

Budget clears round two with lower cash reserve

Senators amended and advanced the state's \$8.9 billion budget package to the final round of debate this week. The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years.

General file

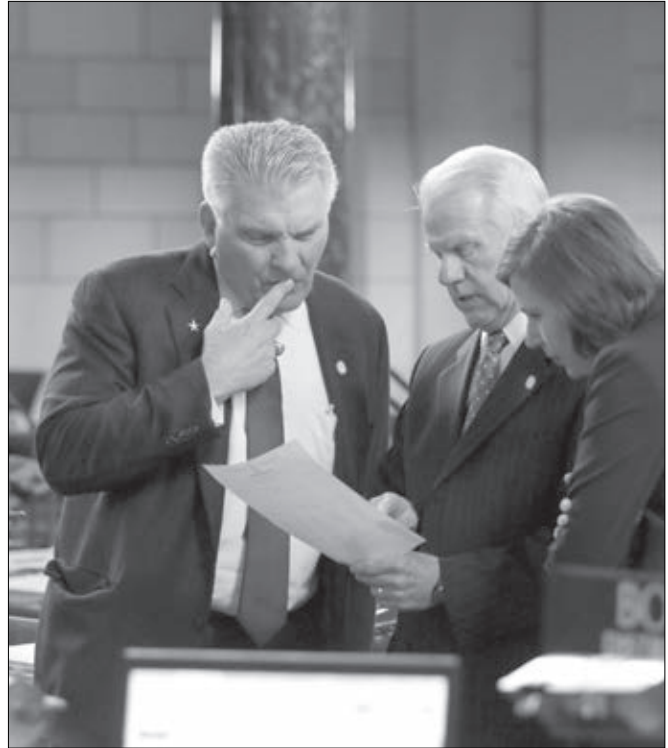
Three bills were advanced to select file May 2. The mainline budget bill and other components of the budget package were advanced last week.

LB331, introduced by Speaker Jim Scheer at the request of the governor, would create funds and make certain fund transfers. An Appropriations Committee amendment, adopted 35-1, replaced the bill and added \$83.4 million in additional cash fund transfers to the General Fund, including:

- \$30 million from the Roads Operations Fund;
- \$20 million from the Medicaid Intergovernmental Transfer Fund; and
- \$9 million from the Game and Parks Capital Maintenance Fund.

Gering Sen. John Stinner, chairperson of the Appropriations Committee, said transfers from agency cash

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Sens. John Stinner (left), Matt Williams and Kate Bolz confer during debate on the budget package.

Tax cut, ag land valuation change falls short

A bill that would cut the state's top income and corporate tax rates if projected state revenue growth meets certain targets and change the way agricultural land is assessed stalled on general file May 2.

As introduced by Sen. Jim Smith of Papillion, LB461 proposed a technical change to state tax law. A pending Revenue Committee amendment would replace the bill and incorporate provisions from several other bills that would change the state's method



Sen. Jim Smith

for valuing agricultural and horticultural land to an income-based approach, use economic growth rates to trigger income tax cuts and change income tax rates and personal exemption amounts.

Tax cuts, credits

Assuming 3.5 percent growth, Smith said, state revenue still would increase by about \$175 million a year after tax cuts are triggered — enough to cover necessary increases in state spending and to replenish the state's cash reserves.

"If we don't do this, we are going to continue to face these budget woes," Smith said. "This tax bill as amended will position our state for growth and

will provide tax relief that our families and businesses deserve."

The bill would collapse the bottom two individual income tax brackets — with rates of 2.46 percent and 3.51 percent, respectively — into one bracket, which would pay a rate of 3.25 percent, in 2019. The new bottom bracket would include those earning up to \$17,999 if filing as an individual and up to \$35,999 if married filing jointly.

Nebraska's top individual income tax rate for those earning \$29,000 or more if filing individually and those earning \$58,000 or more if filing jointly would be reduced in eight increments by roughly 0.1 percent per year. These

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Tax cut, ag land valuation change falls short

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reductions would begin in 2020 if the expected rate of revenue growth from year to year exceeds 3.5 percent. Assuming cuts were triggered every year, the rate would drop from 6.84 percent in 2020 to 5.99 percent in 2027, for a total reduction of 0.85 percent.

Sen. Burke Harr of Omaha opposed the bill and filed several motions to extend debate. He said the bulk of the tax cuts would go to the wealthiest Nebraskans and that supporters had not proven that tax cuts would stimulate the economy. Harr also said lawmakers did not have enough time to analyze the major changes to tax policy proposed by LB461 and several pending amendments.

“When a bill comes out of committee, it needs to be ready for prime time,” he said. “We’re not saying no to taxpayers — we’re saying no to a bad bill.”

The bill would give tax credits to low-income earners and increase the earned income tax credit from the current 10 percent to 11 percent in 2019 and 12 percent in 2020.

The bill also would decrease the state’s top corporate income tax rate from 7.81 percent to 7.59 percent in

2019. Beginning in 2020, it would reduce the rate by 0.2 percent per year if the projected rate of state revenue growth exceeds 4 percent for the next fiscal year. The cuts would continue until the rate reaches 5.99 percent.

To help pay for the cuts, the bill would eliminate income tax exemptions for some high earners, Smith said. LB461 also would suspend two tax credit programs: the New Markets Job Growth Investment Act and the Nebraska Job Creation and Mainstreet Revitalization Act.

Agricultural land assessments

The bill also calls for agricultural and horticultural land to be assessed using an income-based approach instead of the current market value approach beginning in 2018.

A new committee led by the state tax commissioner would establish capitalization rates for each class of agricultural or horticultural land, including irrigated cropland, dryland cropland, grassland used for grazing, grassland use for haying, wasteland, nurseries, feedlots and orchards.

The committee would ensure that

aggregate agricultural use value for each class of land is between 55 and 65 percent of the actual value and the bill would cap annual growth in aggregate agricultural use value at 3.5 percent.

Sen. Joni Albrecht of Thurston supported the bill, saying it provides responsible and conditional tax relief for workers, small businesses and farmers, even if it does not go far enough to reduce property taxes on agricultural landowners.

“Something is better than nothing,” she said. “If we don’t take action on this issue, we’ll be right back to where we began.”

Albion Sen. Tom Briese also opposed the bill, saying that it focuses too heavily on providing income tax relief instead of property tax relief.

“LB461 is simply another proposal that works around the edges on property tax relief,” he said. “Any changes found in LB461 do virtually nothing to reduce our overall reliance on property taxes.”

After six hours of debate on general file, Smith filed a motion to invoke cloture, or cease debate and vote on the bill. The motion failed 27-9. Thirty-three votes were needed. ■

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funds were higher than usual during this budget cycle due to the projected shortfall facing the state.

“Transfers are a normal and necessary part of the budget process,” he said, and explained that the additional \$153 million projected shortfall that was forecast during the budget hearing process required changes in order to ensure an adequate “rainy day” fund.

