parents don't automatically know what's best for the child."

LB797 was advanced to final reading by voice vote.

## Judiciary

### Lawmakers pass medical lien changes

Senators passed a bill March 4 that changes provisions relating to medical liens.

**LB586**, introduced by Bellevue

Sen. Abbie Cornett, reduces the amount of a lien by the discount or other limitation that would have applied to the claim if it had been submitted to a medical insurer for reimbursement.



Sen. Abbie Cornett

The proposal is intended to encourage hospitals to bill insurers promptly.

LB586 was passed by a 47-0 vote.

### Penalties for fleeing arrest modified

A bill relating to penalties for fleeing arrest was passed by lawmakers March 4.

**LB624**, sponsored by Omaha Sen. Pete Pirsch, adjusts the penalty provisions for the offense of operating a motor vehicle to avoid arrest so that the punishment reflects the danger caused by the pursuit.



Sen. Pete Pirsch

Currently, whether the crime of operating a motor vehicle to avoid arrest is a misdemeanor or a felony is determined by the initial reason for the attempted stop by law enforcement.

If the initial reason an officer attempts to stop a vehicle is based upon a felony, any operation of a motor vehicle to avoid arrest that follows is automatically a felony. Similarly, if the initial attempt to stop a vehicle is based upon a misdemeanor, any operation of a motor vehicle to avoid arrest that follows is considered a misdemeanor.

LB624 makes the offense of flight

to avoid arrest a misdemeanor unless one of the following three factors is present:

- the flight results in the death or injury of any person;
- the flight includes the willful reckless operation of a motor vehicle; or
- it is a repeat violation of the law.

If any of the three factors is present, the penalty for the offense will be a Class IV felony.

The bill also adjusts the penalty of loss of operating privileges to reflect the severity of the flight.

Currently, a judge must impose a two-year loss of license for every violation, whether it is a felony or a misdemeanor. LB624 allows judges the discretion to decide whether to impose a maximum one-year loss of license for a misdemeanor offense.

Finally, the bill provides that the person fleeing arrest will be held liable only for any injury or death caused by the vehicle he or she was driving.

LB624 was passed by a 46-0 vote.

### Scrap metal regulation bill amended

A bill aimed at preventing the theft of recyclable metals advanced March 7.

Citing a need to address the dramatic rise in metal thefts locally and nationwide, Bellevue Sen. Abbie Cornett introduced **LB766**, which she said would help deter theft and aid law enforcement in the prosecution of individuals who sell stolen metals.

LB766 would require recycling businesses to record information that identifies sellers of recyclable metals.

Under the bill as amended, businesses would record:

# ISSUES UPFRONT.....

- the seller's name, address and government ID;
- fingerprints of sellers of copper and catalytic converters;
- a photo and description of the metal being purchased;
- the payment amount;
- the name, signature and address of the vendor; and
- the transaction date and time.

Businesses failing to comply with these provisions would 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.

Cornett introduced two technical amendments. The first was adopted 28-0 and the second, which changed the bill's date of implementation to Sept. 1, was adopted 27-0.



Sen. Abbie Cornett

A third amendment, brought by Platte Center Sen. Arnie Stuthman, limited the fingerprinting requirement to apply only to those bringing copper and catalytic converter scrap metal to a recycling business.

He said fingerprinting only those selling the most commonly stolen materials would be less burdensome to businesses.

The amendment was adopted 33-0 and the bill advanced to final reading by voice vote.

Marijuana penalty bill advances to select file

Senators voted March 4 to advance **LB844**, a bill that would

increase punishments for possession of marijuana and marijuana paraphernalia.

Introduced by Wilber Sen. Russ Karpisek, the bill would increase penalties and reclassify the offense of possession of marijuana and marijuana paraphernalia.

Karpisek said he is concerned about the long-term damage caused by marijuana use among teens and intended the bill to deter young people from smoking marijuana.

Omaha Sen. Ernie Chambers said he intended to kill the bill or to reduce the punishment for possession. He suggested the increased penalties in the bill would contribute to overcrowding in Nebraska jails and challenged the notion that increasing the severity of punishments would deter offenders.

"A \$200 fine has no more deterrent effect than a \$100 fine," Chambers said.

As amended by a committee amendment, possession of more than one ounce of marijuana would be reclassified from a Class IIIA misdemeanor, which carries a \$500 fine and up to seven days in jail, to a Class III misdemeanor, which carries a \$500 fine and up to three months in jail.

A first offense for possessing up to one ounce of marijuana would remain an infraction and the fine would increase from \$100 to \$300. A second offense would be a Class IV misdemeanor and would carry a \$400 fine. Third and subsequent offenses would be Class IIIA misdemeanors and would carry \$500 fines.

