

## 2008 Legislative Bills

**M = Monitor S = Support O = Oppose**

<u>Position</u>	<u>Bill #</u>	<u>One Liner – Description</u>	<u>Introduced By</u>	<u>Committee</u>
<b>2007 Carry Over Bills</b>				
S	39	Labor: Petition Circulators. This bill would tighten the law on who can collect signatures. Collectors must be electors of the State and cannot be paid per signature. Reporting requirements	Schimek, Friend, Mines, Pahls	Military & Vet Affairs
O	57	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	Preister, Cornett, Howard, Kopplin, Kruse, Lathrop, McGill, Pedersen, Schimek	Business & Labor
M	77	Labor: Work Comp – If multiple member impairments exist, the court would be allowed to calculate the loss of earnings based on existing statute	Nantkes	Business & Labor
S	113	Banking: Industrial loan company or bank is prohibited from operating a branch in the State of Nebraska. ILC's are already prohibited from operated in Nebraska so this bill, if passed, won't change anything.	Pahls	Banking
S	174	Credit Card Interchange Fees; requires disclosure of rules; prohibits charging back to the retailer a card that has pre-set limits; disallows charging fees on the sales tax portion of a purchase.	Janssen	Banking
O	175	Labor: Employer must provide an employee a reason for termination and allow employee to defend his/her position	Cornett	Business & Labor
M	251	Liquor – allows addition of alcohol to beer	Synowiecki	Gen. Affairs
S	258	Liquor – minor accountability: Minor would lose drivers license 60 days to 6 months for 1 <sup>st</sup> violation; 12 months for 2 <sup>nd</sup> violation 2 years or until 21 years of age for 3 <sup>rd</sup> violation.	Kruse	Judiciary
M	261	Liquor – the original bill removed alcohol consumption exemption from churches and homes. Amended so churches are still exempt. Exemption for consumption at home was amended into LB573.	Kruse, Aguilar, Burling, Christensen, Dubas, Harms, Hudkins	Judiciary
M	285	DMV – authorizes Director of the DMV to do whatever is necessary to comply with the Federal “Real ID” law	Transportation Committee	Transportation
M	302	Zoning: Allows continued use of land, building, and structures prior to an authorized change in zoning regulations. Gradual elimination not allowed.	Friend	Urban Affairs
M	336	Liquor – providing alcohol to a minor will result in loss of driver's license for 90 days and is Class IV Felony if the minor causes injury or death to another. Employee who sells in a compliance check is guilty of a Class I misdemeanor (currently) but is not subject to loss of license.	Kruse, Burling, Carlson, Engel, Hansen, Hudkins, Pahls, Pedersen, Synowiecki	Judiciary
M	337	Liquor – allows retailer to confiscate license if customer is thought to be a minor. Allows law enforcement to arrest without probable cause.	Kruse, Carlson, Dubas, Engel, Hansen, Pahls, Synowiecki	Judiciary
S	378	Health insurance – allows associations to provide health insurance if it meets specific requirements. (must exist for 5 yrs; is formed for purpose other than to provide health insurance; does not prohibit membership based on health; makes health insurance available to all members; insurance is limited to members only.	Pahls	HHS

