

GOVERNMENT, MILITARY & VETERANS AFFAIRS  
COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2011 LEGISLATION

One Hundred Second Legislature  
First Session

Senator Bill Avery, Chair  
Senator Scott Price, Vice-Chair  
Senator Lydia Brasch  
Senator Charlie Janssen  
Senator Russ Karpisek  
Senator Rich Pahls  
Senator Paul Schumacher  
Senator Kate Sullivan

Christy Abraham, Legal Counsel  
Sherry Shaffer, Committee Clerk

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**LIST OF BILLS REFERENCED TO THE  
GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE**

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- LB 14** (Wightman) Change and eliminate fees received by registers of deeds and clerks  
**Held in Committee (Page 27)**
- LB 21** (McCoy) Change provisions relating to ballots cast by presidential electors  
**Held in Committee (Page 27)**
- LB 37** (Harms) Provide requirements for access to information for government audits  
**Held in Committee (Pages 27-28)**
- LB 62** (Heidemann) Change provisions regarding county officers and prohibit elimination or undue hindrance of a county officer by a county board  
**Enacted (Page 10)**
- LB 89** (Christensen) Change qualifications of the Superintendent of Law Enforcement and Public Safety  
**Indefinitely Postponed (Page 44)**
- LB 97** (Karpisek) Require Secretary of State to provide uniform guidelines for election workers  
**Held in Committee (Page 28)**
- LB 101** (Schilz) Eliminate daylight savings time  
**Indefinitely Postponed (Page 44)**
- LB 116** (Avery) Provide for use of Veterans' Aid Income Fund for the state veteran cemetery system  
**Held in Committee (Page 28)**
- LB 117** (Avery) Change publication requirements for constitutional amendments and initiative and referendum measures  
**Held in Committee (Pages 28-29)**
- LB 122** (Harms) Rename an educational telecommunications building  
**Enacted (Page 10)**
- LB 139** (Lautenbaugh) Change surplus property sale provisions of the County Purchasing Act  
**Indefinitely Postponed (Pages 44-45)**  
*Portions/Provisions of LB 139 were amended into LB 628*
- LB 142** (Lautenbaugh) Change a contribution limitation under the Campaign Finance Limitation

Act  
**Enacted (Pages 10-11)**

- LB 143** (Haar) Require public education institutions to file certain contracts of employment with the Nebraska Accountability and Disclosure Commission  
**Indefinitely Postponed (Page 45)**
- LB 150** (Lathrop) Require Internet notice of public meetings by state entities  
**Indefinitely Postponed (Page 45)**
- LB 161** (Karpisek) Change provisions relating to recounting votes  
**General File (Page 22)**
- LB 168** (Avery) Provide for voter registration on the Secretary of State's website  
**Held in Committee (Page 29)**
- LB 169** (Avery) Authorize provisional ballots for registered voters changing residence within Nebraska  
**Held in Committee (Pages 29-30)**
- LB 171** (Avery) Provide for establishment of fees paid to the Secretary of State  
**Indefinitely Postponed (Page 45)**
- LB 172** (Avery) Create the Commission on Indian and Multicultural Affairs and eliminate the Commission on Latino-Americans and the Commission on Indian Affairs  
**Held in Committee (Page 30)**
- LB 173** (Avery) Prohibit natural resources district board members from running for or holding more than one office  
**Held in Committee (Page 30-31)**
- LB 175** (Avery) Provide for transfers from the Campaign Finance Limitation Cash Fund  
**General File (Pages 22-23)**
- LB 176** (Avery) Authorize the Nebraska Accountability and Disclosure Commission to order violators to pay hearing costs  
**Enacted (Page 11)**
- LB 186** (Sullivan) Require nonpartisan ballots for county officers  
**Held in Committee (Page 31)**
- LB 187** (Council) Change the number of required recall petition signatures  
**Indefinitely Postponed (Page 46)**
- LB 188** (Council) Change requirements for recall petition signatures  
**Indefinitely Postponed (Page 46)**

- LB 198** (Mello) Change provisions relating to the purchase or lease of state-owned passenger cars  
**Held in Committee (Page 31)**
- LB 214** (Pankonin) Require nonpartisan election of county and city officials  
**Held in Committee (Pages 31-32)**
- LB 218** (Karpisek) Change provisions relating to personnel exempt from the State Personnel System  
**Enacted (Page 12)**
- LB 224** (Avery) Change provisions relating to recall of certain political subdivision officials  
**Held in Committee (Page 32)**
- LB 228** (Mello) Provide for energy audits under the Deferred Building Renewal Act  
**Enacted (Page 12)**
- LB 230** (Sullivan) Change access to public records  
**Enacted (Page 12)**
- LB 234** (Fischer) Change provisions relating to county office and service facilities of the Department of Health and Human Services  
**Enacted (Pages 12-13)**
- LB 239** (Janssen) Require presentation of government-issued photographic identification to vote in elections  
**General File (Page 23)**
- LB 254** (Campbell) Provide and change requirements for instruments recorded by the register of deeds  
**Enacted (Page 13)**
- LB 266** (Sullivan) Change the Open Meetings Act relating to closed sessions  
**Held in Committee (Page 33)**
- LB 277** (Coash) Change the Nebraska Visitors Development Act and provide for the advice of a visitors committee to a county board  
**Enacted (Page 14)**
- LB 278** (Coash) Authorize payment to county officers and employees by electronic funds transfer  
**Enacted (Page 14)**
- LB 292** (Avery) Eliminate per diems for members of the Nebraska Accountability and Disclosure Commission

**Enacted (Page 14)**

- LB 312** (Coash) Adopt the Brain Injury Act to provide ongoing support for veterans with brain injury  
**Held in Committee (Page 33)**
- LB 337** (Fulton) Change timeframes for audits by the Auditor of Public Accounts  
**Enacted (Pages 14-15)**
- LB 338** (Howard) Provide preference requirements for state service and personnel property contracts  
**Indefinitely Postponed (Pages 46-47)**
- LB 343** (Brasch) Change land surveyor registration requirements  
**General File (Pages 23-24)**
- LB 344** (Ashford) Change provisions relating to municipal counties and merger of governmental services  
**General File (Pages 24-25)**
- LB 352** (Lautenbaugh) Provide airport hazard area dimensions under the Airport Zoning Act  
**General File (Page 25)**
- LB 365** (Sullivan) Change access provisions for voter information and voter registration registers  
**Held in Committee (Pages 33-34)**
- LB 367** (McCoy) Change balloting and vacancy provisions for presidential electors  
**Held in Committee (Pages 34)**
- LB 368** (Brasch) Change nomination provisions for partisan offices  
**Enacted (Page 15)**
- LB 399** (Avery) Change the number of signatures needed for nomination petitions  
**Enacted (Page 15)**
- LB 412** (Karpisek) Change provisions regarding contributions and expenditures under the Nebraska Political Accountability and Disclosure Act  
**Held in Committee (Page 34)**
- LB 419** (Nelson) Change restrictions on certain expenditures under the Nebraska Political Accountability and Disclosure Act  
**Indefinitely Postponed (Page 47)**
- LB 425** (Lautenbaugh) Change provisions relating to real estate tracts and the designation of industrial areas  
**Held in Committee (Pages 34-35)**

- LB 443** (Avery) Increase certain fees assessed by the State Fire Marshal  
**Held in Committee (Pages 35-36)**
- LB 444** (Avery) Provide methods for notice under the Open Meetings Act  
**Held in Committee (Page 36)**
- LB 449** (Nelson) Change the Election Act  
**Enacted (Pages 16-18)**
- LB 480** (Krist) Provide for agreements relating to public building commissions  
**Enacted (Pages 18-19)**
- LB 499** (Price) Change provisions relating to filing for office, registering to vote, and voting under the Election Act  
**Enacted (Page 19)**
- LB 501** (Cook) Change ballot status procedures for Presidential and vice-presidential candidates  
**Indefinitely Postponed (Page 47)**
- LB 503** (Pirsch) Change provisions for filling a vacancy on a ballot  
**General File (Page 26)**
- LB 523** (Pahls) Require identification for petition circulators  
**Held in Committee (Page 36)**
- LB 550** (Wightman) Clarify incumbent filing deadline provisions  
**Enacted (Page 20)**
- LB 556** (Dubas) Change the boundaries of Hamilton County and Merrick County  
**Enacted (Page 20)**
- LB 566** (Schumacher) Provide for online petition signatures for recall, initiative, and referendum petitions  
**Held in Committee (Pages 36-37)**
- LB 568** (Schumacher) Provide duties for the State Treasurer relating to state employee benefits  
**Held in Committee (Page 38)**
- LB 577** (Wightman) Provide an application fee for a structure building permit issued by the Department of Aeronautics  
**Held in Committee (Page 38)**
- LB 583** (Haar) Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote  
**Held in Committee (Page 39)**

- LB 597** (Pahls) Require consolidation of county offices  
**Held in Committee (Pages 38-39)**
- LB 605** (Conrad) Provide for voter registration on election day and require identification to vote  
**Held in Committee (Pages 39-40)**
- LB 606** (Avery) Require reporting of electioneering communication under the Nebraska Political Accountability and Disclosure Act  
**Select File (Page 21)**
- LB 610** (Pirsch) Provide procedures for recall of state elective officers  
**Indefinitely Postponed (Pages 47-48)**
- LB 616** (Mello) Require the Department of Administrative Services to submit a report on the privatization of the management of the state's real property  
**Held in Committee (Page 40)**
- LB 628** (Cook) Change provisions relating to sale and permit donation of certain personal property of political subdivisions  
**Enacted (Page 20)**
- LB 631** (Cook) Provide for a permanent early voting request list  
**Held in Committee (Pages 40-41)**
- LB 643** (Lautenbaugh) Provide additional public records that may be withheld  
**Held in Committee (Page 41)**
- LB 654** (Christensen) Provide filing requirements for presidential and vice-presidential candidates and prohibit presidential electors from voting for uncertified candidates  
**Held in Committee (Pages 41-42)**
- LB 685** (Schilz) Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees  
**Held in Committee (Page 42)**
- LB 691** (Brasch) Provide requirements relating to purchasing biobased products by state government  
**Held in Committee (Pages 42-43)**
- LR 2CA** (Harms) Constitutional amendment to authorize county manager form of county government  
**Held in Committee (Page 49)**
- LR 19CA** (Avery) Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment  
**General File (Page 49)**

- LR 22** (Fulton) Resolution for an amendment to the United States Constitution providing for repeal of federal law or regulation by vote of two-thirds of state legislatures  
**Indefinitely Postponed (Page 50)**
- LR 45CA** (Pirsch) Constitutional amendment authorizing recall of state elective officers  
**Indefinitely Postponed (Page 50)**
- LR 123** (Cornett) Endorse the proposition that Taiwan participate in the International Civil Aviation Organization as an observer  
**Held in Committee (Page 50)**
- LR 141** (Price) Designate the Honor and Remember Flag as the State of Nebraska's emblem of service and sacrifice by members of the United States Armed Forces who have given their lives in the line of duty and urge Congress to pass H.R. 546  
**Adopted (Page 49)**

**BILL SUMMARIES: BILLS ENACTED**

**LB 62 (Heidemann) Change provisions regarding county officers and prohibit elimination or undue hindrance of a county officer by a county board**

LB 62 amends the County Budget Act to provide that a county board will not eliminate or unduly hinder a county officer in the conduct of his or her duties. If an office is going to be negatively affected by the budget revision, the office will have the burden to prove by clear and convincing evidence that the revision is arbitrary, unreasonable, or capricious.

