

Consumption tax proposed

The Revenue Committee heard testimony Feb. 12 on a proposed constitutional amendment that would repeal state and local taxes and require the Legislature to enact a consumption tax on goods and services.

LR300CA, introduced by Sen. Steve Erdman of Bayard, would prohibit the state and all its political subdivisions from imposing any form of taxation other than a single-rate consumption tax and require the Legislature to enact such a tax by Jan. 1, 2022.

If passed, the resolution would place the question on the November 2020 general election ballot.

Erdman said consumption taxes are fair, simple and transparent. Replacing Nebraska's current tax system with a consumption tax would reduce administrative costs, promote individual saving and investment and help encourage businesses to locate and expand in Nebraska, he said.

"If we pass this ... we will become the most [envied] state in the nation," Erdman said. "This is an opportunity for us to be different."

Erdman said the tax would generate the same amount of revenue as current taxes. It would be paid by the



Sen. Steve Erdman said a consumption tax would generate as much revenue as the state's current tax system while being simpler, fairer and free of loopholes.

first purchaser of any new good at the time of sale and on any service, he said, and businesses would collect and remit the tax to the state.

The proposed amendment also would prohibit the Legislature from granting any exemptions to the tax.

Erdman brought an amendment to the hearing that he said would leave the state's excise tax on gasoline in place and allow local governments, such as counties and cities, to impose their own consumption tax with voter approval.

Erdman said the amendment also would provide for "prebate" payments

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Anti-bias and implicit bias training requirement advanced

Lawmakers gave first-round approval Feb. 12 to a bill that seeks to strengthen enforcement of the state's ban on racial profiling by law enforcement.

LB924, sponsored by Omaha Sen. Ernie Chambers, would require each law enforcement agency in Nebraska to implement an anti-bias and implicit bias training policy to combat apparent or actual racial profiling practices.

The bill will help focus attention on a problem, Chambers said, but it is only a beginning.

"There still is an overabundance of stops, searches and arrests of nonwhite people based on the fact that they are not white," he said.

Under the bill, each agency would be required to submit its adopted policy to the Nebraska Commission on Law Enforcement and Criminal Justice. Every law enforcement officer would be required to complete at least two hours of bias training during each calendar year.

Additionally, LB924 would authorize the commission to withhold loans, grants, funds or donations from a law enforcement agency if the agency is found to have neglected to collect required vehicle stop demographic data. The funding could be reinstated once the reporting failure is corrected.

Sen. Steve Lathrop of Omaha supported the bill. He said statistics suggest that the implicit inclination to view someone behind the wheel of a car differently because of their race is a problem in Nebraska.

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Consumption tax proposed

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intended to offset the tax for low-income Nebraskans.

Duane Lienemann of Blue Hill testified in support of the proposal, saying the state's current tax system is "unequal and unfair." He said Nebraska relies too heavily on property taxes to fund local governments, placing a heavy burden on farmers, ranchers and businesses.

"I feel that the property tax issue has reached such a level that any more failed promises of significant property tax relief by the state Legislature will further discredit this unicameral body in the eyes of the public," Lienemann said. "Big steps are needed."

George Davis, owner of Ollie the Trolley in Omaha, also testified in support. He said the proposal is a "viable alternative" to current state taxes and that it could reduce the amount of taxes his business pays for inputs such as mechanical parts, fuel and computers.

"[The] charges could be more transparent and more understandable to me in tracking its costs and its impact upon my business daily," Davis said.

Malia Shirley of Omaha also testified in support of the resolution. As a recent college graduate, Shirley said, she is trying to decide where to start a career and a family. Young people like her want to buy homes, she said, but many decide to move to other Midwestern states with lower property taxes.

"We want to contribute to our communities and the society around us, and we want to continue making our lives here in Nebraska," Shirley said. "The current property taxes discourage me and my young professional peers from making Nebraska a permanent home."

Testifying in opposition to the proposal was Tiffany Friesen Milone, policy director at OpenSky Policy Institute. She said a 2005 report by a presidential advisory panel rejected a federal consumption tax similar to the one proposed by LR300CA because of its regressivity and the high rate needed to achieve revenue neutrality.

Additionally, Friesen Milone said, even if the proposed prebate were to fully offset the tax for households

with the lowest incomes, the tax then would fall heaviest on middle-income households.

"Because the wealthy are unlikely to spend so much that they'd pay as much in sales tax as they had been paying in income taxes," she said, "only those in the middle would be left to make up the difference."

Under the proposal, Friesen Milone said, the state would tax goods and services that it previously has exempted for good policy reasons, such as groceries, health care, child care and private school tuition.

John Hansen, president of the Nebraska Farmers Union, also testified in opposition. He said the proposal as introduced would require local governments "to get down on bended knee" and hope that the Legislature meets their budget requests.

"This approach ... takes away anything that remotely looks like a backup plan or a backdoor to be able to make up for shortfalls," Hansen said.

The committee took no immediate action on the bill. ■

UNICAMERAL UPDATE

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Anti-bias and implicit bias training requirement advanced

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“This bill will help law enforcement recognize ... racial bias and the way the law is administered [as well as] who they pull over and how they treat individuals they encounter every day,” Lathrop said.

Omaha Sen. Tony Vargas also spoke in support of LB924. Many law enforcement agencies nationwide already provide such training, he said.

“Across the country, cities and municipalities are taking this step to require a minimum of two hours of annual training in some shape or form,” Vargas said. “It’s a way to get ahead of some of the things we’re seeing that’s concerning.”

Senators advanced the bill to select file on a 43-0 vote. ■



Sen. Ernie Chambers said the bill would provide a mechanism to enforce the state’s ban on racial profiling, which was outlawed in 2001.



High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2020 Unicameral Youth Legislature, which will convene June 7-10.

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 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 Academic Camps program.

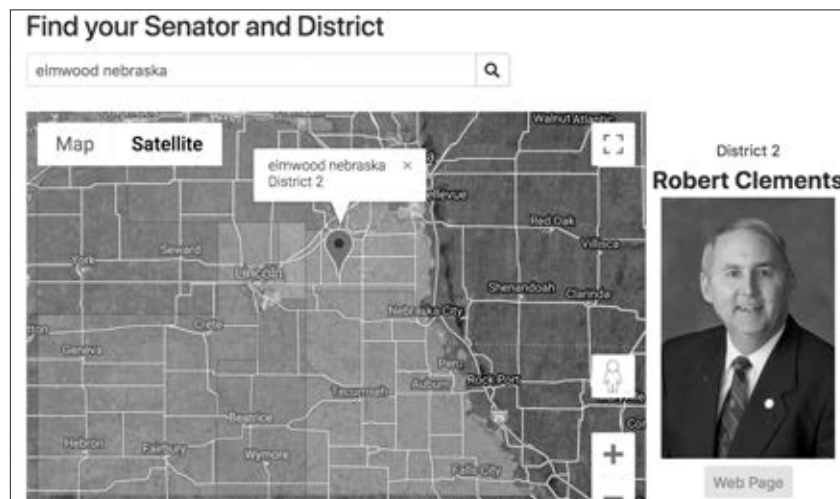
Registration forms can be obtained from the Legislature’s Unicameral Youth Legislature page: www.NebraskaLegislature.gov/uyl.

The registration deadline is May 1. ■

FIND YOUR SENATOR

To determine which legislative district you live in, NebraskaLegislature.gov provides an easy tool for locating your district and senator.

Enter your full address into the “Find Your Senator” search field located on the right side of the home page. This opens a map that shows your legislative district and a picture of your senator, along with a link to that senator’s web page. This page includes senators’ contact information and links to their biography and photos. It also provides a list of committees they serve on and the bills they’ve introduced.



APPROPRIATIONS

Bill would increase child advocacy center funding

Nebraska’s child advocacy centers would receive an increase in state funding under a bill heard Feb. 11 by the Appropriations Committee.

LB779, sponsored by Gering Sen. John Stinner, would appropriate \$3.42 million to the state Department of Health and Human Services in fiscal year 2020-21 to support child advocacy centers. The bill also states the intent of the Legislature to continue the new funding level in future fiscal years.



Sen. John Stinner

Stinner said the bill would be an increase of \$1.15 million over the amount currently budgeted for the centers, which provide coordinated efforts to investigate child abuse and assistance in prosecuting offenders. The number of cases that the centers respond to has nearly doubled since 2015, he said, without a corresponding increase in state funding.

“These centers provide forensic interviews, medical evaluations, trauma-focused mental health care and victim advocacy for victims of child abuse and child sexual exploitation,” Stinner said.

Ivy Svoboda, executive director of the Nebraska Alliance of Child Advocacy Centers, testified in support of LB779. The centers, which serve all 93 Nebraska counties, have tried hard to secure federal grants, donations and other funding sources in order to keep up with the demand for their services, she said.

“We don’t expect the state to fund 100 percent of our operations,” Svoboda said. “[But] our centers are currently at maximum capacity. Demand is increasing and untapped sources of funding are few and far between.”

Anne Boatright also testified in support of the bill on behalf of the Nebraska attorney general’s office. She said CACs are essential in prosecuting crimes against children, both for the evidence they collect and the services they provide to victims. She described an individual in south central Nebraska who was a survivor of both child abuse and sex trafficking.

“Without the CAC’s extraordinary staff, we would not have been able to begin to support this victim in her healing from these atrocious crimes,” she said. “We cannot expect victims who have experienced such intense levels of abuse to recover without these specialized services.”

Gene Klein, executive director of Project Harmony—a child advocacy center in Omaha—also testified in favor of the bill. State funding to CACs covers approximately one-third of the cost of a child evaluation, he said, and centers must fundraise to cover the shortfall.

“The significant increase in the volume of need cannot be managed with golf tournaments and fundraisers anymore,” Klein said.

No one testified against LB779 and the committee took no immediate action on it.

BUSINESS & LABOR

Increase in burial benefits clears first round

The Legislature advanced a bill from general file Feb. 12 that would increase burial benefits upon the death

of an employee due to a work-related injury or illness.

Currently, the burial benefit is not to exceed \$10,000. LB448, as introduced by Omaha Sen. Mike McDonnell, would raise the benefit amount to 14 times the state average weekly wage.



Sen. Mike McDonnell

The new benefit limit would be \$11,970 based on the 2019 average weekly wage of \$855.

The benefit has not increased since 2012, McDonnell said, yet the cost of funerals continues to rise.

“The primary goal of LB448 is to update our laws to align the costs of living with the detrimental cost of dying,” he said.

A Business and Labor Committee amendment, adopted 30-0, decreased the benefit to 12 times the state average weekly wage. The new proposed limit under the amendment would be \$10,260.

The bill advanced to select file on a 34-0 vote.

Funding proposed for apprenticeship programs

The Business and Labor Committee heard testimony Feb. 10 on a bill that seeks to address Nebraska’s workforce shortage.

LB813, introduced by Lincoln Sen. Kate Bolz, would direct \$4 million in general funds to the state Department of Labor in fiscal year 2020-21 to expand apprenticeship programs.



Sen. Kate Bolz

Bolz said that a 2019 Blueprint Nebraska report found a workforce deficit of 24,600 employees in Nebraska.

“Supporting apprenticeship programs was a recommendation of the economic development task force ... and builds on the investments already made by employers in [providing] employees with skill training,” she said.

The department could distribute the funds to employers to establish apprenticeship and pre-apprenticeship programs, facilitate cooperative agreements between employers and educational institutions and provide tuition assistance or stipends to students.

Susan Martin, representing the Nebraska State AFL-CIO, supported the bill. Four-year college degree programs have long been presented to high school students as the only option, she said, but “earn while you learn” apprenticeships allow students to graduate with high-paying jobs and little to no college debt.

“In Nebraska, our construction trades say the biggest issue that they’re dealing with is lack of workers to meet the demands of the jobs,” Martin said. “There’s plenty of work, but not enough workers.”

Also supporting LB813 was Andrew Watchorn, an electrical apprentice in Lincoln. The bill would make it easier for employers to offer tuition assistance, he said, noting that he spent over \$1,000 on tools, textbooks and supplies during his first year of apprenticeship alone.

“The challenge is that we need to increase the number of apprentices learning [a trade] and career paths that utilize approved apprenticeship programs,” Watchorn said. “LB813 further incentivizes Nebraska employers who utilize Department of Labor-registered and approved apprenticeship programs to grow their companies and skilled workforce for the future.”

Opposing the bill was Katie Thurber, legal counsel for the state Department of Labor, who testified on behalf

of the department.

LB813 would DOL to develop and administer a new grant program, but only for one year, she said, adding that the department would be unable to responsibly spend \$4 million that quickly.

The committee took no immediate action on the bill.



Gap assistance for tribal colleges proposed

The state’s tribal colleges could participate in the Community College Gap Assistance Program under a bill heard Feb. 11 by the Education Committee.

The program provides funding for community colleges to provide awards to students in programs that are aligned with training programs with stackable credentials that lead to a program that awards college credit, an associate degree, a diploma or a certificate in an in-demand occupation.

Under LB1076, introduced by Lincoln Sen. Kate Bolz, the program would expand to include eligible programs at accredited, nonprofit, two-year postsecondary institutions with a physical presence in Nebraska.

Bolz said this would allow students at Little Priest Tribal College and the Nebraska Indian Community College to receive gap awards. Those colleges offer several courses in in-demand fields, such as carpentry, welding, accounting and health sciences, she said.

“By extending [the program] to tribal colleges,” Bolz said, “we can provide students more opportunity and produce more skilled workers.”

Michael Oltrogge, president of the Nebraska Indian Community College, testified in support of LB1076. He said

it would help students who enroll in the college’s certified nursing assistant program and a new medication aide program, both of which lead directly to employment.

