

Paid family leave proposal stalls on general file



Sen. Sue Crawford (center) confers with Sens. Machaela Cavanaugh and Matt Hansen during floor debate on LB311.

After two days of debate, a proposal to offer paid family and medical leave stalled on general file March 20.

LB311, sponsored by Bellevue Sen. Sue Crawford, would provide partial wage replacement for eligible workers to care

under which a covered individual would be provided family medical leave for:

- care of a new child after birth, adoption or foster care placement;
- leave during a covered individual's serious illness or

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for themselves or a family member following a serious illness or to care for a new child.

Many Nebraskans have provided or will need to provide care to a loved one at some point in their lives, Crawford said, and for some, it will be their own health that requires extra care.

"Paid family and medical leave provides workers with the time and wages they need to deal with some of life's most special or difficult moments so that we can retain a skilled workforce, healthy children and strong families," she said.

A pending Business and Labor Committee amendment would replace the bill. As amended, LB311 would create the Paid Family and Medical Leave Insurance Act,

Bill to clarify in-school behavioral health coverage advances

A bill requiring insurance companies in Nebraska to pay for covered behavioral health services delivered in schools received first-round approval March 18.

Omaha Sen. Rick Kolowski said he introduced LB619 because there is confusion in current law about whether insurance companies will reimburse a provider who meets with a client at a school. Behavioral health providers sometimes offer services at a



Sen. Rick Kolowski

school when transportation is difficult or impossible for a student, he said.

"Some insurance companies pay for it and some do not," Kolowski said.

He said the bill would not expand coverage nor add any health care mandates.

A Banking, Commerce and Insurance Committee amendment, approved 28-0, clarified that the bill does not require an insurer to cover services otherwise excluded from a policy. The amendment also would delay the bill's implementation to June 1, 2020.

Gothenburg Sen. Matt Williams, chairperson of the committee, said the amendment would eliminate any

potential state expense.

North Platte Sen. Mike Groene expressed concern that the bill would allow a school-employed counselor to bill an insurer for services he or she administered.

"School dollars are for education, not for health care," Groene said.

Seward Sen. Mark Kolterman said the bill would aid students without affecting insurance companies.

"This doesn't change anything other than make it easier for kids that need the help," Kolterman said.

Senators advanced LB619 to select file on a 29-0 vote. ■

Paid family leave proposal stalls on general file

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pregnancy;

- care of a family member with a serious health condition;
- care of a covered service member who is next of kin; and
- qualified exigency leave as defined in the bill.

A covered individual would be entitled to take leave under the bill beginning Jan. 1, 2022. Available leave would vary between six and 12 weeks during any calendar year dependent on the qualified reason for the leave.

A covered individual could not receive family medical leave benefits and unemployment or workers' compensation benefits at the same time. Benefit amounts would be determined by a covered individual's yearly earnings as a percentage of Nebraska's average weekly wage.

Nebraska has an opportunity to prove that it is a "family first" state, Omaha Sen. Machaela Cavanaugh said in support of LB311.

"We keep talking about how to recruit and retain people to this state, but we're not willing to have the real,

hard conversations about what people are looking for in a home," she said. "They're looking for benefits, for where [they] can raise a family, for livability—we're not offering them that."

Also supporting the bill was Lincoln Sen. Matt Hansen, who said allowing people paid family and medical leave when necessary ultimately results in a better workforce.

"We hear time and time again from individuals who have to work while they're sick or work while taking care of a family member ... that if they just had a few extra days or a few extra weeks to actually get healthy, to get settled ... that they could be more productive and [functional] at work," he said.

As a young woman, Peru Sen. Julie Slama said she supports the concept of paid leave, but that the bill as written would "cripple" small businesses in rural districts.

"If this bill were to be implemented and we were to see people taking these 12-week periods off to care for a new child ... it's not as simple as going to

the local temp agency and getting someone to fill that role for the next three months," Slama said. "That role will remain vacant because we already can't fill the jobs that we have."

She introduced an amendment, which is pending, that would reduce available leave to four to six weeks during a calendar year, dependent on the qualified reason for leave.

North Platte Sen. Mike Groene also opposed the bill, saying it was unnecessary and would be detrimental to business.

"This is a 'nail in the coffin' of economic development for this state," Groene said. "It drives people away and it drives businesses away."

The Legislature moved to the next item on the agenda before voting on LB311 or the pending amendments. Per a practice implemented by Speaker Jim Scheer, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate. ■

UNICAMERAL UPDATE

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MEET THE SENATOR

Cavanaugh continues family legacy of public service

Somewhere in Omaha Sen. Machaela Cavanaugh's home sits a neglected trunk. It was handed down by her mother and is filled with the relics of a previous life of "free time"—before having children and before deciding to run for the Nebraska Legislature.

Cavanaugh has less time to indulge in embroidery, crocheting and knitting these days, but it's a trade-off that she is happy to make.

"Every single day I need to be present and mindful of why I'm here and what I'm trying to accomplish, more than I've ever had to be in any other job," she said. "Here I have to ask myself what I want to accomplish each day, because I only have so many days."

Cavanaugh comes from a family of public servants: a community college board member, county clerk, county commissioner, public service commissioner, postmaster general, state senator and congressman all are represented in the Cavanaugh family ranks.

While a career in politics might have seemed inevitable, Cavanaugh was perfectly happy working in the nonprofit world. It was not until she pursued her master's degree in public administration from the University of Nebraska at Omaha that she realized the impact she could have on a larger scale.

"I found that I really enjoyed the public policy design and implementation aspect," she said. "As I had been working in the community the last several years, there were issues that were coming up at the legislative level that I didn't see getting the traction or attention that I hoped that they would."

She attributed part of that frustration to the makeup of the Legislature. She and husband Nick considered the idea of her running for a seat in the Legislature—and kept revisiting it over time—before finally deciding that she would challenge

the incumbent state senator last year.

"It was mostly that I didn't feel like the people who needed a voice the most were being represented," Cavanaugh said.

It is her partnership with Nick that allows her to serve in Lincoln and keeps their three children—Della, Harriet and Barrett—in a happy routine. Cavanaugh drops the children off at child care each morning while Nick picks them up every evening.

And, as with all other working parents, sometimes life or mother nature throws a curveball their way.

A snowstorm earlier this session meant Barrett, who is still nursing, came to work with Mom, while Della and Harriet remained in Omaha with Dad.

But most importantly, she said, her family was able to do what was best for them in that situation. Finding ways to support parents in the workplace has been a legislative priority for Cavanaugh.

"It's important for everyone to feel supported in the workplace, but it's especially important for women who are coming back from giving birth ... to feel like they can still contribute what they've always contributed," she said. ■



Sen. Machaela Cavanaugh enjoying family time with husband, Nick Brotzel, daughters Harriet and Della, and her parents Kate and John Cavanaugh.

BUSINESS & LABOR

Expedited work site inspections discussed

State labor investigators would have more authority under a bill considered March 18 by the Business and Labor Committee.

Under LB577, introduced by Omaha Sen. Tony Vargas, the commissioner of labor could force a contractor to halt work on a site and expedite an investigation if a violation is found to threaten public health and safety.



Sen. Tony Vargas

Vargas said classifying someone as an independent contractor, rather than an employee, allows employers to avoid paying unemployment and other taxes, as well as workers' compensation and unemployment insurance.

"Workers who are misclassified as independent contractors work without the legal protections typically afforded to employees," Vargas said.

He said employers who are willing to "cut corners" when classifying employees also are likely to be engaging in other risky practices.

One Omaha construction company recently failed to shut off electricity while two men were working close to an active power source, Vargas said. Their vehicle made contact with a power line, he said, sending both men to the hospital.

Juan Alvarado of Omaha, who worked with the two men injured in the Omaha accident, spoke in support of the bill. Only two feet of space separated the metal cage containing the workers and the active power source, he said, a shortcut that saved

the contractor only \$800.

"So, somebody's life, at 25 years old, changed for just \$800," Alvarado said. "If somebody had driven through the job site, they would have seen it was clearly in violation of [Occupational and Safety Health Administration regulations]."

Felicia Hilton, representing the North Central States Regional Council of Carpenters, also supported LB577. The young man injured in the Omaha accident was classified as an independent contractor without workers' compensation coverage, Hilton said, which means Nebraska taxpayers likely will be paying for his injuries for the rest of his life.

"If an inspection happens and you see dangerous things happening on the job site, chances are that not only are the workers not trained, but they don't have workers' compensation [coverage]," she said. "This just makes sure that [the commissioner] has the ability to stop work when he sees that public safety and public health, for the workers in particular, are [threatened]."

Opposing the bill was Commissioner of Labor John Albin. Misclassification of an employee, in and of itself, does not affect the safety of the general public, he said.

"This bill does not define the scope of the safety review required by the department's onsite investigators or the amount of training in safety issues [they] would be required to possess," Albin said. "Even an OSHA-style inspection of the working conditions at a work site would not satisfy LB577's requirements because an OSHA inspection is limited to the health and safety of workers onsite, not the general public."

The committee took no immediate action on the bill.

EDUCATION

American civics requirements updated

Lawmakers passed a bill updating social studies requirements for Nebraska schools March 21.