The county board will consider all budget revisions and the board's decisions will not be overturned unless there is clear and convincing evidence that the action of the board is not in the best interests of the county.

The committee amendment provides that the county board will consider all budget revisions of every county office or department.

The amendment also removes language stating that the board's decisions would not be overturned unless there was evidence that the action of the board was not in the best interests of the county. The language requiring the office or department to prove by clear and convincing evidence that a budget revision by the county board is arbitrary, unreasonable or capricious remains in the bill.

The bill was further amended on Select File to provide that in carrying out its budget-making duties, a county board will not eliminate an office or unduly hinder a county officer in the conduct of his or her statutory duties. If a county officer challenges the county board's decision in court, the county officer will have the burden to prove such elimination or hindrance by clear and convincing evidence.

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**LB 122 (Harms) Rename an educational telecommunications building**

LB 122 changes the name of the Nebraska Educational Telecommunications Building to the Terry M. Carpenter and Jack G. McBride Educational Telecommunications Building.

The current name of the building is the Terry M. Carpenter Educational Telecommunications Building.

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**LB 142 (Lautenbaugh) Change a contribution limitation under the Campaign Finance Limitation Act**

LB 142 repeals the Campaign Finance Limitation Act and changes reporting requirements under the Nebraska Political Accountability and Disclosure Act.

Reporting thresholds of contributions and expenditures are lowered to \$50. The bill also requires, beginning January 1, 2014, the electronic filing of reports and statements within five days after the receipt of a contribution or making an expenditure. Certain reports are required to be filed the next business day after receipt of a contribution or making an expenditure.

The Accountability and Disclosure Commission is required by January 1, 2014 to make campaign statements available on its website on or before the next business day after receipt by the commission.

The State Treasurer will transfer money in the CFLA Fund attributable to late filing fees, civil penalties and interest in accordance with the Nebraska Constitution. The remaining money in the fund will be transferred to the Nebraska Accountability and Disclosure Commission Cash Fund.

The committee amendment removes all provisions relating to the new reporting requirements under the Nebraska Political Accountability and Disclosure Act, including the provisions lowering the reporting thresholds and requiring electronic filing of reports and statements.

The provisions repealing the Campaign Finance Limitation Act remain in the bill under the committee amendment.

The bill was further amended on General File. The amendment reinstates the Campaign Finance Limitation Act and raises the amount a candidate may accept in contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties from 50% to 75% of the spending limitation for the office.

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**LB 176 (Avery) Authorize the Nebraska Accountability and Disclosure Commission to order violators to pay hearing costs**

LB 176 allows the Nebraska Accountability and Disclosure Commission to issue an order requiring a person who has been found to violate the Nebraska Political Accountability and Disclosure Act to pay the costs of the hearing in a contested case.

The funds received under this bill will be deposited into the Nebraska Accountability and Disclosure Commission Cash Fund.

The committee amendment provides that only violators who did not appear at the hearing personally or by counsel may be subject to an order requiring them to pay the costs of the hearing.

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**LB 218 (Karpisek) Change provisions relating to personnel exempt from the State Personnel System**

LB 218 allows a state agency with over 5000 employees to exempt 50 positions, at the agency head's discretion, from the State Personnel System. Currently, agencies with over 5000 employees are allowed to exempt 25 employees from the State Personnel System.

The bill was amended on Select File to require an agency with over five thousand employees to provide notice in writing to the Health and Human Services Committee of the Legislature when forty noncovered positions have been filled by the agency head.

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**LB 228 (Mello) Provide for energy audits under the Deferred Building Renewal Act**

LB 228 allows energy audits to be conducted under the Deferred Building Renewal Act.

After an energy audit is conducted, the report of the findings will be sent to the state agency operating or managing the building or ground on which the audit was conducted as well as the Legislature's Committee on Building Maintenance.

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**LB 230 (Sullivan) Change access to public records**

LB 230 allows the lawful custodian of the public records to withhold from the public information on public utility infrastructure specifications, design drawings and maps. Public utilities are also allowed to withhold information on customer use information.

The committee amendment provides greater specificity as to when certain public documents may be withheld from the public.

Public utility infrastructure specifications or design drawings the public disclosure of which would create a substantial likelihood of endangering public safety or property may be withheld from the public unless otherwise provided by state or federal law.

Also, a public utility may withhold personally identified private citizen customer use information.

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**LB 234 (Fischer) Change provisions relating to county office and service facilities of the**

## **Department of Health and Human Services**

LB 234 provides that if the Department of Health and Human Services reduces programs and employees in a county, the county may reduce the office and service facilities accordingly.

Current law requires counties to maintain office and service facilities for the administration of public assistance for DHHS.

The committee amendment strikes the original provision of the bill and inserts the following new provision:

The county board may request in writing that the Department of Health and Human Services review office and service facilities provided by the county to determine if there could be a reduction or elimination of office and service facilities within the county. The department will respond in writing within 30 days of receiving the request.

The final decision with respect to office and service facilities will be made by the department and the county may reduce such facilities if authorized by the decision.

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### **LB 254 (Campbell) Provide and change requirements for instruments recorded by the register of deeds**

LB 254 changes requirements for instruments recorded by the register of deeds.

Generally, all instruments submitted for recording will be on paper measuring eight and one-half inches by eleven inches, but not larger than 14 inches; will be printed in black ink on white paper without watermarks; will be sufficiently legible; will be signed in black or dark blue ink; and the name of each party will typed or stamped beneath the original signature. The bill also establishes margin limits.

These requirements do not apply to: instruments signed before the effective date of this bill; instruments executed outside the United States; certified copies of instruments issued by governmental agencies; instruments signed by an original party who is incapacitated or deceased at the time of recording; instruments formatted to meet court requirements; federal and state tax liens; and plats and surveys.

Any printed form accepted for recordation that does not comply with the provisions of this bill will not affect the validity of the recording.

The committee amendment provides that the changes made by this legislation do not affect the duty of the register of deeds to file an instrument for recordation.

**LB 277 (Coash) Change the Nebraska Visitors Development Act and provide for the advice of a visitors committee to a county board**

LB 277 amends the Nebraska Visitors Development Act to provide that the governing body of a county, with the advice of the visitors committee, may use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county.

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**LB 278 (Coash) Authorize payment to county officers and employees by electronic funds transfer**

LB 278 allows county boards to make payments, including but not limited to, salary and reimbursable expenses to elected officers, their deputies, or any employee of the county, by electronic funds transfer or similar means of direct deposit.

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**LB 292 (Avery) Eliminate per diems for members of the Nebraska Accountability and Disclosure Commission**

LB 292 eliminates per diems for the members of the Nebraska Accountability and Disclosure Commission. The members will continue to be reimbursed for actual and necessary expenses.

Currently, commission members, other than the Secretary of State, are paid a per diem of fifty dollars for each day engaged in the performance of their duties.

The bill has an emergency clause and will become operative on July 1, 2011.

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**LB 337 (Fulton) Change timeframes for audits by the Auditor of Public Accounts**

There are two provisions contained in LB 337.

The first provision makes changes to several audits which are required to be conducted annually or biennially by the Auditor of Public Accounts. LB 337 changes the language to allow the Auditor to conduct the audits “at such time as he or she determines necessary.” These audits include: audit of the aid given to Indians to be used for law enforcement and jail operations; audit of State Highway Commission; audit of the Nebraska Motor Vehicle Industry Licensing Fund; audit of funds expended by the Motor Fuel Tax Enforcement and Collection Division; post audits of the investment transactions for the Nebraska State Funds Investment Act; audit of money received from the sale of cigarette stamps and tax meter impressions.

The second provision of the bill makes the plan years for the County Employees Retirement Act and the State Employees Retirement Act coincide on a fiscal year, as opposed to a calendar year. This change allows both audits to be conducted simultaneously.

The bill has an emergency clause.

The committee amendment eliminates the provision of the bill changing the plan years for the County Employees Retirement Act and the State Employees Retirement Act so they coincide on the same fiscal year.

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**LB 368 (Brasch) Change nomination provisions for partisan offices**

LB 368 clarifies when political parties can nominate a candidate. Under the bill, political parties may not nominate a candidate at the state postprimary convention for an office which the party did not nominate a candidate at the primary election, except for new political parties. Parties will still be able to nominate candidates at their conventions in the cases of a special election or a vacancy on the ballot.

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**LB 399 (Avery) Change the number of signatures needed for nomination petitions**

LB 399 changes the signature requirements for nomination by petition of certain offices for the general election.

Under current law, there is a distribution requirement of obtaining at a certain number of signatures from each county when a candidate for nonpartisan office wants to place his or her name on the general election ballot. LB 399 eliminates the distribution requirement. With the elimination, the standard becomes at least 10% of the registered voters voting for Governor or President in the last election, not to exceed 2000 signatures. The distribution requirement for the Board of Regents is also eliminated under the bill.

Similarly, for statewide partisan candidates who want to place their name on the general election ballot, there is current distribution requirement that signatures be obtained from one third of the counties in the state. With LB 399, the standard for partisan statewide offices is at least 4000 signatures, and at least 750 signatures will be obtained in each congressional district.

The bill has an emergency clause.

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## **LB 449 (Nelson) Change the Election Act**

LB 449 makes several changes to the Election Act.

The bill provides the election commissioner will not hold any other elective office during his or her term, but eliminates current language prohibiting election commissioners from being eligible to any elective office or to become a candidate for elective office.

To remain qualified as a deputy registrar, a person will complete a training session at least once every three years unless the Secretary of State determines additional training is required. Current law provides that deputy registrars are not required to attend another training session unless the Secretary of State determines additional training is required.

The registration application is changed to request an applicant to provide an email address. At the request of the applicant, a designation will be made that the email address is private and will preclude the listing on any list of voter registrations.

The bill provides for filing periods for candidates for elective offices. Currently, there are filing deadlines for incumbents and non-incumbents. LB 449 provides a period of filing beginning December 15<sup>th</sup> and ending at the current deadline for incumbent and non-incumbent candidates. For example, the filing period for an incumbent will be between December 15 and February 15 prior to the date of the primary election. The filing period for non-incumbents will be between December 15 and March 1 prior to the date of the primary election. The bill also provides such filing periods for any candidate for an office in a city having a home rule charter. Current law allows such cities to provide the filing deadlines.

Similarly, the bill provides that any candidate engaging in a write-in campaign will file with the filing officer no earlier than December 15 and not later than 10 days prior to the election.

Under the bill, a person registered with a political party as of March 1 in the year of the general election will not be eligible for nomination by petition for a partisan office.

The bill adds Class V school districts (Omaha public schools) to the list of offices that if there are not more than two candidates for each position to be filled, any such candidates will be declared nominated and their names will not appear on the primary ballot. Other offices currently included on this list include: Natural Resource Districts, public power districts, community colleges boards and Class III schools. This is sometimes referred to as “automatic advancement.”