Gabriel Bruguier testified in support of the bill on behalf of the Nebraska Commission on Indian Affairs. He said LB1076 would help to fill jobs that do not require a two- or four-year college degree and ensure more equitable access to financial aid for tribal students seeking technical or vocational training.

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

Student-teacher relationship policy discussed

Public and private schools in Nebraska would be required to create a policy that prohibits sexual contact between a teacher and a student under a bill heard Feb. 11 by the Education Committee.

LB1080, introduced by Omaha Sen. Steve Lathrop, would require the school board or board of education of each school district and the governing authority of each private, denominational or parochial school to adopt a policy regarding appropriate relationships between a student and a school employee, student teacher or intern.



Sen. Steve Lathrop

Lathrop, chairperson of the Judiciary Committee, said they will hold hearings next week on four bills meant to address the most severe forms of teacher misconduct that are not covered by state statute. He said LB1080 is meant to ensure that schools are prepared to “prevent, detect and report” inappropriate conduct by

teachers and other school employees toward students.

“My hope would be that we can address this issue from both angles,” Lathrop said.

The proposed policy would prohibit any school employee or any student teacher or intern from engaging in grooming, a term Lathrop said is not easily defined. He said it could be recognized as a pattern of behavior intended to cultivate a closeness between a teacher and a student that creates the opportunity for a sexual relationship.

“I’ll leave it to the school districts to try to define what those activities are,” Lathrop said. “I think most people who see it happening know what it is.”

The policy would prohibit any relationship that involves sexual contact or penetration from occurring between a student and a school employee or a student teacher or intern while a student is enrolled and for a minimum of one year after a student graduates or ceases enrollment.

It also would include a procedure for reporting suspected grooming or other unacceptable conduct by a school employee, student teacher or intern to the school administration, the state Department of Education, the state Department of Health and Human Services and law enforcement.

Additionally, the policy would describe the preferred methods for a school employee, student teacher or intern to use in communicating with students, including cell phones, email or social media platforms.

Finally, it would include notice that policy violations could result in disciplinary action and referral to the state Department of Education and that any violation involving sexual or other abuse would result in referral to the state Department of Health and Human Services, law enforcement or both.

Lisa Albers, a Grand Island Public

Schools board member, testified in support of LB1080 on behalf of the Nebraska Association of School Boards.

Although many school district policies already address appropriate relationships between a teacher and a student, she said, LB1080 would ensure that each district adopts a policy with minimum standards that clarify boundaries for school employees.

Albers said a substitute teacher groomed her 17-year-old daughter and manipulated her into having sex with him two weeks after she graduated from high school. The teacher left the district and lost his teaching license, Albers said, but police told her they could not investigate because the age of consent in Nebraska is 16.

“While we will never know whether a stronger school policy would have prevented this incident,” she said, “we must send a message to school employees that actions like his will have consequences.”

Maddie Fennell, executive director of the Nebraska State Education Association, also testified in support. She said the bill is one of several the NSEA supports this session that are intended to address inappropriate relationships between school employees and students.

“There is no acceptable reason that an educator in a ... school district should be in a sexual relationship with a student, regardless of the age of the student,” Fennell said.

She emphasized the importance of requiring each district to adopt a clearly defined communication policy.

“With the advent of social media,” Fennell said, “each school district must develop and clearly communicate to their staff how and using what medium they may communicate with students.”

Jack Moles testified in support of LB1080 on behalf of the Nebraska Rural Community Schools Association.

The provision prohibiting a sexual relationship between a teacher and a student for a minimum of one year after the student’s graduation would be difficult for administrators to monitor and control, he said, “but we do believe that that clear separation does need to be created.”

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

Alternative high school equivalency tests proposed

Nebraskans seeking a diploma of high school equivalency would have an option other than the General Education Development tests under a bill heard Feb. 10 by the Education Committee.

LB1153, introduced by Omaha Sen. Tony Vargas, would require the state commissioner of education to approve at least two alternative tests for a person seeking a diploma of high school equivalency to choose from to demonstrate that they have attained a typical high school graduate’s educational development and abilities.

The bill would require the commissioner to make testing using each of the approved tests available at locations across the state.

LB1153 also would allow the State Board of Education to develop and make available at least one skill-based or competency-based assessment in addition to the alternative tests approved by the commissioner.

Vargas said the GED is the only high-school equivalency test approved by the board. In 2014, the test’s developer eliminated the option to take GED using paper and pencil, he said,



Sen. Tony Vargas

and it also increased the registration fee and added fees for practice tests.

Vargas said the changes made the GED less accessible to those with low computer literacy and those whose first language is not English.

“LB1153 would remove barriers put in place by the changes to the GED and offer choice for Nebraskans who don’t have a high school diploma and who are ready to work toward their educational goals,” he said.

Since the 2014 changes, Vargas said, 27 states have approved the TASC and HiSET as alternatives to the GED. He said those tests are rigorous, available nationwide and remove many of the barriers created by the updated GED.

Eric Savaiano of Nebraska Appleseed testified in support of LB1153, saying that a high school diploma or high school equivalency is required for admission to trade schools, higher education and the military. Many hiring managers see a high school education as essential, he said.

Savaiano said GED participation and completion rates fell dramatically after the 2014 changes. From 2013 to 2015, he said, the number of Nebraskans taking the GED decreased by 71 percent and the number of those completing it decreased by 80 percent.

“LB1153 would allow [Nebraska] to offer an alternative exam to help more Nebraskans get the education they need to get through the door with employers and better provide for their families,” Savaiano said.

Alejandra Ayotitla, coordinator of the adult education program at El Centro de las Américas, also testified in support. Ayotitla, a GED tutor, said the computer-only GED creates obstacles for her students, especially the section that tests writing ability.

“In addition to learning the substance of their exam,” she said, “they have to learn to type very quickly.”

Most students take the writing section several times before passing, which is discouraging and costly, Ayotitla said.

Francisca Espinola, one of Ayotitla’s students, also testified in support. Espinola said it was easier for her to travel to a community college in Wyoming to take a paper-based high school equivalency test than to take the computer-based GED in Nebraska. She said the GED’s time restrictions make the reading and writing sections more difficult when using a computer.

Brian Halstead testified in opposition to LB1153 on behalf of the state Department of Education, primarily because of the estimated cost to develop the proposed skill-based or competency-based high school equivalency assessment.

According to the department’s fiscal note, such a test would take three to five years to develop and implement at an estimated cost of \$10 million.

Scott Salesses of GED Testing Service also testified in opposition. He said the GED was updated to ensure that adults have the skills needed for today’s economy and that they are prepared for higher education.

Salesses said the number of people taking high school equivalency tests nationwide has decreased over the past few years, regardless of which tests are available, because the job market has been strong and more people are graduating from high school.

The committee took no immediate action on the bill.



New method proposed for census inmate count

A bill intended to provide a more accurate count of Nebraska residents

for redistricting purposes was heard Feb. 12 by the Executive Board.

LB1157, introduced by Omaha Sen. Tony Vargas, would require that an individual who was a resident of the state prior to being confined to a Nebraska prison be counted in the U.S. census as a resident of the county, city or village in which he or she was a resident prior to being confined for purposes of drawing boundaries for legislative and congressional districts.

Census numbers are used in redistricting—the process of drawing new government representational boundaries every 10 years. Redistricting will be undertaken next in 2021.

Vargas said that counting inmates as residents of the city or county in which the prison they reside in is located artificially inflates the population of rural areas—a process he referred to as “prison gerrymandering.”

“One thing that we can and should do before sitting down to draw district lines is to make sure we have the most accurate census data to work off of,” he said. “Every Nebraskan deserves the same level of representation and counting Nebraska prisoners as residents of their home communities is one step we can take toward ensuring that happens.”

Jasmine Harris, director of public policy and advocacy for RISE, testified in support of the bill. She said her organization provides reentry services to inmates from seven Nebraska correctional facilities, the majority of whom return to their hometowns upon release.

Federal dollars that are allocated based on population should go to the communities that provide reentry services, she said, rather than those that house inmates.

“We see the direct impact that occurs when funding is not available for those most essential services,” Harris said.

Also testifying in support was Yshall Davis of the Heartland Workers Center in Omaha. She said that her brother, who is serving a life sentence, encourages his family to contact the state senator in his home district rather than the person who represents the district in which the prison is located, because he understands the challenges that her brother faces.

“He’s never focused on reaching out to get representation from the [senator] in that county,” Davis said.

Schuyler Geery-Zink, staff attorney at Nebraska Appleseed, spoke in favor of LB1157, calling the bill a “racial justice issue.” People of color are over-represented in the state’s prison population, she said, yet prisons primarily are located in majority white areas of the state—including the Tecumseh State Correctional Institution, whose inmates account for one-fourth of the population of Johnson County.

“All people who are incarcerated should be counted in their home communities,” she said. “People [currently] are counted in a voting district where they can’t and don’t vote.”

No one testified in opposition to LB1157 and the committee took no immediate action on the bill.

GENERAL AFFAIRS

Party bus bill approved

Lawmakers passed a bill Feb. 13 that requires licenses for charter buses that allow consumption of alcohol under the state’s Liquor Control Act.

LB734, introduced by Omaha Sen. Megan Hunt, requires companies



Sen. Megan Hunt

that operate special party buses to obtain an annual license from the state Liquor Control Commission. The commission may suspend, revoke or cancel the license. A one-year license will cost \$75.

Enforcement inspections of special party buses are limited to times when patrons are entering or exiting the stopped vehicle.

LB734 passed on a 42-0 vote.

Bill would legalize sports betting

Sports wagering would be legalized under a bill considered Feb. 10 by the General Affairs Committee. LB971, introduced by Sen. Justin Wayne of Omaha, would redefine the state’s definition of a lottery to include wagers on sports contests, excluding high school and youth games.



Sen. Justin Wayne

Wayne said Nebraskans, particularly from Omaha, are crossing the Missouri River into Iowa to gamble at casinos. New changes in federal law will enable people to place bets on athletic contests online through a casino beginning Jan. 1, 2021, he said, which will continue the outflow of money from Nebraska to Iowa.

“The fact of the matter is, Nebraskans are already doing this,” Wayne said. “Gambling happens. Sports betting happens.”

No one spoke in support of LB971.

Nate Grasz of the Nebraska Family Alliance testified against the bill. Legalizing gambling would make the state part of a social ill, he said.

“Making a bet with a friend is one thing, but making the government a partner with and an enabler of the commercialized gambling industry

makes government a tool in the financial exploitation of its citizens,” Grasz said.

Omaha pastor James Patterson spoke in opposition to LB971. Gambling projects an easy but false path to financial success, he said.

“In my community, I want to be able to encourage them to do things where the odds aren’t stacked against them,” Patterson said.

Brian Rockey, director of the Nebraska Lottery and Charitable Gaming Division of the state Department of Revenue, also testified in opposition to LB971. He said the bill may be unconstitutional because sports betting does not meet the definition of a lottery as laid out in the state Constitution, which is required for the Legislature to be able to authorize it.

The committee took no immediate action on LB971.

Gaming constitutional amendment proposed

The General Affairs Committee heard testimony Feb. 10 on a proposed constitutional amendment that would legalize games of chance in Nebraska.

Under current law, games of chance other than the state lottery and certain charitable enterprises are illegal and the Nebraska Constitution prohibits the Legislature from authorizing additional games of chance.

LR295CA, introduced by Omaha Sen. Justin Wayne, would allow voters to change the state’s constitution to enable the Legislature to authorize, regulate and tax such games. If passed, the resolution would add the question to the 2020 general election ballot.

Wayne said Nebraska suffers from the ills of gambling addiction when citizens travel to Iowa, South Dakota and other states that allow wagering on games of chance, but does not earn

state revenue from regulated gambling that could address those issues.

“Let’s put it to the people,” Wayne said.

Jim Schultz, vice chair of the Libertarian Party of Nebraska, testified in support of the proposal. He said gambling bans do not work and asked lawmakers to, “take a hard look at the laws which criminalize voluntary interactions between consenting adults.”

Nate Grasz of the Nebraska Family Alliance testified against the proposal. Government should protect citizens from harmful activities like gambling, he said.

“In order for the state to win, it’s our own citizens that must lose,” Grasz said.

Economist Loretta Fairchild also spoke against the resolution. She challenged lawmakers to cite a state with legalized gambling that saw its revenues rise enough to offset the negative effects of gambling.

“You’ve never heard the proponents [of gambling legalization] say ‘Let’s copy x-state. They’ve got wonderful results,’” Fairchild said. “Do you think they would be keeping that a secret if there were a clear case of solid, ongoing streams of blessings?”

The committee took no immediate action on the measure.



County levy authority for deficient bridges stalls

A bill intended to give Nebraska counties more options for bridge repair stalled on general file Feb. 10.

LB267, sponsored by Lincoln Sen. Kate Bolz, would expand the allowable use of funds under a county’s

existing tax levy bonding authority to include county-owned bridges that are deemed structurally deficient or “scour critical” according to state Department of Transportation standards.



Sen. Kate Bolz

Scour critical is a term used to describe bridge piers and abutment foundations that are unstable due to scour—or removal—of material around the bridge pier or abutment foundations.

The bill would require that counties repair, retrofit, reconstruct or replace any county-owned bridge that has been deemed deficient by state DOT standards.

Levy authority could be used if a county has no bonded indebtedness payable from its general fund levy and an annual levy could not exceed five and two-tenths cents on each \$100 of taxable value of all the taxable property of the county.

Bolz said existing bonding authority can be used for courthouses, jails and other county buildings and that her bill simply would expand that authority to address an urgent need for bridge repair in many Nebraska counties.

