

State funding for rail access projects advanced

Lawmakers gave first-round approval March 23 to a bill that would require the state to provide matching funds for the development of industrial rail access business parks.

Under LB40, as introduced by North Platte Sen. Mike Groene, a nonprofit economic development corporation could apply to the director of the state Department of Economic Development for up to \$10 million in matching funds to cover a project's development costs.

Groene said the bill would help rural communities near rail lines attract



Sen. Mike Groene said rail projects like the one proposed in Lincoln County would bring manufacturing and transportation jobs to rural Nebraska.

manufacturers and transportation companies as they seek to expand their operations after the pandemic. "Nebraska needs to be prepared

to address the needs of the manufacturing and transportation industries, as we sit right in the middle of the country," he said.

In particular, Groene said, LB40 would enable a proposed rail access business park near Union Pacific's Bailey Yard in Lincoln County, bringing jobs and economic growth to the region.

State matching funds could be used for site acquisition and preparation, utility extensions and rail spur

construction for the development of a new industrial rail access business park, including expenses incurred to

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Child sexual abuse prevention programs advance

Nebraska public schools would adopt programs intended to curb child sexual abuse under a bill advanced from the first round of debate March 22.

As introduced by Sen. Joni Albrecht of Thurston, LB281 would require schools to adopt a child sexual abuse prevention program beginning with the 2022-23 school year for students in kindergarten through fifth grade.

"Our schools are in a unique position to help young people shape their positive, healthy behaviors, reducing their vulnerability to being sexually abused or assaulted," Albrecht said. "LB281 will provide a guide — vetting programs and outlining developmentally appropriate ways to talk to children about this topic."

Programs would include at least four instructional sessions per school year using age-appropriate curriculum, including role-playing, discussion, activities and books

regarding body safety. They also would provide students with the knowledge and tools to communicate incidents of potential and actual sexual abuse.

A separate component for teachers, administrators and other school staff would include training in communicating child sexual abuse prevention techniques to students and receiving child sexual abuse reports and disclosures. Parents would receive information on prevention and how to discuss child sexual abuse with children.

LB281 would require the curriculum to be funded with money available under the federal Every Student Succeeds Act.

An Education Committee amendment, adopted 32-0, would extend the program through the twelfth grade and specify that the curriculum be evidence based.

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State funding for rail access projects advanced

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help an initial tenant in the manufacturing, processing, distribution or transloading trades.

Qualifying projects would have to be located in a county with a population of fewer than 100,000 inhabitants.

Upon approval and legislative appropriation of funds, an applicant would receive a dollar-for-dollar match from the state for the total amount of their investment in the project over a five-year period.

A Revenue Committee amendment, adopted 40-0, would increase the total amount of matching funds that could be paid to \$50 million. No more than \$30 million could be paid for any one project.

Under the amendment, the state would provide \$2 of matching funds for each dollar invested up to \$2.5 million. For a larger investment, the state would provide \$5 in matching funds for each dollar invested.

Elkhorn Sen. Lou Ann Linehan, committee chairperson, said the committee made the changes in order to attract substantial projects to greater

Nebraska.

“We want to see significant investment and job creation in that part of the state,” she said.

Norfolk Sen. Michael Flood supported the bill, saying it represents “big thinking from rural Nebraska.” North Platte is well-positioned for the proposed project because of Bailey Yard’s large number of rail interconnections, he said, but Scottsbluff, Seward and other cities also could host such facilities.

“This is a state program that’s meaningful; it’s about job creation and it thinks big,” Flood said. “It takes advantage of something that we have that very few states have — our logistics.”

Sen. Curt Friesen of Henderson also supported LB40. He said it could diversify rural Nebraska’s economy, helping smaller communities through down cycles in the agriculture industry.

“We need to get rural Nebraska running again,” Friesen said, “and I think this might be just the thing that gets it started.”

LB40 advanced to select file on a vote of 42-0. ■

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Child sexual abuse prevention programs advance

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Under the amendment, training for teachers, administrators and other school staff would be provided within the framework of existing state Department of Education programs. It also would require the department to develop a list of approved training materials.

Sen. Lynne Walz of Fremont, chairperson of the Education Committee, supported the amendment and LB281. She said the bill would further the committee's primary goal: safe and healthy children in Nebraska schools.

"I am a firm believer in local control," Walz said, "but this issue of protecting children from sexual abuse was just something that we felt as a committee was important."

Elkhorn Sen. Lou Ann Linehan supported the committee amendment and LB281. She said the Legislature shelved a similar proposal several years ago after the state Department of Education indicated that it would



Sen. Joni Albrecht said similar legislation in 37 other states has helped stop or prevent child sexual abuse.

form a committee to create child sexual abuse prevention training for public schools.

"As soon as the Legislature adjourned for the year," Linehan said, "the committee went away and no more work was done."

Sen. Rich Pahls of Omaha questioned why LB281 would not also require private, denominational and parochial schools to adopt a child sexual abuse prevention program. He introduced an amendment that would do so but later withdrew it, saying he would discuss the idea with Albrecht be-

fore second-round debate on the bill.

Omaha Sen. Megan Hunt opposed LB281. Although supportive of the bill's intent, she said lawmakers should leave curriculum decisions to the State Board of Education and the department, which already is working to include instruction similar to what LB281 would require in updated standards expected later this year.

"It's not our business in the Legislature to be telling schools what their curriculum needs to be," she said.

