

GOVERNMENT, MILITARY & VETERANS AFFAIRS
COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2007 LEGISLATION

One Hundredth Legislature
First Session

Senator Ray Aguilar, Chair
Senator Mick Mines, Vice-Chair
Senator Greg Adams
Senator Bill Avery
Senator Mike Friend
Senator Russ Karpisek
Senator Rich Pahls
Senator Kent Rogert

Christy Abraham, Legal Counsel
Sherry Shaffer, Committee Clerk

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BILL SUMMARIES: BILLS ENACTED

LB 5 (Pahls) Change provisions relating to the state's employee suggestion system

LB 5 amends the employee suggestion program to provide that all state personnel may apply, including agencies and personnel exempted from the State Personnel System.

The bill also raises the minimum award granted from \$25 to \$100 or ten percent of the amount of savings. It also raises the maximum award granted from \$5000 to \$6000 unless a larger amount is granted by the Legislature.

The committee amendment specifies that personnel of the Nebraska state colleges, personnel of the University of Nebraska, agency heads, judges, and elected officials are not eligible to apply to the employee suggestion system.

LB 44 (Gay) Change provisions relating to precinct lists of registered voters and sign-in registers

LB 44 clarifies provisions allowing the election commissioner or county clerk to combine the list of registered voters and the sign-in register.

If a combined list is used, a clerk of election will list the names of the registered voters in a separate book in the order in which they voted. Also, the bill clarifies that before receiving a ballot, a voter must sign his or her name in the precinct sign-in register or in the combined document. Finally, the bill clarifies how the combined document is sealed with the official summary of votes.

The committee amendment allows the clerk of election to list the names of the registered voters in a separate book in the order they voted when a combined list is used. The original bill mandated the clerk to perform this task.

LB 199 (Schimek) Change municipal cooperative financing and open meetings provisions

LB 199 amends the Municipal Cooperative Financing Act to allow a separate municipal utility with autonomous control and established by a city, village, or by the citizens thereof for the purpose of providing electric energy for the municipality, to become a participant in an agency created under the Act. The bill also allows such entities to become a participant in an agency by resolution.

Additionally, the bill allows entities formed under the Municipal Cooperative Financing Act to hold meetings by telephone conference call as specified in the Open Meetings Act.

LB 208 (Aguilar) Change bond requirements for certain public building projects

LB 208 provides that labor and material bonds are not required for any project for the erection or repairing of any public building or structure which has a total cost of \$15,000 or less, unless the state, department, agency, board or officer includes a bond requirement in the specifications for the project.

The committee amendment strikes the original sections and becomes the bill. With the amendment, labor and material payment bonds shall not be required for any project bid or proposed by a local political subdivision which has a total cost of \$10,000 or less. The threshold for payment bonds for the state remains at \$15,000 or less.

LB 232 (Dubas) Change the Building Entrepreneurial Communities Act

LB 232 makes several changes to the Building Entrepreneurial Communities Act (Act).

The purpose of the Act is to support economically depressed rural areas of Nebraska in building entrepreneurial communities through grants that create community capacity to build and sustain programs to generate and retain wealth in the community. With LB 232, an additional purpose of the Act is to establish community initiatives to attract new residents.

The bill expands which entities are eligible for grants. Current language allows two or more municipalities, counties and unincorporated areas within a county to apply. LB 232 expands that to “units of government.”

The bill changes provisions regarding matching funds. Currently, a dollar-for-dollar match in money for grant funds by grant recipients is required. With the bill, at least 50% of those matching funds will be in cash, except in limited resource areas where the cash match requirements is 25%. The bill defines “limited resource area” as an area which has either a per capita income below the statewide average by at least 20% or a population loss in the previous twenty years of at least 20%.

Finally, the bill allows planning grants to be awarded to limited resource areas for the purpose of collaborations and development of proposals. There is no match requirement for planning grants.

The committee amendment eliminates the dollar-for-dollar match for grant funds by grant recipients, and replaces it with a fifty-cent match in cash for each dollar of grant funds. The amendment also eliminates language allowing in-kind matches for grant funds.

Finally, the amendment clarifies that only local units of government are eligible to apply for these grant funds.

The bill was amended on the floor to change the cash match requirement for limited resource areas from twenty-five percent to twenty-five cents for each dollar of grant funds.

LB 233 (Pirsch) Provide a residency requirement for certain members of public building commissions

Under current law, the public building commission consists of five members. Two members are appointed by the county, two by the city, and the fifth by the other four members. LB 233 requires the fifth member to be a resident of the county in which the commission is established.

Also, in the event the four members cannot appoint the fifth member by a majority, the Governor, upon request, shall appoint the fifth member.

LB 248 (Nantkes) Provide for road improvement district elections to be conducted by mail

LB 248 provides that elections for road improvement districts, including the creation or dissolution of such a district, will be conducted by mail. The elections will be conducted by mail as provided in the Election Act.

The term of office for every current member of a board of trustees of a road improvement district will be extended until their successors are elected. The successors will be elected at an election held on the first Tuesday after the second Monday in September in the first odd-numbered year which is at least fifteen months after the organization of the district. The term of office will be six years, except the initial board where the terms of the members will be staggered.

The bill becomes operative on January 1, 2008. Also, the bill outright repeals section 32-551 dealing with the terms and qualifications of trustees of a road improvement district.

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

LB 252 requires the State Board of Examiners for Land Surveyors to establish application and registration fees.

Total application and registration fees will not exceed \$200 and will be in addition to an examination fee. The examination fee will be set to recover the cost of the examination and its administrations. The board may direct applicants to pay the examination fee directly to a third party who administers the examination.

When an application for registration is submitted, the board will collect a nonrefundable fee. If the applicant qualifies by examination, the applicant is registered upon payment of a registration fee.

After the issuance of a certificate of registration, a biennial fee of not less than five or more than \$150 will be due. The current rate is not less than five or more than 100 dollars.

LB 256 (Aguilar) Change administrative provisions relating to state government

LB 256 makes several “clean-up” and technical changes to provisions relating to state government and the Department of Administrative Services (DAS).

The following is a section by section summary of the bill:

Section 1: This section makes three changes to the DAS construction contract statute. First, it increases the dollar threshold for bidding from \$40,000 to \$50,000 to match the statutory requirement for other types of service contracts. Second, it increases the dollar threshold for requiring a performance bond of the contract from the current \$40,000 to \$100,000 which should allow additional, primarily small local contractors, to bid on jobs under \$100,000. Third, it eliminates the requirement for the Attorney General’s Office to review all construction contracts. DAS has a standard construction contract form which is used for these contracts and which has been reviewed by the Attorney General’s Office.

Section 2: This section changes “may” to “shall” for agencies to submit a request for a utility easement on state land to the Vacant Building and Excess Land Committee.

Section 3: This is a clean-up provision from LB 626, passed in 2003, which created a bidding process for service contracts. This section increases the sole

source approval requirement to \$50,000 to match the competitive bidding requirement.

Sections 4 & 5: When statutory provisions for service contracts were passed in 2003, the goods statutes were amended to increase the dollar threshold at which the materiel division was required to be involved. Section 4 increases the dollar threshold for informal bidding from \$10,000 to \$25,000 and Section 5 increases the dollar threshold for agency direct market purchases from \$5,000 to \$10,000 to match other purchasing thresholds.

Sections 6, 7, 8, 9, 10, 11 & 12: Currently, there is one “Self-Insured Indemnification and Liability Fund.” The statutes have clear provisions for handling self-insured indemnification claims but are silent as to the handling of self-insured liability claims. These sections provide for clean-up language related to the state’s Self-Insured Indemnification and Liability Fund to reflect current practice of paying claims from that fund. These sections separate the single fund into two separate funds: the Self-Insured Indemnification Fund and the Self-Insured Liability Fund and establishes internal reporting and handling provisions for the liability fund.

Section 6: This section adds duties to the Risk Manager regarding the reporting of self-insured liability claims.

Section 7: This section requires agencies and/or the Attorney General’s office to report liability claims to be paid to the Risk Manager. If the state agency has insufficient funds to pay, the agency will notify the Risk Manager who will submit the settlement or judgment to the Legislature in the same manner as the State Miscellaneous Claims Act.

Section 8: This section separates the State Self-Insured Indemnification Fund and the State Self-Insured Liability Fund into the two funds, one for indemnification and one for liability. It also requires reporting to the Legislature of claims paid from the Liability Fund. With this change, there will be identical reporting requirements for both of the funds.

Section 9: Under this section, the Risk Manager is not required to present a budget request for the Self-Insured Liability Fund because under the provisions of Section 7, the Legislature will appropriate funds at the time of a claim being submitted.

