

GOVERNMENT, MILITARY & VETERANS AFFAIRS
COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2008 LEGISLATION

One Hundredth Legislature
Second Session

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

Christy Abraham, Legal Counsel
Sherry Shaffer, Committee Clerk

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

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

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

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

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

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

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

LB 268 (McGill) Change election provisions for county board members

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

The bill also outlines the procedure from changing from nominating by district and electing by large to nominating and electing by district. Finally, the bill provides when county district boundary lines may be altered.

The committee amendment provides that the provisions of the bill will not go into effect until the 2010 election.

LB 269 (Burling) Change provisions relating to county organization and formation of county libraries

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

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

Portions/Provisions of LB 348 were amended into LB 269

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

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

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

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

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

serve a two year term. Two commissioners will be elected for four-year terms from the newly established districts at the next general election.

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

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

LB 312 changes several provisions relating to recall elections.

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

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

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

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

**BILL SUMMARIES: 2007 BILLS PASSED IN 2008 NOTWITHSTANDING THE OBJECTIONS
OF THE GOVERNOR**

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

LB 39 makes several changes to petition circulation.

The first change requires circulators of initiative, referendum and recall petitions to be “electors.” Elector is defined both in the Nebraska Constitution and state statute. As defined, an elector is a citizen of the United States who resides within the state and who is at least eighteen years of age or will be eighteen years of age on or before the general election.

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

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

The committee amendment harmonizes provisions by replacing the phrase “entity or individual” with “person.”

The committee amendment also removed the requirement that petition circulators be electors, but the bill was amended on the floor to reinstate those requirements.

BILL SUMMARIES: 2007 BILLS ON SELECT FILE IN 2008

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

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

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

The bill failed to advance from Select File.

BILL SUMMARIES: 2007 BILLS ON GENERAL FILE IN 2008

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

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

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

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

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

The bill failed to advance from General File.

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

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

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

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

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

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

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

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

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

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

The committee amendment makes several changes to the bill.

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

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

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

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

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

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

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

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

Portions/Provisions of LB 7, which was indefinitely postponed in 2007, were amended into LB 391.

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

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

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

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

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

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

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

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

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

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

The bill becomes operative on January 1, 2008.

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

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

The bill failed to advance from General File.

BILL SUMMARIES: 2007 BILLS HELD IN COMMITTEE IN 2008

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

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

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

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

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

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

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

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

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

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

regulations

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

LB 18 (Mines) Change recall provisions

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

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

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

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

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

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

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

LB 187 (Mines) Prohibit certain interlocal agreements

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

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

1. a school district and a public power district for the purpose of contracting for utilities for use by the school district; or
 2. a school district and an educational service unit for the purpose of contracting for the services of full-time or part-time employees for use by the school district.
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LB 300 (Howard) Create the State Work Incentive Program

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

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

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

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

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

LB 310 (Aguilar) Change provisions relating to early voting

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

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

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

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

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

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

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

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

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

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

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

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

LB 392 (Mines) Change provisions relating to municipal counties

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

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

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

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

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

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

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

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

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

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

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

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

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

If a candidate for a partisan office declines nomination, the filing officer will notify the persons whose names are attached to the nomination if the candidate

was nominated by a political party convention. If the candidate was nominated by the primary, the chair or secretary of the political party will be notified. If it is a county office and there is no organized county political party, the filing officer will notify the state political party. The declination will create a vacancy on the ballot.

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

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

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

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

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

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

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

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

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

political parties

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

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

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

Several sections regarding the presidential primary system are outright repealed.

LB 528 (Aguilar) Change provisions relating to elections

LB 528 makes several changes to the Election Act.

The first change eliminates counting boards. Counting boards were appointed for a precinct when paper ballots were manually counted. Since no county manually counts ballots anymore because of the new voting equipment, these counting boards are no longer necessary.

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

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

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

Portions/Provisions of LB 528 were amended into LB 646 which was enacted in 2007.

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

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

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

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

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

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

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

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

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

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

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

BILL SUMMARIES: 2007 LEGISLATIVE RESOLUTIONS ON GENERAL FILE

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

LR 8CA changes the signature requirements for initiative petitions.

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

LR 8CA failed to advance from General File.

BILL SUMMARIES: 2007 LEGISLATIVE RESOLUTIONS REPORTED FOR FURTHER CONSIDERATION

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

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

BILL SUMMARIES: 2008 BILLS ENACTED

LB 720 (Schimek) Change requirement regarding prerecorded messages

LB 720 provides requirements for pre-recorded messages or “robocalls.”

Amending the Nebraska Political Accountability and Disclosure Act, the bill requires that any person making expenditure to disseminate a prerecorded telecommunication message relating to a candidate or ballot question will include, immediately preceding the message, the name of the person making the expenditure. Also, such messages will only be disseminated between the hours of 8:00 a.m. and 9:00 p.m. at the location of the person receiving the message.

The bill places similar requirements on persons using an automatic dialing-announcing device under the Automatic Dialing-Announcing Devices Act.

Also, the bill provides that any person contracting with a third party to connect or operate an automatic dialing-announcing device will be jointly and severally liable with the third party for any violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted under the act. A person contracting with a third party to connect or operate such a device is also required to file the script to be used with the Public Service Commission.

The committee amendment further clarifies the use of pre-recorded messages under the Automatic Dialing-Announcing Devices Act (ADAD Act).

The committee amendment requires that telephone messages, other than telephone solicitations, transmitted by an automatic dialing-announcing device will:

1. at the beginning of the message, clearly state the identity of the person on whose behalf the message is transmitted;
2. during or after the message, state clearly the telephone number or address of the person operating the device; and
3. only transmit messages between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

Also, a person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations, will file with the Public Service Commission the message to be used within 24 hours of the message being transmitted.

The above requirements do not apply to telephone messages, other than telephone solicitations, used by: a) schools transmitting messages to any of its students, parents, or employees b) persons transmitting messages with whom the person placing the call or the person on whose behalf the message is being transmitted has an established

business or personal relationship or c) employers transmitting messages advising any of its employees of work schedules.

