

Bill would revoke eminent domain for pipelines



Sen. Ernie Chambers said that eminent domain is one of government's greatest intrusions and should be carefully regulated.

Oil and gas companies could no longer exercise eminent domain in Nebraska under a bill heard by the Judiciary Committee March 11.

LB473, introduced by Omaha Sen. Ernie Chambers, would repeal two provisions of the Major Oil Pipeline Siting Act: the right of eminent domain granted to oil and gas companies and the requirement that they seek approval of the governor when siting a major oil pipeline.

As defined by the act, a major oil pipeline has an inside diameter larger than 6 inches, does not include in-field and gathering lines and is constructed to transport petroleum, petroleum com-

ponents, products, waste or crude oil.

The act, approved by the Legislature during a 2011 special session, was designed to provide a regulatory framework for siting oil pipelines in the state. It was amended in 2012 to give the governor authority to approve major oil pipeline routes.

Concern over the state's pipeline regulations was prompted by TransCanada's proposed Keystone XL pipeline, which would carry crude oil from Canada to Gulf Coast oil refineries. The pipeline's original route would have traversed the Ogallala Aquifer and Nebraska Sandhills.

Chambers said his bill is designed to undo legislation "tailored to fit the

Dry bean check-off increase advanced with new lobby limit

After several days of debate, senators advanced a bill from general file March 11 that would increase the checkoff levied on dry beans.

The current checkoff rate on dry beans is 10 cents per 100 pounds of beans, which was set in 1987. LB242, introduced by Gering Sen. John Stinner, would increase the checkoff to 15 cents beginning Aug. 1, 2015, and authorize the Dry Bean Commission to adjust the checkoff to a maximum of 24 cents.

Stinner said the increase would further research and promotion efforts by the commission.

"The checkoff was developed to help the commission in research, education, marketing and promotion efforts designed to expand the value of dry edible beans," he said. "The assessment should be increased to offset the declining purchasing power of the existing checkoff."

LB242 also would repeal a provision that allows dry bean producers to apply for a refund of their checkoff paid within 30 days of the sale of dry beans.

An Agriculture Committee amendment, which failed on a 19-18 vote, would have reduced the amount of checkoff revenue the commission could spend on federal lobbying from 25 to 15 percent and reinstated the

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Bill would revoke eminent domain for pipelines

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wishes of a foreign-owned, for-profit company.” Even when used for public benefit, eminent domain is one of the most intrusive governmental activities, he said, and the Legislature should ensure Nebraska landowners are protected from corporate intimidation.

“This bill is a shot across the bow of TransCanada and any other corporation that thinks the voice of this Legislature will be silenced,” Chambers said.

David Domina, an attorney representing landowners opposed to the Keystone XL pipeline, testified in support of the bill. The state should help landowners set equitable terms when a private company secures land using eminent domain, Domina said. Rental rates, equipment removal and cleanup policies should be critical factors in negotiations, he said.

“When you grant that power, you can limit it,” Domina said. “If the power of eminent domain is used carefully, it can make land more valuable, not less.”

Art Tanderup, a Neligh farmer whose land is on the pipeline route, also spoke in favor of the bill. His

rights as a property owner and the value of his land are being cast aside in favor of greed, he said.

“No Nebraskan should be asked to take a tremendous risk for the sake of corporate profit,” Tanderup said. “If we destroy the Ogallala Aquifer, this state will become a desert.”

Bonny Kilmurry, a Holt County landowner on the pipeline path, testified in favor of the bill, saying the limited lifespan of the pipeline would present a huge financial and environmental burden to her heirs. Because of current law, she said, TransCanada does not have to agree to equitable compensation or consider pipeline removal when it is no longer in use.

“A private corporation has no reason to negotiate fair terms when can they can invoke eminent domain,” she said.

Jeanne Crumly, a landowner from Page whose land is on the pipeline route, agreed. Her family has had numerous successful experiences negotiating land use for roads and utilities, she said in her support of the bill. TransCanada, on the other hand, has ignored her concerns, she

said, and threatened to take her land without compensation.

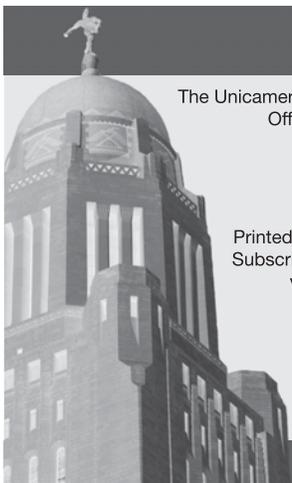
“We understand [eminent domain] for public use. What we don’t understand is the taking of land for corporate profit,” Crumly said. “When [land use] is for a foreign company, the commitment to the community is lost.”

Andrew Craig, TransCanada land manager of Keystone projects, testified in opposition to the bill, saying his company has reached agreements with 460 of 470 Nebraska landowners on the proposed route. Although LB473 may not impact the Keystone XL project, he said, it would be a roadblock for future pipelines.

“Bills like this will make it increasingly difficult for companies like mine to build pipelines,” Craig said. “We view eminent domain as the absolute last resort.”

Seward farmer Douglas Zimmerman, whose property a Keystone pipeline now crosses, also spoke in opposition to the bill. After a successful negotiation with the company, he said, his property was left in better condition than before the project began.

“We had nothing but good results



UNICAMERAL UPDATE

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working with Keystone and Trans-Canada,” Zimmerman said.

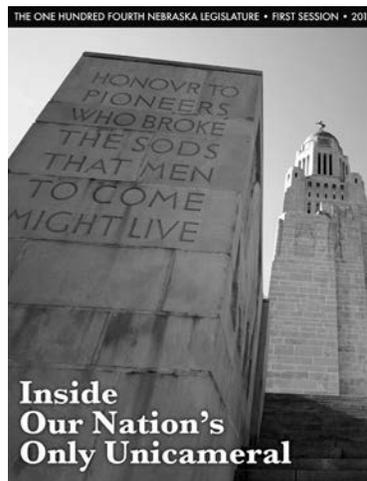
Willis Luedke, who was chairman of the Saline County board of commissioners during the construction of the first Keystone pipeline in 2010, testified in opposition to the bill. Landowners were pleased with how they were treated, he said, and the project has generated \$3.1 million in property taxes for the county.

The Keystone XL project is estimated to generate \$580,000 in property taxes for Saline County in its first year of operation, he said, which would help the Legislature accomplish its goal of lowering taxes for Nebraskans.

