

Legislature overrides county sales tax veto

Lawmakers voted April 30 to override the governor's veto of a bill that allows a county to impose a sales tax to help pay a federal judgment against it.

LB472, introduced by Adams Sen. Myron Dorn, authorizes a county board to adopt a resolution to impose a sales and use tax of 0.5 percent on transactions within the county to pay a qualified judgment, which the bill defines as a judgment rendered against a county by a federal court for a violation of federal law.

Dorn has said the proposal is intended to help the residents of Gage County. In 2016, a federal judge awarded more than \$28 million in damages to the six men and women wrongfully convicted of the rape and homicide of a Beatrice woman in 1985. The individuals, commonly known as the "Beatrice Six," had sued Gage County in federal court after



Sen. Myron Dorn said the county sales tax authorized by LB472 would generate approximately \$1.25 million in annual revenue that the county could use to pay a \$31 million judgment.

DNA evidence exonerated them.

Including attorneys' fees and interest, Dorn said, the county owes approximately \$31 million.

Gov. Pete Ricketts returned LB472 to the Legislature without his signature April 24 after lawmakers passed it April 18 on a vote of 43-6.

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Medication abortion bill debated

A bill that would require medical providers to provide additional information to women seeking abortions stalled on general file April 29.

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

A Judiciary Committee amendment, adopted 39-3, replaced the bill. As amended, medical providers would be required to inform a woman seeking an abortion that the first of two drugs



Sen. Joni Albrecht

administered during a medical abortion—mifepristone—is not always effective in ending a pregnancy.

The committee amendment represents a compromise, Albrecht said, that would give every woman the option of continuing a pregnancy if she wishes to pursue it.

"[The compromise] was the result of a lot of hard work between people who have an interest in making sure that any woman who changes her mind after starting a medication abortion knows that it may not be too late and that she can talk to a medical professional who can help her," she said. "Its purpose is to ensure that every woman receives the information she needs and deserves to make a truly informed and voluntary decision."

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Legislature overrides county sales tax veto

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In his veto message, the governor called the events leading to the introduction of LB472 “tragic,” but said the Legislature should not authorize political subdivisions to impose new taxes on Nebraskans without a vote of the people.

Dorn offered a motion to override the veto, saying Gage County’s voters did not have a say when the county board voted last year to raise its property tax levy to pay the judgment, which at the time was the only way it could do so.

Dorn said imposing the sales tax will reduce the time needed to pay the judgment from more than eight years to as little as six years, providing some property tax relief to Gage County property owners.

Sen. Tom Briese of Albion supported Dorn’s motion. He said it more fairly spreads the judgment’s cost, which now rests disproportionately on agricultural landowners already suffering from high property taxes.

North Platte Sen. Mike Groene

also supported the motion, despite finding himself “between a rock and a hard place,” he said. Although LB472 is the fastest, most financially sound way of paying the judgment against Gage County, Groene said, it is an exception to his principle that the people should be allowed to vote on any proposed sales tax increase.

Taking the decision to a vote would impose election costs on the county and delay implementation of the sales tax if voters approve it, he said.

Sen. Ernie Chambers of Omaha also supported the motion, saying LB472 addresses a unique situation that will not happen again. Not every decision is put to a vote of the people in a republican form of government, he said.

“The Supreme Court itself has said [that] some principles are so important [that] they should not be left to the vicissitudes of elections or opinion polls,” Chambers said. “In other words, the governmental entity is to take the action and do the right

thing.”

Bayard Sen. Steve Erdman opposed the motion. Although he voted to pass LB472 because it “was the right thing to do,” Erdman said, he opposed the veto override because Dorn, as an Appropriations Committee member, supports an effort by the committee to provide less property tax relief than proposed by the governor.

Erdman said the larger increase would have helped Gage County property taxpayers.

“You can’t be on both sides of the same issue,” he said.

Also in opposition was Sen. Mike Hilgers of Lincoln, saying LB472 is based on the premise that Gage County residents would not vote for the sales tax increase if given the opportunity. He said the bill sets a precedent of removing the vote from the people if the Legislature believes that voters would not do the right thing.

