

THE NEBRASKA LEGISLATURE'S  
WEEKLY NEWS PUBLICATION

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# UPDATE

## Chief touts judiciary's accomplishments

Chief Justice Michael Heavican of the Nebraska Supreme Court delivered his State of the Judiciary address to the Legislature Jan. 20.

Focusing on accomplishments in serving the state's vulnerable elderly and young, Heavican said the court system strives to balance its constitutional mandate to provide access to justice with the realities of budget constraints.

One area of focus, Heavican said, is strengthening the state's guardianship and conservatorship system for vulnerable adults. The judicial branch has worked with the Legislature on proposed changes to the system, including mandatory background checks for guardians and conservators and provisions allowing interested third parties to request additional oversight, he said.

"Most of the recommendations will improve the guardianship/con-



Chief Justice Mike Heavican greets senators as he is escorted from the Norris Chamber after delivering his State of the Judiciary address Jan. 20.

servatorship system at very little or no cost," he said. "I see no reason why Nebraska's system should not be a model for other states to follow."

Heavican also discussed three projects the court system has implemented to improve outcomes for children.

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## Environmental Trust could fund water projects

The Natural Resources Committee held a hearing Jan. 19 on a bill proposing a new funding source for the Water Resources Cash Fund.

LB229, introduced by Valentine Sen. Deb Fischer, would provide for annual transfers of \$7 million from the Environmental Trust Fund to the Water Resources Cash Fund for 10 years.

The Water Resources Cash Fund is used by the state Department of Natural Resources primarily to aid water

management actions taken by natural resource districts in overappropriated and fully appropriated basins bound by an interstate compact, decree or agreement.

Last year, the Legislature repealed a future corn checkoff, which would have provided approximately \$7.5 million annually for the Water Resources Cash Fund from FY2012-13 through FY2018-19.

Fischer said the Water Resources Cash Fund will need to be adequately

supported to cover costs associated with the Platte River Recovery Implementation Program, which is estimated to cost the state between \$53 to \$100 million through FY2018-19.

"Given this future fiscal responsibility by the state of Nebraska for simply this one project," she said, "I think it is abundantly clear to us that the state must look for funding sources for this and other projects of this nature."

The Nebraska Environmental Trust

**(continued on page 3)**

# A CLOSER LOOK

## Chief justice focuses on judiciary's accomplishments

(continued from front page)

"Like the elderly, many abused, neglected and delinquent children often find themselves involved in the court system under circumstances in which they cannot protect themselves," he said.

The Nebraska Juvenile Service Delivery Project began in 2009 as a pilot program in Omaha with the goal of delivering services to delinquent children without requiring them to become state wards.

Prior to the project's implementation, Heavican said, children often were made wards and consequently were supervised by both the state Department of Health and Human Services and probation staff.

"This was a costly, confusing and redundant practice," he said.

Since the project began, Heavican said, the number of juveniles under dual supervision has been reduced by 70 percent. Probation administration, judges, HHS workers, volunteers

and others also continue to focus on truancy reduction and reducing the time children spend in out-of-home placement, he said.

The courts also are focusing on technology to increase efficiency, Heavican said, noting improvements in electronic payment and filing systems.

The court collected over \$5 million in traffic fines in 2010 through its electronic payment system, he said, and 50 percent of new civil filings in county court systems are made electronically.

Technology also is being employed to assist self-represented parties and to provide long-distance interpreter services, he said.

But Heavican cautioned that improved technology alone will not solve the court's challenges in providing access to justice for Nebraska's citizens.

"Technology is the future of the courts, but it must be coupled with long-range planning in anticipation of the court system's future need for resources," he said. "And 'resources' means judges and employees."

Heavican encouraged lawmakers to consider the constitutional role of the courts when making difficult funding decisions this session. The court system needs adequate personnel across the state to carry out its duties, he said.

"The courts are not just another agency line item in the state's budget," he said. "Our courts are a constitutional branch of government, co-equal with the legislative branch and the executive branch." ■

## SPECIAL AND SELECT COMMITTEES

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### Education Commission of the States

Sens. Adams, Harms and Howard

### Enrollment & Review

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### Midwestern Higher Education Commission

Sens. Adams and Fischer

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# A CLOSER LOOK

## Environmental Trust could fund water projects

(continued from front page)

Fund receives 44.5 percent of Nebraska lottery profits, which has netted the fund \$13.2 million to \$14 million annually since FY2007-08. The fund is used to carry out the provisions of the Nebraska Environmental Trust Act.

State Department of Natural Resources director Brian Dunnigan testified in support of the bill. He said the Water Resources Cash Fund has been used recently for water leasing costs associated with Republican River Compact compliance in years with low rainfall. The cash fund also has been used to meet the first increment of state costs associated with the Platte River Recovery Implementation Program, Dunnigan said.

Fischer said the Nebraska Environmental Trust Fund is a logical choice for funding water-related projects because its intended use is to conserve and restore the environment of Nebraska. Furthermore, she said, a dedicated funding source, as opposed to general fund appropriations, is needed to ensure the cash fund has a sufficient balance.

“The state is currently facing a significant budget shortfall,” Fischer said. “While I agree the state should help fund these efforts, ... relying on general funds is not a possibility at the present time, nor, I believe, will it be in the foreseeable future.”

The bill also would broaden acceptable uses of the cash fund to include expenditures for studies and grants to facilitate compliance with the Nebraska Ground Water Management and Protection Act.

Fischer said this measure would permit all natural resources districts – not just those in overappropriated and fully appropriated basins – to access the Water Resources Cash Fund.

Jasper Fanning, general manager of the Upper Republican NRD, testified in support of LB229. He said support for water issues has been piecemeal and insufficient. A long-term solution, he said, would require dedicated state funding in addition to local funding, such as the occupation tax on irrigators.

Mark Brohman, executive director of the Nebraska Environmental Trust, spoke in opposition to the bill. Funding is awarded from the Nebraska Environmental Trust Fund based on a merit, he said, and LB229 would take away half of the funds that could be granted to other deserving and valuable projects.

“This is cutting the golden goose in half and still expecting the eggs to be there,” he said.

Brohman also pointed out that the trust fund already has been used to help with water issues, specifically in the Platte River. Since 1994, the trust fund has provided \$27.5 million for Platte River projects, he said.

“When Nebraskans voted for the lottery, they said, ‘We want to do special things with [the proceeds],’ and special things are not reallocating the money and earmarking it,” Brohman said.

Marty Grate, representing the city of Omaha, also testified in opposition to the bill. He said the city is funding its own combined sewer overflow and

flood control projects without significant state or federal money. Water management projects should be supported by local efforts, he said, which require additional bonding authority for NRDs.

Brohman urged the committee to convene a task force to search for an alternative funding source – a proposal met with disagreement from Fischer.

“The idea of forming another task force to look at this issue, I don’t believe is being responsible,” she said.

The committee took no immediate action on the bill. ■

### SEARCH FOR BILLS

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# ISSUES UPFRONT

## Education

### Bill would define cyber-bullying

The Education Committee heard testimony Jan. 18 on a bill that would expand the Student Discipline Act to include cyber-bullying.

LB123, introduced by Elk Creek Sen. Lavon Heidemann, would define cyber-bullying as any ongoing use of electronic mail, text messaging, social networking websites or any other form of electronic communication on or off school grounds with the intention of causing harm or serious emotional distress to students or school personnel.



Sen. Lavon Heidemann

Under the bill, cyber-bullying would be grounds for long-term suspension, expulsion or mandatory reassignment if the behavior results in disruption of the school environment or is a safety threat. "With the widespread use of the Internet by students, these issues are not going to go away," Heidemann said, predicting that they instead will become more common.

Deb Kubik, a former Nebraska City High School teacher and a proponent of the bill, was the target of a Facebook group created by students that, she said, was intended to cause harm.



"This took a huge toll on me personally," she said, explaining that the page caused her to fear for her and her family's safety.

Kubik said she reported the situation to school administrators but said they did not offer support or address the issue.

Greg Perry of the Nebraska Council of School Attorneys also testified in support. When schools consider cases like these, they must answer two questions, he said: Did the conduct occur on school grounds? And did this conduct cause material disruption?

In Kubik's case, the incident did not occur on school grounds, he said, which made the situation difficult for administrators and school officials to resolve.

Perry said LB123 would expand existing bullying statutes to recognize that cyber-bullying occurring off school grounds affects students and teachers when they are on school grounds.

Current statutes define bullying as an ongoing pattern of physical, verbal or electronic abuse that occurs:

- on school grounds;
- in a vehicle owned, leased or

contracted by a school being used for a school purpose by a school employee or his or her designee; or

- at school-sponsored activities or school-sponsored athletic events.

Larry Ramaekers, superintendent for Aurora Public Schools, also testified in support of LB123.

Ramaekers said he dealt with a situation similar to Kubik's in which an inappropriate Facebook comment was made. The issue became ongoing, he said, because the message was sent to all of the author's Facebook friends.

Under the current statute, administrators were able to have the comment removed, he said, but had LB123 been in effect they would have had more tools to deal with the issue.

Barbara Paris, a member of the watchdog group Bully Police USA, also testified in support of the bill, saying that it is time to remove the code of silence among young people.

