

Bill to eliminate concealed handgun permit requirement advanced

Lawmakers advanced a bill from general file March 11 that would allow Nebraskans to carry a concealed handgun without a permit after a successful cloture motion.

Current state law requires that an individual pass a background check, submit a \$100 permit fee and complete a safe firing and handling gun course to obtain a concealed carry permit.

LB773, introduced by Gordon Sen. Tom Brewer, would waive those requirements and allow an individual who would not otherwise be prohibited from possessing or carrying a gun in Nebraska to conceal carry a firearm. Registration and training courses still would be offered but would no longer be required.

Carrying a concealed handgun while under the influence of alcohol would remain illegal and concealed handguns would remain prohibited in schools, certain government premises and private businesses that have such rules in place.

The bill — referred to by proponents as “constitutional carry” based on their contention that the right to bear arms should not be limited by state laws — was placed on general file March 9 after a successful procedural



Sen. Tom Brewer said LB773 is the most important bill he has introduced in his six years in the Legislature.

motion to pull it from the Judiciary Committee. The committee was deadlocked and had not voted to advance the bill or to kill it.

Brewer said the Legislature has a responsibility to the U.S. Constitution and to the people of Nebraska to uphold the Second Amendment. The state should not be in the business of treating a constitutional right as a privilege, he said.

“Concealed carry gives you the ability to protect yourself and your family and to do that in a way that no one else feels threatened — and again — this is a right, not a privilege,” Brewer said. “Currently, in the state of Nebraska, it’s legal to open carry. But ... if you put on your coat and you cover that firearm,

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Lake development, water recreation projects advance

A proposal intended to spur economic development and recreational opportunities in three areas of the state advanced from the first round of debate March 9.

LB1023, introduced by Sen. Mike Hilgers of Lincoln, would authorize two state agencies to carry out projects recommended by the Statewide Tourism and Recreational Water Access and Resource Sustainability special committee, created by the Legislature last year.



Sen. Mike Hilgers

The first, which would be built and managed by the state Department of Natural Resources, is a proposed lake of at least 3,600 surface acres in or near Sarpy County and within the Platte River’s floodplain.

No dam would be built on the main channel of the Platte River, and no city or village would be flooded in order to build the lake.

The state Game and Parks Commission would carry out the other recommended projects, including new and expanded marinas at Lake McConaughy and Lewis and Clark Lake and an event center and lodge at Niobrara State Park.

Hilgers said the Appropriations Committee’s initial budget proposal includes \$200 million for the proposed projects.

Of that total, he said, approximately

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Lake development, water recreation projects advance

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\$20 million would be for hydrological and other studies related to lake construction and \$40 million would be set aside for the project's future costs.

LB1023 would allow for the state to partner with private entities to develop the land around the lake, he said, which would draw residents to the state's two largest cities and provide recreational opportunities for all Nebraskans.

A Natural Resources Committee amendment, adopted 30-2, would extend the special committee's termination date from Dec. 31, 2022, to 2026.

The amendment also would require the state Department of Natural Resources to give preference to lake-related contract proposals from a certain nonprofit corporation and those that provide for a public-private partnership.

The nonprofit's board of directors would include the state attorney general, at least four other members appointed by the governor and a member of the Legislature, who would serve as a nonvoting member.

All directors would have to agree to conflict-of-interest provisions, and the corporation would be bound by the Open Meetings Act.

Norfolk Sen. Michael Flood supported LB1023, saying the proposed lake is a "visionary" project that could benefit generations of Nebraskans.

He said the lodge and event center, which could be built at a scenic overlook at the confluence of the Missouri and Niobrara rivers, and the larger marina at Lewis and Clark Lake would be tourist destinations to help the area compete with nearby Yankton, South Dakota.

Sen. Robert Clements of Elmwood also supported the bill, saying it would fund several flood control and mitigation projects on Platte River tributaries and stabilize an eroded riverbank near Schuyler.

However, he said, lake construction should wait until studies show that the project is feasible, and any future development must respect the rights of affected landowners.

Also in support was Lincoln Sen.

Anna Wishart. She said the Appropriations Committee's proposed budget would appropriate \$1 million to an independent study that would determine whether the proposed lake would affect water supplies for Lincoln and Omaha.

Sen. John Cavanaugh of Omaha said he would work with Hilgers to amend the bill on select file to ensure that at least part of the state-owned lake would be accessible to the public. Additionally, Cavanaugh said, it would be in Nebraska's interest to establish a new state park adjacent to the lake.

Henderson Sen. Curt Friesen opposed the bill, saying lawmakers need more information about how the proposed lake would be built, developed and managed.

Among other concerns, he said, the state Department of Natural Resources does not have such experience, and the bill does not specify which entity would be responsible for building the infrastructure needed for residential development around the lake.