Lawmakers voted 41-8 to override the governor’s veto. Thirty votes were needed. ■



UNICAMERAL UPDATE

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Medication abortion bill debated

(continued from front page)

In addition to other information already required under existing law, the committee amendment would require a provider to inform a woman that if she changes her mind and wants to continue a pregnancy after taking mifepristone, she may consult the state Department of Health and Human Services' website.

The amendment would direct DHHS to publish information on the agency's website about the effectiveness of mifepristone in ending pregnancy as well as contact information for medical assistance should a woman change her mind and wish to continue a pregnancy after taking mifepristone.

Blair Sen. Ben Hansen supported the bill. Informed consent legislation like LB209 ensures that a patient understands the treatment they are receiving, he said, including the risks and benefits to their health.

"This is making sure that the patient understands where they can get information about a reversal to a treatment that they [once pursued]," Hansen said. "Not only is it very important for the patient-doctor relationship, but also for the child that is involved."

Omaha Sen. Sara Howard introduced an amendment, adopted 35-0, that would require DHHS to collect data from medical providers every time a woman attempts to continue a pregnancy after taking an initial dose of mifepristone. The data collected would include the woman's age, facility location, name of the attending physician, any complications experienced and other relevant medical information.

The information collected under the Howard amendment would be included in the annual DHHS report on abortion in Nebraska.

Sen. Megan Hunt of Omaha introduced a motion to recommit LB209 to the Judiciary Committee. A woman who decides she no longer wants an abortion should be treated with compassion, Hunt said, but directing her to speak to a stranger at a hotline or listed on a DHHS website is "irresponsible."

"What we're telling women is that their doctor is not who they should turn to when something has changed for them," she said. "This bill says that the Legislature doesn't trust Nebraska doctors who provide reproductive health care and we don't want women in Nebraska to trust them."

Expressing concern about the accuracy of the potential language featured on the DHHS website, Lincoln Sen. Anna Wishart urged caution in advancing the amended bill in its current form. She said she was willing to work on an amendment to improve the information provided.

"We have worked hard with the amendments we've put in place to ensure that this bill is as medically accurate as possible," Wishart said. "I have concerns that we're [not] following that same level of prudence in terms of making sure that [the] website is as medically accurate."

After three hours of debate, the Legislature moved on to the next item on the agenda. 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.

The bill was discussed for an additional two hours May 1 before the Legislature adjourned for the day without voting on the measure. ■



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

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

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

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

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

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

The registration deadline is May 15. ■

AGRICULTURE



Right-to-farm protections expanded

Legal protections for agricultural producers under Nebraska’s 1982 Right to Farm Act were expanded by a bill passed May 2.

Under the act, a farm or public grain warehouse—a grain elevator or receptacle in which grain is held for longer than 10 days—cannot be found to be a public or private nuisance if it existed before a change in the land use or occupancy of land in its locality and would not have been considered a nuisance before the change.

Under LB227, introduced by Sen. Dan Hughes of Venango, no suit for public or private nuisance may be maintained against a farm or public grain warehouse more than two years after the condition that is the subject matter of the suit reaches a level of offense sufficient to sustain a nuisance claim.

The limitation does not apply to any action brought to determine compliance with or to enforce a previous court order related to the same nuisance claim or to any claims for additional damages or relief available when an operation fails to remediate a nuisance pursuant to the court order.

Senators voted 46-2 to pass LB227.

Cottage food sales expanded

Nebraskans may sell so-called cottage foods directly from their homes and at certain events under a bill ap-

proved by lawmakers April 29.

State law previously had authorized the direct sale of certain foods such as baked goods and uncut fruits and vegetables to consumers at a farmers market if the consumer is informed by a sign at the sale location that the food was prepared in a kitchen that was not subject to regulation and inspection.

LB304, introduced by Bellevue Sen. Sue Crawford, expands that provision to direct consumer sales at a fair, festival, craft show or other public event or for pickup or delivery at the seller’s private home.

