

Licenses for young immigrants advanced

After prolonged debate, lawmakers gave first-round approval May 14 to a bill that would allow young immigrants to drive in Nebraska.

Introduced by Omaha Sen. Jeremy Nordquist, LB623 would allow Nebraska residents of driving age who are covered by the federal Deferred Action of Childhood Arrivals (DACA) program to secure a driver's license or state identification card.

Administered by the U.S. Department of Homeland Security, the DACA program is designed to protect from deportation individuals who were brought into the country illegally as children.

In August 2012, then Governor Dave Heineman directed the state Department of Motor Vehicles (DMV) to deny driver's licenses to DACA recipients on the grounds that state law forbids granting public benefits to illegal aliens. Lawsuits are pending against Heineman and the department to stop the withholding of the licenses.

Nordquist said the state is treating DACA recipients differently from other similarly situated groups.

"We have young, talented people in our state who are authorized to stay here and obtain work permits but our state is refusing to allow them to apply for driver's licenses," he said. "These are well educated young adults who

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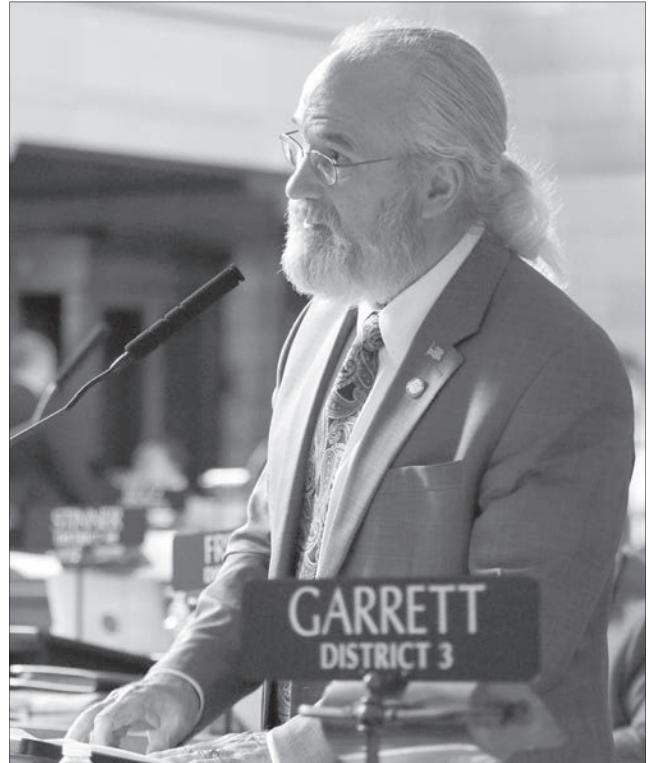
Medical marijuana legalization advanced

Medical marijuana would be available in Nebraska under a bill amended and advanced from general file May 12.

Introduced by Bellevue Sen. Tommy Garrett, LB643 would authorize the state Department of Health and Human Services to regulate the manufacture and use of cannabis in Nebraska for medical purposes. The department would be required to specify terms and legal protections for medical cannabis use by practitioners and patients.

Garrett said that medical marijuana reduces seizures for people suffering from epilepsy and helps others manage the side effects from cancer treatment and prescription narcotics. He cited a study showing that 70 percent of children who use Cannabidiol (CBD), an oil made from cannabis, experienced a 50 percent reduction in seizures.

"There are a lot of sick and ailing Nebraskans who are out of options," Garrett said. "These Nebraskans are begging for our help."



Sen. Tommy Garrett said medical marijuana would give relief to ailing Nebraskans who have exhausted all of their clinical options.

Garrett said his staff reviewed medical marijuana legislation passed by 24 states, resulting in a "rock solid" measure that would tightly control the manufacture and distribution of the drug. Like Minnesota's medical marijuana law, he said, LB643 would not permit the smoking of marijuana as a treatment.

"This is not about stoners and getting high; this is about medicine and helping people," Garrett said. "We'll make [the bill] airtight."

A Judiciary Committee amendment, adopted 27-10, replaced the

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Medical marijuana legalization advanced

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bill. The measure would require the department to:

- permit the delivery of medical cannabis in liquid, oil or pill form;
- register two medical cannabis manufacturers in the state by Dec. 1, 2015;
- require each manufacturer to operate four distribution facilities with at least one facility distributing medical cannabis by July 1, 2016, and all facilities being operational by July 1, 2017;
- establish a patient registry and define qualifying medical conditions required to be enrolled in the registry to include seizures, severe or chronic pain and nausea associated with cancer, acquired immune deficiency syndrome or epilepsy;
- establish qualifications for caregivers to administer medical cannabis for those unable to acquire or self-administer; and
- create a five-person, governor-appointed Medical Cannabis Board to advise the department regarding medical cannabis regulations.

Patients would pay a \$200 registry enrollment fee, while those receiving Social Security or other medical benefit payments would be charged a \$50 enrollment fee. A \$20,000 fee would be charged to each entity applying for registration as a manufacturer.

Bancroft Sen. Lydia Brasch opposed the bill, saying the Federal Drug Administration (FDA) has not approved marijuana for use as a medication. Medical associations have expressed reservations about the use of unproven and untested drugs, she said, because of concerns that cannabis could damage the brains of younger patients. Instead, patients should explore FDA-approved options such as Marinol, a drug that contains a synthetic version of tetrahydrocannabinol, the active chemical in cannabis, she said.

“Are we in such a hurry that we would bypass the medically-approved marijuana drugs out there today?” Brasch said. “Let’s not rush into something that still has a very short history of regulation.”