“This was an unusual situation used to get to the 3 percent limit and balance the budget,” Stinner said.

Henderson Sen. Curt Friesen, chairperson of the Transportation and Telecommunications Committee, offered and then withdrew an amendment that would have reduced the Roads Operations Fund transfer from \$30 million to \$15 million over the biennium.

Friesen said the state cannot “sweep the cupboard bare” by transferring money from agency cash funds to balance the budget. Doing so would negatively impact infrastructure projects without solving structural problems with the budget, he said, especially if the state’s agricultural sector does not



Sen. Dan Hughes said the committee’s proposal does not cut deeply enough into state spending.



Speaker Jim Scheer and Sen. Kate Bolz discuss provisions of the budget proposal.

bounce back soon.

“As we continue to use cash funds – to be swept into these fixes – we’re going to be digging ourselves a deeper hole and more cuts are coming,” Friesen said.

Stinner opposed the reduction, saying the state is asking all agencies to weather cuts during difficult economic times and the roads department should not be exempt.

Sen. John Kuehn of Heartwell then offered an amendment that would strike a 2018 transfer of \$100,000 from the Nebraska Brand Inspection and Theft Prevention Fund to the General Fund.

Calling the transfer a “dangerous precedent,” Kuehn said the Nebraska Brand Committee’s fund is generated through user fees for the purpose of carrying out their brand inspection duties. Taking those funds to balance the budget only would make their job more difficult, he said.

“When we make these types of transfers after the public hearing – when it’s something that wasn’t brought up for public comment – it’s really hard for the stakeholders and those affected by these particular decisions to have an opportunity and a voice to weigh in,” Kuehn said.

Sen. Dan Hughes of Venango supported the amendment. The Nebraska Brand Committee has had difficult times recently with personnel issues, he said, but they are on the right track now and need the cash fund for technology updates and other expenditures.

“It’s not a lot of money in our budget, but it’s a massive amount of money in their budget,” he said.

But O’Neill Sen. Tyson Larson said the commission has a long history of mismanagement and misuse of state funds. In addition, he said, the commission’s cash fund is projected to have a \$2.1 million balance at the end of fiscal year 2018-19.

“That means that their overall balance is growing every year,” Larson said. “Which means – even with this \$100,000 taken out – they’re overcharging our producers right now. Really what they should be doing is lowering how much they’re charging per head so they’re not building that much of a cash balance.”

The Kuehn amendment was adopted on a 26-2 vote and the bill advanced to select file 37-1.

LB332, a bill that would make transfers to and from the state’s Cash Reserve Fund, also advanced.

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An Appropriations Committee amendment, adopted 35-1, became the bill and would make a series of transfers totaling \$173 million from the Cash Reserve Fund to the General Fund during FY2018-19.

The amendment also includes a \$75 million transfer to the Nebraska Capital Construction fund to pay for the state Department of Correctional Services Reception and Treatment Center (RTC) project.

Stinner said the amended bill would ensure a sufficient cash reserve going forward while allowing the state to bridge the current budget gap. Changes proposed in the amendment would leave the cash reserve at approximately \$379 million at the end of the 2019 fiscal year, he said, adding that Nebraska's cash reserve is the fourth largest in the country.

The bill advanced to select file 27-3.

Also advanced was LB171, introduced by Business and Labor Committee chairperson Sen. Joni Albrecht of Thurston, which would provide for payment of claims against the state.

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

A committee amendment, adopted 30-0, replaced the bill and would approve over \$2.6 million in tort claims and a \$395,000 miscellaneous claim.

The miscellaneous claim would cover the constitutionally and statutorily required publishing of legal notices in newspapers across the state regarding the death penalty ballot measure voted on in the 2016 general election.

Among the tort claims to be paid in the amendment is a \$2.1 million claim from a 2014 accident in Stanton County that left three people dead. The state Department of Roads was replacing and repairing stop signs and had omitted placing a stop sign at an intersection, resulting in the crash.

The amendment also included approximately \$937,000 in agency write-offs for FY2016-17. That amount includes \$792,000 in uncollectible debts from the state Department of Health and Human Services.

LB171 advanced to select file 35-0.

Select file

On May 3, a Stinner amendment to LB327, the mainline budget bill, sought to cover approximately \$11 million of a budget gap created in

April when the state's economic forecasting board projected an additional \$55 million revenue shortfall. It was adopted 30-4.

Among other provisions, the amendment would:

- transfer \$1.7 million to the General Fund from a fund in the state treasurer's office;
- reduce a general fund appropriation to the state Game and Parks Commission by \$492,600 over the biennium; and
- reappropriate up to \$1.7 million of a cash fund balance to allow the state Department of Education Division of Vocational Rehabilitation to capture up to \$6.2 million in federal matching funds.

A second Stinner amendment, adopted 26-5, would increase TANF funds for economic assistance to free up General Funds for post-adoption services and align estimated expenditures for the State Disability Program with historical expenditures.

Stinner also offered an amendment to strike the Title X language in LB327. Federal Title X funding is used to provide Pap smears, cancer screenings, family planning services and diagnosis and treatment of sexually transmitted diseases.

He said the provision, which was the source of extended debate on general file, was a "poison pill" that should be removed from the budget. An attempt to change policy on Title X could be studied over the interim and introduced as a bill next session, Stinner said, which would ensure a more informed debate that would include stakeholders and experts.

"I didn't do my job as chairman," he said. "This got by me and I didn't see it."

Sen. Jim Scheer of Norfolk, speaker of the Legislature, urged adoption of



Sen. John Stinner said that temporarily lowering the state's required cash reserve was a responsible way to balance the budget.



Sens. John Lowe, Steve Erdman, Tom Briese and John McCollister discussed spending concerns.

the amendment, saying the placement of the language in a budget bill was intentional and inappropriate.

“This is the wrong way to do business,” he said.

The amendment originally failed on a 22-20 vote. Lincoln Sen. Kate Bolz filed a motion to reconsider that vote and the amendment was adopted on a second vote of 25-19.

Also considered was an amendment offered by Omaha Sen. Joni Craighead, which would have added public or private health care facilities that provide comprehensive primary care in addition to preventive care services to the bill’s Title X language.

Craighead said the amendment would guarantee that no clinics in rural Nebraska would close due to the prioritization outlined in the budget bill. However, Omaha Sen. Sara Howard said the proposal likely would violate federal regulations.

The amendment failed on a 22-12 vote. Twenty-five votes were needed.

Bayard Sen. Steve Erdman then offered an amendment that would have replaced the bill with the budget amounts in effect for FY2016-17 as amended in LB22 – a budget-cutting bill passed earlier this session that

made additional adjustments to the budget for the current fiscal year.

The amendment also would use the Cash Reserve Fund to pay for state employee salary increases that were negotiated through collective bargaining and health insurance cost increases for the current biennium.

Calling the economic forecasts on which the state budget is based “a guess,” Erdman said it is unlikely that Nebraska will see the kind of economic climate in the next two years that would justify the 1.3 percent growth rate reflected in the Appropriations Committee’s proposal.

