

## School funding formula “revamp” proposed

Nebraska would set aside a portion of its sales tax revenue to fund a new form of state aid to public schools under a pair of proposals heard by lawmakers this week.

In a Jan. 25 hearing, Fremont Sen. Lynne Walz, sponsor of LB890, said the bill would “revamp” the Tax Equity and Educational Opportunities Support Act, which distributes state aid to Nebraska’s 244 public school districts.

Under her proposal, each district would receive education stabilization base aid (ESBA) paid from a new trust fund, which Walz called a “rainy day fund for education.”

“While our current economic situation is good, we all know that in lean times, TEEOSA has been cut to bal-



Sen. Lynne Walz said LB890 and LB891 would provide sustainable state funding for public school districts while reducing their reliance on property taxes.

ance the budget, therefore increasing property tax[es],” she said. “By saving money in the good years, we are preparing to support schools in lean years better than we ever have been able to do in the past.”

Districts would receive \$550 in ESBA per student for school fiscal year 2022-23 and \$1,100 per student in 2023-24. Beginning in 2024-25, the amount would increase by a basic allowable growth rate of 2.5 percent, Walz said.

The bill also would increase the allocation of state income taxes to school districts from the current 2.23 percent to 20 percent in 2023-24.

To ensure the additional state aid results in property tax relief, Walz said, LB890 would decrease the local effort rate

— a component of the school funding formula that uses property valuation to determine how much a district can contribute in property taxes to fund a school — from \$1 to 75 cents.

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## Allocation of federal pandemic relief funds considered

The Appropriations Committee heard testimony Jan. 25 on the governor’s recommendations to appropriate federal American Rescue Plan Act funds.

LB1014, introduced by Speaker Mike Hilgers at the request of Gov. Pete Ricketts, contains recommended appropriations for fiscal year 2021-22 and FY2022-23 for the \$1.04 billion in ARPA funds that Nebraska has been allocated to mitigate the impact of the coronavirus pandemic.

The state has received \$520 million and an additional \$520 million is anticipated by May 2022. Federal law specifies that expenditures must either support COVID-19 mitigation efforts, respond to negative economic impacts, replace lost revenue, provide premium pay for essential workers or fund water, sewer and broadband infrastructure projects.



Sen. Mike Hilgers

Among the appropriations outlined in LB1014 are:

- \$47.7 million to the state Law Enforcement Training Center;
- \$50 million for Statewide Tourism and Recreational Water Access and Resource Sustainability Fund projects;
- \$60 million for family-directed education recovery accounts for low-income children and families;
- \$60 million for statewide drinking water projects;
- \$100 million for the Perkins County canal project; and
- \$100 million for shovel-ready capital projects.

Tom Riley, director of the state Department of Natural Resources, testified in support of the Perkins County canal project allocation, which he said is “essential” to preserving water access in the state. He said Colorado currently is spending 20 times that amount to develop projects that

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# School funding formula “revamp” proposed

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LB891, a companion bill introduced by Sen. Brett Lindstrom of Omaha, was heard Jan. 26 by the Revenue Committee. It would modify school levy authority and adjust the state’s tax code to fund the additional aid.



Sen. Brett Lindstrom

In addition to allocating a portion of state sales and use tax proceeds to the ESBA trust fund, Lindstrom said, the bill would end the distribution of refundable income tax credits under the Nebraska Property Tax Incentive Act and repurpose that money to fund TEEOSA.

The credit, currently funded at \$548 million, is based on the amount an eligible taxpayer paid in property taxes to their school district during the previous year.

Chip Kay, director of finance and human resources for Columbus Public Schools, testified in support of both bills. Walz credited Kay and Columbus superintendent Troy Loeffelholz

with creating the proposals’ initial framework.

Kay said decreasing the local effort rate would reduce school districts’ property tax asking by more than \$725 million. The state would replace that funding with ESBA and the increased income tax allocation, he said.

When fully implemented, Kay said, the bills would shift the balance of school funding from a current 39/61 percent split between state and local sources to a 58/42 percent split. He said 242 of the state’s 244 school districts would receive additional state aid under the plan.

Mark Fritch, superintendent of Nebraska City Public Schools, testified in support of LB890. He said the district’s low property value prevents it from generating enough revenue to meet its basic needs under the current state aid formula.

Fritch said the bill would be a “game changer,” allowing the district to reduce its levy from the maximum and set aside money to upgrade facilities and address changing needs.

Jami Jo Thompson, superintendent

of Norfolk Public Schools, also testified in support of the Walz proposal. When fully implemented, she said, it would allow her district to decrease its general fund levy by enough to reduce its property tax asking by approximately \$12 million.

Thompson said LB890 also would reduce the discrepancy in levies between Norfolk and its neighboring districts. Norfolk’s higher levy places an undue burden on its property taxpayers, she said, particularly farmers.

Jack Moles testified in support of LB890 on behalf of the Nebraska Rural Community Schools Association. He said it would result in many more schools receiving equalization aid, which is intended to cover the difference between a school’s resources and its needs, and allow schools to reduce their property tax askings.

He suggested, however, that the bill include a component to ensure that every district receives at least 20 percent of its basic funding from the state.

Testifying in opposition to both bills was Cheryl Logan, superintendent of Omaha Public Schools. She said

## UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter published during the legislative session. It is produced by the Clerk of the Legislature’s Office through the Unicameral Information Office. For print subscriptions, call 402-471-2788 or email [uio@leg.ne.gov](mailto:uio@leg.ne.gov). Visit us online at [Update.Legislature.ne.gov](http://Update.Legislature.ne.gov), [twitter.com/UnicamUpdate](https://twitter.com/UnicamUpdate) and [facebook.com/UnicameralUpdate](https://facebook.com/UnicameralUpdate).

Clerk of the Legislature: Patrick J. O’Donnell

Editor: Kate Heltzel; Writers: Kyle Harpster, Mike Malloy and Emma Patel; Photographer: Bess Ghormley

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THE NEBRASKA LEGISLATURE’S OFFICIAL NEWS SOURCE SINCE 1977

the funding mechanisms proposed in LB891 would not cover the cost of additional state aid over the long term.

For districts like OPS that rely heavily on state aid, Logan said, LB890 would lead to greater unpredictability than the current school funding formula.

“Even if this body were able to come up with the funds in year one or year two,” she said, “the Legislature’s long history of balancing the state budget by reworking TEEOSA suggests such an approach is not sustainable.”

Monty Stoddard testified in opposition to LB891 on behalf of the Nebraska Cattlemen, Nebraska Farm Bureau and several other agricultural organizations. Under LB890 and LB891, he said, agricultural landowners would trade the LB1107 credit’s 29 percent reduction in property taxes paid for only a 19 percent reduction.

In the first year, Stoddard said, the proposals would direct 93 percent of total state aid to 86 currently equalized school districts. He said 80 percent of new state aid would go to those equalized districts.

“While better than the current distribution,” Stoddard said, “it appears that distribution of state aid would remain unproportionately weighted to schools which already get the bulk of the state aid.”

Tiffany Friesen Milone gave neutral testimony on LB891 on behalf of OpenSky Policy Institute. She said reallocating funding for the LB1107 credit to TEEOSA would move Nebraska closer to a middle rank in terms of state support for education rather than its current rank of 49th.

Friesen Milone said OpenSky is concerned about the proposal’s long-term sustainability, however, because it does not provide a new source of revenue to fund the additional aid.

The committees took no immediate action on either bill. ■

## Allocation of federal pandemic relief funds considered

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would restrict the flow of water from the South Platte River into Nebraska.

“Nebraska needs to build this project so we can fully enforce our rights under the South Platte River Compact,” Riley said. “If we don’t start now, we miss the opportunity.”

Jim Macy, director of the Nebraska Department of Environment and Energy, also supported the proposal. He said the funding would improve fish and wildlife habitats and provide more water for the Platte River system at the most critical times of the year.

Testifying in opposition on behalf of the Sierra Club of Nebraska, Al Davis said the proposed canal project likely would result in decades of lawsuits from Colorado before work could even begin on canal construction or on permitting proposals for a reservoir. Calling the idea “questionable” and “risky,” Davis said ARPA funds instead should be used to enhance the state’s existing water infrastructure and other priorities.

Testifying in support of an allocation of \$47.7 million for the Law Enforcement Training Center, Don Arp said the funding would be “nothing short of transformative.” Arp, executive director of the Nebraska Crime Commission, said violent crimes — including homicides — have increased significantly during the pandemic. At the same time, he said, Nebraska is at least 100 officers short of capacity at all levels of law enforcement when the state needs them most.

Arp said the governor’s proposal would fund the purchase of approximately 100 acres of land in the Grand Island area to expand dormitory space, construct an indoor firearms range and build a video production studio, among other projects.

No one testified in opposition to the proposal.

Several testifiers spoke in favor of a proposed \$100 million expansion in funding for a mechanism that was

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The Appropriations Committee heard nearly nine hours of testimony regarding the governor’s ARPA spending proposal.

## Allocation of federal pandemic relief funds considered

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passed by lawmakers in 2021 meant to jump-start certain construction projects delayed by the COVID-19 pandemic. That bill provided \$15 million in matching grants to qualifying sports complexes and nonprofits related to arts, culture or the humanities and allowed for allocation of additional federal funds.

Proponents of projects ranging from sports complexes to nonprofit hubs and restoration efforts encouraged committee members to support the provision.

Jeff Weak of Omaha said the state Department of Economic Development received 125 applications for projects totaling approximately \$325 million before the grant period ended July 15, 2021.

“[This] is really about hope for the future and investment in not-for-profits in our state,” Weak said.

A provision to fund \$60 million in family-directed education recovery accounts as a pilot project also was discussed. Funds of up to \$2,000 per child, per school year would be available to students who qualify for the federal free lunch program and could be used for private school tuition, tutoring, digital-learning subscriptions and other K-12 educational services.

Jeremy Ekeler of the Nebraska Catholic Conference testified in support of the proposal. Studies have shown that students were five months behind in mathematics

and four months behind in reading at the end of the 2021 school year due to pandemic disruptions, he said.

Low-income and minority families are least able to pursue alternative and supplemental assistance to make up for these learning losses, Ekeler said, noting that funds for the pilot program would be available to public, private and home-schooled students.

“Ultimately, the families disproportionately impacted by the pandemic experienced increased educational costs at a time when financial circumstances were already constrained,” he said.

Tim Royers, speaking on behalf of the Nebraska State Education Association, testified in opposition. Discounts on private school tuition would not meet the additional social, emotional and mental health needs generated by the pandemic, he said. Funds would be better spent on fully funding speech and language pathologists and school psychologists who serve all the state’s public and private school students, he said.