“That is property tax relief,” Luedke said.

The committee took no immediate action on the bill. ■

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Dry bean checkoff increase advanced with new lobby limit

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refund provision removed from the original bill.

O’Neill Sen. Tyson Larson supported the amendment.

“When we have appointed boards where people don’t have the option to vote [for or against] those members, it’s important that producers who may or may not agree with what the board is doing have a way to voice their dissent,” he said. “The only real way to do that is through the refund provision.”

Venango Sen. Dan Hughes supported the bill but opposed the amendment, saying that members of the commission understand that they are accountable to dry bean producers.

“[LB242] provides the commission a much better opportunity to budget and plan so they’ll know how much money they’ll have to work with,” he said. “If any board is going to spend up to 25 percent of their budget on any given thing, it’s going to be important. We need to give them that flexibility.”

Upon the failure of the committee amendment, Larson introduced a series of amendments and motions to delay a vote on the bill. None were adopted.

On March 11, Stinner introduced an amendment, adopted 44-0, which contained only the lobbying adjustment



Sen. Tyson Larson (left) poses a question to Sen. John Stinner, introducer of LB242.

from 25 to 15 percent of revenue.

Wahoo Sen. Jerry Johnson supported the Stinner amendment.

“I believe this is a great compromise made by the representatives that support the Dry Bean Commission,” he said.

Senators advanced the bill to select file on a 37-1 vote. ■

APPROPRIATIONS

Funding sought for master teacher program

An existing master teacher program would receive funding under a bill heard March 9 by the Appropriations Committee.

LB185, introduced by Lincoln Sen. Kate Bolz, would appropriate \$1 million in fiscal year 2015-16 and FY2016-17 to the state Department of Education for the Master Teacher Program Fund.



Sen. Kate Bolz

Bolz said the program—which helps Nebraska teachers achieve national board certification—was established in 2000, but has not been funded. Providing the funding would support an initiative that improves student achievement and teacher satisfaction, she said.

“Education is the foundation of our democracy and an educated population is the foundation of a civil society,” Bolz said. “I can think of few things in front of this committee that are more important than ensuring the quality of the education we’re providing for our students.”

Nila Jacobson, a Spanish instructor at Lincoln Public Schools who is nationally board certified, testified in support of the bill. Nebraska currently has 112 nationally board certified teachers, she said, compared to 20,611 in North Carolina, the national leader.

The gap is a result of a lack on incentives for teachers to pursue certification, she said, which costs approximately \$5,000.

“If we want to ensure that all students receive an excellent education

that prepares them to succeed in today’s world, we must systematically increase the quality of our teaching workforce,” Jacobson said.

Lincoln Board of Education member Katie McLeese Stephenson also testified in support. Only three school districts in Nebraska provide incentives for teachers to pursue certification, she said, and the state ranks 47th in the number of nationally board certified teachers.

“We know that teachers who take this step ... make a huge impact on student learning and student achievement,” she said. “We continue to fall further and further behind.”

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

State funds sought for special advocates

The Appropriations Committee heard testimony March 10 on a bill that would provide state aid to the court appointed special advocate (CASA) program.

CASA volunteers are appointed by a judge to research and advocate for the best interest of abused and neglected children who are in the court system.

LB229, introduced by Syracuse Sen. Dan Watermeier, would appropriate \$400,000 in general fund dollars in fiscal year 2015-16 and FY2016-17 to the state Supreme Court to be used solely for the CASA program.



Sen. Dan Watermeier

Watermeier said CASA has existed in Nebraska for 30 years but received state funding for the first time in FY2011-12. The program has proven beneficial to children in the foster care system, he said, but needs a predictable, ongoing source of funding in order to

concentrate on serving the state’s children rather than fundraising.

“More than 2,000 abused and neglected children are in the system without a CASA volunteer,” Watermeier said.

Corrie Kielty, executive director of the Nebraska CASA Association, testified in support of the bill. CASA has 22 programs that serve 38 counties in Nebraska, she said, and expanding into unserved counties would save the state money in the long run.

Keilty said children with a CASA volunteer spend an average of four fewer months in out-of-home placement than children without an advocate. If every child had a volunteer, she said, it would save the state an average of \$12.5 million a month.

“CASA is an incredibly cost-effective program,” Keilty said.

Mari Jackson, coordinator for the Otoe County CASA program, agreed. Testifying in support of the bill, she said the Otoe County program is fairly new but currently is serving 24 children.

“In spite of our very limited history, the difference our advocates are making in the lives of abused and neglected children is clear,” Jackson said.

No one testified in opposition and the committee took no immediate action on the bill.

Funds sought for community development program

The Appropriations Committee heard testimony March 11 on a bill that would provide funding for a downtown community development program.

LB263, introduced by Wahoo Sen. Jerry Johnson, would appropriate \$100,000 in general funds in fiscal year 2015-16 and FY2016-17 to



Sen. Jerry Johnson

the Nebraska State Historical Society to provide funding for the Nebraska Main Street Program.

Johnson said the funds would help the program serve additional communities and make it easier to obtain private dollars. Fundraising efforts have been hindered by uncertainty regarding the level of state funding for the program, he said.

“We can only operate at a part-time basis,” Johnson said, “so we’re limited in the communities that we can serve.”

Bob Puschendorf, associate director of the Nebraska State Historical Society, testified in favor of the bill. Calling the Nebraska Main Street Program the only comprehensive program for downtown revitalization in the state, he said it brings together a coalition of state agencies to support community development across Nebraska.

Since 1994, he said, the program has resulted in \$125 million in building improvements and new construction, 697 new businesses and 253 public improvement projects.

“A small investment in this program yields great results,” Puschendorf said.

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

Funds proposed for parks and trees

The Appropriations Committee heard testimony March 12 on two bills that would provide funding for outdoor projects in Nebraska.

LB374, introduced by Malcolm Sen. Ken Haar, would create an automatic spillover when the State Recreation Road Fund exceeds \$15 million. Excess funds would be transferred to the



Sen. Ken Haar

Game and Parks State Park Improvement and Maintenance Fund.

Haar said the Nebraska Game and Parks Commission could apply any excess funds to deferred maintenance projects at facilities across the state, adding that it often takes time to obtain approval for the road projects that the State Recreation Road Fund was designed for.