Precincts will contain not less than 75 nor more than 3000 registered voters. Currently the standard is not less than 75 nor more than 1000 registered voters.

The bill adds a person inspecting the list of registered voters or sign-in register to the list of persons allowed to be within eight feet of the ballot boxes or ballots being

counted. Also, the clerks of the election will make the list of registered voters and sign-in register available for inspection on Election Day during the hours the polls are open if it does not interfere with the process of voting.

Current law requires the county clerk, election commissioner or any employee of either to write his or her customary signature or initials on the early voting ballots. This bill allows the signature or initials to be affixed to the ballot.

The bill eliminates the requirements in the ballot for early voting oath that the voter print his or her address and name.

The record of early voters and applications for such ballots will be open to public inspection prior to the election. Currently, those records are open to the public after the completion of the election.

The bill adds the learning community coordinating council to the list of political subdivisions required to pay for the costs of nominating and electing its officers.

In recall petitions, the principal circulator will gather the petition pages within 20 days after the receipt of the official's defense statement. If sufficient signatures were gathered to place the issue on the ballot, the governing body will order an election not less than 30 nor more than 75 days after the notification of the official whose removal is sought. The current deadline is not less than 30 nor more than 45 days.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

The amendment allows an election commissioner to be appointed to an elective office during his or her term as election commissioner. Acceptance of such appointment will be deemed to be his or her resignation from the office of election commissioner.

To remain qualified as a deputy registrar, a person will complete a training session at least once every three years unless the Secretary of State determines additional training is required.

The registration application is changed to request an applicant to provide an email address. At the request of the applicant, a designation will be made that the email address is private and will preclude the listing on any list of voter registrations.

The amendment provides for filing periods for candidates for elective offices. Currently, there are filing deadlines for incumbents and non-incumbents. The amendment provides a period of filing beginning December 1 and ending at the current deadline for incumbent and non-incumbent candidates.

Similarly, the amendment provides that any candidate engaging in a write-in campaign will file with the filing officer no earlier than December 1 and not later than 10 days prior to the election.

The amendment adds Class V school districts (Omaha public schools) to the list of offices that if there are not more than two candidates for each position to be filled, any such candidates will be declared nominated and their names will not appear on the primary ballot. Other offices currently included on this list include: Natural Resource Districts, public power districts, community colleges boards and Class III schools.

Precincts will contain not less than 75 or more than 1750 registered voters. Currently the standard is not less than 75 or more than 1000 registered voters.

Current law requires the county clerk, election commissioner or any employee of either to write his or her customary signature or initials on the early voting ballots. The amendment allows the signature or initials to be affixed to the ballot.

The amendment eliminates the requirement in the ballot for early voting oath that the voter print his or her address and name.

The record of early voters and applications for such ballots will be open to public inspection prior to the election. Currently, applications are open to the public prior to the election and both applications and the record of early voters are open to the public after the completion of the election.

The amendment adds the learning community coordinating council to the list of political subdivisions required to pay for the costs of nominating and electing its officers.

In recall petitions, the principal circulator will gather the petition pages within 20 days after the receipt of the official's defense statement. If sufficient signatures were gathered to place the issue on the ballot, the governing body will order an election not less than 30 or more than 75 days after the notification of the official whose removal is sought. The current deadline is not less than 30 or more than 45 days.

The bill was further amended on Select File to provide that any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or before March 1 in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions or by nomination by political party convention or committee.

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**LB 480 (Krist) Provide for agreements relating to public building commissions**

LB 480 changes language regarding the agreements entered into by public building commissions with cities and counties for the use of its projects. With the bill, those agreements may provide that the city or county has responsibility for a certain area within any building, structure or facility, including the maintenance, furnishing or management of the area.

The bill also changes the definition of “project.” With the change, fixtures and furnishings can be included in a project by the public building commission if agreed to by the city and county.

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**LB 499 (Price) Change provisions relating to filing for office, registering to vote, and voting under the Election Act**

LB 499 makes several changes to the Election Act, including:

- Prohibiting elected officials from filing for an office if they hold the office and their term of office expires after the beginning of the term of office for which they would be filing;
- Requiring a sample copy of a petition for nomination is filed with the filing officer prior to circulating the petition. Currently, the petition for nomination is given to the filing officer after signatures have been gathered;
- Requiring each sheet of a petition to contain signatures from the same county;
- Requiring completed petitions to be submitted to the election commissioner or county clerk as one document;
- Requiring affidavits to remove a person’s name from a petition to be submitted prior to or on the day the petition is filed for verification. Currently, such affidavits need to be filed prior to or on the day of the petition filing deadline;
- Changing provisions on military voters to include voters who are absent from the state, in addition to military voters outside the United States;
- Changing the deadline for mailing registration applications for persons who request an early ballot but are not registered to the third Friday preceding the election. Currently, the deadline is the second Friday preceding the election; and
- Clarifying that a registered voter who is present in the county on the day of the election will vote at his or her polling place, unless he or she is returning a ballot for early voting or has designated the ballot to be picked up by an agent.

The committee amendment eliminates two provisions from the original bill.

First, the provision that each sheet of a petition contain signatures from the same county is eliminated.

Also eliminated is the provision that completed petitions be submitted to the election commissioner or county clerk as one document.

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**LB 550 (Wightman) Clarify incumbent filing deadline provisions**

LB 550 provides that if a candidate for an elective office is an incumbent of any elective office, he or she must meet the incumbent filing deadlines.

Current law outlines filing deadlines for an incumbent for an elective office and filing deadlines for all other candidates. This bill clarifies that incumbent means an incumbent for any elective office, not only the office for which the person currently holds.

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**LB 556 (Dubas) Change the boundaries of Hamilton County and Merrick County**

LB 556 clarifies the boundaries between Hamilton and Merrick counties by using global positioning coordinates instead of the Platte River.

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**LB 628 (Cook) Change provisions relating to sale and permit donation of certain personal property of political subdivisions**

LB 628 allows a county, city, village or public utility to donate any motor vehicle that has reached the end of its useful life to any charitable organization described in section 501(c) (3) of the Internal Revenue Code.

The bill was amended at all three stages of debate.

On General File, provisions of LB 139 were amended into the bill. On Select File, language was added to prohibit a donation if any employee of the charitable organization or any proposed recipient of the motor vehicle from the charitable organization is an immediate family member of any member of the governing body. The bill was also amended to allow veterans organizations to be able to receive these donations. On Final Reading, the bill was amended to clarify that these donations are not allowed if otherwise prohibited by law.

*Portions/Provisions of LB 139 were amended into LB 628.*

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**BILL SUMMARIES: BILLS ON SELECT FILE**

**LB 606 (Avery) Require reporting of electioneering communication under the Nebraska Political Accountability and Disclosure Act**

LB 606 requires any person who makes an electioneering communication in the amount of more than \$250 to file a report of the electioneering communication with the Nebraska Accountability and Disclosure Commission (commission). These reporting requirements are similar for those who make an independent expenditure.

Similarly, if a corporation, labor organization or business association makes an electioneering communication with a value of more than \$250, it will file a report with the commission including the nature, date, and value of the electioneering communication and the name of the candidate identified in the electioneering communication.

Electioneering communication is defined to mean any communication that: refers to a clearly identified candidate; is publicly distributed in the 30 days before an election; and is directed to the electorate of the office sought by the clearly identified candidate.

Electioneering communication does not include: a contribution or expenditure; a communication by media; a candidate debate, or a communication by a membership organization to the organization's members.

The bill failed to advance from Select File.

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**BILL SUMMARIES: BILLS ON GENERAL FILE**

**LB 161 (Karpisek) Change provisions relating to recounting votes**

LB 161 allows any candidate who failed to be nominated or elected to request a manual recount at his or her expense. The recount will be conducted by the county canvassing board. The requesting candidate may provide the filing officer with a list of up to ten election precincts to be recounted first and may waive the balance of the recount after these precincts have been recounted.

The cost of the recount will be determined for both the county and the listed precincts by the county election official. If the recount involves more than one county, the county election official will certify the cost to the Secretary of State who will notify the candidate of the determined cost of each county and for the listed precincts.

Currently, recounts are conducted using the same procedure as those used for ballots on election day.

The committee amendment narrows who is allowed to request a manual recount.

With the amendment, only candidates who fail to be nominated or elected by no more than the margin triggering the automatic recount outlined in section 32-1119 may request a manual recount.

The bill failed to advance from General File.

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**LB 175 (Avery) Provide for transfers from the Campaign Finance Limitation Cash Fund**

LB 175 allows the transfer of funds from the Campaign Finance Limitation Cash Fund to the Nebraska Accountability and Disclosure Cash Fund at the direction of the Legislature.

The State Treasurer shall transfer six percent (6%) of the amount in the Campaign Finance Limitation Cash Fund on July 1 of every year beginning in 2011 to the Nebraska Accountability and Disclosure Commission Cash Fund for the costs of the commission in administering the Campaign Finance Limitation Act.

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

With the committee amendment, the Legislature is allowed to transfer funds at its discretion from the Campaign Finance Limitation Cash Fund to the Nebraska Accountability and Disclosure Cash Fund for the costs of the Accountability and Disclosure Commission in administering the Campaign Finance Limitation Act.

As with the original bill, the committee amendment includes an emergency clause.

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**LB 239 (Janssen) Require presentation of government-issued photographic identification to vote in elections**

LB 239 provides that no ballot will be handed to any voter in an election until the voter has presented a government-issued photographic identification or the voter votes a provisional ballot.

If a person does not present photo ID, he or she may vote a provisional ballot. The person is then required to present the government-issued photographic identification within 10 days after the election, or the ballot will not be counted. If the person signs a statement that he or she is indigent and unable to obtain photo ID or that the voter has a religious objection to being photographed, the provisional ballot will be counted.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

A voter will not be handed a ballot at any election until the voter has presented a government-issued photographic identification or an acknowledgment of registration. A person who does not present identification at the polling place will be allowed to vote provisionally.

Government-issued photographic identification is defined as a motor vehicle operator's license or state identification card or a document issued by the United States which includes the name and photograph of the individual.

Prior to every statewide primary and general election, the election commissioner or county clerk will mail an acknowledgment of registration to every registered voter who does not have a motor vehicle operator's license or state identification card for the purpose of presenting identification at the voter's polling place.

Voters who vote an early ballot will not be required to show identification. Similarly, in an election held by mail, voters will not be required to show identification.

Currently in law there are identification requirements for persons who register to vote by mail and are voting in Nebraska for the first time. The committee amendment adds government-issued photographic identification to the list of documents currently listed in statute as acceptable forms of identification for these types of voters.

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**LB 343 (Brasch) Change land surveyor registration requirements**

LB 343 changes the requirements for land surveyors and surveyors-in-training.

The specific statutory requirements for when applicants are entitled to take a written examination designed to determine their qualification to practice land surveying, are eliminated. LB 343 provides that the State Board of Examiners for Land Surveyors will outline the requirements in rules and regulations.

Similarly, the specifics defining a surveyor-in-training are replaced with language stating that a surveyor-in-training is a person who has successfully passed a written examination in the fundamentals of surveying approved by the examining board.