“We need to use the revenue that we’ve received before and move forward,” he said. “This budget is not going to work.”

While agreeing that expenses need to be addressed, Sen. John McCollister of Omaha opposed the amendment, saying the state needs to use a scalpel rather than a “meat cleaver” when doing so. In addition, he said, lawmakers should look at the revenue side of the equation

and examine Nebraska’s use of tax incentives as an economic development tool.

“These incentives are coming back to us as credits and destroying our budget,” McCollister said.

The Erdman amendment failed 19-10. Twenty-five votes were needed. LB327 then was advanced to final reading 28-18.

Also amended and advanced May 3 was LB330, which would appropriate funds for reaffirmed and new capital construction projects. A Stinner amendment, adopted 33-0, would transfer authority for construction projects at the Central Nebraska Veterans’ Home and Western Nebraska Veterans’ Home from the state Department of Health and Human Services to the Department of Veteran’s Affairs.

The change reflects the consolidation of veterans’ services outlined in LB340, which passed earlier this session.

Additional bills advanced by voice vote to final reading on May 3 were:

- LB328, which would provide for the \$12,000 annual salaries of Nebraska’s 49 state senators;
- LB329, which would fund sala-



Sens. Sue Crawford and Sara Howard expressed concerns regarding Title X funding.

ries and benefits for judges and constitutional officers; and

- LB149, which contains adjustments to the state’s budget for the current fiscal year.

Select file debate on the remaining budget bills took place May 4.

Stinner offered an amendment to LB331, which would create funds and make certain fund transfers, that would lower the state’s minimum cash reserve requirement to 2.5 percent for the current biennium. Nebraska law requires that the state maintain a reserve of no less than 3 percent in excess of the state’s appropriations and obligations.

Stinner said the reserve requirement would go back to 3 percent for the next budget cycle. The reserve requirement has been altered in the past, he said, to adjust for difficult economic times. The temporary reduction is a better alternative than transferring additional funds from the Cash Reserve Fund to the General Fund, he said.

“I chose to look at 2.5 percent because after two years ... you have to bring that cash reserve back up to 3 percent. It’s a disciplined approach.”

The amendment also would reduce a transfer to the Water Sustain-

ability Fund by \$1.2 million in FY2018-19. Stinner said the changes would close the remaining \$43 million budget gap created by April’s lowered revenue projections. The result, he said, would be a balanced budget that preserves the state’s priorities.

“This had to be done with cuts; this had to be done with imagination; this had to be done with the rainy-day fund,” he said

But Sen. Dan Hughes of Venango argued that the budget should cut deeper. The state’s agricultural producers are “on our knees,” he said, while university administrators are paid “huge” salaries. State agencies should start transitioning to lower budgets based on actual revenues, he said.

“I think it’s clear that some of us are unhappy with the work that the Appropriations Committee has done,” he said. “We don’t have a revenue problem - we have a spending problem.”

Lincoln Sen. Kate Bolz, vice-chairperson of the Appropriations Committee, said senators wishing to make additional cuts to state programs or services should offer specific proposals to do so.

“If you’re looking for further cuts, there are cuts to be made,” she said. “[But] further cuts will hurt us all.”

Gothenburg Sen. Matt Williams defended the university, saying its campuses across the state will be an important factor in growing Nebraska out of its current economic slump. Highly paid administrators should be considered in context, he said.

“I’m certainly not embar-



Sen. Brett Lindstrom said the university is a solid investment.

rassed by that,” Williams said. “We need to have the best and the brightest in our university system. The university is part of the solution, it’s not the problem.”

Sen. Brett Lindstrom of Omaha noted that additional cuts to the university - which he said trains most of the teachers in the state and provides affordable and accessible education - would be counterproductive in the long term.

“By all accounts the university is doing a good job,” he said, noting that it provides a 12 to 1 return on the state’s investment. “If that was a stock, I’d be first in line to buy.”

The Stinner amendment was adopted on a 32-15 vote.

Following adoption of a technical amendment, LB331 was advanced to final reading by voice vote. Also advanced by voice vote were:

- LB332, which would make transfers to and from the state’s Cash Reserve Fund; and
- LB171, which would provide for payment of claims against the state.

Final reading debate on the budget bills is scheduled for May 8 and 9. ■



Sen. Matt Williams supported university funding.

MEET THE SENATOR

Blood brings municipal view to Legislature

Visitors to the Capitol watching Sen. Carol Blood address a full legislative chamber would never guess that public speaking used to make her uncomfortable.

In high school, she decided to do something about it. Blood joined the debate team, got the lead role in a school play and eventually took a job as an actor in a summer theater troupe that traveled the central U.S. giving performances in parks.

“I’ve always tried to put myself outside of my comfort zone,” she said. “If you never push yourself, you never make mistakes, and then what lessons are there to be learned?”

Blood grew up on a farm outside Hastings and moved to Bellevue in 1992 with her husband Joe, a radio personality. In 2008, after watching Bellevue City Council meetings on cable, Blood decided to step outside her comfort zone again by running for a seat on the council. As someone who ran her own business and marketing consultancy, Blood said, it was frustrating to see that the state’s third largest city had no strategic plan.

“Without strategic planning, you’re just writing checks,” she said. “It sets the foundation to get things done.”

Blood won the election and spent eight years as the council’s only at-large member. She helped secure funding for a new police station, update city ordinances and fix other problems with simple policy changes.

“Policy makes me giddy,” she said.

Blood decided to run for a seat in the Legislature be-

cause she felt that her experience at the municipal level would be useful at the state level. She understands how state law affects cities and has already built relationships with local officials as well as police and fire chiefs whose advice she knows she can trust.

“When I have a bill that I look at and I question whether it’s going to be right for my district, there are people I can pick up the phone and ask,” Blood said.

Like most senators, Blood rarely has a free minute, but

she still makes time for what is most important to her: her family and her community. She spends as much time as possible with her three children and eight grandchildren and serves as volunteer chairperson of the Bellevue farmer’s market.

Blood said that a few months in office have strengthened her belief in how important it is for her to represent the views in her district, not necessarily her own.

“There are some bills that – for me personally – I might support, but I know that the people in my district don’t want me to support it,” she said. “And I’m here to be their voice, not my personal voice.”

To ensure her constituents’ views inform her legislation, Blood answers

all of her own emails and she and her staff have called more than 2,000 constituents since January, asking for feedback. And she drafted all but two of the dozen or so bills she introduced, which she turned in on the first day of session.

“People said, ‘You have [a legislative aide] to do that,’” Blood said. “Yeah, but where’s the fun in that?” ■



Sen. Carol Blood takes a ride in a hot air balloon near Sisters, Oregon, in 2014.

EDUCATION

Adjustments made to state aid to schools

A bill that would adjust the state's school funding formula to match budget projections received final approval from the Legislature May 4.

