

THE NEBRASKA LEGISLATURE'S
WEEKLY PUBLICATION

UPDATE

Class I schools bill passed, then vetoed

After passing a bill May 29 intended to respond to the voters on the issue of Class I school districts in Nebraska, lawmakers voted against overriding the governor's veto of the measure May 31.

Class I school districts generally serve only kindergarten through eighth grade students. Class VI districts, which were eliminated in 2005 by the enactment of LB 126, served only high school students.

Along with eliminating Class VI school districts, LB 126 required Class I school districts to assimilate into K-12 school systems beginning in the 2006-07 school year. Some Class I districts, depending on proximity, size and enrollment, were granted protections from closing under the legislation.

In the November election last year, voters approved Referendum 422, which repealed LB 126. This action, however, came after Class I districts

were dissolved under an order issued by the State Committee for the Reorganization of School Districts. Some former Class I school buildings have remained open as elementary attendance centers for their respective K-12 school districts.

LB 658, introduced by Sen. Ron Raikes of Lincoln, would have established a reorganization process allowing for the creation of new Class I school districts. Raikes had called

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Historic legislative session adjourns sine die

What has been referred to as a historic session has now come to an end. Lawmakers voted to adjourn sine die May 31, ending the first session of the 100th Legislature.

The 2007 session, the first after the implementation of senators' term limits, brought 22 new senators to the legislative floor. Speaker Mike Flood said that despite some trepidation and anxiety over the experience lost at the close of the last session, most would agree that the new senators learned quickly and had much to contribute to the legislative process.

Flood also thanked senators for their focus this session, calling the Legislature "Nebraska's marketplace of

ideas."

He thanked veteran senators, specifically, for their leadership and patience. This session was an opportunity for them to mentor and educate the new members, he said.

"The veterans in here, I saw it happen, would lean over and answer a question for a newer member," he said.

And lawmakers' accomplishments throughout the session were testament to how hard the new senators worked, Flood said.

"I want to thank the citizens of the state who sent us 22 new members who were ready to get down to business," he said.

Flood recognized

(CONTINUED ON PAGE 10)



North Platte Sen. Tom Hansen walks out of the George W. Norris Chamber after the Legislature adjourned sine die May 31.

INSIDE:

• Smoking ban bill bracketed • Senators pass student assessment bill • Meet Senator Ashford • Weekly Review

ISSUES UPFRONT



Business and Labor

Legislature passes minimum wage increase

Senators approved an increase in the state's minimum wage May 31.

Lincoln Sen. Danielle Nantkes offered an amendment to **LB 265** that raises the state minimum wage from \$5.15 to \$7.25 per hour over the next two years.



Sen. Danielle Nantkes

The bill, introduced by the Business and Labor Committee, contains provisions relating to employment confidentiality issues. The bill was advanced to final reading May 23 and senators voted to return the bill to select file in order to vote on the Nantkes amendment.

On May 24, Congress approved an increase of the federal minimum wage. Wages will be raised to \$5.85 initially, then to \$6.55 the next year and \$7.25 the following year. The Nantkes amendment mirrors the new federal law.

Nantkes said the raise would affect about 53,000 Nebraska workers, approximately 6.2 percent of the state's workforce. The amendment has no fiscal impact, she said.

The amendment was adopted on a 43-0 vote.

LB 265 passed 47-0.



Education

Student assessment bill passed

Lawmakers passed a bill May 31 that will regulate the tracking and assessment of student achievement throughout the state.

LB 653, sponsored by Lincoln Sen. Ron Raikes, requires the state Department of Education to implement a statewide system for the assessment of student learning and for reporting the performance of school districts and learning communities.



Sen. Ron Raikes

The bill directs the department to identify criteria for rating assessment instruments and contract with assessment experts to review and rate locally developed assessment instruments. These will be developed through collaboration among educational service units and approved by a majority of the ESU administrators.

The contracted experts will identify model assessment instruments and select up to four instruments for the five subject areas of reading, math, science, social studies and history for each of

the three selected grade levels based on such ratings.

The assessment and reporting plan will include all public schools and students while providing individual students confidentiality. The state board will adopt criteria for the inclusion of students with disabilities, students entering school for the first time and students with limited English proficiency.

Senators passed the bill 30-13.

Executive Board

Legislative salary proposal sent to voters

Lawmakers are sending voters a proposed constitutional amendment relating to legislative salaries in three years.

LR 1CA, introduced by Sen. Don Preister of Bellevue, asks voters to consider a constitutional amendment that would increase the annual salary



Sen. Don Preister

for state senators from \$12,000 to \$22,000. The measure will go before the voters during the 2010 statewide

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primary election.

LR 1CA was passed by lawmakers May 30 by a 42-0 vote.

Government, Military and Veteran's Affairs

Ballot counting measure passed

Lawmakers voted May 31 to pass a bill intended to allow the counting of some ballots before polls close on Election Day.

LB 646, sponsored by Omaha Sen. John E. Nelson, allows counting boards to begin counting early ballots no earlier than 24 hours prior to the opening of the polls on Election Day.



Sen. John E. Nelson

The bill also makes other changes related to the opening and counting of early ballots and state election law generally.

LB 646 was passed on a 48-0 vote.

Health and Human Services

Food stamps bill advanced

Lawmakers advanced **LB 171** May 29, a bill introduced by Gretna Sen. Gail Kopplin that deals with the federal food stamp program.