Sen. Patty Pansing Brooks of Lincoln supported the bill. Medical marijuana would provide an additional choice for some patients whose only

remaining option is brain surgery, she said. If doctors don’t think cannabis is an appropriate medication, she said, they would not be required to prescribe it.

“This is one extra tool in a physician’s tool bag,” Pansing Brooks said.

Omaha Sen. Heath Mello, whose mother has epilepsy, also spoke in support of LB643. Although more work on the bill may be needed to make lawmakers comfortable with the issue of medical marijuana, he said, no one can deny that a problem exists in Nebraska.

“Sen. Garrett has raised an issue that can’t go unnoticed any longer,” Mello said. “There are parents and children that need our help one way or another and we’ve got to help them out.”

Senators advanced the bill to select file on a 27-12 vote. ■

UNICAMERAL UPDATE

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are making significant contributions to their economy but they have the potential to do more.”

Those who meet DACA guidelines are eligible for a work permit and may request deferred action for two years, subject to renewal. To qualify for the program residents must have:

- lived in the U.S. continuously since June 15, 2007;
- been no older than 31 as of June 15, 2012;
- entered the country prior to their 16th birthday;
- attended school, earned a diploma or general education certificate or been honorably discharged from the U.S. Armed Forces; and
- not been convicted of a felony or significant misdemeanors.

Under a Transportation and Telecommunications Committee amendment, adopted 34-0, DACA recipients would be required to relinquish a state driver's license or identification card if their lawful status were to be revoked by the federal government.

North Platte Sen. Mike Groene introduced an amendment that would have offered a driving privileges card instead of a driver's license. The card would clearly indicate that the cardholder has temporary privileges. It also would authorize the DMV to revoke any driver's privileges card if a DACA recipient's lawful status were to be revoked.

Groene said it must be made clear that DACA recipients do not have all of the rights afforded to citizens.

“They are here because their parents brought them. They're here by executive order, not congressional action,” Groene said. “It's not clear [on the license] that these individuals are not citizens. We must make it clear



Sen. Jeremy Nordquist said obtaining driver's licenses will allow DACA recipients to contribute to their communities and state.

that being a citizen is a privilege.”

Gothenburg Sen. Matt Williams supported the bill, saying it is essential to the state's economic development.

“Our entire state has a low unemployment issue, which is great,” he said. “At the same time, we have many jobs in our state that are going unfilled because we don't have enough workers to fill them. If we're to continue expanding our agricultural base in our state, we must address the lack of necessary employees to make that happen.”

Saying that DACA recipients want to stay and work in Nebraska, Crete Sen. Laura Ebke also supported the bill.

“The knee-jerk reaction of saying these kids are illegal and shouldn't get benefits almost makes sense because we don't want to encourage illegal activity,” she said, “but these [DACA recipients] are trying to live the American dream. They want to do all the things in Nebraska that we say we wish more kids would.”

Sen. Beau McCoy of Omaha opposed the bill. He said Nebraska is the only state to have “hardwired” the federal policy in state statute.

“Our state law prohibits this. This bill could advance and I would argue that these individuals still would not receive licenses because [LB623] still does not change in statute all of the areas that talk about lawful status,” he said.

Papillion Sen. Bill Kintner introduced several amendments in an attempt to extend debate on the bill, saying that the state instead should encourage an easier path to legal immigration.

After eight hours of debate spanning two days, Nordquist introduced a motion to invoke cloture—or cease debate and force a vote on the bill—which senators approved on a 39-6 vote. A successful cloture motion requires at least 33 votes in support.

Following the adoption of a technical amendment, senators advanced the bill to select file on a 37-8 vote. ■

AGRICULTURE

New commercial pet breeder regulations adopted

Senators passed a bill May 14 that changes the Commercial Dog and Cat Operator Inspection Act.

LB360, introduced by Wahoo Sen. Jerry Johnson, lists the following as examples of “significant threat” to the health or safety of dogs or cats:



Sen. Jerry Johnson

- not providing shelter or protection from extreme weather;
- refusing to seek treatment for acute injuries involving potentially life-threatening, hemorrhaging or medical emergencies;
- not providing food or water resulting in starvation or severe dehydration;
- egregious abuse resulting in trauma from beating, torturing, mutilating or burning; or
- failing to maintain sanitation standards that result in animals walking, lying or standing in feces.

The bill also establishes an annual fee beyond the initial license fee, on a graduated schedule, starting at \$150 for facilities with up to 10 dogs or cats, increasing to \$2,000 for facilities housing 500 or more animals.

It also incorporates provisions of three other bills:

- LB359, introduced by Johnson, which increases a fee remitted to the Commercial Dog and Cat Operator Inspection Program Cash Fund from \$1 to \$1.25 per licensed animal;

- LB389, originally introduced by Heartwell Sen. John Kuehn, which implements a re-inspection fee of \$150, plus mileage charges necessary to complete the re-inspection; and



Sen. John Kuehn

- LB377, originally introduced by Seward Sen. Mark Kolterman, which establishes a judicial process for owners whose animals have been impounded in cases of alleged neglect or abuse.



Sen. Mark Kolterman

The bill passed on a 48-0 vote.

APPROPRIATIONS

Budget package approved

Lawmakers gave final approval May 14 to nine bills comprising the state’s \$8.6 billion budget package. The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years.

