

## UPDATE

## Budget bills pass second round

After three days of debate and consideration of over two dozen amendments, lawmakers gave second-round approval March 20 to the last component of the Appropriations Committee budget adjustment package.

The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years. Sessions in even-numbered years fall during the midpoint of the budget cycle and are used to make adjustments to the two-year budget.

**LB959**, amended by a committee amendment on a 28-3 vote, became the mainline budget bill and was advanced to select file March 17 on a 27-10 vote. The bill was debated again March 20 before being advanced to final reading 32-1.

Debate on LB959 focused on a possible gas tax increase, school litigation funding and issues involving the Beatrice State Development Center.

## Gas tax increase

The state Department of Roads is funded through a variable gas tax based on the department's need as determined by the Appropriations Committee.

As a result, said Appropriations Committee chairperson Lavon Heidemann, the \$14.5 million appropriation to the state Department of Roads included in LB959 likely would trigger a 1.2 cent per gallon gas tax increase.

Heidemann said the

increased appropriation would cover salary and health insurance costs for the roads department.

Lexington Sen. John Wightman said the gas tax would have a minimal impact on most Nebraskans, with the average driver paying \$12 more per year.

But Omaha Sen. Gwen Howard said small increases add up.

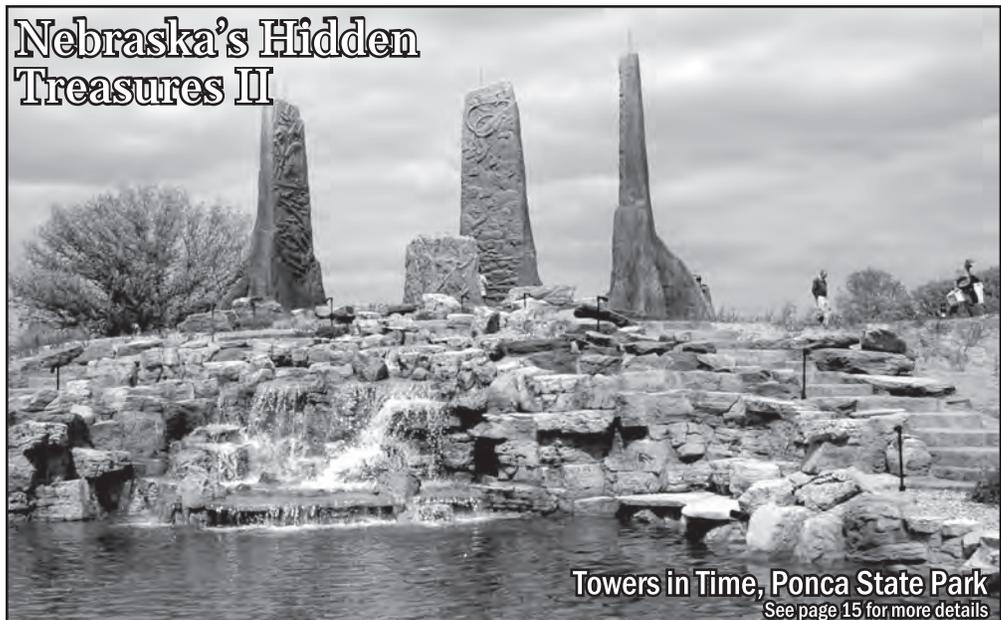
"It's the gasoline, it's the mortgage, it's the milk," Howard said. "I'm very, very concerned about what this will do to working

persons."

Bayard Sen. Philip Erdman offered an amendment on general file that would have removed the state Department of Roads appropriation from the budget bill. Erdman said the appropriate place to discuss roads funding would be later in the session when **LB846**, a bill containing a mechanism to change the variable gas tax, comes up for debate.

Erdman said he was not necessarily opposed to an increase in roads funding, (continued on page 7)

## Nebraska's Hidden Treasures II



Towers in Time, Ponca State Park  
See page 15 for more details

## INSIDE:

School aid restructuring bill advanced • Senators advance statewide student assessment • Claims bill moves

# ISSUES UPFRONT



## Business and Labor

### Senators advance claims bill

Senators gave second-round approval March 20 to a bill that would authorize payments for claims against the state and write-offs of uncollectible state agency debt.

Introduced by the Business and Labor Committee, **LB1019** includes a total appropriation of \$10.9 million and authorizes the state Department of Administrative Services to make payments to parties listed in the bill.

The claims are divided into tort and miscellaneous claims and agency write-off requests.

A total of \$10.5 million was requested for tort claims against the state. Included in the request is a \$9.9 million payment resulting from litigation in which the state was found at fault for a traffic accident involving a malfunctioning stoplight in Schuyler. The claim would be paid from the state Department of Roads cash fund.