She said that children don't report cyber-bullying because they believe nothing will be done and because there is "no backbone" within the law.

"We don't allow this in the work-



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place,” she said. “People would be fired, yet we expect our children to tolerate this.”

Paris said the question continues to be whether cyber-bullying interferes with a student’s right to learn or a teacher’s right to teach.

“We need this law to protect the educational process, not to interfere with it,” she said.

But Amy Miller, legal director of the ACLU Nebraska chapter, expressed concern that the bill might interfere with students’ free speech rights.

“We hold children to a different standard,” Miller said. “A comment — maybe one or two comments — is part of a child growing up and learning how to live in society.”

In her neutral testimony, she said the bill is too broad and that general matters of opinion could be classified as cyber-bullying if the bill’s language is not revised.

Specifically, she suggested that the bill define “on or off school grounds” to further clarify a school’s responsibility.

“You don’t want to allow schools to govern conduct of students 24 hours a day,” Miller said.

The bill would require school districts to develop and adopt a policy concerning cyber-bullying prevention and education by July 1.

The committee took no immediate action on the bill.

## Community colleges funding formula advanced

Senators advanced a bill from general file Jan. 21 that would provide a

formula to determine the amount of state aid appropriated among the state’s six community colleges for fiscal year 2011-12 and FY2012-13.

LB59, introduced by York Sen. Greg Adams, would distribute the total amount of state aid according to a new formula:

- 8.86 percent for the Central Community College Area;
- 26.51 percent for the Metropolitan Community College Area;
- 9.05 percent for the Mid-Plains Community College Area;
- 28.27 percent for the Southeast Community College Area;
- 13.27 percent for the Western Community College Area; and
- 14.04 percent for the Northeast Community College Area, with 0.1 percent of that amount going to the Nebraska Indian Community College and 0.2 percent to the Little Priest Tribal College.

The previous formula was terminated last session, Adams said, with an understanding that the six colleges’ CEOs together would create a new formula for funding the next two years.

Omaha Sen. Gwen Howard spoke in support of the bill, saying that she is grateful the community colleges have reached a point where they can come together to work on this issue.

“When they can discuss these things we all benefit,” she said.

LB59 was advanced on a 38-0 vote.



Sen. Greg Adams

## Government, Military & Veterans Affairs

### Fee increase for recording documents proposed

The Government, Military and Veterans Affairs Committee discussed a measure Jan. 19 that would increase fees required for recording documents with the register of deeds.

LB14, introduced by Lexington Sen. John Wightman, would increase the fee for recording documents with the register of deeds from \$5 per page to \$10 for the first page and \$6 for each additional page.



Sen. John Wightman

The register of deeds records legal documents such as deeds, mortgages and wills.

The adjustment would increase by \$2.50 the fee for recording the first page of a document and by 50 cents for any additional pages. One half of the additional funds generated by the increase would be designated to fund the preservation, maintenance and modernization of public records in the register of deed’s office.

The increase would eliminate the current 50-cent indexing fee for each lot or section for the first five indexes.

The bill also would increase the uniform fee associated with recording documents pursuant to the Uniform

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Federal Lien Registration Act, payable to the Secretary of State, from \$6 to two times the fee required for recording instruments with the register of deeds.

The uniform fee would continue to be split evenly between the Secretary of State and each designated county in the filing.

Wightman said costs for recording documents have risen substantially since fees were last increased in 1983, adding that those who use the services of the register of deeds should pay the cost.

“For 27 years the taxpayers have been bearing the cost of inflation,” he said.

Funds from the fee increase for improved technology would allow greater access to public records, Wightman said, by increasing their availability on the Internet, for example.

Larry Dix, executive director of the Nebraska Association of County Officials, agreed.

The bill would assist counties in improving technological capabilities, he said, which would mean fewer trips to the courthouse for citizens in rural areas.

“This is the way the world is moving, and we have to move in that direction,” Dix said.

There was no opposition testimony and the committee took no immediate action on the bill.

## Uniform guidelines for election workers sought

The secretary of state would provide uniform guidelines for election workers under a bill heard by the

Government, Military and Veterans Affairs Committee Jan. 21.

LB97, introduced by Wilber Sen. Russ Karpisek, would require the secretary of state to provide the guidelines and make them available online. The guidelines would address the conduct of election workers and take into account differences in size and population among Nebraska’s counties.

Karpisek said county election officials new to the election process would benefit from a guide. Since the secretary of state already is charged with the training of local election officials, he said, the guidelines would be within the scope of the office.

The neighboring states of Kansas, Iowa, South Dakota, Wyoming, North Dakota and Minnesota have already developed similar guidelines, he said.

“Publication of a statewide election guide by the secretary of state’s office is by no means a new development,” Karpisek said.

Adam Morfeld, representing Nebraskans for Civic Reform, spoke in support of LB97. He said guidelines would provide uniformity and reduce instances of election officials using outdated resource materials.

Neal Erickson, deputy secretary of state for elections, testified in opposition. He said the secretary of state’s office already trains local officials and provides them with materials to train their poll workers.

“We have to oppose pieces of legislation that ask us to do these additional duties that really aren’t helping

the process at all,” he said.

The committee took no immediate action on the bill.

## Bill would reject daylight saving time

Nebraska would reject daylight saving time in favor of standard time under a bill heard by the Government, Military and Veterans Affairs Committee Jan. 20.

LB101, introduced by Ogallala Sen. Ken Schilz, would delete statute defining when daylight saving time is active each year. It also would declare the state’s decision to no longer observe daylight saving time and adjust election polling hours to ignore daylight saving time.

The federal Uniform Time Act of 1966 allows states to opt out of daylight saving time.

Schilz said the bill would be beneficial for people who must keep consistent schedules, such as diabetics. He said two states, Arizona and Hawaii, have opted out of daylight saving time.

The committee took no immediate action on the bill.

## Access to funds for veteran cemetery system sought

The Government, Military and Veterans Affairs Committee heard testimony Jan. 20 on a bill that would allow funds from the Veterans’ Aid Income Fund to be used for the state veteran cemetery system.

Under LB116, sponsored by Lin-



Sen. Russ Karpisek



Sen. Ken Schilz

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coln Sen. Bill Avery, the director would be allowed to use the fund for the administration, maintenance and operation of cemeteries in the state veteran cemetery system.



Sen. Bill Avery

Avery said the proposal is meant to provide flexibility to the Appropriations Committee as they attempt to deal with the state's projected budget shortfall.

There may be times when funds appropriated by the Legislature will cover the estimated \$280,000 annual cost to run the cemetery system, he said, but LB116 will allow transfers if the need arises. As such, the bill does not authorize the transfer of a specific dollar amount.

The Veterans' Aid Income Fund was established in 1921 to aid World War I veterans with short-term, unexpected expenses, Avery said, and has a current value of approximately \$31.5 million. The fund generates over \$1 million in interest per year, he said, not all of which is needed to cover veterans' requests for assistance.

"I think in every way [LB116] is consistent with the original intent of the fund," Avery said. "In these extraordinary budget times we need flexibility in how we spend our money."

Veteran Johnny Austin testified in support of the bill, saying not all veterans can be buried in the National Cemetery and that the Nebraska veterans' cemeteries should be given the money needed to operate.

"I think it's a necessary thing," he said.

Opponents of the bill included

John Hilgert, director of the Nebraska Department of Veterans Affairs, who said the volume of future requests from veterans for aid is difficult to predict.

Any excess interest should continue to be reinvested to keep the fund sound, Hilgert said, adding that amounts above what are needed for reinvestment currently are used to increase the dollar amount paid for a given situation.

"Fund money has never been diverted for any expense except for direct benefit aid to vets," he said.

Don Shuda, a county veterans service officer, also opposed the bill, saying the cost of aiding veterans would fall to county government should the state fund be depleted.

"Veterans, by state statute, have a right to expect services," Shuda said. "This would cause an unfunded mandate back to the counties."

The committee took no immediate action on the bill.

## Full publication of ballot initiatives in newspapers could be dropped

The secretary of state would not be required to publish the full text of initiative or referendum measures in newspapers under a bill heard by the Government, Military and Veterans Affairs Committee Jan. 21.

Current law requires weekly publication of the title, text and number of each initiative and referendum measure in all legal newspapers during the three weeks leading up to an election. The Nebraska State Constitution requires the publication of constitutional amendments proposed by the

Legislature in at least one newspaper in each county.

LB117, introduced by Lincoln Sen. Bill Avery, would change the requirement to a publishing notice containing a reference or link to a page on the secretary of state's website that displays the full text.

Avery said that the average cost for publishing initiatives, referenda and constitutional amendments over the past 10 years has been \$460,000. While he lamented the potential loss of revenue for newspapers under his bill, Avery said state subsidization of newspapers is not necessary.

John Miles, representing the Nebraska Press Association, testified in opposition to LB117. He said merely providing notice of constitutional amendments proposed by the Legislature is contrary to the publication requirement set forth in the constitution.

The committee took no immediate action on the bill.

## Online voter registration proposal heard by committee

The secretary of state would be required to create an online voter registration process under a bill heard by the Government, Military and Veterans Affairs Committee Jan. 21.

