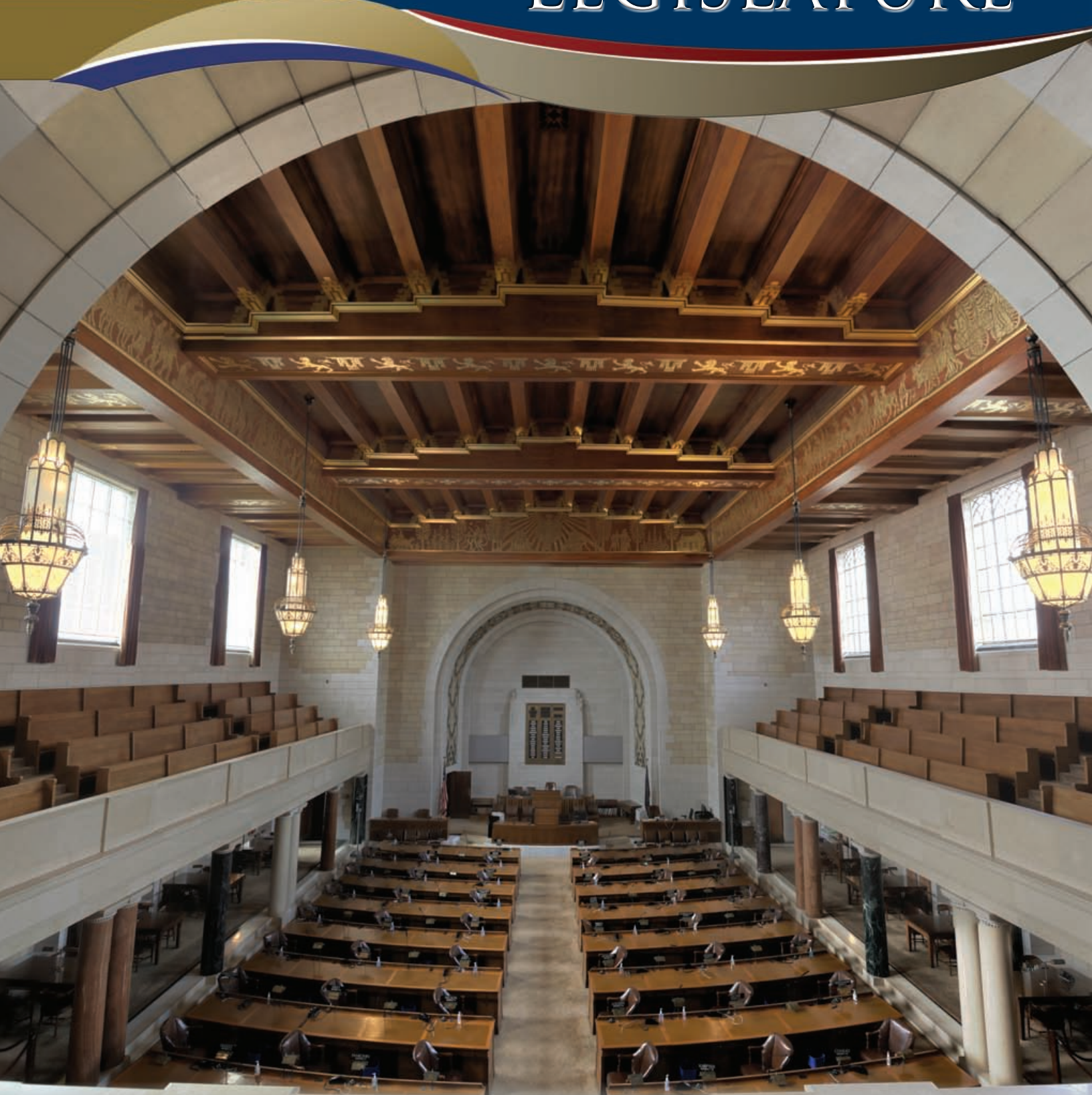


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# NEBRASKA LEGISLATURE

2010



Unicameral Update  
2010 Session Review

# NEBRASKA LEGISLATURE

## Volume XXXIII, No. 16 2010 Session Review

### Contents

Agriculture .....	3
Appropriations .....	5
Banking, Commerce and Insurance .....	6
Business and Labor.....	8
Education.....	10
General Affairs.....	13
Government, Military and Veterans Affairs .....	15
Health and Human Services .....	18
Judiciary .....	21
Natural Resources.....	27
Retirement Systems .....	29
Revenue .....	30
Transportation and Telecommunications.....	33
Urban Affairs .....	35
Bill Status.....	37
Senators' Contact Information .....	58
Legislative Resources .....	59
About the Unicameral Update .....	59

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## Agriculture



Sen. Tom Carlson, Agriculture Committee chairperson

**L**icenses for cropdusters, grants for electronic scanners at farmers' markets, clarifications to division fence statutes and changes to livestock laws were addressed in bills reported by the Agriculture Committee this session.

**LB254**, offered by Fullerton Sen. Annette Dubas and passed 44-0, requires those applying pesticides via aircraft or aerial spraying to obtain an aerial pesticide applicator business license. The license is regulated by the state Department of Agriculture and will cost \$100 to \$150. Proceeds from the fee will be remitted to the Pesticide Administrative Cash Fund.

Commercial applicator license holders may apply pesticides via aircraft under the direct supervision of a Nebraska aerial pesticide business license holder. Licensees are held liable for the actions of persons applying pesticides under their supervision.



Sen. Annette Dubas

**LB986**, introduced by Lincoln Sen. Danielle Conrad, expands acceptable uses of Agricultural Opportunities and Value-Added Partnership Act grants to include purchases of electronic scanners and point-of-sale devices that enable those receiving federally subsidized food and nutrition benefits to purchase food at farmers' markets.



Sen. Danielle Conrad

The bill passed 46-0.

Senators passed a bill affecting division fence law.

Under previous statute, adjoining landowners were required to maintain and construct a "just proportion" of division fence, but no statutory definition was provided for just proportion.

**LB667**, introduced by Cedar Rapids Sen. Kate Sullivan, defines just proportion as an equitable allocation of the portion of the fence line that each landowner must construct and maintain, or an equitable financial contribution. An equitable allocation shall result in an equal burden unless otherwise specified in law or by an agreement between landowners.



Sen. Kate Sullivan

The bill passed 46-0.

Introduced by Holdrege Sen. Tom Carlson, **LB909** would have allowed landowners access to adjacent land owned by another person to remove or trim vegetation within and in the immediate proximity of the fence line. Current law allows limited access to carry out other fencing activities — such as construction, maintenance and repair — but it expressly prohibits access for the purpose of tree removal without the adjacent landowners' consent or a court order.

The bill was not advanced from committee.

The committee also heard bills regarding livestock that were approved this session.

**LB882**, introduced by Tekamah Sen. Kent Rogert and approved 48-0, affords ranchers more options for livestock disposal. The bill permits an owner to bury or incinerate an animal or incorporate it into a compost facility on the premise where it died or on an adjacent property owned or controlled by the animal's owner.



Sen. Kent Rogert

The bill permits a rendering company to transport a carcass to a licensed

# NEBRASKA LEGISLATURE

landfill that accepts carcasses and removes a 600-pound limit on carcasses that may be incorporated into a composting facility.

The bill also permits a veterinary clinic or veterinary diagnostic laboratory to use alkaline hydrolysis to dispose of carcasses.

**LB882** takes effect Oct. 1, 2010.

Finally, lawmakers voted 43-2 to enact a bill to diversify the funding source for the state's inspection program under the Commercial Dog and Cat Operator Inspection Act.

**LB910**, introduced by Carlson, requires that a \$1 fee

be collected at the time a dog or cat is licensed. Jurisdictions will retain 3 cents of the fee as administrative reimbursement.

The bill also adds a licensure category for animal rescue organizations and adds license fee categories in 50-animal increments up to 500 animals, with a fee of \$2,000 for licensees with more than 500 animals. ■



*Sen. Tom Carlson*

## Appropriations



Appropriations Committee chairperson Sen. Lavon Heidemann

The Appropriations Committee spent the 2010 session looking for ways to reduce the state's budget for fiscal years 2009-11. Adjustments passed by the Legislature resulted in a 1.1 percent reduction of general fund appropriations in the current biennium.

**LB935**, the mainline budget bill, cut an additional 2 percent — or \$7.1 million — from the same operations and aid programs that received a 5 percent across-the-board cut during the 2009 special session. The bill also calls for transfers to the general fund of \$16.7 million from cash funds and \$3 million from the state's cash reserve.

Also included in the budget package and passed 49-0 were:

- **LB317**, authorizing the \$3 million cash reserve transfer;
- **LB1090**, providing for payment of claims against the state; and
- **LB1091**, disapproving claims against the state.

Included in the committee's budget package was a bill authorizing school-based health centers that is estimated to save the state \$1 million.

Under **LB1106**, introduced by Omaha Sen. Jeremy

Nordquist and passed 49-0, a school-based health center may provide medical, behavioral, mental, preventive and oral health care. Centers must be sponsored by a facility, such as a hospital, public health department, federally qualified community health center, nonprofit entity, school system or program administered by an Indian health entity.



Sen. Jeremy Nordquist

The \$1 million projected savings will result from a new federal match the state will receive for coverage of legal nonresidents eligible for Medicaid or the Children's Health Insurance Program (CHIP). Prior to LB1106, a state-only program covered these individuals for the first five years that they were lawfully in the country.

LB1106 requires that the state Department of Health and Human Services submit application to the Centers for Medicare and Medicaid Services for a waiver to allow for payments for treatment for children who are otherwise eligible for Medicaid and SCHIP, adding treatment for pregnant women and who are lawfully residing in the United States.

Senators also passed a bill intended to reduce costs and permit more efficient administration of the Nebraska Arts Council.

**LB1063**, sponsored by Omaha Sen. John Nelson, allows the arts council to set aside up to 10 percent of its administrative budget to establish a fund to maintain and preserve public artwork.

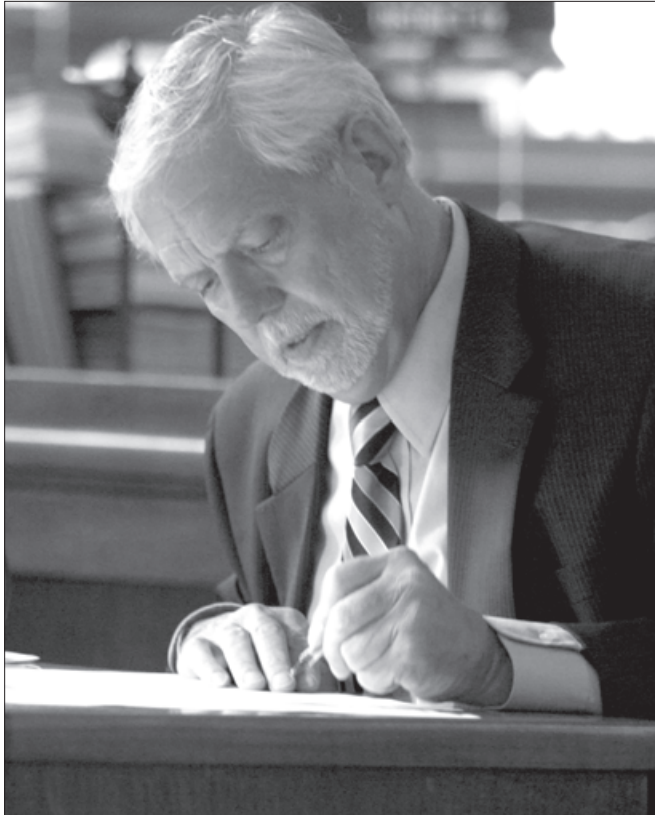
The bill also reduced the maximum annual transfer from the general fund to the Nebraska Cultural Preservation Endowment Fund from \$1.5 million on Dec. 31, 2011 and 2012, to \$500,000 per year beginning Dec. 31, 2011 and ending Dec. 31, 2016. ■



Sen. John E. Nelson

# NEBRASKA LEGISLATURE

## Banking, Commerce and Insurance



Sen. Rich Pahls, chairperson of the Banking, Commerce and Insurance Committee

**R**eal estate regulation and property appraisal topped the list of issues considered by the Banking, Commerce and Insurance Committee this session.

Lawmakers passed a bill that allows the Nebraska Real Estate Commission to assess fines against unlicensed individuals conducting activity that requires a real estate license.

**LB691**, sponsored by Schuyler Sen. Chris Langemeier, creates a civil penalty of up to \$1,000 per day, or the amount of commissions earned without a license, whichever is greater. The penalties can be assessed only after deliverance of notice and an administrative hearing before the commission.



Sen. Chris Langemeier

The bill passed 47-0.

A bill that makes changes to the Nebraska Real Property Appraiser Act also was approved.

**LB931**, sponsored by Cedar Rapids Sen. Kate Sullivan, addresses the authority of the Appraisal Standards Board and the Appraiser Qualifications Board to establish criteria for the state regulator of real property appraisers.



Sen. Kate Sullivan

The bill requires that courses of study for credentialing purposes be taken at degree-awarding institutions. It was amended to include provisions of **LB818**.

Also sponsored by Sullivan, **LB818** allows a broker's price opinion (BPO) or a comparative market analysis (CMA) prepared by a real estate licensee to be used to obtain, extend or modify financing in a non-federally related transaction. The bill requires that a BPO or CMA be signed and dated and include a disclosure that the evaluation is not an appraisal.

**LB931** passed 45-0.

Senators passed a bill that repeals and replaces Nebraska's current Limited Liability Company (LLC) Act.

LLCs are businesses that provide limited liability protection for their partners and federal partnership taxation for their owners.

**LB888**, introduced by Lincoln Sen. Danielle Conrad, clarifies the duties of loyalty and care that members owe the company and one another and their ability to define and limit those duties. The bill also provides for perpetual duration of the company and preserves the distinction between manager-managed and member-managed LLCs while giving new attention to the authority of members to bind the company.



Sen. Danielle Conrad

The bill includes provisions from **LB730**, introduced by Omaha Sen. Scott Lautenbaugh, which clarify language regarding changing orders entered by a court on behalf of a judgment creditor of an LLC member.



Sen. Scott Lautenbaugh

Finally, the bill clarifies that a judgment creditor is prevented from receiving any management interests in the company.

**LB888** passed on a 49-0 vote.

A bill introduced by Omaha Sen. Rich Pahls allows

# UNICAMERAL UPDATE

the state Department of Banking and Finance flexibility in determining whether a business or organization can call itself a bank.

**LB762** clarifies that the title should not be used in a way to mislead or confuse the public.

The bill was passed 47-0.

A bill proposing a linked deposit loan program fell short of the requisite votes needed to advance from select file.

**LB297**, introduced by Fullerton Sen. Annette Dubas, would create the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act, which would offer linked deposit loans not to exceed \$250,000 to eligible farmers who have a net worth not exceeding \$500,000. Total loan amounts would be limited to \$2 million in fiscal



*Sen. Annette Dubas*

year 2011-12, \$4 million in FY2012-13 and \$4 million in FY2013-14.

LB297 failed to advance on a 22-12 vote.

The committee also held a public hearing on a bill related to rural tourism. It was not advanced from committee.

Introduced by Sen. Tom Hansen of North Platte, **LB1068** would have created the Rural Tourism Development Program to promote agri-tourism and ecotourism in rural Nebraska, including activities such as farm and ranch tours, horseback riding and branding.

Under the bill, the state Department of Economic Development would have administered the program, which would have provided loans to small tourism businesses in counties with fewer than 100,000 residents. ■



*Sen. Tom Hansen*

# NEBRASKA LEGISLATURE

## Business and Labor



*Sen. Steve Lathrop, Business and Labor Committee chairperson*

Issues relating to workers' compensation, employee classification and unemployment benefit funds topped business and labor concerns this session.

**LB780**, introduced by Omaha Sen. Steve Lathrop, changes the Nebraska Workers' Compensation Act by making mental injuries unaccompanied by a physical injury eligible for compensation for first responders in limited circumstances. The bill excludes recovery for mental injuries resulting from normal employer and employee relations, including personnel and disciplinary actions.

Under the bill, a first responder is defined as a sheriff, deputy sheriff, police or state patrol officer, volunteer or paid firefighter or a licensed volunteer or licensed paid individual who provides immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

LB780 passed on a 40-5 vote and will be in effect until June 30, 2014.

Senators also passed a bill that addresses the misclassification of employees as independent contractors.

**LB563**, introduced by Lathrop, defines an independent contractor as one who is registered under the Contractor Registration Act and is assigned a combined tax rate or is exempt from unemployment insurance coverage. A violation will result in employers being fined \$500 per misclassified employee for the first offense and \$5,000 per misclassified employee for subsequent offenses.

Under the bill, public construction contractors are required to submit an affidavit attesting that each employee has completed an I-9 form and is properly classified and that the contractor has complied with E-verify, the federal program that verifies the legal resident status of newly hired employees.

The bill requires the state Department of Labor to establish and operate a hotline and Web site to accept reports of suspected violations.

LB563 passed on a 43-1 vote.

**LB1020**, also sponsored by Lathrop, was originally introduced to make a technical change to Employment Security Law. As amended, the bill provides a way for the state to accept \$43.6 million in American Recovery and Reinvestment Act (ARRA) funds by increasing certain unemployment benefits and tightening other qualifications to offset the cost of providing those benefits.

Beginning July 1, 2011, individuals who are determined ineligible for unemployment benefits based upon wages earned during the first four of the five most recent calendar quarters will be entitled to a redetermination. The redetermination will be based on the last four completed calendar quarters immediately preceding the first day of the claimant's benefit year.

In addition, an individual who otherwise is eligible for unemployment will not be deemed ineligible solely for seeking part-time work if the majority of the weeks of work in his or her base period include part-time work.

An individual who has exhausted all regular unemployment benefits will continue to be eligible for up to 26 additional weeks if, among other provisions, such an individual:

- was voluntarily separated from employment as a result of a permanent reduction of the employer's operation;
- is enrolled and making satisfactory progress in an approved training program that is preparing the individual for entry into a high-demand occupation; and
- is not receiving a similar stipend or other training



# UNICAMERAL UPDATE

allowances for non-training costs.

Among other provisions, the bill also extends disqualification periods:

- from 12 to 14 weeks for a misconduct discharge;
- from 12 to 13 weeks for voluntarily leaving employment without good cause; and
- from 1 to 2 weeks for voluntarily leaving employment to accept other employment.

LB1020 passed on a 49-0 vote.

A bill that would have required state agencies to consider the economic impact of proposed regulations on small businesses failed to advance from general file.

**LB709**, introduced by Omaha Sen. Tom White, would have required state agencies to solicit public comment from small businesses that may be adversely affected by a proposed regulation and consider their input before adopting any changes. The bill would have required agencies to notify a particular business if the agency has knowledge



*Sen. Tom White*

that the business may be affected by a proposed change and to consider ways to reduce the economic impact of new regulations on small businesses.

Some senators raised concerns about increased administrative costs and adding to the workload of state regulatory agencies after recently cutting agency budgets.