“Now is the time to make sure our resources are going to proven solutions, expanding established infrastructure to make sure that we’re truly meeting the needs of all Nebraskans,” Royers said.

The committee took no immediate action on LB1014. ■

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# APPROPRIATIONS

## Commuter rail study proposed

The state would study the feasibility of a high-speed rail system between Nebraska's two largest cities under a bill considered Jan. 27 by the Appropriations Committee.

LB991, sponsored by Lincoln Sen. Adam Morfeld, would appropriate \$500,000 in general funds in fiscal year 2022-23 to the state Department of Transportation to conduct a feasibility study of high-speed commuter rail service between Omaha and Lincoln. The study would include cost estimates, timelines and economic impacts for the creation of such a service.



Sen. Adam Morfeld

Morfeld said a similar 2003 study estimated the cost to update existing rail lines owned by BNSF Railway for high-speed rail at \$80 million. Those lines have since been updated, he said, so a new study to reevaluate the project is warranted.

In addition, Morfeld said, driving habits have changed since 2003 and more people are interested in public transportation options, including some of the thousands of Nebraskans who commute daily between Lincoln and Omaha.

"The reason why I'm so passionate about this is because I've received an overwhelming amount of support for this concept and proposal and I think it's important to pursue," Morfeld said.

Richard Schmeling, president of Citizens for Improved Transit and a member of ProRail Nebraska, testified in support of the bill. Calling the commute between Lincoln and Omaha

"crowded and unpleasant," Schmeling said lanes recently added to Interstate 80 have not solved the problem.

In addition, he said, public transportation improvements in both cities have helped to address the question of how riders would get to the high-speed rail stations and to their final destinations upon arrival, addressing the "first mile/last mile" problem.

"We don't want to put ourselves in a position where we're going to have to play catch-up ball," Schmeling said. "If we build it now, it'll be cheaper than if we build it 10 or 20 years in the future."

Representing the city of Lincoln, Eric Gerrard also testified in support. Economic expansion will require partnerships between Lincoln and Omaha to entice people to the region, he said, and more public transportation options may be part of that equation.

No one testified in opposition to LB991 and the committee took no immediate action on the bill.

## Budget adjustments offered

Mid-biennium adjustments to the state's budget were considered by the Appropriations Committee Jan. 24. The state budget is structured on a two-year basis, with the budget passed in odd-numbered years and adjustments made during legislative sessions held in even-numbered years.

Three bills, introduced by Speaker Mike Hilgers of Lincoln at the request of Gov. Pete Ricketts, comprise the governor's mid-biennium budget recommendations:



Sen. Mike Hilgers

- LB1011, which would provide, change and eliminate state appropriations;

- LB1012, which would transfer funds, create funds and change and eliminate provisions regarding a fund and reimbursement provisions; and
- LB1013, which would change provisions relating to the state's Cash Reserve Fund.

Presented to the committee by State Budget Administrator Lee Will, the bills would make adjustments in the current fiscal year ending June 30, 2022, as well as the next fiscal year. Lee said that since the biennium budget package was passed last year, the state has collected over \$400 million more in general fund tax receipts than was forecast.

The governor's budget recommendation in LB1011 includes a general fund reappropriation increase of \$75.3 million to the state Department of Health and Human Services and the following transfers from the General Fund:

- \$5 million to the Governor's Emergency Cash Fund;
- \$40.7 million to the Nebraska Capital Construction Fund; and
- \$150 million to the Statewide Tourism and Recreational Water Access and Resource Sustainability Fund, known as STAR WARS.

LB1012 would create several cash funds and transfer \$500,000 on April 30, 2022, and \$1 million on July 1, 2022, from the General Fund to the Community College State Dependents Fund.

LB1013 contains transfers from the state's Cash Reserve Fund of \$400 million to the Perkins County Canal Project Fund; \$175 million to the Nebraska Capital Construction Fund – including \$155 million for the replacement of the Nebraska State Penitentiary facility – and \$20 million to finance mental health beds within

the correctional system.

The budget adjustments are based, Will said, on a projected 3.5 percent annual growth rate. He said the governor’s recommendations would provide a general fund balance at the end of the current biennium of \$349 million and a cash reserve balance of \$941.2 million.

Speaking in favor of the proposal, Jalene Carpenter, president and CEO of the Nebraska Health Care Association, said the additional funding included for a temporary provider rate increase would help the “dire” situation facing facilities. She urged lawmakers to take additional steps, however.

“We appreciate the 2 percent proposed increase to the current provider rate in the biennium,” Carpenter said. “But I have to tell you, it is not sufficient to address the crisis happening in our skilled nursing facilities today.”

Carpenter said that 55 percent of skilled nursing facility residents in Nebraska are Medicaid recipients, and the reimbursement rate for those residents is less than the cost of their care. As a result, she said, facilities lack the resources to recruit and retain employees in the state’s tight labor market.

Four skilled nursing facilities closed last year, Carpenter said, and another announced last week that it also will soon close its doors.

“We do not have staff,” she said. “We cannot compete.”

Also testifying in support was Alana Schriver, executive director of the Nebraska Association of Service Providers. The organization, which advocates on behalf of developmental disability providers, supports the temporary 15 percent rate increase included in the budget proposal, she said, but believes that it doesn’t go far enough.

“Such investments are the minimum necessary for Nebraska to build back a sustainable home and commu-

nity-based services infrastructure that can address the magnitude of unmet needs in our communities,” Schriver said. “A temporary rate increase only offers a temporary fix.”

Craig Beck, speaking on behalf of OpenSky Policy Institute, testified in opposition to the budget proposal. He said the assumed 3.5 percent growth rate on which the proposal is based is “too optimistic” and relies too heavily on transfers from the state’s cash reserve and one-time federal pandemic relief funds.

“A robust cash reserve is needed to weather future economic downturns,” Beck said.

Also testifying in opposition was Danielle Conrad of the ACLU of Nebraska. Calling the proposal “misguided” and focused on “prisons, politics and pet projects,” she said the state would be better served by a focusing more on individuals who have been most deeply impacted by the pandemic.

“What the governor’s proposal is light on is people, is equity, is ensuring that we are utilizing these historic opportunities to make a positive difference to move our state forward,” Conrad said.

The committee took no immediate action on the budget proposal.

**BANKING, COMMERCE & INSURANCE**



**Bill would lower colorectal screening age**

The Banking, Commerce and Insurance Committee heard testimony Jan. 25 on a bill that would lower the insurance coverage age for a colorectal cancer screening from 50 to 45.

LB739, introduced by Sen. Eliot Bostar of Lincoln, would apply the change to most individual and group health insurance policies sold in Nebraska.



Sen. Eliot Bostar

Bostar said the bill would align state law with a recommendation from the U.S. Preventative Services Task Force.

“Our statutes should reflect national recommendations to save lives while also saving longer-term medical costs,” Bostar said.

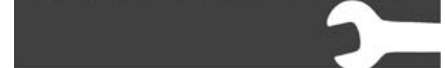
Dr. Alan Thorson testified on behalf of the Nebraska Medical Association and other health care groups in support of LB739. Incidents of colorectal cancer have recently fallen by about 1 percent a year for individuals ages 50 to 64, Thorson said, and that likely was due to increased screening. Meanwhile, case counts have increased by about 2 percent a year for those ages 45 to 50, he said.

Robert Bell, testifying on behalf of the Nebraska Insurance Federation, also supported the bill.

“The insurance companies in Nebraska support clarifying the existing colorectal screening mandate by lowering the coverage age,” Bell said.

No one testified in opposition to LB739 and the committee took no immediate action on it.

**BUSINESS & LABOR**



**Innovation partnership bill advanced**

Lawmakers advanced a bill from general file Jan. 26 meant to facilitate relationships between technol-

ogy firms and research institutions in historically underserved areas of Nebraska.

LB450, sponsored by Omaha Sen. Terrell McKinney, would require the state Department of Economic Development to design an innovation hub, or “iHub,” designation for certain areas in Nebraska.



Sen. Terrell McKinney

The bill defines an iHub as a partnership between private nonprofit corporations and a two- or four-year college or university to stimulate economic development. Among other tasks, the DED would provide technical assistance and guidance to entrepreneurs and facilitate partnerships between the member organizations.

Innovation hubs could bridge technological gaps in Nebraska, spark economic growth, create jobs and revitalize economically depressed areas like North Omaha, McKinney said.

“Many businesses, specifically in North Omaha, have lacked real investment in economic sustainability and opportunity for small business and entrepreneurs since the late 60s,” McKinney said. “Boarded up buildings and foreclosed businesses do not draw individuals to communities.”

A Business and Labor Committee amendment, adopted 42-0, would specify the area within which an iHub could be designated as an economic redevelopment area, defined in state law as an 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 area’s federal census tract.

McKinney also offered an amendment, adopted on a 40-0 vote, to add enterprise zones as an area eligible as an iHub area. The change potentially

would allow areas of the state that have experienced population decline also to qualify. Among other provisions, the amendment also would add inland port authorities and financial institutions to the list of allowable iHub partners.

As amended, the bill would require an iHub to contain at least three partners, develop a five-year plan and be current on all state and local taxes.

Sen. Justin Wayne of Omaha supported the bill, saying it would enable communities to have a “one-stop shop” for business development.

“The issue in North Omaha with business development is no different than the issue in Ogallala. It’s no different than the issue in Norfolk. It’s how do we develop small businesses – and it’s not just lifestyle businesses of coffee shops and restaurants, it’s suppliers, what we consider main street businesses,” Wayne said.

Blair Sen. Ben Hansen also supported LB450. He said there were provisions in place to distribute iHubs throughout Nebraska, and that the bill would provide opportunities to educate new and potential business owners regarding business plans, contracts and hiring.

Senators advanced LB450 to select file on a 43-0 vote.

**Increased compensation proposed for first responders’ families**

The Business and Labor Committee heard testimony Jan. 24 on a bill that would increase a one-time death benefit available to families of public safety officers killed in the line of duty.

During the 2021 legislative session, senators passed a bill that provides a one-time death benefit of \$50,000 to the family of a paid or volunteer law enforcement officer, firefighter,

correctional officer or government or nonprofit EMS ambulance squad member. For each following year, the compensation will be equal to the previous year’s compensation increased by the percentage of the consumer price index.

LB717, introduced by Lincoln Sen. Adam Morfeld, would increase the monetary compensation to \$250,000 for deaths occurring in 2022. The benefit would increase in future years in the same manner as the previous legislation.



