

Biotech startup fund, economic task force advanced

Lawmakers gave second-round approval to a bill April 3 that would provide financial assistance to the state's bioscience industry.

LB641, introduced by Sen. Adam Morfeld of Lincoln, would create the Bioscience Innovation Program under the Business Innovation Act. The bill would create a fund to provide financial assistance to bioscience-related businesses in the state.

Funding for the program would come from loan repayments to the Nebraska Progress Loan Fund as authorized by the federal Small Business Credit Initiative

Act. The state Department of Economic Development estimates that approximately \$1.5 million in loan repayments will be received in fiscal year 2017-18 and \$1 million in FY2018-19.

Sen. Paul Schumacher of Columbus proposed an amendment that would terminate the program after its funding is exhausted. The amendment also would prohibit the use of money in the fund to promote or oppose any candidate for public office or to influence state legislation. Additionally, it would require the department to submit a report to the Legislature that lists the recipients of funds, the location of enterprises formed and the purposes for which the financial assistance was given.

"The disclosure is important in a program which is new, which has no rules and regulations behind how [the



Sen. Adam Morfeld said the bill would help the state's economy by directing unallocated federal funds to biotechnology startup companies.

department] is supposed to distribute this money," Schumacher said.

Sen. John Kuehn of Heartwell said Schumacher's proposal would give the Legislature more information on how the funds are used. He said it is unclear what information is required to be reported to the Legislature under the Business Innovation Act.

Morfeld said the programs administered under the Business Innovation Act already are required to report certain information to the Legislature, so those provisions in the Schumacher amendment were unnecessary.

Sen. Brett Lindstrom of Omaha introduced an amendment, adopted 32-15, that would remove the provisions of Schumacher's amendment, leaving only the requirement that the program end when its funds are exhausted.

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Statute of limitations exception for child victims advanced

A bill that would provide child victims of sexual assault more time to seek damages was advanced from the first round of debate April 5.

LB300, introduced by Omaha Sen. Bob Krist, would eliminate the statute of limitations for any civil action brought against a perpetrator of sexual assault against a child. He said



Sen. Bob Krist

many victims of such assault require years to process their traumatic experience. Krist said the bill would give victims an opportunity for closure and justice.

"I brought this bill so that these people who have suffered these injuries could finally feel some peace," he said.

Krist introduced an amendment, adopted 25-15, which would allow the bill's provisions to be applied retroactively to cases that had previously exceeded the statute of limitations. In those cases, a victim could file suit in civil court within 35 years of his or her 18th birthday, or within three years of the bill's operative date, whichever is longer.

Under the bill, civil action against any person or entity other than the individual perpetrator only could be brought within 12 years of the victim's 21st birthday.

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Biotech fund

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Senators voted 28-15 to adopt Schumacher's amendment as amended by Lindstrom's.

Lawmakers then voted 27-7 to adopt an amendment introduced by Sen. Dan Watermeier of Syracuse that would incorporate provisions of his LB230. These would create a task force that would work with the state departments of Economic Development and Labor to identify the state's economic development priorities. The task force would meet at least every three months when the Legislature is not in session.



Sen. Dan Watermeier

Watermeier said the task force would coordinate the state's economic development planning and help the Legislature build consensus about which ideas are worth pursuing.

"Economic development is very important for Nebraska's future," he said, "but we don't have a united approach for developing strategy on what works and what does not work."

Senators then voted 25-7 to advance LB641 to final reading. ■

Statute of limitations exception for child victims advanced

(continued from front page)

Sen. Joni Craighead of Omaha supported the bill. She said allowing victims to bring civil action when they are emotionally ready is the best way to handle a very difficult situation.

"Sometimes it takes years and years of therapy for victims to grasp what has happened to them," Craighead said. "Removing the statute of limitations is a very good thing."

Lincoln Sen. Mike Hilgers raised concerns about the legality of applying the bill's provisions retroactively. He said the Legislature must strike a balance between allowing victims to seek redress and letting defendants move forward with their lives. Reopening a case that already has been deemed closed could violate the state constitution, Hilgers said.

"For individuals who already have passed the statute of limitations, the law says you no longer have to be concerned with a civil action," he said.

In response, Krist introduced an amendment that would add a severability clause, which means that if one part of the bill would be declared

unconstitutional, the declaration would not impact the remaining parts of the bill.

Krist said a case currently pending before the Nebraska Supreme Court could result in a definitive decision on the retroactivity provisions in the bill.

Omaha Sen. Ernie Chambers said he supports the concept behind the bill but had similar constitutionality concerns as Hilgers.