LB709 failed to advance from general file on a 22-17 vote.

A bill requiring employment of Nebraskans for public works projects during periods of excessive unemployment also failed to advance from general file.

Lincoln Sen. Danielle Conrad said she introduced **LB925** because of the recent economic downturn, citing increases in unemployment and public benefit expenditures.

Opponents said the bill would negatively effect reciprocal agreements among states. The bill failed to advance 13-26. ■



*Sen. Danielle Conrad*

# NEBRASKA LEGISLATURE

## Education



Sen. Greg Adams, Education Committee chairperson

Senators passed education legislation addressing a range of issues from teacher performance pay to community college funding.

**LB1014**, sponsored by Malcolm Sen. Ken Haar, allows future proceeds from wind and solar leases of the Board of Educational Lands and Funds to be used to fund teacher performance pay.

School districts and their collective bargaining agreements will be required to set performance factors that could include improving professional skills and knowledge, classroom performance or instructional behavior and instructional outcomes.

Beginning in 2016, if 75 percent of school districts reach such an agreement in a given year, the Commissioner of Education will be required to notify school districts of the amount of their apportionment attributable to wind and solar leases and available for teacher performance pay. The amount available for performance pay is capped at \$10 million per year.



Sen. Ken Haar

If a school district fails to include a system for teacher performance pay within its local collective-bargaining agreement, funds specified in the bill will be returned to the State Treasurer within one month for statewide redistribution on a per-pupil basis.

If the 75 percent requirement is not met in 2016, 2017 or 2018, the bill's provisions will be eliminated.

LB1014 passed on a 45-2 vote.

**LB235**, introduced by York Sen. Greg Adams, permits the Board of Educational Lands and Funds to issue leases for wind and solar energy production. The bill limits the initial term of wind energy leases to no more than 40 years and exempts wind and solar leases from the public bidding process required for agricultural leases.

The bill passed on a vote of 45-0.

Senators also worked to resolve funding disputes between state community colleges.

**LB1072**, also introduced by Adams, terminates the current funding formula and dissolves the Nebraska Community College Association on June 30, 2011. The bill sets the allowable growth factor and a maximum general fund property tax levy and retains the amount of aid for each community college for the 2010-11 school year as follows:

- \$27.1 million for Southeast Community College;
- \$18.4 million for Metropolitan Community College;
- \$12.8 million for Northeast Community College, including Nebraska Indian Community College and Little Priest Tribal College;
- \$11.9 million for Western Community College;
- \$8.3 million for Central Community College; and
- \$8.3 million for Mid-Plains Community College.

The six community college presidents will work together to develop a new funding formula and reorganize a community college association.

LB1072 was passed on a 49-0 vote.

Senators passed a bill changing several provisions relating to learning communities.

**LB1070**, introduced by Adams, modifies the learning community coordinating council's tax levy authority. Currently, the council may levy up to 5 cents for elementary learning center facilities and up to 50 percent of the capital costs for approved capital projects.

Under the bill, the council can levy up to 2 cents for elementary learning center facility leases and remodeling and for up to 50 percent of focus school or program capital projects. Up to 1 cent may be levied for contracts for elementary learning center programs and services, pilot projects and

# UNICAMERAL UPDATE

elementary learning center employees, although no more than 10 percent may be used for employees.

The bill also changes the learning community student allocation funding in the educational service unit distribution formula.

Currently the adjusted student allocation in learning community districts is split evenly between the learning community and the ESU. Under the bill, 70 percent of the allocation is attributed to the ESU and the remaining 30 percent is attributed to the learning community. After this year the bill stipulates a 90-10 percent split.

LB1070 also:

- makes technical changes relating to property tax refund funds and in lieu of taxes;
- allows expenses to be paid to non-voting members of learning community coordinating councils;
- changes learning community reporting provisions;
- provides an allowance for the first year of focus school operation; and
- eases the restrictions on terminating an elementary learning center executive director.

LB1070 was passed on a 47-0 vote.

Senators also passed a bill that eliminates per diem payments for learning community coordinating council members.

Valentine Sen. Deb Fischer said she introduced **LB937** to make benefits consistent for learning community board members and school board members.

LB937 was passed on a 38-8 vote.

School districts are allowed to unify through interlocal agreements under a bill passed by senators this session.

**LB711**, introduced by Ewing Sen. Cap Dierks, allows school districts to create new unifications. The bill also allows school districts to continue as a unification even if another district withdraws or a unification dissolves.

Unifications are local systems of school districts brought together through an interlocal agreement. While unifications are treated as single school districts for most purposes, including the election of its school board members and its building funds and bonding, a unification board determines a general fund levy. The unification board is composed of school board members from participating districts.

Under LB711, districts are required to include in the

interlocal agreement a plan regarding the division of liabilities and assets upon the partial or complete termination of a unification. Currently, when a district withdraws or a unification dissolves, the assets and liabilities are divided pursuant to a declaratory judgment.

The bill also sets March 10 as the certification date for 2010-11 for state aid to schools.

LB711 was passed on a 47-0 vote.

Senators also passed a bill that requires the state Department of Health and Human Services to set health screening schedules for school districts.

Currently, school districts are required to screen every student for vision, hearing and dental health in the first quarter of each school year.

**LB713**, introduced by Grand Island Sen. Mike Gloor, requires the department to determine and schedule which screenings would be performed and allows the department to make available a method for gathering student health data for schools.

The bill allows an exemption from health inspections if a student provides written documentation from a doctor stating that the child recently has been inspected.

LB713 was passed on a 48-0 vote.

Senators approved a bill that changes income qualifications and increases the maximum dollar amount of awards given under the Nebraska Opportunity Grant Act – formerly the Nebraska Scholarship Act.

Under **LB956**, introduced by Adams, students with an expected annual family contribution of \$6,000 or less will qualify for awards. The \$6,000 threshold will increase each year by 2.5 percent. The maximum award amount under the act is increased from 25 to 50 percent of tuition and fees for the University of Nebraska-Lincoln.

Finally, the bill renames the Nebraska Scholarship Act as the Nebraska Opportunity Grant Act to clarify that the awards are need-based and not contingent on a student's academic credentials.

The bill passed on a 48-0 vote.

Senators approved a new eligibility date for children to begin kindergarten this session.

Under **LB1006**, introduced by Adams, children are eligible if they are 5 years old by July 31, beginning with the 2012-13 school year. Previously, the cutoff date was Oct. 15.

The bill includes an exception for children who turn 5 between Aug. 1 and Oct. 15 if they perform adequately on a school assessment. The bill also requires school boards



Sen. Deb Fischer



Sen. Cap Dierks



Sen. Mike Gloor

# NEBRASKA LEGISLATURE

to adopt an assessment procedure to determine if a child is capable of kindergarten-level work.

LB1006 was passed on a 47-0 vote.

Finally, senators passed an education bill that changes administrative procedures ranging from state aid formula deadlines to student data sharing.

**LB1071**, introduced by Adams, sets Oct. 15 as the deadline for schools to provide to the state Department of Education information relating to the state aid to schools formula. Currently, different deadlines are set for different types of information.

Under the bill, the deadline for the certification of state aid is changed from Feb. 1 to April 1 for 2011, and March 1 for each year thereafter.

LB1071 modifies the calculation of state aid for unified systems and makes changes related to the early childhood education programs to be included in the calculation of state aid, as well as district responsibilities for students participating in open enrollment.

The bill also changes the graduate program requirements for the Enhancing Excellence in Teaching Program to include graduate studies other than teacher education programs.

Among other provisions, LB1071:

- updates language relating to federal bonds;
- removes a redundant reporting requirement for county assessors to certify taxable value of school districts;
- clarifies residency provisions for school districts;
- modifies qualifications for preschool programs that receive state aid funds; and
- harmonizes the calculation of unused budget authority with recent changes in the budget authority provisions for school districts.

The bill includes provisions from two other bills introduced by Adams that relate to schools.

Provisions from **LB957** require the board to adopt a policy for sharing student data with the University of Nebraska Regents, the Nebraska State Colleges board of trustees and the board of governors from each community college area. Each governing body of a higher education institution is required to enter into a data sharing policy with the state board of education.

Provisions from **LB1069** define the educational service unit coordinating council as a political subdivision, but do not grant taxing authority.

The ESU funding formula currently contains two hold harmless provisions based on aid received in prior years. Under LB1069, the hold harmless provisions instead are

based on prior year needs and the distance education and telecommunications allowance will be subtracted.

Under the bill, school district and ESU purchases of technological hardware are not required to be approved by the Nebraska Information and Technology Commission, but must comply with the commission's technical standards. The bill also clarifies that schools are not required to join Network Nebraska, a series of service contracts providing access for schools and government to a high-speed telecommunications network.

LB1071 was passed on a 49-0 vote.

Two education bills did not advance from general file this session.

Senators declined to advance a bill to select file that would have required schools to develop student allergy plans.

**LB72**, introduced by Bellevue Sen. Abbie Cornett, would have required the state Department of Education, in consultation with the state Department of Health and Human Services, to develop and make available policy guidelines for the management of students with life-threatening allergies.

The policy would have included annual education and training for school personnel on management of students with life-threatening allergies, procedures for maintaining a file for each student at risk for anaphylaxis and strategies to reduce the risk of exposure to anaphylactic causative agents in schools.

LB72 failed to advance on a vote of 21-27.

Lawmakers also voted to bracket a bill that would have restructured the Nebraska School Activities Association and required the association to follow state open meeting and records laws.

The NSAA comprises 312 member schools and oversees high school sports and other activities.

Lincoln Sen. Bill Avery said he introduced **LB1021** after an interim study revealed issues at the NSAA ranging from disproportionate representation to lack of public access to the association.

The bill stipulated six equally distributed districts based on student participation levels and would have allowed any educator who holds a Nebraska teaching or administrative certificate from a member school to be eligible for election to a leadership position.

Senators voted 27-13 to bracket the bill. ■



Sen. Greg Adams



Sen. Abbie Cornett



Sen. Bill Avery

## General Affairs



Sen. Russ Karpisek, General Affairs Committee chairperson

Changes to the Nebraska Liquor Control Act were the focus of the General Affairs Committee this session. **LB861**, introduced by Wilber Sen. Russ Karpisek on behalf of the committee, makes technical changes to the act and allows a local governing body or county board to extend on-site alcohol sales for on-premises consumption from 1 a.m. to 2 a.m. Approval of a two-thirds majority of a local governing body is required to authorize the change.

LB861 also contains provisions of seven other bills.

**LB786**, introduced by Karpisek, removes a prohibition on adding liquor to beer or selling beer to which liquor has been added.

**LB869**, introduced by Karpisek, increases the liquor application fee for retail licenses from \$45 to \$400.

**LB870**, also introduced by Karpisek, creates a temporary operator's permit for new owners of a business with a liquor license.

**LB883**, introduced by Lincoln Sen. Colby Coash, allows farm wineries to store products at an offsite facility.

Under the bill, farm wineries must notify the Liquor Control Commission of the warehouse location and alcohol consumption is prohibited at the offsite location. The bill also makes state law consistent with federal law regarding reporting and tax payment schedules for farm wineries.



Sen. Colby Coash

**LB906**, introduced by Karpisek, provides an exception to the prohibition on granting liquor licenses to establishments located within 150 feet of a church. Under the bill, the commission may grant such a license only after providing notice to an affected church and holding a hearing.

**LB1000**, introduced by Karpisek, requires that any officer or director of a limited liability company (LLC), or any member with an ownership interest of more than 25 percent, meet the qualifications for a liquor license. The bill also requires that an LLC manager be a citizen and a resident of Nebraska.

Finally, **LB1012**, introduced by Sen. Kent Rogert of Tekamah, increases the membership of the State Racing Commission from three to five members.



Sen. Kent Rogert

The bill also removes prohibitions on commission members:

- having an interest in a horse that is racing under the commission's jurisdiction;
- placing wagers on the outcome of any race under the commission's jurisdiction or supervision; or
- having a financial interest in or engaging in any private employment with any business that is regulated by or conflicts with the commission's duties, or that does business with any racing association licensed by the commission.

The bill requires commission members to file a conflict of interest statement if a conflict exists.

**LB861** passed on a 40-5 vote.

Lawmakers also overrode a gubernatorial veto of a bill that increases the state's alcohol shipping fee.

Under **LB867**, sponsored by Karpisek, the cost of obtaining an annual shipping license from the Nebraska Liquor Control Commission increased from \$200 to \$1,000. The fee is collected from out-of-state wine, spirit and beer shippers.

# NEBRASKA LEGISLATURE

Lawmakers passed the bill on a 46-1 vote. Gov. Dave Heineman subsequently vetoed the measure, saying it is unreasonable to increase the fee by 500 percent during difficult economic times and that doing so will create an undue burden on small businesses that ship alcohol into Nebraska.

Karpisek said the increase is fair because the fee has not been raised since 1981, adding that the increase is expected to bring nearly \$500,000 per year into the state's general fund.

Senators voted 38-9 to override the governor's veto.

A measure that would have allowed horse racetracks

in Nebraska to establish satellite wagering facilities with local community approval failed to advance from general file this session.

**LR277CA**, sponsored by Karpisek, would have placed on the November 2010 general election ballot a proposed amendment to the Nebraska Constitution allowing satellite wagering facilities if approved by the appropriate county, city or village.

The measure failed to advance to select file on a 22-11 vote. ■



*Sen. Russ Karpisek*

## Government, Military and Veterans Affairs



*Sen. Bill Avery, chairperson of the Government, Military and Veterans Affairs Committee*

Lawmakers dealt with a variety of issues this session related to government, military and veterans affairs. Among the approved proposals was a measure that may abolish the Nebraska Office of the State Treasurer.

**LR284CA**, introduced by Hastings Sen. Dennis Utter, will place a proposed constitutional amendment on the November 2010 general election ballot that would abolish the office effective Jan. 8, 2015, if approved by voters.

The measure passed on a 38-8 vote.



*Sen. Dennis Utter*

### Election law

Senators also considered several bills this session dealing with election law in Nebraska.

**LB325**, introduced by Omaha Sen. John Nelson, allows an election commissioner or county clerk to decide whether a voter who has an error in his or her name on a precinct list will be



*Sen. John E. Nelson*

issued a provisional ballot or a regular ballot. An election commissioner or county clerk also is authorized to decide which ballot to issue a registered voter who moves within a county but fails to update his or her voter registration.

The bill requires election commissioners or county clerks to implement a countywide policy with regard to ballot designation. The bill also stipulates that a provisional ballot will be counted if it contains errant or omitted information contained elsewhere on the registration or certification or if the information is not necessary to determine voter eligibility.

Senators passed LB325 on a 45-0 vote.

**LB852**, introduced by Lincoln Sen. Bill Avery, removes the prohibition against write-in spaces on primary election ballots for directors of natural resources and public power districts. The bill also permits write-in spaces on general election ballots for directors of reclamation, natural resources and public power districts as well as members of the board of educational service units and members of county weed district boards.

The bill passed 47-0 and takes effect Jan. 1, 2011.

A bill designed to bring Nebraska into compliance with the federal Military and Overseas Voter Empowerment Act (MOVE) was given final approval by lawmakers.

According to Avery, sponsor of **LB951**, MOVE requires states to make ballots and other election materials available via facsimile or electronic mail to members of the armed forces, overseas citizens and persons residing outside the country. Beginning with the November 2010 general election, states must send validly requested absentee ballots no later than 45 days before a federal election.

States also must develop a process for those casting ballots under the provisions of MOVE to be able to check the status of their ballots via the Internet or a toll-free telephone call.

LB951 was amended to contain provisions of two additional bills sponsored by Avery.

**LB850** requires the University of Nebraska, state colleges and community colleges to provide information on early voting prior to each statewide primary and general election.

**LB716** adds membership on a community college board of governors to the definition of high elected office.

The bill passed on a 32-11 vote.

Three additional bills dealing with election law stalled during general file debate.

A measure that would require Nebraska political party committees to file the same campaign statements as independent committees was bracketed during first

# NEBRASKA LEGISLATURE

round debate.

**LB635**, sponsored by Omaha Sen. Heath Mello, would have required political committees that conduct independent expenditure activity to abide by the same reporting requirements under the Nebraska Political Accountability and Disclosure Act as independent committees that are not affiliated with a political party or candidate.



Sen. Heath Mello

A motion to bracket the bill was adopted 25-12.

Lawmakers declined to advance **LB544**, sponsored by South Sioux City Sen. Robert Giese, which would have required Nebraska's secretary of state to develop and publish a uniform statewide guide for election workers.



Sen. Robert Giese

**LB544** failed to advance from general file on a 17-27 vote.

Lawmakers also declined to advance a measure that would have lowered signature requirements on some initiative petitions in Nebraska.

**LR300CA**, introduced by Nelson, would have placed a proposed constitutional amendment on the November 2010 general election ballot that would reduce the number of petition signatures needed to place future proposals on Nebraska ballots.



Sen. John E. Nelson

The measure would have reduced the signature requirement for proposed constitutional amendments from 10 percent to 5 percent of registered voters. Signature requirements for an initiative to enact a law would have been reduced from 7 percent to 3 percent of registered voters.

**LR300CA** failed to advance from general file on a 7-12 vote.

## Counties

Several bills affecting county government were considered by lawmakers this session.

Cities and counties sharing jurisdiction of an airport are no longer required to form a joint board to set and enforce airport hazard regulations.

**LB512**, introduced by Omaha Sen. Scott Lautenbaugh, allows cities and counties that adopt minimum zoning



Sen. Scott Lautenbaugh

regulations prescribed by the state Department of Aeronautics to forego the current requirement to form a joint board to set and enforce such regulations.

**LB512** was passed on a vote of 44-1.

Senators also passed a bill dealing with internal audits of county boards.

Under, **LB475**, introduced by Sen. Arnie Stuthman of Platte Center, a county board in a county with a metropolitan class city must now appoint a separate auditor to perform internal audits. Douglas is the state's only county with a metropolitan class city.



Sen. Arnie Stuthman

The bill passed on a 45-0 vote.

A bill that changes the appeals process for some county planning commission decisions also was given final approval.

**LB970**, introduced by Lincoln Sen. Kathy Campbell, requires that in counties containing a primary class city, an appeal of a county planning commission decision regarding a conditional use or special exemption be made to the county board. An appeal of a decision by a county board may then be made to the district court.



Sen. Kathy Campbell

Currently, Lancaster is Nebraska's only county containing a primary class city.

Senators passed the bill 47-0.

## Other bills

Senators passed a bill that changes provisions relating to state Military Department personnel and National Guard member peace officer powers.

Under **LB550**, sponsored by Avery, the state Military Department will consist of:

- an adjutant general with a minimum grade of lieutenant colonel;
- one deputy adjutant general, chief of state or deputy director with a minimum grade of colonel;
- one assistant director for Nebraska Emergency Management Agency affairs; and
- other officers and enlisted personnel in the number and grade as prescribed by U.S. Army and U.S. Air Force personnel documents.

