

THE NEBRASKA LEGISLATURE'S  
WEEKLY NEWS PUBLICATION

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## UPDATE

## Budget package clears first round

Lawmakers gave first-round approval March 14 to three bills comprising the Appropriations Committee budget adjustment package and began second-round debate on the measures March 16.

The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years. Sessions in

even-numbered years are used to make adjustments to the state's two-year budget.

The committee's funding recommendations would reduce to \$17.6 million the amount above the state's required minimum reserve available to fund bills passed this session.

### Deficit appropriations

LB968, introduced by Norfolk Sen. Mike Flood on behalf of the governor, would provide for deficit appropriations. An Appropriations Committee amendment, adopted March 13 on a 41-0 vote, became the bill.

Under the amended bill, proposed appropriations would include:

- \$17 million to the state Depart-



From left: Sens. Mike Flood, Heath Mello, Lavon Heidemann, Burke Harr and Greg Adams discuss the budget.

ment of Health and Human Services (DHHS) to cover shortfalls due to developments in the child welfare reform effort and to reduce caseloads;

- \$9.7 million to reinstate 1.5 percent of a 2.5 percent cut in Medicaid provider rates for the upcoming fiscal year;
- \$4 million to reduce the state's developmental disability waiting list; and
- \$6.1 million to fund the design and construction of a veterinary diagnostic center at the University of Nebraska.

Calling the budget a "moral document," Sen. Jeremy Nordquist of Omaha said lawmakers have a responsibility to ensure that residents have access to

critical health services. Reductions in provider rates have resulted in a loss of Medicaid providers, he said, and the state should reinstate a portion of the cuts made during last year's budget process.

"There are nursing homes in rural Nebraska that are being closed," he said. "[The Appropriations Committee] decided to invest the resources that we have into the areas that we thought were critical."

Sen. Steve Lathrop of Omaha spoke in favor of providing funds to reduce the number of people on the state's developmental disability waiting list. He said the \$4 million appropriation would reduce by 212 the approximately 1,800 people currently

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# Budget package clears first round

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on the waiting list for services.

“We often times think that pro-life issues involve only those who are unborn,” Lathrop said. “But if we restrict the right of a woman to choose, it’s important that we stand with these families with developmental disabilities.”

Appropriations Committee chairperson Sen. Lavon Heidemann of Elk Creek said funds for the veterinary diagnostic center would represent the first annual installment for the \$55 million project, which would be bonded over a 10-year period.

North Platte Sen. Tom Hansen said the center would facilitate research projects and help the current university lab provide more services to DHHS, Game and Parks, zoos and local humane societies.

“Because it does more than just diagnostics ... it is critical that Nebraska has an accredited lab that can be counted on to address Nebraska’s needs,” he said.

LB968 advanced to select file on a 43-0 vote.

During select file debate March



Sen. Mike Flood introduces an amendment.

16, Flood offered an amendment that would reduce the general fund appropriation to DHHS for the state’s Medicaid program in fiscal year 2011-12 and FY2012-13 by an additional \$2 million per year.

Flood said the amendment would reinstate the governor’s budget recommendation to reduce the Medicaid appropriation by \$5 million per year based on utilization projections. He said the change could be made without reducing provider rates, benefits or services.

Omaha Sen. Heath Mello said the Appropriations Committee based its proposed \$3 million annual reduction on an understanding that Medicaid utilization fluctuates and that DHHS would require a deficit appropriation next year if costs increase.

“None of us can predict the future perfectly,” Mello said. “If their utilization surpasses where their projection is right now ... one way or another, the state of Nebraska will have to find a way to pay their bills. That is something that is not debatable.”

The Legislature adjourned for the week before taking action on the Flood amendment. Select file debate on LB968 is scheduled to continue next week.

## Cash reserve transfers

Funding for additional university projects would be achieved through transfers totaling \$80 million from the state’s cash reserve fund. The transfers



Sen. Jeremy Nordquist reviews the Appropriations Committee’s budget proposal.

would be authorized by LB131, introduced by Sen. Heidemann.

