

# The Nebraska ENGINEER

## legislative update

Nebraska Society of Professional Engineers- A state society of the National Society of Professional Engineers

NeSPE promotes the legislative interests of Nebraska's Engineering Profession

*Legislative Update as of March 24, 2006*

Important Bills to Monitor (see bill synopsis on following pages for more details):

- **LB 904** - Scheduled for General File debate Monday, March 27, 2006.
- **LB 933** - Natural Resource Committee Priority bill, Amendment 2722 removes the qualification that the Director of Natural Resources be a licensed professional engineer.
- **LB 1226** - Senator Langemeier Priority bill, Amendment 2723 removes the qualification that the Director of Natural Resources be a licensed professional engineer.

The following bills have been advanced to General File, Select File, Final Reading, approved by the Governor, or Indefinitely Postponed since the publishing of the last **Legislative Update**.

- |                   |   |
|-------------------|---|
| LB 75 (Beutler)   | Authorize certain cities to make public improvements and assess the cost. Permits Omaha and Lincoln to make public improvements then assess the cost to the property improved. See storm water issue LB 102.<br><i>Urban Affairs/January 18, 2005</i><br><b>Status: Advanced to Final Reading.</b>  |
| LB 248 (Baker)    | Prohibit certain city taxes, change motor fuel tax rates, and restrict use of certain tax revenue. Raises the tax from 10 ½ cents to 12 ½ cents per gallon. Restricts how the money may be used and prohibits a city from levying an occupation tax on motor fuels.<br><i>Revenue Committee/January 27, 2005</i><br><b>Status: Approved by the Governor March 22, 2006.</b> |
| LB 359            | Removes the qualification that the Director of Natural Resources be a professional engineer. Adds a section that the director shall have additional duties and powers.<br><b>Status: Advanced to General File with Committee Amendment 2335.</b>  |
| LB 508 (Schrock)  | Change cost-share provisions for decommissioning illegal water wells. Repeals a section of law that requires a public official to only accept plans, specifications, geologic maps, and reports that have been prepared in accordance with the Geologist Regulation Act.<br><b>Status: Approved by the Governor March 16, 2006.</b>   |
| LB 526 (Connealy) | Provide ethanol production incentives & funding.<br><b>Status: Indefinitely postponed.</b>  |

- LB 564 (Janssen) Provide requirements relating to contracts dealing with payment of federal excise tax. Impact engineering firms doing business.  
*Banking/February 15, 2005*  
**Status: General File.**
- LB 731 (Bourne) Provide requirements for rules and regulations under the Environmental Protection Act.  
**Status: Indefinitely postponed.**
- LB 806 (Landis) Adopt the Car Tax Reduction Act. The purpose of the act is to reduce the motor vehicle tax levied on passenger cars and trucks in the form of a motor vehicle tax credit that will be reimbursed to local governments from excess revenue collected by the state and appropriated for such purposes.  
**Status: Indefinitely postponed.**
- LB 808 (Landis) Change income tax and sales rates.  
**Status: General File.**
- LB 814 (Hudkins) Change motor fuel taxes and reallocate certain sales tax. Raises the motor fuel excise tax from 10 ½ to 11 ½ cents per gallon and from 2 to 4 cents per gallon for producers, distributors, wholesalers, importers and suppliers and reallocate all such sales tax revenues to the Highway Trust Fund.  
**Status: Indefinitely postponed.**
- LB 829 (Baker) Prohibit municipal taxes on motor fuel and change provisions relating to roads funds. Prohibits a city council from levying an occupation or business tax related to motor fuel. Any occupation or business tax related to motor fuel adopted prior to the operative date of this act would terminate on the operative date of this act. Also, money derived from sales and use taxes imposed upon motor vehicles, trailers, and semi-trailers would be further restricted than current law allows.  
*Revenue Committee/February 15, 2006*
- LB 837 (Redfield) Change distribution of Purpose Heart license plate fees from the Highway Trust Fund to the Nebraska Veteran Cemetery System Endowment Fund.  
**Status: General File with Committee Amendment 2240.**
- LB 848 (Connealy) Establish a renewable fuel content standard for gasoline. Beginning January 1, 2007 all gasoline offered for sale, sold or dispensed for use as motor fuel shall contain a renewable fuel content equal to or greater than 3 ½ percent by weight. Gasoline shall be exempt from the requirements if:

