

## Enhanced tax sale certificate notification requirements advanced

A bill meant to ensure that homeowners receive sufficient notice that they may lose their property due to unpaid taxes advanced from general file March 12.

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.

Gothenburg Sen. Matt Williams, sponsor of LB463, said tax sale certificates and the treasurer's tax deed process ensure that counties and other local taxing entities, such as school districts, receive property taxes due to them. The



Sen. Matt Williams said LB463 would ensure that property owners receive adequate notice that they are at risk of losing their property due to delinquent taxes.

process begins only after a property owner fails to pay his or her taxes for two or three years, he said.

However, Williams said, current law has led to "inequitable situations" in which property owners did not receive

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## Omnibus election bill clears first round

Lawmakers amended a bill to become an omnibus elections measure and advanced it to select file March 14.

Sen. Jim Scheer of Norfolk introduced LB411, which would allow county boards to place a question on the ballot regarding a change in county board membership. The bill would apply to counties with a population of less than 400,000 people that are not under township organization.



Sen. Jim Scheer

Under the bill, a qualifying county

board could adopt a resolution by majority vote to allow voters to alter the number of commissioners on the board. Currently, such a question only can be placed on the ballot by a petition signed by at least five percent of registered voters in the county.

"Citizen petitions can be cumbersome, costly endeavors, especially in some of our rural counties," Scheer said. "LB411 simply adds another option."

A Government, Military and Veterans Affairs Committee amendment, adopted 35-0, added provisions of six bills:

- LB246, introduced by Gordon Sen. Tom Brewer, which would make technical changes to sev-

eral election procedures;

- LB280, also introduced by Brewer, which would increase the maximum fine under the Nebraska Accountability and Disclosure Act—which was last raised in 1999—from \$200 to \$500;
- LB342, introduced by Gretna Sen. Andrew La Grone, which would move oversight of the metropolitan utilities district elections from the county election commissioners to the Nebraska secretary of state office;
- LB608, also introduced by La Grone, which would remove

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## Enhanced tax sale certificate notification requirements advanced

(continued from front page)

adequate or timely notice that they were at risk of losing their property. LB463 would require 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.

Williams said the bill also would require a "checklist" of documents that a tax sale certificate purchaser must provide before a county treasurer issues a tax deed.

Williams introduced an amendment, adopted 31-0, that would apply the bill's requirements to tax sale certificates sold after Jan. 1, 2017. This would ensure that those certificates are subject to the enhanced notice requirements when they become eligible for the treasurer's tax deed process in 2020, he said.

Sen. Mike Groene of North Platte supported the bill, saying the enhanced notice requirements would improve the tax deed process.

"Families should not lose their legacy—their inheritance—over delinquent taxes, even though we must ...

make a firm commitment that you do owe those taxes and you should pay them," Groene said.

However, Groene suggested that the bill be amended to require counties to include a property owner's name in an annual list of properties subject to sale due to delinquent taxes, not just a legal description of the property. He said many people would not recognize their property based only on that description.

Elmwood Sen. Robert Clements also supported the bill. He said a couple in his district lost their home and 80-acre farm to a tax sale certificate purchaser after falling behind on their bills and property taxes due to medical problems.

If the notice requirements in LB463 had been in place, Clements said, the man who rented and occupied their land also would have been notified of the delinquent taxes and could have urged the landowners to pay the county.

Lawmakers voted 35-0 to advance the bill to select file. ■

## Omnibus election bill clears first round

(continued from front page)

outdated language regarding electronic voting and allow ballots to be counted at polling places;

- LB618, introduced by Lincoln Sen. Mike Hilgers, which would redefine electioneering; and
- LB101, introduced by Omaha Sen. Justin Wayne, which would change provisions of the Nebraska Political Accountability and Disclosure Act relating to a potential conflict of interest by an elected office holder of certain cities or villages or a school district.

Wayne said the provision of LB101 would address situations when, for example, a school board member joins an association of school board members and later is asked to vote on a matter affecting that association.

"It creates a natural conflict," Wayne said. "There's no personal interest; there's no financial conflict."

Following adoption of a technical amendment, lawmakers voted 37-0 to advance LB411 to select file. ■

## UNICAMERAL UPDATE

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# MEET THE SENATOR

## Murman's dream of holding office deferred but not forgotten

Sen. Dave Murman of Glenvil does not often watch the late evening news. But he was watching one night in mid-February 2018 when it was reported that his predecessor in the District 38 seat had announced that he would not seek reelection.

Murman went to his wife, Kathy, who was already in bed.

“John Kuehn’s not running for state senator again—I was thinking I’d maybe consider running,” Murman told her.

He expected her to give him a sharp elbow, but instead Kathy told him she knew how long he had thought about running for the Legislature and that it “might be a good thing” for him.

“So that made me think, ‘Well, maybe I could do that,’” Murman said.

Murman’s interest in politics can be traced to his parents. His father, a dairy and row crop farmer, served on the boards of several dairy organizations, as Murman later did. His mother—“a big fan of FDR”—helped with elections during his school years. At the University of Nebraska-Lincoln, Murman majored in animal science, but he also studied political science.

“I thought maybe I’d want to do something else besides farm,” he said.

Then he met Kathy, a fellow Glenvil native. Murman decided to move home, join his father and brother on the farm, get married and start a family. The couple raised three children—Kelsi, Whitney and Chase—and have five grandchildren.

Murman enjoys traveling, even though life’s circum-

stances have kept him mostly close to home. His younger daughter, Whitney, has disabilities, and Kathy is her full-time caregiver. Murman drives home each weekend to be with them.

Despite the travel required, he said, Kathy is “totally supportive” of his new job.

The idea to run for the Legislature had been in the back of his mind since he sold his interest in the dairy operation to his brother three years ago, Murman said. Now that he has returned to Lincoln as a state senator, the routine reminds him of his younger days as a dairy farmer when “about all I had time to do was work,” Murman said.

In his free time, he likes to play sports, although time has imposed certain limits.

“I’ve had three shoulder surgeries, and they’re both torn again,” Murman said. “If it wouldn’t be for that, I’d still be playing basketball.” ■



Sen. Dave Murman and his son Chase after winning a football championship in 2003.

# APPROPRIATIONS

## Bill would alter economic development tools for startups

Nebraska would increase assistance available to startup companies through the state Department of Economic Development under a bill heard March 13 by the Appropriations Committee.

LB334, introduced by Gering Sen. John Stinner, would eliminate the Angel Investment Tax Credit and appropriate the \$4 million cost savings to the DED to fund programs under the Business Innovation Act.



Sen. John Stinner

The Angel Investment Tax Credit was scheduled to terminate in 2022.

Stinner said the Business Innovation Act funds five grant and loan programs that encourage innovation and startup businesses in Nebraska. The programs focus on early-stage businesses that need assistance raising capital to get their enterprises off the ground, he said, adding that Nebraska ranked last in the nation in the availability of venture capital in a 2010 study.

“It’s essential that the Legislature invest in Nebraska’s continual economic growth,” Stinner said. “In order to do so, we need to address the lack of capital to help high-growth businesses—especially technology related businesses—get started in Nebraska.”

He said DED programs would be a better use of state funds than the Angel Investment Tax Credit, which has not been utilized fully in recent years.

DED director Dave Rippe testified in support of the bill, saying the investment tax credit has “reached the end of its

useful life.” Programs under the Business Innovation Act have proven more successful at encouraging investment and creating high-wage jobs, he said.

Research has shown that every dollar invested by the state in the programs generates \$6.91 of economic activity, Rippe said.

Also testifying in support was Erica Wassinger of The StartUp Collaborative. Speaking on behalf of the Greater Omaha Chamber of Commerce, the Lincoln Chamber of Commerce and the Nebraska State Chamber of Commerce and Industry, Wassinger said the collaborate has worked with more than 200 entrepreneurs in the last two years.

Startups have an annual economic impact in Nebraska of \$284 million, she said.

“We know that it is difficult to get a venture off the ground,” Wassinger said. “The Business Innovation Act has proven to be successful in doing just that.”

No one testified in opposition and the committee took no immediate action on LB334.

## Funds sought for pancreatic cancer research

The Appropriations Committee considered a proposal March 12 that would increase funding for pancreatic cancer research.

LB669, sponsored by Seward Sen. Mark Kolterman, would appropriate \$15 million from the Nebraska Health Care Cash Fund to the University of Nebraska Medical Center for the establishment of a pancreatic cancer research center.



Sen. Mark Kolterman

Under the bill, no funds would be distributed until the university has re-

ceived \$15 million in matching private or other funds for the same purpose.

Kolterman, whose wife, Suzanne, died of pancreatic cancer 18 months ago, said research about the disease is not well funded because it is relatively rare and has a high mortality rate.

He said the goal of the bill is for UNMC to become a leader in pancreatic cancer research, including developing a screening that could help prepare families for what is a “devastating” diagnosis.

“This is important research and it needs to be funded,” he said. “My wife taught me a lot of things—one thing was [to] dream big.”