“Telephone solicitation” is defined under the ADAD Act as a telephone call or message using an automatic dialing-announcing device for the purpose of encouraging the purchase or rental of property, goods or services.

The bill was further amended on the floor of the legislature to exempt political subdivisions from the requirements of the bill. Also, the operative date of the bill was changed to January 1, 2009.

LB 744 (Aguilar) Permit leasing of state property to the federal government or political subdivisions

LB 744 authorizes the Department of Administrative Services, using the current system of charges, to lease state property to the federal government or political subdivisions of the state.

LB 745 (Aguilar) Change exemption provisions relating to the State Personnel System

LB 745 exempts from the State Personnel System the chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department. All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the department are also exempted.

LB 746 (Aguilar) Change provisions relating to tuition credits for National Guard members

Currently, a member of the Nebraska National Guard is allowed to receive a tuition credit of 75% of resident tuition charges for a period of 10 years from the date of the member’s initial membership so long as the member complies with certain requirements.

LB 746 provides that if a member is unable to complete his or her course of study within the ten-year period due to deployment of not less than 180 days on federal or state active-duty status, the Adjutant General may extend the entitlement period equal to the period of the person’s active-duty status, not to exceed a maximum of five years.

The committee amendment changes the required deployment period from not less than 180 days to not less than 120 days to accommodate certain Guard members who are deployed for shorter time periods.

LB 747 (Aguilar) Change provisions relating to energy financing contracts

LB 747 allows energy financing contract payments to be made for a period not to exceed 30 years after the date of installation of the energy conservation measures. The current contract period is 15 years.

LB 750 (Aguilar) Designate the Secretary of State’s Office as a voter registration agency

LB 750 designates the Secretary of State’s office as a voter registration agency in order to comply with the federal National Voter Registration Act.

As a designated agency, the Secretary of State will accept completed voter registration applications and deliver them to the appropriate election commissioner or county clerk not later than ten days after receipt. If the application is returned to the office within five days prior to the third Friday preceding any election, it will be delivered not later than five days after the date it is returned. The deadline for returning a completed application to the office of the Secretary of State is the close of business on the third Friday preceding an election in order to be registered to vote in the election.

LB 752 (Flood) Change membership provisions of the Nebraska Capitol Commission

LB 752 allows the Governor to designate the Lieutenant Governor as his or her representative on the Nebraska Capitol Commission. Also, the Speaker of the Legislature may designate the chair of the Executive Board or the Clerk of the Legislature as his or her representative. The representatives will have full voting privileges for the meetings they attend.

LB 822 (Legislative Performance Audit Committee) Change provisions relating to performance audits

LB 822 adds language to allow the Legislative Auditor to request a performance audit.

The bill also updates the references to the government auditing standards for both the Legislative Performance Audit Section and the Auditor of Public Accounts. Also, the bill changes the references to the “General Accounting Office” to the “Government

Accountability Office.” This office changed its name in 2004 and these provisions update that change.

LB 838 (Karpisek) Change procedures relating to elections

LB 838 eliminates the secrecy ballot for special elections by mail. With the bill, special elections by mail will follow the same procedure as used for early voting ballots in other elections. When there is a special election by mail, the voter will mark the ballot, seal it in an identification envelope, sign the identification envelope, and comply with any other instructions provided with the ballot.

The bill also outlines what is included in the voter’s oath, which is printed on the back of the identification envelope.

The bill becomes operative on January 1, 2009.

LB 856 (Lautenbaugh) Provide for special congressional elections in case of multiple vacancies

LB 856 provides for special congressional elections when there are more than 100 vacancies in the House of Representatives. When such extraordinary circumstances exist, the Speaker of the United States House of Representatives will make an announcement requiring special elections. If there is a vacancy in the office of Representatives in Congress representing Nebraska, the Governor will issue a writ of election. The writ will specify that the date of the special election will be held within 49 days after the Speaker’s announcement.

Each political party which polled at least 5% of the vote in the district in which the vacancy occurs may select a candidate. Such candidate will have his or her name placed on the ballot with the appropriate political party designation. The certificate and filing fee will be submitted within seven days after notification by the Secretary of State.

For residents of Nebraska who live overseas, a ballot will be transmitted to such voters within 15 days after the Speaker’s announcement and will be accepted if received by the election commissioner or county clerk within 45 days after transmission to the voter.

The candidate who receives the most votes will serve for the remainder of the vacated term.

LB 857 (Lautenbaugh) Change certification provisions for candidates for President and Vice-President

LB 857 changes the deadline for national political party conventions to certify their candidates for President and Vice-President to the Secretary of State. The current deadline is 60 days prior to the general election. LB 857 changes the deadline to no later than September 8.

LB 889 (Flood) Provide construction alternatives for political subdivisions

LB 889 amends the Nebraska Schools Construction Alternatives Act to allow political subdivisions to enter into design-build or construction management at risk contracts for public building projects. Also, the name of the act is changed to the Political Subdivisions Construction Alternatives Act.

Political subdivisions are defined as municipalities, counties, school districts, community colleges, state colleges, public power districts, or natural resources district and any other unit of government created by the state, including any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

The bill outright repeals section 79-2014 which limited the number of contracts executed under this Act to 24.

The committee amendment makes several changes to the bill.

The amendment narrows which political subdivisions are authorized to use the act to counties, cities, villages, school districts, community colleges and state colleges.

The amendment also prohibits political subdivisions from using design-build or construction management at risk contracts for road, street, highway, water, wastewater, utility, or sewer construction projects except that a city of the metropolitan class may use such contracts for the purpose of complying with state or federal requirements to control or minimize overflows from combined sewers.

Finally, the amendment requires at least a two-thirds affirmative vote of a governing body of a political subdivision to adopt a resolution selecting the design-build or construction management at risk contract delivery system. The current act requires an affirmative vote of at least seventy five percent.

LB 904 (Lautenbaugh) Change provisions relating to application for veterans aid

LB 904 eliminates the word “eligible” from the statute which has been interpreted to mean that only next of kin who are also veterans can apply for payment of expenses of last illness and burial for a veteran.

