

## Land bank bill stalls on latest attempt

A bill that would allow municipalities throughout Nebraska to create or join land banks stalled during general file debate Feb. 25.

LB424, introduced by Grand Island Sen. Dan Quick, was debated last year but did not advance from general file after a failed cloture motion. The bill would allow any municipality in Nebraska to join an existing land bank—a tax-exempt political subdivision that acquires, manages and develops vacant and tax-delinquent properties—under the Nebraska Municipal Land Bank Act.

Currently, only municipalities in Douglas and Sarpy counties are eligible under state law to create land banks. Under the bill as introduced, only a metropolitan class city could create a stand-alone land bank. Omaha is the state's only metropolitan class city.

The bill also would specify that a land bank is prohibited from levying property taxes.

Quick said blighted properties often are too costly and time consuming for private investors to rehabilitate. Those properties not only are eyesores, he said, but the city must pay to mow lawns and provide police and fire protection for the buildings.

"They sit there and they take down the whole neighborhood," Quick said. "It's becoming costly for communities."

Quick introduced an amendment,

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## Compensation for amateur athletes advanced



Sen. Megan Hunt said only 2 percent of student athletes will go on to earn money as professional athletes.

Nebraska college and university athletes could earn income under a bill advanced from general file Feb. 25.

LB962, sponsored by Omaha Sen. Megan Hunt, would allow college athletes at public and private schools to earn money from their name, image and likeness rights. Only 2 percent of college and university athletes will go on to play professionally, Hunt said.

"I was surprised to learn that 100 percent of student athletes in Nebraska ... are legally prevented from participating in the free market and earning any wages at all for their athletic skills and talents," she said. "LB962 is about the right of every student to work, participate in the free market and to have the same freedoms as their non-athlete peers on college and university campuses."

The bill would prohibit any postsecondary institution or athletic associa-

tion from penalizing or punishing a student athlete who enters into a commercial contract, as long as it does not directly conflict with a team contract.

Student athletes would be required to report any personal contracts to their postsecondary institution and would be barred from wearing a sponsor's apparel or otherwise advertising for the sponsor during official team activities.

LB962 also would allow student athletes to obtain professional representation to negotiate related contractual or legal matters. An athlete could seek civil damages against their postsecondary institution or athletic association if they believe their right to seek compensation has been violated.

Sen. Adam Morfeld of Lincoln supported the measure. The bill is a moderate approach to ensuring fairness for student athletes, he said. Coaches and administrators currently

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# Compensation for amateur athletes advanced

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make millions off of athlete’s hard work, Morfeld said, and student athletes at least should have the ability to earn money from their name, likeness and image.

Omaha Sen. Ernie Chambers also supported the bill, saying it would be a valuable recruiting tool.

“If other schools allow their athletes

to do this and UNL does not, then the players will not come here,” he said. “They will go to a school where they can receive some compensation for misuse or use of their name.”

An amendment offered by Lincoln Sen. Matt Hansen, adopted 26-2, clarified that any compensation earned by a student athlete would be factored into any application for need-based financial aid.

Schools also would have until July 1, 2023, to implement a framework for handling student athlete compensation.

Gretna Sen. Andrew La Grone also offered an amendment that would implement a one-year statute of limitation from the cause of action for any student filing a civil complaint against

his or her school.

Opposing the bill was North Platte Sen. Mike Groene. He said LB962 would transform college athletic recruiting into an inequitable bidding war.

“[Recruiting] will have nothing to do with our facilities or our fan base, it’ll be about the money because we understand that one quarterback can make the difference in a national championship,” Groene said.

Sen. John Lowe of Kearney also opposed LB962. He said it could negatively impact Nebraska schools’ current relationships with their respective athletic conferences.

“If we’re unsure of how conference commissioners will react to this bill, I’m afraid we’ll put our schools at risk of being punished by their conferences,” Lowe said. “Could they decide Nebraska is in violation of our agreement and limit or completely suspend [television] revenue sharing with UNL?”

Following the 31-0 adoption of the La Grone amendment, senators voted 36-4 to advance the bill to select file. ■



Sen. Andrew La Grone said a shorter statute of limitations makes sense given the inherently brief relationship between student athletes and their schools.

## UNICAMERAL UPDATE

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# Land bank bill stalls on latest attempt

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adopted 30-1, that would allow a primary class city to create a stand-alone land bank and would create a system to remove land bank board members for neglect of duty or misconduct.

Sen. John Stinner of Gering supported the bill, saying it would increase the inventory of workforce housing. He said the bill is necessary because the private sector hasn't invested in blighted properties due to the large volume and the high cost of clearing a property's title.

"It's an important bill for western Nebraska and rural Nebraska as well," Stinner said. "It'll clean up some of these towns in disrepair and give them a competitive advantage."

Omaha Sen. Justin Wayne introduced an amendment, adopted 33-0, that would add his LB1178 to LB424. It would prohibit land banks from entering into agreements with nonprofit corporations or other private entities for purposes of temporarily holding real property for those nonprofit corporations or private entities.

Wayne said his amendment would address a specific concern regarding nonprofits in Omaha holding properties for up to five years.

"While those properties were sitting in the land bank...all the issues [of dilapidated properties] were still occurring," Wayne said.

Bellevue Sen. Carol Blood said she supported LB424 because municipalities do not have an effective way to address blighted properties.

"We're talking about an idea that has successfully been done across the



Sens. Dan Quick (left) and Steve Erdman confer during debate on LB424.

country," Blood said. "Michigan and New York have been able to recapture 50 percent of the taxes on properties returned to the tax rolls [within] five years."

Sen. Steve Erdman of Bayard opposed the bill. He said he didn't think individuals or entities would purchase properties renovated under a land bank.

"I am opposed to government owning property," Erdman said. "If a private investor can't take that property and make it work, why would it be that the government can do that?"

Also speaking in opposition was Sen. Mike Hilgers of Lincoln. Dilapidated properties are a problem, he said, but he asserted that the bill is too broad and contains many loopholes, including not prohibiting the immediate family of a land bank board member from benefiting from a sale.

"The conflict of interest provision also doesn't touch, in any way, any of the investments that are authorized from the land bank," Hilgers said.

Hilgers offered several amendments to address his objections. The first would remove from the bill a clause to enable a land bank to bid on a property that is not blighted but is adjacent to a property that the land bank already owns.

The amendment failed on a 19-24 vote. Twenty-five votes were needed.