The bill also extends law enforcement authority to Nebraska National Guard members serving federal Title 32 U.S. Code status and to National Guard members from other



# UNICAMERAL UPDATE

states and territories while in active service to Nebraska.

Under the bill, the governor is required to grant law enforcement authority to Nebraska National Guard members on state active duty orders in a state status, and he or she can limit such authority as necessary.

LB550 was passed 45-0.

A bill aimed at making settlement agreements involving public entities more open to public scrutiny was approved this session.

**LB742**, sponsored by Omaha Sen. Beau McCoy, requires public entities or agencies providing coverage to a public entity, official or employee to maintain public records of all settlement claims. A written settlement agreement must be included for claims settled for \$50,000 or more, or 1 percent of the public entity's total annual budget, whichever is less. The settlement agreement must contain a brief description of the claim, the amount of financial compensation and the party or parties released.



*Sen. Beau McCoy*

The bill also:

- requires that settlement agreements meeting the above criteria, except for those involving the state, be included as an agenda item at the next meeting of the public agency or entity;
- allows specific portions of an agreement to be withheld from the public, as permitted by other statutes;
- requires a copy of the claim or settlement agreement to be maintained as a public record; and
- stipulates that confidentiality or nondisclosure clauses contained in a settlement agreement will neither cause nor permit a settlement agreement, claim or any other public record to be withheld from the public.

The bill does not apply to claims made in connection with insured or self-insured health insurance contracts.

LB742 passed on a 48-0 vote.

Under **LB139**, sponsored by Avery, the state's Mexican-American Commission will be known as the Commission on Latino-Americans.

The bill passed on a 38-5 vote.

Senators passed a bill that changes some state Department of Administrative Services procedures, among them one related to the sale of historical properties.

**LB722**, introduced by Avery, allows the state to sell buildings and lands on the National Register of Historic Places to a nonprofit community organization. The state also must prioritize projects that would create low-income housing or economic development.

Senators passed LB722 on a 46-0 vote.

**LB978**, introduced by Mello, directs the state Department of Administrative Services in its competitive bidding process to purchase or lease only energy star certified products. The materiel administrator may choose otherwise if the cost of an appliance exceeds its projected energy savings.

Lawmakers voted 46-0 to approve the bill.

Senators also approved a bill that creates a program to control health hazards caused by lead-based paint.

Original provisions of **LB987**, introduced by Omaha Sen. Bob Krist to establish a lung cancer study, were replaced by an amendment offered by Omaha Sen. Brenda Council proposing a Lead-Based Pain Hazard Control Program.



*Sen. Bob Krist*

The revised bill directs the state Department of Economic Development to award a \$200,000 grant to a city of the metropolitan class if the city is able to secure grant funding for lead-based paint abatement from the federal Department of Housing and Urban Development. Omaha is the state's only city of the metropolitan class. The Nebraska Health Care Cash Fund is designated as the grant's funding source.



*Sen. Brenda Council*

LB987 passed 46-0.

Two additional bills stalled during floor debate.

**LB686**, introduced by Lexington Sen. John Wightman, would have increased fees required for recording instruments with the register of deeds from \$5 per page to \$10 per page for the first page and \$6 for each additional page.

LB686 failed to advance from general file on a 19-17 vote.



*Sen. John Wightman*

A bill that would have modified the competitive bidding process for government purchases of heavy equipment failed to advance from select file.

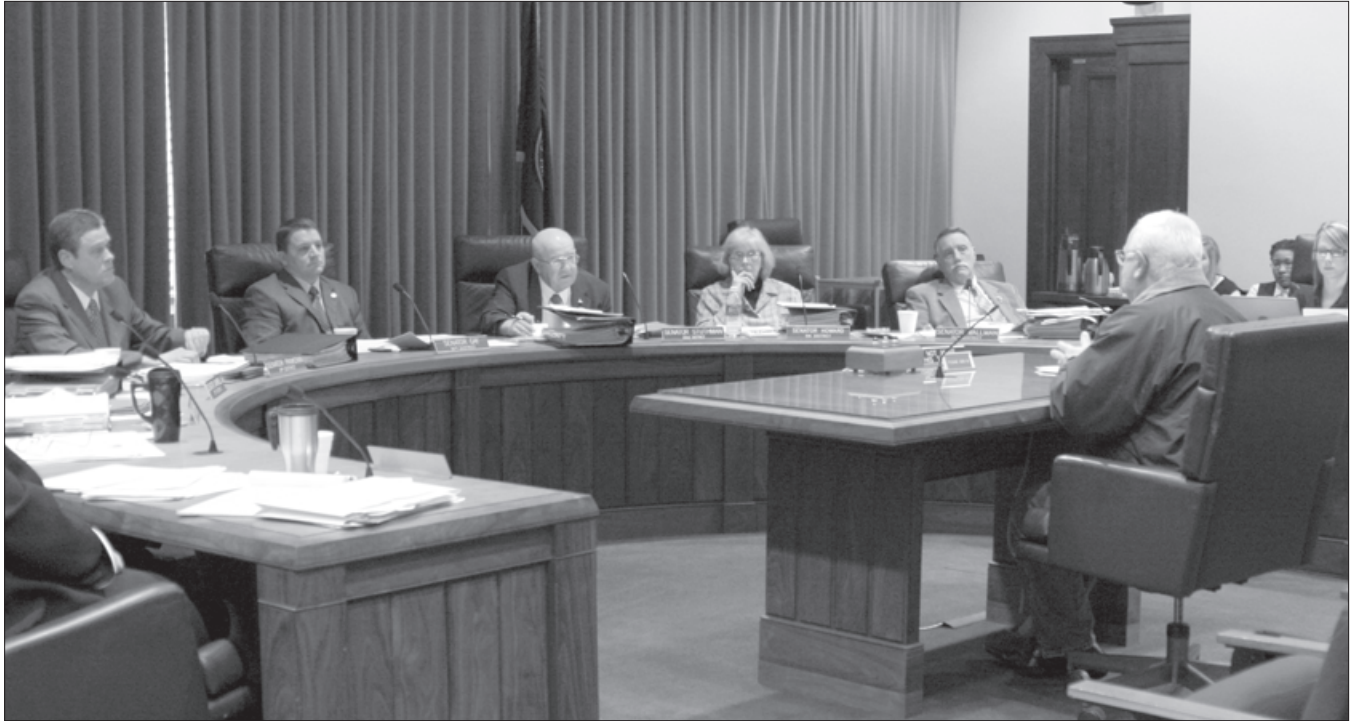
**LB948**, introduced by Avery, would have required the state Department of Administrative Services, when making purchases, to consider:

- the life-cycle costs for all classes of equipment;
- evidence of expected life;
- repair and maintenance costs; and
- energy consumption, including fuel, on a per-year basis.

Senators gave unanimous consent to bracket the bill. ■

# NEBRASKA LEGISLATURE

## Health and Human Services



Chairperson Sen. Tim Gay (second from left) and the Health and Human Services Committee hear citizen testimony at a public hearing.

**T**he Health and Human Services Committee considered a variety of issues this session regarding the provision of health and human services in Nebraska, including a moratorium on new hospitals and updating the state's anatomical gift law.

Senators approved a bill that provides for a temporary moratorium on the issuance of new hospital licenses in Nebraska.

**LB999**, sponsored by Lincoln Sen. Kathy Campbell, directs the state Department of Health and Human Services not to accept applications from or issue licenses to new hospitals from April 15, 2010, through Sept. 15, 2011. The bill makes an exception for critical access hospitals and any hospital that has begun construction prior to May 1, 2010.

Under the bill, the Legislature's Health and Human Services Committee will conduct a study that examines referral practices, ownership disclosure, community benefit, the impact of federal health care reform, uncompensated and under-compensated patient



Sen. Kathy Campbell

care, different types of hospitals and limited-service facilities and compliance with the federal Emergency Medical Treatment and Active Labor Act. The committee will issue a report on the study to the Legislature by Dec. 31, 2010.

**LB999** passed on a 41-6 vote.

Lawmakers also passed a bill that adopts the Uniform Anatomical Gift Act.

**LB1036**, sponsored by Omaha Sen. Brenda Council, makes existing Nebraska law governing anatomical gifts consistent with federal law and new technologies and practices regarding organ, tissue and eye donation.

Among other provisions, the bill:

- permits consent from persons who are reasonably available;
- provides for advance health care directive and anatomical gift conflict resolution;
- changes the allowable age for a minor to donate an organ from 13 to 16 years of age;
- imposes a standard of reasonable care for an individual to be covered by the act's immunity



Sen. Brenda Council

# UNICAMERAL UPDATE

provisions;

- adds the State Anatomical Board as an organization that may receive a gift of a body for research or education;
- allows a parent who is reasonably available to revoke or amend an anatomical gift designated by an unemancipated minor;
- adds health care agents, grandchildren and persons exhibiting special care to the list of agents who may authorize an anatomical gift; and
- specifies that medical personnel caring for an individual at the time of death are not included in the category of persons exhibiting special care who may authorize an anatomical donation.

LB1036 passed on a 48-0 vote.

An omnibus health bill approved this session makes various changes to health and human services provision in Nebraska.

**LB849**, sponsored by Papillion Sen. Tim Gay, is the Health and Human Services Committee's annual "clean-up" bill, which:

- updates state law regarding references to the Federal Social Security Act;
- transfers decision-making authority on appeals from a hearing officer to the director of the division of developmental disabilities; and
- removes a requirement that governing boards for developmentally disabled specialized services include elected officials.

The bill was amended to include provisions from nine other bills.

**LB25**, introduced in 2009 by former Sen. Mike Friend of Omaha, adds children's day health services to the definition of health care service under the Health Care Facilities Licensure Act.

**LB702**, introduced by Grand Island Sen. Mike Gloor, allows a longer time frame for written authorizations for the release of health information. Currently, a request is effective for 180 days. Under the bill, an authorization will expire in 12 months if it does not contain an expiration date or specify an event that causes the authorization to expire.

**LB726**, introduced by Wilber Sen. Russ Karpisek,

requires four hours of annual education and training for direct care staff pertaining to the care or treatment outlined in the Alzheimer's Special Care Disclosure Act. The four hours specified do not increase the aggregate hourly training requirement of the Alzheimer's Special Care Unit, nor is the state Department of Health and Human Services responsible for the curriculum.

**LB734**, introduced by Gay, eliminates a requirement that municipal and private utility companies use certified mail to give notification of service termination to welfare recipients. Notification by first-class mail is required seven days prior to termination of utility service to any domestic subscriber.

**LB766**, introduced by Gloor, eliminates the July 1, 2010, termination date for the Nebraska Center for Nursing Act.

**LB828**, introduced by Gloor, redefines, limits and changes education requirements for medical radiographers under the Medical Radiography Practice Act.

**LB857**, introduced by Gay, consolidates the Modular Housing Units Cash Fund and the Manufactured Homes and Recreational Vehicles Cash Fund into a new Public Service Commission Housing and Recreational Vehicle Cash Fund. The bill also eliminates specified statutory dollar amounts for manufactured home and recreational vehicle seals and allows the commission to determine annually the amount charged for the seals. Currently, the fee is set in statute as not less than \$10 and not more than \$75.

**LB930**, introduced by Gloor, amends the Pharmacy Practice Act by defining prescription drugs and devices as those not carrying an FDA-approved prohibition on their sale except on the order of a licensed health care provider. The bill also specifies that the practice of pharmacy does not include a business or person who sells, delivers or distributes such devices.

**LB941**, introduced by Gay, adds to the practice of optometry the dispensing and sale of a contact lens containing an ocular pharmaceutical agent, which the FDA classifies as a drug and an optometrist or ophthalmologist is authorized to prescribe.

LB849 passed on a 43-0 vote.

Two bills advanced by the committee stalled during general file debate.

Senators voted in February to suspend the Legislature's rules and allow introduction of a bill meant to address a gap in Medicaid eligibility for low-income, pregnant



Sen. Russ Karpisek



Sen. Tim Gay



Sen. Mike Gloor

# NEBRASKA LEGISLATURE

women. Legislative rules limit bill introduction to the first 10 working days of a legislative session, which ended this year on Jan. 21.

**LB1110**, sponsored by Campbell, would have established a program to continue to offer prenatal services to low-income women regardless of immigration status.

Under the bill, the state Department of Health and Human Services would have been required to establish a program under the Children's Health Insurance Program (CHIP) solely for the unborn children of mothers who are ineligible for coverage under Medicaid. Eligibility for service would have been determined using an income budgetary methodology of no greater than 185 percent of the federal poverty guideline.

Benefits would have included laboratory testing, out-patient hospital care, pharmaceuticals and prescription vitamins, radiology, ultrasound and other necessary imaging, services related to conditions that could complicate the pregnancy and professional fees and hospital costs related to labor and delivery.

The bill would have required the department, within



*Sen. Kathy Campbell*

30 days of passage of LB1110, to seek federal approval of a state plan amendment or waiver for Nebraska's program.

Upon Campbell's request, senators gave unanimous consent to bracket LB1110.

Lawmakers voted down a measure that would have changed provisions related to tuberculosis detection and prevention in Nebraska.

**LB341**, sponsored by Omaha Sen. Tanya Cook, would have permitted nurse practitioners to dispense tuberculosis medications that are provided through public health agencies and dispensed to a patient at no charge. The bill failed to advance from general file on an 18-25 vote.



*Sen. Tanya Cook*



*Sen. Jeremy Nordquist*

The committee also heard testimony on **LB1106**, introduced by Omaha Sen. Jeremy Nordquist, which authorizes the creation of school-based health centers. The bill became part of the Appropriations Committee's budget package and was approved on a 49-0 vote. ■

## Judiciary

Senators addressed a variety of judiciary issues this session. Among the measures passed were bills concerning abortions, juvenile justice reform and changes to laws relating to minors.

### Abortion



*Sen. Mike Flood introduces LB1103 to the Judiciary Committee.*

Senators passed two bills further restricting abortions in Nebraska.

**LB1103**, introduced by Norfolk Sen. Mike Flood, requires abortion providers to determine the probable post-fertilization age of the fetus. If the fetus is determined to be at 20 weeks or more, an abortion is prohibited, except when the abortion would preserve the life of a patient or an additional fetus in the womb.

The 20-week ban is based on medical evidence suggesting fetuses can feel pain by that point. Abortions currently are banned only beyond the stage of pregnancy at which a fetus is capable of living outside the womb, which is generally at approximately 24 weeks.

The bill provides a cause of action against doctors who violate the act for actual damages for the patient or the father of the fetus. In any civil or criminal proceedings, the anonymity of the patient will be preserved. No penalty can be assessed against the patient.

LB1103 passed on a 44-5 vote and will go into effect Oct. 15.

**LB594**, introduced by Ewing Sen. Cap Dierks, requires abortion providers to evaluate patients at least one hour before an abortion to identify any risk factors associated with abortion. Risks can include physical, psychological, emotional, demographic and situational factors.



*Sen. Cap Dierks*

Doctors are required to discuss with the patient risk factors based on research reports from peer-reviewed journals. Violations entitle the patient to a civil cause of action.

The bill also requires the state Department of Health and Human Services to provide a list of public and private mental health service providers on the department's Web site.

LB594 passed on a 40-9 vote.

### Juvenile justice

Senators also approved reforms to various aspects of Nebraska's juvenile justice system.

**LB800**, sponsored by Omaha Sen. Brad Ashford, addresses youth crime by implementing early intervention, parental involvement, school attendance and alternatives to detention.

Among other provisions, LB800 requires each school district to develop a policy on excessive student absentee-

*Sen. Brad Ashford, chairperson of the Judiciary Committee*



# NEBRASKA LEGISLATURE

ism in collaboration with the county attorney. A district is required to report a case to the county attorney after a student has been absent 20 days in a given year, whether excused or unexcused. School districts are required to report truancy issues to the state Department of Education on a monthly basis.

The bill also codifies the authority of probation officers to impose administrative sanctions on juveniles who violate the conditions of their probation and phases out the practice of sending status offenders to secure detention by Jan. 1, 2013.

The bill includes provisions of **LB923**, introduced by Ashford, which provides a process for sealing records of interactions with the state's juvenile justice system.

An individual whose records are sealed may respond on an employment application as if the incident leading to the record did not occur.

Among other measures, **LB800** also:

- authorizes the juvenile court to suspend driving privileges of truant juveniles and to issue fines not exceeding \$500 or order community service for parents of truant juveniles;
- allows law enforcement to take a juvenile into temporary custody when there are reasonable grounds to believe the juvenile is truant or has committed a misdemeanor offense;
- makes penalties for minor in possession of marijuana consistent with those of minor in possession of alcohol;
- establishes a civil citation pilot project in Omaha, allowing issuance of civil citations to juveniles for minor offenses;
- establishes a Truancy Intervention Task Force;
- eliminates the use of three-judge appeal panels; and
- establishes a time frame for hearings on evaluation results.

**LB800** also transfers \$350,000 from the Probation Program Cash Fund to the Violence Prevention Cash Fund. The funds will be distributed to various entities through a grant process administered by the Office of Violence Prevention for programs to reduce street, gang and gun violence.

**LB800** passed on a 48-0 vote.

## Minors

Three bills relating to minors were passed this session.

**LB258**, introduced by Scottsbluff Sen. John Harms, creates a penalty for minors 18 years old and younger found in possession of alcohol to have their driver's license



Sen. John Harms explains **LB258**.

impounded for 30 days for a first offense, 90 days for a second and one year for all subsequent offenses. The bill gives judges the option to use the increased penalties when sentencing minors in possession of alcohol, but does not make the penalties mandatory.

First-time offenders also could be required to attend an alcohol education class. A second offense could require between 20 and 40 hours of community service in addition to completion of an alcohol education class. Subsequent offenses could require at least 60 hours of community service, an alcohol education class and an alcohol assessment by a licensed alcohol and drug counselor.

**LB258** passed on a 40-3 vote.

**LB226**, introduced by Tekamah Sen. Kent Rogert, allows 18-year-olds to enter into binding contracts or leases and consent to medical treatment if the parent or guardian gives consent through power of attorney. The bill does not pertain to state wards.



Sen. Kent Rogert

**LB226** passed on a 46-0 vote and took effect immediately.

A bill passed this session gives victims of child pornography a civil cause of action against exploiters.

**LB728**, introduced by Omaha Sen. Scott Lautenbaugh, applies to victims 15 years old and younger.

Under the bill, passed 47-1, victims are allowed to sue individuals who created, distributed or possessed sexually explicit images or videos of them within the state.

# UNICAMERAL UPDATE

The state Attorney General's Office is authorized to pursue claims on behalf of victims. Victims can file a suit within three years after the conclusion of any related criminal prosecution, police notification that the perpetrator has been identified or the victim's 18<sup>th</sup> birthday.

LB728 allows victims to seek a minimum of \$150,000 in damages. Internet service providers and cable companies are exempted from civil action under the bill.



Sen. Scott Lautenbaugh

## Criminal justice



Sen. Bill Avery introduced LB190.

Lawmakers gave final approval to a bill that requires the collection and testing of DNA for the state sample bank from all persons convicted of any felony.