Jeff Gold, chancellor of UNMC and the University of Nebraska at Omaha, testified in support of the bill on behalf of the University of Nebraska. He said UNMC has individuals who are prepared to donate, but are waiting for a commitment from the state to form a public-private partnership.

“We are not asking for a donation, we’re asking you to stand with us in this fight,” Gold said.

Jim Armitage, who is a professor of oncology and hematology at UNMC, also supported the proposal. Pancreatic cancer currently is the number two cause of cancer death in the U.S., he said, and the mortality rate is increasing. Most people diagnosed with pancreatic cancer die within two years, he said.

“By supporting LB669, you can help UNMC physician-scientists increase the momentum needed to change the course of pancreatic cancer for our fellow Nebraskans,” Armitage said. “[Pancreatic cancer] has vulnerabilities that, once discovered, are going to make it more treatable, more curable and maybe preventable.”

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

## BANKING, COMMERCE & INSURANCE



### Small-principal installment loans considered

The Banking, Commerce and Insurance Committee heard testimony March 12 on a bill that would adopt the Unsecured Consumer Loan Licensing Act.

LB265, introduced by Sen. Andrew La Grone of Gretna, would create a regulation and licensure structure for unsecured consumer installment loans of less than \$1,000 with a minimum term of 180 days. Under the bill, payment on such a loan would be limited to nine percent of the borrower's gross monthly income.



Sen. Andrew La Grone

The bill also would cap fees charged by lenders at 20 percent of the first \$300 borrowed plus 7.5 percent of the loan balance in excess of \$300.

"The bill creates another well-regulated financial tool that is simple, transparent and reliable for hard-working Nebraska families that need access to credit," La Grone said.

Jeanette Schwartz of lender Advance America testified in support of the bill. Under current state law, she said, organizations like Advance America can lend a maximum of \$425 until the customer's next payday. LB265 would fill a gap between that limit and the minimum loan amount that a bank would offer, she said.

Schwartz said she disagrees with the notion that payday lending customers and individuals who need small loans are uneducated and being taken advantage of.

"Our borrowers understand the terms and fees," Schwartz said, "and are more than capable of choosing the best financial option for themselves and their families."

Kent Rogert, speaking on behalf of the Nebraska Financial Service Association, also testified in support of the bill. He said the current payday advance limit leads to customers taking out multiple loans with multiple lenders. Rogert said the bill would create a new lending product that would give consumers more options.

Ken Smith of Nebraska Appleseed spoke in opposition to LB265. Smith said payday loans include "aggressive" fees that can cause borrowers to pay more in interest than the amount that they borrowed.

"We think [the bill] presents the same dynamics of payday loans that ensnare Nebraskans in cycles of debt," Smith said.

Kevin Graham of Omaha Together One Community also testified against the bill. He said 52,000 Nebraskans take out payday loans at an average annual interest rate of 404 percent. Graham said he has spoken with many Nebraskans who have been taken advantage of by payday lenders.

"None of them have told us that we need more vehicles for payday lending in this state," Graham said.

The committee took no immediate action on LB265.

### Bill would expand online payday lending

Nebraska providers of short-term, delayed deposit loans—often called payday lenders—would be able to offer online loans under a bill considered by the Banking, Commerce and Insurance Committee March 12.

LB379, introduced by Seward Sen. Mark Kolterman, would allow

a payday lender that has a principal place of business in the state to offer its products online. The bill also would mandate that all payday lenders use the National Mortgage Licensing System and pay an additional licensing fee to be determined by the state Department of Banking and Finance.

Kolterman said the bill would give Nebraskans more alternatives for small-dollar loans.

"Consumers want to access credit online and the reality is that our constituents are already accessing these loans online, just through a lender that is not regulated and licensed by this state," Kolterman said.

Justin Brady testified in favor of the bill on behalf of payday lender Advance America. He said consumer protections passed last year—notice of total fees and annual percentage rate, limiting the fee for a returned check to \$15, allowing for prepayment of a loan without penalty and for a borrower to rescind a loan—would apply to online loans.

Mark Quandahl, director of the state Department of Banking and Finance, also testified in support. He said the bill would allow the department greater ability to monitor the activity of out-of-state lenders while increasing regulation of in-state lenders.

"[The bill] provides the tool for a more efficient system of licensing renewal and filing, not only for the industry, but also for the department," he said.

Kent Rogert testified in favor of the bill on behalf of the Nebraska Financial Service Association. He said it would help protect consumers.

"There are online companies that aren't [operating] in the best interest of Nebraskans," Rogert said. "This will go a long way toward helping Nebraskans not get into trouble with bad actors."

James Goddard of Nebraska Appleseed testified against LB379, saying it would expand payday lending. He said that despite the protections passed in 2018, payday loans still charge excessive interest and require loans to be paid off too quickly.

“Because of this, borrowers can still get caught in a cycle of debt where they pay off one loan and immediately take out a new one,” Goddard said.

Tiffany Seibert Joekel of the Women’s Fund of Omaha also testified against the bill. She said the state should stop out-of-state lenders from operating in Nebraska rather than pass a bill legalizing online payday lending in the state.

“I don’t see anything in this bill that would give me confidence that by opening this practice up to more lenders that we can be sure the borrowers are protected,” Seibert Joekel said.

Also testifying against the bill was Julie Kalkowski of Nebraska Hope Collaborative. Kalkowski said she works with low-income, single mothers, many of whom have taken out payday loans. She said she none of her clients have ever expressed a desire to make payday lending easier.

“I cannot see how this can benefit Nebraska consumers, I can only see how it can hurt low-income families,” Kalkowski said.

The committee took no immediate action on the bill.

### Real estate license changes approved

Lawmakers gave final approval March 15 to a bill that changes education requirements for new real estate licensees in Nebraska.

LB384, introduced by Fremont Sen. Lynne Walz, prohibits an individual with a broker’s license from acting as a designated broker for another licensee unless he or she has taken

additional courses post-licensure, including real estate trust accounting, brokerage finance, business ethics and risk management.

The Nebraska Real Estate Commission may extend the post-licensure coursework requirement deadline for up to six months under a hardship provision.

The bill also requires that an applicant for a broker’s or salesperson’s license complete six class hours in a commission-approved course related to professional practice and standards, and 12 hours in an approved real estate knowledge and skills class within 180 days of being issued a license.

LB384 passed on a vote of 31-10.



Sen. Lynne Walz



### Bill aimed at wage discrimination advanced

Lawmakers gave first-round approval March 14 to a bill intended to combat wage discrimination in Nebraska.

LB217, as introduced by Lincoln Sen. Patty Pansing Brooks, would prohibit an employer from discharging or retaliating against any employee because he or she inquired about, discussed or disclosed comparative compensation information for the purpose of determining whether an employer is compensating employees in a manner that provides equal pay for equal work.



Sen. Patty Pansing Brooks

Pansing Brooks said the bill was

modeled after legislation introduced in the U.S. Senate. The measure is important, she said, because women continue to earn considerably less than men for doing the same work—earning 80 percent of what their male counterparts make nationally.

In Nebraska, the gap is even greater, she said, with women in the state earning 77 percent of what men earn. Women are almost half the work force, yet the wage gap persists, she said, and women lose more than \$400,000 over the course of a 40-year career as a result.

“LB217 is a bill to help close the wage gap between men and women,” Pansing Brooks said. “This [bill] specifically protects employees who disclose wages.”

Sen. Sue Crawford of Bellevue supported the bill, saying it would allow women to find out how their wages compare so that they can advocate for themselves in the workplace without fear of retaliation.

“Allowing workers to talk to one another about the wages they receive is an important tool for women to use to know if they’re receiving less in wages so they can know to ask for more,” Crawford said.

A Business and Labor Committee amendment, adopted 30-1, would remove language limiting the purpose of the bill to discussing wages to determine equal pay for equal work. The amendment also would change enforcement from the state Department of Labor to the Nebraska Equal Opportunity Commission.

Following adoption of the committee amendment, lawmakers advanced the bill to select file on a vote of 27-3.

### Tipped minimum wage increase stalls

After two days of debate, an attempt to increase the minimum wage

for persons who are compensated by way of gratuities stalled on general file March 14.

Currently, the tipped minimum wage in Nebraska is \$2.13 per hour. LB400, introduced by Omaha Sen. Megan Hunt, would increase the wage to 40 percent of the standard minimum wage rate in 2020 and 50 percent in 2021.



Sen. Megan Hunt

If the standard minimum wage remains at its current level of \$9.00 per hour, the minimum wage for persons compensated by way of gratuities would be \$3.60 per hour in 2020 and \$4.50 per hour in 2021.

The tipped minimum wage last was increased in 1991, Hunt said, while the standard minimum wage has increased seven times during the same period.

“I’m asking us ... to take the wage these people are working for from \$2.13 an hour to \$4.50 an hour to help them pay their taxes, to reduce their dependence on Medicare, Medicaid, SNAP and other government benefits, to help Nebraskans achieve the upward mobility that has been lost to so many because of our changing economy in the last 28 years,” she said.