After three hours of debate, the Legislature moved on to the next item on the agenda without voting on LB424 or any pending amendments. Per a practice implemented by Speaker Jim Scheer, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate. ■

## BUSINESS & LABOR

### Resilience training; PTSD injury claims for first responders advanced

Senators gave first-round approval Feb. 26 to a bill meant to address the mental health strain experienced by emergency first responders.

LB963, sponsored by Gordon Sen. Tom Brewer, would provide first responders with opportunities to receive resilience training to help prevent or mitigate the effects of post-traumatic stress disorder.



Sen. Tom Brewer

The bill is necessary, Brewer said, because failing to identify PTSD can have fatal consequences.

"It's important that we're not just treating [PTSD], but that we also have a way to follow up and ensure they have a path [forward] to get better," he said.

The bill would allow first responders to establish a presumptive case of PTSD from cumulative injury or stress as a personal injury for workers' compensation purposes.

To establish such a case, the first responder must show that he or she: underwent a mental health examination before the onset of the mental injury or illness, obtained testimony from a qualifying mental health professional that he or she suffers from a mental injury or illness and participated in resilience training prior to the onset of the mental injury or illness and annually thereafter.

The state Department of Health and Human Services would reimburse first responders for resilience training if their employers do not.

Under LB963 as originally in-

troduced, a practicing physician, psychologist, physician assistant, advanced practice registered nurse, mental health practitioner or clergy member all would be qualified to render an official diagnosis of PTSD.

A Business and Labor Committee amendment, adopted 37-0, narrowed the definition of a mental health professional to include only state-licensed practicing physicians, psychologists and mental health practitioners.

The amendment also clarified that a mental injury or illness must have arisen from conditions of employment.

Omaha Sen. Mike McDonnell supported the measure. First responders see and experience things while on duty that take an incredible toll on their mental health and will stay with them for the rest of their lives, he said, leading some to commit suicide.

"They love the job and they love serving," McDonnell said. "They don't want to leave their families but they did because they couldn't handle it."

Sen. Carol Blood of Bellevue also spoke in support of LB963. Statistics do not capture fully the number of PTSD-related deaths of first responders, she said, because of the social stigma surrounding mental health issues.

"It's not reasonable to ask our first responders to bear the heavy burdens of duty-induced trauma without giving them the help and the means that they need to cope," Blood said.

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

## EDUCATION

### Additional requirements for school bullying policies proposed

The Education Committee heard testimony Feb. 25 on a bill that would

require school district bullying policies to include certain information and procedures.

Current law requires school districts to develop, adopt and annually review a bullying prevention and education policy.

Bennington Sen. Wendy DeBoer, sponsor of LB967, said the law does not provide specific guidance on drafting those policies, which could result in school districts leaving out key provisions.



Sen. Wendy DeBoer

The bill would require such policies to contain a clear definition of bullying and a clear statement that the school district prohibits harassment, intimidation, bullying and cyberbullying on school grounds, in any school vehicle or at any school-sponsored activity or athletic event.

LB967 also would require procedures for reporting and investigating any act of bullying and for ensuring that the parents or guardians of any student involved in an investigation are notified.

Policies also would have to prohibit reprisal or retaliation by any student or school district employee against any person who reports an act of bullying, provides information during an investigation or who witnesses or has reliable information about an act of bullying.

Additionally, the bill would require each school district to make its policy available to all parents, guardians, school employees and students in a handbook and on the school's website.

Maddie Fennell, executive director of the Nebraska State Education Association, testified in support of LB967. She said social media has become a tool for bullies by allowing them to

say things using an impersonal device that they would never say in person.

“It is crucial that our school districts have comprehensive policies that include cyberbullying as a behavior that can and will be addressed by schools,” Fennell said.

Also testifying in support was Andrew Aleman on behalf of GLSEN Omaha. He said a 2017 GLSEN survey found that the vast majority of Nebraska LGBTQ students had heard anti-LGBTQ remarks from school staff members and other students and that most had experienced verbal or physical assault while at school due to their sexual orientation, gender expression or gender.

“Most felt that they were unable to report, which further shows the importance of clearly defined policies and procedures when bullying is present and reported,” Aleman said.

Rose Godinez of the ACLU of Nebraska also testified in support of LB967. She said complaints from across the state indicate that Nebraska schools continue to have a bullying problem despite the anti-bullying law.

Godinez said the bill would incorporate several best practices adopted by other states, such as allowing students to anonymously report bullying and prohibiting retaliation against those who report it.

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

**State funds for large special ed cost increases considered**

The Education Committee heard testimony Feb. 24 on a bill that would pay schools up front for large, unexpected increases in special education costs.

Under LB1023, introduced by Bennington Sen. Wendy DeBoer, school

districts could apply to the state Department of Education for a payment to cover an extraordinary increase in special education costs.

A school district would qualify for the payment if its special education budget for the current school fiscal year exceeds the special education budget of the preceding year by at least 7 percent.

The bill states legislative intent to appropriate \$3 million for fiscal year 2020-21 to a new fund from which the department would make the payments to school districts.

DeBoer said the state currently reimburses schools for 45 to 50 percent of their special education costs. Because those payments are made in arrears, however, it can be difficult for districts to respond to unexpected cost increases after they have set their budgets, she said.

DeBoer said LB1023 particularly would benefit small, rural districts, where the enrollment of only one or two students identified as having special needs can have a disproportionate effect on the budget.

Jack Moles testified in support of the bill on behalf of the Nebraska Rural Community Schools Association and the Nebraska Council of School Administrators. In a recent informal poll of member districts, he said, 30 of 48 respondents had enrolled at least one special needs student within the past two years, causing a substantial increase in those districts’ special education costs.

Moles said rural districts often have to start a special education program from scratch when a special needs student enrolls, unlike larger districts that can benefit from economies of scale. Rural districts also have higher transportation costs, he said.

Suzanne Sapp testified in support of LB1023 on behalf of the Ashland-

Greenwood Public Schools board and the Nebraska Association of School Boards. Helping schools pay for unusual increases in special education expenses would ensure that they do not have to cut programs that serve the rest of the student population, she said.

In recent years, Sapp said, Ashland Greenwood paid \$7,000 per year for a vision specialist, as well as \$30,000 for special equipment, to ensure that a student with a degenerative eye disease could continue her education. It also paid approximately \$100,000—in addition to transportation and staff costs—to send four students to a Boys Town day school program.

“LB1023 provides an avenue of funding which is much needed by schools who, like us, can’t possibly plan for what we may encounter after [our] budgets have been set,” she said.

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

**School panic button program proposed**

The state Department of Education would develop an app-based system for public schools to notify users of active shooters and other emergencies under a bill considered Feb. 25 by the Education Committee.

