

2009 Legislative Bills

<u>NGIA Position</u>	<u>Bill #</u>	<u>One Liner – Description</u>	<u>Introduced By</u>	<u>Committee</u>
S	LR 10	Resolution in Opposition to the Employee Free Choice Act	Price	Business & Labor
M	34/403	Immigration – LB 34 was rolled into LB 403 with several changes Only applies to companies with state contracts (this includes some WIC that are with local health departments. Only apply to new employees and not existing employees; Penalty of non-compliance is loss of tax incentives. They will study the E-Verify system for two years and evaluate how it works under the conditions outlined in the bill. At that time we will revisit its necessity, if it should be expanded, limited, etc.; It will be a Judiciary Committee Priority Bill and he expects it on the agenda next week.	Ashford	Judiciary
O	59	Liquor – tax increase of 5 ¢per gal on beer 3¢ per gal on wine; 7¢ per gal on spirits. Earmarked for the formation of a Citizen Safety Grant Fund to fight violent crime	Louden, Harms, Howard, Wallman	Revenue
S	63	Change provisions relating to assault, firearms, graffiti, gang affiliation, juveniles, and jailhouse informers. LB 76 will be amended onto this bill during floor debate on Select File	Friend	Judiciary
M	65	Tax – exemption on farm machinery (could be a vehicle for our sales tax on postage exemption)	Dubas, Carlson, Dierks, Fischer, Karpisek, Rogert, Schilz, Stuthman, Wallman	Revenue
M/S	66	Accountability & Disclosure – change in cash contribution limit from \$50 to \$100	Rogert, Friend	Government
M	76	Aggregation of forged documents - allows aggregation of fraudulent checks to determine the classification of offenses, i.e., misdemeanor or felony charges. Sen. Pirsch introduced this bill at our request Judiciary Committee will amend the bill select file to mirror the bad check statute that limits aggregation to 60 days within one county. The bill should be advanced, then amended onto another bill that is already on Select File	Pirsch	Judiciary
M	89	Tobacco Tax - Change the tax on snuff from manufacturers price to 65¢ per oz. Containers under 1 oz. Will be prorated. Committee amendment was added to reduce the tax to 40¢ per oz. and limit to snuff only	Cornett	Revenue
O	107	Labor - Employer must provide an employee a reason for termination and allow employee to defend his/her position.	Haar	Business & Labor
S	117	Tax – Income Tax credit of up to \$10,000 for small businesses with net taxable sales of \$500,000 per year that is located in a community of 2500 or less	Fischer	Revenue
M	119	Tax – Inheritance: Change the rate from 13% to 10%	Wightman	Revenue
M	120	Tax – Inheritance: payment of taxes within 12 months of decedent’s death is appropriate to avoid a penalty. Expenses related to taking control of the estate are not subject to probate	Wightman	Revenue
M	151	Pharmacy – change to eliminate provisions regarding the sale of ephedrine	Stuthman, Christensen, Rogert	Judiciary
S	155	ID Theft – This is the AG’s crime bill. It contains aggregation language but is all encompassing	Rogert, Friend, Howard, Lautenbaugh	Judiciary