Lincoln Sen. Patty Pansing Brooks spoke in support of the bill, saying the Legislature should support workers as much as it supports businesses.

“[I believe in] helping our people thrive and not working at every step to make sure our Nebraskans have difficulties in their employment, in the hard work that they do,” she said.

Also supporting the bill was Sen. John McCollister of Omaha. The government already imposes restrictions on businesses to protect workers, he said, and increasing the tipped minimum wage is an extension of that.

“I dispute the contention that an increase in the tipped wage is anti-business,” McCollister said. “Government [involvement] in our businesses is a fact of life and we should not get too distressed about it.”

Hastings Sen. Steve Halloran filed several amendments in an attempt to delay a vote on LB400. Most of the employees at his restaurant make more than the standard minimum wage with gratuities, he said, calling the bill a “solution in search of a problem.”

“I want these folks to make good money at what they do and I’m providing them the opportunity ... to provide excellent service and get rewarded for that service,” Halloran said. “I think it’s important for us to keep in mind that the people who receive gratuities, on average, are receiving ... \$12.67 per hour.”

The free market should set the tipped minimum wage, said Gretna Sen. Andrew La Grone, who also opposed the bill.

“I think we should allow ... restaurants to pay what people are willing to work for,” he said. “Government should not be mandating to businesses what they have to spend on certain things— in this instance, labor costs associated with their business.”

Lincoln Sen. Anna Wishart introduced an amendment that would make a single, one-time tipped minimum wage increase to \$4.50 per hour, rather than the incremental approach proposed in the original bill.

The Legislature adjourned for the day before voting on LB400 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.

## EDUCATION

### Update to American civics requirements amended, returned to final round

A bill on final reading that would update social studies requirements for Nebraska schools was amended March 15 after lawmakers voted to return it to select file.

Senators had advanced the bill to the final round of debate on a vote of 40-2 after a successful cloture motion earlier in the week.

Peru Sen. Julie Slama, sponsor of LB399, has said the bill would be the first major revision of the state’s civic education standards since the Americanism statutes’ adoption in 1949. The law requires school boards to appoint three members to a committee on Americanism, which approves textbooks used in the teaching of American history and government.



Sen. Julie Slama

As amended on general file, LB399 would require 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.

Currently, school boards, the state Board of Education and superintendents are responsible for carrying out the Americanism statutes’ requirements. Neglect of the statutes by any employee or appointed official is considered a dereliction of duty and a cause for dismissal.

Under an amendment introduced by Slama during select file debate

March 12 and adopted 42-0, neglect of the statutes could be considered cause for dismissal only for an employee.

Sen. Kate Bolz of Lincoln supported the amendment, saying it is inappropriate for the current law to require the dismissal of an elected school board member.

Omaha Sen. Megan Hunt opposed LB399 during debate March 12. She introduced an amendment that she said would preserve the bill's intent but would remove language that she said veered into jingoism and authoritarianism. The amendment failed on a vote of 12-31.

After approximately three hours of select file debate over two days, Slama filed a motion to invoke cloture, or cease debate and vote on the bill. The motion succeeded on a vote of 40-3. Lawmakers then voted to advance the bill to the final round of debate.

On March 15, Senators voted to return the bill to select file to consider an amendment offered by Omaha Sen. Tony Vargas that would exempt from the proposed curriculum requirements students receiving specialized instruction for limited English proficiency who have been receiving such instruction for less than two years.

Any student receiving special education services for whom the curriculum would conflict with his or her individualized education plan also would be exempt.

Sen. Mike Groene of North Platte opposed the amendment, saying a student whose IEP conflicts with any of those options already would be exempt. Although the amendment was well-meaning, he said, it might prevent some English language learners who are immigrants from preparing for a test they will take if they choose to become citizens.

The amendment failed on a vote of 21-20.

Lawmakers also agreed to consider a technical amendment offered by Slama to clarify language and fix grammatical errors.

Following adoption of Slama's amendment on a 41-0 vote, senators then re-advanced LB399 to final reading by voice vote.

### **Sexual assault policies for higher education institutions proposed**

Community colleges, state colleges and the University of Nebraska would be required to adopt policies on dating violence, domestic violence, sexual assault and stalking under a bill heard March 12 by the Education Committee.

LB702, introduced by Omaha Sen. Machaela Cavanaugh, would require postsecondary institutions to establish rules and procedures for resolving allegations of dating violence, domestic violence, sexual assault or stalking by students and employees and provide a method for anonymously reporting those incidents whether they occur on, near or off campus.

The bill also would require each institution to have at least one confidential resource advisor who would be trained in trauma-informed response.

Cavanaugh said the state's postsecondary institutions already meet some of the bill's requirements, but LB702 would ensure that each school handles incidents in the same way.

Cavanaugh brought an amendment to the hearing that she said would address postsecondary institutions' concerns about the bill as introduced. She said the changes also

would remove the original bill's costs to those institutions.

Anna Marie Stenka, who reported being sexually assaulted by another University of Nebraska-Lincoln student while on a university-sponsored study abroad trip in 2017, testified in support of the bill. When Stenka reported the assault to the professor who led the trip, the response was "to be more careful about how I present myself and not to be giving anyone the wrong idea," Stenka said.

"I experienced victim-blaming language from my professor, who was supposed to be the one to connect me to mental and physical health resources, to file a report with the Title IX office and to even ask if I wanted to pursue a police report and legal action, but none of these things happened," Stenka said.

Marcee Metzger, executive director at Voices of Hope, also testified in support, saying the bill's requirements would make campuses safer. A proposed change to federal Title IX regulations would require schools only to investigate misconduct that occurs within school-sponsored programs or activities, Metzger said, but LB702 would require them to investigate an incident regardless of where it took place.

Although most of the state's postsecondary institutions have sexual assault and domestic violence policies in their student codes of conduct, she said, those policies were not developed with a current understanding of how individuals respond to traumatic events. LB702 would require trauma-informed policies, Metzger said.

Tami Strickman, Title IX coordinator at UNL, testified in opposition to the bill on behalf of the University of Nebraska. The university is committed to preventing sexual misconduct and supporting those affected by it, she said, but LB702 would interfere with



Sen. Machaela Cavanaugh



the Board of Regents' constitutional authority to manage the university.

Additionally, Strickman said, some of the bill's provisions conflict with current and proposed federal regulations.

The committee took no immediate action on the bill.



**Critical infrastructure public records bill approved**

Lawmakers passed bill March 15 intended to protect information related to critical infrastructure in Nebraska.

Current law allows for withholding certain information from disclosure under Nebraska's public records law. LB16, sponsored by Albion Sen. Tom Briese, adds physical and cyber assets of critical energy or electric infrastructure, if the disclosure would threaten national security, public health or safety.



Sen. Tom Briese

The bill also prohibits disclosure of the identity of personnel whose primary job makes them responsible for providing or granting access to physical or cyber assets or operating and maintaining those assets, if a reasonable person would conclude that such a public disclosure would create a substantial likelihood of risk to those assets.

LB16 passed on a 45-0 vote.

**Expanded reporting sought for certain political advertisements**

Electioneering communications would be subject to increased regula-

tion under a bill considered March 13 by the Government, Military and Veterans Affairs Committee.

Sen. Sue Crawford of Bellevue said she introduced LB210 to "close a loophole" in state election law by requiring that an individual who spends more than \$1,000 on electioneering communications must file a report with the Nebraska Accountability and Disclosure Commission.



Sen. Sue Crawford

The report would include the names of all individuals who contributed \$250 or more to the communication.

The bill would define electioneering communications as advertisements that clearly refer to a candidate or ballot initiative, are distributed within 30 days of an election and are directed to the electorate.

"If powerful groups or organizations are pouring money into Nebraska to shape campaigns and elections, the citizens and candidates have a right to know who they are," Crawford said.

Voter guides, news stories, government-issued communications and other communication deemed educational would be exempt from LB210.

Jack Gould of Common Cause Nebraska testified in favor of the bill. A group called Trees of Liberty produced ads opposing three Nebraska legislative candidates that aired days before the 2016 election, he said. The ads were filled with "half-truths," he said, and the targeted candidates had no time to react.

"Then, Trees of Liberty disappeared almost as quickly as it appeared," Gould said.

He added that a group called Alliance for Taxpayers began airing television ads opposing Medicaid expansion shortly before the 2018 election. Gould

said he learned after the election that the organization was located in New Hampshire and ran ads opposing Medicaid expansion in every state in which the issue was on the ballot.

Frank Daley, director of the Nebraska Accountability and Disclosure Commission, also testified in support of the bill. Some ads are deceptive, Daley said, skirting the law by not explicitly favoring or opposing a candidate or cause but heavily implying how a person should vote.

"This has become a regular feature of elections," Daley said.

No one testified against LB210 and the committee took no immediate action on it.

**Bill would create census commission**

The Government, Military and Veterans Affairs Committee heard testimony March 13 on a bill intended to increase Nebraska's participation in the 2020 U.S. Census.