Miscellaneous claims include a state Department of Revenue request for \$14,329 to reissue an expired check. The claim would be paid from the general fund.

Eight state agency requests totaling \$393,552 would be written off as uncollectible debt. These amounts range from \$25 to \$3,516.

A committee amendment added a \$225,000 claim against the Depart-



ment of Roads involving a snow plow accident, which would be paid from the state's insurance fund.

The committee amendment also contains a total appropriation of \$354,500 for 13 claims in which the state was found at fault for the alleged sexual abuse of individuals who were in the state's care. The claims would be paid from the general fund.

Bellevue Sen. Abbie Cornett noted 11 of the abuse claims involved patients at two of the state's regional centers.

While the state is not liable for the criminal acts of others, she said, it is liable for failing to meet the security needs of individuals in the state's care.

Cornett said the claims happened prior to 2007 and that the state Department of Health and Human Services has reassured her that policies have been implemented to prevent similar situations in the future.

The committee amendment was adopted 33-0 and LB1019 advanced to select file 34-0 March 18

On March 20 the bill advanced to final reading by voice vote.

## Education

### Student assessment revisions advanced

Lawmakers advanced a bill March 17 relating to Nebraska's system of student learning assessment.

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

A technical advisory committee of nationally recognized assessment experts would be appointed by the governor to advise him, the Legislature, the State Board of Education and the state Department of Education on the development of statewide assessment instruments and a statewide assessment plan.

The plan for the statewide assessment and reporting system would be reported to the governor, the chairperson of the Legislature's Education Committee, the Clerk of the Legislature and the state Department of Education. The state board would



Sen. Ron Raikes

# ISSUES UPFRONT.....

select grade levels for assessment and reporting according to the assessment instruments.

Annual statewide assessments would be required for:

- reading beginning in the 2009-10 school year, with assessment instruments in grades 3-8 and one high school grade;
- mathematics beginning in the 2010-11 school year, with assessment instruments in grades 3-8 and one high school grade; and
- science beginning in the 2011-12 school year, with assessment instruments in at least one elementary grade, one middle school or junior high grade and one high school grade.

A statewide assessment for writing already exists.

References to locally adopted standards, local assessment instruments

and generic grade levels would be eliminated from the law. An existing requirement that the department adopt rules regarding the development of local standards also would be stricken.

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

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

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

Raikes said the bill was a needed change that would allow teachers to spend less time on developing local assessments and more time teaching students.

“Without this, the burden on teachers and school districts is absolutely enormous,” he said.

Senators adopted a Raikes amendment 29-0 making a teacher and an administrator from Nebraska schools two of the five members of the technical advisory committee.

LB1157 advanced to final reading by voice vote.



*The Legislature honored former state senators in the Norris Chamber March 19. Pictured from left to right are: former Sens. Owen Elmer, Don Elrod, Bill Harris, Jim Jensen, Elroy Hefner, Karen Kilgarin, Bob Kremer and Howard Lamb.*

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

## School aid restructuring bill advances



*Sen. Ron Raikes responds to a question from Sen. Pat Engel.*

**L**awmakers advanced a bill March 19 that would determine state aid to Nebraska schools.

**LB988**, introduced by Lincoln Sen. Ron Raikes, would change the structure of formula needs for school districts, base school district budget authority on the new needs calculation and replace adjusted valuations with assessed valuations for the calculation of resources.

The new needs calculation would compare school districts of similar size to arrive at a basic funding level. In addition, consideration would be given for remote elementary sites, elementary class sizes, poverty, limited English proficiency, focus schools and programs, special receipts, transportation, distance education and telecommunications, teacher education levels, new school buildings, student growth, instructional time, summer school, new learning community transportation increases, size ranges with below-average costs and cost sharing between the state and the school district for those with fewer than 390 students which are not in sparsely populated areas.

The new budget authority would be based on 120 percent of the needs calculation, with special education excluded from both the calculation of the maximum budget and the expenditures to be limited. The exceptions

to the new maximum budget would be further limited. A three-year transition is included in the proposal.

LB988 would replace adjusted valuations with assessed valuations for the calculation of state aid for both school districts and educational service units. Local effort rates also would increase in response to the valuation changes.

Raikes called the bill a significant modification of the way state aid is calculated. He said the purpose of the changes is to make the calculation of a school district's state aid needs more accurately reflect its actual costs.

Acknowledging that the state could be approaching a "rocky fiscal situation" in coming sessions, Raikes said it was all the more important to update the current formula, which he said was unsustainable.

While the bill is projected to lower the total cost of state aid to schools, Raikes said better funding policy, not cost savings, was the initial reason for the bill.