The bill also allows a county veterans service officer to apply for these payments. Currently, when there is no next of kin, only a recognized veterans' organization is authorized to make such an application.

LB 962 (Preister) Change public body meeting provisions of the Open Meetings Act

LB 962 prohibits a public body from requiring members of the public be placed on the agenda prior to a meeting in order to speak to the body regarding items on the agenda.

LB 1067 (Aguilar) Change provisions allocating election costs to political subdivisions

LB 1067 changes provisions regarding reimbursements by political subdivisions for the costs of conducting their elections.

Currently, the reimbursement is based on a system that prorates costs based on the amount of ballot spaced used. LB 1067 would establish the minimum amount billed at \$50.

The bill also amends an alternative "set fee" billing process for public power districts, so that the minimum fee paid to counties for election expenses will be \$50. Under the bill, the amount a public power district will pay to counties with a population of less than 3000 inhabitants is raised from \$75 to \$100. In current law, when the candidates of the public power district appear on ballots in less than one-half of the precincts in a county, the cost to the district is reduced fifty percent. By raising the fee to \$100, counties are ensured the minimum fee of \$50.

BILL SUMMARIES: 2008 BILLS ON GENERAL FILE

LB 721 (Schimek) Change Capitol Landscape Restoration Master Plan provisions

LB 721 provides that the implementation of the Capitol Landscape Restoration Master Plan may begin as soon as practicable during the capitol renovation, and at least 70% of the landscaping design will be completed by completion of the Capitol Masonry Restoration Project.

The Department of Administrative Services may contract for the technical specifications and fabrication of the courtyard fountains. The Nebraska Capitol Commission will consult the original design specification of the fountains during the planning and construction phase.

The committee amendment strikes the original provisions of LB 721 and becomes the bill.

With the committee amendment, the Office of the Nebraska Capitol Commission will secure services to design and install fountains within each of the four courtyards of the State Capitol. The fountains will be consistent with the recommendations contained in the Capitol Landscape Restoration Master Plan. Installation of the fountains will be completed not later than June 30, 2011.

The bill failed to advance from General File.

LB 761 (Avery) Create the BRAC Task Force to examine issues relating to the military base realignment and closure process

LB 761 creates the BRAC Task Force. Its members will include:

- a. The Adjutant General or his or her designee;
- b. The Presidents of the Lincoln and Bellevue Chambers of Commerce or their designees;
- c. The President of the Nebraska Chamber of Commerce and Industry or his or her designee;
- d. The Commander of the Offut Air Force Base or his or her designee;
- e. The chair of the board of the Lincoln Airport Authority or his or her designee;
- f. Two at large members appointed by the Governor; and
- g. Two state senators appointed by the Executive Board.

The task force will, among other things, review the history of base realignment and closure process; identify the military installations and missions in Nebraska most vulnerable to and most likely to benefit from, the base realignment and closure process; and to make recommendations as to what actions should be taken to protect the military installations and missions in Nebraska.

The task force, with the assistance of the Government, Military and Veterans Affairs Committee, will submit a final report to the Governor and the Legislature by December 1, 2008.

The committee amendment makes several changes to the bill.

With the amendment, the Commander of the Offutt Air Force Base is eliminated as a member. The President of the Greater Omaha Chamber of Commerce is added as a member. Also, one of the senators appointed to the Task Force will be the chair of the Government, Military and Veterans Affairs Committee.

The committee amendment specifies that the Legislative Council will reimburse the task force members for their expenses.

Finally, the sunset date of the Task Force is changed from December 1, 2008 to December 1, 2013. After the report is issued in 2008, the amendment allows the Task Force to meet at the call of the chair until 2013.

LB 763 (Avery) Create the Nebraska State Capitol Environs District Revitalization Task Force

LB 763 creates the Nebraska State Capitol Environs District Revitalization Task Force. The members of the task force include:

- The mayor of the city of Lincoln;
- A member of the Nebraska State Capitol Environs Commission;
- A member of the Nebraska Capitol Commission;
- A representative of an economic development association for the downtown area of Lincoln;
- A representative of the State Board of Landscape Architects;
- A representative of the Nebraska State Historical Society;
- Two at-large members; and
- Two state senators appointed by the Executive Board.

The Governor will appoint members of the task force, other than the two state senators. The Nebraska State Capitol Environs Commission will provide administrative and technical support for the task force and will produce the reports.

The duties of the task force include: reviewing the history of north mall (Centennial Mall) area, reviewing the environs of other state capitol buildings, and considering possible design options and funding strategies. The task force will submit a final report by December 1, 2008 to the Governor and the Legislature.

The committee amendment specifies that the Office of the Capitol Commission will reimburse the task force members for their expenses.

The bill failed to advance from General File.

LB 858 (Engel) Change applicability provisions regarding recall petitions

With LB 858, officials elected at an annual meeting of a political subdivision are no longer subject to recall elections. Examples of political subdivisions which elect officials at annual meetings include: irrigation districts, cemetery districts, rural and suburban fire protection districts, and county agricultural societies.

LB 878 (Engel) Change provisions relating to recall elections

With LB 878, the reasons for which a recall may be sought are limited to malfeasance in office, misfeasance in office, and nonfeasance in office. These terms are defined in the bill. Currently, recall efforts do not need to be based on specific reason.

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

Under current law, the individual sought to be recalled is notified that an affidavit has been filed by the principal circulator seeking his or her removal from office. The individual is then given the opportunity to file, within 20 days, a defense statement. With LB 878, the individual may decide, instead of filing a defense statement, to file suit in the district court to challenge the sufficiency of the allegations in the statement filed by the principal circulator or circulators. The court will presume the allegations are true and construe them in the light most favorable to the principal circulator or circulators. The court will determine, without hearing or cost, whether the allegations in the statement establish the existence of malfeasance, misfeasance, or nonfeasance in office. The court will notify the clerk and all parties within five days after the decision.