Under LB168, introduced by Lincoln Sen. Bill Avery, those with state motor vehicle operator's licenses or state identification cards could register to vote or update their registration on the secretary of state's website. Applicants registering in the state for the first time who have not previously voted within the state would have to provide photo identification and

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a copy of a current utility bill, bank statement or other identifying document when they make their first trip to the polls.

Avery said nine states, including Kansas, already provide for online voter registration, which he said would make it easier for people to register and provide cost savings by eliminating the need for data entry.

“It is not inappropriate in a democracy to make it easier for people in that democracy to participate in it,” Avery said.

Laura Schneider, president of the League of Women Voters in Nebraska, spoke in support of LB168. She said technology already is used to increase civic interaction with government, citing the live streaming of legislative floor coverage and hearings as examples.

“It seems odd that a government that advanced in its efforts to be more accessible, transparent and citizen friendly still does not have an electronic voter registration system in place,” Schneider said.

Adam Morfeld, representing Nebraskans for Civic Reform, also spoke in support of the bill, saying it would reduce administrative costs while maintaining the integrity of the voter registration system. He said online voter registration in Arizona has a cost of 3 cents per registration, as opposed to 83 cents using the standard method.

Neal Erickson, deputy secretary of state for elections, testified in opposition to LB168. He said it would cost \$80,000 to \$100,000 to set up the right system to collect and format photo identification and signatures,

which would be used to validate registrations.

Erickson also questioned whether those who forge voter registrations online could be prosecuted, as they would not have signed an oath saying their registration information was correct.

State Department of Motor Vehicles director Beverly Neth testified in opposition to the bill, citing concerns regarding the use of DMV data. She said the bill would allow the secretary of state to use the department’s data for any purpose, not just voter registration.

The committee took no immediate action on the bill.

## Health & Human Services

### Bill would address clinical privileges for midwives

The Health and Human Services Committee heard testimony Jan. 20 on a measure that would prevent denial of credentials to individuals solely based on their classification as certified nurse midwives.

LB68, introduced by Lincoln Sen. Tony Fulton, would add certified nurse midwives to the list of practitioners who cannot be denied clinical privileges based on their credential by any hospital licensed under the Health Care Facility Licensure Act.



Sen. Tony Fulton

Fulton said certified nurse midwives who have a practice agreement with a supervising physician may practice midwifery at the physician’s office or at a facility where they have been granted privileges. However, there appear to be cases where midwives have been denied privileges at hospitals for no other reason than belonging to the category of certified nurse midwife, he said.

Heather Swanson, a certified nurse midwife from Wilcox, testified in support of the bill, saying some hospitals refuse to grant privileges to midwives as a way to control the practice of midwifery. The Norfolk hospital where she had hoped to practice closed the category of certified nurse midwife for credentialing, she said, causing her to leave Nebraska.

“I’m still waiting for statutory changes that will allow me to practice here,” she said. “This bill is needed and is overdue.”

Gail Consoli, a certified nurse midwife in Norfolk, also supported the bill. Having already been granted privileges at the Norfolk hospital before it closed the category to midwives, Consoli said she was allowed to retain them.

“I was grandmothers in,” she said.

Consoli said she delivers approximately 19 percent of the babies born at the hospital, and worries what will happen to those who would like access to a midwife when she retires.

It’s a concern shared by Autumn Cook, a member of Nebraska Friends of Midwives.

Cook said the Norfolk situation is the best example of the flawed current law, by which access to midwives can be arbitrarily denied by hospitals.



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“The demand for midwives is continuing to grow all over the U.S. and in Nebraska,” she said. “This law will help Nebraskans access the kind of care that they want.”

No opposition testimony was given and the committee advanced LB68 to general file 6-0.

## Changes to county mental health boards sought

The Health and Human Services Committee heard testimony Jan. 19 on a bill designed to broaden the pool of professionals eligible to serve on county mental health boards.

LB111, sponsored by Grand Island Sen. Mike Gloor, would remove a current requirement that one member be a psychiatric social worker and add a position for a licensed independent mental health practitioner.

County mental health boards are charged with assessing the mental health status of individuals placed in emergency protective custody.

Gloor said the suggested change would reflect recent developments in licensure language for mental health professionals. The term psychiatric social worker is outdated, he said, and the designation of licensed independent mental health practitioner is relatively new.

Such practitioners are qualified to diagnose and treat major mental health disorders, Gloor said, and are valuable resources in rural areas where

mental health resources are scarce. Allowing them to serve would ensure the integrity of county mental health boards, he said.

“We need to be able to use every possible resource,” Gloor said.

Anne Buettner of the Nebraska Association of Marriage and Family Therapy supported the bill, saying it would increase by almost 800 the number of individuals eligible to serve on county mental health boards.

Many rural counties lack qualified mental health professionals to serve on the boards, Buettner said, and must contract with individuals from other counties. This increases hearing delays and adds travel costs to the board’s expenses, she said.

Terry Werner of the Nebraska chapter of the National Association of Social Workers also testified in support of the bill, even though it would mean losing one position on county boards currently designated for social workers.

“This should be about what is best for Nebraska and not a turf war,” he said.

There was no opposition testimony and the committee advanced the bill to general file 6-0.

## Judiciary

### Bill would clarify life without parole provisions

The Judiciary Committee heard joint testimony Jan. 21 on two measures meant to clarify provisions of Nebraska law regarding the penalty for a Class I felony.

Currently, penalties for a Class I

felony include death and life imprisonment without parole.

In 2002, the Legislature held a special session to address Nebraska’s capital punishment sentencing laws following a ruling by the U.S. Supreme Court in *Ring v. Arizona*. In that case, the court held that a defendant has the right to have a jury, rather than a judge, decide on the existence of an aggravating factor that makes the defendant eligible for the death penalty.

During the special session, language was adopted to clarify that the penalty for Class I felonies, when the death penalty is not utilized, is life imprisonment “without parole.”

However, in 2005, the Nebraska Supreme Court ruled in *State v. Conover*, that two of those changes were outside the scope of the governor’s call, which determines the parameters of what lawmakers may consider during a special session. As a result, the addition of the words “without parole” was ruled unconstitutional in those two sections.

LB12, introduced by Lexington Sen. John Wightman, would strike the phrase “without parole” in the sections of law where it was added during the 2002 special session.

LB13, also introduced by Wightman, would reinsert the provision of life without parole. Doing so during a regular legislative session, when there are no restrictions on a bill’s subject matter, would negate the court’s objection in the *Conover* case, Wightman said.

“I think it is time to fix Nebraska’s



Sen. Mike Gloor



Sen. John Wightman

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sentencing law,” he said.

The committee took no immediate action on the bills.

## Bills would ban drug and track meth-making

The Judiciary Committee heard testimony Jan. 19 on two bills that would make it harder to access certain drugs in Nebraska.

LB19, introduced by Omaha Sen. Beau McCoy, would expand the Uniformed Controlled Substances Act to ban the class of synthetic cannabinoids used to make the drug commonly known as K2 or Spice.



Sen. Beau McCoy

“K2 is a very dangerous drug that has appeared in our community,” McCoy said.

Treatment centers and drug courts began to see the use of K2 beginning last year, he said, adding the Legislature should ban it before it becomes any more widespread.

“It’s hard to comprehend and explain how concerned parents are,” McCoy said.

Christine Gabig, a forensic scientist for the Douglas County sheriff’s office and a proponent of the bill, said that K2 is three to 100 times more potent than marijuana.

Named after the second highest mountain on Earth, she explained, the drug is a synthetic compound sprayed on herbs and sold as incense. Some of the symptoms of inhaling the drug include seizures, loss of consciousness and paranoia, she said.

“Because it’s legal, there’s this public perception that it’s a safe thing to do,” Gabig said.

Corey O’Brien, Nebraska Assistant Attorney General, also testified in support of LB19, saying K2 is the number one drug threat that Nebraska currently faces.

Zach Dickman, a 16-year-old Sidney High School student, testified in support of the bill, saying that he crashed his truck after smoking K2 with some friends before school.

He had a dream that he was driving, Dickman said, and woke up in his truck to find he had smashed into a tree.

“I wasn’t quite sure where I was and how I got there,” he said, adding that he had driven past nearby schools and later learned he had narrowly missed hitting a young child.

“I am very lucky to be alive and not to have injured or killed anyone,” Dickman said.

Paul Carter, executive director of PRIDE Omaha, also supported the bill, saying it would allow law enforcement and prosecutors to take action against people who use and sell the drug.

K2 is a \$100 million dollar per year business, he said, “We must get it off the shelves.”

The committee also heard testimony on a second bill brought by McCoy. LB20 would implement a statewide electronic tracking system for purchases of methamphetamine precursor chemicals at the point of sale.

McCoy said this method of tracking would better detect “smurfing” – the purchasing of small amounts of pseudoephedrine from several locations – conducted by those who make methamphetamine in order to

avoid being discovered.

Terry Wagner, sheriff of Lancaster County, testified in support of the bill, saying the practice has become a problem among pharmacies statewide.

The committee advanced LB19 to general file 8-0. No immediate action was taken on LB20.

## Increased penalties proposed for unlawful intrusion

The Judiciary Committee heard testimony Jan. 21 on a bill that would increase penalties for unlawful intrusion.