“Sometimes this fund has grown to the point where it could be used for some other purposes—and that’s what this bill ... is about,” he said.

Haar said he intends to introduce an amendment to reduce the dollar amount that would trigger an automatic spillover to \$14 million.

Roger Kuhn of the Nebraska Game and Parks Commission spoke in support of the bill, saying the road fund normally does not exceed \$14 million so the trigger mechanism rarely would be used. But, he said, when excess funds are available the commission would like to use them to catch up on deferred maintenance projects.

“The recreation road [fund] balance over the last several years has been growing and currently has a balance of about \$18 million,” Kuhn said.

LB461, introduced by Lincoln Sen.

Patty Pansing Brooks, would appropriate \$3 million in general funds annually to the Nebraska Forest Service for



Sen. Patty Pansing Brooks

the Nebraska Tree Recovery Program.

Pansing Brooks said the program, which was created to fund tree replanting after harsh winters, has not been funded in over 10 years. The program provides grants that require local matching dollars, she said, and should be funded in order to help Nebraska cities and towns prepare for a coming

emerald ash borer infestation.

“It is the deadly insect that is killing millions of ash trees across the northeast,” she said. “It is on our borders if not in the state already.”

Dick Campbell of the Nebraska Nursery and Landscape Association spoke in favor of the bill, saying the ash tree is prevalent across the state and the financial consequences of dealing with an infestation will be a heavy burden for many communities.

“This tree has been a mainstay for years in community parks and streets and is dominant in private landscapes,” Campbell said.

Diana Failla, president of the Omaha Midtown Neighborhood Alliance, also testified in support of the bill, saying the tree canopies in older neighborhoods are in danger of being destroyed by the coming infestation.

The destruction caused by the emerald ash borer poses a public safety risk, she said, because ash trees become brittle and weak when they die. Ash trees grow to heights of approximately 120 feet with canopies that spread 70 feet wide, she said.

“These weakened trees will pose an imminent danger,” Failla said.

Scott Josiah, state forester and director of the Nebraska Forest Service, testified in a neutral capacity. He said the cost to municipalities to remove, dispose of and replace ash trees destroyed by the emerald ash borer on public lands is estimated at \$275 million statewide.

“Some of our communities are up to 30 percent ash [trees],” Josiah said.

The forest service, which administers the fund, would be able to develop a strategic response to the coming infestation with adequate state dollars, Josiah said.

No one testified in opposition and the committee took no immediate action on the bills.

BANKING, COMMERCE & INSURANCE



Economic incentives for businesses proposed

Small businesses that create additional jobs in Nebraska would be eligible for grants under legislation heard by the Banking, Commerce and Insurance Committee March 10.

Introduced by Ogallala Sen. Ken Schilz, LB395 would create a nine-member Nebraska Enterprise Authority within the state Department of Economic Development, which would award grants to businesses for recruitment, relocation, capital improvement and infrastructure development. Grants would be awarded based on potential economic impact and number of jobs created by the business. Businesses with fewer than 100 employees would be prioritized for the program.



Sen. Ken Schilz

Administering the program is expected to require four staff members and cost \$429,000 in fiscal year 2015-16 and \$407,000 in FY2016-17.

Schilz said states surrounding Nebraska are more attractive to businesses because they offer companies better financial incentives. Industries will look only at the state a limited number of times, Schilz said, before deciding not to revisit it as a location option.

"This is the kind of funding—the kind of tool in the toolbox—to help Nebraska move forward," Schilz said. "It is a critical mechanism that tips the balance in favor of the state when the business is in the final selection stage of a decision."

Tim O'Brien of the Nebraska Economic Development Association testified

in support of the bill. He said the fund would better equip Nebraska communities to cater financial development packages to the wide range of potential business needs. Without the flexibility of discretionary funds, he said, the state will continue to lose projects to its neighbors.

"For a lot of projects, we aren't very competitive," O'Brien said.

Jeff Heng, division controller for Nucor Steel in Norfolk, also spoke in favor of the bill. Without incentives, manufacturers will not move to Nebraska, he said.

"This state has opportunity to be more aggressive with economic incentives," Heng said. "To compete nationally, more must be done."

Dave Rippe, executive director of the Hastings Economic Development Corporation, also testified in support of the bill. He said his community recently lost a project to a neighboring state because millions of dollars in incentives were offered.

"In a community of 25,000 [people], we certainly do not have the means to compete with the entire state of Iowa," he said.

No one spoke in opposition to the bill and the committee took no immediate action on it.

BUSINESS & LABOR



Clarification of pregnancy accommodations advanced

Senators gave first-round approval March 12 to a bill that would update the Nebraska Fair Employment Practices Act to clarify workplace protections for pregnant workers.

Omaha Sen. Heath Mello, sponsor of LB627, said that while protections for pregnant workers currently exist, those protections lack specificity and definition.

As a result, he said, courts have handed down increasingly narrow interpretations of what constitutes a reasonable accommodation for a pregnant employee.



Sen. Heath Mello

"While the intent of Congress and the state was to protect pregnant workers ... the specific language used to do so has proven inadequate and needs to be updated," Mello said. "I believe that it's a simple matter of fairness that women should not be denied a job or a promotion simply because they are pregnant."

Reasonable accommodations for pregnant workers outlined in the bill include:

- periodic rest;
- equipment for sitting;
- more frequent or longer breaks;
- assistance with manual labor;
- job restructuring;
- light duty assignments;
- modified work schedules;
- temporary transfers to less strenuous or hazardous work;
- time off to recover from childbirth; and
- appropriate facilities for breastfeeding.

The bill also would prohibit discrimination against a pregnant individual in regard to job application procedures or the hiring, compensation, job training, advancement or discharge of employees.

Mello said the bill would apply only to businesses subject to the Nebraska Fair Employment Practices Act, which does not include those with fewer than 15 employees.

A Business and Labor Committee amendment, adopted 26-0, amended the bill's language to refer to pregnancy, childbirth or a related medical condition, rather than pregnancy.

Omaha Sen. Burke Harr, chairperson of the committee, said the

change would clarify that the bill's protections cover individuals who seek accommodation because of conditions or complications that are related to pregnancy in addition to those that arise from pregnancy itself.

Sen. Sue Crawford of Omaha spoke in support of the bill, saying she was fortunate to have had a supportive employer during her two pregnancies. Crawford said reasonable accommodations were made so that she could continue working during the pregnancy and while breast-feeding.