School boards had been required to appoint three members to a committee on Americanism to approve textbooks used in the teaching of American history and government.

LB399, introduced by Peru Sen. Julie Slama, requires the renamed committee on American civics to hold at least two public meetings annually and ensure that the district's social studies curriculum is accessible to the public.



Sen. Julie Slama

The committee also will ensure that the district's curriculum aligns with state social studies standards and "teaches and assesses foundational knowledge in civics, history, economics, financial literacy and geography."

The bill requires each school district to incorporate into its curriculum either an exam based on the the 100-question civics portion of the U.S. Citizenship and Immigration Services naturalization test or a civics-focused project, paper or presentation.

LB399 also eliminated the criminal penalty for violating the Americanism statutes' provisions.

Senators voted 44-2 to pass the bill.

Acts of genocide curriculum requirement proposed

Nebraska schools would be required to teach students about the Holocaust under a bill heard March

18 by the Education Committee.

As introduced by Omaha Sen. Sara Howard, LB640 would expand the current definition of multicultural education to include studies related to the Holocaust and other acts of genocide, including such acts in Armenia, Bosnia, Cambodia, Rwanda, Sudan and Ukraine.



Sen. Sara Howard

The definition currently includes studies related to the culture, history and contributions of African Americans, Hispanic Americans, Native Americans and Asian Americans.

Howard brought an amendment to the hearing that would omit the list of acts of genocide other than the Holocaust that districts could include in curriculum. She said many Turkish residents and the Turkish government objected to Armenia's inclusion in that list.

Turkey does not recognize the Ottoman government's mass killing of 1.5 million Armenians in the early 20th century as genocide.

Howard said the Holocaust is a vital part of world history that illustrates the danger of discrimination and dehumanization fueled by racism.

"Understanding about these world events can inform broader understanding of mass violence globally as well as highlight the value of promoting human rights, ethics and civic engagement that bolsters human solidarity," she said.

Mark Dreiling, chief of staff for Congressman Don Bacon, testified in support of the bill. Dreiling said LB640 would help ensure that Nebraska students understand the dangers of rising anti-Semitism in the U.S. and other countries.

[LB640] is a safeguard against the crime of forgetting," he said, "and it is

a check against those who would seek to spread hate."

Kael Sagheer, education coordinator for the Institute for Holocaust Education in Omaha, also testified in support. In addition to a wealth of primary sources from both the Nazi perpetrators and the Jewish victims, she said, a number of books, movies and other secondary sources are available to help counter a lack of student awareness about what happened during the Holocaust.

Ari Kohen, a member of the institute's board of governors, also testified in support. Kohen said he learned firsthand about the experiences of his grandparents, who survived the Holocaust, but opportunities for young people to meet with survivors and those who liberated the Nazi concentration and death camps are dwindling.

"It's imperative that we put something in place now to make sure that students in our schools learn about the Holocaust," he said.

Ufuk Kilic testified in opposition to LB640 as introduced. He said he appreciated Howard's willingness to introduce an amendment that would remove a reference to genocidal acts against Armenians.

Jack Moles, executive director of the Nebraska Rural Community Schools Association, gave neutral testimony on the bill. Schools need to teach students about the Holocaust and other acts of genocide, he said, but the education community would prefer that the Legislature not mandate curriculum requirements.

The committee took no immediate action on LB640.

School financing review commission proposed

A commission to examine Nebraska public school financing would monitor the implementation of its

suggested policy over the next decade under a bill heard March 19 by the Education Committee.

Bennington Sen. Wendy DeBoer, sponsor of LB679, said the Legislature should rework the state's school aid formula, created in the late 1980s, to address Nebraska's changing economy



Sen. Wendy DeBoer

and demographics and the formula's overreliance on property taxes to fund public schools.

The bill would create a 20-member commission with the task of finding alternative financing methods that provide equitable educational opportunities to all students.

"We need more information than just 'we rely too much on property taxes,'" DeBoer said. "We need solutions, suggestions, data—we need new ideas."

Lawmakers need to provide property tax relief in the short term, she said, but a commission is needed to find a long-term solution because it could focus solely on school financing, something she said the Legislature as a whole does not have the time to do.

The commission would present its final report and recommendations to the governor, the state Board of Education and the Legislature by Dec. 1, 2020.

Beginning in 2020 and ending in 2028, the commission would report on the adequacy of school funding sources every other year. It also would review implementation of the recommendations in those biennial reports.

DeBoer said the commission could serve as a longstanding, external advisory body to monitor and sustain the Legislature's school funding strategy at a time when term limits have shortened institutional memory.

Kyle McGowan testified in sup-

port of LB679 on behalf of groups representing school administrators, teachers, school boards, rural school districts and others. A formula that distributes more than \$1 billion per year to public schools should be subject to regular review to ensure it works efficiently and equitably, he said.

Dave Welsch, president of the Milford Public Schools board of education, also testified in support. Welsch said the current formula could not compensate for the unprecedented increase in agricultural land valuations over the past decade. That increase resulted in a loss of state equalization aid to many rural districts, he said, which had to make up the difference by increasing property taxes.

“A study is needed to determine how other states have moved away from an overreliance on property taxes to other sources of revenue to fund education,” Welsch said.

Renee Fry, executive director at OpenSky Policy Institute, also testified in support. She said school finance is a complex issue that is difficult to address within the context of a legislative session.

Fry said a commission similar to the one proposed in LB679 helped create the state’s current school aid formula, which was adopted in 1990. It also led to the creation of a school finance review committee that monitored the formula for a few years until it was disbanded for financial reasons, she said.

“Had that school finance review committee been in place when ag land values had started to increase so significantly,” Fry said, “there would have been a mechanism in place to hit the pause button and try to address what was happening in real time.”

No one testified in opposition to the bill and the committee took no immediate action on it.

GENERAL AFFAIRS

Bill would change lottery advertisements

The odds of winning would be posted on all Nebraska Lottery advertisements under a bill considered March 18 by the General Affairs Committee.

LB252, introduced by Sen. Suzanne Geist of Lincoln, would require all state lottery ads to disclose the odds of winning the largest prize in a font no smaller than 35 percent of the largest font used in the ad. Online advertisements would be required to disclose the odds in at least 10 point font.

Geist said publishing the chances of winning would help lottery players make more informed decisions.

“We as a state need to disclose these odds in a clear and conspicuous way,” Geist said. “It’s a minimal requirement.”

Tom Barber, CEO of People’s City Mission in Lincoln, testified in support of LB252. He said he’s seen residents at the mission who play the lottery as an attempted lifeline out of dire circumstances.

“Sometimes we confuse addiction with desperation,” Barber said. “They think there’s a golden ticket in that chocolate bar.”

No one testified against LB252 and the committee took no immediate action on the bill.

Increased alcohol regulation sought

Alcohol licensees could face stricter regulation under a bill considered

March 18 by the General Affairs Committee.

LB591, introduced by Sen. Tom Briese of Albion, would allow for the creation of “alcohol impact zones”—areas that have been negatively affected by public intoxication or crime associated with sales of alcohol.



Sen. Tom Briese

Under the bill, a municipality or county board could apply to the state Liquor Control Commission to create an alcohol impact zone. An application would be required to include evidence that chronic public intoxication or illegal activity associated with alcohol sales has harmed the quality of life within the zone. A public hearing also would be required.

If created, the commission could place conditions and restrictions on any alcohol licensee within the zone.

One year after a zone’s creation, the requesting municipality or county board would provide a report to the commission on the zone’s effectiveness. The designation would remain in effect until repealed by the commission either on its own initiative or at the request of the municipality or county.

Briese said cities like Seattle, Wash. and Memphis, Tenn. have seen reductions in crime and public intoxication after creating alcohol impact zones.

“Currently, the Liquor Control Commission can put conditions on a liquor licensee that is before the commission, however, that only addresses the problems and concerns for one particular licensee,” Briese said.

Hobert Rupe, director of the Nebraska Liquor Control Commission, testified in support of the bill. He said the cities of Omaha and Lincoln have requested liquor license restrictions

for some vendors, like disallowing sales of airplane bottles or beer with high alcohol content.

Rupe added that an alcohol impact zone could help isolate areas where there is a pervasive pattern of crime, like littering or public intoxication.

“Any zone would be very much driven by the numbers,” Rupe said.

Portia Cavitt of Omaha also spoke in support of LB591. Cavitt is a pastor in north Omaha and said there are four liquor stores within four blocks of her church.

“This has led to a number of problems including drunk driving, traffic crashes, violent crime, robbery, assault, domestic and child abuse,” Cavitt said. “Currently, decisions about license restrictions are dealt with on a case-by-case basis, which is burdensome for residents in communities that have these kind of problems.”

Justin Brady testified against the bill on behalf of the Nebraska Liquor Wholesalers. He said LB591 was unnecessary, and that the state Liquor Control Commission already can restrict a licensee based on many factors, including the number of alcohol vendors in an area.

Brady also said the bill sends the message to liquor stores that they are incapable of operating responsibly.

Kathy Siefken of the Nebraska Grocery Industry Association also testified against the bill. She said the commission already has the authority to address problems of crime associated with overconsumption of alcohol.