LB409, introduced by Sen. Mike Groene of North Platte, modifies two components of the formula the state uses to distribute money to school districts. It reduces the base limitation rate — the rate at which school budgets are allowed to grow from year to year — for school fiscal year 2017-18 and FY2018-19 to 1.5 percent from 2.5 percent.



Sen. Mike Groene

It also increases the local effort rate, which accounts for a district's property tax capacity, from \$1.00 to approximately \$1.02.

Under LB409, net option funding is calculated by multiplying the net number of option students by 95.5 percent of the statewide average basic funding per student for those years. The bill also includes community achievement plan aid for schools in the Omaha learning community, which lost funding after its common levy was eliminated.

The bill passed 43-0.

Accommodations for pregnant and parenting students approved

The Legislature gave final approval May 2 to a bill that requires schools to adopt a policy to accommodate pregnant and parenting students.

Introduced by Omaha Sen. Tony Vargas, LB427 requires school districts to adopt a written policy providing standards and guidelines to accommodate absences related to pregnancy and child care for pregnant and parenting students by May 1, 2018. School policies are required to include the minimum standards contained in a model policy developed by the state Department of Education.



Sen. Tony Vargas

At a minimum, the policy must provide for student absences due to pregnancy and allow students to return to school and participate in extracurricular activities after pregnancy. It also must provide alternative methods for keeping pregnant or parenting students in the classroom by allowing them to complete coursework at home or by providing online classes or visits from tutors.

The model policy must identify private, hygienic spaces where students could express breast milk during the school day. Finally, if schools do not have an in-school child care facility, the policy must establish a procedure for assisting student parents by identifying local child care providers.

Current law allows a mother to breast-feed her child in any public or private location where she otherwise is authorized to be. LB427 expands that provision to include mothers who attend public, private, denominational or parochial day schools. The bill requires those schools to provide private or appropriate facilities or accommodation for milk expression and storage for their students.

The bill passed 31-7.

Senators voted May 5 to return an omnibus education bill on the last

Levy exemption for teachers' voluntary terminations amended

stage of debate to select file so they could amend its proposed requirements for voluntary termination agreements for teachers.

As introduced by the Education Committee, LB512 was drafted to make several technical changes to education law. A committee amendment adopted on general file incorporated the provisions of several other education-related bills into LB512.

These included LB457, introduced by Sen. Tom Briese of Albion, which would remove a budget and levy limitation exemption for the money a school district agrees to pay teachers and administrators in exchange for voluntary termination of employment.



Sen. Tom Briese

A Briese amendment adopted on select file would — for fiscal year 2018-19 — exempt from budget and levy limits the amounts levied to pay for 75 percent of the funds used for voluntary termination agreements. That would decrease to 50 percent for FY2019-20 and 25 percent for FY2020-21.

Senators also had adopted an amendment on select file by Omaha Sen. Burke Harr that would allow school districts already at their maximum levy to exempt from budget and levy limitations up to \$35,000 of payments for a teacher's voluntary termination agreement that is not part of a collective bargaining agreement. The provision would not apply to administrators.

Later, on final reading, Harr said his amendment inadvertently left out a current requirement that school districts must demonstrate to the state board of education that the payment of incentives in exchange for a voluntary termination of employment will result in a net savings in salary and benefit costs

to the district over a five-year period.

It also left out a requirement that districts report all incentives paid in exchange for voluntary terminations of employment on an annual financial report, which was not his intent, he said.

Harr filed a motion to return the bill to select file so he could introduce an amendment to include those requirements. The motion succeeded 40-0.

Senators then voted 42-0 to adopt the new amendment and advanced the bill to final reading on a voice vote.

Dyslexia defined in education law

Lawmakers gave final approval May 4 to a bill that provides a legal definition for dyslexia, which causes difficulty in acquiring and processing language.

Dyslexia had been included as a specific learning disability in state law but was not defined. LB645, introduced by Lincoln Sen. Patty Pansing Brooks, defines dyslexia, in part, as a learning disability with a neurobiological origin that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities.



Sen. Patty Pansing Brooks

Senators voted 46-0 to pass the bill.



Election administration clarifications amended, advanced

The Legislature amended and advanced a bill from select file May 3 that would change how legislative vacancies are filled.

Currently, when a legislative seat is

vacated, the governor appoints a person to serve in that seat. If the vacancy occurs more than 60 days prior to any general election, then that seat would be filled permanently by the candidate who wins the election, which could include the appointee. If the general election occurs in less than 60 days from the vacancy, the appointee serves the rest of the term.

LB451, introduced by Gretna Sen. John Murante, would set an earlier deadline of Feb. 1. He said the bill would provide more time for commissioners to properly administer elections and for voters to make well-informed choices as to their elected representatives.



Sen. John Murante

The provisions for filling legislative vacancies also would apply to the University of Nebraska's Board of Regents.

Omaha Sen. Tony Vargas expressed concern during general file debate, saying that changing the process for filling legislative vacancies would prevent constituents from having a say in who represents them as soon as reasonably possible.

In response to those concerns, Murante introduced an amendment on select file that would create a graduated system of deadlines for filling such vacancies. As amended, if a vacancy is created:

- on or before Feb. 1, the appointee would be subject to election in that year's primary and general elections;
- between Feb. 2 and May 1, the appointee would be required to file a petition to appear on the general election ballot; or
- after May 1, the appointee would serve the remainder of the legislative term before being subject to election.

Candidates filing for political office

would be required to file a statement of financial interest before March 1 of the year in which the election will be held, or before filing for election, if the filing deadline is after March 1. Failure to do so would result in the candidate not appearing on the ballot.

The bill also would change from July 1 to June 15 the date in even-numbered years that certain political subdivisions must certify the political offices to be filled in an upcoming election. The provision would apply to each reclamation district, county weed district, village, county under township organization, public power district with an annual gross revenue of less than \$40 million and educational service unit.

Finally, the bill makes several technical changes to the delivery and returning of early voting ballots.

The bill was amended on general file to include provisions of LB314, also introduced by Murante, which lengthened the time before an election during which a city must file a proposed economic development plan with the election commissioner or county clerk. As amended, the plan must be filed no later than 50 days prior to a special election, no later than March 1 prior to a primary election and no later than Sept. 1 prior to a general election.

The number of days prior to an election that an election notice must appear in the relevant newspaper also would be increased from 40 to 42.

Following the 39-0 adoption of the Murante amendment, senators advanced the bill to final reading by voice vote.

Modification, elimination of state boards and commissions advanced

A bill that would modify and eliminate various state-established boards and commissions was amended and

advanced to select file May 3.

Gretna Sen. John Murante said LB644, introduced on behalf of the Government, Military and Veterans Affairs Committee, is the product of a statutorily-required review of all state boards and commissions that is designed to determine which of them should be modified or eliminated.



Sen. John Murante

“LB644 is the result of a year-long process that is undertaken by the committee every four years,” Murante said, and would impact obsolete entities and those that have fulfilled their intended purposes.