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**LB 344 (Ashford) Change provisions relating to municipal counties and merger of governmental services**

LB 344 changes provisions relating to county-city mergers.

LB 344 requires an interjurisdictional planning commission (IPC) be formed in a county containing a metropolitan class city within 90 days of the effective date of this bill. The IPC will study the issue of merger and develop a plan for merger of some or all of such services. The plan will be developed and approved by the commission by July 1, 2012.

The membership on the IPC will include three members selected by the mayor of the metropolitan class city, two members by the city council of the metropolitan class city, two members by the county board and two members selected jointly by other municipalities in the county.

The IPC will study: the services provided by governmental subdivisions; tax and spending implications of merging; quality and cost of services; elected officials and the continuation or elimination of such offices; all functional areas that could be merged; and the effects of the plan.

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

1. a majority of those voting on the question;
2. a majority of those voting who reside in at least one municipality;
3. a majority of those voting who reside in areas in the county to be consolidated which are outside any municipality to be consolidated.

The bill eliminates the requirement that those residing in each county but outside any municipality or any sanitary and improvement district must vote to approve or the merger fails.

The committee amendment strikes all of the original sections of the bill and creates a new section of law that provides for the formation of an interjurisdictional planning commission to review and plan for the merger of governmental services within a county that contains a city of the metropolitan class.

The interjurisdictional planning commission will study issues relating to the merger of governmental services of the county and municipalities and will develop a plan for merger of some or all of such services. The plan will be developed and approved by the commission by July 1, 2012.

The membership of the commission will include:

1. Two members selected by the mayor of the city of the metropolitan class;
2. Two members selected by the city council of the city of the metropolitan class;
3. Four members selected by the county board;
4. One member from each of the other municipalities within the county containing the city of the metropolitan class.

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**LB 352 (Lautenbaugh) Provide airport hazard area dimensions under the Airport Zoning Act**

LB 352 amends the definitions in the Airport Zoning Act.

The definition of airport hazard area is changed to provide that an airport hazard area will not extend in any direction a distance in excess of the limits provided for an approach, operation, transition, or turning zone. Currently, these areas are prohibited from extending in any direction a distance in excess of three miles from the boundary of an airport.

The bill also adds specific language defining approach zone, operation zone, transition zone, and turning zone's outer limit.

The committee amendment makes technical changes to the bill regarding the definition of approach zone for instrument and visual runways. The amendment also makes technical changes to the definition of transition zone and turning zone's outer limit.

Finally, the committee amendment provides that any existing structure or tree in compliance on the effective date of this act will be deemed to be in compliance after the effective date of this act if the structure or tree does not increase in height.

**LB 503 (Pirsch) Change provisions for filing a vacancy on the ballot**

LB 503 harmonizes provisions dealing with a vacancy created by a declination of a candidate and a vacancy created when a candidate withdraws.

First, the bill makes changes when a person is nominated for elective office for the general election and the person declines the nomination. With the bill, the filing officer is required to inform the chair or secretary of the campaign or political party committee of the declination if there is one within the jurisdiction of the filing officer. If there is not, the filing officer will inform at least three of the prominent members of the candidate's political party within the jurisdiction of the filing officer of the declination. Such declination will create a vacancy on the ballot.

Under current law, if a vacancy of the ballot arises for any partisan office, the chair and secretary of the executive committee of the political party must file with the filing officer a certificate setting forth the cause of the vacancy and the name and address of the new nominee. LB 503 provides that if there is no executive committee of the political party or in lieu of the executive committee filling the vacancy, a mass convention of the political party may fill the vacancy.

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**BILL SUMMARIES: BILLS HELD IN COMMITTEE**

**LB 14 (Wightman) Change and eliminate fees received by registers of deeds and clerks**

LB 14 changes fees received by clerks and registers of deeds.

The current fee for recording a deed, mortgage, will, decree in a testate estate, or any other instrument with the register of deeds, is five dollars per page.

Under LB 14, the fee will be increased to ten dollars for the first page and six dollars for each additional page. Two dollars and fifty cents of the ten-dollar fee for recording the first page and fifty cents of the six-dollar fee for recording each additional page will be used exclusively for preserving and maintaining public records in the register of deed's office. The fees will also be used for modernization and technology needs of these records. These funds will not be substituted for other allocations of county general funds to the register of deeds.

Section 33-112, which provides the clerk or register of deeds to receive a fee for entering instruments in the numerical record, is outright repealed.

Additionally, the fees for filing and indexing a notice of lien under the Uniform Federal Lien Registration Act and the Uniform State Tax Lien Registration and Enforcement Act are raised to two times the fee required for recording documents with the register of deeds. The fees in these two acts are split between the Secretary of State and the designated county in the filing.

The act becomes operative on January 1, 2012.

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**LB 21 (McCoy) Change provisions relating to ballots cast by presidential electors**

LB 21 eliminates the current presidential elector system in Nebraska in which one presidential elector is chosen from each congressional district and two presidential electors are chosen at large. With LB 21, each presidential elector will cast his or her ballot for the presidential candidate who receives the highest number of votes in the state.

In other words, the presidential candidate who receives the highest number of votes in the state will receive all five electoral votes.

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**LB 37 (Harms) Provide requirements for access to information for government audits**

LB 37 requires agencies to provide to the Auditor of Public Accounts and the Legislative Performance Audit Section access to any information or records as soon as practicable and without delay, but not more than four business days after receipt of the written request or provide reasons why the agency is not complying. If the entire request cannot be fulfilled within four business days due to difficulty or the extensiveness of the request, a written explanation will be given. No delay due to significant difficulty or extensiveness of the request will exceed three calendar weeks after the receipt of the request unless a longer time period is agreed upon.

Any information requested by the Auditor of Public Accounts or the Legislative Performance Audit Section will be provided without any fees or costs.

LB 37 also adds a penalty provision to the Auditor's statutes. It provides that any person who willfully fails to comply with providing records to the Auditor or otherwise willfully obstructs the conduct of any audit will be guilty of a Class II misdemeanor. Similar language is currently in statute for the Legislative Performance Audit Section.

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**LB 97 (Karpisek) Require Secretary of State to provide uniform guidelines for election workers**

LB 97 requires the Secretary of State to develop uniform guidelines for election workers regarding the conduct of election workers on Election Day and make such guidelines available on the Secretary of State's web site.

The guidelines may cover other conduct with regard to election workers and, in that regard, will take into account variations in counties with regards to size and population.

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**LB 116 (Avery) Provide for use of Veterans' Aid Income Fund for the state veteran cemetery system**

LB 116 allows funds from the Veterans' Aid Income Fund to be used for the administration, maintenance, and operation of the state veteran cemetery system. Currently, the state veterans' cemetery in Box Butte is the only cemetery in the system.

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**LB 117 (Avery) Change publication requirements for constitutional amendments and initiative and referendum measures**

LB 117 changes the publication requirements for constitutional amendments and initiative and referendum measures. The bill requires a notice be placed in the

newspaper directing citizens to a Secretary of State website where the full text of the constitutional amendment or the initiative and referendum measures can be read.

In the Nebraska constitution, there is a requirement that constitutional amendments proposed by the Legislature be published in at least one newspaper in each county for three consecutive weeks. This requirement is repeated in statute. There is no similar constitutional provision for initiatives and referendums, although there is a statutory requirement that such measures be published in all legal newspapers in the state for three consecutive weeks.

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**LB 168 (Avery) Provide for voter registration on the Secretary of State’s website**

LB 168 requires the Secretary of State to develop a website to allow for electronic voter registration and updating of voter registration records. An applicant who has a valid Nebraska motor vehicle operator’s license or state identification card may use the web site to register to vote or update voter registration materials.

The Secretary of State will obtain a copy of the applicant’s digital signature from the Department of Motor Vehicles’ records for purposes of voter registration.

In addition to the information required on the current voter registration application, additional informational statements will be required when registering on line, including: an affirmation that the electronic application is true; the applicant agreeing to the use of his or her digital signature from the Department of Motor Vehicles records; that if the applicant is registering for the first time and has not previously voted in the state, additional photo identification may be needed; that applications must be submitted electronically on or before the third Friday before the election; and that the county election official will send an acknowledgment of registration to the applicant.

The bill also amends the motor vehicle operators’ licenses provisions to prohibit any official or employee in the Secretary of State’s office from releasing a digital signature except in specific circumstances.

The bill has an operative date of January, 2012.

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**LB 169 (Avery) Authorize provisional ballots for registered voters changing residence within Nebraska**

LB 169 provides that if a voter has moved from one residence to another within the state, the voter will be entitled to vote provisionally. Currently, voters who move **within the county** in which they are registered to vote are allowed to vote provisionally. This bill allows someone who moves from one county to a different county to vote provisionally in their new county of residence.

This act becomes operative on January 1, 2012.

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**LB 172 (Avery) Create the Commission on Indian and Multicultural Affairs and eliminate the Commission on Latino-Americans and the Commission on Indian Affairs**

LB 172 eliminates the Commission on Latino-Americans and the Commission on Indian Affairs and creates the Commission on Indian and Multicultural Affairs (commission).

The commission will consist of 10 members appointed by the Governor. Six members will be enrolled tribal members; three members will be appointed so that one member represents each of the three most populous census categories, except that such members will not be from the category of White or American Indian; and one member will be an at-large member.

The commission is charged with: promoting state and federal legislation beneficial to Indian and multicultural communities, coordinating existing programs in the areas of housing, education, welfare, medical, employment and other related problems; working with other state and federal government agencies; and keeping the Governor's office and the public with information on the Indian and multicultural communities.

The commission will meet at least once quarterly. An executive board for the commission is also established.

This act becomes operative on July 1, 2011 and has an emergency clause.

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**LB 173 (Avery) Prohibit natural resources district board members from running for or holding more than one office**

LB 173 adds natural resources district to the definition of high elective office.

Current law provides that no person serving in high elective office shall simultaneously serve in any other high elective office. Therefore, under this bill, members of a natural resources district board will not be allowed to serve in any other high elective office simultaneously.

Other high elective offices include: members of the legislature, governor, lieutenant governor, secretary of state, auditor of public accounts, state treasurer, attorney general, public service commission, state board of education, University of Nebraska board of regents, county, city, learning community, community college area, or school district elective office.

LB 173 also provides that any person holding more than one high elective office on the effective date of this bill will be entitled to serve the remainder of all terms for which he or she was elected or appointed.

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**LB 186 (Sullivan) Require nonpartisan ballots for county officers**

LB 186 changes the following county offices from partisan to nonpartisan offices: county clerk, register of deeds, county assessor, county sheriff, county treasurer, county attorney, public defender, clerk of the district court, county surveyor, county engineer, board of supervisors and board of commissioners.

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**LB 198 (Mello) Change provisions relating to the purchase or lease of state-owned passenger cars**

LB 198 adds requirements to the purchase of state-owned passenger cars.

With the bill, all state-owned passenger cars purchased or leased by the transportation services bureau will be:

- Identified as Fuel Economy Leaders;
- Flex fuel vehicles;
- Hybrid electric vehicles;
- Electric or plug-in electric vehicles;
- Hydrogen or fuel cell vehicles; or
- Other alternative fuel vehicles.