Under LB61, introduced by Elk Creek Sen. Lavon Heidemann, the penalty for viewing a person in a state of undress without their knowledge in a place of solitude or seclusion would increase



Sen. Lavon Heidemann

from a Class III to a Class I misdemeanor. Current law defines a place of solitude or seclusion as one in which a person has a reasonable expectation of privacy, such as a restroom, tanning booth, locker room or dressing room.

The bill also would increase to a Class IV felony the penalty for making a video, audio or electronic recording of an unlawful intrusion, and distributing such a recording would be a Class III felony.

Heidemann said current penalties are insufficient given the impact of the crime on victims.

“Unlawful intrusion is a violation of basic human rights,” he said, “and the penalty should fit the crime.”

Robyn Robles, who was a victim of unlawful intrusion, testified in sup-

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port of the bill.

The crime was discovered when nude pictures of Robles were posted online by her brother-in-law, she said, causing her great emotional distress. His punishment, she said, was far less than what one would receive for being convicted of petty theft.

"I feel sexually violated and humiliated," Robles said, adding that she has been diagnosed with post-traumatic stress disorder.

Assistant Attorney General John Freudenberg also testified in support of the bill, saying technological advances likely will make unlawful intrusion more common in the future.

"This bill would better enable the criminal justice system to address this issue," Freudenberg said.

No opposition testimony was given and the committee took no immediate action on the bill.

## Bills call for more information in adoption process

The Judiciary Committee heard testimony Jan. 20 on a bill that would give adoptive parents more access to information about a child they are considering for adoption.

LB94, introduced by Omaha Sen. Gwen Howard, would require that adoptive parents have access to a child's file at the state Department of Health and Human Services after filing a petition for adoption and before entry of a decree of adoption for a child who is committed to HHS.

"Families need to have all the information available when they make

a lifelong commitment of raising a child," Howard said.

Some families have discovered after an adoption was complete that a child had problems they were not informed of, she said. This commonly results in the child being placed back into the system, she said, because the family was not well-equipped to meet the child's needs.

"Families who are engaged from the onset are more likely to engage if problems arise," Howard said.

Pamela Allen, the executive director of the Nebraska Foster Parents Association, testified in support of the bill, saying that she hears too often from families who have adopted children without proper disclosure.

Families should be allowed to make an informed decision on whether they will be able to meet the needs of a child, she said. Some mental health issues and symptoms of fetal alcohol syndrome may not appear in children until they are older, she added, and are not easily detected by a prospective parent.

In some cases, Allen said, families have had to mortgage their homes to pay an adopted child's medical bills and marriages can become strained.

Denise Dowell, an adoptive parent of four children and a proponent of the bill, said she was aware when adopting one of her daughters that the child had cerebral palsy and mild retardation. What was not disclosed to her, Dowell said, was that her 13-year-old daughter had been touched inappropriately as a young child.

Dowell said that a year after being adopted, her daughter began acting out and later was diagnosed with post-traumatic stress disorder due to being molested.

Dowell became concerned that her daughter would cause harm to her other three children, she said, but was

told by HHS that the family did not qualify for services.

Christie Abdul, a licensed clinical social worker, also testified in support of LB94, saying it is imperative that prospective adoptive parents not only have access to information in a child's case file, but that the content is explained to them.

"At this time there is no guarantee that this full disclosure will happen," she said.

The committee also heard testimony on a second bill that would make more information available to adoptive parents.

LB124, introduced by Lincoln Sen. Bill Avery, would amend the adoption placement statute to include in a child's medical history the race, ethnicity, nationality, Indian tribe or other cultural history of either or both parents.

"The importance of this is that adoptive parents and adoptees can identify potential inherited medical issues that may arise," Avery said.

Judi gaiashkibos, executive director of Nebraska's Commission on Indian Affairs, testified in support of the bill but suggested removing the words "Indian tribe," so the bill is less restrictive.

There are complexities to enrolling in an Indian tribe, she said, adding that she does believe it is important for children to know their heritage.

The committee did not take immediate action on either bill.

## Bill questions temporary mental illness resulting from voluntary intoxication

The Judiciary Committee heard testimony Jan. 21 on a bill that would eliminate the defense of temporary insanity when the defendant is voluntarily under the influence of drugs or alcohol.



Sen. Gwen Howard

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Under LB100, introduced by Lincoln Sen. Colby Coash, those charged with committing a crime while intoxicated could no longer use intoxication as a defense, unless they can prove that they did not know the substance was a toxicant when they ingested, inhaled, injected or absorbed it.



Sen. Colby Coash

“This defense does happen and it is a gap in our statutes,” Coash said.

He referred to a 2006 Lincoln case, in which Shane Tilley fatally stabbed a friend, Andy Lubben, after intentionally overdosing on cold medication. Tilley was found not guilty by reason of temporary insanity.

Jeff Lubben, Andy’s father, testified in support of the bill, saying it has been difficult to accept that someone can be found not guilty of a murder charge because they were high on cold medicine.

Nebraska Assistant Attorney General Corey O’Brien also testified in support of the bill.

Insanity serves as a viable defense in our legal system, he said, but the state should hold people responsible for what they do while voluntarily intoxicated.

Michele Belcastro, a proponent of the bill, said her mother-in-law was brutally beaten by her son, Patrick, who was on methamphetamine at the time of the crime.

He was charged with two felonies of first-degree assault and assault with a deadly weapon, she said.

The judge found Patrick competent to stand trial, she said, but he also was found to be temporarily insane at the time of the crime. He was sent to a treatment center, Belcastro said.

“This shocking gap in the system is not protecting or helping anyone,” she said.

Chris Eickholt of the Nebraska Criminal Defense Attorneys Association testified against LB100.

There is an ongoing debate in the medical community about whether drug-induced insanity should be treated as a mental illness, he said, adding that the law should not be changed without input from the mental health or psychiatric communities.

The committee took no immediate action on the bill.

## Revenue

### Bill would block nonresident road fees

Cities and villages would be prohibited from requiring nonresidents to pay a city motor vehicle registration fee under a bill receiving a hearing from the Revenue Committee Jan. 20.

LB81, introduced by Bellevue Sen. Abbie Cornett, would prohibit metropolitan class cities from levying a motor vehicle registration fee on nonresidents. All cities and villages also would be prohibited from levying a license or occupation tax on nonresident motor vehicles.



Sen. Abbie Cornett

The bill would confine municipal licenses or occupation taxes on individuals and businesses to those within city limits, although Cornett said she plans to offer an amendment to remove those provisions.

Cornett said the intent of her bill

is to prohibit cities from charging nonresidents a motor vehicle registration fee similar to Omaha’s commuter wheel fee. A new Omaha ordinance requires nonresidents who drive to work in Omaha more than 30 times per year to pay the \$50 fee, which is collected by their employer and - after subtracting 4 percent for processing - remitted to the city.

Dacia Kruse, representing the Greater Omaha Chamber of Commerce, testified in support of LB81. She said collection of the commuter wheel fee is impractical due to its reliance on businesses to remit fees from their employees. She said most businesses have no means to identify each employee’s residence, record the number of times he or she travels into the city and deduct the fee.

Kruse said the fee is almost impossible to implement and ambiguities exist regarding who is liable – employees or employers – for non-payment. Furthermore, the fee makes Omaha less competitive for jobs and investment, she said.

Sarpy County resident Gregory Boyle also testified in support of LB81. While a person can easily choose to patronize an Omaha restaurant and therefore pay city sales tax voluntarily, he said, an unfavorable economic climate makes it difficult for one to change his or her employment to avoid the commuter wheel fee.

In addition, Boyle said, people who are paying the commuter wheel fee have no political effect on Omaha city government.

“The Omaha wheel tax is clearly taxation without representation,” he said.

Tom Mumgaard, deputy city attorney for the city of Omaha, testified in opposition to the bill. He said the



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commuter wheel fee is a user fee that is tied to the benefit it provides in that proceeds from the fee are directed to roads projects. He said this same principle is carried out in the state motor vehicle fuel tax, which funds roads.

“The city limits don’t determine who causes the need for street construction or street repair,” he said, “and those city limits shouldn’t determine who pays for the expenses.”

Pam Spaccarotella, city finance director for the city of Omaha, also spoke in opposition to the bill. The Omaha vehicle registration fee is the main source of revenue for city roads, she said, and nonresidents make up a substantial portion of people who work in the city. Of the 271,156 primary jobs in Omaha, she said, only 151,331 are held by residents.

Cornett said the city should not look to those outside its limits to fund its roads. The city of Omaha appropriates only motor vehicle fuel tax revenues and its motor vehicle registration fee for road funding, she said, while other municipalities devote sales tax and property tax revenues to their roads.

“Why do they expect the communities around them to fund their roads?” she asked.

The committee advanced LB81 to general file on a 7-0 vote.

## Transportation & Telecommunications

### Online driver’s license renewal update advances

A bill that would expand online renewals for driver’s licenses was ad-

vanced from general file Jan. 21.

LB158, introduced by Valentine Sen. Deb Fischer, would expand the upper age limit for online driver’s license renewals and provide opportunities for younger drivers to obtain new licenses online.



Sen. Deb Fischer

Current law permits individuals aged 21 to 65 who have DMV digital signatures and photos on file to renew their class O driver’s licenses or class M motorcyclist licenses online.