For sales made for pickup at or delivery from a private home or other area, notification is required at the home or area, on the producer’s website and in any advertisement for sales. For sales at a farmers’ market, fair, festival, craft show or other public event, notification is required at the sale location.

LB304 requires producers other than those selling directly to consumers at a farmers’ market to complete a nationally accredited food safety and handling course or a certified food safety and handling training course offered at a culinary school or as required by a county, city or village to obtain a food handler permit.

The bill requires delivery to be made in a person-to-person transaction, by U.S. mail or by a commercial mail delivery service. It also requires the name and address of the producer to be included on the package or container label.

A producer also is required to follow food safety and handling guidelines for sale at a farmers’ market, fair, festival, craft show or other public event required by the county, city or village where the food is sold.



Sen. Sue Crawford



Sen. Dan Hughes

If a producer uses private well water to produce food, he or she must have the water tested for nitrates or bacteria before producing and selling food.

Finally, a producer selling from a private home is required to register with the state Department of Agriculture before conducting any sales.

Senators voted 40-0 to pass LB304.

BUSINESS & LABOR



Unemployment benefit requirement eased

The Legislature passed a bill April 29 that exempts certain seasonal construction employees from a specific unemployment benefit requirement.

Under LB428, introduced by Henderson Sen. Curt Friesen, highway construction employees who are prohibited by the state Department of Transportation from working during the winter months will not have to prove that they actively are searching for employment to receive unemployment benefits.

The bill also increases the amount that construction employers contribute to the unemployment fund.

LB428 passed on a 42-0 vote and takes effect Jan. 1, 2020.



Sen. Curt Friesen

EDUCATION



Resident tuition for military dependents approved

Lawmakers passed a bill May 2 that provides resident college tuition rates

for spouses and dependents of active duty military personnel who are assigned to duty outside Nebraska.

Under LB6, introduced by Bellevue Sen. Carol Blood, the spouse or legal dependent of a person who is on active duty military assignment in Nebraska is considered a resident for tuition purposes at the state's post-secondary educational institutions as long as the person was on active duty in Nebraska at the time the spouse or legal dependent was accepted for admission and he or she remains continually enrolled.

Senators voted 47-0 to pass LB6.



Sen. Carol Blood

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Alternative construction method clears first round

Nebraska's largest counties and cities would be allowed to use an alternative design method for certain transportation projects under a bill advanced from general file April 29.

LB583, as introduced by Lincoln Sen. Mike Hilgers, would allow counties of 150,000 or more residents to use a design-build method for projects that fall under the Transportation Innovation Act. Currently, Douglas, Lancaster and Sarpy counties meet that threshold.

An amendment, offered by Hilgers and adopted 40-0, also would allow metropolitan and primary class cities



Sen. Mike Hilgers

to design-build transportation projects. Omaha currently is Nebraska's only metropolitan class city and Lincoln is the lone primary class city.

Currently, municipalities must contract separately with a designer and with a construction contractor, Hilgers said, but under the design-build approach, municipalities would work with one entity that would manage both design and construction. The design-build method would reduce construction time and costs, Hilgers said.

"It's a concept that combines some of the steps," Hilgers said. "It allows you to shave off a significant amount of time in the process."

Sen. John Arch of La Vista said he supported the bill because using design-build would reduce "billion-dollar surprises."

"Having that contractor at the table, as well as the architect, brings a different set of eyes," Arch said.

LB583 advanced to select file on a 40-0 vote.

HEALTH & HUMAN SERVICES

Prescription drug monitoring program updated

Lawmakers approved a bill April 29 that makes several changes to the state's drug monitoring program.

LB556, introduced by Sen. Sara Howard of Omaha, makes a number of changes designed to make the Prescription Drug Monitoring Program interact more effectively with appropriate agencies, other state drug monitoring programs and state and re-



Sen. Sara Howard

gional health information exchanges.

Among other provisions, the bill:

- allows for data sharing with other state PDMPs;
- allows for highly regulated sharing of de-identified prescription data for research purposes;
- adds requirements for prescription and identifying data to be collected to aid in patient matching and medication reconciliation;
- gives non-statutory flexibility to the state Department of Health and Human Services in collaboration with the PDMP in altering data collection provisions; and
- allows Medicaid managed care organizations and Nebraska Medicaid officials access to the PDMP.

