

THE NEBRASKA LEGISLATURE'S
WEEKLY PUBLICATION

UPDATE

Statewide smoking ban bracketed

After continued debate Feb. 14, a bill that would restrict smoking in any place of employment or public place in Nebraska was bracketed until Feb. 28. Kearney Sen. Joel Johnson, the introducer of **LB 395**, said this would allow time for lawmakers to try to resolve some of the issues that had come up in debate.

The bill would amend the Nebraska Clean Indoor Air Act to provide statewide consistency. The legislation is modeled after Lincoln's indoor smoking ban that was implemented in 2005.

The bill would allow three exemptions to the total ban:

- private residences, except when used for child care, adult day care or as a health care facility;
- guestrooms and suites that are rented and designated as smoking; and
- areas used for research on the health effects of smoking.

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Grand Island Sen. Ray Aguilar, left, and Kearney Sen. Joel Johnson talk during debate on a bill they co-sponsored that would enact a statewide smoking ban.

Committee considers state fairground plans

The Agriculture Committee heard testimony Feb. 13 on two bills that would begin a process to study possible uses of the State Fair Park and adjoining property.

LB 131, sponsored by Lincoln Sen. Ron Raikes, would require the University of Nebraska-Lincoln to complete a university research and development corridor master plan.

The master plan would be con-

ducted in cooperation with the city of Lincoln and the state Department of Administrative Services (DAS) and would include:

- a plan for the land northeast of the university, including potential use of all or part of State Fair Park;
- a 15-year cash flow analysis of the costs associated with the master plan;
- an economic cost-benefit analysis

of the potential state and local benefits; and

- any additional analysis that is deemed beneficial in assessing the potential economic and research opportunities on land near the university.

Raikes said the purpose of the bill is simply to gather information.

"I think that we owe it to the

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ISSUES UPFRONT



Agriculture

Lawmakers pass updates to food safety code

Senators passed a bill Feb. 12 that would update regulations for retail food establishments.

LB 74, sponsored by Bayard Sen. Philip Erdman, would incorporate new Food and Drug Administration regulations into the Nebraska Pure Food Act.



Sen. Philip Erdman

The U.S. Public Health Service updates the food code every four years. Nebraska is currently following the 2001 code.

LB 74 would create a separate classification for food vendors who provide prepackaged food from temporary locations. The bill also would raise the maximum fees paid by food establishments to account for inflation. The new fees would go into effect July 1.

LB 74 was passed on a 42-0 vote.

Education

G.I. schools boundary issues come to Legislature

Grand Island area schools discussed their district boundary issues before the Education Committee Feb. 12.

The three bills presented address issues related to a dispute between



the Grand Island Public and Northwest school districts.

LB 524, introduced by Sen. Ray Aguilar of Grand Island, would allow a school district that lies within a first class city to expand its boundaries with annexations of the city's boundaries. Currently, primary and metropolitan class cities and districts within those cities are allowed by law to expand in this manner.



Sen. Ray Aguilar

LB 524 would not affect existing law involving Class VI school districts in newly annexed territory.

LB 678, sponsored by Fullerton Sen. Annette Dubas, would apply to land that is annexed by a city or village and meets one of the following qualifications:



Sen. Annette Dubas

- the land lies within a Class III or Class VI school district;
- the land lies within a Class I school district that is attached to a Class VI school district; or

- the land does not lie within a Class IV or V school district.

In such cases, the annexed territory would remain a part of the school district of which it was a part immediately before the annexation was passed.

LB 153, introduced by Aguilar, relates to lawsuits filed pursuant to required negotiations between school districts when a city or village changes boundaries as a result of annexations. The bill would require a court to award reasonable attorney fees and other expenses to a defendant school district when another school district brings an action and is unsuccessful in obtaining a decision ordering further negotiations.

Testifiers told the committee the issues are focused on the impact annexations by the city of Grand Island have had on the Grand Island Public and Northwest school districts.

Both Aguilar and Dubas said the two school districts are meeting and discussing the applicability of the learning community concept available by the passage of LB 1024 during the 2006 legislative session. They also indicated that a local solution to the dispute would be preferable.

"If they cannot find that local

ISSUES UPFRONT.....

solution, the state may have to address it at some point in the future," Aguilar said.

The committee took no immediate action on any of the three bills.

General Affairs

Unenforceable gaming statute repealed

Lawmakers passed a bill Feb. 12 that would repeal gaming statutes that were adopted by Initiative 419 in 2004.

LB 64, sponsored by Lincoln Sen. DiAnna Schimek, would repeal an unenforceable statute.

In the 2004 general election, the state's citizens voted on several initiatives and constitutional amendments related to casino gambling. There were four initiatives, 417 through 420.

Only two initiatives passed: Initiative 418, a constitutional provision, and Initiative 419, which created new statutes.

Initiative 418 changed the Nebraska Constitution to require a vote of two-thirds of the Legislature to repeal or change any law enacted by initiative.

Initiative 419 created new statutes to establish a tax and fee schedule for casinos. It proposed a state tax of 36 percent of the first \$15 million of gross gaming revenue and 20 percent of the gross gaming revenue exceeding \$15 million. It passed with 51 percent of the vote.



Sen. DiAnna Schimek

Initiative 419 also allocated those tax proceeds to the state's general fund and the communities that had authorized such gaming. Finally, the measure established an annual license fee of \$100 per authorized operator per location.

Since the initiative that would have allowed casino gambling did not pass, the statutory tax structure for casinos created by Initiative 419 is unenforceable.

LB 64 passed on a 48-0 vote.

Health and Human Services

HHS reorganization bill amended

Lawmakers continued second-round debate Feb. 15 on a proposal that would reorganize the state's Health and Human Services System.

As amended, **LB 296** would reorganize the current system into a single department under a chief executive officer who would oversee six separate divisions. Those divisions would be divided by services for public health, Medicaid, children and family services, behavioral health, developmental disabilities and veterans' homes.

Appointees to the CEO and six division director positions would be made by the governor and would require confirmation by the Legislature.

Kearney Sen.

Joel Johnson said his bill, introduced at the governor's request, was the final step of a 10-year process to reorganize the HHS system. Calling



Sen. Joel Johnson

LB 296 a "massive bill of needed and required changes," Johnson said it was intended to make a large and complex system more effective, accessible and accountable for all Nebraskans.

The previous structural change for the agency, made in 1996, merged five existing departments into three: the state Department of Health and Human Services, the state Department of HHS Finance and Support, and the state Department of HHS Regulation and Licensure.

Omaha Sen. Ernie Chambers offered the amendment that would rename departments within the system as divisions and change the system's name to the Department of Health and Human Services.

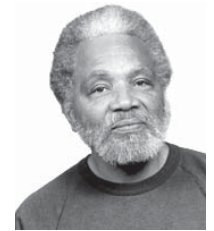
He said the new names more accurately describe the structure of the department.

"We should strive for truth in labeling," Chambers said.

The amendment was adopted 41-0.

Omaha Sen. Gwen Howard introduced an amendment that would have incorporated an accreditation process for workers within the Children and Family Services Division.

"We are at a point now when we are considering a new structure, but structure alone is not going to guarantee quality services," she said.



Sen. Ernie Chambers



Sen. Gwen Howard

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Sen. John Synowiecki of Omaha said lawmakers needed more time to study the merits of accreditation and said the issue warranted a committee hearing as its own bill.



Sen. John Synowiecki

Moreover, he said, the accreditation process can be lengthy, taking employees' time and attention away from their work.

The Howard amendment failed 19-13. The bill remains on select file.

Prescription drug plan presented to lawmakers

The Health and Human Services Committee considered a proposal Feb. 15 that would attempt to lower the cost of prescription drugs for Nebraskans.

LB 699, introduced by Omaha Sen. Steve Lathrop, would create the Nebraska Rx ACCESS Card Program, which would extend savings gained under a preferred prescription drug list to uninsured Nebraskans who earn less than 300 percent of the federal poverty income guidelines. The preferred drug list would be a list of available prescription drugs that are deemed therapeutically superior without regard to cost, or are therapeutically equivalent and are the lowest cost drug.



