

## Legislature adjourns sine die, 13 senators depart

The second session of the 107th Legislature adjourned sine die April 20.

Senators leaving the Legislature due to term limits are: Henderson Sen. Curt Friesen, Lincoln Sen. Matt Hansen, Omaha Sen. Robert Hilkemann, Venango Sen. Dan Hughes, Seward Sen. Mark Koltermann, Omaha Sen. Brett Lindstrom, Omaha Sen. John McCollister, Lincoln Sen. Adam Morfeld, Lincoln Sen. Patty Pansing Brooks, Gering Sen. John Stinner and Gothenburg Sen. Matt Williams.

Creighton Sen. Tim Gragert and Omaha Sen. Steve Lathrop have decided not to seek reelection.

Gov. Pete Ricketts, in his address to lawmakers, said the Legislature made history this year by passing legislation that will provide Nebraskans with \$3.4 billion in tax relief by 2027 — a number that is 12 times more tax relief than ever achieved previously, he said.

“I have just one word for this session and this body,” Ricketts said. “Wow! What fantastic work you have done in this short, 60-day session. Historically, it is work that will have generational impact.”

Ricketts also credited the Legislature for passing bills to protect public safety, such as investments in police training and a streamlined reciprocity process for law enforcement officers coming to Nebraska.

He said the Legislature’s approval of the Perkins County Canal project and the construction of a new lake between



Senators said farewell to thirteen of their colleagues who will not be returning to serve in the Legislature next year.

Lincoln and Omaha were historic efforts to protect the state’s water supply. These investments, Ricketts said, will attract and retain people in Nebraska.

“This is vital for us to protect our water resources,” he said. “We must build this canal and reservoir system to ensure that water from the South Platte River continues to flow to Nebraska in the non-irrigation season.”

Finally, the governor credited the Legislature for passage of bills allocating American Rescue Plan Act funds, which he said will revitalize north Omaha with \$255 million and provide \$194 million toward other underserved areas across the state to address economic development, housing and literacy.

“Any one of these by itself would be historic, but you accomplished all four and many others that will have a generational impact,” Ricketts said. “You should be very proud.”

Lincoln Sen. Mike Hilgers, speaker of the Legislature, thanked senators for their hard work this session and for passing “historic” legislation, including the largest tax relief package in the state’s history, which he credited to



Senators greet Gov. Pete Ricketts as he enters the George W. Norris Legislative Chamber to deliver his end of session remarks.

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the efforts of the Revenue and Appropriations committees.

"We had the greatest year in state history [in] giving money back to taxpayers," he said.

Additionally, Hilgers thanked senators for their commitment to North Omaha and other underserved areas and their willingness to address water management through investing in projects across the state. "There's no doubt the 107th Legislature has been a smashing success," he said. "There's no doubt it was because of your hard work. But there's also no doubt that the 108th Legislature will have work to do."

Before adjourning, lawmakers also recognized two recently deceased former state senators.

Lathrop paid tribute to former Omaha Sen. Brad Ashford, who served in the Nebraska Legislature from 1987-1995 and again from 2007-2015. He also served as a U.S. Congressman for Nebraska's 2nd Congressional District from 2015-2017. Ashford died April 19.

Ashford was thoughtful in how he spoke and how he included others in the legislative process, Lathrop said,

and in identifying common ground and building consensus — which is why he became a successful legislator.

"Brad spent his adult life in service to the state and to the city he loved," Lathrop said. "Brad did what he thought was right and trusted his voters, and while he was knocked down in some contests, he remained thoughtful and optimistic and landed on his feet."

Adams Sen. Myron Dorn paid tribute to former Beatrice Sen. Dennis Byars, who died April 14. Byars was appointed to the Legislature in 1988 and was elected to serve from 1999-2007.

Dorn said Byars found his passion in advocating for people with developmental disabilities and was a dedicated public servant.

"He viewed his service as an opportunity to help others," Dorn said.

The first session of the 108th Legislature is scheduled to convene Jan. 4, 2023. ■

## Appointments made to economic recovery committee

The Executive Board of the Legislature announced appointments to the Economic Recovery Special Committee April 20.

The committee was established April 12 with the passage of LB1024. Committee membership includes the chairpersons of the Urban Affairs and Appropriations committees, the speaker of the Legislature and four members who represent legislative districts containing one or more qualified low-income census tracts located within the boundaries of a metropolitan class city. Omaha is Nebraska's only metropolitan class city.

The committee will issue a request for proposals by June 30, 2022, for studies on potential eligible uses of federal American Rescue Plan Act funds or state funds within or adjacent to those qualified census tracts to promote entrepreneurship, housing, employment, job creation and small business assistance.

Appointed to the committee are Omaha Sens. Brett Lindstrom, Mike McDonnell, Terrell McKinney and Tony Vargas. ■

## UNICAMERAL UPDATE

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# DEPARTING SENATORS

THIS YEAR MARKS THE END OF SERVICE FOR THIRTEEN SENATORS. BEFORE ADJOURNMENT, DEPARTING SENATORS ADDRESSED THEIR COLLEAGUES, REFLECTING ON THEIR TIME IN THE NEBRASKA UNICAMERAL.



“I’ve always represented rural Nebraska but I’ve also looked [at] what is best for the state.”

— SEN. CURT FRIESEN



“I will pray for you all who remain and the new legislators, for their wisdom to do the right things for the right reasons.”

— SEN. TIM GRAGERT



“Getting to work on the policy of the state of Nebraska has been a true joy and I’m hopeful that I’ve repaid that honor with my service and votes over these past eight years.”

— SEN. MATT HANSEN



“I pray that going forward as a state and nation, we grow together to build one another up and see the best in each other. If we do, we will become a better state and nation.”

— SEN. ROBERT HILKEMANN





“Our time here is very short, but the institution stays the same. It does need to be protected. Senators come and go, but the institution stays the same and it is so important that we respect the institution.”

— SEN. DAN HUGHES



“To have your hand in the making of policy that will affect the lives of people you may never meet — it’s something very special and something I’m very grateful for.”

— SEN. STEVE LATHROP



“Compromise isn’t a dirty word, it’s the stuff of successful lawmaking.”

— SEN. JOHN MCCOLLISTER



“We were elected by the people of our districts to represent all of them in a nonpartisan way. I believe George Norris would be darn proud of us.”