"If [LB300] is unconstitutional when it is passed, it cannot be made constitutional based on a [court] decision after the Legislature has acted," he said.

Following the 25-2 adoption of the severability amendment, senators advanced the bill to select file on a 29-3 vote. ■

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MEET THE SENATOR

Farmer, restaurateur earns seat at table

At some point early in his term as president of the National Farmers Organization, Sen. Steve Halloran realized he was a political outlier in the group he had been elected to lead.

“The going joke internally was I was the token conservative in all of the organization,” he said.

The nonprofit, whose headquarters is located in Ames, Iowa, helps farmers market their grain, livestock and dairy. After he was elected to lead it in 1991, Halloran quickly had to learn to work with its 48 board members, each with competing loyalties and interests.

“You don’t have a board of 48 people and not have to have some level of compromise from time to time,” he said.

The same thing held true for Halloran then as it does now as a senator: “Compromise is OK as long as it doesn’t compromise your principles

and the principles that you ran on.”

Halloran’s principles — fiscal restraint, minimal government, opposition to abortion — were shaped by his church, his family and a life centered on his family’s farm, he said.

His great-great-grandfather homesteaded near what is now Hastings, farming 1,500 acres with horses and mules. As a boy, Halloran helped his father farm the same ground.

Halloran attended Catholic elementary and high schools before earning a degree in management from Creighton University in 1970. He thought about attending law school but decided to take a year off and return to the farm. He ended up farming with his father for another 20 years.

After his term at the National Farmers Organization ended, he formed a web-based agricultural marketing company and served as membership director of the Council for Agricultural Science and Technol-

ogy. His sister’s family started a stir-fry restaurant franchise in 2001 and, in 2003, Halloran became co-owner of several of the restaurants.

As an executive, Halloran said it has been difficult adjusting to the reality of the Legislature, in which no single person is responsible for making decisions. But so far, Halloran said, he has enjoyed the postgraduate-level instruction on the issues that come before his committees.

“You shouldn’t come into [the Legislature] thinking you know everything you need to know,” he said. “It’s an education.”

Whenever he has free time, Halloran and his wife, Ann, visit their children, Michael and Lindsey, and four grandchildren. Halloran remembers talking politics around the dinner table with his family when he was young, and he did the same with his children. Michael, who Halloran described as a political junkie, encouraged his father to run for senator and attended the swearing-in ceremony with his family.

“That was special,” Halloran said. “It was a great experience for everybody.”

Halloran said he is honored to be a senator and takes the responsibility seriously. At the same time, he said, he likes to use his wry sense of humor to defuse tense moments in committee hearings or floor debate.

“If you don’t have some occasional levity, we all get kind of caught up in being more important than we really are,” he said. ■



Sen. Steve Halloran with his wife, children and grandchildren.

EDUCATION

Accommodations for pregnant and parenting students advanced

Lawmakers advanced a bill April 4 that would require schools to provide students who are mothers with a private place to express breast milk.

Current law allows a mother to breast-feed her child in any public or private location where she otherwise is authorized to be. Introduced by Sen. Tony Vargas of Omaha, LB427 would expand that provision to include mothers who attend public, private, denominational or parochial day schools. The bill would require those schools to provide private or appropriate facilities or accommodation for milk expression and storage for their students.



Sen. Tony Vargas

“By accommodating student mothers and giving them a place to express and store milk, we are proving the support that they need, increasing the likelihood that they will be able to finish their education and thrive later in life,” Vargas said.

Vargas introduced an amendment, adopted 27-9, that would incorporate provisions from his LB428. It would require school districts to adopt a written policy providing standards and guidelines to accommodate pregnant and parenting students. School policies would be required to include the minimum standards contained in a model policy that would be developed by the state Department of Education.

At a minimum, the policy would provide for student absences due to pregnancy and allow students to return to school and participate in extracurricular

activities after pregnancy. It also would provide alternative methods for keeping pregnant or parenting students in the classroom by allowing them to complete coursework at home or by providing online classes or visits from tutors.

Vargas said an ACLU survey of Nebraska schools found inconsistencies in school district policies to accommodate pregnant and parenting students. He said some districts could be doing more to help young mothers stay in school.

“It’s time to have more consistency in how pregnant and parenting students experience school,” Vargas said. “Too often they are presented with the dilemma of choosing between continuing their education or parenting their child.”

The model policy also would identify private, hygienic spaces where students could express breast milk during the school day. Finally, if schools do not have an in-school child care facility, the policy would establish a procedure for assisting student parents by identifying local child care providers.