Sen. Gail Kopplin

As amended by a Health and Human Services

Committee amendment, the bill would require the state Department of Health and Human Services, within limits established by the Legislature, to apply for and utilize all appropriate food stamp options to maximize the number of Nebraska residents being served under the program. The amendment was adopted 34-0.

The bill also would direct HHS to maximize federal funding under the program and to minimize the use of state funding. The department would be required to report annually to the Health and Human Services Committee on its efforts to implement the bill.

Kopplin said the bill is intended to encourage HHS to better use federal funds for families in need. Twelve percent of Nebraska's children live below the poverty line, he said, and while 58,000 young people are being served by the food stamp program, more should benefit from it.

"We can do better," he said. "We need to do better."

HHS has not supported the bill even though federal funds would cover the cost of the food stamps, Kopplin said, because the department said it would be expensive to hire additional staff to manage the program at the state level.

Lincoln Sen. Danielle Nantkes said the program will help low income people meet their nutritional needs while having the additional effect of benefiting local farmers, ranchers and grocers.

"Each dollar invested in food stamps has a \$5 impact in the local economy," she said.

A technical amendment from Kopplin was adopted 26-0 and senators voted 33-0 to advance the bill to select file.

New welfare guidelines passed

Lawmakers passed a bill May 31 that makes changes to the Welfare Reform Act and the Aid to Dependent Children program.

Among other provisions, **LB 351**, introduced by Platte Center Sen. Arnie Stuthman, provides that cash assistance under the Welfare Reform Act may not exceed 60 months.



Sen. Arnie Stuthman

The bill also provides for monthly ongoing transitional payments for five months after a family becomes ineligible for ADC payments if the family income is at or below 185 percent of the federal poverty level.

The payments are intended to meet the recipient family's ongoing basic needs, including food, clothing, shelter, utilities, household goods, personal care items and general incidental expenses.

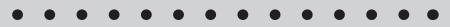
Stuthman said the bill will bring Nebraska within the federal guidelines reauthorized by Congress in 2006. Nebraska must comply with the changes in the federal Temporary Assistance to Needy Families program to avoid fiscal penalties of up to \$2.9 million dollars, he said.

Stuthman estimated that the change will boost Nebraska's work participation by 30 percent.

The bill also recognizes postsecondary education as a work activity under the Welfare Reform Act. Postsecondary education was not included in the federal program.

LB 351 contains provisions of **LB 82**, sponsored by Omaha Sen.

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John Synowiecki, which removes the family cap in the state's ADC program.

Family cap policies exclude children from the calculation of the family's monthly cash grant if they are conceived while their mothers receive



Sen. John Synowiecki

public assistance. The limitation provides that any child born into the recipient family after the first 10 months of participation in the program shall not increase the cash assistance payment.

During select file debate, Scottsbluff Sen. John Harms introduced, and later withdrew, an amendment that would have eliminated a requirement that participants working toward an associate's degree also work 20 hours per week.

Continuing education is a means to make welfare participants more self-sufficient, Harms said, as a person with an associate's degree will earn an average of \$300,000 more during the course of their lifetime. The ADC program hinders this progress, however, because the work requirement in the bill is unrealistic, he said.

"You lose 80 percent of your participants because it is impossible to go to school and work this much for a single mother," Harms said.

Harms said he withdrew the amendment to allow for an interim study on the issue.

Senators advanced LB 351 to final reading by voice vote and passed it 47-0.

Smoking ban bill delayed on final reading

Lawmakers gave unanimous consent May 29 to bracket a bill proposing a statewide smoking ban in certain public places.

LB 395, as amended, would ban smoking in all places of employment and public places in Nebraska while allowing cities and counties to adopt an alternative to the ban.

Kearney Sen. Joel Johnson, the bill's sponsor, said he was not satisfied with the bill because it had been amended to allow inconsistencies throughout the state. He said he wanted to avoid a "patchwork" of different local ordinances throughout the state to prevent confusion and problems with enforcement.



Sen. Joel Johnson

"Smoking would be prohibited at places of work here, there, but not everywhere," Johnson said.

As amended, LB 395 would allow the governing body of a city, village or county to adopt a less stringent ordinance or resolution, but the public would have an opportunity to petition for its repeal. Governing bodies or the voters could place the issue on the ballot for voters' approval. Any ordinance or resolution could not be less stringent than the Clean Indoor Air Act now in force in Nebraska.

The amendment would grandfather in the existing smoking ban in Omaha until 2009. Omaha's ban prohibits smoking in restaurants and only those bars that serve food and do not offer keno. Other Omaha bars are currently required

to become nonsmoking by 2011, but LB 395 would move that date up to 2009.

The default statewide ban would allow the following exemptions:

- private residences, unless being used as child care facilities;
- guestrooms and suites that are rented and designated as smoking;
- retail stores selling only tobacco and related products; and
- areas used for research on the health effects of smoking.

Violators of the law would be charged with a Class V misdemeanor for the first offense and a Class IV misdemeanor for the second and subsequent offenses. A person charged with such a violation could voluntarily enroll, at his or her own expense, in a smoking cessation program approved by the state Department of Health and Human Services. Upon successful completion of the program, the charge would be dismissed.

"What we have now is a bill with the best of intentions lost in the morass of execution," Johnson said. "A mutual understanding hasn't come to fruition."