LB436, introduced by Sen. Matt Hansen of Lincoln, would create the Complete Count Commission consisting of Nebraska's speaker of the Legislature, governor, secretary of state and a variety of other civic leaders from around the state.



Sen. Matt Hansen

The commission would create an outreach strategy involving state agencies, schools, nonprofits and other organizations to encourage Nebraskans to provide accurate information to census workers.

The commission would be required to submit an interim report to the Legislature by Dec. 1, 2019, and a final report by Dec. 31, 2020.

Hansen said he modeled LB436

after similar legislation passed in other states. Ensuring inclusion of all Nebraskans in the census count would help the state maintain seats in the House of Representatives and increase federal funding, he said.

“Getting a complete, accurate count in the census is vital to the funding and operation of our state,” Hansen said. “The fact that it happens only once every 10 years makes it even more important that we do it correctly.”

Julia Tse of Voices for Children in Nebraska spoke in favor of the bill. Nationally, one million children younger than five were not counted in the last census, Tse said, adding that non-white and poor children are the most likely to be omitted.

“School districts also use the decennial census data, so there’s another issue in planning if there are way more children in a district [than reported],” Tse said.

Gavin Geis, director of Common Cause Nebraska, also spoke in favor of the bill. He said the commission proposed under LB436 could help educate Nebraskans on the value of the census and clear up misconceptions.

“Many constituencies are afraid of the census,” Geis said. “They don’t know what it means when people come knocking at their door or, if they get counted, where that data goes.”

No one testified against LB436 and the committee took no immediate action on it.

### **Bill would require Capitol space to express breast milk**

The administrator of the Nebraska State Capitol Building would be required to provide a space to express breast milk under a bill considered March 15 by the Government, Military and Veterans Affairs Committee.

Omaha Sen. Machaela Cavanaugh,

ugh, sponsor of LB709, said the building should have a designated place for nursing mothers who work in and visit the Capitol—a



Sen. Machaela Cavanaugh

space that is not simply a stall in a public restroom. Women need an area that is private and hygienic, she said, which public restrooms are not.

“I very strongly believe that this is the people’s building and that the building should reflect that,” Cavanaugh said, adding that she has been encouraged by the support the bill has found among state agencies that occupy the Capitol.

Under the bill, the space provided could not be a bathroom and must be shielded from view and free from intrusion by the public. The bill also would require that the space have running water and electrical outlets that could be used to express breast milk by any person authorized to be in the State Capitol Building.

Scout Richters testified in support of the bill on behalf of the ACLU of Nebraska. Many breastfeeding women face discrimination, she said, and LB709 would ensure that they have an appropriate space in the Capitol.

“The ACLU of Nebraska supports [this bill] because breastfeeding is a civil right, a gender equity concern and an equal justice issue,” Richters said.

Bob Ripley, capitol administrator for the Office of the Capitol Commission, provided neutral testimony. He said the commission recently purchased a “lactation pod” as a temporary solution, which should be available for use by senators, staff and the public by the end of April.

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

### **Greater polling place accessibility sought**

The Government, Military and Veterans Affairs Committee heard testimony March 14 on a bill that would make polling sites more accessible to voters with limited mobility.

Omaha Sen. Rick Kolowski said he introduced LB733 to bring Nebraska into compliance with the federal Help America Vote Act of 2002 and the Americans with Disabilities Act.



Sen. Rick Kolowski

The bill would require that polling places provide:

- at least one handicap-accessible parking space per 25 spaces;
- a voting booth that can accommodate a wheelchair;
- at least one designated van-accessible parking space with appropriate surrounding space;
- signs indicating that a poll worker is available to bring a ballot to the parking lot to enable someone to vote from their vehicle, including a phone number to call a poll worker for assistance;
- routes to an accessible entrance, inside and outside the building, that are at least 36 inches wide and free from obstructions; and
- a firm and slip-resistant floor in the voting area.

The bill also would mandate biennial training for election commissioners and county clerks to ensure that they are aware of current accessibility standards.

Kolowski said urban areas have higher compliance with federal law than rural areas, but, “all geographic regions of the state have areas that need improvement.”

Edison McDonald, director of the Arc of Nebraska, testified in support of the bill. He said current Nebraska law is incomplete and inadequate, particularly in regard to the right to vote from one's vehicle at a polling place.

"If someone drives up, they're not going to know they can curbside vote or how they can curbside vote. What are they going to do, honk really loudly and hope somebody comes out?" McDonald said.

John Cartier of Civic Nebraska also testified in support. He said federal funds already have been allocated to bring polling places into compliance.

"This means community centers, churches and many other places where Nebraskans congregate will get the upgrades necessary," Cartier said.

Also testifying in support was Wayne Bena, Nebraska deputy secretary of state for elections. He referred to a Pew Research Center study that found Nebraska had the highest voting rate for people with disabilities in the nation, but acknowledged that work remains to be done. He said the secretary of state's office is committed to helping counties improve accessibility.

"I don't want to buy toys to buy toys, I want to find out what actually works," Bena said.

No one testified against LB733 and the committee took no immediate action on it.



**Licensure fee waiver approved**

Senators passed a bill March 15 that waives initial licensing fees for a variety of health professions under the Uniform Credentialing Act.

LB112, introduced by Omaha

Sen. Sara Howard, waives initial licensing fees for individuals who:

- are 18 to 25;
- have a household income less than 130 percent of the federal poverty level or are enrolled in a state or federal assistance program; and
- are active duty services members or their spouses, honorably discharged veterans or their spouses and un-remarried surviving spouses of deceased service members.

The bill was approved by a vote of 37-0.

**Bill would require emergency contraception information for assault survivors**

The Health and Human Services Committee heard testimony March 14 on a bill that would require hospitals to offer more information to sexual assault survivors.

LB555, introduced by Omaha Sen. Megan Hunt, would mandate that hospitals providing emergency care for a sexual assault survivor provide medically and factually accurate information about emergency contraception such as Plan B. Hospitals also would be required to dispense a complete course of emergency contraception to a survivor who requests it.

As introduced, the bill would create an exemption for health care workers with moral or religious objections to contraception and would create penalties for hospitals that do not comply, including loss or suspension of licen-



Sen. Sara Howard



Sen. Megan Hunt

sure after a sixth violation.

Hunt said she would file an amendment to remove the licensure revocation provision, and instead substitute a \$1,000 fine for a second and all subsequent violations. The state Department of Health and Human Services would be responsible for investigating noncompliance complaints against hospitals.

Hunt said it is "unethical" and "inhuman" to withhold information about emergency contraception from sexual assault survivors and stressed that taking an emergency contraceptive is not akin to abortion.

"If you are pregnant, emergency contraception will not end your pregnancy," Hunt said.

Raechel Kramer with Planned Parenthood of the Heartland testified in support of the bill. Kramer said emergency contraception, including Plan B and other protocols, can prevent a pregnancy if taken within three to five days after an assault.

She added that many of her clients weren't told of such an option at a hospital, or were denied emergency contraceptive care.

"A survivor cannot have a positive experience with a health care system that doesn't provide them with everything they need in order to move forward from their assault," Kramer said.

Amy Miller, a medical student, also spoke in support of the bill. She said emergency contraception prevents ovulation, thereby preventing pregnancy.

"These medications do not cause abortions. They are ineffective once implantation [of a fertilized ova] has occurred," Miller said.

Also testifying in support was Tiffany Seibert Joekel of the Women's Fund of Omaha. She said LB555 would help a survivor's recovery from assault.

"Victims of sexual assault have had their power and control absolutely taken away from them," Seibert Joekel

said. "We're asking health care providers to reinstate some of that power and control by giving them all the information that is available."

Marion Miner testified against the bill on behalf of the Nebraska Catholic Conference. Miner disagreed with the contention that emergency contraception does not cause an abortion.

"Because a new, unique and distinct human being comes into existence at fertilization, administration of emergency contraception after fertilization, including before implantation, results in the direct termination of a human life," Miner said.

Darrell Klein of the state Department of Health and Human Services also testified against the bill. Klein said the department supports offering medical advice to sexual assault survivors but opposes the punishments outlined in the bill as introduced.

Klein said LB555's investigation requirements, particularly a provision requiring immediate investigation of a complaint, were at odds with provisions of the Health Care Facility Licensure Act.

"Investigative staff would have to be reassigned," Klein said. "This will delay current investigations and surveys and increase travel costs as surveyors typically travel together and [the bill may] require individual travel."

In her closing statement, Hunt said the department's objections were "reasonable" and that her forthcoming amendment would help address those concerns.

The committee took no immediate action on LB555.

### Residential testing for lead-based paint proposed

The Health and Human Services Committee heard testimony March 15 on a bill that would require testing

for lead-based paint during the sale or rental of older residences in Nebraska.

LB653, introduced by Omaha Sen. Justin Wayne, would mandate that the owner of a residential property built before 1978 pay for a lead dust wipe assessment within 90 days of either selling or leasing the property. The bill also would require the buyer or tenant to receive a copy of the assessment's results.