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O	161	Tax – Sales Tax Holiday. The first Friday – Sunday in August retailers may elect to not collect sales tax from the customer. Retailer absorbs the cost and remits the tax	Pahls	Revenue
M	173	Pharmacy – Prescription drugs delivered to criminal detention facilities, that are not dispensed, may be returned to the pharmacist/pharmacy if the pharmacist/pharmacy agrees	Gay	Health
S	186	Tax – Any business that collects tax on payment cards (credit or debit cards) may also deduct and withhold, from the amount of taxes collected, an amount equal to any fees charged or deducted on the tax collected by the processor for processing.	Karpisek, Fulton	Revenue
S	191	Business - This is very broad and basically prohibits the State from fining a small business that is a first time offender of any NE statute.	Fulton, Avery, Coash, Karpisek, McCoy, Rogert, Schilz	Gov. & Military
O	194	Work Comp – lump sum settlements would no longer require approval of the comp court or an order to make a lump sum payment	Nantkes	Business
S	198	Tobacco – Reduced cigarette ignition. Prohibits the sale of cigarettes that have not been tested and have not passed the performance standard. Retailers will be allowed to sell existing inventory. Sale of inventory items is allowed – based on the stamp tax on the product. There will be an amendment to move the effective date from July 2010 to January 1, 2010.	Stuthman	General Affairs General Affairs Priority Bill
O	208	Work comp- Expands the definition of a fraudulent insurance act to include “Knowingly and with the intent to defraud or deceive, provide false, incomplete or misleading information to an insurer concerning the number, location or class of an employee to reduce the premium. Reasoning: In a sm. Store if someone does not show up, you can’t put them into another position that has a lower rating without being penalized. Meat Wrapper is trained to work in office and check. If in a bind, she could go back and wrap but is not listed as working in the meat department	Lautenbaugh	Judiciary
M	219	Office of Hwy Safety moves from the authority of the DMV to the Dept. of Roads. This will affect special interest funding	Flood	
O	243	Work Comp – Any weekly income benefit for total disability shall be adjusted each year in proportion to the annual increases of the average weekly wage.	Nantkes	Business
S	244	Pharmacy – add Tramadol and Carisoprodol to schedules of controlled substances.	Coash	Judiciary
S	249	Tax – collection fees increased from 2.5% of the first \$3000 to 2.5% of the first \$3000 plus .05% of anything over \$3000. Will cost the state \$6M	Fulton, Karpisek	Revenue
M	258	Liquor – Minor accountability: a 16-21 year old who consumes alcohol shall receive progressive punishment. 1 st offense, lose license for 60-90 days and attend class; 2 nd offense lose lic for 6 months, education plus 20 hrs. of community service; 3 rd offense lose lic. for 1 year plus 60 hrs. community service and complete alcohol assessment	Harms	Judiciary
S	261	Operator License can be scanned and Card # and age can be stored. Signage is required. With customer’s permission the bar code on the card can be scanned and all information stored.	Rogert	Transportation
M	262	Liquor – extend hours that alcohol can be sold from 1:00 a.m. to 2:00 a.m.	Rogert	General Affairs
O	277	Spray Paint – prohibits purchase by or gift to a minor, of spray paint of industrial strength marking pens. Allows for compliance checks.	Mello, Cornett, Giese, Nantkes, Nordquist, Howard	Judiciary

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M	286	Lottery – removes the sunset date regarding the change in distribution formula to the trusts	General Affairs	General Affairs General Affairs Priority Bill
M	293	Banking – short term lenders Act – this is an attempt to regulate the “Payday Loan” businesses that have cropped up. Monitor for anything that might bleed over into services grocers provide	Nantkes	Banking
	310	Provide for interpreters for disabled – in all public places. We envisioned a minimum of 3 interpreters lined up next to the tomatoes (sign language, Spanish, and in Lincoln, Sudanese. This is where you should laugh). We visited with the introducer and he will amend the bill to affect only governmental places.	Haar	Health & Human Services
O	357	Tobacco – Collection fee. This bill increases the tax collection fee paid to wholesalers to an amount previously paid. The cost of 7¢ per carton would be taken from the State’s share of taxes collected.	Hadley	Revenue
M	372	DMV – allows the digital image to be received by law enforcement who are in an investigative position. This may dovetail with LB261	Campbell	Transportation
O	385	Tax - This bill provides for a complete over haul of the Tax System in Nebraska. It eliminates all sales tax exemptions, including food, in an effort to charge a lower over-all sales tax and reduce the property tax. Revenue Committee voted to IPP this bill. Sen. Pahls filed a motion to pull the bill from Committee. Pahls will need a super majority (33) to get the bill to the floor. The Legislature must address this issue within 5 days of the filing (04-20-09)	Pahls	Revenue
O	386	Tax – Companion bill to LB 385	Pahls	Revenue
S	404/ 198	Tobacco - Reduced cigarette ignition. Prohibits the sale of cigarettes that have not been tested and have not passed the performance standard. Retailers will be allowed to sell existing inventory. Different from LB 198 with recertification every 3 years (not 5); Fire Marshall can adjust fees annually as needed, and the penalty for violation is \$550 (\$250 in LB 198)	Cornett	General Affairs
O	415	Tobacco – prohibit self-service of tobacco products	Christensen, Coash	General Affairs
M	431	Delayed Deposit – establishes an act to regulate pay day advance companies. We need to monitor to ensure it does not affect check cashing	McGill	Banking
S	514	Work Comp – work comp terminates when the recipient qualifies for old age and social security, or Two years after the injury.	Lautenbaugh	Business & Labor
O	554	Labor – an employer with 50+ employees who provides paid leave and has unpaid leave policies, cannot require the employee to use paid leave, unless the employee requests a substitute.	White	Business & Labor

