

THE NEBRASKA LEGISLATURE'S  
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# UPDATE

## Deer hunting season extensions advanced

**H**unters would have additional opportunities to hunt deer under a bill advanced from general file March 11.

As amended by a Natural Resources Committee amendment, LB836 would authorize the state Game and Parks Commission to extend existing deer hunting seasons.

The bill's sponsor, Sen. Scott Lautenbaugh of Omaha, said overpopulated deer in Nebraska are damaging crops and threatening motorists. He said his bill would provide the commission better tools to reduce the size of the deer herd.

The amendment, adopted 34-0, would provide for an unlimited number of free permits for antlerless deer to be issued to any person owning or operating at least 20 acres of farm or ranch land within the geographic area specified by the commission for the season. Immediate family of the aforementioned landowners or operators would be offered the permits as well.

All revenues from the sale of special depredation season permits would be used for the abatement of damage caused by deer.

The amended bill would permit hunting within a 100-yard radius of an inhabited dwelling or livestock feedlot. Current restrictions require 200 yards.

The bill originally would have allowed landowners and their immediate families to hunt deer on their farmland

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Omaha Sen. Scott Lautenbaugh introduces a bill meant to reduce the deer population in the state.

## Senators override veto of alcohol shipping fee

**S**enators voted March 9 to override the governor's veto of a bill that increases the state's alcohol shipping fee.

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

Lawmakers passed the bill Feb. 25 on a 46-1 vote. Gov. Dave Heineman subsequently vetoed the measure.

In his veto message, the governor said it is unreasonable to increase the fee by 500 percent during difficult economic times, and that doing so will create an undue burden on small businesses that ship alcohol into Nebraska.

Karpisek said the increase is fair, in part because the fee has not been

raised since 1981. The increase is expected to add nearly \$500,000 per year to the state's general fund, he said.

"I don't think \$1,000 is out of line or unreasonable," Karpisek said. "We have to think about how we can bring some money into this state."

Lincoln Sen. Colby Coash opposed the override motion, saying the bill could impede the growth of the craft beer industry in Nebraska. If busi-

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# A CLOSER LOOK.....

## Deer hunting season extensions advanced

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without regard to season bag and possession limits and would have permitted the use of spotlights when hunting deer. In addition, the commission would have been required to establish biennial deer depredation seasons. These provisions were removed by the committee amendment.

Schuyler Sen. Chris Langemeier said the amended bill would address the overpopulation of deer while retaining the commission as a monitoring entity. He said the legislation would provide a means for targeting specific areas that have too many deer and would not affect regions with scarce herds.

Imperial Sen. Mark Christensen said deer overpopulation has caused crop damage and man car accidents in his district. As an example, he said, the seven drivers in his family hit 32

deer on roads in one year.

He said he has seen 600 to 1,000 deer in his fields at a time, which have greatly reduced his crop yields.

Although no provisions of LB836 mandate hunter access, Lautenbaugh urged landowners to permit hunting on their land.

“If we had more hunters and they had more access, we wouldn’t be having this conversation,” he said.

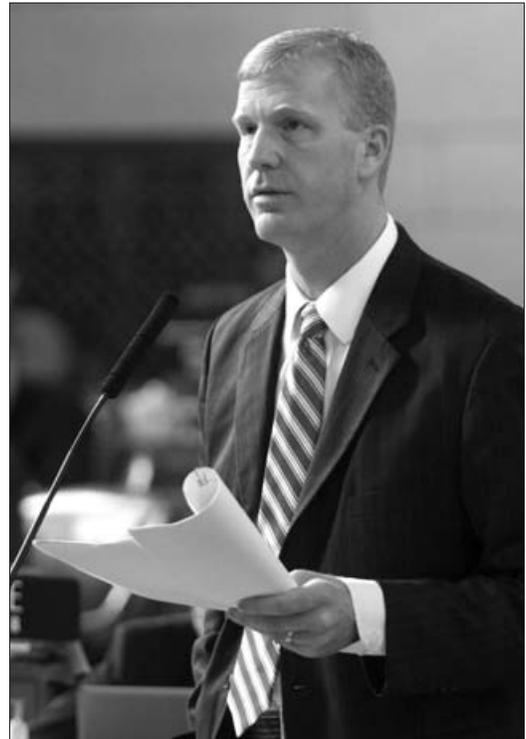
Ellsworth Sen. LeRoy Louden offered an amendment to the committee amendment that added provisions of LB747 to the bill.

The amendment, adopted 31-0, would permit landowners to kill mountain lions found stalking, killing or consuming livestock on their property or to apply for a 30-day permit to kill a mountain lion preying on their livestock or poultry. The amendment also would clarify that a person may defend against a mountain lion that stalks, attacks or shows unprovoked aggression towards any person.

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

Louden said mountain lions are classified as big game animals but the commission has no means of regulating their population. He said the bill would present an alternative to the “shoot, shovel and shut up” method in which ranchers with no other option to protect their livestock kill the animals without reporting the incident.