Senators voted 29-4 to advance LB1023 to select file. ■

UNICAMERAL UPDATE

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now you're a criminal," Brewer said.

Sterling Sen. Julie Slama spoke in support of LB773. Passage of constitutional carry bills in other states rarely has resulted in increased gun violence, she said, and the few instances of such increases have been due to other factors.

Henderson Sen. Curt Friesen also spoke in support of the proposal, saying that for someone who feels they are in danger and wants to carry a firearm, the permitting process sometimes can take too long and can be cost prohibitive.

"I don't carry concealed but I have a permit and I appreciated the education that came with that," Friesen said. "But, at the same time, I feel there are people who can't afford the process of going through that and they should still have the right to carry a firearm if they so choose."

Sen. Michael Flood of Norfolk, speaking in support of LB773, said the people of Nebraska want gun rights — not training and permit requirements. Removal of the state's conceal carry permit requirements would protect gun rights without opening the door to convicted felons, fugitives or people with dangerous mental health conditions to own handguns, he said.

Brewer offered an amendment that he said was a compromise to remove opposition to the bill by the Omaha Police Department. Among other provisions, the amendment would allow a metropolitan class city — Omaha is the only metropolitan class city in Nebraska — to require handgun registration, except for individuals with a conceal carry permit. The amendment also would make it an additional offense to carry a concealed handgun during the commission of an array of other offenses.

Sen. Adam Morfeld of Lincoln spoke in opposition to the Brewer

amendment and the underlying bill. No right is absolute, he said, and all constitutional rights can be constrained when the government has a valid need to do so.

"Rights are not unlimited, even constitutional rights," Morfeld said. "The Supreme Court has found time and time again that reasonable regulations of guns are constitutional. When it comes to reasonable regulations of firearms, there is a compelling statewide interest because there is a gun violence problem in our country."

Omaha Sen. Terrell McKinney also spoke in opposition to the Brewer amendment, which he said would "carve out" different rules for the Omaha Police Department — which he said discriminates against Black people through over policing. Allowing OPD but not the rest of the state to register guns and enhancing penalties for concealed carry would not help North Omaha, he said.

"If the Constitution says that we should have the right to bear arms — then that doesn't mean we carve out something to protect the police department," he said.

Brewer later pulled the amendment and refiled it for consideration on the next round of debate, saying he would continue to work to find a more suitable compromise.

Morfeld offered and later withdrew an amendment that would require the Nebraska Commission on Law Enforcement and Criminal Justice to cover the expense of issuing, renewing and administering conceal carry permits.

He said the amendment would address concerns expressed by the bill's supporters that the expense to obtain a conceal carry permit is a barrier to Second Amendment rights. Adding

the provision would remove that barrier while still requiring individuals to go through a background check and obtain training, he said.

Sen. Steve Lathrop of Omaha opposed LB773 but spoke in support of the Morfeld amendment. Lathrop said the current permitting process requires a certain level of training and screening, which he said helps to reduce the number of gun-related prison incarcerations.

"I have a concern that people will get a handgun without a permit and without any training," he said. "We see an awful lot of people who — with a firearm — are doing things they don't have any legal right to do and somebody gets killed. Now, they're charged and [serving] a life sentence."

Senators rejected an amendment, 14-30, by Omaha Sen. John Cavanaugh to add provisions of his LB1051 that would allow individuals previously convicted of carrying a concealed handgun without a permit to file a motion to set aside that conviction.

"If the Legislature is to decide that something is no longer criminal, we should make sure those people previously convicted of that crime have a means by which to have that conviction removed from their record," Cavanaugh said. "It holds us accountable to be consistent to our stated principles."

After eight hours of debate, Brewer offered a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments.

Lawmakers then adopted a technical Brewer amendment 39-2 and voted down a pending amendment from Omaha Sen. Machaela Cavanaugh and a Morfeld motion to bracket the bill.

Senators advanced LB773 to select file on a 35-9 vote. ■

BUSINESS & LABOR

Emergency grants for small businesses clear first round

A bill that would offer financial assistance to struggling small businesses during certain qualifying events advanced from general file March 9.

LB598, as introduced in 2021 by Lincoln Sen. Anna Wishart, would appropriate \$20 million in fiscal year 2021-22 for grants to be distributed by the state Department of Economic Development to eligible businesses in the event of a natural disaster, pandemic or other emergency declared by the governor.



Sen. Anna Wishart

To qualify for a grant under the bill, a business must be physically located in Nebraska and have annual revenue of less than \$1 million. An eligible business also must demonstrate a significant loss of gross revenue – at least 50 percent from the amount of gross revenue received over the same period in the prior year.