Possession of marijuana paraphernalia would remain an infraction with



Sen. Russ Karpisek

a \$100 fine.

After invoking cloture 35-2, senators advanced the bill to select file on a 31-4 vote.

Judicial delegation process retained

Lawmakers voted March 7 to remove provisions of a bill that would have changed the manner in which the state's judicial resources are allocated.

Each judicial district is currently assigned a specific number of district, county and juvenile judges. **LB1014**, introduced by Omaha Sen. Brad Ashford, would have changed procedures for filling judicial vacancies by authorizing the Nebraska Supreme Court to determine in which judicial district a judicial vacancy should be filled.

Currently, the Supreme Court makes these recommendations to the Legislature, which must enact legislation to make the change.

Several rural senators voiced concern that LB1014 would result in fewer judges for rural areas, requiring the remaining judges to cover a larger geographic area.

Ashford brought an amendment, adopted 33-0, that removed these provisions and retained the current manner of filling vacant judgeships.

Ashford brought another amendment, adopted 26-0, to

create a loan forgiveness program for certain public lawyers.

Lawmakers adopted a third amendment 35-0 that Ashford introduced, containing provisions of **LB774**, sponsored by Lexington Sen. John Wightman. The amendment states that HHS is not responsible for reviewing or filing an application



Sen. Brad Ashford

# ISSUES UPFRONT.....

to modify child support for incarcerated parents.

Omaha Sen. Pete Pirsch brought an amendment that would have removed the one-year exemption for incarcerated parents if their incarceration results from abusing the child for whom they must make payments.

The amendment failed 24-3, falling one vote short of adoption.

Lawmakers also adopted an amendment 34-0 that was originally introduced by Lincoln Sen. Amanda McGill as **LB1025**. The amendment's provisions would require 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.

LB1025 also defines and implements procedures for the issuance of ex parte orders.

Lastly, Omaha Sen. John Synowiecki brought a technical amendment related to problem-solving court programs that was adopted 28-0.

The bill was previously amended to contain eight other bills.

**LB606**, as originally introduced by Ashford, would authorize Nebraska courts to refer civil cases to mediation and other forms of alternative dispute resolution.

The bill also would allow an individual trial court, an appellate court or the Supreme Court to adopt rules of practice regarding the referral process.

**LB804**, introduced by Kenesaw Sen. Carroll Burling, would allow 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,

would change training requirements for county court clerk magistrates.

**LB935**, introduced by Ashford, would authorize the Supreme Court to establish rules regarding the service and delivery of court papers.

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

**LB1107**, introduced by Synowiecki, would give statutory authority to Special Court programs and require the Legislature to appropriate funds separately to each court program.

**LB1159**, introduced by Ashford, would address high school truancy rates.

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

The bill advanced to final reading by voice vote.

### Bill would change dangerous dog provisions

Lawmakers advanced a bill March 6 that would change laws related to dangerous dogs and dogs running at large.

**LB1055**, introduced by St. Paul Sen. Vickie McDonald, would make it unlawful for any dog to run at large. The fines would be increased and counties, cities and villages could enact additional penalties for dog owners with more than three viola-



Sen. Vickie McDonald

tions.

The bill would remove the condition that a dog at large must damage public or private property for the pound master to investigate a complaint.

Options for disposition of a dog for repeated violations would be expanded to include sterilization, seizure, permanent assignment of the dog to a court-approved animal shelter or destruction in a humane and expeditious manner.

All counties would be authorized to assess a dog license tax and adopt regulations prohibiting dogs from running at large. Dogs could no longer be destroyed for the owner's failure to pay the license tax. Counties could impound a dog if the owner has not paid the license tax or if the dog is running at large. The owner would be responsible for the cost of impoundment, but dogs could not be sold to discharge costs and penalties.

The bill would expand the definition of animal control authority to include any local law enforcement agency or other agency designated by a county, city or village to enforce animal control in their jurisdiction.

In addition, LB1055 would change the definition of a dangerous dog. Currently a dog must inflict a severe injury on a person while on public or private property other than their owner's property in order to be considered dangerous. Severe injury is defined as any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

The bill would establish that a dog will be considered dangerous if it kills a domestic animal or inflicts injury on a human being.

The definition of domestic animal would be expanded to include livestock such as buffalo, deer, antelope, fowl and other animals in a zoo,

# ISSUES UPFRONT.....

wildlife park, refuge, wildlife area or nature center.