— SEN. MARK KOLTERMAN



“I’ve always found the most effective members of this body were the ones that engaged not on a political basis but on policy.”

— SEN. BRETT LINDSTROM



“No one will fully understand the immense honor it is to serve in the Nebraska Legislature until they’ve had the opportunity to do so themselves.”

— SEN. ADAM MORFELD



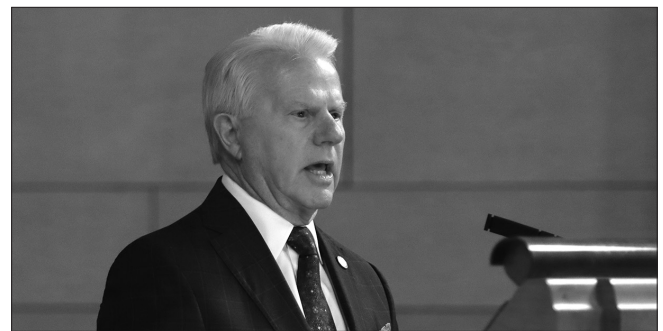
“I hope you continue to see the value ... of this nonpartisan legislature. We are a small gem in the middle of this country.”

— SEN. PATTY PANSING BROOKS



“The first time I walked through those glass doors and I looked up and I saw my name on the [voting] board, it was a sobering experience — pretty awestruck by it — and I remember saying a little prayer to the Lord saying, ‘please don’t let me do any harm.’”

— SEN. JOHN STINNER



“The first core value is to recognize the importance of people in your success and recognizing that very little can be accomplished when we try to do it by ourselves — but when we work as a team, lots can get done.”

— SEN. MATT WILLIAMS

## AGRICULTURE



### Catastrophic livestock mortality measure approved

A bill intended to improve Nebraska's ability to plan for and respond to emergency catastrophic livestock mortality events passed April 12.

LB848, introduced by Hastings Sen. Steve Halloran, requires the state Department of Agriculture to support the development and execution of catastrophic livestock mortality disposal plans developed by a county or other local emergency management organization.



Sen. Steve Halloran

The bill also assigns a duty to livestock owners to properly dispose of dead animals in a timely manner and adds express authority to transport them to a disposal site designated by a local authority in the event of an emergency that results in large-scale livestock deaths or necessitates wide-scale depopulation.

LB848 passed on a 44-0 vote.

## APPROPRIATIONS



### Rural health training facility funding approved

The state will provide funding for a new facility to train rural health care providers under a bill given final approval April 13.

LB792, introduced by Kearney Sen. John Lowe, originally would have appropriated funds to renovate the

Youth Rehabilitation and Treatment Center in Kearney. Those provisions were removed and replaced with provisions of Omaha Sen. Robert Hilkemann's LB721.

The bill appropriates a total of \$24.5 million in general funds over the next three fiscal years for operating expenses at the University of Nebraska Medical Center Rural Health Complex in Kearney. The complex is being built on the University of Nebraska Kearney campus to create new programming in allied health professions, medicine, nursing, pharmacy and public health.

LB792 passed on a 45-0 vote.

### Electrical system grant program established

Lawmakers passed a bill April 12 aimed at helping a Nebraska community address its electrical system challenges.

LB977, introduced by Sterling Sen. Julie Slama, transfers \$15 million from the Cash Reserve Fund to the Site and Building Development Fund and expands eligibility to include grants to second class cities — those with a population between 801 and 5,000 residents — that partner with public power utilities to expand electrical system capacities and enhance redundancy and resilience.

Slama has said that the bill was brought to assist southeast Nebraska's



Sen. John Lowe



Sen. Robert Hilkemann



Sen. Julie Slama

second-largest town, Falls City, in addressing its substandard electrical capacity.

Eligible grantees are required to secure a minimum commitment of half of a project's total cost before state dollars will be released.

LB977 passed on a 42-0 vote and took effect immediately.

## BANKING, COMMERCE & INSURANCE



### Omnibus insurance measure passed

Lawmakers passed a bill April 12 that makes a number of changes to laws governing insurance in Nebraska.

LB863, introduced by Gothenburg Sen. Matt Williams, mandates the filing of group capital calculation and liquidity stress test results with the Nebraska Department of Insurance by insurers subject to the registration requirements of the Insurance Holding Company System Act.

The bill includes provisions of six additional measures:

- LB728, introduced by Omaha Sen. Brett Lindstrom, which creates a state administered statutory framework for the sale of travel insurance and subjects individuals who sell travel insurance to the Unfair Insurance Trade Practices Act;



Sen. Matt Williams



Sen. Brett Lindstrom



- LB737, introduced by Lincoln Sen. Eliot Bostar, which creates the Primary Care Investment Council to analyze, among other data, spending and investment on primary care services in comparison to health outcomes in Nebraska and nationally;



Sen. Eliot Bostar

- LB739, also introduced by Bostar, which lowers the health insurance coverage age for a colorectal cancer screening from 50 to 45;

- LB955, introduced by Sen. Dave Murman of Glenvil, which prohibits the denial or reduction of coverage for life, disability or long-term care insurance or the charge of an additional premium for living organ donors in Nebraska;



Sen. Dave Murman

- LB957, introduced by Sen. Michael Flood of Norfolk, which requires that all Nebraska domestic insurers regulated by the state establish standards, requirements and limitations for the investment of insurers; and
- LB1042, introduced by Bostar, which provides guidance to insurance companies regarding gifts and other related activities.



Sen. Michael Flood

Lawmakers passed LB863 on a 46-0 vote.

## BUSINESS & LABOR

### Innovation partnerships authorized

Lawmakers passed a bill April 12 meant to facilitate relationships between technology firms and research, banking and nonprofit economic development corporations in historically underserved areas of Nebraska.

LB450, sponsored by Omaha Sen. Terrell McKinney, requires 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 at least three partners to stimulate economic development. Partners can include postsecondary educational institutions, financial institutions, nonprofit economic development organizations and inland port authorities, among others.

An iHub must be located within an economic redevelopment area — in which the average unemployment rate is at least 150 percent of the state average and the poverty rate is 20 percent or more for the area’s federal census tract — or an enterprise zone. An enterprise zone is an area where population has decreased by 10 percent or the average unemployment rate is at least 200 percent of the state average or the poverty rate exceeds 20 percent for the federal census tract.