He asked senators to consider other options over the interim that would strengthen the bill and help balance the need to provide personal freedoms while protecting the public's health.

LB 395 is bracketed until Jan. 9, 2008.

Judiciary

Colleges, hospitals added to places prohibiting concealed weapons

Lawmakers passed a bill May 30 updating concealed carry handgun laws.

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The changes were amended into **LB 97**, a bill originally introduced by Norfolk Sen. Mike Flood to repeal settlement escrow provisions.

As amended, the bill will modify a law passed last year that allows permitted individuals to carry concealed handguns in some locations. Concealed weapons will be prohibited at colleges, universities and hospitals.

The bill passed on a 42-1 vote.

Bill prohibits using technology to intimidate

Senators passed a bill May 30 that creates the criminal offense of intimidation by communication via computer or an electronic communication device.

LB 142, sponsored by Omaha Sen. Mike Friend, makes it illegal to transmit lewd, lascivious or obscene writing, sound or visual depiction of sexual conduct via computers or electronic devices.

The penalty for such an offense will be a Class I misdemeanor, which will be enhanced to a Class IV felony if the perpetrator is over 18 years of age and knows, or has reason to believe, that the recipient of the communication is less than 16 years of age.

The bill creates a new and separate offense of enticement by electronic communications device when the victim is younger than 16. This offense prohibits a person 19 years of age or older from knowingly using an electronic communications device to contact a child under 16 or a peace officer who is believed to be



Sen. Mike Friend

a child under 16 and:

- using or transmitting lewd, lascivious or obscene language, writing or sound;
- transmitting or disseminating any visual depiction of sexually explicit conduct; or
- suggesting any indecent, lewd or lascivious act.

Enticement by electronic communication device is a Class IV felony.

The definition of “electronic communications device” is clarified to include cell, wireless and wire-based telephones, text messaging, computers and PDAs.

LB 142 passed on a 46-0 vote.

Organ donation bill advanced

A bill designed to increase the availability of organs for transplant was given first round approval May 30.

LB 246, sponsored by Kearney Sen. Joel Johnson, would provide regulations for county coroners in issues related to organ donation.

As amended, the bill would specify procedures for cases under a coroner’s jurisdiction in which a decedent’s organs may contain evidence relating to their cause of death. The bill would require coroners to complete a timely investigation to determine if organs contain such evidence, allowing the organs to be released for harvesting if they do not.

According to Johnson, cases are placed under a coroner’s jurisdiction when there is suspicion that the proximate cause of death may be



Sen. Joel Johnson

homicide. In such cases, he said, the likelihood of organ recovery decreases due to lack of coordination and concern over impeding potential criminal investigations.

Johnson estimated that between eight and 10 cases occur in Nebraska per year when organs from potential donors were not able to be harvested due to this type of delay. The result is a loss of as many as 70 potential transplants a year, he said.

Johnson said there are approximately 500 people on the organ transplant waiting list in Nebraska.

The bill advanced to select file by a 34-0 vote.

Child custody mediation passed

A bill requiring mediation to help divorcing parents negotiate child custody issues passed May 30.

LB 554, introduced by Norfolk Sen. Mike Flood, directs parents to develop a parenting plan either on their own or through mediation. If the parents are unable to do so in a particular case, the court will create a parenting plan that is in the best interests of the child.

Parents involved in custody and parenting time cases are required to attend at least one session with a mediator. Cases involving allegations of domestic abuse or unresolved parental conflict will be referred to a specialized alternative dispute resolution process with mediators trained to deal with high-conflict cases.

Flood has called the bill the first substantive rewrite of Nebraska’s



Sen. Mike Flood

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parenting laws in 20 years. Among other things, LB 554:

- retains the “best-interests of the child” standard as the standard by which child custody and parenting time issues are resolved;
- recognizes the importance of maintaining parent-child relationships while at the same time protecting victims of abuse and neglect;
- codifies the court-recognized distinction between joint legal and joint physical custody arrangements;
- requires parenting plans to include considerable detail as to what will happen in the life of children after a divorce; and
- requires parents involved in custody and parenting time cases to attend a parenting education course.

All parties who do not submit a parenting plan within the time ordered by the court will be required to participate in an initial individual screening session with a mediator and an initial mediation session.

LB 554 requires judges, attorneys and mediators involved in parenting cases to participate in training focused on recognizing abuse and unresolved parental conflict. Under the bill, mediation centers are required to provide services to those who can't afford them. The filing fee for a divorce is raised by \$50 to cover the cost of the program. Those who cannot afford the fee can apply to waive it.

The mandatory mediation law will go into effect July 1, 2010. The bill also makes changes to child support liens and makes the father of a child liable for the reasonable and necessary medical expenses associated with the pregnancy and birth of the child.

The bill includes amended provisions of **LB 682**, originally introduced by Lexington Sen. John Wightman, which will stop the accrual of child support payments for parents who are incarcerated for one year or more and who are up to date on their child support payments. Parents who are imprisoned for failure to pay child support will continue to accrue child support due while incarcerated.

LB 554 passed 46-0.



Sen. John Wightman

Bill increases penalties for providing alcohol to minors

Lawmakers passed a bill May 30 intended to curb minors' access to alcohol by increasing civil liability for those adults who provide it.