Section 10: This section allows for subrogation recovered in an indemnification or liability claim to go back to the appropriate fund which originally paid the claim.

Section 11: This section harmonizes provisions by deleting a reference to the Liability Fund in the indemnification claim statutes.

Section 12: This section harmonizes provisions relating to the creation of two funds. It also cleans up provisions related to insurance limits so that they match what is required for private individuals rather than having a stated limit.

Section 13: This section amends the Department of Corrections construction statutes to make it consistent with the DAS construction statutes as amended in Section 1 of the bill.

Section 14: This section repeals the original statutes that are amended in the bill.

Section 15: This section repeals the Forms Management Program Act. This program was discontinued and de-funded some time ago. The section also repeals § 83-134 which is a construction contract section for the Department of Health and Human Services (HHS). It is similar to the statutes for DAS and the Department of Corrections in Sections 1 and 7. Unlike the Department of Corrections, HHS is not exempt from the DAS provision of construction services and currently utilizes DAS to complete its construction contracts and supervision so this provision is not needed.

The committee amendment clarifies that the Game and Parks Commission will continue to have the authority to grant utility easements without being required to submit the request to the Vacant Building and Excess Land Committee.

LB 289 (Louden) Change procedure relating to elections to exceed the tax levy limit

LB 289 changes the election procedure for exceeding the tax levy limit.

Current law allows certain political subdivisions and villages to approve a levy in excess of the limits or the final levy allocation at a meeting of the residents of the political subdivision or village called after public notice. At least ten percent of the political subdivision or village constitutes a quorum for purposes of taking action to exceed the limits or final levy allocation.

Under LB 289, a record will be made of the registered voters residing in the political subdivisions or village who are present at the meeting. The method of voting will protect the secrecy of the ballot.

The committee amendment strikes obsolete provisions in § 77-3444 dealing with special elections held before October 10, 1998.

LB 298 (Burling) Change the number of signatures required on nominating petitions

LB 298 changes the number of signatures required on nominating petitions.

For nonpartisan offices, other than members of the Board of Regents or Class III school districts, the number of signatures is capped at 2000. If the district in which the petitions are circulated comprises more than two counties, and each of the counties comprising the district contains at least one hundred registered voters, at least 25 signatures will be obtained in each county comprising the district.

The bill also changes the number of signatures for partisan offices. For each partisan office to be filled by the registered voters of the entire state, the signature requirement is increased from at least 2000 to at least 4000 with the additional requirement that at least 50 signatures be obtained in each of one-third of the counties in the state.

The committee amendment clarifies provisions relating to petitions for nonpartisan offices. If the district in which the petitions are circulated comprises two or more counties, at least twenty-five signatures will be obtained from each county which has at least one hundred registered voters in the district.

LB 311 (Aguilar) Change provisions relating to petition signature verification

LB 311 changes provisions relating to petition signature verification to conform with the requirements set forth in the Nebraska Supreme Court case, *State ex rel. Stenberg v. Moore*, 258 Neb. 199 (1999).

With LB 311, the election commissioner or county clerk will compare the petition signer's signature and other information with the voter registration records to determine whether the signer was a registered voter. This determination may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient. Signatures are presumed to be valid.

LB 388 (Aguilar) Change duties and membership of the Economic Development Commission and the Department of Economic Development

LB 388 changes duties and membership of the Economic Development Commission and eliminates the Nebraska Industrial Competitive Alliance.

With LB 388, the Governor will appoint to the Economic Development Commission (commission) individuals from private industry sector, including individuals with knowledge in logistics, financial services and insurance, information technology, biotechnology, and at least two individuals from manufacturing.

The commission will provide programmatic policy guidance and oversight to the Nebraska Manufacturing Extension Partnership. The Nebraska Industrial Competitive Alliance is currently providing that guidance and oversight.

The terms for members of the commission are changed from six to four years. Members serving on the effective date of this act may serve for the remainder of their six-year term.

The committee amendment specifies that at least one of the two members appointed to the Economic Development Commission in the manufacturing field represents a company with no more than 75 employees.

LB 389 (Aguilar) Change provisions relating to public records

Current law allows job application materials submitted by applicants, other than finalists, who have applied for employment with a public agency to be withheld from the public by the lawful custodian of the records. In other words, job application materials submitted by finalists may not be withheld from the public.

LB 389 changes the definition of finalist. With LB 389, finalist is defined as any applicant for employment by a public body who is offered and accepts an interview by a person or group having authority to make the hiring decision for the public body.

The committee amendment further defines “finalist.”

With the committee amendment, a finalist includes any applicant who is offered and accepts an interview by a public body or its agents and who reaches the final pool of applicants, numbering four or more, from which the applicant is to be selected. A finalist also includes an original applicant when the final pool of applicants numbers less than four, or an original applicant when there are four or fewer original applicants.

The bill was also amended on the floor. The language defining finalist as someone “who is offered and who accepts an interview by a public body or its agents, representatives, or consultants for any public employment position” was eliminated. In other words, the requirement that an applicant accept an interview in order to be considered a finalist is eliminated.

LB 396 (Johnson) Increase the range of fees imposed by the State Board of Landscape Architects

LB 396 increases the range of fees the State Board of Landscape Architects establishes for applications for registration, examinations, certificates of registration,

reciprocal registrations, and renewals. The fee range is increased to not less than 100 or more than 300 dollars. The current range is 20 to 100 dollars.

The bill was amended on the floor to include an emergency clause.

LB 434 (Avery) Change late filing fees under the Nebraska Political Accountability and Disclosure Act

LB 434 changes late filing fees under the Nebraska Political Accountability and Disclosure Act.

Under this bill, late filing fees will be paid to the Nebraska Accountability and Disclosure Commission at a rate of \$100 for each of the first ten days the report remains not filed. After the tenth day, the committee, person or lobbyist will pay for each day the report remains not filed, an additional late filing fee of one percent of the amount of the late contributions, expenditures, or receipts required to be reported, not to exceed ten percent of such amount.

Specifically, these provisions apply to any committee which fails to file a report of late contributions, a committee which fails to file a report of a late independent expenditure, any person who fails to file an out-of-state contribution report, or any lobbyist who fails to file a special report.

Currently, the late filing fees are charged at one hundred dollars for each day the report is not filed, not to exceed three thousand dollars or ten percent of the amount of the late contribution, expenditure or receipt, whichever is greater.

LB 464 (Chambers) Change enforcement provisions relating to the Campaign Finance Limitation Act and Nebraska Political Accountability and Disclosure Act

LB 464 grants jurisdiction to the Attorney General to enforce the criminal provisions of the Campaign Finance Limitation Act (CFLA) and the Nebraska Political Accountability and Disclosure Act (NPADA). Current law provides that the Attorney General and the Nebraska Accountability and Disclosure Commission (commission) have concurrent jurisdiction over criminal provisions.

The bill also allows the county attorney of the county in which a violation of the CFLA or the NPADA occurs to have concurrent jurisdiction with the Attorney General.

Under LB 464, the commission may refer a possible criminal violation of either the CFLA or the NPADA to the Attorney General for consideration of criminal prosecution. When the Attorney General determines whether the matter will be criminally prosecuted, he or she will advise the commission in writing of the

determination. The fact of the referral or the declination to criminally prosecute will not be subject to confidentiality provisions.

Finally, the bill provides that reports, statements, affidavits, or other documents made or filed pursuant to the CFLA or the NPADA do not apply to the criminal statute relating to making false statements under oath.

LB 471 (Chambers) Authorize regulation of mixed martial arts by the State Athletic Commissioner

LB 471 authorizes the State Athletic Commissioner to regulate mixed martial arts. Specifically, the State Athletic Commissioner is authorized, among other things, to issue licenses and permits; require bonds for licenses; require referees to be in attendance; grant licenses for judges; and require licensees to pay a tax of five percent of the gross receipts of any professional or amateur mixed martial arts match or exhibition. The State Athletic Commissioner is allowed to make rules and regulations for the administration and enforcement of mixed martial arts.

Professional mixed martial arts matches or exhibitions will not exceed three rounds in length, except a championship match, which will not exceed five rounds. No round will be longer than five minutes with at least one minute between rounds.

The Athletic Advisory Committee membership is increased from five to six. The bill requires one member to be or have been active in mixed martial arts.

Mixed martial arts is defined as an unarmed combat sport in which two competitors seek to achieve dominance by utilizing a combination of permitted martial arts techniques, including, but not limited to, grappling, kicking, and striking.

The committee amendment adds an emergency clause to the bill.

LB 497 (White) Adopt the Family Military Leave Act

LB 497 creates the Family Military Leave Act. Family military leave is defined as leave requested by an employee who is the spouse or parent of a person called to military service lasting longer than 180 days with the state or the United States.