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O	384	Debt collections – would allow anyone owing a debt to file a form stating they had no assets. If collection is pursued after the form is forwarded to the creditor, the person owing the original debt would be awarded triple attorney fees and court costs. The intent of the bill was to protect the elderly who had no assets, from collection of health or credit card bills. The bill will need several changes to move out of Committee	Wightman	Judiciary
M	395	Tobacco Smoking Ban – prohibits smoking in public places and places of employment. Smoker is guilty of a Class IV misdemeanor. Proprietor who refused to comply is guilty of a class V misdemeanor.	Johnson, Aguilar, Hansen, Kruse, Pankonin, Preister, Schimek, Stuthman	HHS
S	404	Liquor – increase Commissioner’s salary from \$12,000 to \$25,000 per year	Janssen, Flood, Karpisek, Schimek	General Affairs
S	450	Labor- Immunity for employer who provides information on employees		Judiciary
O	495	Labor – Employer cannot require employee to take vacation time at any given time. Amended to prohibit employer from refusing to include leave in collective bargaining because it is a company policy. This could open the door for the union to come back after contracts are signed to renegotiate leave benefits.	White	Business & Labor
S	501	Tax – tobacco: Requires collection and reporting of tax by “direct retailers” and prohibits direct sellers from selling to anyone without a cigarette retailers license	Mines, Rogert	Revenue
O	534	Storm water/Storm Sewer System. Allows city to assess charges based on proportional contribution. Lists impervious surfaces as an option	Schimek	Nat. Resources
M	544	Liquor – removes stipulation that beer must be paid with cash upon delivery	Synowiecki	General Affairs
O	585	Tobacco – prohibits self service	Preister	Judiciary
S	625	Obesity- Prohibits civil actions based on weight gain.	Engel, Erdman, Heidemann, Karpisek, Kruse, Pedersen, Synowiecki	Judiciary
S	668	Gift Card – Removes language that requires \$100 gift certificates to automatically expire and escheat to the state.	Hudkins	Judiciary
S	685	Liquor – Minors: Minors with blood alcohol concentration of 2 one hundredths of 1 gram shall be considered in possession of alcohol.	Karpisek	Judiciary
<b>2008 New Bill Introductions</b>				
M	708	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
O	722	Tobacco – Change the tax on snuff from manufacturers price to 65¢ per oz. Containers under 1 oz. Will be prorated.	Engel	Revenue
M	726	Wastewater Treatment Facilities Construction Assistance Act – this could be the vehicle for the Storm Water Fees we have fought in the past	Natural Resources Committee	Natural Resources
M	739	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	Gov., Military & Vet. Affairs
O	758	Tax – increase motor fuel tax by 1¢ per gallon. Leased vehicle tax goes to Hwy. Trust Fund	Hudkins	Revenue
M	759	Pharmacy – prescriptions for inmates that are not dispensed can be given back to a pharmacy and relabeled and dispensed	Hudkins, Johnson, McDonald, Preister	Health & Human Serv.
M	762	Tax – Sales Tax Holiday. The first Fri – Sun in August sales tax are exempt on clothing, school supplies and computers.	Avery	Revenue

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O	810	Liquor – Dram Shop is back! Any person, other than the person causing damage, can bring an action against a liquor license holder who serves alcohol to a noticeably intoxicated person. Mandates training. Action for damages must be brought within 2 years.	Kruse, Aguilar, Burling, Carlson, Kopplin, Lathrop, Nelson, Pankonin	Judiciary
M	830	Health - Authorizes HHSS to negotiate prices for the “Healthy Nebraska Rx Card”. Eligibility is limited to NE residents who are eligible for Medicare or with a net income that is less than 300% of the federal poverty level. Funding of \$1M	Lathrop	
O	833	Labor - Unemployment compensation would be increased from 50% of the employees average wkly wage (not to exceed \$288 per week) to 75% of the employees average weekly wage, not to exceed the State’s average by 2013	Lathrop	Business & Labor
	846	Increase motor fuel tax	Fischer	Revenue
M	868	Banking – prohibits delayed deposit services. Banks are exempt	Nantkes	Judiciary
S	890	Tax – sales tax on postage would be exempt. We asked Sen. Flood to sponsor this legislation	Flood	Revenue
M	898	Tobacco – eliminates difference between the cost of delivered vs. picked –up product. Cost of collection increased by .75% and cost is taken from the state’s allocation. The cost of cigarettes would be at the replacement cost (not the invoice cost) without subtracting discounts. Overall result will probably be a 5¢/pack increase.	Janssen	Revenue
S	909	Bad Checks – 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	Pirsch	Judiciary
M	911	DMV – Establishes guidelines to implement the federally mandated REAL ID program for drivers licenses.	Hudkins	Transportation
S	913	Tax – inheritance tax would be reduced from 13% to 10%	Wightman	Revenue
O	936	Labor – would allow unions to collect a “fair share” of the cost of representation in negotiations for wages, hours or conditions of employment, if the person benefiting is a non-union employee. Payment is not to exceed the cost of dues. Payment may be made via payroll deduction if the employee gives permission.	Friend	Business & Labor
S	940	Pharmacy – Sets dispensing fees at the rate set out in a survey of costs dated August 2007	Kruse	Appropriations
M	955	Liquor – a manufacturer cannot hold an interest in a wholesale license. The NE AG’s opinion is that the bill passed last year is unconstitutional and this bill was introduced to fix this.	Dierks	General Affairs
M	966	Tobacco – Settlement Trust Fund monies that are sent to the Tobacco Prevention & Control Fund would be increased from \$2.5M to \$7M	Synowiecki	Appropriations
M	974	Health Insurance Tax Credit for companies with 25 or less employees in the years 2009- 2011. Tax credit of 25% of amounts paid by the employer to provide health insurance or care for employees ONLY if no contribution has been made toward health care in the prior 2 years.	Gay	Revenue
S	993	Liquor – Expands use of funds in the LCC Rule and Regulation Cash Fund from the cost of producing or distributing material, to “and defray the costs associated with electronic regulatory transactions, industry education events, enforcement training, and equipment for regulatory work.”	McDonald	General Affairs