“Bridges are critical transportation infrastructure, especially when [counties] are responding to an emergency situation [and are] protecting the safety of the public and protecting important routes for farm products and other goods,” she said.

Thurston Sen. Joni Albrecht opposed the bill, saying it would eliminate voter approval for bonding projects.

“Counties can already issue bonds for bridge repair and construction with a vote of the people,” she said. “LB267 [exists] solely to eliminate

the voice of those paying for these projects and allows the county boards to circumvent the people.”

Gretna Sen. Andrew La Grone also spoke in opposition to LB267. Counties should focus on using existing resources for critical infrastructure projects, he said, rather than seeking out additional ways to spend tax dollars. In addition, he said, counties could—under existing law—hold special elections to gain bonding authority for infrastructure repair if more flexibility to react to an emergency situation is needed.

Sen. Matt Hansen of Lincoln questioned that solution. Holding a special election every time a bond is needed for bridge repair would not be cost effective, he said, adding that a special election in Lancaster County would cost \$350,000.

“That does not strike me as a realistic or sensible [option],” Hansen said.

Bolz acknowledged that counties have a responsibility to maintain bridges and other infrastructure and said they often struggle to manage competing priorities. Allowing greater bonding authority flexibility would be fiscally responsible, she said, because it would allow counties to take advantage of low interest rates.

“Because of the time frame that a number of our bridges were built, a lot of those bridges are wearing out now—all of the checks are coming due now—and that can be really hard for a county commission to manage when you have bridges deteriorating all at once,” Bolz said.

Plymouth Sen. Tom Brandt spoke in support of LB267. He said concerns regarding counties using levy authority without a vote of the people are overstated. County board members are elected, he said, and would have to face voters if they used their authority unwisely.

“Last time I checked, we’re a representative democracy,” Brandt said. “Counties across Nebraska would benefit from additional resources to assist them in recovering from natural disasters.”

A pending Government, Military and Veterans Affairs Committee amendment would limit the levy authority to cases when a county board declares an emergency and either the president of the United States has declared a disaster or the bridge is designated as scour critical or structurally deficient under DOT standards.

The amendment also would allow levy authority for bridge repair only with the approval of two-thirds of the county board.

After three hours of debate spanning several days, the Legislature adjourned for the day before taking any votes on the bill or the amendment. Per a practice implemented last year by Speaker Jim Scheer of Norfolk, 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.

African American commission proposed

The Government, Military and Veterans Affairs Committee heard testimony Feb. 13 on a bill that would create the state Commission on African American Affairs.

LB918, introduced by Omaha Sen. Justin Wayne, would require members of the commission’s 14-person board be of African ancestry. The commission would promote state and federal legislation beneficial to African



Sen. Justin Wayne

Americans in Nebraska, work with similar commissions from other states and coordinate housing, education, welfare, medical and dental care, employment and other programs affecting African Americans in the state.

The bill also would require that the commission coordinate with the state Commission on Indian Affairs and the state Latino American Commission to produce a disparity study in government contracting report on or before Dec. 1, 2022.

Wayne said the Nebraska Equal Opportunity Commission was created as the “de facto African American Commission,” but the mission of that organization has significantly changed since its inception. The new commission would enable the Legislature to “get unbiased information on what’s going on in our community,” Wayne said.

William King, owner of a radio station in Omaha, testified in support of the bill. He said the African American community needs data to assist small-business development and create jobs.

“We need a body in order to do that,” King said.

Yusuf Kafele, testifying on behalf of Black Men United of Omaha, spoke in support of LB918. He said creation of a commission would help African Americans feel more engaged with government.

“This commission ... gives us as African, black people in the community the rehearsal to power,” Kafele said. “We need something to galvanize us.”

Lazaro Spindola, executive director of the Nebraska Latino American Commission, also testified in support. He said African Americans in Nebraska have lower educational achievement, higher unemployment and higher poverty levels than whites. A commission would help address these issues, he said.

“These types of disparities have existed since the beginning of our state,” Spindola said. “What African Americans do not have is a state agency that will educate our state representatives on these issues, study the underlying causes, propose programs and policies to solve them, analyze whether the solutions are effective and report to the Legislature on the results.”

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

Regulation sought for poll watchers

Election observers would have more oversight under a bill considered Feb. 12 by the Government, Military and Veterans Affairs Committee.

LB1086, introduced by Lincoln Sen. Matt Hansen, would require poll watchers who wish to observe Election Day procedures to be either a registered voter in Nebraska or a member of a state, national or international election monitoring organization.



Sen. Matt Hansen

Poll watchers would register with either the Nebraska secretary of state or their county election commissioner prior to an election and would be required to display credentials. A poll watcher could observe any Election Day activity but would be required to maintain a distance of 8 feet from those activities.

Poll watchers would be prohibited from assisting a voter, electioneering on behalf of a candidate or issue or interfering with a voter or election official.

Hansen said he introduced the bill because poll watchers currently have little oversight.

“It’s not my intent to restrict anyone’s access to observing our elections,

however, the counties have communicated with me that poll workers want more of a streamlined process and clarity of what is allowed so no one is inadvertently denied access," he said.

Lancaster County Election Commissioner David Shively testified in support of LB1086. The number of organizations sending poll watchers to polling places has increased recently, he said, but there is no formal process to identify poll watchers in advance of an election.

"We want to have a little bit of guidance," Shively said. "We want to make sure our poll workers understand what [poll watchers] can and can't do."

Westin Miller of Civic Nebraska also testified in support. The organization has employed poll watchers throughout Nebraska, he said, and agrees that a formal process is in the state's interest.

"I think this will create a smooth, confusion-free Election Day," Miller said.

Deputy Nebraska Secretary of State for Elections Wayne Bena also supported the bill, saying it is important to have guidelines in place before this November's election.

No one testified in opposition to LB1086 and the committee took no immediate action on it.

Easing of occupational licensure requirements proposed

Certain occupational licenses would be easier to obtain in Nebraska under a bill considered Feb. 13 by the Government, Military and Veterans Affairs Committee.

LB1187, introduced by Gretna Sen. Andrew La Grone, would allow an occupational board to grant an occupational license or govern-



Sen. Andrew La Grone

ment certification if the:

- applicant has held a current occupational license or government certification in another state with a similar scope of practice for at least one year;
- board in the applicant's state required the applicant to pass an exam or meet educational, training or experience standards; and
- applicant's license or certification was not revoked or surrendered for negligence or intentional misconduct and there are no complaints, allegations or pending investigations of an alleged crime or unprofessional conduct.

If an applicant works in a state that does not require a license or certification in their profession, he or she may obtain a license or certification in Nebraska if they have worked in their profession for three years and are in good standing.

The bill would allow a Nebraska occupational board to require an applicant pass an exam before granting a license and would exclude occupations governed by an interstate compact in which Nebraska participates.

La Grone said the bill would change the philosophy of licensure in Nebraska from whom should the state include to whom should the state exclude from participating in the workforce.

"It's better to let people do their occupation and fill those positions," La Grone said.

Laura Ebke of the Platte Institute testified in support of LB1187, saying it would not lower Nebraska's licensure standards.

"That implies that those working in occupations in Nebraska are uniquely qualified to be psychologists, geologists, barbers, cosmetologists, electri-

cians or plumbers, and that those in other states are somehow in danger," she said. "This fear, in most occupations, more likely points to the random nature of occupational licenses from state to state, and a desire to keep those who might compete out."

Lee McGrath of the Institute for Justice also testified in support. He said loosening licensure requirements would be a boon to people looking for work in Nebraska.

"You have a problem in Nebraska; you have too few workers," McGrath said. "This bill provides an efficient way in which boards can recognize the credentials of people who want to come and work here."

Ken Allen, director of the state Board of Barber Examiners, spoke in opposition to LB1187. Nebraska has a broader scope of practice for barbers than other states, he said, including allowing the application of chemicals to hair. The bill would lower standards, Allen said.

"That's a health risk to the people being served," he said.

Kris Rohde, speaking on behalf of the Nebraska Nurse Practitioners and the Nebraska Association of Nurse Anesthetists, testified against the bill. Scopes of practice in Nebraska differ from other states, she said, for example, anesthetists in Nebraska do not require supervision while those in other states do.

"You have people who are used to practicing with someone telling them what to do and you get used to that," Rohde said. "So then you move to a small town in Nebraska and you [don't have supervision] and you don't know what you're doing on your own. That puts a patient at risk."

Chris Callihan, president of the Nebraska State Council of Electrical Workers, also testified in opposition. He said the bill would "water down"

standards and undermine the 1,800 electricians based in Nebraska.

“Do they not deserve the respect of earning that level of licensing?” Callihan said.

The committee took no immediate action on LB1187.



Surgical technologist standards fail to advance

Lawmakers did not advance a bill from general file Feb. 11 that would establish a registry and a minimum standard of competence for surgical technologists.

LB205, as introduced by Sen. Mark Kolterman of Seward, would require that surgical technologists:



Sen. Mark Kolterman

- be at least 19 years old;
- have a high school or equivalent diploma;
- be of good moral character; and
- provide evidence of certification, completion of an accredited education program or a certified competency assessment completed by a licensed health care professional.

A surgical technologist also would be required to document any felony or misdemeanor convictions when applying to the registry.

Kolterman said the bill would promote public health without creating barriers to entry for the profession.

“There is a significant need for surgical technologists to be regulated by the state for the safety of our citizens,” Kolterman said.

A Health and Human Services Committee amendment would require a registered surgical technologist to perform their duties under the authority of a licensed health practitioner. It also would require any facility or person to report to the state Department of Health and Human Services any action taken against a surgical technologist based on his or her alleged incompetence.

Sen. Suzanne Geist of Lincoln said she supported LB205 because minimum standards should apply to anyone working in an operating room.

“This is a different arena than a hair salon,” Geist said. “At some point in a surgery this individual may have their hands inside a human.”

Sen. Matt Williams of Gothenburg also supported the bill. A registry would become a recruiting tool, he said, by raising the credentials of surgical technologists.

“There is a great deal of job satisfaction and recognition that comes with the fact that now they are recognized through a registry,” Williams said.

Sen. John Arch of La Vista said a registry was unnecessary, in part because there have been no reports of negative patient outcomes caused by surgical technologists.

“We don’t need more barriers; we don’t need more costs,” Arch said.

Sen. Mike Groene of North Platte said the bill would “hamstring” rural hospitals that already are struggling to fill positions.

“This is professional protectionism,” Groene said. “[Surgical technologists] want to turn around and restrict other people to take the same path they did.”

Blair Sen. Ben Hansen also opposed LB205, saying there had been no public outcry demanding action on the issue.

“If the real, true function of registration and licensing is to protect the consumers, you’d expect the consumers to be lobbying for registration,” Hansen said. “I didn’t see any.”

The amendment failed on a vote of 22-12. Twenty-five votes were needed. The bill then failed to advance to select file on a vote of 15-12.

Nail technology, body art changes advance

A bill that would make several changes to state law regulating nail technology and tattoo artists advanced from general file Feb. 11.

LB607, introduced last year by Sen. Mark Kolterman of Seward, would:

- create a three-day license for a “guest body artist” enabling him or her to work at a licensed tattoo establishment or under a licensed body artist;
- create the position of nail technology apprentice and allow an apprentice to work under a licensed nail technologist;
- update the definition of cosmetic tattooing;
- add “natural nail” treatment—work done on a person’s nails without adding to the nail—to the definition of manicuring; and
- allow the Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art to administer licensing exams in multiple languages.

Kolterman said the bill was intended to update state law at the request of the Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art. The guest body artist designation would allow out-of-state tattoo artists to come to Nebraska, he said.

Sen. Mike Groene of North Platte opposed the bill, saying it wasn’t necessary.

“It’s going to drive up the cost,” Groene said.

A Health and Human Services Committee technical amendment was adopted 29-0 and the bill advanced to select file on a vote of 25-1.

Ban on indoor e-cigarette use proposed

Electronic smoking devices would be banned from indoor public buildings under a bill considered Feb. 12 by the Health and Human Services Committee.

LB840, introduced by Grand Island Sen. Dan Quick, would amend the Nebraska Clean Indoor Air Act to prohibit use of an electronic smoking device that creates an aerosol or vapor.



Sen. Dan Quick

Secondhand vapor is dangerous, he said, and Nebraskans deserve clean air in their public spaces and workplaces.

“Electronic smoking devices produce aerosol vapors that can expose bystanders to nicotine, volatile organic compounds and heavy metals along with ultra-fine particles that go deep into the lungs,” Quick said.

Teresa Anderson, testifying on behalf of Nebraska Local Public Health Departments, spoke in support of the bill. Children particularly are at risk of inhaling or ingesting nicotine, she said.

“There is no established safe level of nicotine exposure,” Anderson said. “The aerosol from these devices leaves a chemical residue on surfaces creating thirdhand exposure for employees and customers.”

Nick Faustman of the American Cancer Society Cancer Action Network also supported LB840. He said the bill would protect workers in restaurants,

bars and vape and tobacco shops.

“Everyone has the right to breathe clean, smoke-free air,” Faustman said. “No one should have to choose between their health and a paycheck.”

Scott Lautenbaugh, testifying on behalf of the Nebraska Vape Vendors Association, spoke against the bill. He said fears of secondhand vapor are unproven and the bill could hurt vape shops financially by preventing customers from sampling products.

“It is crucial to these businesses that people actually be able to vape inside vape shops,” Lautenbaugh said. “You’re protecting adult vapers from the alleged dangers—I should underline—from secondhand vape. That doesn’t make any sense.”

The committee took no immediate action on LB840.

Bill seeks to alleviate EMS drug shortage

Emergency medical service providers would be able to restock prescription medications from local hospital pharmacies under a bill heard Feb. 13 by the Health and Human Services Committee.