Lawmakers advanced the bill 34-0. ■



*Schuyler Sen. Chris Langemeier explains the committee amendment to LB836.*



*Ellsworth Sen. LeRoy Louden describes an amendment permitting landowners to kill mountain lions.*

## COMMITTEE HEARING

**Monday, March 15**

**Executive Board  
Room 2102 - 12:00 p.m.**  
LR335 (Mello) Establish a special committee of the Legislature to be known as the Clean Energy Economic Committee

# A CLOSER LOOK.....

## Senators override veto of alcohol shipping fee

*continued from front page*

nesses choose not to ship their product into Nebraska, consumers will spend their money in other states, he said.

“This industry depends on the availability of product,” Coash said.

Karpisek said small shippers could form associations to purchase one shipping license. All members of the association could then ship under the same license, he said, sharing the impact of the increase.

“I don’t think this is going to hurt any businesses to the point of not shipping in,” Karpisek said.

Omaha Sen. Gwen Howard supported the motion to override, saying the bill would impact only out-of-state shippers, most of whom easily can afford to absorb the fee increase.

“It is high time that we look at charging a fair amount,” she said. “This increase is the right way to go.”

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



*Wilber Sen. Russ Karpisek explains his motion to override the governor’s veto of LB867.*

## Unicameral Youth Legislature held in June



The Unicameral Youth Legislature is a four-day legislative simulation for ages 14-17 in which students take on the role of lawmakers. Student senators sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation’s only unicameral.

This legislative simulation gives behind-the-scenes access to students who have an interest in public office, government, politics, law, public policy, debate or public speaking. Students will learn about the inner workings of the Legislature directly from senators, staff and lobbyists.

Sponsored by the Legislature and UNL’s Extension Office, the camp takes place at the Nebraska State Capitol and the UNL campus from June 13 - 16.

Register by May 1 at [www.NebraskaLegislature.gov/education/unicamyouth.php](http://www.NebraskaLegislature.gov/education/unicamyouth.php) or contact the Unicameral Information Office for details at (402) 471-2788 or [uio@leg.ne.gov](mailto:uio@leg.ne.gov).

# ISSUES UPFRONT

## Agriculture

### Livestock welfare laws reorganized

A bill passed by the Legislature March 11 reorganizes livestock animal cruelty laws into a new livestock welfare section of statute.

Valentine Sen. Deb Fischer, sponsor of LB865, said existing animal welfare statutes are “intermingled and complex,” which could result in their improper application.



Sen. Deb Fischer

Fischer said the bill brings clarity to animal welfare statutes by creating a new section to recognize the different standards of common care and husbandry required for livestock versus other animals.

Members voted 47-0 to pass the bill.

### Funding diversified for commercial dog and cat inspections

Lawmakers gave final approval March 11 to a bill intended to diversify the funding source for the state’s inspection program under the Commercial Dog and Cat Operator Inspection Act.

LB910, introduced by Holdrege Sen. Tom Carlson, requires that a \$1 fee be collected at the time of licensure of a dog or cat. Jurisdictions will



Sen. Tom Carlson



retain 3 cents of the fee as administrative reimbursement.

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

Senators passed the bill 43-2.

fund to the Nebraska Cultural Preservation Endowment Fund from \$1.5 million on Dec. 31, 2011 and 2012, to \$500,000 per year beginning Dec. 31, 2011 and ending Dec. 31, 2016.

LB1063 passed on a 47-0 vote.

## Appropriations

### Art maintenance fund established

Senators gave final approval March 11 to a bill intended to reduce costs and permit more efficient administration of the Nebraska Arts Council.

LB1063, sponsored by Omaha Sen. John Nelson, allows the arts council to set aside up to 10 percent of its administrative budget to establish a fund to maintain and preserve public artwork. The bill also allows the council to inventory certain works of art on a regular schedule rather than annually, as is currently required.

Finally, the bill reduces the maximum annual transfer from the general



Sen. John E. Nelson

## Education

### Senators approve earlier kindergarten eligibility date

Senators passed a bill March 11 that moves up the eligibility date for children to begin kindergarten.

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



Sen. Greg Adams

The bill includes an exception for children who turn 5 between Aug. 1 and Oct. 15 if they perform adequately on a school assessment. The bill also requires school boards to adopt an assessment procedure to determine if a child is capable of kindergarten-level work.

LB1006 was passed on a 47-0 vote.

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## Bill would create teacher performance pay fund

Senators began debate on a bill March 9 that would create a teacher performance pay fund from proceeds of wind and solar leases and any portion of rental income related to carbon sequestration rights of the Board of Educational Land and Funds.

Malcolm Sen. Ken Haar said he introduced LB1014 to benefit the quality of teaching in all schools. Money from the fund would be distributed to equalized and non-equalized districts on a per student basis. Under the bill, school districts and their collective bargaining agreements would set performance factors that could include improving professional skills and knowledge, classroom performance or instructional behavior and instructional outcomes. Distribution of funds would begin in 2016, Haar said, to allow the fund time to build.