Hunt introduced an amendment that she said was intended to ensure a consistent source of funding for the curriculum if Congress does not renew the ESSA, which is approved only through this year.

The amendment, which failed on a vote of 16-24, would have stated legislative intent to appropriate funds for the curriculum if the ESSA funds are unavailable.

Senators then voted 32-1 to advance the bill to select file. ■



Sen. Rich Pahls said LB281 should require both public and private schools to adopt child sexual abuse prevention programs.

AGRICULTURE



Electronic cattle inspection advances

The Nebraska Brand Committee could use electronic devices, nose prints, retinal scans or DNA matches to inspect cattle under a bill advanced from the first round of debate March 22.

LB572, introduced by Hastings Sen. Steve Halloran, would allow the committee to provide for electronic inspection of enrolled cattle identified by certain approved non-visual identifiers. Electronic inspection would not require committee employees to be present.



Sen. Steve Halloran

“The option of e-inspection holds promise in reducing cost and inconvenience to the industry and the brand committee,” Halloran said.

The committee would establish procedures for cattle enrollment that would include providing acceptable certification or evidence of ownership and submit a report to the Legislature describing actions taken to implement electronic inspection.

The bill would create a separate electronic inspection fee of no more than 95 cents per head until June 30, 2023.

As introduced, LB572 would change fees related to registered feedlots and increase fees for new brand applications and brand renewals. It also temporarily would reduce the physical brand inspection fee – which currently may be no more than \$1.10 per head – to 95 cents per head until June 30, 2023. Beginning July 1, 2023, it could be no more than \$1.50 per head.

The bill would eliminate a current

travel surcharge and authorize the committee to charge for actual mileage.

LB572 also would allow a registered feedlot within the brand area to move cattle from a backgrounder lot to a registered feedlot without inspection if 100 percent of the cattle in the backgrounder lot are owned by the registered feedlot, among other requirements.

Additionally, the proposal would require the committee to provide a certified bill of sale and a certified transportation permit to qualified dairies that sell or move calves under 30 days of age out of the brand inspection area. Dairies first would have to provide required information electronically to the committee.

Finally, the bill would make violations of several Nebraska Brand Act provisions infractions enforceable by citation.

An Agriculture Committee amendment, adopted 30-7, would decrease the physical and electronic inspection fees to 85 cents per head through June 30, 2023, and leave in place the current statutory maximum for physical brand inspections of \$1.10 per head.

Halloran said it also would remove provisions in the original bill related to registered feedlot fees and backgrounder lots.

“The revisions in the original bill were brought to address perceptions among some in the feeding industry that the brand law, particularly brand inspection, is increasingly archaic and [an] unnecessary expense and burden on the feedlot sector,” he said. “However, this part of the bill received the greatest pushback during the hearing.”

Halloran said the committee amendment instead would reduce physical inspection fees by 15 percent for all sectors of the cattle industry for the next two years, forcing the brand committee to spend down a large cash reserve.

Sen. Steve Erdman of Bayard sup-

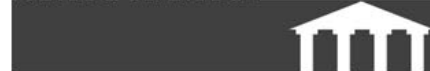
ported the proposed fee decrease. He also introduced an amendment, adopted 36-2, that would make appointments to the brand committee subject to confirmation by the Legislature.

The amendment also would make it a Class III felony to willfully or knowingly apply, remove, damage or alter an approved nonvisual identifier – or corrupt the information recorded on an identifier – if it is done to steal or falsely assert ownership of livestock.

Gering Sen. John Stinner opposed the bill, saying the proposed increase in brand registration and renewal fees would create an additional burden on feedlot owners in the brand inspection area.

Senators voted 26-4 to advance the bill to select file.

BANKING, COMMERCE & INSURANCE



Financial protections for seniors, vulnerable adults passed

Senators approved a bill March 25 that allows certain financial professionals to delay suspicious transactions.

LB297, introduced by Omaha Sen. Brett Lindstrom, allows broker-dealers and investment advisers to hold transactions for up to 30 business days in suspected cases of exploitation of seniors and vulnerable adults.



Sen. Brett Lindstrom

Under the bill, broker-dealers and investment advisers are required to notify the Adult Protective Services Division of the state Department of Health and Human Services and the state Department of Banking and

Finance within two business days in order to delay a transaction and conduct an internal review.

Lawmakers approved LB297 on a 47-0 vote.

Step therapy exception authorized

Health care providers will have greater ability to prescribe treatments under a bill passed March 25.

Step therapy is an insurance company practice in which a patient must fail a treatment selected by an insurance company before the company will cover a treatment originally prescribed by the patient’s health care provider. LB337, introduced by Sen. Mark Kolterman



Sen. Mark Kolterman

of Seward, adopts the Step Therapy Reform Act. The bill allows a provider to request a step therapy override exception and requires that the override be granted if all of the following apply:

- a provider believes a drug prescribed under step therapy will be ineffective because of the drug’s characteristics or the patient’s experience with the drug;
- a patient previously was prescribed a drug that was ineffective;
- a patient successfully is being treated by a drug prescribed by his or her provider; and
- a drug required under step therapy is contraindicated by the drug manufacturer’s prescribing information or the drug is likely to cause an adverse reaction, decrease a patient’s ability to perform daily activities or cause mental or physical harm to the patient.

LB337 also requires an insurance company to grant or deny a step therapy override within five days of receiving the request except in urgent care situations.

Senators approved LB337 on a 47-0 vote.