**LB190**, introduced by Lincoln Sen. Bill Avery, applies retroactively to those currently imprisoned for felonies who do not have a DNA sample on file. The bill retains the current requirement for the collection of samples from those convicted of certain misdemeanors such as stalking, sexual abuse of a vulnerable person and violations of the sex offender registry.

All costs associated with collecting the DNA sample will be paid by a convicted felon as a condition of release from probation.

LB190 passed on a 47-0 vote.

Senators passed a bill that changes prosecution procedures for domestic violence cases and ensures access to prenatal services for pregnant victims of domestic violence.

**LB507**, introduced by Omaha Sen. Pete Pirsch, allows a prosecutor to use a prior conviction to enhance the penalty for domestic assault when the prior case involved a different intimate partner.

Under the bill, domestic assault is defined as intentionally and knowingly causing bodily injury to an intimate partner or threatening an intimate partner in a menacing manner.

The bill also removes the 12-year limitation on the use of a prior domestic assault conviction for enhancement and creates a new Class I misdemeanor offense of third degree domestic assault when a person threatens an intimate partner in a menacing manner. Subsequent convictions will result in a felony charge.

LB507 also allows pregnant women who are victims of domestic violence to receive Medicaid services even if they do not provide the names of their children's fathers to state Department of Health and Human Services workers.

The bill includes provisions from **LB984**, introduced by Omaha Sen. Gwen Howard. These provisions increase the penalty for child abuse from a Class III felony – carrying a penalty of 1 to 20 years – to a Class II felony, which carries a penalty of 1 to 50 years.

LB507 passed on a 49-0 vote.

Penalties for offenses against employees at regional centers also were increased this session.

**LB771**, introduced by Flood, allows the filing of felony charges against dangerous sex offenders confined in a regional center if they assault employees of the state Department of Health and Human Services. The bill also includes motor vehicle assault on an employee.

The bill passed on a 49-0 vote.

Two bills relating to the death penalty did not advance from general file this session.

Omaha Sen. Brenda Council first proposed a cost study of the state's death penalty as an amendment to **LB306**, a bill she introduced that would have repealed the death penalty. After the amendment failed, the bill was laid over Jan. 21. Council then



Sen. Pete Pirsch



Sen. Gwen Howard



Sen. Mike Flood



Sen. Brenda Council

# NEBRASKA LEGISLATURE

introduced the proposed study as **LB1105**, which failed to advance from general file on a 22-22 vote.

## Courts



Sen. Pete Pirsch introduced LB510.

Senators passed a bill that creates the Nebraska Crime Victim Fund.

**LB510**, introduced by Pirsch, charges defendants a \$1 fee on each misdemeanor and felony conviction in district and county court and each affirmation on appeal.

The bill, passed 38-1, also allows up to 5 percent of wages earned by inmates in work release programs to be directed to the Crime Victim Reparations program. The bill stipulates that 75 percent of the funds from the surcharge go to the Victims Compensation Fund and 25 percent to the Reentry Cash Fund, which funds a job training program at the Work Ethic Camp in McCook.

The jurisdictional amount limit for small claims court was raised by the Legislature this session.

The limit is reviewed every five years by the state Supreme Court and is adjusted based on the Consumer Price Index for All Urban Consumers.

**LB695**, introduced by Bellevue Sen. Scott Price and approved 48-0, provides a one-time adjustment from \$2,700 to \$3,500.

Senators gave final approval to a bill addressing exces-



Sen. Scott Price

sive caseloads for judges.

**LB727**, introduced by Lincoln Sen. Colby Coash, authorizes the state Supreme Court to give retired judges an additional stipend for performing extended service. Currently, retired judges can be paid for each day of service.

Senators approved the bill on a 49-0 vote.

Practices prohibited under the Uniform Deceptive Trade Practices Act are updated under a bill approved this session.

**LB801**, introduced by Lincoln Sen. Tony Fulton, defines deceptive trading practices to include the use, promotion, establishment or operation of or participation in pyramid promotional schemes that solicit members of the public.

Pyramid promotional schemes are defined as plans or operations in which participants receive compensation that is primarily derived from the recruitment of other participants, as opposed to the sales of goods, services or intangible property.

Also included in the bill as a deceptive trading practice is the distribution of peer-to-peer file-sharing programs that do not notify users that their computer files will be made available to the public and that activate file-sharing functions without users' consent. Those who thwart reasonable efforts to block the installation, execution or disabling of file-sharing programs also will be guilty of deceptive trading.

LB801 passed 44-0.

Senators also approved an increase in the criminal statute of limitations for submitting false Medicaid claims from three to five years.

**LB809**, sponsored by Rogert, applies to crimes where the value of benefits sought or obtained through fraudulent means is \$500 or more. The extended statute of limitations will apply to offenses committed prior to the effective date of the bill.

LB809 passed on a 47-0 vote.

County attorneys are allowed to investigate all cases in which a person dies while being apprehended by or while in the custody of a law enforcement officer or other detention personnel under a bill passed 39-4.

Lautenbaugh said he introduced



Sen. Colby Coash



Sen. Tony Fulton



Sen. Scott Lautenbaugh



# UNICAMERAL UPDATE

**LB842** to allow counties to avoid the expense of hiring a special prosecutor and additional law enforcement officers to handle grand jury investigations and proceedings.

The mediation requirement in child custody cases can be waived in certain situations under a bill passed this session.

Currently, parents involved in custody and parenting time cases are required to attend at least one session with a mediator.

**LB901**, introduced by Lexington Sen. John Wightman, requires courts to hold an evidentiary hearing to grant a mediation requirement waiver. Under the bill, a waiver can be granted if both parents agree and good cause is shown by clear and convincing evidence. A waiver also can be granted if mediation is not possible without undue delay or hardship for either parent.

LB901 was passed on a 48-0 vote.



Sen. John Wightman

**LB905**, introduced by Fullerton Sen. Annette Dubas, makes any person who discharges a firearm from a motor vehicle at a person, dwelling or other structure guilty of a Class IC felony.

**LB795**, introduced by Council, authorizes natural resources districts to contract with law enforcement agencies for protection of public property and law enforcement at natural resources district recreation areas.

**LB860**, introduced by Lautenbaugh, allows concealed carry permits to be granted to individuals with a minor misdemeanor crime of violence on their record if the misdemeanor occurred more than 10 years prior to the application.

Senators voted 43-0 to pass LB817.



Sen. Annette Dubas



Sen. Brenda Council

## Other bills

**LB216**, sponsored by Cortland Sen. Norm Wallman, allows family members injured in a car crash in which a relative was driving to recoup their medical expenses from the relative's auto insurance policy. The bill passed on a 36-8 vote.

Under **LB252**, introduced by Bellevue Sen. Abbie Cornett, those found owning or possessing animal fighting paraphernalia are guilty of a Class I misdemeanor. The bill passed on a 46-1 vote.

**LB373**, introduced by Lautenbaugh, which changes death and disability-related provisions for emergency response personnel passed on a 38-0 vote.

**LB712**, introduced by Rogert and passed 48-0, raises the property value threshold requiring the public sale of property left by former tenants from \$250 to \$1,000 and was amended to include provisions from 15 other bills:

**LB687**, introduced by Wightman, changes amounts of homestead allowance, exempt property and family allowance for decedents' estates.

**LB703**, introduced by Wightman, changes provisions relating to powers of attorney.



Sen. Norm Wallman



Sen. Abbie Cornett

## Firearms



Sen. Kent Rogert introduced LB817.

Senators gave final approval to a bill that removes the requirement that conceal and carry handgun permit holders obtain a permit to purchase a handgun.

**LB817**, introduced by Rogert, also exempts those who participate in the National Instant Criminal Background check every five years from having to obtain a permit to purchase a handgun. The bill clarifies that city ordinances cannot require conceal and carry handgun permit holders to obtain a permit to purchase a handgun and includes provisions from three other bills:

# NEBRASKA LEGISLATURE

**LB757**, introduced by Wightman, provides for non-probate transfer on death of motor vehicle certificates of title.

**LB824**, introduced by Valentine Sen. Deb Fischer, changes provisions relating to master jury lists.

**LB840**, introduced by Lautenbaugh, changes provisions relating to criminal attempt.

**LB843**, introduced by Lautenbaugh, changes provisions relating to arson.

**LB847**, introduced by Council, changes provisions relating to small claims court powers.

**LB915**, introduced by Lincoln Sen. Amanda McGill, provides for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists.

**LB939**, introduced by Platte Center Sen. Arnie Stuthman, changes child support enforcement provisions relating to the collection of other monetary judgments, mandatory reporting of account balances and review and modification of child support orders.

**LB988**, introduced by Council, increases the amount of credit for imprisonment from \$60 to \$90 per day.

**LB990**, introduced by Council, makes the calculation of time served in city and county jails consistent with that of state facilities.

**LB1026**, introduced by Wightman, creates a statutory process for transferring civil actions from one district court to a district court in another county.

**LB1045**, introduced by Lautenbaugh, eliminates a provision for jury commissioner duties to be transferred to the clerk of the district court once a county reaches 150,000 residents.

**LB1046**, introduced by Lautenbaugh, stipulates that if defendants choose to exercise continuances past the stated statutory period, they are deemed to have waived their right to a speedy trial.

**LB1084**, introduced by Wilber Sen. Russ Karpisek, provides a court procedure for a county to obtain regular payments for the maintenance, care



Sen. Deb Fischer



Sen. Amanda McGill



Sen. Arnie Stuthman



Sen. Russ Karpisek

and disposition of any pet animals or equines seized by a sheriff while a case is pending against a defendant for the mistreatment of the animals.

A bill introduced by Sen. Robert Giese of South Sioux City adds new members to the Racial Profiling Advisory Committee. Under **LB746**, passed 46-0, new members will include representatives from the National Association for the Advancement of Colored People, the Commission on Indian Affairs, the Latino-American Commission and a member of the Nebraska State Bar Association.

**LB864**, sponsored by Pirsch, requires the Community Corrections Council to develop a plan for adding new reporting centers and passed on a 48-0 vote.

**LB880**, sponsored by Rogert, allows the sale of fireworks from Dec. 28 to Jan. 1, and does not require the Nebraska fire marshal to test fireworks that have been nationally tested and approved. The bill passed on a 48-0 vote and goes into effect Oct. 1.

**LB1094**, sponsored by Omaha Sen. Steve Lathrop and passed 42-0, will regulate civil litigation funding companies doing business in Nebraska.

A bill that would have allowed the state racing commission to license and regulate pari-mutuel wagering on historic horse races stalled during general file debate.

Under **LB1102**, introduced by Giese, Nebraska licensed horse racing premises could have installed and operated instant racing terminals to allow wagering on historic horse races.

Opponents of the bill focused on concerns that wagering on historic races would constitute an unconstitutional expansion of gaming in Nebraska and on the social costs of gambling.

After a motion to invoke cloture fell three votes short, the bill was not rescheduled for debate. ■



Sen. Robert Giese



Sen. Steve Lathrop

## Natural Resources



*Sen. Chris Langemeier, chairperson of the Natural Resources Committee*

**T**he Natural Resources Committee considered legislation that will help harness the energy potential of wind, control the deer population and provide tools to natural resources districts to carry out their duties.

Senators passed an omnibus renewable energy bill that establishes a process by which the Nebraska Power Review Board can approve private renewable energy projects that export most of their energy.

**LB1048**, introduced by the committee, provides for the approval of certified renewable export facilities, which are defined as facilities constructed and owned by a private entity using solar, wind, biomass or landfill gas to generate electricity. Facilities also must have 10-year power purchase agreements that direct 90 percent of their output to out-of-state customers.

The bill, passed 48-0, exempts wind turbines from personal property tax and institutes a nameplate capacity tax of \$3,518 per megawatt of energy produced. Turbines owned by governmental entities, cooperatives and

net-metering customers are exempt from the nameplate capacity tax, the revenues from which will be directed to local taxing entities that previously levied personal property taxes on the turbines.

A bill intended to help control the state's deer and mountain lion populations was passed 46-1.

**LB836**, introduced by Omaha Sen. Scott Lautenbaugh, authorizes the secretary of the state Game and Parks Commission to extend existing deer hunting seasons via executive order. The secretary may specify the deer species to be hunted and bag limits for depredation seasons or season extensions.



*Sen. Scott Lautenbaugh*

The bill allows an unlimited number of free permits for antlerless deer to be issued during a deer depredation season to any person, together with his or her immediate family, who owns or operates at least 20 acres of farm or ranch land within the geographic area specified by the commission.

All revenues from the sale of special depredation season permits are allocated for the abatement of damage caused by deer.

The bill prohibits hunting within a 100-yard radius of an inhabited dwelling or livestock feedlot, unless hunting by rifle, in which case the radius is 200 yards.

**LB836** also includes provisions of **LB747**, introduced by Ellsworth Sen. LeRoy Loudon, which allows landowners to kill mountain lions found stalking, killing or consuming livestock on their property or to apply for a 30-day permit to kill a mountain lion preying on their livestock or poultry. It also clarifies that a person may defend against a mountain lion that stalks, attacks or shows unprovoked aggression towards any person.



*Sen. LeRoy Loudon*

Those who kill a mountain lion are required to transfer the carcass to the commission.

Natural resources districts must meet new requirements before using eminent domain to claim private land for recreational trails under **LB1010**.

Introduced by Louisville Sen. Dave Pankonin and passed 42-0, the bill requires a 67 percent supermajority of an NRD board to vote to conduct a public hearing

# NEBRASKA LEGISLATURE

if negotiations with landowners to acquire land for a recreational trail or corridor are unsuccessful. After the hearing, eminent domain may be approved by another supermajority vote of the board.

To proceed, the board must find, by clear and convincing evidence, that a number of criteria are met, including provision of public notice to landowners, consideration of route alternatives, analysis of potential benefits to adjacent communities and good faith attempts to address landowner concerns.

The bill provides some liability protection for affected landowners and requires formal agreements between districts and landowners that outline each party's rights and obligations regarding the trails. NRDs are required to allow landowners whose properties are divided by trails reasonable access at a location mutually agreed upon.

## Water management

The Legislature passed several bills in 2010 that have implications for natural resources districts' water management.

Introduced by Valentine Sen. Deb Fischer and approved 46-0, **LB764** permits NRDs in areas not declared fully appropriated or over appropriated to create integrated management plans (IMPs) with the state Department of Natural Resources to achieve and sustain a long-term balance between water users and water supplies.

IMPs require NRDs and the department to consider the effects of existing and potential new water uses on surface water appropriators and ground water users.

**LB862**, introduced by Imperial Sen. Mark Christensen and passed 40-2, extends the use of river-flow enhancement bonds to NRDs containing basins with IMPs that explicitly state the district's intent to use river-flow enhancement bonds for qualified projects.

The bill permits NRDs to use the occupation tax to pay for all or part of one or more qualified projects. In addition, NRDs with more than one basin are permitted to restrict the occupation tax to basins affected by IMPs.

Prior to the passage of LB862, river-flow enhancement

bonds could be issued only by NRDs in a river basin subject to an interstate compact among three or more states. The bonds can be used to pay or refinance the costs of qualified projects, which include vegetation management, augmentation of river flows, acquisition of ground water and surface water rights and the purchase or lease of canals and other works used for irrigation.

To service the bonds, NRDs are authorized to levy an occupation tax not to exceed \$10 per irrigated acre.

Senators also created a task force to prepare for the state's future water issues.

**LB1057**, introduced by Holdrege Sen. Tom Carlson and passed 48-0, establishes the Republican River Basin Water Sustainability Task Force, whose purpose is to develop a plan to attain water sustainability and avoid water-short years. The task force will present a final report to the Legislature by May 15, 2012.

Finally, with the passage of **LB689**, corn producers will not be subject to a future checkoff.

Introduced by Langemeier, the bill repeals a scheduled 0.6-cent per bushel or hundredweight excise tax, or "checkoff," on corn and grain sorghum sold or delivered from Oct. 1, 2012, to Oct. 1, 2019. Revenues currently collected from the corn excise tax are deposited in the Ethanol Production Incentive Cash Fund and were scheduled for transfer to the Water Resources Cash Fund on Dec. 31, 2012.

LB689, passed 41-1, will instead divide half of the fund's balance between the Nebraska Corn Development, Utilization, and Marketing Fund and the Grain Sorghum Development, Utilization, and Marketing Fund, based on the portion of the fund derived from the individual commodities. The remaining 50 percent of the EPIC Fund will be deposited in the state's general fund. ■



Sen. Tom Carlson



Sen. Deb Fischer



Sen. Chris Langemeier



Sen. Mark Christensen

## Retirement Systems



*Sen. Dave Pankonin, chairperson of the Retirement Systems Committee*

**L**awmakers made several changes to provisions of the state's retirement systems this session. **LB950**, introduced by Louisville Sen. Dave Pankonin on behalf of the committee and at the request of the Nebraska Public Employees Retirement System, makes technical and clarifying changes to state-administered retirement plans.

Among other provisions, the bill:

- clarifies that temporary and substitute school employees are not plan members;
- clarifies termination provisions in the school employees retirement system;
- specifies when termination occurs and who qualifies as a temporary, regular, part-time and substitute employee;
- clarifies that a qualifying disability under the county, state and school employee retirement plans must have occurred while a member was a participant in the plan;
- clarifies that medical examinations for disabled retirees under the county plan are not required

after age 55;

- specifies that a part-time employee becomes a regular employee and must begin contributing to the school employee retirement system if he or she works an average of 15 hours per week within each calendar month of at least three calendar months of a plan year;
- clarifies which state Department of Education employees may elect to become members of the school retirement plan and which employees are automatically enrolled in the state employees retirement plan; and
- amends provisions of **LB403**, passed by the Legislature in 2009, into the county, judges, state patrol, school employees and state employees retirement acts and the deferred compensation plan. **LB403** prohibits payment of benefits to non-citizens or those not lawfully in the United States.

The bill also contains provisions of **LB899**. Sponsored by Omaha Sen. Jeremy Nordquist, **LB899** continues state annual level dollar payments to the judges, state patrol and school employees defined benefit retirement plans. The payments will fund purchasing power cost-of-living adjustments through fiscal year 2012-13.



*Sen. Jeremy Nordquist*

**LB950** passed on a 42-0 vote.

The committee held a public hearing on a bill that would have provided for the transition of certain state Department of Labor employees to the State Employees Retirement System.

**LB979**, introduced by the committee on behalf of the state Department of Labor, would have applied to the 61 active members of the department's independent retirement plan that was closed to new membership in 1984.

The bill would have assured that active employees would become immediately vested in the state plan should the department plan be terminated in the future. Retirement benefits accrued under the independent retirement plan would have continued to be governed by the terms of that plan.

**LB979** was advanced to general file but was not scheduled for debate. ■

# NEBRASKA LEGISLATURE

## Revenue



Sen. Abbie Cornett, chairperson of the Revenue Committee

**R**evenue bills regarding convention centers, sales tax incentives and grants to combat alcohol problems at Whiteclay were passed by the Legislature in 2010.