Among other tasks, DED will provide technical assistance and guidance to entrepreneurs and facilitate partnerships between the member

organizations. iHub applications must be submitted to DED by June 1, 2023.

Provisions of Lincoln Sen. Suzanne Geist’s LB1215 also are included.

Those provisions include legislative intent to appropriate \$5 million annually to a newly created small business assistance program. The program allows certain individuals who want to start a business in Nebraska to apply for a \$25,000 grant from DED.

To qualify, an applicant cannot have earned more than \$55,000 in the most recent calendar year, have a net worth of more than \$200,000 or have an ownership interest in any other business.

The amendment also authorizes grants of up to \$12,500 for small businesses in existence less than five years if gross revenue has grown by less than 25 percent in the past calendar year and the owner has a net worth of less than \$200,000 and does not have an ownership interest in another business.

Senators passed LB450 on a 45-0 vote.

### Emergency small business grant program approved

Small businesses struggling during certain qualifying events are eligible for a grant program under a bill that passed April 13 after being amended on select file earlier in the week.

LB598, introduced in 2021 by Lincoln Sen. Anna Wishart, codifies an existing pandemic relief grant program within the state Department



Sen. Suzanne Geist



Sen. Anna Wishart

ment of Economic Development under the Business Innovation Act and makes it available in the future to eligible businesses in the event of a natural disaster, pandemic or other emergency declared by the governor.

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 over a period of one month or more from the amount of gross revenue received over the same time period in the prior year.

Grants will be awarded on a first-come, first-served basis while funds remain. Individual business awards are capped at \$12,000.

Wishart offered an amendment during select file debate April 11, adopted 44-0, to include provisions of her LB1163 that increase a series of annual caps under the Business Innovation Act. The provisions increase the cap from \$2 million to \$3 million for the microloan program and from \$4 million to \$6 million for the following grant programs:

- small business planning;
- financial assistance to small businesses;
- innovation in value-added agriculture; and
- financial assistance to businesses that use the facilities of a public or private college in Nebraska for applied research and development of new products or use intellectual property generated at a public or private college or university in Nebraska.

Omaha Sen. Justin Wayne also offered a second-round amendment, adopted 42-0, that added provisions of his LB1116. Those provisions increase from \$4 million to \$5 million the annual cap under the Business Inno-

vation Act for the financial assistance program for creating prototypes.

They also reduce the matching amount to 25 percent for businesses in an economic redevelopment area in a metropolitan class city, defined as an area in which the average rate of unemployment is at least 150 percent of the state average and the average poverty rate for the area's federal census tract is 20 percent or more. Omaha is the state's only metropolitan class city.

LB598 passed on a 45-0 vote April 13 and took effect immediately.

### First responder compensation increased

A one-time death benefit available to families of public safety officers killed in the line of duty will increase under a bill passed April 12.

In 2021, 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. The compensation increases each year to an amount equal to the previous year's compensation increased by the percentage of the consumer price index.

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

The bill passed on a vote of 34-6.



Sen. Justin Wayne

### Rural workforce housing program expanded, extended

An effort to increase workforce housing in rural Nebraska communities by updating an existing grant program was approved by lawmakers April 12.

The Rural Workforce Housing Investment Act, passed by the Legislature in 2017, provides grants for the construction of workforce housing in counties with fewer than 100,000 people. Grants are available to non-profit development organizations in eligible communities.

LB1069, introduced by Gothenburg Sen. Matt Williams, extends the grant program — which had been set to expire at the end of this fiscal year — through FY2026-27. The maximum allowable cost to construct an owner-occupied housing unit is increased from \$275,000 to \$325,000 and for rental housing units from \$200,000 to \$250,000.

The bill removes the current \$2 million cap that a nonprofit development organization can receive under the program and replaces it with an amount set by the director of the state Department of Economic Development. Additionally, LB1069 reduces the required local matching grant from a one-to-one match to 50 percent. Projects that receive funds from the National Housing Trust Fund are ineligible for the program.

The bill passed on a 42-4 vote and took effect immediately.



Sen. Matt Williams



Sen. Adam Morfeld



## EDUCATION

### Behavioral health points of contact, training program established

Lawmakers passed a measure April 12 intended to improve access to mental and behavioral health services for Nebraska students.

LB852, introduced by Omaha Sen. Jen Day, requires each school district to designate at least one employee in each school building who has knowledge of community behavioral health service providers and other resources for students and families.



Sen. Jen Day

The behavioral health point of contact will coordinate access to behavioral health services for students and families and facilitate access to services at a student's school during the school day and as approved by a student's parent or guardian.

A point of contact may be an administrator, a school nurse, a school psychologist or another designated person affiliated with a particular school building or other division.

The bill requires the state Department of Education to provide each district with a registry of state and local behavioral health resources for students and families by geographic area. It also requires the registry to be updated at least annually and include both school-based services and those accessible outside of school.

Each district will report its designated behavioral health points of contact to the department before the beginning of each school year.

LB852 includes provisions of

LB912, introduced by Sen. Adam Morfeld of Lincoln. They require the department to create a mental health first aid training program for teachers and other school personnel employed by a school district or educational service unit participating in a State Board of Education grant program.

The training will be provided by trainers who are certified by a national organization for behavioral health and will include the skills, resources and knowledge necessary to help connect students with appropriate local mental health care services.

Teachers and other school personnel also will learn how to safely de-escalate crisis situations, recognize the signs and symptoms of mental illness and refer a student to mental health services in the early stages of the development of a mental disorder.

LB852 passed on a vote of 36-10.

### Holocaust education measure narrowed, approved

Nebraska's social studies education standards will be updated to include content on the Holocaust under a bill approved by lawmakers April 13.

LB888, introduced by Sen. Jen Day of Omaha, requires the State Board of Education to adopt academic content standards for education on the Holocaust and other acts of genocide as recognized by the U.S. Congress or the United Nations as of Jan. 1, 2022.

Lawmakers amended the bill on the second round of debate to include a proposal by Omaha Sen. Justin Wayne that would require the board also to adopt standards related to slavery, lynching and racial massacres in America.

On final reading April 11, senators voted to return the bill to select file to consider an amendment offered by Day that would remove Wayne's

proposal from the bill.