As amended March 14 by a committee amendment, adopted 42-0, the bill would authorize the following transfers:

- \$50 million for a cancer research center at the University of Nebraska Medical Center (UNMC) in Omaha;
- \$15 million for the UNMC College of Nursing and School of Allied Health Professions at the University of Nebraska in Kearney;
- \$7.5 million for improvements to the Oak Bowl at Peru State College;
- \$6.7 million for renovation of the Armstrong Gymnasium at Chadron State College; and
- \$800,000 for the Centennial Mall renovation project in Lincoln.

Sen. Heidemann said the transfers would leave \$341.2 million in the state’s cash reserve, which is \$42 million more than was projected at the end of the 2010 legislative session.

He said the committee believed it appropriate to use funds from the

cash reserve for construction projects that are not eligible for the kind of tax breaks that private entities could access, such as tax increment financing or the Nebraska Advantage program.

“Because these are university projects ... they are not eligible for funds like those,” he said. “We feel that this is a good one-time investment in the state of Nebraska.”

Sen. Danielle Conrad of Lincoln spoke in support of the amendment, saying the University’s Center for Nursing predicts a state shortage of 5,581 nurses by 2020.

Kearney Sen. Galen Hadley said the school also would train physician assistants, physical therapists and other health professionals who are in short supply in rural areas.

LB131 advanced to select file on a 40-0 vote.

Flood offered an amendment during select file debate March 16 that would transfer \$10 million from the state’s cash reserve to the general fund, which a pending Flood amendment filed on LB968 then would appropriate to K-12 special education.

Flood said the amendment was part of an effort to encourage senators to examine alternatives for funding a tax cut proposal advanced by the Revenue Committee. During general file debate, several senators expressed concerns about the impact of the tax cut proposal on the state’s budget.

“One of the jobs that I take seriously is trying to make things work,” Flood said. “[This] is an attempt to facilitate a common solution.”

York Sen. Greg Adams, chairperson of the Education Committee, spoke in support of the amendment. He said special education funding has been held flat for years, while needs continue to grow. Providing funds for special education through the amendment process would benefit all schools



Sen. Heath Mello opposed Flood’s amendment.

regardless of whether they receive money through Nebraska’s state aid to schools formula, he said.

Mello opposed the amendment, saying it would create a “cliff effect.” Appropriating money for special education this year would establish a funding level that must be maintained in the future, he said, when funds may not be available.

Lincoln Sen. Danielle Conrad also opposed the amendment, saying the proposal had not gone through the public hearing process or been the subject of policy discussions by the Appropriations Committee.

“There is no question that special education is in need of additional funding,” she said. “My opposition is related to the process.”

Sen. Steve Lathrop of Omaha said lawmakers should consider the state’s revenue projections for the next budget

cycle before making additional cash reserve transfers to accommodate the potential tax cuts in the Revenue Committee proposal. Current revenue projections combined with the proposed tax cuts would result in a \$600 million shortfall in the next biennium, he said.

“There are 49 people in here who want tax cuts,” Lathrop said. “That isn’t the issue. It’s not those who want tax cuts against those who don’t. Our responsibility, however, as policy makers is to ensure first that we can pay for them.”

Sen. Brenda Council of Omaha offered an amendment to Flood’s amendment that would increase the cash reserve transfer to \$28 million. She said the increase would bring aid to the level of need estimated at the beginning of the budgeting process.

“If we are really serious about addressing the very pressing needs in special education ... then let’s increase the amount to be transferred to \$28 million,” she said.

The amendment failed on a vote of 6-28.

An amendment offered by Malcolm Sen. Ken Haar that would have reduced the amount in Flood’s

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Sens. Lavon Heidemann (left) and Steve Lathrop discuss the details of the budget plan.



# Budget package

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amendment to \$5 million failed on a 3-24 vote.

The Flood amendment was adopted 25-16.

Omaha Sen. Bob Krist offered an amendment to LB131 that would decrease the transfer from the cash reserve to the Capital Construction Fund from \$80 million to \$50 million.