### Convention centers

Three bills were passed that impact the state's financing assistance programs for convention centers.

The Convention Center Facility Financing Assistance Act provides a mechanism for using sales tax revenue to fund the construction or enhancement of certain facilities. Sales tax revenue generated by a qualifying facility – and by retailers within a specified vicinity – is “turned back” to assist in paying down the debt incurred to develop and build the facility.

**LB779**, introduced by Omaha Sen. Steve Lathrop and passed 48-0, extends the use of the turnback mechanism for smaller sports arena facilities with permanent seating capacities of 3,000 to 7,000. Also eligible under the bill is any racetrack enclosure licensed by the state racing com-

mission that is initially occupied on or after July 1, 2010.

Retailers located within 600 yards of an eligible facility will be subject to the turnback formula. Any increase in sales tax revenue from retailers that existed 24 months prior to the facility's completion and all sales tax revenue collected by retailers that began operation up to 24 months prior to, or 24 months after, completion of the facility can be used for the turnback provision.

Under the formula, 70 percent of turnback revenue can be used to retire bonded indebtedness on the qualifying facility under certain circumstances and 30 percent will be directed to the Local Civic, Cultural and Convention Center Financing Fund, which provides grants for rural community improvement projects.

During the final 10 years of financing, turnback funds cannot exceed the highest amount turned back in any single year of the first 10 years of financing.

Another bill relating to convention centers addresses the 70 percent state sales tax turnback from convention center facilities under the financing assistance act. Ten percent of these revenues must be directed to metropolitan class cities for distribution to areas with a high concentration of poverty. Projects eligible for funding must showcase the area's cultural or historical significance or attempt to reduce gang violence.

**LB975**, introduced by Omaha Sen. Jeremy Nordquist and passed 46-0, permits a project located near a high-poverty area to receive funds if the project will be of significant or demonstrable benefit to the high-poverty area.

**LB789**, sponsored by Omaha Sen. Brad Ashford and approved 48-0, increases the maximum grant amounts allowable to municipalities under the Local Civic, Cultural and Convention Center Financing Act. The maximum grant for primary class cities increased from \$1 million to \$1.5 million and grants for communities with a population of less than 10,000 increased from \$200,000 to \$250,000. A series of increases for municipalities of other sizes also are authorized.



Sen. Steve Lathrop



Sen. Jeremy Nordquist



Sen. Brad Ashford

## Tax incentives

Lawmakers approved new tax incentives and extended existing ones this session.

**LB1018**, introduced by Bellevue Sen. Abbie Cornett and passed 48-0, permits municipalities, after receiving voter approval, to issue refunds of local option sales tax. The bill permits refunds of up to 1.5 percent of the local option sales tax paid within a specific geographic area defined by the municipality on qualified purchases for tourism development or redevelopment projects. If approved, a municipality may offer the refunds for 10 years.

The bill also creates a four-tier system for tourism projects and two tiers for redevelopment projects. Applicants must prove that their projects will be open at least 150 days per year and will result in a net employment increase to the state.

Cornett also introduced **LB1081**, which creates a reimbursement program for qualified employers who provide job training for teleworkers who work from home.

To qualify, employers must train at least 400 new teleworkers within a year of their application to the job training reimbursement program. Employers must give hiring priority to teleworkers who live in counties with fewer than 100,000 residents or in census tracts where more than 30 percent of the population is below the federal poverty line.

Reimbursements will be \$300 for each qualifying teleworker up to a total of 500 employees, resulting in a maximum project reimbursement of \$150,000. A maximum of seven projects could be approved during fiscal year 2010-11 for a total of \$1,050,000 in reimbursements.

LB1081 was approved 48-0.

Certain businesses providing cloud computing services now qualify for Nebraska Advantage Act tax incentives under **LB918**. Cloud computing enables users to access and store applications, data and information on the Internet rather than on a personal computer.

Introduced by Kearney Sen. Galen Hadley and passed 49-0, LB918 adds companies that sell or deliver these services and products via the Internet or other electronic means to the list of qualified businesses under tiers 1-5 of the Nebraska Advantage Act.

The bill expands the definition of a qualified business under tiers 2-5 to include enterprises performing research, development and maintenance of a data center. Data centers meeting levels of investment



Sen. Galen Hadley

and employment for tiers 2 and 5 also are eligible for a personal property tax exemption for computer systems.

## Other bills

A list of delinquent taxpayers will be made public under a bill passed by the Legislature 48-0.

**LB879**, introduced by Cornett, directs the state departments of Labor and Revenue to prepare and publish a list of delinquent taxpayers owing taxes, penalties and costs in excess of \$20,000 for which a notice of lien has been filed. The list will be published on either department's Web site and will include the debtor's name, address, and type and amount of the tax or fee due.

Other changes made by LB879 include:

- permitting the state Department of Motor Vehicles to provide information to the department, such as Social Security numbers and addresses, about license or state identification card holders;
- eliminating criteria for waiving interest on delinquent payments of motor fuel taxes;
- changing the funding source for the state athletic commissioner's office expenses from the Charitable Gaming Operations Fund to the State Athletic Commissioner's Cash Fund;
- authorizing the DMV to disclose taxpayer information to the state Department of Labor to administer the Employment Security Law or the Contractor Registration Act; and
- simplifying sales and use tax refunds under the Nebraska Advantage Act for purchases made by contractors.

The bill incorporates provisions of two other bills introduced by Cornett.

**LB1078** updates references in Nebraska law to the most recent version of the federal Internal Revenue Code.

**LB878** reduces the threshold from \$20,000 to \$5,000 for instances in which electronic fund transfers of taxes or fees are required. It also requires employers to deduct and withhold income taxes using the prescribed method of the tax commissioner.

LB879 also changes from March 15 to Feb. 1 the date by which an employer must provide to employees copies of statements detailing taxes withheld on wages or payments subject to withholding.

The bill exempts individual income taxpayers from having to pay a \$100 penalty for failing to make a required payment electronically. It also prohibits interest from accruing on tax overpayments if a return is not filed

# NEBRASKA LEGISLATURE

electronically and the tax commissioner has approved and implemented an electronic form or method for filing returns.

A grant program proposed to address problems resulting from alcohol sales in Whiteclay to residents of the Pine Ridge Reservation was approved by the Legislature.

Introduced by Ellsworth Sen. LeRoy Louden and passed 47-1, **LB1002** provides \$25,000 for economic development, health care and law enforcement grants within a 30-mile radius of a census-designated place. The bill defines a census-designated place as an area situated in a county with fewer than 6,400 residents that lacks a municipal government, resembles an incorporated village and is associated with a reservation.



*Sen. LeRoy Louden*

Political subdivisions or tribal governments may apply for the grants, which are administered by the Commission on Indian Affairs.

Finally, three bills advanced by the committee were debated but not approved.

As amended by a Revenue Committee amendment, **LB1079**, introduced by Cornett, would have authorized single-commissioner hearings for the Tax Equalization and Review Commission (TERC). The bill also would have changed the burden of proof currently required for TERC hearings from “clear and convincing evidence” to

“the greater weight of the evidence.”

After the adoption of the Revenue Committee amendment, **LB1079** failed to advance from general file on a 23-18 vote.

**LB420**, introduced by Hadley, would have offered a sales and use tax exemption to health care clinics owned by a single nonprofit hospital and those receiving federal funds through the U.S. Public Health Service that serve medically underserved populations. The bill had an operative date of July 1, 2013.



*Sen. Galen Hadley*

After lawmakers approved **LB420** on a 42-3 vote, the governor vetoed the bill. A motion to override the governor’s veto was not offered.

**LB952**, introduced by Omaha Sen. Tom White, would have exempted from sales tax gross income received by public sewer utilities to address combined sewer overflow and water and natural gas infrastructure replacement projects.



*Sen. Tom White*

During select file debate, a motion to invoke cloture was offered. The motion failed on a 23-22 vote, 10 short of the number needed to cease debate and vote on the bill. It was not rescheduled for debate this session. ■



## Transportation and Telecommunications



*Sen. Deb Fischer, chairperson of the Transportation and Telecommunications Committee*

Legislation considered by the Transportation and Telecommunications Committee this session effects changes to the rules of the road, law enforcement, driver's licenses, road construction and the telecommunications industry.

Senators passed a bill restricting the use of wireless communication devices when operating motor vehicles.

**LB945**, introduced by Scottsbluff Sen. John Harms and approved 38-2, prohibits drivers from using handheld wireless communication devices to read, type or send written communications while operating a motor vehicle in motion. The bill exempts law enforcement, firefighters, emergency responders and those operating a vehicle in an emergency situation.

The bill's provisions will be enforced as a secondary



*Sen. John Harms*

offense, meaning drivers must commit another traffic violation or other offense before they can be cited for texting while driving.

Those found in violation of the law will be fined \$200 for a first offense, \$300 for a second and \$500 for third and subsequent offenses and will be assessed three points on their driver's license.

Cell phone companies are now required to help law enforcement locate customers in danger under **LB735**.

Introduced by Papillion Sen. Tim Gay and passed 46-0, the bill requires that wireless carriers provide, as soon as is practicable, the best available call location information for a wireless device upon the request of a law enforcement agency.

The requirement applies to situations in which there is a risk or threat of death or serious physical harm. Under the bill, no cause of action will apply to a wireless company that provides call location information to law enforcement while acting in good faith in an emergency situation.

Under other legislation passed this session, driver's licenses can be scanned to validate a customer's age for alcohol or tobacco purchases or to approve a check.

Introduced by Tekamah Sen. Kent Rogert and passed 46-0, **LB261** permits retailers selling alcohol, tobacco or lottery tickets to collect and store driver's license numbers and state identification numbers by scanning barcodes on the back of identification cards. The information can be used by law enforcement only for the purpose of enforcing restrictions on age-sensitive products such as alcohol, tobacco and lottery tickets.

The bill also allows those persons approving a check or electronic funds transfer to store, compile and preserve information for certain purposes.

The Legislature passed a bill 47-0 that adds classes of street-legal vehicles.

**LB650**, introduced by Imperial Sen. Mark Christensen, permits the operation of minitrucks on all Nebraska roads except interstate highways, freeways and expressways. The bill has an operative date of Jan. 1, 2011.

Minitrucks must be no wider than 67 inches, weigh less than 4,200 pounds and have top speeds of approxi-



*Sen. Tim Gay*



*Sen. Kent Rogert*

# NEBRASKA LEGISLATURE

mately 55 mph. They must be titled, registered, insured and licensed. Only licensed motor vehicle dealers may sell minitrucks.

The bill also permits the operation of utility-type vehicles (UTVs) up to 30 mph during daylight hours on a two-lane highway if the UTV is being used for agricultural purposes, or within municipal limits if authorized by ordinance. Headlights, taillights and safety flags must be used during operation.

Golf carts and low-speed vehicles are not classified as UTVs.

UTV owners will be required to title their vehicle, obtain an operator's license and procure liability insurance.

The state Department of Roads has a new criterion for prioritizing road projects under a bill passed 47-0.

**LB821**, introduced by Valentine Sen. Deb Fischer, designates preservation and maintenance of the existing state highway system as the department's first priority when considering road projects.

**LB926**, introduced by Rogert, allows more state attractions to post informational road signs.

Informational signs for attractions may be erected within the right-of-way on interstate and state primary system roads. The bill, passed 47-0, allows signs for attractions of regional significance with the primary purpose of providing amusement, historical, cultural or leisure activity to the public. Eligible attractions are required to provide restroom facilities, drinking water and adequate parking.

Lawmakers also approved **LB705**, which eliminates



Sen. Mark Christensen

a restriction prohibiting applicants for Disabled American Veteran, Pearl Harbor Survivor and Prisoner of War specialty license plates from registering more than one motor vehicle, trailer, semitrailer or cabin trailer. The bill was introduced by Malcolm Sen. Ken Haar and passed 46-0.

The cost for the license plates is \$5 more per vehicle than the regular license plate fee. The \$5 fee is deposited in the Nebraska Veteran Cemetery System Operation Fund.

Towing companies must notify owners of towed vehicles sooner under **LB1065**, introduced by Elk Creek Sen. Lavon Heidemann. Approved by lawmakers 46-1, the bill allows towing companies 15 business days to notify lienholders of towed vehicles. The previous requirement was 30 days.

The bill also requires towing companies to return a towed vehicle, upon receipt of towing and storage fees, to the vehicle's owner, lienholder or any other person lawfully entitled to possession of the vehicle.

A bill that would have repealed the state's motorcycle helmet law stalled after a motion to invoke cloture failed to garner enough votes.

**LB200**, introduced by Fremont Sen. Charlie Janssen, would have permitted motorcyclists 21 years of age and older to operate a vehicle without wearing a helmet, although it would have required that motorcyclists and their passengers wear eye protection.

A motion offered by Janssen to invoke cloture failed 27-20, six votes short of the 33 votes needed to cease debate. The bill was not rescheduled this session. ■



Sen. Ken Haar



Sen. Deb Fischer



Sen. Lavon Heidemann



Sen. Kent Rogert



Sen. Charlie Janssen

## Urban Affairs



*Sen. Amanda McGill, chairperson of the Urban Affairs Committee*

Lawmakers approved two ballot measures this session seeking to amend the state constitution.

**LR295CA**, introduced by Lincoln Sen. Amanda McGill, will place a proposed constitutional amendment on the May 2010 primary election ballot that would authorize any county, city or village to acquire, own, develop and lease real and personal property for use by charitable nonprofit enterprises, and to issue revenue bonds to defray the cost of acquiring, developing or financing such property.

Any revenue bonds authorized under the measure would not be the obligation of the issuing county, city or village and could not be repaid from any property of the county, city or village. Bonds would be satisfied from the project and from revenues received; no taxes could be levied to pay for the bonds.

The measure passed on a 42-0 vote.

**LR297CA**, sponsored by Wilber Sen. Russ Karpisek, will place on the November 2010 general election ballot a proposed amendment to the state constitution that would change the powers of municipalities relating to funding

sources for economic or industrial development.

Currently, the Legislature may authorize cities and villages to use funds raised from general taxes for economic or industrial development, subject to approval by voters.

The proposed amendment would allow the use of funds derived from property tax, local option sales tax or any other general tax levied by a municipality, or funds generated from utilities owned by the city, to be used to issue revenue bonds for defraying the costs of development projects.

All projects would be subject to voter approval and the measure would allow a city to use funds received from grants, donations or state and federal funds.

The measure passed on a 47-0 vote.

Senators also approved a measure allowing certain cities of the first class to retain that designation despite a population decrease.

Under current law, a city of the first class is one with a population between 5,000 and 100,000.

**LB919**, sponsored by Ogallala Sen. Ken Schilz, allows a city to attempt to retain the first class designation if it has at least 4,000 residents following the most recent federal census.

If the mayor and city council determine that it is in the best interest of such a city to remain a city of the first class, they must submit a plan for increasing the city's population when filing census certification documents with the secretary of state's office.

If, following the next census, a city remains below the population threshold and wishes to retain first-class status, the mayor and city council again must notify the secretary of state's office. A first class city that remains below the population threshold following a third consecutive federal census will be designated a city of the second class.

LB919 passed on a 49-0 vote.

A bill originally advanced from the Urban Affairs Committee was returned from general file to the Legislature's referencing committee, the body responsible for determining to which of the Legislature's 14 standing committees a bill is sent for public hearing.

**LB381**, sponsored by Tekamah Sen. Kent Rogert, would have allowed the creation of community improve-



*Sen. Russ Karpisek*



*Sen. Ken Schilz*

# NEBRASKA LEGISLATURE

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ment districts with the ability to set a separate sales tax or special assessment within their boundaries to pay for services or improvements within the district.

LB381 was rereferenced to the Revenue Committee for a public hearing and was not returned to general file. ■



*Sen. Kent Rogert*

# UNICAMERAL UPDATE

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB25	Friend	C (>LB849)	Provide for licensure of and medicaid payments to children's day health services	11, 14
LB72	Cornett	GF	Provide for management of students' and children's life-threatening allergies	2
LB139	Avery	S	Rename the Commission on Mexican-Americans	2, 5
LB147	Pirsch	S	Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders	
LB181	Fischer	S	Provide requirements for agreements between railroads and telecommunications carriers	
LB183	Fischer	S	Provide requirements for the sale of an exchange under the Nebraska Telecommunications Regulation Act	
LB190	Avery	S	Provide for collection of DNA samples from individuals convicted of a felony and released on probation	3, 5
LB190A	Avery	S	Appropriation Bill	
LB197	Fulton	S	Change provisions relating to the Nebraska educational savings plan	
LB200	Janssen	GF	Change motorcycle and moped helmet requirements	5, 6
LB205	Nordquist	GF	Require educational and ethics training for board members of certain retirement systems	
LB210	Langemeier	S	Change provisions relating to aid to natural resources districts	5
LB216	Wallman	S	Eliminate civil liability provisions relating to motor vehicle and aircraft guest statutes	3, 5
LB226	Rogert	S	Authorize medical consent and contracting authority for certain persons eighteen years of age	4, 8
LB235	Adams	S	Provide the Board of Educational Lands and Funds with powers relating to solar energy and wind energy leases	2, 5
LB252	Cornett	S	Prohibit possession of animal fighting paraphernalia	13, 14
LB254	Dubas	S	Require a Nebraska aerial pesticide business license for aerial pesticide application	2, 5
LB258	Harms	S	Change and provide penalties for minors in possession of alcoholic liquor	7, 10
LB261	Rogert	S	Provide for use of machine-readable information encoded on drivers' licenses and state identification cards	2, 5
LB262	Rogert	C (>LB861)	Change times relating to alcoholic liquor sales and lottery sales as prescribed	
LB279	Avery	S	Require notification to military installations regarding development of real property	
LB297	Dubas	SF	Adopt the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act	2, 6
LB304	Council	GF	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	3
LB306	Council	GF	Repeal the death penalty and replace it with life imprisonment without possibility of parole	3, 8, 12
LB307	Council	GF	Change sentencing requirements with respect to certain minors	
LB317	Flood	S	Provide for transfers from the Cash Reserve Fund	11, 12
LB325	Nelson	S	Change provisions relating to elections	2, 4, 5
LB341	Cook	GF	Change provisions relating to tuberculosis detection and prevention	2
LB352	Lautenbaugh	GF	Change civil procedure service of summons provisions	
LB373	Lautenbaugh	S	Change death and disability-related provisions pertaining to emergency response personnel	3, 13
LB381	Rogert	C	Adopt the Community Improvement District Act and the Transportation Development District Act	8
LB410	Karpisek	GF	Change provisions relating to recounts of elections	