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	1002	Health – an insurer issuing a policy that provides group health to 51 or more employees must identify the total amount of actual claims paid or incurred and paid and the total amount of premiums by line of coverage. This includes the issuer of any group sickness and accident policy, health maintenance organization or group subscriber in Nebraska. Any self funded employee benefit plan, multiple employer welfare arrangements, any group health policy, group health contract or group health plan established for employees of the state.	Pahls	Banking & Insurance
S	1010	Tax Collection – During tight budget years, the Legislature drastically reduced the reimbursement to retailers for the cost of collecting and remitting sales tax. This bill would return the payment levels to the amounts paid prior to 2002 as follows: Collectors shall deduct and withhold from the amount of taxes collected two and one-half percent of the first three thousand dollars remitted each month and one-half of one percent of all amounts in excess of three thousand dollars remitted each month as reimbursement for the cost of collecting the tax.	Hudkins	Revenue
M/ Oppose	1015	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 <sup>rd</sup> party case where there is comparative negligence the 1 <sup>st</sup> 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.	Nantkes	Judiciary
	1016	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	1037	Tax – this is a shell bill that will allow for amendments to set a new income tax rate	Janssen	Revenue
M	1040	Fuel – Imposes a 1¢/gallon tax on ethanol products at the production facility	Louden, Adams, Carlson, Hansen, Hudkins, Karpisek, Pankonin, Wallman	Revenue
M	1043	Security Services Act establishes licensing guidelines for security personnel. Police working off duty are exempt. In the past the bill was amended to prohibit off-duty police from wearing their uniform.	Aguilar	
M	1058	Changes the distribution of State Lottery Funds to include the “State Committee on Problem Gambling.” Expands the hold harmless (deals with distribution of funds) bill from sun-setting in 2009 to 2012	McDonald, Pankonin	General Affairs
M	1061	Recycling - \$3 fee will be charged on all new computers, monitors, & televisions. Recyclers get \$1 rebate per item. Funded with \$1 M	Louden	Natural Resources

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O	1071	Wire Transfers – an excise tax of 1% of all money wired from Nebraska would be assessed. Money is collected from the customer at the time of the transfer. The licensee shall provide a receipt to the customer with details. Retailer must remit tax within 30 days of the end of the quarter. Money would go to the Tax Equity and Educational Opportunities Fund	Karpisek	Probably Banking
O	1082	Work Comp – First responders who are victims or witnesses to violent acts would be eligible for mental illness as an injury under work comp. This would open door for all claims. Can prove if there is or is not an injury	Cornett, Howard, Kruse, Lathrop, McGill, Nantkes, Pedersen, Rogert, Synowiecki, Wallman, White	Probably Bus. & Labor
S	1086	Work Comp- if employee settles a claim or obtains a judgment against a 3 <sup>rd</sup> party, the subrogation right of the employer for all past and present compensation and any other costs paid for the benefit of the employee shall be allowed in the same proportion as the amount received by the employee. Excess payment shall be treated as an advance payment by the employer for future compensation (wages, medical benefits, rehab costs, death benefits).	Lautenbaugh	Business & Labor
M	1144	Banking – establish the Delayed Deposit Services Licensing Act	McGill	Banking