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

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

LB 878 requires the petition papers to state the estimated cost of the recall election.

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.

With the committee amendment, the list of reasons an elected official may be recalled is expanded to include a conviction of a crime involving an act of dishonesty or a false statement.

The amendment also removes language requiring that a statement of the estimated cost of the recall election be printed on the petition papers.

LB 884 (Gay) Change provisions relating to the Director of Personnel and employee health benefits

LB 884 provides that the state will continue to contribute 79% of the total cost of the health care plan chosen by a state employee if the employee enrolls and participates in a wellness program offered by the state.

The bill also allows the Director of Personnel to enter into agreements with public and private entities and provide facilities at state or private cost as required.

The committee amendment adds three provisions to the bill.

First, the amendment specifies that the state's contribution for the employee's chosen health insurance plan will not be less than 69% of the total cost for the plan if the employee does not enroll and participate in a wellness program.

Secondly, any wellness program offered will contain alternatives to allow participation by persons with disabilities. If no alternative is allowed, the Department of Administrative Services will provide a waiver procedure.

Finally, the Wellness Program Design Advisory Group is created. The group will provide advice to the Department of Administrative Services regarding the design of a wellness program. The members, appointed by the Governor, will include: the chief medical officer; the Director of Administrative Services; an employee representative from a code agency; an employee representative from a noncode agency; and a representative from the private sector with experience in wellness or health benefits. The Advisory Group will be appointed by August 1, 2008 and will terminate on December 31, 2009.

BILL SUMMARIES: 2008 BILLS HELD IN COMMITTEE

LB 739 (Fulton) Provide for the waiver of a fine or penalty for an information collection requirement for small businesses

LB 739 prohibits a state agency or political subdivision from imposing a fine or penalty on a small business for an initial violation of such agency's or political subdivision's information collection requirements unless:

- a. the failure to impose such fine or penalty would interfere with the investigation into criminal activity;
- b. the violation infringes upon a provision of the Internal Revenue Code or the collection of any tax, debt, revenue, or receipt; or
- c. the violation was corrected within six months.

These provisions do not apply when the small business has previously violated an information collection requirement.

LB 748 (Rogert) Adopt the Interior Designers Certification Act

LB 748 creates the Interior Designers Certification Act.

Under the act, the Board of Interior Designers (board) is created. The duties of the board include: administering and enforcing the act; adopting a code of ethics; establishing requirements for the examination, education and training of applicants; adopting rules and regulations; establishing fees; and establishing standards for continuing education.

In order for an applicant to receive certification which entitles him or her to use the title of "certified interior designer," the applicant must satisfy the following requirements:

1. successfully passing the National Council for Interior Design Qualification examination or its equivalent;
2. completing four years of design education in interior design from a Council for Interior Design Accreditation accredited program or a substantially equivalent program;
3. completing a minimum of two years of full-time work experience;
4. signing a copy of the code of ethics adopted by the board; and
5. submitting the certification fee, which will not be less than \$100 nor more than \$300.

The certificate is valid for one year. When applying for renewal of certification, the certified interior designer will submit proof of completing the continuing education requirements.

The board will grant certification to an architect licensed under the Engineers and Architects Regulation Act.

The bill outlines the procedure for the board to grant certification by reciprocity and when the board may revoke, suspend or refuse to issue a certificate.

Beginning on the operative date of this act (January 1, 2009) through December 31, 2011, the board may issue an interior design certificate to a person who does not meet the requirements to receive a certificate under certain situations.

Fees received under this act will be remitted to the Interior Designers Certification Cash Fund. The fund will be used to defray the cost of administering the act.

LB 776 (Wightman) Change fees received by registers of deeds

LB 776 changes fees received by 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 776, the fee will be increased to ten dollars for the first page and six dollars for each additional page. That fee will include the register of deeds entering up to five indexes in the numerical index. For more than five, the register of deeds will receive fifty cents for each lot or section.

Additionally, the bill changes the fees received by registers of deeds for recording certificates in cases of foreclosure of mortgages; for filing and indexing a notice of lien under the Uniform Lien Registration Act; and for filing, releasing, continuing or subordinating a tax lien under the Uniform State Tax Lien Registration and Enforcement Act.

LB 803 (Aguilar) Provide for election-day voter registration for statewide general elections

LB 803 allows voters to register to vote and vote at a statewide general election at his or her polling place. Such voters are required to vote by provisional ballot. The voter will certify to the following facts: the voter is a resident but not a registered voter of the county; the voter is registering to vote on election day for the first time since taking up residency in the county; the voter's current address is shown on the registration application; and the voter is eligible to vote and has not voted and will not vote except by this ballot.

The voter will sign the certification under penalty of election falsification. The bill also outlines when a provisional ballot cast by such a voter will or will not be counted.

If the statewide general election is conducted by mail, the elector will register to vote and vote at the election commissioner or county clerk's office.

The county clerk or election commissioner will, upon determining that credible evidence exists that a person is eligible to register and vote on election day, make the appropriate entries in the voter registration register to create a voter registration record for such person.

LB 817 (Avery) Require certain constitutional officers to devote their full time to their offices

LB 817 provides that the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and the Attorney General will devote his or her full time to the duties of his or her office and will not engage in other employment for financial compensation during his or her term of office.

Additionally, these officials will place all financial investments and ownership interests in an entity in which they have no decision-making authority or responsibility for their term of office.

LB 824 (Schimek) Provide a gender balance requirement for state boards, commissions, committees and councils

Under LB 824, all appointive boards, commissions, committees, and councils will be gender balanced except as otherwise provided by law.

No individual will be appointed or reappointed to a board if such appointment or reappointment would cause the number of members of one gender to be greater than one-half plus one. If the board has an even number of members, not more than one-half will be of one gender.

This section does not prohibit an individual from completing a term being served on the effective date of this act.

LB 869 (Nantkes) Require disclosures relating to contracts for services with the state

LB 869 requires prospective vendors to disclose, prior to contracting, where services will be performed under the contract, including any subcontracts. If the prospective vendor anticipates that services will be performed outside the United States or the

state, the vendor will provide a statement setting forth why it is necessary or advantageous to go outside the United States or the state to perform the contract.