The department’s model policy would be developed and distributed to districts by Dec. 1, 2017, and districts would be required to adopt a policy by May 1, 2018. The policies would be implemented at the start of the 2018-2019 school year.

Sen. Lydia Brasch of Bancroft supported LB427, saying that it would help young mothers complete their educations. However, she opposed Vargas’s amendment, saying that the state should not mandate the contents of a school policy for accommodating pregnant and parenting students.

“If it is perceived that schools are not doing the right thing, then I believe we do have an issue that should go before school boards,” she said.

Sen. Jim Scheer of Norfolk opposed the amendment. He said the Department of Education and the state board of education should be free to develop a policy to accommodate

pregnant and parenting students without a mandate from the Legislature.

“I think this shows disrespect for that board and for those members,” he said. “We have an obligation to allow them to do their job.”

Sen. Bob Krist of Omaha supported the amendment and the bill. He said some government mandates, such as laws requiring public buildings to be accessible to people with disabilities, are the right thing to do, even if they are not accompanied by funding.

“We have an obligation to make sure that accommodations are made for circumstances that are ... potentially beyond people’s control and ... that caused a difference in a life that makes it more difficult for that person to succeed,” he said.

Vargas also introduced an amendment, adopted 33-2, clarifying that the requirements in LB427 would not limit the authority of administrators or teachers to regulate student behavior or the authority of a private, denominational or parochial school to regulate student behavior in order to prevent interference with the educational process.

Senators then voted 29-3 to advance LB427 to select file.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Uniform enforcement of firearm regulations discussed

A bill discussed by lawmakers April 4 would override individual city and local ordinances, making firearm regulations consistent statewide.

LB68, introduced by Lincoln Sen. Mike Hilgers, would authorize the state to regulate the registration,



Sen. Mike Hilgers

possession, transportation, transfer and storage of firearms and ammunition. Cities and villages would retain the authority to enforce prohibitions on firearm discharge.

Hilgers said the lack of a statewide policy allows a “patchwork” of local ordinances regarding firearm possession, creating the possibility that a responsible firearm owner could unknowingly violate city ordinances while traveling to different areas of the state.

“LB68 would remove a heavy burden placed on Nebraska citizens and their right to bear arms,” he said. “At the same time, this will leave the cities with tremendous ability to continue to fight and regulate gun violence.”

A pending Government, Military and Veterans Affairs Committee amendment would allow a city of the metropolitan class to prohibit handgun possession in public places. Exceptions to the prohibition would include safe transport in a vehicle, possession for instructional purposes and possession by concealed-carry permit holders and military members.

Omaha currently is the only metropolitan class city in Nebraska.

Committee chairperson Sen. John Murante said the amendment is the result of months of negotiations with Omaha police to address concerns about the ability of law enforcement to effectively fight gun violence in the city.

The amendment also would prohibit the open transportation of handguns and long guns within metropolitan class cities. It would require that firearms be unloaded and contained within an enclosed case or unloaded and broken down. There would be exceptions for firearm transport by law enforcement, concealed-carry permit holders, military members and other lawful activity that does not endanger public safety and has received proper legal approval.

Finally, the amendment would require that all firearms transported with-

in a vehicle be unloaded and locked up, either in a trunk or a container other than the glove compartment or console. Concealed-carry permit holders and military members would be excluded from this requirement.

Gordon Sen. Tom Brewer supported the bill. His work teaching marksmanship to youth throughout the state has shown him that proper gun ownership can teach valuable life lessons, he said. Brewer said it is difficult for law abiding gun owners who travel throughout the state to know all of the potential local ordinances that they may be unintentionally violating.

“Criminals are going to do bad things regardless of what the law is, so we should concentrate on the impact on people who are doing good things,” he said. “Please remember that what we’re trying to do here is just to help the common person be able to do the right thing without going to jail for it or being fined for it.”

Hastings Sen. Steve Halloran also supported LB68. He said local ordinances are designed to combat gun violence, but legal gun owners practicing their constitutional rights could face serious penalties without statewide gun laws.

Sen. Ernie Chambers of Omaha introduced a motion to recommit the bill to committee. He said it is patterned on model legislation used nationally and does not allow for Nebraska communities to adopt ordinances that address local issues. The passage of the concealed carry permit law in 2007 was done so with the promise that municipalities would retain the right to create individualized ordinances, Chambers said, which would be violated under LB68.

Lincoln Sen. Adam Morfeld also opposed the bill, saying the compromise struck with Omaha completely goes against the purported intent of the bill to have one statewide policy. Lincoln currently has 32 categories of persons prohibited from possessing handguns,

Morfeld said—all of whom would be able to possess weapons if the bill were passed.