BUSINESS & LABOR

Compensation for first responders’ families amended, advanced

A bill that would provide a one-time death benefit to families of Nebraska first responders killed in the line of duty was amended and advanced to final reading March 22.

LB255, introduced by Lincoln Sen. Matt Hansen, would provide monetary compensation to the family of a law enforcement officer, firefighter or public EMS ambulance squad member killed in the line of duty, including those who work on a voluntary basis.



Sen. Matt Hansen

Under the bill, a qualifying family member must file for compensation within one year of the death. For first responders killed in 2022, compensation provided would be \$50,000. For each following year, compensation would be equal to the previous year’s compensation increased by the percentage increase in the consumer price index for all urban consumers.

Under an amendment offered by Norfolk Sen. Michael Flood during select file debate, correctional officers and private, nonprofit EMS ambulance squad members also would be eligible for the benefits proposed in LB255.

As introduced, the bill defined a line-of-duty death as having occurred within five years of a related incident or injury during the active performance of an individual’s official duties. The amendment would narrow this window to three years.

Thurston Sen. Joni Albrecht opposed the amendment and the underlying bill, saying she could support LB255 if it applied to volunteer first responders only.

“I think that when all of us do our due diligence and find out how much is negotiated in the contracts of paid firefighters, police officers, sheriffs or state patrol – along with retirement [benefits] – I think we’ll find substantial amounts of money that are [already] being paid out and guaranteed to [them],” Albrecht said.

Following the 33-2 adoption of the Flood amendment, LB255 advanced to final reading by voice vote.

EDUCATION

Home school in-state tuition advanced

Nebraska home-school students would be eligible for in-state tuition at state postsecondary educational institutions under a bill advanced from general file March 23.

Under current law, a student is considered a resident for tuition purposes if, among other requirements, they reside with their parent or guardian while attending a public or private high school in Nebraska and graduated from a public or private Nebraska high school or received a diploma of high school equivalency.

Sen. Robert Clements of Elmwood, sponsor of LB92, said graduates of home school programs are not au-

tomatically considered Nebraska residents for tuition purposes and must make a separate application for a lower in-state tuition rate.



Sen. Robert Clements

He said this differential treatment has caused delays in some students' college application process.

"There's no reason to treat Nebraska students educated in a home school in the state differently in regards to residency," Clements said.

Under LB92, students who completed the program of instruction offered by a home school also would be considered residents.

Bayard Sen. Steve Erdman supported the bill, saying it also would ensure that home-school students are eligible for in-state tuition at Nebraska community colleges and state colleges.

"We need to honor the education that these young people got even though it is not in a public school," he said.

LB92 also would prohibit a publicly funded college or university in Nebraska from discriminating in any manner against a student on the basis of having been home-schooled.

Sen. Megan Hunt of Omaha said she was concerned that provision was too broad and could result in students of certain religious backgrounds being held to a different standard in the college admissions process.

"Protected classes and nondiscrimination clauses that are already in place at the state and federal level of course would still apply to anybody applying for a public college or university," she said.

Clements later said he would work with Hunt and other senators to amend the provision on select file.

Lawmakers voted 35-0 to advance LB92 to the second round of debate.

In-state tuition for AmeriCorps participants advanced

Certain AmeriCorp participants would be eligible for in-state tuition at Nebraska higher education institutions under a bill advanced from general file March 23.

Under LB197, as introduced by Omaha Sen. Tony Vargas, a student who completes a full term of service of at least one year in Nebraska as an AmeriCorps participant would be considered a resident for tuition purposes at Nebraska postsecondary educational institutions.



Sen. Tony Vargas

When AmeriCorps volunteers complete their term of service, Vargas said, they receive an award to pay for postsecondary education. He said making those individuals eligible for in-state tuition would encourage more of them to study and later work in Nebraska.

"We should be bringing those dollars to our local colleges and universities and ... mak[ing] our state a destination spot for volunteers after their service is completed," Vargas said.

Under an Education Committee amendment, adopted 33-0, a student who is qualified for an AmeriCorps award would be eligible for in-state tuition.

Vargas said the amendment eliminates the requirement that AmeriCorps participants complete their terms of service in Nebraska, increasing the number of volunteers who would be eligible for in-state tuition.

Sen. Mark Kolterman of Seward supported LB197, calling it a "no-brainer" that would benefit Nebraska's economy by encouraging young people to live here.

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

Teaching certification reciprocity for military spouses approved

Lawmakers passed a bill March 25 intended to speed the issuance of teaching certificates to military spouses.

LB389, introduced by Bellevue Sen. Rita Sanders at the request of Gov. Pete Ricketts, requires the State Board of Education to issue a certificate or permit to a military spouse who, among other requirements, holds a valid certificate or permit currently in force in another state to teach, administer or provide special services.



Sen. Rita Sanders

An applicant also must have held the certificate or permit for at least one year, be in good standing in all states where the certificate or permit is held, have no pending investigations or complaints, meet all residency and background check requirements and pay applicable fees.

Under LB389, the certificate or permit for a military spouse is valid for at least three years and includes the same or similar endorsements to teach in all subject areas for which the applicant had been certified in the other state if Nebraska offers a similar endorsement.

The bill also requires the board to regulate and expedite the processing of applications submitted by an individual whose spouse is serving on active duty.

LB389 passed on a vote of 46-0.

