

State budget amended, advanced with prison funding compromise



Sen. John Stinner supported freeing up \$15 million for programming alternatives from funds sequestered in the budget for possible prison construction.

Following discussion of several proposed changes, lawmakers gave second-round approval April 13 to the state's \$9.7 billion budget package. The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years.

A compromise regarding provisions to fund the study of a new state prison was amended into two bills included in the budget package.

LB380, introduced by Speaker Mike Hilgers on behalf of the governor, is the mainline budget bill. Senators approved an amendment during general file debate to appropriate \$115 million in general funds to the Nebraska Capital Construction Fund, which would be available for the

Legislature to appropriate for a new state prison should one be deemed necessary in the future.

During select file debate, Lincoln Sen. Anna Wishart offered an amendment, adopted 34-1, to reduce the NCCF funding to \$100 million. The other \$15 million of the original amount instead would be placed into a newly created Prison Overcrowding Contingency Fund.

In addition, the amendment would provide \$200,000 to contract with the University of Nebraska to study inmate classification within the state Department of Correctional Services.

"This also funds [that study] so we are prepared next year to roll up our sleeves and address prison overcrowd-

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Pretrial DUI sobriety program clears first round

Individuals awaiting trial for driving under the influence of alcohol and other drugs could enroll in an alternative diversion program under a bill advanced from general file April 12.

LB271, sponsored by Lincoln Sen. Adam Morfeld, would authorize county-level 24/7 sobriety programs created by the sheriff or a designated entity.

Morfeld said evidence from states that have implemented similar programs shows increased rates of sobriety among participants and reduced incidents of alcohol-related traffic accidents and domestic violence.

"Research has shown these programs are more effective at reducing recidivism of drug and alcohol related offenses than traditional monitoring methods," Morfeld said. "Seeing the same facility staff twice daily gives a unique sense of accountability that is often lacking with just an [ignition] interlock device or suspended license."

Under the bill, a person awaiting trial for driving under the influence could join a voluntary 24/7 sobriety program as a condition of bail and submit to twice-daily sobriety testing or use of a continuous alcohol monitoring device. Participants would agree not to consume alcohol or any drug not prescribed by a physician while enrolled in the program.

An individual who violates a program's terms would face immediate sanctions as established in their participation agreement. A sixth violation would result in immediate expulsion

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Pretrial DUI sobriety program clears first round

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from the program and exclusion from further participation.

LB271 also would authorize a special motor vehicle operating permit for individuals enrolled in a 24/7 sobriety program. The permit would be subject to court approval, a \$45 issuance fee and at least 30 consecutive days in the program without sanction.

An individual with a 24/7 sobriety permit who is found to be driving under the influence or who refuses a chemical test would be guilty of a Class IV felony, punishable by up to two years imprisonment with 12 months post-release supervision, a \$10,000 fine or both.

Morfeld said Lancaster County has agreed to fund the estimated \$100,000 programming cost required by the state Department of Motor Vehicles to issue 24/7 sobriety permits.

He introduced an amendment that would limit permit eligibility to individuals whose operator's license has been revoked related to the current pending offense. An individual would not be eligible if they are subject to a different suspension, cancellation or



Sen. Adam Morfeld (right) talks with colleagues April 12 about his proposed alternative to pretrial incarceration for individuals charged with DUI.

revocation of their license or are under a required no-driving period.

Lincoln Sen. Matt Hansen spoke in support of the bill. He said the program holds participants to a stricter standard than using a breath analysis tool in their cars.

"The 24/7 program is designed to make people remain sober, whereas an Interlock device is designed to make people stop driving drunk," Hansen

said.

Sen. John Cavanaugh of Omaha also supported LB271, but expressed concern that a violation of program participation could result in a felony charge when an individual's original charge may have been only a misdemeanor.

Following the 38-2 adoption of the Morfeld amendment, senators voted 34-3 to advance the bill to select file. ■

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Budget advanced with prison funding compromise

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ing reform,” Wishart said.