The bill also contains provisions of LB557, introduced by Omaha Sen. Brett Lindstrom, that amend the definition of a practitioner to include additional providers if they are members of a patient's care team.

The provisions also change the first and third prescription to a 60-day look back and add an exemption for hospice and palliative care or a cancer diagnosis.

LB556 passed on a 44-0 vote and takes effect immediately.

JUDICIARY

Judicial tampering penalties increased

Penalties for witness and jury tampering were increased by legislation passed May 2.

LB496, sponsored by Omaha Sen. Justin Wayne, makes witness, informant or jury tampering a Class II felony when the underlying criminal charge

is a Class II felony or higher. A Class II felony carries a penalty of one to 50 years in prison.

The tampering penalty is a Class I misdemeanor when the underlying criminal proceeding alleges a Class II misdemeanor or lower, or a violation of a city or village ordinance. A Class I misdemeanor carries a penalty of up to one year in prison, a \$1,000 fine or both.

The bill passed on a 48-0 vote.

Bill advanced to clarify protection order process

Lawmakers gave first-round approval April 30 to a bill that would update application procedures for harassment, sexual assault and domestic abuse protection orders.

Nebraska currently authorizes three types of protection orders for cases of harassment, sexual assault and domestic abuse.

LB532, as originally introduced by Omaha Sen. Machaela Cavanaugh, would harmonize application procedures for all three protection orders.

The bill's intent is to provide more clarity to the process, Cavanaugh said, because victims who pursue protection orders often do so without legal assistance.

"Since a victim's choice to leave a violent situation creates a particularly high risk of future violence, protection orders are absolutely critical to helping [them] access safety for themselves and their family," she said. "However, protection orders will not be effective if survivors aren't presented with an



Sen. Justin Wayne

understandable and clear process."

A Judiciary Committee amendment, adopted 41-0, replaced the bill. Under the amendment, if an application for a temporary protection order is dismissed, it would be dismissed without prejudice. This would allow the petitioner for the protection order to correct any missing information and resubmit the application for consideration.

The petition for a protection order must include the events and dates, or approximate dates, of the alleged assault or abuse, including the most recent and most severe incidents.

The court where the petition is filed could decide to issue a temporary protection order "ex parte," or without giving notice to the respondent, if the petitioner believes the respondent poses an immediate and significant safety risk.

If the court rejects an application for a sexual assault or domestic abuse protection order, LB532 would require that an evidentiary hearing be held within 14 days. The court would be required to admit the original petition and affidavit into evidence.

The amendment also would clarify that the petitioner for a protection order could not be found to be in violation of his or her protection order.

Omaha Sen. Robert Hilkemann supported the bill, saying it would strengthen the path to safety for victims of violence.

Senators advanced the bill to select file on a 41-0 vote.



Bond authority for certain NRDs extended

Lawmakers extended a special bonding authority for an Omaha-area

natural resources district May 2.

Natural resources districts encompassing a city of the metropolitan class may issue bonds payable from a flood protection and water quality enhancement levy on the taxable value of property in the district. The levy may not exceed 1 cent per \$100 of taxable valuation annually without voter approval.

Only the Papio-Missouri River NRD currently has that bonding authority, which was set to end Dec. 31, 2019. LB177, sponsored by Omaha Sen. Brett Lindstrom, extends the termination date to Dec. 31, 2024.

LB177 passed on a vote of 35-8.



Sen. Brett Lindstrom



County funds for motor vehicle sales tax collection approved

Senators passed a bill May 2 that reinstates a commission counties receive in return for collecting state motor vehicle tax.

County treasurers may withhold 2.5 percent of the first \$3,000 in state motor vehicle sales and use tax that they remit. Under LB237, introduced by Bellevue Sen. Sue Crawford, counties also may withhold 0.5 percent of all amounts in excess of \$6,000 remitted each month.