The Education Committee offered an amendment, adopted 43-0, aimed at preventing the proposal's inflation of state aid to schools. Under the amendment, receipts from the teacher performance pay fund would be included on both the needs and resources side of the state aid formula. The amendment also would provide a budget limitation exception for receipts from the proposed fund for fiscal years 2016-17 and 2017-18.

York Sen. Greg Adams offered an amendment to the committee amendment, adopted 38-0, which would remove additional graduate education hours from performance factors to be considered by school districts. He said salary schedules already rec-



Sen. Ken Haar

ognize graduate education.

Some senators raised concerns about creating a fund for an unknown amount of money.

"We are earmarking funds in this bill and mandating that they are spent for a particular purpose," Hastings Sen. Dennis Utter said. "We are earmarking an unknown amount of money."

Papillion Sen. Tim Gay agreed, noting that wind and solar energy could become significantly more popular through federal cap and trade legislation.

"We could be talking about a lot of money," he said.

During debate March 10, Haar said it would be up to future legislators to monitor the fund and act appropriately.

"We really don't know at what rate wind and solar development will take off in Nebraska," he said. "This is looking at a new source of money and seeing what develops."

Omaha Sen. Tom White agreed, saying lawmakers should not oppose the bill simply because they do not know how much money the proposal might generate.

"Wind power is in its infancy," White said. "It's not wrong to think in advance about what we might do if we are able to turn potential into reality."

Sen. Danielle Conrad of Lincoln also supported the bill, calling it an "elegant proposal" to fund performance pay for teachers.

"This is a flexible option that supports local control," she said. "This is a sound piece of legislation to accomplish important goals."

The Legislature recessed before taking further action on the bill.

## Nebraska School Activities Association bill stalls

Senators voted March 12 to bracket a bill that would have restructured

the Nebraska School Activities Association and required the association to follow state open meeting and records laws.

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

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



Sen. Bill Avery

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

An Education Committee amendment would have limited the scope of the bill by removing the restructuring requirements. The amendment would have required only that the association follow open meeting and records laws.

York Sen. Greg Adams, education committee chairperson, said the amendment was a compromise.

"I don't want this body to have to get involved in regulating school activities," he said.

Omaha Sen. Brenda Council said the bill would provide an important guarantee of public access to the association.

"Admittedly this is a private institution, but everything that it does impacts how children in public and private schools participate in activities," she said.

Omaha Sen. Scott Lautenbaugh spoke in opposition to the bill, say-

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ing changes in the association’s procedures should originate with its members – the schools. He made a priority motion to bracket the bill until April 14, the last scheduled day of the legislative session.

“I don’t see the need for us to interfere in this entity,” he said. “I don’t think it’s our business.”

Lautenbaugh’s motion was successful on a 27-13 vote, making it unlikely that LB1021 will receive further debate this session.

## Government, Military & Veterans Affairs

### Bill would make government settlement agreements more accessible

A bill aimed at making settlement agreements involving public entities more open to public scrutiny was given first-round approval March 12.

Omaha Sen. Beau McCoy, sponsor of LB742, said he introduced the bill to increase transparency in settlements involving public entities.

“I believe the citizens of Nebraska have a right to know how their tax dollars are being spent,” he said. “We need to continually strive for a higher degree of transparency and accountability.”

A Government, Military and Veterans Affairs Committee amendment, adopted 36-0, replaced the bill. As amended, LB742 would require that a public entity, private insurance

company or public agency providing coverage to a public entity, public official or public employee maintain a public record of all settlement claims. A written settlement agreement would be included for claims settled for \$50,000 or more, or one percent of the public entity’s total annual budget, whichever is less. The settlement agreement would contain a brief description of the claim, the amount of financial compensation and the party or parties released.

As amended, the bill also would:

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

Lincoln Sen. Bill Avery said the state is exempt from the bill’s provisions because it does not have a governing board that holds public hearings as other political subdivisions do and because it has a separate, established claims process.

Avery offered an amendment to the committee amendment, adopted 35-0, which would specify that the bill does not apply to claims made in connection with insured or self-insured health insurance contracts. The amendment also would remove

private insurance companies from the bill’s provisions regarding maintaining a public record of all settled claims.

“It is not our intent to have private companies be custodians of public records,” Avery said, adding that private companies would be required only to provide a copy of the settlement to a public entity, which would maintain the information as a public record.

LB742 advanced to select file on a 35-0 vote.

### New considerations for state equipment purchases advanced

A bill that would modify the competitive bidding process for government purchases of heavy equipment advanced from general file March 11.

LB948, introduced by Lincoln Sen. Bill Avery, would require the state Department of Administrative Services, when making purchases, to consider:

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

“This is a way for the state to save money,” Avery said. “It may not show immediate savings in the first or second year, but over the life of the equipment, it will save the state money.”

The bill also would require bidders to provide data relating to life-cycle costs for heavy equipment, including motor graders, wheel loaders, paving equipment and backhoe loaders.