"It is critically important that we make an adjustment, not just because it makes an adjustment to the state budget, but because it is a better state aid formula," he said. "It is a better policy for funding school districts in Nebraska."

# A CLOSER LOOK.....

Raikes estimates that LB988 as amended would reduce state aid to schools statewide by more than \$50 million in fiscal year 2009-2010, coming just short of making up the \$58 million shortfall in the proposed budget.

An Education Committee amendment revised the original provisions of LB988. The amendment added an emergency clause to provide for a recertification of 2008-2009 state aid and budget authority by April 30. The recertification would implement most of the provisions of the bill, deferring until 2009-2010 the provisions for which the department does not have accurate data. It also would simplify budget authority, restore unused budget authority and indefinitely continue the alternative methods.

The amendment would convert the student weightings for summer school and instructional time to allowances. The elementary class size allowance would have a 20 percent multiplier added to match the current provisions and the elementary site allowance would be revised beginning in 2009-2010. The early childhood education counts would have a 60 percent multiplier added to match the current provisions. The amendment also revised the student growth adjustment and restructured the correction for over- or under-estimating student growth.

Under the amendment, proceeds from levy override elections would be eliminated from general fund operating expenditures beginning in 2010-2011. The averaging adjustment would be limited to districts that levy over \$1 but could provide an adjustment as high as 90 percent of the difference between the average and the district's basic funding per student, depending on the levy. A new stabilization would adjust formula needs to between 100 and 112 percent of the prior year's formula needs, except that growing districts would be allowed to exceed the 112 percent limit.

The committee amendment also would eliminate a provision commonly referred to as "lop-off." The "lop-off" provision in LB988 does not allow equalization aid to be given in an amount exceeding the aid and taxes from the prior year grown by 1 percent, the applicable allowable growth rate, the growth in formula students, reductions in other actual receipts and unused budget authority.

Lastly, the new school adjustment would be revised to include expansion and remodeling projects that increase capacity.

The committee amendment was divided into five sections to organize the debate:

- AM2367, which deals with the formula need restructuring and was adopted 28-10;

- AM2368, which deals with the formula need reduction and was adopted 33-6;
- AM2369, which deals with property valuation and the local effort rate and was adopted 27-0;
- AM2371, which deals with budget limits and was adopted 28-2; and
- AM2402, which deals with recertification and miscellaneous items and was adopted 28-2.

Raikes explained that the amount of state aid going to each school district is based on a measure of a district's need minus their local resources, which are comprised of local receipts and property taxes.

If a school district's need exceeds its resources, state aid is allocated to make up the difference. Approximately 200 of the 250 Nebraska school districts currently receive state aid.

The formula is designed, Raikes said, to ensure that schools are equally funded across the state, taking into consideration each district's specific needs.

Elk Creek Sen. Lavon Heidemann called the bill a major policy decision, saying that it was difficult to predict how it might affect school funding in future years.

"We haven't seen changes like this in possibly decades," he said. "I can't sit here and say it's bad policy. I can't say it's good policy. We just don't know how it's going to play out."

He suggested delaying implementation of the bill from 2009-2010 to 2010-2011. He said the delay would allow the

Legislature to track the changes from one year to the next before implementing the bill.

Sen. Philip Erdman of Bayard discouraged lawmakers from delaying a solution to the increasing cost of state aid. If left unaddressed, he said, state aid to schools would take up so much of the budget that it would start cutting into other programs by 2017.

"If you go out to 2031, the state does two things: it funds Medicaid, and it funds state aid. That's it." Erdman said. "We need to do something about that."

Some voiced concern that the changes would negatively affect sparsely populated areas of the state.

Sen. Deb Fischer of Valentine said the bill would cause her school districts to lose over \$2 million.

"I have districts that are going to lose over 17 percent of state aid," she said. "That's a hit."

She said changing the funding formula now would invalidate the state aid amounts that were certified to school districts earlier in the year, causing disruption for schools across the state.

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# A CLOSER LOOK.....

## School aid restructuring bill advances

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“That aid was certified on Feb. 1 and those districts made decisions based on those numbers,” she said.

Heidemann shared Fischer’s concerns about decreased funding to rural schools.

“I almost call it Robin Hood in reverse,” he said. “It looks like we are taking from the smaller schools and giving to the big.”

He said Loup County, which has an average per capita income of \$10,000 and is one of the highest poverty counties in the nation, would receive no poverty allowance under LB988. Meanwhile, he said, Douglas County, which averages \$41,000 in per capita income, would receive \$30.1 million in poverty allowance.

Raikes said the bill would continue to provide additional funding to schools for poverty students, but LB988 would change this practice by requiring school districts to first submit a plan for special programming for these students. At the end of the school year, school districts would

be required to report how those funds were spent, Raikes said, to provide some accountability that the funds are actually going to benefit poverty students.