(continued on following page)

a)for use in historical vehicle, off-road vehicle, motorcycles, boats, snowmobiles, small engines, and the exempted gas is dispensed into a can with a capacity of 6 or fewer gallons, the exempted gas is premium grade, and no more than one storage tank on premises is used for exempted gas.

b)premium grade fuel containing 91 or more octane

c) offered for sale, sold or dispensed at an airport

**Status: General File.**

LB 857 (Smith)

Change motor fuel sales tax revenue distribution. Provide that the motor vehicle sales tax revenue in excess of 5% be credited to the Highway Trust Fund rather than the General Fund.

**Status: Indefinitely postponed.**

LB 888 (Landis)

Proposed by the Department of Revenue to change several provisions of various tax incentive programs.

**Status: Indefinitely postponed.**

LB 898 (Preister)

Change provisions relating to the Open Meetings Act. Amends closed session provisions, more specified agendas, posting of open meetings act in meeting room, and raising objections of violation during the meeting.

**Status: Advanced to General File.**

LB 899 (Preister)

Provide powers and duties to the Public Counsel.

**Status: Indefinitely postponed.**

LB 900 (Preister)

Redefine public body for purposes of the Open Meetings Act.

**Status: Indefinitely postponed.**

LB 902 (Preister)

Change provisions relating to state contract for services by proposing a cost-benefit analysis requirements apply to all contracts over \$50,000 if the job functions are being performed or have been performed within the past 12 months by a state employee covered by the classified personnel system or labor contract.

**Status: Indefinitely postponed.**

LB 904 (Baker)

A bill to amend the allocation of sales tax proceeds derived from motor vehicles, trailers and semi-trailers, so that after October 1, 2006, sales tax proceeds over 5% would be credited to the Highway Allocation Fund rather than to the General Fund. The Highway Allocation Fund proceeds are distributed between cities and counties. An amendment to the bill would also amend the section that establishes the Highway Allocation Fund to authorize receipts from this source. This change would be operative October 1, 2006 and would add some \$13.5 million to the fund.

**Status: Advanced to General File several amendments pending.**

**SCHEDULED FOR DEBATE MARCH 27, 2006.**

- LB 933 (Natural Resources) Change provisions relating to water resources. Clean-up legislation designed to address issues that developed following the passage of LB 962 in 2004. These technical changes cover a broad range, including but not limited to, the correction of inaccuracies, the clarification of provisions, the addition of notice requirement and the addition of definitions. The proposed changes were developed by the department in cooperation with the surface water and ground water subcommittees of the Water Policy Task Force and were approved by the entire Task Force.  
**Bill Status: Advanced to General File –Committee Amendment 1915.**
- LB 935 (Beutler) Change distribution and allocation of certain sales tax revenue and roads funds. Amends the distribution and allocation of sales tax revenue and roads funds. The bill would provide that the State Treasurer monthly distribute the proceeds equal to a sales tax rate of one-half percent derived from motor vehicles, trailers and semi-trailers from the proceeds of sales and use taxes credited to the highway Trust Fund as follows: (a) one-half of such amount distributed to the counties and municipal counties for road construction purposes on a per-capita basis calculated using the most recent federal census figures certified by the Tax Commissioner; and b) one-half of such amount distributed to the municipalities and municipal counties for road construction purposes on a per capital basis calculated using the most recent federal census figures certified by the Tax Commissioner.  
**Status: Indefinitely postponed.**
- LB 959 (Janssen) Exempt construction labor from sales tax.  
*Revenue/February 2, 2006*  
**Status: In committee, Janssen’s priority bill.**
- LB 967 (Howard) Terminate the construction labor sales tax on residential home repairs on primary residence. Repeals the tax imposed on labor for repairs made to residential homes.  
*Revenue Committee/February 2, 2006*  
**Status: In committee.**
- LB 933 (Natural Resources Committee) An act relating to natural resources.  
**Status: General File**  
**Amendment 2722 which removes the qualification that the Director of Natural Resources be a licensed professional engineer.**
- LB 977 (Schrock) Change motor fuel tax rates.  
**Status: Indefinitely postponed.**
- LB 1030 (Combs) Provide for notice of inspection of public park buildings.  
*Government/February 8, 2006*  
**Status: In committee.**