He said the bill would remove a valuable tool from local law enforcement who are working in the community every day.

“[The bill] carves out one municipality that has gang violence to the detriment of other municipalities that have the same problems,” Morfeld said. “To provide these tools to Omaha and not to Lincoln is insulting, irresponsible and dangerous.”

Sen. Kate Bolz of Lincoln also opposed LB68. She said it would nullify a current provision in Lincoln’s gun ordinance that prohibits handguns in domestic violence shelters and mental health facilities. Doing so while domestic violence homicides involving guns continues to increase is unacceptable, Bolz said.

The Legislature moved to the next item on the agenda without taking action on the bill.

Tourism commission restructure amended, advanced

A bill that would revamp the Nebraska Tourism Commission received second-round approval April 4.

LB222, introduced by Gering Sen. John Stinner, would expand the commission’s membership from nine to 11 governor-appointed members. Four would be required to have professional, volunteer or public service experience related to the governance duties of the commission and seven would be affiliated with the tourism industry.

Thirty days after its effective date, the bill would dissolve the current commission membership and create 11 districts based on geography and



Sen. John Stinner

tax lodging revenues to ensure state-wide representation. Members would serve four-year terms and be limited to two successive terms.

The bill also would clarify grant guidelines, require the commission to adopt written policies governing expenditure of appropriated funds and stipulate that contracts awarded by the commission follow rules established by the state Department of Administrative Services.

Bellevue Sen. Carol Blood offered an amendment, adopted 36-0, that would require the commission to review its strategic plan annually and update as necessary. Stinner, who had opposed a similar amendment on general file, supported the addition. Language in the new amendment was agreed upon by all parties, he said.

Stinner then offered an amendment, adopted 36-0, that removed the emergency clause from the bill. He said the executive branch would need additional time to select new board members and put the new commission in place.

The bill also would redefine what must be contained in the commission's strategic plan to include:

- marketing strategies for promoting tourism;
- methods to expand existing tourism capacity;
- an examination of best management practices for the tourism industry;
- a review of revenue in the State Visitors Promotion Cash Fund available for tourism development at the state level; and
- recommended strategies to provide technical assistance, marketing services and state aid to local governments and the tourism industry in Nebraska.

Following adoption of the amendments, LB222 advanced to final reading by voice vote.



Omnibus health licensing bill amended, advanced

An omnibus health care licensure bill was amended and advanced from select file April 3.

LB88, introduced by Bellevue Sen. Carol Blood, LB88 would allow military spouses to obtain temporary licensure in Nebraska in a variety of health professions under the Uniform Credentialing Act.



Sen. Carol Blood

Blood offered an amendment on select file, adopted 37-0, which would remove a requirement that a licensed audiologist obtain a second, specialist license in order to sell hearing instruments. Blood said the change would bring Nebraska into alignment with 32 other states and the District of Columbia.

"This amendment removes red tape that does not need to be there," she said.

Columbus Sen. Paul Schumacher also introduced an amendment, adopted 39-0, which would remove a requirement that nurses educated in a foreign country pass a specific examination or hold a certificate from the Commission on Graduates of Foreign Nursing Schools.

Instead, an applicant would be required to pass a board-approved examination and provide satisfactory evaluation from a board-approved foreign credentials evaluation service.

Schumacher said more options for certification exist and the change would give the state Department of Health and Human Services more flexibility in getting qualified nurses into positions in Nebraska and help

ease the state's nursing shortage.

As amended on general file, LB88 also would:

- authorize Nebraska to join the Interstate Medical Licensure Compact;
- update provisions for licensure and practice requirements within the current Nurse Practitioner Practice Act;
- amend portions of the state's Nurse Practice Act to allow Nebraska to join the Enhanced Nurse Licensure Compact when it takes effect – either on Dec. 31, 2018, or when 26 states have joined; and
- allow licensed practical nurses to provide intravenous therapy and would eliminate the Licensed Practical Nurse-Certified Practice Act.

The bill advanced to final reading by voice vote.

Telehealth insurance bill amended, advanced

Lawmakers gave second-round approval April 3 to a bill that would prohibit insurance providers from excluding coverage for a service based solely on its deliverance through telehealth.

LB92, sponsored by Seward Sen.

Mark Kolterman, would require health insurance companies to cover any service provided via telehealth if the service is covered for an in-person consul-



Sen. Mark Kolterman

tation. The bill would not apply to policies that provide coverage for a specified disease or other limited-benefit coverage.