Sen. Adam Morfeld

In many cases, Morfeld said, the current death benefit given to families would not come close to covering medical and funeral expenses, let alone ensuring that families are compensated for their loss of income.

“I truly believe that \$50,000 is not nearly enough for the death of a public safety officer, whose duty it is to protect all of us,” he said.

Under the bill, a public safety officer would need to designate a beneficiary to receive the death benefit. If no beneficiary is designated or the beneficiary is not alive at the time of the death of the public safety officer, compensation would be paid under the laws of intestate succession.

Darren Garrean testified in support of LB717 on behalf of the Nebraska Professional Fire Fighters Association, saying the benefit is important to families who are left behind after a death. “Everybody knows that doing the work of a firefighter or a paramedic is inherently dangerous and we do what we can through training to reduce the possibility of tragedy,” Garrean said. “Unfortunately, there is always going to be a tragedy.”

Karla Houfek also spoke in support

of the bill on behalf of the Nebraska State Volunteer Firefighters Association. For most families, she said, small children are left behind after the death of a public safety officer, and workers compensation doesn't account for the rising cost of living that they will face.

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

**Bill would extend adoptive parental leave**

The Business and Labor Committee heard testimony Jan. 24 on a bill that would allow some adoptive parents to take a leave of absence regardless of the adopted child's age.

Under current state law, adoptive parents of children under age eight are entitled to the same leave time allowed to an employee for the birth of a child. LB869, introduced by Lincoln Sen. Matt Hansen, would expand the law to adoptive parents of a child of any age under 18.



Sen. Matt Hansen

Hansen said children do not stop needing their parents, their family or stability once they turn nine.

"The adjustment process looks different for every [adopted] child, and it can often fluctuate between highs and lows," Hansen said. "These are not experiences [or] feelings that can be remedied overnight. It takes patience, guidance and time - something that is currently not available to all adoptive parents."

Corinne O'Brien, an adoptive mother of six children, testified in support of LB869. She said that while working for the state of Nebraska, she was unable to take time off after adopting several children.

"We need employers, whether they be private businesses or the government, to recognize the importance of the time following the adoption ... and extend to them the same benefits that birth parents receive," O'Brien said.

Scout Richters also spoke in support of the bill on behalf of the ACLU of Nebraska. Deciding to adopt a child is one of the biggest decisions a person can make, Richters said, and adoptive parents need resources for their families to thrive.

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

**GENERAL AFFAIRS**

**Updates to state's racetrack casino regulations sought**

The General Affairs Committee considered two bills Jan. 24 that would refine regulation of Nebraska's voter-approved horse racetrack casinos and the commission that oversees them.

LB876, introduced by Albion Sen. Tom Briese, would change several provisions of the Nebraska Racetrack Gaming Act, including requiring racetracks to hold a minimum of five



Sen. Tom Briese

live racing days a year by Jan. 1, 2026. Prior to that, the bill would require at least one live racing day during a licensee's first three years of operation.

The bill would prohibit a racetrack from being located within 50 miles of another racetrack. Racetracks that existed on Nov. 1, 2020, in Lancaster, Adams, Hall, Douglas, Platte and Dakota counties would be allowed

within 50 miles of another racetrack operating games of chance.

LB876 also would:

- create a self-exclusion list for problem gamblers who wish to be barred from casinos and racetracks;
- reduce the license period for a race track from 20 years to five and increase the licensing fee from \$1 million to \$5 million;
- increase penalties under the act from a Class I misdemeanor to a Class IV felony; and
- allow the state Racing and Gaming Commission to assess larger administrative fines and penalties on gaming operators.

Briese said the bill would provide well-regulated gaming and help casinos succeed financially.

"I don't think the public wants to see a racetrack at every I-80 interchange," Briese said. "I think this bill contains provisions that will help ensure a viable casino industry and a viable horse racing industry. I further think these provisions are consistent with Nebraska values."

Casino developer Lance Morgan supported LB876. Allowing too many casinos would cause each facility to be smaller, he said, making Nebraska less competitive with established casinos in other states.

"Our goal is to create a powerhouse to compete with the entities in Iowa," Morgan said.

Lynne McNally of the Nebraska Horseman's Benevolent and Protective Association also testified in support of the bill. She said requiring a minimum number of race days would promote horse racing in the state and prevent the establishment of too many racetracks.

"If you allow another facility to open so close to us, that will gut our purse structure before we even have



the benefit of one dime of increased revenue,” McNally said.

Pat Loontjer of Gambling With the Good Life testified in support of the bill. Loontjer has long opposed gaming in Nebraska, but said LB876 would regulate casinos effectively and ensure that racetracks are not established solely to house casinos.

“We’d hate to see the casino industry abuse the horse racing industry and use them as a pawn,” Loontjer said.

John Hassett, director of Aksarben Equine, testified in opposition to LB876. Aksarben Equine hopes to build a track in Bellevue, Hassett said, but the bill’s 50-mile restriction would prohibit that. He added that market surveys show that the Omaha area could accommodate a second racetrack and casino.

“It’ll keep more money in Nebraska, generate more money for property tax relief and generate more money for horse race purses,” Hassett said.

Also opposing the bill was Bellevue Mayor Rusty Hike. He said the bill “creates winners and losers” by prohibiting a racetrack in Bellevue. Without a casino in Sarpy County, residents there would continue to patronize casinos in Iowa, Hike said.

Spike Eickholt, testifying on behalf of the ACLU of Nebraska, also spoke against LB876. Stiffening penalties for certain crimes, like using a counterfeit ID to enter a casino, could upend the lives of individuals who could become convicted felons under the bill, he said.

“When you tell anyone [that you’re a convicted felon] they immediately think you’ve done something violent,” Eickholt said.

Briese also introduced LB877, which would change statutes governing the State Racing and Gaming Commission. The bill would require the commission to meet eight days

a year, increase horse racing license and per-day racing fees, require at least one commission member to be experienced in horse racing and allow horse races to be held on Sundays.

Chris Kotulak, CEO of Fonner Park racetrack in Grand Island, testified in support of LB877. He said the bill would help expand racing opportunities and keep veterinarians, trainers and others involved in horse racing in Nebraska.

“When our meets end [for the season] those roughly 750 horses that are stabled at Fonner Park, almost 500 of them will leave the state,” Kotulak said. “There are greener pastures elsewhere.”

Ed Ziemba of the Nebraska Quarter Horse Racing Association also supported the bill, saying it is critical to have someone with horse racing experience on the commission.

No one testified against LB877 and the committee took no immediate action on either bill.

**Bill would expand keno options**

A bill to allow digital keno in Nebraska was heard Jan. 24 by the General Affairs Committee.

LB923, introduced by Sen. John Cavanaugh of Omaha, would allow individuals to play keno digitally while at a licensed lottery operator in Nebraska. Currently, keno tickets are available only in paper form. Credit card purchases of keno tickets would remain prohibited under the bill.

“This bill simply allows an additional format for the ticket to be purchased and filled out,” Cavanaugh said.

Bill Harvey, testifying on behalf of Big Red Keno, spoke in support of the

bill. Keno proceeds are an important source of community benefit revenue, Harvey said, and each city could decide if it wanted to allow digital keno.

“You can go to any of the state’s horsetracks and place a bet on your phone,” Harvey said. “LB923 basically just restores parity between us and the tracks.”

Jack Cheloha, testifying on behalf of the city of Omaha, also supported the bill. Omaha receives about \$9 million annually in keno revenue, he said, which has been used to fund the Nebraska Humane Society, purchase police cars and make upgrades to the Henry Doorly Zoo and TD Ameritrade Park.

“It’s time to keep up with the times and allow people to play on their devices,” Cheloha said.

Al Riskowski of Gambling With the Good Life testified against LB923. Digital keno could allow Nebraskans to “drain their checking account” without realizing it, he said.

“In the atmosphere of a bar, where you’re there for an extended period of time, you can easily lose track of how many games you’re playing,” Riskowski said.

The committee took no immediate action on LB923.



Sen. John Cavanaugh



**Bill would shorten early voting, vote by mail periods**

Nebraskans would have less time to vote prior to Election Day under a bill heard Jan. 26 by the Government, Military and Veterans Affairs Committee.

LB785, introduced by Sen. Mike

Groene of North Platte, would reduce time allowed for early, in-person voting from 30 days to 22 and for voting by mail from 35 days to 22.



Sen. Mike Groene

The bill also would allow a voter to appoint an agent to return a marked early voting ballot. Such an agent could do so for no more than two other individuals. A candidate or member of a campaign committee could not serve as an agent unless the individual was acting as an agent for a family member.

Groene said the bill would enhance election integrity and prevent ballot harvesting.

“Ballots shouldn’t be laying around on kitchen tables,” Groene said. “To get a ballot and fill it out and mail it back in shouldn’t take 35 days.”

No one testified in support of LB785.

Lancaster County Election Commission David Shively testified against the bill. Election participation has increased dramatically since “no-excuse” early voting was adopted in 1999, he said, and voters have grown accustomed to the 35-day limit. He added that mail service has slowed recently, making it more difficult to assure timely delivery of ballots.

“Getting ballots to voters as early as possible allows the voter to receive their ballots and return their ballots without worrying about delays in the postal service,” Shively said.

Edison McDonald, director of the Arc of Nebraska, also testified in opposition, saying the bill would make voting more difficult, especially for Nebraskans with disabilities.

The committee took no immediate action on LB785.

### Election funding restrictions considered

Private entities would be prohibited from funding elections in Nebraska under a bill considered Jan. 26 by the Government, Military and Veterans Affairs Committee.

LB858, introduced by Sen. Robert Clements of Elmwood, would require that all elections in the state be funded entirely by an appropriation from a governmental entity. The bill also would prohibit the Nebraska secretary of state, election commissioners and county clerks from soliciting, accepting or using any grants or donations from a private entity to fund an election.



Sen. Robert Clements

Clements said he introduced the bill after learning that Facebook CEO Mark Zuckerberg donated money to local election officials to pay for the costs of the 2020 general election. He said such donations create the appearance of wrongdoing.

“It doesn’t take a very big imagination to envision billionaires of all political stripes trying to influence local election operations with conditional and private funding,” Clements said.

Deputy Secretary of State for Elections Wayne Bena testified in support of the bill. Bena said Lancaster County accepted a grant from Zuckerberg’s organization to pay for administrative costs. Acceptance of the money did not change the outcome of any race in the 2020 election, Bena said, but did create negative perceptions.

“Grants by private, third-party organizations to election administrators have the potential to raise conflict of interest questions, opportunities to have major strings attached and only

be distributed to specific offices,” Bena said.