The Prison Overcrowding Contingency Fund was created by an amendment brought by Omaha Sen. Justin Wayne to LB384, another component of the budget package. The amendment states legislative intent that dollars transferred to the fund remain sequestered until used by the Legislature to address prison overcrowding.

Omaha Sen. Steve Lathrop supported the Wayne amendment. In combination with the Wishart amendment, he said, it would allow the state to partner with UNO to find smarter ways to use state resources to ensure that inmates can obtain needed programming in a timely manner while maintaining public safety.

“This amendment demonstrates our commitment to a solution that is not just building more beds and building a new prison,” Lathrop said.

Sen. Mike Groene of North Platte expressed concern that the amendment wouldn’t solve the overcrowding problem. He said a similar study done several years ago — and the legislation that resulted from it — had the same goal but failed.

He said the main result of that attempt at prison reform was to “fill” county jails by pushing inmates down from the state level to the county level.

“I’ve heard this promise before,” Groene said.

Following the 28-0 adoption of the Wayne amendment, senators advanced LB384 to final reading by voice vote.

Several additional amendments to the mainline budget bill were considered, including a proposal from Omaha Sen. Terrell McKinney, adopted 38-0, stating legislative intent that 20 percent of any future funds

appropriated to the Business Innovation Act be used for the small business investment program.

Also adopted was an amendment from La Vista Sen. John Arch meant to ensure parity in child welfare provider rates across the state. The budget package provides for a 2 percent rate increase per year over the next two fiscal years.

The Arch amendment states the intent of the Legislature that Saint Francis Ministries provide that same increase to providers in the eastern service area out of their existing contract funds. The amendment was adopted 41-0.

An attempt by Groene to strike an increase in funding to the state’s public health departments was not adopted. The provisions originally were part of LB585, sponsored by Omaha Sen. Tony Vargas, and would appropriate \$1.5 million in fiscal year 2021-22 and \$3 million in FY2022-23 to local public health departments.



Sen. Tony Vargas

Groene said those departments are funded adequately and that lawmakers should wait until all federal CARES Act funds have been finalized to determine if additional dollars are necessary.

Vargas opposed the amendment, saying CARES Act funds are meant to reimburse public health departments for expenditures to combat the coronavirus pandemic. The additional funding in the budget would help shore up the state’s public health “infrastructure,” he said, allowing departments to resume the work of providing preventative health care and prepare

for future public health emergencies.

“This proposal was brought because CARES Act funding is one-time funding,” Vargas said. “Public health infrastructure is critical to ensuring that the next time something happens — and not just a pandemic or a virus — that our public health departments are [responding] and are prepared to do so.”

The Groene amendment failed on a 10-23 vote. An amendment offered by Omaha Sen. Machaela Cavanaugh to fully fund the state’s developmental disabilities wait list over a three-year period also failed 15-20.

Following adoption of a technical amendment, senators advanced LB380 to final reading by voice vote.

Other components of the budget package also were given second-round approval.

LB379, advanced 42-0, would make adjustments to funding for state operations, aid and construction programs in the current fiscal year ending June 30, 2021. LB381, advanced 45-0, would provide for the \$12,000 annual salaries of Nebraska’s 49 state senators.

Advanced to final reading by voice vote were:

- LB382, which would fund salaries and benefits for judges and constitutional officers;
- LB383, which would appropriate funds for capital construction;
- LB385, which would make a number of fund transfers to and from the state’s Cash Reserve Fund; and
- LB666, which would provide for payment of claims against the state and agency write-offs for uncollectable debts. ■

BANKING, COMMERCE & INSURANCE

Mental health insurance requirements adopted

Senators gave final approval April 15 to a bill that creates insurance parity for mental health services provided through telehealth in Nebraska.

LB487, introduced by La Vista Sen. John Arch, prohibits a private health insurance plan that covers mental health treatment from establishing rates, terms or conditions that place a greater financial burden on an insured for accessing treatment via telehealth.

The bill also requires that the reimbursement rate for telehealth treatment for a mental health condition be the same as the rate for a comparable treatment provided in person.

LB487 passed on a vote of 43-0.