Allocation of lottery funds for education programs advanced

Lawmakers gave first-round approval March 24 to a bill that would allocate approximately \$100 million in lottery funds to education-related programs over the next five years.

Current law directs 44.5 percent of state lottery funds to various education programs each year. LB529, introduced by Fremont Sen. Lynne Walz, would allocate those funds to more than a dozen programs for fiscal years 2021-22 through 2025-26.



Sen. Lynne Walz

The state Department of Revenue estimates that \$21.2 million in lottery funds will be directed to education programs in FY2021-22, \$21.7 million in FY2022-23 and \$22.1 million in FY2023-24.

Under one new program, the Educational Service Unit Coordinating Council would ensure that annual, evidence-based behavioral awareness and intervention training is available statewide and develop, implement and administer a statewide teacher support system beginning in school year 2021-22.

Beginning with the 2023-24 school year, school districts would ensure that teachers, administrators, paraprofessionals, school nurses and counselors receive the training.

LB529 also would direct funds to a new mental health training grant program administered by the state Department of Education.

The Nebraska Opportunity Grant Fund, which provides financial aid to low-income Nebraska residents enrolled at postsecondary educational institutions, would receive the largest allocation at 58 percent, down from the 62 percent allocation it received for fiscal years 2016-17 through 2020-21.

An Education Committee amendment, adopted 29-6, would add an element to the proposed behavioral awareness and intervention training. It would require at least 30 minutes of training dedicated to understanding the duties, rights and responsibilities outlined in

the Student Discipline Act and case law addressing student behavior.

The amendment also would create a grant program for students who graduate from an accredited education program at a state youth rehabilitation and treatment center or from a public or private high school within one year of being discharged from a YRTC.

Those students could receive up to \$5,000 per year to attend a Nebraska postsecondary educational institution if they meet certain requirements.

"This is a great opportunity to help these kids turn their life around, go to college at least part time and enter the workforce," Walz said.

Sen. Patty Pansing Brooks of Lincoln supported the committee amendment and the bill. If LB529 does not pass, she said, the Nebraska Opportunity Grant program will end in June, leaving Nebraska without a need-based financial aid program for students who attend state postsecondary institutions.

"It's critical, in my mind, to make college education more accessible and more affordable to Nebraska students in need," Pansing Brooks said.

Omaha Sen. John Cavanaugh also supported the bill. He said the proposed mental health training grant program could help reduce prison overcrowding by helping teachers identify the signs and symptoms of mental illness in students.

"Early intervention leads to better results, better long-term outcomes for people," Cavanaugh said. "[A] number of people who find themselves in the criminal justice system didn't get any access to mental health care until they got into the criminal justice system."

Sen. Dave Murman of Glenvil introduced an amendment containing many provisions of his LB673. The amendment would authorize teachers and other school personnel

to use reasonable physical intervention to manage student behavior to protect themselves, the student or another person from physical injury.



Sen. Dave Murman

Under Murman's proposal, teachers or other school personnel would not be subject to professional or administrative discipline for physical intervention or removal of a student from a class if they acted in a reasonable manner and in accordance with school policy.

It also would direct each school district to provide behavioral awareness and intervention training to administrators, teachers, paraprofessionals, school nurses and counselors beginning in school year 2021-22.

Murman said the amendment would provide funding to each school district and allow them to choose their own training program rather than rely on ESUs.

North Platte Sen. Mike Groene supported the amendment, saying it would protect teachers from being fired or suspended for defending themselves or others from a student who becomes violent.

Walz opposed Murman's amendment, saying ESUs could provide the training more effectively and efficiently. Additionally, Walz said, the teacher support system proposed in the committee amendment would provide teachers ongoing support after they receive training.

Murman later withdrew the amendment but said he would introduce a similar one during the second round of debate.

After adopting a technical amendment, senators voted 28-6 to advance LB529 to select file.

EXECUTIVE BOARD

Juvenile facility oversight committee approved

Senators voted March 23 to reauthorize an oversight committee for the state's troubled youth rehabilitation and treatment centers.

In 2020, lawmakers created the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature in response to a crisis situation at YRTC Geneva the year before. The nine-member committee issued a report of its findings and recommendations to the Legislature and terminated Dec. 31, 2020.

La Vista Sen. John Arch introduced LR25 on behalf of the Health and Human Services Committee. The measure reauthorizes the oversight committee with a termination date of Dec. 31, 2021.

Because the 2020 legislative session was interrupted by the pandemic, Arch said, the measure establishing the original oversight committee was not signed into law until late summer of that year. This left the committee only a brief window of time to carry out its duties, he said.

"Nebraska has made some significant strides toward improving our YRTC system in the last couple of years," Arch said. "However, we know from the events in August 2019 that a lack of oversight can undo a lot of progress in a short amount of time."

The oversight committee may hold hearings, request and receive reports from DHHS and issue subpoenas.

Lawmakers approved LR25 on a 32-0 vote.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Fines for late reports established

Cities, counties and other political subdivisions in Nebraska may be fined for filing late reports with the state under a bill approved March 25.

Government entities that fail to file required reports with the state auditor of public accounts may be fined \$20 a day — up to \$2,000 total per filing — under LB368, introduced by Bellevue Sen. Rita Sanders.

Lawmakers passed the bill on a 46-0 vote.



Sen. Rita Sanders

HEALTH & HUMAN SERVICES

Audiology, speech-language compact approved

Nebraska is authorized to join an interstate compact for audiologists and speech-language pathologists under a bill passed March 25.