Included in the budget package were:

- LB656, which provides for deficit appropriations, passed 49-0;
- LB657, which appropriates funds for state government expenses, passed 49-0;
- LB658, which provides funds for the salaries of Nebraska state senators, passed 49-0;
- LB659, which provides salaries for state constitutional officers,

- passed 48-1;
- LB660, which funds capital construction and property acquisition, passed 48-0;
- LB661, which makes various cash fund transfers, passed 40-9;
- LB662, which provides transfers from the cash reserve, passed 42-7;
- LB663, which provides salaries for judges, passed 47-2; and
- LB554, which provides for payment of claims against the state, passed 49-0.

The governor has five calendar days, excluding Sunday, to sign, veto in total or line-item veto appropriations within the budget bills.

If budget bills are returned to the Legislature with line-item vetoes, the Appropriations Committee must report on the fiscal impact of the vetoes within one day and may offer a motion to override any or all of them. Thirty votes are required to override a veto.

BANKING, COMMERCE & INSURANCE

Crowdfunding investments for small business advanced

Small businesses could seek startup capital through new avenues under a bill advanced from general file May 14.

Under LB226, introduced by Lincoln Sen. Colby Coash, small businesses could raise up to \$2 million each year from accredited or unaccredited investors.



Sen. Colby Coash

Coash said Nebraska ranks 35th in access to capital, leaving many entrepreneurs with no means of realizing

their dreams and contributing to the state's economy. Crowdfunding—raising capital via an Internet portal—can significantly broaden access to startup funds, he said.

“Crowdfunding is a way to spur innovation,” Coash said.

A Banking, Commerce and Insurance Committee amendment, adopted 25-0, made numerous technical changes and replaced the bill.

All projects attempting to raise money would require approval from the state Department of Banking and Finance. Individuals investing money under LB226 would receive a proportionate security stake in the company in exchange for their investment, without registration under state and federal securities laws. Unaccredited investors would not be allowed to invest more than \$5,000 in a particular company.

Investors must be residents of Nebraska and would be required to sign a certificate acknowledging the potential for the complete loss of investment.

Gothenburg Sen. Matt Williams supported the bill and the amendment. Williams said that as a banker he had seen many individuals with creative ideas who were unable to obtain traditional business loans.

“This [bill] opens up the opportunity for them to obtain a level of financing to move forward and bring an idea to the table,” he said.

LB226 advanced from general file 33-0.

BUSINESS & LABOR

Lower wage for young workers fails

A bill that would have created a lower wage for young workers in Nebraska failed to advance May 15.

Introduced by Crete Sen. Laura Ebke, LB599 would have permitted employers to pay workers ages 18 and younger either \$8 an hour or 85 percent of the federal minimum wage, whichever is higher, beginning Jan. 1, 2016. No more than 25 percent of the worker's total hours could have been paid at the new rate.



Sen. Laura Ebke

Following the approval of Initiative 425 by Nebraska voters last November, the state's minimum wage increased to \$8 per hour this year and is set to increase again in 2016 to \$9 per hour. The ballot initiative was the result of a successful petition drive that followed the 2014 Legislature's rejection of a bill to increase the state's minimum wage.

LB599 would have applied to employees age 18 and younger who do not have a high school diploma and have no dependent children.

The bill failed to pass on a 29-17 vote. Because LB599 would have amended a law enacted by voter initiative, it required at least 33 votes on final reading for passage.

EDUCATION

Funding for GED programs advanced

A bill that would allocate funding to private entities offering high school equivalency programs was advanced from general file May 12.

LB382, introduced by Omaha Sen. Tanya Cook, would provide grant



Sen. Tanya Cook

funding to any entity, other than an educational institution, that runs a qualified high school equivalency training program. Cook said it is important to continue providing easy access to educational opportunities across the state.

“We need to recognize the vital challenge in preparing an adult workforce in which all individuals possess basic reading, writing, mathematics and computer skills,” she said. “If we want to continue to attract jobs and employers to the state, it is essential that we provide easy access to educational opportunities for all Nebraskans.”

An Education Committee amendment, adopted 30-0, would authorize a transfer of \$400,000 from the Job Training Cash Fund to support the grant program. The amount of grant funding would depend on the number of enrolled students.

Literacy Center of the Midlands in Omaha currently is the only program that would qualify for funding under the bill.

Senators advanced the bill to select file on a 30-0 vote.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Bill to strengthen audit authority advanced

Lawmakers gave first-round approval May 14 to a bill intended to strengthen the audit authority of the Legislative Audit Office (LAO) and the state Auditor of Public Accounts (APA).

Syracuse Sen. Dan Watermeier, sponsor of LB539, said the bill would better equip the LAO and the APA to carry out their respective tasks by

ensuring that the offices are equally empowered to require audited entities to respond quickly and responsibly to requests for audit records and documentation.



Sen. Dan Watermeier

The bill would require state agencies to respond to a request for information from the LAO or APA within three business days of the request. For particularly difficult or extensive requests, the agency would have up to three weeks to provide the requested information. Failure to comply with the bill's deadlines or other willful obstruction of an audit would be a Class II misdemeanor.

A supervisor or manager who takes retaliatory action against a state or political subdivision employee who provides information to the LAO or APA would be guilty of a Class III misdemeanor and dismissed from employment with the state.

Watermeier said the changes are important to adequately shield from retaliation individuals who provide information to either office.

"It is important to have these protections for each audit office," Watermeier said, "because the current whistleblower act does not cover all of these audits."

A Government, Military and Veterans Affairs Committee amendment, adopted 34-0, added provisions from three additional bills related to the APA:

- LB503, originally introduced by Omaha Sen. Bob Krist, which would authorize the APA to



Sen. Bob Krist

issue subpoenas;

- LB552, originally introduced by Omaha Sen. Jeremy Nordquist, which would clarify that it is optional for the auditor to prepare a written review of the public retirement



Sen. Jeremy Nordquist

system plan reports that must be submitted if a political subdivision's defined benefit plan is underfunded; and

- LB487, originally introduced by Ogallala Sen. Ken Schilz, which would allow the APA to examine the books, accounts, vouchers, records and expenditures of any service contractor or subrecipient of state or federal funds.