Sen. Steve Lathrop

The new program would offer qualifying participants a card that would generally allow them to

purchase prescription drugs at participating retail pharmacies at the price paid by the state Medicaid program.

The program would be administered by the state Health and Human Services System. The preferred drug list would be put in place on July 1, 2008, and the Nebraska Rx ACCESS Card Program would take effect on July 1, 2009.

The committee took no immediate action on LB 699.

Judiciary

Proposal would clarify impeachable offenses

The Judiciary Committee heard testimony Feb. 15 on a proposal that would ask voters to amend a section of the Nebraska Constitution relating to the impeachment process.

LR 4CA, sponsored by Lincoln Sen. Bill Avery, would propose to expand the definition of impeachable offenses to include any violations of the election process committed during the campaign.



Sen. Bill Avery

Avery said the proposal was intended to clarify constitutional language and remove any gray area that might arise with campaign violations. He cited last year's impeachment of former university regent David Hergert as an example of a case that could have been affected by this proposal.

"It is intended to buttress the integrity of the election process," Avery said. "Let's send a message to candidates that it's not a win-at-all-

costs endeavor."

Jack Gould of Common Cause Nebraska testified in support of the proposal.

"The election process needs to be protected just as fiercely as the office that it leads to," he said.

There was no opposition to the proposal.

The committee took no immediate action on the proposal.

Natural Resources

Senators pass expanded grant program for drinking water

A bill passed Feb. 12 would expand a drinking water grant program to include communities of 10,000 or fewer.

LB 80, introduced by the Natural Resources Committee, would allow public water systems in smaller communities to qualify for funding. The program currently provides up to \$2 million annually for drinking water projects and evaluation.

LB 80 was passed on a 42-0 vote.

Bills would create renewable energy source programs

The Natural Resources Committee heard testimony Feb. 14 on bills relating to renewable energy sources.

LB 412, sponsored by Lincoln Sen. Amanda McGill, would require that 1 percent of each retail electricity supplier's total kilowatt hours sold come from a renewable energy source. That percentage



Sen. Amanda McGill

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would increase by 1 percent each year until 2019 when it would cap at 10 percent. The Nebraska Power Review Board would oversee and enforce the program.

Eligible renewable energy resources would include electricity generated from wind, solar, landfill gas, geothermal energy, fuel cells or biomass.

McGill said the program would provide environmental, health and fiscal benefits from reducing dependence on fossil-fuel energy sources.

LB 629, sponsored by Ewing Sen. Cap Dierks, would create a program of community-based renewable energy development initiatives.

Under the bill, qualifying projects with more than two wind turbines would be limited to no more than 15 percent ownership by single owner. Projects under the program would be required to have a resolution of support adopted by the county board or tribal council in the area where the project is located.

The bill would also establish a tariff that would be higher in the first 10 years of the power purchase agreement than in the last 10 years.

Dierks said the goal was to repay the high capital construction costs in wind energy projects.

Under the program, if a Nebraska public utility is required to comply with renewable energy requirements, the utility would first consider whether one or more of the program projects are available to meet the utility's needs. Each public utility would be required to include a



Sen. Cap Dierks

description of its efforts to purchase energy from program projects in the utility resource plan.

The committee took no immediate action on either bill.

Retirement Systems

State Patrol retirement bills considered

The Retirement Systems Committee heard three bills Feb. 14 related to the Nebraska State Patrol retirement plan.

LB 303, introduced by Omaha Sen. John

Synowiecki, would establish a Deferred Retirement Option Plan (DROP) for members of the State Patrol plan. Qualifying members could elect to have their monthly retirement benefits deposited into a personal deferred option account while simultaneously continuing to work for up to five years. Members would choose how to invest money in their deferred option account. Participating members would not earn additional credit for retirement or receive any cost-of-living adjustments while in the deferred option plan. Both employer and employee contributions would cease once the employee enters the deferred option plan.

LB 324, introduced by Speaker Mike Flood at the request of the governor, would maintain both



Sen. John Synowiecki

the existing employer contribution rate of 15 percent of pay and the current employee contribution rate of 13 percent of pay. Those contribution rates are currently scheduled for a reduction to 13 percent and 12 percent respectively effective July 1.

LB 611, sponsored by the committee, would increase the employer contribution rate to 16 percent and the employee contribution rate to 14 percent.

Estimates indicate that the State Patrol retirement plan requires an additional \$813,159 for the current fiscal year.

The committee took no immediate action on any of the measures.

Revenue

"Turnback" revenue revision proposed

Shortfalls in sales tax proceeds generated by Omaha's convention center prompted a measure considered by Revenue Committee members Feb. 15.

In 1999, lawmakers passed a bill allowing local governments that constructed convention center facilities to apply to the state for a return of sales tax proceeds generated by the presence of the convention center.

According to Norfolk Sen. Mike Flood, the sponsor of **LB 551**, disruptions in convention activity following Sept. 11, 2001, and restrictive interpretations of the law resulted in less than 30 percent of the anticipated "turnback" revenue being returned to the city of Omaha and other communities that built facilities through a similarly funded program. Omaha bonded for the construction of the Qwest Center



Sen. Mike Flood

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through the turnback program.

Under LB 551, sales tax collected by retailers doing business at the convention center, arena or hotel facility serving the complex would be certified to the state treasurer, with 70 percent for use in retiring Omaha's original convention center bond and 30 percent for use by cities other than Omaha.

Fiscal estimates place the bill's projected annual impact on state revenues at \$2 million.

The committee took no immediate action on the bill.

Transportation and Telecommunications

Freeway speed limit adjusted

Lawmakers passed a bill Feb. 12 increasing the speed limit on all freeways that are part of the state highway system but not part of the National System of Interstate and Defense Highways to 65 miles per hour.

LB 35, introduced by Nickerson Sen. Ray Janssen, also clarifies that the 75 mph speed limit may only apply to the National System of Interstate and Defense Highways.

The bill passed on a 48-0 vote.



Sen. Ray Janssen

Highway hay harvesting authorized

A bill regulating the harvesting of hay along the sides of highways passed Feb. 12.

Introduced by Sen. Lavon Heidemann of Elk Creek, **LB**

43 allows the state Department of Roads to issue permits to authorize and regulate the mowing and harvesting of hay on the right-of-way of highways on the state highway system.



Sen. Lavon Heidemann

Under the bill, the owner or the owner's assignee of land abutting the right-of-way has priority to receive a permit to harvest until July 30 of each year. Applicants who are not owners of abutting land shall be limited to a permit to harvest five miles of right-of-way per year.

Mowing and hay harvesting will be allowed on or after July 15 of every other year unless haying was completed the year prior due to drought or other declaration.

An applicant for a permit to harvest must sign a release assuming all risk and liability for hay quality and for any accidents and damages that may occur as a result of the work. The applicant also must show proof of liability insurance of at least \$1 million.

The department shall charge a permit fee in an amount calculated to defray the costs of administering the program. All fees received will be credited to the Highway Cash Fund.

The bill passed on a 49-0 vote.

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A CLOSER LOOK.....

Statewide smoking ban bracketed

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Violators of the law would be charged with a Class V misdemeanor for the first offense and a Class IV misdemeanor for the second and subsequent offenses. The bill would permit a health director or law enforcement officer to inspect a place of employment or public place at any reasonable time to determine compliance with the act.

The state Health and Human Services Department of Regulation and Licensure would be required to adopt rules and regulations and provide public information on the law.

"This could be a historic day in this chamber," Johnson said. He explained that a smoking ban has been before the Legislature many times, but has always been defeated.

Passing LB 395 would make a huge impact on the state's public health, he said, because secondhand smoke kills nearly 40,000 people in the U.S. annually.

"I challenge anyone to come up with something of greater public health benefit over the last 40 years than what we propose today," he said. Johnson estimated that more than 300 people die in Nebraska each year as a result of secondhand smoke.

A Health and Human Services Committee amendment would remove the prohibition against smoking within 20 feet of the entrances to places of employment or public places and exempt retail tobacco outlets from the no-smoking provisions of the bill. It also would revise the private residence exception to prohibit smoking in a private residence when the residence is being used as a public place or as

a place of employment for one or more employees who are not the occupants of the residence.