A dog would be spayed or neutered and implanted with a microchip by a licensed veterinarian within 30 days after being declared dangerous. Written proof of both procedures and the microchip number would be provided to the animal control authority.

Owners would be prohibited from transporting dangerous dogs to another county, city or village in the state except for a reasonable veterinary purpose.

The bill would clarify that dangerous dogs must be confined to protect the public, which could include being kept indoors or outdoors in a specific pen or structure built to the bill's specifications. Owners would be required to post warning signs about their dangerous dog.

Anyone convicted of violating these provisions would be prohibited from owning a dangerous dog for 10 years. A violation of the ownership prohibition would be a Class IIIA misdemeanor. In addition, if a dangerous dog of an owner with a previous violation of these sections attacks or bites a human being or domestic animal, the dog could be confiscated, quarantined and humanely destroyed. The owner would be guilty of a Class IIIA misdemeanor.

Finally, the bill would require each county to designate an animal control officer to enforce the dangerous dog statutes and the county's laws on dangerous dogs.

McDonald said the need for LB1055 became apparent to her when a dog attacked animals on her daughter's farm, killing all the family's cats and, two days later, their puppy.

She said the family had no recourse because in rural areas, no one is responsible for regulating dangerous dogs.

"The bill targets the right end of

the leash," she said.

Committee amendments, adopted 27-0, would provide that:

- the owner of a dog running at large for 10 days without a collar shall be fined no more than \$25, which is the current fine;
- provisions in the bill regarding dogs running at large shall be limited to counties having a population of at least 80,000 and cities of the first class contained in such counties;
- counties adopting these regulations must provide an appeals process; and
- any spaying, neutering or microchipping of a dangerous dog under the bill shall be paid for by the dog's owner.

McDonald brought an amendment, adopted 29-0, to require that dog owners who are found guilty will be responsible for costs related to the court ordered disposition of a dangerous dog.

Lawmakers voted 29-0 to advance the bill to select file.

## Natural Resources

Bill would change political subdivision bidding requirements

Lawmakers advanced a bill March 4 that would change the bidding requirements for certain political subdivisions.

Nebraska law requires some political subdivisions to use sealed bids to procure certain goods and services. Currently, if the contract under bid involves onsite labor and all bids received are non-responsive or in excess of fair market value the political subdivision cannot reject the bids and negotiate.

**LB939**, introduced by Elk Creek Sen. Lavon Heidemann, would remove the onsite labor exception, allowing the impacted political subdivisions to reject bids and negotiate contracts in those instances. The bill's provisions would apply to public power districts, agencies created under the Municipal Cooperative Financing Act and joint entities formed under an interlocal agreement.

The bill advanced to select file on a 30-0 vote.

Bill would change Game and Parks Commission

Senators advanced a bill March 5 that would amend 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 two commissioners must work in agriculture and live on a farm or ranch.

**LB1049**, introduced by Bayard Sen. Philip Erdman, would allow commissioners to serve up to two four-year terms and require that political affiliation be based on the commissioner's voter registration as of the statewide general election prior to his or her appointment.

According to Erdman, the Legislature intended to ensure balance on the commission when it established restrictions on political affiliation. But interest in serving on the commission has caused applicants to



Sen. Lavon Heidemann

# ISSUES UPFRONT.....

“game the system” by changing their political affiliation in the application process or during their tenure, he said. He indicated the bill would ensure accountability to the spirit of the law.

Lincoln Sen. Danielle Nantkes asked if the bill would create constitutional issues by restricting someone from changing party affiliation. Erdman indicated the provision is applied in other sections of law and he was not aware whether it had been challenged.

Lincoln Sen. DiAnna Schimek introduced and later withdrew an amendment that would have required gender balance on the commission. She noted that all eight commissioners are male and discussed the need to encourage broader participation by women on Nebraska’s boards and commissions.

Ellsworth Sen. LeRoy Loudon opposed the amendment and said it should not be the governor’s responsibility to find people to apply for appointments.

“I think it’s up to us to help identify individuals who would be good candidates for serving on boards and commissions,” he said. “Regardless of gender, we want competent people serving on these boards.”

Bellevue Sen. Don Priester introduced an amendment that would have added a ninth commissioner and changed membership criteria to allow three members from each congressional district.

“Current requirements severely limit where appointees can come from,” he said. “With my amendment, we ensure that residents of the three congressional districts have equal representation.”

Priester withdrew the amendment indicating he would discuss the matter with Erdman before the bill comes up again on select file.

Senators adopted a technical amendment and advanced LB1049 to select file on a 27-0 vote.