Sen. Ken Schilz

The amendment defines service contractor or subrecipient as any entity that expends state or federal funds to carry out a state or federal program or function.

Bellevue Sen. Sue Crawford offered an amendment, adopted 35-1, which would allow the APA to audit tax increment financing (TIF) projects.

Crawford explained that the use of TIF requires creation of a community redevelopment authority or limited community redevelopment authority, which are separate entities from a municipality.

The amendment adds those authorities to the list of entities that the APA is empowered to audit.

Following adoption of the amendments, lawmakers advanced LB539 to select file 37-0.

Election law changes approved

Lawmakers gave final approval May 14 to a bill that makes a number of technical changes to the state's election laws.

Among other changes, LB575, sponsored by Gretna Sen. John Murante, will:



Sen. John Murante

- clarify that vacancies for all offices must be filled within 45 days;
- replace "a majority" with "one-half or more" for vacancies that trigger special election;
- replace 10 days prior to election with "second Friday" as the deadline for write-in affidavits;
- allow early voting requests to be submitted via e-mail;
- require voter history to be completed within 30 days rather than 60 days after an election;
- remove outdated language regarding county commissioners;
- close the potential for fusion candidates;
- allow poll workers to allocate their pay to a nonprofit entity;
- remove primary election information from early voter return envelopes;
- require election commissioners in counties with a population more than 100,000 to wait 30 days after leaving office before running for or holding elective office;
- add language allowing the Nebraska secretary of state to designate a meeting location within the Capitol building for state canvassing board meetings; and
- allow the state Department of Motor Vehicles to furnish commercial driver's license informa-

tion to the secretary of state's office for election law purposes.

The bill contains provisions of LB578, introduced by Murante, which will:

- allow poll workers to choose not to be paid or to allocate their pay to an organization contracted to recruit poll workers;
- allow election officials and members of law enforcement to make copies of a voter's registration form for list maintenance and law enforcement purposes;
- allow for the removal of certain information on an early ballot application; and
- raise the minimum rate that a political subdivision can be charged for an election from \$50 to \$100.

The bill also contains provisions of two additional bills:

- LB514, originally introduced by Omaha Sen. Joni Craighead, which adds an option for voters who wish to register to vote and vote early on the same day; and
- LB319, introduced by Sen. Jim Smith of Papillion, which permits election by mail for special elections involving candidates.

LB575 passed on a vote of 43-2.



Sen. Joni Craighead



Sen. Jim Smith

HEALTH & HUMAN SERVICES

Medical residency loan program advanced

A bill that would create a loan repayment program for medical residents advanced from general file May 13.

LB196, introduced by Lincoln Sen. Kathy Campbell, would amend the Rural Health Systems and Professional Incentive Act by creating a resident loan repayment program.



Sen. Kathy Campbell

Campbell said the program would serve as an incentive to medical residents to practice their specialties in designated shortage areas in Nebraska.

Under the bill, a qualified applicant must be enrolled or accepted in an approved medical specialty residency program in Nebraska and agree to one year of full-time practice in a designated health profession shortage area. The medical resident also would be required to accept Medicaid patients in his or her practice.

Loan repayment would be limited to \$40,000 per each year of residency, not to exceed \$120,000 per recipient. A resident who did not adhere to the terms of the act would be required to repay the state 150 percent of the outstanding loan principal at an 8 percent annual interest rate from the date of default.

Campbell said adding residents to the state's health care provider incentive program would help Nebraska create a stronger health care system.

"The chief goal is to create an incentive for health professionals to

practice in shortage areas," she said.

The bill also would increase the financial assistance limits of two existing programs under the act.

Limits on student loans would increase from \$20,000 to \$30,000 per year, not to exceed \$120,000 for medical, dental or doctoral-level mental health students. Limits on loan repayment for physicians, dentists and psychologists would increase from \$20,000 to \$30,000 per year of full-time practice in a designated health profession shortage area, not to exceed \$90,000 per recipient.

Loan repayment limits would increase from \$10,000 to \$15,000 per year, not to exceed \$45,000 per recipient, for physician assistants, nurse practitioners, pharmacists, physical therapists, occupational therapists and mental health practitioners.

Campbell offered an amendment, adopted 38-2, that would cancel any repayment obligations under the act in the event of a recipient's total and permanent disability or death.

LB196 advanced to select file 40-2.

Child care funding guidelines amended, advanced

Senators gave first-round approval May 12 to a bill that would provide funding guidelines for child care grants.

Lincoln Sen. Kathy Campbell, sponsor of LB547, said the bill would encourage partnerships between private child care providers and school districts through grant funding.

Nebraska should invest more in quality early childhood development, Campbell said, which sets the stage for an individual's preparedness for educational and occupational opportunities throughout their life.

"In future years, we need to have the best educated, best prepared

workforce that we can put together,” she said.

As introduced, LB547 would allocate federal Child Care and Development Block Grant (CCDBG) funds to the Early Childhood Education Endowment Cash Fund—commonly known as Sixpence—to support local early childhood partnerships that include licensed child care providers.

The bill amends the Quality Child Care Act relating to CCDBG and sets a funding schedule according to federal reauthorization amounts.

Campbell said the federal government previously required states to spend a minimum of 4 percent of CCDBG funds on efforts that improve the quality of licensed child care. In 2014, the program’s reauthorization increased that minimum to 7 percent in fiscal year 2015-16, 8 percent in FY2017-18, and 9 percent in FY2019-20 and subsequent years.