Sen. Sue Crawford

Prior to Jan. 1, 2023, the amount withheld will be split between a county's general fund and a county's road fund. After that, 75 percent will be

deposited in a county's general fund, and 25 percent will be deposited in a county's road fund.

The bill also requires county treasurers in counties with a population of 150,000 or more to remit \$1 of the collection fee for each of the first 5,000 motor vehicles, semitrailers or trailers registered on or after Jan. 1, 2020, to the state treasurer, who will credit the amount to the Department of Revenue Enforcement Fund.

LB237 passed on a vote of 44-4.

Infrastructure grant program for ethanol-gasoline blends approved

Senators passed a bill May 2 that creates a state grant program intended to make ethanol-gasoline blends available at more Nebraska gas stations.

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

An owner or operator of a retail motor fuel site is eligible to apply for the grants, which may 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.

The department will award grants to the maximum number of qualified applicants and could approve up to \$1 million in grants in any calendar year.

A grant could not exceed the lesser of 50 percent of the estimated cost



Sen. Curt Friesen

of the improvement or \$30,000 for a three-year cost-share agreement. For a five-year 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.

Lawmakers voted 49-0 to pass LB585.



Support the troops license plates approved

Senators passed a bill May 2 that creates several new specialty license plates.

LB138, sponsored by Bellevue Sen. Carol Blood, authorizes the state Department of Motor Vehicles to create several specialty license plates including designs honoring people who have served in the armed forces in Iran, Afghanistan, the Persian Gulf War, the Vietnam War and the Global War on Terror.



Sen. Carol Blood

It also creates a "Support Our Troops" plate available to those who have not served, but would like to show support for the armed forces. The application fee for a personalized message Support Our Troops plate will be \$70.

There is a \$5 fee for any of the bill's specialty alphanumeric plates and a \$40 fee for a personalized message plate. The alphanumeric fee and \$30 of the personalized message fee will be dedicated to the Veterans Employment Program Fund. The remaining portion of the personalized message fee will be credited to the DMV cash fund.

The specialty plates will be available effective Jan. 1, 2021.

The bill includes provisions of LB696, originally introduced by Brainard Sen. Bruce Bostelman, which substitutes Army National Guard and Air National Guard license plates for the current National Guard Military Honor plates.



Sen. Bruce Bostelman

Provisions of LB697, also introduced by Bostelman, eliminate application and renewal fees for Purple Heart, ex-POW, Pearl Harbor Survivor and Disabled American Veteran license plates effective Jan. 1, 2021.

Similarly, there will be no application fee for a Gold Star personalized message license plate, however a \$5 renewal fee still will apply. The license plate will be considered permanent as long as the vehicle to which it is attached remains registered by the applicant.

Finally, the bill includes provisions of LB626, originally sponsored by Lincoln Sen. Patty Pansing Brooks, which directs the state Department of Veterans Affairs to create a job search website specifically for veterans.



Sen. Patty Pansing Brooks

The website will be funded through revenue raised by sales of the "Support Our Troops" license plates.

The bill passed on a 48-0 vote.

Omnibus license plate bill passed

Lawmakers gave final approval to an omnibus license plate bill May 2.

LB356, sponsored by Norfolk

Sen. Jim Scheer, redistributes certain specialty license plate fees. It will dedicate 85 percent of the application and renewal fees associated with Sammy's Superheroes license plates to the University of Nebraska Medical Center for pediatric cancer research. The remaining 15 percent will be credited to the state Department of Motor Vehicles cash fund.



Sen. Jim Scheer

The bill also reclassifies a Sammy's Superheroes license plate from an organizational to a specialty plate. This changes the initial application fee from \$70 to \$40 for a message plate and \$5 for an alphanumeric plate.

Sixty percent of all application and renewal fees for standard message plates, Husker Spirit plates and organizational plates will be credited to the state DMV cash fund. The remaining 40 percent will be credited to the Highway Trust Fund.

Application and renewal fees for all specialty plates are \$40 for message plates and \$5 for alphanumeric plates. LB356 adds a \$5 fee for a Breast Cancer Awareness alphanumeric plate.