"But I am worried about my fellow women who may be in a situation where that is not the case," she said.

Papillion Sen. Bill Kintner expressed concern that the bill may end up harming those it intends to protect.

"These protected classes can often backfire," he said. "I think it causes employers to think twice and I think it could cause further discrimination."

Mello said the bill creates no new protections or penalties, but simply clarifies existing law. LB627 generated no opposition at the committee hearing, he said, which is an indication that employers understand the bill's purpose.

"I've yet to have a bill that impacts business where they don't come in opposition when it affects their operations or their ability to conduct business," Mello said.

The bill advanced to select file 31-0.

EDUCATION

Expansion of early childhood education grants considered

Child care providers could receive early childhood education grants under a bill heard by the Education Committee March 9.

LB489, introduced by Cedar Rap-

ids Sen. Kate Sullivan would authorize grants from the Sixpence Early Learning Fund—an endowment fund created by the Legislature in 2006 to address achievement gaps in early childhood education—to qualified child care providers that partner with school districts to provide early childhood education programming.



Sen. Kate Sullivan

Sullivan said the bill would help close the achievement gap by providing broader opportunities to Nebraska families.

"Closing the gap early is critical because a significant number of Nebraska's children arrive at

kindergarten unprepared to learn, due to a lack of high-quality developmental experiences during the infant and toddler years," she said. "Moreover, many school districts currently lack the space, staff and resources necessary to provide full-day, year-round services for infants and toddlers."

To qualify, child care providers must enroll in the state's quality rating and improvement system established under the Step Up to Quality Child Care Act. The act, passed in 2013 by the Legislature, provides five levels of standards for child care providers in the state, with additional resources available for programs that meet the increased levels of accountability.

Under LB489, a qualified child care provider must obtain at least a level three rating within three years of beginning the grant progress and maintain the rating to continue to receive funding.

Jen Goettemoeller, representing First Five Nebraska, spoke in favor of the bill, saying a strong early childhood education system is essential to kids' success later in life.

"The reality is that 42 percent of young children, zero to 5 years of age,

face significant obstacles during their formative years that will disrupt brain architecture and future learning," she said. "If our children are going to be strong, the foundation must be built within the first three years."

Greater Nebraska Schools Association Executive Director Roger Breed also supported the bill. He said it would promote local solutions and expand the reach of existing early childhood education efforts.

"[LB489] benefits providers by introducing high-quality standards and best practices for working with infants and toddlers," Breed said. "It improves an already quality effort by giving resources and technical assistance to community programs that already provide these services to improve quality in an accountable and measurable way."

No one testified in opposition to the bill. The committee advanced the bill to general file March 11 on an 8-0 vote.

Cyberbullying role proposed for school security director

The state school security director would address cyberbullying under a bill heard by the Education Committee March 10.

LB572, introduced by Hyanis Sen. Al Davis, would expand the duties of the state's school security director, a position



Sen. Al Davis

established by the Legislature in 2014. Davis said that the very nature of cyberbullying makes it difficult to identify the source of the bullying.

"Bullying has plagued our schools and gained an even more sinister side with the spread of technology," he said. "I'm concerned about the school culture where students can keep victimizing others through the sharing

of photos and videos online.”

Under the bill, the director would be responsible for making recommendations on curricular and extracurricular materials to assist school districts in preventing and responding to cyberbullying and digital citizenship.

Rev. Jerry Albright, executive director of Interchurch Ministries of Nebraska, spoke in favor of the bill. He said that bullying affects all children without regard to age, gender, race or ethnicity.

“The fear of bullying keeps as many as 160,000 kids out of school on any given day,” he said. “Every young person has the right to feel safe at home, in their school, in their faith community and in their community at large. This is a serious social problem that must be addressed.”

Karen Haase, a Lincoln attorney who provides training on digital citizenship issues, also supported the bill.

“One of the most important things I’d like you to understand is that schools care a lot about these [bullying] issues,” she said. “The problem is tremendous and education is the key to solving this problem. We need to teach our students how to use these technologies [responsibly].”

No one testified in opposition to the bill and the committee took no immediate action on it.

HEALTH & HUMAN SERVICES

Carbon monoxide detectors required

Carbon monoxide detectors will be required in certain residences by a bill passed by senators March 12.

Introduced by Omaha Sen. Sara Howard, LB34 requires the installation and maintenance of carbon monoxide detectors in any residence sold,

rented or receiving a building permit after Jan. 1, 2017.

Building owners are required to install detectors with alarms on every habitable floor or according to applicable building codes. The bill applies only to single- and multi-family dwellings with a fuel-fired heater, fireplace or attached garage.

Senators passed the bill on a 39-2 vote.

Nursing background checks approved

New nursing license applicants will be subject to a criminal background check under a bill passed March 12.

LB129, introduced by Omaha Sen. Burke Harr, requires a criminal background check of applicants for an initial license to practice as a registered or licensed practical nurse.

The bill passed on a 43-0 vote.

Plan for disposition of veterans’ remains approved

Veterans whose remains go unclaimed can be buried in a veteran cemetery under a bill passed by the Legislature March 12.

LB146, introduced by Bellevue Sen. Sue Crawford, authorizes crematoriums and funeral establishments to relinquish control of unclaimed remains to veterans service organizations, which then will



Sen. Sara Howard



Sen. Burke Harr



Sen. Sue Crawford



Sen. Patty Pansing Brooks

provide a burial in a veteran cemetery.

A crematorium or funeral establishment can, upon receiving unclaimed remains, provide information to the U.S. Department of Veterans Affairs, Nebraska Department of Veterans’ Affairs or a veterans service organization to determine whether the remains are those of a veteran and the veteran’s eligibility for burial in a veteran cemetery.

Once the organization has been in possession of the remains for one year and made a reasonable effort to locate the appropriate authorizing agent for such remains, but no attempt has been made to claim them, the organization can provide for disposition of the remains at a veteran cemetery.

A crematorium, funeral establishment or veterans service organization will not be liable for the disposition of cremated remains unless there is willful negligence or misconduct.

Senators passed the bill on a 44-0 vote.

JUDICIARY

Evidence testing measure amended, advanced

A bill was amended and advanced from select file March 12 that would allow incarcerated individuals to request that a court reconsider evidence used in their trials.

Introduced by Sen. Patty Pansing Brooks of Lincoln, LB245 would allow a person in custody to request DNA testing of previously tested material if current technology could provide more accurate or probative results. Currently material can be retested only if

a court determines that such forensic testing did not exist at the time of the trial.