Under the Act, employees are granted a certain number of days of unpaid family military leave during the time federal or state deployment orders are in effect. With an employer that employees between 15 and 50 employees, up to 15 days of unpaid leave is granted. With employers of more than 50 employees, up to 30 days of unpaid leave is granted.

The bill outlines the notice employees are required to give in order to take the leave. Any employee who takes family military leave will be entitled to be restored by the employer to the position held by the employee when the leave commenced. An employer will not discharge, fine or discriminate against any employee who takes leave.

During the leave, the employer will make it possible for employees to continue their benefits at the employee's expense. The bill will not affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights. Leave rights will not be diminished by any collective bargaining agreement or employee benefit plan.

Finally, a civil action may be brought in the district court to enforce the Family Military Leave Act.

The committee amendment makes several technical changes to the bill.

First, the amendment expands the definition of employer to include limited liability companies, business trusts, and legal representatives.

The amendment removes language allowing independent contractors to be covered under the Act.

Finally, the definition of family military leave is amended to provide that an employee who is the spouse or parent of a person called to military service lasting longer than 179 days with the State or United States is covered under the Act. The original language required a deployment of 180 days.

The bill was amended on the floor to provide that in order to be covered under the Act, the deployment needs to last 179 days or longer. An emergency clause was also added to the bill.

LB 527 (Aguilar) Provide registration fees for political committees and allow waiver of interest on late filing fees and penalties

LB 527 addresses two issues in the Nebraska Political Accountability and Disclosure Act.

First, the bill requires committees to pay a registration fee of \$100 when filing the statement of organization with the Nebraska Accountability and Disclosure Commission (commission).

A committee which does not pay the registration fee will not make or receive contributions or expenditures until the fee is paid, except to make an expenditure to

pay the registration fee or to make expenditures as part of the process of dissolving the committee.

The registration of each committee will terminate on December 31 of the year in which the committee is registered unless the registration is renewed. The registration is renewed by the payment of the registration fee. A committee whose registration has terminated will not make or receive contributions or expenditures until the registration is renewed.

Any committee in existence on the effective date of this act will continue without the payment of a registration fee until December 31 following the effective date of this act.

The registration fees will be remitted to the State Treasurer for credit to the Nebraska Accountability and Disclosure Commission Cash Fund.

Secondly, the bill allows the commission to waive the payment of accrued interest from late filing fees and civil penalties in the amount of twenty-five dollars or less.

The bill was amended on the floor to require a registration fee only when a committee files its statement of organization. The requirement that the fee be paid every year was eliminated.

LB 646 (Nelson) Change provisions relating to counting ballots

LB 646 allows counting boards to begin counting early ballots no earlier than twenty-four hours prior to the opening of the polls on election day.

The bill also allows counting boards to open and prepare early voting ballots as directed by the election commissioner or county clerk. Currently, the counting board is allowed to open and prepare such ballots on the Thursday before the election.

Finally, any election commissioner or county clerk using a centralized vote counting device will develop a procedure for picking up and counting ballots during election day.

Portions/Provisions of LB 528 were amended into LB 646.

The committee amendment contains several provisions of LB 528, which makes changes to the Election Act.

The first change eliminates certain types of counting boards. Before the new voting equipment, counting boards were appointed for a precinct to manually count paper ballots. With the new voting equipment, counties no longer manually count ballots and therefore, these counting boards are no longer necessary.

The second change requires candidates to be affiliated with a political party before the first Friday in December prior to the statewide primary election in order to be eligible as a write-in candidate.

The final change provides that if the ballot for early voting has not been printed in sufficient time, the election commissioner or county clerk will issue a special ballot at least 60 days prior to an election to each qualified voter requesting a special ballot. The current deadline is 57 days prior to the election. This change is made to bring the statutes into compliance with federal law.

BILL SUMMARIES: RETURNED BY GOVERNOR WITHOUT APPROVAL

LB 198 (Schimek) Change requirements for campaign messages

LB 198 requires any person making an expenditure under the Nebraska Political Accountability and Disclosure Act to disseminate a prerecorded telecommunication message or recorded message relating to a candidate or ballot question will:

1. include, immediately preceding the message, the name of the person making the expenditure;
2. only disseminate such messages between the hours of 8:00 a.m. and 9:00 p.m. at the location of the person receiving the message; and
3. only disseminate one such message to any one residential telephone line per calendar day.

The committee amendment makes two changes to the original bill.

First, the amendment eliminates the requirement that only one prerecorded message relating to a candidate or ballot question is allowed to any one residential telephone line per calendar day.

Secondly, the amendment adds provisions to the Automatic Dialing-Announcing Devices Act to require any person using an automatic dialer for messages of a political nature to state clearly at the beginning of the message the identity of the person on whose behalf the message is being transmitted. Also, such messages shall only be transmitted between the hours of 8:00 a.m. and 9:00 p.m. The effect of this change is to require that the same restrictions which are applied to state political races are also applied to federal political races.

The bill was amended on the floor which added language allowing no more than two messages to one residential telephone line per calendar day. The bill was also amended to require the message state whether it was authorized by a candidate, and if so, the name of the candidate.

BILL SUMMARIES: BILLS ON FINAL READING

LB 195 (Preister) Repeal the authorization for the Nebraska State Quarter

LB 195 repeals the statute outlining the process for selection for the design of the Nebraska State Quarter.

BILL SUMMARIES: BILLS ON SELECT FILE

LB 39 (Schimek) Provide restrictions relating to petition circulation and change campaign reporting provisions

LB 39 makes several changes to petition circulation.

The first change requires circulators of initiative, referendum and recall petitions to be “electors.” Elector is defined both in the Nebraska Constitution and state statute. As defined, an elector is a citizen of the United States who resides within the state and who is at least eighteen years of age or will be eighteen years of age on or before the general election. An elector cannot be a person who has been declared “non compos mentis.” Also a person convicted of a felony is not an elector until two years after he or she has completed the sentence. Basically, an elector is a person who is qualified to vote in Nebraska.

The second change prohibits paying petition circulators based on the number of signatures collected.

Finally, LB 39 clarifies that the campaign statement will include the total amount paid to petition circulators during the reporting period, but will not include the name, address or telephone number of any individual petition circulator.

The committee amendment removes provisions requiring petition circulators to be electors.

The amendment also harmonizes provisions by replacing the phrase “entity or individual” with “person.” Person is a defined term within the Nebraska Political Accountability and Disclosure Act which includes individuals and almost every type of entity.

BILL SUMMARIES: BILLS ON GENERAL FILE

LB 17 (Mines) Change provisions relating to multiple office holding

LB 17 adds natural resources districts to the definition of high elective office. By adding natural resources districts, it will prohibit a candidate for such office to be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or to be a declared write-in candidate for another high elective office to be filled at the same time. No person serving in a high elective office can simultaneously serve in any other high elective office, except for county attorneys in some limited circumstances.

LB 27 (Adams) Authorize the Auditor of Public Accounts to conduct certain audits

LB 27 provides that a city may request the Auditor of Public Accounts to conduct the audit of its economic development program.

Under the Local Option Municipal Economic Development Act, each city is required to provide an annual audit of its economic development program by a qualified private auditing business. Under LB 27, if a qualified private auditing business cannot be found because of conflicts of interest or other reasons, the city may request the Auditor to perform such audit.

The bill failed to advance from General File.

LB 196 (Schimek) Permit the Adjutant General to designate certain vehicles as military emergency vehicles

LB 196 allows the Adjutant General to designate publicly owned military vehicles as military emergency vehicles. They will be operated as emergency vehicles only when responding to a public disaster, war, riot or insurrection. Vehicles eligible for this designation include vehicles assigned to the Civil Support Team and the chemical, biological, radiological, nuclear and high-yield explosives enhanced response force package.

The Adjutant General will develop and enforce standard operating procedures for military emergency vehicles.

The bill also provides that amber rotating or flashing lights will be displayed on vehicles of the Military Department for the purpose of convoy control. When military vehicles are operating as emergency vehicles, a flashing or rotating red light or red and white light will be displayed.

The committee amendment makes technical changes to harmonize and clarify the definition of “authorized emergency vehicle.”

LB 269 (Burling) Change provisions relating to county and museum board organization

LB 269 provides that the number of signatures required on petitions to 1) change the number of county commissioners, 2) create township organization, 3) discontinue township organization, or 4) establish a county library, shall be five percent of the voters registered in the county at the preceding statewide general election.

Additionally, several sections dealing with the creation and dissolution of the township supervisor system are outright repealed.

Portions/Provisions of LB 348 were amended into LB 269.