Sen. John Arch

EDUCATION

Purple star designation for military friendly schools approved

Nebraska schools that take measures to welcome military-connected students may receive a special designation under a bill passed by the Legislature April 12.

Under LB5, introduced by Bellevue Sen. Carol



Sen. Carol Blood

Blood, a public, private or parochial school may apply to the State Board of Education for an annual “purple star school” designation.

To qualify, a school must designate a staff member as a military liaison who will serve as a school’s point of contact for military-connected students and their families. Among other duties, the liaison will identify military-connected students and assist in coordinating school programs relevant to them.

Among other criteria, a qualifying school must offer online resources for military-connected students and their families, maintain a student-led program to assist military-connected students in transitioning into the school and offer training for staff members on issues related to military-connected students.

Lawmakers voted 46-0 to pass the bill.

In-state tuition for home-school students approved

Nebraska home-school students are eligible for in-state tuition at Nebraska postsecondary educational institutions under a bill approved by lawmakers April 15.

Under LB92, introduced by Sen. Robert Clements of Elmwood, students who complete the program of instruction offered by a home school are considered residents for tuition purposes.

The bill also prohibits a publicly funded college or university in Nebraska from discriminating against any student with regard to determinations of residency status or scholarship eligibility on the basis of having been



Sen. Robert Clements

home-schooled.

LB92 passed on a vote of 43-0.

In-state tuition for AmeriCorps participants approved

Senators passed a bill April 15 that makes certain AmeriCorp participants eligible for in-state tuition at Nebraska higher education institutions.

Under LB197, introduced by Omaha Sen. Tony Vargas, a student who qualifies for an AmeriCorps award is considered a resident for tuition purposes at Nebraska postsecondary educational institutions.

Lawmakers voted 43-0 to pass LB197.



Sen. Tony Vargas

GENERAL AFFAIRS

Bare-knuckle boxing, kick-boxing regulation passed

Fight fans in Nebraska have more viewing options following passage of a bill April 12.

LB70, introduced by Omaha Sen. Justin Wayne, authorizes the state athletic commissioner to regulate professional kickboxing and bare-knuckle boxing. The commissioner currently regulates professional mixed martial arts and boxing.

Lawmakers passed LB70 on a 42-2 vote.



Sen. Justin Wayne

Gaming near fairgrounds approved

Games of chance at licensed race-tracks in Nebraska that are located near fairgrounds are allowed to operate at the same time as a fair under a bill passed April 15.

State law prohibits gambling and a number of other activities within 660 feet of a state, district, county or agricultural fair and provides exceptions. LB371, introduced by Grand Island Sen. Raymond Aguilar, adds games of chance under the Nebraska Race-track Gaming Act to the current list of exceptions.



Sen. Raymond Aguilar

The bill helps to implement the provisions of a constitutional amendment passed in 2020 that authorized licensed horse racing tracks to offer games of chance.

Senators passed LB371 on a 35-7 vote.



Virtual meeting bill passed

Local political subdivisions have greater flexibility to meet virtually under a bill passed April 15.

LB83, introduced by Norfolk Sen. Michael Flood, allows authorized political subdivisions to hold meetings virtually during a declared emergency. The bill defines virtual conferencing as a meeting conducted



Sen. Michael Flood

electronically or by phone.

Under the bill, political subdivisions subject to the state’s Open Meetings Act and currently allowed to conduct one half of their annual meetings by video conferencing and teleconferencing can hold virtual meetings and discuss regular business during a governor-declared emergency.

Current requirements regarding advanced public notice and at least one physical site available for public participation still will apply. An official participating in such a virtual meeting may do so from any location.

LB83 also reaffirms the validity of any actions taken by a public body between March 17, 2020, and April 30, 2021, in reliance on an executive order from the governor that waived the open meeting requirements during the pandemic.

Senators passed the bill on a 43-0 vote and it took effect immediately.



Bill to expand SNAP eligibility advanced

More Nebraskans would be eligible for the federal Supplemental Nutrition Assistance Program, formerly known as food stamps, under a bill advanced from general file April 14.