The bill was amended on general file to include provisions of LB244, also introduced by Pansing Brooks, to allow for the filing of motions for new trials whenever new non-DNA evidence is discovered.

Omaha Sen. Burke Harr offered an amendment, adopted 27-0, that would allow courts to dismiss a motion for a new trial without a hearing based on the effectiveness of the evidence.

“We don’t want open floodgates so far that we waste court time or have a bunch of motions for new trials,” Harr said.

Senators advanced the amended bill to final reading on a voice vote.

Eminent domain increase for school land proposed

School districts’ power of eminent domain would be expanded by a bill heard by the Judiciary Committee March 11.

Introduced by Omaha Sen. Bob Krist, LB362 would authorize school districts exercising eminent domain to increase from



Sen. Bob Krist

50 acres to 100 acres the amount of land they could obtain for school sites. Public parks and county fairgrounds would be exempt from acquisition.

Because of neighboring developments, Krist said, urban schools often do not have room to expand. The bill would allow schools to reserve larger sites to anticipate growth, he said.

“Modern schools simply need more space than they used to,” Krist said.

John Lindsay, lobbyist for Omaha Public Schools, testified in support of the bill, saying the amount of land that schools may acquire through eminent domain has not changed since 1973.

Field space for boys’ and girls sports, parking space and changing zoning codes all contribute to schools’ increasing need for land, he said.

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

Minimum time with noncustodial parent proposed

Guidelines for care plans for children of divorced and separated parents would be created by legislation heard by the Judiciary Committee March 12.

Under LB437, introduced by Crete Sen. Laura Ebke, courts would be required to create parenting plans for parents who cannot agree on a plan.



Sen. Laura Ebke

Courts could award no less than 35 percent of parenting time to a noncustodial parent, unless reasons are found to terminate or limit custody rights.

Ebke said that noncustodial parents in Nebraska receive an average of only 17 percent of total parenting time with their children. This creates a public health issue, she said, because research shows children without shared parenting arrangements have more health- and stress-related problems. The bill is not designed to mandate equal parenting time, she said, but would encourage judges to put more emphasis on joint custody, which has proven benefits for children.

North Platte attorney James Bocott testified in support of the bill, saying judges across the state rarely deviate from awarding noncustodial parents four or five days of custody per month. Changing the minimum parenting time to 35 percent would stop judges from taking an apparent “cookie cutter” approach to parenting time, he said.

Justin Thompson, a noncustodial parent, also spoke in support of the bill. Children who are allowed to visit a parent only four times a month also are being denied relationships with that parent’s extended family, such as grandparents, he said.

“Thousands of children are unfairly punished by an unfair system,” Thompson said.

Lindie Catlin of Humboldt also testified in favor of the bill, saying it would provide judges better guidance in determining custody disputes. Children gain valuable gender-specific experiences when they spend time with both mothers and fathers, she said.

“Each parent has a unique and specific role in a child’s life ... and they should have equal time,” Catlin said.

Robert Sanford, legal director for the Nebraska Coalition to End Sexual and Domestic Violence, testified in opposition to the bill. He said that mandating a minimum parenting time percentage could put victims of domestic violence in abusive situations. Family situations vary greatly, Sanford said, and judges should have the flexibility to evaluate each case individually.

Family law attorney Mary Kay Hansen also spoke in opposition to the bill. She said parents who know that 35 percent of parenting time is guaranteed might not seriously participate in parenting plan negotiations.

“This will have a chilling effect on mediation,” Hansen said.

The committee took no immediate action on the bill.

Rules for dividing assets in divorce proposed

Courts would be required to equitably divide the assets of divorced couples in certain cases under legislation heard by the Judiciary Committee March 12.

Introduced by Kearney Sen. Ga-

len Hadley, LB497 would require that courts divide marital property equally in cases of divorce, annulment or legal separation, unless reasons for inequitable distribution are found.



Sen. Galen Hadley

The bill calls for the consideration of the following factors when determining the distribution of assets:

- the length of the marriage;
- prenuptial or antenuptial agreements;
- age, health, occupation, source of income, vocational skills, employability and liabilities of each spouse;
- contributions of each spouse to the marriage, home and care and education of children;
- expectation of pension or retirement rights acquired prior to or during the marriage;
- amount and duration of any spousal support awarded to either party or a property division in lieu of such support; and
- tax consequences to each party.

Courts need specific rules to follow when deciding how to divide assets in divorce cases, Hadley said, because current law directs courts to divide assets reasonably, rather than equally. The bill would give courts a clear starting point and require them to specify why assets are not divided equally in those cases, he said.

Kearney attorney Kent Schroeder testified in support of the bill, saying courts rarely deviate from a 1960s-era formula that awards the principal wage earner two-thirds of assets while giving the spouse one-third. That arrangement has become increasingly ill-fitting, he said, especially for farm families, where lines between financial earnings and home-making responsibilities are unclear.

Additionally, he said, Nebraska

is the only remaining state in which courts must rely on vague property distribution language.

“We’ve been wrestling for 55 years with a rule of law totally different from the rest of the states,” Schroeder said.

Katie Zulkoski, representing the Nebraska State Bar Association, testified in opposition to the bill. The list of factors courts would be required to consider when awarding assets is too restrictive and would limit judges’ discretion, she said.

The committee took no immediate action on the bill.

NATURAL RESOURCES

Biennial budget option for NRDs approved

Senators passed a bill March 12 that changes the budgeting process for natural resources districts (NRDs).

NRDs have operated only on an annual budget. LB164, introduced by Henderson Sen. Curt Friesen, allows NRDs to adopt a biennial budget instead.

The bill passed on a 44-0 vote.



Sen. Curt Friesen

Wastewater disposal plan proposed

Members of the Natural Resources Committee heard testimony March 11 on a bill that would authorize the state to deal with wastewater from oil production.

LB512, introduced by Gering Sen. John Stinner, would authorize



Sen. John Stinner

the state Oil and Gas Commission to monitor and regulate the disposal of wastewater generated from oil and gas well production, including wastewater generated from oil and gas well production in other states, that is injected into commercial salt water injection wells in Nebraska.

Stinner said the number one priority must be the safety of the state’s water resources.

“We need to ensure that we have the appropriate amount of due diligence to make sure the quality of our water is maintained,” he said.