Ralston Sen. Merv Riepe offered an amendment, adopted 37-0, which added provisions from his LB282 that would remove a Medicaid coverage restric-

tion for children if a child has access to services within 30 miles of his or her place of residence.

Following the 30-0 adoption of a technical amendment, LB92 was advanced to final reading by voice vote.



Sen. Merv Riepe

Alternative response for low-risk child welfare cases amended, advanced

Lawmakers amended and advanced a bill April 3 that would extend an alternative response pilot program and authorize it to be used statewide.

Alternative response allows the state Department of Health and Human Services to provide services to families that meet certain screening requirements and are the subject of a child abuse or neglect investigation where the risk to the child is considered minimal.

LB225, sponsored by Bellevue Sen. Sue Crawford, would expand Nebraska’s alternative response pilot to a statewide program and extend the authorized use of alternative response until Dec. 31, 2020. The bill also would require that the mandatory evaluation of the program be presented to the Nebraska Children’s Commission by Nov. 15, 2018.

The bill was amended on general file to include three additional child-welfare related measures and also would:

- create the Children and Juveniles Data Feasibility Study Advisory Group as a pilot project;
- rename the Normalcy Task Force as the Nebraska Strengthening Families Act Committee under



Sen. Sue Crawford

the Nebraska Children’s Commission and add a juvenile facility representative to the committee; and

- allow DHHS to charge a fee of at least \$5, but not more than \$10, to conduct a central registry check and exempt any entity or individual that is required to request a check by state law or a department rule or contract.

Crawford brought an amendment on select file to cap the fee at \$3 and remove the exemption. She said that not enough optional registry checks would be performed to offset the cost of the service, which was the original intent of the provisions.

“The bill will still include hardship provisions for those who find the fee to be overly burdensome,” Crawford said.

Following adoption of the amendment on a 35-0 vote, the bill advanced to final reading by voice vote.

Palliative care bill advanced

Senators advanced a bill from general file April 5 that seeks to improve knowledge of and access to palliative care in Nebraska.

Seward Sen. Mark Kolterman, sponsor of LB323, said palliative care seeks to improve the quality of life of individuals diagnosed with a life-threatening illness through the early identification of pain and treatment of psychosocial and spiritual needs.

The bill would establish the Palliative Care and Quality of Life Act and create an advisory council that would meet at least twice a year.

The bill also would require the state Department of Health and Human Services to establish the Palliative Care Consumer and Professional Information and Education Program.

Program information would be made available on the department’s website on or before June 30, 2018. This would

include continuing education opportunities for health care professionals and educational materials and information on delivery of palliative care in the home and in hospice settings, as well as best practices and referral programs.

Kolterman said many medical professionals erroneously equate palliative care with end-of-life care and hospice only. This misunderstanding remains one of the main barriers to access to palliative care services, he said.

“The purpose of the education program is to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information is available to the public,” Kolterman said.

Ralston Sen. Merv Riepe spoke in favor of the bill, saying the need for the bill’s provisions will increase as Nebraskans continue to live longer.

“Palliative care is part of addressing new health care delivery models and meeting needs,” Riepe said.

The bill advanced to select file on a 38-0 vote.

Perinatal hospice bill amended, advanced

A bill that would provide information regarding perinatal hospice to a pregnant woman diagnosed with a lethal fetal anomaly was amended and advanced from select file April 3.

Under LB506, introduced by Thurston Sen. Joni Albrecht, a physician who diagnoses a lethal fetal anomaly would provide information regarding perinatal hospice services, which the bill defines as comprehensive support from



Sen. Joni Albrecht

the time of diagnosis through the death of an infant and the postpartum period.

A lethal fetal anomaly is defined

as a condition diagnosed before birth that will – with reasonable certainty – result in the death of an unborn child within three months of birth.

Under the bill, the state Department of Health and Human Services (DHHS) would be required to provide an information support sheet of available programs and services, which also would be posted on the department website.

Lincoln Sen. Anna Wishart offered an amendment, adopted 43-0, that added provisions of her LB287 that would allow the DHHS Child and Maternal Death Review Team to enter into written agreements to provide secure electronic storage of information and records collected by the review team.



Sen. Anna Wishart

Wishart said the team reviews the number and causes of death of individuals from birth to 17 and deaths of women during pregnancies.

“The goal of the team is to identify patterns of preventable deaths and report to the public and state policy makers recommendations on changes that might prevent future deaths,” she said.

Currently, Wishart said, the team has an ongoing, no-cost agreement to store data within a secure multi-state database but also stores the data in-house with identifiers in order to update their records.