LB158 would extend this age range up to 72 and permit persons under 21 who have completed all required examinations to apply for their operator’s licenses electronically using rules prescribed by the DMV.

Fischer said an online application for licenses accommodates younger drivers who must pass through a graduated license process and, consequently, make annual trips to their county offices.

“Since no additional testing is required, it makes sense that a qualified young person can apply for his or her next permit or license through an online process,” Fischer said.

Ellsworth Sen. LeRoy Loudon spoke in opposition to LB158, specifically the age limit for online renewals. He called for senators to remove the age limit and avoid treating a class of people differently, based solely on age.

“We need to have a sense of justice and fair play when we enact legislation,” Loudon said.

The bill also would prohibit those who fail a driving test three times for a class O driver’s license or class M

motorcyclist license from retaking the test until they complete a driver’s safety course or hold a learner’s permit, for which they would be eligible, for at least 90 days.

Fischer said current law prohibits those who fail six successive tests for a license from retaking the test until they complete a driver’s safety course. She said LB158 would give those struggling with driving exams another option.

The bill advanced from general file on a 37-4 vote.

### Motorcycle safety funding examined

Motorcycle safety education providers would no longer receive state reimbursement under a bill heard by the Transportation and Telecommunications Committee Jan. 18.

LB170, introduced by Valentine Sen. Deb Fischer, would eliminate a state subsidy provided by the Motorcycle Safety Education Fund to motorcycle safety education providers.

The Motorcycle Safety Education Fund currently receives \$3 from the Highway Trust Fund for every motorcycle registered in the state and \$3.50 from the Department of Motor Vehicles Cash Fund for each motorcycle operator’s license issued during the previous year. The fund is used to reimburse motorcycle safety course providers up to \$75 for each student who successfully completes a course.

Under LB170, the Motorcycle Safety Education Fund would be dissolved Jan. 1, 2012, and its balance, which is expected to be nearly \$800,000, would be transferred to the Roads Operations Fund.

The bill would eliminate the \$5 fee for motorcycle safety instructors’

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permits and chief instructors' permits, and replace it with a \$100 fee for certification of a motorcycle safety course.

The bill also would broaden the DMV's regulatory authority over motorcycle safety courses.

DMV director Beverly Neth testified in support of the bill, saying it would create consistency among driver training programs. She also said the bill would provide regulatory uniformity and authority to implement nationally recognized rules and curriculum in safety courses.

David Halen, one of the two chief instructors in Nebraska for motorcycle safety training, testified in opposition to the bill. The additional expenses motorcycle safety courses incur due to vehicle damage and facility acquisition warrant state support, he said, even if other driving education programs receive none.

Halen also said operating a motorcycle is more complex than driving a car or truck. Therefore, state assistance is needed to keep course fees low so enrollment does not decline, he said.

Bill Mulherin of the Greater Omaha chapter of the Nebraska Safety Council said new motorcycle riders often lack proper knowledge of how to operate their bikes. He said motorcycle safety courses work to reduce risky riding behaviors.

"If [state assistance] goes away, we are not going to shut our doors. We are going to continue to serve the public, but we are going to do it with a sudden jump in price," Mulherin said, adding that the inflated price would result in deflated enrollment numbers.

While opponents of the bill said

they understood why the state reimbursement was being cut due to budgetary constraints, Fischer said the positive fiscal impact of the bill was not its primary purpose.

"I view it as a question of equity that a subsidy is being provided to one segment — one business — and not to others in the state," she said.

The committee voted 7-0 to advance the bill to general file.

## Urban Affairs

### Bill would implement constitutional changes regarding revenue bonds

The Urban Affairs Committee heard testimony Jan. 18 on a bill that would implement the provisions of a recently approved constitutional amendment regarding revenue bonds.

The 2010 Legislature passed LR-295CA, which placed a proposed constitutional amendment on the May primary election ballot authorizing 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.

Voters approved the measure, and Lincoln Sen. Amanda McGill introduced LB159 to amend the Nebraska Industrial Development Act to reflect the language of the constitutional change. McGill said the



Sen. Amanda McGill

bill would permit municipalities and counties to participate in financing and developing projects for nonprofit enterprises throughout Nebraska. Any revenue bonds issued would not be the obligation of the issuing county or municipality, she said, and no taxes could be levied to pay for the bonds.

LB159 also excludes any portion of a nonprofit enterprise project used for sectarian instruction or study, or for devotional activities or religious worship.

Robert Hallstrom of the Nebraska Bankers Association testified in support of the bill, saying it simply would extend current law that allows counties and municipalities to issue bonds for development projects related to certain private enterprises.

"The benefit under this bill is that the nonprofit community will have the opportunity to benefit from tax exempt financing," he said.

Andy Bradley, executive vice president of Goodwill Industries in Omaha, also supported the measure.

He said Goodwill has opened nine new facilities in the Omaha area in the last seven years. Being eligible for tax exempt financing would mean nonprofits could receive lower interest rates, Bradley said, which would save his organization approximately \$800,000 in interest payments per facility.

"With that savings, we could provide services to literally thousands of additional unemployed Nebraskans," he said. "Opening this up to nonprofits makes sense."

There was no opposition testimony and the committee took no immediate action on the bill. ■

# COMMITTEE HEARINGS

## Monday, January 24

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB74 (Pahls) Change provisions relating to banks and banking

LB75 (Pahls) Change provisions relating to loan brokers, mortgage loan originators, and residential mortgage licensing

LB76 (Pahls) Adopt updated federal laws for securities, commodities, and consumer rental purchase agreements

LB77 (Pahls) Change debt cancellation contract and debt suspension contract provisions

LB78 (Pahls) Define a term in the Public Funds Deposit Security Act

### Business and Labor

#### Room 2102 - 1:30 p.m.

LB261 (Lathrop) Provide a direct seller exemption to the Employment Security Law

LB262 (Lathrop) Eliminate certain labor provisions regarding health and safety

LB263 (Lathrop) Eliminate the Nebraska Worker Training Board

LB151 (Lathrop) Change location, hearing, and document provisions of the Nebraska Workers' Compensation Court

LB189 (Council) Adopt the Criminal Offender Employment Act

### Education

#### Room 1525 - 1:30 p.m.

LB332 (Education) Change compensation provisions for the Board of Educational Lands and Funds

LB333 (Education) Change allocation provisions relating to the Education Innovation Fund

LB331 (Education) Change provisions relating to an educational telecommunications network

LB334 (Education) Change and eliminate certain postsecondary education positions and programs

### General Affairs

#### Room 1510 - 1:30 p.m.

LB249 (Karpisek) Provide for waiver of restrictions on alcohol sales near post-secondary campuses

LB256 (Karpisek) Change terms of certain members of the State Racing

### Commission

LB279 (Karpisek) Change provisions regarding an interest in licensed wholesalers under the Nebraska Liquor Control Act

LB294 (Karpisek) Prohibit alcohol sales during certain hours to persons who are twenty-one years old

LB311 (Karpisek) Change penalties of out-of-state licensees under the Nebraska Liquor Control Act

### Nebraska Retirement Systems

#### Room 1525 - 9:00 a.m.

Appointment: Rehmeier, Randall - Public Employees Retirement Board

Appointment: Wassinger, Richard - Public Employees Retirement Board

Appointment: Maginn, John - Nebraska Investment Council

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

LB47 (Fischer) Include certain third parties as railroad carriers

LB112 (Coash) Provide an exemption from motor carrier regulations for comprehensive services transport

LB163 (Fischer) Change provisions relating to parking permits and license plates for handicapped or disabled persons and authorize a state electronic application system

## Tuesday, January 25

### Agriculture

#### Room 2102 - 1:30 p.m.

LB181 (Hansen) Establish a surcharge under the Livestock Brand Act

LB114 (Dubas) Provide a standard and labeling restrictions for honey

LB108 (Carlson) Change provisions relating to division fences

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB23 (Langemeier) Change renewal and fee provisions of the Nebraska Real Estate License Act

LB24 (Langemeier) Provide training requirements under the Nebraska Real Estate License Act

LB315 (Pahls) Permit licensure of real estate salespersons as business entities

LB347 (McCoy) Authorize interest-bearing trust accounts under the Nebraska Real Estate License Act

LB25 (Langemeier) Provide exemptions relating to real property for asset management companies

LB26 (Langemeier) Adopt the Private Transfer Fee Obligation Act

### Education

#### Room 1525 - 1:30 p.m.

LB235 (Adams) Change provisions relating to state aid to schools

LB236 (Adams) Change provisions relating to state aid to schools

LB130 (Heidemann) Provide for adjustment of formula need in calculation of state aid to schools

LB247 (Pahls) Adopt the Classrooms First Act

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

LB178 (Transportation & Telecommunications) Change commercial drivers' licenses provisions

LB212 (Transportation & Telecommunications) Adopt revisions of federal laws and regulations relating to motor vehicles

LB241 (Hadley) Redefine parts vehicle and require a bill of sale for transfer of a parts vehicle

### Urban Affairs

#### Room 1510 - 1:30 p.m.

LB54 (Mello) Change provisions relating to the Community Development Law

LB57 (Mello) Change the Local Option Municipal Economic Development Act

LB308 (Urban Affairs) Provide terms of office for certain municipal officers

LB309 (Urban Affairs) Provide for reapportionment of special assessments made by a city of the first class, city of the second class, or village as prescribed