Nebraska families making up to 185 percent of the federal poverty level would be eligible for SNAP benefits under LB108, as introduced by Sen. John McCollister of Omaha.



Sen. John McCollister

Currently, a family is eligible for

the program with a gross income of 130 percent or less of the federal poverty level and an adjusted net income – after deducting expenses such as housing and child care – of 100 percent or less of the federal poverty level. LB108 would not change the net income standard, which is set by the federal government.

McCollister introduced an amendment, adopted 34-13, that would set the gross income eligibility limit at 165 percent.

SNAP benefits are entirely funded by the federal government, McCollister said, and all administrative costs associated with LB108 would be covered through the federal American Rescue Plan Act. The amendment would require the state Department of Health and Human Services to report regarding the bill’s impact on the number of Nebraskan’s being served and continued funding availability by Dec. 31, 2022.

McCollister said 80 percent of Nebraska families receiving SNAP benefits include at least one working adult and half of them have children.

“People who receive SNAP benefits are not slackers,” McCollister said, adding that most are the state’s “working poor.”

Sen. Mark Kolterman of Seward supported the bill, saying it would help Nebraskans who are struggling financially.

“I think we owe the people that can’t afford food – that aren’t as blessed as well as we are – the right to have their bellies full at night when they go to bed, especially young children. You can’t learn if you’re hungry all the time,” Kolterman said.

Bellevue Sen. Carol Blood supported LB108 because it would help those in need and also would stimulate the economy.

“[SNAP] benefits augment the in-

come of farmers, retailers, food processors and distributors, not to mention their employees,” she said.

Sen. John Arch of La Vista opposed the bill, which he said would not eliminate the so-called cliff effect – when a recipient becomes ineligible for benefits due to an increase in pay – but merely would shift it. He said Nebraska has one of the lowest unemployment rates in the country and that expanding SNAP eligibility would disincentivize people from seeking employment.

Kearney Sen. John Lowe said he opposed LB108 because Nebraska taxpayers would have to fund the expanded program once federal dollars run out.

“Once we start a program it never goes away,” Lowe said.

After adoption of the amendment, senators advanced LB108 to select file on a 29-18 vote.

Expanded health care credentialing bill approved

The pool of credentialed workers in certain health care fields may expand under a bill passed April 15.

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

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

LB390 authorizes the state Department of Health and Human Services to determine the necessary credentialing level of an applicant with the



Sen. Dave Murman

recommendation of the appropriate professional advisory board. An applicant receiving a reciprocal license under the bill is required to establish residency in Nebraska within 180 days of obtaining the license.

Lawmakers passed the bill on a 40-1 vote.

Behavioral telehealth services expanded

Nebraskans have greater access to certain telehealth services under a bill passed April 15.

LB400, introduced by Sen. John Arch of La Vista, allows established patients to receive audio-only telehealth for individual behavioral health services originating from any location.

The bill allows a patient to provide verbal consent during an initial telehealth visit. Previously, Nebraskans were required to give written consent to receive telehealth services prior to those services being provided. LB400 requires that written approval be received within 10 days of a patient giving verbal consent.

Senators passed the bill on a 43-0 vote.

YRTC bill amended, advanced

A bill establishing educational standards at youth rehabilitation and treatment centers in Nebraska was amended to become an omnibus YRTC proposal and advanced from general file April 15.

LB428, introduced by the Health and Human Services Committee, would require that YRTC residents receive educational opportunities equivalent to those offered to students



Sen. John Arch

at Nebraska public schools. Under the bill, each YRTC would maintain accreditation by the state Board of Education and provide age-appropriate and developmentally appropriate educational programs.

La Vista Sen. John Arch, chairperson of the committee, said the proposal was the result of the recommendations made by the Legislature’s YRTC special oversight committee.