The bill also establishes a standard \$50 application fee for both the special interest motor vehicle and one-plate plus sticker program.

The state DMV is authorized to discontinue specialty license plates every year that standard license plates are reissued, or every six years, if no more than 250 plates are issued for two consecutive years. New license plates next will be issued in 2023.

Gold Star, Purple Heart, Ex-POW, Pearl Harbor Survivor and Disabled American Veteran license plates are exempt from the discontinuance provision.

Finally, the bill includes provisions

from several additional bills, including:

- LB128, originally introduced by Venango Sen. Dan Hughes, which authorizes bighorn sheep and sandhill crane license plates;
- LB215, originally introduced by Elkhorn Sen. Lou Ann Linehan, which authorizes a prostate cancer awareness license plate; and
- LB691, originally introduced by Omaha Sen. Michaela Cavanaugh, which authorizes an ornate box turtle specialty license plate.



Sen. Dan Hughes



Sen. Lou Ann Linehan



Sen. Michaela Cavanaugh

Application for and distribution of specialty license plates created under LB356 will be available effective Jan. 1, 2021.

The bill passed on a 49-0 vote.

Special financing approved for highway construction

A bill that expedites highway construction projects in Nebraska was given final approval by the Legislature May 2.

Under LB616, introduced by Lincoln Sen. Mike Hilgers, highway construction projects



Sen. Mike Hilgers

with a payment schedule that exceeds the date of completion are exempt from paying contractor interest.

The bill passed on a 48-0 vote.

Call spoofing bill passed

A bill that authorizes investigations of telemarketers who knowingly manipulate caller ID information was passed by the Legislature May 2.

LB693, sponsored by Hastings Sen. Steve Halloran, targets companies that use caller ID to make it appear as though phone calls



Sen. Steve Halloran

are from a trusted number—a process known as “spoofing.”

It prohibits any person from selling or renting a phone number to an out-of-state entity unless the telephone number is listed publicly and can be verified by a telecommunications provider.

The bill also prohibits any person working in connection with a telecommunications service or internet-enabled voice service from causing a caller ID service to knowingly provide misleading or inaccurate information with the intent to defraud, harm or wrongfully obtain anything of value.

The provisions of LB693 do not apply to authorized law enforcement activity or a court order that authorizes caller ID manipulation. The Nebraska Public Service Commission is authorized to impose administrative penalties on violators, not to exceed \$2,000.

The state attorney general can investigate violations of the bill under the Consumer Protection Act. These violations do not give cause for private civil action.

Local telecommunications companies are exempt from the bill's provisions as long as they are acting

in accordance with federal law.

The bill passed on a 49-0 vote.

Commercial cargo transportation requirements strengthened

Commercial vehicle operators are required to store cargo more securely under a bill passed by the Legislature April 29.

LB698, sponsored by Brainard Sen. Bruce Bostelman, requires commercial motor vehicle operators to ensure all cargo is secured adequately to prevent it from falling off of the vehicle.



Sen. Bruce Bostelman

The bill also requires that the structures, systems, parts and components used to secure the cargo be in proper working order with no damaged or weakened components that could cause cargo to fall from the vehicle.

A violation of the bill's provisions is an infraction, subject to a \$200 fine for the first offense and a \$500 fine for second or subsequent offenses.

In addition to the infraction, the superintendent of law enforcement and public safety also can assess the owner of a vehicle a civil penalty of \$1,000.

The bill passed on a 44-0 vote and takes effect immediately.

URBAN AFFAIRS

Radon mitigation bill approved

Lawmakers passed a bill May 2 that requires the state's building code to adopt standards for radon-resistant construction for new houses, commercial, educational and medical structures.

Introduced by Bennington Sen.

Wendy DeBoer, LB130 adopts standards recommended by the Radon Resistant New Construction Task Force. The bill also incorporates those standards into the state building code and requires local building codes to adopt minimum standards.