The committee amendment contains the provisions of LB 348, which changes the procedure for discontinuing township organization.

When a petition is filed to discontinue the township organization, the petition will specify whether the county board to be formed will have five or seven members. Reorganization as a board of commissioners will be effective at the expiration of the supervisors’ terms of office in January of the third calendar year following the election.

If the voters vote for the creation of a seven-member board, the commissioner districts will be the same districts as the supervisor districts, unless changed at a later date. The supervisors whose terms have not expired on the effective date of the reorganization will continue in office for the remainder of their terms.

If the voters vote for the creation of a five-member board, the county clerk, county treasurer, and county attorney will meet and redistrict the county into five commissioner districts with substantially equal population. The redistricting will be completed within 30 days after the initial meeting and will specify the newly established districts which the members will serve for the balance of the unexpired terms.

If three members of the board were elected for four-year terms at the election to create a five-member board, each supervisor will serve two years as a supervisor and two years as a commissioner. Two commissioners will be elected for four-year terms from the newly established districts at the next general election. If four members of the board were elected for four-year terms at the election to create a five-member board, the three receiving the most votes will serve two years as a supervisor and two years as a commissioner. The fourth supervisor will serve a two year term. Two commissioners will be elected for four-year terms from the newly established districts at the next general election.

Sections regarding the discontinuance of the township supervisor system are outright repealed and the emergency clause is eliminated.

LB 312 (Aguilar) Change provisions relating to resignations, vacancy appointments, and recall elections

LB 312 changes several provisions relating to recall elections.

The bill provides that the governing body will order a recall election to be held not less than thirty nor more than forty-five days after the official whose removal is sought is notified that sufficient signatures have been gathered on the recall petition. If there is another election being held in that political subdivision within 90 days after such notification, the recall election will be held on the same day.

If the official whose removal is sought resigns before the election is held, the governing body may cancel the recall election if the governing body notifies the election commissioner or county clerk of the notification at least sixteen days prior to the election. If the body does not receive such notification, the recall election will be held as scheduled.

If a recall election is canceled, the political subdivision will be responsible for the costs incurred related to the canceled election.

Finally, the bill requires all resignations to be in writing.

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

LB 352 creates the Nebraska Shooting Range Protection Act (Act).

The Game and Parks Commission will adopt and promulgate as rules and regulations the shooting range performance standards. As defined in the bill, the shooting range performance standards mean the November 1999 revised edition of the National Rifle Association's range source book titled "A Guide to Planning and Construction." The commission will review the performance standards at least once every five years.

Under the bill, a shooting range may conduct activities between 7 a.m. and 10 p.m., however a local unit of government may temporarily extend or shorten the hours of operation. A shooting range that is a nonconforming use will be allowed to operate if the shooting range remains in compliance with noise restrictions.

Except in certain circumstances, no change in use or construction of a structure will be approved within 750 feet of the shooting range if the change in use or construction would cause a shooting range to be out of compliance with the Act or the standards. A change in use or construction of a structure may be approved if the person seeking the

approval agrees to provide any mitigation to keep the range in compliance with the Act and standards.

The bill outlines the allowable noise levels for the shooting range.

A person who owns, operates or uses a shooting range is not subject to any nuisance action for damages or other relief based on noise or other matters relating to the Act. Other legal action is not prohibited.

A shooting range will not be forced to permanently close or cease activity unless it is found to be a clear and immediate safety hazard by a court. The bill further outlines the standards to be used by the court to determine whether to order permanent closure. The bill also outlines when preliminary and permanent injunctions may be entered.

Finally, the bill limits municipalities from regulating shooting galleries as provided in the Act.

The committee amendment makes several changes to the bill.

First, the amendment lists the activities a shooting range that operates in compliance with the performance standards is permitted to do within its geographic boundaries, including:

1. operating the range and conducting activities involving the discharge of firearms;
2. expanding its membership or opportunities for public participation related to the primary activity as a shooting range;
3. making repairs or improvements to meet or exceed the performance standard requirements; and
4. acquiring additional lands to be used for buffer zones or noise mitigation efforts.

Also, the amendment provides that a local unit of government with zoning authority over a shooting range may enforce its applicable ordinances and permits, including determining the hours of operation. The language specifying that a shooting range may conduct activities between 7 a.m. and 10 p.m. is eliminated.

LB 391 (Mines) Change provisions relating to public records and meetings

LB 391 makes several changes to both the public records statutes and the Open Meetings Act.

In regards to public records, the bill specifies that a public body or custodian of a public record is not required to copy, produce, or generate all public records created within a certain time frame, without requesting a specific subject matter. The bill also

clarifies that a requester of a public record is allowed both access and copies of public records, if requested.

In regards to open meetings, the bill specifies that the public has the right to speak on agenda items. The bill also outlines the procedure for a citizen to recommend subjects for discussion as possible agenda items at future meetings. Each public body will have a form for citizens to request possible agenda items. Within ten business days of receiving the form, the secretary or other designee of the public body will send the citizen a written statement regarding the status of the request.

Portions/Provisions of LB 7 were amended into LB 391.

The committee amendment strikes the original sections and becomes the bill.

The committee amendment specifies that a public body or custodian of a public record is not required to copy, produce, or generate all public records created within a certain time frame, unless a general subject matter request is provided by the person requesting the records. The bill also clarifies that a requester of a public record is allowed both access and copies of public records.

In regards to open meetings, the amendment outlines the procedure for a citizen to recommend subjects for discussion as agenda items at future meetings. Each public body will have a form for citizens to request possible agenda items. Within ten business days of receiving the form, the secretary or other designee of the public body will send the citizen a written statement regarding the status of the request. If the written statement denies the citizen's request to place the item on the agenda, the citizen may send a second written notice requesting the item be placed on the agenda at a future meeting. Within five days after receiving the second request, the secretary or other designee will send the citizen notice of the time, place, and date of the meeting which will include the agenda item as requested. The amendment also specifies this procedure does not prohibit a citizen from requesting a member of the public body place an item on the agenda.

Finally, the committee amendment contains a provision from LB 7 which prohibits a public body from requiring that members of the public be placed on the agenda prior to such meeting in order to speak on agenda items.

LB 622 (Pirsch) Require training courses in public records and the Open Meetings Act for all members of a public body, public officers and public employees

LB 622 requires training courses for members of a public body, public officers, and public employees on the issues of public records and open meetings no later than one year after taking the oath of office or assuming his or her duties as a member of the public body or agency.

The Department of Justice may provide the training and is required to approve any training course offered by a governmental agency or other entity. The Attorney General will make at least one training course available at no cost. The bill outlines what is included in the training. Any governmental agency or entity providing the training course will provide a certificate of completion to those completing the course.

For the open meetings training, the failure of any member of a public body to complete such training will not affect the validity of any action taken by the public body and is not a violation of the Open Meetings Act.

For the public records training, a public officer may designate a public records coordinator to complete the training requirements for the public officer, if the coordinator is primarily responsible for administering the responsibilities of the public officer or his or her governmental agency.

The Attorney General may adopt and promulgate rules and regulations to carry out the provisions in the bill.

The bill becomes operative on January 1, 2008.

The committee amendment requires current members of a public body to complete the training on the Open Meetings Act no later than one year after the operative date of this act. Similarly, any current public officer or public employee is required to complete training on the public records statutes no later than one year after the operative date of this act.

Additionally, the committee amendment provides that completion of the required training course on either the Open Meetings Act or the public record statutes will satisfy the obligations of this act for any current or future service.

The bill failed to advance from General File.

BILL SUMMARIES: BILLS HELD IN COMMITTEE

LB 13 (Mines) Provide for the creation and certification of joint entities under the Interlocal Cooperation Act

LB 13 requires joint entities under the Interlocal Cooperation Act to complete an application and certification process. Any existing joint entities on the effective date of this bill will be required to complete the application and certification process.

The governing body of each public agency participating in creating a joint entity will adopt a resolution determining there is a need for a joint entity. The bill sets forth how the resolution is published. After publication, the resolution may be adopted by a governing body.

Upon issuance of a certificate of creation by the Secretary of State, each participating public agency will appoint representatives for creation of the joint entity. The representatives will constitute the board in which all powers of the joint entity are vested. Each representative will serve for a term specified in the agreement, not to exceed four years. The bill outlines how alternative representatives are chosen, how vacancies are filled, and how a representative may be removed.

Within 30 days after adoption of the resolution for creation of a joint entity, the board will file with the Secretary of State a statement signed by the proposed representatives setting forth, among other things, the names of the participating public agencies, and a brief description of the nature of the joint entity's activities.