A Government, Military and Veterans Affairs Committee amendment, adopted 33-1 on March 10, limited the definition of heavy equipment to those items listed in the bill, removed a proposed requirement that the department consider the equipment’s resale value when making purchases



Sen. Beau McCoy

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and added a new requirement that the department consider life-cycle data provided by the bidders on heavy equipment.

“They would be required to consider it, but they would not be required to make the decision based solely on this information,” Avery said. “They would be required to take it into account.”

Ellsworth Sen. LeRoy Loudon opposed the bill, saying life-cycle cost data is variable, depending on the source of the information. Purchasing decisions should be not be based on such arbitrary information, he said.

Even the grade of oil used and the frequency of oil changes can alter life-cycle costs, he said.

“You can probably drive [a piece of heavy equipment] an extra 2,000 miles on good oil,” he said, citing his own experience.

Sen. Bob Krist of Omaha supported the measure, saying it would provide information needed to make good purchasing decisions.

“If you put in the bid that you want life-cycle cost, you will get life-cycle information in the bid,” he said, adding that a similar process has been used at the federal level for 22 years and has saved taxpayers millions of dollars.

Omaha Sen. Beau McCoy brought an amendment to the committee amendment that would have made the life-cycle cost consideration optional rather than mandatory. The amendment failed on a 15-25 vote.

LB948 advanced from general file 27-13.

## Bill would change appeals for county planning commission decisions

A bill that would change the appeals process for some county planning commission decisions was

advanced from general file March 12.

As introduced, LB970 would require that an appeal of a county planning commission decision regarding a conditional use or special exemption be made to the county board. An appeal of a decision by a county board would then be made to the district court.

Lincoln Sen. Kathy Campbell, sponsor of the bill, said appeals of such decisions currently go directly to the district court. This appeals process is costly and can cause project delays, she said.



Sen. Kathy Campbell

A Government, Military and Veterans Affairs Committee amendment, adopted 29-0, would limit the bill’s provisions to counties that contain a city of the first class. As amended, the bill would apply only to Lancaster County.

Senators advanced LB970 to select file on a 29-0 vote.

## Proposal to abolish state treasurer’s office advances

Lawmakers gave first-round approval March 9 to a measure that would abolish the Nebraska Office of the State Treasurer.

LR284CA, introduced by Hastings Sen. Dennis Utter, would place a proposed constitutional amendment on the November 2010 general election ballot that would abolish the office effective Jan. 1, 2013.



Sen. Dennis Utter

A Government, Military and Veterans Affairs Committee amendment, adopted 35-1, would change the effec-

tive date to Jan. 8, 2015. Lincoln Sen. Bill Avery said the change would allow the candidate who is elected treasurer in November 2010 to serve a full term in office and would provide sufficient time to transfer the office’s duties to other state agencies.

“This additional time is necessary,” he said.

Utter said the Legislature has a responsibility to streamline state government and to look for every opportunity to make it more transparent, efficient and effective.

“I believe LR284CA can be the beginning of this process,” he said.

Most of the functions performed by the treasurer’s office could be absorbed into other departments and state agencies, Utter said, including the state Department of Revenue. The office’s approximately 50 employees might be transferred to other agencies, he said, but the state would be guaranteed a savings of \$117,000 by not paying the treasurer’s salary and benefits.

Eliminating the top six administrative positions within the treasurer’s office could save an additional \$400,000 to \$500,000, he said.

“Most of the treasurer’s duties are administrative in nature,” Utter said. “It is not a policy-making office and certainly does not require an elected official.”

Avery supported the measure, saying it would end unnecessary duplication of duties and promote efficiency.

“We can shake our fist at big government and inefficiency all we want to and get a feel-good feeling ... but eventually we need to take action,” he said.

Kearney Sen. Galen Hadley also spoke in support of the proposal, saying a constitutional amendment would allow voters a voice in how the process of streamlining state government occurs.

“It gives the people a right to tell us what they want,” he said.

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Several senators questioned whether the proposal necessarily would promote efficiency or save taxpayers money.

Sen. Mike Gloor of Hastings said moving duties from a small office to a larger bureaucracy, such as the state Department of Revenue, would not necessarily result in more efficient performance of those duties.

"I have concerns about savings that we're going to realize," he said. "Will those efficiencies actually occur?"

Ellsworth Sen. LeRoy Loudon said the performance of several programs, including child support and the unclaimed property division, has improved since being transferred to the treasurer's office. He said more study is needed to determine the costs and benefits of moving those programs again.

Sen. John Wightman of Lexington agreed, saying the treasurer's office has taken on additional duties since the last interim study on eliminating the office was conducted in the 1980s.

But Utter questioned the value of another study.

"There comes a time when, I think, you have to be willing to modernize," he said. "We can't continue to study and study and study."

Senators advanced the bill to select file on a 37-6 vote.

## Proposal to lower petition signature requirements stalls

Lawmakers declined to advance a measure March 11 that would lower signature requirements on initiative petitions in Nebraska.

LR300CA, introduced by Omaha Sen. John Nelson, would place a



Sen. John E. Nelson

proposed constitutional amendment on the November 2010 general election ballot that would reduce the number of petition signatures needed to place future proposals on Nebraska ballots.