“They did fix Whiteclay without impact zones,” Siefken said.

The committee took no immediate action on LB591.

GOVERNMENT, MILITARY & VETERANS AFFAIRS



State employee volunteerism bill advanced

Lawmakers gave first-round approval March 18 to a bill that would authorize adjustments to state employee work schedules for participation in approved youth mentoring programs.

Under LB511, introduced by Gordon Sen. Tom Brewer, a manager could adjust a state employee’s work schedule by up to one hour per week in order to allow participation in an approved program. Paid leave for this purpose would not be authorized.



Sen. Tom Brewer

“LB511 does not allow for paid time for volunteers,” Brewer said. “There should be no impact on productivity or the state budget.”

The bill also would require the state director of personnel to develop a process and criteria to approve programs based on nationally recognized standards for quality youth mentoring.

As introduced, LB511 would have required the state Department of Administrative Services to maintain a database of approved programs.

A Government, Military and Veterans Affairs Committee amendment, adopted 40-0, removed that provision. Instead, the director could rely on existing, publicly available lists of such programs.

Gretna Sen. Andrew La Grone supported the bill and the amendment, saying the proposal would benefit the state, employees and Nebraska youth.

“It gives kids who often don’t hear that their dreams are valid—that they

can have an opportunity for a brighter future—it helps give them that opportunity,” La Grone said.

The committee amendment also incorporated provisions of LB381, originally introduced by Blair Sen. Ben Hansen, which would change the travel reimbursement method for state employees.



Sen. Ben Hansen

Under the amendment, reimbursement for meals and incidentals would be made based on the federal General Services Administration per diem rather than itemized. Reimbursement for lodging and travel still would be itemized.

A policy adopted by DAS could not set a reimbursement rate in excess of 100 percent or less than 75 percent of the federal rate.

Following adoption of the committee amendment, senators advanced LB511 to select file on a 40-0 vote.

HEALTH & HUMAN SERVICES



Food assistance eligibility change stalls on first round

After two days of debate, a bill that would remove a ban on food assistance eligibility for individuals with past drug felonies stalled during general file debate March 21.

Under current state law, an individual is ineligible for SNAP benefits in Nebraska if he or she has three or more felony convictions for the possession or use of a controlled substance or has been convicted of a felony involving the sale, distribution—or intent to sell or distribute—a controlled substance.

A person with one or two felony convictions for possession or use of a controlled substance is eligible only if he or she is participating in or has completed a state-licensed or nationally accredited substance abuse treatment program since the date of conviction.

As introduced, LB169, sponsored by Omaha Sen. Megan Hunt, would remove that ban.

The bill also would apply the treatment requirement to individuals with three or more possession or use convictions.



Sen. Megan Hunt

Hunt said many individuals with felony drug convictions reoffend primarily out of financial need, and expanding SNAP eligibility to them likely would reduce recidivism and allow them to provide for their families.

“The intent of this bill is to remove a major barrier to successful reintegration for formerly incarcerated people while also reducing hunger for affected people and their families,” Hunt said.

In addition, she said, a lifetime SNAP ban for drug offenders sends the message that they are worse than murderers or rapists who do not face a similar prohibition on eligibility.

A pending Health and Human Services Committee amendment would change the bill to provide that a person convicted of a felony involving a controlled substance is eligible for SNAP benefits only if he or she has completed his or her sentence, including any term of parole, probation or post-release supervision.

Omaha Sen. Sara Howard, chairperson of the committee, said the amendment would ensure that drug felons are abiding by the terms of their parole or probation, which require drug testing and treatment for those

with substance abuse problems, in order for them to be eligible for SNAP benefits.

“In a lot of ways, this could be considered more rigorous than what we already have in statute,” Howard said.

Sen. Robert Hilkemann of Omaha supported the bill, noting that Nebraska is one of the only states that still has a lifetime food assistance ban for individuals with felony drug convictions.

Although he has opposed similar measures in the past, Hilkemann said he now understands the struggle that individuals and families face when someone leaves prison with a felony drug conviction.

“[They are] people who’ve made mistakes,” he said. “This is good, commonsense legislation. People don’t want to go back to prison.”

North Platte Sen. Mike Groene offered an amendment in an effort to extend debate on LB169, which he said would “enable” ex-felons with drug convictions rather than help them. The prospect of losing SNAP eligibility is important leverage in getting drug felons to turn their lives around, he said.

“Defeating this bill is being compassionate to people who are addicted to drugs,” he said.

Groene also objected to the bill’s extension of benefits to individuals with convictions for distribution.

“A mass murderer doesn’t have as many victims as a successful drug dealer does,” he said.

Sen. John Lowe of Kearney also opposed the bill, saying individuals who are transitioning from jail sometimes need an incentive to get a job and transform their lives.

“A hungry person will find work,” he said. “Somebody who’s not hungry, he can take time.”

Omaha Sen. Justin Wayne sup-

ported the bill, saying the attempt to draw a clear distinction between those who use drugs and those who distribute them is not as easy as it may seem.

“A kid at the high school or college level who has a joint and gives it to another kid, that is distribution under Nebraska law,” Wayne said. “It does not require a sale, it does not require money or goods or anything to be exchanged.”

The Legislature moved on to the next item on the agenda before voting on LB169 or any of the pending amendments. Per a practice implemented by Speaker Jim Scheer, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate.

Bill would change reflexology licensure

The Health and Human Services Committee considered a bill March 20 that would exempt reflexologists from licensure under the Massage Therapy Practice Act.

Sen. Dave Murman of Glenvil, who introduced LB347, said reflexology is exempt from licensure in 32 states, and has a significantly different scope of practice than massage therapy.



Sen. Dave Murman

Under the bill, an individual who engages in reflexology and limits their services to the application of hand pressure to the hands, feet and outer ears would be exempt from licensure requirements.

“Due to Nebraska’s rigorous massage therapy license, our state is closing the door to reflexologists that want to work,” Murman said.

Reflexologist Cindy Smith testified in support of the bill. She said reflexologists, unlike massage therapists, only work on a clients' hands, feet or ears.

"This is important to members of the public who want the benefits of stress reduction but don't want to disrobe because of religious beliefs or modesty," Smith said.

Smith added that dental hygienists and oral surgeons do not operate under the same license even though they both work on a patient's mouth.

Mary Ann Soltis also testified in support of the bill. She said reflexology helped her cope with the side effects of chemotherapy. Soltis later began studying reflexology techniques but said she stopped training after learning that practicing reflexology without a license is a crime.

Nicole Fox of the Platte Institute also testified in support of LB347. She told the story of a woman who was invited to teach reflexology at a school in Nebraska. Shortly thereafter, the woman received a cease and desist letter from the Nebraska Department of Health and Human Services, Fox said, because she was practicing without a license.

"Since that time, this woman has moved to Indiana, a state where reflexology is exempt from massage law," Fox said.

Vyanne Zink, a massage therapist, testified against the bill. She said that deregulating reflexology would allow unskilled and uneducated Nebraskans to open practices.

"It is surprising that the state would consider allowing anyone with a pulse to say they are a reflexologist and work with the public," Zink said.

Massage therapist Kim Adams Johnson also testified against LB347. She said removing licensure requirements could enable human traffickers to open reflexology businesses as fronts for prostitution.

"I've heard over and over again from individuals in states where reflexology is exempt that there are more uncertified persons practicing than certified [ones]," Adams Johnson said.

The committee took no immediate action on the bill.

Bill would stipulate Title X requirements

The Health and Human Services Committee considered a bill March 21 that would specify requirements for Nebraska recipients of federal funds that subsidize reproductive health care.

Nebraska receives funds from the federal Title X program that are used to subsidize preventive and reproductive health services, including the diagnosis and treatment of sexually transmitted diseases, cancer screenings and family planning services. Federal grant money dispersed by the state through the program cannot be used to fund abortions.

LB629, introduced by Lincoln Sen. Patty Pansing Brooks, would stipulate that the state Department of Health and Human Services could grant funds only to entities that:

- are licensed under the Health Care Facility Licensure Act and provide services to recipients of medical assistance under the Medical Assistance Act;
- are compliant with the provisions of the federal Health Insurance Portability and Accountability Act; and
- are able to diagnose and treat sexually transmitted diseases and infections and provide gynecological exams.



Sen. Patty Pansing Brooks

Pansing Brooks said the funds are a "precious resource" that should be granted to providers who can best carry out the important priorities of the federal program.

"I brought this bill because I want to ensure that Title X funds go to those providers who offer the vital health care services women need," she said. "What is at stake is access to confidential services to low-income women."

Pansing Brooks added that the bill would ensure that legislative debate regarding Title X funding—which she acknowledged can be "incendiary"—would take place outside of the state's budget process.

Scout Richters, testifying on behalf of the ACLU of Nebraska, spoke in support of the bill. She said it would realign Nebraska law with the purposes of the federal program.

"LB629 ensures patient safety [and that] regardless of what is happening with federal regulations with the program, we make sure we have a minimum standard of care for Nebraska Title X patients," Richters said.