LB 573, sponsored by Omaha Sen. Lowen Kruse, provides that social hosts who allow minors to drink on their property, adults who procure alcohol for a minor and retailers who sell alcohol to a minor will be liable for injuries or other damages caused by the negligence of the intoxicated minor.



Sen. Lowen Kruse

Retailers who act in good faith and rely on false identification that a reasonable and prudent person would believe is a valid ID will be protected from liability and will not be held liable for damages if the minor's intoxication did not contribute to their negligent conduct.

The bill establishes a two-year

statute of limitations for claims and provides that defendants in an action are jointly and severably liable.

The bill also clarifies that minors may drink in the company of their parents and with their supervision.

LB 573 passed 44-0.

Natural Resources

Senators pass storm water program funding bill

Senators passed a bill May 31 that clarifies the distribution of storm water management funding.

LB 530, sponsored by Lincoln Sen. Danielle Nantkes, states that each county's share of the funding will be based on its population after the subtraction of its city applicants.



Sen. Danielle Nantkes

Nantkes said the distribution of the funding is currently based on a literal interpretation of the law, which results in the double counting of populations.

LB 530 passed on a 48-0 vote.

Revenue

Microenterprise credit changes advanced

Lawmakers gave first-round approval May 30 to **LB 177**, a bill sponsored by Nickerson Sen. Ray Janssen that would make adjustments to a microenterprise



Sen. Ray Janssen

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tax credit program.

As amended by a Revenue Committee amendment, the bill would:

- make the program available to farmers or ranchers only if the operator has a net worth of \$200,000 or less, or the farmer or rancher is involved in the processing or marketing of agricultural products or alternative crop production;
- include the employer's cost of health insurance as compensation for purposes of employment increases qualifying for benefits;
- exclude from qualifying compensation any amounts paid to an employee that is in excess of 150 percent of the state average weekly wage; and
- include increased expenditures for advertising, legal and professional services as investment for purposes of qualifying for benefits.

LB 177 was advanced to select file by a 27-0 vote.

Subchapter S tax credit proposal passed

Lawmakers gave final legislative approval May 30 to a bill that creates a tax credit for shareholders of subchapter S banks.

LB 456, sponsored by Sen. Tom White of Omaha, will allow each shareholder of a financial institution organized as a subchapter S corporation to take an individual income tax credit equal to his or her share of the deposit tax paid by the corporation. The credit will be distributed among the shareholders as income of the corporation is distributed.



Sen. Tom White

A subchapter S corporation is legally organized as a corporation but taxed as a partnership.

The tax credit also will apply to partnerships, limited liability companies and estates or trusts. The credit will be phased in. The credit is 50 percent of the deposit tax paid to be taken as a credit against income taxes for the 2007 tax year and 100 percent for 2009 and beyond.

LB 456 takes effect beginning with the 2007 tax year.

The bill was passed by a 46-0 vote.

Proposal addressing Omaha convention center shortfall passed

Lawmakers passed a bill May 30 that addresses shortfalls in funding to pay back the cost of constructing Omaha's convention center.

In 1999, lawmakers passed a bill allowing local governments that construct convention center facilities to apply to the state for a return of sales tax proceeds generated by the presence of the convention center, also known as attributable revenue.

According to Norfolk Sen. Mike Flood, the sponsor of **LB 551**, the funding program has produced less than 35 percent of the anticipated "turnback" revenue being returned to the city of Omaha and other communities that built facilities through a similarly funded program. Omaha issued general obligation bonds for the construction of the Qwest Center through the turnback program.

LB 551 replaces the present formula with a simple division of

those sales tax proceeds generated by the facility. Sales taxes collected by retailers doing business at the convention center, arena or hotel facility serving the complex will be certified to the state treasurer. Sixty percent of the funding will be used to help retire Omaha's original convention center bond, 10 percent for showcasing historical aspects of areas within Omaha with high concentrations of poverty and 30 percent for use by cities other than Omaha.

When determining whether to provide state assistance, the state will consider the fiscal and economic capacity of the applicant to finance the local share of the project. The level of financial assistance any one project can receive is limited to \$75 million.

The bill also allows similar projects in Lincoln and other communities to receive turnback funding. Communities are prohibited from participating in both the turnback revenue program and the other portion of the funding program. The funding program will end in 2010.

LB 551 was passed by a 38-9 vote.



Sen. Mike Flood

Transportation and Telecommunications

Interstate motor carrier bill passed

Senators passed a bill May 30 that changes provisions relating to interstate motor carriers.

LB 358, sponsored by Malcolm Sen. Carol Hudkins, authorizes the director of the state Department of Motor Vehicles to set a date for Nebraska to begin participation in the Unified Carrier Registration

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plan. Under federal law, the UCR will replace the Single State Insurance Registration System.



Sen. Carol Hudkins

Under the bill, Nebraska carriers are required to register in Nebraska. Any foreign or domestic motor carrier that has an office in the state but has its primary place of business in another jurisdiction that does not participate in the UCR program can also register and pay the required fees in Nebraska. Fees are remitted to the state's general fund.

The bill also excludes private carriers from the Public Service Commission's authority over intrastate motor carriers. Under the bill, the DMV is allowed to continue with the current system until the UCR is fully enacted under federal law.

LB 358 passed 47-0.

Specialty license plate bill passed

Senators passed a bill May 31 that will create Gold Star specialty license plates.