Brainard Sen. Bruce Bostelman, sponsor of the bill, said current law allows for the transfer of prescription drugs between holders of a pharmacy license, health care practitioners and hospitals to alleviate a temporary shortage. LB1002 would add EMS providers to that list.

Bostelman said EMS providers currently must purchase and restock the medications used in treatment and transport only from wholesale drug distributors, which are not local, require minimum purchases and do

not always have the necessary medications on hand.

“Taking this action will be a big step in assisting our state EMS providers with the logistical and financial difficulties they currently face,” he said.

Joel Sacks, fire chief of the Ponca Hills Fire Department, testified in support of the bill, saying his agency learned last year that hospital pharmacies were no long allowed to sell directly to EMS providers.

Drugs purchased from wholesale companies often expire, he said, because smaller EMS providers must acquire quantities that they cannot use in time. For example, he said, if an EMS provider uses a dose of fentanyl and needs to restock, they have to purchase a minimum of ten units—and the medication currently is on backorder.

“Approval of this bill will allow us once again to restock necessary medications from the hospital on a one-by-one basis in emergency situations,” Sacks said.

Also testifying in favor of the bill was Dave Huey of the Nebraska Emergency Medical Services Association. He said some communities are considering downgrading their EMS service from the advanced to basic level because of the current purchasing restrictions.

“EMS is very limited in their budget in a lot of communities,” Huey said, “so they’re considering not providing that level of care to their citizens because of the financial issue.”

Joni Cover, CEO of the Nebraska Pharmacists Association, also testified in support of LB1002. The organization would like local pharmacies to be able to supply medications directly to EMS agencies as well, she said, and is working with Bostelman to amend the bill.

“We sell every day to physician offices,” Cover said. “This would be the same sort of thing.”



Sen. Bruce Bostelman

No one testified in opposition to LB1002 and the committee took no immediate action on it.

Bill would prevent new methodology for Medicaid rate changes

The Health and Human Services Committee considered a bill Feb. 12 that would require the state Department of Health and Human Services to keep its Medicaid reimbursement rate methodology within its existing rules and regulations process.

LB1053, sponsored by the committee, would clarify that any change to the methodology is considered substantive and would require rule and regulation-making proceedings under the Administrative Procedure Act.

Sen. Matt Williams of Gothenburg introduced the bill on behalf of the committee. He said the rate methodology is used to calculate



Sen. Matt Williams

the amount of reimbursement that nursing facilities and hospitals receive for the care of Medicaid patients.

The department announced last year that it would remove the reimbursement rate methodology from its rules and regulations process, he said, and that it had developed a new flat-rate methodology to calculate the Medicaid reimbursement amount for nursing facilities.

Williams said his office was “flooded” with calls from nursing home and hospital administrators who wanted to continue being included in rate calculation discussions.

“We were told that not having the rate methodology implemented through a formal, public process introduced too much uncertainty in man-

aging their business plans and many nursing facilities questioned whether they would be able to continue accepting Medicaid patients,” Williams said.

Cindy Kadavy, testifying on behalf of the Nebraska Health Care Association, supported the bill. She said involving organizations like hers in discussions of any changes increases transparency in the process.

“There is no need to remove the methodology from the regulations in order to make changes to that methodology,” Kadavy said.

Jim Ulrich, testifying on behalf of the Nebraska Hospital Association, also supported LB1053. Collaboration between health care providers and DHHS ensures that accurate data is used in any rate changes, he said.

“This bill would codify the good policy of assuring transparency and fairness in the consequential decision-making process of impacting rate methodology,” Ulrich said.

Jeremy Brunssen, interim director of the DHHS Division of Medicaid and Long-Term Care, spoke against the bill. He said keeping the methodology under the Administrative Procedure Act is duplicative and burdensome.

“With the constantly evolving health care market, making timely adaptations to payment methodologies is essential, and we believe utilizing the state plan is a better vehicle for these changes,” Brunssen said. “Medicaid disagrees with the requirement outlined in this bill and does not believe it is best practice.”

The committee took no immediate action on LB1053.

Opioid addiction treatment, prevention fund proposed

The Health and Human Services Committee heard testimony Feb. 13 on a bill that would create a mecha-

nism to fund treatment and prevention of opioid addiction.

LB1124, introduced by Omaha Sen. Sara Howard, would create the Nebraska Opioid Recovery Fund as the repository of any funds that the state may receive from a federal De-



Sen. Sara Howard

partment of Justice lawsuit against opioid manufacturers accused of deceptive advertising.

The bill also would require the state Department of Health and Human Services to report annually to the Legislature, governor and attorney general regarding how funds were distributed and the outcomes achieved.

Howard said the state has not received any money from the lawsuit yet, but she expects multiple future payments.

“This is important enough that we should consider it this year,” she said.

Lynn Rex of the League of Nebraska Municipalities spoke in support of the bill. She said it is “a matter of when and not if” Nebraska will receive settlement money.

“We think it is critically important and we think Nebraska should be positioned so that when these funds come in there is a place to put them,” Rex said.

Joshua Shasserre of the Nebraska attorney general’s office also supported LB1124. Settlement negotiations are ongoing, he said, and it is possible that Nebraska could receive settlement money later this year.

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

Bill would create health data oversight board

Creation of a new board to over-

see the state’s health information exchange was considered Feb. 13 by the Health and Human Services Committee.

LB1183, as introduced by Sen. John Arch of La Vista, would create the Health Information Technology Board, composed of health care professionals and other stakeholders.



Sen. John Arch

The bill would require the 14-member board to establish criteria for data collection and disbursement by the statewide health information exchange.

The board would assure that information contained in the exchange was accessed, used and disclosed in accordance with the federal Health Insurance Portability and Accountability Act and also would oversee Nebraska’s prescription drug monitoring protocol.

Arch said he planned to introduce an amendment that would increase the board membership to 17 and address other concerns raised by the state Department of Health and Human Services.

Information technology is an integral part of health care delivery and the prevention of opioid abuse, Arch said, and LB1183 would allow the state to respond quickly to changes in the prescription drug monitoring protocol.

“This bill does not transfer ownership or responsibility of the data. It does not eliminate the duties of DHHS with respect to the PDMP,” Arch said. “It simply creates an oversight board for the collection and disbursement of health information.”

Dr. Ann Polich, testifying on behalf of the Nebraska Medical Association and the Nebraska Health Information

Initiative, spoke in support of the bill. Before the state created the PDMP, Polich said, health care providers often lacked access to critical data. Now the data exists but isn’t always accessible, she said.

“We stand behind the formation of the [health information technology] board to support and promote an open dialogue between providers and other stakeholders,” Polich said.

Dr. Bob Rauner also testified in support of LB1183. Screenings for diseases like colon and breast cancer differ greatly across the state, he said, with urban Nebraskans receiving more care than those living in rural areas. The bill would help give decision makers access to that data, he said.

“[With the data] we’d know what was working and we’d know where to target our resources,” Rauner said.

Also testifying in support was Kevin Borchert, director of the state’s PDMP. He said health care information is an “ever-evolving” field and that the proposed board would help adapt to changes.

“Wouldn’t it be nice, as you’re seeing an increase in influenza, to have pharmacies report their prescriptions they’d dispensed of [anti-flu medication]?” Borchert said.

Dr. Gary Anthone, chief medical officer of the DHHS Division of Public Health, testified in opposition to LB1183. He said the bill contains no mechanism for public comment and the proposed board would lack defined processes.

“The lack of clarity on the data rights and ownership of PDMP and other data would result in insufficient safeguards to protect data release, privacy and confidentiality,” Anthone said.

The committee took no immediate action on the bill.

JUDICIARY

Increased transparency for death penalty process advanced

Lawmakers gave first-round approval Feb. 13 to a bill that seeks to increase transparency in the state’s execution protocol.

LB238, introduced by Lincoln Sen. Patty Pansing Brooks, would require that two members of the Legislature—selected by the Legislature’s Executive Board—be present to view all executions carried out under the state’s death penalty.



Sen. Patty Pansing Brooks

During the 2018 execution of Carey Dean Moore, Pansing Brooks said, legally required witnesses were barred from viewing the proceedings for 15 minutes.

“I’m aware that Nebraska voters have spoken when they voted to reinstate the death penalty in 2016, and I acknowledge that vote by the people,” she said. “However, LB238 is not about whether the death penalty is right or wrong, it’s about whether we have proper government accountability and transparency in carrying out this grave and somber event as required by law.”

The bill also would require the state Department of Correctional Services to allow all execution witnesses to view the process continually from the moment the inmate enters the execution chamber until the moment he or she is pronounced dead, without any impediment to their line of sight.

Additionally, LB238 would allow any person performing an execution

to wear a mask or otherwise conceal their personal identity.

Omaha Sen. Megan Hunt supported the bill. She said that current Nebraska law does not guarantee that witnesses can view a prisoner during the entire process, hear what is happening in the execution chamber or know which drug was administered and how the prisoner died.

“By preventing witnesses from observing and listening to the entire execution process, we’re limiting meaningful discussion and oversight that we have a responsibility [to have] as part of this very, very serious carrying out of the execution process,” Hunt said.

Sen. Mike Hilgers of Lincoln supported the bill, but expressed concern regarding a lack of clarity in how members of the Legislature would be chosen as witnesses.

“The idea that someone may be required to view the execution gives me some pause,” he said.

Senators advanced the bill to select file on a 33-7 vote.

Reimbursement proposed for city and county jails

Local jails that take on additional juvenile inmates would be reimbursed for certain costs under a bill considered by the Judiciary Committee Feb. 12.

LB978, sponsored by Glenvil Sen. Dave Murman, would reimburse city and county jails for the cost to house juveniles who have escaped from or committed crimes at certain state-operated juvenile facilities.

Murman said the idea for the bill arose from several hearings about the Youth Rehabilitation and Treatment Centers in Kearney and Geneva.



Sen. Dave Murman

“If a situation arises [where] an individual commits a crime such as an assault, and the safest place for them, their peers, administration and guards is to be in a secure jail setting, I understand that,” he said “I just believe that the city or county jail should be reimbursed for lodging by the Department of Correctional Services.”

Facilities included in the bill’s provisions are secure youth confinement facilities operated by the state Department of Correctional Services, YRTC-Kearney, YRTC-Geneva and any juvenile chemical dependency program or juvenile psychiatric residential treatment facility operated by the state Department of Health and Human Services.

Dan Schleusener, representing the Buffalo County Sheriff’s Office, testified in support of LB978. The standard reimbursement rate would be \$89 per day, per inmate, plus the cost of any medical treatment, he said.

“If Buffalo County is to continue housing youth from [YRTC-Kearney] that are the responsibility of the state for crimes committed at a youth facility, we’d ask the county be reimbursed at a rate similar to what the state charges [to house county inmates],” Schleusener said.

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

Sentencing changes proposed for young offenders

Members of the Judiciary Committee heard testimony Feb. 13 on a bill that would change sentencing procedures for certain crimes committed by people under 21.

Under LB1117, sponsored by Lincoln Sen. Patty Pansing Brooks, a sentence of death or life imprisonment without the possibility of parole

could not be imposed upon a person who was under 21 when the crime was committed.



Sen. Patty Pansing Brooks

Research has shown that a person’s brain is not fully developed until age 25 or 26, Pansing Brooks said, which makes it impossible for a judge sentencing a juvenile to accurately predict the juvenile offender’s potential to rehabilitate.

“When we sentence youth under 18 to life in prison without parole, we are sentencing them to die in prison and taking away all hope,” she said. “Under LB1117, these children may still receive harsh sentences, but they also know that they ... can come to terms with their mistakes and someday return to society and become productive citizens.”

The sentence for a person under 21 who is convicted of a Class IB felony would be restricted to a minimum of no greater than 20 years and a maximum sentence of 60 years.

Finally, the bill would permit offenders under 21 to be transferred from juvenile to county or district court if the alleged offense is:

- a Class I, IA, IB, IC, ID, II OR IIA felony committed by a person between ages 14 and 18;
- a traffic offense committed by a person 11 or older; or
- a misdemeanor—other than a minor traffic offense—committed by a 16- or 17-year-old.

Testifying in support of the bill was Shakur Abdullah of Omaha. Abdullah received a death sentence at 17, he said, but the decision was overturned by a U.S. Supreme Court decision that found judges should have flexibility in sentencing minors convicted of serious offenses.

“There are all of these [studies] that say children are too young for various things in society like voting or buying tobacco,” Abdullah said. “These are serious offenses, but these are serious offenses committed by children.”

Juliet Summers, representing Voices for Children in Nebraska, also supported LB1117. She said the bill would allow youth to receive age-appropriate, evidence-based treatment.

“Even children who commit serious crimes are still children and we should respond to [juvenile] crime in a thoughtful and effective way that preserves community safety, contributes to Nebraska’s prosperity and gives both children and communities the protection they need,” Summers said.

Opposing the bill was Jim Maguire, president of the Nebraska Fraternal Order of Police. A severe offense requires a severe penalty, he said.

“[We] do not believe in jailing folks and throwing away the key,” Maguire said. “However, I am unconvinced that someone who is 18, 19 or 20 years old doesn’t know that he can’t kill somebody.”

The committee took no immediate action on the bill.

Bill would ensure rights of incarcerated mothers

The Judiciary Committee heard testimony Feb. 12 on a bill that seeks to keep infants with their incarcerated mothers whenever possible.

LB1171, sponsored by Omaha Sen. Machaela Cavanaugh, would require that a lactating mother be given the opportunity to nurse or express milk for her infant. A breast pump, breast milk stor-



Sen. Machaela Cavanaugh

age containers and safe storage of milk also would be guaranteed under the bill.