A committee amendment, adopted 35-0, added the provisions of four additional bills, each introduced by the committee:

- LB425, which would require state Department of Health and Human Services to hire a consultant to perform a needs assessment and cost analysis of an inpatient adolescent psychiatric unit at the Lincoln Regional Center. The assessment would be submitted to the committee by Dec. 1, 2021;
- LB427, which would prohibit DHHS from delaying inpatient or subacute substance abuse or behavioral health residential treatment for youth under the jurisdiction of a juvenile court when such treatment has been determined necessary after the youth’s commitment to the state Office of Juvenile Services or has been ordered by a juvenile court;
- LB429, which would require DHHS to notify the Legislature 120 days before making substantial changes to facilities and programs under the jurisdiction of the Office of Juvenile Services; and
- LB570, which would require that the Legislature complete an evaluation of the state’s privatization of child welfare case management in the eastern

service area by Dec. 31, 2021, and approve hiring a consultant to assist in the evaluation.

Omaha Sen. Steve Lathrop supported the package. He said the needs assessment provision for use of the Lincoln Regional Center would be critical in determining if the state can establish a “no eject, no reject” youth behavioral health facility.

“We really need that for the young people so that we do have, truly, a continuum of care,” Lathrop said.

Following the adoption of a technical amendment on a 33-0 vote, senators advanced LB428 to select file 34-0.

JUDICIARY

Cloture attempt on student journalist, adviser free speech protections fails

A bill to expand student journalist and adviser protections did not advance from select file April 14 after a motion to end debate and force a vote on the proposal failed.

LB88, sponsored by Lincoln Sen. Adam Morfeld, would designate student-produced media as part of a public forum and extend the full right to exercise freedom of speech and press that is provided to professional members of the media to public high school and postsecondary student journalists, as well as their media advisers.

The bill would not protect any expression by a student journalist that is libelous or slanderous, constitutes



Sen. Adam Morfeld

an unwarranted invasion of privacy, violates state or federal law or incites students to engage in unlawful acts.

Student journalists and advisers would not be subject to discipline for exercising their rights as protected under the bill.

North Platte Sen. Mike Groene opposed LB88, saying it would go too far in protecting student media advisers from discipline.

“This bill can never be made better unless the publisher is in charge and that’s the administrator and the school board,” he said. “We cannot have an employee in a school that is not susceptible to discipline for any reason.”

Bayard Sen. Steve Erdman introduced an amendment on select file, adopted 44-1, to specify that student media advisers could face discipline but with guaranteed due process protections. He said the change would allow administrators to make appropriate, necessary employment decisions to protect students while still guaranteeing media advisers’ rights.

Speaking in support of the amended version of LB88 was Omaha Sen. Megan Hunt. She said opponents of the bill who expressed concerns that student journalists would publish content that they would later regret were attempting to protect those students from themselves.

“We need to tell students that we support the exchange of ideas and that we support education and the educators in Nebraska who are supervising these students already,” Hunt said.

A pending amendment introduced by Sen. Matt Hansen of Lincoln would strike language designating a student newspaper as part of a public forum. He said the change would address concerns that the bill would prevent school faculty from having any oversight over student journalists.

Morfeld supported the amend-

ment, saying students benefit from the oversight provided by student media advisers.

“It is important that young people in our state who are exercising their rights for the first time – particularly in a government institution that should be content and viewpoint neutral – have the ability to exercise those freedom of speech rights with the supervision of a student media adviser ... and their administrator as well,” he said.

After four hours of debate, Morfeld offered a motion to invoke cloture, which would end debate and force a vote on the bill and any pending amendments.

The cloture motion failed 30-17. Thirty-three votes were needed. A failed cloture motion results in debate on a proposal ceasing for the day. LB88 is unlikely to be placed on the agenda again this session.

NATURAL RESOURCES

Carbon sequestration framework amended, advanced

Operators of carbon sequestration facilities in Nebraska would have to complete a seismic risk assessment before receiving a permit under a bill advanced to the final round of debate April 14.

Under LB650, sponsored by Norfolk Sen. Michael Flood, the Nebraska Oil and Gas Conservation Commission would regulate facilities that inject carbon dioxide through wells into underground



Sen. Michael Flood

geologic formations for permanent or short-term storage.