LB14, introduced by Bellevue Sen. Carol Blood, adopts the Audiology and Speech-Language Pathology Interstate Compact. Under the compact, individuals licensed in a member state may practice in any other member state without having to obtain a separate license.

The compact, which requires adop-



Sen. Carol Blood

tion by 10 states, is not yet in effect.

Senators approved the bill on a 47-0 vote.

Expanded health care credentialing bill clears first round

A bill intended to expand the pool of credentialed workers in certain health care fields advanced from general file March 23.

LB390, introduced by Sen. Dave Murman of Glenvil at the request of Gov. Pete Ricketts, would amend Nebraska's Uniform Credentialing Act to allow certain individuals credentialed in another state to apply for an expedited credential in Nebraska.



Sen. Dave Murman

As introduced, the bill also would remove the residency requirement to obtain a temporary license and authorize the state Department of Health and Human Services to determine what documentation an applicant must provide.

Eligible credential holders would include nurses, EMS practitioners, dentists, optometrists, pharmacists, podiatrists and psychologists, among others.

Murman said the bill would make it easier for health care workers who are licensed in other states to practice in Nebraska.

"The bill addresses the shortage of credentialed health care practitioners regulated by the Uniform Credentialing Act and is intended to supplement and not replace existing methods of issuing a credential based on reciprocity or an existing compact," he said.

A Health and Human Services Committee amendment, adopted 35-1, would authorize DHHS to determine the necessary credentialing level of an applicant with the recommenda-

tion of the appropriate professional advisory board. The amendment would require that an applicant receiving a reciprocal license under the bill establish residency in Nebraska within 180 days of obtaining the license.

The amendment also would prevent an applicant who has been subject to certain disciplinary action in another state from obtaining a license in Nebraska.

Omaha Sen. Robert Hilkemann said the amendment would discriminate against eligible professions because the residency requirement would hinder existing reciprocity agreements available to credentialed providers.

Sen. John Arch of La Vista, committee chairperson, said the amendment would not impact the existing ability of dual licensed providers to practice in Nebraska. LB390 simply would provide an additional, expedited licensure option with a residency requirement that would encourage out-of-state providers to move to Nebraska, he said.

Following adoption of the committee amendment, lawmakers advanced LB390 to select file on a 37-1 vote.

JUDICIARY

Tenant protection omnibus bill clears first round

Lawmakers advanced a bill from general file March 25 that was amended to include several changes to existing landlord and tenant statutes.

LB320, sponsored by Omaha Sen. John Cavanaugh, would allow a tenant who is a victim of domestic violence to seek early release



Sen. John Cavanaugh

from a rental agreement under certain

conditions.

Cavanaugh said the bill would ensure that the court system works more efficiently for all parties.

“This change will allow for more flexibility in how these cases are resolved, which will get a better resolution for everyone involved,” he said.

To be released from a rental agreement, the tenant would be required to provide their landlord with a copy of an active protective or restraining order or certification confirming domestic abuse by a qualified nonprofit organization that provides services to victims of domestic violence.

Additionally, the tenant must provide written notice, including the date of release – to be no sooner than 14 days and no later than 30 days – and the names of any household members also to be released.

The tenant would be required to pay rent for the month in which the agreement was terminated, but would not be liable for any rent, damages or fees incurred after the release date.

A Judiciary Committee amendment clarifies that the protections proposed under LB320 would not be available to a perpetrator of domestic violence. It also would incorporate the provisions of several additional measures, including:

- LB45, sponsored by Lincoln Sen. Matt Hansen, which would repeal a provision prohibiting judges from granting continuances in eviction proceedings unless extraordinary cause is shown and accrued back rent is paid;
- LB46, also sponsored by Hansen, which would require that summons in an eviction pro-



Sen. Matt Hansen

ceeding be conducted through methods commonly used in civil proceedings, unless otherwise authorized;

- LB246, sponsored by Bennington Sen.

Wendy DeBoer, which would require that a civil action for possession against



Sen. Wendy DeBoer

renters of mobile home lots follow the same procedures as those brought against renters of mobile homes, apartments, houses and other residences;

- LB268, sponsored by Omaha Sen.

John McCollister, which would require landlords to provide written notice to each individual unit 24 hours before seeking entry;



Sen. John McCollister

- LB277, sponsored by Omaha Sen.

Megan Hunt, which would update the Mobile Home Landlord and Tenant act to reflect



Sen. Megan Hunt

changes made in 2019 to the Uniform Residential Landlord Tenant Act; and

- LB402, sponsored by DeBoer, which would require the Nebraska Supreme Court to submit a biannual report to the Legislature with information pertaining to eviction procedures.

DeBoer spoke in support of the amended LB320. She said the com-

mittee amendment was a product of extensive negotiations between lawmakers and tenant and landlord groups.

“Together, we have put together some little but meaningful adjustments ... which make our laws stronger and better for all sides,” DeBoer said.

Under an amendment introduced by Omaha Sen. John Cavanaugh, adopted 36-0, tenants could receive a first continuance by showing good cause and would be required to show extraordinary cause for any subsequent continuances. Additionally, if an approved continuance extends into a new rental period, the tenant could be required to deposit rental payments that accrue while the eviction proceeding is pending.

Lincoln Sen. Matt Hansen supported the Cavanaugh amendment, calling it a measured approach that allows tenants some flexibility while protecting the interests of landlords.