LB 871 (Avery) Rename the Commission on Mexican-Americans

LB 871 changes the name of the Commission on Mexican-Americans to the Commission on Hispanic-Americans.

Any money remaining in the Commission on Mexican-Americans Cash Fund on the effective date of this act will be transferred to the Commission on Hispanic-Americans Cash Fund, which is created.

LB 921 (Dubas) Adopt the Nebraska Energy Independence Act

LB 921 creates the Nebraska Office of Energy Independence (office). The office will have similar duties as the State Energy Office, which is eliminated in the bill.

The Nebraska Energy Council (council) is created and will oversee the Nebraska Office of Energy Independence. The purpose of the council is to bring together government entities related to energy policy to meet the goals of advancing energy efficiency in Nebraska. The bill outlines the members of the committee which include: one non-voting member of the legislature; the Director of Natural Resources; the Director of Economic Development; the Director of Agriculture; the executive director of the Nebraska Ethanol Board and others.

The bill also outlines the powers and duties of the council, which include:

1. reviewing the federal Energy Independence and Security Act of 2007 and making recommendations for the development of standards consistent with such act;
2. evaluating the organizational structure of the office and making recommendations regarding any necessary reorganization;
3. hiring the director of the office;
4. overseeing the activities of the office;
5. approving the office's annual report and submitting it to the Clerk of the Legislature and the Governor;
6. acting as a forum for discussing energy efficiency and renewable energy; and
7. sharing ideas for best practices on environmental and energy issues in government.

LB 927 (Johnson) Change factors favoring the change of county boundaries

LB 927 provides factors for counties to consider when creating a municipal county, consolidating counties or otherwise changing county boundary lines. The factors include:

1. shared communities of interest;
2. cultural and historical ties;
3. economic activity, including shared trade centers;
4. combined population total of at least 10,000 residents; and
5. combined geographical area of less than 5,000 square miles.

LB 981 (Pirsch) Prohibit nepotism in state government

LB 981 prohibits a state employee or state official from engaging in nepotism and from acting as a supervisor to his or her family member. The head of an agency may grant an exception from the prohibition of nepotism or supervision of a family member upon a showing of good cause.

Prior to, upon, or as soon as reasonably possible after taking office, a state employee or state official will disclose to the Nebraska Accountability and Disclosure Commission, any family member employed or serving in state government.

The bill also provides that an applicant for a position as a state employee or state official who knows a family member is employed in the same agency and who is granted an interview, will disclose the relationship to the head of the agency.

Any person violating these provisions will be subject to disciplinary action.

Family member is defined as an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage or adoption, of a state employee or state official.

Nepotism is defined as the act of hiring, promoting or advancing a family member in state government or recommending, directly or indirectly, the hiring, promotion or advancement of a family member in state government.

Supervisor is defined as an individual having authority to hire, transfer, suspend, promote, or discipline employees, and the responsibility to direct them or to adjust their grievances, if the exercise is not merely of a routine or clerical nature.

Section 49-1499.01 dealing with the prohibition of executive branch officials and employees employing immediate family members is outright repealed.

LB 991 (Avery) Provide for election day voter registration

LB 991 allows voters to register to vote and vote on election day by completing a registration application. The elector may register and vote at either the election commissioner or county clerk's office or 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 current, valid, photo 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.

The county clerk or election commissioner will, upon determining that credible evidence exists that a person is eligible to register and vote on election, make the appropriate entries in the voter registration register to create a voter registration record for such person.

LB 1043 (Aguilar) Adopt the Security Services Act

LB 1043 creates the Security Services Act which requires, among other things, persons engaging in business as a contract security company or a security guard to obtain a license.

To apply for such a license, the applicant must be a United States citizen and cannot have been convicted of any felony or any misdemeanor involving child abuse or neglect. The age requirement for an applicant for an unarmed guard is 18; for an armed guard it is 21. The bill outlines what is necessary to be included in the application for a license. Applicants are also subjected to criminal background checks performed through the Nebraska State Patrol. The applicant will include a full set of fingerprints when applying for the license.

The act assigns the Nebraska Commission on Law Enforcement and Criminal Justice (commission) the duty of administering the act and establishing rules and regulations for licensure.

Each license will expire three years after its issuance. The bill outlines the procedure to renew a license. The license application fee for a contract security company is \$250, and the renewal fee is \$200. For an armed or unarmed security guard, the license application fee or license renewal fee is \$100.

The act requires appropriate liability insurance coverage by the security company or the private business that hires security guards.

Additional requirements are placed on persons applying for an armed security guard license. For example, such person is required to have a certificate to purchase a handgun and a certificate of completion issued by a qualified firearm instructor.

A license may be canceled, suspended, or revoked for failure to comply with the act or the rules and regulations promulgated by the commission or for good cause shown. A license for an armed security guard will be automatically revoked under certain circumstances. The bill outlines the administrative process for revocation of a license.

The bill also prohibits a security guard or contract security company from using a uniform, shield, or vehicle that would lead a reasonable person to believe the security guard is a law enforcement officer.

Finally, the bill creates the Security Services Advisory Council which will serve in an advisory capacity to the executive director of the commission. The council will review and make recommendations regarding rules and regulations to be adopted under the act.

LB 1047 (Fulton) Change provisions relating to reimbursement of travel expenses by the state

LB 1047 requires that a statement of expenses for travel be supported by actual receipts for all expenditures for which reimbursement is requested, except meals less than \$25 and immaterial items.

The bill requires the establishment of maximum daily reimbursement rates based upon the United States General Services Administration's reimbursement rates. Reimbursement for meals will be limited to actual expenses and will not exceed the daily reimbursement rates.

LB 1062 (Karpisek) Change election recount provisions

LB 1062 allows any candidate, who failed to be nominated or elected by more than the margin which triggers an automatic recount, the option of requesting a manual recount at his or her expense. The procedures for the recounting of ballots will be specified by the Secretary of State to ensure uniformity of standards.