Cavanaugh said that between 5 and 10 percent of women entering jail do so while pregnant.

“Breast milk has numerous health benefits to both the mother and child, including low rates of diabetes, improved antibodies and strengthening the bond between mother and child,” she said. “It should be encouraged whenever possible.”

The bill also would prevent physical separation of a child younger than 24 months from his or her mother, unless a facility administrator determines that doing so presents a clear and imminent danger to the child.

Each facility operator would be required to develop a parent separation policy, which would include a process for placing an infant with their mother, a plan to provide for lactation and information regarding the mother’s parental rights while in custody.

Juliet Summers, representing Voices for Children in Nebraska, spoke in support of the bill. As Nebraska undergoes the planning process to modernize the state’s troubled Youth Rehabilitation and Treatment Center system, she said, lawmakers have a moment of opportunity to radically rethink all aspects of correctional programming.

“Developing clear policies regarding family separation, investing in an appropriate living space for children to safely reside postpartum with their mother whenever possible and incorporating hands-on parenting into a mother’s individualized treatment plan would truly reflect Nebraska’s family values,” Summers said.

Opposing the bill was Scott Frakes, director of the Nebraska Department of Correctional Services. He said LB1171 does not account for the trauma

that would result for both mother and child when a toddler ages out of the bill’s provisions at 24 months and the mother must remain to serve out a substantial sentence.

As introduced, the bill would apply not only to women who are pregnant when they become incarcerated, Frakes said, but all incarcerated mothers with children younger than 24 months.

“While studies indicate lower recidivism among mothers who participate in nursery programs, there’s no research to support the effectiveness of letting women bring their children with them to prison,” he said. “Nor is there information about the long-term effects on children who are brought from the community and exposed to a prison environment.”

The committee took no immediate action on the bill.

Limits proposed for restrictive housing use

The Judiciary Committee heard testimony Feb. 12 on two bills that would impose restrictions on inmate confinement.

LB1208, sponsored by Omaha Sen. Tony Vargas, would prohibit the state Department of Correctional Services from placing an inmate in restrictive housing for more than 15 consecutive days.



Sen. Tony Vargas

After the 15 days, an inmate who is a member of a vulnerable population would be classified to general population status. Vulnerable populations include inmates who are younger than 18, pregnant or diagnosed with a serious mental illness, developmental disability or traumatic brain injury.

Vargas said the department's excessive use of restrictive housing is directly related to the correctional system's overcrowding problem.

"The Legislature passed [legislation] in 2015 that fortunately led to some reform of the use of restrictive housing," he said. "However, the frequency of inmates placed in restrictive housing is still troublingly high."

LB1208 would prohibit "double bunking," or placing two inmates in the same cell in restrictive housing. The department could not place an inmate in restrictive housing for more than 90 days in a calendar year unless a specialized inmate classification committee determines it to be appropriate.

Before the department could exceed the 90-day limit, the committee must find that less restrictive housing is unsuitable because of a continuing and serious security threat.

LB1208 also would require that four out-of-cell hours be provided to inmates retained in restrictive housing between 15 and 180 consecutive days and six out-of-cell hours for inmates confined for more than 180 days.

All inmates in restrictive housing would receive mental health treatment as prescribed and all necessary clinical programming recommended by the state Board of Parole. Finally, the bill would prohibit the release of inmates held in restrictive housing into the community without transitioning back to general population for at least 120 days first.

Speaking in support of the bill was Danielle Conrad, representing the ACLU of Nebraska. She called the use of restrictive housing in Nebraska a "human rights crisis."

"Solitary confinement reform is not a political issue and it should not be a political issue," Conrad said. "Without meaningful reform, the status quo hurts us all."

Timothy Lopez also supported the

bill. As a formerly incarcerated person, he said that the use of restrictive housing only exacerbated trauma he experienced when his mother left him as a child.

"It doesn't take months in [segregation] to lose your mind, but seconds and minutes," Lopez said. "When you're placed in restrictive housing, it's a feeling of abandonment all over again."

Opposing the bill was NDCS Director Scott Frakes. LB1208 was designed with no input from the department, he said, and would create "completely unreasonable" expectations.

"We'll continue to raise the bar when it comes to reducing [the use of] restrictive housing," Frakes said. "What will not work is to subject the agency to legislation that creates policy language rather than expected outcomes."

Michael Chipman, president of the Fraternal Order of Police for corrections officers, also spoke in opposition to the bill. He said it would create an unsafe working environment within the current correctional infrastructure.

"The only way to provide the 4 and 6 hours of out-of-cell time now would be to leave the doors to the galleries open," Chipman said. "Staff at [Tecumseh State Correctional Institution] told me that this was attempted many years ago and that staff assaults skyrocketed."

The committee also heard testimony on LB786, sponsored by Omaha Sen. Steve Lathrop.

As introduced, it would require that all inmates housed within NDCS be screened for traumatic brain injury, developmental disability and severe mental illness upon initial admission to a facility.

Lathrop said there likely are far more people with traumatic brain injuries within the correctional system than have been diagnosed.

"Our suspicion is that there are a lot more than we believe and it is beneficial for this legislature in making policy that we ensure that the restriction on restrictive housing is implemented and carried out in a way that we're not ignoring these folks and pretending like we don't have a problem," he said.

The bill also would require that all current inmates receive the screening. Any inmate who receives a "positive" result for mental illness, developmental disability or traumatic brain injury would be presumed to be a member of a vulnerable population.

Peggy Reisher, executive director of the Brain Injury Alliance of Nebraska, spoke in support of the bill. States that have implemented such screenings have found that 50 to 80 percent of their populations test positively, she said, compared to 5 to 25 percent of nonincarcerated individuals.

"[LB786] gives us an opportunity to both identify and measure if brain injury is indeed an issue in our state prison system," Reisher said. "If the screening indicates that there are a number of individuals who have [traumatic brain injuries], then it's important to the discussion we're having about prison reform."

Opposing the bill was Harbans Deol, medical director for NDCS. He said the bill would duplicate a process that currently is in place, requiring the department to hire more psychologists in a market where there is a shortage of qualified mental health professionals.

The committee took no immediate action on either bill.

Caretaker diversion programs considered

Cities and counties could establish special diversion programs for certain non-violent offenders under a bill discussed by the Judiciary Committee Feb. 13.



Sen. Steve Lathrop

Under LB1209, sponsored by Omaha Sen. Tony Vargas, a city or county could create a diversion program for defendants who are charged with an eligible offense and are a primary caregiver for a child.



Sen. Tony Vargas

Vargas said separation of a child from an incarcerated parent can have long-lasting effects.

“When incarceration separates a child from their parent, the outcomes for the child are rarely good,” he said. “Kids often enter foster care and the absence of strong family ties impacts a child’s physical, emotional and psychological health.”

Eligible offenses would include any nonviolent felony or misdemeanor violation of a city or village ordinance, excluding any offense classified as a Class I, IA, IB, IC, ID or II felony.

Among the caregiver diversion programs authorized under the bill are parenting classes, family counseling, mental health education and treatment, drug and alcohol treatment, domestic violence education and counseling and job training.

The bill additionally would exclude any offense in which:

- the victim is a person for whom the defendant is the primary caregiver;
- registration as a sex offender is required;
- sexual contact or penetration was involved;
- a threat to inflict serious bodily injury or death on another person occurred; or
- an attempt to conspire, solicit or assist the commission of a felony was made.

Michelle Guillatt of Lincoln spoke in support of the bill. As someone in the middle of five generations of fam-

ily members who have been separated by incarceration, she said, she understands the price children pay for their parent’s decisions.

“To have [LB1209] and have the opportunity for education, parenting classes and to create and maintain a support system ... can make a better future for these children,” Guillatt said.

Also speaking in support was Spike Eickholt, representing the ACLU of Nebraska. He said the bill would provide an important alternative to incarceration and traditional imprisonment for nonviolent offenders.

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

Constitutional amendment could result in shorter sentences

A proposed state constitutional amendment that would give the courts more flexibility in sentencing was heard by the Judiciary Committee Feb. 13.

LR281CA, sponsored by Omaha Sen. John McCollister, would amend the Nebraska Constitution to allow lawmakers to enact legislation permitting courts to reduce final sentences.



Sen. John McCollister

If passed, the resolution would place the question on the November 2020 general election ballot.

McCollister said the proposal would allow a trial court judge to review an inmate’s sentence, similar to the authority currently invested in the state Board of Pardons.

“Sentencing reform is a major focus of our efforts here in Nebraska and nationwide to improve the criminal justice system,” he said. “LR281CA would allow the Legislature to con-

tinue the progress we’ve made.”

Tom Riley, representing the Nebraska Criminal Defense Attorneys Association, spoke in favor of the measure. The state has to stop thinking about the criminal justice system as a “lock them up and throw away the key” situation, he said.

“[Inmates] may be eligible for parole when they’re [old], but the Nebraska Supreme Court isn’t going to do anything about excessive sentences,” Riley said. “They’ve made it quite clear that as long as a sentence is imposed within the statutory guidelines, they’re not going to touch it unless there’s been an extreme abuse of discretion.”

Opposing LR281CA was Corey O’Brien, speaking on behalf of the state attorney general’s office. The measure would create a separation of powers conflict, he said, by investing authority in the court system that currently is reserved only for the executive branch.

The committee took no immediate action on the bill.

NATURAL RESOURCES

Early deer hunting permits amended, advanced

A bill that would allow qualifying landowners to hunt deer before the regular firearm deer hunting season advanced to the final round of debate Feb. 13 after lawmakers amended it to include a small permit fee.

LB126, as introduced last session by Venango Sen. Dan Hughes, would require the state Game and Parks Commission to issue up to four



Sen. Dan Hughes

free firearm deer hunting permits to

qualifying landowners and their designated immediate family members.

Senators amended the bill on general file to shorten the period during which the permits would be valid to the Saturday through Wednesday immediately preceding the opening day of the firearm deer hunting season.

Hughes introduced an amendment on select file that would impose a \$5 fee on each permit and further shorten the valid period to the Saturday through Monday immediately preceding the opening day of firearm deer hunting season.

It also would specify that no more than one permit would be issued per person for the qualifying landowner or any designated member of their immediate family. No more than two could be issued to individuals younger than 19, and no more than two could be issued to those who are 19 or older.

Hughes said the new provision is meant to promote hunting by the state's youth. He said the fee would help offset the commission's costs to implement the bill and allow it to qualify for a federal program under which the commission receives federal funds for each hunting permit it sells.

Hughes said the proposal could result in more private land being opened to hunters during the regular firearm deer hunting season.

"If the landowner has had the chance to harvest his deer," he said, "they're going to open up their land for other hunters, especially if they have a deer problem."

Sen. Rob Clements of Elmwood supported the amendment and the bill, saying he appreciates that landowners lose money feeding the state's deer.

"Although I'd probably rather have them get paid for the dollar amount that they suffer," he said, "I am glad to recognize that the state does want to give them somewhat of an allowance

and a thank you."

Sen. Bruce Bostelman of Brainard opposed LB126, saying it would not address the state's depredation problem.

"I think the majority of sportsmen ... across the state oppose the bill," he said, "and a great number of landowners oppose the bill as well."

Also in opposition was North Platte Sen. Mike Groene. He said the early deer hunting season would conflict with the start of pheasant hunting season.

"That's a big weekend," Groene said. "And now we're going to have rifles out there—the two don't mix."

After voting 27-3 to adopt the Hughes amendment, senators voted 25-6 to advance LB126 to final reading.

Free park entry permit for disabled veterans advanced

Lawmakers gave first-round approval Feb. 12 to a bill that would allow certain disabled veterans to apply for a free lifetime state park entry permit.

Introduced by Creighton Sen. Tim Gragert, LB770 would require the state Game and Parks Commission to create and issue a free park entry permit for qualified disabled veterans in addition to the existing annual and temporary permits.

To qualify, a veteran must be a Nebraska resident who has been honorably discharged and either rated by the U.S. Department of Veterans Affairs as 50 percent or more disabled as a result of service in the U.S. military or receiving a pension from the department as a result of total and permanent disability that is not connected to military service.

The permits would be perpetual and would become void only if a veteran

no longer meets the eligibility criteria.

LB770 also would increase the maximum fee for a nonresident motor vehicle annual park entry permit from \$45 to \$65. It would increase the maximum fee for a nonresident motor vehicle temporary park entry permit from \$8 to \$12.

Gragert said the proposed increase in maximum fees for nonresident permits would cover the cost of providing the free disabled veteran permits.

Senators voted 38-0 to advance the bill to select file.

Proposal to bar cities from banning single-use plastics discussed

Local governments could not ban single-use plastics and certain other materials under a bill heard Feb. 12 by the Natural Resources Committee.

Introduced by Sen. Dan Hughes of Venango, LB861 would prohibit a county, municipality or agency from adopting, enforcing or administering an ordinance or resolution that prohibits the use of or sets standards, fees or requirements regarding the sale, use or marketing of "consumer merchandise and containers."

The prohibition would not apply to county, municipality or agency recycling or solid waste collection programs.

The bill defines consumer merchandise, in part, as merchandise that is offered for or provided with sale or lease and "any container used for consuming, carrying, or transporting such merchandise."

It defines a container as a single-use or reusable bag, cup, package, container, bottle or other packaging made of cloth, paper, plastic, cardboard,



Sen. Tim Gragert



Sen. Dan Hughes

aluminum, glass or certain other materials and that is “designed for consuming, protecting or transporting merchandise, food or beverages from or at a food service or retail facility.”