As introduced, the bill would eliminate a number of boards and commissions, including the: Perfusionist Committee; Medicaid Reform Council Aging Nebraskans Task Force; Nursing Home Advisory Council; Intergenerational Poverty Task Force; Carbon Sequestration Advisory Committee; Out of Home Data Pilot Project Advisory Group; and Health Advisory Board to the Department of Motor Vehicles.

Murante said several entities testified at the bill’s hearing or otherwise provided sufficient evidence that their entities should not be altered or eliminated.

As a result, a committee amendment would retain the: Judicial Resources Commissions; Judicial Nominations Commissions; Commission on Judicial Qualifications; Board of Emergency Medical Services; Critical Incident Stress Management Board; Potato Development Committee; Stem Cell Research Advisory Committee; and Committee of Experts to Advise the Department of Agriculture on the Development of an Assessment Matrix.

The amendment also would have

added provisions of LB655, introduced by Murante, to allow an employee of the Legislative Council to volunteer at a public school or a nonprofit organization that focuses on assisting public schools, during normal work hours without the loss of pay, vacation time, sick leave or earned overtime.

Murante said private sector businesses and other state governments understand that community engagement benefits employees and can provide valuable resources to schools and nonprofits in difficult economic times. The amendment was narrowly tailored to give the Legislature the option of creating such a program, he said.

“This is permissive language to give [the Executive Board] that authority to create some sort of structure or framework,” Murante said. “One of the biggest challenges that mentoring programs face is the lack of mentors.”

Omaha Sen. Bob Krist opposed the idea and offered an amendment to strike the provision, saying it would put pressure on the Executive Board to “police” the volunteer activities of employees during work hours and might open the state up to liability.

“I can’t imagine someone being paid to go volunteer,” Krist said, adding that the purpose of volunteering is to give without seeking anything in return.

Lincoln Sen. Adam Morfeld supported removing the provisions, saying he values civic engagement but that the amendment was too broad. Some education nonprofits are political in nature, he said, and having legislative staffers volunteer for them while being paid by taxpayers would be problematic.

“I think we need a lot of work on the definitions and to narrow the scope,” he said.

The Krist amendment was adopted on a 44-0 vote and the committee amendment was adopted 35-2. The bill then advanced to select file 44-0.



Prescription drug monitoring changes approved

Changes to the state’s drug monitoring program were approved by lawmakers May 3.

LB223, sponsored by Heartwell Sen. John Kuehn, makes technical and procedural changes to laws governing the state’s Prescription Drug Monitoring Program (PDMP) system, established in 2016 to enable prescribers and pharmacies to check for suspected abuse.



Sen. John Kuehn

The bill requires individuals to be trained before accessing the PDMP and strengthens provisions requiring that information transmitted meet Health Insurance and Portability and Accountability Act (HIPAA) standards.

Members of a patient care team may access the PDMP on behalf of a prescriber, if he or she is a licensed or registered health care professional credentialed in Nebraska. Veterinarians are required to report dispensed controlled substances under the bill beginning July 1, 2018.

LB223 passed 47-0 and takes effect immediately.

Palliative care bill approved

Senators passed a bill May 3 that seeks to improve knowledge of and access to palliative care in Nebraska.

LB323, sponsored by Seward Sen.

Mark Kolterman, establishes the Palliative Care and Quality of Life Act and creates an advisory council that will meet at least twice a year.



Sen. Mark Kolterman

The bill requires the state Department of Health and Human Services to establish the Palliative Care Consumer and Professional Information and Education Program.

Program information will be made available on the department's website on or before June 30, 2018, and include continuing education opportunities for health care professionals and educational materials and information on delivery of palliative care in the home and in hospice settings, as well as best practices and referral programs.

The bill passed on a 48-0 vote.

Biologic substitution rules approved

Pharmacists are allowed to substitute biological products with FDA-approved interchangeable biologics under a bill given final approval May 3.

Biologics include viruses, therapeutic serums, toxins, antitoxins, vaccines, blood components and allergenic products used to treat or cure human diseases. An FDA-approved interchangeable biological product is one that the FDA has determined to be therapeutically equivalent to a prescribed product.

Under LB481, introduced by Heartwell Sen. John Kuehn, a pharmacist who receives a prescription for a biological product and chooses to dispense an interchangeable biological for the prescribed product must advise the patient or the patient's caregiver that drug product selection has occurred.

Within three business days after dispensing a biological product, the

dispensing pharmacist or the pharmacist's designee is required to make an entry of the specific product provided to the patient, including the product name and manufacturer.

The bill also requires the state Department of Health and Human Services to maintain a link on its website to the current list of all biological products that the FDA has determined to be interchangeable biological products.

LB481 passed on a 47-0 vote.

Developmental disability provider methodology bill approved

A bill that would ensure Nebraska compliance with federal regulations related to certain developmental disability facilities was passed May 3.

LB605, introduced by Ralston Sen. Merv Riepe, allows the state Department of Health and Human Services Division of Medicaid and Long-Term Care the flexibility to modify provider rates as needed to comply with federal regulations.



Sen. Merv Riepe

The bill revises provisions of the Intermediate Care Facilities for Persons with Developmental Disabilities Reimbursement Protection Fund by allowing Nebraska to fully maximize federal matching funds available for the state's provider tax.

LB605 passed on a 47-0 vote.

JUDICIARY



Stronger human trafficking penalties clarified, advanced

Lawmakers amended and advanced a bill from select file May 5 that would address the rise in human trafficking

in the state.

LB289, introduced by Lincoln Sen. Patty Pansing Brooks, would increase penalties for a number of crimes, including pandering and human trafficking for labor or sexual exploitation.



Sen. Patty Pansing Brooks

Under the bill as introduced, the penalties for pandering or trafficking of an adult would increase from a Class III to a Class II felony, punishable by 1 to 50 years in prison.

The bill would impose even stronger penalties for sex trafficking offenses involving a minor. Previously a Class II felony, sex trafficking or solicitation of a minor would be categorized as a Class IC felony, punishable by 5 to 50 years in prison.

Finally, the bill would designate solicitation of a trafficked adult as a Class II felony, which could result in 1 to 50 years in prison.

Pansing Brooks introduced an amendment on select file, adopted 38-0, that eliminated from the bill separate penalties for the threat or use of force in cases of trafficking. It also raised the classification of sex trafficking or solicitation of a minor from a Class IC felony to a Class IB felony, punishable by a minimum of 20 years in prison to life imprisonment.

The amendment also eliminated the proposed Class II felony charge for solicitation of a trafficked adult, instead incorporating "solicitation" under the definition of sex trafficking.

Pansing Brooks said the amendment addressed concerns raised during general file debate that the bill was too broad in scope and could unintentionally criminalize people engaged in legal activity like patronizing a strip club.

The bill had been amended on general file to include provisions of LB394, originally introduced by Lincoln Sen. Adam Morfeld. These would prohibit any person under a valid domestic violence protection order, or who knowingly violates a valid harassment protection order, from possessing a deadly weapon.