Sen. Justin Wayne

The state Department of Health and Human Services would be required to develop a registry of certified lead-free residences in Nebraska and issue certificates to owners if a residence is declared to be free of lead-based paint.

LB653 would take effect Jan. 1, 2020.

Wayne said an estimated 522,000 houses in Nebraska were built before 1978, when lead-based paint was banned.

"Having safe and affordable housing is critical to Nebraska, and the key word in that is 'safe,'" Wayne said. "Prolonged exposure to lead damages brains, kidneys and nervous systems. Lead can create learning disabilities and major behavioral problems."

Maddie Fennell, director of the Nebraska State Education Association, testified in support of the bill. Lead is a toxin, she said, which is particularly harmful to children.

"I've taught children who have suffered from lead poisoning and it was heartbreaking to see them struggle from something that could easily be prevented," Fennell said.

Ian Sheets of the Omaha Healthy Kids Alliance also testified in favor of LB653. Sheets, who tests homes for lead, told the story of a two-year-old

living in a house that, testing revealed, contained lead 100 times greater than the action level recommended by the Environmental Protection Agency.

"[The story] is the norm for many of the families we work with every day," Sheets said.

John Chatelain of the Metropolitan Omaha Property Owners Association testified against the bill. He said problems associated with lead-based paint have dropped dramatically since the 1990s.

"This issue has been addressed, successfully, by the landlords for years," Chatelain said. "I think the issue has already been taken care of."

Chatelain added that the bill could cause rents to increase.

Gene Eckel of the Apartment Association of Nebraska also spoke in opposition to LB653. He said many tests for lead-based paint provide misleading results, and the cost of remediation can be higher than the value of an older residence.

The committee took no immediate action on the bill.



### Bill would prohibit minor consent defense

Members of the Judiciary Committee heard testimony March 13 on a bill that would provide stronger sexual assault protections.

LB478, introduced by Omaha Sen. Tony Vargas, would prohibit consent by a minor under 18 from being used as a defense or mitigating factor in a civil case arising out of a



Sen. Tony Vargas

sexual assault perpetrated by an adult in a position of authority over the minor.

Vargas said that in 2017 a Florida court found four third graders at least partially at fault when they were molested by a teacher.

“It should be easy to say that a third grader cannot consent to sexual activity or that a third grader cannot be ‘careless and negligent’ or ‘old enough to know better’ when a teacher molests them,” Vargas said. “We have a duty as elected officials to protect the most vulnerable among us.”

He said there currently is nothing in Nebraska statutes that prevents victims in civil cases from being blamed under a defense known as “comparative negligence,” which means both parties share fault in a matter.

John Lindsay, representing the Nebraska Association of Trial Attorneys, spoke in support of the bill. LB478 would close a loophole in state statute, he said.

“The Nebraska Legislature for years has said that a minor under the age of 16 is incapable of consenting,” Lindsay said, adding that if a minor cannot legally consent it would be “absurd” to hold them partially at fault in a sexual assault case.

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

### Extended statutes of limitation considered

A bill that would extend and eliminate certain statutes of limitation for labor and sex trafficking was considered March 13 by the Judiciary Committee.

LB519, introduced by Peru Sen. Julie Slama, would



Sen. Julie Slama

eliminate a statute of limitation for creation of child pornography or labor or sex trafficking of a minor.

Approximately 47 Nebraska school girls are trafficked each year through exploitation by force, fraud, coercion and deception, Slama said.

“We need to be able to help the victims of human trafficking and allow them time to heal and feel comfortable about reporting the crimes that occurred against them,” she said. “We also need to ensure law enforcement has the tools necessary to crack down on human trafficking.”

The bill would increase the statute of limitations from three years to seven for labor or sex trafficking of an adult. It also would extend the statute of limitations for possession of child pornography to seven years, or seven years beyond a victim’s 18th birthday.

Finally, LB519 would allow law enforcement to apply for wiretap authorization to intercept electronic communications relating to labor or sex trafficking of adults and minors.

Anna Brewer, speaking on behalf of the state attorney general’s office, spoke specifically in support of the bill’s proposed authorization of law enforcement wiretapping. She said sex traffickers often use electronic devices to advertise the sale of children and vulnerable adults, communicate with buyers and control the people they exploit.

“Being able to intercept these communications will enable law enforcement officers to collect and prove, or disprove, disrupt and dismantle the criminal enterprises that engage in human trafficking,” Brewer said.

Meghan Malik also spoke in support of the bill. Trafficking survivors suffer severe physical and emotional abuse, Malik said, and may not pursue justice promptly due to fear of retaliation by their traffickers or confusion

over complicated legal proceedings.

“Unfortunately, the option for justice is often unavailable to survivors in Nebraska because our current statute of limitations [prevents] survivors from pursuing legal action if they were victimized more than three years ago,” she said. “LB519 will increase opportunities for justice and offender accountability, as well as provide law enforcement tools for investigation and prosecution of traffickers.”

Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association, opposed the elimination of certain statutes of limitation, saying that they serve a distinct purpose.

“[Statutes of limitation] provide some sense of finality ... that a person can move on with their life and are no longer in danger,” Eickholt said. “At some point the person ought to be free from risk of prosecution.”



### Merger of energy, environmental quality agencies approved

Lawmakers voted March 15 to approve a merger of the state agencies responsible for recommending state energy policies and administering Nebraska’s environmental regulations.

LB302, introduced by Venango Sen. Dan Hughes on behalf of Gov. Pete Ricketts, authorizes the transfer of statutory powers, employees and assets of the State Energy Office into the state Department of Environmental Quality on July 1, 2019. The new agency will be named



Sen. Dan Hughes

the Department of Environment and Energy and the current director of environmental quality will lead it.

The Nebraska Energy Office serves as the central repository for energy data relevant to Nebraska and provides the public with information on energy sources, use and conservation, in addition to other duties. The state Department of Environmental Quality administers the rules, regulations and standards adopted to protect and improve water, air and land quality in Nebraska.

LB302 authorizes the newly created department to assume responsibility for a permit program related to the discharge of dredged or fill material consistent with section 404 of the federal Clean Water Act. The permits are required for any project that encounters “waters of the U.S.” as defined under the act. Federal law allows the program, which is administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency, to be delegated to states with approved programs.

LB302 passed on a 45-0 vote.

### Natural resources rulemaking changes approved

Lawmakers approved a change to rulemaking requirements for the state Department of Natural Resources March 15.

LB319, sponsored by Columbus Sen. Mike Moser, repeals a requirement that the department send county, city and village clerks notice of hearings regarding floodplain management rules and regulations via mail.

The bill also makes two changes to department rulemaking requirements.



Sen. Mike Moser

LB319 makes optional rather than mandatory the department’s adoption and promulgation of rules and regulations regarding the allocation and expenditure of money from the Water Resources Trust Fund, which holds state and federal funds used to pay for the management and protection of the state’s groundwater.

LB319 also makes the department’s adoption of rules and regulations governing the matters over which it has jurisdiction—water rights for irrigation, power or other useful purposes—optional rather than mandatory.

Senators voted 43-1 to pass the bill.

### Sale of streamflow augmentation project land considered

The Natural Resources Committee heard testimony March 13 on a bill that would authorize natural resources districts to sell land originally acquired for a water augmentation project while retaining the right to use groundwater beneath that land.

Introduced by North Platte Sen. Mike Groene, LB606 would authorize each natural resources district to develop water augmentation projects for streamflow enhancement and to acquire real property for those projects. The governing NRD would be required to allocate the amount of groundwater that may be withdrawn for the project.

After the project has been developed, the project’s owner could sell the property and continue to pump the groundwater necessary for augmentation without regard to the land area or acres owned.

Groene said the bill would put into law what has been done already by four

of the state’s NRDs when they created an interlocal agency called N-CORPE (Nebraska Cooperative Republican Platte Enhancement) in 2012.

N-CORPE bought approximately 20,000 acres of land in Lincoln County and retired most of it from irrigation so that it could pump groundwater from the Ogallala Aquifer into the Republican and Platte rivers. This helps the state meet streamflow requirements under a Colorado, Kansas and Nebraska water use compact as well as a federal and state plan to preserve wildlife habitat along the central Platte River.

The Upper Republican NRD bought land in Dundy County near the headwaters of Rock Creek for the same purpose.

Groene said Nebraska’s common law does not allow water rights to be transferred from the overlying land, but several Nebraska Supreme Court rulings infer that the Legislature has the power to make exceptions to that rule.

“As a result of passage of LB606,” he said, “an NRD operating an augmentation project will become a peculiar type of landowner granted very special status with statutory rights contravening common law.”

Groene said the proposal would assure N-CORPE board members that they could sell the land in Lincoln County without jeopardizing the project. The sale could generate up to \$20 million that could be used to pay off the bond used to purchase the land, he said. It also would eliminate much of the project’s annual operating cost, Groene said, which would allow for a reduction in its main funding source, a \$10 per acre occupation tax on irrigated farm land within the four participating NRDs.

Additionally, Groene said, returning the land to private ownership would boost the area’s economy by generating additional property tax



Sen. Mike Groene

revenue for Lincoln County.