Krist said the Appropriations Committee's budget proposal reflected committee members' priorities, which may be different than those of all senators in the Legislature. Reducing the funds available for capital construction would force a debate on those priorities, he said.

Sen. Heidemann spoke against the amendment, saying several of the projects require both public and private funds and would be jeopardized if the commitment of state dollars were removed.

"If you like the projects and you think it's an investment in the state of Nebraska, I urge you to continue on and vote for LB131 as it is," he said.

Sen. John Nelson of Omaha also opposed the amendment, saying the proposed cancer center at UNMC would create jobs and result in significant economic development. Revenue projections indicate that the state will not have sufficient funds in the next few years to accommodate both capital construction priorities and tax cuts, he said.

"If something has to give, then it needs to be tax cuts," Nelson said. "This is not the time."

Following withdrawal of the Krist amendment, senators advanced LB131 to final reading by voice vote.



Sens. Les Seiler (left) and Bob Krist

## Other fund transfers

Finally, LB969 would authorize various fund transfers.

As introduced by Flood at the request of the governor, the bill would authorize transfers up to \$3.8 million from the general fund to the Ethanol Production Incentive Cash (EPIC) Fund and \$99,100 from the state Department of Administrative Services (DAS) State Insurance Fund to the Roads Operations Cash Fund.

A committee amendment, adopted 32-4, increased the transfer to the Roads Operations Cash Fund by \$500 and changed the date of the EPIC fund transfer.

Among other provisions, the amendment also would:

- create the World Day on the Mall Cash Fund;
- reduce by \$2.9 million annually, through 2015, the amount transferred to the Nebraska Health Care Cash Fund; and
- create the State Colleges Sport Facilities Cash Fund, consisting of transfers from the Civic and Community Center Financing Fund, gifts, grants and other contributions.

Under the amendment, \$250,000

per year through 2014 would be transferred from the Civic and Community Financing Fund to the State College Sports Facilities Cash Fund. The transfer would increase to \$400,000 annually beginning in 2015.

Several senators expressed reservations about utilizing funds intended to develop community centers for maintenance of state

college sporting facilities.

Sen. Annette Dubas of Fullerton said money in the Civic and Community Financing Fund comes from turnback revenues from the Omaha CenturyLink Arena and has funded almost \$4 million to build and refurbish community centers in 33 Nebraska cities.

"This fund is a very, very important fund for our smaller and more rural communities across the state," she said. "It has definitely proven its worth."

Ellsworth Sen. LeRoy Loudon agreed, saying the civic and community center fund should only be used for its original purpose.

"That fund wasn't set up to furnish athletic facilities in state colleges," he said. "I can't support that part of the bill."

Sen. Heidemann said it was appropriate to dedicate some of the funds to state college facilities because they are used for a variety of community purposes, including summer camps, high school tournaments, community health fairs and wellness programs.

LB969 advanced to select file March 13 on a vote of 35-2. Select file debate on the bill is scheduled to begin next week. ■

## Business & Labor

### State claims bill advances

Claims against the state would be approved by a bill advanced from general file March 15.

If a person sues the state of Nebraska, he or she files with the state claims board. Approved claims exceeding \$50,000 must be reviewed by the Legislature.

LB1072, introduced by the Business and Labor Committee, would approve such claims to the tune of \$495,000 for tort claims and \$275,000 for miscellaneous claims. The bill also includes \$3.9 million in write-offs for fiscal year 2010-11.

A committee amendment, adopted 29-2, included an additional \$2.5 million in denied claims that were made by subcontractors of Boys and Girls Home—a former lead contract agency with the state Department of Health and Human Services (DHHS).

In July 2009, the department selected six private entities as lead agencies to implement a child welfare reform initiative. All but one lead agency have left the reform process, citing an inability to fund their portion of the reform effort under the terms of their individual contracts with DHHS.

Omaha Sen. Steve Lathrop, chairperson of the committee, said DHHS has a statutory obligation to pay its service providers.

“I believe that paying these contractors is a matter of fairness,” Lathrop said.