LB335 (McGill) Provide for the waiver of municipal bidding procedures

## Wednesday, January 26

### Executive Board

#### Room 2102 - 12:00 p.m.

LB264 (Heidemann) Provide requirements for acquisition of certain real

# COMMITTEE HEARINGS

property by the state  
LB326 (Janssen) Eliminate committees on intergovernmental cooperation

## **Government, Military & Veterans Affairs**

### **Room 1507 - 1:30 p.m.**

Appointment: Seever, Samuel - State Personnel Board

LB139 (Lautenbaugh) Change surplus property sale provisions of the County Purchasing Act

LB150 (Lathrop) Require Internet notice of public meetings by state entities

LB444 (Avery) Provide methods for notice under the Open Meetings Act

LB230 (Sullivan) Change access to public records

LB266 (Sullivan) Change the Open Meetings Act relating to closed sessions

## **Health & Human Services**

### **Room 1510 - 1:30 p.m.**

LB36 (Harms) Provide for a vote regarding adding fluoride to the drinking water supply

LB51 (Krist) Require health clinics to have patient transfer agreements

LB179 (Krist) Change pharmacy provisions

LB274 (Gloor) Change provisions relating to the return of dispensed drugs and devices

## **Judiciary**

### **Room 1113 - 1:30 p.m.**

LB197 (Dubas) Allow breast-feeding as prescribed

LB167 (Fischer) Change the Relocation Assistance Act

LB293 (Avery) Change provisions relating to reclaiming of property from a pawnbroker or junk dealer

LB310 (McGill) Change provisions relating to protection orders

LB251 (Council) Change court fees

## **Natural Resources**

### **Room 1525 - 1:30 p.m.**

LB41 (Hadley) Change fee, permit and stamp issuance, and possession of game provisions under the Game Law

LB421 (Pankonin) Change fees for motor vehicle park entry permits

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LB119 (Avery) Change provisions relating to state aid to incorporated municipalities

LB383 (Cornett) Eliminate state aid for municipalities, counties, and natural resources districts

## **Thursday, January 27**

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

LB171 (Avery) Provide for the establishment of fees paid to the Secretary of State

LB172 (Avery) Create the Commission on Indian and Multicultural Affairs and eliminate the Commission on Latino-Americans and the Commission on Indian Affairs

LB218 (Karpisek) Change provisions relating to personnel exempt from the State Personnel System

## **Health & Human Services**

### **Room 1510 - 1:30 p.m.**

LB290 (Pankonin) Change health care information required to be given to a patient upon request

LB260 (Lathrop) Adopt the Concussion Awareness Act

LB401 (Howard) Require assisted-living facilities to provide written information to applicants for admission

## **Judiciary**

### **Room 1113 - 1:30 p.m.**

LB129 (Avery) Eliminate the statute of limitation for certain felonies

LB390 (Ashford) Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice

LB201 (Council) Change probation fees

LB202 (Council) Authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment

LB203 (Council) Change sentencing requirements with respect to certain minors

## **Natural Resources**

### **Room 1525 - 1:30 p.m.**

Appointment: McColley, Mark - Nebraska Ethanol Board

Appointment: Thede, Michael - Nebraska Ethanol Board

LB27 (Langemeier) Change appropriations for water power and water well registration fees

LB31 (Langemeier) Change supplemental agricultural appropriation of water provisions

LB32 (Langemeier) Change dam and appropriation application approval provisions

LB366 (McCoy) Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund

## **Nebraska Retirement Systems**

### **Room 1525 - 12:10 p.m.**

LB474 (Nebraska Retirement Systems) Require certain retirement reports be submitted to the Auditor of Public Accounts

LB303 (McCoy) Eliminate restriction on investment in certain corporations doing business in Northern Ireland

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LB96 (Revenue) Change state aid to counties

LB106 (Schilz) Authorize a county sales tax for capital improvements for public safety services and transportation infrastructure

## **Friday, January 28**

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

LB187 (Council) Change the number of required recall petition signatures

LB188 (Council) Change requirements for recall petition signatures

LB224 (Avery) Change provisions relating to recall of certain political subdivision officials

LB228 (Mello) Provide for energy audits under the Deferred Building Renewal Act



# COMMITTEE HEARINGS

## Health & Human Services

### Room 1510 - 1:30 p.m.

LR37 (Health & Human Services) Provide the Health & Human Services Committee be designated to review, investigate, and assess the effect of the child welfare reform initiative implemented by the Dept. of Health & Human Services  
 LB92 (Howard) Change caseload provisions for public child welfare service caseworkers  
 LB95 (Howard) Require accreditation for lead agencies contracting with the Department of Health & Human Services

## Judiciary

### Room 1113 - 1:30 p.m.

LB15 (Wightman) Change district court execution of judgment provisions  
 LB17 (Wightman) Change civil procedure complete court record provisions  
 LB302 (Ashford) Provide for a restructuring plan for the court system  
 LB452 (Ashford) Provide for lottery winnings and tax refund intercept for debts owed to courts  
 LB398 (Lathrop) Change provisions relating to notaries public

## Natural Resources

### Room 1525 - 1:30 p.m.

LB207 (Sullivan) Authorize the Game and Parks Commission to convey real

property to Sherman County for park purposes  
 LB342 (Brasch) Change election hours for drainage districts

## Revenue

### Room 1524 - 1:30 p.m.

LB118 (Avery) Eliminate provisions relating to state aid to natural resources districts

## Monday, January 31

### Education

#### Room 1525 - 1:30 p.m.

LB364 (Fischer) Change provisions relating to calculation of state aid to schools  
 LB273 (Dubas) Change the Tax Equity and Educational Opportunities Support Act to provide for converted contracts and converted contract option students  
 LB148 (Avery) Exclude lobbying expenses from the definition of general fund operating expenditures for state aid to education purposes  
 LB287 (Adams) Change provisions relating to summer school and early childhood summer sessions

## Tuesday, February 1

### Agriculture

#### Room 1524 - 1:30 p.m.

LB126 (Avery) Adopt the Children's Health and Responsible Corporate

Marketing Act that regulates advertising and marketing to children in restaurants, food establishments, and convenience stores, and provides duties for the Department of Agriculture  
 LB200 (Council) Adopt the Nebraska Healthy Food Financing Initiative Act  
 LB160 (Campbell) Eliminate a duty of the county assessor relating to information on trusts that own agricultural land

## Education

### Room 1525 - 1:30 p.m.

LB440 (Heidemann) Change adjusted-valuation provisions within the Tax Equity and Educational Opportunities Support Act  
 LB531 (Fulton) Change permissible budget reserves for schools Nebraska

## Retirement Systems

### Room 1525 - 12:10 p.m.

LB382 (Nordquist) Change deposit and contribution rates for certain retirement systems  
 LB510 (Nebraska Retirement Systems) Change the Class V school employee retirement contribution rate  
 LB532 (Karpisek) Provide for potential transfer of certain Department of Labor employees to the state retirement system

# U.S. CONGRESS CONTACT INFORMATION

Senator Mike Johanns  
 United States Senate  
 404 Russell Senate Office Building  
 Washington D.C. 20510  
 Tel. (202) 224-4224

Senator Ben Nelson  
 United States Senate  
 720 Hart Senate Office Building  
 Washington, D.C. 20510  
 Tel. (202) 224-6551

Congressman Jeff Fortenberry  
 (District 1)  
 1535 Longworth House Office Building  
 Washington, D.C. 20515  
 Tel. (202) 225-4806

Congressman Lee Terry  
 (District 2)  
 2331 Rayburn House Office Building  
 Washington, D.C. 20515  
 Tel. (202) 225-4155

Congressman Adrian Smith  
 (District 3)  
 503 Cannon House Office Building  
 Washington, D.C. 20515  
 Tel. (202) 225-6435