“The change is, now we don’t just hand you the money and that’s it,” he said.

If schools that would qualify for poverty funds did not submit a plan to provide programming for these students, Raikes said, they would not receive the funds.

Papillion Sen. Tim Gay said the bill neglects to directly address the need for higher teacher pay statewide.

“They’re the ones who are on the ground floor working with those kids,” he said.

LB988 is designed to raise teacher pay in two ways, Raikes explained. Increasing funding to districts with highly educated teachers is one way, he said, while the other will result from changes to the needs formula, which will increase total funds to school districts by almost \$200 million.

Because roughly half of a district’s total costs go to teacher salary and benefit programs, the change will result in approximately \$100 million more in teacher salary and benefits, he said.

Fischer questioned the practice of providing additional state aid to school districts that hire teachers with advanced degrees.

“Those teachers should be thanked, but I don’t know if their districts should be rewarded,” she said. “I would like us to look at staff in districts not close to colleges or universities and encourage their teachers to receive

their masters’ and Ph.D.s.”

“It has been described as an award, but I would argue it is the elimination of a penalty,” Raikes responded. “Right now schools that have these teachers with advanced degrees are paid as though they don’t.”

Gretna Sen. Gail Kopplin addressed the need for fairness when calculating the local resources that fund schools. He said there is a great need to focus on the fairness of property valuation statewide, on which local taxes are based.

“We should not be in the business of county assessors giving people breaks when they shouldn’t have been,” he said. “This says, look you guys, your assessors are not assessing at 100 percent. You have to get state aid based on 100 percent.”

This is especially important, he said, when property valuations are predicted to decline.

Kopplin introduced an amendment that would have phased in the local effort rate increase over a three-year period. The amendment failed 10-23.

Gay proposed an amendment to remove a provision that would have limited the number of students in K-3 classrooms to 20 or less, beginning in 2013-14.

“We don’t want to tie funding and accreditation to a small classroom size,” Gay said. “We’d all like smaller class sizes, but sometimes that’s not possible.”

Raikes said this provision was based on new research that shows an advantage to teaching low-income students in smaller class sizes.

Senators voted 33-0 to adopt the amendment.

LB988 advanced to select file 29-13.



Sen. Deb Fischer asks a question about LB988.

# A CLOSER LOOK.....

## Budget bills pass second round

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*Sen. Lavon Heidemann presents the budget proposal forwarded by the Appropriations Committee.*

but simply wanted the issue debated separately from the mainline budget bill.

Valentine Sen. Deb Fischer, who introduced LB846, disagreed.

"The budget bill is exactly the appropriate place to discuss funding the Department of Roads," she said, just as it is the appropriate place to discuss funding the Department of Health and Human Services.

Moreover, Lincoln Sen. Danielle Nantkes noted that the ultimate fate of LB846 is unknown and said that should it fail to advance, Nebraska would fall farther behind in roads infrastructure.

"This is about moving forward and meeting real needs," Nantkes said. "We are here ... to make tough decisions and do the right thing."

The Erdman amendment failed on a 20-28 vote, falling five votes short of

adoption. He offered the amendment again on select file March 20, where it was rejected 22-21.

### School litigation funds

An amendment offered and later withdrawn by Omaha Sen. Tom White would have removed a \$600,000 appropriation to the state attorney general's office to continue litigation against Omaha Public Schools.

An OPS lawsuit pending against the state contends that Nebraska's school funding formula discriminates against minority students, White explained. OPS offered to stay, or temporarily suspend, the litigation but the offer was rebuffed by the attorney general's office, White said.

White said the issue should be resolved politically and that the Legislature should not fund the attorney

general's continuation of the lawsuit.

"There is no good reason for this litigation to move forward at this time," White said.

But Wightman said it is not the Legislature's job to micro-manage the attorney general's office or to gauge whether a case should go forward.

Omaha Sen. Ernie Chambers agreed. Lawmakers may not agree with the state's position, he said, but once litigation is underway, it is the attorney general's obligation to zealously represent the state.

Chambers offered an amendment during general file debate that would have raised the appropriation to \$1.2 million, the attorney general's original budget request.

After rejecting the Chambers amendment 15-26, lawmakers advanced LB959 to select file on a 28-3 vote.

The issue arose again during select file debate when Chambers offered an amendment that would maintain the current school litigation appropriation and provide \$600,000 for fiscal year 2008-09.

Chambers said OPS has outspent the state by \$4 million over the course of the lawsuit with "no end in sight."

The amendment was adopted 25-12.

### Beatrice State Development Center

Several measures were proposed during select file debate March 20 to address reports of abuse and neglect at the Beatrice State Development Center.