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O	556	Work Comp – Labor - This bill would, under the Nebraska Workers Compensation Act, establish that contributory negligence is not a defense that applies, nor would it apply against a person whose recovery is barred by a statutory grant of immunity. If there is a 3 rd party case where there is comparative negligence the 1 st step the injured party takes is work comp against store, then a suit against the person who caused damages. Court will compare negligence and prorate the damages based on % of negligence. Current statute allows retailer to recover work comp benefits if there is enough in the fund. This bill takes the retailer out of the mix. Net effect is that it may create larger pools of money from which to draw (through higher premiums). Damaged party cannot recover against the employer so they want to remove the employer from the assignment of fault. Trial attorneys argue that in many cases the employer does not cause the injury so if you remove employers, then the prorated liability is prorated more fairly.	White	Business & Labor
O	557	Labor: Non union members would be required to pay for representation, not to exceed Union Dues. Can be paid through salary reduction or directly to Labor Union. Failure to pay allows union to take court action	Nantkes	Business & Labor
O	563	Labor – Proper Employee Classification Act. The bill defines an independent contractor and establishes penalties and recourse for employees not properly defined.	Lathrop	Business & Labor
M	572	Tobacco Settlement Money – redistribution by decreasing the amount that goes to Tobacco Prevention from \$2.5M to \$1M	Heideman	Appropriations
O	605	Liquor – Requires license holders to be current on federal, state, local taxes, work comp and employment security law payments. Opposition to a proposed license can be made by local residents who reside within 500’ of the proposed establishment or by a registered neighborhood within 100’ of the establishment. The LCC may deny the license based on this opposition	Howard	General Affairs
M	611	Smoking Ban – provides an opt out for communities	Karpisek	Health & Human Services
M	616	Tobacco Tax – changes to allocation to counties. Monitor for tax increases	Cornett	Revenue
M O	630	Work Comp – This is a clean up bill brought by the Work Comp Court. Allows payment by electronic method. If a resolution is ordered by the comp court, it must be returned to the court within 90 days unless both parties request an extension. . Amended to require that notice be given to employees who are not eligible for work comp. LB 243 was amended into this bill. COLA payments (work comp to higher salaried employees) would be increased. Sen. Schilz filed a motion to strip Sec. 3 from the amended LB 630, which will remove that portion of the bill we oppose.	Labor Committee	Business & Labor
O	644	Recycling of electronics. Establishes an act. Sets fees of \$1000 to retailers who sell 500 – 1000 electronic devices; \$7000 for 1000-5000 devices; \$20,000 for 5000+ devices. Discounts available for those who recycle	Mello, Haar	Natural Resources
M	661	Pharmacy – allows antidepressants, antipsychotic and anticonvulsant prescription drugs to be placed on preferred drug list	Gay	Health
M	664	Liquor – current law requires that local gov. bodies be consulted. The concept is that locals should be able to provide input but not control the decision.	Janssen	Gen. Affairs