The chief of the transportation services bureau may exempt the purchase or lease of state-owned passenger cars from this requirement if he or she determines the cost of compliance will exceed the projected gasoline consumption cost savings.

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**LB 214 (Pankonin) Require nonpartisan election of county and city officials**

LB 214 changes the election of county and city officials. With the bill, county and city officials will be elected on a nonpartisan ballot.

The following county offices are changed from partisan to nonpartisan offices: county clerk, register of deeds, county assessor, county sheriff, county treasurer, county attorney, public defender, clerk of the district court, county surveyor, county engineer, board of supervisors, and board of commissioners.

Currently, city and village officers are elected on a nonpartisan ballot unless a city or village provides for a partisan ballot by ordinance. This bill eliminates the

option of allowing a city to pass an ordinance to elect city offices by partisan ballot.

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**LB 224 (Avery) Change provisions relating to recall of certain political subdivision officials**

With LB 224, the reasons for which a recall may be sought are limited to malfeasance in office, misfeasance in office, nonfeasance in office, or conviction of a crime involving an act of dishonesty or a false statement. Malfeasance, misfeasance and nonfeasance are defined in the bill. Currently, recall efforts do not need to be based on specific reason.

The principal circulator or circulators of the recall will submit to the filing clerk a statement, of sixty words or fewer, alleging facts which, if true, establish the grounds of malfeasance, misfeasance, nonfeasance in office or conviction of a crime involving an act of dishonesty or a false statement.

Under current law, the individual sought to be recalled is notified that an affidavit has been filed by the principal circulator seeking his or her removal from office. The individual is then given the opportunity to file, within 20 days, a defense statement. With LB 224, the individual may decide, instead of filing a defense statement, to file suit in the district court to challenge the sufficiency of the allegations in the statement filed by the principal circulator or circulators. The court will presume the allegations are true and construe them in the light most favorable to the principal circulator or circulators. The court will determine, without hearing or cost, whether the allegations in the statement establish the existence of malfeasance, misfeasance, nonfeasance in office or conviction of a crime involving an act of dishonesty or a false statement. The court will notify the clerk and all parties within five days after the decision.

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

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

Finally, the bill requires the filing clerk to notify the Secretary of State when initial petition papers are issued, when the recall petition is found to be sufficient and an election will be held, and the results of recall elections. The Secretary of State will compile all of these records.

**LB 266 (Sullivan) Change the Open Meetings Act relating to closed sessions**

LB 266 changes the reasons a public body may hold a closed session. With this bill, a public body may hold a closed session for a job performance evaluation of a non-elected official or employee, if the person has not requested an open meeting.

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**LB 312 (Coash) Adopt the Brain Injury Act to provide ongoing support for veterans with brain injury**

LB 312 creates the Brain Injury Council. The council will consist of 15 members including the director of the Department of Veterans' Affairs, the director of the Division of Rehabilitation Services and thirteen public members.

The council will provide advisory, technical assistance to the Department of Education in the implementation of the Brain Injury Act. Specifically, the council will: advise and make recommendations to the Department of Education on ways to improve and develop services regarding brain injury; encourage citizen participation; oversee programs created under the federal Traumatic Brain Injury Act; and advise the Division of Rehabilitation Services on the administration of the Veterans Resource Facilitation Fund.

The Veterans Resource Facilitation Fund will be utilized to provide for resource facilitators to facilitate program services; including ongoing support for veterans with brain injuries and helping them transition back to employment and living in the community. Money in the fund may also be used to provide for the expense of the Brain Injury Council.

The Division of Rehabilitation Services will report annually to the Governor and the Legislature on the status of the fund.

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**LB 365 (Sullivan) Change access provisions for voter information and voter registration registers**

LB 365 changes provisions relating to access to the voter registration register.

With the bill, any person may examine the register but is not allowed to make copies or makes notes or other memoranda of the driver's license number, voter identification number, or last four digits of a social security number of any voter.

Similarly, the election commissioner or county clerk will make available for purchase a list of registered voters that includes the voting history, but will not include the driver's license number, voter identification number, or last four digits of a social security number of any voter. The Secretary of State may provide such a list of all registered voters in the state for a fee of \$500.

Finally, the Secretary of State will provide a list of all registered voters and their addresses to each political party which has candidates that will appear on the upcoming primary or general election. Currently, such lists are provided by the election commissioner or county clerk.

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**LB 367 (McCoy) Change balloting and vacancy provisions for presidential electors**

LB 367 changes balloting and vacancy provisions for presidential electors.

With the bill, presidential electors will execute a pledge agreeing to mark their ballots for President and Vice President of the party that selected them.

Each presidential elector will present the completed ballot to the Secretary of State who will examine each ballot and accept as cast each ballot marked by a presidential elector consistent with his or her pledge. The Secretary of State will not accept a ballot if a presidential elector marked the ballot in violation of his or her pledge or did not mark the ballot.

A presidential elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of his or her pledge vacates the office of presidential ballot. This creates a vacancy which the Governor will fill.

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**LB 412 (Karpisek) Change provisions regarding contributions and expenditures under the Nebraska Political Accountability and Disclosure Act**

LB 412 prohibits a committee, other than a candidate committee, that is established or controlled by a person holding a state elective office to make a contribution or expenditure to any candidate or candidate committee of a candidate for a state elective office or to any political party committee.

The bill also prohibits a candidate committee from making a contribution to or independent expenditure on behalf of a political party. Currently, candidate committees are prohibited from making such contributions or expenditures to candidate committees.

Finally, the bill eliminates the ability of a dissolving candidate committee from transferring unexpended funds to another candidate committee or political party. Under the bill, a candidate committee which is dissolving is allowed to transfer the unexpended funds to a tax-exempt charity. Currently, transfers can be made to charity, another candidate committee or a political party.

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**LB 425 (Lautenbaugh) Change provisions relating to real estate tracts and the designation of industrial area**

LB 425 changes provisions relating to the designation of industrial tracts.

The bill changes the provisions regarding when a municipality may annex an industrial tract. With LB 425, the threshold of when a real estate tract will not be subject to inclusion within any city of the first or second class or village is raised from in excess of \$286,000 in assessed taxable valuation to in excess of \$15 million.

The bill provides additional procedures when a county board reviews any and all real estate tracts contained in any industrial area. When a county board determines to review real estate tracts contained in any industrial area, the county board will notify the owner of the review hearing. The notice will be sent by certified mail and published in the newspaper.

If the county board determines the real estate tract is no longer eligible for the industrial area designation, the board will enter an order removing the designation from the real estate tract or portion of the tract. The designation cannot be removed against the wishes of the owner as long as the tract continues to be in compliance of the definition of “industry”

The bill changes the definition of “industry” to include any enterprise that has as its primary function any agricultural, manufactured, mineral or chemical products. It eliminates any enterprise with storage as its primary function. Also, industry does not include any enterprise involved in retail sale of its service or product.

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**LB 443 (Avery) Increase certain fees assessed by the State Fire Marshal**

LB 443 raises certain fees assessed by the State Fire Marshal.

Specifically, the bill increases the fee for fire safety inspections of liquor establishments, foster care facilities, hospitals and other health care facilities, and mobile home parks to not less than \$30 nor more than \$175. The current range is not less than \$25 or more than \$150.

Fees for providing investigation reports to insurance companies are increased from three to four dollars.

The fees for reviewing plans, blueprints and shop drawings are increased as follows:

<b><u>structures or improvements</u></b>	<b><u>fee</u></b>
\$1-5000,	increased \$5 to \$10
\$5001 to \$25,000	increased \$5 to \$10 for the first \$5000, \$3 for additional \$5000
\$25,001 to \$50,000	increased \$15 to \$20 for the first \$25,000, \$3 for additional \$5000
\$50,001 to \$100,000	increased \$25 to \$30 for the first \$50,000, \$2 for additional \$5000

\$100,001 to \$200,000	increased \$35 to \$40 for the first \$100,000, \$2 for additional \$10,000
\$200,001 or more	increased \$50 to \$55 for the first \$200,000, \$2 for additional \$10,000

Additional fee to review plans, blueprints, and shop drawings to determine compliance with accessibility standards will not exceed \$275. Currently, the fees shall not exceed \$250.

The registration fee for above ground storage tanks is raised from a fee not to exceed \$10 to \$15.

The fee for a permit to install a new tank for storage of regulated substances is increased from \$50 to \$55. The registration fee for such tanks is increased from \$30 to \$35.

**LB 444 (Avery) Provide methods for notice under the Open Meetings Act**

LB 444 provides that the method of providing notice of public meetings will include, but not be limited to, publication in a newspaper of general circulation, posting on the public body’s web site, or posting in a public building in the community.

The bill retains the current notice provisions that require public bodies to give reasonable advance publicized notice of the time and place of each meeting by a method designated by the public body. LB 444 provides guidance on the methods to provide such notice.

**LB 523 (Pahls) Require identification for petition circulators**

LB 523 requires the sponsor or principal circulator of a petition under the Election Act to provide each circulator of such petition with identification that will contain a unique number to that circulator. The identification will not contain the name or other personal information of the circulator.

The sponsor or principal circulator will maintain records of the name and address of each circulator along with the number assigned to each circulator. The sponsor or principal circulator will only make these records available for purposes of investigation upon request from the Secretary of State, the Attorney General, and law enforcement.

**LB 566 (Schumacher) Provide for online petition signatures for recall, initiative, and referendum petitions**

LB 566 states it is the intent of this legislation to facilitate the rights of the people to petition through the use of electronic signatures on petitions and the electronic verification of signatures on petitions used in the recall, initiative, and referendum process.

Under the bill, the Secretary of State will provide for the submission of electronic signatures for every petition unless the petition sponsor opts out of the use of electronic signatures. If the petition sponsor does not opt out, eligible signers may choose whether to submit their signatures electronically or sign the petition manually.

A petition sponsor who does not opt out shall pay a filing fee or file a qualifying affidavit. The filing fee will be \$10,000 for an initiative petition proposing a constitutional amendment and \$5000 for any other petition. If a petition sponsor cannot afford the filing fee, he or she may file a qualifying affidavit.

If an eligible signer signs a petition by an electronic signature, the Secretary of State and county election official will accept it and include it in the count necessary to validate the petition. No circulator signature or notarization will be required for electronic signatures. The bill outlines several requirements the electronic signature must meet in order to have the same force and effect as the use of a manual signature.

When the Secretary of State receives an electronic signature, he or she will mail a post card to the signer at the address on his or her voter registration address indicating the signature has been received. The signer has 10 days to indicate he or she did not submit the signature.

If the electronic signature cannot be correlated with the signer, the signer may request a petition be mailed to him or her. The Secretary of State will encrypt coding on a single signature petition form and mail it to the signer. No circulator signature or notarization will be required.

The Secretary of State is given several duties under this bill including: adopting rules and regulations to carry out the legislation, and establishing a secure server located in Nebraska. They are also given authority to establish a verification database from state and county agencies and operate a secure web site account for the purpose of receiving credit card contributions.

Any person may challenge a petition containing electronic signatures. The bill outlines specific procedures for the person making the challenge.

The Petition Operations Fund is created to carry out the provisions of this legislation.