Westin Miller of Civic Nebraska testified in opposition to LB858. He said private money largely was used to purchase personal protective equipment for poll workers in Lancaster County.

“We have the receipts. The allocations are not secret; you can see exactly where they went,” Miller said.

Also opposing the bill was Danielle Conrad of the ACLU of Nebraska. She said LB858 is overly vague and could inhibit public-private partnerships.

“Philanthropy isn’t just Mark Zuckerberg,” Conrad said.

The committee took no immediate action on LB858.

### Convention of the states proposal passed after cloture vote

Senators passed a resolution Jan. 28 to authorize Nebraska’s participation in a convention of the states.

LR14, introduced by Hastings Sen. Steve Halloran, is Nebraska’s application for a convention of the states authorized under the U.S. Constitution. If 34 states commit to a convention, states could propose amendments to the U.S. Constitution to impose fiscal restraints, limit the power and jurisdiction of the federal government and impose term limits on members of Congress.



Sen. Steve Halloran

The application will be rescinded on Feb. 1, 2027.

Omaha Sen. John McCollister offered a motion on final reading to return the resolution to select file and strike the enacting clause. He said concerns about the growing national

debt are valid but a convention of the states would be the wrong way to go about addressing that problem.

“There are simply too many questions,” McCollister said. “No structure for a convention has ever existed or been serious considered to be made into law.”

Norfolk Sen. Michael Flood supported the resolution, calling it a way to signal Nebraska’s discontent with the federal government.

After two hours of discussion, Halloran offered a motion to invoke cloture and end debate. Senators voted 33-10 to invoke cloture. Thirty-three votes were needed. Lawmakers then passed LR14 on a 32-11 vote.

**Proposal would end unfunded mandates**

The Nebraska Legislature would be required to provide full reimbursement to political subdivisions for any new program or expansion of an existing program under a proposed constitutional amendment heard Jan. 28 by the Government, Military and Veterans Affairs Committee.

LR263CA, sponsored by Bellevue Sen. Carol Blood, would require, beginning in 2023, that the state pay the full costs of new programs or increased levels of service required under an existing program, either through general fund appropriations or an increase in state distribution of revenue to the impacted political subdivision.

If approved by lawmakers, the proposal would be placed on the ballot for voter approval in the 2022 general election.

Blood said the proposal would



Sen. Carol Blood

eliminate future “unfunded mandates,” such as the state requiring county jails to house state prisoners without full reimbursement.

“When we place an unfunded mandate on our counties, they have few options when it comes to paying for those mandates, outside of property taxes,” she said.

Don Kelly, chair of the Sarpy County Board of Commissioners, testified in support of LR263CA. He said many measures passed by the Legislature are worthy but also costly to counties. The cost of unfunded mandates in Sarpy County has increased from \$5 million in 2013 to nearly \$10 million currently, Kelly said.

Jon Cannon, executive director of the Nebraska Association of County Officials, also testified in support of the resolution.

“There are duties that we are given, and there are limited means we have of raising the revenue necessary for accomplishing those duties,” Cannon said. “We’re taking care of the roads, bridges, law enforcement, jails, courts and elections. Those are some duties that people in the state think are pretty darn important.”

No one testified in opposition to LR263CA and the committee took no immediate action on it.



**COVID-19 vaccine exemption sought**

Some Nebraskans would be able to opt out of an employer COVID-19 vaccination mandate under a bill heard Jan. 27 by the Health and Human Services Committee.

LB906, as introduced by Blair Sen. Ben Hansen, would have applied to all employer vaccine mandates. Hansen brought an amendment to the hearing to limit the bill’s provisions to COVID-19 mandates.



Sen. Ben Hansen

The bill would require the state Department of Health and Human Services to create and publish a form on its website to be filled out by employees seeking an exemption based either on a health care practitioner’s recommendation or the individual’s sincerely held religious beliefs.

The federal government, any corporation wholly owned by the federal government, Indian tribes and bona fide private membership clubs, other than labor organizations, that are exempt from federal taxation would be exempted from the bill’s provisions.

Under LB906, employers could require unvaccinated employees to wear personal protective equipment or submit to COVID-19 testing at the employer’s expense.

Hansen said COVID-19 vaccines have not been effective in stopping infection or the spread of the disease and called the federal vaccine mandate “morally and medically unjustified.”

“I think it is your decision to make,” Hansen said.

Nebraska Chief Medical Officer Dr. Gary Anthonie testified in support of LB906. COVID-19 vaccinations are safe and effective and have prevented an estimated 3,200 hospitalizations and 700 deaths in Nebraska, Anthonie said, but individuals who choose not to be vaccinated should be allowed to continue their employment.

Charlotte Ralston testified in support of the bill, saying that members of her family have been threatened with

termination of employment if they did not become vaccinated.

“By supporting this bill, you secure our constitutional rights as citizens who choose to be exempt rather than to violate their conscience or gamble with their health,” she said.

Dr. David Watts, president of the Nebraska Medical Association, testified in opposition to LB906. Watts said physicians and clinics should be able to keep their facilities safe and that the bill could hinder the response to a public health crisis.

“We hope that it would not become the ongoing policy of the state of Nebraska to interject matters of private employment into a public health issue,” Watts said.

The committee took no immediate action on LB906.

### Extension of postpartum Medicaid coverage discussed

The Health and Human Services Committee heard testimony Jan. 26 on a bill intended to expand Medicaid coverage for new mothers in Nebraska.

LB929, sponsored by Lincoln Sen. Anna Wishart, would require the state Department of Health and Human Services to submit a plan amendment by Oct. 1, 2022, to extend postpartum coverage for Medicaid recipients from the current 60 days to 12 months.

Under the federal American Rescue Plan Act, states have the option to extend the benefits for five years.

Wishart said she was “shocked” to learn that women currently aren’t given a full year of coverage, considering how important that time is for the physical and mental well-being



Sen. Anna Wishart

of children, mothers and families. Current limitations mean that new mothers covered by Medicaid often have only one postpartum visit, she said, while experts recommend that such care be ongoing.

Bob Rauner, representing the Nebraska Academy of Family Physicians, Nebraska Medical Association and Nebraska Association of Physician Assistants, testified in support of the proposal.

Approximately half of all maternal deaths happen in the first year after giving birth, he said, and there is widespread agreement in the medical community that 60 days is not a sufficient timeframe to diagnose and treat the conditions that lead to those deaths — such as hypertension and Type 2 diabetes.

Ann Anderson Berry, a neonatologist and faculty member at the University of Nebraska Medical Center also testified in favor of the bill. Speaking on her own behalf, Anderson Berry said the first year of parenting can be full of anxiety and exhaustion.

Maternal depression rates can be as high as 40 to 60 percent among low-income women and those numbers have increased with the onset of the pandemic, she said, adding that suicide rates among new mothers also have risen in recent years.

“The death of a mother is one of the most tragic events that can befall a family and a community,” Anderson Berry said.

Jo Giles, executive director of the Women’s Fund of Omaha, said studies from other states have found that a significant number of maternal deaths occur outside of the 60-day coverage period. Testifying in support of LB929, Giles said 39 percent of maternal deaths in Nebraska occur later in the postpartum period.

Expanding postpartum coverage

would mitigate delays in treatment and support continuity of care, she said, and could reduce overall Medicaid program costs by increasing access to family planning and improving management of chronic conditions before they become expensive to treat.

“The majority of pregnancy related deaths — about 60 percent — are preventable,” Giles said, “and increased access to health care through Medicaid in the year following childbirth will save lives.”

No one testified in opposition to LB929 and the committee took no immediate action on it.

### Developmental disability services evaluation proposed

Members of the Health and Human Services Committee heard testimony Jan. 26 on a bill that would require an evaluation of Nebraska’s developmental disability services system.

LB1004, sponsored by the committee, would require the state Department of Health and Human Services to engage a nationally recognized consultant to conduct an evaluation of services offered and provided by the state through Medicaid and any additional areas that may be beneficial to an assessment.

The report would be due to the committee by Dec. 31, 2022.

La Vista Sen. John Arch, chairperson of the committee, said Nebraska ranks 32nd in the number of people who identify as disabled, yet 5th in the nation in spending per Medicaid enrollee. He said that disparity, along with continued problems with the state’s disability services wait list, mean it’s time for a thorough examination of how Nebraska provides such services and what improvements can be made moving forward.

“We all know that this is going to

be a pretty heavy lift,” Arch said. “Lives are involved.”

Alana Schriver, executive director of the Nebraska Association of Service Providers, testified in support of the proposal. The pandemic exacerbated existing problems with the state’s disability services system, she said, most notably the impact of insufficient provider rates.

Most providers operated at a loss last year, she said, and kept their doors open through relying on savings because reimbursement rates are below the cost of care. Any evaluation of the system must include an examination of provider rates, she said.

“The status quo isn’t working,” Schriver said. “Without providers, there are no services.”

Arc of Nebraska Executive Director Edison McDonald also testified in support. He said an assessment is needed due in part to the state’s current prioritization of the home and community-based services waiver, which he said has negatively impacted the ability of many Nebraska families to receive services.

No one testified in opposition to LB1004 and the committee voted 7-0 to advance it to general file.

## JUDICIARY

### Expanded prison, parole evaluations discussed

A bill heard by the Judiciary Committee Jan. 27 would require an independent contractor or academic institution to evaluate Nebraska’s prison and parole programs.

LB896, sponsored by Omaha Sen. Steve Lathrop, would require the Nebraska Department of Correctional

Services and the Division of Parole Supervision to use an independent contractor or academic institution to evaluate programs funded by the department.

Lathrop said LB896 is intended to clarify ongoing concerns regarding inmate access to programming while in prison and under supervision upon release.

“LB896 will assist ... in providing quality, evidence-based programs to incarcerated and parole supervised individuals and help ensure that our tax dollars are going to effective programming that improves public safety and achieves the goal that it is intended to achieve,” Lathrop said.

Under the bill, nonclinical treatment and structured programs would be evaluated on a regular basis and clinical treatment programs would be evaluated every three years. When applicable, evaluations would include a cost-benefit analysis, ratings of effectiveness in reducing recidivism rates and the availability and timeliness of programs.

Evaluation results would be sent to the inspector general of corrections and the evaluated entities.

Doug Koebernick, Inspector General of the Nebraska Correctional System, testified in support of LB896. Koebernick said he was encouraged by the departments’ acknowledgement that more can be done in regard to programming.

“I think that this bill is a very important piece of the discussion taking place about our justice system, because it can lead to better outcomes ... such as better programming,” Koebernick said.

No one testified in opposition to LB896 and the committee took no immediate action on the bill.