# NEBRASKA LEGISLATURE

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB411	Giese	S	Update the references to the National Electrical Code in the State Electrical Act	
LB420	Hadley	V	Change a sales tax exemption relating to nonprofit organizations	14
LB475	Stuthman	S	Change duties of county comptroller and create office of auditor	2, 5
LB507	Pirsch	S	Provide for payment of prenatal services in certain situations and change domestic assault and child abuse provisions	12, 13, 15
LB507A	Campbell	S	Appropriation Bill	
LB510	Pirsch	S	Provide funding for compensation of victims of crime and for rehabilitation of certain offenders	11, 14
LB510A	Pirsch	S	Appropriation Bill	
LB512	Lautenbaugh	S	Change airport zoning provisions relating to the regulation of airport hazards	2, 8
LB522	Urban Affairs	S	Change provisions relating to the use of funds by volunteer fire and rescue departments	
LB544	Giese	GF	Require the Secretary of State to publish guidelines for election workers	2
LB550	Avery	S	Change provisions relating to Military Department personnel and provide peace officer powers to National Guard members	2, 5
LB552	White	S	Adopt the Nebraska Construction Prompt Pay Act	
LB563	Lathrop	S	Adopt the Employee Classification Act and provide funding for enforcement	11, 14, 15
LB563A	Lathrop	S	Appropriation Bill	
LB571	Pahls	S	Adopt the Guaranteed Asset Protection Waiver Act	
LB579	Cornett	S	Adopt the Professional Employer Organization Registration Act	
LB594	Dierks	S	Change provisions relating to voluntary and informed consent for abortions	12, 14, 15
LB622	Nordquist	SF	Provide time limits and penalties for late workers' compensation medical payments	
LB635	Mello	GF	Change reporting requirements for political party committees under the Nebraska Political Accountability and Disclosure Act	4
LB636	Mello	GF (>LB987)	Appropriate funds to the Department of Economic Development	
LB638	Lautenbaugh	GF	Repeal the Campaign Finance Limitation Act and change reporting requirements under the Nebraska Political Accountability and Disclosure Act	
LB638A	Lautenbaugh	GF	Appropriation Bill	
LB643	Schilz	S	Change and provide notice requirements of road construction near electric lines	
LB650	Christensen	S	Authorize the operation of minitrucks and utility-type vehicles as prescribed	4, 8
LB650A	Christensen	S	Appropriation Bill	
LB667	Sullivan	S	Change provisions relating to division fences	5, 8
LB682	Executive Board	S	Revisor bill to repeal section governing the Department of Natural Resources Interstate Water Rights Cash Fund that terminated June 30, 2003	
LB683	Executive Board	S	Revisor bill to repeal section stating legislative intent for fiscal year 2006-07	
LB684	Executive Board	S	Revisor bill to repeal sections that terminated in 2000 governing the Contribution Distributive Fund and the Social Security Cash Fund	
LB685	Wightman	GF	Change membership provisions relating to the Executive Board of the Legislative Council	
LB686	Wightman	GF	Change fees received by clerks and registers of deeds	7

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB687	Wightman	GF (>712)	Change amounts of homestead allowance, exempt property, and family allowance for decedents' estates	3, 13, 14
LB688	Wightman	C	Change and provide provisions for abandoned vehicles	
LB689	Langemeier	S	Change Water Resources Cash Fund, Ethanol Production Incentive Cash Fund, and ethanol excise tax provisions	4, 8, 10
LB690	Langemeier	S	Change deadline provisions relating to trade name publication filings	
LB691	Langemeier	S	Provide for issuance of cease and desist orders under the Nebraska Real Estate License Act	3, 4, 8
LB692	Price	C	Change a duty of county assessors relating to real property valuation	
LB693	Price	C	Provide authorization for foreign insurers to offer health insurance in Nebraska	
LB694	Price	C	Provide restrictions for sexual predators and penalties	3
LB695	Price	S	Change the jurisdictional amount of the Small Claims Court	13, 14
LB696	Pahls	S	Change provisions relating to disposal fees under the Integrated Solid Waste Management Act	
LB697	Pahls	C	Prohibit use of wireless devices by school bus drivers	6
LB698	Louden	S	Eliminate certain insurance premium tax provisions	
LB699	McCoy	C	Require information obtained pursuant to certain arrests be forwarded to federal immigration authorities	
LB700	McCoy	C	Require certain construction and remodeling work to be supervised as prescribed in order to obtain a building permit	
LB701	Hadley	S	Change distribution of ICF/MR Reimbursement Protection Fund	
LB702	Gloor	GF (>849)	Change provisions relating to a patient's access to medical records	3, 11, 14
LB703	Wightman	GF (>712)	Change provisions relating to powers of attorney	13, 14
LB704	Haar	GF	Change a renewable energy tax credit	
LB705	Haar	S	Remove a limitation on issuance of Pearl Harbor, prisoner-of-war, and disabled veteran license plates	3, 5, 8
LB706	Haar	S	Provide fees for competency assessments of hearing interpreters	
LB707	Haar	C	Change provisions and penalties relating to unlawful intrusion	3
LB708	Stuthman	S	Change certain date provisions relating to property tax exemptions	
LB709	White	GF	Adopt the Small Business Regulatory Flexibility Act	12
LB710	Dierks	GF	Prohibit performance of chiropractic adjustments as prescribed	3
LB711	Dierks	S	Change provisions relating to unified school systems and certification dates for state aid	5, 8
LB712	Rogert	S (+687, 703, 757, 824, 840, 843, 847, 915, 939, 988, 990, 1026, 1045, 1046, 1084)	Change provisions relating to legal process	3, 13, 14
LB713	Gloor	S	Change provisions relating to school health inspections and authorize health data sharing	3, 13, 14
LB714	Avery	C	Change requirements for disclaimers on political material	
LB715	Avery	C	Authorize projects in a specific portion of the Nebraska State Capitol Environs District	5
LB716	Avery	GF (>951)	Change eligibility requirements for members of a community college board of governors	12, 13
LB717	Avery	C	Require placement of conflict-of-interest statements in the Legislative Journal	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB718	Avery	C	Change requirements for petitions and petition signatures	
LB719	Avery	IPP	Change provisions relating to use of a rotating or flashing amber light on a motor vehicle	
LB720	Avery	C	Provide requirements and restrictions for customer loyalty or incentive programs	
LB721	Avery	S	Change qualification requirements for the State Building Administrator	
LB722	Avery	S	Change provisions relating to a state bonding requirement, sale of state real property, and state-owned motor vehicles	4, 8
LB723	Fischer	S	Change surcharge remittance requirements for telephone companies	
LB724	Coash	C	Change provisions relating to use of tax proceeds for tourism promotion	
LB725	Fischer	S	Change provisions relating to fertilizer trailers and agricultural chemical equipment	
LB726	Karpisek	GF (>849)	Provide requirements for staff training under the Alzheimer's Special Care Disclosure Act	3, 11, 14
LB727	Coash	S	Change compensation for retired judges serving temporary duty	5, 9, 12
LB728	Lautenbaugh	S	Adopt the Exploited Children's Civil Remedy Act and redefine a term with respect to pleas	3, 10, 13
LB729	Lautenbaugh	C	Repeal the Conveyance Safety Act	
LB730	Lautenbaugh	GF (>888)	Change provisions relating to charging orders and interests in limited liability companies	
LB731	Utter	S	Change provisions relating to noxious weed control funds	
LB732	Utter	S	Change provisions relating to certain forced sales of real property	
LB733	Gay	C	Provide a sales tax exemption for local public health departments and provide for applicability of the Political Subdivisions Tort Claims Act to such departments	
LB734	Gay	C (>849)	Change provisions relating to utility shut off notification	5, 11, 14
LB735	Gay	S	Adopt the Kelsey Smith Act to require wireless carriers to provide call location information in certain emergency situations	5, 6, 10
LB736	Pirsch	S	Provide for liens for assessments and fines by homeowners' associations	
LB737	Karpisek	IPP	Provide an exemption from the State Personnel System	
LB738	McCoy	S	Change provisions relating to the substitution of trustee under the Nebraska Trust Deeds Act	
LB739	Fischer	C	Eliminate provisions relating to driver training schools	3
LB740	Agriculture	C	Eliminate transfer provisions from certain agricultural funds	
LB741	Avery	C	Exclude lobbying expenses as a general fund operating expenditure for purposes of the Tax Equity and Educational Opportunities Support Act	4
LB742	McCoy	S	Provide requirements for settled claims and settlement agreements involving public entities and provide that such claims and agreements are public records	10, 13
LB743	Fischer	S	Authorize conveyance of certain real property by the Game and Parks Commission	
LB744	Giese	C	Provide for adoption of the National Electrical Code by the State Electrical Board	
LB745	Avery	C	Redefine a term for purposes of the Nebraska Scholarship Act	
LB746	Giese	S	Change provisions relating to racial profiling	5, 8
LB747	Louden	GF (>836)	Permit killing mountain lions and other predatory animals	4, 10
LB748	Louden	C	Change exemption provisions relating to food establishments	
LB749	Louden	S	Designate certain roads as state recreation roads	



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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB750	Adams	C	Provide for gifts of real property to the Board of Educational Lands and Funds	
LB751	Pahls	S	Change provisions relating to the effect of errors and omissions in financing statements	
LB752	Pahls	C	Change provisions relating to securities pledged by trust companies	
LB753	Christensen	C	Change qualifications for the Superintendent of Law Enforcement and Public Safety	
LB754	Giese	C	Adopt the Blind Persons Literacy Rights and Education Act	3
LB755	Dierks	C	Provide requirements and fees for certain oil or natural gas companies	7
LB756	Wightman	C	Adopt the Nebraska Uniform Real Property Transfer on Death Act	
LB757	Wightman	GF (>712)	Provide for nonprobate transfer on death motor vehicle certificates of title	14
LB757A	Wightman	GF	Appropriation Bill	
LB758	Wightman	S	Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives	
LB759	Wightman	S	Provide for the dissolution, winding up, and liquidation of certain professional corporations	
LB760	Wightman	S	Change provisions relating to total return trusts	
LB761	Fischer	C (>805)	Change employment driving permit provisions	
LB762	Pahls	S	Change provisions relating to the unauthorized use of the word bank	
LB763	Mello	S	Adopt the Successor Asbestos-Related Liability Act	
LB764	Fischer	S	Change provisions relating to integrated management plans under the Nebraska Ground Water Management and Protection Act	8, 10
LB765	Fulton	C	Change criminal laws relating to gambling	
LB766	Gloor	GF (>849)	Repeal the termination date for the Nebraska Center for Nursing Act	11, 14
LB767	Price	GF	Change county ordinance provisions to provide for notice to be given for abandoned motor vehicles	
LB768	Stuthman	S	Provide for the termination of township boards as prescribed	
LB769	Stuthman	C	Provide for immunity from liability for county clerks regarding incorrect or false marriage license application information	
LB770	Flood	S	Change provisions relating to the distribution of the session laws and journal of the Legislature and copies of the statutes	
LB771	Flood	S	Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, jailhouse witnesses, and juveniles	14, 15
LB772	Coash	GF	Change and provide penalties for driving on a revoked license as prescribed	6
LB773	Wightman	C	Exempt manure-spreading implements from titling and registration requirements and weight and load restrictions	
LB774	Haar	C	Change provisions relating to sales tax treatment of net metering	
LB775	Stuthman	C	Authorize transportation development districts and a local sales tax	
LB776	Hansen	C	State findings and intent relating to respite care appropriations	
LB777	McCoy	IPP	Change provisions relating to presidential electors	
LB778	Coash	C	Adopt the Umbilical Cord Blood Information Act	
LB779	Lathrop	S	Change municipal budgeting and facility financing assistance provisions and adopt the Sports Arena Facility Financing Assistance Act	7, 13, 14, 15
LB779A	Lathrop	S	Appropriation Bill	
LB780	Lathrop	S	Change Nebraska Workers' Compensation Act provisions relating to personal injuries	6, 12, 14
LB781	Lathrop	C	Change provisions relating to urban growth districts	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB782	Fischer	C	Change provisions relating to the issuance of distinctive license plates for governmental units	
LB783	Karpisek	C	Change restrictions on sales of alcohol near a college or university	
LB784	Louden	C	Change admission provisions relating to law enforcement training	
LB785	Carlson	GF (>862)	Provide an exception to required approval for certain water transfers	
LB786	Karpisek	GF (>861)	Eliminate the prohibition on adding alcohol to beer	5, 11, 14
LB787	Fischer	S	Provide for an additional member to serve on the Nebraska Information Technology Commission	
LB788	Karpisek	S	Change provisions relating to managers under the Nebraska Liquor Control Act	
LB789	Ashford	S	Change grant limits under the Local Civic, Cultural, and Convention Center Financing Act	7, 13, 14
LB790	Nordquist	IPP	Require a report relating to employed recipients of benefits under the medical assistance program	
LB791	Pirsch	S	Provide for the electronic filing of certain documents with the Secretary of State	
LB792	Coash	S	Change controlled substances schedules	
LB793	Dubas	C	Prohibit cash fund transfers without authorization	
LB794	White	C	Change early voting provisions	4
LB795	Council	GF (>817)	Authorize employment of law enforcement officers by natural resources districts as prescribed	12, 14
LB796	Stuthman	C	Impose a fuel tax for use to complete the state expressway system	7
LB797	Langemeier	S	Change duties of the Nebraska Power Review Board	
LB798	Langemeier	S	Extend the termination date of the Nebraska Litter Reduction and Recycling Act	
LB799	Krist	S	Change state and local building code provisions	
LB800	Ashford	S (+923)	Provide and change methods of early intervention for children at risk and penalties for drug offenses by minors	4, 11, 13, 15
LB800A	Ashford	S	Appropriation Bill	
LB801	Fulton	S	Change the Uniform Deceptive Trade Practices Act	12, 14
LB802	Coash	C	Change revenue and taxation provisions to redefine contractor or repairperson and gross receipts to exclude sod as prescribed	
LB803	Nordquist	C	Exclude licensed physical therapists from the Chiropractic Practice Act	3
LB804	Flood	C	Provide an exemption from the documentary stamp tax	
LB805	Transportation & Telecommunications	S (+761, 808, 819, 841)	Adopt updates to federal motor vehicle laws and regulations and change motor vehicle and common carrier licensing and operation provisions	
LB806	Campbell	S	Change provisions relating to agricultural or horticultural land valuation	
LB807	McCoy	C	Require automobile liability policies to be issued for a minimum term	
LB808	Transportation & Telecommunications	C (>805)	Change commercial motor vehicle and commercial driver's license provisions	
LB809	Rogert	S	Change statute of limitations for fraud involving certain assistance programs	4, 13, 14
LB810	Rogert	C	Change provisions relating to undercover license plates and drivers' licenses	6
LB811	Transportation & Telecommunications	C	Change appeal procedures relating to the Public Service Commission	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB812	Karpisek	C	Change notice and hearing requirements for complaints under the Uniform Credentialing Act	
LB813	Gloor	S	Prohibit prepaid dental service plans from limiting fees for certain services	
LB814	Gloor	S	Change provisions relating to transactions exempt from securities registration	
LB815	Haar	C	Change requirements for political subdivision budget statements and financial information on the state web site	
LB816	Fischer	S	Change motor vehicle industry regulation provisions	
LB817	Rogert	S (+795, 860, 905, 1033)	Authorize contracting for law enforcement by natural resources districts, change provisions relating to handguns and firearms, and require the Nebraska State Patrol to provide notice to permitholders	9, 12, 14
LB818	Sullivan	C (>931)	Change the Real Property Appraiser Act	13, 15
LB819	Transportation & Telecommunications	C (>805)	Change traffic control signal and speed limit provisions	
LB820	Janssen	S	Change provisions relating to height restrictions for vehicles and operating permits for certain emergency vehicles	
LB821	Fischer	S	Change provisions relating to road priorities	8, 10
LB822	Janssen	C	Change provisions relating to construction liens	
LB823	Janssen	IPP	Provide for appointment of county assessors	3
LB824	Fischer	C (>712)	Change provisions relating to master jury lists	13, 14
LB825	Karpisek	C	Provide for parimutuel wagering on horseraces at satellite wagering facilities	4
LB826	Pahls	IPP	Adopt the County Consolidation Act	3
LB827	Howard	C	Provide requirements for prescription training for renewal of certain health practitioner licenses	
LB828	Gloor	GF (>849)	Change requirements for medical radiographers and limited radiographers	11, 14
LB829	Rogert	S	Change certain notice requirements under the Nebraska Workers' Compensation Act	
LB830	Coash	GF	Limit small tourism business liability and adopt the Tourism Insurance Act	
LB831	Utter	C	Change Motor Vehicle Operator's License Act provisions relating to school permits	4
LB832	Fischer	S	Eliminate a private insurance requirement relating to petroleum release remedial action	
LB833	Fulton	IPP	Provide for confidentiality of Nebraska Workers' Compensation Court records	
LB834	Howard	C	Change provisions and penalties relating to liquor licenses	
LB835	Howard	C	Change reporting provisions of the Nebraska Hospital-Medical Liability Act	
LB836	Lautenbaugh	S (+747)	Provide for the extension of existing deer hunting seasons and the destruction of mountain lions and other predators	4, 10, 11, 13
LB837	Lautenbaugh	C	Provide for entry of default orders by the Tax Equalization and Review Commission	
LB838	Lautenbaugh	C	Require certain provisions in highway and bridge contracts and require contractor-identifying signage	5
LB839	Lautenbaugh	IPP	Eliminate a period of invalidity of rules and regulations as prescribed	
LB840	Lautenbaugh	GF (>712)	Change provisions relating to criminal attempt	14
LB841	Lautenbaugh	GF (>805)	Amend the Motor Vehicle Operator's License Act to allow release of digital images or signatures to local law enforcement	6

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB842	Lautenbaugh	S	Change procedures in cases of death during apprehension by law enforcement officers or while in custody	12, 14
LB843	Lautenbaugh	GF (>712)	Change provisions relating to arson	14
LB844	Lautenbaugh	S	Change provisions relating to Nebraska Law Enforcement Training Center tuition, fees, and expenses	
LB845	Howard	C	Require energy conservation by state agencies	
LB846	Schilz	IPP	Change interest rate provisions for certain Nebraska Workers' Compensation Court awards	
LB847	Council	GF (>712)	Change Small Claims Court powers and provide for use of attorneys as prescribed	13, 14
LB848	Cornett	S	Change provisions relating to board of equalization meetings for cities of the first class	
LB849	Gay	S (+25, 702, 726, 734, 766, 828, 857, 930, 941, 1027)	Change provisions relating to the health and human services	11, 14
LB850	Avery	GF (>951)	Require public postsecondary educational institutions to provide information on early voting to students	4, 12, 13
LB851	Avery	C	Change the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act	7
LB852	Avery	S	Provide for write-in space on official ballots for certain offices	13, 14
LB853	Wightman	IPP	Change criminal law statutes to reflect Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446; 703 N.W.2d 898 (2005)	
LB854	Howard	C	Change requirements for licensure under the Nebraska Liquor Control Act	
LB855	Fischer	C	Adopt the Remote Pharmacy Act	
LB856	Janssen	C	Provide for requirements for memorials in the highway right-of-way	4
LB857	Gay	C (>849)	Change fee provisions relating to modular housing units, manufactured homes, and recreational vehicles	11, 14
LB858	Sullivan	C	Change provisions relating to service animals and mobility-impaired or otherwise disabled persons	
LB859	Lautenbaugh	C	Change provisions relating to trial by jury	
LB860	Lautenbaugh	C (>817)	Change concealed handgun permit application provisions relating to misdemeanor crimes of violence	12, 14
LB861	General Affairs	S (+262, 786, 869, 870, 883, 906, 1000, 1012)	Change provisions relating to the State Racing Commission, the Nebraska Liquor Control Act, and the Nebraska Liquor Control Commission	11, 14
LB862	Christensen	S (+785)	Change provisions relating to the regulation of water	12, 14
LB863	Cornett	C	Change annexation procedures affecting certain cities of the first class and sanitary and improvement districts	
LB864	Pirsch	S	Provide, change, and eliminate duties for the Community Corrections Council	10, 13
LB865	Fischer	S	Adopt the Livestock Animal Welfare Act	7, 10
LB866	Howard	C	Provide for a dispensing practitioner permit and change other provisions relating to pharmacy	
LB867	Karpisek	VO	Change shipping license fees for alcohol	4, 5, 8, 10
LB868	Flood	C	Change probation administrative sanctions, community service sentencing, and minors with alcohol-related criminal provisions and exempt community service offenders and probationers from workers' compensation coverage	6