Tiffany Seibert Joekel, representing the Women's Fund of Omaha, also testified in support. Health clinics that receive Title X funding often are the only point of access that low-income women have to a health care provider, she said. If low-income patients can receive comprehensive care at one location, she said, it means less cost to them in child care, transportation and lost wages.

"These services are about family planning. They're also about broader preventive and health screening services ... and that's why we think LB629 is important in requiring subgrantees to be licensed medical facilities and HIPAA compliant," Seibert Joekel said.

Bo Botelho, testifying on behalf of the state Department of Health and Human Services, opposed the bill. He

said the changes made to Nebraska's administration of Title X funds through last session's budget process have provided clearer guidelines and ensured program integrity.

In addition, he said, the language in LB629 would limit access to providers.

"The four eligibility requirements established in this proposed legislation would prohibit at least one federally qualified health center that currently provides services under their practitioner's license and would effectively ban practices, clinics and facilities that offer a ... more narrow set of Title X related services," Botelho said.

Also testifying in opposition was Marion Miner, representing the Nebraska Catholic Conference. New federal rules—set to take effect in May—are meant to encourage small providers to apply for Title X funds, he said, including entities that do not offer a full range of reproductive health services.

"These barriers [in LB629 would] make it more difficult for small providers serving low-income patients to qualify for federal aid, when it is exactly those types of providers who could use the aid the most to further develop the range of services they offer and to increase the reach of their work," he said.

The committee took no immediate action on the bill.

JUDICIARY



Bill would expand informed consent for abortion

Medical providers would be required to provide additional information under a bill heard March 20 by the Judiciary Committee.

LB209, sponsored by Thurston Sen. Joni Albrecht, would require medical providers to inform a patient seeking an abortion that it may be possible to reverse a medical abortion if the patient changes her mind.



Sen. Joni Albrecht

Nebraska already has an informed consent framework that lists a number of things an abortion provider must tell a pregnant woman, Albrecht said, and that should include information about her options should she change her mind.

"Informed consent is the bedrock of good medical practice whether in surgery, taking medication or any other medical procedure," she said. "For the woman who makes the choice to pursue the reversal, it gives her the opportunity to spare herself the regret of a no longer wanted abortion as well as the pain and regret of losing a wanted child."

The state Department of Health and Human Services would be required to develop and maintain information about the effects of reversing a medical abortion, which would be available on the agency's website.

Teresa Kenney, a women's health nurse practitioner, spoke in support of the bill. Kenney said the abortion pill reversal protocol is safe, based in science and successful.

"The emotional pain a woman goes through in deciding to have an abortion is real and it is no less painful and traumatic when she decides that she made the wrong decision and wants a second chance," she said. "Abortion bill reversal is great news for a woman caught in a situation where she changes her mind about abortion and wants to carry her baby."

Women in Nebraska deserve to have

all the information available to them before making such an important decision, said Marion Miner, representing the Nebraska Catholic Conference.

"LB209 is a common-sense information bill that gives a woman a second choice when they regret their decision to start an abortion," he said. "One can only imagine the devastation a woman might feel months or years later when she discovers it may have been possible to save her baby, if only she had known about the resources available to her."

Opposing the measure was Deborah Turner, a physician speaking on behalf of Planned Parenthood. The bill would force medical providers to counsel patients based on information that has not been studied thoroughly or approved by the U.S. Food and Drug Administration, she said.

"Medical abortion is a safe procedure that has been studied and approved by the [FDA], in contrast to the idea that the process can be reversed by administering reversal doses of progesterone, which has not been studied, evaluated or proven," Turner said.

Scout Richters, representing the ACLU of Nebraska, also opposed LB209. She said that similar language was adopted in Arizona but reversed after it was challenged as an infringement on medical providers' First Amendment protection against compelled speech.

"This is an unnecessary and dangerous intrusion into the patient and provider relationship," Richters said. "It forces doctors to give patients inaccurate and misleading information about unproven and experimental treatments that compromises care as well as trust between a patient and her provider."

The committee took no immediate action on the bill.

Automatic sealing of juvenile records approved

A bill that will tighten the process of sealing juvenile adjudication records in Nebraska passed March 21.

LB354, introduced by Lincoln Sen. Patty Pansing Brooks, requires that any juvenile’s record be sealed automatically upon satisfactory completion of diversion, mediation, probation, supervision or other treatment program.

Under the bill, a juvenile’s record will be sealed automatically if no charges are filed or if the charges are dismissed.

If a record is not automatically sealed, the juvenile or his or her parent can file a motion to have it sealed six months after the case has been closed or when the juvenile has reached the age of majority, whichever is sooner.

The bill allows the state court administrator to permit viewing of a sealed record for bona fide research.

The bill passed on a 46-0 vote.

Bill guarantees free communication for inmates, attorneys

An inmate is guaranteed access to his or her attorney under a bill passed by the Legislature March 21.

LB443, introduced by Omaha Sen. John McCollister, requires that any communication between an inmate and attorney through telephone or videoconferencing be provided without charge to the inmate.

The bill also prohibits recording



Sen. Patty Pansing Brooks



Sen. John McCollister

of the communication by the correctional institution or a law enforcement agency.

LB443 passed on a 32-9 vote.

Telehealth access considered for medical abortion

Members of the Judiciary Committee heard testimony March 20 on a bill that would allow patients to receive medical abortion services through telehealth.

LB503, sponsored by Omaha Sen. Megan Hunt, would remove a current requirement that a physician be physically present to administer the first of two medications used in a medical abortion. The second medication typically is taken by the patient at home at a later time.

Telehealth services are revolutionizing the way people receive care in our country, Hunt said, bringing down costs and expanding the reach of quality care for those restricted by geographic barriers.

She said that under current statute, all treatments and consultations that do not involve a physical procedure can be performed through telemedicine, except for medical abortion.

“This means that patients seeking an early-term abortion must be in the same room as a physician just to swallow a pill,” Hunt said. “This leaves many economically disadvantaged women and women in rural counties without access to safe and necessary care.”

Elena Salisbury spoke in support of the bill. Omaha, Lincoln and Bellevue currently are the only cities with clinics that provide abortion services, Salisbury said, which means a woman



Sen. Megan Hunt

in the western half of the state might have to travel up to 450 miles to receive services.

“Enforcing barriers to abortion will not stop them from happening, but it will stop them from happening safely,” Salisbury said. “The ability to provide medical abortions via telemedicine will change the landscape of abortion access in Nebraska for the better.”

Also speaking in support of LB503 was Chelsea Souder, representing AbortionClinics.org. She said that allowing women to seek abortion services through telehealth would give them the autonomy and self-determination to thrive in their own lives.

“Ensuring that people seeking abortion can do so safely and under the direction of medical professionals, using evidence-based practices, is vital to truly ensuring the well-being of pregnant people in this country,” Souder said.

Speaking in opposition to the bill was Darrell Klein of the state Department of Health and Human Services. He said the physical presence of a physician is the only way to ensure patient safety.

“The department opposes the bill because the lack of a trained physician in the room when the procedure is being performed diminishes patient safety and increases the chance of injury, illness or death of the patient, thereby causing increased risks to the public,” Klein said.

Marion Miner, representing the Nebraska Catholic Conference, also opposed LB503. Miner said that the people of Nebraska have made it very clear that they do not want to see the “liberalization” of the state’s abortion laws.

“Nebraska was the very first state to disallow abortion after 20 weeks and enacted the physician presence requirement in 2011,” he said. “We’ve

enshrined in statute that it is the will of the people of the state of Nebraska to provide protection to the life of the unborn child whenever possible.”

The committee took no immediate action on the bill.

NATURAL RESOURCES

Healthy soils task force advanced

A 17-member task force would develop a plan to improve soil health in Nebraska under a bill advanced from general file March 21.

As introduced by Creighton Sen. Tim Gragert, LB243 would create a healthy soils task force under the state Department of Agriculture.



Sen. Tim Gragert

Gragert said deep soil testing, nutrient management, cover crop planting, no-till farming, irrigation water management and other healthy soil practices increase crop resilience to drought, reduce soil erosion, improve crop yields, increase carbon sequestration, enhance water quality and increase water retention, thereby reducing downstream flooding.

The task force would study why those practices are not more widespread among Nebraska farmers despite a wealth of available information, Gragert said, and it would develop methods to increase their use.

“My intent behind this legislation is not ... to create new mandates for the agriculture sector but to make more information available on the advantages of improved soil health to demonstrate the economic and environmental benefits of healthy soil management practices,” he said.

An Agriculture Committee amendment, adopted 38-0, would change the composition and duties of the task force as originally proposed.

The task force would develop a healthy soils initiative and a plan to carry it out “using standards for organic matter, biological activity, biological diversity and soil structure as measures to assess improved soil health.”

Members would include the director of the state Department of Agriculture or his or her designee and others appointed by the governor, including representatives of natural resources districts, production agriculture and agribusiness as well as academic experts and representatives from environmental organizations. The chairpersons of the Legislature’s Agriculture and Natural Resources committees would serve as nonvoting members.

When developing the plan, the task force would examine how to provide farmers and ranchers with research, education, technical assistance and demonstration projects; financial incentives to improve soil health; and information on the contribution of livestock to soil health.

It also would identify goals and timelines for improving the state’s soil health through voluntary partnerships among producers and state and local agencies as well as public and private entities.