Following the 40-1 adoption of the Judiciary Committee amendment, senators voted 42-3 to advance LB320 to select file.

NATURAL RESOURCES

Ban on treated seed in ethanol production amended, advanced

Lawmakers gave first-round approval March 25 to a bill that would prohibit the use of treated seed in ethanol production under certain circumstances.

LB507, as introduced by Brainard Sen. Bruce Bostelman, would prohibit the use of treated seed corn in the production



Sen. Bruce Bostelman

of ethanol if its use results in the generation of a byproduct that is deemed

unsafe for livestock consumption or land application.

Bostelman said he introduced the bill after being notified of an ethanol plant near Mead that had been using treated seed corn. He said the byproduct, also called distiller’s grain, is stockpiled on the company’s property and cannot be fed to livestock or applied to farmland because it contains pesticide residue.

“Using treated seed corn to produce ethanol is not environmentally safe, nor is it commonly used for production in Nebraska or anywhere else,” Bostelman said.

Omaha Sen. John Cavanaugh introduced an amendment, adopted 41-0, that he said would more clearly define “treated” and expand the prohibition to all treated seed.

A Natural Resources Committee amendment, adopted 42-0, replaced the bill. It contains the provisions of LB507, as amended by Cavanaugh’s proposal, and three other bills considered by the committee this session.

The amended provisions of LB190, introduced by Venango Sen. Dan Hughes, would prohibit the Legislature from appropriating or transferring money from the Water Sustainability Fund for purposes other than those outlined in statute after June 30, 2021.



Sen. Dan Hughes

Hughes said the change would ensure that the Legislature could not transfer money from the fund to help meet a budget shortfall.

The provisions of LB191, also introduced by Hughes, would allow a qualified landowner or leaseholder to be an irrigation district elector if they live in a certain irrigation district in which at least half of the landowners, leaseholders or entrymen of government lands are not Nebraska residents.

Hughes said the proposal is intended to prevent the dissolution of an irrigation district in southwest Nebraska.

Under the amended provisions of LB395, introduced by Creighton Sen. Tim Gragert, the secretary of the state Game and Parks Commission could designate special antelope and elk depredation seasons or extend existing hunting seasons when they determine that the animals are causing excessive property damage.



Sen. Tim Gragert

A Nebraska resident would pay no more than \$25 for a special depredation season permit, and a nonresident would pay no more than \$75.

The bill would require the commission to charge landowners and their immediate family members no more than \$10 for a special depredation season permit. Those who own or operate at least 20 acres of farm or ranch land within the geographic area in which hunting would be permitted could take deer and antelope, and those who own or operate at least 80 acres could take elk.

The proposal also would require the commission to issue one free-earned elk permit to certain landowners and lessees when hunters have harvested the qualifying number of antlerless elk on their land.

The commission would use income from the special permits to abate damage caused by deer, antelope and elk.

Gragert said the proposal also would increase the number of landowner antelope and elk permits in each management unit from 50 percent to 75 percent of the regular permits authorized for the unit.

“[The amendment] gives Game and Parks more flexibility to do their job, allowing them to work more quickly with landowners and hunters to con-

trol crop damage,” he said.

After adopting a technical amendment, senators voted 43-0 to advance LB507 to the second round of debate.

REVENUE



Urban redevelopment tax incentives clear first round

Businesses that locate or expand in urban areas with high poverty and unemployment rates could receive tax incentives under a proposal advanced from the first round of debate March 23.

Under LB544, introduced by Omaha Sen. Justin Wayne, taxpayers could apply to the state Department of Economic Development for tax incentives based on their level of investment and the number of new employees they hire.



Sen. Justin Wayne

Qualifying businesses would be located in an economic redevelopment area in which the average rate of unemployment is at least 150 percent of the state average and the average poverty rate is 20 percent or more for the federal census tract in the area.

Wayne said the bill would incentivize small business development in the “poorest of our poorest areas,” particularly north and south Omaha and parts of Lincoln.

He said available lots in those areas are too small to attract the large projects that could qualify for tax incentives under the ImagiNE Nebraska Act. LB544 is meant to encourage smaller projects suited to those sites, Wayne said.

The bill would create two tiers under which taxpayers could earn credits.

Upon approval, an applicant would receive a credit under the first tier if they invest at least \$150,000 in qualified property and hire at least five new employees before the end of a two-year period. They also would have to pay a minimum qualifying wage of 70 percent of the Nebraska statewide average hourly wage to new employees.

Taxpayers would receive \$3,000 per new employee or \$4,000 if the employee lives in an economic redevelopment area. They also would receive \$2,750 for each \$50,000 in property investment.

Under the second tier, an applicant would receive a credit equal to five percent of their investment in qualified property if they invest at least \$50,000.

Taxpayers could use the credits to offset income, sales and use or real property taxes. No taxpayer could earn a credit greater than \$50,000.

The bill would limit total incentives to \$8 million, and no new applications could be filed after Dec. 31, 2031. Beginning Sept. 1, 2024, the department would present an annual report on the program to the Legislature.

The state Department of Revenue estimates that the bill would reduce state general fund revenue by \$1.4 million in fiscal year 2021-22, \$3.5 million in FY2022-23 and \$3.7 million in FY2023-24.

Sen. Terrell McKinney of Omaha supported the bill. LB544 would benefit his district, he said, which has the highest poverty rate in Nebraska as well as high unemployment, low investment and low median income.

“I believe it’s time to start investing in people and small businesses in communities like mine,” McKinney said.