The Secretary of State will examine the statement, record it, and issue and record a certificate of creation. Notice of the issuance will be given to all of the proposed participating public agencies and published as outlined in the bill. The joint entity will be conclusively deemed to have been established upon proof of the filing of the certificate of creation.

The bill also outlines how any other public agency may become a participating public agency after the creation of the joint entity.

Each participating public agency will at all times be entitled to appoint at least one representative. The rules of governance may allow a public agency to appoint additional representatives. Each representative will have one vote, unless the agreement provides for allowing a representative to cast more than one vote.

Finally, the bill outlines procedures for the board, including the manner of scheduling meetings, electing officers, creating an executive committee and other committees. The board is subject to the Open Meetings Act.

LB 16 (Mines) Change provisions relating to airport hazards and airport zoning regulations

LB 16 amends the Airport Zoning Act to provide that every political subdivision that has adopted a comprehensive plan and zoning regulations and has an airport hazard area within the area of its zoning jurisdiction shall adopt airport zoning regulations for the airport hazard area. These regulations will meet the minimum regulations as prescribed by the Department of Aeronautics.

LB 18 (Mines) Change recall provisions

With LB 18, the reasons for which a recall may be sought are limited to malfeasance in office, misfeasance in office, and nonfeasance in office. These terms are defined in the bill. Currently, recall efforts do not need to be based on a specific reason.

The principal circulator or circulators of the recall will submit to the filing clerk a statement alleging the grounds of malfeasance, misfeasance, or nonfeasance in office.

Under current law, the individual sought to be recalled is notified that an affidavit has been filed by the principal circulator seeking his or her removal from office. The individual is then given the opportunity to file, within 20 days, a defense statement. With LB 18, the individual may decide, instead of filing a defense statement, to file suit in the district court to challenge the sufficiency of the allegations in the statement filed by the principal circulator or circulators. The court will presume the allegations are true and construe them in the light most favorable to the principal circulator or circulators. The court will determine, without hearing or cost, whether the allegations in the statement establish the existence of malfeasance, misfeasance, or nonfeasance in office. The court will notify the clerk and all parties within five days after the decision.

If the allegations are found to be sufficient, the individual whose removal is sought may submit a defense statement within 20 days after receiving the notice of the decision. After receipt of the defense statement or the expiration of the 20 day period if no defense statement is submitted, the filing clerk will issue the petition papers to the principal circulator or circulators.

If the allegations are found not to be sufficient, the filing clerk will not issue petition papers.

LB 133 (Schimek) Provide for the transfer of development rights as prescribed

LB 133 allows every county in which a city of the primary class is located to regulate and restrict the density of population, including the voluntary transfer of noncontiguous residential density of population rights.

LB 187 (Mines) Prohibit certain interlocal agreements

LB 187 prohibits certain types of agreements under the Interlocal Cooperation Act.

Under LB 187, no agreements will be entered into between:

1. a school district and a public power district for the purpose of contracting for utilities for use by the school district; or
 2. a school district and an educational service unit for the purpose of contracting for the services of full-time or part-time employees for use by the school district.
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LB 268 (McGill) Change election provisions relating to state government

LB 268 provides, beginning in 2008, that counties having a population of more than 150,000 but not more than 300,000 (i.e. Lancaster County) will nominate and elect one commissioner from each district by the registered voters of such district. Currently, commissioners in this county are nominated from each district by the voters of the district, but elected by the voters of the entire county.

The bill also outlines the procedure changing from nominating by district and electing by large to nominating and electing by district. In 2008, one commissioner will be nominated and elected from each even-numbered district. In 2010, one commissioner will be nominated and elected from each odd-numbered district.

Finally, the bill provides when county district boundary lines may be altered.

LB 300 (Howard) Create the State Work Incentive Program

LB 300 creates the State Work Incentive Program. The purpose of the program is to aid in employing (a) participants in the Temporary Assistance for Needy Families Program and (b) vocational rehabilitation clients of the Division of Vocational Rehabilitation of the State Department of Education or the Commission for the Blind and Visually Impaired.

Agencies will cooperate with the Department of Health and Human Services and the Division of Vocational Rehabilitation in seeking to provide entry-level positions to persons who are eligible under this program.

Agencies employing eligible persons will employ them for up to two years in temporary full-time or part-time capacity. State Work Incentive Program positions will not be included within any limitation or full-time equivalent employee positions for any agency.

Employees hired under this program will be eligible for conversion to permanent status after two years of continuous participation or, after being hired for a position for which they are qualified. Such employees will be exempt from probationary hiring procedures under certain circumstances.

The Director of Personnel will adopt and promulgate rules and regulations to implement the program.

LB 310 (Aguilar) Change provisions relating to early voting

LB 310 clarifies that the person requesting a ballot for early voting will pay all postage costs related to the mailing of the request to the election commissioner or county clerk.

Additionally, the bill changes the deadline for issuing or mailing registration materials. If a person who requests a ballot for early voting is not registered, the election commissioner or county clerk includes a registration application with the ballots. Currently, the registration applications are not issued or mailed after the second Friday preceding the election. LB 310 changes the deadline to the third Friday preceding the election to make it consistent with other registration deadlines.

LB 348 (Burling) Change and eliminate provisions relating to the discontinuance of township organization

LB 348 changes provisions relating to the discontinuance of township organization. When a petition is filed to discontinue the township organization, the petition will specify whether the county board to be formed will have five or seven members. Reorganization as a board of commissioners will be effective at the expiration of the supervisors' terms of office in January of the third calendar year following the election.

If the voters vote for the creation of a seven-member board, the commissioner districts will be the same districts as the supervisor districts, unless changed at a later date. The supervisors whose terms have not expired on the effective date of the reorganization will continue in office for the remainder of their terms.

If the voters vote for the creation of a five-member board, the county clerk, county treasurer, and county attorney will meet and redistrict the county into five commissioner districts with substantially equal population. The redistricting will be completed within 30 days after the initial meeting and will specify the newly established districts which the members will serve for the balance of the unexpired terms.

If three members of the board were elected for four-year terms at the election to create a five-member board, each supervisor will serve two year as a supervisor and two years as a commissioner. Two commissioners will be elected for four-year terms from the newly established districts at the next general election. If four members of the board were elected for four-year terms at the election to create a five-member board, the three receiving the most votes will serve two years as a supervisor and two years as a commissioner. The fourth supervisor will serve a two year term. Two commissioners will be elected for four-year terms from the newly established districts at the next general election.

Sections regarding the discontinuance of the township supervisor system are outright repealed. The bill also contains an emergency clause.

Portions/Provisions of LB 348 were amended into LB 269.

LB 361 (Raikes) Prohibit public funds' use for dues or membership fees as prescribed

LB 361 amends the Nebraska Budget Act to prohibit a governing body from authorizing the use of public funds to pay dues or membership fees to an organization unless the organization provides assurances that such dues or fees will not be used for campaigning for or against a candidate or ballot question.

The bill also amends the Nebraska Political Accountability and Disclosure Act to prohibit a public official or public employee from authorizing the use of public funds to pay dues or fees to an organization if he or she knows or has reason to know that such fees or dues will be used for campaigning for or against a candidate or ballot question. Any violation of this section is a Class III misdemeanor.

LB 392 (Mines) Change provisions relating to municipal counties

LB 392 makes several changes relating to municipal counties, particularly to municipal counties involving a city of the metropolitan class.

The following provisions all deal with provisions of a municipal county involving a metropolitan class city:

Within 30 days after the passage of a joint resolution or petition by the voters, an interjurisdictional planning commission with seven members is created. Two members are chosen by the county, two members are chosen by the city, and the final three are chosen by the first four members jointly. No member may be an elected official.

The purpose of the commission is to create a plan of merger. The bill outlines the specifics of the plan, including the manner in which the county or city will be dissolved, that an elected mayor will be the chief executive officer, and that there will be a council of 11 members. The bill further outlines procedures for presenting the plan to the public, approving the plan, and placing the issue on the ballot.

When a municipal county is formed, the municipal county will have the same power and duties of the county and a city of the metropolitan class, including any home rule charter authority. The municipal county council will have the power to eliminate any elected offices with the municipal county, except the office of mayor of the municipal county.

The bill also creates two types of districts. The general tax and service district is the area encompassed within the boundaries of the city of the metropolitan class at the time of the creation of the municipal county and the areas within the county outside such boundaries. The municipal county may levy up to 45 cents per one hundred dollars in this district.

The urban tax and service district is the area encompassed within the boundaries of the city of the metropolitan class at the time of creation of the municipal county and any expansion of such area by action of the council or annexation. An additional levy of up to 45 cents per one hundred dollars is allowed in this district.