A law passed by the Legislature last year allows NRDs and interlocal entities that buy land for an augmentation project to make voluntary payments to counties in lieu of taxes up to the amount that would have been paid if the land were subject to taxation.

Ken Anderson, a Lincoln County resident, testified in support of LB606. He said the augmentation project has cost the county a significant amount of property tax revenue. The bill would allow for the land to be returned to the tax roll without harming the project, Anderson said.

Dan Estermann, a Lincoln County rancher and Middle Republican NRD board member, testified in support of the bill on his own behalf. He agreed that LB606 would make it clear to board members that they could sell the land while maintaining the project. Cutting the N-CORPE project's operating budget would make it easier to lower the occupation tax on irrigators, he added.

Jasper Fanning, general manager of the Upper Republican NRD, testified in opposition to the bill. He said LB606 would create new legal risks for the N-CORPE project rather than protecting it.

Over the next few years, Fanning said, it may be possible to maintain compact compliance with fewer retired irrigated acres. He said this would allow the NRDs to sell some of the N-CORPE property to private owners as irrigated land rather than dryland, as envisioned under LB606. N-CORPE could recoup more of its investment by selling the land at a higher value, Fanning said.

Even if the land is sold, Fanning added, the project still would need to maintain pipes and valves and pay other operating expenses, which he said would total approximately \$400,000

per year. Project managers are seeking new ways to pay those expenses, Fanning said, such as leasing the land to renewable energy companies.

Jeff Fassett, director of the state Department of Natural Resources, gave neutral testimony on LB606. He said any change to state law that would allow for the sale of the land needs to be precise enough to ensure that the N-CORPE project can continue. The state attorney general's office is concerned that LB606 as introduced poses some risk of litigation, Fassett said, and the department's attorney believes it could have a "ricocheting effect" on state water law.

"The value of this particular project—along with Rock Creek and the other management actions the NRDs are investing in—is absolutely what's keeping the state in compliance with our relationship to Kansas in the Republican River Compact," he said. "That is something we do not want to place any risk on."

The committee took no immediate action on the bill.



**Remote seller sales tax requirements passed**

Internet retailers without a physical presence in Nebraska are required to collect and remit state sales tax on purchases made by Nebraska residents under a bill passed by lawmakers March 15.

The U.S. Supreme Court ruled last June in *South Dakota v. Wayfair* that a state may require online retailers without a physical presence in the state to collect and remit state sales tax.

The South Dakota law at question in the *Wayfair* case includes an excep-

tion for small retailers with sales of \$100,000 or less or 200 or fewer annual transactions.

LB284, sponsored by Omaha Sen. John McCollister, includes this standard and requires remote sellers exceeding either of those thresholds in the previous or current calendar year to collect and remit state sales tax. The bill also requires "multivendor marketplace platforms"—online marketplaces such as Amazon or Ebay—to collect and remit state sales tax for the smaller sellers they serve if the marketplaces exceed the thresholds.



Sen. John McCollister

The bill requires a retailer to obtain a permit from the state Department of Revenue and begin collecting sales tax on or before the first day of the second calendar month after it exceeds the threshold for the first time.

The Legislative Fiscal Office has estimated that requiring remote sellers to collect and remit state sales tax will generate an additional \$30 million to \$40 million in revenue each year.

Senators voted 43-0 to pass LB284. The bill's provisions become operative April 1.

**Sales tax exemption for renewable energy equipment proposed**

Wind turbines and solar panels would be exempt from state sales and use tax under a bill heard March 14 by the Revenue Committee.

LB456, introduced by Omaha Sen. Steve Lathrop, would create a sales and use tax exemption for ma-



Sen. Steve Lathrop

chinery or equipment used to produce or store electricity generated by renewable energy sources including wind, solar, geothermal, hydroelectric, biomass and nuclear power.

Lathrop said wind energy projects create jobs, provide lease payments to landowners and generate tax revenue for local governments.

A current tax incentive in the Nebraska Advantage Act has encouraged wind energy companies to invest in the state, Lathrop said. Renewable energy companies participating in the program currently receive a sales and use tax refund on qualified property if they invest at least \$20 million in the state. The program is set to end next year.

Lathrop said he would support a similar provision in any new incentive program, but said the sales tax exemption in LB456 would do more to help Nebraska compete for wind energy projects with neighboring states.

“What this bill offers us is an opportunity to stay in the game,” he said. “Sometimes the difference between sales tax incentives and no sales tax incentives could be the difference between taking a project and putting it in Nebraska or putting it in Kansas or Texas.”

David Bracht testified in support of the bill on behalf of NextEra Energy Resources, the Nebraska Chamber of Commerce and Industry and the Greater Omaha Chamber of Commerce. He said it boosts the state’s economy when companies such as Facebook build data centers here because of Nebraska’s abundant renewable energy resources.

Bracht said the proposed sales tax exemption would help Nebraska compete with other states that offer similar incentives. It also would treat renewable energy equipment the same as other manufacturing equipment,

which is not subject to state sales tax, he said.

John Hansen, president of the Nebraska Farmers Union, also testified in support. He said a sales tax exemption might be more enticing to wind energy companies than the current sales tax refund, which is subject to availability.

For farmers who agree to have wind turbines on their property, Hansen said, the additional income makes a big difference in a time of low commodity prices. He said wind energy development also benefits rural communities by creating good-paying jobs with benefits.

“In rural communities ... you can pretty much count on one hand the folks in town that make over fifty thousand bucks,” Hansen said. “There just aren’t very many of those kinds of jobs.”

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

### **Infrastructure grant program for ethanol-gasoline blends proposed**

A state grant program would help gas station owners install tanks and pumps used to store and dispense ethanol-gasoline blends under a bill heard March 13 by the Revenue Committee.

LB585, introduced by Sen. Curt Friesen of Henderson, would create a cost-share grant program administered by the Nebraska Energy Office meant to improve retail motor fuel sites by installing, replacing or converting infrastructure used to store, blend or dispense gasoline-ethanol blends.



Sen. Curt Friesen

An owner or operator of a retail motor fuel site would be eligible to apply for the grants, which could be used only for infrastructure projects designed and used to store and dispense E-15 or E-85 gasoline or a blend of ethanol and gasoline from a pump designed to blend those fuels.

Friesen said the bill is meant to increase the number of locations across the state where blended fuels with higher ethanol content, such as E-15, E-30 and E-85, can be purchased. He said those blends currently are not widely available in Nebraska.

“Increasing access to E-15, E-30 and E-85 in Nebraska is hugely important because renewable fuels have been a great thing for Nebraska and higher blends of ethanol is ... key to continuing growth of the industry,” he said.

A grant could not exceed the lesser of 50 percent of the estimated cost of the improvement or \$30,000 for a three-year cost-share agreement. A grant could not exceed the lesser of 70 percent of the estimated cost of the improvement or \$50,000 for a five-year agreement.

The office could provide up to \$1 million in grants annually from 2020 to 2024.

Friesen said the bill also would repeal a sales and use tax exemption for bullion and currency. The additional tax revenue could be used to fund the grant program, he said.

Steve Ebke of the Nebraska Corn Growers Association testified in support of LB585. He said a similar public-private partnership helped build Nebraska’s ethanol industry, which he said creates jobs, increases the state’s tax base and brings investment to rural areas. Ebke said the proposed grant program would benefit Nebraska consumers by making ethanol blends available at more pumps.

“E-15-capable infrastructure has not



expanded at the pace necessary to give all Nebraska consumers a choice of this fuel," he said. "LB585 will accelerate the availability of E-15 and higher ethanol blends at the retail fuel locations."

Dawn Caldwell, director of government relations at the Aurora Cooperative, also testified in support, saying the cooperative offers ethanol-blended gasoline at several of its fueling stations to support local corn growers.

Caldwell said sales have "gone through the roof" since the cooperative installed an ethanol blender pump—which allows consumers to select the blend of ethanol they wish to buy—at its St. Paul location.

"We believe a state grant program that can incent other retailers to do the same would make these products available to more Nebraska consumers as well as those who are traveling through our state," she said.

Deb Evans-Olson of Lincoln Coin and Bullion testified in opposition to the bill's proposed repeal of the state sales tax exemption on bullion and currency. Evans-Olson said she and her husband advocated for the exemption when it was proposed in 2014 because they believed it would allow their business to compete with others in neighboring states that had adopted similar exemptions.

"[The exemption] did allow us to stay in business and remain competitive," she said.

Joe Kohout testified in opposition to LB585 on behalf of the American Petroleum Institute, saying the marketplace is not ready for E-15. He cited a AAA report that found E-15 could damage the engines of some older vehicles, and he said some auto manufacturers caution owners against using fuel blends with more than 10 percent ethanol.

The committee took no immediate action on the bill.

### Gender equity requirement proposed for tax incentive program

The Revenue Committee heard testimony March 15 on a bill that would require gender equity on the boards of companies receiving state business tax incentives.