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB869	Karpisek	GF (>861)	Provide for and change fees relating to licensure under the Nebraska Liquor Control Act	11, 14
LB870	Karpisek	GF (>861)	Provide for a temporary operating permit under the Nebraska Liquor Control Act	11, 14
LB871	Fischer	S	Change provisions relating to persons accompanying apprentice hunters	
LB872	Lathrop	S	Change applicability of a medical fee schedule relating to workers' compensation	
LB873	Giese	S	Require notice of certain property taxes owed and eliminate a notification requirement for certain delinquent property taxes	
LB874	Giese	C	Change provisions relating to probation office expenses	
LB875	Giese	C	Provide for voter registration on the Secretary of State's web site	4
LB876	Howard	C	Change recovery amounts under the Nebraska Hospital-Medical Liability Act	
LB877	Cornett	S	Change property assessment and tax provisions	
LB878	Cornett	GF (>879)	Change and eliminate tax provisions relating to electronic fund transfers, withholding, and overpayments	3, 8
LB879	Cornett	S (+878, 1078)	Change revenue and taxation provisions	3, 8, 13
LB880	Rogert	S	Change provisions relating to fireworks	6, 10, 13
LB880A	Rogert	S	Appropriation Bill	
LB881	Rogert	C	Change and eliminate provisions relating to fireworks	6
LB882	Rogert	S	Change provisions relating to disposal of dead animals	9, 13
LB883	Coash	GF (>861)	Provide for offsite storage facilities and change reporting and payment requirements for farm wineries	11, 14
LB884	McGill	S	Require employers to provide employees with wage and deduction information as prescribed	
LB885	Nordquist	IPP	Transfer the responsibilities of the Nebraska Oil and Gas Conservation Commission and the State Energy Office to the newly created Nebraska Energy Commission	4
LB886	Stuthman	C	Change and provide penalties for minors purchasing or possessing tobacco	5
LB887	Stuthman	IPP	Change provisions for interstate simulcast facility licenses	
LB888	Conrad	S (+730)	Adopt the Nebraska Uniform Limited Liability Company Act and change provisions relating to charging orders	8, 9, 12
LB888A	Conrad	S	Appropriation Bill	
LB889	Christensen	C	Change provisions relating to the justification for the use of force	5
LB890	Pahls	S	Change banking and finance provisions	
LB891	Pahls	S	Provide for conditional bank charters	
LB892	Pahls	S	Change provisions relating to federal deposit insurance requirements, residential mortgage licensing, installment loans, and reverse mortgages	
LB893	Christensen	IPP	Provide refund procedures for unconstitutional taxes and assessments	
LB894	Pirsch	S	Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure	
LB895	Janssen	GF	Change procedures for filling vacancies on a natural resources district board	
LB896	Christensen	C	Provide a permit for exceeding weight limits for vehicles transporting livestock	
LB897	Howard	C	Change income limits for homestead tax exemption purposes	
LB898	Haar	C	Adopt the Student Expression Act	4
LB899	Nordquist	C (>950)	Change retirement benefit adjustment provisions	12, 14

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB900	Karpisek	C	Change retail license fees for sales of alcohol	5
LB901	Wightman	S	Change child custody determination provisions	6, 10, 13
LB902	Howard	C	Provide for an information form for assisted-living facilities	4
LB903	Howard	C	Require the Department of Health and Human Services to establish criteria to evaluate the adequacy of Alzheimer's special care units	4
LB904	Howard	C	Provide for enhanced assisted-living certificates for certain assisted-living facilities	4
LB905	Dubas	C (>817)	Change provisions relating to discharge of firearms	5, 9, 12, 14
LB906	Karpisek	GF (>861)	Eliminate restrictions on sales of alcohol near certain places	5, 11, 14
LB907	Conrad	S	Change provisions relating to homestead property exempt from execution	
LB908	Conrad	S	Change workers' compensation provisions relating to claims for legal services or disbursements	
LB909	Carlson	C	Change provisions relating to division fences	4
LB910	Carlson	S	Change the Commercial Dog and Cat Operator Inspection Act	6, 7, 10
LB910A	Carlson	S	Appropriation Bill	
LB911	Langemeier	S	Change a date relating to development of a statewide biotechnology strategic plan	
LB912	Pahls	GF	Prohibit occupant recovery limits in uninsured and underinsured motorist coverage	
LB913	Council	C	Adopt the Criminal Offender Employment Act	
LB914	Sullivan	S	Change a provision relating to the duty to stop after a motor vehicle accident	
LB915	McGill	GF (>712)	Provide for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists	13, 14
LB916	Heidemann	IPP	Authorize leases on school lands for solar and wind energy production	
LB917	Rogert	C	Exempt municipal water from sales and use taxes	
LB918	Hadley	S	Redefine certain terms and provide certain tax incentives under the Nebraska Advantage Act	10
LB918A	Hadley	S	Appropriation Bill	
LB919	Schilz	S	Change population requirements for reorganization of cities of the first class and require a plan to increase a city's population	9, 12
LB920	Haar	C	Provide for school transportation safety committees	
LB921	Campbell	C	Provide time limits for payment of claims under the medical assistance program	5
LB922	Coash	C	Change registration renewal provisions relating to medication aides	
LB923	Ashford	C (>800)	Change provisions relating to sealing of juvenile criminal justice records	4, 13, 15
LB924	Fischer	S	Change provisions relating to ignition interlock orders	
LB925	Conrad	GF	Require employment of Nebraska laborers for public works projects during excessive unemployment	12
LB926	Rogert	S	Change provisions for information signs along highways	8, 10
LB927	Nebraska Retirement Systems	C	Change employee deposit requirements under the School Employees Retirement Act	
LB928	Nebraska Retirement Systems	C	Change contribution rates under the Nebraska State Patrol Retirement Act	
LB929	Ashford	C	Require schools to distribute certain information to parents of children with special hearing needs	
LB930	Gloor	C (>849)	Change provisions relating to distribution of certain devices under the Pharmacy Practice Act	11, 14

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB931	Sullivan	S (+818)	Change and eliminate provisions of the Real Property Appraiser Act and the Nebraska Real Estate License Act	13, 15
LB932	Christensen	C	Change provisions relating to repayment of financial assistance by natural resources districts	
LB933	Utter	S	Change the Motor Vehicle Certificate of Title Act with respect to manufactured homes and mobile homes	
LB934	Haar	S	Include Nebraska Wing of the Civil Air Patrol members under the Volunteer Emergency Responders Job Protection Act	
LB935	Speaker Flood	S	Provide for deficit appropriations and change certain appropriations	11, 12
LB936	Flood	C	Authorize court-ordered conditions for juvenile court dispositions	
LB937	Fischer	S	Terminate per diem payments for members of learning community coordinating councils	9, 13
LB937A	Fischer	S	Appropriation Bill	
LB938	Stuthman	C	Provide for an amendment to the medicaid state plan relating to reimbursement of federally qualified health centers	11
LB939	Stuthman	GF (>712)	Change support order enforcement provisions	14
LB940	Janssen	C	Amend the Welfare Reform Act to require drug screening for cash assistance benefits	6
LB941	Gay	C (>849)	Permit optometrists to dispense cosmetic and medicated contacts as prescribed	11, 14
LB942	Gay	C	Provide for a special shipping permit for alcohol manufacturers	
LB943	Harms	S	Provide for the merger of civil service commissions under the Civil Service Act	
LB944	Harms	W	Provide for publication of certain items on school district web sites	
LB945	Harms	S	Prohibit use of handheld wireless communication devices while driving	6, 11, 13, 14
LB946	Hadley	W	Provide for court-ordered postsecondary education subsidy orders	
LB947	Avery	S	Eliminate the Community Development Block Grant Program Advisory Committee	
LB948	Avery	SF	Change provisions relating to agency requisitions and competitive bidding	10, 12
LB949	Gloor	C	Change provisions relating to state and local building codes	
LB950	Nebraska Retirement Systems	S (+899)	Change provisions relating to retirement	12, 14
LB951	Avery	S (+716, 850)	Change provisions relating to early voting, multiple officeholding, and provisional ballots	4, 8, 12, 13
LB951A	Avery	S	Appropriation Bill	
LB952	White	SF	Exempt certain public utility income for infrastructure replacement and sewer programs from sales tax	9, 12
LB953	Coash	C	Provide a rate of payment for certain medical services in emergency protective custody situations	
LB954	Giese	C	Establish a limit on refunds of local option taxes under the Nebraska Advantage Act	
LB955	Giese	C	Adopt the Correctional Facility Reimbursement Act	
LB956	Adams	S	Rename the Nebraska Scholarship Act and change award provisions	9, 13
LB957	Adams	C (>1071)	Provide for memoranda of understanding related to student information sharing	7, 15
LB958	Giese	C	Exempt retirement benefits and social security benefits from income tax	
LB959	Lathrop	C	Prohibit certain discriminatory acts or practices related to the business of insurance	
LB960	Stuthman	C	Change provisions relating to net metering	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB961	Council	S	Provide for economic development training grants and change job training grant provisions	
LB962	Council	C	Require blood lead testing prior to school enrollment	6
LB963	Carlson	IPP	Change Nebraska Workers' Compensation Act provisions governing disability compensation after retirement	
LB964	Christensen	C	Prohibit the leasing of land in a county road right-of-way for oil and gas exploration and development	
LB965	Sullivan	S	Change school board and educational service unit vacancy provisions	
LB966	Pahls	C	Adopt the Classroom Educational Expenditure Act	
LB967	Schilz	C	Change local option sales tax refund provisions for certain tax incentive laws	
LB968	McGill	C	Redefine abuse for certain domestic violence situations	5
LB969	Urban Affairs	GF	Provide for terms of office for municipal officers	
LB970	Campbell	S	Change provisions relating to appeals from county planning commission decisions	10, 13
LB971	Campbell	C	Change provisions relating to care and placement of neglected children and children in foster care	7
LB972	Utter	GF	Change a date related to certain political subdivision budget filings	
LB973	Coash	C	Change provisions relating to the central register of child protection cases and authorize a hearing	7
LB974	Avery	C	Change permissible uses of a learning community levy as prescribed	5
LB975	Nordquist	S	Change the Convention Center Facility Financing Assistance Act relating to projects undertaken in areas with a high concentration of poverty	10, 13
LB976	Cornett	C	Change a budget limitation	
LB977	Mello	GF	Require new state buildings and renovations to comply with energy efficiency standards	5
LB978	Mello	S	Provide requirements relating to energy star certified appliances in the state's competitive bidding process	5, 13, 14
LB979	Nebraska Retirement Systems	GF	Provide for the transition of certain employees to the State Employees Retirement System	6
LB980	Wallman	IPP	Change personal services contract requirements and provide restrictions on privatization contracts	
LB981	Cornett	C	Provide for review of the tax expenditure report	
LB982	Campbell	C	Adopt the Build Nebraska Act and authorize issuance of highway bonds	
LB983	Karpisek	C	Authorize and regulate skilled mechanical amusement devices	
LB984	Howard	GF (>507)	Change a penalty relating to child abuse	15
LB985	Karpisek	C	Adopt the Nebraska Charitable Poker Act	
LB986	Conrad	S	Authorize grants for electronic scanners and point-of-sale devices at farmers markets	7, 13, 14
LB987	Krist	S (+636)	Create the Lead-Based Paint Hazard Control Program and provide duties for the Department of Economic Development	7, 13, 15
LB987A	Council	S	Appropriation Bill	
LB988	Council	GF (>712)	Change provisions relating to credit for imprisonment for fines and costs	13, 14
LB989	Council	C	Provide for administrative segregation of certain committed offenders as prescribed	7
LB990	Council	GF (>712)	Change reduction of sentence provisions for a person sentenced to a city or county jail	
LB991	Schilz	C	Provide a special permit for farmers hauling hay and change livestock-forage-vehicle provisions	7



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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB992	McGill	C	Provide for treatment relating to sexually transmitted diseases as prescribed	6
LB993	Carlson	S	Change permissible uses of the Water Resources Cash Fund	
LB994	Lathrop	C	Change a provision relating to workers' compensation hearing locations	
LB995	Lathrop	C	Change a provision in the Industrial Relations Act relating to employee representation	
LB996	Lathrop	C	Change provisions relating to use of the federal immigration verification system by public contractors	
LB997	Mello	S	Require city and county comprehensive plans to include an energy element	
LB998	Gay	C	Provide regional service centers for the issuance of driver's licenses and state identification cards	
LB999	Campbell	S	Provide a moratorium on new hospital licenses and a study on health care	8, 14, 15
LB1000	Karpisek	GF (>861)	Change eligibility for licensure for managers and limited liability companies under the Nebraska Liquor Control Act	11, 14
LB1001	Janssen	C	Change and eliminate residency provisions relating to postsecondary education	5
LB1002	Louden	S	Provide for applications to the Commission on Indian Affairs for state assistance	9, 12, 13
LB1002A	Louden	S	Appropriation Bill	
LB1003	Giese	C	Provide for provisional ballots for change of residence in Nebraska	
LB1004	Louden	C	Allow operation of golf car vehicles and low-speed vehicles on highways as prescribed	8
LB1005	Karpisek	C	Create the Substance Abuse Treatment Grant Program under the Native American Public Health Act	
LB1006	Adams	S	Change provisions relating to kindergarten entrance age	7, 10
LB1007	Adams	C (>1071)	Provide for performance measures under the Quality Education Accountability Act	7
LB1008	Janssen	C	Provide for cash basis or modified accrual or encumbrance basis budget statements under the Nebraska Budget Act as prescribed	
LB1009	Janssen	IPP	Change provisions relating to the date for fixing salaries of certain county officers	
LB1010	Pankonin	S	Provide procedures and limitations on the use of eminent domain by natural resources districts for recreational trails	6, 11, 13, 14
LB1011	Pankonin	C	Limit the eminent domain power of natural resources districts to exclude certain recreational trails	
LB1012	Rogert	GF (>861)	Change State Racing Commission membership provisions	11, 14
LB1013	Rogert	GF	Provide for extended closing time for alcoholic liquor retail licensees as prescribed	
LB1014	Haar	S	Provide for establishment of teacher performance pay in FY2016-17 subject to collective-bargaining agreements	10, 13, 14, 15
LB1015	Haar	IPP	Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote	6
LB1016	Christensen	C	Adopt the Nebraska Statewide Water Planning Commission Act	
LB1017	Cornett	C	Provide requirements for insurers for prescription drug coverage	7
LB1018	Cornett	S	Adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act and restrict the use of municipal initiative and referendum on action permitted by the act	9, 13
LB1019	Haar	C	Provide for trails dispute boards to decide disputes between county boards and natural resources districts concerning recreational trails	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB1020	Lathrop	S	Change provisions relating to benefit eligibility under the Employment Security Law	14, 15
LB1021	Avery	GF	Adopt the High School Activities Association Act	6, 10
LB1022	Rogert	C	Provide for alkaline hydrolysis disposition of dead human bodies	
LB1023	Price	C	Change provisions relating to keno	
LB1024	Stuthman	C	Create the Snow Removal Advisory Committee	
LB1025	Avery	IPP	Change provisions relating to stays on new water appropriations	
LB1026	Wightman	GF (>712)	Provide for transfers of civil actions in district court	13, 14
LB1027	Coash	C (>849)	Change Developmental Disabilities Services Act provisions	
LB1028	Louden	C	Adopt the Charter Schools Act	8
LB1029	Stuthman	IPP	Change court nonjudicial days provisions	
LB1030	Dierks	C	Appropriate funds to the Attorney General to aid in enforcing the Competitive Livestock Markets Act	
LB1031	Dierks	GF	Change tax levy authority relating to natural resources districts	7
LB1032	Dierks	GF	Change tax levy authority relating to natural resources districts	7
LB1033	Christensen	C (>817)	Change provisions relating to regulation of concealed handguns	5
LB1034	Cook	C	Define tuition and fees for purposes of the Community College Foundation and Equalization Aid Act	
LB1035	Cook	IPP	Provide powers for counties, cities, and villages to control and abate public health nuisances	5
LB1036	Council	S	Adopt the Revised Uniform Anatomical Gift Act	9, 12
LB1037	Fulton	C	Change provisions relating to support enforcement and arrearages	
LB1038	Fulton	C	Change provisions relating to informed consent for genetic testing	
LB1039	Fulton	IPP	Adopt the Fire Extinguishing Certification Act	
LB1040	Fulton	C	Adopt the Nebraska Municipal Comparability Act for use in industrial disputes involving public employees	8
LB1041	Fulton	C	Change provisions relating to findings and orders of the Commission of Industrial Relations	8
LB1042	Fulton	C	Change provisions relating to findings and orders of the Commission of Industrial Relations	8
LB1043	Lautenbaugh	C	Change medical lien provisions and provide for discovery of medical treatment value and payment rights	
LB1044	Lautenbaugh	IPP	Change employer liability provisions under the Nebraska Workers' Compensation Act	6
LB1045	Lautenbaugh	GF (>712)	Change provisions relating to the designation of jury commissioner	13, 14
LB1046	Lautenbaugh	C (>712)	Change speedy trial and indefinite continuance provisions	13, 14
LB1047	Wightman	S	Provide for construction of terms in wills and trusts relating to federal laws	
LB1048	Natural Resources	S	Provide for approval and taxation of certain power generating facilities using wind as a fuel source	8, 11, 14
LB1048A	Langemeier	LV	Appropriation Bill	
LB1049	Langemeier	C	Change provisions relating to community-based energy projects	6
LB1050	Price	C	Require a second coroner's opinion as prescribed	
LB1051	Christensen	S	Change provisions relating to certificate terms, fees, and rosters of abstractors	
LB1052	Christensen	C	Adopt the Agricultural Production and Economic Stability and Assistance Act	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB1053	Pahls	C	Exempt prepared food, computer software, and certain tangible personal property from sales tax	
LB1054	Carlson	C	Adopt the correlative rights doctrine relating to the use of ground water as prescribed	
LB1055	Carlson	S	Change provisions relating to extended unemployment benefits	
LB1056	Carlson	C	Provide for measurement of aquifer depletion and limitations on irrigation as prescribed	
LB1057	Carlson	S	Create the Republican River Basin Water Sustainability Task Force	10, 13
LB1058	Howard	C	Rename and change a formula in the Community College Foundation and Equalization Aid Act	
LB1059	Avery	IPP	Provide for digital and electronic signatures on initiative and referendum petitions	6
LB1060	Janssen	C	Change requirements for driving in the right-hand lane of a roadway	
LB1061	Janssen	C	Adopt the Tuition Equalization Grant Program Act	
LB1062	McGill	C	Change provisions relating to murder in the second degree and create the offenses of voluntary and involuntary manslaughter	7
LB1063	Nelson	S	Change provisions relating to public art and funding for the Nebraska Cultural Preservation Endowment Fund	8, 10
LB1064	Nelson	C	Adopt the Limited Purpose Sanitary and Improvement District Act	
LB1065	Heidemann	S	Change provisions relating to towing of vehicles	8, 13, 14
LB1066	Dierks	C	Provide for sales and use tax on certain services	
LB1067	Rogert	C	Require pulse oximetry screening for newborns	6
LB1068	Hansen	C	Adopt the Rural Tourism Development Act	6
LB1069	Adams	C (>1071)	Change technology purchase and funding provisions relating to educational service units	5, 15
LB1070	Adams	S (+1095)	Change provisions relating to learning communities and educational service unit funding	11, 12, 13
LB1071	Adams	S (+957, 1007, 1069)	Change provisions relating to schools	11, 15
LB1072	Adams	S	Change state aid and levy limits for community colleges	8, 13, 15
LB1073	Mello	C	Adopt the Building Nebraska's Creative Economy Act and provide income tax credits	
LB1074	Mello	C	Provide for job training grants to film production companies	6
LB1075	Carlson	C	Adopt the Alcoholic Liquor Liability Act	
LB1076	Schilz	C	Change provisions relating to evaluation of river basins, subbasins, and reaches	
LB1077	Karpisek	C	Change the manner of valuing agricultural land for property tax purposes	7
LB1078	Cornett	GF (>879)	Update references to the Internal Revenue Code	8
LB1079	Cornett	GF	Change the time for appealing to the Tax Equalization and Review Commission and certain dates relating to property tax assessment and equalization	12
LB1080	Cornett	C	Provide tax incentives for wind energy projects	
LB1081	Cornett	S	Adopt the Teleworker Job Creation Act	10, 13
LB1082	Cornett	C	Rename and change a formula under the Community College Foundation and Equalization Aid Act	8
LB1083	Dierks	C	Change provisions relating to contents of a certification of trust	
LB1084	Karpisek	GF (>712)	Provide for seizures of pet animals and equines as prescribed	13, 14
LB1085	Lautenbaugh	S	Change provisions relating to garnishment	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LB1086	McCoy	C	Change provisions relating to determination of the state unemployment insurance tax rate	
LB1087	Adams	S	Change provisions relating to payment for educational services	
LB1088	Cornett	C	Adopt the Physician and Patient Prescription Protection Act	
LB1089	Karpisek	C	Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	
LB1090	Business & Labor	S	Approve claims against the state and authorize write offs	11, 12
LB1091	Business & Labor	S	Disapprove claims against the state	11, 12
LB1092	Lathrop	C	Provide restrictions on fees for towing services	8
LB1093	Lathrop	C	Change Medicaid Prescription Drug Act provisions	
LB1094	Lathrop	S	Adopt the Nonrecourse Civil Litigation Act	12, 14
LB1094A	Lathrop	S	Appropriation Bill	
LB1095	Lathrop	C (>1070)	Change distribution of educational service unit funds	
LB1096	Haar	C	Adopt the Nebraska High Performance Schools Initiative Act	
LB1097	Cornett	GF	Change property tax levy limitations	
LB1098	Mello	C	Authorize creation of sustainable energy financing districts by municipalities	
LB1099	Mello	C	Authorize the establishment of a recycling program in cities of the metropolitan class	6
LB1100	Mello	C	Allow operation of low-speed vehicles on highways as prescribed	8
LB1101	Wightman	C	Authorize use of employee furloughs by the Legislature	
LB1102	Giese	GF	License and regulate wagering on historic horseraces	13
LB1102A	Giese	GF	Appropriation Bill	
LB1103	Flood	S	Adopt the Pain-Capable Unborn Child Protection Act	8, 13
LB1104	Flood	C	Change judges' salaries	5
LB1105	Council	GF	Require an audit of death penalty costs	3, 8, 12
LB1105A	Council	GF	Appropriation Bill	
LB1106	Nordquist	S	Provide for school-based health centers under the Medical Assistance Act	11, 12
LB1106A	Nordquist	S	Appropriation Bill	11
LB1107	Pirsch	C	Change the priority of liens for special assessments	
LB1108	Nordquist	C	Impose an excise tax on compressed natural gas, create a grant program, and change provisions relating to jurisdictional utilities	
LB1109	Conrad	S	Adopt the Nebraska Innovation and High Wage Employment Act	11, 14
LB1109A	Conrad	S	Appropriation Bill	
LB1110	Campbell	GF	Change provisions relating to coverage for certain children under the Medical Assistance Program as prescribed	7, 8, 11
LR271CA	Nelson	IPP	Constitutional amendment to permit exemption of increased value resulting from home improvements	
LR276CA	Pirsch	IPP	Constitutional amendment to permit exemption from taxation of real property, the use of which is donated to the state or a governmental subdivision	4
LR277CA	Karpisek	IPP	Constitutional amendment to allow for parimutuel wagering on horseraces at a satellite wagering facility	4, 7