The committee believed the 20-foot ban from smoking near entrances would be difficult to enforce, Johnson explained. Also, the allowance for smoking in tobacco retail outlets was meant to be a "very narrow exception," he said.

"This does not mean that you set up a bar and have a drink while you're trying out the cigar," he said.

Lincoln and Omaha have passed their own public indoor smoking ordinances. Lincoln's ban prohibits smoking in all bars and restaurants, while Omaha's ban prohibits smoking in restaurants and only those bars that serve food and do not offer keno. Other Omaha bars are required to become nonsmoking by 2011.

Valentine Sen. Deb Fischer said a statewide ban is unnecessary when local ordinances against smoking are already allowed.

She said several Omaha and Lincoln businesses that previously opposed a state ban are now supporting it because they believe they have lost business that might go to other establishments that still allow smoking.

"Now they want to 'level the playing field,'" Fischer said. "They're not concerned about health; it's about business."

She called the bill a violation of private property rights, saying business owners should have the

right to decide about using a legal product in their business.

Johnson said there are 60,000 people working in bars and restaurants in Nebraska who breathe in other people's tobacco smoke every day at work.

"Don't they have any rights?" he asked.

Grand Island Sen. Ray Aguilar said LB 395 would help several towns that are considering smoking bans. Business owners who serve on city councils are hesitant to pass such ordinances because they are afraid of making their smoking customers angry. Grand Island, Hastings and Kearney are considering bans, he said.

"You have an opportunity to be part of a decision to protect our workforce," Aguilar said.

Sen. John Wightman of Lexington agreed, saying that a smoking ban is no different from other business regulations intended to increase safety. OSHA laws and sexual harassment laws were passed to protect employees, just as a smoking ban would, he said. Further, the Legislature has enacted helmet and seatbelt laws that limit individual freedoms to provide increased safety, Wightman said.

Omaha Sen. Gwen Howard introduced an amendment that would have added foster care homes to the list of places prohibiting smoking.

"The bill protects them in a child care facility. This amendment



Sen. Deb Fischer



Sen. John Wightman

A CLOSER LOOK.....

would ensure that a child's health is protected all day long," she said.

Howard estimated that 20 to 25 percent of foster homes are smoking environments. Children who are regularly exposed to secondhand smoke have increased risks of asthma, Sudden Infant Death Syndrome, ear infections, pneumonia and bronchitis.

Within a 24-hour period in a smoking household, a child breathes in smoke equivalent to six cigarettes, she said. When the children are returned home, as many of them are, the parents have to deal with resulting health problems, she said.

"This is not about the smokers," Howard said. "The goal here is just to protect the children who cannot protect themselves. It's the state's responsibility to look out for their safety."

Bayard Sen. Phil Erdman thought the amendment could prevent qualified people from becoming foster parents when the state already has a shortage of good foster homes.

"If you're going to give me a choice between a good parent and someone who is abusive, call me crazy, but I'm going to pick the good parent who just might smoke," he said.

The amendment failed 19-17.

Sen. Tom White of Omaha said he is a former smoker and a cancer survivor.

"I doubt there is anyone on this floor who despises cigarettes more than I do," he said. "They've taken much from me and more from my family members who lost their lives."

Still, he objects to the bill saying it is unconstitutional since it allows warrantless searches.

"Liberty allows people to be stupid sometimes. We cannot legislate common sense," he said.

Omaha Sen. Ernie Chambers blamed the influence of the tobacco industry for the opposition to the bill. He said it was well within the state's rights to control public smoking.

"Why do you think the state has police powers?" he asked. "To protect people from being harmed."

He equated public smoking to spitting, sneezing and coughing on others.

"It is rude and uncivil to blow their health-harming smoke on other people," Chambers said.

Fischer said people don't have to be exposed to secondhand smoke if they don't want to. They can choose where they go to lunch and can avoid smoking establishments, she said. Towns can also make their own smoking bans, she said.

"Why are we discussing it at a state level?" she asked. "It's an issue of private property rights, local decision making, and letting people

have choices, not making decisions for them."

Bellevue Sen. Don Preister called the bill a prevention issue and quoted statistics from the Campaign for Tobacco-Free Kids that the state has paid \$537 million in smoking-caused health costs.

"This is a savings to the state in dollars in addition to a savings of traumatic problems," he said.

Lincoln Sen. DiAnna Schimek said a statewide smoking ban would happen sooner or later. Eight or nine states and several communities have already enacted such bans.

"We can do it now or in three years or five years," she said. "It's just a matter of time."

Fischer also voiced concern that the ban would prohibit farmers from being able to smoke in any of their farm buildings if the buildings are considered part of their business and they have one or more employees.

Johnson offered an amendment to remove the prohibition on smoking in private homes being used as places of employment, child care facilities, adult day care, health care or as a public place when the employees are not present.

Blair Sen. Mick Mines predicted that debate on LB395 would continue until a cloture vote could be taken. Thirty-three votes are required to invoke cloture, which ends debate and puts the bill to a vote.

"I think there are 25 of you that will vote for it. The question is, are there 33?" he asked.



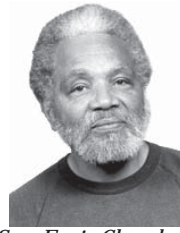
Sen. Gwen Howard



Sen. Tom White



Sen. DiAnna Schimek



Sen. Ernie Chambers



Sen. Philip Erdman

A CLOSER LOOK.....

Committee considers state fairground plans

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citizens to make the best possible use of our resources,” he said.

The idea of a research and development corridor is one supported by a group of Lincoln business and civic leaders called the 2015 Vision group who would like to turn State Fair Park into a UNL technology showcase and move the fair to the Lancaster Event Center on the east edge of Lincoln.

UNL Chancellor Harvey Perlman testified in support of the bill. He said expanding the research area of the university would benefit the entire state. University research creates jobs, strengthens the economy with innovations and keeps the state competitive, Perlman said.

“A careful study is a conservative and wise approach to what might be an exciting opportunity,” he said.

Tam Allan, vice chairperson of the State Fair Board, testified in opposition to the bill, saying the State Fair Park should not be the only land specifically mentioned in the plan.

“The State Fair Board is not against research or economic development,” Allan said. “We are against a study which could possibly be skewed.”

LB 435, also sponsored by Raikes, would require the State Fair Board to develop a Nebraska State Fairgrounds master plan.

The study would be conducted in cooperation with the city of Lincoln, Lancaster County and DAS. The plan would include:

- a current and updated plan for the use of the Nebraska State Fairgrounds over the next 15 years;
- a 15-year cash-flow analysis;
- the status of deferred maintenance and infrastructure needs at the end

of the 15-year period;

- an economic cost-benefit analysis; and
- a cost-benefit analysis of operating costs associated with co-location of the state fairgrounds and another agricultural exposition facility.

The bill also would prohibit any funds from being disbursed for improvement, construction or renovation of the fairgrounds until six months following the submission of the plan.

Kent Seacrest of the 2015 Vision group said the bill would help demonstrate the benefit of moving the state fair to another location, like the Lancaster Event Center.

“This is a state question and it needs to be asked by the state,” he said. “It’s

time for you to study it.”

Seacrest estimated that moving the fair would cost between \$55 million and \$70 million, but staying at the same location might be more expensive in the long run.

Allan opposed LB 435 saying the provision that would prohibit the disbursement of improvement funds was unnecessary.

“We are already governed,” he said. “We don’t want to spend taxpayer money unnecessarily.”

Barney Cosner, executive director of the fair, agreed.

“It is a handcuffing bill,” he said. “It is damaging to the state fair in terms of moving forward.”

The committee took no immediate action on either of the bills.



Tom Henning of the 2015 Vision group presents information on the group’s proposal for a university research and development corridor that uses State Fair Park.

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

Driver's card for immigrants debated

The Transportation and Telecommunications Committee heard a bill Feb. 12 that would create an alternative operator's license called a driving privilege card for residents who do not have a Social Security number.

Sponsored by Sen. Ray Aguilar of Grand Island, **LB 266** would allow residents without a Social Security number to legally operate a motor vehicle if they meet the same application and renewal criteria as other licenses such as the learner's permit and the provisional operator's permit.