LB724, introduced by Omaha Sen. Tony Vargas, would amend the Nebraska Advantage Act so that a domestic corporation with a board of directors would not qualify for incentives under the act unless at least 50 percent of the company's board of directors is female.



Sen. Tony Vargas

If a taxpayer fails to meet that requirement at any time during the period that the taxpayer is entitled to receive incentives, the incentives would be subject to recapture and disallowance. The requirement would apply to applications submitted on or after the date LB724 goes into effect.

The bill defines female as "an individual who self-identifies as a woman, without regard to the individual's designated sex at birth."

Vargas said the bill is meant to address a persistent gender pay gap and the relatively low number of women in leadership roles in Nebraska companies. He said companies that include women on their boards have a higher return on equity, more innovative ideas and a stronger emphasis on research and development. Those are exactly the companies the current tax incentive program intends to attract, Vargas said.

"We have the opportunity to use the Nebraska Advantage Act—which has done a wonderful job of growing investment in our state—to incentivize publicly traded companies to provide

more leadership roles for women," he said.

Tiffany Seibert Joekel testified in support of the bill on behalf of the Women's Fund of Omaha. Women comprise 50.1 percent of Nebraska's population and nearly half of its workforce, she said, but they are not equally represented in corporate leadership roles, even though women in Nebraska are more highly educated than men.

"We believe equal representation in board positions is critical to impacting gender equity throughout a company," Seibert Joekel said. "In order to achieve gender equity in the workplace, it helps to have women at the top to help implement changes that will impact the workforce at every level."

Danielle Conrad, executive director of the ACLU of Nebraska, also testified in support. Federal and state laws have required companies to pay women and men equally for the same work for more than 50 years, Conrad said, but under current trends in Nebraska it will take until 2066 for the private market to correct the gender wage gap, which she said is even more pronounced for women of color.

"By building up a culture of leadership and gender equity and diversity in the boardroom," Conrad said, "we think that this is one creative approach to address the wage gap and to inspire more women to be involved in corporate governance and leadership in our state."

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Transporter plate change approved

Lawmakers passed a bill March 15 that changes a record retention law for transporter plates.

LB699, introduced by Brainard Sen. Bruce Bostelman, decreases the retention period from six to three years for transport-



Sen. Bruce Bostelman

er plate applicants to keep records associated with the transport of a motor vehicle.

The bill passed on a 45-0 vote.

## URBAN AFFAIRS

### Early childhood development bill passes

Lawmakers passed a bill March 15 that allows municipalities to use local tax revenue for early childhood development infrastructure.

LB160, introduced by Sen. Dan

Quick of Grand Island, expands the Local Option Municipal Economic Development Act, which was passed in 1991. The act allows first- and second-class cities and villages to use local tax dollars for economic development projects through voter-approved grants and loans.



Sen. Dan Quick

LB160 adds early childhood development infrastructure to the law's scope.

The measure was approved 36-7. ■

## 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 dur-

ing 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 also are 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](http://www.NebraskaLegislature.gov/uyl).

The registration deadline is May 15.

# COMMITTEE HEARINGS

Current hearing schedules are available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## **Monday, March 18**

### **Appropriations**

#### **Room 1524 - 1:30 PM**

LB199 (Wishart) Appropriate funds to the Supreme Court for court appointed special advocate state aid

LB625 (Pansing Brooks) Appropriate funds to the Department of Correctional Services

*Agency 5: Supreme Court*

*Agency 94: Commission on Public Advocacy*

*Agency 15: Neb. Board of Parole*

*Agency 46: Dept. of Correctional Services*

*Agency 11: Attorney General*

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 PM**

LB573 (M. Hansen) Change provisions relating to agreements under the Intergovernmental Risk Management Act

### **Business & Labor**

#### **Warner Chamber - 1:30 PM**

LB577 (Vargas) Provide additional powers to the Commissioner of Labor related to investigations under and violations of the Employee Classification Act

LB428 (Friesen) Change eligibility for benefits under the Employment Security Law for certain workers in the construction industry

LB576 (Lathrop) Change provisions relating to presumptions regarding causes of death or disability of certain firefighters and firefighter-paramedics

LB360 (M. Hansen) Provide for settlement of claims of nonresident alien dependents under the Nebraska Workers' Compensation Act

LB363 (M. Hansen) Adopt the In the Line of Duty Compensation Act

### **Education**

#### **Room 1525 - 1:30 PM**

LB668 (Vargas) Adopt the Alternative Certification for Quality Teachers Act

LB640 (Howard) Include study relative to the Holocaust and other genocides in provisions relating to multicultural education

LB537 (Lathrop) Change provisions relating to actions with regard to the performance or conduct of a

certificated school district employee

LB568 (Morfeld) Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds

### **General Affairs**

#### **Room 1510 - 1:30 PM**

LB252 (Geist) Provide a condition relating to advertisements by the state lottery

LB591 (Briese) Provide for alcohol impact zones and provide duties for the Nebraska Liquor Control Commission

LB722 (Albrecht) Authorize seizure of gray devices under the Nebraska County and City Lottery Act

## **Tuesday, March 19**

### **Appropriations**

#### **Room 1524 - 1:30 PM**

LB292 (Vargas) Appropriate funds to the State Department of Education

*Agency 13: Dept. of Education*

*Agency 32: Board of Educational Lands and Funds*

*Agency 69: Neb. Arts Council*

*Agency 34: Neb. Library Commission*

*Agency 47: Neb. Educational Telecommunications Commission*

### **Education**

#### **Room 1525 - 1:30 PM**

LB679 (DeBoer) Create the School Financing Review Commission

LB647 (Wayne) Include virtual school students in the state aid to schools formula

LB350 (Morfeld) Provide a budget exception for expanded learning opportunity programs

LB351 (Morfeld) Provide for school district levy and bonding authority for cybersecurity and violence prevention

### **Nebraska Retirement Systems**

#### **Room 1507 - 5:00 PM**

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

LB683 (Kolterman) Provide for a work plan under the Class V School

Employees Retirement Act relating to a one-time lump sum payment to certain retirement system members

LB706 (Lindstrom) Authorize a one-year freeze of cost-of-living adjustments under the Class V School Employees Retirement Act

## **Wednesday, March 20**

### **Appropriations**

#### **Room 1003 - 1:30 PM**

LB678 (Vargas) Create the Volkswagen Settlement Cash Fund and provide duties for the Department of Environmental Quality

*Agency 71: Nebraska Energy Office*

*Agency 33: Game and Parks Commission*

*Agency 18: Dept. of Agriculture*

*Agency 29: Dept. of Natural Resources*

*Agency 84: Dept. of Environmental Quality*

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 PM**

LB581 (Albrecht) Require the use of generally accepted accounting principles in preparing budgets under the Nebraska Budget Act

LB717 (Brewer) Provide requirements for state contracts regarding hours billed for computer services

### **Health & Human Services**

#### **Room 1510 - 1:00 PM**

*Appointments: Randy Boldt, John Bonta, Karen Bowlin, Ann Fiala, Michael Miller, Carl Rennerfeldt - Board of Emergency Medical Services*

### **Health & Human Services**

#### **Room 1510 - 1:30 PM**

LB135 (Stinner) Change provisions relating to students in emergency medical services training

LB701 (Bostelman) Require billing for emergency medical services

LB347 (Murman) Exempt reflexology from licensure under the Massage Therapy Practice Act

### **Judiciary**

#### **Warner Chamber - 1:30 PM**

LB89 (Wayne) Change certain marijuana penalties

LB90 (Wayne) Make post-release

# COMMITTEE HEARINGS

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supervision optional for Class IV felonies  
LB91 (Wayne) Provide for deferred judgments by courts as prescribed  
LB209 (Albrecht) Require information regarding reversal of medication abortion  
LB503 (Hunt) Eliminate requirement that physician be physically present in same room when an abortion is performed

LB652 (Wayne) Change a penalty for controlled substance possession as prescribed  
LB684 (Lathrop) Change provisions relating to post-release supervision for Class IV felonies

## Revenue

### Room 1524 - 1:30 PM

LB560 (Geist) Change provisions relating to tax credits under the Beginning Farmer Tax Credit Act  
LB623 (Williams) Change provisions relating to qualifications under the Beginning Farmer Tax Credit Act  
LB542 (Lowe) Adopt the Firearm Safety Act and provide a tax credit  
LB605 (Lindstrom) Adopt the Renewable Chemical Production Tax Credit Act

## Thursday, March 21

### Appropriations

#### Room 1003 - 1:30 PM

LB129 (Wayne) Appropriate funds to the Department of Transportation  
LB394 (Wishart) State intent relating to an appropriation to the Department of Transportation  
LB494 (Wayne) Appropriate funds to the Department of Transportation  
*Agency 27:* Dept. of Transportation  
*Agency 31:* Military Department  
*Agency 36:* State Racing Commission

### Government, Military & Veterans Affairs

#### Room 1507 - 1:30 PM

*Appointments:* Richard Grauerholz, Tim Hofbauer, Trent D. Kleinow - State Emergency Response Commission