Speaker Mike Hilgers of Lincoln supported the amendment. In the past, he said, a speaker priority bill such as LB888 has not been scheduled for further debate if it is amended to include "new material."

Hilgers said Wayne's proposal fit that description because it went beyond the scope of LB888 and did not have its own public hearing. He said he would not schedule the bill for debate on final reading unless Day's amendment was adopted.

Day said she supports Wayne's proposal but that removing it from the bill was the only way for LB888 to pass this session. She said she is willing to work with Wayne on a bill for next year to include slavery, lynching and racial massacres in Nebraska's academic content standards.

Wayne opposed the amendment, saying it would "whitewash history" and that lawmakers have amended speaker priority bills several times in the past.

After voting 27-13 to adopt Day's amendment, senators advanced LB888 to final reading by voice vote.

The bill passed on a vote of 40-1.

### Career scholarship program codified

An existing state scholarship program for postsecondary students enrolled in programs that lead to jobs in certain high-demand fields was codified in state law April 12.

Under LB902, introduced by Sen. Raymond Aguilar of Grand Island, students who achieve a minimum score on a standard college admission test and enroll in an



Sen. Raymond Aguilar

eligible program of study at the University of Nebraska, Nebraska state colleges, community colleges or private postsecondary institutions will receive a Nebraska Career Scholarship.

The amount of each scholarship varies from \$5,000 to \$25,000 per year depending on the institution. A scholarship will be renewed automatically each year if the recipient remains enrolled in good standing in the eligible program of study for which it was awarded.

Eligible programs include health care, computer information systems, engineering and those in a skilled trade or identified shortage area.

Beginning in academic year 2024-25, the state Department of Economic Development, in collaboration with each institution's governing body, will designate eligible programs of study based on periodic reviews of Nebraska's workforce needs.

To qualify for a scholarship, a student must be a first-time freshman or a transfer student. Scholarships may be used for tuition, fees, required tools and equipment, room and board.

LB902 requires each scholarship recipient to register with the appropriate campus office to obtain a Nebraska-based internship, apprenticeship, clinical position or employment in a field related to their program of study before they graduate.

Finally, each institution's governing body must submit an annual report on scholarship recipients and eligible programs of study to the Legislature and the governor.

Senators voted 48-0 to pass LB902.

### **Computer science education requirement approved**

Nebraska students will receive computer science and technology education before graduating from high

school under a bill passed April 12.

LB1112, introduced by Omaha Sen. Terrell McKinney, requires each Nebraska school district to include computer science and technology education in the instructional program of its elementary and middle schools beginning with school year 2024-25.



Sen. Terrell McKinney

Additionally, it requires public school students to complete at least one five-credit high school course in computer science and technology prior to graduation beginning with school year 2026-27. Students may complete a one-semester high school course in computer science and technology to fulfill the requirement.

Districts may offer the course in a traditional classroom setting, a blended learning environment or an online-based or other technology-based format.

LB1112 requires 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.

It also requires the State Board of Education to adopt measurable academic content standards for computer science and technology education under the mathematics, science or career and technical education standards.

The bill passed on a vote of 33-11.

### **Teacher certification changes, loan assistance authorized**

Lawmakers approved a bill April 13 intended to address a shortage of teachers in Nebraska schools.

LB1218, introduced by the Education Committee, provides \$1,000 in

loan forgiveness to student teachers under the Attracting Excellence to Teaching Program. An individual must provide service for a full academic semester within a public or private school and meet certain requirements to qualify.

The bill also allows a teacher from another state to demonstrate eligibility for a Nebraska teaching certificate or permit if they possess a similar certificate or permit in that state.

Additionally, the State Board of Education now must authorize the issuance of a permit or certificate to an applicant who has been offered employment to teach, administer or provide special services by a public, private, denominational or parochial school in Nebraska.

Under the bill's provisions, the board may not require a statewide examination as an entrance requirement related to basic skills competency when approving Nebraska teacher education programs.

LB1218 also contains provisions of LB945, introduced by Sen. Lou Ann Linehan of Elkhorn, which authorize the state Department of Education to provide qualifying teachers \$5,000 per year in loan repayment assistance for up to five years.



Sen. Lou Ann Linehan

To qualify, an individual must be a Nebraska resident teaching full time at a public or private school or performing dual-credit instructional duties for public or private school students while employed full time at a public or private nonprofit college or university in Nebraska.

The total amount of loan repayment assistance may not exceed \$5 million in any fiscal year.

LB1218 passed on a vote of 46-0.

## GENERAL AFFAIRS

### Racetrack casino regulations updated

A bill updating Nebraska's gaming regulations for horse racetrack casinos and the commission that governs them passed April 13.

LB876, introduced by Albion Sen. Tom Briebe, changes several provisions of the Nebraska Race-track Gaming Act, including increasing a number of penalties and raising the operator's license fee from \$1 million to \$5 million.



Sen. Tom Briebe

As introduced, the bill would have prohibited a racetrack from being located within 50 miles of another racetrack operating games of chance. Tracks that existed on Nov. 1, 2020, in Adams, Dakota, Douglas, Hall, Lancaster and Platte counties would have been exempt from the prohibition.

An amendment adopted on general file replaced the bill and instead allows an existing racetrack to apply to move to another county in Nebraska that does not have a racetrack subject to commission approval.

The bill also prohibits issuance of new licenses until the commission conducts a statewide horse racing market analysis, a study of the potential casino gaming market and a socioeconomic impact study of horse racing and casino gaming statewide and in each county that has a licensed racetrack. The three studies must be completed by Jan. 1, 2025.

Among other provisions, LB876 increases the duration of a horse racing license from one to five years and

requires existing tracks to hold at least five racing days and 50 live races annually by Jan. 1, 2026, and 15 racing days and 120 races annually by Jan. 1, 2031. It also establishes a schedule for tracks built after the bill's operative date.

Non-compliant tracks will be forced to close until the commission determines that the situation has been corrected.

The measure also includes provisions of Briebe's LB877, which require the State Racing and Gaming Commission to meet at least eight days each year and requires racetracks to pay the commission an increasing percentage of proceeds. Beginning July 1, 2023, the amount will increase to 1 percent of the gross sum of parimutuel wagers placed at the track during the previous calendar year and rise to 2 percent annually on July 1, 2024.