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# A CLOSER LOOK.....

## Budget bills pass second round

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Tekamah Sen. Kent Rogert offered an amendment that would appropriate \$2.5 million from the state Department of Health and Human Services budget to recruit and retain qualified staff at the Beatrice center.

Rogert said the issues outlined in a recent U.S. Department of Justice report on the Beatrice facility can be traced to personnel issues. Employees are required to work mandatory overtime and double shifts, often with little notice, he said.

"Morale is extremely low," he said. "We have an opportunity to help solve that."

Omaha Sen. Steve Lathrop said the relationship between the center's personnel problems and resident abuse was made clear in the department's report.

Lathrop referenced parts of the report indicating that inadequate staffing has led to failure to provide residents with adequate protection from harm and has resulted in a culture that betrays basic human dignity.

"The abuses would make you sick," Lathrop said.

Bellevue Sen. Abbie Cornett expressed frustration over the Legislature's inability to garner the information it needs to protect residents. She said HHS responded to her request for information on overtime hours worked at the Beatrice center with incorrect data, masking the severity of the problem.

"I was lied to," she said. "We as a legislative body need to demand the truth because we are not being told the truth."

Howard said she supported the intention of the amendment but could not support the way it was funded.

Removing funds from the general HHS appropriation would take money away from foster care, food stamps and other vital programs, she said.

In response, Rogert withdrew his amendment and offered a new proposal that would fund Beatrice center recruitment and retention efforts by appropriating \$1.5 million in available unused federal dollars.

The revised Rogert amendment was approved 44-0.

But questions on how to solve problems at the Beatrice center remained.

Lincoln Sen. DiAnna Schimek said that while the Rogert amendment would help solve staffing problems in the future, she wondered about the fate of current residents.

"How do we keep a handle on what's going to be happening in the short term?" she asked.

Lathrop said a proposal to reduce the number of patients at the Beatrice facility to better match the available staff fails to take into consideration the need for quality services. There are 1,350 families in Nebraska waiting for services, he said, yet the state

wants to move 108 people from the Beatrice center to community-based care.

"That doesn't solve our problem," Lathrop said.

Heidemann offered an amendment that would provide for funding to follow

clients as they move out of the Beatrice center. The amendment would allow unexpended appropriations resulting from reduced or discontinued program services at the Beatrice center to be transferred to community-based developmental disability aid and medical assistance.

"When the patient moves, the money goes with them," Heidemann said.

The amendment was adopted 37-0.

During discussion on the Beatrice facility, Norfolk Sen. Mike Flood introduced a legislative resolution to address the Department of Justice report.

If advanced, the resolution would establish a special investigative committee consisting of seven members of the Legislature appointed by the Executive Board. The committee would be charged with investigating the placement and quality of care statewide for the developmentally disabled. This mandate would include subpoena power and the ability to examine HHS in relation to Nebraska's 24-hour care facilities.



Sen. Lavon Heidemann and Sen. Deb Fischer review the budget.

# A CLOSER LOOK.....



*Sen. Danielle Nantkes discusses the Appropriations Committee process.*

The committee would be required to issue a report and recommendations to the Legislature by Dec. 31, 2008.

Lincoln Sen. Bill Avery said the two amendments and Flood's proposed resolution would move the Legislature in the direction of solving the problems at the Beatrice State Development Center.

"We have a moral imperative to fix this," Avery said. "It is shameful and it must not continue."

## Additional amendments

Omaha Sen. Lowen Kruse brought an amendment, adopted 32-0, that would require the state Department of Roads to provide more detailed information on appropriations for handicapped transportation.

An Erdman amendment that was adopted 31-2 would transfer \$30,000 from the general fund to the Agricultural Products Marketing Information Cash Fund.

Finally, an amendment offered by Rogert would provide an additional \$500,000 for community-based aging programs. Rogert said the

programs allow Nebraska senior citizens to live independently with dignity and self-respect.

The amendment was adopted 25-5.

## Other provisions

Also included in the budget package was **LB961**, a bill that would make various cash fund transfers.

On general file March 17, LB961 sparked what Chambers called one of the most valuable discussions senators have had this session.

He said the budget process would soon fall to inexperienced lawmakers who should be encouraged to ask questions and "force the discussion" on budget priorities.

Rogert was among those raising questions. He said the Legislature currently has 20 members with less than two years of budget experience. He said new members lack the historical context to know what to make of the \$877 million currently sitting in state agency cash funds when so many senators' proposals were denied last session.

"As I look across these balances, I have questions," Rogert said.

White agreed, raising questions about how the agencies are managed, what their priorities are and how they spend appropriated funds. White said he hoped to learn how the money in these cash funds, combined with a projected \$500 million cash reserve, equates to a budget crisis.