LB 570, sponsored by Ellsworth Sen. LeRoy Louden, authorizes the state Department of Motor Vehicles to design the plates in consultation



Sen. LeRoy Louden

with the state Department of Veterans' Affairs and the Nebraska Military Department.

The plates will be available to applicants who are surviving relatives of a person who died while serving on active duty.

Louden said the license plates will be a way to express appreciation to families whose loved ones are killed while on active military duty.

Two types of Gold Star plates will be created. One type will be consecutively numbered and will cost \$15, with \$5 going to the DMV and \$10 going to the Nebraska Veteran Cemetery System. The other type of plate will be personalized message plates. The personalized plates will cost \$40, with \$30 going to the department and \$10 going to the veteran cemetery system.

Omaha Sen. Ernie Chambers opposed the bill.

"A license plate should not be a billboard," he said. "I don't care what the issue is."



Sen. Ernie Chambers

During the debate, which spanned three days, Chambers offered several unsuccessful motions to bracket, kill and amend the bill. He pointed out areas of concern including disputes over which relatives would be eligible, what circumstances surrounding the death would be acceptable and

a requirement that the plates would reflect support for the United States armed forces.

Louden offered an amendment, adopted 27-0, to expand and clarify those who will be eligible for the plates. The amendment includes ancestors and descendants of a person who died while serving on active duty. The amendment also includes foster parents and adopted children.

Holdrege Sen. Tom Carlson offered an amendment, adopted 28-0, that clarifies that the person who died must have been in good standing with the armed forces at the time of death.



Sen. Tom Carlson

Chambers offered an amendment that would have created Ku Klux Klan license plates. He said he offered the amendment to make the point that if the Legislature granted specialty plates to one group, they would have to extend that same privilege to other groups.

The amendment failed 1-43. LB 570 passed 47-1.

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A CLOSER **LOOK**

Class I schools bill passed, then vetoed

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the bill a "genuine and sincere effort to respond" to Referendum 422.

He noted that several changes to LB 658 had been made at the request of Class I supporters during its journey from committee to passage. Parents, students and teachers have made the adjustment from a system with Class I schools to one with only K-12 school districts, he said.

Class I supporters would fare better with LB 658 than without it, Raikes said. Sustaining the governor's veto would only serve to benefit litigators "who have not only fleeced, but misled the public on this issue," he said.

Sen. Cap Dierks of Ewing supported the veto, saying that LB 658 was not what voters were asking for when they repealed LB 126 last fall. He suggested that the new legislation contained many of the same provisions as the old law.

"That's not a change," Dierks said.

He said Class I supporters have pledged to work with lawmakers to craft new policy and end litigation on the issue.

York Sen. Greg Adams said the governor had asked lawmakers to give former Class I school patrons the opportunity to recreate their districts, which LB 658 did.

Supporters of Class I schools would not be better off without a law in place to govern that process, he said.

"To walk out with nothing would be irresponsible," Adams said.

Moreover, Adams said, financial incentives for some elementary attendance centers to stay open

a process by which an individual or group could have petitioned for the creation of a Class I school district. Requirements would have been set forth for the filing of reorganization plans, circulation of petitions and election by the voters.

K-12 districts would have been required to maintain ownership

of buildings previously used as Class I school buildings for a specified period of time to allow former Class I patrons the opportunity to consider whether they wished to reestablish their former school district.

The bill also would have required that Class I districts be affiliated with a single K-12 district and that their

budgets be set by the high school district. Class I districts would have been part of a K-12 district for the purposes of voting and taxation.

All local systems would have been required to have a single collective bargaining agreement covering teachers in the K-12 district. State aid funding allowances would have been established for elementary attendance centers.

Lawmakers had earlier voted 36-12 to pass LB 658, but rejected Raikes' motion to override the governor's veto by a 24-22 vote. Thirty votes are needed to override a veto.



Lincoln Sen. Ron Raikes made an unsuccessful motion May 31 to override the governor's veto of a bill relating to Class I schools.

would be gone without LB 658.

Sen. Mike Flood of Norfolk said he had supported LB 658 previously because of those financial incentives. However, they would have applied only to attendance centers at least seven miles away from another attendance center. This would do little for the schools in his area, he said.

Flood acknowledged, though, that the veto of LB 658 would leave little legal protection for elementary attendance centers.

"The reality is those buildings can be bulldozed in a week," he said.

LB 658 would have established

A CLOSER LOOK

Historic legislative session adjourns sine die



Speaker Mike Flood receives a standing ovation May 31 for his leadership during the session.

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legislative staff for their contributions and the “wives, husbands, kids and grandkids,” whom he said also sacrificed so their family members could serve in the Legislature.

Gov. David Heineman commended the senators for their hard work and “spirit of cooperation” resulting in such a successful session.

“Five months ago we approached the session with optimism that we could address the many challenges before us,” he said. “We have made significant strides to benefit Nebraskans.”

Heineman specifically cited the Legislature’s passage of significant tax relief, a reorganization of the state Department of Health and Human Services and legislation to achieve a sustainable water supply in

the state.

Other legislation to resolve educational issues in the Omaha metro area, settle recreational

liability concerns and fund roads without raising the gas tax were significant achievements, he said. Senators created “forward-looking” public policy when passing increased tax deductions for contributions to college savings plans and fostering the development of renewable energy by encouraging wind energy and biodiesel development, he said.