## Revenue

Lincoln arena assistance measure moves forward

Lawmakers gave second-round approval March 7 to a proposal that would expand an existing financial assistance program for convention and arena facilities.

In 1999, lawmakers passed a bill allowing local governments that construct 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 the construction of the Qwest Center in Omaha, the construction of other eligible facilities and the improvement of local tourist attractions. The Legislature revised that formula last year.

**LB912**, sponsored by Lincoln Sen. Bill Avery, would allow 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.

The bill also would extend the reach of the financial assistance to publicly or privately owned associated hotels within 450 yards of an eligible facility. Under current law, such an associated hotel must be

publicly owned and within 200 yards of an eligible facility.

As amended, the bill would restrict eligible sports arena facilities to include only those arenas with a seating capacity of 16,000 or less that apply for financial assistance after Feb. 1 of this year.

Before advancing the bill, lawmakers voted 33-0 to adopt an amendment offered by Avery clarifying that the 450-yard radius for associated hotels is measured from the eligible facility itself, not from a parking facility or other affiliated structure.

LB912 was advanced to final reading by voice vote.

## Transportation and Telecommunications

Technology Commission bill passed

Lawmakers passed a bill March 4 that changes the state’s technology policy.

**LB823**, proposed by the Legislative Performance Audit Committee, authorizes the Nebraska Information Technology Commission (NITC) to designate enterprise projects, require progress reports on reviewed projects and review technology projects regardless of their funding source.

Under the bill, state agencies will submit an accounting of their technology assets to the state’s chief information officer and the NITC will provide an annual report of this information.

The bill resulted from an examination of the NITC performed by the Legislative Performance Audit Committee in 2007. The scope of the study included the commission’s compliance with the Information Technol-



Sen. Bill Avery

# ISSUES UPFRONT.....

ogy Infrastructure Act, the project review process and the sufficiency of the commission's authority to deal with project weaknesses.

The bill also includes provisions that bring the Intergovernmental Data Communications Advisory Council and the Geographic Information System Steering Committee under the NITC.

LB823 passed by a 47-0 vote.

## Urban Affairs

SIDs could contract library services

Lawmakers advanced a bill March 4 that would allow contracts for library services.

**LB768**, introduced by Bellevue Sen. Abbie Cornett, would allow a majority of the owners having an interest in the real property within the limits of a proposed sanitary and improvement district (SID) the ability to contract for library services.



Sen. Abbie Cornett

An amendment brought by the Urban Affairs Committee would extend the ability to contract for library services to future SIDs and would permit SID boards to seek contracts with more than one city or village.

Cornett said the bill would solve a problem for residents of Bellevue, where SID residents must pay a \$50 fee to receive a library card.

Lawmakers adopted the committee amendments 28-0 and the bill advanced 32-0.

Omaha Sen. Tom White clarified that the bill would not allow cities to remove funds from a department's

pension program.

Volunteers make considerable sacrifice for their community, he said. "We must protect their pensions."

The bill awaits select file debate.

First class city merger act moves forward

A bill that would allow the voluntary merger of first class cities was advanced to select file March 4.

**LB1056**, sponsored by Bayard Sen. Philip Erdman, would allow first class cities that share a common border to voluntarily merge, subject to voter approval.

Under the bill, city councils of first class cities interested in merging would adopt joint resolutions of their intent to pursue a merger. A public hearing on the proposed merger plan would follow and, if approved, the plan would be put to voters in both cities. The bill prohibits merging cities that cross county lines.

Erdman said LB1056 is in response to interest in a potential future merger expressed by Scottsbluff and Gering. He said the bill would provide a clear process for those cities to follow should they choose to pursue a merger.

"Currently, there is no possible way in statute to do that," Erdman said.

The bill advanced by a 32-0 vote.

Professional fire chief bill amended, advanced

Lawmakers gave second-round approval March 7 to a bill that would change provisions relating to some

Nebraska volunteer fire departments and first responders.

**LB1096**, introduced by Omaha Sen. Mike Friend, would require cities with populations exceeding 37,500 to hire a qualified, career fire chief responsible for training and administrative oversight.



Sen. Mike Friend

The bill also contains provisions regarding financial auditing of trust funds and pension programs under the Volunteer Emergency Responders Recruitment and Retention Act.

Wilber Sen. Russ Karpisek offered an amendment containing provisions of **LB948**, intended to provide employment protections for volunteer first responders.

LB948 would prevent employers from disciplining or terminating volunteer emergency responders who are absent or tardy due to responding to an emergency call prior to the start of their scheduled shift.

Protections would not extend to career firefighters and law enforcement officers who also serve as volunteer emergency responders. Employers with fewer than 10 employees would be exempt from the bill's provisions.