LB876 passed on a 38-3 vote and took effect immediately.

### State liquor laws updated

Senators passed a bill April 12 that provides limited self-distribution rights to Nebraska craft breweries and updates a number of other liquor laws in Nebraska.

LB1236, sponsored by Kearney Sen.

John Lowe, allows a craft brewer to directly sell up to 250 barrels—equivalent to 82,500 12-ounce bottles or cans—of their own manufactured



Sen. John Lowe

beer each calendar year if the licensee:

- self-distributes its beer only in a territory in which the licensee does not have a distribution agreement with a licensed wholesaler;
- uses only persons exclusively and solely employed by the licensee

to distribute its beer in vehicles exclusively and solely owned or leased by the licensee; and

- complies with all relevant statutes, rules and regulations that apply to Nebraska beer wholesalers regarding beer distribution.

A craft brewery licensee may self-distribute beer brewed at its own licensed premises and cannot distribute beer produced by any other licensee. The bill also allows a licensee to store and warehouse tax-paid products in a designated, secure offsite facility if the Liquor Control Commission is notified.

The bill contains provisions of two other proposals introduced by Lowe.

LB899 creates a new special designated license for nonprofits that are exempt from federal income taxes. The provisions allow groups of nonprofits to use one application for up to six SDLs as long as each event is held at the same location. The fee is \$40 for the initial license plus \$10 for each subsequent license listed on the application.

LB900 allows Nebraska microdistilleries—entities that make their own whiskey, gin and other spirits—to operate up to five separate physical locations under one license.

Senators passed the measure on a 46-0 vote.

## GOVERNMENT, MILITARY & VETERANS AFFAIRS

### Omnibus election bill clears final round

Lawmakers gave final approval April 13 to a bill that makes a number of changes to Nebraska's election laws.

LB843, introduced by Sen. Tom Brewer of Gordon, makes several mi-



nor changes to current law. Among other provisions, the bill:

- prohibits electioneering within 200 feet of a ballot drop box;
- establishes a deadline of 8 p.m. Central time or 7 p.m. Mountain time on Election Day for receipt of mail-in ballots;
- allows voters who cannot sign their name to use either a symbol or a signature stamp;
- allows county election commissioners to appoint certain election officials who live outside of the county if that county conducts elections exclusively by mail;
- requires non-governmental organizations distributing voter registration forms or early ballot application forms to use those prescribed by the Nebraska secretary of state;
- expands the definition of voting system to include software or service used in the process of creating, casting and counting ballots;
- allows an election commissioner or county clerk to remove a voter from the voter registry if they receive information from the state Department of Motor Vehicles that the voter has moved out of state; and
- establishes procedures for removing a voter from a county's early ballot request list.

LB843 also includes provisions of the following bills:

- LB733, introduced by Omaha Sen. John Cavanaugh, which prohibits foreign nationals from contributing to ballot question



Sen. Tom Brewer

campaigns. Contributions from domestic subsidiaries of foreign nationals are allowed under certain circumstances;

- LB841, introduced by Brewer, which allows emergency response providers and others participating in a mutual aid agreement who are responding to an emergency declaration by the president or governor to simultaneously register to vote and request ballots for all elections in a calendar year;
- LB849, introduced by Lincoln Sen. Eliot Bostar, which makes election officials who neglect their duties or willfully engage in conduct prohibited under the state Election Act subject to a Class I misdemeanor;
- LB858, introduced by Sen. Robert Clements of Elmwood, which prohibits the funding of elections by any source other than appropriations from the federal government, the state of Nebraska and Nebraska political subdivisions. In-kind contributions of food and beverages for poll workers or the use of buildings as polling or election training sites are not prohibited. Private entities may



Sen. John Cavanaugh



Sen. Eliot Bostar



Sen. Robert Clements

donate funds intended to pay for election costs to the Nebraska secretary of state if those funds are appropriated by the Legislature. County clerks are prohibited from soliciting or accepting such grants or donations;

- LB861, introduced by Omaha Sen. John McCollister, which provides an optional field on candidate filing forms for the candidate's email address;



Sen. John McCollister

- LB928, introduced by Sen. Rita Sanders of Bellevue, which requires televised political ads for certain statewide offices to be closed captioned and for a transcript of radio ads to be posted on a candidate's campaign website; and



Sen. Rita Sanders

- LB1263, introduced by Clements, which establishes statewide standards for ballot drop boxes. Drop boxes must be securely anchored, locked, Americans with Disabilities Act compliant and opened only by a county election commissioner, county clerk or election official designated by the commissioner or clerk. Boxes must be opened for accepting ballots no later than the sixth Friday before a statewide election or the fourth Friday before a special election and emptied each business day.

Senators passed LB843 on a 45-0 vote.

## State purchasing, contracting bill passed

A bill requiring an evaluation of the Nebraska Department of Administrative Services' procurement practices passed April 12.

LB1037, introduced by Sen. John Arch of La Vista, requires an outside consultant to review all DAS procedures with an emphasis on due diligence, cost evaluation, decision-making accountability and protest procedures.



Sen. John Arch

The evaluation will include input from the Legislature's Executive Board and the chairpersons of the Government, Military and Veterans Affairs and Health and Human Services committees.

The bill also requires DAS to submit a report to the Legislature and governor by Nov. 15, and includes the provisions of LB1064, also introduced by Arch. The provisions establish a funding mechanism to allow the DAS Materiel Division to obtain an electronic procurement system.

LB1037 passed on a 46-0 vote and took effect immediately.

## HEALTH & HUMAN SERVICES

### Developmental disability waiver approved

Lawmakers passed a bill April 13 intended to supplement existing services for children with developmental disabilities in Nebraska.

LB376, introduced last session by Omaha Sen. Machaela Cavanaugh, requires the state Department of Health and Human Services to apply for a three-year Medicaid waiver to start a family support program for developmental disability services.



Sen. Machaela Cavanaugh

The program, which will be implemented only if the federal Centers for Medicare and Medicaid Services approve the state's waiver application or another funding mechanism is authorized, will:

- be administered by the DHHS Division of Developmental Disabilities;
- not exceed 850 participants;
- allow families to self-direct services;
- cap long-term services and supports at \$10,000 per person;
- offer Medicaid eligibility for children with disabilities by disregarding parental income; and
- adopt an intermediate care facility institutional level of care.