Sen. Adam Morfeld

Morfeld introduced an amendment on select file, adopted 30-1, to remove these provisions from LB289, saying there could be unintended consequences to the bill that needed further study.

Provisions of three additional bills dealing with sexual assault and domestic violence were incorporated into LB289 on general file.

The first was LB191, originally introduced by Pansing Brooks, would prohibit the withdrawal of a petition for a protection order except upon order of the court. A victim of domestic abuse could file a petition and affidavit to renew a protection order up to 30 days before the expiration of the previous order to ensure there is no gap in protection. A renewed order would be effective for a period of one year, commencing on the first day following expiration of the previous order.

Provisions of LB178, originally introduced by Lincoln Sen. Kate Bolz, would allow a victim of sexual assault to file for civil protection orders against the perpetrator. The order would prohibit a perpetrator from contacting or communicating with the victim.



Sen. Kate Bolz

Provisions of LB188, originally

introduced by Omaha Sen. Sara Howard, would allow for the parent of a child conceived as a result of a sexual assault to petition for termination of parental rights of the perpetrator.



Sen. Sara Howard

The bill was advanced to final reading by voice vote.

Statute of limitations removed for child sex assault

A bill that allows child victims of sexual assault more time to seek damages was passed by the Legislature May 3.

LB300, introduced by Omaha Sen. Bob Krist, eliminates the statute of limitations for any civil action brought against a perpetrator who sexually assaults a child.



Sen. Bob Krist

Under the bill, civil action against any person or entity other than the individual perpetrator can be brought only within 12 years of the victim's 21st birthday.

The bill was passed on a 46-0 vote.

Archery ban for convicted felons eliminated

A felony conviction will no longer preclude a person from owning archery equipment under a bill passed by the Legislature May 3.

LB478, introduced by North Platte Sen. Mike Groene, excludes possession of archery equipment and knives used for butchering, harvest-



Sen. Mike Groene

ing or otherwise processing game, fish or furs from the list of deadly weapons currently prohibited for convicted felons.

Possession of a knife requires that a person hold a state-issued recreational license.

The bill passed on a 46-0 vote and goes into effect immediately.

Intent to be considered for knife possession charge

A bill that clarifies the intent of Nebraska's deadly weapon statute was passed by the Legislature May 4.

Currently, Nebraska statute considers possession of any knife with a blade longer than 3.5 inches to be a deadly weapon, regardless of the owner's intent.

LB558, sponsored by Columbus Sen. Paul Schumacher, clarifies that the intended use of the knife should be considered when charging a person with a crime.



Sen. Paul Schumacher

The bill passed on a 46-0 vote.



Natural resources district levy authority extension fails

A bill that would extend levy authority for certain natural resources districts (NRDs) stalled on general file May 2.

Introduced by Sen. Curt Friesen of Henderson, LB98 would extend the three-cent levy authority for NRDs located in fully or over-appropriated



Sen. Curt Friesen

river basins from fiscal year 2017-18 to FY2025-26. The levy may be used only for ground water management and integrated management programs under the Nebraska Ground Water Management and Protection Act.

Friesen said NRDs in the Republican River and Platte River basins have used funds raised with the levy to conserve water under state-mandated integrated water management plans. For example, he said, the Central Platte NRD used the levy's proceeds to purchase surface water rights, a canal it uses to recharge the Platte and a hydrogeological study.

If the levy is allowed to sunset, Friesen said, NRDs would have to increase their base levies or impose occupation taxes to pay for those projects.

"We can take their levy authority away," he said. "It will not stop their obligation to meet the requirements of that integrated water management plan."

Sen. Dan Hughes of Venango supported the bill, saying that over-development of irrigation in the Republican and Platte river basins has led to unsustainable water use. Extending the sunset would allow NRDs to reduce water use there so the basins are no longer fully appropriated or over-appropriated, he said.

"That's the goal," Hughes said. "But it takes money and it takes time."

Sen. Mike Groene of North Platte opposed LB98, saying he could not support an extension of a property tax levy without a clear idea of how NRDs spend the money.

"This body and the people need to have justification [for] why it needs to be extended and what they're going to use it for," he said.

Also in opposition to the bill was Heartwell Sen. John Kuehn. He said NRDs have a 4.5-cent base levy and a 1-cent supplemental levy they can use for groundwater management projects.

"The idea that this 3-cent levy authority being allowed to sunset as intended will somehow impair or impede water management in the state is simply smoke and mirrors," Kuehn said.

Sen. Steve Erdman of Bayard also opposed the bill and introduced an amendment that would end the 3-cent levy authority in fiscal year 2017-18. He said that would reduce property taxes while giving NRDs another year of taxing authority that they could use to fund water management projects.

"If you are for property tax relief, you need to vote to let this sunset," Erdman said.

After three hours of debate on general file, Friesen filed a motion to invoke cloture, or cease debate and vote on the bill. The motion failed 31-9. Thirty-three votes were needed.

The bill is unlikely to be scheduled for debate again this session.



Teacher retirement debated, omnibus retirement bill advanced

Lawmakers advanced a bill to select file May 5 that would make changes to the state's school employee retirement plans.

Seward Sen. Mark Kolterman, chairperson of the Nebraska Retirement Systems Committee, said he introduced LB415 in an attempt to eliminate or reduce the practice of teachers "double dipping" – or returning to work after initial retirement.

"Taxpayers have voiced their dis-

pleasure with double- and sometimes triple-dipping," Kolterman said. "I believe it's important to encourage plan members to work until they are truly ready to retire."

As introduced, the bill would create a "Rule of 90" with a minimum retirement age of 60 for all school employees who become plan members on or after July 1, 2017. Under the rule, an employee could retire at age 60 if their age plus their years of creditable service equal 90 or higher.

A committee amendment, adopted 38-0, changed the proposal to a Rule of 85 with a minimum retirement age of 60. The change would apply only to employees hired on or after July 1, 2018.

Employees are living longer and collecting benefits for longer periods of time, Kolterman said, noting that a recent study projected that changing the retirement age for new hires from 55 to 60 would save the school retirement plans \$100 million over 30 years.

Among other provisions, the committee amendment also would make the following changes to the school employees plans:

- eliminate exemptions that allow intermittent voluntary or substitute service during the 180-day separation of service after termination;
- define early retirement inducement and service in any capacity;
- require a three year break in service if an employee received an early retirement incentive; and
- require a member to certify under oath that he or she does not have a verbal or written pre-arranged agreement with a new employer prior to termination.

Kolterman said the provisions are an attempt to clarify ambiguities in existing law that could place the retirement system in violation of IRS code.

In order to comply with IRS provi-



Sen. Mark Kolterman

sions, an employee must experience a “bona fide separation of service,” he said. Prohibiting intermittent and voluntary service during the 180 days after a school employee has retired would provide a “bright line” in state law that would delineate such a separation, he said.