Grants would be awarded on a first-come, first-served basis while funds remain. Individual business awards would be no more than \$12,000.

A Business and Labor Committee amendment, adopted 40-0, would remove the \$20 million allocation of funds for the grant program in FY2021-22.

Wishart said DED and the governor created and deployed a stabilization program during the pandemic to get federal relief dollars to small businesses. LB598 would codify that program in state law for subsequent emergencies, she said, but would leave it up to future

legislatures to provide the funding.

Many small businesses experienced revenue losses of over 50 percent at the start of the current pandemic, Wishart said. When flooding, wildfires or another pandemic hit in the future – when the Legislature may not be in session – the state needs a mechanism to provide immediate relief, she said.

“Main street businesses in Nebraska are vital for our economic vitality. We must have a system in place to help them recover when our state experiences natural disasters or pandemics,” Wishart said. “This grant program is one necessary step in ensuring our state helps small businesses survive.”

Blair Sen. Ben Hansen spoke in support of LB598. The bill sets up a framework that could help Nebraska residents in case of a future emergency, such as a flood, he said.

Elkhorn Sen. Lou Ann Linehan expressed concern that the bill could tie the hands of future administrations rather than facilitate the quick distribution of emergency funds.

“Why – if we were able to do all these things during the pandemic and the flooding – why do we need to put something in statute?” Linehan said.

The bill advanced to select file 32-0.

EDUCATION

Computer science requirement for public schools advanced

Lawmakers gave first-round approval March 8 to a bill intended to ensure that Nebraska students receive computer science and technology education before graduating from high school.

LB1112, introduced by Omaha Sen. Terrell McKinney, would require each public school district to include computer science and technology educa-

tion in the instructional program of its elementary and middle schools beginning in school year 2024-25.



Sen. Terrell McKinney

Additionally, districts would require students to complete at least one five-credit high school course in computer science and technology prior to graduation. Districts could offer the course in a traditional classroom setting, a blended learning environment or other technology-based format.

Computer science and technology education would include knowledge and skills related to computer literacy, educational technology, digital citizenship, information technology and computer science.

McKinney said LB1112 would ensure that students are prepared for 21st century jobs and help address a worker shortage that is hampering the growth of Nebraska technology companies.

“Technology and computer science [are] no longer limited to just coding classes that only a small handful of students choose to take as an elective,” he said. “Instead, technology and digital literacy [are] embedded in every industry our students choose to work in.”

McKinney said dozens of nonprofit organizations and higher education institutions have developed free course materials for school districts and professional development curriculum for teachers.

The bill would require each district to provide an annual status report to its school board and the state Department of Education that includes student progress in computer science and technology courses and other information.

LB1112 also would require the State Board of Education to adopt measurable academic content standards for computer science and technology

education under the mathematics or science standards.

An Education Committee amendment, adopted 34-0, would allow the board to adopt the new standards under the career and technical education standards as well. It also would clarify that the graduation requirement would apply only to public schools.

McKinney introduced an amendment, adopted 35-0, under which the graduation requirement would begin with school year 2026-27. It also would allow students to complete a one-semester high school course in computer science and technology to fulfill the requirement.

Sen. Tony Vargas of Omaha supported LB1112. He said Arkansas, Mississippi and other states have passed similar measures intended to increase the number of technology workers and address the underrepresentation of minorities and people from low-income backgrounds in the technology industry.

“This is a step that we should have taken years ago,” Vargas said.

Sterling Sen. Julie Slama also supported the bill. Although many Nebraska school districts already offer computer science and technology courses, she said, LB1112 would help extend that opportunity to students in rural areas and those who do not have a computer at home.

“Computer science is a basic skill of life in this day and age,” Slama said, “and we’re setting our kids up to fail if we’re not ensuring that every kid in a Nebraska public school has a chance to learn these skills.”

Sen. Carol Blood of Bellevue said she is concerned that the bill would create an additional requirement for Nebraska school districts without also providing additional funding.

Henderson Sen. Curt Friesen said he is reluctant to make a computer science and technology course a gradu-

ation requirement. The state Department of Education is better suited than the Legislature to decide whether such education should be included in the K-12 curriculum, he said.

Senators voted 33-0 to advance LB1112 to select file.



Pharmacy benefit manager regulations passed

Senators passed a bill March 11 regulating pharmacy benefit managers in Nebraska.

LB767, introduced by Sen. Mark Kolterman of Seward, establishes licensure and regulation standards for pharmacy benefit managers — companies that manage prescription drug benefits on behalf of health insurers —



Sen. Mark Kolterman

by the state Department of Insurance.