Sen. Steve Lathrop

### Criminal justice reform measure discussed

A bill that would enact a series of measures intended to reduce Nebraska’s inmate population and lower recidivism rates was heard by the Judiciary Committee Jan. 26.

LB920, introduced by Omaha Sen. Steve Lathrop, chairperson of the committee, would enact a number of provisions intended to improve Nebraska’s criminal justice system, including creating a criminal justice oversight task force, reducing charges for certain felony offenses and discouraging the use of mandatory minimum sentences.

Provisions of the bill are based on recommendations from the Criminal Justice Reinvestment Working Group, Lathrop said, and offer potential alternatives to investing in the construction of a new state prison.

Lathrop said Nebraska is one of four states that saw an increase in its prison population between 2009 and 2019. This was in part the result of enacting mandatory minimum sentences, he said, which have doubled in use since 2011 and have significantly increased sentence lengths.

If the state’s prison population continues to grow as expected, he said, Nebraska will be in an overcrowding crisis again – 1,300 beds short of operational capacity – by 2030 even with a new prison.

“We cannot build our way out of this problem ... and the only way we can make progress on the overcrowding emergency is to address it through some sort of sentencing reform,” Lathrop said.

The bill contains a number of provisions designed to address sentencing, reentry, release and supervision, including:

- requiring each judicial district to establish a problem-solving court;

- reducing potential penalties for some drug and burglary offenses;
- creating three probation system pilot programs;
- limiting minimum terms for certain felonies;
- limiting offenses that can be used for certain sentence enhancements;
- limiting when courts may impose consecutive sentences;
- providing for geriatric parole, streamlined parole and earlier parole eligibility for some inmates; and
- creating a residential housing program for parolees who commit technical violations.

Tom Riley testified in support of LB920 on behalf of the Nebraska Criminal Defense Attorneys Association. Riley said the “tough on crime” mentality isn’t working and prisons continue to become overcrowded due to mandatory minimum sentences.

“There is no increase in people coming in but the population is going through the roof and the reason, in my opinion, is mandatory minimums,” he said. “They serve no purpose whatsoever other than pure punishment.”

Also in support of the bill was Joe Nigro, who testified on behalf of the Lancaster County Public Defender’s Office and the Nebraska Criminal Defense Attorneys Association. Eighty percent of the drug cases his office works are possession cases, Nigro said, and LB920 would reduce a possession charge of a half a gram or less for most controlled substances to a misdemeanor.

“With this change, about half of our possession cases would become misdemeanors,” Nigro said. “This change would reduce our prison population. The bigger issue is: why should we treat a health problem as a felony?”

Spike Eickholt testified on behalf of the ACLU of Nebraska and the Criminal Defense Attorneys Association in support of the bill. Fewer inmates currently are eligible for parole due to the “stacking” of sentences under consecutive sentence options and mandatory minimums, he said.

In addition, Eickholt said, inmates are being denied parole because they have not completed required programming due to a shortage of resources resulting from the state’s overcrowded prisons.

Speaking in opposition to the bill was Aaron Hanson, who testified on behalf of the Omaha Police Officers Association. People want to be safe, he said, and studies show that Nebraskans support investing in a new prison.

“We’ve underbuilt and we have less beds per capita, and that’s why we are significantly overcrowded,” he said. “We’ve also underinvested in prison rehabilitation.”

Col. John Bolduc testified on behalf of the Nebraska State Patrol in opposition to two provisions of LB920. He said that reducing some drug possession charges to misdemeanors and removing the mandatory minimum requirement for certain felonies ultimately would harm the people those penalties are meant to protect.

“These drugs are dangerous not only for the users, but for their families, friends and for their communities at large,” Bolduc said. “The elimination of the mandatory minimum sentences for Class ID and IC drug-related felonies automatically reduces the protection afforded to communities from some of the most serious drug offenders.”

Also in opposition to LB920 was Elaine Menzel, testifying on behalf of the Nebraska Association of County Officials. While supportive of problem-solving courts and mental health

resources, Menzel said, the organization opposes reducing drug penalties and mandatory minimums for certain nonviolent crimes.

The committee took no immediate action on LB920.

### **Parole for lifetime sentences, medical conditions proposed**

An offender serving a life sentence or who has certain medical illnesses could be eligible for parole under a bill heard by the Judiciary Committee Jan. 26.

LB980, introduced by Omaha Sen. Terrell McKinney, would make inmates eligible for parole after they have served 25 years of a lifetime sentence, or half of the minimum of consecutive



Sen. Terrell McKinney

terms, whichever is greater. The parole board would be required to conduct a parole review no later than 60 days prior to the date a committed offender becomes eligible for parole and would be required to prioritize such reviews.

In addition, the bill would expand medical parole considerations for offenders. Current state law allows medical parole consideration for an offender who is determined to be terminally ill or permanently incapacitated, if not under a sentence of life imprisonment or death.

Under LB980, an inmate with a terminal illness, permanent incapacity or debilitating medical condition would be considered for release to receive medical care and treatment. A hospital, hospice or other housing accommodation, including the person’s home, would be options for a treatment location.

The bill would apply to all com-

mitted offenders under sentence or on parole on or after the measure's effective date.

McKinney said the bill is specific to incarcerated individuals who pose no risk to the state because of their health. Those who are eligible for parole could still be denied, he said.

"Many individuals who are serving lengthy sentences are also some of the model citizens that have taken advantage of the resources inside [prison] to not only improve themselves, but to also assist others," McKinney said. "This is to allow somebody an opportunity to evolve as an individual and to provide a mechanism for those who are terminally ill to be home with their families."

Joe Nigro testified in support of LB980 on behalf of the Lancaster County Public Defender's Office and the Nebraska Criminal Defense Attorneys Association.

"[LB980] doesn't mean that the individual will be paroled, but the chance of parole is a really important behavioral motivator for people serving sentences," Nigro said. "Release on parole leads to a lower chance of recidivism ... than release without supervision."

Also in support of LB980 was Alexander Rahe, a student who identified as a former inmate. Current rules surrounding medical parole are ambiguous, he said.

"There's a lot of questions as to who makes that decision [regarding terminal illness or permanent incapacity], whether it's a team of people, a single doctor and whether or not there's any sort of an appellate process for that determination," Rahe said.

Jason Witmer also spoke in favor of LB980. Witmer, also a former inmate, said he was greatly impacted by individuals with life sentences or the equivalent, who chose to educate

themselves and reached out to "destructive lost boys" like him while in prison.

"It is that investment that returned me to society as a neighbor worth having," Witmer said. "Accountability is not gained by vengeance."

No one testified in opposition to LB980 and the committee took no immediate action on the bill.



**Bill would accelerate adoption of healthy soil practices**

A state-assisted learning community would help farmers adopt practices that improve Nebraska's soil and water health under a bill heard Jan. 26 by the Natural Resources Committee.

Creighton Sen. Tim Gragert, sponsor of LB925, said the Nebraska Healthy Soils Task Force, which issued its recommendations in December 2020, found two major barriers to the adoption of those practices: uncertainty about return on investment and a lack of education.



Sen. Tim Gragert

Under his proposal, the state Department of Natural Resources would provide technical and legal assistance to a producer learning community – a nonprofit, voluntary membership organization led by agricultural producers – to foster skills and share knowledge related to healthy soils management.

Gragert said the learning community would enhance, not replace, healthy soil workshops offered by Nebraska Extension and other enti-

ties. Often, he said, farmers are more willing to learn about new practices from fellow producers who already use them rather than a "guy from the government."

Under LB925, the department also would hire a facilitator to help organize the learning community and help it acquire gifts, grants and sponsorships. The bill states legislative intent to appropriate \$250,000 to the program for the next five years, but Gragert said it could be self-sustaining after that.

The proposal also would require the department to divide the state into different regions representative of each area's diversity of soils, topography, rainfall, cropping systems and other factors. It would authorize the department to lease private land for the purpose of establishing demonstration and research farms in those regions.

Finally, the bill would require the department to submit an annual report to the Legislature each year beginning in 2022.

Charles Shapiro, a retired University of Nebraska-Lincoln soil fertility specialist, testified in support of LB925. After reviewing many surveys about how farmers receive new information, he said, it was humbling to discover that they most often learn from other farmers and not an extension specialist like him.

"Farmers would listen to what we said, but they usually look to their peers to confirm the idea," Shapiro said.

LB925 would connect more farmers with experienced "early adopters" of soil health best practices whose land is near theirs, he said.

Also in support was Craig Derickson, retired Nebraska state conservationist for the Natural Resources Conservation Service. He said producer interest in soil health practices has increased significantly in the last decade.

After participating in soil health activities for the past several years, Derickson said, the most noticeable need is a way to coordinate those activities. A full-time facilitator could do that, he said.

Daryl Obermeyer, a Nemaha County farmer, also testified in support. He said his farm could be used to demonstrate how certain farming practices preserve topsoil, increase the amount of organic matter in the soil and reduce the need for chemical fertilizers.

“We need groups like those that’d be developed under LB925 that could show more of our producers that they are continuing to deplete their soil and are only gaining yield by increasing inputs, which in turn pollutes our groundwater,” Obermeyer said.

Steve Ebke gave neutral testimony on behalf of several state agricultural organizations, including the Nebraska Farm Bureau. He said the groups are concerned that hiring a facilitator would add a “new layer of salary and overhead.”

Ebke said farmers currently have access to a “plethora” of soil health information and programs offered by nonprofit organizations, private businesses, Natural Resources Districts and Nebraska Extension, which he said could fulfill the facilitator role.

“Nebraska Extension should be one of the primary sources of educational and demonstration activities that will continue to promote soil health across the state,” he said.

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

## REVENUE

### Proposal to set school tax credit amount clears first round

A state tax credit intended to offset part of Nebraskans’ property tax bills would not fall below its current amount under a bill advanced from general file Jan. 26.

The Nebraska Property Tax Incentive Act, passed in 2020 as part of LB1107, created a refundable income tax credit based on the amount an eligible taxpayer paid in property taxes to their school district during the previous year.

The credit is equal to a percentage set by the state Department of Revenue multiplied by the amount of school district taxes paid.

For the 2021 through 2023 tax years, the credit amount may increase based on growth in state tax receipts and the level of its cash reserve, but the law limits total credits for the 2024 tax year to \$375 million.

Albion Sen. Tom Briese, sponsor of LB723, said the bill would eliminate the 2024 cap, ensuring that the credit does not drop below its current amount of \$548 million, which is an approximately 25 percent rebate on the amount paid in school property taxes.

“If we don’t pass this, we’re signing off on a \$200 million property tax increase on each and every homeowner, business owner [and] farmer across the state,” he said.