Any other municipality located within the existing county that is not consolidated into the municipal county may be annexed by the new municipal county as long as the boundaries of the municipal county's urban tax and service district are adjacent to the boundaries of the municipality. If it is not annexed, the municipality retains the authority to levy property taxes and all other power and duties applicable to a municipality of that size.

Sanitary and improvement districts (SID) in a municipal county located outside of the urban tax and service district will remain unconsolidated but within the zoning jurisdiction of the municipal county. An SID will be deemed consolidated when the urban tax and service district is extended to include it.

The bill also changes how the votes are tabulated on the question of creating a municipal county, whether or not it contains a metropolitan class city. The proposal to form the municipal county will be approved if:

1. a majority of those voting who reside in each municipality proposed to be merged into the municipal county and
2. a majority of those voting who reside in areas of the county or counties to be merged which are outside the boundaries of such municipalities vote to approve the merger.

LB 394 (Burling) Change provisions relating to nomination for office

LB 394 clarifies how a candidate is nominated by political party convention or committee. Under the bill, candidates for elective office may be nominated at a political party convention when there is a vacancy on the ballot for a partisan office pursuant to section 32-627 or when an office is to be filled at a special election pursuant to section 32-721.

If a candidate for a partisan office declines nomination, the filing officer will notify the persons whose names are attached to the nomination if the candidate was nominated by a political party convention. If the candidate was nominated by the primary, the chair or secretary of the political party will be notified. If it is a county office and there is no organized county political party, the filing officer will notify the state political party. The declination will create a vacancy on the ballot.

LB 408 (Preister) Change provisions relating to certain public contracts for services

LB 408 requires state agencies to complete a cost-benefit analysis before entering into a proposed contract for services in excess of \$50,000. The analysis would be a comparison of using state employees to perform the service versus the proposed contract for service.

This provision applies if the job functions are being performed or have been performed by a state employee within 12 months immediately preceding the proposed effective date of the contract, or the services are required for new programs that were not in existence within the previous 12 months. A copy of the cost-benefit analysis will be filed with the Legislative Fiscal Analyst. The bill provides several exceptions to the requirement that a state agency complete this analysis.

The material division of the Department of Administrative Services will develop guidelines for state agencies to use in conducting a cost-benefit analysis, including: the reason for purchasing the service instead of using state employees; a review of the long term cost savings; and a justification for entering into the contract if it does not result in cost savings and the public's interest in having the services performed by a state agency outweighs entering into the contract.

The Department of Administrative Services will adopt and promulgate rules and regulations to carry out these requirements.

The bill also outright repeals statutes relating to contracts for personal services and the current pre-process requirements.

LB 433 (Friend) Change provisions relating to selection and obligation of presidential electors

LB 433 eliminates the current presidential elector system in Nebraska in which one presidential elector is chosen from each congressional district and two presidential electors are chosen at large. With LB 433, the presidential candidate who receives the highest number of votes in the state will receive all five electoral votes.

LB 460 (Lathrop) Change provisions relating to presidential primary elections and political parties

LB 460 changes the state's presidential selection process from a primary system to a caucus system.

Currently, the presidential primary is held in conjunction with the statewide primary on the first Tuesday after the second Monday in May. This bill requires delegates to county conventions to be selected at precinct caucuses held on the second Saturday in February in each presidential election year or on a date determined by the state central committee of each political party no later than September 1 of the year prior to the presidential election year. The caucus may be held in conjunction with the county convention.

The authority reposed in registered voters attending the caucus and delegates to the county convention are personal in its nature and no voter or delegate may authorize another to appear on behalf of such voter or delegate, cast ballots, or participate in the organization of any business of the caucus or convention.

Several sections regarding the presidential primary system are outright repealed.

LB 528 (Aguilar) Change provisions relating to elections

LB 528 makes several changes to the Election Act.

The first change eliminates counting boards. Counting boards were appointed for a precinct when paper ballots were manually counted. Since no county manually counts

ballots anymore because of the new voting equipment, these counting boards are no longer necessary.

The bill also requires candidates to be affiliated with a political party before the first Friday in December prior to the statewide primary election in order to be eligible as a write-in candidate.

If the ballot for early voting has not been printed in sufficient time, the election commissioner or county clerk will issue a special ballot at least 60 days prior to an election to each qualified voter requesting a special ballot. The current deadline is 57 days prior to the election.

The bill eliminates language allowing partial returns to be delivered to the centralized location after the opening of the polls if at least twenty-five ballots have been cast since any prior delivery. Language allowing an election commissioner or county clerk to develop a procedure for picking up and counting ballots during election day is eliminated. Also eliminated is language regarding paper ballots because all counties are now using optical-scan ballots.

Portions/Provisions of LB 528 were amended into LB 646.

LB 539 (Rogert) Change ballot status provisions for presidential and vice-presidential candidates

LB 539 changes provisions relating to Presidential and Vice Presidential candidates being placed on the ballot.

Nonpartisan candidates for the office of President and Vice President may obtain general election ballot position by filing an application with the Secretary of State. Also required is a petition signed by not less than 2500 registered voters. These petitions will be filed with the Secretary of State by August 1 in the year of the presidential general election. The current deadline is September 1.

The bill also eliminates the requirement that petitions not be circulated until after the primary election and the requirement that voters who voted in the primary election for a presidential candidate are ineligible to sign petitions for any other candidate for president.

Finally, the presidential candidates of newly established political parties are not required to submit the petitions under section 32-620.

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

LB 572 allows certain library employees to be eligible for benefits under the Nebraska State Insurance Program. The benefits included under the program include group life and health insurance.

Under this bill, employees of library systems that receive ninety percent or more of their funding from the state will be considered state employees for the purpose of receiving these benefits. The library systems will pay 100% of the employer portion of the premium, and the employees will pay 100% of the employee portion of the premium.

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

LB 686 allows nonpartisan voters at the primary election to receive a partisan ballot for all local, county and state offices from any political party. Currently, nonpartisan voters are only allowed to vote in nonpartisan races for state, county and local races, but may vote in partisan races for congressional offices.

The election commissioner or county clerk will post a notice to voters prior to approaching the receiving board stating that a nonpartisan voter may request a partisan ballot. No registered voter will be permitted to receive ballots from more than one party at the primary election.

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

LB 694 requires the Nebraska Capitol Commission to examine the feasibility of constructing an office and parking structure to the south or east of the State Capitol. The structure needs to accommodate 1000 parking spaces for state employees and guests. It will also provide 75,000 square feet of office space.

The commission will provide its findings to the Government, Military and Veterans Affairs Committee and the Appropriations Committee prior to the next regular session of the Legislature.

BILL SUMMARIES: BILLS INDEFINITELY POSTPONED

LB 7 (Preister) Change the rights of the public regarding agenda items under the Open Meetings Act

LB 7 amends provisions of the Open Meetings Act.

First, if a citizen speaks on an item of new business at a public meeting, the members of the body may discuss the issue with the citizen but will not take action on such business at that meeting. New business is defined as any item not on the agenda which is not an emergency.

Also, the bill prohibits a public body from requiring that members of the public be placed on the agenda prior to such meeting in order to speak to the body regarding items on the agenda or new business.

Portions/Provisions of LB 7 were amended into LB 391.

LB 40 (Schimek) Require an initiative and referendum petition circulator to wear an identification badge

LB 40 requires initiative and referendum petition circulators to wear an identification badge when circulating petitions. The badge will have a unique number and brief description of the subject matter of the petition. The person wearing the badge will make sure it is visible by and legible to petition signers.

The principal circulator will provide the identification badge to each person circulating his or her petition. The principal circulator will keep a record of the badges being used and the name and address of each person given a badge. The principal circulator will only make these records available, upon request, to the Secretary of State, the Nebraska Accountability and Disclosure Commission, and law enforcement.

LB 50 (Hudkins) Prohibit the state from seeking reimbursement from employees for use of vacation leave

LB 50 provides that employees of the State of Nebraska will not be required to pay or reimburse any cost to the state resulting from the employee's use of vacation leave.

LB 61 (Avery) Prohibit certain gifts and contributions to candidates for or members of the Public Service Commission

LB 61 prohibits any candidate for or member of the Public Service Commission to accept a gift or contribution from:

1. a person who is engaged in a business which applies to and receives its authority to conduct business in Nebraska and is subject to oversight by the commission; or
2. an officer, director, partner, or member of such a business.

LB 87 (Howard) Require that all state service contracts be awarded and performed in the United States

LB 87 requires all state contracts for services be awarded to United States companies and the contract work be performed in the United States.

Also, preference in the bidding process for contracts that employ more than ten individuals will be given to Nebraska-based companies.