Also included are provisions of LB1004, introduced by the Health and Human Services Committee, which require DHHS to engage a nationally recognized and independent consultant to evaluate Nebraska's developmental disabilities system. The consultant must complete their report no later than Dec. 31, 2023.

LB376 passed on a 42-0 vote.

### Athletic trainer scope of practice expanded

Senators made a number of changes to the scope of practice of licensed athletic trainers in Nebraska April 12.

LB436, introduced by Sen. Ben

Hansen of Blair, expands permitted activities under the Athletic Training Practice Act to include:

- injury prevention and wellness promotion;
- examination, assessment and medical opinion;
- health care administration;
- therapeutic modalities;
- therapeutic intervention or rehabilitation of injuries and illnesses; and
- immediate emergency care including administration of emergency drugs prescribed by a physician.

Under the bill, athletic trainers cannot use joint manipulation or joint cavitation or prescribe medications but may employ "dry needling."

Lawmakers passed LB436 on a 45-0 vote.

### Continuous glucose monitoring bill passed

Prescribed continuous glucose monitors will be covered by Medicaid in Nebraska under a bill passed April 12.

LB698, introduced by Sen. Mark Kolterman of Seward, requires the state Department of Health and Human Services to provide Medicaid coverage for the devices by Jan. 1, 2023.

Lawmakers passed LB698 on a 46-0 vote.

### Family law measure approved

Senators made a number of changes to family law in Nebraska under a bill passed April 12.



Sen. Ben Hansen



Sen. Mark Kolterman

LB741, introduced by Bennington Sen. Wendy DeBoer, separates the State Child and Maternal Death Review Team into the State Child Death Review Team and the State Maternal Death Review Team.



Sen. Wendy DeBoer

The bill allows the State Child Death Review Team to review stillbirths that occur after Jan. 1, 2023, to help identify preventable causes of stillbirths, defined as a death for which a fetal death certificate was issued by the state. The team is not required to review all stillbirths but the bill allows it or any agency that derives its authority from the state Department of Health and Human Services to access and analyze stillbirth data.

The bill includes provisions of three additional bills, including LB245, introduced by DeBoer, which makes several changes to adoption law — including streamlining the notification and objection process for fathers and eliminating guardians ad litem.

Provisions of LB1009, introduced by Plymouth Sen. Tom Brandt, create a nine-member Domestic Abuse Death Review Team appointed by the Nebraska attorney general.



Sen. Tom Brandt

The team will investigate domestic abuse deaths to determine causes and contributing factors that led to an individual dying by homicide or suicide as the result of domestic violence.

Also included are provisions of LB901, introduced by Lincoln Sen. Patty Pansing Brooks, which require DHHS to create materials on cytomegalovirus transmission, birth defects caused by the disease and available pre-

ventative measures and treatments. Information will be published on the department's website and be made available to health care facilities and providers. Senators passed LB741 on a 46-0 vote.



Sen. Patty Pansing Brooks

### Omnibus health and human services bill passed

A measure that makes changes to health licensure and creates an advisory council passed April 12.

LB752, introduced by Sen. John Arch of La Vista, authorizes respiratory therapists to engage in a broader range of allowable practices including the administration of all pharmacological, diagnostic and therapeutic agents for the treatment and diagnosis of cardiopulmonary disease for which the practitioner has been professionally trained or has obtained sufficient education or certification.



Sen. John Arch

The bill also includes provisions of four other measures considered by the Health and Human Services Committee:

- LB15, introduced by Bellevue Sen. Carol Blood, which adopts the Occupational Therapy Practice Interstate Compact. Once in effect, the compact will



Sen. Carol Blood

allow licensed therapists to practice in other member states with-

out having to obtain a separate license as is required currently;

- LB374, introduced by Bennington Sen. Wendy DeBoer, which creates the Alzheimer's Disease and Other Dementia Advisory Council. The 17-member council will examine the needs of individuals living with dementia, services available for those individuals and their caregivers and the ability of health care providers and facilities to meet those needs;
- LB554, introduced by Blood, which adopts the Licensed Professional Counselors Interstate Compact which, if it becomes operative, will allow a licensed independent mental health practitioner with a certification in professional counseling to work in another state that is a member of the compact without having to obtain a new license in that state; and
- LB753, introduced by Arch, which requires Nebraska health care providers to obtain informed written consent prior to administering stem cell therapy. Any patient age 19 or older is required to confirm that their health care provider has explained the treatment, that the treatment has not received approval from the U.S. Food and Drug Administration and that the patient understands that the treatment hasn't received such approval.

Lawmakers passed LB752 on a 46-0 vote.

### Perinatal mental health screening expanded

Mental health screening for women who recently have given birth was ex-



panded under a bill passed April 12.

LB905, introduced by Fremont Sen. Lynne Walz, allows the state Board of Medicine and Surgery to develop educational material, policies and procedures to address perinatal and postnatal mental health disorders.

The bill also allows licensed health care professionals and advanced practice registered nurses to educate pregnant women about perinatal and postnatal mental health and to offer pregnant women and new mothers a mental health screening questionnaire.

Senators passed LB905 on a vote of 44-0.

### **Funds approved for behavioral health residency program, AltEn study**

Lawmakers passed a bill April 12 intended to boost behavioral health provider capacity in underserved areas of Nebraska and fund continuation of a study of the impacts of the AltEn ethanol plant in Mead.

LB1068, sponsored by Gering Sen. John Stinner, updates a law passed by the Legislature in 2009 that funds efforts by the Behavioral Health Education Center of Nebraska to fill statewide behavioral health service needs, workforce education and professional training through established programs and practices.

BHECN is administered by the University of Nebraska Medical Center to provide residency training positions for physicians, physician assistants and psychiatric nurse practi-



Sen. Lynne Walz

tioners. The bill increases the number of residencies from two to 10 and provides up to 12 one-year, doctoral-level psychology internships, an increase from the current five.

It also provides funds for up to ten one-year mental health therapist internships or practicums in rural and underserved communities in Nebraska.

The bill includes provisions of LB1048, sponsored by Bellevue Sen. Carol Blood, requiring the University of Nebraska to continue a study of the environmental and human health effects of the AltEn plant in Mead.

The now-closed ethanol production plant used treated seed as raw material, leaving behind toxic byproducts that may have contaminated the water, soil and air surrounding the facility.