Additionally, the task force would examine provisions of the 2018 Farm Bill to identify ways to leverage state, local or private funds under a U.S. Department of Agriculture conservation program for the purposes of the healthy soils initiative.

The task force would submit its plan, findings and recommendations to the Legislature and the governor by Jan. 1, 2021, when it would terminate.

Gragert said the amendment also would authorize the state Department

of Agriculture to transfer a total of \$10,000 from an existing cash fund to pay for the task force’s administrative expenses.

Sen. Steve Halloran of Hastings supported the bill. He said the task force would serve as a clearinghouse to coordinate and communicate the abundant information that exists about healthy soil practices.

Plymouth Sen. Tom Brandt also supported LB243, saying that the proposed task force is needed as a result of recent flooding in much of the state.

“This bill is about preserving one of our state’s most important assets—topsoil,” he said. “Ten thousand dollars is a very small price to pay for what we will receive in return.”

Sen. Dan Hughes of Venango opposed the bill. He said the task force would be redundant because many farmers already have adopted healthy soil practices in order to stay profitable.

“The amount of information that we have access to in agriculture is phenomenal if you will just listen to it,” Hughes said. “And the majority of farmers today are listening to it or otherwise they are out of business.”

After voting to adopt a technical amendment introduced by Gragert, senators voted 39-1 to advance the bill to select file.

NEBRASKA RETIREMENT SYSTEMS

Study of OPS retirement system management proposed

The Nebraska Retirement Systems Committee heard testimony March 19 on a bill that would explore the possible transfer of management of the Omaha school retirement plan

to the state.

LB31, introduced by Seward Sen. Mark Kolterman, would require the Public Employees Retirement Board—in consultation with the Nebraska Retirement Systems Committee, the Omaha School Employees Retirement System board of trustees and board of education and other stakeholders—to prepare a work plan that examines the possible transfer of management responsibilities for the OSERS plan to the PERB.



Sen. Mark Kolterman

Kolterman stressed that the bill does not signal a future merger of the troubled OSERS plan with the state retirement system, saying the state should not absorb the more than \$700 million unfunded liability that the OSERS plan is facing.

Instead, he said, the bill would be a first step toward possibly relieving the OSERS board of trustees of management responsibilities for the plan, much like when the state took over investment authority for the Omaha plan in 2016.

“I want to make it very clear,” Kolterman said. “This bill only directs that a study be completed. It does not mandate a transfer of management responsibilities from the OSERS board of trustees to the PERB.”

Under the bill, the work plan would be required to include:

- a comparison of the annual OSERS administration costs to the estimated cost for PERB to assume management of the plan;
- identification of the tasks, issues and costs to transfer management; and
- establishment of timelines for completion of identified tasks.

The PERB would be authorized to

assess OSERS for costs related to the work plan, which must be completed and submitted to the Legislature by June 30, 2020.

Marque Snow, president of the Omaha Public Schools board of education, testified in favor of the bill. Fewer than 10 school districts across the country maintain their own retirement plan, he said, and doing so has been a “huge burden” on the taxpayers and operations.

“[We] should be in the business of educating our students and not in the business of maintaining and administering a retirement plan,” Snow said.

No one testified in opposition to LB31 and the committee took no immediate action on it.

Omnibus retirement bill clears first round

A bill that would make changes to the grievance process in the state’s retirement plan was amended to become an omnibus retirement bill and advanced from general file March 18.

Currently, a county or state employee retirement plan member who has been terminated and filed a grievance may request and receive up to \$25,000 from his or her retirement account during the grievance process.

LB34, introduced by Seward Sen. Mark Kolterman, would eliminate this option.

Kolterman said the practice is in violation of an IRS single distribution requirement. In addition, he said, the Nebraska Public Employees Retirement System has found that members who take this option often spend the money quickly and NPERS is left attempting to regain the funds, which must be repaid within two years.

A Nebraska Retirement Systems Committee amendment, adopted 31-0, added provisions of three ad-

ditional bills.

LB35, also introduced by Kolterman, would clarify that a county or state permanent employee must be at least 18 to be eligible for membership in the county or state employee retirement plan. The provision would take effect Jan. 1, 2020.

LB36, introduced by Kolterman, would modernize language and codify the NPERS practice of awarding service credit by unifying the creditable service definition across all school employee retirement plan tiers.

The provisions also would grant NPERS additional time to process refund buy back payments for members who were employed on April 17, 2014, and who timely submit their refund buy back applications to NPERS by April 16, 2020.

Finally, LB565, introduced by Lincoln Sen. Kate Bolz, would clarify that when a beneficiary is not designated in the state, county or school retirement plans, benefits would go to the surviving spouse.



Sen. Kate Bolz

Under the provisions, if a member of the retirement system is married at the time of his or her death and there is no designated beneficiary on file, the spouse married to the member on the date of the member’s death would be the beneficiary.

If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file, the benefit would be paid to the member’s estate.

Following adoption of the committee amendment, LB34 advanced to select file on a 36-0 vote.

REVENUE



Enhanced tax sale certificate notification requirements approved

Senators passed a bill March 21 meant to ensure that homeowners receive sufficient notice that they may lose their property due to unpaid taxes.

Currently, counties may sell real property at auction for delinquent taxes. Purchasers pay the delinquent taxes in exchange for a tax sale certificate. After three years, if the property owner has not paid the taxes and any accrued interest, the certificate purchaser may apply for a treasurer's tax deed to acquire the property.

The purchaser must serve notice to the property owner at least three months before applying for the deed. Among other information, the notice is required to include the amount of taxes represented by the tax sale certificate and a statement that the right of redemption requires payment to the county treasurer.

LB463, introduced by Gothenburg Sen. Matt Williams, requires tax sale certificate purchasers to make multiple attempts to notify those who occupy the property as well as anyone listed on the property's title, he said.

The bill also specifies the documents that a tax sale certificate purchaser must provide before a county treasurer issues a tax deed.

The bill applies to tax sale certificates sold after Jan. 1, 2017.

LB463 passed on a vote of 47-0.



Sen. Matt Williams

Tax credit for firearm safety course proposed

Nebraskans who successfully complete an approved firearm safety course would be eligible for a nonrefundable income tax credit of up to \$100 under a bill heard March 20 by the Revenue Committee.

Kearney Sen. John Lowe, sponsor of LB542, said he opposes mandating such training for gun owners because he believes it would be unconstitutional. Instead, the proposed credit would encourage more gun owners to seek training on their own, he said, reducing the number of gun-related accidents.

A taxpayer would have to be at least 18 and able to lawfully purchase, own and possess a firearm under local, state and federal law to qualify for the credit. He or she also could not have been convicted of a felony, among other requirements, and would be eligible for the credit once every five years.

The bill would require the Nebraska State Patrol to prepare and publish minimum training and safety requirements for approved firearm safety courses and instructors.

The training would include the proper and safe cleaning of a firearm, the clearing of a malfunction in a loaded firearm as well as proper storage practices for firearms and ammunition.

The state Department of Revenue estimates the bill would reduce state tax revenue by \$670,000 in fiscal year 2020-21 and an additional \$747,000 in FY2021-22.

Shawn Steiner, president and owner of an Omaha firearms training academy, testified in support of the bill. He



Sen. John Lowe

said firearms instruction makes gun owners more responsible, but many decline training because of the cost.

"I think that an incentive like this would go a long way to help people who are on the fence," Steiner said.

Justin Grusing of the Nebraska Shooters Training Academy also testified in support. He said many students who complete the academy's concealed carry handgun class report years later that they cannot remember everything they learned and would benefit from retaking the course.

LB542 would encourage such refresher training, Grusing said.

"Education and training are perishable," he said, "so it's important to encourage continuing education for firearm owners."

Amanda Gailey testified in opposition to the bill on behalf of Nebraskans Against Gun Violence, saying it would use public funds to subsidize firearm training, thereby encouraging gun ownership.

"Suddenly, buying a gun comes with a little bit less of a burden, makes it a little bit easier to do and introduces a risk into our community," she said.

The committee took no immediate action on LB542.

Beginning farmer tax credit clarifications proposed

The Revenue Committee heard testimony March 20 on two bills that would clarify the number of rental agreements beginning farmers and agricultural asset owners could make under an existing tax credit program.

The Beginning Farmer Tax Credit Act, adopted in 1999, provides a personal property tax exemption of up to \$100,000 and an income tax credit of up to \$500 for qualified beginning farmers or livestock producers.

An owner of agricultural assets—

such as cropland, pasture or machinery—is eligible for an income tax credit on the rent of those assets to a beginning farmer or producer.

Lincoln Sen. Suzanne Geist, sponsor of LB560, said a 2018 audit by the Legislative Performance Audit Committee found that certain practices of the Beginning Farmer Board, which approves applications under the act, do not comply with the law.



Sen. Suzanne Geist

“The board has allowed both farmers and owners to enter into multiple lease agreements,” she said, “but the plain language of the act allows them to only have a single agreement unless that agreement is terminated due to no fault of the beginning farmer or the asset owner.”

LB560 would clarify that a beginning farmer or livestock producer may participate in only one successful three-year rental agreement with an asset owner.