Among other provisions, the bill:

- establishes an audit process for pharmacies;
- allows the DOI director to audit a PBM and assess penalties of up to \$100,000 per violation;
- prohibits a PBM from charging any fee, chargeback or other adjustment to any pharmacy participating the federal 340B drug discount program;
- requires PBMs to update the maximum allowable cost price list at least every seven days;
- prohibits PBMs from excluding a pharmacy from participating in the PBM’s network if the pharmacy holds a specialty pharmacy accreditation; and

- prohibits a PBM from restricting certain actions by a pharmacist, including disclosing to a client the risks of treatment, informing a client of alternative treatments that may be available, describing the process used to authorize or deny a service or benefit and disclosing the financial incentives used by a health carrier.

LB767 passed on a vote of 48-0 and takes effect Jan. 1, 2023.

Omnibus child welfare bill amended, advanced

Senators added provisions to an omnibus child welfare measure before giving it second round approval March 8.

LB1173, introduced by the Health and Human Services Committee, would create a work group to find ways to improve the state’s child welfare system. It would seek input from individuals with experience within the child welfare system, providers, law enforcement, county attorneys and others.

Among other provisions, the work group would be tasked with developing program goals and finance models for service delivery, engagement strategies for community involvement and increased engagement across different branches of government and state agencies, as well as developing accountability, data collection and outcome monitoring strategies.

Sen. Megan Hunt of Omaha offered an amendment on select file to include modified provisions of her LB932. The amendment would require the state Department of Health and Human Services to notify youth in foster care and their guardians ad litem that the state is



Sen. Megan Hunt

collecting Social Security benefits on their behalf, beginning Jan. 1, 2023.

Hunt said some foster children are unaware that they are receiving such benefits or that the benefits are being used for their care.

The amendment, adopted 29-0, would require DHHS to provide documentation of the receipt, use and conservation of any Social Security benefits received.

LB1173, as amended on general file, also includes provisions of:

- LB491, introduced by Omaha Sen. Machaela Cavanaugh, which would remove DHHS authority to contract with a lead agency for case management in the department’s eastern service area of Douglas and Sarpy counties;



Sen. Machaela Cavanaugh

- LB541, introduced by Fremont Sen. Lynne Walz, which would require the Division of Children and Family Services to



Sen. Lynne Walz

implement statewide tiers for a specialized level of care for foster care reimbursement and to partner with the Division of Medicaid and Long-Term Care to develop a plan for treatment family care services by Oct. 1, 2022, and to implement that plan by Oct. 1, 2023; and

- LB854, introduced by Omaha Sen. Jen Day, which would require the Division of Children and Family Services to immedi-

ately notify the Division of Public Health of any reports DHHS receives of alleged out-of-home child abuse or neglect by a child care provider or child care staff member.



Sen. Jen Day

Following adoption of the Hunt amendment, senators advanced LB1173 to final reading on a voice vote.

JUDICIARY

Immunity for certain drug and alcohol offenses advanced

A bill that would provide immunity from arrest and prosecution for drug or alcohol offenses for victims and witnesses of sexual assault in certain situations cleared the first round of debate March 9.

Under LB519, introduced by Lincoln Sen. Adam Morfeld, immunity from arrest and prosecution would be granted to an individual who normally would be subject to a drug or alcohol offense if he or she was the victim of or a witness to a sexual assault and reports it to law enforcement or requests emergency medical assistance.



Sen. Adam Morfeld

Evidence of such an offense obtained or discovered as a result of a reported crime or requested medical service would not be used as long as the individual cooperates with law enforcement.

Sexual assault is widespread in many communities, Morfeld said, but it is especially prevalent on college

campuses. Studies show that victims of sexual assault often don’t come forward to report the crime because they believe authorities will focus on drug and alcohol offenses before addressing the assault, he said.

“By removing potential punishments for certain drug and alcohol charges, students who experience or witness sexual assault may be more likely to come forward and report to campus or local authorities,” Morfeld said. “Alcohol or drug use should not get in the way of bringing someone to justice because of a sexual assault.”

North Platte Sen. Mike Jacobson expressed concern that the bill could affect the prosecution of drug and alcohol offenses.

“I understand the reasons for bringing the bill [and] I think it has a lot of merit,” he said. “But there are questions about how this all works. I want to make sure we don’t complicate and hinder the prosecution in any way.”

Following the 33-0 adoption of a Judiciary Committee amendment that narrowed a provision granting courts discretion to waive public notice for publication of a name change petitioner, senators advanced LB519 to select file on a 29-6 vote.

NATURAL RESOURCES

Loan forgiveness for public water systems amended, advanced

A bill intended to help certain cities pay for drinking water and wastewater projects advanced to the second round of debate March 11 after lawmakers amended it to include three other measures heard by the Natural Resources Committee this session.