Fremont Sen. Charlie Janssen spoke in support of the amendment. The subcontractors were community leaders who did not profit from their services and had to borrow money to



Sen. Steve Lathrop

complete their payroll, Janssen said.

“You cannot stop providing services to children,” he said. “These are great people in the community and I fear that other great people in the community will not want to help out if there should be a need on other important issues.”

Norfolk Sen. Mike Flood argued that approval of the subcontractors’ claims would set a bad precedent for the state.

“If [the state] goes around and remedies every breach of contract between a subcontractor and the relationship with the prime contractor, we could be setting a precedent where we are required to intervene with a third party all the time,” Flood said.

The bill advanced from general file on a 34-0 vote.

## Education

### New standard for educational accountability would measure progress

Schools would be assessed on student progress rather than solely on universal benchmarks under a bill advanced from general file March 13.

LB870, introduced by York Sen. Greg Adams, would broaden the criteria used to assess a school’s effectiveness. Adams said the proposed changes would provide a more accurate picture of how a school is performing.

Schools currently are held accountable for students’ results on content area assessments. LB870 would add additional measures, including student growth and improvement and graduation rates. Schools would be



Sen. Greg Adams

required to report the data annually.

Educational accountability mandated under the federal No Child Left Behind legislation is a reality that must be dealt with, Adams said.

“We may not like the method [proposed by No Child Left Behind], but there has to be accountability,” Adams said. “We can sit back and complain or we can take steps to make the Nebraska system better.”

An Education Committee amendment, adopted 38-0, incorporated provisions of several bills heard by the committee. The amendment would:

- add language that would make data collected by the statewide accountability system available to all citizens;
- require that all probationary teachers — regardless of school classification — be evaluated once per semester; and
- provide stronger authorization to the state Department of Education to create and support career academies.

Omaha Sen. Brad Ashford spoke in support of the amendment, saying the creation of career academies would benefit students who may not follow a traditional educational pathway. The provisions originated from LB1144, a bill he introduced.

“I’m thoroughly convinced that if we can move forward with career academies, we’ll increase the confidence of kids that feel the system has given up on them,” Ashford said.

Senators advanced the bill to select file on a 36-0 vote.

## General Affairs

### Bill would alter definition of flavored malt beverage

A bill to tax flavored malt beverages as beer advanced from general

file March 15.

LB824, introduced by Wilber Sen. Russ Karpisek, would ensure that flavored malt beverages would be taxed at the same rate as beer rather than the higher hard liquor rate. Karpisek said the current definitions used today were written before flavored malt beverages became popular.



Sen. Russ Karpisek

“It’s time to update the Liquor Control Act by updating this antiquated definition,” he said.

A General Affairs Committee amendment incorporated provisions of LB781, a bill originally introduced by Papillion Sen. Jim Smith. The amendment, adopted 40-0, would change the trigger date for payment of state excise tax to align with the federal trigger date. State excise tax would be levied when the product is shipped from its bonded location.

A Karpisek amendment to the committee amendment, adopted 35-0, would place restrictions on the amount of alcohol in a flavored malt beverage that could be derived from flavorings or distilled alcohol. Under the amendment, a malt beverage with more than 6 percent of alcohol by volume may not contain more than 1.5 percent of alcohol by volume derived from flavoring.

A second Karpisek amendment, adopted 31-0, clarified the definition of spirits for the purpose of taxing alcohol.

Ellsworth Sen. LeRoy Loudon introduced an amendment that would have allowed the Liquor Control Commission to limit the sale of alcohol for consumption off the premises of a business based on alcohol content, manufacturing process or price. The amendment failed on a 12-14 vote.

Senators advanced the bill to select

file on a 27-7 vote.

A bill that would amend the five-gene select file on a 29-1 vote.

## Judiciary

### Bill to enhance negligent child abuse penalties advances

Senators advanced a bill from general file March 15 that would enhance child abuse penalties.