# NEW BILLS

Bill	Introducer	One-line description
<b>Jan. 18, 2011</b>		
LB475	Lautenbaugh	Change garnishment provisions to include independent contractors providing services to government entities
LB476	Lautenbaugh	Change civil procedure service and return of summons provisions
LB477	Fischer	Change regulation provisions under the Motor Vehicle Industry Regulation Act
LB478	McCoy	Adopt the Nebraska Insurance Claims Fraud Prevention Act
LB479	Lathrop	Authorize a minor to give consent to evidence collection and examination and treatment in cases of sexual assault
LB480	Krist	Provide for agreements relating to public building commissions
LB481	Krist	Provide exemption from medical radiography licensure for auxiliary personnel and cardiovascular technologists
LB482	Utter	Change provisions governing industrial disputes involving municipal corporations under the Industrial Relations Act
LB483	Hadley	Change provisions relating to deductions for net operating losses and capital losses
LB484	Hadley	Exclude certain activities from the definition of excavation under the One-Call Notification System Act
LB485	Karpisek	Change provisions relating to the Nebraska Cultural Preservation Endowment Fund
LB486	Louden	Change provisions relating to compensation and contributions under the School Employees Retirement Act
LB487	Karpisek	Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects
LB488	Nordquist	Adopt the Child Support Transparency Act
LB489	Cornett	Authorize municipalities to receive sales tax information
LB490	Karpisek	Change restrictions on keno
LB491	Mello	Change state budget preparation provisions
LB492	Mello	Change the use of certain unobligated American Recovery and Reinvestment Act State Energy Program funds
LB493	Pahls	Provide dependent health insurance up to age twenty-six
LB494	Nordquist	Require timely review of medicaid eligibility
LB495	Pankonin	Adopt the Boat Dealers Licensing Act and add a member to the Nebraska Motor Vehicle Industry Licensing Board
LB496	Avery	Create the Centennial Mall Project Fund
LB497	Howard	Suspend requirements for percentage of appropriations for works of art in public buildings as prescribed
LB498	Louden	Change water resources provisions relating to in situ uranium mining
LB499	Price	Change provisions relating to filing for office, registering to vote, and voting under the Election Act
LB500	Cook	Change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle
LB501	Cook	Change ballot status procedures for Presidential and vice-presidential candidates
LB502	Cook	Change provisions of the Nebraska Workforce Investment Act
LB503	Pirsch	Change provisions for filling a vacancy on a ballot
LB504	Campbell	Change motor fuel tax rates
LB505	Karpisek	Change motor vehicle taxes and distribution of proceeds
LB506	Wallman	Change definitions of wages for the Nebraska Workers' Compensation Act
LB507	Harms	Change Welfare Reform Act requirements relating to education for recipients of assistance
LB508	Bloomfield	Authorize certain residency restrictions near parks for sexual predators
LB509	Retirement	Change provisions relating to retirement
LB510	Retirement	Change the Class V school employee retirement contribution rate
LB511	Christensen	Restrict the use and sale of blunt wrap tobacco wrappers as prescribed
LB512	Christensen	Change provisions relating to mental health determinations regarding the possession and purchase of handguns
LB513	Christensen	Adopt the Escort Services Accountability and Permit Act

# NEW BILLS

Bill	Introducer	One-line description
LB514	Christensen	Provide for recovery for unreasonable delay or denial of an insurance claim
LB515	Christensen	Adopt the Federal Health Care Nullification Act and provide a civil right of action and criminal penalties relating to enforcement
LB516	Christensen	Authorize carrying of concealed handguns in educational institutions by security personnel, administrators, or teaching staff
LB517	Christensen	Repeal the Conveyance Safety Act and adopt the Elevator Inspection Act
LB518	Christensen	Change certain penalty and violation provisions of the Concealed Handgun Permit Act
LB519	Pirsch	Change the priority of liens for special assessments
LB520	Howard	Change provisions relating to student transportation
LB521	Fulton	Provide how certain drugs used to induce an abortion shall be administered
LB522	Haar	Adopt the High Performance Green Schools Transparency Act
LB523	Pahls	Require identification for petition circulators
LB524	McGill	Authorize credit unions to conduct savings promotion raffles
LB525	Lathrop	Provide for a medicaid plan amendment or waiver and transfer of funds relating to the Nebraska Regional Poison Center
LB526	Carlson	Change provisions relating to water transfers
LB527	Carlson	Change tax levy authority of natural resources districts
LB528	Carlson	Change tax levy authority of natural resources districts
LB529	Carlson	Change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust
LB530	Council	Adopt the Employee Credit Privacy Act
LB531	Fulton	Change permissible budget reserves for schools
LB532	Karpisek	Provide for potential transfer of certain Department of Labor employees to the state retirement system
LB533	Fischer	Change membership of the Niobrara Council
LB534	Smith	Adopt the Phototherapy Practice Act
LB535	Utter	Require a license to sell portable electronics insurance
LB536	Wightman	Adopt the Nebraska Uniform Real Property Transfer on Death Act
LB537	Karpisek	Change provisions relating to budget limitations and property tax levy limitations
LB538	Karpisek	Change provisions relating to the disposition of seized firearms
LB539	Health & Human Services	Require a medicaid state plan amendment or waiver relating to adult emergency room visits
LB540	Health & Human Services	Require a medicaid waiver relating to family planning services
LB541	Health & Human Services	Provide for third-party contracts to promote medicaid integrity and cost containment
LB542	Howard	Require hospitals to offer and mandate employee influenza vaccinations
LB543	Cook	Provide for a state outreach plan relating to the Supplemental Nutrition Assistance Program
LR38	Council	Extend sympathy to the family of Bertha B. Myers
LR39	Council	Provide the Nebraska Legislature recommends certain basic principles as a guide for state and federal immigration policy and call upon Congress to enact reforms

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LB544	Pahls	Change provisions relating to civics education for students
LB545	Pahls	Establish a copay for medical services provided at a correctional facility
LB546	Gloor	Change provisions relating to adoption of the International Residential Code
LB547	Cook	Provide for a study of state aid to community colleges
LB548	McCoy	Change, transfer, and eliminate provisions relating to learning communities
LB549	Council	Create Nebraska Youth Conservation Program and provide duties for the Game and Parks Commission
LB550	Wightman	Clarify incumbent filing deadline provisions
LB551	Schilz	Change the Burial Pre-Need Sale Act

# NEW BILLS

Bill	Introducer	One-line description
LB552	Nordquist	Prohibit impersonation by electronic means and provide penalties
LB553	McGill	Change provisions relating to delayed deposit services
LB554	Harms	Prohibit open containers of alcohol in or on a vessel, motorboat, or personal watercraft
LB555	Harms	Eliminate Special Masters and other provisions of the State Employees Collective Bargaining Act
LB556	Dubas	Change the boundaries of Hamilton County and Merrick County
LB557	Dubas	Provide requirements regarding health care facilities employing surgical technologists
LB558	Nordquist	Change provisions relating to focus schools, focus programs, and magnet schools
LB559	Cornett	Change the income tax rate
LB560	Cornett	Provide for sales and use taxes on certain services
LB561	Cornett	Change the sales tax rate
LB562	Cornett	Change provisions relating to license and occupation taxes imposed by municipalities
LB563	Utter	Authorize Game and Parks Commission to convey Crystal Lake State Recreation Area to the village of Ayr
LB564	Fulton	Change and eliminate provisions of the Industrial Relations Act and the State Employees Collective Bargaining Act
LB565	Ashford	Require secure storage of firearms and notice of such requirement by retailers upon sale and create the offense of improper storage of a firearm
LB566	Schumacher	Provide for online petition signatures for recall, initiative, and referendum petitions
LB567	Schumacher	Change provisions relating to liquor licensee violations
LB568	Schumacher	Provide duties for the State Treasurer relating to state employee benefits
LB569	Coash	Require employers to e-verify the immigration status of new employees
LB570	Coash	Change provisions relating to Wyuka Cemetery and exempt certain cemetery purchases from sales and use taxes
LB571	Price	Change provisions relating to homeowners' association and condominium association liens
LB572	Price	Limit transfers of students between learning community member school districts
LB573	Price	Authorize use of rotating or flashing amber lights on any motor vehicle operated by or for a storm spotter
LB574	Price	Adopt the Electronic Prescription Transmission Act
LB575	Price	Adopt the Military Children Educational Opportunity Act
LB576	Wightman	Create the Nebraska Statutes Cash Fund
LB577	Wightman	Provide an application fee for a structure building permit issued by the Department of Aeronautics
LB578	Haar	Require proof of financial responsibility from persons operating pipelines
LB579	Haar	Change provisions relating to power supply plan contents
LB580	Haar	Create the Energy Auditor Advisory Board
LB581	Haar	Change provisions regarding certified nurse midwives
LB582	Haar	Adopt the Student Expression Act
LB583	Haar	Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote
LB584	Fulton	Exempt deployed military personnel from motor vehicle registration fees
LB585	Business & Labor	Provide for payment of claims against the state
LB586	Business & Labor	Deny payment of certain claims against the state
LB587	Nordquist	Provide grants for compressed natural gas innovation projects and funding
LB588	Nordquist	Change the Conveyance Safety Act
LB589	Smith	Allow for encroachments on state highways for special events as prescribed
LB590	Gloor	Change provisions relating to cigarette taxation
LB591	Gloor	Provide for a syndromic surveillance program and change immunization information exchange provisions
LB592	Carlson	Adopt the Nebraska Commodity Industry Development Act
LB593	Carlson	Change provisions of the Boiler Inspection Act
LB594	Carlson	Change the Nebraska Amusement Ride Act and the Conveyance Safety Act and outright repeal the acts in 2013