LB1156, introduced by Omaha Sen. Tony Vargas, would require the department to make a statewide panic button program available to public elementary and secondary schools by Sept. 30, 2020. The department would assume the cost of implementing the technology.

Vargas said an integrated system



Sen. Tony Vargas

that, at the touch of a button, would notify first responders and school staff of an emergency could save lives in many situations, not just active shooter events.

In developing the program, the department would contract with one or more technology providers that have successfully deployed technology for a school panic button program on a statewide basis.

The technology would have to be usable through a mobile telephone app-based system that is able to be integrated with a public safety answering point.

The system would have to be able to place a standard voice call to 911; allow the 911 system to send follow-up messages; and send short message service text messages, email and push notifications to authorized users at a school, among other requirements.

The system also would have to automatically present information from a school, including floor plans and building information, to the 911 caller when a 911 call or panic button activation occurs.

LB1156 states legislative intent to appropriate \$2 million to the department for fiscal year 2020-21 to implement the bill.

Adam Eisenman of Rave Mobile Safety testified in support, saying the company has deployed similar panic button systems in Arkansas, Delaware, Louisiana and Oklahoma.

Eisenman said the systems are not meant to replace or duplicate the 911 system but to allow for a faster and more effective emergency response and to immediately inform teachers, administrators and other school staff of the nature of an emergency.

Dan Schleusener testified in opposition to LB1156 on behalf of the Buffalo County Sheriff's Office and the Nebraska Sheriffs' Association.

Sheriffs do not oppose the concept of a panic button system, he said, but the bill would limit the number of vendors that could bid for the proposed project.

Schleusener said Buffalo County already has created a safe schools hotline and recently received a federal grant to expand the program.

"We would like to see something more ... like a grant system, which would be based on a per-pupil cost per school district to ensure equitable funding and allow these localities that already have proven and established relationships [to] determine what fits best for them," he said.

Nick Paden testified in opposition to the bill on behalf of Diode Technologies, a Nebraska-based company that sells staff alert systems and pepper gel canisters for public elementary and secondary schools. He said LB1156 would prevent smaller companies like Diode from being considered for the program.

"With local companies already providing security services in Nebraska," Paden said, "Diode feels the bill is unnecessary and would create state-sanctioned competition."

Maddie Fennell, executive director of the Nebraska State Education Association, provided neutral testimony on the bill. Teachers would appreciate another tool they could use in an emergency, she said, but several issues would need to be addressed before the program could be implemented.

For example, Fennell said, schools cannot require employees to download an app on a personal device, some schools restrict teachers' access to phones during the school day and others lack reliable cell service or internet connectivity.

The committee took no immediate action on LB1156.

## Repeal of teacher oath, pledge considered

The Education Committee heard testimony Feb. 24 on a bill that would repeal a requirement that teachers and certain other school personnel take an oath to uphold the Constitution.

Current law requires teachers and other school employees paid from public school funds to swear that they will support and defend the U.S. Constitution and the Nebraska Constitution and that they do not advocate—and are not a member of any political party or organization that advocates—the overthrow of the U.S. or state governments.

LB1177, introduced by Omaha Sen. Megan Hunt, would exempt teachers and other school personnel from that requirement.



Sen. Megan Hunt

The bill also would repeal a law requiring public school teachers and other employees paid from public school funds to sign a pledge in which they acknowledge it to be their duty to inculcate students, in part, with "a love and devotion to the policies and institutions that have made America the finest country in the world in which to live."

Hunt said the laws were passed at the height of the second Red Scare, when states around the country implemented loyalty oaths for public officials out of fear of communism.

The U.S. Supreme Court has since held that public employees cannot be required to sign or take oaths as a condition of employment and that attempting to mandate the personal beliefs of teachers and students violates the Constitution, she said.

"Teachers have academic freedom and may teach from a wide range of

materials and, so long as they instruct consistent with a teaching curriculum and comply with all other conditions of employment, they should not be subjected to a political or patriotic purity test," Hunt said.

Spike Eickholt of the ACLU of Nebraska testified in support of LB1177, saying it would update or repeal statutes that are vague, unworkable and unconstitutional.

He said current law requires all public employees paid with public funds, not only teachers and those paid from public school funds, to take the oath, although state agencies do not seem to enforce it. However, Eickholt said, the ACLU occasionally receives reports of school districts requiring teachers to take the oath and sign the pledge.

"Some districts seemingly aren't enforcing it," he said. "Some are applying it sort of haphazardly."

Also testifying in support was Brian Halstead of the state Department of Education. He said requiring teachers to take an oath or sign a pledge is inconsistent with their First Amendment rights of freedom of speech and freedom of belief.

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

## EXECUTIVE BOARD

### Bill would require tribal flag display

The Executive Board heard testimony Feb. 25 on a bill that would require display of tribal flags in the Nebraska State Capitol.

Under LB937, sponsored by Sen. Tom Brewer of Gordon, flags representing the four federally recognized tribes

with headquarters in the state—the Omaha Tribe of Nebraska, Ponca Tribe of Nebraska, Santee Sioux Nation and Winnebago Tribe of Nebraska—would be displayed in the George W. Norris Legislative Chamber.



Sen. Tom Brewer

The bill also would require that the flags of any Indian tribe with historical and regional connections to Nebraska be displayed in the Memorial Chamber on the Capitol's 14th floor.

The state's Commission on Indian Affairs would be charged with obtaining the flags through donation from the tribes.

Native American culture long has influenced Nebraska, Brewer said, including providing the state's name and that of its largest city, Omaha. Recognition of the sovereign tribes through the display of their flags is "long overdue," he said.

"[LB937] is a chance to say that we appreciate the history that Nebraska has with native tribes," Brewer said.

Larry Wright Jr., chairperson of the Ponca Tribe of Nebraska, testified in support of the bill. He said the proposal would build upon recent, positive steps that the Legislature has taken to recognize native people—including voting to place a statue of Chief Standing Bear in the U.S. Capitol to represent the state.

"This may not seem big in all the work that you need to do as a state legislature and all the other issues that are going on, but we think this small step has huge ramifications for our people and what it means to our tribal citizens [who] are also citizens of Nebraska," Wright said.

Also testifying in support was Leo Yankton, a national speaker and member of the Oglala Lakota Nation. Yankton said he encounters many in-

dividuals who don't realize that native people still exist in Nebraska. The bill would provide an opportunity to teach people about the state's native population and its recognized tribes, he said.

"I believe that this has an educational aspect to it as well," Yankton said. "I'm actually excited about the fact that I can speak to you about this because it shows how much we're growing together—how much we're becoming one nation like we are supposed to be."