Hughes said LB861 would ensure that Nebraska businesses are not burdened by varying or conflicting regulations on those materials in different jurisdictions. He said local governments have considered bans or taxes on plastic bags, bottles, cups, cutlery and other items that, if enacted, would subject businesses to a regulatory “amalgamation.”

“It would have made it impossible for them to comply with regulations within their communities, across state lines and the global economy,” he said.

Additionally, Hughes said, LB861 would encourage manufacturing methods that reduce waste by creating products that are adaptable to secondary uses through processes such as biomass and pyrolysis, the decomposition of materials at high temperatures.

Jim Otto testified in support of the bill on behalf of the Nebraska Retail Federation and the Nebraska Restaurant Association. Otto said “patchwork regulation” complicates container distribution and increases costs for retailers and restaurants.

“It is our position that something this important deserves statewide attention and that the passage of LB861 will encourage the development of a well-thought-out and comprehensive statewide recycling policy,” he said.

Dale Gubbels, president of an Omaha recycling company, also testified in support. He said pyrolysis can help reduce the amount of plastic sent to landfills by turning it into diesel fuel, heating oil and naphtha, from which new plastic products can be made.

“This would be an in-state end market for something that we’re now paying easily \$20 million a year to

landfill,” Gubbels said.

Also testifying in support was Kathy Siefken of the Nebraska Grocery Industry Association. She said bans on single-use plastic bags, such as the one passed by the Omaha city council and vetoed by Omaha’s mayor last year, make “winners and losers” of stores based on what they sell and ignore the fact that plastic bags take fewer resources to make than paper bags.

“The single-use plastic bag is an environmentally friendly item that ... should not be banned in local areas,” Siefken said.

Ron Sedlacek testified in support of LB861 on behalf of the Nebraska Chamber of Commerce and Industry, the National Federation of Independent Business in Nebraska, the Greater Omaha Chamber and the Lincoln Chamber of Commerce.

Sedlacek said the bill would create a “friendly climate” for Nebraska retailers as well as manufacturers, processors and distributors. He said approximately 20 states including Colorado, Iowa and Missouri have enacted some type of statewide regulation on containers and packaging.

Michael J. O’Hara testified in opposition to LB861 on behalf of the Nebraska chapter of the Sierra Club. He said retailers want a “ban on bans” and opposed statewide regulation under another bill introduced this session that would impose a 5-cent fee on single-use plastic bags.

“No regulation is not statewide regulation,” O’Hara said, “and that’s what this would propose.”

Megan Jackson testified in opposition to the bill on behalf of the Nebraska Recycling Council, saying it would strip away cities’ authority to regulate or manage plastic pollution in their communities.

She said cities may have a number of reasons to ban or regulate a particular

product, such as the desire to mitigate litter’s effects on ecosystems or wildlife, improve public health or reduce toxins.

“This bill isn’t proposing a solution at all,” she said. “It’s just limiting our own local governments from creating their own innovative solutions for reduction and recycling.”

The committee took no immediate action on the bill.

Updated utility disconnection requirements proposed

Public and private utility companies could not charge an unreasonable fee for the discontinuance or reconnection of service under a bill heard Feb. 13 by the Natural Resources Committee.

Sen. Sue Crawford of Bellevue, sponsor of LB933, said the bill contains several “small but important shifts” in state law regarding utility shutoffs that would give those with serious medical challenges more flexibility.



Sen. Sue Crawford

“No one should have to die because they were late on their electric bill,” she said.

Current law prohibits most public and private utilities from discontinuing service to subscribers for nonpayment unless it first notifies them.

The notice must include a statement to the effect that disconnection may be postponed or prevented if a subscriber presents a note from a physician certifying that the subscriber or a resident in the subscriber’s household “has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility’s service to that household.”

The subscriber must file the certifi-

cate with the utility within five days of receiving the notice. The certificate prevents disconnection for 30 days.

LB933, as introduced, would extend that grace period to at least 60 days and allow the certificate to be provided by a physician's assistant or advanced practice registered nurse. It also would give customers five business days to file the certificate.

Additionally, the bill would prohibit a public or private utility company from charging a fee for the discontinuance or reconnection of service that exceeds the reasonable costs of providing such service.

Crawford said the bill would make additional changes to clarify that utilities are required to postpone a disconnection upon presentation of the certificate and to allow utilities to determine whether they will provide more than one postponement for each incident of nonpayment.

Finally, LB933 would require a public or private utility company to make certain service termination information "readily accessible to the public" on its website and available by mail upon request.

Crawford said a forthcoming amendment would leave the current 30-day grace period in place as a result of a compromise with utilities.

Trisha Thompson of Nebraska Appleseed testified in support of the bill. She said a Nebraska Appleseed study of the shutoff policies, rates and fees of approximately 70 Nebraska power providers found that more than 10 percent had no formal written policy related to service disconnection, underscoring the need to require companies to post that information.

Also testifying in support was Kathy Kay of the League of Human Dignity. She said LB933 would help protect Nebraskans who rely on electricity for mobility, oxygen, dialysis or heart

monitoring from the possibly dangerous consequences of utility shutoffs.

"A bill that would provide a reasonable ... notification timeframe and then remedies for then paying off unpaid balances is not only humane but potentially lifesaving," Kay said.

Karen Bell-Dancy, executive director of the YWCA of Lincoln, also testified in support. She said a survey of YWCA program participants found that utility shutoffs can often lead to eviction, loss of housing assistance and the removal of children from a home.

"We are concerned about the frequency of this happening and the lack of process in place to protect Nebraskans who are facing difficult times," Bell-Dancy said.

Kristen Gottschalk of the Nebraska Rural Electric Association provided neutral testimony on the bill. She said the association opposed the original bill's proposed extension of the grace period to 60 days out of concern that it would allow a customer to go further into debt.

Gottschalk said few disconnections take place after a notice is sent and that NREA members work with customers who have trouble paying their bills. The vast majority of its members have never disconnected a customer after confirming that the person had a medical condition, she said.

Gottschalk said the NREA supports the rest of the proposed changes, but suggested that greater coordination and awareness of the programs available to help those facing utility shutoffs also could help address the problem.

No one testified in opposition to LB933 and the committee took no immediate action on it.

Renewable energy standard for public power suppliers considered

The Natural Resources Committee

heard testimony Feb. 13 on a bill that would require Nebraska public power suppliers to generate a certain amount of their electricity from renewable sources by the end of the decade.

Under LB1205, introduced by Omaha Sen. John McCollister, public power suppliers would place renewable electric power generation capacity in service in three stages by building or acquiring renewable energy production facilities or by entering into contracts to purchase electricity from renewable energy production facilities.



Sen. John McCollister

"LB1205 would ensure Nebraskans that electric utilities will be doing the best they can for our citizens and for our environment," McCollister said.

The bill would require a supplier to have a renewable electric power generation capacity equal to 35 percent of its median annual generation for 2019 through 2020 in service by the end of 2022.

It would require a supplier to have a capacity equal to 55 percent of its median annual generation for 2023 through 2025 in service by the end of 2026 and a capacity equal to 75 percent of its median annual generation for 2027 through 2029 in service by the end of 2030.

In addition to solar and wind energy facilities, the bill would include demand-side management, waste management, cogeneration, agricultural crop residue energy generation and wood burning facilities in a list of renewable energy generation facilities. The definition excludes any form of waste incineration for energy recovery.

McCollister brought an amendment to the hearing that he said would allow a public power supplier's board

of directors to opt out if they decide that complying with the proposed requirements would affect the reliable operation of its power system.

He said the amendment also would add nuclear power plants to the proposed list of renewable energy generation facilities.

Katie Torpy testified in support of LB1205 on behalf of the Nature Conservancy, saying it would “set Nebraska on a clear path away from fossil fuels” and reduce the greenhouse gas emissions that are a major cause of climate change.

“Clearly we’re not on track to achieve the aggressive emissions reductions needed to avoid the worst impacts of climate change,” she said. “Taking this action would reduce greenhouse gas emissions and hopefully stave off the worst consequences.”

David Corbin testified in support of the bill on behalf of the Public Health Association of Nebraska. He said a 2015 American Public Health Association policy advocates for transitioning to renewable energy sources and eliminating coal-fired power plants because it would save thousands of lives by preventing respiratory conditions such as asthma.

Also in support was Kristen Ohnoutka, a research fellow at a renewable energy development organization. She said Nebraska has “tremendous potential” for renewable energy generation but remains one of the few states that has not set a renewable energy generation standard.

Between 2006 and 2016, Ohnoutka said, Nebraska was the only state to increase its investment in coal.

“A renewable standard sends a message to renewable energy companies, investors and private corporations that Nebraska is a serious place to do business,” she said.

Shelly Sahling-Zart, vice president and general counsel of Lincoln Elec-

tric System, testified in opposition to LB1205 on behalf of the Nebraska Power Association. She said the proposed timeline is “incredibly aggressive” because utility-scale battery storage technology is not widely available yet.

Sahling-Zart said the proposal would take power away from locally elected public power boards that must consider the cost, safety and reliability of transitioning to additional renewable electric generation capacity.

Some public power suppliers, including the Omaha Public Power District, already have set goals to reduce the amount of electricity they generate using fossil fuels, she said, and one-third of the LES portfolio now includes renewable sources.

Also testifying in opposition was Kristen Gottschalk, government relations director for the Nebraska Rural Electric Association. She said the bill’s “aggressive timeline” would be impossible for NREA members to meet without significantly increasing costs to customers.

Gottschalk said LB1205 also would not address the loss of jobs or stranded investments associated with the likely closure of coal-fired power plants.

“Does the bill really intend to create a renewable energy portfolio,” she said, “or is it intended to create job security for renewable resource developers?”

The committee took no immediate action on the bill.



Retirement update advanced

A bill that would bring Nebraska’s state-administered retirement plans into compliance with recent federal changes advanced from general file Feb. 10.

LB1054, introduced by Seward Sen. Mark Kolterman, would update plans within the Nebraska Public Employees Retirement Systems to comply with new provisions under the SECURE Act passed by Congress and signed into law in late 2019.



Sen. Mark Kolterman

Under the federal changes, the age trigger for the Required Minimum Distribution increases from age 70 1/2 to age 72 for individuals who reach 70 1/2 on or after Jan. 1, 2020, he said.

“The RMDs determine when the deferral ceases for the distribution of payments of pension benefits,” Kolterman said. “The stated congressional rationale for [changing] the RMD requirement is a recognition that individuals are working longer and living longer.”

He said a required actuarial report concluded that LB1054 would not have a cost impact on the defined benefit plans administered by the Nebraska Public Employees Retirement Board.

Lawmakers advanced the bill to select file on a 35-0 vote.



Sales tax turnback for water, sewer projects stalls

A bill that would turn back a portion of the state sales tax collected on water and sewer services to help cities and utilities pay for infrastructure upgrades stalled on first-round debate Feb. 10.

LB242, as introduced by Omaha Sen. Brett Lindstrom last session, would require the state to pay each

political subdivision, sewer utility or water utility a percentage of the 5.5 percent state sales tax imposed and collected on sewer and potable



Sen. Brett Lindstrom

water fees charged by those entities.

Under LB242, Lindstrom said, the state would partner with cities and utilities across Nebraska to modernize water and sewer systems.

Lindstrom said the state receives a sales tax windfall as cities raise their water and sewer rates to finance new infrastructure. This is especially true in Omaha, he said, where the local utility has imposed a fee to pay for a federally mandated sewer separation project.

“None of these additional revenues are currently being used to offset the underlying cost of water services,” he said. “This bill provides direct income relief to the vast majority of our citizens on domestic water systems.”

A pending Revenue Committee amendment would replace the bill. Elkhorn Sen. Lou Ann Linehan, the committee’s chairperson, said the amendment would correct a drafting error regarding the proposed turnback rates.

The amendment would turn back 36.36 percent of state sales tax imposed on water and sewer fees from July 1, 2020, through June 30, 2021. The rate would increase to 54.54 percent on taxes imposed from July 1, 2021, through June 30, 2023. On and after July 1, 2023, the rate would be 72.72 percent.

Lindstrom said the amendment would reduce state tax revenue by approximately \$8 million the first year and by more than \$23 million once the highest rate goes into effect.

The funds could be used only to pay for infrastructure improvements

related to constructing, upgrading, redeveloping or replacing sewer and water infrastructure facilities; to pay for the redevelopment and replacement of obsolete water or sewer facilities; or to repay bonds issued for such work.

Lindstrom introduced an amendment, adopted 25-2, that would require the state tax commissioner to certify to the state treasurer, on a quarterly basis, the amount of state sales tax revenue collected by any political subdivision, sewer utility or water utility on sewer and potable water fees and the applicable percentage that the state would pay under the turnback provisions.

Sen. Mark Kolterman of Seward supported LB242, saying it would benefit the many Nebraska communities with aging sewer and water infrastructure, especially those that are near their levy limits.

“I don’t think there’s a municipality in the state that doesn’t have outdated infrastructure as it pertains to sewer and water,” he said.

Gering Sen. John Stinner, chairperson of the Appropriations Committee, said the proposal, while well-intended, would contribute to a “constant erosion” of the state’s tax base that makes it difficult to budget for priorities such as property tax relief, business tax incentives, public school funding, Medicaid expansion and prison overcrowding.

Lindstrom said he agreed that those concerns are higher priorities than LB242 and that he would not seek to advance the bill beyond select file if it does not fit within the state’s overall budget.

Albion Sen. Tom Briese said he voted to advance LB242 from committee after hearing testimony that infrastructure costs have led to significant water rate increases in Omaha.

He said he now opposes the bill,

however, because it would not require cities and utilities to decrease their water rates in return for providing the turnback. More importantly, Briese said, it could prevent the Legislature from providing property tax relief this session.