But Heidemann and others said the numbers cited by Rogert and White fail to provide a complete picture. Senators should think of agency cash funds like a checking account, Heidemann said, much like a family's bank account. Right after payday the

balance looks good, he said, and then you pay the mortgage and other bills and the picture is different.

"It depends on when you take the snapshot," Heidemann said.

For example, the university's cash fund in March reflects spring tuition receipts, but that money will soon be spent, he said.

Kruse pointed out that the Legislature is prevented by statute from accessing all but roughly 15 of the state's cash accounts.

In addition, he said the source of the fund controls how the money may be used. If the money comes from hunting permits, for example, then the funds must be used to benefit hunting, Kruse said.

Heidemann added that if the Legislature were to access funds from any of the state's cash funds it would be a one-time infusion of money and couldn't be counted on to meet ongoing spending needs.

"We need to be very careful when we think about accessing cash funds," Heidemann said.

Nantkes added that the committee did painstaking work and that there is not as much flexibility in the bud-

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*Sen. Philip Erdman proposes an amendment.*

# A CLOSER LOOK.....

## Budget bills pass second round

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getting process as it may appear from the outside.

“There are limited and finite solutions that we can uncover when we try and craft a budget,” she said. “I feel the Appropriations Committee has given you a responsible and sound budget.”

LB961 advanced to select file 44-0.

### Cash fund transfers

Several amendments to LB961 that would make cash fund transfers were considered on select file March 19.

Erdman offered an amendment that would have funded the \$14.5 million roads department appropriation by transferring funds from the state’s cash reserve. He said the amendment reflected the governor’s original budget proposal and would fund the department’s obligations without relying on the gas tax.

Erdman said a gas tax increase is unnecessary when the state’s cash reserve contains \$500 million.

“I don’t get a loan if I already have the money in my account to pay the bills,” he said.

Calling the move “a short-term fix,” Fischer urged the Legislature to retain the current method of roads funding. The gas tax is a user fee, she said, and those who use the roads should pay for their construction and maintenance.

“Infrastructure is the responsibility of government,” Fischer said. “Infrastructure is long-term.”

The amendment failed on a 16-26 vote.

A second Erdman amendment, adopted 25-7, would authorize a



*Sen. Heidemann and Speaker Mike Flood confer on the budget debate.*

one-time \$250,000 transfer from the Commercial Feed Administrative Cash Fund to the Noxious Weed Cash Fund. Erdman said the transfer is needed to fully fund the state’s noxious weed program.

A third Erdman amendment that would have allowed the Legislature to make discretionary transfers from nine cash funds to the general fund was voted down 18-26. Erdman later offered a second provision of the defeated amendment as a separate proposal.

That proposal, adopted 29-0, would prevent those same entities from using general funds for bond repayment. Erdman said the amendment would not affect any current bonds and would allow the Legislature greater flexibility in reviewing appropriations.

Malcolm Sen. Carol Hudkins offered an amendment that would authorize a one-time \$250,000 transfer from the Public Advocacy Operations Cash Fund to the University Cash Fund. The money would fund a study

of Nebraska’s juvenile legal defense and guardian ad litem systems to be undertaken by the Nebraska Public Policy Center.

Hudkins said the state needs information to determine the system’s strengths and weaknesses.

“We need to have the data,” she said. “We want to identify where the direct services are needed.”

Chambers offered an amendment to Hudkins’ amendment, adopted 25-4, that would add to the study the issue of how and when juveniles are charged and tried as adults. Chambers said these decisions appear to be made with little consistency.

Several senators expressed doubt that more study of these issues was needed and the amendment failed 19-18. However, an Erdman motion to reconsider that vote prevailed and the Hudkins amendment ultimately passed 26-5.

Finally, a Heidemann amendment, adopted 30-0, would make various transfers to the Nebraska Health Care Cash Fund. The fund

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is accessed by a number of entities including the Gamblers Assistance Program and the Poison Control Center, Heidemann said.

LB961 was advanced to select file by voice vote before the Legislature adjourned for the evening March 19.

**Other provisions**

The third bill in the budget adjustment package, **LB960**, contains appropriations for salary and health insurance costs.

LB960, as amended by a committee amendment on a 43-0 vote, would appropriate the necessary funds to implement an Aug. 2007 Commission on Industrial Relations ruling on a state labor agreement.

LB960 advanced to select file 42-0 and to final reading by voice vote.