Aguilar said the bill would address the inability of Nebraska resident immigrants to obtain a driver's license and purchase auto insurance. States are starting to address these issues to compensate for a lack of federal immigration policies, he said.

"Because of a lack of progress on immigration reform, states are forced to deal with realities we are uncomfortable with," Aguilar said.

Requiring a Social Security number to obtain a driver's license, he said, is "creating criminals and feeding a black market for

documents." The more people who have to pass a driver's test, and the more people who have insurance, the safer the roads are, he said.

A driving privilege card would not be valid to operate a commercial vehicle or a motorcycle or to obtain a school permit, seasonal permit, employment permit, medical hardship permit or farm permit.

LB 266 would require an applicant for a driving privilege card to provide reliable proof of his or her identity and age, proof of residence in Nebraska, or other proof or documentation which may include birth certificates,



Grand Island Sen. Ray Aguilar presents his bill to a packed Transportation and Telecommunications Committee hearing room. The bill would create an alternative operator's license called a driving privilege card for residents who do not have Social Security numbers.

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military identification or passports from the United States or a foreign government, a tax identification number issued by the Internal Revenue Service or a national identification card issued by a foreign government.

A driving privilege card would be limited in its use for identification purposes and would clearly display the phrase, "For driving privileges only, not for other government identification purposes."

The driving privilege card could be used by law enforcement to verify that the person is licensed to operate a motor vehicle and to check his or her driving record. The card would be considered an operator's permit for insurance purposes.

John Barrientos, an Allstate insurance agent in Omaha, said the majority of his customers do not have documentation that would allow them to get a legal driver's license. Undocumented residents want to follow laws requiring auto insurance to drive, he said, but without some type of driver's license, one cannot get auto insurance.

Barrientos explained that until 2003, residents without a Social Security number could use a child's birth certificate to get a driver's license, which was valid for six years. The last of those licenses are about to expire.

"They've been here 20 years, they both work, they own their home, they pay property taxes, and they're about to lose their licenses," he said of a client.

The state's immigrant residents have helped the state tremendously, he said. They work and pay taxes, often at a rate higher than citizens

because they cannot file for a tax refund, he said.

"Communities like south Omaha and Lexington would die on the vine if it weren't for immigrants," he said.

The federal requirements for citizenship take too long and are simply unrealistic, Barrientos said.

"We in Nebraska cannot change

“**Because of a lack of progress on immigration reform, states are forced to deal with realities we are uncomfortable with.**

Sen. Ray Aguilar

our immigration laws," he said. "We need to ask Congress for that. What we can do is make sure our streets are safer."

Pat Caffrey of St. Pius X Church is a member of Omaha Together One Community. She said the bill would benefit the state because it would increase safety while decreasing insurance premiums.

"Anyone contributing in a positive way to our community needs to be able to drive and have insurance," she said.

Oscar Rios encouraged the committee to consider being able to drive to work and drive children to school as a right for families. Not allowing that right will not solve the state's immigration problems, he said.

"Do you believe that not allowing them to drive will make them return to their country of origin?" he asked.

Louis Ortiz has lived and worked

in Omaha for 13 years. He said that immigrants have made the state their home and want to do their part.

"We want to take the test to drive safely and purchase insurance," Ortiz said. "We know this will make it safer for all people to drive in Nebraska."

Darcy Tromanhauser, director of immigration and civic participation at Nebraska Appleseed, said the number of uninsured drivers dropped from 33 percent to 17 percent when the state offered insurance to undocumented residents in 2003.

She suggested making the license a different color to help people differentiate it from a standard driver's license.

Dimitri Krynsky of Lincoln opposed the bill because he said it contradicts federal law.

He predicted that the bill would make the state "a stronger magnet for illegal immigrants" and result in higher costs for law enforcement and social services.

He said the rate of accidents in most states is higher among immigrants, making insurance rates increase for all drivers.

Robert Jones, a Douglas County deputy sheriff, doubted whether the bill would make people safer drivers. Personal identification documents from other countries are often proven to be false, he said.

"We cannot rely on identification from another country," Jones said.

Eldon Payne of the Nebraska Minutemen said allowing residents to drive would reward them for violating federal immigration laws.

"We're a nation of compassion, but we're also a nation of laws," he said.

The committee took no immediate action on the bill.

A CLOSER LOOK.....

Bills would change recreational liability laws

The Judiciary Committee heard testimony Feb. 14 on legislation dealing with liability for accidents on public and private lands.

The bills were introduced in response to the September 2006 Nebraska Supreme Court decision, *Bronsen v. Dawes County*, in which the court overruled more than 25 years of precedent, declaring that the Recreational Liability Act does not provide governmental entities with the same limited immunity afforded to private landowners who make their land available free of charge to the public for recreational purposes.

The state and its political subdivisions are now liable for damages for accidents occurring on public lands caused by simple negligence.

Omaha Sen. Mike Friend said the state and many of its political subdivisions have opened thousands of acres of public land over the years for activities such as hunting, fishing, swimming, hiking and biking. These recreational uses of the land now leave governmental entities open to significant legal and financial vulnerability, Friend said.

Friend sponsored **LB 564**, which would revert to the previous liability law, restoring the limited immunity standard for lands made available for recreational purposes by the state of Nebraska, state agencies and

political subdivisions of the state.

LB 566, sponsored by Ellsworth Sen. LeRoy Loudon, is a similar bill that would provide limited liability immunity to the state, its agencies, the University of Nebraska, state



Sen. LeRoy Loudon

“This would put back what public towns and other entities thought they had for decades.

Sen. LeRoy Loudon

and structures on public lands.

Public buildings can be very unsafe if they are not maintained, he said.

“This bill would encourage them to not do inspections or do repairs on buildings,” he said.

Children may not be able to recognize when a building is unsafe, he explained, so it is the state or political subdivision’s responsibility to make sure those structures are safe for the public.

Paul Kratz, an Omaha city attorney, said the city has 214 parks that provide for activities such as sledding, skateboarding, BMX racing and dog parks and offer playgrounds, ball fields, docks, swimming pools and 80 miles of trails.

“Accidents are going to happen,” he said. “When litigation is more, insurance goes up and we have to shift dollars from recreation to risk prevention.”

Nebraska City mayor Jo Dee Adelung said the case law has caused the town to lock the gates on their new skate park.

Nebraska City prohibits skating on sidewalks, she said, which had resulted in young people risking their safety by skating in the streets.

Local students made an agreement with city officials that, if the students could raise the \$150,000 needed to construct a skate park, the city would allow it to be built in a downtown park.

“It took them almost three years, but they did it,” Adelung said.

A professional skateboard company was hired to draw the plans and use professional equipment to

colleges, community colleges and political subdivisions.

“This would put back what public towns and other entities thought they had for decades,” Loudon said.

If the law is not changed, Friend said the state and its political subdivisions will be forced to close or severely limit access to their lands or restrict the activities permitted to reduce exposure to lawsuits.

“This has already happened in some parts of the state with sled runs, skate parks, hunting, and trail activities,” he said.

Roger Foster of Crete is the father of a girl who was killed in 2004 when the wall of a public bathroom collapsed on her. He supported the bills generally, but asked that liability limits not apply to buildings



Sen. Mike Friend

A CLOSER LOOK.....

minimize any safety concerns about the structure.

“We thought this was a happy ending,” she said. “We relied on the fact that we would be under recreational liability.”

Since the court ruling in September, the increased cost for insurance coverage forced the city to lock up the new park.

Corey Kenter, a skateboarder from Nebraska City, is one of the students who raised money for the skate park. The park was supposed to be a place where he and his friends didn't have to worry about getting in trouble for skateboarding on the streets, he

said.

People came from all over Nebraska, Iowa and Missouri to use the skate park before it was closed, he said.

“I had an amazing time,” Kenter said, “but only for a year and a half before it closed.”

Maren Chaloupka, a lawyer who represented the plaintiff in *Bronsen v. Dawes County*, opposed the bills.