As introduced, the measure would reduce the signature requirement for proposed constitutional amendments from 10 percent to 5 percent of registered voters. Signature requirements for an initiative to enact a law would be reduced from 7 percent to 3 percent of registered voters.

In a state with a one-house legislature, the citizens act as the second house, Nelson said. Therefore, Nebraska should have one of the lowest signature thresholds for initiatives rather than one of the highest, he said.

"Only Montana places a more onerous burden on the people," Nelson said. "To keep it at such a high level is wrong and it should be fixed"

Cedar Rapids Sen. Kate Sullivan said that while the change would make it easier for Nebraska citizens to place initiatives on the ballot, it also would make it easier for out-of-state interests to do so.

"There are some very well organized national interests that are looking at particular states to further their causes," she said. "I think we need to be cautious as we go forward in changing any thresholds."

A Government, Military and Veterans Affairs Committee amendment would have removed the provision relating to proposed constitutional amendments and reduced to 4 percent of registered voters the signature requirement for initiative petitions enacting a law. The amendment failed on a 23-3 vote, two votes short of the number required for adoption.

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

## Judiciary

### MIP penalties enhanced

Senators passed a bill March 11 designed to curb underage drinking.

Under LB258, introduced by Scottsbluff Sen. John Harms, minors 18 years old and younger found in possession of alcohol could have their driver's license impounded for 30 days for a first offense, 90 days for a second and one year for all subsequent offenses. The bill gives judges the option to use the increased penalties when sentencing minors in possession of alcohol, but does not make the penalties mandatory.



Sen. John Harms

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

LB258 passed on a 40-3 vote.

### Civil suits for exploited children advanced

Senators gave first-round approval March 12 to a bill that would give victims of child pornography a civil cause of action against exploiters.

Omaha Sen. Scott Lautenbaugh said he introduced LB728



Sen. Scott Lautenbaugh

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to stop further exploitation of children who are the subjects of child pornography.

Under the bill, victims would be allowed to sue individuals who created, distributed or possessed sexually explicit images or videos of them within the state. The state Attorney General's Office would be authorized to pursue claims on behalf of the victims.

The bill would apply to victims age 15 and younger. Victims could file a suit within three years after the conclusion of any related criminal prosecution, police notification that the perpetrator has been identified or the victim's 18<sup>th</sup> birthday.

LB728 would allow victims to seek a minimum of \$150,000 in damages.

Sen. Chris Langemeier of Schuyler spoke in support of the bill.

"I think Nebraska needs to send a message," he said.

Omaha Sen. Brenda Council spoke in opposition to the bill, saying a civil remedy already exists under federal law.

"I don't see the need for duplication here," she said.

Lautenbaugh offered an amendment that would exempt Internet service providers and cable companies from civil action under the bill.

Senators adopted Lautenbaugh's amendment 29-0 and advanced the bill from general file on a 32-2 vote.

## Bill seeks plan for additional reporting centers

A bill that would require the Community Corrections Council to develop a plan for adding new reporting centers was advanced from general file March 12.

Under LB864, sponsored by Omaha Sen. Pete Pirsch, the council would be required to collaborate with

the state Probation Administration and the state departments of Corrections and Parole to develop a plan for the funding and implementation of reporting centers in judicial districts that lack such centers.



Sen. Pete Pirsch

Reporting centers are community-based facilities that provide substance abuse treatment, behavioral health services, vocational training, life skills and other services to probationers, parolees, specialized substance abuse supervision participants and drug and specialty court participants.

Pirsch said the bill is the first legislative recommendation put forth by the Sentencing and Recidivism Task Force, which was created by the Legislature in 2009 to address correctional facility overcrowding.

A Judiciary Committee amendment, adopted 31-0, would require that the plan developed by the council recommend locations for new reporting centers in judicial districts that currently lack such a center and identify the need for additional facilities in districts that already contain a reporting center.

The amendment also would add the following to the council's duties in relation to community corrections facilities and programs:

- educating the public and criminal justice stakeholders;
- researching and evaluating existing facilities and programs;
- developing standardized definitions of outcome measures; and
- providing an annual report to the Legislature and the governor.

LB864 was advanced to select file on a 34-0 vote.

## Proposed sale of fireworks for New Year's Eve advanced

Senators advanced a measure March 12 that would allow the sale of fireworks from Dec. 28 to Jan. 1. Currently, fireworks may be sold only from June 24 until July 5.

Under LB880, sponsored by Tekamah Sen. Kent Rogert, the Nebraska fire marshal no longer would be required to test fireworks that have been nationally tested and approved. Calling the testing process redundant and time-consuming, Rogert said eliminating it would allow for a wider variety of fireworks to be sold in the state.



Sen. Kent Rogert

A Judiciary Committee amendment, adopted 38-0, would redefine permissible fireworks and provide an appeal hearing for sellers who are found to sell unapproved fireworks. The amendment also sets an operative date for the bill of Oct. 1.