LB1068 passed on a vote of 35-8 and took effect immediately.

### **Omnibus child welfare bill approved**

Senators passed an omnibus child welfare measure April 13.

LB1173, introduced by the Health and Human Services Committee, creates a work group to find ways to improve the state's child welfare system.

The group will include the directors of relevant divisions of the state Department of Health and Human Services, the state court administrator, the commissioner of education and representatives of each of the state's federally recognized Indian tribes. It will seek input from individuals with experience within the child welfare system, providers, law enforcement, county attorneys and others.

Among other tasks, the work group must develop a practice and finance model for the state's child welfare system, including service delivery, engagement strategies for increased community involvement across differ-

ent branches of government and state agencies, as well as accountability, data collection and outcome monitoring strategies.

The group will submit its model framework to the Health and Human Services Committee by Dec. 1, 2023, and will terminate Dec. 31, 2023.

LB1173 also includes provisions of four other bills:

- LB491, introduced by Omaha Sen. Machaela Cavanaugh, which removes DHHS authority to contract with a lead agency for case management in the department's eastern service area of Douglas and Sarpy counties;
- LB541, introduced by Fremont Sen. Lynne Walz, which requires the Division of Children and Family Services to 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;
- LB854, introduced by Omaha Sen. Jen Day, which requires the Division of Children and Family Services to immediately 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 staff member; and



Sen. Machaela Cavanaugh



Sen. John Stinner



Sen. Jen Day

• LB932, introduced by Omaha Sen. Megan Hunt, which requires DHHS to immediately notify youth in foster care and their guardians ad litem that the state is collecting Social Security benefits on their behalf, beginning Jan. 1, 2023. It also requires DHHS to provide documentation of the receipt, use and conservation of any Social Security benefits received within 30 days.

LB1173 passed 46-0 and took effect immediately.



Sen. Megan Hunt

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

The bill also allows the court to waive the notice requirement for an individual seeking to legally change their name if the petitioner can show that doing so would endanger them.

LB519 passed 37-7.

### Elimination of concealed handgun permit requirement stalls

A bill that would allow Nebraskans to carry a concealed handgun without a permit stalled on select file after an unsuccessful cloture motion April 11.

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 otherwise would not be prohibited from possessing or carrying a gun in Nebraska to conceal carry a firearm without a permit. Registration and training courses still would be offered but would no longer be required.

The bill — referred to by proponents as “constitutional carry” based on their contention that the right to bear concealed arms should not be limited by state laws — was advanced from general file March 9 after a prior successful procedural 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 that for individuals in small communities where law enforcement is limited, having a gun is necessary. Additionally, he said, the current wait time to receive a concealed carry permit can be between 60 to 90 days — a time frame that may be too long for individuals in domestic violence situations.

“I have counties with one police officer,” Brewer said. “We can [design] all laws around those who break the law in Lincoln and Omaha and that becomes the standard, but that is not reflective of what our Constitution says. This is simply a matter of allowing folks to exercise the rights that they’re given in the Constitution.”

Bayard Sen. Steve Erdman spoke in support of LB773, saying the majority of Nebraskans support the proposition. The argument that communities and police officers would no longer be safe if the bill passes simply is not true, he said. Criminals currently are prohibited from obtaining a permit, he said, and LB773 wouldn’t change that.

“So whether you have open carry, constitutional carry or concealed carry [it] isn’t going to make any difference to the criminals,” Erdman said.

Omaha Sen. Megan Hunt spoke in opposition to the proposal. Most gun owners agree that laws and regulation are necessary to keep communities safe, she said.

“My concern is around who has access to guns and who appoints themselves in this position to being a vigilante law enforcement officer and the fact that actual trained law enforcement officers are against this whole idea,” Hunt said. “What I’m only concerned about is public safety.”

Additionally, Hunt said that LB773 would not aid domestic violence situations because studies show that when a gun is in the home, rates of domestic violence increase.



Sen. Tom Brewer

## JUDICIARY

### Immunity for certain drug and alcohol offenses clears final round

A bill that provides immunity from arrest and prosecution for drug or alcohol offenses for victims and witnesses of sexual assault in certain situations passed April 12.

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



Sen. Adam Morfeld

Brewer offered an amendment during select file debate that he said was a compromise to remove opposition to the bill from 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.

“[The amendment] is an agreement that we were able to work out through extensive negotiations with the city of Omaha, the Omaha Police Department and the Omaha Gang Unit,” Brewer said.

“This amendment makes the bill more workable and manageable for law enforcement and I think it strikes a balance that we can live with.”

Speaking in opposition, Lincoln Sen. Adam Morfeld said the amendment would create several new crimes and penalties while simultaneously eliminating the education and training requirements — a move that several police departments in the state oppose.

“[Under the amendment] we are eliminating the training requirement — which is fairly comprehensive — and then we’re increasing penalties and we’re expecting gun owners ... to know all of those different laws,” Morfeld said. “Ignorance is no excuse for breaking the law, but there’s going to be a bunch of law-abiding gun owners [who are] going to be caught up in this.”

Omaha Sen. Terrell McKinney also spoke in opposition to the amendment, saying that the “carve out” for the Omaha Police Department would allow them to continue to overpolice and discriminate against Black people. Nebraska has the 10th highest incar-

ceration rate for Black individuals, McKinney said.

“I don’t think there should be a carve out for Omaha, the [OPD] or the Gang Unit,” McKinney said. “They shouldn’t have the right to target people and that is my problem with the amendment.”

Lawmakers voted down the Brewer amendment 13-29.

After four hours of debate, Brewer filed a motion to invoke cloture, which ends debate and forces a vote on the bill and any pending amendments. The motion failed on a vote of 31-9. Thirty-three votes were needed. The bill was not debated again this session.

### **Prison, parole evaluations expanded**

Nebraska’s prison and parole programs will undergo regular evaluation under a bill passed April 13.

LB896, introduced by Omaha Sen. Steve Lathrop, requires the Nebraska Department of Correctional Services and the Division of Parole Supervision to use an independent contractor or a Nebraska academic institution to evaluate programs funded by the department.

Under the bill, nonclinical treatment and structured programs will be evaluated every eight years and clinical treatment programs will be evaluated every three years. Evaluations will rate program effectiveness in reducing recidivism rates and include recommendations regarding the availability, timeliness and therapeutic environment of programs.