The reauthorization also will require states to spend a minimum of 3 percent of their federal CCDBG funds to improve the quality of care for infants and toddlers, Campbell said.

A Health and Human Services Committee amendment, adopted 32-0, would require the state Department of Health and Human Services to allocate these higher required minimum percentages to early childhood education programs. Funds would be split between Sixpence and incentives and support for programs under the Step Up to Quality Child Care Act.

The amendment also incorporates LB489, introduced by Cedar Rapids Sen. Kate Sullivan, which would expand eligibility for Sixpence grants to early childhood education programs and school districts if the child care pro-



Sen. Kate Sullivan

vider enrolls in the Step Up to Quality Child Care Act system prior to the grant period.

Child care providers also would be required to submit to training approved by the Early Childhood Training Center.

Programs receiving grants would be required to obtain a rating of step three or higher on the quality scale within three years of the start date of the initial grant program and maintain that rating to continue to receive funding.

Any school district entering into agreements with child care providers under the bill would be required to employ or contract with a program coordinator who holds a certificate.

Sullivan said allowing child care providers to partner with school districts would provide more children with full-day, year-round quality child care. The result, she said, would be more children arriving at kindergarten prepared to learn.

“LB489, as incorporated into this amendment, gives communities another option for closing the achievement gap for Nebraska’s youngest and most at-risk children,” Sullivan said.

An amendment offered by Campbell, adopted 31-0, made technical adjustments and became the bill. Following its adoption, senators voted 34-0 to advance the bill to select file.

Aid to dependent children changes amended into bill

A bill to create a consumer bill of rights was scrapped May 13 in order to replace it with a compromise version of a public benefits bill vetoed by the governor.

LB607, introduced by Omaha Sen. Heath Mello, would have created a consumer bill of rights for individuals who receive home care services.

The bill was gutted on general file by an amendment offered by Lincoln Sen. Kathy Campbell, approved 30-1, to include a compromise version of her LB89.



Sen. Kathy Campbell

LB89 was intended to remove the “cliff effect” in the state’s Aid to Dependent Children (ADC) program. The bill passed April 23 on a 30-15 vote and was vetoed by Gov. Pete Ricketts on April 29.

Campbell said the governor indicated in his veto letter that he believed the bill to have merit, but that he had concerns about the long-term sustainability of LB89.

The bill would have increased the maximum ADC benefit each year through 2019, after which it would have been set at 70 percent of the standard need. The bill also would have changed the amount of gross earned income that is disregarded for ADC applicants, increasing it to 50 percent once eligibility is established.

Campbell said she worked with fiscal analysts from the Legislature and the governor’s office to reach a compromise that would ensure the measures’ sustainability through the year 2025.

Under the amendment, the maximum monthly ADC payment would increase to 55 percent of the standard of need. The amendment removed the other increases that were included in the original LB89.

“So much work went into this to try and preserve my goal of serving Nebraska families who need our help—particularly the children,” Campbell said, adding that she realized the bill’s path was unusual.

“But I believe that it represents the sense of true compromise and coop-

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eration between the legislative branch and the executive branch,” she said.

Hoskins Sen. Dave Bloomfield expressed concern regarding the influence of the executive branch inside the Legislative chamber.

“I believe that’s improper,” he said.

Omaha Sen. Bob Krist acknowledged the unique manner in which the compromise was reached—coming after LB89 was passed rather than during debate on the proposal—but urged lawmakers to focus on ADC recipients.

“I support the amendment for all those families and people who will be served by those funds,” he said.

The amendment retained provisions of LB335, originally introduced by Mello, establishing a task force to study intergenerational poverty in Nebraska.

The task force would include the chairpersons of the Health and Human Services and Appropriations committees as well as three at-large members appointed by the Executive Board of the Legislative Council.

Nonvoting members would include representatives from the state departments of Labor, Health and Human Services and Education as well as a variety of community stakeholders and policy experts.

The task force would analyze the ADC, Supplemental Nutrition Assistance, child care assistance and Employment First programs with a focus on helping children escape the cycle of poverty. A preliminary report would be presented to the Legislature and the governor by Dec. 15, 2015, and a final report—including a long-range strategic plan—by Dec. 15, 2016.

Following adoption of Campbell’s amendment, LB607 advanced to select file on a 40-1 vote.

Human trafficking prevention measure passed

Lawmakers passed a bill May 14 to strengthen human trafficking prevention efforts in Nebraska.

Introduced by Norfolk Sen. Jim Scheer, LB294 increases penalties for solicitation of prostitution, pandering and keeping a house of prostitution and permits search warrants and subpoenas to be issued for entities located outside of Nebraska.



Sen. Jim Scheer

The measure defines offenders’ property that would be subject to forfeiture and creates a human trafficking victim assistance fund. Additionally, the bill permits human trafficking as a defense to prosecution for prostitution and requires the Foster Care Review Office to collect information on child trafficking victims.

The bill passed with an emergency clause on a 49-0 vote.

Workplace discrimination protections stalled

Debate stalled May 14 on a bill that would protect employees from discrimination based on sexual orientation and gender identity.

Introduced by Lincoln Sen. Adam Morfeld, LB586 would prohibit employers, employment agencies and labor unions from discriminat-



Sen. Adam Morfeld

ing against individuals based on their sexual orientation or gender identity. The bill would apply to employers with 15 or more employees, employers with state contracts, the state of Nebraska, governmental agencies and political subdivisions.