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LR278CA	Nordquist	IPP	Constitutional amendment to set certain salaries in the Constitution	5
LR279CA	Avery	IPP	Constitutional amendment to change the number of signatures required on initiative petitions	7
LR284CA	Utter	P	Constitutional amendment to abolish the office of the State Treasurer	5, 10, 12
LR286CA	Fischer	IPP	Constitutional amendment to create the Highway Trust Fund, designate revenue sources, and provide for uses	5
LR289CA	McCoy	IPP	Constitutional amendment to prohibit laws that restrict or interfere with choice of health care plans or direct payment for medical services	5
LR295CA	McGill	P	Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises	8, 10
LR296CA	Karpisek	IPP	Constitutional amendment to permit the Legislature to authorize and regulate charitable poker	
LR297CA	Karpisek	P	Constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development	9, 12
LR299CA	Ashford	IPP	Constitutional amendment to provide for no more than three community college areas	
LR300CA	Nelson	IPP	Constitutional amendment to change signature requirements for initiative petitions	7, 10
LR301CA	Price	IPP	Constitutional amendment to change initiative and referendum petition signature requirements	7
LR324	Cook	C	Interim study to examine the need for public utility ratepayer assistance programs in the state	
LR334	Cornett	C	Interim study to determine whether Nebraska's insurance laws should be amended to provide requirements relating to health benefit plan prescription drug coverage	
LR372	Gloor	C	Interim study to examine the potential effect of national health care reform proposals on Nebraska	
LR384	Krist	C	Interim study to examine the fire sprinkler mandate contained in 2009 building codes	
LR406	Cornett	C	Interim study to determine whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act	
LR409	Giese	C	Interim study to examine the subject of online voter registration	
LR413	Langemeier	C	Interim study to determine whether the Real Property Appraiser Act should be amended to provide for regulation of appraisal management companies	
LR419	Pankonin	C	Interim study to determine the need to create a licensing process for boat dealers in Nebraska	
LR421	Nebraska Retirement Systems	C	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	
LR422	Nebraska Retirement Systems	C	Interim study to review and update the General Principles of Sound Retirement Planning	
LR423	McCoy	C	Interim study to examine the way Nebraska awards electoral votes in presidential elections	
LR424	Pahls	C	Interim study to examine whether Nebraska should update the Uniform Commercial Code, Article 9, relating to secured transactions	
LR425	Flood	C	Interim study to examine issues relating to brain injuries	
LR426	Dubas	C	Interim study to examine the honeybee industry in Nebraska	
LR427	Gloor	C	Interim study to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly licensed hospitals affect the cost of health care	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LR430	Christensen	C	Interim study to examine Nebraska's laws regarding a person's right to self-defense by the use of force and to review the Castle Doctrine laws in other states	
LR431	Haar	C	Interim study to examine how private sources of money given to public institutions should be disclosed	
LR432	Haar	C	Interim study to examine Nebraska's child support collection methods	
LR433	Haar	C	Interim study to examine student expression in Nebraska's public schools	
LR434	Nordquist	C	Interim study to examine the factors contributing to childhood obesity, as well as its consequences	
LR435	Dubas	C	Interim study to examine issues relating to oil and natural gas pipelines in the State of Nebraska	
LR436	Gay	C	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act	
LR437	Pankonin	C	Interim study relating to levy exceptions and budget exceptions as they are used with interlocal agreements	
LR438	Pahls	C	Interim study of issues arising out of LB752 regarding the Nebraska Trust Company Act	
LR439	Pahls	C	Interim study to review recent changes in federal law regarding health care insurance and to identify administrative and legislative responses which Nebraska will need to make	
LR440	Giese	C	Interim study to examine issues relating to mobile home parks	
LR442	Fischer	C	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee	
LR443	Fischer	C	Interim study to review and monitor the progress of the National Broadband Plan proposed by the Federal Communications Commission	
LR444	Carlson	C	Interim study to examine how the law of division fences and the law of trespass affect the ability of landowners to carry out necessary management of trees and other vegetation	
LR445	Carlson	C	Interim study to examine the capabilities and resources available to the Dept. of Agriculture to meet the response protocols of state and federal livestock disease eradication programs	
LR446	Carlson	C	Interim study to examine options for a long-term management framework for vegetation within streambeds and immediate riparian areas	
LR447	Carlson	C	Interim study to examine issues relating to modern agricultural practices and food distribution systems	
LR448	Carlson	C	Interim study to examine funding alternatives to continue the Water Resources Cash Fund	
LR449	Mello	C	Interim study to examine energy efficiency financing options and sources of funds for residential, commercial, and industrial property owners	
LR450	Mello	C	Interim study to examine the establishment of an electronic waste recycling program in Nebraska	
LR451	Mello	C	Interim study to examine issues relating to the Small Business Regulatory Flexibility Act proposed by LB709	
LR453	Council	C	Interim study to examine what are described as food deserts or areas where access to healthy, affordable food choices is limited	
LR454	Gay	C	Interim study to conduct research and provide recommendations regarding for-profit, specialty, or physician-owned hospitals	
LR459	Nordquist	C	Interim study to examine Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children	
LR460	Nordquist	C	Interim study relating to the implementation and funding of the medicaid state plan amendment or waiver for secure residential and subacute behavioral health services	
LR461	Cook	C	Interim study to examine the federal Americans with Disabilities Act as it relates to parking accessibility for handicapped or disabled persons	

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LR462	Coash	C	Interim study to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody	
LR463	Mello	C	Interim study to examine the feasibility of implementing a program similar to the StateStat management accountability process used for executive agencies in the State of Maryland	
LR464	Giese	C	Interim study to examine staffing requirements for nursing homes	
LR465	Rogert	C	Interim study to examine the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska	
LR466	Campbell	C	Interim study to examine the operation and accomplishments of the Drug Use Review and preferred drug list activities of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services	
LR467	Gay	C	Interim study to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act	
LR468	Mello	C	Interim study to examine the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code	
LR469	Mello	C	Interim study to examine the economic development program options available for municipalities	
LR470	Avery	C	Interim study to examine the issue of how political subdivisions may be impacted by the 2010 United State Census	
LR471	Avery	C	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	
LR472	Avery	C	Interim study to examine the issue of using electronic and digital signatures on initiative and referendum petitions	
LR473	Carlson	C	Interim study to examine the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes	
LR474	Carlson	C	Interim study to examine aquifer depletions in the State of Nebraska	
LR475	Dubas	C	Interim study to examine issues relating to restricted use chemical application and the need to improve systems of notification of pesticide applications	
LR477	Nebraska Retirement Systems	C	Interim study to examine the issues relating to the sustainability of public retirement plans	
LR478	Christensen	C	Interim study to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources	
LR479	Ashford	C	Interim study to review matters under the jurisdiction of the Judiciary Committee	
LR481	Dubas	C	Interim study to examine the practice of prescribed burning such as controlled burns and the function of prescribed burning in managing plant and animal communities	
LR482	Pahls	C	Interim study to examine changes in Nebraska's demographics and the effect on governmental services	
LR483	Pahls	C	Interim study to examine issues relating to solicitation of accident victims and motor vehicle insurance fraud	
LR484	Fischer	C	Interim study to examine issues relating to the towing industry	
LR485	Howard	C	Interim study to examine issues relating to the shortage of social workers	
LR486	McGill	C	Interim study to examine issues relating to the health, safety, and working conditions of Nebraska meat and poultry workers	
LR487	Mello	C	Interim study to examine the impact of adopting tax incentives for films, television shows, commercials, music, web-based content, or Internet-delivered content produced in Nebraska	

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BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LR488	Wightman	C	Interim study to analyze the provisions of LB756, a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law	
LR489	Schilz	C	Interim study to examine raising revenue from misdemeanors and felonies or from other sources to help fund a grant program for rural emergency medical services	
LR490	Schilz	C	Interim study to examine imposing a limitation on how much a school's state aid can change from one year to the next	
LR491	Schilz	C	Interim study to examine requiring a boating education course in order to reduce the number of accidents	
LR492	Schilz	C	Interim study to examine issues relating to adding a fiftieth senator to the Legislature	
LR493	McGill	C	Interim study to determine whether there are enough resources present in school to detect and treat mental illness in school-age children	
LR494	Giese	C	Interim study to examine the effect of Nebraska's workers' compensation statutes on businesses, other than agricultural operations, that employ only related employees	
LR495	Giese	C	Interim study to examine district probation offices	
LR496	Cornett	C	Interim study to examine issues relating to state and local taxation of wind energy electrical generation facilities	
LR497	Cornett	C	Interim study to examine urban and commercial area development laws, policies, and programs	
LR498	Cornett	C	Interim study of the Tax Expenditure Reporting Act and to suggest additional duties or information to be reported under the act	
LR499	Cornett	C	Interim study to examine tax laws, policies, and programs that address the tax burdens of low-income persons and households	
LR500	Cornett	C	Interim study to examine the tax laws, policies, and programs of the State of Nebraska	
LR501	Campbell	C	Interim study to examine costs to the state and infant and child outcomes associated with not providing prenatal services through the medicaid program to low-income women in Nebraska	
LR502	Wallman	C	Interim study to review the status of trauma care in Nebraska	
LR503	Conrad	C	Interim study to determine whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Associations Act	
LR504	Cornett	C	Interim study to examine policies and programs for addressing property tax relief, including existing and alternative policies	
LR505	Cornett	C	Interim study to examine issues relating to making the Local Civic, Cultural, and Convention Center Financing Act applicable to county governments	
LR506	Cornett	C	Interim study to examine state and local property tax valuation and exemption protest and appeal processes and procedures	
LR507	Lautenbaugh	C	Interim study to examine ways to streamline all levels of government, including, but not limited to elimination, consolidation, or reassignment	
LR508	Lautenbaugh	C	Interim study to examine the availability of land for hunters in the State of Nebraska	
LR509	Howard	C	Interim study to explore the implementation of ACCESS Nebraska relating to public benefits processing	
LR510	Pirsch	C	Interim study to examine issues relating to refunds of local option sales taxes under the Nebraska Advantage Act	
LR511	Pirsch	C	Interim study to examine issues relating to expanding the Local Civic, Cultural, and Convention Center Financing Act so that incentives could be used to help employers create new jobs in small communities	



# UNICAMERAL UPDATE

**BILL STATUS TABLES:** S = signed by the governor, P = passed by the Legislature, V = vetoed, LV - line-item vetoed, VO = veto overridden, FR = final reading, SF = select file, GF = general file, C = held in committee, IPP = indefinitely postponed, W = withdrawn, > = amended into bill #, + = includes bill # **ISSUES:** coverage in issue # of the 2010 Unicameral Update

BILL	INTRODUCER	STATUS	ONLINE DESCRIPTION	ISSUES
LR512	McGill	C	Interim study to examine the responsibilities of Nebraska nonprofit corporations and health care delivery systems when implementing LB403, 2009, relating to immigration	
LR513	Gay	C	Interim study to review the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services	
LR514	Harms	C	Interim study to examine Nebraska's capacity to best serve lower-educated workers through adult education programs	
LR515	Rogert	C	Interim study to examine the benefits associated with the pulse oximetry procedure performed on newborns	
LR516	Fischer	C	Interim study to analyze the current Vehicle and Titling Registration (VTR) System that is developed and maintained by the Department of Motor Vehicles	
LR517	Campbell	C	Interim study to review the operations and usefulness of the Regulation of Health Professions Act	
LR518	Campbell	C	Interim study to review the efficiency associated with the fact that the Department of Motor Vehicles is solely responsible for issuance of drivers' licenses, permits, and state identification cards and collection of fees	
LR519	Pirsch	C	Interim study to examine issues relating to Firearms Freedom Acts which have been enacted or introduced by other state legislatures	
LR520	Janssen	C	Interim study to examine the impact of illegal immigration on the state's budget	
LR521	Janssen	C	Interim study to examine whether Nebraska should repeal provisions allowing persons not lawfully present in the United States to pay resident tuition at postsecondary educational institutions	
LR522	Janssen	C	Interim study to examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants	
LR523	Haar	C	Interim study to examine the impact of LB436 which established a statewide net metering policy	
LR524	Haar	C	Interim study to examine regulation of renewable energy generation in other states and in regional transmission organizations	
LR525	Haar	C	Interim study to examine Nebraska's laws on unlawful intrusion, stalking, and criminal trespass	
LR526	Avery	C	Interim study to examine the governing structure and function of Nebraska's higher education system	
LR527	Karpisek	C	Interim study to examine issues under the jurisdiction of the General Affairs Committee	
LR528	Karpisek	C	Interim study to examine issues regarding area restrictions in the Nebraska Liquor Control Act	
LR533	Urban Affairs	C	Interim study to examine the State Natural Gas Regulation Act	
LR534	Conrad	C	Interim study to examine aspects of the Nebraska Economic Forecasting Advisory Board	
LR535	Conrad	C	Interim study to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol	
LR536	Dierks	C	Interim study to examine gross receipts taxation in other states	
LR566	Revenue	C	Interim study to examine various methods of financing interstate water compacts and agreements	
LR568	Health & Human Services	C	Interim study to review implementation of reforms by the Dept. of Health and Human Services regarding how children and families are served by the child welfare and juvenile services system in Nebraska	
LR571	Judiciary	C	Interim study to examine the implementation of LB63, 2009, with respect to creation of the Office of Violence Prevention, and to study implementation of LB800, 2010	

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