No one testified in opposition to LB937 and the committee took no immediate action on the bill.

## GOVERNMENT, MILITARY & VETERANS AFFAIRS

### State contract authority changes advance

A bill that would change state purchasing processes advanced from general file Feb. 24.

LB790, sponsored by Sen. Julie Slama of Peru, would allow the state Department of Administrative Services to join competitively bid group contracts entered into with political subdivisions of other states rather than seeking new bids for an independent contract.

The bill would authorize the state purchasing bureau to negotiate the terms of such contracts.

Slama said the change would save the state money and provide the flexibility necessary to respond to emergencies. She said that during last year's flooding, mobile hand-washing stations were deployed to towns with compromised water supplies through



Sen. Julie Slama

a contract between Nebraska political subdivisions and a political subdivision out of state.

“[The state] couldn’t enter into that contract because the political subdivision was in another state,” Slama said.

During previous debate, Sen. Mark Kolterman of Seward opposed the bill, saying it would give DAS authority to evade competitive bidding laws. Since then, DAS representatives eased his concerns, Kolterman said, enabling him to support LB790.

Sen. Justin Wayne of Omaha said he opposed the bill because it could allow the state to ignore competitive-bidding processes and possibly cause contracts to be awarded to out-of-state businesses.

“This bill is not Nebraska-business friendly,” Wayne said.

Slama introduced an amendment that would add LB890, sponsored by Lincoln Sen. Mike Hilgers, to her bill. The provisions would allow political subdivisions to use a design-build contract method—in which design and construction contracts are bid simultaneously rather than sequentially—for water infrastructure projects.

The amendment was adopted 31-1 and LB790 advanced to select file on a vote of 32-1.

**Bill would end appointment of election commissioners**

County election commissioner would be an elected position under a bill considered Feb. 27 by the Government, Military and Veterans Affairs Committee.

LB1022, introduced by Lincoln Sen. Matt Hansen, would require election commissioners to be elected and eliminate the position of deputy election commis-



Sen. Matt Hansen

sioner. Currently, the governor appoints election commissioners in counties of at least 100,000 residents and the commissioner appoints a deputy.

The bill also would require any county with a population between 20,000 and 100,000 to elect its commissioner if the county chooses to create the position. Currently, counties of that size may have a county clerk—an elected position—handle the duties of an election commissioner.

Seven Nebraska counties have appointed election commissioners, Hanson said. He cited a recent opinion issued by Nebraska Attorney General Doug Peterson asserting that the state constitution requires county election commissioners to be elected.

“It’s very clear that we have this constitutional provision that says all county officers shall be elected,” Hanson said.

Westin Miller of Civic Nebraska testified in support of the bill. He said the attorney general has filed a lawsuit to overturn the practice of appointing election commissioners—a case that likely will go before the state supreme court.

If the court strikes down the appointment of election commissioners, it could force county clerks in larger counties to administer an election in addition to their regular duties, Miller said.

“This is going to be an administrative burden that is enormous on the county clerks, potentially right before the 2020 election,” he said.

Nebraska Secretary of State Bob Evnen, who is the defendant in the attorney general’s lawsuit, testified against LB1022. He said the court case should be allowed to continue.

“This legislation is premature,” Evnen said. “You ought to wait.”

Mary Boschult, president of the League of Women Voters of Lincoln

and Lancaster County also testified against the bill. She said election commissioners should not have to raise money and campaign for their jobs.

“What might the donors expect for that contribution?” Boschult said.

The committee took no immediate action on the bill.

**Constitutional amendment would allow prisoners to vote**

Individuals convicted of most felonies in Nebraska would no longer lose their right to vote under a constitutional amendment considered Feb. 26 by the Government, Military and Veterans Affairs Committee.

LR286CA, introduced by Sen. Machaela Cavanaugh of Omaha, would allow Nebraskans convicted of a felony other



Sen. Machaela Cavanaugh

than treason to retain their voting rights. Under current state law, those convicted of a felony have their voting rights restored two years after completing their sentence or probation.

The amendment, if approved by the Legislature, would appear on the general election ballot in November.

Cavanaugh said disenfranchisement of felons can be traced back to post-Civil War efforts to prevent blacks from voting.

“The result was the mass incarceration of African Americans who, having recently been granted a voice in their own government, had it taken away from them,” Cavanaugh said.

Jasmine Harris of RISE—a nonprofit that helps those released from prison transition back into society—testified in support of the bill. Restoring voting rights helps former prisoners feel more a part of their community and reduces



recidivism, she said.

“Working with people who are incarcerated has shown me that they are more engaged with what’s going on in their government than many who have never been incarcerated,” Harris said. “Being allowed to exercise a right, like voting, is not only the right thing to do, it is humane.”

Gavin Geis, executive director of Common Cause Nebraska, also testified in support. He said disenfranchising those who have committed a felony does not serve as a deterrent to criminal behavior nor does it “even the score” on behalf of crime victims.

“Are we rehabilitating ... these people by not allowing them to participate?” Geis said. “By rejoining individuals to our communities, that’s rehabilitation.”

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

**Voter ID constitutional amendment considered**

Nebraskans would decide if voters must present photo identification under a constitutional amendment discussed Feb. 27 by the Government, Military and Veterans Affairs Committee.

LR292CA, introduced by Sen. Andrew La Grone of Gretna, would require voters to show a photo or digital image of themselves at the polls on Election Day. Acceptable types of identification would be determined by the Legislature under the proposal.

The amendment, if approved by the Legislature, would appear on the general election ballot in November.



Sen. Andrew La Grone

La Grone said requiring voter identification would increase confidence in election results while still allowing all registered voters to be included in the electoral process.

“I believe this can be done without disenfranchising a single voter,” La Grone said.

Nebraska Secretary of State Bob Evnen testified in support of the resolution. He said voter ID is a “matter of common sense” that has broad support in Nebraska. Evnen said there is no evidence of widespread voter fraud in Nebraska, but requiring identification would add security to elections.

“If you wait for your election systems to become corrupted, you can never recover,” Evnen said.

Doug Kagan of Nebraska Taxpayers for Freedom also testified in support. He said anyone could impersonate a registered voter at a polling site simply by giving that person’s name or address.

“One now must present an ID to rent a movie or a vehicle, cash a check or board a plane,” Kagan said.

Susan Gumm also supported the proposal, saying many states require voter ID.

“Voter fraud is a very real and ongoing threat to the integrity of the electoral process,” Gumm said. “Every Nebraskan must be able to trust the election process and the result.”

Margaret Fisher testified in opposition to LR292CA. She said she personally knows three Nebraskans who do not have a photo ID and could be disenfranchised under the proposal.