Currently, the Nebraska Fair Employment Practice Act prohibits workplace discrimination based on race, color, religion, sex, disability, marital status and national origin.

Morfeld said workplace discrimination threatens Nebraska’s economic development by causing highly qualified lesbian, gay, bisexual and transgender (LGBT) employees to move to states where equal protection exists. Workers should be judged on their performance, not their lifestyles, he said.

“Nobody should be fired for how their creator made them or for whom they love,” Morfeld said.

Morfeld said that a technical amendment introduced by the Judiciary Committee was designed only to emphasize that religious entities in Nebraska have been exempt from the state’s Fair Employment Practice Act since 1965. According to the statute, the act cannot apply to a religious corporation, association or society with respect to the employment of individuals of a particular religion.

Lincoln Sen. Kathy Campbell introduced an amendment to the committee amendment that would exempt from the act the hiring or termination of individuals whose duties are ministerial. Those duties include teaching theological doctrine, religious governance, supervision of a religious order, supervision of persons teaching theological doctrine and supervision of or participation in religious ritual or worship by any religious corporation, association or society.

Another provision of the Campbell amendment would mandate that

the act not be interpreted to infringe upon the freedom of expressive association or the free exercise of religion protected by the First Amendment of the U.S. Constitution.

Under the amendment, an employee would be permitted to express his or her religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive, and non-harassing way on equal terms with similar types of expression of beliefs or commitments allowed by the employer in the workplace, unless the expression were in direct conflict with the essential business-related interests of the employer. The amendment would not apply to speech directed at customers, clients, or patients of any covered entity.

Campbell said the amendment was intended to add clarity to the current religious exemption by providing more specific definitions regarding religious teaching and expression.

Malcolm Sen. Ken Haar supported the bill and the amendment, saying policies that make Nebraska inclusive are the key to a thriving business environment.

“We need talented people in Nebraska,” Haar said. “If we are so narrow-minded as to exclude some of the best and brightest, we’re going to stay right where we are.”

Sen. Joni Craighead of Omaha opposed the bill and amendment. She said there are many groups that experience discrimination at the same level as the LGBT community, but the Legislature cannot address them all.

Additionally, since Omaha adopted a similar workplace protection policy in 2012, she said, only 10 people have filed complaints.

“We are creating a bill for a problem that isn’t there,” Craighead said.

Senators failed to adopt the Campbell amendment on a 20-12 vote.

Lincoln Sen. Matt Hansen offered

a motion to reconsider the vote on the Campbell amendment.

Sen. Ernie Chambers of Omaha, who supported the bill, opposed the reconsideration motion, saying religious organizations should not be exempt from the nondiscrimination policy.

“This is a bill that prohibits discrimination—yet it allows discrimination,” Chambers said.

Bellevue Sen. Sue Crawford supported the motion, saying the amendment represented a carefully crafted balance that protects both parochial schools and religious expression in a workplace. Stating one’s beliefs should not be considered harassment, she said.

“I don’t believe religious values encourage discrimination,” Crawford said.

Omaha Sen. Beau McCoy called the definitions provided in the Campbell amendment too vague to interpret accurately.

“If anything, this amendment makes this legislation worse than the original bill and committee amendment,” McCoy said in opposition to the reconsideration motion.

Acknowledging that additional work needs to be done on the bill, Morfeld said he would work with interested parties on the religious exemptions and would bring a compromise next session.

Senators moved on to other bills on the agenda without taking further votes on LB586.

Sentencing limits amended in prison reform bill

A bill containing extensive revisions to Nebraska’s correctional system advanced to final reading May 12 after being amended to address sentencing limits.

Introduced by Omaha Sen. Heath

Mello, LB605 would make numerous changes to Nebraska’s penal system. Among other provisions, the bill would have required that the minimum sentence limit imposed by the court be no more than one-third of the maximum sentence limit.



Sen. Heath Mello

An amendment introduced on select file by Sen. Les Seiler of Hastings, adopted 37-0, removed that provision and replaced the bill. Under the amendment, the court would be required to set maximum and minimum sentence limits provided by the law for all felony classes except Class III, IIIA and IV.

For an indeterminate sentence, the court would be required to advise an offender of the minimum imprisonment to be served before attaining parole eligibility and the maximum time to be served prior to mandatory release. For a determinate sentence the court would be required to advise an offender of the imprisonment to be served prior to a term of post-release supervision and the length of the supervised term to be served before mandatory release.

Offenders convicted of Class III, IIIA or IV felonies would be imprisoned within the applicable range and serve a sentence of post-release supervision, unless probation is required.

The amendment also would authorize the Legislature to appropriate \$500,000 to a fund designed for use by county jails to offset costs from potential population increases caused by implementation of LB605. Funds could not be used for capital construction or the lease or acquisition of facilities.

Omaha Sen. Beau McCoy supported the amendment and the bill,

saying that the changes make the measure more closely follow the guidance of the Council of State Governments (CSG) Justice Center, which has proven to help states with justice system problems similar to Nebraska's.

"It's important to respect the CSG by adhering to their recommendations," McCoy said.

Sen. Patty Pansing Brooks of Lincoln also supported the bill, calling it an important step toward preparing prisoners for reintroduction into society and making communities safer.

"We still have a lot of work to do," Pansing Brooks said. "We need to make sure programming is in place."

After adopting two technical amendments, senators advanced LB605 on a voice vote.

REVENUE

Allocation of Internet sales tax advanced

Senators gave first-round approval May 14 to a bill that would allocate tax revenue derived from Internet transactions.