Under LB799, as originally introduced by Bellevue Sen. Abbie Cornett, negligent child abuse that:



Sen. Abbie Cornett

- does not result in serious bodily injury or death would be a Class I misdemeanor;
- results in serious bodily injury would be a Class III felony; and
- results in the death of the child would be a Class II felony.

Cornett referred to a 2010 case in which a Lincoln man was found guilty of negligent child abuse—currently a misdemeanor—in the death of a toddler. The bill would enhance penalties and create a middle ground between intentional child abuse resulting in death and negligent child abuse, she said.

“As the law stands now, the killing of a child is a lesser offense than the similar killing of an adult,” Cornett said.

A Judiciary Committee amendment, adopted 37-0, changed the bill to instead make child abuse resulting in serious bodily injury a Class IIIA felony and a Class III felony if the offense is committed negligently and results in the death of a child.

The amendment also would clarify that criminal negligence refers to a person who knew or should have known the danger involved and acted

recklessly with respect to the safety or health of the child.

Omaha Sen. Brad Ashford, chairperson of the committee, said the change in penalties would provide the courts a wider variety of sentencing options in child abuse cases.

Omaha Sen. Brenda Council supported the bill and the amendment. She said LB799 would fill a gap in the ability to prosecute those who are guilty of serious bodily injury or death of a child.

Ogallala Sen. Ken Schilz offered an amendment to the bill that would incorporate provisions of LB814, a bill he introduced that would expand the Uniform Controlled Substances Act to ban the compounds that are used to make the drug commonly known as bath salts.

According to legislative rules, only amendments found to be germane, or relevant, to the bill may be considered during debate. Schilz filed a motion to suspend this rule, saying that bath salts are becoming a serious concern for communities and the issue needs to be addressed immediately.

Council said she opposed the motion because the state constitution requires that bills cover only a single subject.

Schilz withdrew both his motion to suspend the rules and his amendment.

LB799 advanced from general file on a 33-0 vote.

## Natural Resources

### Oil pipeline land reclamation bill advances

Lawmakers advanced a bill from general file March 15 that would address reclamation requirements following oil pipeline construction in Nebraska.

LB845, sponsored by Cedar Rapids

Sen. Kate Sullivan, would strengthen requirements currently outlined in the Oil Pipeline Reclamation Act.



Sen. Kate Sullivan

As introduced, the bill would require that:

- genetically appropriate and locally adapted native plant materials and seeds be used based on site characteristics and vegetation as determined by a preconstruction site inventory;
- final grading, topsoil replacement, installation of erosion control structures, seeding and mulching be completed within 30 days of backfill except when weather conditions, extenuating circumstances or unforeseen developments prevent it;
- all reclamation including choice of seed mixes, method of reseeding, weed and erosion control measures and monitoring be conducted in accordance with the Federal Seed Act, the Nebraska Seed Law and the Noxious Weed Control Act; and
- all seed mixes be state-certified seeds in accordance with the Nebraska Seed Law and mulch be installed as required by site contours, seeding methods and weather conditions or when requested by a landowner.

Sullivan said the bill reflects practices already being used by large pipeline companies and would not hinder pipeline construction in Nebraska.

“It simply outlines a little more directly what reclamation efforts are supposed to include,” she said.

A Natural Resources Committee amendment, adopted 37-0, removed the requirement that a pipeline carrier ensure that all seed mixes used in

reclamation are state-certified under Nebraska Seed Law.

Schuyler Sen. Chris Langemeier, chairperson of the committee, said several native prairie grass producers testified during the hearing on LB845 that the provision would hamper their ability to produce native seed for reclamation purposes in a timely way.

“It could be up to 10 years to create a state-certified seed,” he said.

Sullivan supported the amendment, saying the bill’s remaining requirements were sufficient to ensure appropriate re-seeding of areas affected by oil pipeline construction.

The bill advanced on a 39-0 vote.

## Revenue

### Tax exemptions proposed for public properties

Property owned by governmental entities for public use would be exempt from paying property taxes under a bill advanced from general file March 14.