Under Briese’s proposal, the credit could increase by an allowable growth percentage beginning in tax year

2024 rather than 2025, as currently allowed. The percentage is equal to the growth in statewide real property value and cannot exceed 5 percent in any one year.

Elkhorn Sen. Lou Ann Linehan, chairperson of the Revenue Committee, supported LB723, saying the credit is fair to all property taxpayers and easy to understand.

“We’re not going to, in two years, turn around and tell them all [that] we’re going to not give them back 25 percent of their school taxes,” she said. “That’s just not gonna happen.”

Also in support was Sen. Dave Murman of Glenvil. He said property taxes continue to increase in conjunction with rising property valuations, making the LB1107 credit of “extreme importance” to both agricultural landowners and homeowners.

“We should be talking about increasing property tax relief,” Murman said, “not just trying to maintain the relief that has been finally achieved.”

Gering Sen. John Stinner, chairperson of the Appropriations Committee, supported LB723 but expressed concern that an unexpected surge in state tax revenue over the next two years could increase the credit amount at an unsustainable rate and “squeeze out a whole lot of other initiatives.”

Briese introduced an amendment, adopted 39-0, that he said would prevent such an increase while ensuring that the credit does not fall below its current amount.

The amendment would require the department to set the percentage so that the total amount of credits for tax year 2022 would be \$548 million. For tax year 2023, the department would set the percentage so that the credit amount is \$560.7 million, which Briese said would match a Legislative Fiscal Office projection.

Sen. Matt Hansen of Lincoln said



Sen. Tom Briese



the credit amount has increased much faster than expected because the state moved its 2020 tax filing deadline in response to the pandemic. This shifted approximately \$262 million in tax revenue from fiscal year 2019 to 2020, he said, triggering an increase in the credit amount.

He introduced and later withdrew an amendment that would reset the credit to that lower amount in 2024.

Omaha Sen. Steve Lathrop said the current credit amount also is the result of an influx of federal pandemic relief funding. Such revenue increases do not represent a “new normal,” he said, and lawmakers should not commit the state to a higher credit amount before understanding its current fiscal condition.

Sen. Carol Blood of Bellevue said much of the credit amount went unclaimed last year because the mechanism to do so is difficult to understand.

She introduced an amendment that would replace the bill with provisions of her LB688, under which taxpayers would receive a credit on school taxes levied beginning in 2022. The amendment failed on a vote of 5-27.

Omaha Sen. Machaela Cavanaugh filed a motion to bracket LB723 until March 17. She said this would delay further debate on the bill until after the Nebraska Economic Forecasting Advisory Board releases revenue projections in late February. The motion failed on a vote of 4-28.

Senators then voted 36-0 to advance the bill to select file.

**Bill to speed up Social Security income tax phaseout advanced**

Lawmakers gave first-round ap-

proval Jan. 25 to a proposal to speed up the eventual elimination of state taxation of Social Security income.

Lawmakers passed a measure in 2021, sponsored by Omaha Sen. Brett Lindstrom, which set the exemption on such income, to the extent that it is included in federal adjusted gross income, at 20 percent in tax year 2022. The exemption then is scheduled to increase 10 percent per year until reaching 50 percent in tax year 2025, with the stated intention of eliminating the tax entirely in 2030.

Lindstrom introduced LB825 this session to accelerate that schedule to a 20 percent annual increase, resulting in a 100 percent exemption in tax year 2025. Lindstrom said he has been working to eliminate state taxation of Social Security income since he came to the Legislature eight years ago.

“This is something that I came in fighting on, and I’m going to end fighting on,” he said.

The state Department of Revenue estimates that the bill would reduce general fund revenue by \$59.6 million when fully implemented in fiscal year 2024-25, \$70 million in FY2025-26 and \$73.8 million in FY2026-27.

Saying competition between states is an important factor in public policy, Elmwood Sen. Robert Clements supported the bill. Older residents will be more likely to stay in Nebraska with passage of LB825, he said, rather than move to another state that does not tax Social Security income.

“We’re chasing people away with some of our tax policies,” Clements said.

Several senators also voiced support for the proposal but expressed concern about advancing a consequential tax

cutting bill so early in the legislative session without first knowing how the governor’s budget adjustments and other bills may impact the state’s fiscal outlook.

Gering Sen. John Stinner, chairperson of the Appropriations Committee, said that while the state currently is flush with federal coronavirus relief funding, it is unclear how much that funding will stimulate the state’s economy. Many experts are warning of a coming economic slowdown, he said.

“We’re going to have to pick and choose [priorities],” Stinner said. “I want to make an informed decision.”

Sen. Matt Hansen of Lincoln also supported the bill but said it would be helpful to have a comprehensive picture of how LB825 would fit together with other revenue bills and spending proposals yet to advance from committees.

“It’s tough to make decisions not seeing the whole picture,” Hansen said. “It’s our obligation to view our overall tax structure, including both how [it] impacts individuals but also how it impacts the ability of the state to provide some of its necessary and required services.”

Elkhorn Sen. Lou Ann Linehan, chairperson of the Revenue Committee, said the proposal would not “break the bank.” She urged senators to use bills such as LB825 to return to taxpayers the over \$400 million in revenue that was collected last year above what was anticipated.

“It’s not our money,” Linehan said.

Lawmakers voted 42-0 to advance the bill to select file.

**Corporate, individual income tax rate cuts proposed**

Nebraska’s top corporate and individual income tax rates would fall to 5.84 percent by 2026 under pro-



Sen. Brett Lindstrom



Sen. Carol Blood

posals heard Jan. 27 by the Revenue Committee.

LB938, sponsored by Elkhorn Sen. Lou Ann Linehan, would cut the state's top corporate income tax rate, which applies to income in excess of \$100,000, in four steps, from the current 7.5 percent to 5.84 percent beginning in tax year 2026.



Sen. Lou Ann Linehan

The rate on the first \$100,000 of taxable income will remain 5.58 percent.

Linehan said the bill would accelerate the phased-in reduction in the top corporate rate approved by the Legislature last year in LB432. That proposal reduced the rate from 7.81 percent to 7.5 percent for tax year 2022. It will fall to 7.25 percent beginning in tax year 2023.

The state Department of Revenue estimates that LB938 would reduce general fund revenue by \$1.9 million in fiscal year 2022-23, \$10.6 million in FY2023-24, \$29.3 million in FY2024-25 and \$53.5 million in FY2025-26.

LB939, also introduced by Linehan, would cut Nebraska's top individual income tax rate from the current 6.84 percent to 5.84 percent beginning in tax year 2025.

The rate applies to income of \$29,000 and over for individuals and \$58,000 and over for those who are married filing jointly.

The department estimates that the bill would reduce general fund revenue by \$61.7 million in fiscal year 2022-23 and \$177 million in FY2023-24. By FY2026-27, the reduction would grow to \$363 million.

Linehan said the proposals would create rate parity for corporations and businesses formed as passthrough entities, whose owners pay taxes at the individual rate.

They also would help Nebraska compete with neighboring states when trying to attract businesses and workers, she said, and generate economic activity by allowing taxpayers to keep more of their money.

Bryan Slone testified in support of both bills on behalf of the Nebraska Chamber of Commerce and Industry, the Greater Omaha Chamber and the Lincoln Chamber of Commerce.

He said cutting the state's corporate and individual income tax rates is "critical" if the state is to compete for workers and corporations, especially technology companies, in a post-pandemic economy.

"Nebraska has an incredible ability to be a top 10 growth state in the country if we get this workforce thing right," Slone said. "What does lowering the income tax rate do in that context? I would say everything."

Craig Beck testified in opposition to both bills on behalf of OpenSky Policy Institute. Nebraska already provides generous tax incentives to corporations, he said, and approximately 80 percent of the proposed cut in LB938 would go to taxpayers who do not live in Nebraska.

Beck said LB939 would disproportionately benefit the wealthiest Nebraskans without creating the promised economic growth. Under Linehan's proposal, he said, the average tax cut for the 80 percent of Nebraskans who are paid less than \$125,000 per year would be \$63, compared to \$8,900 for the highest 1 percent of earners.

Nicole Fox of the Platte Institute gave neutral testimony on both bills. She said the Platte Institute would prefer to see both proposals included in an "aggressive," comprehensive plan to change the state's overall tax structure.

At the same time, Fox said, many of Nebraska's peer states are working

to reduce their individual income tax rates in a nationwide competition for workers.

"This suggests a significant effort on personal income tax would be important if Nebraska wants to buy further growth that will increase Nebraska's tax base well into the future," she said.

The committee took no immediate action on either bill.

## TRANSPORTATION & TELECOMMUNICATIONS

### Homeowner notification prior to excavation considered

Excavators would be required to give notice to homeowners prior to breaking ground under a bill heard by the Transportation and Telecommunications Committee Jan. 25.

Current state law requires that excavators give two days' notice to operators of underground utilities prior to an excavation to ensure that all underground utilities are located, also known as the one-call notification system. LB884,

sponsored by Omaha Sen. Machaela Cavanaugh, would add homeowners to the list of those required to be notified.



Sen. Machaela Cavanaugh

Under the bill, an excavator also would be required to notify the one-call center if a homeowner discovers damage or dislocation to an underground facility if reported within a reasonable time. Liability would be assigned to the excavator when damages are discovered.

In addition, LB884 would add

residential sewer lines to the definition of underground utilities covered by the one-call system.

Cavanaugh said that private property owners sometimes bear the burden of repairing damages created when burying underground utilities, and homeowners insurance doesn't usually cover a backed-up sewer.

"When the damage is caused by an excavator during the installation of a utility, there should be a means for a homeowner to work with the excavator to remedy the situation at no cost to the homeowner," Cavanaugh said.

Stephen Pflaum testified in support of LB884. In 2020, he said, an out-of-state contractor for Verizon drilled through his sewer lateral, causing his basement to fill with backed-up sewage during the height of the COVID-19 lockdown. Current statute however, doesn't cover such damage, he said.

"If damaging a private sewer line escapes penalty because it is discovered after the incident, what is the corporation's financial motive to exercise duty of care?" Pflaum said.

In opposition to the bill was B.J. Woehler, who testified on behalf of the National Utility Contractors Association of Nebraska. LB884 raises a legitimate concern regarding private residential owners' need to know where their utilities are located, he said, but updating the one-call notification system is not the solution.

"[For homeowners] to be able to mark for every excavator before work can be done would mean private residential owners would need to be held to the same standards as excavators or facility owners," Woehler said.

Also in opposition to the bill was Ed Jarrett, who spoke on behalf of ALLO Communications.