LB 100 (Erdman) Provide duties to the Auditor of Public Accounts

LB 100 allows the Auditor of Public Accounts, at any time, to analyze any potential problems related to the effectiveness, efficiency or performance of state programs the auditor discovers. The auditor will analyze the matter and immediately report the findings to the Legislative Performance Audit Committee.

Currently, the auditor is allowed to report, during the normal course of an audit, any potential problems related to the effectiveness or efficiency of government to the Legislative Performance Audit Committee which then decides whether to conduct a performance audit.

The bill also provides that in the course of conducting such analysis, the auditor will have access to all records of any public entity, in whatever form or mode the records may be, unless the auditor's access to the records is specifically prohibited or limited by federal or state law.

LB 135 (Fulton) Provide for confidentiality of certain public entity records

LB 135 provides that certain public records, the disclosure of which could reasonably be expected to jeopardize the security, health, safety or property of the public served by that entity, may be withheld from the public by the lawful custodian of the records.

These records include, but are not limited to: vulnerability assessments; architectural, engineering or construction diagrams; drawing or plans pertaining to security measures, emergency response protocols, and records disclosing the configuration of critical systems or infrastructures of certain entities.

LB 172 (Kopplin) Provide for the adoption of ordinances and resolutions by counties

The bill allows counties to enact ordinances and resolutions, not inconsistent with the laws of the state, to promote public health, safety and general interests of the county. County ordinances may address, but are not limited to, animal control, registration of burglar alarms, public nudity, curfews, and towing.

The county may impose fines, forfeitures, and penalties and provide for the recovery, collection, and enforcement of such fines, forfeitures, or penalties.

County ordinances or resolutions will not be effective within the boundaries of incorporated municipalities or within the extraterritorial jurisdiction of cities and villages.

Prior to adoption of an ordinance or resolution, the county board is required to provide notice. Final action will not be taken until after at least one public hearing has been held.

LB 212 (Rogert) Authorize counties to enact ordinances as prescribed

LB 212 allows counties to enact ordinances to address control of dogs and cats, to address sidewalk obstructions, and to address towing. A county may impose fines, forfeitures, and penalties and provide for their recovery and collection.

Ordinances adopted by counties may not be imposed within the boundaries of incorporated municipalities.

The bill also outlines how the ordinances will be adopted, including notice provisions.

LB 284 (Karpisek) Require election recounts to be done manually

LB 284 changes the provisions relating to election recounts. With LB 284, the recount audit will be done manually and will be conducted at the office of the election commissioner or county clerk.

Current law requires that the procedures for recounting ballot are the same as those used for counting ballots on election day. Counties using a vote counting device first recount the ballots by use of that device. If substantial changes are found, the ballots are then counted using the device in any precinct that might reflect a substantial change.

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

LB 477 decreases the state contribution for health insurance for state employees over four years from the current 79% to 75% in 2011.

Additionally, the bill declares the intent of the Legislature that by 2012 political subdivisions will contribute no more than 75% of the employee health benefit plan. To achieve this intent, political subdivision contributions to employee health benefits plans will not exceed the percentages outlined in the bill without a percentage reduction in state aid to the political subdivision.

The bill defines political subdivision as a county, municipal county, city, village, natural resource district, community college, and school district.

BILL SUMMARIES: LEGISLATIVE RESOLUTIONS ON GENERAL FILE

LR 8CA (Avery) Constitutional amendment to change signature requirements for initiative petitions

LR 8CA changes the signature requirements for initiative petitions.

The number of signatures required for the enactment of a law is decreased from seven to four percent of the registered voters of the state. The number of signatures required to amend the Constitution is increased from ten to fifteen percent of registered voters of the state.

LR 8CA failed to advance from General File.

BILL SUMMARIES: LEGISLATIVE RESOLUTIONS REPORTED FOR CONSIDERATION

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

LR 14 provides that Nebraska's congressional delegation be informed that the Nebraska Legislature supports the negotiation of a Taiwan-United States free trade agreement.

GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE

INDEX OF BILLS

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION - 2007**

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 5	Pahls	Change provisions relating to the state's employee suggestion system.	1/18/07	General File – Com AM415	Approved by Governor (5/16/07)	
LB 7	Preister	Change the rights of the public regarding agenda items under the Open Meetings Act.	1/18/07	Indefinitely Postponed	Indefinitely Postponed	Portions/Provisions of LB 7 amended into LB 391.
LB 13	Mines	Provide for the creation and certification of joint entities under the Interlocal Cooperation Act.	1/19/07	Held in Committee	Held in Committee	
LB 16	Mines	Change provisions relating to airport hazards and airport zoning regulations.	1/18/07	Held in Committee	Held in Committee	
LB 17	Mines	Change provisions relating to multiple office holding.	1/17/07	General File	General File	
LB 18	Mines	Change recall provisions.	1/19/07	Held in Committee	Held in Committee	
LB 27	Adams	Authorize the Auditor of Public Accounts to conduct certain audits.	1/24/07	General File	General File	Failed to advance to E & R Initial