An assessment of 20 cents per barrel would be levied on commercial wells used for wastewater disposal imported to Nebraska from neighboring oil and gas production facilities. The revenue collected would be allocated to monitor and regulate oil and gas wastewater disposal.

Ken Winston, representing the Sierra Club of Nebraska, spoke in favor of the bill, but suggested that more research should be done first.

“We should instead establish a moratorium on the importation of [oil and gas production] wastewater into Nebraska until adequate safeguards can be put into place to protect the citizens of western Nebraska, the interests of everyone in our state and our land and water,” he said.

Patty Goodschmidt, a landowner in Sioux County, also gave proponent testimony, but cautioned against encouraging wastewater disposal in the state.

“If we allow this well, we will become the dumping ground for all of the surrounding states,” she said.

Dana Wreath, vice president of Berexco, a Kansas oil production company, opposed the bill. He said that wastewater disposal wells already exist safely in the state.

“Right now in Nebraska, there is already a number of disposal and

injection wells,” Wreath said. “State regulators in Nebraska would never let us do things that are unsafe or inappropriate.”

Steven Sibray, a geoscientist with the University of Nebraska—Lincoln, provided neutral testimony. He said that disposal wells do not pose a threat to the state’s groundwater resources.

“If the steel tubing [of the well] should leak, there are four layers of protection—two of steel and two of cement,” he said. “The risk of contaminating the aquifer and the danger of earthquakes is very minimal.”

The committee took no immediate action on the bill.

Reduced fee proposed for hunting permits

Members of the Natural Resources Committee heard testimony March 12 on three bills that would provide reduced-fee hunting permits to retired

and active duty military.

LB634, introduced by Bellevue Sen. Tommy Garrett, would allow a resident veteran who was a prisoner of war to obtain a combination fishing and hunting permit, habitat stamp, aquatic habitat stamp and Nebraska migratory waterfowl stamp for a one-time fee of \$5, instead of the normal \$64 fee.



Sen. Tommy Garrett

Garrett said the proposals would help make Nebraska a more military-friendly state.

“[These bills] will improve the quality of life for military men and women and their families,” he said. “They will go a long way in retaining active duty members after they retire.”

Currently, Nebraska residents who are 64 and older are eligible to receive the combination permit and stamps for \$5.

The committee also heard testimony on LB636, which would allow a resident military member deployed out of state and their spouse to obtain a combination hunting and fishing permit for \$5, valid only during the military member’s leave period.

Garrett’s third proposal, LB637, would allow any military member stationed in Nebraska for at least 30 days to obtain any permit at the resident fee level. The current fee for a nonresident combination hunting and fishing permit is \$120. Under LB637, the military member could purchase the permit for \$29.

Timothy McCoy, deputy director of the state Game and Parks Commission, spoke in favor of the three bills.

“It just makes sense and is a good way for us to honor [military members’] service,” he said.

No one testified in opposition to any of the bills and the committee took no immediate action on them. ■

SENATOR PRIORITY BILLS

Priority	Bill	Introducer	Status	One-line description
Baker	LB431	Baker	E&R Engrossing	Change provisions relating to public school district construction
Bloomfield	LB31	Bloomfield	General File	Eliminate motorcycle and moped helmet requirements
Bolz	LB243	Bolz	General File	Create a pilot project relating to family finding services
Brasch	LB350	Brasch	Referral	Change valuation of agricultural land and horticultural land
Campbell	LB89	Campbell	General File	Change provisions relating to aid to dependent children
Chambers	LB268	Chambers	Referral	Change a penalty from death to life imprisonment without parole, eliminate a homicide report, and change provisions relating to murder in the first degree and restitution
Coash	LB292	Coash	General File	Change provisions relating to the central registry of child protection cases
Cook	LB81	Cook	General File	Change provisions relating to eligibility for child care assistance
Craighead	LB253	Morfeld	General File	Change acknowledgment requirements relating to homesteads
Crawford	LB390	Crawford	Referral	Provide for the use of medical marijuana as prescribed
Davis	LB85	Davis	General File	To increase the maximum brand inspection fee amount that may be established by the Nebraska Brand Committee
Ebke	LB67	Schumacher	General File	Provide for governmental unit bond priority
Friesen	LB610	Smith	General File	Change motor fuel excise taxes
Garrett	LB643	Garrett	Referral	Adopt the Cannabis Compassion and Care Act
Gloor	LB80	Gloor	General File	Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act
Groene	LB367	Groene	General File	Eliminate a restriction on paying petition circulators based on number of signatures
Haar	LB407	Haar	Referral	Change and eliminate provisions relating to certified renewable export facilities as prescribed

Priority	Bill	Introducer	Status	One-line description
Hadley	LB498	Hadley	General File	Change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles
Hansen	LB494	Nordquist	Referral	Change minimum wage for persons compensated by way of gratuities
Harr	LB414	Harr	Referral	Provide a property tax exemption for fraternal benefit societies
Hilkemann	LB156	Stinner	General File	Change the amount of credits allowed under the Angel Investment Tax Credit Act
Howard	LB199	Howard	General File	Provide for stipends for social work students
Hughes	LB323	Davis	Referral	Create the School Financing Review Commission
Johnson	LB183	Johnson	General File	Change provisions relating to the Grain Dealer Act
Kintner	LB481	Kintner	Referral	Permit school districts to opt out of a learning community as prescribed
Kolowski	LB343	Kolowski	Referral	Provide funding for schools offering certain programs and courses as prescribed
Kolterman	LB232	Nordquist	Referral	Adopt the College Choice Grant Program Act
Krist	LB15	Krist	General File	Provide additional powers and duties for guardians ad litem
Kuehn	LB599	Ebke	General File	Provide a minimum wage for certain young student workers
Larson	LB113	Larson	General File	Provide a co-payment for correctional inmates' health care services
Lindstrom	LB469	Smith	Referral	Provide powers and duties to the Department of Environmental Quality relating to the development of a state plan for regulating carbon dioxide emissions
McCollister	LB623	Nordquist	Referral	Provide for issuance of motor vehicle operators' licenses and state ID cards to persons with lawful status
McCoy	LB649	Kintner	General File	Require all votes taken by public officials to be a public record as prescribed
Mello	LB419	Mello	General File	Exempt sales and purchases by zoos and aquariums from sales and use tax
Morfeld	LB264	Morfeld	Referral	Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training, or experience
Murante	LB226	Coash	General File	Authorize crowdfunding as prescribed and exempt crowdfunding under the Securities Act of Nebraska
Nordquist	LB423	Nordquist	Referral	Change a renewable energy tax credit
Pansing Brooks	LB586	Morfeld	General File	Prohibit discrimination based upon sexual orientation and gender identity
Riepe	LB285	Riepe	Referral	Redefine a term under the Sports Arena Facility Financing Assistance Act
Scheer	LB294	Scheer	Referral	Adopt the Human Trafficking Victims Civil Remedy Act and change and adopt provisions relating to service of process, sexual assault, crimes relating to morals, human trafficking, search warrants, juveniles, intercepted communications, and forfeiture of assets
Schilz	LB176	Schilz	General File	Change the Competitive Livestock Markets Act
Schnoor	LB329	Schilz	Referral	Adopt the Nebraska Agritourism Promotion Act
Schumacher	LB72	Schumacher	Referral	Change and provide provisions relating to trustees, liens for medicaid reimbursement, and inheritance tax petitions
Seiler	LB173	Chambers	General File	Change habitual criminal provisions
Smith	LB357	Smith	Referral	Change income tax rates and transfer funds from the Cash Reserve Fund
Stinner	LB561	Stinner	General File	Name the Irrigation District Act and change election provisions for irrigation districts
Sullivan	LB528	Sullivan	Referral	Change and eliminate provisions relating to learning communities
Watermeier	LB106	Watermeier	General File	Adopt the Livestock Operation Siting and Expansion Act and change powers of counties relating to zoning
Williams	LB559	Schumacher	General File	Change provisions relating to the treatment of tax credits under the New Markets Job Growth Investment Act