LB809, introduced by Sen. Mike

Moser of Columbus, would authorize the state Department of Environment and Energy to use the Drinking Water Facilities Loan Fund to buy or refinance the debt obligation of any municipality for a public water supply system if the debt was incurred and construction began after July 1, 1993.



Sen. Mike Moser

Under Moser's proposal, the department also could enter into agreements to provide grants and loan forgiveness to certain public water systems and municipalities for drinking water and wastewater treatment projects. The agreements could cover up to 75 percent of the eligible project cost, an increase from 50 percent.

LB809 also would authorize the department to enter into similar agreements concurrent with loans to public water systems for certain lead service line replacement projects.

Moser said the changes are intended to help communities with 10,000 or fewer inhabitants finance costly drinking water and wastewater projects without raising rates on their users to "astronomically high" levels.

A committee amendment, adopted 35-0, includes the provisions of three other bills.

Under LB803, introduced by Venango Sen. Dan Hughes, grandchildren, stepgrandchildren and their spouses would be considered immediate family members for purposes of limited hunting permits issued to qualifying landowners.



Sen. Dan Hughes

The amendment also would increase the number of qualifying landowner permits to hunt deer in the

three days immediately preceding the opening day of firearm deer hunting season from four to eight.

Currently, no more than two of those permits may be issued to individuals younger than 19. The amendment would increase that number to six.

The provisions of LB924, introduced by Sen. Tom Brewer of Gordon, would allow cities of the first class to apply for grants to cover the cost of deconstructing abandoned buildings.



Sen. Tom Brewer

The provisions of LB978, also introduced by Hughes, would authorize the state Department of Environment and Energy to assume authority for prohibiting or abating the discharge of dredged or fill material into waters of the U.S. under section 404 of the federal Clean Water Act.

The bill would authorize the department to administer a permitting program, collect fees, receive and initiate complaints, hold hearings and institute legal proceedings in the name of the state.

In its fiscal note for LB978, the department estimates that creating the program will require a total of \$1.7 million in general funds over the next two fiscal years. The program then would cost approximately \$2.6 million per year to administer.

Hughes said the program would help speed up the permitting process, saving time and money on construction projects. Permit fees paid by construction companies will fund the program once it is operational, he said.

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

South Platte River canal project advances

Lawmakers gave first-round approval March 9 to a proposal to build a canal that would divert South Platte River water from Colorado to Nebraska under a 1923 interstate compact.

The compact entitles Nebraska to 120 cubic feet of water per second during the summer. Nebraska also has a right to 500 cubic feet of water per second during the non-irrigation season but only if it builds a canal to divert it from the river in Colorado to a reservoir system in Nebraska.

Lincoln Sen. Mike Hilgers, who introduced LB1015 on behalf of Gov. Pete Ricketts, said Nebraska has received those winter flows for the past century, but Colorado now is seeking to capture as much of that water as possible to support rapid population growth along the Front Range.



Sen. Mike Hilgers

The bill would authorize the state Department of Natural Resources to develop, construct, manage and operate the canal and its associated storage facilities, called the Perkins County Canal Project, under the terms of the compact.

It also would authorize the department to use eminent domain to acquire land and resolve any legal disputes that arise as a result of the project.

Sen. Dan Hughes of Venango supported the bill, saying current plans call for water to be diverted from the river and into a canal near Ovid, Colorado, and stored in multiple reservoirs in the Platte River basin in Nebraska.

"It's imperative that we proceed with this project," Hughes said. "Failure to pass this bill would be tantamount to giving away our water rights to users in Colorado."

Norfolk Sen. Michael Flood also supported LB1015, saying it would signal to Colorado that Nebraska is serious about securing its water resources under the compact.

He said Nebraska could make up for reduced Platte River flows only by releasing water from Lake McConaughy, which would affect irrigation, hydropower generation and municipal water supplies.

“If we don’t assert our rights, less water will cross the state line in the future,” Flood said. “This is a modest investment for an unbelievable gain.”

Sen. John Stinner of Gering, chairperson of the Appropriations Committee, said the committee’s proposed budget would appropriate \$53.5 million from the state’s cash reserve to the state Department of Natural Resources to begin design and engineering studies and buy options on land where the canal would be built.

Omaha Sen. Steve Lathrop said the governor’s budget request would have appropriated \$500 million to the project, but it is unclear whether that amount would be enough to complete the canal and associated reservoirs. He questioned whether the project is either necessary or urgent.

“I’m very skeptical of this,” Lathrop said. If we need to create a crisis to see if we have an enforceable right [under the compact], there’s other ways to do it.”

Sen. John Cavanaugh of Omaha opposed LB1015. He said Nebraska might not receive 500 cubic feet of water per second in the non-irrigation season even if it builds the canal because Nebraska’s claim on those flows is subordinate to rights that were established prior to the date of the compact.