Senators voted 45-0 to advance the bill to select file.

TRANSPORTATION & TELECOMMUNICATIONS

Wireless fee increase fails to advance

A bill that would increase landline and wireless fees in certain counties failed to advance from general file March 23.

Currently, 92 Nebraska counties can collect up to \$1 per month, per landline telephone number, to pay for 911 services. Wireless phone carriers can charge up to 70 cents per phone number also to fund 911. Both fees are capped at 50 cents per phone line in counties with a city of the metropolitan class.

Douglas County is the only county where this exemption applies.

LB215, sponsored by Venango Sen. Dan Hughes, would remove that exemption and effectively allow an increase of both fees in Douglas County. Hughes said it would create an opportunity to “level the playing field” across the state.

“The installation, operation and maintenance of 911 services in Nebraska are partially funded by surcharges on landlines and wireless services,” he said. “LB215 adds an element of fairness to the funding of those services across all Nebraska counties by removing the singular limit imposed on Douglas County.”

Omaha Sen. John McCollister spoke in support of the bill. He said it would provide needed funding as Omaha struggles to support and expand 911 services.

“Normally, I’d be against a bill of this sort because Nebraska’s cell phone taxes are so high,” McCollister said. “But I think, in this case, it’s justified given the fact that the city is

being forced to backfill their current [911] expenses.”

Sen. Curt Friesen of Henderson also supported LB215. He said that paying for the expansion of next generation 911 services with a user fee — including technology that could find a person’s physical location through their cell phone — makes more sense than using property taxes.

Opposing the bill was Omaha Sen. Justin Wayne, who offered and later withdrew a motion to indefinitely postpone the bill. Wayne objected to raising user fees during an ongoing public health crisis and said Douglas County instead should use federal pandemic relief funding.

“We are literally going to double [the surcharge] from 50 cents to \$1 when government agencies, particularly in Douglas County, are receiving tons of federal dollars,” Wayne said.

Omaha Sen. Terrell McKinney also opposed the bill and questioned the priorities it reflected. He said it is “troubling” that Douglas County and Omaha would seek to raise fees on residents to fund an essential service like 911, while using existing tax dollars to fund a new juvenile correctional facility and increased law enforcement spending.

“We’re in the middle of a pandemic and we’re having a discussion about raising fees for residents,” McKinney said. “There’s resources coming from the [federal government] and I think the county and the city should focus on those resources to invest into emergency services.”

Senators voted 20-10 on advancement of LB215 to select file, five votes short of the number required.

URBAN AFFAIRS

Inland port authority bill clears first round

A bill intended to spur commercial economic development advanced from general file March 24.

LB156, as introduced by Omaha Sen. Justin Wayne, would allow up to five inland port authorities to be established in metropolitan, primary and first class cities in Nebraska.



Sen. Justin Wayne

To be eligible, an inland port site would have to be at least 300 acres in area and meet two of the following criteria of being within:

- one mile of a navigable river or waterway;
- one mile of a major rail line;
- two miles on a major airport; or
- two miles of any federal interstate or any four-lane divided highway.

Wayne said the bill would help develop large-scale commercial and industrial sites throughout the state by bringing together individuals focused on creating “shovel ready” project sites. Nebraska has missed out on opportunities in the past, he said, due to problems with land acquisition and site readiness.

“This is about Nebraska thinking big and thinking about economic development,” Wayne said. “North Omaha is no different than many of the small communities [of the state] — a good paying job goes a long way.”

An Urban Affairs Committee amendment would allow a county with a population greater than 20,000 to establish an inland port authority and allow a metropolitan, primary or first class city to form a joint port authority with one or more counties. Lawmakers adopted the committee amendment 42-0.

Wayne introduced a second amendment, adopted 43-0, that would forbid inland port authorities from levying sales taxes, authorize a political subdivision that creates an inland port authority to appoint its operating board and establish alternative funding.

Wayne said the amendments acknowledged that counties play a major role in economic development in more rural parts of the state and addressed a number of concerns raised by fellow senators.

Sen. Tom Briese of Albion said he supported the bill with the taxing authority removed. As amended, he said, a port authority would have reasonable powers under the bill.