Karpisek said the protections would encourage greater volunteer participation, especially in rural areas.

"This is just one more hurdle they won't have to cross to get people to join," he said.

The amendment was adopted 33-0 and the bill advanced to final reading by voice vote.

# A CLOSER LOOK.....

## Constitutional amendment would add impeachable offenses

Senators advanced a resolution March 6 that would allow voters to amend the Nebraska Constitution to expand the list of offenses that could lead to impeachment.

**LR4CA**, sponsored by Lincoln Sen. Bill Avery, would amend Article IV, Section 5 of the constitution and would be placed on the November 2008 ballot.

Currently, civil officers may be impeached for misdemeanors committed only while in office. The proposed amendment would add to the list of impeachable offenses certain misdemeanors related to the election in which the officer was elected.

Avery said the change would definitively answer the question of whether or not an officer can be impeached for acts which occurred prior to taking office. The Legislature raised this question when it considered the impeachment of University of Nebraska Regent David Hergert in 2006, he said.

The Nebraska Supreme Court conducted impeachment proceedings after the Legislature voted to impeach Hergert. He was ultimately removed from office because the court found he had submitted campaign filing statements after taking office that he knew to be false. The question of whether the campaign violations he allegedly committed before taking office were impeachable remained unanswered.

Omaha Sen. Tom White said the resolution could subject officers or candidates to impeachment for minor offenses unrelated to holding office. Impeachment should apply specifically to dishonest offenses related to holding or seeking office, such as lying under oath, making false statements and intentionally signing an incorrect report, he said.

“This is overbroad,” he said. “It would include failing to get your license plates put on at the right time.”

He introduced an amendment specifying that “a civil officer shall be liable to impeachment for any misdemeanor which evinces moral turpitude and which arose out of the election to, or discharge of the duties of, his or

her office.”

“Moral turpitude” means conduct contrary to justice, honesty, modesty or good morals. The change, White said, would allow the removal of those who are morally unfit to serve while relieving others from being impeached for an unintentional mistake.

“You should not even have to worry about standing trial in front of the Supreme Court unless you have conducted yourself in a way that evinces moral turpitude,” he said.

Avery said that even Black’s Law Dictionary calls it a vague term which is defined differently in different editions of the book.

“The word ‘misdemeanor’ is clearly defined in law, whereas ‘moral turpitude’ is a moving target,” he said. “This amendment does not clarify the language but actually introduces ambiguity into the debate.”

(continued on page 12)



Sen. Bill Avery discusses LR4CA on the legislative floor.

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

## Student assessment revisions advanced

(continued from cover)



*Sen. Ron Raikes discusses LB1157 on the floor of the Legislature.*

“The problem lies in the amount of work it takes to develop and validate that assessment,” he said. “One of my questions was always, how valid are they? If I wanted to compare myself to the school down the road, we’re not comparing apples to apples, and that becomes problematic.”

Adams said LB1157 would reduce work for teachers and bring the ongoing issue to a conclusion.

Gretna Sen. Gail Kopplin said the assessment model has been a very divisive issue that needs to be put to rest.

“I believe I will support this bill, even though I don’t like it very much,” in part, he said, because he has no better solution to offer. Kopplin questioned the need for the bill’s technical advisory committee comprising three to five national experts.

“Don’t we have people in Nebraska who know every bit as much as these people?” he asked. “The answer is, of course we do.”

Fullerton Sen. Annette Dubas said she had surveyed the teachers in her district to learn their views about statewide assessments and heard a general agreement of opinion.

“One thing was very clear: There is an extremely high level of frustration,” she said.

One teacher explained the issue to her in a memorable way: “You can weigh a cow over and over again, but it’s not going to make that cow weigh any more or any less,” Dubas read from a letter. “It’s just going to make the cow feel bad.”

Cortland Sen. Norm Wallman said each time the state changes the way it assesses students it requires teachers to learn a new way of doing things.

“We’re tinkering with something every year,” he said.

Raikes responded, “I would describe this as ‘untinkering,’” further explaining that statewide assessments will allow schools to see where their own results fit among

(continued on page 12)

# A CLOSER LOOK.....

## Student assessment revisions advanced

(continued from page 11)

others. This will enable them to make informed decisions about where to allocate resources to increase performance, he said.

“Isn’t it better to know where the performance is good and not so good?” Raikes asked. “How else are you going to address it?”

Sen. Ernie Chambers of Omaha said there may have been a time when local assessments were appropriate, but that time has passed.

“If these students would stay in the town they were raised in, that would be fine, because they would only be competing against each other,” he said.