### Health & Human Services

#### Room 1510 - 1:00 PM

*Appointment:* Smith, Dannelle R. - Department of Health and Human Services

### Health & Human Services

#### Room 1510 - 1:30 PM

LB629 (Pansing Brooks) Provide criteria for recipients of Title X grant funds  
LB735 (Chambers) Provide a duty for the Department of Health and Human Services

### Judiciary

#### Warner Chamber - 1:30 PM

LB308 (Lathrop) Change provisions relating to commencement of civil actions, voluntary appearances, and waivers of defenses  
LB324 (La Grone) Change immunity from liability under the 911 Service System Act  
LB392 (Lathrop) Change hearsay provisions in the Nebraska Evidence Rules  
LB491 (Wayne) Authorize punitive damages as prescribed  
LB517 (Pansing Brooks) Change human trafficking civil damage provisions  
LB685 (Lathrop) Prohibit the denial or delay of a remedy by due course of law as prescribed

## 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:* HHS - 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

## 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

# COMMITTEE HEARINGS

Current hearing schedules are available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

Agency 25: HHS - Children and Family Services, Developmental Disabilities, Behavioral Health, Facilities

### Education

#### Room 1525 - 1:30 PM

Appointments: John Chaney, Robert Engles - Board of Trustees of the Nebraska State Colleges

Appointment: Dwayne B. Probyn - Board of Educational Lands and Funds  
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  
Agency 3: Legislative Council

### 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 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

#### Health & Human Services

#### Room 1510 - 1:00 PM

Community Services Block Grant Briefing

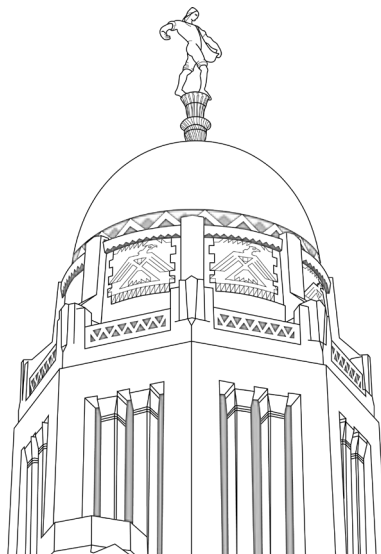
### Judiciary

#### 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 ■

### Updated BillTracker now available

The newly updated BillTracker application, which has been redesigned by Nebraska Interactive, allows a user to follow one or more bills and receive information about legislative activity sent directly to an email inbox. This advanced service allows users to create profiles to track legislation by sponsor, committee, keyword/phrase, statute section or bill number. For the public, a free version is available that provides email notifications for up to 15 bills. Nebraska Interactive is available at 402-471-7810. The BillTracker application can be accessed on the web at <https://www.nebraska.gov/billtracker/> ■



# LEGISLATIVE PROCESS

**T**he lawmaking process in Nebraska officially begins when a bill is introduced. But the process actually begins much earlier, when senators formulate ideas for new laws. Anyone — concerned citizens, special interest groups, state agencies or the governor — may suggest an idea for a new law. But a senator, a group of senators or a legislative committee must introduce the idea before the Legislature

can formally consider it.

Legislative committees then consider each bill and may propose amendments to them before advancing them to the full Legislature. The legislative body then has an opportunity to debate a bill at least twice before voting on its final passage.

This is the process a bill must undergo before it becomes a Nebraska statute:

## Research

First, a senator and his or her staff research a problem and study possible legislative remedies. Senators may introduce bills to create new laws or to repeal or change existing laws.

Much research is done during the period between sessions called the interim. During this time, committees study a variety of issues that have been outlined in interim study resolutions passed by the Legislature.

## Drafting

A senator brings his or her idea for a new law to a bill drafter, who works with the senator to transform the idea into the proper legal form for a bill. Unlike some states, bills introduced in Nebraska must contain only one subject.

## Introduction

Most bills are introduced during the first 10 days of a regular legislative session, which begins each January.

To introduce a bill, a senator files it with the clerk of



*A legislative committee hearing*

the Legislature. The clerk reads the title of the bill into the record, assigns the bill a number and prints copies of it for public and legislative use.

## Committee Action

Except for a few technical bills, all bills and many resolutions must receive a public hearing before a legislative committee. A nine-member Reference Committee determines which bills will be heard by which committees, based on subject matter jurisdiction.

The Legislative Fiscal Office prepares budget statements known as fiscal notes for each bill

introduced. Fiscal notes generally are prepared before a committee conducts a hearing on a bill.

After the hearing, the committee may either indefinitely postpone the measure, hold it for further discussion or advance it to the full Legislature. The committee may forward recommended amendments to the bill if it is advanced.

## General File

General file is the first time the full Legislature can debate and vote on bills. At this stage, senators often consider amendments, which may be proposed both by committees and by individual senators. Many people consider general file to be the most crucial stage of the legislative process, because it is where most compromises are worked out through debate and amendment.

Bills on general file may be amended, indefinitely postponed, sent back to committee or advanced to the next stage. As with most legislative business, it takes a majority of senators (25 votes) to adopt any amendment or to move a bill from general file to the next stage.

After a bill is advanced from general file, it undergoes an initial process of enrollment and review, or E&R. During E&R Initial, adopted amendments are reviewed and the entire bill is checked for technical and grammatical accuracy.

## Select File

Select file is the second debating and voting stage. This stage offers another opportunity for amendment, compromise and reflection. Bills on select file may be amended, indefinitely postponed, sent back to committee or advanced to the next stage.

After a bill is advanced from select file, the bill and all of its adopted amendments are sent to enrollment and review final for a process called engrossment. Once all amendments are incorporated into the bill, it is considered to be "correctly engrossed." The bill then is reprinted for final reading.

## Final Reading

Final reading is the third and last stage of legislative consideration. The Nebraska Constitution requires the clerk of the Legislature to read every bill aloud in its entirety before the vote on whether to pass it. However, that requirement may be waived by a three-fifths vote (30 members) of the Legislature.

A bill may not be amended on final reading, but it may be returned to select file for specific amendment. No bill can be passed on final reading until at least five legislative days after the bill is introduced and one legislative day after it is placed on final reading.

## Governor

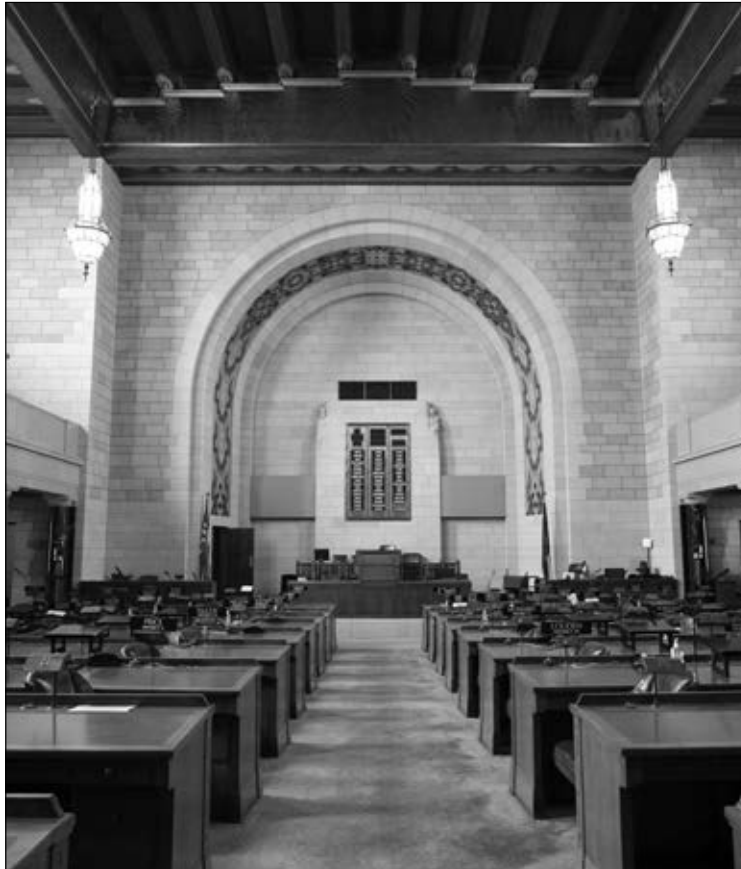
After the Legislature passes a bill on final reading, it goes to the governor. The governor has five days, excluding Sundays, to decide what to do with a bill.

If the governor signs a bill or declines to act on it, the bill becomes law. If the governor vetoes the bill, it is returned to the Legislature with the governor's objections. A three-fifths vote of the Legislature is re-

quired to override a governor's veto. The governor also may make reductions of specific figures in state budget bills. These reductions are line-item vetoes.

## Laws of Nebraska

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns. However, bills may take effect earlier if they contain an emergency clause or a specified operative date. An emergency clause allows a bill to take effect immediately after the governor signs it. It takes a vote of 33 members of the Legislature to pass a bill with an emergency clause. ■



*The George W. Norris Legislative Chamber*

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