Currently, a government entity wishing to issue tax-free bonds without a public vote must form a nonprofit

leasing corporation. The corporation issues bonds and purchases the property. Ownership remains with the corporation until the bonds are paid off, at which time the property title is transferred to the government entity.

LB902, introduced by Omaha Sen. Burke Harr, would exempt such properties from paying property taxes. Purchases made by the leasing corporations also would be exempted from sales and use taxes. Harr said the bill codifies what already is standard practice.



Sen. Burke Harr

“This clarifies what is current law,” Harr said. “It returns Nebraska back to the way things were intended to be.”

A Revenue Committee amendment, adopted 39-0, would enforce the sales and use tax exemption prospectively. The exemption would have been applied both prospectively and retroactively under the original bill.

The amendment also would extend the sales and use tax exemption to joint entities or agencies and includes an emergency clause.

Senators advanced the bill to select file on a 38-0 vote. ■

## COMMITTEE HEARINGS

### Tuesday, March 20

#### Health & Human Services

Room 1510 - 1:00 p.m.

Appointment: Wiebe, Scott - Board of Emergency Medical Services

Appointment: Jensen, Linda - Board of Emergency Medical Services

#### Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

Nebraska Public Employees Retirement Systems Annual Report

Nebraska Investment Council Annual Report

### Tuesday March 27

#### Education

Room 1525 - 9:00 AM

Progress Report on Attainment of Higher Education Priorities - Nebraska

Coordinating Commission for Postsecondary Education pursuant to Section

85-1429 ■



# BUDGET PROCESS

**T**he primary constitutional duty of the Legislature is to pass the state budget. Before a budget is passed, however, the Legislature must consider virtually thousands of funding requests for the creation, maintenance or improvement of government services, programs, equipment and infrastructure.

This lengthy process is governed and guided by provisions of the Nebraska Constitution, state statutes and legislative rules.

**BIENNIUM** Nebraska's budget cycle consists of two fiscal years, called a biennium. Biennial budgets are enacted during regular 90-day legislative sessions held in odd-numbered years. Budget adjustments are made during regular 60-day sessions held in even-numbered years. Consequently, the volume of issues and dollar value of decisions during short sessions typically is less.

The Legislature's Appropriations Committee is responsible for reviewing budget requests and presenting a budget recommendation to be considered by the full Legislature. Before submitting its recommendation, the committee considers recommendations from the governor, requests from state agencies and fiscal impacts of bills sponsored by senators.

The process begins when state agency requests come to the Legislative Fiscal Office in the fall prior to each session. Fiscal office staff study the requests and prepare briefings for the Appropriations Committee. At the same time, budget analysts from the executive branch are reviewing agency requests and working with the governor to formulate his or her budget recommendation.

**GOVERNOR'S RECOMMENDATION** The governor is required to submit his or her budget recommendation by Jan. 15 in odd-numbered years, except that in the first year of office a governor may submit a proposal on or before Feb. 1. The governor communicates his or her proposals through a state of the state address and formally submits his or her recommendation to the Legislature through one or more bills, introduced by the speaker of the Legislature at the request of the governor.

The governor's appropriation bills routinely are referred to the Appropriations Committee. Other substantive bills that are instrumental to the governor's budget recommendation are referred to the standing committee having subject matter jurisdiction. Such substantive bills are not subject to the Jan. 15 deadline.

During the first 10 days of session, senators introduce other bills, which may require an appropriation to implement.

In January and February, the Appropriations Committee reviews the fiscal office analysis of each agency budget request. Under legislative

rules, the committee must submit its preliminary recommendations in a report to the Legislature 20 to 30 legislative days after the governor's budget submission.

The report includes preliminary funding levels and an overall analysis of the state's spending capacity based on current revenue forecasts, tax rate assumptions and compliance with the statutory minimum reserve, which must fall between 3 and 7 percent of available general funds. The estimates in the preliminary report become the basis of discussion during subsequent public hearings with state agencies and other interested parties.

During this time, other standing committees are conducting hearings on bills referred to them. Each bill has an accompanying fiscal note, which is an estimate of the financial impact of the legislation, including expenditures and revenues.