Finally, a person may become a registered participant and request that a link be placed on the web site created by the Secretary of State. The application will provide appropriate information on the link and include a registration fee of \$250 for each link. The link will provide information supporting or opposing a petition.

**LB 568 (Schumacher) Provide duties for the State Treasurer relating to state employee benefits**

LB 568 adds a duty for the State Treasurer to receive and keep all money of the state, including funds used to pay the costs of any benefit pursuant to the terms of a labor contract negotiated by or on behalf of a bargaining unit.

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**LB 577 (Wightman) Provide an application fee for a structure building permit issued by the Department of Aeronautics**

LB 577 requires a person to pay a fee of \$75 to the Department of Aeronautics Cash Fund when applying to build or erect a structure that exceeds 150 feet in height above the surface of the ground.

The bill has an emergency clause and an operative date of July 1, 2011.

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**LB 583 (Haar) Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote**

LB 583 creates the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote. The compact will become effective when states cumulatively possessing a majority of the electoral votes have enacted this compact.

The chief election official of each member state will designate the presidential slate with the largest national popular vote total as the national popular vote winner. The presidential elector certifying official of each member state will certify the appointment in that official's own state of the elector slate in association with the national popular vote winner.

Each state which has adopted the compact will make a determination of the number of popular votes cast in the state and communicate that determination to each other member state.

The compact outlines the procedure in the event of a tie and gives the presidential national popular vote winner the power to nominate the presidential electors in some circumstances.

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**LB 597 (Pahls) Require consolidation of county offices**

LB 597 requires counties with a population of fewer than 25,000 inhabitants to consolidate the following offices such that no more than five individuals occupy all the offices at any time: clerk of the district court, county assessor, county clerk, county highway superintendent, county sheriff, county surveyor, county treasurer,

county zoning administrator, election commissioner, register of deeds, and weed control superintendent.

Consolidation of an office is not required if the office is not utilized by the county or if the officeholder serves as county surveyor, county weed control superintendent, county zoning administrator, or county highway superintendent in more than one county.

Currently, a county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor or register of deeds. LB 597 provides that a county with a population of fewer than 25,000 inhabitants may consolidate any of those offices with any of the offices of county highway superintendent, county sheriff, county treasurer, county zoning administrator, election commissioner, or weed control superintendent. The offices of clerk of the district court and county sheriff may not be consolidated with each other.

The holder of a consolidated office will meet the qualifications required by law for each office held. Current law requires a county board to adopt a resolution for the consolidation of offices and then submit the issue to the voters for approval. With LB 597, only a county with more than 25,000 inhabitants is required to submit the issue of consolidation to the voters.

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**LB 605 (Conrad) Provide for voter registration on election day and require identification to vote**

LB 605 allows electors to register to vote and vote on Election Day by presenting proof of identification and residence and completing a registration application. The elector may register and vote at his or her polling place. If the election is conducted by mail, the elector will register to vote and vote at the election commissioner or county clerk's office.

If the elector is registering in Nebraska for the first time and has not previously voted in the state, the elector is required to present a photographic identification or a copy of a utility bill, bank statement, government check, paycheck or other current government document that shows the name and address of the elector as they appear on the application.

If the elector is not registered in his or her county of residence and has previously registered to vote in the state, the elector will present a driver's license, state identification card, passport, military identification, employer's identification or student identification which is current and has a photo or digital image. If the address on the above identification does not match the application, the elector will also need to present a utility bill, check or other government document that is current and shows the name and address of the elector as they appear on the application.

The election commissioner or county clerk will provide each precinct with a list of all physical addresses in the precinct and the corresponding ballot style for each address if there is more than one ballot style in the precinct.

In addition to allowing election day registration, LB 605 provides that no ballot will be handed to any voter in any election until the voter has presented a motor vehicle operator's license, state identification card, passport or other identification with a photograph or digital image issued by the government, or a copy of a utility bill, bank statement, paycheck or other current document showing the name and address of the voter, unless the voter votes a provisional ballot.

If a person votes provisionally, the person has 10 days after the election to present the required identification to the election commissioner or county clerk for the ballot to be counted.

A resident of a nursing home or a voter voting in an election by mail will not be required to present identification prior to being issued a ballot.

Currently, there are identification requirements for persons who register to vote by mail and are voting in Nebraska for the first time. LB 605 requires such voters to provide a required identification document within 10 days of the election if the ballot is not counted. Also, a voter who votes early will provide a government issued photographic identification within 10 days after the election or the ballot will not be accepted for counting.

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**LB 616 (Mello) Require the Department of Administrative Services to submit a report on the privatization of the management of the state's real property**

LB 616 requires the Department of Administrative Services to prepare a report on all real property owned or leased by the state that is managed by DAS, including the potential for the department to enter into a contract with a professional real estate firm to conduct a review of the real property and to create a partnership with a private entity to manage the real property.

Some of the issues to be addressed in the review include identifying: poorly performing property; leases above market value; areas for cost reduction; opportunities for improving efficiency; and real property disposition opportunities.

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**LB 631 (Cook) Provide for a permanent early voting request list**

LB 631 allows a registered voter to request to be included on a permanent list of voters to receive an application to request a ballot for early voting.

Prior to each election, the election commissioner or county clerk will mail to all voters who are eligible for the election and who are included on the permanent early voting

request list, an application to request a ballot for early voting by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If the application is returned undeliverable, the election commissioner or county clerk will take steps to contact the voter to update the voter's address.

The voter will be sent the application to request an early ballot automatically, until the voter asks to be removed, the voter's registration is canceled or the application is returned undeliverable and the election commissioner or county clerk is not able to contact the voter.

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**LB 643 (Lautenbaugh) Provide additional public records that may be withheld**

LB 643 allows records relating to initial accident reports received by law enforcement agencies in the course of reporting and investigating traffic accidents to be withheld from the public by the lawful custodian of the records.

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**LB 654 (Christensen) Provide filing requirements for presidential and vice-presidential candidates and prohibit presidential electors from voting for uncertified candidates**

LB 654 requires that candidates for President and Vice-President provide documentation that they meet the eligibility requirements in the United States Constitution. Such candidates will submit an affidavit to the Secretary of State along with supporting documentation by September 8 of the year of the election.

The affidavit will contain the following statement: I was born a citizen of the United States of America and was subject exclusively to the jurisdiction of the United States of America, owing allegiance to no other country at the time of my birth. On the day I was born, both my birth mother and birth father were citizens of the United States of America.

The bill outlines the various documents and affidavits required to demonstrate the candidate meets the eligibility requirements for President outlined in the US Constitution, including obtaining the age of 35, residing in the United States for 14 years, and being a natural born citizen of the United States.

The Secretary of State will determine and certify the candidates' constitutional eligibility on or before September 17<sup>th</sup>. The Secretary of State will only certify those candidates who have completed the affidavits and provided all required documentation. The bill also provides that a registered voter may appeal the certification determination to the District Court of Lancaster County.

Finally, the bill provides a criminal penalty for any presidential elector casting his or her Electoral College vote for a candidate who is not certified as constitutionally eligible.

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**LB 685 (Schilz) Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees**

LB 685 provides a list of factors the governing body of the county and the visitors committee will consider in determining how to use the proceeds of the County Visitors Promotion Fund and the County Visitors Improvement Fund. The factors include, but are not limited to:

- the type of organization applying for funds
- the scope of the project
- the impact of the project
- the expected duration of the project
- the number of applications received, and
- if a grant is involved, the amount requested.

These factors will also be considered when making grants from the County Visitors Improvement Fund.

The governing body of the county and the visitors committee will also ensure that projects funded under the Nebraska Visitors Development Act will increase attendance at an event, increase stays in hotels, promote a county as a destination, and promote tourism.

The visitors committee in a county with a metropolitan class city will consist of the following seven members: two members from the governing body of the county; two representatives from the metropolitan hospitality association; one representative of a convention and visitors bureau; one representative from the largest tourism attraction; and one representative of a metropolitan entertainment and convention authority.

The bill also changes the membership of visitors committees in other counties by adding members from either a representative of a convention and visitors bureau or a representative of a local chamber of commerce and industry.

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**LB 691 (Brasch) Provide requirements relating to purchasing biobased products by state government**

LB 691 requires the materiel division of the Department of Administrative Services and other state agencies to purchase biobased products in accordance with the biobased product preference program established by the materiel division as required under this bill.

The materiel administrator will adopt a policy of setting minimum biobased content specifications for awarding contracts. The materiel administrator may determine it is not possible for a biobased product to be purchased in accordance with the biobased product preference program if certain conditions exist such as the product not being available or the price being unreasonable.

Under the bill, a vendor is required to certify that the product meets the biobased content requirements for the designated item.

The materiel administrator will adopt rules and regulations that prescribe the procedure used to give preference to biobased products, the biobased product preference program, and other requirements.

The bill also provides that a state institution of higher education will purchase designated items in accordance with the procedures of the institution that are similar to those established by the materiel administrator.

Both the material administrator and the state institutions of higher learning are required to submit a report describing the number and types of biobased products purchased.

**BILL SUMMARIES: BILLS INDEFINITELY POSTPONED**

**LB 89 (Christensen) Change qualifications of the Superintendent of Law Enforcement and Public Safety**

LB 89 provides that after January 1, 2013, the Superintendent of Law Enforcement and Public Safety shall have the following qualifications:

- A bachelor's degree from an accredited college or university;
- At least fifteen years of law enforcement experience;
- At least five years of management experience in law enforcement; and
- A certificate of successful completion of command officer training offered by a nationally recognized program.

Currently, the Superintendent is required to have four years' experience as a law enforcement officer prior to his or her appointment.

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**LB 101 (Schilz) Eliminate daylight savings time**

LB 101 provides that the State of Nebraska elects to reject daylight saving time as permitted by the Uniform Time Act of 1966 and elects to continue in force standard time in the state.

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**LB 139 (Lautenbaugh) Change surplus property sale provisions of the County Purchasing Act**

LB 139 amends the County Purchasing Act to provide that the county board may authorize a county official to sell surplus property, including mobile equipment, that is obsolete or unusable that has a value of less than \$2500. Current law allows a county to sell surplus property that has a value of less than \$500 and it excludes mobile equipment from being sold as surplus property.

The committee amendment replaces the original sections of the bill.

With the amendment, a separate section is created for "mobile equipment." The amendment allows a county official or employee, with the approval of the county board, to sell surplus, obsolete mobile equipment that has a value of less than \$5000. If the value of the surplus mobile equipment is over \$5000, it must be sold through competitive bidding.

The amendment allows a county official or employee, with the approval of the county board, to sell all other types of surplus, obsolete property that has a value of less than \$2500. This is an increase from the current value of \$500.

Finally, the amendment harmonizes the new provisions of this amendment with the current provisions in the County Budget Act regarding the dollar threshold of disposing of surplus property.

*Portions/Provisions of LB 139 were amended into LB 628.*

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**LB 143 (Harr) Require public education institutions to file certain contracts of employment with the Nebraska Accountability and Disclosure Commission**

LB 143 requires each elementary, secondary and postsecondary education institution to file with the Accountability and Disclosure Commission a copy of each contract of employment for the president, vice president, chancellor, superintendent, assistant superintendent, chief executive officer or financial officer, or any other senior administrative personnel.