“Historic opportunities were before us,” Heineman said. “Thank you for rising to the challenge.”

Senators voted unanimously to adjourn sine die. The second session of the 100th Legislature is scheduled to convene Jan. 9, 2008.



Gov. David Heineman addresses lawmakers May 31.

MEET THE SENATORS

Ashford returns for second round of service

This session has been Brad Ashford's second appearance in the Capitol as state senator.

The first, after being elected in 1986, included a second consecutive term that gave him eight years of experience in the Legislature. He returned this year as the chairperson of the Judiciary



Sen. Brad Ashford

Committee and also serves on the Education Committee.

Ashford was born in Omaha and graduated from Westside High School. He attended Gustavus Adolphus College in Minnesota and earned a bachelor's degree from Colgate University in New York. He returned home to earn his law degree from Creighton University, graduating in 1974.

He has worked as an attorney and businessman in Omaha, serving as the director for the Omaha Housing Authority and a judge

for the Commission of Industrial Relations.

He is a founding member of the Metropolitan Entertainment and Convention Authority and served as chair of the Omaha Housing Authority Board of Directors. Ashford is a member of the Nebraska Bar Association, the Minnesota Bar Association, the Nebraska Bar Foundation and the Omaha Suburban Rotary.

Ashford is married to Ann Ferlic and has three children: John, Ellie and Tom.

Legislative information available to the public

The Unicameral Information Office produces several informational brochures and booklets about the Nebraska Legislature. All the publications below are free and may be obtained from the Clerk of the Legislature's Office, State Capitol, Room 2018, P.O. Box 94604, Lincoln, NE 68509-4604. The Information Office phone number is (402) 471-2788.

A Look at Your Unicameral

Booklet that includes a history of the Unicameral, the steps of how a bill becomes law, photos and addresses of state senators, a list of the duties of a state senator, descriptions of legislative support offices, a description of the legislative chamber and a glossary of legislative terms.

2007 Nebraska Legislature:

Unicameral Membership and Committees

Brochure listing all senators by district, their home addresses and phone numbers, and their Capitol room numbers and phone numbers. Also lists the members of all legislative committees and indicates when and where the committees regularly meet.

The Lines of Government

Booklet of Nebraska maps showing the boundaries of legislative districts, Public Service Commission districts, State Board of Education and Board of Regents districts, and U.S. congressional districts.

Public Hearing Testimony in the Nebraska Legislature

Brochure outlining the procedures for testifying at a public hearing on legislation being considered by committees.

The Nebraska Unicameral: A Citizen's Legislature

Brochure exploring the nation's only unicameral legislature. Also identifies ways that citizens can become involved in the process.

A Student Guide to the Nebraska Legislature

Booklet targeted to grade-school students that provides information about the Legislature and incorporates puzzles and questions to test students' knowledge. Includes photos of state senators, a description of how a bill becomes law, maps of legislative districts and a glossary of legislative terms.

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Agriculture

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
12	Mines	Change the Commercial Dog and Cat Operator Inspection Act	Signed by Governor
46	Hudkins	Require payments by grape producers	Indefinitely postponed

Appropriations

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
33	Fischer	Appropriate funds to fund the County Property Tax Relief Program	Indefinitely postponed

Banking, Commerce and Insurance

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
114	Pahls	Change the Nebraska Uniform Trust Code	Indefinitely postponed
117	Banking	Change provisions relating to insurance	Signed by Governor
119	Banking	Change the Insurers Investment Act	Indefinitely postponed
120	Banking	Rename and change the applicability of the Nebraska Senior Protection in Annuity Transactions Act	Indefinitely postponed
121	Banking	Adopt the Captive Insurers Act	Indefinitely postponed
122	Banking	Change provisions relating to banking and finance	Indefinitely postponed
125	Pahls	Change provisions relating to community development investments	Indefinitely postponed
126	Pahls	Provide for regulation of trust company names	Indefinitely postponed
127	Pahls	Change provisions relating to loan brokerage agreements	Indefinitely postponed
128	Pahls	Change the Nebraska Installment Sales Act	Indefinitely postponed
129	Pahls	Change the Mortgage Bankers Registration and Licensing Act	Indefinitely postponed
130	Pahls	Provide for a licensee relocation fee under the Nebraska Installment Loan Act	Indefinitely postponed
134	Schimek	Require insurance coverage of colorectal cancer screenings	Indefinitely postponed
149	Gay	Change provisions relating to the unauthorized use of the word bank	Indefinitely postponed
156	Langemeier	Change provisions relating to bank boards, investments, and premiums	Indefinitely postponed
189	Mines	Change the Nebraska Uniform Trust Code	Indefinitely postponed
190	Mines	Provide for consumers to put a security freeze on their credit reports	Indefinitely postponed
346	Pahls	Change provisions relating to farm product security interests	Indefinitely postponed
425	Pankonin	Create the Nebraska Operational Assistance Act	Signed by Governor

Business and Labor

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
31	Nantkes	Change minimum wage and training wage provisions	Indefinitely postponed
211	Business and Labor	Change payment provisions for members of the Commission of Industrial Relations	Signed by Governor
265	Business and Labor	Change labor laws	Signed by Governor
505	Mines	Change provisions of the Nebraska Wage Payment and Collection Act	Indefinitely postponed