“Those work days are being abused,” Kolterman said. “We have people who are retired and worked too many days and [we] had to take their retirement away from them [for that time period]. The compliance issue is the most important aspect of this.”

Lincoln Sen. Roy Baker offered an amendment, adopted 26-11, that would reduce the break in service requirement from three years to two years for an employee taking an early retirement incentive and would allow employees to engage in voluntary service during the 180-day separation of service period.

Fremont Sen. Lynne Walz, a former public school teacher, expressed concern about the bill’s prohibition on retired teachers serving as substitutes during the separation of service period. Nebraska has a shortage of experienced teachers, she said, and the state’s school systems rely heavily on retired teachers to fill the gaps.

For example, she said, 341 of the 823 individuals in the Lincoln Public Schools’ (LPS) substitute teacher pool are over age 55 and likely are retired teachers. Even with that number of potential substitutes available, she said, LPS still has 4.7 percent of its substitute teacher positions unfilled on a daily basis.

“It makes more sense to be able to contract with someone who has experience as opposed to contracting with someone who has less experience – or not being able to fill the classroom’s needs,” Walz said.

She offered and later withdrew an amendment that would have allowed

retired school employees to substitute or volunteer on an intermittent basis for a maximum of 45 days during the 180-day separation of service period.

Kolterman said that he would rather compromise on the length of the separation period than attempt to fine-tune the definition of intermittent, which he said was the most important provision in need of clarification. He said senators would work on a compromise before the bill comes up for select file debate.

“[This bill] has to move forward because it’s all good legislation,” he said.

The amended bill includes provisions of six additional measures introduced by Kolterman that would make changes to the various state retirement plans, including:

- LB31, which would make changes in the school employees retirement plan related to creditable service;
- LB32, which would change the frequency and method of calculation of county prior service annuity payments in the County Employees Retirement Act;
- LB110, which would eliminate the obligation of political subdivisions to file annual reports on defined contribution plans after December 31, 2017, and delete the requirement for the Public Employees Retirement Board to design and provide the annual reporting form;
- LB278, which would clarify the definition of disability in the county, state and school plans;
- LB413, which would make technical and clean-up changes to the judges and state patrol retirement plans; and
- LB532, which would make changes regarding military service in the judges and state patrol plans.

Also included in the committee amendment are provisions of LB219, introduced by the Nebraska Retirement Systems Committee, which would change provisions related to authorized benefit elections and actuarial assumptions.

After several senators withdrew pending amendments and motions, the bill advanced to select file 39-0.



Proposal to collect state taxes on internet sales considered

Lawmakers debated a bill May 4 that would require some online retailers to collect state sales taxes on Nebraska transactions.

As introduced by Sen. Dan Watermeier of Syracuse, LB44 would require an online retailer without a physical presence in the state to collect and remit state sales taxes. He said the bill would eliminate an unfair disadvantage for the state’s local stores.



Sen. Dan Watermeier

“[LB44] addresses the issue of fairness with the brick-and-mortar companies in our state,” Watermeier said.

Watermeier introduced an amendment on select file that would give online retailers the option to voluntarily collect and remit state sales taxes if their revenue exceeds \$100,000 a year or they make 200 or more separate transactions in the state that year.

If the seller opts not to collect the tax, it would be required to notify Nebraska purchasers that tax is due and that the state requires them to file a sales or use tax return on their purchases. Each failure to notify would

result in a \$5 penalty.

Retailers also would be required to send Nebraska purchasers an annual notification detailing their purchases and to file an annual statement for each purchaser with the state Department of Revenue. Failure to meet either of those provisions would result in penalties of \$10 for each instance.

Giving retailers the choice to comply would address concerns in an attorney general's opinion that the bill is unconstitutional, Watermeier said. The opinion states that the notice and reporting requirements in the bill are not severable from the tax collection requirement, which the U.S. Supreme Court found unconstitutional in a 1992 case.

Watermeier said his amendment addresses that problem by adding a severability clause, which states that if any section or part of any section in the law is found unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining parts.

The amendment also would protect sellers from claims that state sales tax was over-collected under LB44 if the measure is found to be unlawful.

Omaha Sen. John McCollister supported the bill, saying that it would help the state collect \$30 million to \$40 million a year in tax revenue that already is owed. He said the bill would help Nebraska business owners.

"Main street retailers are asking for this kind of fairness," McCollister said.

In support of the bill, Sen. Carol Blood of Bellevue said that, in addition to helping Nebraska retailers compete against online sellers, it would help the state collect more tax revenue to pay for government services.

"We have to find new and creative ways to generate income, not constantly cut our budget, because that is not a long-term solution," she said.

Omaha Sen. Ernie Chambers opposed the bill, saying that supporters

could not explain how the proposed penalties would be collected. He filed a floor amendment to remove the notification and reporting requirements, which he said are intended to be so onerous that companies would have little choice but to collect the taxes.

"It's simply designed to heap one problem, one duty, one requirement on top of another until you coerce somebody's will to do what you want them to do," Chambers said.

Lincoln Sen. Mike Hilgers agreed and said that a federal court most likely would enjoin the bill if it passes. He said Nebraska should wait for a court decision on a similar South Dakota law before taking action.

"In another year or so, we will have another data point that will give us a better sense of the legal landscape so that we can make a better policy decision," Hilgers said.

Also in opposition was Sen. John Kuehn of Heartwell. He questioned whether sales tax was the determining factor when people choose where to shop, saying that online retailers offer greater convenience and sometimes lower prices than physical stores.

"Pretending or deciding that we're going to save main street businesses with LB44 is ignoring reality," Kuehn said.

The Legislature adjourned for the day before voting on the amendment.

Tax exemption for political events repealed

The Legislature voted May 4 to repeal a tax exemption for food sold at political events.

Introduced by Norfolk Sen. Jim Scheer, LB63 eliminates a sales and use tax exemption for food sold at political events held



Sen. Jim Scheer

by ballot question committees, independent committees and political party committees.

The bill passed 44-0.

County-city sewerage agreements approved

A bill that enables counties and cities to cooperate to build regional sewerage systems received final approval from the Legislature May 3.

Introduced by Sen. Sue Crawford of Bellevue, LB253 authorizes cities and counties to enter into agreements to plan, build, manage, operate and finance sewerage disposal systems. The bill also authorizes counties to use an existing 3.5-cent levy authority under the County Industrial Sewer Construction Act to secure bonds to pay for a new system.



Sen. Sue Crawford

Senators voted 46-0 to pass the bill.



Motor vehicle sales license requirement repealed

Lawmakers voted May 3 to repeal a requirement for motor vehicle salespersons to obtain a special license.

Introduced by Sen. John Lowe of Kearney, LB346 eliminates the requirement for a person to obtain a motor vehicle, motorcycle or trailer salesperson license from the Motor Vehicle Industry Licensing Boards.



Sen. John Lowe

The bill passed 47-0.