LB650 would allow geologic storage only if a storage operator obtains a permit from both the commission and the Environmental Protection Agency's Underground Injection Control program. The commission would hold a public hearing and consult with state agencies and the federal permitting authority before issuing a permit.

Flood introduced an amendment on select file that he said is intended to address concerns that the injection wells could cause unintended seismic activity.

Under the amendment, adopted 40-0, the commission would have to find that, in accordance with the federal program, the storage operator has completed a geologic study that includes a seismic risk assessment before issuing a permit.

LB650 also would authorize the commission to require that any portions of a storage reservoir owned by nonconsenting landowners be included in a storage facility. Those landowners would be "equitably compensated."

Sen. Steve Lathrop of Omaha supported the bill but said he and Flood are having "ongoing conversations" to ensure that LB650 protects landowners' due process rights.

Following adoption of the Flood amendment, senators advanced the bill to final reading by voice vote.

REVENUE

Income tax credit for passthroughs modified, advanced

Lawmakers gave first-round approval April 12 to a bill that would change

the way in which passthrough entities claim a refundable income tax credit under the Property Tax Incentive Act.

The act, passed last year, requires passthrough entities, trusts and estates to allocate the credit — which is based on school property taxes paid — in the same proportion that income is distributed to shareholders, partners, members or beneficiaries.

As introduced by Elkhorn Sen. Lou Ann Linehan, LB181 would have allowed parking facilities near convention centers to qualify for the use of a state sales tax turnback.



Sen. Lou Ann Linehan

However, Linehan said, the way the new tax credit is calculated has created an administrative problem that needs to be solved this year.

A Revenue Committee amendment, adopted 45-0, replaced the bill. It would allow passthrough entities, trusts and estates to distribute the credit in the current manner for taxable years beginning or deemed to begin before Jan. 1, 2021.

For taxable years beginning or deemed to begin on or after that date, the credit would be claimed at the entity level.

"It's a technical change to ease the administrative burden," Linehan said. "It makes no changes to the tax credit amount — it simply allows for a more simplified calculation."

Sen. Mike Groene of North Platte supported the amendment, saying it would end an "accounting nightmare" for Nebraska tax preparers. In situations involving passthrough entities with many members, he said, it can cost more for an accountant to calculate the amount of credit due to each member than the credit is worth.

For that reason, Groene said, some

accountants discouraged passthroughs from claiming the credit when filing their taxes this year. To address that issue, the amendment contains a provision that would allow those entities to claim the credit on school property taxes paid in 2020, he said.

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

TRANSPORTATION & TELECOMMUNICATIONS

Veteran license plate registry passed

Lawmakers approved a bill April 12 that imposes new requirements on individuals seeking certain armed services license plates.

LB78, sponsored by Creighton Sen. Tim Gragert, requires an individual applying for a Gold Star Family, Ex-Prisoner of War, Disabled American Veteran or Purple Heart/Combat Wounded license plate to register first with the state Department of Veterans' Affairs.



Sen. Tim Gragert

The state Department of Motor Vehicles will use the registry information to verify an individual's eligibility.

The bill passed on a 46-0 vote.

Rural-based broadband funding plan amended, advanced

A bill meant to give rural customers more input on their broadband carriers was advanced from select file April 14.

The Public Service Commission adopted rules in 2018 to withhold Nebraska Universal Service Fund

support from telecommunications carriers that do not offer broadband services and instead redirect that funding to eligible carriers who could provide broadband in the same exchange area.

Currently, those funds could be redirected only through a reverse auction process. LB338, sponsored by Brainard Sen. Bruce Bostelman, would authorize a second method to redirect funds known as a rural-based plan.



Sen. Bruce Bostelman

To qualify for consideration by the PSC, a rural-based plan must include an eligible telecommunications company. The plan would be judged on the company's history and service capability in the area, as well as local support, partnerships with local public power and wireless internet service providers and cooperation by the incumbent local exchange carrier that has lost support from the commission.

A plan approved under the provisions of LB338 by the PSC would include a deployment timeline to include periodic milestones and reporting requirements from the telecommunications company.