The amendment clarifies that the state would be able to eliminate this duplication by storing the data with identifiers in a secure off-site location. It also would make a small technical change to the underlying bill.

Following adoption of the Wishart amendment, the bill advanced to final reading by voice vote.

JUDICIARY

Senators discuss workplace protections for LGBT

Lawmakers discussed a bill April 6 that would protect employees who identify as lesbian, gay, bisexual and transgender (LGBT) from discrimination from employers.

Introduced by Lincoln Sen. Adam Morfeld, LB173 would prohibit employers, employment agencies and labor unions from discriminating against employees or applicants based on their sexual orientation or gender identity. The bill would apply to employers having 15 or more employees, the state of Nebraska, governmental agencies and political subdivisions.



Sen. Adam Morfeld

Discrimination based on race, color, religion, sex, disability, marital status and national origin currently is prohibited.

Morfeld said some Nebraskans are being fired for being gay and many are scared to be themselves for fear of losing their jobs. The state is losing talented young workers, he said, to the nearly half of all states that already have passed similar protections.

“Voting against LB173 is not only allowing people to be fired solely for being gay, [it’s also saying that] we want the right to tell you that’s the reason you’re being fired,” he said. “If we’re going to build a 21st century economy in our state, than we need to pass these commonly accepted protections.”

Sen. Kate Bolz of Lincoln spoke in support of the bill. She said a recent study commissioned by the governor predicted that 66 percent of all Nebraska jobs in the future will require a college degree or

higher. Refusing to pass protections like these unnecessarily hinders the state’s already small workforce, Bolz said.

“The chambers of commerce and business interests in Nebraska all define workforce has the number one priority in terms of growing Nebraska,” she said. “LB173 would bring all kinds of workers with all kinds of gifts to the state.”

Bellevue Sen. Carol Blood said the recent announcement of a Facebook data center locating in Papillion is a tremendous opportunity for economic growth. Recruiting other large, international companies to build in Nebraska will be difficult, she said, if the state’s employment laws continue to allow for discrimination against LGBT employees.

Kearney Sen. John Lowe opposed the bill, saying that Nebraska’s economy is consistently ranked as one of the strongest in the country. He said there is no correlation between stronger economic growth and discrimination protections for the LGBT community.

Sen. Suzanne Geist of Lincoln also opposed LB173. She said the bill threatens the freedom of those who live by their deeply held religious beliefs. The government should not be dictating to business owners who they must hire, Geist said.

“Business [owners] have the right to be free to run their business according to their beliefs and thus contribute to the diversity that is essential in the marketplace,” she said.

Omaha Sen. Ernie Chambers supported the measure, saying it is hypocritical to protect the rights of some groups and not others. The right of LGBT members to not be discriminated against is a matter of human rights, not civil rights, he said.

“If you say our LGBT brothers and sisters are not entitled to this protection and this kind of legislation because it gives unfair advantages to some and not others, let’s get rid of all protections,” Chambers said. “Let there be freedom

and justice for everybody or let there be freedom and justice for nobody.”

The Legislature adjourned for the day before taking action on the bill.

Elimination of archery ban for convicted felons advanced

A felony conviction would no longer preclude a person from owning archery equipment under a bill advanced from general file April 5.

LB478, introduced by North Platte Sen. Mike Groene, would exclude possession of archery equipment and knives used for butchering, harvesting or otherwise processing game, fish or furs from the list of deadly weapons currently prohibited for convicted felons.



Sen. Mike Groene

Groene said the idea for the bill was brought to him by a couple, both convicted felons, who wanted to participate in archery but were legally barred from doing so. He said they had made mistakes as young people but had turned their lives around to become productive members of society.

“For years, the state Game and Parks Commission has allowed archery permits to people with felony convictions that had turned their lives around,” he said. “We are just clarifying in statute what we are already doing.”

Possession of a knife under the bill would require a person to hold a recreational license. Columbus Sen. Paul Schumacher introduced an amendment, adopted 28-0, which would require that such license be issued by the state.

Omaha Sen. Ernie Chambers supported the bill. He said the word felon often carries a very sinister meaning to people who do not understand the wide variety of conduct that can be considered a felony. Continuing to punish

a person after he or she has paid their debt to society is unfair, Chambers said.

“When you can see someone who has come back from [a felony conviction] and made a success of his life, it is an argument in favor of second chances,” he said. “What we need to do once someone has paid his or her debt to society is to cut them loose.”

Senators advanced the bill to select file on a 25-0 vote.

Judicial salary increase advanced

Judges would receive a pay raise under a bill advanced from general file April 5.