URBAN AFFAIRS

Riverfront development authority bill approved

A new economic development tool aimed at riverfront areas was given final approval May 3.

LB97, sponsored by Bellevue Sen. Sue Crawford, adopts the Riverfront Development District (RDD) Act.



Sen. Sue Crawford

Under the bill, metropolitan, primary and first- and second-class cities may create a riverfront development district and appoint an authority of five or more members to oversee and manage the district. Two or more cities with a contiguous riverfront could enter into a joint authority.

A city is required to set a cap on bonding and could limit an authority's power by ordinance. In addition, an occupation or special assessment could not be imposed on the same property by both a riverfront development district and a business improvement district if the districts overlap.

An authority's real property, income and operations are exempt from all taxation by the state or any political subdivision of the state. Local sales and use taxes will apply to purchases made by an RDD authority.

Among other provisions, an authority – in conjunction with a city – could:

- fix, charge and collect rents and fees;
- invest in instruments, obligations, securities or property;
- install pedestrian shopping malls or plazas and other facilities;
- construct, install and maintain boardwalks, barges, docks and wharves;

- develop, manage and coordinate public activities and events within the district; and
- issue limited obligation bonds secured by a pledge of any revenue of the authority or by mortgage of property owned by the authority.

The bill passed on a 43-0 vote.

Infrastructure repayment period extended

Lawmakers passed a bill May 4 that allows certain cities more time to repay special assessments levied for infrastructure projects.

Cities can create a special assessment district to finance infrastructure projects including improvement of streets, alleys, storm sewers and side-

walks. Financing provided by the city at the beginning of a project then is repaid through a special assessment levied upon property owners located within the special assessment district.

Currently, special assessments of more than \$5,000 must be paid within 10 years. LB159, introduced by Omaha Sen.



Sen. John McCollister

John McCollister, extends the repayment period to 20 years.

The first installment payment is due 50 days after the initial levy date, with subsequent payments due after one year and annually after that.

The bill passed on a 47-0 vote. ■

COMMITTEE HEARINGS

*Current hearing schedules are always available at:

NebraskaLegislature.gov/calendar

Tuesday, May 9

Agriculture

Room 2102 - 1:00 p.m.

Appointment: Beth Smith - State Fair Board

Tuesday, May 16

Executive Board

Room 2102 - 12:00 p.m.

LR127 (Krist) Provide the Executive Board appoint a special committee of the Legislature to be known as the Nebraska Justice System Special Investigative Committee

Wednesday, May 17

Education

Room 2102 - 12:20 p.m.

Appointments: Carter Peterson, Gary Bieganski - Board of Trustees of the Nebraska State Colleges

Appointment: Jerald Meyer - Board of Educational Lands and Funds

Appointments: Marilyn Hadley, Stan Carpenter, Clay Smith - Neb. Educational Telecommunications Commission

Tuesday, May 23

Health & Human Services

Room 1510 - 1:00 p.m.

Appointment: Bessmer, Joel - State Board of Health

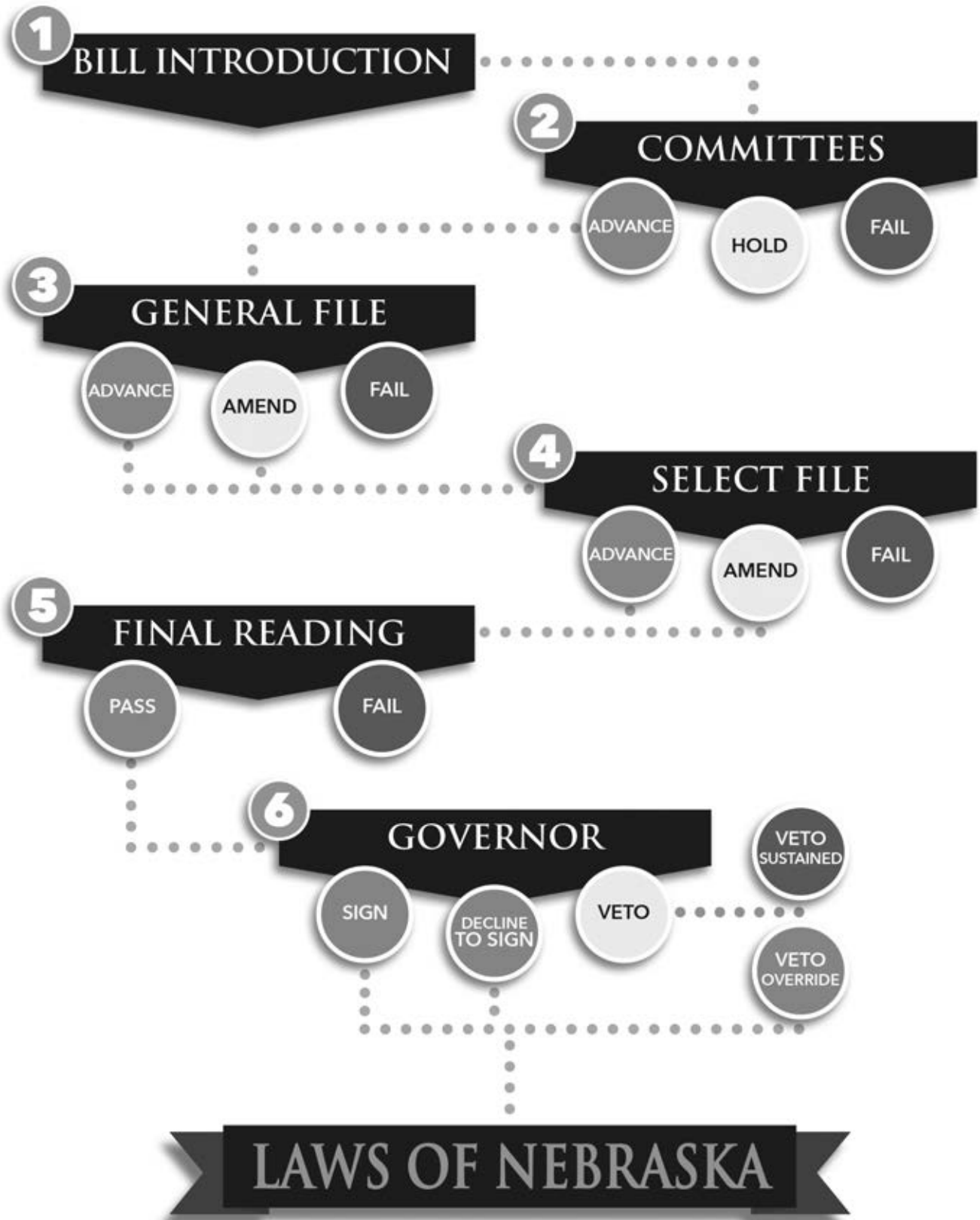
Wednesday, May 24

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report

HOW A BILL BECOMES LAW



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,” it 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 Madam President, the lieutenant governor alone holds the 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 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 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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