LB880 was advanced from general file on a 38-0 vote.

## Senators advance waiver of child custody mediation

The mediation requirement in child custody cases could be waived in certain cases under a bill advanced by the Legislature March 12.

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

LB901, introduced by Lexington Sen. John Wightman, would require courts to hold an evidentiary hearing to grant a mediation requirement waiver. Under the bill, a waiver could be granted if both parents agree and

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good cause is shown by clear and convincing evidence. A waiver also could be granted if mediation is not possible without undue delay or hardship for either parent.

“This is a very limited right to waive mediation,” Wightman said, noting that mediation is impossible for cases in which one parent is in prison or out of the country.



Sen. John Wightman

The bill also stipulates a list of factors relating to the best interest of the child that judges must consider when deciding custody cases.

A Judiciary Committee amendment, adopted 36-0, makes technical changes and would allow waivers for modifications of child custody and visitation times.

Norfolk Sen. Mike Flood spoke in support of the bill, saying it would provide a waiver only in limited cases.

“We have made progress across the state in reducing the number of times parents end up in a trial regarding the custody of their children,” Flood said. “Although reluctant, I recognize that there may be instances where a waiver is necessary.”

LB901 was advanced from general file on a 40-0 vote.

## Natural Resources

### Future corn checkoff repealed

Corn producers will not be subject to a future checkoff under a bill passed by the Legislature March 11.

LB689, introduced by Schuyler Sen. Chris Langemeier, repeals a scheduled 0.6-cent per bushel or hundredweight excise tax, or “checkoff,” on corn and

grain sorghum sold or delivered from Oct. 1, 2012, to Oct. 1, 2019. Revenues currently collected from the corn excise tax are deposited in the Ethanol Production Incentive Cash Fund and were scheduled for transfer to the Water Resources Cash Fund on Dec. 31, 2012. LB689 will instead split half of the fund’s balance between the Nebraska Corn Development, Utilization, and Marketing Fund and the Grain Sorghum Development, Utilization, and Marketing Fund, based on the portion of the fund derived from the individual commodities.



Sen. Chris Langemeier

The remaining 50 percent of the EPIC Fund will be deposited in the state general fund.

The bill was passed 41-1.

### Water planning option for NRDs passes

All natural resources districts may develop plans for the management of water resources under a bill passed by the Legislature March 11. LB764, introduced by Valentine Sen. Deb Fischer, permits NRDs in areas not declared fully appropriated or over appropriated to create integrated management plans (IMPs) with the state Department of Natural Resources to achieve and sustain a long-term balance between water users and water supplies.



Sen. Deb Fischer

IMPs require NRDs and the department to consider the effects of existing and potential new wa-

ter uses on surface water appropriators and ground water users. If the river basin, subbasin or reach addressed in an optional IMP is later determined to be fully appropriated, the department and the appropriate NRD will be permitted to amend the IMP.

The bill was passed on a 46-0 vote.

### Republican River task force proposal advances

A bill that would create a task force to deal with water issues in the Republican River Basin was advanced from general file March 12.

LB1057, introduced by Holdrege Sen. Tom Carlson, would create the Republican River Basin Water Sustainability Task Force, whose purpose would be to develop a plan to reach water sustainability and avoid water-short years. The task force would present a final report to the Legislature by May 15, 2012.



Sen. Tom Carlson

As amended by a Natural Resources Committee amendment, the governor-appointed members of the task force would include:

- two representatives from each natural resources district in the basin;
- four representatives from the irrigation districts in the basin;
- one representative each from cities, counties, public power districts and school districts in the basin;
- two representatives from agriculture-related businesses in the basin; and
- one representative each from the state departments of Natural Resources and Agriculture,

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the state Game and Parks Commission and the University of Nebraska Institute of Agriculture and Natural Resources.

The chairperson of the Legislature's Executive Board would appoint three ex officio, nonvoting members from the Legislature, two of whom are residents of the basin and one who is chair of the Natural Resources Committee.

Administrative and budgetary responsibilities for the task force would be assumed by the state Department of Natural Resources. Non-state employee members of the task force would be reimbursed for their expenses for serving on the task force.

Malcolm Sen. Ken Haar spoke in support of the bill. He said it would permit the residents of the Republican River basin to find solutions in a forum that facilitates collaboration and new ideas.

"When you get people together to talk about solutions, you always learn something new," he said.

Carlson offered an amendment, adopted 35-0, that would enable the Water Resources Cash Fund to be used as the funding source for the \$25,000 allocated to the task force for expenses.

Senators voted 37-0 to adopt the committee amendment before advancing the bill 34-0.

## Revenue

### Inclusion of 'cloud computing' in tax incentive programs advances

Businesses offering cloud-computing services could qualify for tax incentives under a bill advanced by the Legislature March 11.

Cloud computing enables users to

access and store applications, data and information on the Internet rather than on a personal computer.