Current law requires recounts in elections when a candidate fails to be elected or nominated by a certain margin. (Section 32-1119) Another section (32-1121) allows the losing candidate to request a recount at his or her expense if he or she fails to be elected or nominated by more than the margin which triggers the automatic recount. Currently, recounts are conducted in the same manner as was used on election day (i.e. counted by electronic device). This bill allows the candidate the option of requesting a manual recount.

LB 1112 (Erdman) Provide campaign contribution limits, change reporting requirements, and repeal the Campaign Finance Limitation Act

LB 1112 repeals the Campaign Finance Limitation Act.

The bill also amends the Nebraska Political Accountability and Disclosure Act to require that all contributions and expenditures over \$50 be reported. The current requirement is \$250.

Persons, other than individuals, are prohibited from making contributions which total more than:

- a. \$2300 for the primary election period and \$2300 for the general election period to each candidate or candidate committee;
- b. \$28,500 to each national political party committee per calendar year;
- c. \$10,000 to state, district, and local political party committees combined per calendar year; and
- d. \$5000 to any committee not listed above per calendar year.

Persons, other than individuals, are prohibited from making any contributions which total more than \$65,000 to all committees, other than candidate committees, combined per election period.

The limits may be adjusted for inflation based on the Consumer Price Index.

The bill also requires, beginning January 1, 2012, that all reports will be filed electronically the next business day after making a contribution or expenditure. The commission is required by January 1, 2012 to make campaign statements available on its website on or before the next business day after receipt by the commission.

By January 1, 2010, the commission will adopt rules and regulations to establish the procedures for electronic filing. The commission is also required to adopt authentication procedures to be used as a verification process for statements or reports filed digitally or electronically.

LB 1136 (Rogert) Change requirement of and purpose for county classification

LB 1136 allows counties, beginning January 1, 2009, to be classified. Current language requires county classification.

County classification is used to determine a variety of things, including: county officer salaries; qualifications for county attorney; prohibitions on lotteries or raffles; the number of signatures required on certain bonds; and who is eligible to sit on certain state boards.

BILL SUMMARIES: 2008 BILLS INDEFINITELY POSTPONED

LB 767 (Cornett) Authorize leave for members of the Civil Air Patrol

LB 767 provides that members of the Civil Air Patrol will be entitled to a military leave of absence from their job duties, without a loss of pay, when performing Civil Air Patrol missions.

The bill also grants employees a state of emergency leave of absence while on duty with the Civil Air Patrol.

LB 870 (Avery) Prohibit certain former officeholders from being lobbyists

LB 870 prohibits the Governor, Lieutenant Governor, Attorney General, State Treasurer, Secretary of State, Auditor of Public Accounts, a member of the Legislature, a member of the Public Service Commission, a member of the State Board of Education, or a member of the Board of Regents of the University of Nebraska from being a lobbyist until at least two years after the date such person ceases to hold that office.

Any person who is a registered lobbyist on the effective date of this act and held one of the offices listed within two years prior to the effective date of this act will be exempt from the lobbying prohibition.

The bill contains an emergency clause.

LB 1030 (Nantkes) Change filing deadlines for candidates for Class IV school boards

LB 1030 provides that the filing deadline for candidates for a Class IV school board will be the same as the candidates for the city council of the city in which the district is located.

**BILL SUMMARIES: 2008 LEGISLATIVE RESOLUTIONS
INDEFINITELY POSTPONED**

LR 225CA (Karpisek) Constitutional amendment to require manually counted paper ballots at elections

LR 225CA amends Article I, section 22 to require that all elections be conducted with paper ballots which will be officially tabulated by a manual count.

BILL SUMMARIES: 2008 LEGISLATIVE RESOLUTIONS ADOPTED

LR 223 (Avery) Urge the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American \$1 coin

With LR 223, the Nebraska Legislature urges the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American \$1 coin to commemorate Standing Bear's important contribution.

GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE

INDEX OF BILLS

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION - 2008**

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 13	Mines	Provide for the creation and certification of joint entities under the Interlocal Cooperation Act.	1/19/07	Held in Committee	Held in Committee	
LB 16	Mines	Change provisions relating to airport hazards and airport zoning regulations.	1/18/07	Held in Committee	Held in Committee	
LB 17	Mines	Change provisions relating to multiple office holding.	1/17/07	General File	General File	
LB 18	Mines	Change recall provisions.	1/19/07	Held in Committee	Held in Committee	
LB 27	Adams	Authorize the Auditor of Public Accounts to conduct certain audits.	1/24/07	General File	General File	Failed to advance to E & R Initial
LB 39	Schimek, Mines, Pahls, Howard	Provide restrictions relating to petition circulation and change campaign reporting provisions.	1/17/07	General File with Com AM116	Passed Notwithstanding Objections of Gov. on 2/19/08.	AG's Opinion 07006 to Dubas
LB 133	Schimek, Hudkins, Avery	Provide for the transfer of development rights as prescribed.	2/8/07	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 187	Mines	Prohibit certain interlocal agreements.	1/24/07	Held in Committee	Held in Committee	
LB 195	Preister	Repeal the authorization for the Nebraska State Quarter.	1/26/07	General File	Approved by Governor (4/16/08)	
LB 196	Schimek	Permit the Adjutant General to designate certain vehicles as military emergency vehicles.	2/14/07	General File with Com AM506	Approved by Governor on 2/13/08	
LB 268	McGill, Avery, Chambers, et al	Change election provisions for county board members.	2/7/07	General File with Com AM1515	Approved by Governor on 3/10/08	Senator McGill's Priority Bill
LB 269	Burling, Christensen, Rogert	Change provisions relating to county organization and formation of county libraries.	2/21/07	General File with Com AM682	Approved by Governor on 2/7/08	Portions/Provisions of LB 348 amended into LB 269. Senator Burling's Priority Bill.
LB 300	Howard	Create the State Work Incentive Program.	2/14/07	Held in Committee	Held in Committee	
LB 310	Aguilar	Change provisions relating to early voting.	2/7/07	Held in Committee	Held in Committee	
LB 312	Aguilar, McDonald	Change provisions relating to resignations, vacancy appointments, and recall elections.	2/7/07	General File	Approved by Governor on 2/7/08	
LB 348	Burling, McDonald, Wallman	Change and eliminate provisions relating to the discontinuance of township organization.	2/21/07	Held in Committee	Held in Committee	Portions/Provisions of LB 348 amended into LB 269.
LB 352	Langemeier, Pankonin, Pedersen	Adopt the Nebraska Shooting Range Protection Act.	2/28/07	General File with Com AM665	General File with Com AM665	Bracketed until 2/15/08
LB 361	Raikes	Prohibit public funds' use for dues or membership fees as prescribed.	1/31/07	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 391	Mines	Change provisions relating to public records and meetings.	2/1/07	General File with Com AM678	General File with Com AM678	Portions/Provisions of LB 7 amended into LB 391.
LB 392	Mines, Ashford	Change provisions relating to municipal counties.	2/21/07	Held in Committee	Held in Committee	Interim Study LR 117 (2007)
LB 394	Burling	Change provisions relating to nomination for office.	2/22/07	Held in Committee	Held in Committee	
LB 408	Preister	Change provisions relating to certain public contracts for services.	2/15/07	Held in Committee	Held in Committee	Interim Study LR 80 (2007)
LB 433	Friend	Change provisions relating to selection and obligations of presidential electors.	2/22/07	Held in Committee	Held in Committee	
LB 460	Lathrop, Friend	Change provisions relating to presidential primary elections and political parties.	2/22/07	Held in Committee	Held in Committee	
LB 528	Aguilar	Change provisions relating to elections.	3/14/07 (Rescheduled from 3/1/07)	Held in Committee	Held in Committee	Portions/Provisions of LB 528 amended into LB 646 by Com AM752 which was enacted in 2007.
LB 539	Rogert	Change ballot status provisions for presidential and vice-presidential candidates.	2/22/07	Held in Committee	Held in Committee	
LB 572	Kruse, Kopplin	Provide for the inclusion of certain library employees under the Nebraska State Insurance Program.	2/28/07	General File	Select File	Failed to advance to Enrollment and Review for Engrossment
LB 622	Pirsch	Require training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees.	2/1/07	General File with Com AM259	General File with Com AM259	Failed to advance to E & R Initial. Speaker Priority Bill

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 686	Karpisek, Wallman	Provide for partisan ballots for unaffiliated voters at primary elections.	3/14/07 (rescheduled from 3/1/07)	Held in Committee	Held in Committee	
LB 694	Christensen, Fischer, Karpisek, et al	Authorize planning for a parking facility near the capitol.	3/14/07 (rescheduled from 3/1/07)	Held in Committee	Held in Committee	
LR 8CA	Avery	Constitutional amendment to change signature requirements for initiative petitions.	1/25/07	General File	General File	Failed to advance to E & R Initial
LR 14	Engel, Aguilar, Dierks, et al	Provide the Legislature supports the negotiation of a Taiwan-United States Free Trade Agreement.	2/28/07	Reported For Further Consideration.	Reported For Further Consideration.	
2008 Legislation						
LB 720	Schimek	Change requirement regarding prerecorded messages.	1/30/08	General File with Com AM2044	Approved by Governor (4/21/08)	Government Committee Priority Bill
LB 721	Schimek, Wallman	Change Capitol Landscape Restoration Master Plan provisions.	1/23/08	General File with Com. AM2039	General File with Com. AM2039	Failed to advance to E & R Initial. Senator Schimek's Priority Bill
LB 739	Fulton	Provide for the waiver of a fine or penalty for an information collection requirement for small businesses.	1/24/08	Held in Committee	Held in Committee	
LB 744	Aguilar	Permit leasing of state property to the federal government or political subdivisions.	1/24/08	General File	Approved by Governor on 3/10/08	
LB 745	Aguilar	Change exemption provisions relating to the State Personnel System.	2/14/08	General File	Approved by Governor (4/17/08)	Government Committee Priority Bill
LB 746	Aguilar	Change provisions relating to tuition credits for National Guard members.	1/25/08	General File with Com AM1675	Approved by Governor (4/21/08)	Speaker Priority Bill