“Our voting system works. Leave it alone,” Fisher said.

Sheri St. Clair, testifying on behalf of the League of Women Voters of Nebraska, opposed the proposal. She said it would place a burden on poll workers to determine if a voter matched their ID photo.

“What if the person’s appearance is different from when they had the photo [taken]? They grew a beard, or shaved a beard, for example,” St. Clair said.

Jaden Perkins also spoke against LR292CA. He said voter ID proposals are an “attack” on voting rights, tantamount to a poll tax. The proposal would affect non-whites disproportionately, he said, as they are roughly three times more likely than whites to lack photo identification.

“We cannot afford a voter ID bill in Nebraska,” Perkins said. “Nebraska shouldn’t be participating in destroying democracy.”

Vickie Young, president of the Omaha branch of the NAACP, also testified against the resolution. She said there is no evidence of voter fraud in Nebraska that would justify “offensive” legislation.

“We find the Nebraska Legislature attempting to eviscerate people’s right to vote,” Young said. “[Voter ID] will not solve a problem that does not exist.”

The committee took no immediate action on LR292CA.



**Bill would limit Medicaid waiver applications**

A bill that would prevent Nebraska from seeking waivers from the federal government for programs related to people eligible under Medicaid expansion was considered Feb. 27 by the Health and Human Services Committee.

LB815, introduced by Lincoln Sen. Adam Morfeld, would prohibit the state from applying for or implementing a Section 1115 waiver—a federally

granted exemption enabling states to have more flexibility in creating a state-administered Medicaid program—concerning any experimental, pilot or demonstration project applicable to the Medicaid expansion population.



Sen. Adam Morfeld

Morfeld said he introduced the bill in response to the state Department of Health and Human Services announcement that it has applied for a waiver to establish a two-tiered system for Medicaid expansion. Under the waiver, newly eligible Nebraskans will be required to meet work and wellness requirements, he said, and the expansion that was approved by voters in 2018 won't be implemented until Oct. 1, 2020.

Morfeld said the public response to the new waiver program was “overwhelmingly negative” and that its implementation would ignore voters’ intent.

“It is an option that the department is pursuing that makes it overly burdensome and complex for those who just want to see a doctor, and I think it is in violation of the law,” he said.

Jeannette Jones-Vazansky of the Lincoln alumnae chapter of Delta Sigma Theta Sorority testified in support of the bill. She said the waiver program creates barriers that would prevent Nebraskans from obtaining medical care.

“Passing LB815 is an opportunity to assure health care access to thousands of Nebraskans without burdening them with excessive requirements,” Jones-Vazansky said.

Tiffany Friesen Milone of the Open-Sky Policy Institute also testified in support. She said DHHS has estimated that the two-tiered system would cost

about three times more in administrative costs than an expansion without additional requirements. A federal Government Accountability Office report showed that taxpayers have spent \$408 million on similar programs in five states, Friesen Milone said.

“All these costs are significant and unnecessary,” she said.

Andy Hale of the Nebraska Hospital Association also testified in support of the bill. He said the proposed Medicaid expansion does not include dental coverage, which could impact other health issues.

“Studies have shown a strong association between oral health and illnesses such as heart disease, diabetes and cancer,” Hale said.

Jeremy Brunssen, interim director of the DHHS Division of Medicaid and Long-Term Care, testified against LB815. He said an 1115 waiver is central to the state’s Medicaid expansion and undoing it would “discard months of progress” toward the Oct. 1 launch date due to staff retraining and computer reprogramming.

“If this bill were to go into law, we would need to significantly change our approach,” he said, “and [that] could delay the beginning of the benefits many Nebraskans need.”

The committee took no immediate action on the bill.

### Clarification of medical assistant duties sought

The Health and Human Services Committee heard testimony Feb. 26 on a bill that would clarify the assignment of tasks by a physician or osteopathic physician under the Medicine and Surgery Practice Act.

LB838, introduced by Sen. John Arch of La Vista, specifically would allow individuals who are not licensed, certified or registered under

the Uniform Credentialing Act to be assigned tasks if done in a manner consistent with accepted medical standards and appropriate to the skill and training of the persons to whom the tasks were assigned.



Sen. John Arch

Arch said he introduced to bill to “clear up confusion” about the assignment of tasks to non-medical personnel that currently exists in state law.

Michael Israel testified in support of the bill on behalf of the Nebraska Medical Association. He said LB838 would clarify the role of medical assistants, whose duties often include obtaining a patient’s height and weight, sterilizing equipment and maintaining patient medical files.

“These are the tasks that make a clinic run more efficiently,” Israel said.

Rita Weber, representing the Nebraska Nurses Association, also testified in support. She said the tasks non-licensed personnel perform are routine and pose little risk to patients.

“We’re comfortable that this [bill] will not give authority to anyone to practice a profession that they’re not licensed to practice,” Weber said. “It doesn’t give authority for others to practice nursing that are not lawfully authorized to practice nursing.”

No one testified against LB838 and the committee took no immediate action on it.

### Indoor e-cigarette ban amended, advanced

Electronic smoking devices would be banned inside public buildings under a bill advanced from general file Feb. 27.

LB840, as 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.

The vapor released by electronic cigarettes is unsafe, Quick said, exposing non-smokers to health risks.

“Our citizens deserve clean air to breathe,” he said.

Sen. Machaela Cavanaugh of Omaha spoke in support of the bill. She said secondhand vapor can be detrimental to people who, like her six-year-old daughter, have asthma.

“My child’s health and life should not be put in jeopardy because of a recreational activity of someone else,” she said.

Sen. John Lowe of Kearney spoke in opposition to the bill. He said the definition of electronic smoking device was too broad and could include humidifiers or aerosol products used in public.

Quick introduced an amendment, adopted 34-1, to narrow the definition to an electronic nicotine delivery system, which would mirror the definition placed in state law last year. The change would exclude devices like asthma inhalers from the bill, Quick said, adding that more work would be done before the next round of debate.

Sen. Mike Groene also opposed the bill, saying it could hurt vape shops. Most of the recent fatalities from vaping, he said, were caused by people vaping marijuana, not using regulated cartridges sold in stores.

“Let’s not demonize everything,” Groene said.

A Health and Human Services Committee amendment would exempt licensed retail outlets that sell vaping products from the Nebraska Clean Indoor Air Act, enabling vape



Sen. Dan Quick

shop customers to sample products. A qualifying outlet would be restricted to individuals 21 and older that sells only electronic smoking devices and related products.

The committee amendment was adopted 29-4 and lawmakers advanced LB840 to select file on a vote of 31-2.