COMMITTEE PRIORITY BILLS

Agriculture	LB175	Schilz	General File	Adopt the Livestock Growth Act and change provisions of the Nebraska Advantage Rural Development Act
Agriculture	LB360	Johnson	Referral	Change provisions of the Commercial Dog and Cat Operator Inspection Act

COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	Status	One-line description
Appropriations	LB33	Mello	General File	Require revenue volatility reports by the Legislative Fiscal Analyst
Appropriations	LB449	Mello	Referral	Change provisions relating to funding for microloans
Banking, Commerce & Insurance	LB139	Johnson	General File	Change and eliminate provisions relating to the Real Property Appraiser Act
Banking, Commerce & Insurance	LB348	Krist	Referral	Change provisions relating to automatic teller machines and point-of-sale terminals
Business & Labor	LB627	Mello	E&R Initial	Change provisions relating to pregnancy under the Nebraska Fair Employment Practice Act
Business & Labor	LB480	Harr	Referral	Change provisions relating to computing compensation under the Nebraska Workers' Compensation Act
Education	LB525	Sullivan	Referral	Change provisions relating to education
Education	LB519	Sullivan	Referral	Provide for school and student aid, grants, and assistance as prescribed
Executive Board	LR7CA	Schumacher	Referral	Constitutional amendment to limit service of members of the Legislature to two 6-year terms
Executive Board	LB56	Scheer	Referral	Provide procedures for donation of real property to the Northeast Community College Area
General Affairs	LB330	Larson	General File	Change provisions relating to alcoholic liquor
General Affairs	LB619	Larson	Referral	Provide for a special designated poker license and a poker endorsement under the Nebraska Liquor Control Act
Government, Military & Veterans Affairs	LB132	Ebke	General File	Change joint public agency bonding powers and procedures
Government, Military & Veterans Affairs	LB575	Murante	Referral	Change provisions relating to ballots for early voting, write-in candidates, and filling vacancies
Health & Human Services	LB320	Bolz	General File	Adopt the Aging and Disability Resource Center Act
Health & Human Services	LB472	Campbell	General File	Adopt the Medicaid Redesign Act
Judiciary	LB265	Campbell	Referral	Change provisions relating to juveniles and child welfare
Judiciary	LB482	Krist	General File	Change provisions relating to juveniles
Performance Audit	LB538	Performance Audit	General File	Require audits of tax incentive programs under the Legislative Performance Audit Act and change tax incentive sunset dates
Performance Audit	LB598	Schumacher	Referral	Change and provide requirements regarding treatment and segregation of mentally ill inmates
Natural Resources	LB141	Schilz	Referral	Change provisions relating to the Public Entities Mandated Project Charges Act
Natural Resources	LB413	Mello	General File	Provide for the evaluation of permits issued to political subdivisions by the Department of Environmental Quality regarding water quality
Retirement	LB468	Nordquist	Referral	Change benefit and contribution provisions relating to judges retirement
Retirement	LB448	Nordquist	Referral	Make current and new Class V school employees members of the School Employees Retirement System of the State of Nebraska
Revenue	LB356	Harr	General File	Change provisions relating to the assessment of certain rent-restricted housing projects
Revenue	LB259	Gloor	General File	Adopt the Personal Property Tax Relief Act
State-Tribal Relations	LB566	Coash	Referral	Change provisions of the Indian Child Welfare Act
Transportation & Telecommunications	LB629	Mello	Referral	Provide for regulation of transportation network companies
Transportation & Telecommunications	LB641	Garrett	General File	Provide rights and duties for a person operating a manual or motorized wheelchair or bicycle as prescribed
Urban Affairs	LB152	Urban Affairs	General File	Authorize cities and villages to borrow from state-chartered or federally chartered financial institutions as prescribed
Urban Affairs	LB324	McCollister	General File	Provide authority to sanitary and improvement districts to contract for solid waste collection services

MEET THE SENATOR

Friesen cultivates a new career

An encounter with a Nebraska congresswoman more than 35 years ago set Sen. Curt Friesen on a path that eventually led to the State Capitol.

As a new farmer, Friesen found himself at odds with a U.S. Department of Agriculture rule and contacted Congresswoman Virginia Smith seeking relief. The meeting went well—so well, in fact, that officials told him they had heard from her office within a week.

The disputed rule eventually was changed and Friesen learned a valuable lesson.

“I realized from that experience that you can complain in the coffee shop all you want,” he said, “but if you actually want to be part of the solution to a problem, you have to get involved in the process.”

So, the new senator started on a path of public service that included serving as Henderson’s mayor and on the Henderson Chamber of Commerce, Upper Big Blue Natural Resources District and the Nebraska Corn Board, among others.