The contract will include the salary and benefit package provided and will identify each benefit provided, the source of the benefit, and the value of the benefit including private sources such as foundations.

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**LB 150 (Lathrop) Require Internet notice of public meetings by state entities**

LB 150 amends the Open Meetings Act to require **state agencies** to provide notice of their public meetings on the official Nebraska government web site.

This requirement is in addition to the current requirement for all public bodies to “give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes.”

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**LB 171 (Avery) Provide for establishment of fees paid to the Secretary of State**

LB 171 changes fees for services performed by the Secretary of State including notary public, a debt management business, and a truth and deception examiners license. With this bill, the specific amounts charged for these licenses and renewals are eliminated and replaced with language requiring the Secretary of State to establish fees not to exceed the actual cost of administering the services.

The bill has an operative date of March 1, 2012.

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**LB 187 (Council) Change the number of required recall petition signatures**

LB 187 changes the number of signatures required for recall petitions.

With the bill, a recall petition will be required to be signed by registered voters equal in number to at least 30% of the number of registered voters in the political subdivision at the last general election.

Currently, a recall petition must be signed by 35% of the total vote cast for that office in the last general election.

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**LB 188 (Council) Change requirements for recall petition signatures**

LB 188 changes the requirements of who may sign recall petitions. With the bill, signers of a recall petition will be a registered voter who voted at the last election at which the elected official sought to be removed was elected. Signers must also be qualified by their place of residence for the office in question at the time of signing the petition.

The current requirements for signers of recall petitions are that they be registered voters and qualified by place of residence to vote for the office.

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**LB 338 (Howard) Provide preference requirements for state service and personnel property contracts**

LB 338 requires any contract for personal services be given a preference if the services are performed in the United States. This provision does not apply to any contract under medicare.

Similarly, personal property purchased by the state will be given preferences if such property is manufactured in the United States. The materiel division is required to purchase personal property that has been manufactured in the United States unless it falls within an exemption. The exemptions include: property is not manufactured in reasonable quantities in US; price of property manufactured in US exceeds by unreasonable amount the price of property manufactured outside US; the quality of US property is substantially less; it serves the public interest to purchase outside US; the purchase is made in conjunction with telecommunications services or pharmaceutical products.

If a private entity is awarded the contract through the use of the preference and then knowingly performs the services or manufactures the property outside the United States, the private entity is barred from obtaining a state contract for five years, the

contract may be void, and damages of three times the value of the contract may be recovered.

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**LB 419 (Nelson) Change restrictions on certain expenditures under the Nebraska Political Accountability and Disclosure Act**

LB 419 prohibits expenditures by an agent or independent contractor unless the expenditures are made with the consent of the committee.

Similarly, an expenditure will not be made by a person gathering petition signatures on behalf of another unless the expenditure is made with the consent of the ballot question committee.

Current law prohibits such expenditures unless the expenditure is reported by the committee as if the expenditure was made directly by the committee or unless the agent or independent contractor files an agent's expenditure report. LB 419 eliminates the language regarding the requirement to file an agent's report and the language requiring the committee to file a report of the expenditure.

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**LB 501 (Cook) Change ballot status procedures for Presidential and vice-presidential candidates**

LB 501 changes ballot status procedures for Presidential and Vice Presidential candidates based on whether they are candidates of newly established political parties or a nonpartisan status.

For Presidential candidates for newly established political parties, an application must be filed with certain information. For nonpartisan Presidential candidates, an application along with a petition signed by not less than 2500 registered voters is required to be filed with the Secretary of State by August 1. Currently, both newly established political party and partisan candidates must submit a petition.

Also eliminated under LB 501 is the provision that registered voters who voted in the primary election of any political party that held a presidential preference primary are not allowed to sign petitions for any other presidential candidate.

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**LB 610 (Pirsch) Provide procedures for recall of state elective officers**

LB 610 adds state elective officers to the list of officials subject to recall.

State elective office is defined in the bill to include: Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, the

members of the Legislature, and a member of a board or commission with one or more election districts of more than one county.

The Secretary of State will act as filing clerk and will order the recall elections for the state elective officers.

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**RESOLUTION SUMMARIES: RESOLUTIONS ADOPTED**

**LR 141 (Price) Designate the Honor and Remember Flag as the Sate of Nebraska’s emblem of service and sacrifice by members of the United States Armed Forces who have given their lives in the line of duty and urge Congress to pass H.R. 546**

LR 141 provides that the Legislature designates the Honor and Remember Flag as the State of Nebraska’s emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges Congress to pass HR 546.

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**RESOLUTION SUMMRIES: RESOLUTIONS ON GENERAL FILE**

**LR 19CA (Avery) Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment**

LR 19CA amends Article IV, section 5 of the Nebraska constitution to expand when a civil officer will be liable for impeachment.

Currently, this section of the constitution provides that civil offices may be impeached for any misdemeanor in office. LR 19CA adds any misdemeanor related to the election by which such officer was elected to the office.

The committee amendment replaces the original provision of the resolution. With the amendment, the constitution will be amended to provide that a civil officer of this state will be liable to impeachment for any misdemeanor in office or for any misdemeanor in pursuit of such office.

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**RESOLUTION SUMMARIES: RESOLUTIONS HELD IN COMMITTEE**

**LR 2CA (Harms) Constitutional amendment to authorize county manager form of county government**

LR 2CA amends Article IX, section 4 of the Nebraska constitution to allow the Legislature to provide by law for a county manager form of county government in which county officers may be appointed. This form of government will be optional for each county and will occur only after a majority vote.

**LR 123 (Cornett) Endorse the proposition that Taiwan participate in the International Civil Aviation Organization as an observer**

LR 123 provides that the Legislature endorse the proposition that Taiwan participate in the International Civil Aviation Organization as an observer.

The resolution also provides that the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change.

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**RESOLUTION SUMMARIES: RESOLUTIONS INDEFINITELY POSTPONED**

**LR 22 (Fulton) Resolution for an amendment to the United States Constitution providing for repeal of federal law or regulation by vote of two-thirds of state legislatures**

LR 22 provides that the Legislature apply to the United States Congress to call an amendment convention for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

Under LR 22, the Nebraska Delegation to the amendment convention will propose the following amendment:

“Any provision of law or regulation of the United States may be repealed by several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed.”

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**LR 45CA (Pirsch) Constitutional amendment authorizing recall of state elective officers**

LR 45CA adds a new section to Article XVII of the Nebraska constitution allowing for the recall of state elective officers. Any state elective office may be recalled at any time through a procedure provided for by law.

State elective office is defined to include: Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, the members of the Legislature, and a member of a board or commission established by the constitution with one or more election districts of more than one county.

## **LIST OF INTERIM STUDIES (IN ORDER OF PRIORITY)**

- LR 245 Interim study to examine how technology may be used in elections to make the process more efficient and user-friendly for voters
- LR 230 Interim study to examine issues relating to the development and implementation of a biobased product program for government procurement
- LR 224 Interim study to examine issues surrounding the use of energy financing contracts, also known as energy savings performance contracts by state agencies and political subdivisions
- LR 267 Interim study to examine issues relating to regulatory flexibility policies
- LR 244 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
- LR 268 Interim study to examine the potential for privatization of the state of Nebraska's property management system
- LR 307 Interim study to examine the process of decreasing the number of county commissioners
- LR 310 Interim study to examine the intent of LB692, 2011, regarding the reimbursement of expenses by the Department of Administrative Services

# GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE

## INDEX OF BILLS

### ONE HUNDRED SECOND LEGISLATURE FIRST SESSION – 2011

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 14	Wightman, Krist	Change and eliminate fees received by registers of deeds and clerks.	1/19/11	Held in Committee	Held in Committee	
LB 21	McCoy	Change provisions relating to ballots cast by presidential electors.	2/23/11	Held in Committee	Held in Committee	
LB 37	Harms, Mello	Provide requirements for access to information for government audits.	1/20/11	Held in Committee	Held in Committee	
LB 62	Heidemann	Change provisions regarding county officers and prohibit elimination or undue hindrance of a county officer by a county board.	1/20/11	General File with AM245	Approved by Governor on 3/10/11	
LB 89	Christensen	Change qualifications of the Superintendent of Law Enforcement and Public Safety.	1/19/11	Indefinitely Postponed	Indefinitely Postponed	
LB 97	Karpisek	Require Secretary of State to provide uniform guidelines for election workers.	1/21/11	Held in Committee	Held in Committee	
LB 101	Schilz	Eliminate daylight savings time.	1/20/11	Indefinitely Postponed	Indefinitely Postponed	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 116	Avery, Karpisek, Louden, et al	Provide for use of Veterans' Aid Income Fund for the state veteran cemetery system.	1/20/11	Held in Committee	Held in Committee	
LB 117	Avery, Karpisek, Price	Change publication requirements for constitutional amendments and initiative and referendum measures.	1/21/11	Held in Committee	Held in Committee	
LB 122	Harms	Rename an educational telecommunications building.	1/19/11	General File	Approved by Governor on 2/22/11	
LB 139	Lautenbaugh	Change surplus property sale provisions of the County Purchasing Act.	1/26/11	General File with AM292	Indefinitely Postponed	Motion to suspend rules to IPP – prevailed (5/26/11). Prov/portions of LB 139 amended into LB 628 by AM977
LB 142	Lautenbaugh	Change a contribution limitation under the Campaign Finance Limitation Act.	3/16/11	General File with AM934	Approved by Governor on 5/26/11	Sen. Lautenbaugh's priority bill.
LB 143	Haar	Require public education institutions to file certain contracts of employment with the Nebraska Accountability and Disclosure Commission.	2/17/11	Indefinitely Postponed	Indefinitely Postponed	
LB 150	Lathrop	Require Internet notice of public meetings by state entities.	1/26/11	Indefinitely Postponed	Indefinitely Postponed	
LB 161	Karpisek, Avery, Wallman	Change provisions relating to recounting votes.	1/21/11	General File with AM264	Sen. Lautenbaugh motion to bracket until 6/8/11 (MO13) - Prevalled	
LB 168	Avery	Provide for voter registration on the Secretary of State's website.	1/21/11	Held in Committee	Held in Committee	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 169	Avery	Authorize provisional ballots for registered voters changing residence within Nebraska.	2/24/11	Held in Committee	Held in Committee	
LB 171	Avery	Provide the establishment of fees paid to the Secretary of State.	1/27/11	Indefinitely Postponed	Indefinitely Postponed	
LB 172	Avery	Create the Commission on Indian and Multicultural Affairs and eliminate the Commission on Latino-Americans and the Commission on Indian Affairs.	1/27/11	Held in Committee	Held in Committee	
LB 173	Avery	Prohibit natural resources district board members from running for or holding more than one office.	2/2/11	Held in Committee	Held in Committee	
LB 175	Avery	Provide for transfers from the Campaign Finance Limitation Cash Fund.	3/16/11	General File w/ithAM887	General File with AM887	
LB 176	Avery	Authorize the Nebraska Accountability and Disclosure Commission to order violators to pay hearing costs.	2/17/11	General File with AM622	Approved by Governor on 5/16/11	Government Committee priority bill
LB 186	Sullivan	Require nonpartisan ballots for county officers.	2/16/11	Held in Committee	Held in Committee	
LB 187	Council	Change the number of required recall petition signatures.	1/28/11	Indefinitely Postponed	Indefinitely Postponed	
LB 188	Council	Change requirements for recall petition signatures.	1/28/11	Indefinitely Postponed	Indefinitely Postponed	
LB 198	Mello	Change provisions relating to the purchase or lease of state-owned passenger cars.	2/9/11	Held in Committee	Held in Committee	
LB 214	Pankonin	Require nonpartisan election of county and city officials.	2/16/11	Held in Committee	Held in Committee	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 218	Karpisek	Change provisions relating to personnel exempt from the State Personnel System.	1/27/11	General File	Approved by Governor on 4/14/11	
LB 224	Avery	Change provisions relating to recall of certain political subdivision officials.	1/28/11	Held in Committee	Held in Committee	
LB 228	Mello, Dubas, Haar	Provide for energy audits under the Deferred Building Renewal Act.	1/28/11	General File	Approved by Governor on 3/16/11	
LB 230	Sullivan, Campbell, Hansen, et al	Change access to public records.	1/26/11	General File with AM365	Approved by Governor on 4/14/11	Sen. Schumacher's priority bill
LB 234	Fischer	Change provisions relating to county office and service facilities of the Department of Health and Human Services.	2/3/11	General File with AM740	Approved by Governor on 5/17/11	
LB 239	Janssen	Require presentation of government-issued photographic identification to vote in elections.	2/24/11	General File with AM727	General File with AM727	
LB 254	Campbell	Provide and change requirements for instruments recorded by the register of deeds.	2/3/11	General File with AM240	Approved by Governor on 5/17/11	
LB 266	Sullivan, Brasch, McCoy	Change the Open Meetings Act relating to closed sessions.	1/26/11	Held in Committee	Held in Committee	
LB 277	Coash	Change the Nebraska Visitors Development Act to provide for the advice of a visitors committee to a county board.	3/9/11	General File	Approved by Governor on 5/17/11	
LB 278	Coash	Authorize payment to county officers and employees by electronic funds transfer.	2/3/11	General File	Approved by Governor on 3/16/11	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 285	Krist	Change provisions relating to veterans homes and veterans aid.	<b>No hearing. Bill was with-drawn</b>		<b>Bill was with-drawn on 1/25/11</b>	
LB 292	Avery	Eliminate per diems for members of the Nebraska Accountability and Disclosure Commission.	3/16/11	General File	Approved by Governor on 5/17/11	
LB 312	Coash, Avery, Fulton, et al	Adopt the Brain Injury Act to provide ongoing support for veterans with brain injury.	3/2/11	Held in Committee	Held in Committee	
LB 337	Fulton, Avery	Change timeframes for audits by the Auditor of Public Accounts.	2/10/11	General File with AM275	Approved by Governor on 4/26/11	Speaker priority bill
LB 338	Howard, Conrad, Cook, et al	Provide preference requirements for state service and personal property contracts.	2/9/11	Indefinitely Postponed	Indefinitely Postponed	
LB 343	Brasch	Change land surveyor registration requirements.	2/9/11	General File	General File	
LB 344	Ashford	Change provisions relating to municipal counties and merger of governmental services.	2/25/11	General File with AM1577	General File with AM1577	
LB 352	Lautenbaugh	Provide airport hazard area dimensions under the Airport Zoning Act.	2/11/11	General File with AM631	General File with AM631	
LB 365	Sullivan	Change access provisions for voter information and voter registration registers.	2/24/11	Held in Committee	Held in Committee	
LB 367	McCoy, Avery	Change balloting and vacancy provisions for presidential electors.	2/23/11	Held in Committee	Held in Committee	
LB 368	Brasch, Bloomfield	Change nomination provisions for partisan offices.	2/2/11	General File	Approved by Governor on 3/16/11	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 399	Avery	Change the number of signatures needed for nomination petitions.	2/2/11	General File	Approved by Governor on 3/16/11	
LB 412	Karpisek	Change provisions regarding contributions and expenditures under the Nebraska Political Accountability and Disclosure Act.	2/17/11	Held in Committee	Held in Committee	
LB 419	Nelson	Change restrictions on certain expenditures under the Nebraska Political Accountability and Disclosure Act.	2/17/11	Indefinitely Postponed	Indefinitely Postponed	
LB 425	Lautenbaugh	Change provisions relating to real estate tracts and the designation of industrial areas.	2/10/11	Held in Committee	Held in Committee	
LB 443	Avery	Increase certain fees assessed by the State Fire Marshal.	2/10/11	Held in Committee	Held in Committee	
LB 444	Avery	Provide methods for notice under the Open Meetings Act.	1/26/11	Held in Committee	Held in Committee	
LB 449	Nelson, Lautenbaugh	Change the Election Act.	2/16/11	General File with AM867	Approved by Governor on 5/11/11	Speaker priority bill
LB 480	Krist	Provide for agreements relating to public building commissions.	2/9/11	General File	Approved by Governor on 5/18/11	
LB 499	Price	Change provisions relating to filing for office, registering to vote, and voting under the Election Act.	2/2/11	General File with AM404	Approved by Governor on 4/26/11	Government Committee priority bill
LB 501	Cook	Change ballot status procedures for Presidential and vice-presidential candidates.	2/23/11	Indefinitely Postponed	Indefinitely Postponed	
LB 503	Pirsch	Change provisions for filling a vacancy on a ballot.	2/16/11	General File	General File	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 523	Pahls	Require identification for petition circulators.	3/9/11	Held in Committee	Held in Committee	
LB 550	Wightman	Clarify incumbent filing deadline provisions.	3/4/11	General File	Approved by Governor on 5/18/11	
LB 556	Dubas	Change the boundaries of Hamilton County and Merrick County	2/3/11	General File	Approved by Governor on 3/16/11	
LB 566	Schumacher	Provide for online petition signatures for recall, initiative and referendum petitions.	3/2/11	Held in Committee	Held in Committee	
LB 568	Schumacher	Provide duties for the State Treasurer relating to state employee benefits.	3/16/11	Held in Committee	Held in Committee	
LB 577	Wightman, Carlson	Provide an application fee for a structure building permit issued by the Dept. of Aeronautics.	2/10/11	Held in Committee	Held in Committee	
LB 583	Haar	Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.	2/23/11	Held in Committee	Held in Committee	
LB 597	Pahls	Require consolidation of county offices.	2/25/11	Held in Committee	Held in Committee	
LB 605	Conrad	Provide for voter registration on election day and require identification to vote.	2/24/11	Held in Committee	Held in Committee	
LB 606	Avery, Lathrop	Require reporting of electioneering communication under the Nebraska Political Accountability and Disclosure Act.	3/2/11	General File	Failed to advance to Enrollment and Review for Eng.	Sen. Avery priority bill
LB 610	Pirsch	Provide procedures for recall of state elective officers.	3/4/11	Indefinitely Postponed	Indefinitely Postponed	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 616	Mello	Require the Dept. of Administrative Services to submit a report on the privatization of the management of the state's real property.	2/11/11	Held in Committee	Held in Committee	
LB 628	Cook	Change provisions relating to sale and permit donation of certain personal property of political subdivisions.	2/11/11	General File	Approved by Governor on 5/24/11	Speaker priority bill. Prov/portions of LB 139 amended into LB 628 by AM977
LB 631	Cook	Provide for a permanent early voting request list.	2/24/11	Held in Committee	Held in Committee	
LB 638	Karpisek	Provide restrictions relating to sale of county records for commercial purposes.	<b>No hearing. Bill was withdrawn</b>		<b>Bill was withdrawn on 2/9/11</b>	
LB 643	Lautenbaugh	Provide additional public records that may be withheld.	3/10/11	Held in Committee	Held in Committee	
LB 654	Christensen	Provide filing requirements for presidential and vice-presidential candidates and prohibit presidential electors from voting for uncertified candidates.	3/10/11	Held in Committee	Held in Committee	
LB 685	Schilz	Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees.	3/9/11	Held in Committee	Held in Committee	
LB 691	Brasch, Bloomfield, Carlson, et al	Provide requirements relating to purchasing biobased products by state government.	2/11/11	Held in Committee	Held in Committee	
LB 692	Schilz	Change reimbursement requirements for the Department of Administrative Services.	<b>No hearing. Bill was withdrawn</b>		<b>Bill was withdrawn on 2/10/11</b>	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LR 2CA	Harms	Constitutional amendment to authorize county manager form of county government.	2/25/11	Held in Committee	Held in Committee	
LR 19CA	Avery	Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment.	3/4/11	General File with AM866	General File with AM866	
LR 22	Fulton	Resolution for an amendment to the United States Constitution providing for repeal of federal law or regulation by vote of two-thirds of state legislatures.	3/10/11	Indefinitely Postponed	Indefinitely Postponed	
LR 45CA	Pirsch	Constitutional amendment authorizing recall of state elective officers.	3/4/11	Indefinitely Postponed	Indefinitely Postponed	
LR 123	Cornett, Campbell, Coash, et al	Endorse the proposition that Taiwan participate in the International Civil Aviation Organization as an observer.	4/5/11	Held in Committee	Held in Committee	
LR 141	Price, Avery, Bloomfield, et al	Designate the Honor and Remember Flag as the State of Nebraska's emblem of service and sacrifice by members of the United States Armed Forces who have given their lives in the line of duty and urge Congress to pass H.R. 546.	4/5/11	Reported to the Legislature for further consideration	Adopted. President/Speaker signed on 5/25/11	
Governor Appointment	Keith Hansen (Reappointment)	State Emergency Response Commission	2/11/11	Reported to Legislature for confirmation.	Legislature Approved (3-10-11)	
Governor Appointment	Tim Hofbauer (Reappointment)	State Emergency Response Commission	2/11/11	Reported to Legislature for confirmation.	Legislature Approved (3-10-11)	

<b>LB/LR</b>	<b>Introducers</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
Governor Appointment	Dana Miller (Reappointment) (By phone)	State Emergency Response Commission	Rescheduled to 2/17/11 Cancel date 2/2/11	Reported to Legislature for confirmation.	Legislature Approved (3-10-11)	
Governor Appointment	Lt. Colonel David Sankey (Replaced Col. Bryan Tuma)	Nebraska State Patrol	3/17/11	Reported to Legislature for confirmation.	Legislature Approved (3-28-11)	
Secretary of State Appointment	Timothy Schulz (New appt.)	Nebraska Accountability and Disclosure Commission	5/17/11	Reported to Legislature for confirmation.	Legislature Approved (5-19-11)	
Governor Appointment	Samuel Seever (Reappointment)	State Personnel Board	1/26/11	Reported to Legislature for confirmation.	Legislature Approved (1-31-11)	
Governor Appointment	Brian Tessman (Reappointment)	State Personnel Board	2/11/11	Reported to Legislature for confirmation	Legislature Approved (3-10-11)	
Governor Appointment	Roger Bradford (Brad) von Gillern (Replaced Steve McCollister)	Nebraska Accountability and Disclosure Commission	2/3/11	Reported to Legislature for confirmation.	Legislature Approved (2-11-11)	