Currently, qualified businesses under tiers 1-5 of the Nebraska Advantage Act include those engaged in the sales of software development services, computer system design, product testing services and other computing services if at least 75 percent of the sales or revenue is generated from sales or licensing to non-related, out-of-state customers or the federal government.

LB918, introduced by Kearney Sen. Galen Hadley, would add companies that sell or deliver these services and products via the Internet or other electronic means to the list of qualified businesses.

The bill would expand the definition of qualified businesses under tiers 2-5 to include enterprises performing research, development and maintenance of a data center. Data centers meeting levels of investment and employment for tiers 2 and 5 also would be eligible for a personal property tax exemption for computer systems.

The Nebraska Advantage Act needs to keep pace with the technology industry, Hadley said, adding that the bill will encourage software and data centers to locate in the state. Such businesses are growing rapidly and paying high wages, he said.

"We are in a serious economic condition," Hadley said. "I think this bill will help us grow our way out of this economic crisis."

A Revenue Committee amendment, adopted 35-0, defined compensation in the bill and made other technical changes.



Sen. Galen Hadley

Senators voted 39-0 to advance LB918 to select file.

### Increased flexibility sought for convention center revenues

Projects in more geographic areas would qualify for convention center revenue funding under a bill advanced by the Legislature March 11.

The Convention Center Facility Financing Assistance Act includes a turnback of 70 percent of state sales taxes collected by retailers and operators of convention centers under the act. Of these revenues, 10 percent are required to be directed to metropolitan class cities for distribution to areas with a high concentration of poverty. Projects eligible for funding must showcase the areas' cultural or historical significance or attempt to reduce gang violence.

LB975, introduced by Omaha Sen. Jeremy Nordquist, would permit a project located near a high poverty area to receive funds if the project would have a significant or demonstrable impact on the high poverty area.



Sen. Jeremy Nordquist

Omaha Sen. Brenda Council said the committee reviewing grant applications for north Omaha was forced to turn down several projects located just outside the geographic boundary of the area designated as high poverty.

She said the bill would allow the committee greater flexibility to grant funds to such projects if they would have a positive impact inside the high poverty area.

LB975 advanced to select file on a 33-0 vote.

# ISSUES UPFRONT.....

## Teleworker job training reimbursement program advances

Employers providing job training for new teleworkers could receive state reimbursements under a bill advanced March 10.

As amended by a Revenue Committee amendment, LB1081 would create a job training reimbursement program for qualified employers to provide job training for teleworkers who work from their homes in Nebraska. The bill was introduced by Bellevue Sen. Abbie Cornett.



Sen. Abbie Cornett

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

Before submitting an application for the program, an employer would submit a description of its teleworker training program to the director of the state Department of Economic Development. Qualified programs would need to provide at least 15 hours of instruction involving job-related tests for trainees at their residences and pay at least the federal minimum wage.

After receiving initial approval, applicants could submit an application to the director to earn job training reimbursements from the Job Training Cash Fund. Reimbursements would be \$300 for each qualifying teleworker up to a total of 500

employees, resulting in a maximum project reimbursement of \$150,000.

A maximum of seven projects would be approved during fiscal year 2010-11 for a total of \$1,050,000 in job reimbursements.

Cornett said existing tax incentive programs include capital investment requirements and job thresholds that some areas of the state cannot support. She said her bill would provide companies an opportunity to take advantage of technology to offer jobs to rural and low-income areas of the state.

One employer looking to capitalize on the job reimbursement program created under LB1081 is West Corporation, Cornett said. Headquartered in Nebraska, the company is expected to hire more than 1,000 Nebraskans if the bill is passed, she said.

Teleworker jobs offered by the company will pay an average of more than \$8 an hour, Cornett said, adding that workers and communities will benefit from these wages, flexible work hours and the ability to work from home.

“Not only will these jobs support our communities, but they will support our families and our way of life,” she said.

Omaha Sen. Heath Mello, who prioritized the bill, also spoke in support. He said swelling unemployment should give the state reason to work with employers to encourage hiring.

LB1081 would provide an immediate boost to local economies, Mello said, explaining that the 1,000 new jobs created by West Corporation would add \$8 million in total wages by next year.

Kearney Sen. Galen Hadley also spoke in support of the bill. Although the salaries of teleworkers are modest, he said, these jobs offer families additional savings because commuting and attire costs are lower for those who work from home.

The committee amendment and a technical amendment brought by Cornett were adopted on 32-0 votes. The bill advanced from general file 34-0.

## Transportation & Telecommunications

### Cell phones will help locate missing persons

Cell phone companies are required to help law enforcement locate customers in danger under a bill passed March 11.

LB735, introduced by Papillion Sen. Tim Gay, creates the Kelsey Smith Act, named after an 18-year-old Kansas girl who was abducted and murdered in 2007. The bill requires that wireless carriers provide, as soon as is practicable, the best available call location information for a wireless device upon the request of a law enforcement agency.



Sen. Tim Gay

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

Lawmakers passed LB735 on a 46-0 vote.

### Road preservation made priority

The state Department of Roads has a new criterion for prioritizing road projects under a bill passed by the Legislature March 11.