Friesen said he didn’t realize that the road would bring him to the Legislature, but he’s happy for the opportunity to focus on a wide range of issues. In order to have more time to do so, Friesen said he’ll be staying in Lincoln during the week.

“Henderson isn’t too far away,” he said, “but that commute would be two hours out of the day that I could spend developing relationships and studying bills and policy.”

A fifth generation farmer, Friesen and his wife Nancy

moved back to the family farm near Henderson five years ago. He said daughter Kori and her family recently moved back to the area from California and will help the couple with the farm operation while he serves in Lincoln.

Friesen said Nancy is a huge help on the farm, but he values their quiet times more.



Sen. Friesen and his wife, Nancy, show their spirit in Husker red at the Big 10 championship game in Indianapolis, Ind.

“She’s an excellent combine driver, but she’s also my sounding board,” Friesen said of his wife of 40 years. The couple’s three other children—Shannon, Tiffany and Neal—have made homes in Omaha, Washington, D.C. and Indiana.

Friesen said he has stayed in Nebraska in part because of the allure of agriculture, which for him is the simple act of growing.

“When you’re farming, you actually create something,” he said. “You place a seed in the ground and produce something tangible. There is great satisfaction in that for me.”

Friesen said he considers himself capable of disagreeing without being disagreeable—something that will serve him well

in the Legislature.

“The highest compliment I can think of is being able to retain someone’s respect for you, even when you disagree,” he said. “There is diversity in opinions and priorities in Nebraska and we have to acknowledge that. We need to be careful about becoming entrenched in our positions and becoming unable to see the greater good.” ■

COMMITTEE HEARINGS

*Current hearing schedules are always available at: nebraskalegislature.gov/calendar

Monday, March 16

Appropriations

Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services (HHS)
 Agency 25: HHS - Operations
 Agency 25: HHS - Medicaid and Long Term Care
 Agency 25: HHS - Public Health
 Agency 25: HHS - Veterans Homes
 LB125 (Nordquist) Create a fund relating to health care homes for the medically underserved
 LB98 (Bolz) State intent regarding appropriations for tobacco use prevention control
 LB233 (Howard) Appropriate funds to the Department of Health & Human Services
 LB332 (Kuehn) Appropriate funds for the statewide prescription drug disposal project
 LB397 (B. Harr) State intent relating to funding for a lead-based paint hazard reduction grant
 LB418 (Nordquist) Change distribution of cigarette tax proceeds

Business & Labor

Room 2102 - 1:30 p.m.

Appointments: Steven Bley, Robert Kirkpatrick, Thomas E. Phipps, - Boiler Safety Code Advisory Board

Education

Room 1525 - 1:30 p.m.

LB526 (Sullivan) Define a term related to teachers' and administrators' certificates
 LB527 (Sullivan) Change provisions relating to teachers' loan programs
 LB525 (Sullivan) Change provisions relating to education

Tuesday, March 17

Appropriations

Room 1524 - 1:30 p.m.

Agency 25: Health & Human Services (HHS)
 Agency 25: HHS - Developmental Disabilities
 Agency 25: HHS - Children and Family Services
 Agency 25: HHS - Behavioral Health
 LB82 (Cook) Appropriate funds in support of dental services
 LB381 (Cook) State intent relating to appropriations for housing services
 LB485 (Stinner) State intent relating to appropriations for child welfare
 LB506 (Krist) Increase funding for community-based developmental disability providers

Education

Room 1525 - 1:30 p.m.

Appointments: Dennis Baack, Marilyn Hadley, Darlene Starman - Neb. Educational Telecommunications Commission

Wednesday March 18

Appropriations

Room 1003 - 1:30 p.m.

Agency 40: Neb. Motor Vehicle Licensing Board
 Agency 17: Dept. of Aeronautics
 Agency 27: Dept. of Roads
 LB633 (Stinner) Appropriate funds for state aid to municipalities and counties

Health & Human Services

Room 1510 - 1:30 p.m.

LB631 (Scheer) Change medicare provisions relating to acceptance of and assent to federal law
 LB518 (Riepe) Provide for changes to the medical assistance program
 LB548 (Campbell) Adopt the Surgical Assistant Practice Act

Judiciary

Room 1113 - 1:30 p.m.

LB422 (Howard) Provide for reasonable fees and costs for proceedings involving a minor under the Probate Code
 LB114 (McCoy) Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act
 LB187 (Kintner) Require the Department of Health & Human Services and health care facilities to provide information regarding abortion
 LB358 (Garrett) Change paternity provisions for a child conceived as a result of sexual assault
 LB463 (B. Harr) Adopt the Technology Information Management Act

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Allen, Robert - Neb. Game and Parks Commission

Revenue

Room 1524 - 1:30 p.m.

LB587 (McCullister) Change the motor vehicle tax schedules
 LB613 (Kintner) Provide duties for the Department of Revenue and change income tax rates and the distribution of sales and use tax revenue

Thursday, March 19

Appropriations

Room 1003 - 1:30 p.m.

Agency 7: Governor
 Agency 8: Lieutenant Governor
 Agency 9: Secretary of State
 Agency 10: Auditor of Public Accounts
 Agency 12: State Treasurer
 Agency 14: Public Service Commission
 Agency 3: Legislative Council

Judiciary

Room 1113 - 1:30 p.m.

LB136 (Johnson) Prohibit flying lanterns
 LB289 (Ebke) Prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed
 LB30 (McCoy) Prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed
 LB14 (Krist) Create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony
 LB603 (Bloomfield) Provide for processing and certification of federal firearms forms as prescribed

Friday, March 20

Judiciary

Room 1113 - 1:30 p.m.

LB225 (Schnoor) Change provisions relating to unlawful possession of a firearm at a school
 LB340 (Brasch) Provide signage requirements and duties for the Nebraska State Patrol under the Concealed Handgun Permit Act
 LB635 (Garrett) Change where a permitholder may carry a concealed handgun under the Concealed Handgun Permit Act
 LB638 (Garrett) Change permit expiration provisions for members of the armed forces or their spouses under the Concealed Handgun Permit Act

Wednesday, March 25

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

Presentation of Annual Reports ■

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Work continues on the renovation of Centennial Mall, a revitalization project jointly funded by private donations, the city of Lincoln and state dollars. Capitol architect Bertram Goodhue intended for the mall to serve as a formal approach to the Capitol's north entrance. Previously redesigned in 1967, the current renovation is scheduled for completion in 2016.