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Education

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR12CA	Fischer	Constitutional amendment relating to educational lands and investment of the school trust permanent portfolio	Indefinitely postponed
66	Stuthman	Require school districts to develop driver safety courses	Indefinitely postponed
72	Fischer	Prohibit beginning a school year before Labor Day	Indefinitely postponed
73	McGill	Change school breakfast reimbursement provisions	Signed by Governor
139	Flood	Change reimbursement provisions under the Special Education Act	Indefinitely postponed
153	Aguilar	Change provisions relating to legal actions over school districts in annexed territory	Indefinitely postponed
316	Friend	Create the Special Education Services Task Force	Signed by Governor
342	Raikes	Adopt the Community College Foundation and Equalization Aid Act and change postsecondary education scholarship provisions	Signed by Governor
353	Legislative Performance Audit	Change the Quality Education Accountability Act	Indefinitely postponed
375	Raikes	Rename and change the Minority Scholarship Program Act	Indefinitely postponed
393	Mines	Redefine award and eligible student for purposes of the Nebraska Scholarship Act	Indefinitely postponed
455	White	Allow school districts to exceed applicable allowable growth rate for increased energy or insurance costs	Indefinitely postponed
506	Friend	Provide an alternative method of reimbursement for special education and related services	Indefinitely postponed
509	Avery	Create the Scholarship Trust Fund	Indefinitely postponed
520	Howard	Create the Early Childhood Education Legislative Study Group	Indefinitely postponed
524	Aguilar	Change provisions relating to school districts in annexed territory	Indefinitely postponed
529	Nantkes	Create a mentor teacher supplemental compensation pilot project	Indefinitely postponed
563	Adams	Change provisions relating to learners with high ability	Indefinitely postponed
590	Cornett	Change provisions relating to educational service unit reorganization	Indefinitely postponed
600	Raikes	Provide for educational service unit boundary changes	Indefinitely postponed
601	Raikes	Create the Educational Service Unit Coordinating Council	Indefinitely postponed
602	Raikes	Establish election districts for educational service unit boards	Indefinitely postponed
603	Raikes	Change provisions relating to educational service units and early childhood education grants	Signed by Governor
615	Raikes	Provide for a system of tracking student achievement	Indefinitely postponed
641	Raikes	Change provisions relating to schools, learning communities, school governance, and school finance	Signed by Governor
643	Raikes	Change the Tax Equity and Educational Opportunities Support Act to eliminate certain income tax provisions	Indefinitely postponed
644	Raikes	Provide for summer school student units in the state aid formula	Indefinitely postponed
653	Raikes	Require implementation of a statewide school assessment and reporting system and other standards and tracking methods	Signed by Governor
656	Raikes	Provide for temporary funding related to distance education	Indefinitely postponed
657	Raikes	Change provisions relating to distance education	Indefinitely postponed
658	Raikes	Change provisions relating to Class I and Class VI school districts	Vetoed
678	Dubas	Change school district boundary provisions relating to annexed territory	Indefinitely postponed
702	White	Change reimbursement provisions under the Special Education Act	Indefinitely postponed

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Executive Board

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR1CA	Preister	Constitutional amendment to change legislative salaries	Referred to Voters

General Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
LR11CA	Flood	Constitutional amendment to change the distribution of lottery proceeds	Indefinitely postponed
301	Janssen	Extend the current distribution of state lottery proceeds until 2013	Indefinitely postponed
441	McDonald	Change liquor shipping license fee distribution and provide an excise tax on grapes	Signed by Governor
637	General Affairs	Change procurement provisions under the State Lottery Act	Indefinitely postponed

Government, Military, Veterans Affairs

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
646	Nelson	Change provisions relating to elections	Signed by Governor

Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
52	Howard	Create a task force to examine the prescription and administration of certain drugs to children who are wards of the state	Indefinitely postponed
54	Howard	Provide qualifications for certain child protection and safety workers	Indefinitely postponed
86	Howard	Change provisions of the Health Care Facility Licensure Act covering applicants for licensure	Indefinitely postponed
103	Erdman	Authorize release of patient information and change provisions relating to regional trauma advisory boards	Indefinitely postponed
171	Kopplin	Require Department of Health and Human Services to apply for food stamp options and waivers	Placed on Select File
178	Janssen	Create the Nebraska Women, Infants, and Children Program Advisory Board	Indefinitely postponed
247	Johnson	Change provisions relating to drugs, adoption, certain credentialed health professionals, child care, and health benefit coverage	Signed by Governor
250	Synowiecki	Create a religious exemption from mandatory infant screening tests	Indefinitely postponed
267	McGill	Authorize participation in the child care subsidy program and the provision of certain subsidies	Indefinitely postponed