### Maternal health care changes sought

The Health and Human Services Committee considered a bill Feb. 26 that would make several changes to state law regarding health care delivery for pregnant women and new mothers.

LB 1170, introduced by Omaha Sen. Machaela Cavanaugh, would:

- extend Medicaid postpartum coverage from 60 days to one year;
- expand Medicaid coverage to include the services of a doula—a non-medical professional who assists a pregnant woman during and after labor;
- require the state Department of Health and Human Services to develop and provide instruction to all health care professionals regarding health screenings for maternal hypertension, gestational diabetes and obesity;
- require all individuals licensed or credentialed under the Uniform Credentialing Act to complete implicit bias training approved by DHHS; and
- create a pilot program to study racial disparity across socioeconomic groups and social determinants of health for pregnant women and mothers.



Sen. Machaela Cavanaugh

Cavanaugh said maternal mortality rates have risen in the United States at a time when it is declining in the rest of the world.

“African American women have borne the brunt of this,” she said. “It is not the education or the financial background of the mother that is the problem, it is society’s bias in our health care system.”

Julia Isaacs Tse of Voices for Children in Nebraska testified in support of the bill. She said black and Native American mothers have a much higher mortality rate than do white mothers.

“Health disparities for women of color are the result of a range of systematic barriers that have deep, historical roots in our nation that include [lack of access] to reproductive health care, exposure to chronic stress well before that woman becomes pregnant and the availability of quality hospitals in communities of color,” Isaacs Tse said.

Also speaking in support was Becky Sherman of Douglas of Lincoln. She said she has assisted mothers in more than 80 births and employed a doula for the birth of her own children. Doulas act as advocates for mothers and enhance communication between a health care provider and a pregnant woman, Sherman said.

“The presence of a doula reduces the need for interventions, pain-relief medications, instrument delivery and caesarean delivery,” she said.

Jeremy Brunssen, interim director of the DHHS Division of Medicaid and Long-Term Care, testified against the bill. He said DHHS does not oppose creating implicit bias training, although it would increase the department’s costs.

The department does oppose changing Medicaid requirements, Brunssen said. He said the current, 60-day postpartum Medicaid coverage

period is a federal requirement and that changing it would require the state to seek a waiver.

“LB1170 would change Medicaid eligibility for pregnant women in a way that goes beyond federal law and will not allow the state to maximize federal funding,” Brunssen said.

The committee took no immediate action on the bill.

## JUDICIARY



### Combination of certain drug offenses proposed

The Judiciary Committee heard testimony Feb. 26 on a bill that seeks to expand drug enforcement in the state.

LB792, sponsored by Peru Sen. Julie Slama, would allow quantities of cocaine, base cocaine, heroin, amphetamine or methamphetamine to be combined for two or more controlled substance violations.



Sen. Julie Slama

Rural Nebraska still struggles with extensive abuse of methamphetamine, Slama said, and the bill could help put dealers behind bars.

“Our current statutory framework is very strong in the state of Nebraska with mandatory minimum [sentences] in place for [possession] in excess of 10 grams,” she said. “But many who get busted for dealing meth know how to play the system and keep their dealings just below the threshold of 10 grams per transaction to avoid a felony charge [sufficient for] a mandatory minimum.”

The bill would clarify that the violations must occur in approximately the same location over a time period not to exceed 90 days and be attributable

to a single scheme, plan or conspiracy.

Corey O’Brien, speaking on behalf of the state attorney general’s office, supported LB792. It would give prosecutors additional options to charge drug dealers, he said.

“When we encounter drug dealers or cartel members who are selling large amounts of narcotics, rather than charging them with multiple counts ... [we could] aggregate the amounts of narcotics, similar to what we already allow for theft crimes in terms of monetary amounts,” O’Brien said.

Also supporting the bill was Lynn Gray of Nebraska City. Her son died after taking a toxic combination of methamphetamine and fentanyl, she said, but the woman who gave him the drugs remains free.

“This repeated offender killed someone, went right back to drug dealing, got arrested not once but twice in one week and now is free to continue making unfair and illegal profit,” Gray said. “We must arrest the dealer, not the addict.”

Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association, opposed the measure. He said it could lead to unfair application of the law.

“The impact of this law is that it will allow prosecutors—at their discretion—to aggregate amounts to get to the mandatory minimum [level of possession],” Eickholt said.

The committee took no immediate action on LB792.

### Ban on facial recognition evidence considered

Members of the Judiciary Committee heard testimony Feb. 27 on a proposal to protect personal privacy.

Under LB1091, introduced by Omaha Sen. Tony Vargas, data or evidence derived from the use of facial recognition technology could not be

used as evidence in any trial, hearing or other proceeding before any court, grand jury or other authority subject to state jurisdiction.



Sen. Tony Vargas

Facial recognition technology often misidentifies people of color, women, children and seniors, Vargas said, sometimes by as much as 10 times more often than white men.

“The biggest danger, in the most extreme circumstance, is that the use of this technology could lead to a dystopian society where facial recognition technology will be used as a tool of oppression for general and suspicionless surveillance systems,” he said.

Any person aggrieved under the bill could bring a civil action against the governmental entity committing the violation.

Spike Eickholt, representing the ACLU of Nebraska, supported LB1091. Regulations are needed, he said, because we live in an age of rapidly evolving technology.

“[We] are concerned with digital privacy and the rights of people to be free from constant surveillance undertaken by their government and other entities,” Eickholt said.

Opposing the bill was Drake Jamali, representing the Security Industry Association. The use of facial recognition technology is lawful, ethical and nondiscriminatory, he said, and has increased public safety and aided in criminal investigations.

The committee took no immediate action on the bill.

### Visitation rights proposed for grandparents

The Judiciary Committee held a joint hearing Feb. 27 on two propos-

als to ensure the visitation rights of grandparents.

LB1118, sponsored by Norfolk Sen. Jim Scheer, would allow grandparents to seek visitation of a grandchild if the parents of the child have denied visitation.



Sen. Jim Scheer

Scheer said that he would have no legal standing under existing statute to seek visitation of his grandchild if his child is married.

“However, if my child is not married and has a child with a significant other and I want to visit that child, according to our statute, because they’re not married, I now have standing with the court,” he said. “I don’t see what a marriage certificate has to do with [visitation rights].”

Speaking in support of the bill was Leon Weiland of Madison. Raising his granddaughter with his wife for 8 years gave the two no legal standing to seek visitation, he said, once their daughter remarried and revoked access to their granddaughter.

“I don’t believe every grandparent should have access to their grandchildren, but we should at least have access to the [courts,]” Weiland said.