She explained that the groundskeeper at the Dawes County courthouse had been aware of the deep hole in the lawn where her client stepped and broke her ankle. Despite that knowledge, her client

had to fight to get her medical costs covered by the county.

“If you're suing government, it is one of the hardest ways to get accountability for an injury,” she said.

Current law provides protections and caps payments at \$1 million, no matter how negligent the governmental entity was in the accident, she said. Because of these protections, Chaloupka said the need to pass laws providing further immunity is unnecessary.

“The sky is not falling,” she said.

The committee took no immediate action on the bills.

STATE CAPITOL SNAPSHOT



Members of the Nebraska Army National Guard observed the Awards Recognition Ceremony Feb. 13 in the Warner Legislative Chamber in the State Capitol.

MEET THE SENATORS

Christensen centers on family pride

Sen. Mark Christensen is obviously very proud of his family. He can hardly begin talking about them before laying out school photos of each of his children, by age, on the table before his audience.

Christensen has seven children ranging in age from 22 to one - Erica Fish, Emilee Fish, Steven Fish, Isaiah Christensen, Ryelee Christensen, Brooklyn Christensen and Malachi Christensen.

"We run a hectic schedule," he said, laughing.

As he points to each photo he relays information about each child - what sports they play, what kind of personality and special talents they have, what sort of relationship they have with their dad.

Christensen helps run the family farm and also works as a commodity broker in Imperial. He said he enjoys the challenges of the financial market.

"Marketing is the most difficult job and a farmer does it every day," he said.

A graduate of Arapahoe High School, Christensen graduated from the University of Nebraska-Lincoln with an agricultural economics degree.

Between the farm, the market, and other community involvements - Wesleyan Church board member, Rotary, Pheasants Forever and more - Christensen said he still finds time for his favorite thing: his family.

He and his family enjoy boating, camping and skiing in Colorado. Although that means he must settle for about six hours of sleep a night, Christensen doesn't seem to mind.

"Six hours is pretty normal," he said.

While he enjoys the hustle and bustle of his life, Christensen said the solitude of the farming life is sometimes a nice break.

"I enjoy the peace and quiet," he said. "Being off by myself, being my own boss - it is an independence unseen in any other profession."



Sen. Mark Christensen and his daughter, Brooklyn, smile for the camera.

COMMITTEE HEARINGS

TUESDAY, FEBRUARY 20, 2007

Agriculture

Room 2102 - 1:30 p.m.

LB 515 (Stuthman) Change county planning commission provisions relating to livestock operations

LB 632 (Dierks) Change provisions relating to the national uniform system of animal identification

LB 633 (Dierks) Change the Competitive Livestock Markets Act

LB 634 (Dierks) Adopt the Feedlot Statutory Trust Act

Appropriations

Room 1524 - 1:30 p.m.

LB 317 (Speaker Flood, req. of Gov.) Provide for deficit appropriations

LB 318 (Speaker Flood, req. of Gov.) Appropriate funds for salaries of members of the Legislature

LB 319 (Speaker Flood, req. of Gov.) Appropriate funds for salaries of constitutional officers

LB 320 (Speaker Flood, req. of Gov.) Appropriate funds for capital construction

LB 321 (Speaker Flood, req. of Gov.) Appropriate funds for state government expenses

LB 322 (Speaker Flood, req. of Gov.) Change provisions relating to certain funds and provide for transfers of funds and extend an excise tax

LB 323 (Speaker Flood, req. of Gov.) Provide for transfers from the Cash Reserve Fund

LB 249 (Heidemann) Change Cash Reserve Fund provisions

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB 262 (Kruse) Change automobile insurance requirements

LB 350 (Stuthman) Authorize a city or village to adopt an ordinance covering use of certain insurance proceeds

LB 425 (Pankonin) Create the Nebraska Operational Assistance Act

Education

Room 1525 - 1:30 p.m.

LB 30 (Hudkins) Provide for reorganization of certain Class I and Class VI school districts

LB 234 (Dierks) Provide for reorganization of certain school districts as prescribed

LB 357 (Flood) Provide for community schools, operating councils, elementary grants, and attendance centers

LB 658 (Raikes) Change provisions relating to Class I and Class VI school districts

Nebraska Retirement Systems

Room 1525 - 12:15 p.m.

LB 499 (White) Change contributions for school retirement

LB 508 (Pahls) Change provisions of the Judges Retirement Act and the School Employees Retirement Act

LB 596 (Kopplin) Change retirement benefits and annuity payments for school employees

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB 589 (Cornett) Change provisions relating to motorcycle operator's licenses

LB 253 (Rogert) Adopt the Motorcycle Safety and Training Act and change motorcycle helmet provisions

Urban Affairs

Room 1510 - 1:30 p.m.

LB 405 (Pedersen) Provide for additional city council members for cities of the metropolitan class

LB 591 (Cornett) Provide for a change in zoning regulations for cities of the first class

LB 592 (Cornett) Change provisions relating to sanitary and improvement districts

LB 597 (Kopplin) Change provisions relating to zoning and jurisdiction designations for cities of the first class

WEDNESDAY, FEBRUARY 21, 2007

Appropriations

Room 1003 - 1:30 p.m.

AGENCY 59 Board of Geologists

AGENCY 45 Board of Barber Examiners

AGENCY 74 Power Review Board

AGENCY 41 State Real Estate Commission

AGENCY 53 Real Estate Appraiser Board

AGENCY 63 State Board of Public Accountancy

AGENCY 32 Board of Educational Lands and Funds

AGENCY 62 State Surveyor

AGENCY 36 State Racing Commission

AGENCY 66 Abstracters Board of Examiners

AGENCY 73 State Board of Landscape Architects

AGENCY 35 Liquor Control Commission

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

Lucinda Glen - State Personnel Board

LB 233 (Pirsch) Provide a residency requirement for certain members of public building commissions

LB 269 (Burling) Change provisions relating to county and museum board organization

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

LB 392 (Mines) Change provisions relating to municipal counties

Health and Human Services

Room 1510 - 1:30 p.m.

LB 171 (Kopplin) Require Department of Health and Human Services to apply for food stamp options and waivers

LB 292 (Hansen) Provide for transfers of county funds for Medicaid purposes

LB 518 (Howard) Change provisions relating to the eligibility of children under the Medical Assistance Act

COMMITTEE HEARINGS

LB 666 (*Pedersen*) Provide for eligibility for certain federal programs upon release from incarceration as prescribed

LR 10 (*Johnson*) Urge Nebraska's congressional delegation to ensure that Congress timely reauthorizes the State Children Health Insurance Program

LB 513 (*Fulton*) Provide billing requirements for anatomic pathology services

Judiciary

Room 1113 - 1:30 p.m.

LB 65 (*Stuthman*) Change the statute of repose for the Nebraska Hospital - Medical Liability Act

LB 606 (*Ashford*) Provide for court referral to mediation or other alternative dispute resolution

LB 672 (*Lathrop*) Change eminent domain provisions relating to municipal utilities

LB 673 (*Lathrop*) Modify the definition of malpractice or professional neglect to include sexual abuse, misconduct, or exploitation

LB 450 (*Ashford*) Provide immunity for employer disclosure of certain employee information

LB 457 (*Hansen*) Change provisions governing court review of foster care placement

Natural Resources

Room 1525 - 1:30 p.m.

LB 664 (*Hudkins*) Eliminate an exemption from licensure as a geologist

LB 677 (*Dubas*) Change late fees under the Livestock Waste Management Act

Nebraska Retirement Systems

Room 1525 - 8:30 a.m.

Phyllis G. Chambers - Public Employees Retirement Board

Don Pederson - Public Employees Retirement Board

Revenue

Room 1524 - 2:30 p.m.

LB 454 (*White*) Change homestead exemption provisions

LB 687 (*Karpisek*) Redefine household income for homestead exemption purposes

LB 698 (*Fulton*) Require local tax rate reports by Department of Revenue

THURSDAY, FEBRUARY 22, 2007

Appropriations

Room 1003 - 1:30 p.m.