Geist said the bill would not change current provisions related to asset owners because those clearly limit owners to a single agreement.

The audit also found that the board approves so-called “flex rent” agreements, Geist said, which are not specifically authorized in statute. Current law prohibits leases other than cash rent and share rent agreements, she said.

John Hansen, president of the Nebraska Farmers Union, testified in opposition to LB560. He said the Beginning Farmer Board has administered the program in a way that has increased participation, which was lower than anticipated at first. LB560 would prohibit practices that have proven successful in aiding beginning farmers, Hansen said.

“If we do that it gets us a program, in my opinion, that doesn’t work,” he said.

Gothenburg Sen. Matt Williams, sponsor of LB623, said 68 percent of applications would have been denied in 2018 if the provisions of LB560 had been in place.



Sen. Matt Williams

Williams said his proposal instead would change the law to reflect the way the board has administered the program, which he said has issued approximately \$12.6 million in credits to more than 450 farmers since 2001.

Under LB623, qualified beginning farmers or livestock producers and owners of agricultural assets who have participated in a three-year rental agreement would be eligible to file subsequent applications for different assets. The bill would clarify that tax credits for an asset could be issued for a maximum of three years.

Williams said LB623 also would define a flex or variable rent agreement, in which a predetermined base rent is adjusted for actual crop yield or price, so that the practice would be authorized under the act.

Both LB560 and LB623 would clarify that the credits issued under the act are refundable.

Don Anthony, chairperson of the Beginning Farmer Board, testified in a neutral capacity on both bills. He said the board has operated for many years on the belief that the law’s intent is to limit the credits to one three-year rental agreement per asset.

“It has been the practice of the board to allow beginning farmers to continue to use the program as long as they meet the eligibility requirements,” Anthony said. “Likewise, owners have been allowed to enter

into multiple rental agreements with the same or other beginners so long as the asset has not previously been in the program.”

Anthony said LB560 would reduce the program’s value by limiting a beginning farmer to a single rental agreement.

“It would be unlikely for a beginning farmer to acquire enough land in just one rental agreement to provide a viable operation,” he said.

The state Department of Revenue estimates that LB560 would reduce the number of credits issued by approximately half, increasing state income tax revenue by \$650,000 in fiscal year 2019-20 and an additional \$710,000 in FY2020-21.

The committee took no immediate action on either bill.

Renewable chemical production tax credit proposed

The Revenue Committee heard testimony March 20 on a bill that would create a tax credit for Nebraska companies that use agricultural products to produce sustainable materials and renewable chemicals.

LB605, introduced by Omaha Sen. Brett Lindstrom, would create a refundable income tax credit based on the number of pounds of renewable chemicals a company produces.



Sen. Brett Lindstrom

A business could apply to the state Department of Economic Development for certification as an eligible business and enter into an agreement with the department to receive tax credits under the act for up to four years. The business would apply to the state Department of Revenue to receive the credits.

To qualify, a business must have produced at least 1 million pounds of renewable chemicals in Nebraska during the calendar year and must be physically located in the state. It also must have organized, expanded or located in Nebraska on or after the act goes into effect.

The state director of economic development could approve up to \$3 million in credits for calendar years 2021 and 2022 and up to \$6 million in credits for subsequent years. An eligible business could receive up to \$1.5 million in credits per year.

LB605 defines a renewable chemical as “a building block chemical with a significant biobased content that can be used for products including polymers, plastics, food additives, solvents, intermediate chemicals or other formulated products with a significant nonfossil carbon content.”

Lindstrom said the proposed credit would help Nebraska compete with other states, including Iowa and Minnesota, that have their own incentive programs to attract renewable chemical companies. He said Nebraska’s agricultural economy makes it a good fit for such companies.

“If there was ever an industry or a sector in our economy to target,” Lindstrom said, “I would say this would be the one.”

Phil Kozera, executive director of the Bio Nebraska Life Sciences Association, testified in support of the bill. He said industrial biotechnology companies are finding ways to convert inputs such as ethanol and biomass into higher value products such as plastics, packaging and clothing, replacing similar products made from petroleum.

He said LB605 would accelerate the growth of those companies in Nebraska, which produces 1.6 billion bushels of corn and has 2.5 billion gallons of ethanol capacity annually.

Luca Zullo, vice president of business

development for Prairie Catalytic, also testified in support. He said the company’s new \$50 million plant in Columbus will use ethanol to produce 50,000 tons of ethyl acetate—a compound used in paint, nail polish remover and flexible packaging—per year, making it the largest of its kind in the world.

Zullo said the proposed tax incentive would help similar, smaller companies enter the market and compete with larger businesses.

Jan tenBensel, a member of the Nebraska Ethanol Board, also testified in support of LB605. He said it would encourage industrial biotechnology companies to locate and expand in the state, driving demand for Nebraska ethanol and grain crops. Each of the state’s ethanol plants is a potential campus that could host advanced biochemical and biopharmaceutical companies, tenBensel said.

“[LB605] is truly a business recruitment tool for all of Nebraska,” he said.

No one testified in opposition to the bill and the committee took no immediate action on it.

URBAN AFFAIRS

Radon mitigation bill advances

Lawmakers advanced a bill to select file March 18 that would require the state’s building code to adopt standards for radon-resistant construction for new houses.

LB130, introduced by Bennington Sen. Wendy DeBoer, would adopt standards recommended by the Radon Resistant New Construction Task Force. The bill would incorporate



Sen. Wendy DeBoer

those standards into the state building code and require local building codes to adopt minimum standards.

“Radon is the leading cause of lung cancer among nonsmokers,” DeBoer said. “According to the World Health Organization, there is no known threshold concentration below which radon exposure presents no risk.”

Sen. Dan Hughes of Venango said he worried that the bill would add construction costs to new dwellings.

“For those of us in rural parts of the state, we’re really struggling to get new homes built,” he said.

Sen. Justin Wayne of Omaha said it would cost between \$200 and \$250 to test and implement a passive mitigation system during construction of a residence. He added that the Home Builders Association of Lincoln and the Metro Omaha Homebuilders Association sent letters supporting the bill.

“These are the people we’re trying to protect from regulation who are saying ‘yes, we want this regulation’—I don’t know how much more ironic that could be,” Wayne said.

Sen. Machaela Cavanaugh of Omaha supported the bill, saying her mother-in-law died after a 10-year struggle with lung cancer caused by exposure to radon.

“If they would have known when they built her house to spend \$200 to do this, my husband’s mother would be with us now,” Cavanaugh said. “Two hundred dollars is significantly cheaper than 10 years of chemotherapy.”

Opposing the bill was Sen. Steve Erdman of Bayard. He said fears about radon exposure are overblown.

“I think radon exposure is in the same category of global warming,” he said. “I think the jury is still out on radon.”

After approving an Urban Affairs Committee amendment on a 33-0 vote, which would allow municipali-

ties to adopt an alternative minimum standard for radon mitigation in new construction, senators advanced LB130 to select file 35-5.

Building code update advances

A bill that would update Nebraska's building code advanced from general file March 18.

Sen. Dan Quick of Grand Island introduced LB348, which would adopt the 2018 version of the International Building Code, the International Residential Code and the International Existing Building Code as



Sen. Dan Quick

published by the International Code Council. Currently, Nebraska is using the 2012 edition of the ICC codes.

Adopting new codes requires legislative action, Quick said, adding that the International Code Council and the Nebraska Code Officials Association supported the bill.

LB348 advanced to select file on a vote of 32-0. ■

GET LEGISLATIVE NEWS ONLINE

While the Unicameral Update print edition is mailed out weekly, the web version of the publication, located at update.legislature.ne.gov, is updated continually throughout the legislative day.

The site provides links to get the Update's RSS and Twitter feeds. Readers may search Update stories by bill number, senator's name or keyword using the search box provided in the top-right corner.

The screenshot shows the website for 'UNICAMERAL UPDATE', described as 'The Nebraska Legislature's official news source since 1977'. The navigation bar includes links for ABOUT, COMMITTEES, FEATURES, PRINT ARCHIVE, SUBSCRIPTIONS, and SESSION REVIEW 2018. The main content area features a large photograph of a legislative ceremony. Below the photo is a headline: 'Legislature convenes, elects leaders' with a sub-headline 'Ceremonies' and a date 'January 9, 2019'. The article text begins: 'The 106th Nebraska Legislature convened Jan. 9 for its 90-day first session. Thirteen new members and 13 re-elected senators were sworn into office, and lawmakers elected chairpersons of the Legislature's standing committees. Norfolk Sen. Jim Scheer was re-elected speaker of the Legislature in an uncontested race. Scheer told lawmakers that he would continue to act with fairness and consistency during his second two-year term as speaker.' The right sidebar contains a search box, a 'Subscribe to email updates' form, social media icons for Facebook, Twitter, and YouTube, a 'Most read' section listing articles like 'Day two bill introduction' and 'Legislature convenes, elects leaders', and a 'Resources' section with links to 'Legislative interim hearing schedule' and 'Live video of Legislature via NET'.

PRIORITY BILLS

Priority bills generally are scheduled for debate before other bills. Each senator may select one priority bill and each committee may select two priority bills. The speaker may select up to 25 priority bills per session.