Federal legislation to authorize states to collect sales tax on all Internet transactions is currently pending. LB200, introduced by Hyannis Sen. Al Davis, would allocate the first year of sales tax revenue on such transactions to the state's Property Tax Credit Cash Fund upon approval of the federal legislation.

Davis said customers can be found shopping on their smartphones while in retail stores to compare prices on items. Physical stores have a hard time competing with online retail websites



Sen. Al Davis

that do not charge sales taxes on purchases, he said.

Under a Revenue Committee amendment, adopted 34-0, the provisions of the bill would terminate three years after implementation.

Sen. Galen Hadley of Kearney spoke in favor of the bill. He said he hand-delivered resolutions encouraging Congress to charge sales tax for online purchases. Legislation to implement the tax has passed the Senate, but is stalled in the House of Representatives, he said.

Senators advanced the bill to select file on a 37-0 vote.

Fire district levy authority advanced

A bill advanced from general file May 12 would authorize rural and suburban fire districts to levy property taxes.

Currently, counties decide whether to allocate property tax funds to fire districts. LB325, introduced by Hyannis Sen. Al Davis, would give separate property tax levy authority to districts that meet certain requirements.

Davis said at least eight counties have denied property tax funding to fire districts, which compromises safety.

"Fire protection is a vital service, especially in rural Nebraska," he said. "This would ensure that fire protection districts can access levy authority to fund emergency services when not granted funding by the county."

LB325 would provide for a maximum levy of 10.5 cents per 100 dollars of taxable valuation located within the fire district.

A fire district would be eligible for levy authority only if it is located within a county that had a levy of at least 40 cents in the previous year or did not authorize any levy authority to the district in the previous year.

Seward Sen. Mark Kolterman supported the bill, saying that levy authority is essential to public safety.

"Without this, firemen and EMTs would have to go out and raise their own money to make sure equipment is purchased and training is paid for because that's what happens many times when districts don't have levy authority," Kolterman said.

Calling it another property tax increase, Hoskins Sen. Dave Bloomfield opposed the bill.

"We've spent all year talking about property taxes, but we want to give more people the opportunity to add on to them," he said. "This is a decision that should be made by the counties. If they don't feel it necessary to fund their volunteer fire departments, it's not up to the state to take away that decision from them."

Senators advanced the bill to select file on a 32-1 vote.

Tax-free savings for the disabled advanced

Senators advanced a bill from general file May 12 that would authorize tax-free savings accounts for disabled individuals in Nebraska.

LB591, introduced by Lincoln Sen. Kate Bolz, would establish Achieving a Better Life Experience (ABLE) accounts for individuals with disabilities that developed prior to age 26. ABLE accounts would offer tax-free savings options for education, housing, assistive technology and other needs.

Bolz said the accounts are similar to traditional college savings plans that Nebraska families have been able to utilize for years.

"LB591 helps to empower individu-



Sen. Kate Bolz

als with disabilities to pursue higher education, jobs and other goals and dreams,” Bolz said.

A Revenue Committee amendment, adopted 38-0, made several technical changes and became the bill.

Under a qualified program, any person could make contributions to an account to meet the qualified disability expenses of the designated beneficiary of an account.

The state treasurer and any designated administrator would provide investment options for the investment of amounts contributed to an account. The state investment officer would have fiduciary responsibility to make all decisions regarding the investment of money in the administrative fund, expense fund and program fund including selection of all investment options.

Calling it one of the most important measures that lawmakers could pass this session, Lincoln Sen. Colby Coash said the bill would save money in the long term.

He said LB591 would give parents a way to financially assist their children with disabilities without jeopardizing the children’s ability to qualify for public benefits such as Medicaid. In addition, he said, it would incentivize parents to plan for their children’s security when the parents are no longer able to provide for them.

“They need a tool for their children with disabilities to help plan for the future,” Coash said.

Bolz offered an amendment, adopted 37-0, to authorize the transfer of start-up funds from the State Investment Officer’s Cash Fund to the ABLE Expense Fund. The funds would be reimbursed when the program becomes self-sustaining, she said.

Bolz said the amendment would remove any general fund impact from the bill by using cash funds to launch the ABLE program.

Senators advanced the bill to select file 43-0.

Senators override veto; fuel tax increased

Senators successfully overrode a veto May 14 of a bill that increases the fixed fuel tax by 1.5 cents annually for four years.

Currently, the fixed fuel tax appropriated to the state Department of Roads is 7.5 cents on each gallon of gasoline, while cities and counties are allocated 2.8 cents.

LB610, introduced by Papillion Sen. Jim Smith, increases the tax allocated to the department by one-half cent per gallon annually for four years and to cities and counties by one cent.



Sen. Jim Smith

The bill passed May 7 on a 26-15 vote, one vote more than the minimum needed for passage. It immediately was vetoed by Gov. Pete Ricketts.

In his veto letter to the Legislature, Ricketts said that LB610 would increase the state’s gas tax by 23 percent, giving Nebraska the 16th highest gas tax rate in the country and surpassing the national average.

He recommended that the state look for more creative and innovative ways to address roads funding issues.

“Last week, I appointed a new director of the department,” Ricketts wrote. “I intentionally selected a forward-thinking leader who will take a fresh approach to our state’s road construction needs. This is an area that is vital to our continued economic growth. I cannot, however, support raising taxes as the first solution to this issue.”

The increase to cities and coun-

ties totals \$4.2 million for fiscal year 2015-16, \$16.9 million for FY2016-17, \$29.6 million for FY2017-18 and \$42.3 million for FY2018-19.

The increase to the department totals \$2.1 million for FY2015-16, \$8.5 million for FY2016-17, \$14.8 million for FY2017-18 and \$21.2 million for FY2018-19.