AGENCY 57 Oil and Gas Conservation Commission

AGENCY 18 Department of Agriculture – Potato Board & Poultry/Egg

AGENCY 39 Brand Committee

AGENCY 56 Wheat Development, Utilization, and Marketing Board

AGENCY 60 Ethanol Board

AGENCY 61 Dairy Industry Development Board

AGENCY 86 Dry Bean Commission

AGENCY 88 Corn Development, Utilization, and Marketing Board

AGENCY 92 Grain Sorghum Development, Utilization, and Marketing Board

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

Tim Hofbauer - State Emergency Response Commission

Dana Miller - State Emergency Response Commission

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

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

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

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

Health and Human Services

Room 1510 - 1:30 p.m.

LB 369 (*Erdman*) Redefine mental health practice for licensure of mental health practitioners

LB 610 (*Legislative Performance Audit Committee*) Provide documentation and recordkeeping requirements for the Department of Health and Human Services regarding sex offenders

LB 616 (*Pedersen*) Eliminate a provision relating to regional behavioral health authorities

LB 617 (*Pedersen*) Change provisions relating to children's behavioral health

LB 670 (*Hudkins*) Create the Council on the Management and Treatment of Sex Offenders

Judiciary

Room 1113 - 1:30 p.m.

LB 218 (*Burling*) Change provisions relating to the acquisition of certain drug products

LB 260 (*Kruse*) Change provisions relating to implied consent violations

LB 407 (*Pedersen*) Change driving under the influence penalty provisions with respect to ignition interlock devices

LB 424 (*Adams*) Prohibit the breathing, inhaling, or drinking of certain compounds

LB 553 (*Flood*) Impound an operator's license as prescribed with respect to bail and eliminate certain administrative license revocation procedures

LB 573 (*Kruse*) Adopt the Alcoholic Liquor Liability Act

LB 624 (*Pirsch*) Change provisions relating to operating a motor vehicle to avoid arrest

Natural Resources

Room 1525 - 1:30 p.m.

LB 583 (*Preister*) Adopt the Electronic Recycling System Act

LB 503 (*Mines*) Change and provide requirements for vacancies on natural resource district boards of directors

Revenue

Room 1524 - 1:30 p.m.

LB 272 (*Kopplin*) Provide for issuance of bonds by certain natural resources districts and a levy on taxable property

LB 362 (*Raikes*) Change budget limitations and require audits of joint entities

LB 409 (*Preister*) Change tax levy authority of community colleges

LB 569 (*Louden*) Change tax levy authority relating to hospital districts

LB 628 (*Dierks*) Change budget provisions and levy limitations for cities, villages, and counties

COMMITTEE HEARINGS

FRIDAY, FEBRUARY 23, 2007

Appropriations

Room 1003 - 1:30 p.m.

LB 33 (*Fischer*) Appropriate funds to fund the County Property Tax Relief Program

AGENCY 16 Department of Revenue

AGENCY 93 Tax Equalization and Review Commission

AGENCY 96 Department of Property Assessment and Taxation

Health and Human Services

Room 1510 - 1:30 p.m.

LB 417 (*Nantkes*) Include invasive pneumococcal disease as a childhood immunization requirement

LB 445 (*Stuthman*) Provide qualifications and certification requirements for certain persons under the Commission for the Blind and Visually Impaired Act

LB 469 (*Chambers*) Change funding restrictions under the Nebraska Health Care Funding Act

LB 480 (*Johnson*) Change provisions relating to the Nebraska Health Care Funding Act

Judiciary

Room 1113 - 1:30 p.m.

LB 68 (*Hudkins*) Create the Office of Guardian ad Litem Services

LB 75 (*Hudkins*) Provide powers and duties to the juvenile court regarding the placement and custody of juveniles

LB 254 (*Aguilar*) Change child passenger restraint system and occupant protection system provisions

LB 257 (*Lathrop*) Adopt the Public Guardianship Act

LB 280 (*Stuthman*) Provide for jurisdiction over custody proceedings of juveniles as prescribed

LB 556 (*Ashford*) Change Juvenile Code provisions relating to counsel and guardian ad litem

Revenue

Room 1524 - 1:30 p.m.

LB 32 (*Nantkes*) Exempt college textbooks from sales tax

LB 429 (*Synowiecki*) Exempt

certain purchases by museums from sales and use tax

LB 575 (*Kruse*) Exempt assisted-living facilities from sales and use taxes

LB 494 (*White*) Change the sales and use tax exemption on manufacturing machinery and equipment

LB 582 (*Preister*) Create the Nebraska Educational Trust and change the distribution of certain sales tax proceeds

TENTATIVE SCHEDULE

MONDAY, FEBRUARY 26, 2007

Appropriations

Room 1524 - 1:30 p.m.

AGENCY 5 Supreme Court and State Court Administrator

AGENCY 11 Attorney General

AGENCY 15 Board of Pardons and Board of Parole

AGENCY 94 Commission on Public Advocacy

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB 368 (*Erdman*) Adopt the Nebraska Limited Cooperative Association Act

LB 174 (*Janssen*) Provide duties for and prohibit certain actions by issuers of credit and debit cards

LB 113 (*Pahls*) Prohibit branch banking by industrial loan companies

Business and Labor

Room 2102 - 1:30 p.m.

LB 265 (*Business and Labor Committee*) Change various provisions of the Employment Security Law

LB 339 (*Business and Labor Committee*) Change provisions relating to claims against the state

LB 500 (*White*) Change provisions relating to disqualifications for

unemployment benefits

Education

Room 1525 - 1:30 p.m.

LB 521 (*Howard*) Add classifications of students to be reported in the fall school district membership reports

LB 643 (*Raikes*) Change the Tax Equity and Educational Opportunities Support Act to eliminate certain income tax provisions

LB 644 (*Raikes*) Provide for summer school student units in the state aid formula

LB 649 (*Raikes*) Modify the state aid formula under the Tax Equity and Educational Opportunities Support Act

LB 691 (*Synowiecki*) Change Tax Equity and Educational Opportunities Support Act provisions with respect to full-day kindergarten

General Affairs

Room 1510 - 1:30 p.m.

Steven Bloch - Nebraska Arts Council

Sandra J. Schroeder - Nebraska Arts Council

Joanne F. Shephard - Nebraska Arts Council

LB 345 (*Burling*) Change the state song

LR 11CA (*Flood*) Constitutional amendment to change the distribution of lottery proceeds

LB 544 (*Synowiecki*) Eliminate prohibition on retail beer licensees accepting credit from a beer manufacturer or wholesaler

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

Jack Henry - Nebraska Motor Vehicle Industry Licensing Board

Toby Miller - Nebraska Motor Vehicle Industry Licensing Board

Kelly Smith - Nebraska Motor Vehicle Industry Licensing Board

Linda Aerni - Nebraska Information Technology Commission

COMMITTEE HEARINGS

Patrick Flanagan - Nebraska Information Technology Commission

Lance Hedquist - Nebraska Information Technology Commission

Daniel Hoelsing - Nebraska Information Technology Commission

Harold Huggenberger - Nebraska Information Technology Commission

Doug Kristensen - Nebraska Information Technology Commission

LR 28 (Fischer) Provide the Legislature opposes enactment or enforcement in the State of Nebraska of the REAL ID Act

LB 486 (McGill) Adopt the Local Community Rail Security and Employee Education Act

LB 676 (Dubas) Prohibit the blocking of railroad crossings for more than a specified time and to provide penalties

TUESDAY, FEBRUARY 27, 2007

Agriculture

Room 2102 - 1:30 p.m.

LB 46 (Hudkins) Require payments by grape producers

LB 69 (Hudkins) Change the Agricultural Opportunities and Value-Added Partnerships Act

LB 626 (Dierks) Create a production incentive for biodiesel fuel

Appropriations

Room 1524 - 1:30 p.m.

LB 55 (Howard) Change provisions governing funding of home visitation, child, and parenting programs

LB 56 (Howard) Appropriate funds for alcohol-related birth defects prevention programs

LB 71 (Fischer) Appropriate funds for a child advocacy center

LB 229 (Wallman) Appropriate funds for developmental disability aid

LB 281 (Stuthman) Appropriate funds for federally qualified community health centers

LB 327 (Speaker Flood, req. of Gov.) Change provisions relating to child care reimbursement rates

AGENCY 20 Department of Health and Human Services Regulation and Licensure

AGENCY 25 Department of Health and Human Services

AGENCY 26 Department of Health and Human Services Finance and Support

Banking, Commerce and Insurance

Room 1507 - 1:30 p.m.