LB647, introduced by Lincoln Sen. Patty Pansing Brooks, would increase by 1 percent the salary of Nebraska Supreme Court justices, effective July 1. The raise would result in an annual salary of \$173,694 annually. An additional 1.5 percent raise would take effect Jan. 1, 2019, increasing the justices’ salary to \$176,299.



Sen. Patty Pansing Brooks

Pansing Brooks said the state’s judges adjudicate some of the most controversial cases impacting individuals’ most basic rights. Their pay must be commensurate with the work we ask them to do, she said.

“This would ensure judges’ pay is competitive in order to attract diverse and qualified candidates to work in our courts,” Pansing Brooks said.

The salaries of lower-court judges are tied to those of the Supreme Court justices and would increase by the same percentages.

Omaha Sen. Burke Harr spoke in favor of the bill, saying it is important to remember that serving as a judge is a form of public service. He said many judges leave lucrative jobs in private

law firms when they are appointed to the bench and should be compensated competitively.

“This is very important if we want to retain competent judges, we need to pay them market value similar to what they would make [in the private sector],” he said.

Following the adoption of a technical committee amendment, senators advanced the bill to select file on a 31-0 vote.



Bill would make reservations special economic impact zones

Lawmakers advanced a bill April 5 intended to encourage the formation and expansion of businesses on Native American reservations in the state.

Under LB291, introduced by Sen. Tyson Larson of O’Neill, a qualified business could exclude from its income tax liability any income derived from sources within a special economic impact zone. As introduced, the bill also would have allowed businesses to exclude from sales and use taxes the first \$10 million in purchases of goods or services for use within a special economic impact zone each year.



Sen. Tyson Larson

Larson said many businesses avoid locating on reservations in the state because they would be subject to federal, state and tribal income taxes. The proposed state income tax exemption would encourage businesses to locate on reservations by ensuring that they would not be taxed by all three entities.

“My intent with this legislation is an attempt to provide both incen-

tives and benefits within these special economic impact zones in an effort to promote economic growth and stability in these areas," he said.

Under the bill, a business that engages in Class III gaming activity, derives more than 5 percent of its income from the sale of agricultural grain or relocates from one part of the state to a special economic impact zone would not be eligible for the incentives.

The governing body of any city of the metropolitan, primary or first class would have to approve before trust land located in the city is included in the zone.

Low-income housing projects in a special economic impact zone would receive a bonus under the Nebraska Investment Finance Authority scoring system that allocates federal low-income housing tax credits. As amended, the bill would require that no more than one application per year may be awarded federal low-income housing tax credits as a result of the bonus.

LB291 also would require the state Department of Revenue to enter into a revenue-sharing agreement with an Indian tribe if the agreement includes certain provisions.

Any revenue-sharing agreement must include a requirement that the tribe impose a tribal tax that is less than or equal to state sales and use taxes and a requirement that the tribal tax not be imposed on any transaction that is exempt from state sales and use taxes. An agreement must also include a requirement that the tribal tax be imposed on both members and nonmembers of the tribe, a requirement that 20 percent of the tribal tax be shared with the state and provisions for administering, collecting and enforcing the agreement.

Larson said state sales taxes rarely are collected on reservations because it is considered poor etiquette to ask someone if they are Native American and therefore exempt. The proposed

revenue-sharing agreements would help the state and the tribes collect those taxes, he said, because the tribal tax would apply to both natives and non-natives.

This would increase state sales tax revenue while at the same time providing revenue that tribes could use to invest in infrastructure, housing and schools in some of the poorest areas in the state, Larson said.

A Revenue Committee amendment, adopted 26-0, reduced the amount of the proposed sales tax exemption to a business' first \$250,000 in purchases. Larson brought an amendment, adopted 25-0, that would establish as special economic impact zones each reservation in the state and any trust land of an Indian tribe that lies within a federally designated service area.

Senators then voted 26-0 to advance the bill to select file.

TRANSPORTATION & TELECOMMUNICATIONS

Anti-abortion license plates approved after cloture

Senators passed a bill April 3 that requires the state Department of Motor Vehicles to design and make available license plates with a "choose life" theme.

The plates authorized under LB46, introduced by Syracuse Sen. Dan Watermeier, will be available Jan. 1, 2018, for an additional \$5 for an alphanumeric plate or \$40 for a personalized message plate.

The state Department of Health and Human Services' Temporary Assistance for Needy Families program will receive 75 percent of the registra-

tion fee and \$5 of the application fee.

After an hour of debate on final reading, Watermeier filed a motion to invoke cloture, or cease debate and vote on the bill. The motion prevailed 35-6.