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Health and Human Services

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
326	Speaker Flood, req. of Gov.	Change eligibility provisions for certain types of public assistance	Indefinitely postponed
351	Stuthman	Change and provide for transitional public assistance payments	Signed by Governor
369	Erdman	Redefine mental health practice for licensure of mental health practitioners	Indefinitely postponed
385	Johnson	Change provisions relating to advanced practice registered nurses	Indefinitely postponed
398	Johnson	Change provisions relating to credentialing optometrists	Indefinitely postponed
399	Johnson	Adopt the Perfusion Practice Act	Indefinitely postponed
411	Howard	Require standards for training for certain new health and human services employees	Indefinitely postponed
417	Nantkes	Include invasive pneumococcal disease as a childhood immunization requirement	Indefinitely postponed
426	Pankonin	Adopt the Pharmacy Technician Act	Indefinitely postponed
427	Johnson	Change authorized procedures for dental hygienists	Indefinitely postponed
451	Nantkes	Change provisions relating to release of patient information by a pharmacist	Indefinitely postponed
479	Johnson	Change provisions relating to audiologists and speech-language pathologists	Indefinitely postponed
518	Howard	Change provisions relating to the eligibility of children under the Medical Assistance Act	Indefinitely postponed
538	Schimek	Change authorized functions for dental hygienists	Indefinitely postponed
555	Ashford	Change provisions relating to home- and community-based services	Indefinitely postponed
577	Kruse	Provide for reimbursement for generic prescriptions	Indefinitely postponed
616	Pedersen	Eliminate a provision relating to regional behavioral health authorities	Indefinitely postponed
617	Pedersen	Change provisions relating to children's behavioral health	Indefinitely postponed
631	Dierks	Prohibit interchange of anti-epileptic drugs	Indefinitely postponed
666	Pedersen	Provide for eligibility for certain federal programs upon release from incarceration as prescribed	Indefinitely postponed
670	Hudkins	Create the Council on the Management and Treatment of Sex Offenders	Indefinitely postponed
675	Lathrop	Require disclosures by pharmaceutical manufacturing companies	Indefinitely postponed
699	Lathrop	Adopt the Healthy Nebraska Rx Card Program Act	Indefinitely postponed

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Judiciary

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
97	Flood	Change provisions relating to the Concealed Handgun Permit Act	Signed by Governor
142	Friend	Create the offense of enticement by electronic communication device	Signed by Governor
246	Johnson	Provide requirements for coroners relating to the procurement of anatomical gifts and provide for criminal immunity	Placed on Select File
260	Kruse	Change provisions relating to implied consent violations	Indefinitely postponed
377	Ashford	Reallocate county, district, and separate juvenile court judgeships and change salary provisions of judges	Signed by Governor
428	Synowiecki	Adopt the Peace Officer Employer - Employee Relations Act	Placed on General File
470	Chambers	Change provisions relating to dissemination of records of arrest	Signed by Governor
478	Johnson	Change provisions relating to adoption procedures	Indefinitely postponed
491	Harms	Change provisions relating to concealed handguns	Indefinitely postponed
540	Synowiecki	Adopt the Probation and Parole Services Study Act	Signed by Governor
554	Flood	Adopt a new Parenting Act	Signed by Governor
573	Kruse	Adopt the Minor Alcoholic Liquor Liability Act and change provisions relating to keg identification numbers and minors in possession of alcoholic liquor	Signed by Governor
659	Pedersen	Increase the salaries of Supreme Court judges	Indefinitely postponed
668	Hudkins	Eliminate provisions relating to gift cards and gift certificates	Placed on General File
682	Wightman	Change provisions relating to use of the Supreme Court child support guidelines	Indefinitely postponed

Natural Resources

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
314	Louden	Redefine water well for purposes of registration	Indefinitely postponed
458	Carlson	Require vegetation management in certain streams	Indefinitely postponed
530	Nantkes	Change Storm Water Management Plan Program provisions	Signed by Governor

Retirement

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
303	Synowiecki	Adopt a deferred retirement option plan (DROP) retirement program for the Nebraska State Patrol	Indefinitely postponed
324	Speaker Flood, req. of Gov.	Change provisions relating to state patrol retirement system contributions	Signed by Governor
328	Retirement Systems	Change state and county retirement provisions and adopt the Law Enforcement Officers Retirement Survey Act	Signed by Governor
370	Erdman	Adopt the Law Enforcement Officers Retirement Survey Act	Indefinitely postponed
665	Karpisek	Provide for the election of cash balance benefits for state and county employees	Indefinitely postponed

WEEKLY REVIEW

A REVIEW OF LEGISLATIVE ACTION TAKEN TUESDAY, MAY 29, 2007, THROUGH THURSDAY, MAY 31, 2007

Revenue

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
177	Janssen	Change the Nebraska Advantage Microenterprise Tax Credit Act	Placed on Select File
304	Gay	Change qualifications for tax credits relating to long-term care insurance	Signed by Governor
338	Gay	Change income tax deductions for the Nebraska educational savings plan trust	Signed by Governor
343	Langemeier	Provide an income tax credit for investments in biodiesel facilities	Signed by Governor
456	White	Provide an income tax credit for franchise taxes paid by certain financial institutions	Signed by Governor
484	McDonald	Change provisions relating to payment of tax proceeds to certain political subdivisions	Indefinitely postponed
496	White	Provide an income tax adjustment for extraordinary dividends	Indefinitely postponed
519	Howard	Require a review of property valuations	Indefinitely postponed
551	Flood	Change provisions relating to financing for convention center, sports arena, and hotel facilities	Signed by Governor
627	Dierks	Redefine real property and tangible personal property for purposes of taxation	Indefinitely postponed

Transportation and Telecommunications

BILL	SPONSOR	ONE-LINE DESCRIPTION	STATUS
358	Hudkins	Change and eliminate provisions relating to motor carriers	Signed by Governor
570	Louden	Provide for Gold Star Family license plates	Signed by Governor

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