Additionally, Cavanaugh said, the compact allows Colorado to build a 35,000-acre-foot reservoir in the lower section of the South Platte River and make future appropriations in the up-

per section. Both uses would take precedence over Nebraska’s claim, he said.

Senators voted 36-3 to advance the bill to select file.

Hydrogen hub work group approved

Nebraska could seek to be selected as a regional clean hydrogen hub under a bill passed by the Legislature March 11.

LB1099, introduced by Brainard Sen. Bruce Bostelman, requires the state Department of Economic Development to create a work group whose members will be appointed by the governor.



Sen. Bruce Bostelman

The group will include representatives from manufacturing or industry, agriculture, transportation and energy. It also may include a representative of a clean hydrogen manufacturer.

The group’s purpose is to draft a proposal seeking Nebraska’s selection by the U.S. Department of Energy as one of four regional clean hydrogen hubs authorized under the federal Infrastructure Investment and Jobs Act, which Congress passed last year.

The bill authorizes the department to contract with private consultants to create the proposal.

LB1099 passed on a vote of 48-0 and took effect immediately.

Additional authority for environmental regulator advanced

Lawmakers gave first-round approval March 11 to a bill intended to give a state agency the ability to respond more quickly to the release of pollution.

LB1102, introduced by Sen. Bruce Bostelman of Brainard, would authorize the director of the state Depart-

ment of Environment and Energy to issue an order requiring a person responsible for releasing a pollutant to clean it up or take action to clean it up if that person fails or refuses to do so.

If the state responds to a release, the responsible person would be liable to the state for cleanup costs, which would become a lien on any real property owned by the person and subject to or affected by the cleanup.

LB1102 also would authorize the director to issue a cease and desist order if the director finds that a person has performed any act that presents or may present “substantial” harm to the environment. An order could assess an administrative penalty of up to \$5,000 per day per violation.

“The CDO is intended to put a quick stop to situations that pose a threat or could pose a threat if no action is taken,” Bostelman said. “CDOs could also be used in non-emergency situations rather than waiting for conditions to evolve into emergencies.”

Finally, LB1102 would authorize the director to allow another person, entity or responsible person to remediate site conditions voluntarily under the Remedial Action Plan Monitoring Act instead of issuing a cleanup order. As introduced, the bill would allow the director to waive requirements that apply to voluntary remediation.

Under a Natural Resources Committee amendment, adopted 40-0, the director could not waive those requirements.

Bostelman said the amendment also would clarify that the bill’s requirements would apply to individuals, companies or other entities responsible for a release and that a cleanup must conform with federal and state environmental standards. Additionally, it would clarify that pollutants, for purposes of the act, are substances that are harmful to plant and animal life, he said.

Finally, the amendment would

require the state treasurer to transfer \$300,000 from the state general fund to a new cash fund that the department would use to pay cleanup costs and collect recovered funds.

Omaha Sen. John Cavanaugh supported the bill. He said LB1102, and the interim study that led to its introduction, is a response to “weaknesses” in the state’s regulatory process revealed by past pollution events, including the one at the AltEn ethanol plant near Mead.

The bill is intended to give the department the tools it needs to address future events while also ensuring that it has discretion to act, Cavanaugh said.

“You want to make [the language] strong but not so cumbersome that we are forcing the agency to take action when it’s not necessary,” he said. “That is a hard ... needle to thread.”

Sen. Carol Blood of Bellevue also supported the bill but said it would not do enough to prevent future pollution events by correcting regulatory “gaps” that led to the release at AltEn.

LB1102 advanced to select file on a vote of 40-0.

TRANSPORTATION & TELECOMMUNICATIONS

One-call system complaint procedure advanced

A new process to review complaints that allege violations of the state’s One-Call Notification System Act would be established under a bill given first-round approval March 11.

The act is enabling legislation for Nebraska811, which is a free service for anyone who is planning an excavation project, including homeowners and professional excavators. Nebraska law requires anyone who digs to place a locate request at least two full business

days before digging so that utilities can locate and mark their lines.

Under LB344, as introduced by Henderson Sen. Curt Friesen, the state fire marshal and two utility operators and two excavators appointed by the governor would form a committee to review complaints alleging violations of the one-call system. Currently, the state attorney general handles all such complaints.

Friesen said a filter is needed so that the attorney general’s office can focus on the most serious violations. Some groups have expressed frustration with how long it takes claims to be adjudicated and resolved, he said.

“Real world consequences happen when the one-call laws don’t get followed,” Friesen said. “There has been one recurring theme with one-call that keeps coming up – and that is, the process that we currently have in the law enforcement of one-call violations doesn’t work very well.”

An amendment offered by the Transportation and Telecommunications Committee would add two locator representatives to the committee.