SENATOR PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Albrecht	LB209	Albrecht	Require information regarding reversal of medication abortion
Arch	LB583	Hilgers	Provide powers for certain counties under the Transportation Innovation Act
Blood	LB138	Blood	Provide for additional Military Honor Plates and Support Our Troops Plates
Bolz	LB109	Bolz	Require the position classification plan and salary or pay plan for state employees to include certain positions
Bostelman	LB698	Bostelman	Change load provisions and penalties for commercial motor vehicles and commercial trailers
Brandt	LB657	Wayne	Adopt the Nebraska Hemp Act
Brewer	LB155	Brewer	Change eminent domain provisions that apply to privately developed renewable energy generation facilities
Briese	LB183	Briese	Change the valuation of agricultural land and horticultural land for purposes of certain school district taxes
Cavanaugh	LB311	Crawford	Adopt the Paid Family and Medical Leave Insurance Act
Chambers	LB44	Chambers	Eliminate the death penalty and change provisions relating to murder in the first degree
Clements	LB155	Brewer	Change eminent domain provisions that apply to privately developed renewable energy generation facilities
Crawford	LB323	Crawford	Change eligibility provisions under the Medical Assistance Act for certain disabled persons
DeBoer	LB680	DeBoer	Adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act
Dorn	LB472	Dorn	Adopt the Qualified Judgment Payment Act and authorize a sales and use tax
Erdman	LB483	Erdman	Change the valuation of agricultural land and horticultural land
Friesen	LB663	Friesen	Change provisions relating to Nebraska adjusted basis
Geist	LB252	Geist	Provide a condition relating to advertisements by the state lottery
Gragert	LB243	Gragert	Create the Healthy Soils Task Force
Groene	LB606	Groene	Provide for water augmentation projects and retention of water rights as prescribed
Halloran	LB693	Halloran	Prohibit the selling, renting, or conveying of telephone numbers
B. Hansen	LB304	Crawford	Exempt certain operations from the definition of a food establishment under the Nebraska Pure Food Act
M. Hansen	LB433	M. Hansen	Change provisions relating to return of tenant's deposits and damages
Hilgers	LB616	Hilgers	Provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act
Hilkemann	LB532	Cavanaugh	Change provisions relating to harassment protection orders, sexual assault protection orders, and domestic abuse protection orders
Howard	LB556	Howard	Change provisions relating to the prescription drug monitoring program
Hughes	LB268	Friesen	Change provisions relating to a certificate of convenience and necessity for a telecommunications company
Hunt	LB169	Hunt	Change provisions relating to eligibility for the Supplemental Nutrition Assistance Program
Kolowski	LB619	Kolowski	Prohibit denial of coverage for mental health services delivered in a school

Priority	Bill	Introducer	One-line description
Kolterman	LB720	Kolterman	Adopt the ImagiNE Nebraska Act and provide tax incentives
La Grone	LB470	La Grone	Provide a tax deduction for nonparticipant contributions and remove a tax deduction limit relating to the Nebraska educational savings plan trust
Lathrop	LB538	Lathrop	Change provisions relating to possession of a gambling device and provide for approval of certain mechanical amusement devices by the Department of Revenue
Lindstrom	LB610	Lindstrom	Adopt the College Savings Tax Credit Act
Linehan	LB670	Linehan	Adopt the Opportunity Scholarships Act and provide tax credits
Lowe	LB153	Brewer	Change provisions relating to the taxation of military retirement benefits
McCollister	LB284	McCollister	Change sales and use tax provisions relating to out-of-state retailers and multivendor marketplace platforms
McDonnell	LB641	McDonnell	Provide for grants under the Telecommunication Relay System Act for a 211 Information and Referral Network
Morfeld	LB352	Morfeld	Provide requirements relating to the use of jailhouse informants
Moser	LB512	Linehan	Change revenue and taxation provisions
Murman	LB585	Friesen	Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants
Pansing Brooks	LB390	Pansing Brooks	Provide duties regarding school resource officers and security guards
Quick	LB149	Quick	Change provisions relating to vapor products
Scheer	LB481	Bolz	State intent relating to an appropriation to the Department of Health and Human Services
Slama	LB593	Briese	Change and eliminate provisions relating to medical assistance reimbursement claims and liens and provide for retroactivity
Stinner	LB424	Quick	Change the Nebraska Municipal Land Bank Act
Vargas	LB550	Vargas	Require voter approval of fees and taxes on wireless services and eliminate the Prepaid Wireless Surcharge Act
Walz	LB570	Walz	Change provisions relating to an advisory committee and a strategic plan for services for persons with disabilities
Wayne	LB86	Wayne	Change provisions relating to the allocation of the Affordable Housing Trust Fund and the collection and remittance of the documentary stamp tax
Williams	LB463	Williams	Change provisions relating to treasurer's tax deeds and tax sale certificates
Wishart	LB110	Wishart	Adopt the Medical Cannabis Act

COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Agriculture	LB320	Albrecht	Change various provisions of the Pesticide Act and update federal references
Agriculture	LB227	Hughes	Redefine terms and change determination of a public or private nuisance under the Nebraska Right to Farm Act
Appropriations	LB334	Stinner	Eliminate funding for the Angel Investment Tax Credit Act and increase funding and eliminate the termination date for the Business Innovation Act
Appropriations	LB638	Stinner	Change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund
Banking, Commerce & Insurance	LB316	Kolterman	Adopt the Pharmacy Benefit Fairness and Transparency Act
Banking, Commerce & Insurance	LB603	Lindstrom	Change automatic teller machine fees
Business & Labor	LB418	Cavanaugh	Change provisions relating to certain medical debt collection involving workers' compensation
Business & Labor	LB428	Friesen	Change eligibility for benefits under the Employment Security Law for certain workers in the construction industry

COMMITTEE PRIORITY BILLS (CONT'D)

Priority	Bill	Introducer	One-line description
Education	LB147	Groene	Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior
Education	LB675	Groene	Change provisions relating to education
Executive Board	LB600	Walz	Change a time limit relating to the authority of the deputy public counsel for institutions
Executive Board	LB713	Vargas	Provide for long-term accountability from the Legislative Fiscal Analyst
General Affairs	LB397	Briese	Change provisions relating to tobacco and other nicotine products and tobacco manufacturers
General Affairs	LB592	Briese	Provide additional powers to the Nebraska Liquor Control Commission to suspend sales of alcoholic liquor
Government, Military & Veterans Affairs	LB411	Scheer	Change provisions relating to metropolitan utilities districts, county boards, elections, and political accountability and disclosure
Government, Military & Veterans Affairs	LB511	Brewer	Authorize adjustments to state employee work schedules to participate in approved youth mentoring programs
Health & Human Services	LB460	Health & Human Services	Change criminal background check provisions under the Children's Residential Facilities and Placing Licensure Act
Health & Human Services	LB468	Walz	Prohibit additional services and populations under the medicaid managed care program
Judiciary	LB630	Morfeld	Create the offense of sexual extortion and change elements and penalties for sexual offenses
Judiciary	LB686	Lathrop	Change provisions relating to correctional system emergencies
Performance Audit	LB560	Geist	Change provisions relating to tax credits under the Beginning Farmer Tax Credit Act
Legislature's Planning	LB436	M. Hansen	Create the Complete Count Commission and provide duties regarding the census
Natural Resources	LB177	Lindstrom	Change a termination date for bonding authority of natural resources districts
Natural Resources	LB700	Bostelman	Provide for decommissioning and reclamation of a wind energy conversion system
Retirement	LB31	Kolterman	Provide for a work plan relating to a transfer of management of the retirement system operated under the Class V School Employees Retirement Act to the Nebraska Public Employees Retirement Systems and to require a report and provide duties
Retirement	LB34	Kolterman	Change various retirement provisions
Revenue	LB288	Linehan	Change income tax rates
Revenue	LB289	Linehan	Change provisions relating to county assessor inspections of real property for property tax purposes
State-Tribal Relations	LB519	Slama	Change statutes of limitations for certain sexual and trafficking offenses and authorize interception of communications relating to such offenses
Transportation & Telecommunications	LB184	Friesen	Adopt the Small Wireless Facilities Deployment Act
Transportation & Telecommunications	LB462	Friesen	Change provisions of the One-Call Notification System Act
Urban Affairs	LB492	Wayne	Adopt the Regional Metropolitan Transit Authority Act
Urban Affairs	LR14CA	Wayne	Constitutional amendment to authorize municipalities to pledge property taxes for up to twenty years if more than one-half of the property in a redevelopment project is extremely blighted