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 747	Aguilar	Change provisions relating to energy financing contracts.	1/24/08	General File	Approved by Governor on 3/10/08	
LB 748	Rogert	Adopt the Interior Designers Certification Act.	2/1/08	Held in Committee	Held in Committee	
LB 750	Aguilar	Designate the Secretary of State's Office as a voter registration agency.	1/23/08	General File	Approved by Governor on 3/10/08	
LB 752	Flood, Engel	Change membership provisions of the Nebraska Capitol Commission.	1/23/08	General File	Approved by Governor on 3/10/08	
LB 761	Avery, Gay	Create the BRAC Task Force to examine issues relating to the military base realignment and closure process.	1/25/08	General File with Com AM1677	General File with Com AM1677	
LB 763	Avery	Create the Nebraska State Capitol Environs District Revitalization Task Force.	1/23/08	General File with Com AM1625	General File with Com AM1625	Failed to advance to E & R Initial
LB 767	Cornett	Authorize leave for members of the Civil Air Patrol.	1/25/08	Indefinitely Postponed	Indefinitely Postponed	
LB 776	Wightman	Change fees received by registers of deeds.	1/24/08	Held in Committee	Held in Committee	
LB 803	Aguilar	Provide for election-day voter registration for statewide general elections.	1/31/08	Held in Committee	Held in Committee	
LB 817	Avery	Require certain constitutional officers to devote their full time to their offices.	1/30/08	Held in Committee	Held in Committee	
LB 822	Legislative Performance Audit Committee	Change provisions relating to performance audits.	2/1/08	General File with Com AM1737	Approved by Governor on 3/31/08	Leg. Performance Audit Committee Priority Bill
LB 824	Schimek	Provide a gender balance requirement for state boards, commissions, committees, and councils.	2/6/08	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 838	Karpisek	Change procedures relating to elections.	2/7/08	General File with Com AM1788	Approved by Governor (4/16/08)	
LB 856	Lautenbaugh	Provide for special congressional elections in case of multiple vacancies.	1/23/08	General File	Approved by Governor on 3/10/08	
LB 857	Lautenbaugh	Change certification provisions for candidates for President and Vice President.	1/23/08	General File	Approved by Governor on 3/10/08	
LB 858	Engel	Change applicability provisions regarding recall petitions.	2/7/08	General File	General File	
LB 869	Nantkes, Rogert, White	Require disclosures relating to contracts for services with the state.	2/13/08	Held in Committee	Held in Committee	
LB 870	Avery	Prohibit certain former officeholders from being lobbyists.	1/30/08	Indefinitely Postponed	Indefinitely Postponed	
LB 871	Avery	Rename the Commission on Mexican-Americans.	2/6/08	Held in Committee	Held in Committee	
LB 878	Engel, Adams, Aguilar, et al	Change provisions relating to recall petitions.	2/7/08	General File with Com AM2041	General File with Com AM2041	Bracketed until 4/1/08. Sen. Engel's Priority Bill
LB 884	Gay	Change provisions relating to the Director of Personnel and employee health benefits.	2/13/08	General File with Com AM2126	General File with Com AM2126	Speaker Priority Bill
LB 889	Flood	Provide construction alternatives for political subdivisions.	2/14/08	General File with Com AM2043	Approved by Governor on 4/11/08	Senator Flood's Priority Bill
LB 904	Lautenbaugh	Change provisions relating to applications for veterans aid.	2/1/08	General File	Approved by Governor (4/16/08)	
LB 921	Dubas, Schimek, Dierks, Preister	Adopt the Nebraska Energy Independence Act.	2/6/08	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 927	Johnson	Change factors favoring the change of county boundaries.	2/14/08	Held in Committee	Held in Committee	
LB 962	Preister, Pirsch, Flood	Change public body meeting provisions of the Open Meetings Act.	2/13/08	General File	Approved by Governor on 3/19/08	Speaker Priority Bill
LB 981	Pirsch, Avery	Prohibit nepotism in state government.	1/30/08	Held in Committee	Held in Committee	
LB 991	Avery	Provide for election day voter registration.	1/31/08	Held in Committee	Held in Committee	
LB 1030	Nantkes	Change filing deadlines for candidates for Class IV school boards.	2/7/08	Indefinitely Postponed	Indefinitely Postponed	
LB 1043	Aguilar	Adopt the Security Services Act.	2/20/08	Held in Committee	Held in Committee	
LB 1047	Fulton	Change provisions relating to reimbursement of travel expenses by the state.	2/20/08	Held in Committee	Held in Committee	
LB 1062	Karpisek	Change election recount provisions.	1/31/08	Held in Committee	Held in Committee	
LB 1067	Aguilar	Change provisions allocating election costs to political subdivisions.	2/7/08	General File	Approved by Governor (4/16/08)	
LB 1112	Erdman	Provide campaign contribution limits, change reporting requirements, and repeal the Campaign Finance Limitation Act.	2/14/08	Held in Committee	Held in Committee	
LB 1136	Rogert	Change requirement of and purpose for county classification.	2/20/08	Held in Committee	Held in Committee	

LB/LR	Introducers	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LR 223	Avery, Schimek, Aguilar	Urge the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American \$1 coin.	2/6/08	Reported to Legislature for further consideration.	Adopted. President /Speaker signed (4/16/08)	
LR 225CA	Karpisek	Constitutional amendment to require manually counted paper ballots at elections.	1/31/08	Indefinitely Postponed	Indefinitely Postponed	
Governor Appointment	Keith Deiml (Reappointment)	Gubernatorial Appointment to the State Emergency Response Commission	2/13/08	Reported to Legislature for confirmation.	Legislature Approved (2/22/08)	
Governor Appointment	Gary Gandara (Replaced Steven Wood)	Gubernatorial Appointment to the State Emergency Response Commission	2/20/08	Reported to Legislature for confirmation.	Legislature Approved (2/27/08)	
Governor Appointment	Mark Graf (Replaced William McLarty)	Gubernatorial Appointment to the State Emergency Response Commission	2/13/08 (by phone)	Reported to Legislature for confirmation.	Legislature Approved (2/22/08)	
Governor Appointment	General Timothy Kadavy (Replaced General Roger Lempke)	Gubernatorial Appointment of the Adjutant General - Military Department	1/25/08	Reported to Legislature for confirmation.	Legislature Approved (1/30/08)	
Secretary of State Appointment	Richard Nelson	Secretary of State Appointment to the Nebraska Accountability and Disclosure Commission.	2/7/08	Reported to Legislature for confirmation.	Legislature Approved (2/22/08)	
Governor Appointment	Gregory Osborn (Replaced Mary Colacurci)	Gubernatorial Appointment to the State Personnel Board	2/7/08	Reported to Legislature for confirmation.	Legislature Approved (2/22/08)	
Governor Appointment	Steven Virgil (Replaced Christine Bleich)	Gubernatorial Appointment to the State Emergency Response Commission	2/14/08	Reported to Legislature for confirmation.	Legislature Approved (2/27/08)	

**GOVERNMENT, MILITARY & VETERANS AFFAIRS
COMMITTEE**

**INTERIM STUDY RESOLUTIONS
2008 Legislative Session**

- LR 285 (Aguilar) Interim study to examine whether state-funded building projects should be required to meet high performance green building standards.
- LR 296 (Avery) Interim study of the impact of a future Base Realignment and Closure Commission on Nebraska's current military installations and missions.
- LR 298 (Aguilar) Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee
- LR 368 (Schimek) Interim study to examine policy changes to provide cooperation between governmental agencies and tribal governments relating to paleontological resources.
- LR 385 (Government, Military & Veterans Affairs Committee) Interim study to examine requiring state government to purchase certain goods and services produced in the State of Nebraska.