As amended on general file, the bill would require any recipient of ongoing high-cost financial support from the universal service fund to submit to broadband service speed tests by the PSC. Any universal service funds distributed for new broadband infrastructure construction would be directed to projects that provide service scalable to 100 Mbps or greater of upload speed.

Additionally, any political subdivision that receives federal funding for broadband service enhancement would be required to provide service scalable to 100 Mbps or greater for both upload and download speed.

Bostelman introduced an amendment on select file that would ensure no federal funding could be used to expand broadband service in locations already capable of 100 Mbps or greater for both upload and download speed.

Following the 36-0 adoption of the Bostelman amendment, senators advanced the bill to final reading on a voice vote.

New timeline requirements for abandoned vehicles advanced

Nebraska law enforcement would be required to make timely abandoned vehicle reports under a bill advanced from general file April 12.

Currently, when an abandoned vehicle is towed, the towing company must notify any lienholder on the title, as well as the owner, within 15 business days. LB616, sponsored by Venango Sen. Dan Hughes, would require the law enforcement agency with

jurisdiction also to follow the notification requirements.

Hughes said that it is not uncommon for a tower to have a vehicle on their lot for an extended period of time while waiting for law enforcement to give notice to the last owner of the vehicle or lienholder.



Sen. Dan Hughes

"In the meantime, the vehicle is taking up space in the tower's lot and the tower is not being financially compensated or recouping any of the towing charges," Hughes said.

The bill also would increase the value of an abandoned vehicle from \$250 to \$500.

Following the 45-0 adoption of a technical Transportation and Telecommunications Committee amendment, senators voted 46-0 to advance LB616 to select file. ■

Unicameral Youth Legislature registration open

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2021 Unicameral Youth Legislature, which will convene June 13-16.

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

Students will learn about the

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

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

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

The registration deadline is May 28.

CRAFTING THE STATE BUDGET

The primary constitutional duty of the Legislature is to pass the state budget. Before a budget is passed, however, the Legislature must consider hundreds of funding requests for the creation, maintenance or improvement of government services, programs, equipment and infrastructure.

This lengthy process is governed and guided by provisions of the Nebraska Constitution, state statutes and legislative rules.

BIENNIUM Nebraska's budget cycle consists of two fiscal years, called a biennium. Biennial budgets are enacted during regular 90-day legislative sessions held in odd-numbered years. Budget adjustments are made during regular 60-day sessions held in even-numbered years. Consequently, the volume of issues and dollar value of decisions during short sessions typically are less.

The Legislature's Appropriations Committee is responsible for reviewing budget requests and presenting a budget recommendation to be considered by the full Legislature. Before submitting its recommendation, the committee considers recommendations from the governor, requests from state agencies and fiscal impacts of bills sponsored by senators.

The process begins when state agency requests come to the Legislative Fiscal Office in the fall prior to each session. Fiscal Office staff study the requests and prepare briefings for the Appropriations Committee. At the same time, budget analysts from the executive branch are reviewing agency requests and working with the governor to formulate his or her budget recommendation.

Revenue forecasts generated by the Fiscal Office are reviewed by the Nebraska Economic Forecasting Advisory Board along with forecasts developed by the state Department

of Revenue. The board's estimates become the basis for planning general fund budget conditions for the current and next biennium.

GOVERNOR'S RECOMMENDATION The governor is required to submit his or her budget recommendation by Jan. 15 in odd-numbered years, except that in the first year of office a governor may submit a proposal on or before Feb. 1. The governor communicates his or her proposals through a state of the state address and formally submits his or her recommendation to the Legislature through one or more bills, introduced by the speaker of the Legislature at the request of the governor.

The governor's appropriation bills routinely are referred to the Appropriations Committee. Other substantive bills that are instrumental to the governor's budget recommendation are referred to the standing committee having subject matter jurisdiction. Such substantive bills are not subject to the Jan. 15 deadline.

During the first 10 days of session, senators introduce other bills, which may require an appropriation to implement.

In January and February, the Appropriations Committee reviews

the Fiscal Office analysis of each agency budget request. Under legislative rules, the committee must submit its preliminary recommendations in a report to the Legislature 20 to 30 legislative days after the governor's budget submission.