The bill passed on a 35-5 vote.

Aeronautics, Roads Dept. merger amended, advanced

Lawmakers amended and advanced from select file April 3 a bill that would create a unified state transportation department.

Under LB339, introduced by Henderson Sen. Curt Friesen, the state Department of Aeronautics would be merged with the state Department of Roads, effective July 1. The combined agencies would be renamed the Nebraska Department of Transportation.



Sen. Curt Friesen

The newly formed department would be administered by the director-state engineer for the state Department of Transportation. This position would be filled by the current director-state engineer for the state Department of Roads.

Omaha Sen. Bob Krist introduced an amendment that would require legislative confirmation of any person hired to serve as the director of the aeronautics division within the department. Krist said the position currently requires confirmation. The Legislature must ensure that the division director has an appropriate background in aeronautics, he said.

"It is important to continue to have that oversight and make sure that person is the right person for the division," Krist said.

Friesen opposed the amendment, saying the director of the transportation department must receive legislative confirmation and should be trusted to



Sen. Dan Watermeier

perform the duties of the job.

“If the director is not doing a good job in appointing the right people, then he will have to answer to [the Legislature],” he said.

Following the 25-8 adoption of the Krist amendment, senators advanced the bill to final reading by voice vote.

Elimination of motor vehicle sales license advances

Motor vehicle salespersons would no longer be required to obtain a special license under a bill advanced from general file April 5.

Introduced by Sen. John Lowe of Kearney, LB346 would eliminate the requirement for a person to obtain a motor vehicle, motorcycle or trailer salesperson license from the Motor Vehicle Industry Licensing Board. The license costs \$20 per year.



Sen. John Lowe

The Legislative Fiscal Office estimates that eliminating the licenses would reduce state revenue by approximately \$162,000 annually and save the state \$7,600 in printing and mailing costs.

Lowe said repealing the licenses for salespersons would remove a barrier to employment without threatening consumer protections. Dealers still would be required to have a license and carry liability insurance, he said, and the state Department of Motor Vehicles requires dealers to secure a \$50,000 bond.

“This bill helps employees to be able to save money and time by allowing them to skip over red tape and simply work at the jobs that they already have been offered,” Lowe said.

Lawmakers voted 39-0 to advance the bill to select file.

URBAN AFFAIRS

Riverfront development authority bill clears first round

A new economic development tool aimed at riverfront areas was advanced from general file April 5.

LB97, sponsored by Bellevue Sen. Sue Crawford, would adopt the Riverfront Development District Act. Crawford said the bill would provide a framework for city leaders in 52 eligible municipalities that could be tailored to the needs of an individual city.



Sen. Sue Crawford

Crawford said a city would have the power, by ordinance, to decide whether to utilize the bill’s provisions as an economic development tool and decide the amount of power and resources to grant to a riverfront development district (RDD).

“RDDs are a tool that can be used by municipalities across the state to effectively fund, manage and promote economic development and tourism efforts on riverfronts,” she said.

Under the bill, metropolitan, primary and first- and second-class cities could create a riverfront development district and appoint an authority of five or more members to oversee and manage the district. Two or more cities with a contiguous riverfront could enter into a joint authority.

A city would be required to set a cap on bonding and could limit an authority’s power by ordinance. In addition, an occupation or special assessment could not be imposed on the same property by both a riverfront development district and a business improvement district if the districts overlap.

In addition, an authority’s real property, income and operations would be exempt from all taxation by the state or any political subdivision of the state.

Crawford offered an amendment, adopted 25-0, which eliminated the local sales and use tax exemption for purchases made by an RDD authority. She said the change would eliminate almost 90 percent of the bill’s fiscal impact.

“The amendment will greatly reduce the projected loss of general fund revenue,” Crawford said.

Speaker Jim Scheer of Norfolk spoke in favor of the amendment and the underlying bill, but told lawmakers that LB97 would not be advanced further than select file.

Bills with a general fund impact cannot pass this session given the state’s current fiscal situation, Scheer said, but several were placed on the agenda in order to allow senators to discuss their public policy benefits.

Among other provisions, an authority – in conjunction with a city – would have the power to:

- fix, charge and collect rents and fees;
- invest in instruments, obligations, securities or property;
- install pedestrian shopping malls or plazas and other facilities;
- construct, install and maintain boardwalks, barges, docks and wharves;
- develop, manage and coordinate public activities and events within the district; and
- issue limited obligation bonds secured by a pledge of any revenue of the authority or by mortgage of property owned by the authority.

Following adoption of the amendment, LB97 advanced to select file 39-0. ■

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