# NEW BILLS

<b>Bill</b>	<b>Introducer</b>	<b>One-line description</b>
LB595	Carlson	Adopt the Water Resources Revolving Loan Fund Act and change provisions regarding certain revenue
LB596	Carlson	Provide for standing with respect to integrated management plan proceedings
LB597	Pahls	Require consolidation of county offices
LB598	Fulton	Change timing of certain foster care permanency hearings
LB599	Campbell	Provide coverage for certain children as prescribed pursuant to the Medical Assistance Act
LB600	Campbell	Adopt the Nursing Facility Quality Assurance Assessment Act
LB601	Campbell	Change provisions relating to child care reimbursement
LB602	Campbell	Require the Department of Health and Human Services to apply for medicaid amendments, options, and waivers
LB603	Conrad	Exempt fees and admissions charged by student organizations at institutions of higher education from sales tax
LB604	Conrad	Adopt the Private Attorney Retention Sunshine Act
LB605	Conrad	Provide for voter registration on election day and require identification to vote
LB606	Avery	Require reporting of electioneering communication under the Nebraska Political Accountability and Disclosure Act
LB607	Avery	Provide duties for the Department of Health and Human Services and the Tax Commissioner regarding Kids Connection
LB608	Pirsch	Adopt the Local Innovation Economic Development Act and change grant and fund provisions
LB609	Pirsch	Adopt the Correctional Facility Reimbursement Act
LB610	Pirsch	Provide procedures for recall of state elective officers
LB611	Pirsch	Provide for a biennial review of state agencies by legislative committees
LB612	Pirsch	Increase statute of limitations for plaintiffs suffering injury from sexual assault as a child
LB613	Pirsch	Change certain lien provisions relating to homeowner's associations and condominiums
LB614	Pirsch	Change provisions relating to homeowners' association and condominium association liens
LB615	Krist	Change provisions relating to access to student records and learning community reporting and diversity plans
LB616	Mello	Require the Department of Administrative Services to submit a report on the privatization of the management of the state's real property
LB617	Mello	Create the Administrative Rules Review Committee of the Legislature
LB618	Harr	Authorize possession of firearms as prescribed for school or school event security
LB619	Larson	Remove school districts, learning communities, and educational service units from the Industrial Relations Act
LB620	Larson	Change income tax rates and calculations
LB621	Heidemann	Authorize the Game and Parks Commission to convey certain property to the city of Brownville
LB622	Lautenbaugh	Change provisions relating to confiscation and destruction of firearms
LB623	Lautenbaugh	Change effect of Industrial Relation Act petitions and provide provisions for counties encompassing a city of the metropolitan class
LB624	Lautenbaugh	Change bargaining unit provisions of the State Employees Collective Bargaining Act
LB625	Fulton	Change certain penalties relating to driving under the influence
LB626	Mello	Adopt the Electronics Recycling and Job Creation Act
LB627	Mello	Adopt the Remanufacturing and Job Creation Act and provide tax credits
LB628	Cook	Authorize certain political subdivisions to donate certain motor vehicles to charitable organizations
LB629	Sullivan	Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act
LB630	McGill	Adopt the Applied Behavior Analysis Practice Act
LB631	Cook	Provide for a permanent early voting request list
LB632	Avery	Provide an adjustment to income for certain depreciation
LB633	Adams	Change provisions relating to certain tax levies and certain bonds of school districts and authorize refunding bonds
LB634	Adams	Change provisions relating to the tax levy authority of school districts relating to certain bonds
LB635	Adams	Change the Quality Education Accountability Act
LB636	Adams	Change provisions relating to access to student records and learning community reporting and diversity plans

# NEW BILLS

Bill	Introducer	One-line description
LB637	Adams	Adopt the Postsecondary Institution Act and change provisions relating to the Coordinating Commission for Postsecondary Education
LB638	Karpisek	Provide restrictions relating to sale of county records for commercial purposes
LB639	Schumacher	Change provisions relating to articles of organization and charging orders relating to limited liability companies
LB640	Cornett	Clarify that a city of the first class may negotiate with its firefighters regarding retirement benefits
LB641	Cornett	Require law enforcement officers to report liquor law violations to the Nebraska Liquor Control Commission
LB642	Cornett	Authorize the Department of Revenue to enter into contracts for products and services
LB643	Lautenbaugh	Provide additional public records that may be withheld
LB644	Lautenbaugh	Change provisions applicable to attorney licensure requirements
LB645	Christensen	Require inclusion of established surface water and ground water uses in certain agreements as prescribed
LB646	Christensen	Redefine emergency medical service
LB647	Christensen	Prohibit the use of certain foreign laws in Nebraska courts
LB648	Christensen	Change provisions relating to notice for foster care reviews and hearings
LB649	Christensen	Require the Judiciary Committee to develop legislative recommendations for guardians ad litem for children and youth
LB650	Christensen	Provide for a statement of rights and responsibilities for foster parents
LB651	Christensen	Authorize a program audit and survey of the foster care system
LB652	Christensen	Change provisions relating to theft penalties
LB653	Christensen	Provide for interbasin transfers during times of flooding as prescribed
LB654	Christensen	Provide filing requirements for presidential and vice-presidential candidates and prohibit presidential electors from voting for uncertified candidates
LB655	Christensen	Change provisions relating to an occupation tax imposed by natural resources districts
LB656	Janssen	Change provisions relating to flood protection and water quality enhancement bonds
LB657	Janssen	Change and eliminate postsecondary education student residency provisions
LB658	Karpisek	Change the fee for obtaining a handgun certificate
LB659	Karpisek	Prohibit driving with controlled substances in bodily fluids
LB660	Karpisek	Create the offense of providing a bodily fluid sample containing a controlled substance
LB661	Karpisek	Change specialty license plate fees
LB662	Cook	Provide for a demonstration project regarding bundling payments under the Medical Assistance Act
LB663	Nordquist	Provide for a categorical eligibility policy relating to the Supplemental Nutrition Assistance Program
LB664	Nelson	Repeal the Industrial Relations Act and the State Employees Collective Bargaining Act and prohibit public collective bargaining and work stoppage
LB665	Pirsch	Change provisions relating to criminal child enticement
LB666	Pirsch	Change use of the Local Civic, Cultural, and Convention Center Financing Fund
LB667	Flood	Change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation
LB668	Flood	Change penalties relating to the purchase, receipt, or acquisition of pseudoephedrine or phenylpropanolamine
LB669	Flood	Change provisions relating to sealing of juvenile court records
LB670	Flood	Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code
LB671	Flood	Prohibit a sex offender from changing his or her name
LB672	Flood	Provide an exemption from the documentary stamp tax
LB673	Flood	Change support liens and provide for military parents and children in cases of divorce
LB674	Harr	Prohibit or restrict certain electronic monitoring of employees by employers
LB675	Pirsch	Provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances
LB676	Lathrop	Change provisions relating to emergency protective custody under the Nebraska Mental Health Commitment Act
LB677	Lathrop	Provide criminal penalties for assault on a health care provider in the first, second, and third degrees

# NEW BILLS

Bill	Introducer	One-line description
LB678	Lathrop	Prohibit insurance discrimination based on race, creed, national origin, or religion
LB679	Heidemann	Provide for new judges and members of the Nebraska State Patrol to become members of the State Employees Retirement System of the State of Nebraska
LB680	Heidemann	Adopt the School Employees Cash Balance Retirement Act
LB681	Karpisek	Provide for distribution of a portion of keno tax proceeds for thoroughbred horseracing purses
LB682	Mello	Adopt the Major Gas, Water, and Sewer Infrastructure Improvement and Replacement Assistance Act
LB683	Mello	Create the Storm Water Management Commission
LB684	Schilz	Change provisions relating to an advisory committee for travel and tourism
LB685	Schilz	Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees
LB686	Schilz	Provide an exception from the Veterinary Medicine and Surgery Practice Act for transplantation of bovine embryos
LB687	Schilz	Provide for issuance of a veterinarian locum tenens
LB688	Smith	Require certain law enforcement officers and firefighters to work until age fifty-five to receive full benefits and prohibit elective officers from receiving retirement benefits
LB689	Christensen	Change provisions relating to human trafficking
LB690	Brasch	Change consent and parental notification provisions regarding abortion
LB691	Brasch	Provide requirements relating to purchasing biobased products by state government
LB692	Schilz	Change reimbursement requirements for the Department of Administrative Services
LB693	Carlson	Adopt the Alcoholic Liquor Liability Act
LB694	Conrad	Change provisions relating to certain medical evidence
LB695	Pirsch	Change the income tax rate
LB696	Nordquist	Change provisions relating to children's medical assistance
LB697	Coash	Change permit issuance provisions under the Game Law
LB698	Christensen	Eliminate labeling requirements for alcohol-blended fuel
LR40CA	Pirsch	Constitutional amendment to declare fishing, trapping, and hunting to be rights forever preserved subject to reasonable restrictions
LR41	Nordquist	Extend sympathy to the family of Theodore "Ted" C. Sorensen and recognize his achievements and contributions
LR42	Utter	Congratulate Tanner Fairchild for earning the rank of Eagle Scout
LR43	Utter	Congratulate the Hastings St. Cecilia football team for winning the 2010 Class C-2 state championship
LR44CA	Pirsch	Constitutional amendment changing regular legislative sessions to odd-numbered years
LR45CA	Pirsch	Constitutional amendment authorizing recall of state elective officers
LR46CA	Pirsch	Constitutional amendment to require bills that impose a tax or license fee to have a two-thirds vote to pass
LR47	Lathrop	Provide for continuation of the Developmental Disabilities Special Investigative Committee
LR48	Flood	Congratulate the Lutheran High Northeast High School volleyball team for winning the 2010 Class C-2 state championship
LR49	Flood	Congratulate the Norfolk Catholic High School football team for winning the 2010 Class C-1 state championship
LR50	Harms	Congratulate the Western Nebraska Community College volleyball team for winning the 2010 National Junior College Athletic Association Division I championship
LR51CA	Heidemann	Constitutional amendment to change allocation of state lottery proceeds

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

Editor: Heidi Uhing

Contributors: Nicole Behmer, Bess Ghormley,  
Kate Heltzel and Kyle Petersen

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