Sen. Wendy DeBoer

The bill exempts new construction projects designed by a licensed architect or engineer, non-residential buildings if a local building official deems radon-resistant construction unnecessary and new construction projects in counties with an average radon concentration of less than 2.7 picocuries per liter of air.

Senators approved LB130 on a 40-4 vote.

Bill to raise vaping, smoking ages advanced

A bill intended to reduce the use of vaping products by minors advanced to select file April 30.

LB149, as introduced by Grand Island Sen. Dan Quick, would increase the legal age from 18 to 21 for purchasing and possessing vapor products and flavored liquids containing nicotine.



Sen. Dan Quick

A General Affairs Committee amendment, adopted 39-0, instead would raise the proposed legal age for vaping products to 19. It also would increase to 19 the legal age to buy tobacco products.

Under the bill, individuals younger than 19 who purchase or use vapor or tobacco products would be guilty of a Class V misdemeanor and an individual selling or providing vapor or tobacco

products to those under 19 would be guilty of a Class III misdemeanor.

The bill also would require retailers that sell vapor products to be licensed.

Young people often don't realize how much nicotine is in vaping products, Quick said, which harms developing brains and is highly addictive. Quick said he introduced the bill after several school administrators in Grand Island reported increased vaping in schools there.

"This isn't just happening in Grand Island, it is happening all across our state and across the United States," he said.

Sen. Curt Friesen of Henderson introduced an amendment to change the legal age for both products to 21. He said the change would give young people a chance to make better decisions.

Quick supported the amendment, saying a greater age gap between students and those who could supply them with nicotine could help stop the flow of vaping and tobacco products to teenagers.

The Friesen amendment failed 22-25; twenty-five votes were needed.

Sen. Tom Briese, chairperson of the General Affairs Committee, said raising the age to 19 would accomplish the bill's primary goal of reducing vaping and smoking in schools.

Sen. Ernie Chambers of Omaha supported the bill, calling it a public safety issue.

"There has been evidence gathered that shows harm to a given group of young people," Chambers said.

Sen. Dave Murman of Glenvil said he supported the bill because many schools in his district have experienced a sharp rise in vaping by students.

LB149 initially sought to restrict indoor use of vapor products in the same manner as cigarettes under the Clean Indoor Air Act. An amendment, introduced by Omaha Sen.

Justin Wayne, would have removed that provision.

“I consider this government overreach,” Wayne said. “All I’m asking for is the data to support [banning] indoor [use]. It isn’t there.”

Wayne’s amendment failed on a vote of 21-21. After a break in the debate, Quick filed an amendment that, like Wayne’s, would remove provisions related to the Clean Indoor Air Act. That amendment was adopted on a 30-0 vote.

Lawmakers then voted 40-0 to advance LB149 to select file.

Statewide occupation tax reporting requirement approved

Lawmakers passed a bill April 29 that requires all Nebraska cities to report the impact of occupation taxes.

LB445, sponsored by Sen. Mike McDonnell of Omaha, requires cities to produce an annual report detailing:

- the purpose of the occupation tax;



Sen. Mike McDonnell

- any special project designation;
- the amount of tax dollars collected;
- how the money was spent or is budgeted to be spent; and
- the scheduled or projected end date of the tax.

The mandated report will be made available for public inspection on a municipality’s website or other location no later than 90 days after the end of the municipality’s fiscal year.

LB445 passed on a 42-0 vote. ■

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The screenshot shows the website's header with the title "UNICAMERAL UPDATE" and the tagline "The Nebraska Legislature's official news source since 1977". A navigation menu includes links for "ABOUT", "COMMITTEES", "FEATURES", "PRINT ARCHIVE", "SUBSCRIPTIONS", and "SESSION REVIEW 2018". A search box is located in the top right. Below the navigation is a large photograph of a legislative session. To the right of the photo is a "Subscribe to email updates" form with a "Subscribe" button. Below the form are social media icons for Facebook, Twitter, and YouTube. A "Most read" section lists several articles, including "Day two bill introduction", "Legislature convenes, elects leaders", "Gov. Ricketts takes oath of office", "Day three bill introduction", and "Larson resigns from Legislature".

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