Smith introduced a motion to override the governor’s veto, saying that waiting is not an effective strategy to address the problem of delayed roads projects.

“I’m excited to work with the new director and hear his innovative ideas; however, it’s unrealistic to expect such gains to make up for the hundreds of millions of dollars needed to catch up [with the backlog of projects],” he said. “It’s also important to remember that the new director will have no jurisdiction over city and county projects. The funding needs are massive and our communities are desperate for our help now.”

Sen. Curt Friesen of Henderson supported the override motion. He said there is a cost to taking no action.

“When we have deficient roads and bridges that wash out in a major storm like the one we just had, we have emergency costs that go above and beyond normal replacement costs,” Friesen said. “We can continue to let our roads and bridges deteriorate and the cost to replace them will just go up [in the future].”

Sen. Beau McCoy of Omaha opposed the motion, saying that good tax policy never includes raising taxes.

“This hits low-income and working Nebraska families harder than anything else. It’s a knee-jerk reaction to the problem and it won’t even solve the problem,” he said.

Senators voted 30-16 to override the governor’s veto. Thirty votes were needed.

TRANSPORTATION & TELECOMMUNICATIONS

Classification for autocycles advanced

A new class of motor vehicle would be approved for use in Nebraska under a bill advanced from general file May 14.

Introduced by Papillion Sen. Jim Smith, LB231 would define an autocycle as a three-wheeled motor vehicle controlled with a steering wheel and pedals with a driver and passenger sitting in tandem in an enclosed area featuring a removable or fixed top, airbag protection, roll cage, three-point safety belt system and antilock brakes.

An autocycle would be required to have at least one but not more than two headlamps, at least one tail lamp, brake and turn signals. An autocycle could not be used for the driving skills test for an operator's license exam.

Registration fees and taxes would have mirrored those for motorcycles: \$6 registration, \$25 base motor vehicle tax and \$10 base motor vehicle fee. The bill was amended to increase the registration fee to \$15.

Smith said autocycles represent a new transportation technology not currently addressed by Nebraska statutes. Other states already have approved the vehicles for road use, he said, and the vehicles soon will arrive in Nebraska.

"With the drive toward fuel efficiency, we have to look at this for a viable option for many of our citizens who need a more affordable means of transportation," Smith said.

Omaha Sen. Ernie Chambers opposed the bill, saying autocycle use should carry restrictions similar to golf carts and not be permitted on interstates or highways.

"I'm not prepared to put this in the category of motor vehicles," Chambers said.

Sen. Dave Bloomfield of Hoskins supported the bill, saying autocycles designed with two wheels in front are a stable, safe method of transportation that should be allowed on any roadway.

A Transportation and Telecommunications Committee amendment, adopted 36-1, replaced the bill. It

would require that airbags, a roll cage and three-point safety belt system be installed by the autocycle manufacturer and would permit either tandem or side-by-side seating.

The amendment also would increase from \$6 to \$15 the autocycle registration fee and would add autocycles to the motor vehicle tax schedule with automobiles and motorcycles.

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

COMMITTEE HEARINGS

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

Monday, May 18

Business & Labor

Room 2102 - 12:00 p.m.

Appointment: William G. Blake - Commission of Industrial Relations

Nebraska Retirement Systems

Room 1525 - 8:30 a.m.

Appointments: Denis Blank, Dennis W. Leonard, Kelli Ackerman, J. Russell Derr - Public Employees Retirement Board

Transportation & Telecommunications

Room 1113 - 9:00 a.m.

Appointment: Ricky Pearson - Motor Vehicle Industry Licensing Board
Appointment: Lisa Kramer - Board of Public Roads Classifications and Standards

Tuesday, May 19

General Affairs

Room 1510 - 12:00 p.m.

Appointment: Darrel J. Huenergardt, Reven Wright, Julie Jacobson, Sue Roush - Nebraska Arts Council

Wednesday, May 20

Health & Human Services

Room 2102 - 12:00 p.m.

Appointment: Jim Trebbien - State Board of Health
Appointment: John Hogue - Commission for the Deaf and Hard of Hearing

Thursday, May 21

Transportation & Telecommunications

Room 1113 - 10:00 a.m.

Appointments: Lori G. Scherer, Joe Kosiski - Neb. Motor Vehicle Industry Licensing Board

Tuesday, May 26

Health & Human Services

Room 2102 - 12:00 p.m.

Appointments: Norman B. Weverka, Stacie L. Ray - Commission for the Deaf and Hard of Hearing
Appointment: Craig A. Timm - Foster Care Advisory Committee

Natural Resources

Room 1525 - 12:00 p.m.

Appointments: Douglas M. Anderson, Jeremy J. Buhl, Dennis D. Grams, John Kinter, Ronald J. Sheppard, John C. Turnbull - Environmental Quality Council

Wednesday, May 27

Natural Resources

Room 1525 - 12:00 p.m. - 1:30 p.m.

LB664 (Chambers) Provide duties for the Nebraska Oil and Gas Conservation Commission relating to disposal of wastewater ■

LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

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

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

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

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

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

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

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

Chair - the presiding officer.

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

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

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

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

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

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

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

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

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

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

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

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

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

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

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

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

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

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

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



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

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

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

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

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

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

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

Override a Veto - see Veto Override.

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

Presiding Officer - the senator currently presiding over legislative proceedings.

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

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

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

Resolution - see Legislative Resolution.

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

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

may be printed in the Legislative Journal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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Tibetan monks of Drepung Gomang Monastery performed "pujas," or prayer rituals, in the Capitol Rotunda May 13. The event was sponsored by Unity Lincoln.