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 39	Schimek, Mines, Pahls, et al	Provide restrictions relating to petition circulation and change campaign reporting provisions.	1/17/07	General File – Com AM116	Select File	AG’s Opinion 07006 to Dubas
LB 40	Schimek, Friend, Mines, Pahls	Require an initiative and referendum petition circulator to wear an identification badge.	1/17/07	Indefinitely Postponed	Indefinitely Postponed	
LB 44	Gay	Change provisions relating to precinct lists of registered voters and sign-in registers.	1/17/07	General File – Com AM42	Approved by Governor (2/9/07)	
LB 50	Hudkins	Prohibit the state from seeking reimbursement from employees for use of vacation leave.	1/18/07	Indefinitely Postponed	Indefinitely Postponed	
LB 61	Avery	Prohibit certain gifts and contributions to candidates for or members of the Public Service Commission.	1/31/07	Indefinitely Postponed	Indefinitely Postponed	
LB 87	Howard	Require that all state service contracts be awarded and performed in the United States.	1/24/07	Indefinitely Postponed	Indefinitely Postponed	
LB 100	Erdman, Friend	Provide duties to the Auditor of Public Accounts.	1/24/07	Indefinitely Postponed	Indefinitely Postponed	
LB 133	Schimek	Provide for the transfer of development rights as prescribed.	2/8/07	Held in Committee	Held in Committee	
LB 135	Fulton	Provide for confidentiality of certain public entity records.	2/8/07	Indefinitely Postponed	Indefinitely Postponed	
LB 172	Kopplin, Cornett, Gay, Stuthman	Provide for the adoption of ordinances and resolutions by counties.	1/26/07	Indefinitely Postponed	Indefinitely Postponed	
LB 187	Mines	Prohibit certain interlocal agreements.	1/24/07	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 195	Preister	Repeal the authorization for the Nebraska State Quarter.	1/26/07	General File	Final Reading	
LB 196	Schimek	Permit the Adjutant General to designate certain vehicles as military emergency vehicles.	2/14/07	General File – Com AM506	General File – Com AM506	
LB 198	Schimek	Change requirements for campaign messages.	1/31/07	General File – Com AM211	Returned by Governor without approval (5/21/07)	
LB 199	Schimek	Change municipal cooperative financing and open meetings provisions.	2/1/07	General File	Approved by Governor (5/16/07)	
LB 208	Aguilar	Change bond requirements for certain public building projects.	1/26/07	General File – Com AM498	Approved by Governor (5/16/07)	Speaker Priority Bill
LB 212	Rogert, Flood	Authorize counties to enact ordinances as prescribed.	1/26/07	Indefinitely Postponed	Indefinitely Postponed	
LB 232	Dubas, Adams, Aguilar, et al	Change the Building Entrepreneurial Communities Act.	2/14/07	General File – Com AM677	Approved by Governor (4/25/07)	Sen. Karpisek's Priority Bill
LB 233	Pirsch	Provide a residency requirement for certain members of public building commissions.	2/21/07	General File	Approved by Governor (5/16/07)	Speaker Priority Bill
LB 248	Nantkes	Provide for road improvement district elections to be conducted by mail.	1/25/07	General File	Approved by Governor (3/19/07)	
LB 252	Avery	Change land surveyor application and registration fees.	2/28/07	General File	Approved by Governor (5/16/07)	
LB 256	Aguilar	Change administrative provisions relating to state government.	2/15/07	General File – Com AM380	Approved by Governor (5/16/07)	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 268	McGill, Avery, Chambers, et al	Change election provisions for county board members.	2/7/07	Held in Committee	Held in Committee	
LB 269	Burling, Christensen, Rogert	Change provisions relating to county and museum board organization.	2/21/07	General File – Com AM682	General File – Com AM682	Portions/Provisions of LB 348 amended into LB 269.
LB 284	Karpisek, Adams, Avery, et al	Require election recounts to be done manually.	2/7/07	Indefinitely Postponed	Indefinitely Postponed	
LB 289	Louden, Burling, Christensen, et al	Change procedure relating to elections to exceed the tax levy limit.	2/7/07	General File – Com AM316	Approved by Governor (5/16/07)	Speaker Priority Bill
LB 298	Burling	Change the number of signatures required on nominating petitions.	1/25/07	General File – Com AM93	Approved by Governor (3/7/07)	
LB 300	Howard	Create the State Work Incentive Program.	2/14/07	Held in Committee	Held in Committee	
LB 310	Aguilar	Change provisions relating to early voting.	2/7/07	Held in Committee	Held in Committee	
LB 311	Aguilar	Change provisions relating to petition signature verification.	1/25/07	General File	Approved by Governor (3/7/07)	
LB 312	Aguilar, McDonald	Change provisions relating to resignations, vacancy appointments, and recall elections.	2/7/07	General File	General File	
LB 348	Burling, McDonald, Wallman	Change and eliminate provisions relating to the discontinuance of township organization.	2/21/07	Held in Committee	Held in Committee	Portions/Provisions of LB 348 amended into LB 269.
LB 352	Langemeier	Adopt the Nebraska Shooting Range Protection Act.	2/28/07	General File – Com AM665	General File – Com AM665	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 361	Raikes	Prohibit public funds' use for dues or membership fees as prescribed.	1/31/07	Held in Committee	Held in Committee	
LB 388	Aguilar	Change duties and membership of the Economic Development Commission and the Department of Economic Development.	2/15/07	General File – Com AM411	Approved by Governor (5/16/07)	
LB 389	Aguilar	Change provisions relating to public records.	2/1/07	General File – Com AM462	Approved by Governor (4/2/07)	Speaker Priority Bill
LB 391	Mines	Change provisions relating to public records and meetings.	2/1/07	General File – Com AM678	General File – Com AM678	Portions/Provisions of LB 7 amended into LB 391.
LB 392	Mines	Change provisions relating to municipal counties.	2/21/07	Held in Committee	Held in Committee	Interim Study LR 117 (2007)
LB 394	Burling	Change provisions relating to nomination for office.	2/22/07	Held in Committee	Held in Committee	
LB 396	Johnson	Increase the range of fees imposed by the State Board of Landscape Architects.	2/15/07	General File	Approved by Governor (5/16/07)	
LB 408	Preister	Change provisions relating to certain public contracts for services.	2/15/07	Held in Committee	Held in Committee	Interim Study LR 80 (2007)
LB 433	Friend	Change provisions relating to selection and obligations of presidential electors.	2/22/07	Held in Committee	Held in Committee	
LB 434	Avery	Change late filing fees under the Nebraska Political Accountability and Disclosure Act.	1/31/07	General File	Approved by Governor (3/7/07)	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 460	Lathrop, Friend	Change provisions relating to presidential primary elections and political parties.	2/22/07	Held in Committee	Held in Committee	
LB 464	Chambers	Change enforcement provisions relating to the Campaign Finance Limitation Act and Nebraska Political Accountability and Disclosure Act.	2/8/07	General File	Approved by Governor (4/4/07)	Government Committee Priority Bill
LB 471	Chambers	Authorize regulation of mixed martial arts by the State Athletic Commissioner.	2/8/07	General File – Com AM412	Approved by Governor (5/16/07)	Speaker Priority Bill
LB 477	Wightman	Change contribution levels for state and political subdivision employee health plans.	2/28/07	Indefinitely Postponed	Indefinitely Postponed	Interim Study – LR 120 (2007)
LB 497	White	Adopt the Family Military Leave Act.	2/14/07	General File – Com AM496	Approved by Governor (4/4/07)	Government Committee Priority Bill
LB 527	Aguilar	Provide registration fees for political committees and allow waiver of interest on late filing fees and penalties.	1/31/07	General File	Approved by Governor (3/7/07)	
LB 528	Aguilar	Change provisions relating to elections.	3/14/07 (Rescheduled from 3/1/07)	Held in Committee	Held in Committee	Portions/Provisions of LB 528 amended into LB 646.
LB 539	Rogert	Change ballot status provisions for presidential and vice-presidential candidates.	2/22/07	Held in Committee	Held in Committee	
LB 572	Kruse, Kopplin	Provide for the inclusion of certain library employees under the Nebraska State Insurance Plan.	2/28/07	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 622	Pirsch	Require training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees.	2/1/07	General File – Com AM259	General File	Failed to advance to E & R Initial. Speaker Priority Bill
LB 646	Nelson, Ashford, Burling, et al	Change provisions relating to counting ballots.	3/14/07 (rescheduled from 3/1/07)	General File – Com AM752	Approved by Governor (5/31/07)	Portions/Provisions of LB 528 amended into LB 646. Speaker Priority Bill.
LB 686	Karpisek, Wallman	Provide for partisan ballots for unaffiliated voters at primary elections.	3/14/07 (rescheduled from 3/1/07)	Held in Committee	Held in Committee	
LB 694	Christensen, Fischer, Karpisek, et al	Authorize planning for a parking facility near the capitol.	3/14/07 (rescheduled from 3/1/07)	Held in Committee	Held in Committee	
LR 8CA	Avery	Constitutional amendment to change signature requirements for initiative petitions.	1/25/07	General File	General File	Failed to advance to E & R Initial
LR 14	Engel, Aguilar, Dierks, et al	Provide the Legislature supports the negotiation of a Taiwan-United States Free Trade Act.	2/28/07	Reported to the Legis. for further consideration.	Reported to the Legis. for further consideration.	
Gov. Apt.	Amber Brown (Replaced Jeanne Ross, resigned)	Gubernatorial Appointment to the State Personnel Board	5/30/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (5/31/07)	
Gov. Apt.	Carlos Castillo (Replaced Gerry Oligmueller, Acting Director)	Gubernatorial Appointment as Director of the Department of Administrative Services	2/28/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (3/7/07)	
Gov. Apt.	Keith Deiml (Replaced Kenneth Mueller, resigned)	Gubernatorial Appointment to the State Emergency Response Commission	2/7/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (2/14/07)	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
Gov. Apt.	John Falgione (Replaced Dennis Hohbein, retired)	Gubernatorial Appointment as the State Fire Marshal.	3/14/07 (rescheduled from 3/1/07)	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (3/22/07)	
Gov. Apt.	Lucinda Glen (Reappointment)	Gubernatorial Appointment to the State Personnel Board	2/21/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (3/6/07)	
Gov. Apt.	Keith Hansen (Replaced Scott Holmes)	Gubernatorial Appointment to the State Emergency Response Commission	2/15/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (2/23/07)	
Gov. Apt.	Tim Hofbauer (Reappointment)	Gubernatorial Appointment to the State Emergency Response Commission	2/22/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (3/6/07)	
Gov. Apt.	Paul Hosford (Replaced Deborah Bacon, resigned)	Gubernatorial Appointment to the Accountability & Disclosure Commission	5/4/07	Advanced out of committee. Sent to Legislature for confirmation	Legislature Approved (5/8/07)	
Gov. Apt.	Larry Johnson (Replaced Kim Herald, resigned)	Gubernatorial Appointment o the State Emergency Response Commission	2/15/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (2/23/07)	
Gov. Apt.	Dana Miller (Reappointment)	Gubernatorial Appointment to the State Emergency Response Commission	2/22/07	Advanced out of committee. Sent to Legislature for confirmation.	Legislature Approved (3/6/07)	

GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE

INTERIM STUDY RESOLUTIONS 2007 Legislative Session

- LR 78 (Preister) Interim study to examine issues relating to the Open Meetings Act.
- LR 80 (Preister) Interim study to examine the need for cost-benefit analyses to be conducted on services contracts entered into by the State of Nebraska.
- LR 104 (Schimek, Aguilar) Interim study to examine ways for the State of Nebraska to respectfully honor its citizens who have served their country and died in combat.
- LR 117 (Mines) Interim study to analyze the municipal county process.
- LR 120 (Wightman) Interim study to examine the cost of public employee health plans at all levels of government.
- LR 122 (Aguilar) Interim study to examine issues within the jurisdiction of the Government, Military & Veterans Affairs Committee.
- LR 129 (Avery) Interim study to examine the Base Realignment and Closure process and realignment of United States Department of Defense installations and possible responses required by the state.
- LR 146 (Aguilar) Interim study to examine the issue of creating a voluntary registry for interior designers.
- LR 161 (Erdman) Interim study to examine the manner in which agencies of state government are providing public notice of their intent to adopt, amend, or repeal a rule or regulation under the Administrative Procedure Act.