"As a new utility company, if there's proven fault, we are responsible for that damage no matter when it's

discovered," he said. "I think that's the need - to have the liability on the contractor or the utility company doing the work."

The committee took no immediate action on LB884.

## URBAN AFFAIRS

### Bill would restrict conditional use permits

Delinquent property taxpayers in Nebraska would no longer be able to receive conditional use permits or tax increment financing under a bill heard Jan. 25 by the Urban Affairs Committee.

LB695, introduced by Bellevue Sen. Carol Blood, would prohibit cities, villages, county boards and county planning commissions in Nebraska from granting conditional use permits or zoning changes or exceptions to any individual or business that owes delinquent property tax payments.



Sen. Carol Blood

Blood said she introduced the bill after the AltEn ethanol plant in Mead was found to have contaminated groundwater with chemically treated corn waste. Blood said AltEn was granted a conditional use permit despite owing \$518,000 in property taxes to Saunders County.

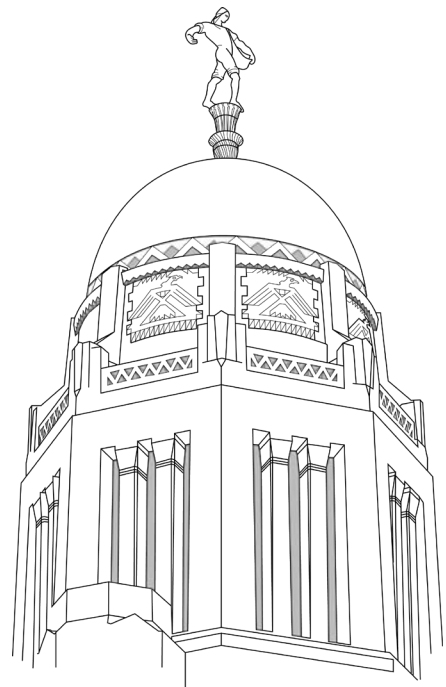
"We need to continue to put into place specific guardrails to prevent ne'er-do-wells like AltEn from taking advantage of corporate welfare when they aren't willing to be good stewards and pay the property taxes that any citizen or business is expected to pay," Blood said.

Al Davis, testifying on behalf of the Nebraska Sierra Club, supported LB695. He said AltEn was able to receive tax-increment financing and other incentives in addition to its conditional use permit.

"The objective here is to protect assets and protect taxpayers from unscrupulous individuals," Davis said. "No company should be able to walk out of the state with millions in proceeds while they leave behind a mess."

Beth Bazyn Ferrell of the Nebraska Association of County Officials also testified in support of the bill. Property taxes support counties and schools, Bazyn Farrell said, and delinquent property taxes reveal that a corporation is not committed to the community.

No one testified in opposition to LB695 and the committee took no immediate action on it. ■



# COMMITTEE HEARINGS

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

## **Monday, Jan. 31**

### **Appropriations**

#### **Room 1524 - 1:30 p.m.**

LB762 (Dorn) State intent regarding appropriations to the Department of Health and Human Services for behavioral health services  
LB893 (Stinner) Appropriate funds for provider rate increases for developmental disability services  
LB1067 (Stinner) Appropriate funds to the University of Nebraska for the Behavioral Health Education Center  
LB988 (Stinner) Appropriate funds to the Department of Health and Human Services for a medicaid rate study for assisted-living services  
LB989 (Stinner) Appropriate funds for medicaid nursing facility rates  
LB1177 (Bostar) Appropriate funds to the Department of Health and Human Services for a pilot program for frontline first responders  
LB1164 (Wishart) State intent regarding an increase in reimbursement rates for Child Welfare Aid

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 p.m.**

LB811 (Dorn) Change provisions relating to auctioneers of real estate  
LB892 (Walz) Change provisions of the Nebraska Real Estate License Act  
LB737 (Bostar) Adopt the Primary Care Investment Act  
LB795 (Flood) Change provisions relating to the release or modification of certain restrictions under the Nebraska Uniform Prudent Management of Institutional Funds Act

### **Business & Labor**

#### **Room 1003 - 1:30 p.m.**

LB719 (Morfeld) Change provisions under the Nebraska Workers' Compensation Act relating to physicians, compensation, and benefits and require cost-of-living adjustments and payment for interpreter services  
LB1133 (Morfeld) Include health care workers within provisions concerning compensability of mental injuries and mental illness under the Nebraska Workers' Compensation Act  
LB1062 (Albrecht) Change provisions

relating to compensation for total disability under the Nebraska Workers' Compensation Act  
LB871 (M. Hansen) Change provisions relating to meatpacking employees and employers and the Non-English-Speaking Workers Protection Act  
LB967 (Lathrop) Change provisions relating to the Nebraska Workers' Compensation Act  
LB1137 (Hunt) Rename and change provisions of the Fair Pay to Play Act

### **Education**

#### **Room 1525 - 1:30 p.m.**

LB960 (Vargas) Eliminate certain basic skill and content test requirements for eligibility for teaching certificates  
LB690 (Blood) Redefine basic skills competency for purposes of teachers' and administrators' certificates or permits  
LB1218 (Education) Change provisions relating to certification of school employees and student loan forgiveness

### **General Affairs**

#### **Room 1510 - 1:30 p.m.**

LB898 (Lowe) Redefine ready-to-drink cocktail for purposes of the Nebraska Liquor Control Act  
LB899 (Lowe) Change provisions relating to special designated licenses issued by the Nebraska Liquor Control Commission  
LB900 (Lowe) Change provisions relating to microdistilleries to allow up to five physical locations  
LB1204 (Briese) Change provisions relating to the Nebraska Liquor Control Act  
LB1231 (Briese) Change provisions relating to the importation of alcoholic liquor into the state under the Nebraska Liquor Control Act  
LB1235 (Lowe) Change provisions relating to craft breweries and allow for self-distribution of beer under certain circumstances under the Nebraska Liquor Control Act  
LB1236 (Lowe) Change provisions relating to craft brewery licensees under the Nebraska Liquor Control Act

### **Transportation & Telecommunications**

#### **Room 1113 - 1:30 p.m.**

LB1274 (Flood) Require the Department of Transportation to plan, design,

and purchase rights-of-way for U.S. Highway 81 and Nebraska Highway 20  
LB1016 (Walz) Provide for public-private partnerships under the Transportation Innovation Act  
LB875 (Friesen) Rename the Director-State Engineer for the Department of Transportation as the Director of Transportation for the Department of Transportation  
LB999 (Wayne) Require the Department of Transportation to apply for federal infrastructure funding and construct a bridge

## **Tuesday, Feb. 1**

### **Agriculture**

#### **Room 1003 - 1:30 p.m.**

Appointment: Terry L. Cone - Neb. Brand Committee  
LB1095 (Halloran) Change provisions of the Animal Health and Disease Control Act  
LR242 (Brewer) Urge the congressional delegation of Nebraska to pass legislation that supports farmers, ranchers, and small meat processors without compromising food safety standards and foreign market access

### **Appropriations**

#### **Room 1524 - 1:30 p.m.**

Agency 69: Neb. Arts Council  
Agency 13: Dept. of Education  
Agency 54: Neb. State Historical Society  
Agency 33: Game & Parks Commission  
LB937 (Geist) Appropriate funds to the Legislative Council for economic modeling software  
LB813 (Hilkemann) State intent regarding funding for development and improvements along the national rail-trail route  
LB1074 (Bostelman) Create the Surface Water Irrigation Infrastructure Fund and provide for a transfer from the Cash Reserve Fund

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 p.m.**

LB957 (Flood) Change provisions of the Insurers Investment Act  
LB1042 (Bostar) Change provisions relating to insurance and rebates

# COMMITTEE HEARINGS

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

LB966 (Lathrop) Adopt the Discretionary Clause Prohibition Act relating to insurance

LB955 (Murman) Prohibit certain insurance practices relating to a person's status as a living organ donor

## Education

### Room 1525 - 1:30 p.m.

Appointment: Darrin Scott Good - Neb. Educational Telecommunications Commission

Appointment: Nicholas Baxter - Neb. Educational Telecommunications Commission

LB1128 (DeBoer) Adopt the Student Loan Repayment Assistance for Teachers Act

LB945 (Linehan) Adopt the Teach in Nebraska Today Act, provide for student loan repayment assistance, and appropriate General Funds

LB1169 (Linehan) Require the State Department of Education to create a loan forgiveness grant program

## Executive Board

### Room 1525 - 12:00 p.m.

LB897 (Lathrop) Provide, change, eliminate, and transfer provisions regarding the offices of Inspector General of Child Welfare and Inspector General of the Nebraska Correctional System

LB1174 (Wayne) Require state entities to report to the Legislature regarding operations and require a hearing by a legislative standing committee

## Transportation & Telecommunications

### Room 1113 - 1:30 p.m.

LB958 (Groene) Change the distribution of certain fee revenue collected by the Department of Motor Vehicles and require a report regarding the operator's license services system

LB1022 (Friesen) Change provisions relating to fees under the Motor Vehicle Operator's License Act

LB1148 (Friesen) Provide for the Nebraska Motor Vehicle Licensing Board to employ a hearing officer

LB1259 (Geist) Change provisions relating to issuance of new license plates and license plate fees

LB1147 (Friesen) Redefine terms

under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles

## Urban Affairs

### Room 1510 - 1:30 p.m.

LB1024 (Wayne) Adopt the North Omaha Recovery Act and state intent regarding appropriation of federal funds

LB1253 (Wayne) Require the Department of Economic Development to apply for grants from the federal Coronavirus Capital Projects Fund and provide requirements for use of the grant funds in cities of the metropolitan class and cities of the primary class

LB842 (Brewer) Authorize grants of assistance to tribal governments under the Civic and Community Center Financing Act

LB915 (Wayne) Provide a requirement for grant eligibility under the Middle Income Workforce Housing Investment Act

LB974 (Wayne) Provide for applicability of the Nebraska Workers' Compensation Act and the Employment Security Law to transit authorities

LB915 (Wayne) Provide a requirement for grant eligibility under the Middle Income Workforce Housing Investment Act

LB974 (Wayne) Provide for applicability of the Nebraska Workers' Compensation Act and the Employment Security Law to transit authorities

## Wednesday, Feb. 2

### Appropriations

#### Room 1003 - 1:30 p.m.

Agency 11: Attorney General

Agency 12: State Treasurer

Agency 14: Public Service Commission

Agency 22: Dept. of Insurance

Agency 65: Dept. of Administrative Services

LB911 (McDonnell) Change the grant amount for the 211 Information and Referral Network