The fiscal note becomes the basis for estimating what appropriation may be necessary if the bill becomes law. When a committee advances a bill that has a financial impact, a companion bill authorizing an appropriation is introduced. This bill is assigned the same number as its companion along with an "A" suffix.



COMMITTEE  
RECOMMENDATION

After issuing its preliminary report, the Appropriations Committee conducts public hearings on the budget and then reviews all preliminary decisions, information obtained during the hearings and any other information brought to its attention.

The committee meets for about two weeks to complete a set of recommendations that is offered to the full Legislature in the form of amendments to the governor's legislation or new bills.

During a long session the committee has until the 70<sup>th</sup> day to place its budget bills on general file. During a short session, the deadline is the 40<sup>th</sup> legislative day. If the committee fails to introduce its bills by the deadline, legislative rules require that senators consider the appropriation bills as introduced by the governor.

At a minimum, the Legislature must consider three appropriation bills: one for legislators' salaries; another for constitutional officers' salaries, which generally include other elected officials and judges; and a third to appropriate for all other expenditures.

However, the committee typically introduces several bills that fall under broad categories. One large bill appropriates most state funds for operations and state aid. A second bill typically is offered to make appropriations for capital construction projects. Another bill provides for deficit appropriations, which are adjustments to appropriations previ-

ously authorized for the current year. It is not unusual for the deficit bill to be considered early in the session because some of the adjustments may be emergencies that apply to the current year.

Other bills also may be offered, including bills making appropriations for salary increases, increased benefit costs or substantive law changes — such as authorization for a fee and creation of a fund — that implement some aspect of the committee recommendation.

## STATUS REPORT

After the committee's bills are placed on general file, a daily financial status report of the general fund accompanies the daily agenda. The status report indicates the amount of budgeted funds under the committee recommendation and the amount of additional spending that could be accommodated beyond the statutorily required minimum reserve.

For planning purposes, the status also indicates financial conditions for the biennium under consideration plus the two following years. Although the Legislature only considers the first two years for appropriations, simulating impacts for two additional years provides useful information on the state's ability to sustain future obligations.

During long sessions, all other bills having a general fund expenditure or a general fund revenue loss are held on final reading and may not be read until the Appropriations Committee's budget bills pass. During short sessions, other bills may be read after the 45<sup>th</sup> day.

By rule, the Legislature must pass appropriations bills by the 80<sup>th</sup> day in a long session or the 50<sup>th</sup> day in a short session. There is no penalty for not passing appropriation bills as provided by rule, other than the holdup of bills during a long session. Circumstances such as volume of amendments, length of debate and full discussion of appropriations matters can extend passage of the appropriations bills beyond the prescribed deadlines. Appropriations bills usually carry the emergency clause, which requires 33 votes for passage on final reading. This also is true of deficit bills. Bills without the emergency clause need 25 votes to pass.

## VETOES

On appropriation bills, the governor has the option of signing the bill, letting the bill become law without his or her signature, vetoing the bill or returning the bill to the Legislature with one or more line-item vetoes. Within a day of the return of appropriation bills to the Legislature with total or line-item vetoes, the Appropriations Committee must report on the impact of the vetoes and may offer a motion to override all or part of them.

Individual members of the Legislature may then offer their own veto override motions. For an override motion to succeed, two-thirds of the Legislature must vote for it.

All final appropriations ultimately enacted take effect July 1 of the designated fiscal year or, if passed without the emergency clause, three calendar months after the end of the legislative session. Deficit bills making adjustments to current-year appropriations with the emergency clause are effective immediately. ■

# LEGISLATIVE GLOSSARY

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

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

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

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

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

**Bill** - see Legislative Bill.

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

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

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

**Chair** - the presiding officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**IPP** - see Indefinitely Postpone.

**Journal** - see Legislative Journal.

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

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



**Legislative History** - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

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

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

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

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

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

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

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

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

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

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

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

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

**Resolution** - see Legislative Resolution.

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

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

may be printed in the Legislative Journal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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