LB 85 (Howard) Create the Nebraska Health Insurance Policy Coalition

LB 134 (Schimek) Require insurance coverage of colorectal cancer screenings

LB 647 (Johnson) Change provisions relating to insurance coverage of mental health and physical health conditions

Education

Room 1525 - 1:30 p.m.

LB 455 (White) Allow school districts to exceed applicable allowable growth rate for increased energy or insurance costs

LB 492 (Harms) Adopt the Education Facilities State Aid Act and create the Education Facilities Review Board

LB 498 (White) Adopt the Business Partnership in Rural Education Program Act

LB 595 (Kopplin) Create the Task Force on School Funding for Economic Growth

LB 614 (Raikes) Change adjusted valuation provisions under the Tax Equity and Educational Opportunities Support Act

LB 655 (Raikes) Change state aid to school provisions relating to adjustments on budget statements

Nebraska Retirement Systems

Room 1525 - 12:15 p.m.

LB 365 (Synowiecki) Change Judges Retirement Act provisions relating to early retirement

LB 679 (Avery) Eliminate the cap on retirement contributions for University of Nebraska employees

Transportation and Telecommunications

Room 1113 - 1:30 p.m.

LB 182 (Kruse) Change grant provisions under the public transportation assistance program

LB 439 (Raikes) Create the Highway Finance Task Force

LB 277 (Mines) Change provisions relating to a metropolitan transportation improvement program in lieu of a Department of Roads plan

LB 447 (Stuthman) Require the Department of Roads to conduct a feasibility study for a Platte River bridge

LB 276 (Schimek) Rename the Department of Roads

Urban Affairs

Room 1510 - 1:30 p.m.

LB 387 (Langemeier) Require separate plumbing and water metering for new construction as prescribed

LB 562 (Adams) Change provisions relating to the Community Development Law

WEDNESDAY, FEBRUARY 28, 2007

Appropriations

Room 1003 - 1:30 p.m.

LB 452 (Burling) Appropriate funds for drug abuse prevention and education programs

LB 587 (Cornett) Eliminate limitations on appropriations for county jail reimbursement assistance

AGENCY 21 State Fire Marshal

AGENCY 30 State Electrical Division

AGENCY 64 State Patrol

AGENCY 78 Commission on Law Enforcement and Criminal Justice

AGENCY 46 Department of Correctional Services

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

Carlos Castillo - Department of Administrative Services

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

LB 477 (Wightman) Change contribution levels for state and political subdivision employee health plans

COMMITTEE HEARINGS

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

LB 252 (*Avery*) Change land surveyor application and registration fees

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

Judiciary

Room 1113 - 1:30 p.m.

LB 36 (*Hudkins*) Change the number of county court judges

LB 37 (*Hudkins*) Change the number of district court judges

LB 38 (*Hudkins*) Change the number of separate juvenile court judges

LB 377 (*Ashford*) Reallocate district court judgeships

LB 214 (*Ashford*) Change acting county attorney compensation, provide for county judge interchange, and eliminate an obsolete procedure

LB 552 (*Flood*) Increase the salaries of Supreme Court judges

LB 659 (*Pedersen*) Increase the salaries of Supreme Court judges

LB 533 (*Heidemann*) Remove a requirement of consent and waiver of physical appearance for audiovisual court appearances

Natural Resources

Room 1525 - 1:30 p.m.

LB 701 (*Christensen*) Adopt a river basin administration committee

LB 458 (*Carlson*) Require vegetation management in certain streams

Revenue

Room 1524 - 2:30 p.m.

LB 502 (*Mines*) Change inheritance tax rates

LB 501 (*Mines*) Provide for cigarette tax collection by direct sellers

LB 662 (*Hudkins*) Change distribution of certain sales tax revenue

LB 507 (*Burling*) Change provisions relating to ethanol production incentive tax credits

THURSDAY, MARCH 1, 2007

Appropriations

Room 1003 - 1:30 p.m.

AGENCY 81 Commission for the Blind and Visually Impaired

AGENCY 38 Commission on the Status of Women

AGENCY 68 Commission on Mexican-Americans

AGENCY 70 State Foster Care Review Board

AGENCY 76 Commission on Indian Affairs

AGENCY 82 Commission for the Deaf and Hard of Hearing

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

John E. Falgione - State Fire Marshal

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

LB 528 (*Aguilar*) Change provisions relating to elections

LB 646 (*Nelson*) Change provisions relating to counting ballots

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

Judiciary

Room 1113 - 1:30 p.m.

LB 696 (*Christensen*) Provide a fee increase and a waiting period for marriage licenses if marriage education requirements are not met

LB 164 (*Fischer*) Change provisions of the Relocation Assistance Act

LB 104 (*Erdman*) Change age of majority from nineteen to eighteen

LB 112 (*Erdman*) Provide for the judicial emancipation of minors

LB 478 (*Johnson*) Change provisions relating to adoption procedures

LB 571 (*Kruse*) Provide for adoption by two adult persons jointly

LB 151 (*Gay*) Provide a statute of limitations for certificate of deposit obligations as prescribed

Natural Resources

Room 1525 - 1:30 p.m.

LB 493 (*Langemeier*) Change provisions relating to the Water Policy Task Force

LB 594 (*Kopplin*) Limit the granting of water well permits as prescribed

Revenue

Room 1524 - 1:30 p.m.

LB 169 (*Cornett*) Exclude military retirement benefits from income taxation

LB 183 (*Carlson*) Exclude military retirement benefits from income taxation

LB 354 (*Cornett*) Exclude military retirement benefits from income tax

LB 416 (*Karpisek*) Exempt government retirement benefits from income tax

LB 496 (*White*) Provide an income tax adjustment for extraordinary dividends

Voice your views

Public hearings offer people the opportunity to make their views known on proposed legislation and have them incorporated into the official legislative record. In Nebraska, most bills, with the exception of a few technical bills, receive a public hearing before a legislative committee.

A weekly schedule of committee hearings is available in the Clerk's Office, the Legislative Bill Room and the Legislature's web site at www.nebraskalegislature.gov. The schedule also can be found in the

Unicameral Update and the Sunday Lincoln Journal-Star.

To testify before a committee, attend and fill out the sign-in sheet at the witness table, orally identify yourself and spell your last name for the record and state who, if anyone, you represent as you begin your testimony. Be prepared to answer questions.

Please note that addressing committee members or witnesses from the audience, public demonstrations and applause are prohibited.

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN MONDAY, FEB. 12, 2007, THROUGH THURSDAY, FEB. 15, 2007

Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
74	ERDMAN	Change the Nebraska Pure Food Act	Signed by Governor
108	AGRICULTURE	Change provisions relating to fence disputes	Advanced to Final Reading
110	ERDMAN	Adopt the Bovine Tuberculosis Act	Signed by Governor
111	ERDMAN	Change provisions relating to milk	Signed by Governor
422	ERDMAN	Change membership of the Nebraska Brand Committee	Advanced to Final Reading

Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
63	SCHIMEK	Change insurance coverage provisions relating to childhood immunizations	Signed by Governor
114	PAHLS	Change the Nebraska Uniform Trust Code	Placed on General File
115	PAHLS	Redefine automobile liability policy	Signed by Governor
117	BANKING	Change provisions relating to insurance	Advanced to Final Reading
122	BANKING	Change provisions relating to banking and finance	Placed on General File
124	BANKING	Revise powers of state-chartered banks, building and loan associations, and credit unions	Placed on General File
125	PAHLS	Change provisions relating to community development investments	Placed on General File
126	PAHLS	Provide for regulation of trust company names	Placed on General File
127	PAHLS	Change provisions relating to loan brokerage agreements	Placed on General File
128	PAHLS	Change the Nebraska Installment Sales Act	Placed on General File
129	PAHLS	Change the Mortgage Bankers Registration and Licensing Act	Placed on General File
130	PAHLS	Provide for a licensee relocation fee under the Nebraska Installment Loan Act	Placed on General File
149	GAY	Change provisions relating to the unauthorized use of the word bank	Placed on General File
156	LANGEMEIER	Change provisions relating to bank boards, investments, and premiums	Placed on General File
186	LANGEMEIER	Change provisions relating to the credentialing of real property appraisers	Signed by Governor
189	MINES	Change the Nebraska Uniform Trust Code	Placed on General File
191	MINES	Change provisions relating to directors of certain corporations	Advanced to Final Reading
346	PAHLS	Change provisions relating to farm product security interests	Placed on General File
379	PAHLS	Change certain corporate reporting, notice, and filing provisions and eliminate references to professional limited liability companies	Placed on General File
380	PAHLS	Change a license application requirement under the Mortgage Bankers Registration and Licensing Act	Placed on General File
383	PAHLS	Change filing requirements involving the address of a partnership's agent	Placed on General File

Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
472	CHAMBERS	Change statutory references to members of the Commission of Industrial Relations	Advanced to Final Reading
543	SYNOWIECKI	Change and eliminate conveyance safety provisions	Placed on General File

Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
150	ADAMS	Change provisions relating to certificate fees paid to the State Department of Education	Signed by Governor
219	DIERKS	Change requirements for freeholder petitions	Placed on General File
230	RAIKES	Change provisions relating to resident students for purposes of certain reorganizations	Indefinitely postponed
231	RAIKES	Change provisions relating to the Early Childhood Training Center	Placed on Select File
630	DIERKS	Change provisions relating to freeholder petitions	Indefinitely postponed

General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
64	SCHIMEK	Eliminate a gaming fee and tax adopted by initiative	Signed by Governor
301	JANSSEN	Extend the current distribution of state lottery proceeds until 2013	Placed on General File
404	JANSSEN	Change Nebraska Liquor Control Commission members' salaries	Placed on General File
549	SYNOWIECKI	Provide for microdistilleries	Advanced to Final Reading
637	GENERAL AFFAIRS	Change procurement provisions under the State Lottery Act	Placed on General File
638	GENERAL AFFAIRS	Change and eliminate provisions relating to bingo, lotteries, and raffles	Placed on General File

Government, Military, Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
44	GAY	Change provisions relating to precinct lists of registered voters and sign-in registers	Signed by Governor
195	PREISTER	Repeal the authorization for the Nebraska State Quarter	Placed on General File
199	SCHIMEK	Changes municipal cooperative financing and open meetings provisions	Placed on General File
289	LOUDEN	Change procedure relating to elections to exceed the tax levy limit	Placed on General File
298	BURLING	Change the number of signatures required on nominating petitions	Advanced to Final Reading
311	AGUILAR	Change provisions relating to petition signature verification	Advanced to Final Reading
312	AGUILAR	Change provisions relating to resignations, vacancy appointments, and recall elections	Placed on General File
434	AVERY	Change late filing fees under the Nebraska Political Accountability and Disclosure Act	Advanced to Final Reading

Health & Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
247	JOHNSON	Change provisions relating to pharmaceuticals	Placed on General File
395	JOHNSON	Adopt a new Nebraska Clean Indoor Air Act	Bracketed
398	JOHNSON	Change provisions relating to credentialing optometrists	Placed on General File
463	JOHNSON	Adopt the Uniform Credentialing Act	Placed on General File

Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
67	STUTHMAN	Permit service of summons of proposed jurors by first-class mail	Advanced to Final Reading
99	WIGHTMAN	Change provisions relating to the appointment of receivers by the district court	Advanced to Final Reading
213	ASHFORD	Change provisions relating to preserving testimony	Advanced to Final Reading
237	PAHLS	Change the homestead exemption amount for judgments and execution	Advanced to Final Reading
290	PIRSCH	Change judicial nominating commission provisions	Advanced to Final Reading

Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
79	NATURAL RESOURCES	Change duties of the Department of Environmental Quality	Signed by Governor
80	NATURAL RESOURCES	Authorize additional assistance for projects under the Safe Drinking Water Act	Signed by Governor
161	NATURAL RESOURCES	Raise the range for permissible application fees for certification as wastewater treatment operators	Signed by Governor
263	HUDKINS	Change permit provisions under the Integrated Solid Waste Management Act	Advanced to Final Reading
313	NATURAL RESOURCES	Amend the Livestock Waste Management Act with respect to certain engineering requirements	Advanced to Final Reading
314	LOUDEN	Redefine water well for purposes of registration	Placed on General File
333	JOHNSON	Change the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act	Advanced to Final Reading

Retirement Systems

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
328	NEBRASKA RETIREMENT SYSTEMS	Change provisions relating to county and state retirement plans	Placed on General File
370	ERDMAN	Adopt the Law Enforcement Officers Retirement Survey Act	Placed on General File
665	KARPISEK	Provide for the election of cash balance benefits for state and county employees	Placed on General File

Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
94	CORNETT	Authorize municipalities to receive certain sales and use tax information	Signed by Governor
167	REVENUE	Change property tax provisions relating to appeals, equalization, and assessor certification	Signed by Governor
177	JANSSEN	Change the Nebraska Advantage Microenterprise Tax Credit Act	Placed on General File
294	MINES	Change a standard of review for appeals to the Tax Equalization and Review Commission	Indefinitely postponed
315	JANSSEN	Update references to the Internal Revenue Code of 1986	Signed by Governor
332	JANSSEN	Change procedures for appeals to the Tax Equalization and Review Commission	Indefinitely postponed
484	MCDONALD	Change provisions relating to payment of tax proceeds to certain political subdivisions	Placed on General File
519	HOWARD	Require a review of property valuations	Placed on General File

Transportation and Telecommunications

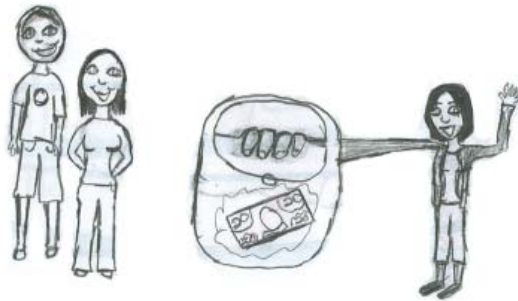
BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
35	JANSSEN	Set maximum speed limit for non-Interstate freeways	Signed by Governor
43	HEIDEMANN	Provide for mowing and hay-harvesting permits for right-of-ways of highways	Signed by Governor
148	HEIDEMANN	Provide an exception to weight and load limits for trucks	Signed by Governor
358	HUDKINS	Change provisions relating to interstate motor carriers	Placed on General File

Urban Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
11	MINES	Change provisions relating to annexation by cities of the first class	Signed by Governor
28	ADAMS	Change provisions relating to conveyance of personal property by cities of the second class and villages	Signed by Governor
206	FRIEND	Change provisions regarding the city treasurer and the county treasurer serving as ex officio city treasurer in cities of the metropolitan class	Signed by Governor
207	FRIEND	Provide a power for the board of directors of a metropolitan utilities district	Signed by Governor

IF I COULD MAKE A LAW

ALL PARENTS HAVE TO
GIVE THEIR KIDS AT
LEAST \$20.00 EVERY
WEEK!



Jenna Kelley, age 11, Plattsmouth Community Middle School. "All parents have to give their kids at least \$20 every week."

STUDENT ART SERIES

To commemorate the 100th Nebraska Legislature, fourth- through sixth-grade students throughout the state were invited to submit artwork depicting a law they would propose if they were a senator.

Selected entries will be published in each edition of this session's *Unicameral Update* and also will be posted on the Legislature's website at nebraskalegislature.gov/web/public/learning/makealaw.

Published entries were selected by Larry Starr, director of social science education at the state Department of Education, Karen Janovy, curator of education for the University of Nebraska-Lincoln's Sheldon Memorial Art Gallery and Heidi Uhing, civic learning coordinator for the Nebraska Legislature. The top three entries will be published in the last three issues this session.

UNICAMERALUPDATE

The Unicameral Update is a free, weekly newsletter offered during the legislative session covering actions taken in committees and on the floor of the Legislature.

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