LB1151 (McCollister) Create the Nebraska Capitol Maintenance, Preservation, Restoration, and Enhancement Fund and provide for a transfer from the Cash Reserve Fund

LB1197 (McDonnell) Appropriate funds to the Department of Correctional Services for grants to mentor justice-involved individuals

## Government, Military & Veterans Affairs

### Room 1507 - 1:30 p.m.

LR268CA (Briese) Constitutional amendment to provide for recall of the Governor or a member of the Legislature

LB779 (Gragert) Change provisions regarding the tuition assistance program for the Nebraska National Guard

LB1263 (Clements) Provide for secure ballot drop-boxes under the Election Act

LB861 (McCollister) Require an email address on candidate filing forms under the Election Act

LB841 (Brewer) Provide for applications to register to vote and obtain ballots for Nebraska National Guard members and certain emergency response providers

## Health & Human Services

### Room 1510 - 1:30 p.m.

LB812 (Hilkemann) Provide for vaccine administration by pharmacy technicians

LB752 (Arch) Redefine respiratory care under the Respiratory Care Practice Act

LB1249 (B. Hansen) Change provisions of the Medical Nutrition Therapy Practice Act

LB770 (Day) Change membership of the Board of Dentistry

## Judiciary

### Room 1113 - 1:30 p.m.

LB880 (McKinney) Provide requirements for commissaries in detention facilities and adult correctional facilities

LB1035 (Lathrop) Change provisions relating to non-probation-based programs or services

LB1036 (Lathrop) Provide for problem-solving court referees

LB1051 (J. Cavanaugh) Provide for setting aside convictions and expunging records for convictions and adjudications for concealed weapon offenses

LB1154 (McKinney) Change provisions relating to good time, parole eligibility, and service of a sentence of incarceration outside of a department facility and require eighty percent of eligible committed offenders to be placed in community corrections or transitional housing

## Natural Resources

### Room 1525 - 1:30 p.m.

LB1082 (Gragert) Require the Game and Parks Commission to provide certain organ and tissue donation information on applications for certain hunting and fishing permits

# COMMITTEE HEARINGS

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

LB803 (Hughes) Redefine immediate family for purposes of obtaining limited permits for deer, antelope, wild turkey, or elk

LB1045 (Bostelman) Change qualifications of certain public power district board members

## **Nebraska Retirement Systems**

### **Room 1525 - 12:00 p.m.**

LB700 (Kolterman) Change provisions relating to public retirement systems

LB1043 (Kolterman) Change retirement provisions for certain school employees

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LB1094 (Flood) Change provisions for determining the number of new employees under the ImagiNE Nebraska Act

LB801 (Hughes) Redefine qualified location under the ImagiNE Nebraska Act

LB985 (Kolterman) Redefine base year under the ImagiNE Nebraska Act

LB1150 (Legislative Performance Audit Committee) Change provisions relating to the contents of applications and agreements under the ImagiNE Nebraska Act

LB817 (Linehan) Change the ImagiNE Nebraska Act and certain tax reporting requirements

## **Thursday, Feb. 3**

### **Appropriations**

#### **Room 1003 - 1:30 p.m.**

Agency 5: Supreme Court

Agency 46: Dept. of Correctional Services

Agency 64: State Patrol

LB1049 (Kolterman) Appropriate funds to the Supreme Court for the Office of Public Guardian

LB1111 (McKinney) Appropriate funds to the Supreme Court for community corrections

## **Executive Board**

### **Room 1525 - 12:00 p.m.**

LR282CA (Slama) Constitutional amendment to eliminate the requirement to nominate and elect members of the Legislature in a nonpartisan manner

## **Government, Military & Veterans Affairs**

### **Room 1507 - 1:30 p.m.**

LB709 (McCollister) Change requirements relating to preliminary applications under the Occupational Board Reform Act

LB1153 (McCollister) Change the number of members and qualifications for certain members of the State Electrical Board

LB839 (Government, Military & Veterans Affairs) Change provisions relating to truth and deception examinations and repeal the Licensing of Truth and Deception Examiners Act

## **Health & Human Services**

### **Room 1510 - 1:30 p.m.**

LB1068 (Stinner) Change provisions regarding the Behavioral Health Education Center administered by the University of Nebraska Medical Center

LB1230 (Hilkemann) Provide for a statewide education program regarding cancer and state intent to appropriate funds from the Nebraska Health Care Cash Fund

## **Judiciary**

### **Room 1113 - 1:30 p.m.**

LB1031 (McCollister) Provide requirements on contracts for telecommunications services for jails

LB1155 (J. Cavanaugh) Provide for a pretrial risk assessment and services pilot program

LB1244 (J. Cavanaugh) Change provisions relating to limitations for a postconviction relief action

LB1246 (Pansing Brooks) Require confidentiality for victims of sexual assault and sex trafficking in criminal proceedings prior to the filing of charges

LB1247 (Pansing Brooks) Provide for recognition of tribal mental health and dangerous sex offender commitment orders and for transportation of and commitment of persons civilly committed under tribal law

## **Natural Resources**

### **Room 1525 - 1:30 p.m.**

LB1262 (Murman) Adopt the Recreation Area Assistance Act and state intent regarding appropriation of federal funds

LB1102 (Bostelman) Adopt the Nebraska Environmental Response Act and change provisions relating to enforcement of environmental protection requirements

## **Revenue**

### **Room 1524 - 1:30 p.m.**

LR272CA (Pahls) Constitutional amendment authorizing the Legislature to treat residential real property as a separate class for property tax purposes

LB860 (Pahls) Change the valuation of certain real property for property tax purposes

LR283CA (Bostar) Constitutional amendment to authorize any city, county, or other political subdivision that operates an airport to expend revenue for developing regularly scheduled commercial passenger air service at the airport

LR281CA (Murman) Constitutional amendment authorizing the Legislature to treat commercial real property as a separate class for purposes of property taxes and to provide for a different method of taxing commercial real property

LB1242 (Murman) Change the valuation of certain real property for purposes of property taxes levied by school districts

LR264CA (Erdman) Constitutional amendment to prohibit the imposition of taxes other than retail consumption taxes and excise taxes

## **Tuesday, Feb. 8**

### **Appropriations**

#### **Room 1524 - 1:30 p.m.**

LB788 (Groene) Change appropriations intent language and matching fund provisions under the Nebraska Rural Projects Act

LB1032 (McDonnell) Appropriate funds to the Department of Economic Development for industrial site development

LB1071 (Williams) Appropriate funds for the workforce housing grant program

LB759 (Dorn) Change a limitation relating to microloans under the Business Innovation Act

LB1090 (Dorn) Change award limits under the Business Innovation Act

# COMMITTEE HEARINGS

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

LB1114 (McKinney) Change provisions of the Business Innovation Act relating to purposes, funding preferences, and the small business investment program  
 LB1156 (McDonnell) Increase appropriations to the Department of Economic Development for a grant to development districts

**Banking, Commerce & Insurance  
 Room 1507 - 1:30 p.m.**

LB738 (Bostar) Adopt the LIBOR Transition Act for contracts, securities, and instruments  
 LB993 (Bostar) Provide for a limitation on digital asset and cryptocurrency custody services  
 LB1017 (Slama) Change provisions relating to the Nebraska Uniform Trust Code  
 LB973 (M. Hansen) Redefine terms and change powers under the Nebraska Investment Finance Authority Act

**Transportation & Telecommunications  
 Room 1113 - 1:30 p.m.**

LB914 (Bostelman) Require the Public Service Commission to create and maintain a broadband map and data repository  
 LB1101 (Bostelman) Change provisions relating to the Nebraska Telecommunications Universal Service Fund and the Nebraska Broadband Bridge Act  
 LB1214 (Geist) Change provisions of the Nebraska Broadband Bridge Act  
 LB1021 (Friesen) Provide for regulation of certain telecommunications companies by the Public Service Commission  
 LB1144 (Friesen) Change provisions relating to the Nebraska Telecommunications Regulation Act and the Nebraska Broadband Bridge Act

**Urban Affairs**

**Room 1510 - 1:30 p.m.**

LB713 (Flood) Prohibit the use of tax-increment financing for certain purposes  
 LB1065 (Groene) Change provisions of the Community Development Law relating to redevelopment plans receiving an expedited review  
 LB1060 (Briese) Change provisions relating to certain findings and the

validity of certain agreements under the Community Development Law  
 LB836 (Hunt) Require the review of substandard and blighted area designations and extremely blighted area designations  
 LB725 (M. Hansen) Authorize guidelines for approval of certain redevelopment projects under the Community Development Law

**Wednesday, Feb. 9**

**Judiciary**

**Room 1113 - 1:30 p.m.**

LB882 (McKinney) Change requirements regarding law enforcement records and require maintenance of Brady and Giglio lists  
 LB1003 (McDonnell) Include parole officers in the protective service bargaining unit under the State Employees Collective Bargaining Act  
 LB1200 (Halloran) Adopt the State and Political Subdivisions Child Sexual Abuse Liability Act and exempt actions from the State Tort Claims Act and Political Subdivisions Tort Claims Act  
 LB1213 (Albrecht) Provide requirements regarding access to digital and online resources provided by school districts, schools, and the Nebraska Library Commission for students  
 LB1276 (McKinney) Provide for civil actions against law enforcement officers who commit misconduct and exempt such actions from the Political Subdivisions Tort Claims Act and the State Tort Claims Act  
 Appointment: Gerald Randall (Rand) Hansen - Crime Victims Reparations Committee

**Thursday, Feb. 10**

**Judiciary**

**Room 1113 - 1:30 p.m.**

LB942 (Slama) Change powers, duties, and training requirements for noncertified conditional officers and law enforcement reserve officers and provide for notice of expiration of certification as a qualified firearm instructor  
 LB1184 (Geist) Change provisions relating to duties of the Attorney General to defend the Nebraska State Patrol  
 LB1241 (Lathrop) Change provisions

relating to law enforcement officer training and certification  
 LB1270 (Clements) Adopt the Law Enforcement Attraction and Retention Act  
 LB1271 (Lindstrom) Adopt the Law Enforcement Marketing Act

**Friday, Feb. 11**

**Judiciary**

**Room 1113 - 1:30 p.m.**

LB1026 (J. Cavanaugh) Adopt the Unlawful Restrictive Covenant Modification Act  
 LB1038 (M. Hansen) Prohibit a cleaning and damage charge requirement in a rental agreement  
 LB1135 (Murman) Change provisions relating to conservation or preservation easements and property tax exemptions relating to such easements  
 LB1222 (M. Hansen) Change provisions of the Mobile Home Landlord and Tenant Act and provide for certificates of title and liens for abandoned mobile homes ■

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