Kathryn Putnam, representing the Nebraska State Bar Association, opposed LB1118. She said it would allow the court system to intervene and second guess access decisions made by parents.

“The bill as written seeks to allow grandparents to reach into an intact home with married parents who mutually made the decision to not allow access, and to initiate court proceedings against that married couple to force them to defend their decision to [stop visitation],” Putnam said.

Committee members also heard testimony on LB1190, sponsored by Albion

Sen. Tom Briese, which would provide similar protections for grandparents seeking visitation rights.



Sen. Tom Briese

The committee took no immediate action on either bill.



**Lawmakers urge Corps to prioritize flood control on Missouri**

The Legislature voted Feb. 27 to urge Congress and the U.S. Army Corps of Engineers to make flood control a top priority when managing water systems under their authority in the Missouri River basin.

Sen. Julie Slama of Peru, sponsor of LR288, said flooding along the Missouri River in 2019 devastated many Nebraska communities. She said much of that flooding was due to a “systematic failure” by the Corps, which has authority over many levee systems in Nebraska as well as a network of six dams used to manage water flows in the Missouri River basin.

Although the Legislature cannot require the Corps to change its master water control manual for the basin or to update its levee standards, Slama said, LR288 would signal to Congress and the Corps that the lives and livelihoods of Nebraskans who live along the river deserve priority.

“Until the Corps of Engineers prioritizes flood control, makes investments to update levee standards and starts taking our concerns seriously ... these towns along the Missouri River will continue to be flooded,” she said.

The resolution states that the

Corps should prioritize flood control over fish and wildlife protection when creating future manuals and updating levee standards. A copy of the resolution would be sent to the Corps and to each member of Nebraska’s congressional delegation.

Creighton Sen. Tim Gragert supported the resolution.

“With the extreme weather events we have experienced,” he said, “I believe it is important for the Corps to reevaluate their master manual and place flood control as a top priority in managing the reservoir system on the Missouri River.”

Sen. Ernie Chambers of Omaha opposed the resolution, saying that the Legislature cannot require the Corps or Congress to act.

“[LR288] doesn’t help anybody, doesn’t hurt anybody, doesn’t cost anything, doesn’t do anything,” he said.

Senators voted 43-1 to adopt the resolution.



**Electric vehicle charging station tax credit proposed**

The Revenue Committee heard testimony Feb. 26 on a bill intended to help build a statewide network of electric vehicle charging stations.

LB1162, introduced by Lincoln Sen. Anna Wishart, would provide for a nonrefundable state tax credit for individuals and certain businesses that install a metered-for-fee, public access re-charging system for motor vehicles that are propelled in



Sen. Anna Wishart

whole or in part by electricity.

As more Nebraskans buy EVs during the next decade, Wishart said, state gas tax revenue will decrease.

She said Nebraska should incentivize private companies to build a charging station network because it would ensure that the state has a way to collect tax revenue from Nebraska residents and out-of-state motorists.

“What will happen if we don’t start incentivizing convenience stores and private businesses to develop EV infrastructure is that we will have more EVs in our state without having the ability to capture the revenue needed to address wear and tear on our roads and bridges,” Wishart said.

A person subject to state income tax, an insurance company subject to premium and related retaliatory taxes or a financial institution subject to the franchise tax could apply to the state Department of Revenue for the credit.

Credits would be equal to 75 percent of the cost of installing a charging station that is placed in service during 2020 or 2021, and the department could approve up to \$25 million in credits under the program.

The department estimates that the bill would result in 150 to 200 new charging stations and reduce state tax revenue by \$1.6 million in fiscal year 2020-21, \$4.5 million in FY21-22 and \$3.7 million in FY22-23.

LB1162 would require those claiming the credit to file an annual report with the state Department of Environment and Energy. Each report would include the number of charging events, the number of unique vehicles that were charged, the total kilowatt-hours dispensed during each charging event and the average kilowatt-hours dispensed for all charging events during the reporting period.

Wishart said the data would help the state better understand EV use

among Nebraskans.

David Jankowsky of Francis Renewable Energy testified in support of the bill. He said his company recently finished building a network of more than 100 charging stations across Oklahoma with the help of a \$30 million state tax credit program.

He said such stations can cost up to \$420,000 to install and take years to turn a profit, making a public-private partnership necessary for building a viable statewide network.

No one testified in opposition to LB1162 and the committee took no immediate action on it.

## URBAN AFFAIRS

### Bill to expand cities’ borrowing ability advances

A bill that would allow cities and villages to borrow money after a calamity advanced from general file Feb. 26.

LB870, introduced by Bellevue Sen. Sue Crawford, would allow cities and villages to borrow directly from a financial institution to repair or rebuild property or restore public services damaged or disrupted by a natural disaster.

“This is a commonsense expansion of authority for municipalities,” Crawford said.

Sen. Robert Clements of Elmwood spoke in support of the bill. He said during last spring’s flooding, Peru’s water supply became contaminated, forcing the town to have clean water shipped in.

“The local banker wanted to finance that for them but found out

that the statute we passed in 2015 only allowed for real property or personal property equipment to be financed, not a public service like a water supply,” Clements said.

Sen. Curt Friesen of Henderson also supported LB870, saying direct borrowing would be faster in an emergency situation and could be less expensive than bond financing.

As introduced, LB870 would have waived borrowing limits if funds were used to recover from a disaster. An Urban Affairs Committee amendment, adopted 34-0, removed that provision and would limit direct borrowing to 20 percent of the annual budget of a second class city or village or 10 percent for a first, primary or metropolitan class city.

Lawmakers advanced LB870 to select file on a 41-0 vote.

### Bill would expand handicapped parking permits

The Urban Affairs Committee considered a bill Feb. 25 that would expand access to handicapped parking permits.

LB976, introduced by Lincoln Sen. Kate Bolz, would allow individuals with a neurological impairment to obtain a state-issued permit. A neurological impairment could include conditions like autism or dementia, Bolz said, or any disorder that interferes with someone’s ability to walk.

Currently, a visual or physical impairment is required to obtain a state permit for mobility impairment.

Bolz said that in 2018 the state Department of Motor Vehicles processed 47,136 handicapped parking permits, and there are an estimated



Sen. Sue Crawford



Sen. Kate Bolz

144,000 handicapped parking spaces in Nebraska.

“That does speak to the sufficiency of handicapped parking spots,” Bolz said.

Cristal Petersen, whose son has autism, spoke in favor of the bill. She said her son, Max, can become overwhelmed by lights, sounds and other stimuli while transitioning from a vehicle to a building.