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*Gov. Dave Heineman presented medals of honor to members of the Nebraska National Guard in the Warner Chamber May 20.*

# WEEKLY REVIEW

## Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB789	Erdman	Change grant provisions under the Agricultural Opportunities and Value-Added Partnerships Act	Placed on Select File with ER8197

## Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB959	Speaker Flood	Provide for deficit appropriations	Advanced to Enrollment and Review for Engrossment
LB960	Speaker Flood	Appropriate funds for employee pay and benefits	Advanced to Enrollment and Review for Engrossment
LB961	Speaker Flood	Provide for and change transfers and allocation of state funds	Advanced to Enrollment and Review for Engrossment

## Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1011	Langemeier	Change the Real Property Appraiser Act	Placed on Select File with ER8192
LB1045	Pankonin	Change provisions relating to coverage changes in property and casualty and automobile liability policies	Placed on Select File
LB848	Erdman	Change the Nebraska Limited Cooperative Association Act	Placed on Select File with ER8198
LB851	Banking, Commerce and Insurance Committee	Change provisions relating to banking and finance	Approved by Governor on March 19, 2008
LB855	Banking, Commerce and Insurance Committee	Change provisions relating to insurance	Approved by Governor on March 19, 2008

## Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1016	Lathrop	Adopt the Proper Employee Classification Act	Placed on General File with AM2322
LB1019	Business and Labor Committee	Provide for payment of claims against the state	Advanced to Enrollment and Review for Engrossment
LB821	Business and Labor Committee	Change provisions relating to claims against the state and the Risk Manager	Placed on Select File with ER8201
LB926	Lathrop	Prohibit mandatory overtime for certain state employees	Placed on General File

## Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1154	Raikes	Change learning community provisions	Placed on General File with AM2449
LB850	Erdman	Change insurance coverage provisions for members of school boards, boards of education, learning community coordinating councils, and boards of educational service units	Placed on Select File with ER8193
LB988	Raikes	Change the Tax Equity and Educational Opportunities Support Act	Advanced to Enrollment and Review Initial

## Executive Board

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR283	Flood	Create the Developmental Disabilities Special Investigative Committee of the Legislature	Laid over

# WEEKLY REVIEW

## General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1103	Karpisek	Change provisions relating to sale of farm winery wines	Placed on Select File
LB728	Karpisek	Change provisions relating to the state song	Placed on Select File
LB993	McDonald	Change expenditure provisions relating to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund	Placed on Select File
LB995	General Affairs Committee	Change provisions relating to cemeteries	Placed on General File with AM2118

## Government, Military and Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1067	Aguilar	Change provisions allocating election costs to political subdivisions	Placed on Select File
LB572	Kruse	Provide for the inclusion of certain library employees under the Nebraska State Insurance Program	Placed on Select File
LB838	Karpisek	Change procedures relating to elections	Placed on Select File with ER8206
LB904	Lautenbaugh	Change provisions relating to applications for veterans aid	Placed on Select File
LB962	Preister	Change public body meeting provisions of the Open Meetings Act	Approved by Governor on March 19, 2008

## Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1048	Nantkes	Provide for issuance of birth certificates for stillbirths	Placed on Select File with ER8203
LB1104	Fulton	Provide for unlawful billing practices under the Uniform Credentialing Act	Placed on General File with AM2397
LB1108	Erdman	Change licensure and practice provisions for mental health practitioners	Placed on Select File with ER8204
LB1120	Johnson	Change exemption provisions under the Nebraska Health Care Certificate of Need Act	Placed on General File with AM2328
LB48	Dierks	Exempt certified registered nurse anesthetists from certain radiation-use qualifications	Placed on General File with AM2405
LB830	Lathrop	Adopt the Prescription Drug Cost Savings Act	Placed on General File with AM2357
LB928	Johnson	Repeal the Hepatitis C Education and Prevention Act	Placed on General File with AM2435
LB972	Gay	Change optometry licensure provisions	Placed on Select File

## Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1130	Synowiecki	Provide for the merger of adult probation and parole services	Placed on General File with AM2330
LB151	Gay	Provide a statute of limitations for certificate of deposit obligations as prescribed	Placed on Select File with ER8190
LB619	Pirsch	Change provisions relating to bad debt charges by the State Treasurer	Approved by Governor on March 19, 2008
LB764	Cornett	Prohibit certain treatment of bovines and equines	Placed on Select File with ER8202
LB775	Wightman	Change deputy court clerks provisions	Placed on Select File
LB902	Pankonin	Change provisions relating to controlled substances schedules and inventory	Placed on Select File with ER8199
LB929	Chambers	Prohibit hunting, trapping, and fishing and provide penalties	Indefinitely postponed
LB958	Ashford	Provide for an examination of firearm-related violence and a hotline to report loss of a firearm and repeal requirements for purchasing handguns	Placed on Select File with ER8191
LR284	Pedersen	Recognize slavery in the history of Nebraska	Laid over