But because students now move to other communities or into other states and countries once they reach adulthood, they must be competitive globally, Chambers said.

A committee amendment was adopted 32-5 and the bill advanced 30-4.

## Constitutional amendment would add impeachable offenses

(continued from page 10)

Further, Avery said, White’s intent is to exclude offenses unrelated to office. The constitution already limits impeachable offenses to acts committed while in office, so those concerns are already addressed, he said.

Chambers brought a technical amendment, which he later withdrew, and lawmakers voted 26-10 to adopt White’s amendment.

LR4CA advanced to select file 27-4.



*The Unicameral Legislature’s Speakers over the past 20 years were gathered in the Capitol Rotunda March 6. Pictured are (from left to right): Bill Barrett (1987-91), Doug Kristensen (1998-2002), Ron Withem (1994-97), Speaker Mike Flood (2007-present), Dennis Baack (1991-93), Kermit Brashear (2005-07) and Curt Bromm (2002-05).*

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# WEEKLY REVIEW

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1115	Erdman	Change Nebraska State Fair Board membership	Placed on General File with AM2045
LB790	Erdman	Change buffer strip reimbursement provisions	Presented to Governor March 04, 2008
LB791	Erdman	Provide for rules for certified seed potatoes	Presented to Governor March 04, 2008
LB862	Agriculture Committee	Change noxious weeds funding provisions	Placed on General File with AM1859
LB925	Fischer	Provide liability for damage by estrays	Presented to Governor March 04, 2008

## Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1165	Nelson	State intent to appropriate funds to the Nebraska Cultural Preservation Endowment Fund	Placed on General File with AM2056
LB587	Cornett	Eliminate limitations on appropriations for county jail reimbursement assistance	Placed on General File
LB811	Kruse	State intent to appropriate five million dollars to the public transportation assistance program under the Nebraska Public Transportation Act	Placed on General File with AM2189

## Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB123	Banking, Commerce and Insurance Committee	Adopt the Nebraska Foreclosure Protection Act and change provisions relating to deceptive trade practices	Presented to Governor March 04, 2008
LB386	Langemeier	Adopt the Nebraska Security Instrument Satisfaction Act	Presented to Governor March 04, 2008
LB715	Pahls	Change provisions relating to nonresident real estate licensees	Presented to Governor March 04, 2008
LB851	Banking, Commerce and Insurance Committee	Change provisions relating to banking and finance	Advanced to Enrollment and Review for Engrossment
LB855	Banking, Commerce and Insurance Committee	Change provisions relating to insurance	Advanced to Enrollment and Review for Engrossment

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB500	White	Change Employment Security Law provisions governing the experience account of employers	Presented to Governor March 04, 2008
LB948	Karpisek	Adopt the Volunteer Emergency Responders Job Protection Act	Placed on General File with AM2161

## Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1157	Raikes	Change provisions relating to the statewide system for assessment and reporting of student learning	Placed on Select File with ER8178
LB973	Raikes	Change calculation of state aid to community colleges	Advanced to Enrollment and Review Initial
LB988	Raikes	Change the Tax Equity and Educational Opportunities Support Act	Placed on General File with AM2128

# WEEKLY REVIEW

## Government, Military and Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB268	McGill	Change election provisions for county board members	Presented to Governor March 04, 2008
LB572	Kruse	Provide for the inclusion of certain library employees under the Nebraska State Insurance Program	Placed on General File
LB721	Schimek	Change Capitol Landscape Restoration Master Plan provisions	Failed to advance to Enrollment and Review Initial
LB744	Aguilar	Permit leasing of state property to the federal government or political subdivisions	Presented to Governor March 04, 2008
LB747	Aguilar	Change provisions relating to energy financing contracts	Presented to Governor March 04, 2008
LB750	Aguilar	Designate the Secretary of State's Office as a voter registration agency	Presented to Governor March 04, 2008
LB752	Flood	Change membership provisions of the Nebraska Capitol Commission	Presented to Governor March 04, 2008
LB822	Legislative Performance Audit Committee	Change provisions relating to audits by the Legislative Performance Audit Committee and the Auditor of Public Accounts	Advanced to Enrollment and Review for Engrossment
LB856	Lautenbaugh	Provide for special congressional elections in case of multiple vacancies	Presented to Governor March 04, 2008
LB857	Lautenbaugh	Change certification provisions for candidates for President and Vice President	Presented to Governor March 04, 2008
LB884	Gay	Change provisions relating to the Director of Personnel and employee health benefits	Placed on General File with AM2126
LB962	Preister	Change public body meeting provisions of the Open Meetings Act	Advanced to Enrollment and Review for Engrossment

## Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1048	Nantkes	Provide for issuance of birth certificates for stillbirths	Placed on General File with AM1979
LB1108	Erdman	Change licensure requirements for mental health practitioners	Placed on General File with AM1897
LB1163	Lautenbaugh	Require tanning facilities to post warning signs and obtain and maintain consumers' signatures	Indefinitely postponed
LB759	Hudkins	Change provisions relating to relabeling and redispensing prescription drugs	Placed on General File with AM2142
LB782	Howard	Allow disclosure of child abuse and neglect information	Presented to Governor March 04, 2008
LB797	Health and Human Services Committee	Change provisions relating to health and human services	Advanced to Enrollment and Review for Engrossment
LB809	Synowiecki	Change provisions relating to metabolic screening	Placed on General File with AM1981
LB883	Johnson	Exempt certain public recreation facilities, centers, and programs from child-care licensure	Placed on General File
LB954	Dierks	Change provisions relating to human immunodeficiency virus testing	Placed on General File with AM2117

# WEEKLY REVIEW

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1014	Ashford	Change provisions relating to courts	Advanced to Enrollment and Review for Engrossment
LB1025	McGill	Change domestic assault sentencing and protection order provisions	Placed on General File
LB1055	McDonald	Change provisions relating to dangerous dogs and dogs running at large	Advanced to Enrollment and Review Initial
LB586	Cornett	Change medical lien provisions	Presented to Governor March 04, 2008
LB606	Ashford	Adopt the Stem Cell Research Act	Advanced to Enrollment and Review for Engrossment
LB620	Pirsch	Change provisions relating to debt collection by the State Disbursement Unit and by state agencies	Presented to Governor March 04, 2008
LB623	Pirsch	Change provisions relating to speedy trial	Presented to Governor March 04, 2008
LB624	Pirsch	Change provisions relating to operating a motor vehicle to avoid arrest	Presented to Governor March 04, 2008
LB668	Hudkins	Eliminate provisions relating to gift cards and gift certificates	Presented to Governor March 04, 2008
LB766	Cornett	Regulate scrap metal recycling	Advanced to Enrollment and Review for Engrossment
LB781	Rogert	Change the Uniform Deceptive Trade Practices Act	Placed on General File
LB840	McDonald	Regulate Salvia divinorum and Salvinorin A under the Uniform Controlled Substances Act	Placed on General File with AM1690
LB844	Karpisek	Change certain drug and alcohol penalty provisions	Placed on Select File with ER8180
LB943	Pedersen	Provide for release of driver's license pictures to parole and probation officers	Placed on General File
LB952	Lathrop	Change provisions relating to administrative subpoena powers	Placed on Select File with ER8173
LB963	Friend	Require verification of lawful presence in the United States to receive public benefits	Indefinitely postponed
LR224	Fulton	Encourage law enforcement agencies in Nebraska to enter into a Memoranda of Agreement with the Secretary of Homeland Security to perform immigration law enforcement functions	Indefinitely postponed
LR4CA	Avery	Constitutional amendment to provide grounds for impeachment	Advanced to Enrollment and Review Initial

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1049	Erdman	Change membership provisions for the Game and Parks Commission	Placed on Select File with ER8179
LB1138	Dierks	Change approval provisions relating to electric generation facilities	Indefinitely postponed
LB923	Dubas	Change provisions relating to energy easements	Indefinitely postponed
LB939	Heidemann	Change bidding requirements for certain political subdivisions	Advanced to Enrollment and Review for Engrossment
LB975	Wightman	Change provisions relating to river-flow enhancement bonds	Indefinitely postponed

# WEEKLY REVIEW

## Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1147	Nebraska Retirement Systems Committee	Change provisions relating to retirement	Placed on Select File with ER8175

## Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1000	Pirsch	Change income tax calculations and property tax relief funding and transfer cash reserve funds	Indefinitely postponed
LB1007	Dierks	Change budget and tax levy limits	Indefinitely postponed
LB1010	Hudkins	Change sales and use tax collection fees	Indefinitely postponed
LB1017	Raikes	Change tax levy provisions relating to risk management pools	Placed on General File with AM2134
LB1071	Karpisek	Impose an excise tax on wire transfers	Indefinitely postponed
LB1080	Raikes	Change tax levy provisions relating to school districts	Indefinitely postponed
LB1081	Raikes	Change budget limits of educational service units	Placed on General File
LB1088	Dierks	Eliminate limits on tax credits under the Nebraska Advantage Microenterprise Tax Credit Act	Placed on General File with AM2198
LB1098	Hudkins	Change tax levy provisions for rural and suburban fire protection districts	Indefinitely postponed
LB1118	Pedersen	Require filing of additional budget and tax levy information	Indefinitely postponed
LB1140	Pedersen	Exempt social security and government retirement benefits from income tax as prescribed	Indefinitely postponed
LB1175	White	Change income tax withholding provisions	Indefinitely postponed
LB169	Cornett	Exclude military retirement benefits from income taxation	Indefinitely postponed
LB708	Pahls	Adopt the Sales Tax Holiday Act	Placed on General File with AM2197
LB714	Pahls	Exclude social security benefits from income tax and homestead exemption calculations	Indefinitely postponed
LB718	Schimek	Exempt purchases by organizations like Habitat for Humanity from sales tax	Indefinitely postponed
LB762	Avery	Create a sales tax holiday for school-related purchases	Indefinitely postponed
LB770	Cornett	Exclude military retirement benefits from taxation	Indefinitely postponed
LB814	Raikes	Change delinquent property tax notification and collection provisions	Placed on General File with AM2113
LB887	Burling	Change the corporate tax rate	Indefinitely postponed
LB890	Flood	Exempt postage charges and certain magazine or journal subscriptions from sales and use tax	Placed on General File with AM2125
LB896	Janssen	Update references to the Internal Revenue Code	Presented to Governor March 04, 2008
LB9	Preister	Provide an income tax credit for energy conservation and renewable energy generation	Indefinitely postponed
LB912	Avery	Redefine terms for purposes of the Convention Center Facility Financing Assistance Act	Advanced to Enrollment and Review for Engrossment
LB914	Revenue Committee	Change provisions relating to taxes and funds	Advanced to Enrollment and Review for Engrossment
LB915	Revenue Committee	Change income tax provisions, tax information disclosure prohibitions, and research tax credits	Presented to Governor March 04, 2008
LB922	Dubas	Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes	Indefinitely postponed
LB931	Cornett	Change provisions relating to taxation of air carriers	Indefinitely postponed
LB949	Christensen	Change a sales tax exemption for health clinics	Indefinitely postponed

# WEEKLY REVIEW

## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB279	Stuthman	Change provisions relating to driver training schools	Presented to Governor March 04, 2008
LB755	Transportation and Telecommunications Committee	Change Public Service Commission powers and duties	Advanced to Enrollment and Review for Engrossment
LB756	Transportation and Telecommunications Committee	Change provisions relating to motor vehicle operation, titling, and registration and motorboat titling	Advanced to Enrollment and Review for Engrossment
LB823	Legislative Performance Audit Committee	Change and eliminate provisions relating to governmental information technology	Presented to Governor March 04, 2008

## Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1056	Erdman	Adopt the First-Class City Merger Act	Advanced to Enrollment and Review for Engrossment
LB1096	Friend	Provide for the hiring of a fire chief in certain cities of the first class and change volunteer department trust fund provisions	Advanced to Enrollment and Review for Engrossment
LB768	Cornett	Provide sanitary and improvement districts with the power to contract for library services	Advanced to Enrollment and Review for Engrossment



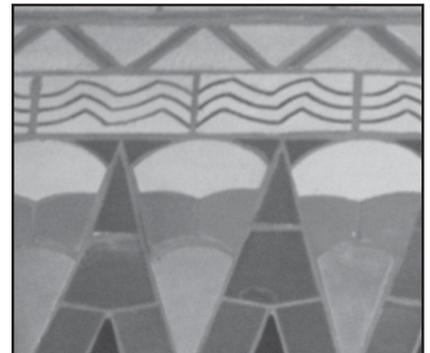
*The Brownell-Talbot Lower School Chorus performed March 5 in the rotunda for Music in Education Week.*

## 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 walls of the Memorial Chamber on the Capitol's 14th 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.

Founded as a non-profit artist residency in 1993, Art Farm is located on a 40-acre farm two miles southwest of Marquette.

Art Farm received the 2008 Governor's Arts Award for Organizational Achievement. In celebration of its 15th anniversary, nearly 150 artists, writers and architects from the U.S. and 11 foreign countries will come to Art Farm in 2008 to create art and experience rural Nebraska living.

A four-month exhibit at UNL's Sheldon Art Museum opened January 2008. The exhibit is the result of a three-year collaboration with UNL's College of Architecture.

The cover photo shows Canadian artist Dawn Detarando's sculpture "Upland Game Fowl" in front of the main complex of barns at Art Farm. For more information, go to [www.artfarmnebraska.org](http://www.artfarmnebraska.org).

## UNICAMERAL UPDATE

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