This happened on a recent visit to the Capitol, she said, when Max spotted a lid from a fountain drink blowing in the wind. Petersen said Max, who “hates litter,” started chasing the lid as it floated toward a busy street.

“Max was moments away from running into traffic,” Petersen said. “Imagine if I hadn’t been able to stop him.”

Terry Streetman, speaking on behalf of the of the Alzheimer’s Association Nebraska Chapter, also testified in support of the bill. He said six out of 10 people with dementia will wander, while others can become overwhelmed and disoriented in busy public spaces and find themselves in harm’s way.

“The potential consequences of a wandering event for a person with Alzheimer’s is severe,” Streetman said. “Beyond the direct physical risks, these difficulties can result in a lack of access to social engagement, which has been shown to be very important for people living with cognitive impairment, and even limit access to necessary medical treatment.”

No one testified against LB976 and the committee took no immediate action on it. ■

## Economic forecasting board raises revenue projections

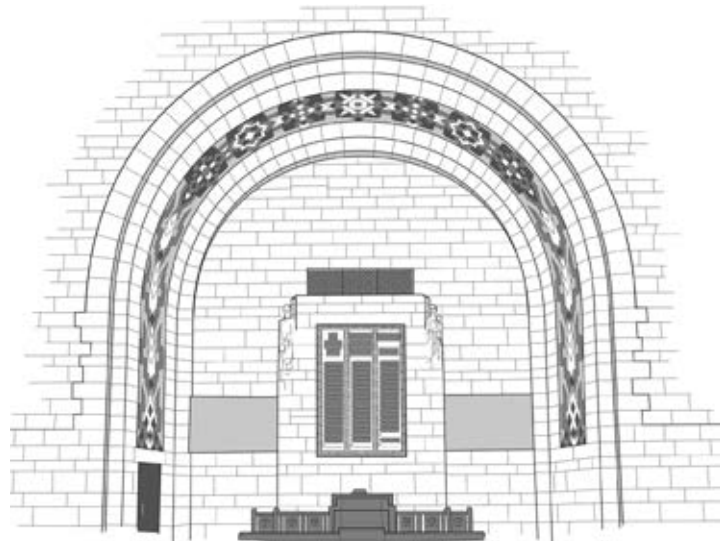
The Nebraska Economic Forecasting Advisory Board voted to increase revenue projections during a Feb. 28 meeting at the Capitol. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state’s budget.

Revenue projections for the current fiscal year and FY2020-21 were raised primarily based on an anticipated \$70 million increase in sales and use tax

receipts and a \$45 million increase in corporate income tax receipts in FY2019-20.

Total projected revenue receipts for FY2019-20 were raised to \$5.20 billion, an increase of \$115 million. Projected total revenue receipts for FY2020-21 were set at \$5.17 billion, an increase of \$25 million.

The next board meeting is scheduled for Oct. 29. ■



## COMMITTEE HEARINGS

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

### Thursday, March 5

#### Natural Resources

Room 1525 -1:00 p.m.

*Appointment:* Dennis D. Grams - Environmental Quality Council

*Appointment:* Dallen R. Juelfs - Oil and Gas Conservation Commission

*Appointment:* Felix B. Davidson - Environmental Trust Board

### Wednesday, April 8

#### Nebraska Retirement Systems

Room 1525 -12:00 p.m.

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

Presentation of the Nebraska Public Employees Retirement Systems Annual Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3) ■

# PRIORITY BILLS

Priority bills generally are scheduled for debate before other bills. The speaker may select 25 priority bills. Senator and committee priority bill lists appear in Issue #7 of the Unicameral Update and on [NebraskaLegislature.gov](http://NebraskaLegislature.gov).

## SPEAKER PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Scheer	LB247	Bolz	Adopt the Advance Mental Health Care Directives Act
Scheer	LB705	Murman	Provide for distribution of funds upon death from an achieve a better life experience account
Scheer	LB751	Blood	Provide for a mental health exception to compulsory education requirements
Scheer	LB760	Kolterman	Require health carriers to provide coverage for asynchronous review by a dermatologist by way of telehealth
Scheer	LB781	Stinner	Provide for annual continuing education for treasurers of certain local governments and provide a duty for the Auditor of Public Accounts
Scheer	LB797	M. Hansen	Change restrictions on municipal annexation
Scheer	LB803	Hughes	Adopt the Pulse Crop Resources Act and harmonize other provisions of law
Scheer	LB832	Bostelman	Provide immunity for removal of a child from a motor vehicle
Scheer	LB835	Halloran	Change provisions of the Nebraska Pure Food Act
Scheer	LB850	Pansing Brooks	Authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at Fort Donelson National Battlefield
Scheer	LB865	Wayne	Change income tax provisions relating to the Nebraska educational savings plan trust and authorize employer contributions to the trust
Scheer	LB889	Hilgers	Change appeal provisions under the Administrative Procedure Act
Scheer	LB910	Stinner	Provide for, change, eliminate, and change distribution of fees and funds of the Secretary of State
Scheer	LB911	Quick	Provide for acquisition of former Nebraska Veterans' Memorial Cemetery in Grand Island
Scheer	LB918	Wayne	Create the Commission on African American Affairs and require a study
Scheer	LB923	Lindstrom	Change sales tax provisions relating to gross receipts
Scheer	LB965	McDonnell	Establish a language assessment program for children who are deaf or hard of hearing
Scheer	LB966	DeBoer	Adopt the Uniform Wills Recognition Act (1977)
Scheer	LB1028	Lathrop	Change filing procedure for actions in Small Claims Court
Scheer	LB1080	Lathrop	Require school policies that prohibit sexual conduct with students and former students
Scheer	LB1107	Scheer	Change property tax provisions relating to notice of preliminary valuations
Scheer	LB1124	Howard	Adopt the Opioid Prevention and Treatment Act
Scheer	LB1130	Groene	Change provisions relating to agreements and application deadlines under the Mutual Finance Assistance Act
Scheer	LB1166	Brewer	Change school district membership requirements as prescribed
Scheer	LB1185	Health & Human Services	Change provisions relating to criminal history record information checks for child care staff members



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# LEGISLATIVE PROCESS

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

can formally consider it.

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

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

## Research

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

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

## Drafting

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

## Introduction

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

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



*A legislative committee hearing*

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

## Committee Action

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

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

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

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

## General File

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

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

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

## Select File

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

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

## Final Reading

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

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

## Governor

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

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

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

## Laws of Nebraska

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



*The George W. Norris Legislative Chamber*

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Feb. 24 to 28 was Music Education Week at the Capitol. Student groups from across the state performed in the Capitol Rotunda.