# WEEKLY REVIEW

## Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1094	Carlson	Provide for payment to certain water rights holders pursuant to forbearance contracts and change provisions relating to river-flow enhancement bonds	Placed on Final Reading with ST9074
LB1145	Louden	Change dates relating to expenditures from the Petroleum Release Remedial Action Cash Fund	Placed on Select File
LB1162	Lautenbaugh	Remove statutory minimum fees under the Game Law	Placed on Select File
LB593	Louden	Amend the Petroleum Release Remedial Action Act to eliminate an insurance provision	Placed on Select File
LB724	Natural Resources Committee	Change fees under the Remedial Action Plan Monitoring Act	Placed on Select File
LB726	Natural Resources Committee	Change provisions relating to the Wastewater Treatment Facilities Construction Loan Fund	Placed on Select File with ER8194
LB727	Natural Resources Committee	Change provisions relating to hearings conducted by the Department of Natural Resources	Placed on Select File
LB798	Louden	Change provisions relating to irrigation water reuse pits, transfer of water appropriations, and intentional underground water storage permits	Placed on Select File with ER8200
LB805	Wallman	Change membership of the Propane Education and Research Council	Placed on Select File
LB865	Hudkins	Allow trapping of raptors within the county road right-of-way	Placed on Select File
LB939	Heidemann	Change bidding requirements for certain political subdivisions	Approved by Governor on March 19, 2008

## Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1004	Cornett	Change an income tax withholding amount	Placed on Select File
LB710	Pahls	Require notice of sale of real property by a land reutilization authority	Placed on Select File with ER8205
LB754	Synowiecki	Change provisions of the Convention Center Facility Financing Assistance Act	Placed on Select File with ER8195
LB893	Langemeier	Change provisions relating to tax deeds and foreclosures	Placed on Select File
LB898	Janssen	Change provisions of the Unfair Cigarette Sales Act	Approved by Governor on March 19, 2008
LB914	Revenue Committee	Change provisions relating to taxes and funds	Approved by Governor on March 19, 2008

## Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB755	Transportation and Telecommunications Committee	Change Public Service Commission powers and duties	Approved by Governor on March 19, 2008
LB756	Transportation and Telecommunications Committee	Change provisions relating to motor vehicle operation, titling, and registration and motorboat titling	Approved by Governor on March 19, 2008
LB845	Fischer	Create a penalty for motor carrier out-of-order violations and authorize administrative fines	Placed on Select File with ER8196

## Urban Affairs

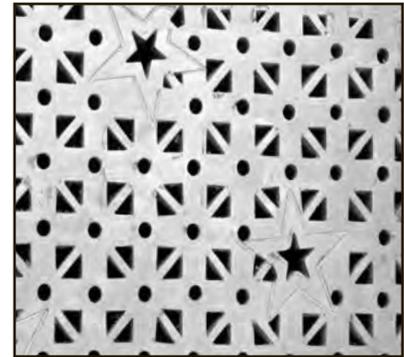
BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LB1056	Erdman	Adopt the First-Class City Merger Act	Approved by Governor on March 19, 2008
LB768	Cornett	Provide sanitary and improvement districts with the power to contract for library services	Approved by Governor on March 19, 2008
LB947	Friend	Increase minimum bidding amount requirements for cities of the first and second class and villages	Placed on Select File

## THE CAPITOL'S HIDDEN TREASURES



**Q:** *This architectural detail can be found somewhere in the State Capitol Building. Do you know where it is?  
Check next week's issue to learn where to find this hidden treasure.*

**A:** *The detail featured in last week's issue is a design in a floor grate in the Capitol rotunda.*



### FROM THE COVER

**Editor's Note:** During the 2008 session, each week's cover of the Unicameral Update will feature a "Hidden Treasure of Nebraska II." Hidden treasures are sites and events throughout Nebraska that may not be widely known or publicized and reflect the state's culture, heritage and diversity. This series picks up where the 2004 series left off.

The Towers in Time art exhibit at Ponca State Park was created by artists Jay and Ean Tscheter and dedicated in 2006. The exhibit features a fountain and three large towers, each with relief carvings of flora and fauna that dominated the region's landscape during the Mesozoic Era, Ice Age and present day. A series of waterfalls descend into a pond that rests at the foot of the towers.

Part of the Lewis and Clark Trail, Ponca State Park is named after Chief Standing Bear of the Native American Ponca Tribe. The park is located two miles north of Ponca in Dixon County.

The park sits at the edge of the Missouri River and encompasses nearly 1,400 acres of heavily wooded hills. Visit [www.ngpc.state.ne.us/parks](http://www.ngpc.state.ne.us/parks) for more information.

## UNICAMERAL UPDATE

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