After three hours of debate over two days, the Legislature moved to the next bill on the agenda before voting on the committee amendment or LB242.

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.



Omnibus transportation bill advanced

Lawmakers gave first-round approval Feb. 11 to a bill containing several transportation measures.

LB944, as introduced by Lincoln Sen. Suzanne Geist, would allow owners to seek a refund on vehicle registration if a vehicle is lost to natural disaster. Geist said the bill also would harmonize several technical provisions of state law related to motor vehicles.



Sen. Suzanne Geist

A Transportation and Telecommunications Committee amendment, adopted 42-0, incorporated provisions of LB831, originally introduced by Brainard Sen. Bruce Bostelman.

These would allow the state Department of Motor Vehicles to issue

a salvage title for a vehicle manufactured prior to 1940 if it previously was titled as “junk.” The vehicle owner also would be required to prove that no major component part had been replaced, the vehicle had been restored to its original specifications and that it had been inspected.

Bostelman said he brought the bill on behalf of a constituent who owns a 1930 Ford Model A that had been passed down through the generations. His constituent was unable to obtain a title, he said, because the vehicle erroneously was titled as “junk” years ago.

The committee amendment also incorporated provisions of four additional bills, including:

- LB768, originally introduced

by Thurston Sen. Joni Albrecht, which would incorporate updated federal regulations related to cabin



Sen. Joni Albrecht

trailers, low-speed vehicles, handicapped parking, vehicle registration and driver licenses and state identification cards, among others;

- LB785, originally introduced

by Henderson Sen. Curt Friesen, which would provide length, weight and load capacity exceptions for stinger-steered auto-



Sen. Curt Friesen

mobile transporters, towaway trailer transporter combinations, battery-powered vehicles, emergency vehicles and certain heavy-duty tow and recovery vehicles;

- LB983, originally introduced by

Bellevue Sen. Sue Crawford, which would eliminate the one-point deduction from a person’s driver license for a speeding violation of up to five miles per hour over the speed limit; and



Sen. Sue Crawford

- LB1067, originally introduced by Bayard Sen. Steve Erdman, which would allow all-terrain and utility-type vehicles to cross controlled-access highways of more than two marked lanes, if used for agricultural purposes.



Sen. Steve Erdman

Senators advanced LB944 to select file on a 42-0 vote.

Lower cable TV taxes considered

The Transportation and Telecommunications Committee heard testimony Feb. 11 that seeks to lower the taxes paid by cable television subscribers.

LB1046, sponsored by Henderson Sen. Curt Friesen, would impose a cap on occupation taxes—taken along with any other tax, fee or assessment—collected by municipalities or counties for cable television service of not more than 3 percent of gross receipts.

Currently, the limit on such occupation taxes is set at 5 percent.

Online streaming platforms are not subject to local occupation taxes, Friesen said, which creates an unlevel playing field.

“We should be providing a tax system that treats similar services in a similar manner,” he said.

Julia Plucker, representing the Nebraska Cable Communications Association, supported the bill. It would result in fair competition between cable and video streaming providers, she said, while also providing direct savings to consumers.

“[This bill] helps reduce the tax disparity in a rapidly changing video market and continues to provide cities with fair compensation for the privilege of providing cable service,” Plucker said.

Also supporting the bill was Dustin Antonello, representing the Lincoln Independent Business Association. Franchise fees are used to pad a city’s general funds, he said, rather than offsetting the costs of cable companies.

“Cable companies are basically paying rent in the form of franchise fees for lines that were put in the public right of way decades ago,” Antonello said. “[We] believe these franchise fees are no longer serving their intended purpose and should be reduced or eliminated altogether.”

Opposing LB1046 was Brandon Kauffman, representing the city of Lincoln. Public safety services are largely funded through franchise fee revenue, he said, which is important in a growing city like Lincoln.

“This legislation would impact the service levels the city is able to provide to its citizens, which are growing as the city expands,” Kauffman said, adding that the bill would result in a loss to the city of \$1.2 million annually.

Stacey Hultquist, representing the city of Omaha, also opposed the bill. She said that cable companies consented to the 5 percent franchise fee for the entire term of the agreements they entered into. The city of Omaha would stand to lose \$2.5 million in revenue per year under the bill, she said.

“The cities and counties have relied on this franchise revenue when

setting their budgets going forward,” Hultquist said. “The immediate, unforeseen impact of this bill would turn those already strained government budgets upside down.”

The committee took no immediate action on the bill.

URBAN AFFAIRS

Restrictions sought for city funds

Use of certain money collected by municipalities would be restricted under a bill considered Feb. 11 by the Urban Affairs Committee.

LB960, introduced by Sen. Curt Friesen of Henderson, would prohibit municipalities from using revenue originally collected for a proprietary function for any reason other than the purpose for which it was generated.

Money collected for utilities should be used for utilities and not later transferred to a municipality’s general fund, Friesen said.

“There are communities out there that have overcharged some entities,” he said. “They choose large water users and raise their rates and they’re transferring those funds into their general fund.”

No one testified in support of LB960.

Grand Island City Administrator Jerry Janulewicz testified against the bill. He said Grand Island transferred \$837,000 from its proprietary fund to its general fund last year, enabling the city to cover expenses without raising taxes.

“Those funds would have to be made up primarily with property tax

increases or cuts in the budget,” Janulewicz said.

Lynn Rex of the League of Nebraska Municipalities also spoke against LB960. She said the bill would have serious financial implications for cities throughout the state, 215 of which have reached their maximum property tax levy.

The committee took no immediate action on LB960.

Bill seeks to add more school water fountains

The Urban Affairs Committee heard testimony Feb. 11 on a bill that would require new school buildings to provide a minimum number of water fountains for students.

LB1116, introduced by Lincoln Sen. Adam Morfeld, would require schools built after Jan. 1, 2022, to include one water fountain per floor and at least one fountain per 150 students.

Morfeld said expanding access to water will help reduce childhood obesity by providing an alternative to sugary drinks.

“Schools are a natural location for proactive, cost-effective interventions to reduce obesity,” Morfeld said.

Lisa Eisenmenger of West Point spoke in support of LB1116. She said offering drinking water would enable children to make healthy choices while not overly burdening schools.

“Schools teach more than academics,” she said. “Without drinking fountains, kids do substitute unhealthy alternatives.”

John Hladik of the Center for Rural Affairs testified in support of the bill, saying it would rectify a conflict between the Uniform Plumbing Code

and International Building Code.

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

Land bank changes proposed

Land banks would face more restrictions under a bill considered Feb. 11 by the Urban Affairs Committee.

A land bank is a tax-exempt political subdivision that may acquire, manage and develop vacant and tax-delinquent properties under the Nebraska Municipal Land Bank Act.

LB1178, introduced by Omaha Sen. Justin Wayne, would prohibit land banks from entering into agreements with nonprofit corporations or other private entities for the purposes of temporarily holding real property for those nonprofit corporations or private entities.

The bill would not affect properties already held by a land bank.

Wayne said he introduced the bill after learning that the Omaha Municipal Land Bank had purchased properties on behalf of a nonprofit to hold for up to five years. The properties remain dilapidated and unable to be sold while being held, he said.

“The original intent [of the land bank act] was to move property,” Wayne said. “The land bank was never designed to be a bank.”

Juan Alvirado, a property developer in Omaha, testified in support of the bill. He said LB1178 would make the process of acquiring property fairer and align the Omaha land bank with its intended purpose.

“Why would it be fair for them to hold property when I have to bring liquid cash?” Alvirado said.



Sen. Curt Friesen



Sen. Adam Morfeld



Sen. Justin Wayne

Shaun Ilahi of Habitat for Humanity of Omaha testified against LB1178 because, he said, it would hamper development in north Omaha. Holding a property for a few years allows tax and demolition liens on a property to be cleared, he said, making it easier to develop.

“We do not have the power to clear

title issues or acquire ownership of properties,” Ilhai said.

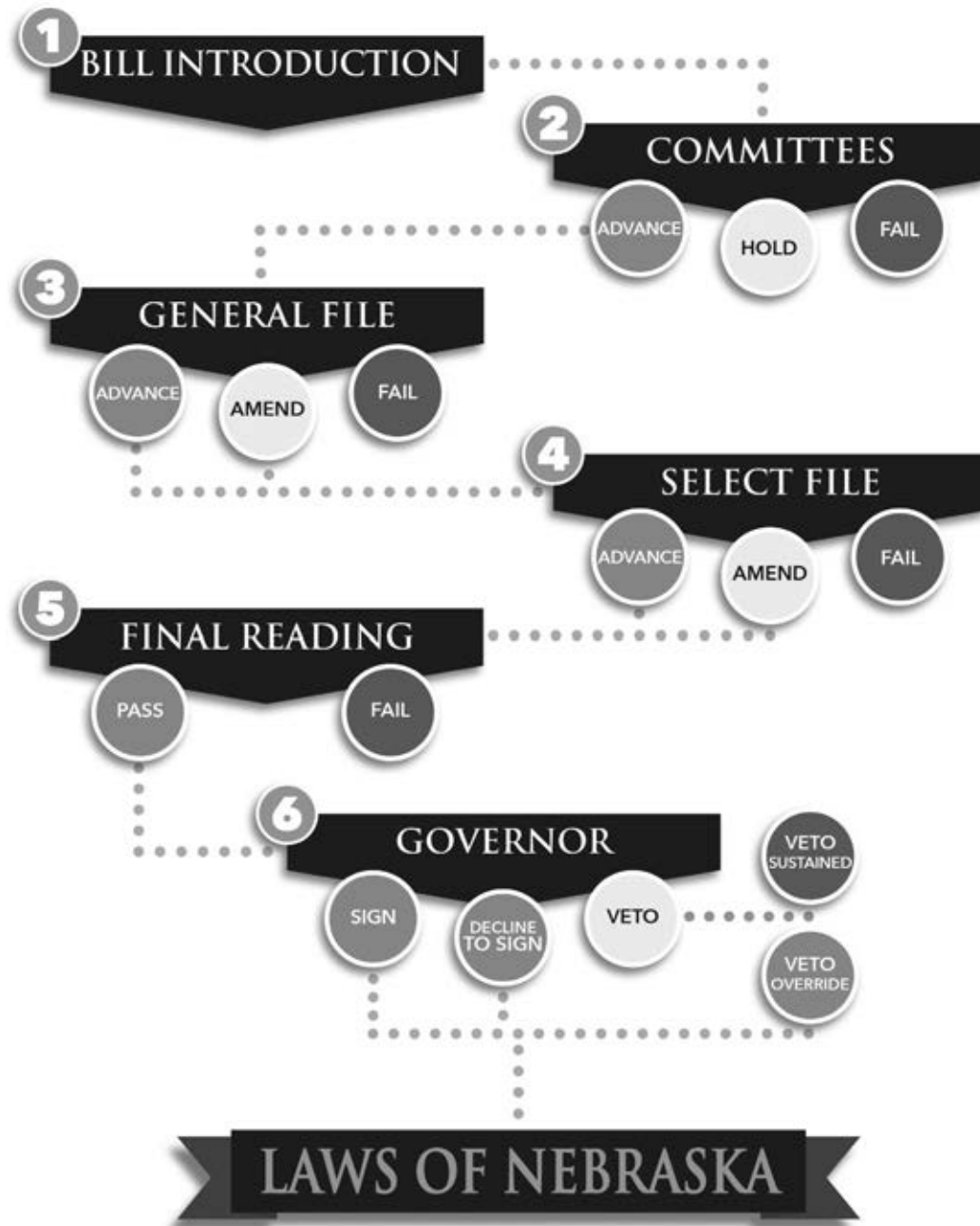
Mike Riedmann of the Omaha Municipal Land Bank also spoke against the bill. He said the land bank often will acquire properties with significant liens that otherwise would not be developed.

“Not only do we have nonprofits

provide affordable housing, but the land bank also receives—from Douglas County—50 percent of the taxes paid on these properties for five years after being deeded back to the nonprofit,” Riedmann said. “This revenue stream is very important to the land bank.”

The committee took no immediate action on the bill. ■

HOW A BILL BECOMES LAW



COMMITTEE HEARINGS

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

Tuesday, Feb. 18

Agriculture

Warner Chamber - 1:30 p.m.

Appointment: Beth Smith - State Fair Board

State Fair Briefing

LB1200 (Brewer) Rename the Livestock Brand Act and the Nebraska Brand Committee and change provisions relating to livestock

LB1165 (Stinner) Eliminate the Nebraska Brand Committee and provide powers and duties for the Department of Agriculture under the Livestock Brand Act

Appropriations

Room 1524 - 1:30 p.m.

LB778 (Stinner) State intent regarding appropriations for the Rural Health Systems and Professional Incentive Act

LB901 (Cavanaugh) Appropriate funds for the Nebraska Perinatal Quality Improvement Collaborative

LB1018 (Vargas) Appropriate funds to the Department of Health & Human Services

LB1019 (Vargas) Appropriate funds to the Department of Health & Human Services

LB1102 (Walz) Provide an appropriation for volunteer emergency medical care providers

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB949 (Bolz) Limit the amount an insured individual pays for prescription insulin drugs

LB804 (Wayne) Provide for insurance coverage of epinephrine autoinjectors

LB970 (Wayne) Limit the amount an insured individual pays for prescription insulin drugs

LB948 (Crawford) Change provisions relating to insurance coverage for mammography

Education

Room 1525 - 1:30 p.m.

Appointments: Timothy Daniels; Charles Garman - Coordinating Commission for Postsecondary Education

Appointments: Cindy Gray; Chad W. Buckendahl - Technical Advisory

Committee for Statewide Assessment

LB1001 (Crawford) Require suicide prevention phone numbers on student identification cards

LB1039 (Cavanaugh) Adopt the Hunger-Free Schools Act

LR306 (Wishart) Urge Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act

Executive Board

Room 1507 - 12:00 p.m.