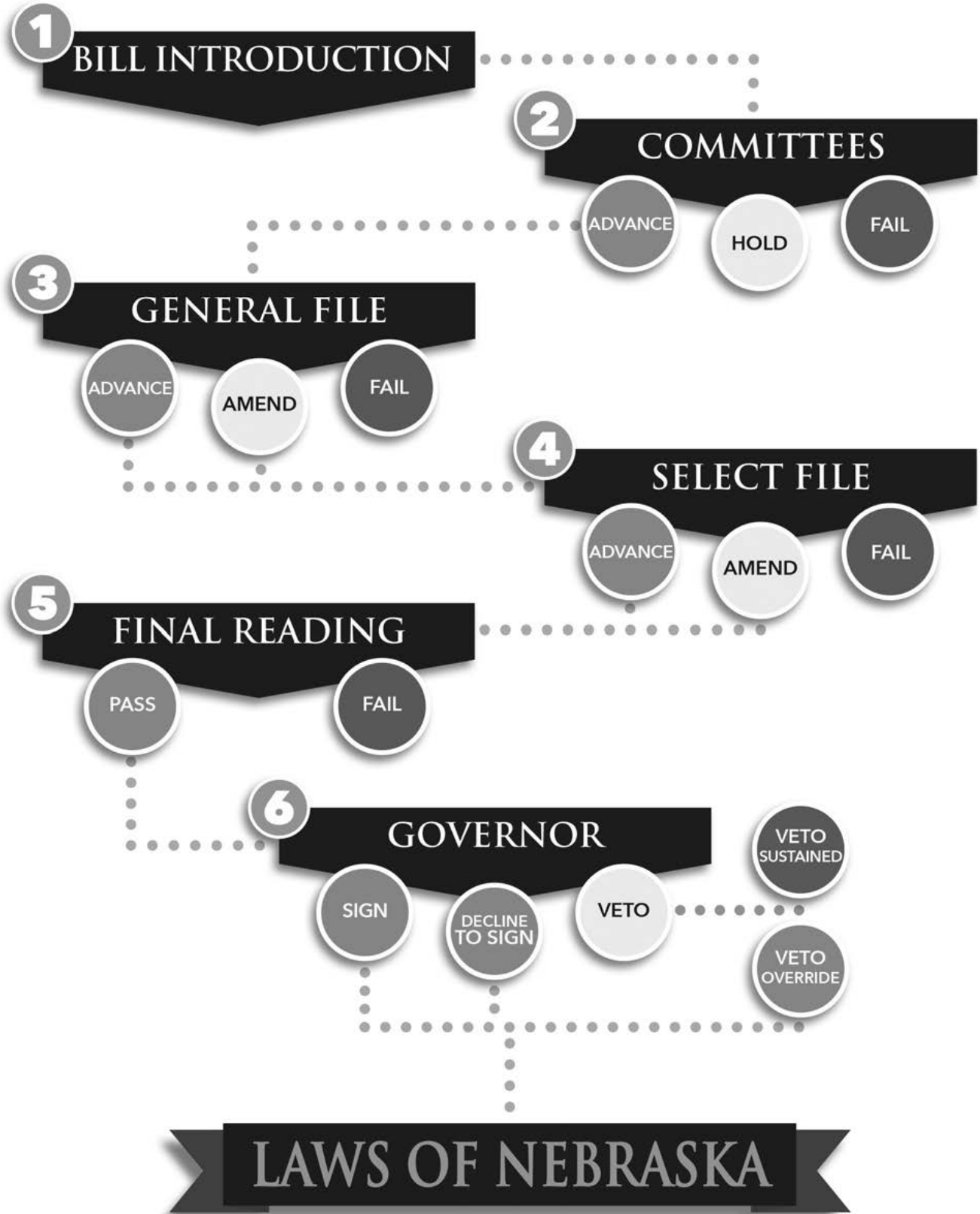
“We talk about growing our state, we talk about creating jobs, attracting residents, growing our tax base,” he said. “It’s going to take a multi-pronged effort and Sen. Wayne has presented us with one of those prongs.”

Bellevue Sen. Carol Blood supported the bill and the amendments. She said LB156 would help Bellevue acquire land currently outside the city limits that could be potential industrial sites.

“We’re going to quit losing bids and actually start bringing more business in south of town,” Blood said.

Following adoption of the amendments, senators advanced LB156 to select file on a 44-0 vote. ■

HOW A BILL BECOMES LAW



LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

Amendment On File - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

Amendment Printed Separate - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

Appropriation Bill (“A” Bill) - a bill to appropriate funds to finance another bill bearing the same number.

Attorney General’s Opinion - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

Call of the House - a procedure used to compel attendance of unexcused senators in the chamber.

Carry-over Legislation - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

Chair - the presiding officer.

Cloture - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

Constitutional Amendment Resolution - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

Consent Calendar - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

Emergency Clause (“E” Clause) - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

Engrossment - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

Enrollment and Review (E&R) - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

Executive Session - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

Final Reading - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

Fiscal Note - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

Floor - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” it means the bill is being sent to the full Legislature for consideration.

General File - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

Hearing - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

House Under Call - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

Interim Study Resolution - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

Laws of Nebraska (Session Laws) - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

Legislative Bill (LB) - a proposal to create, change or delete one or more laws.



Legislative History - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

Legislative Journal - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

Legislative Resolution (LR) - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

Line-Item Veto - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

Machine Vote - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

Major Proposal - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

One-liner - a one-line description of a bill or resolution.

Override a Veto - see Veto Override.

President of the Legislature - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madam President, the lieutenant governor alone holds the official title.

Presiding Officer - the senator currently presiding over legislative proceedings.

Priority Bill - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

Record Vote - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system and the senators' names and corresponding votes are then printed in the Legislative Journal.

Regular Session - the annual session that begins the first Wednesday after the first Monday in January.

Resolution - see Legislative Resolution.

Revisor Bill - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

Roll Call Vote - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

Select Committee - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

Select File - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

Session - a period of time, usually a number of days, during which the Legislature meets and transacts business.

Session Laws - compilation of all laws and constitutional amendment resolutions passed in a session.

Sine Die - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

Slip Law - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

Speaker of the Legislature - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and presides in the absence of the lieutenant governor.

Special Committee - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

Special Session - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

Standing Committee - a permanent committee with subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

Summary Sheet - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

Veto - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

Veto Override - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

Voice Vote - a vote in which senators cast their votes orally and no totals are recorded.

Worksheet - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



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Students in the Hartington-Newcastle 5th/6th grade band performed in the Rotunda March 22, as part of a week-long concert series to observe Music In Our Schools Month.