- LB 1056 (Raikes) Modify the factors and weight used in determining the amount allocated to counties for roads.  
**Status: Indefinitely postponed.**
- LB 1057 (Brown) Create the Roads to Economic Development Fund and provide for its use and change county road funding.  
**Status: Indefinitely postponed.**
- LB 1077 (Schrock) Appropriate funds to the Department of Natural Resources Appropriates \$10,000,000 from the General Fund for FY2006-09 to the Department of Natural Resources to be used for funding the duties of natural resources districts under the Nebraska Ground Water Management and Protection Act to carry out an interrelated water management plan program.  
**Status: In committee.**
- LB 1097 (Schrock) Create the Storm Water Management Plan Program.  
The purposes of the plan are facilitation and funding of the duties of cities arising under the federal Clean Water Act, 33 U.S.C. 1251 et seq. as such act existed on January 1, 2006 regarding storm water runoff under the National Pollutant Discharge Elimination System requirements. The Storm Water Management Plan Program shall function as a grant program administered by DEQ. The Environmental Quality Council shall develop guidelines and limitations for grant application for funding an applicant city's requirements.  
**Status: Advanced to General File with Committee Amendment.**
- LB 1109 (Schrock) Change permit and disciplinary action provisions of the Livestock Waste Management Act. Requires the department to reject an application for a National Pollutant Discharge Elimination System permit or a construction and operating permit upon a finding that the applicant is unsuited to perform the obligations of the permitholder etc. Requires the department to revoke or suspend a National Pollutant Discharge Elimination System upon a finding that the permittee is unsuited to perform the obligations of a permitholder.  
**Status: Advanced to General File.**
- LB 1121 (Brown) Appropriate funds to the Department of Economic Development to contract for an environmental study relating to hydroelectric dam project.  
**Status: Indefinitely postponed.**
- LB 1130 (Stuthman) Authorize the creation of transportation development districts and grant powers  
**Status: Indefinitely postponed.**
- LB 1147 (Kremer) Eliminate the qualifications of the Director of Natural Resources.  
**Status: Indefinitely postponed.**
- LB 1183 (Thompson) Permits an exemption from motor vehicle tax for an unmarried surviving spouse of a veteran.  
**Status: Indefinitely postponed.**

- LB 1191 (Howard) Change the distribution of county and municipal county roads funds  
**Status: Indefinitely postponed.**
- LB 1198 (Connealy) Provide for microsale producers of biofuel and fuel tax treatment of such producers.  
**Status: Advanced to General File with Committee Amendment.**
- LB 1217 (Baker) Change provisions relating to use of ethanol production tax credits  
**Status: Advanced to General File with Committee Amendment.**
- LB 1225 (Langemeier) Change provisions relating to hydrologically connected water  
**Status: Indefinitely postponed.**
- LB 1226 (Langemeier) Change provisions relating to instream appropriations, ground water, and management areas  
**Status: Advanced to General File.**  
**AM 2723 which removes the qualification that the Director of Natural Resources be a licensed professional engineer.**
- LB 1229 (Stuhr) Appropriate funds to the Department of Roads for a paving project referred to as the Charleston Link. The Department of Roads shall give priority to state gravel roads that have been identified as projects for hard-surface improvements and shall complete such improvements by 2012.  
**Status: Indefinitely postponed.**