LB1035 (Friesen) Change the number of legislative districts

LR280CA (Wayne) Constitutional amendment to change legislative term limits to three consecutive terms

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

Appointments: Stephan Budke; Dennis Cloninger; Brad Jacobs; Clint Jones; Joseph Kosiski; Thomas R. McCaslin; Matthew O'Daniel; Curt Prohaska; Dennis R. Schworer - Motor Vehicle Industry Licensing Board

Urban Affairs

Room 1510 - 1:30 p.m.

LB1003 (Walz) Provide annexation powers to cities of the second class and villages for relocation due to catastrophic flooding

LB876 (Walz) Change provisions of the Community Development Law relating to limitations on blighted areas

LB1021 (Groene) Provide for an expedited review of certain redevelopment plans under the Community Development Law

LB801 (Urban Affairs) Change and eliminate provisions of the Community Development Law

Wednesday, Feb. 19

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB758 (Scheer) Name the State Capitol courtyards

LB848 (Pansing Brooks) Change Columbus Day to Indigenous People's Day

LB1015 (Briese) Provide for year-round daylight saving time

Health & Human Services

Room 1510 - 1:30 p.m.

Appointments: Robert J. Feit; Candice Arteaga; Jonathan Scherling - Commission for the Deaf and Hard of Hearing

LB1105 (B. Hansen) Change audit provisions under the Medical Assistance Act

LB1184 (Arch) Require standards for certain psychiatric services under the Medical Assistance Act

LB1158 (Arch) Provide information on job-skills programs to applicants for medical assistance

LB1204 (Cavanaugh) Require a family support waiver under the Medical Assistance Act and provide for a pilot family support program under the Disabled Persons and Family Support Act

Judiciary

Room 1113 - 1:30 p.m.

Appointment: Anne C. Boatright - Crime Victims Reparations Committee

Appointment: Mark T. Langan - Board of Parole

LB907 (DeBoer) Change provisions relating to adoptions

LB1004 (Lathrop) Change provisions relating to parole eligibility

LB1062 (Lathrop) Allow the Department of Correctional Services to establish a pre-discharge reentry pilot program

LB1081 (Morfeld) Change provisions on postconviction relief

LB1133 (Wayne) Increase caps on medical malpractice liability

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Elizabeth A. Hilyard - Power Review Board

Appointment: John Arley Rundel - Oil and Gas Conservation Commission

Appointment: Timothy L. Else - Ethanol Board

LB1071 (Hughes) Adopt the Wildlife Damage Recovery Act

LB1132 (Wayne) Change provisions relating to net metering

Revenue

Room 1524 - 1:30 p.m.

LB1202 (Linehan) Adopt the Opportunity Scholarships Act and provide for tax credits

COMMITTEE HEARINGS

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

LB1087 (Friesen) Change provisions relating to partial payments of property taxes

LB1075 (Linehan) Change tax provisions relating to net book value
LB1106 (Scheer) Eliminate obsolete sales tax provisions
LB1107 (Scheer) Change property tax provisions relating to notice of preliminary valuations

Thursday, Feb. 20

Executive Board

Room 1507 - 12:00 p.m.

LB1085 (Howard) Change terminology related to the Public Counsel
LB1191 (Howard) Require the Department of Health & Human Services, the Office of Juvenile Services, and the Department of Correctional Services to allow employees to speak to members of the Legislature and the Public Counsel

Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.

LB1167 (Albrecht) Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act
LB878 (Walz) Redefine immediate family and change conflict of interest provisions under the Nebraska Political Accountability and Disclosure Act
LB935 (Hunt) Change the Nebraska Political Accountability and Disclosure Act to authorize expenditures for an officeholder's child care services
LB936 (Hunt) Change the Nebraska Political Accountability and Disclosure Act to authorize expenditures for conference expenses for certain members of an officeholder's family
LB1136 (Williams) Prescribe when an interest in a contract is prohibited and eliminate a prohibition against such interest by a public power and irrigation district board member

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Michael Bailey - Board of Emergency Medical Services
LB1037 (Hunt) Change provisions relating to household eligibility for

Supplemental Nutrition Assistance Program benefits

LB1038 (Hunt) Change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits
LB783 (Lowe) Change the definition of ambulatory surgical center
LB1011 (Arch) Require certain hospitals to accept reimbursement from the medicare program
LB1043 (B. Hansen) Change provisions relating to regulation of health care facilities
LB1104 (Arch) Redefine a term under the Health Care Quality Improvement Act

Judiciary

Room 1113 - 1:30 p.m.

LB766 (Lindstrom) Prohibit sexual assault of a minor by an authority figure, change statute of limitations for failure to make a report of child abuse or neglect, and change provisions relating to sexual offenses
LB814 (Geist) Prohibit dismemberment abortion
LB991 (Halloran) Create the offense of sexual assault of a student and prohibit related enticement conduct by school officials
LB1048 (Quick) Create the offense of sexual assault by a school employee and provide notification to the Commissioner of Education
LB1210 (Vargas) Create the offense of sexual exploitation of a student

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Seth B. Harder - Environmental Quality Council
LR294 (Kolowski) Review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis
LB845 (Groene) Change procedures for water augmentation projects under an integrated management plan

Revenue

Room 1524 - 1:30 p.m.

LB1025 (Bolz) Create the Tax Credit Buy-Back Program
LB1034 (Friesen) Extend the application deadline and change certain credits

under the Nebraska Advantage Act
LB1045 (Brandt) Require the posting and reporting of tax incentive information under the Taxpayer Transparency Act
LB1179 (Wayne) Adopt the ImagiNE Small Business and Urban Revitalization Act

Friday, Feb. 21

Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.

LB981 (Hunt) Provide for applicability of provisions regarding state contracts for services to certain state entities
LB982 (M. Hansen) Change the prohibition on use of state funds for advertising or promotional materials
LB1195 (Morfeld) Change provisions regarding access to public records

Health & Human Services

Room 1510 - 1:00 p.m.

Appointment: Michael Allen Christopher Greene - Rural Health Advisory Commission
Appointment: Michael Sheridan - Board of Emergency Medical Services
LB1185 (Health & Human Services) Change provisions relating to criminal history record information checks for child care staff members
LB837 (Arch) Change provisions relating to background checks under the Child Care Licensing Act and the Children's Residential Facilities and Placing Licensure Act
LB1049 (Bolz) Provide for participation in federal Child Care Subsidy child care assistance as prescribed
LB917 (Wayne) Provide for a diabetes pilot study

Judiciary

Room 1113 - 1:30 p.m.

LB816 (McCollister) Provide for information and training on firearm safety and suicide prevention and place restrictions and requirements on certain transfers of firearms
LB872 (Hunt) Eliminate requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone

COMMITTEE HEARINGS

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

LB958 (Cavanaugh) Change provisions relating to possession or purchase of a firearm by a person convicted of misdemeanor domestic violence or subject to any protection order
LB1221 (Wayne) Change controlled substance schedules for certain federally approved drugs containing derivatives of cannabis

Revenue

Room 1524 - 1:30 p.m.

LB829 (Erdman) Change provisions relating to certain in lieu of tax payments made by the Game and Parks Commission
LB812 (McCollister) Change acceptable ranges and authorize orders for rehearings under the Tax Equalization and Review Commission Act
LB930 (Briese) Require a minimum amount of tax relief under the Property Tax Credit Act
LR284CA (La Grone) Constitutional amendment to eliminate the state income tax over a four-year period

Monday, Feb. 24

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB1024 (Clements) Change provisions of the Intergovernmental Risk Management Act
LB1108 (Gragert) Change provisions relating to property under the Uniform Disposition of Unclaimed Property Act, the School Employees Retirement Act, and the Uniform Residential Landlord and Tenant Act
LB1196 (Morfeld) Adopt the Pharmacy Benefit Manager Regulation Act and require an audit under the Medical Assistance Act

Business & Labor

Room 1524 - 1:30 p.m.

LB927 (Business & Labor) Provide for payment of claims against the state
LB928 (Business & Labor) Deny claims against the state
LB1126 (Vargas) Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act
LB1127 (Vargas) Change and provide

contempt powers for the Nebraska Workers' Compensation Court
LB1128 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act
LB1129 (Vargas) Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act

Education

Room 1525 - 1:30 p.m.

LB1206 (Vargas) Require reporting to the Nebraska Early Childhood Professional Record System
LB1023 (DeBoer) Adopt the Extraordinary Increase in Special Education Cost Act
LB1177 (Hunt) Eliminate oath for teachers and other school employees

General Affairs

Room 1510 - 1:30 p.m.

Appointments: David Hunter; James S. Brummer- State Electrical Board
Appointment: Janelle Beveridge - State Racing Commission
Appointment: Kelly J. Lambert - Commission on Problem Gambling
Appointment: Mark Laughlin - Nebraska Arts Council

Tuesday, Feb. 25

Executive Board

Room 1507 - 12:00 p.m.

LB937 (Brewer) Require the display of tribal flags in the Capitol
LB1197 (Morfeld) Change distribution of legislative journals and session laws to the UNL College of Law

Urban Affairs

Room 1510 - 1:30 p.m.

LB976 (Bolz) Redefine handicapped or disabled person for purposes of handicapped or disabled parking permits
LB1078 (Wayne) Adopt the Municipal Inland Port Authority Act
LB867 (M. Hansen) Adopt the Local Option Municipal Childcare Financing Act
LB1077 (Wayne) Change legislative declarations and findings relating to traffic congestion in municipal areas

Wednesday, Feb. 26

Judiciary

Room 1113 - 1:30 p.m.

LB742 (Blood) Change penalty, sentencing, and hearing application provisions relating to offenses against animals
LB749 (Blood) Adopt the Nebraska Anti-Terrorism Act
LB792 (Slama) Allow for the combination or aggregation of cocaine, base cocaine, heroin, amphetamine or methamphetamine amounts for two or more controlled substance violations
LB793 (Slama) Change penalty and statute of limitation provisions relating to public assistance violations
LB913 (McDonnell) Change arson, trespass, and graffiti provisions
LB1113 (Kolowski) Provide that photographing or recording a peace officer is not obstruction of justice

Thursday, Feb. 27

Executive Board

Room 1507 - 12:00 p.m.

LR282 (Erdman) Recognize Harold Dean Thayer as the original creator of the Tin Roof Sundae and declare the Tin Roof Sundae to be the sundae of the State of Nebraska
LR297 (Hilkemann) Provide each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution included in this resolution be automatically rescinded if the convention is not called on or before January 1, 2021

Judiciary

Room 1113 - 1:30 p.m.

LB750 (Blood) Prohibit discrimination based on military or veteran status
LB1091 (Vargas) Adopt the Face Surveillance Privacy Act
LB1094 (Murman) Change lien provisions on support order judgments
LB1115 (M. Hansen) Change provisions relating to the revocation of instruments under the Nebraska Uniform Real Property Transfer on Death Act
LB1118 (Scheer) Provide for grandparent visitation
LB1190 (Briese) Provide for grandparent visitation when the parents of the child remain married ■

2020 Legislative Session*

Sun	Mon	Tues	Wed	Thur	Fri	Sat
January						
			1	2	3	4
5	6	7	8 DAY 1	9 DAY 2	10 DAY 3	11
12	13 DAY 4	14 DAY 5	15 DAY 6	16 DAY 7	17 RECESS	18
19	20 HOLIDAY	21 DAY 8	22 DAY 9	23 DAY 10	24 DAY 11	25
26	27 DAY 12	28 DAY 13	29 DAY 14	30 DAY 15	31 DAY 16	

Sun	Mon	Tues	Wed	Thur	Fri	Sat
February						
						1
2	3 DAY 17	4 DAY 18	5 DAY 19	6 DAY 20	7 RECESS	8
9	10 DAY 21	11 DAY 22	12 DAY 23	13 DAY 24	14 RECESS	15
16	17 HOLIDAY	18 DAY 25	19 DAY 26	20 DAY 27	21 DAY 28	22
23	24 DAY 29	25 DAY 30	26 DAY 31	27 DAY 32	28 RECESS	29

Sun	Mon	Tues	Wed	Thur	Fri	Sat
March						
1	2 RECESS	3 DAY 33	4 DAY 34	5 DAY 35	6 DAY 36	7
8	9 DAY 37	10 DAY 38	11 DAY 39	12 DAY 40	13 RECESS	14
15	16 RECESS	17 DAY 41	18 DAY 42	19 DAY 43	20 DAY 44	21
22	23 DAY 45	24 DAY 46	25 DAY 47	26 DAY 48	27 RECESS	28
29	30 RECESS	31 DAY 49				

Sun	Mon	Tues	Wed	Thur	Fri	Sat
April						
			1 DAY 50	2 DAY 51	3 DAY 52	4
5	6 DAY 53	7 DAY 54	8 DAY 55	9 DAY 56	10 RECESS	11
12	13 RECESS	14 DAY 57	15 DAY 58	16 DAY 59	17 RECESS	18
19	20 RECESS	21 RECESS	22 RECESS	23 DAY 60	24	25
26	27	28	29	30		

Federal & State Holidays

January 20 – Martin Luther King Jr. Day
 February 17 – Presidents' Day

Legislative Recess Days

January 17
 February 7, 14, 28
 March 2, 13, 16, 27, 30
 April 10, 13, 17, 20, 21, 22

*The Speaker reserves the right to revise the session calendar.

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The colors were posted Feb. 12 by members of the Sons of Union Veterans of the Civil War in recognition of Abraham Lincoln's birthday.