# ISSUES UPFRONT.....

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

The bill was passed 47-0.

## Senators approve signs for attractions

Informational signs for attractions can be erected within the right-of-way on interstate and state primary system roads under a bill passed by the Legislature March 11.

Introduced by Tekamah Sen. Kent Rogert, LB926 permits signs for attractions of regional significance with the primary purpose of providing amusement, historical, cultural or leisure activity to the public. Eligible attractions are required to have restroom facilities,

drinking water and adequate parking. The bill requires that qualifying food service providers provide restrooms and serve two meals, six days a week. Eligible wineries must be open at least 20 hours per week.

The bill was passed 47-0.

## Urban Affairs

### Revenue bond ballot measure passes

Lawmakers gave final approval March 12 to a proposed constitutional amendment that would authorize the use of revenue bonds to develop property for use by nonprofit enterprises.

LR295CA, introduced by Lincoln Sen. Amanda McGill, will place a proposed constitutional amendment on the May 2010 primary election ballot

that would authorize any county, city or village to acquire, own, develop and lease real and personal property for use by charitable nonprofit enterprises, and to issue revenue bonds to defray the cost of acquiring, developing or financing such property.



Sen. Amanda McGill

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

The measure passed on a 42-0 vote. ■

## Helpful legislative phone numbers



Legislative Hot Line (Lincoln).....	(402) 471-2709
Legislative Hot Line (Nebraska outside Lincoln) .....	(800) 742-7456
24-Hour Automated Request Line .....	(402) 471-2877
Bills, resolutions or Legislative Journals (SUBSCRIPTIONS) .....	(402) 471-2271
Bills, resolutions or Legislative Journals (INDIVIDUAL COPIES).....	(402) 471-2877
Nebraska Blue Book .....	(402) 471-2788
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## State government office phone numbers



Governor's Office .....	(402) 471-2244
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# LEGISLATIVE GLOSSARY

**“A” Bill** - see Appropriation Bill.

**Amendment On File** - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

**Amendment Printed Separate** - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

**Appropriation Bill (“A” Bill)** - a bill to appropriate funds to finance another bill bearing the same number.

**Attorney General’s Opinion** - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

**Bill** - see Legislative Bill.

**Bracket** - to delay consideration of a bill.

**Call of the House** - a procedure used to compel attendance of unexcused senators in the chamber.

**Carry-over Legislation** - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

**Chair** - the presiding officer.

**Cloture** - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

**Constitutional Amendment Resolution** - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

**Consent Calendar** - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

**“E” Clause** - see Emergency Clause.

**E&R** - see Enrollment and Review.

**Emergency Clause (“E” Clause)** - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

**Engrossment** - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

**Enrollment and Review (E&R)** - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

**Executive Session** - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

**Final Reading** - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

**Fiscal Note** - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

**Floor** - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” that means the bill is being sent to the full Legislature for consideration.

**General File** - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

**Hearing** - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

**House Under Call** - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

**Indefinitely Postpone (IPP)** - to kill a bill.

**Interim** - the period between regular legislative sessions.

**Interim Study Resolution** - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

**IPP** - see Indefinitely Postpone.

**Journal** - see Legislative Journal.

**Laws of Nebraska (Session Laws)** - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

**Legislative Bill (LB)** - a proposal to create, change or delete one or more laws.

**Legislative History** - the committee and floor debate records for any bill. A history includes transcripts



of the bill's hearing and all floor debate.

**Legislative Journal** - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

**Legislative Resolution (LR)** - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

**Line-Item Veto** - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

**Machine Vote** - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

**Major Proposal** - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

**One-liner** - a one-line description of a bill or resolution.

**Override a Veto** - see Veto Override.

**President of the Legislature** - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madame President, the lieutenant governor alone holds that official title.

**Presiding Officer** - the senator currently presiding over legislative proceedings.

**Priority Bill** - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

**Record Vote** - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system, and the senators' names and corresponding votes are then printed in the Legislative Journal.

**Regular Session** - the annual session that begins the first Wednesday after the first Monday in January.

**Resolution** - see Legislative Resolution.

**Revisor Bill** - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

**Roll Call Vote** - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes may be printed in the Legislative Journal.



**Select Committee** - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

**Select File** - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

**Session** - a period of time, usually a number of days, during which the Legislature meets and transacts business.

**Session Laws** - compilation of all laws and constitutional amendment resolutions passed in a session.

**Sine Die** - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

**Slip Law** - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

**Speaker of the Legislature**

- the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and who presides in the absence of the lieutenant governor.

**Special Committee** - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

**Special Session** - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

**Standing Committee** - a permanent committee with a subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**Veto** - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

**Veto Override** - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

**Voice Vote** - a vote in which senators cast their votes orally and no totals are recorded.

**Worksheet** - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.

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Nebraska Legislature  
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Clerk of the Legislature: Patrick J. O'Donnell

Editor: Heidi Uhing

Contributors: Lauren Adams, Bess Ghormley, Kate Heltzel  
and Kyle Petersen

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