The report includes preliminary funding levels and an overall analysis of the state's spending capacity based on current revenue forecasts, tax rate assumptions and compliance with the statutory minimum reserve, which must fall between 3 and 7 percent of available general funds. The estimates in the preliminary report become the basis of discussion during subsequent public hearings with state agencies and other interested parties.

"A" BILLS During this time, other standing committees are conducting hearings on bills referred to them. Each bill has an accompanying fiscal note, which is an estimate of the financial impact of the legislation, including expenditures and revenues.

The fiscal note becomes the basis for estimating what appropriation may be necessary if the bill becomes law. When a committee advances a bill that has a financial impact, a companion bill authorizing an appropriation is introduced. This bill is assigned the same number as its companion along with an "A" suffix.

COMMITTEE
RECOMMENDATION

After issuing its preliminary report, the Appropriations Committee conducts public hearings on the budget and then reviews all preliminary decisions, information obtained during the hearings and any other information brought to its attention.

The committee meets for about two weeks to complete a set of recommendations that is offered to the full Legislature in the form of amendments to the governor's legislation or new bills.

During a long session, the committee has until the 70th day to place its budget bills on general file. During a short session, the deadline is the 40th legislative day. If the committee fails to introduce its bills by the deadline, legislative rules require that senators consider the appropriation bills as introduced by the governor.

At a minimum, the Legislature must consider three appropriation bills: one for legislators' salaries; another for constitutional officers' salaries, which generally include other elected officials and judges; and a third to appropriate for all other expenditures.

However, the committee typically introduces several bills that fall under broad categories. One large bill appropriates most state funds for operations and state aid. A second bill typically is offered to make appropriations for capital construction projects. Another bill provides for deficit appropriations, which are adjustments to appropriations previously authorized for the

current year. It is not unusual for the deficit bill to be considered early in the session because some of the adjustments may be emergencies that apply to the current year.

Other bills also may be offered, including bills making appropriations for salary increases, increased benefit costs or substantive law changes — such as authorization for a fee and creation of a fund — that implement some aspect of the committee recommendation.

STATUS REPORT

After the committee's bills are placed on general file, a daily financial status report of the general fund accompanies the daily agenda. The status report indicates the amount of budgeted funds under the committee recommendation and the amount of additional spending that could be accommodated beyond the statutorily required minimum reserve.

For planning purposes, the status also indicates financial conditions for the biennium under consideration plus the two following years. Although the Legislature considers only the first two years for appropriations, simulating impacts for two additional years provides useful information on the state's ability to sustain future obligations.

During long sessions, all other bills having a general fund expenditure or a general fund revenue loss are held on final reading and may not be read until the Appropriations Committee's budget bills pass. During short sessions, other bills may be read after the 45th day.

By rule, the Legislature must pass

appropriations bills by the 80th day in a long session or the 50th day in a short session. There is no penalty for not passing appropriations bills as provided by rule, other than the holdup of bills during a long session. Circumstances such as volume of amendments, length of debate and full discussion of appropriations matters can extend passage of the appropriations bills beyond the prescribed deadlines. Appropriations bills usually carry the emergency clause, which requires 33 votes for passage on final reading. This also is true of deficit bills. Bills without the emergency clause need 25 votes to pass.

VETOES

On appropriations bills, the governor has the option of signing the bill, letting the bill become law without his or her signature, vetoing the bill or returning the bill to the Legislature with one or more line-item vetoes. Within a day of the return of appropriations bills to the Legislature with total or line-item vetoes, the Appropriations

Committee must report on the impact of the vetoes and may offer a motion to override all or some of them.

Individual members of the Legislature may then offer their own veto override motions. For an override motion to succeed, two-thirds of the Legislature must vote for it.

All final appropriations ultimately enacted take effect July 1 of the designated fiscal year or, if passed without the emergency clause, three calendar months after the end of the legislative session. Deficit bills making adjustments to current-year appropriations with the emergency clause are effective immediately. ■

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