Before a vote was taken on the committee amendment, Friesen offered an amendment that would strike the provisions establishing a review committee. Under his amendment, the state fire marshal, rather than the attorney general, would investigate reports of violations of the One-Call Notification System Act.

Seward Sen. Mark Kolterman offered a motion to recommit the bill to the Transportation and Telecommunications Committee. He said he was not necessarily opposed to the process outlined in Friesen’s amendment, but that stakeholders should have the op-



Sen. Curt Friesen

portunity to weigh in on the proposal.

“[The Friesen amendment] is essentially a new bill that the public and our state agencies should and need to comment on in a public hearing,” he said. “I don’t think it’s been properly vetted.”

Gothenburg Sen. Matt Williams supported the motion, saying that such a significant change from the original proposal should require a public hearing.

Kolterman withdrew the motion after assurances from Friesen that a public hearing would be held on his amendment. Senators then voted 42-0 to adopt the committee amendment and 41-0 to adopt Friesen’s amendment.

LB344 advanced to select file on a 39-0 vote. A hearing on the Friesen amendment is scheduled for March 22.

DMV clean-up bill amended, clears first round

A bill that would make a number of changes to laws regarding the state Department of Motor Vehicles was amended to become an omnibus committee bill and advanced from general file March 11.

Among other provisions, LB750, introduced by Henderson Sen. Curt Friesen, would:

- authorize former military vehicles to tow designated trailers;
- allow motorboats and UTV/ATVs to have a transfer-on-death designation on the certificate of title;
- allow previously salvaged titles to be issued initially if a vehicle has been properly inspected; and
- reduce from eight to four hours the driver improvement course requirement for individuals younger than 21.

A Transportation and Telecommunications Committee amendment, adopted 40-0, added provisions of five additional bills:

- LB913, sponsored by Brainard Sen. Bruce Bostelman, which would change provisions regarding highway and road construction related to extreme weather events;



Sen. Bruce Bostelman

- LB1022, sponsored by Friesen, which would modify the distribution of fees for the 24/7 sobriety program permit established in 2021 so that the portion of the fee distributed to the county is distributed to the county that issued the permit, not the county of residence of the individual receiving the permit;
- LB1145, also sponsored by Friesen, which would stipulate that a law enforcement agency is not prohibited from disclosing the age of an operator included in any motor vehicle accident report;
- LB1259, sponsored by Lincoln Sen. Suzanne Geist, which would increase the issuance fee for new license plates and renewal tabs from not more than \$3.50



Sen. Suzanne Geist

to not more than \$4.25 per plate, starting Jan. 1, 2023; and

- LB1266, sponsored by Hastings Sen. Steve Halloran, which would prescribe a number of actions that regulated common carriers may not engage in and stipulate that individuals 65 or older



Sen. Steve Halloran

may receive free or reduced rates. Geist offered an amendment, adopted 37-0, that added provisions of her LB714. The provisions would require that \$3 from each Class O operator’s license and state identification card issued and valid for five years be deposited in the DMV Cash Fund and used to open and operate an additional operator’s license center.

Geist said the amendment would create a funding mechanism for a new Lancaster County Service Center to reduce wait times for issuing a driver’s license. She said the reduction of work stations in the county has resulted in wait times of up to six hours during peak operation hours.

“My office has received calls asking for something to be done to help alleviate the long wait times,” she said, “and this is in response to those calls.”

Senators also adopted a technical amendment offered by Thurston Sen. Joni Albrecht, on a 35-0 vote, that ensures Nebraska compliance with federal laws and regulations.

Finally, an amendment offered by Bayard Sen. Steve Erdman and adopted 36-0 would remove a requirement that bills of sale for vehicle major component parts be notarized.

Lawmakers then advanced LB750 to select file on a 40-0 vote.

URBAN AFFAIRS

Omnibus municipal bill advanced

A bill that would update statutes governing metropolitan class cities was amended and advanced to select file March 11.

LB800, as introduced by the Urban Affairs Committee, would make grammatical and technical changes and replace outdated statute language

regarding metropolitan class cities.

The committee offered an amendment to include the following bills:

- LB555, introduced by Lincoln Sen. Matt Hansen, which would require that reports filed under the Municipal Density and



Sen. Matt Hansen

Missing Middle Housing Act include the percentage of residential areas a city has declared substandard and blighted or extremely blighted;

- LB724, also introduced by Hansen, which would authorize funds generated under the Local Option Municipal Economic Development Act to be used to develop and implement affordable housing action plans and authorize first and second class cities and villages to include grants, loans and construction funds as part of an affordable housing action plan;

- LB727, introduced by Hansen, which would eliminate unnecessary language in statutes regarding sanitary and improvement district elections;

- LB799, introduced by the committee, which would update and clarify reporting requirements under the Municipal Density and Missing Middle Housing Act;

- LB842, introduced by Gordon Sen. Tom Brewer, which would authorize tribal governments to apply for grants under



Sen. Tom Brewer

the Civic and Community Cen-

ter Financing Act; and

- LB1189, introduced by Norfolk Sen. Michael Flood, which would transfer all funds, property, property rights, legal obligations, taxes or assessments owned by or owed to a sanitary drainage district that lies solely within the zoning jurisdiction of a city to that city, or a riverfront development authority created by the city, if the sanitary drainage district is discontinued.