SPEAKER PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Speaker Scheer	LB6	Blood	Change residency provisions relating to persons on active duty and their dependents for college tuition purposes
Speaker Scheer	LB15	Blood	Adopt the Children of Nebraska Hearing Aid Act
Speaker Scheer	LB23	Kolterman	Change the Property Assessed Clean Energy Act
Speaker Scheer	LB37	Hilkemann	Change the Podiatry Practice Act to authorize a physician assistant to assist a podiatrist
Speaker Scheer	LB59	Cavanaugh	Change investigation and reporting provisions under the Children's Residential Facilities and Placing Licensure Act
Speaker Scheer	LB87	Wayne	Provide funding in opportunity zones designated pursuant to federal law
Speaker Scheer	LB96	Wayne	Change local building code provisions
Speaker Scheer	LB179	Hilgers	Authorize the appeal of certain motions as final orders
Speaker Scheer	LB180	Bolz	Change program eligibility criteria under the Community College Gap Assistance Program Act
Speaker Scheer	LB212	Government, Military & Veterans Affairs	Change requirements for videoconferencing and telephone conferencing under the Open Meetings Act
Speaker Scheer	LB218	Lindstrom	Redefine tangible personal property and gross receipts for tax purposes
Speaker Scheer	LB222	Albrecht	Change the Volunteer Emergency Responders Incentive Act
Speaker Scheer	LB237	Crawford	Change provisions relating to sales and use tax collection fees
Speaker Scheer	LB300	Lathrop	Change judges' salaries
Speaker Scheer	LB356	Scheer	Change fee distribution for certain specialty license plates
Speaker Scheer	LB375	Brewer	Allow certain library, archive, and museum materials to be withheld from the public
Speaker Scheer	LB379	Kolterman	Change provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act
Speaker Scheer	LB445	McDonnell	Require a city of the metropolitan class to provide an annual budget report relating to use of any occupation tax levied and collected
Speaker Scheer	LB478	Vargas	Prohibit use of consent by a minor as a defense or mitigation of damages or liability in certain civil actions arising from sexual assaults
Speaker Scheer	LB496	Wayne	Increase penalties for tampering with witnesses, informants, jurors, or physical evidence and change provisions relating to discovery in criminal cases
Speaker Scheer	LB514	Morfeld	Change bad check provisions to include obtaining child support credit and spousal support credit
Speaker Scheer	LB524	Dorn	Change provisions relating to annexations under the Nebraska Budget Act
Speaker Scheer	LB595	Albrecht	Change Office of Dispute Resolution to Office of Restorative Justice and Dispute Resolution and change powers and duties of the office
Speaker Scheer	LB637	Stinner	Authorize sales of tourism promotional products by the Nebraska Tourism Commission
Speaker Scheer	LB690	Cavanaugh	Adopt the Healthy Pregnancies for Incarcerated Women Act

COMMITTEE HEARINGS

Current hearing schedules are available at: NebraskaLegislature.gov/calendar

Monday, March 25

Appropriations

Room 1524 - 1:30 PM

LB181 (Bolz) Require a report from the Department of Health and Human Services to the Appropriations Committee of the Legislature regarding long-term care sustainability
LB24 (Kolterman) Appropriate funds to the Department of Health and Human Services

LB403 (Stinner) Provide a duty for the Department of Health and Human Services when calculating certain medicaid rates

LB404 (Stinner) State intent relating to medicaid budgeting

LB480 (Quick) State intent relating to appropriations to local public health departments

Agency 28: Dept. of Veterans' Affairs
Agency 25: DHHS - Medicaid, Public Health, Long Term Care

Business & Labor

Warner Chamber - 1:30 PM

Appointments: Scott Hollman, Steven Bley, Thomas Phipps - Boiler Safety Code Advisory Board

LB19 (Briese) Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court
LB178 (Hilgers) Change provisions relating to workers' compensation claims, tort claims against the state, and state vehicles

LB464 (M. Hansen) Provide for payment of claims against the state
LB465 (M. Hansen) Deny payment of claims against the state

Education

Room 1525 - 1:30 PM

Appointments: Patricia Kircher, Paul Turman, Greg Adams - Neb. Educational Telecommunications Commission
LB676 (Groene) Change provisions relating to school districts and the reorganization of school districts
LB725 (Walz) Provide for reimbursements to school districts and educational service units for mental health expenditures

LB488 (Howard) Adopt school district requirements for mental health education and change school district requirements for drug awareness and prevention

General Affairs

Room 1510 - 1:30 PM

LB592 (Briese) Provide additional powers to the Nebraska Liquor Control Commission to suspend sales of alcoholic liquor

LB682 (Vargas) Provide for taxing spirits as proof gallons

LB723 (Vargas) Change taxes on manufacturers and wholesalers under the Nebraska Liquor Control Act

Tuesday, March 26

Appropriations

Room 1524 - 1:30 PM

LB202 (Wishart) Designate funds appropriated to the Department of Health and Human Services for state aid
LB226 (Quick) State intent relating

to appropriations for the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva

LB326 (Quick) Appropriate funds to the Department of Health and Human Services

LB327 (Bolz) State intent to appropriate funds for an increase in rates paid to behavioral health service providers

LB485 (Lowe) State intent relating to an appropriation for the Youth Rehabilitation and Treatment Center-Kearney

LB558 (Hilkemann) Appropriate funds to the Department of Health and Human Services

Agency 25: DHHS - Children and Family Services, Developmental Disabilities, Behavioral Health, Facilities
Agency 3: Legislative Council

Education

Room 1525 - 1:30 PM

Appointments: John Chaney, Robert Engles, Dwayne B. Probyn - Board of Trustees of the Nebraska State Colleges
LB358 (Walz) Change provisions related to early childhood education in the Tax Equity and Educational Opportunities Support Act

LB656 (Wayne) Adopt the Nebraska Education Formula, terminate the Tax Equity and Educational Opportunities Support Act, and change levy limits and the base limitation for school districts
LB588 (Stinner) Change the local effort rate pursuant to the Tax Equity and Educational Opportunities Support Act

Wednesday, March 27

Appropriations

Room 1003 - 1:30 PM

LB586 (Stinner) Change an appropriation
LB587 (Stinner) Change a provision relating to the Cash Reserve Fund

Agency 7: Governor

Agency 8: Lt. Governor

Agency 10: Auditor of Public Accounts

Agency 12: State Treasurer

Agency 14: Public Service Commission

Health & Human Services

Room 1510 - 1:00 PM

Health Care Cash Fund Briefing

Health & Human Services

Room 1510 - 1:30 PM

LB244 (Erdman) Provide for mobile massage therapy establishments

LB499 (Morfeld) Provide requirements for services by psychologists

Judiciary

Warner Chamber - 1:30 PM

Appointment: Don Arp, Jr. - Neb. Crime Commission

LB455 (Arch) Change medical services payment provisions relating to jails

LB539 (Walz) Redefine abuse under the Adult Protective Services Act

LB578 (La Grone) Provide for venue of legal proceedings challenging laws regarding redistricting

LB686 (Lathrop) Change provisions relating to correctional system emergencies

Nebraska Retirement Systems

Room 1507 - 12:00 PM

- Presentation of the Nebraska Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to section 72-1243(2).

- Presentation of the Nebraska Public Employees Retirement Systems Annual

COMMITTEE HEARINGS

Current hearing schedules are available at: NebraskaLegislature.gov/calendar

Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3)

Revenue

Room 1524 - 1:30 PM

LB429 (Wayne) Change tax provisions for cigars, cheroots, and stogies
 LB601 (Lindstrom) Change a property tax exemption relating to educational, religious, charitable, and cemetery organizations
 LB440 (Walz) Increase a tax on aviation jet fuel
 LB97 (Wayne) Change provisions relating to highway funding
 LB338 (Wayne) Change calculation of gasoline tax and distribution of proceeds

Thursday, March 28

Appropriations

Room 1525 - 1:30 PM

LB481 (*rehearing*) AM614 - the Language on the use of Federal Title X program funds

Health & Human Services

Room 1510 - 1:00 PM

Community Services Block Grant Briefing

Health & Human Services

Room 1510 - 1:30 PM

Appointment: Alysson R. Muotri - Stem Cell Research Advisory Committee
 LB489 (Howard) Require registration for the prescription drug monitoring system
 LB645 (McDonnell) Change provisions of the Medical Assistance Act
 LB245 (Erdman) Eliminate an exception to the medicaid preferred drug list

Judiciary

Warner Chamber - 1:30 PM

LB106 (Dorn) Change provisions relating to disclosure of DNA records under the DNA Identification Information Act
 LB353 (Pansing Brooks) Provide powers and duties for University of Nebraska police departments and police officers as prescribed
 LB369 (Vargas) Require jails, law enforcement agencies, and the Nebraska State Patrol to provide public notice before entering into agreements to enforce federal immigration law and to allow audits of noncomplying entities
 LB502 (Hunt) Adopt the Limited Immigration Inquiry Act
 LB658 (Wayne) Prohibit executive director of Nebraska Commission on Law Enforcement and Criminal Justice from taking certain disciplinary actions ■

Unicameral Youth Legislature registration open

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2019 Unicameral Youth Legislature, which will convene June 9-12.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol Building and coordinated by the Clerk's Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral.

Students will learn about the inner workings of the Legislature directly from senators and staff. Bills will be based on legislation considered during the current legislative session.

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships are also available.

The University of Nebraska-Lincoln's Extension 4-H Youth Development Office coordinates housing and recreational activities for the camp as part of their Big Red Summer Camps program.

Registration forms can be obtained from the Legislature's Unicameral Youth Legislature page: www.NebraskaLegislature.gov/uyl.

The registration deadline is May 15. ■