Sen. Michael Flood

Sen. Joni Albrecht of Thurston opposed the inclusion of provisions of LB842. She said the Ponca Tribe requested the change but does not have a reservation in the state of Nebraska.

“Yes, Ponca natives are here, but if they were to choose to put [grant money] somewhere, where would they put it? Where do they call home?” Albrecht said.

Brewer said it was appropriate to include the Ponca – one of the four federally recognized Native American tribes in Nebraska – under the bill and allow it to apply for grants.

Senators adopted the committee amendment on a 34-1 vote and advanced LB800 from general file 35-1.

Bill requiring Ricketts to apply for federal rental assistance funds advanced

A bill to create a new state housing agency was scrapped March 9 and replaced with a proposal to require Nebraska to apply for a second round of federal emergency rental assistance.

LB1073, as introduced by Omaha Sen. Justin Wayne, originally would have created a state Department of Housing and Urban Development. The bill was

guttled on general file by an amendment offered by the Urban Affairs Committee, adopted 29-8, to make way for an emergency rental assistance proposal from Lincoln Sen. Matt Hansen.

The federal government made rental assistance funds available to states last year to help households struggling due to the pandemic, Hansen said. Under the program, individuals are eligible for up to 12 months of back rent and three months of future rent – up to \$20,000 – which is paid directly to their landlords.

“Recently, the state has declined to apply for the second round of this funding, leaving over \$120 million on the table,” he said. “This is money that has already been allocated and will simply go to other states if we fail to accept it.”

Hansen said 48 other states have accepted the second round of funding, which will provide three more years of rental assistance. Nebraska already has missed the first deadline, he said, and the U.S. Treasury has extended the deadline to March 30. Current assistance is scheduled to end Sept. 30.

Gov. Pete Ricketts has indicated that Nebraska will not apply for the second round because it is not needed. But Hansen said that the first round of funds were underutilized because of lack of promotion and a cumbersome application system.

“We know that a successful state program is possible,” Hansen said, “as evidenced by improvements the Lincoln and Omaha programs have made to successfully distribute their funding.”

Kearney Sen. John Lowe opposed the measure, saying acceptance of additional funding would be the wrong path for the state.

“COVID is over,” Lowe said. “We need to get back to work ... we don’t need these government handouts constantly.”

Omaha Sen. Terrell McKinney disagreed. A significant number of Nebras-

kans have faced economic hardships over the last two years, he said, and continue to struggle to recover. He said high unemployment in his legislative district prior to the pandemic means that the impact of COVID-19 lingers for many individuals.

“Technically, we’re still in a pandemic and we have to recognize that,” McKinney said.

Sen. John Stinner of Gering also supported the measure. Many people in rural areas were unaware that assistance was available, he said, and the application process was confusing and difficult to navigate.

The state can collect interest on the federal funds for the duration of the three-year program, he said, and simply turn back any unused portion without penalty.

“The COVID emergency may be over, but the COVID overhang is still there and it’s called inflation – and it’s biting into everybody’s budget,” Stinner said. “This program could definitely help.”

Omaha Sen. Mike McDonnell also spoke in support, saying the Appropriations Committee recently sent a letter to the governor encouraging him to apply for the funds. He said the committee heard over 100 hours of testimony from Nebraskans across the state about the impact that COVID-19 has had on their lives.

McDonnell said the state’s 211 Helpline – which connects residents with food, housing and utility assistance – saw a 23 percent increase in calls from rural communities asking for assistance in 2021 and a “dramatic” increase so far this year as other forms of assistance have ended.

“At this pace, they are expecting over 300,000 calls by the end of the year, which [would be] 21 percent higher than last year,” he said.

Following adoption of the amendment, senators voted 29-7 to advance LB1073 to select file. ■

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Youth Legislature Registration Open



High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2022 Unicameral Youth Legislature, which will convene June 12-15.

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

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

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

Registration forms can be obtained from the Legislature's Unicameral Youth Legislature page: [NebraskaLegislature.gov/uyl](https://nebraskalegislature.gov/uyl). Note that all scholarships are awarded prior to registration.

The scholarship application deadline is April 5. ■