If applicable, a cost-benefit analysis also will be included. Evaluation results will be sent to the inspector general of

corrections and the evaluated entities.

The bill passed on a vote of 46-0.

### **County jail reimbursement bill passed**

Lawmakers passed a bill April 13 meant to address the mental and physical health needs of incarcerated individuals.

Under current state law, an individual sentenced for a felony charge is required to serve the sentence in a state correctional facility. LB921, as introduced by Omaha Sen. Steve Lathrop, would have required that all sentences for Class III, IIIA or IV felony charges or for a maximum term of imprisonment of less than one year be served in a county jail.

Those provisions were removed and replaced with provisions of LB1223, introduced by Lincoln Sen. Matt Hansen, which require the state Department of Health and Human Services to reimburse a county jail if a person who is ordered committed to the department for competency restoration remains in jail. The rate of reimbursement is \$100 per day and will be adjusted for inflation annually beginning July 1, 2023.

The provisions apply to individuals with mental illness so severe that they are deemed incompetent to stand trial. Those individuals also are designated as a priority group for admission to state hospitals and the bill requires that 10 percent of capacity at the Lincoln Regional Center be reserved for them. Other beds at LRC also are allocated, with 30 percent reserved to reduce the existing wait list.

Finally, the provisions create the Legislative Mental Health Care Ca-



Sen. Steve Lathrop



Sen. Matt Hansen



capacity Strategic Planning Committee, which will contract with an independent consultant to determine the necessary capacity for inpatient mental health care in Nebraska.

The bill also includes provisions of LB952, introduced by Omaha Sen. John Cavanaugh, which require DHHS to provide Medicaid enrollment assistance to individuals prior to leaving incarceration beginning July 1, 2023.

The bill passed 46-0.

### Omnibus judicial measure approved

Lawmakers gave final approval April 13 to an omnibus judicial bill.

LB922, introduced by Omaha Sen. Steve Lathrop, increases the number of judges in Douglas County's fourth district from 17 to 18.

The bill contains provisions of six additional measures:

- LB830, introduced by Bennington Sen. Wendy DeBoer, which ties the maximum level of medical cash support for children to child support guidelines set by the state supreme court;
- LB870, introduced by Lincoln Sen. Matt Hansen, which amends the State Self-Insured Indemnification Fund and the State Self-Insured Liability



Sen. John Cavanaugh



Sen. Steve Lathrop



Sen. Wendy DeBoer

Fund to allow payment of attorneys' fees by allowing fees associated with agency legal counsel or hired outside legal counsel to be paid from revolving funds;

- LB903, introduced by Sen. Eliot Bostar of Lincoln, which creates a new type of second-degree trespass that criminalizes flying a drone over the property of another individual with the intent to observe the person without their consent in a place of solitude or seclusion;

- LB990, sponsored by Blair Sen. Ben Hansen, which creates the offense of criminal impersonation by stolen valor for an individual who pretends to be an active member or veteran of the U.S. military with the intent to deceive or harm another or who fraudulently represents themselves as the recipient of a military honor or award;

- LB1059, introduced by Norfolk Sen. Michael Flood, which adds the Judicial Resources Commission to the list of enti-



Sen. Matt Hansen



Sen. Eliot Bostar



Sen. Ben Hansen



Sen. Michael Flood

ties excluded from the definition of public bodies under the Open Meetings Act and removes the commission from the list of public bodies that may, with certain limitations, conduct virtual meetings; and

- LB1171, sponsored by Sen. Rita Sanders of Bellevue, which establishes the clerk of the district court as the jury commissioner in all counties.

Lawmakers passed LB922 on a 43-1 vote.

### Law enforcement reciprocity process streamlined

The reciprocity process for law enforcement officers to become certified in Nebraska was updated under a bill passed April 12.

LB1241, introduced by Sen. Steve Lathrop of Omaha, makes a number of changes to the state's current law enforcement reciprocity program. Under the bill, a person seeking certification under the reciprocity process will not be allowed to exercise law enforcement authority until all requirements have been met, however they may serve as a non-certified conditional officer.

The bill redefines a training academy as any facility operated by multiple law enforcement agencies that offers certification training and requires that a reciprocity test be offered at least once a month. The bill also removes a requirement that a law enforcement officer complete continuing education in the calendar year of their retirement.

The bill contains provisions of LB1270, introduced by Elmwood Sen. Robert Clements, which authorize



Sen. Rita Sanders

a tiered system of retention payments and hiring bonuses to law enforcement officers.

Tier one provides a payment of \$750 to officers in police departments with over 75 officers and \$1,500 to officers in departments with fewer than 75 officers who have completed one year of full-time service. Tier two provides a \$2,500 bonus to officers in small departments for three years of full-time service and tier three provides \$5,000 to officers who have completed five years of full-time service.

A law enforcement officer is not eligible for tier retention incentive payments if convicted of a felony or a Class I misdemeanor or if their certification has been revoked. An officer found to have engaged in serious misconduct or who was allowed to resign instead of being terminated from employment also is ineligible.

The provisions state legislative intent to appropriate \$5 million each fiscal year to implement the grant program, which will take effect July 1, 2022, and terminate June 20, 2028.

A law enforcement agency also may apply for a grant to distribute hiring bonuses to newly hired full-time officers. Departments with fewer than 150 officers that currently are not at the recommended level of staffing as determined by the Nebraska Police Standards Advisory Council are eligible for the funding.

LB1241 was approved on a vote of 46-0 and took effect immediately.

### **Sexual assault, sex trafficking identity protections strengthened**

The identity of an individual alleging sexual assault or sex trafficking will



Sen. Robert Clements

be kept confidential in the period immediately following a reported crime under a bill passed April 12.

LB1246, introduced by Lincoln Sen. Patty Pansing Brooks, requires attorneys and criminal justice agencies to withhold any personal identifying information of an alleged victim from the public record until charges are filed.

Relevant information can be shared between criminal justice agencies, attorneys and victim advocacy agencies under certain circumstances. Criminal justice agencies also may share identifying information about an alleged victim with an educational entity, such as a Title IX coordinator.

LB1246 includes a provision of LB204, originally sponsored by Sterling Sen. Julie Slama, which requires convicted sex traffickers to register as sex offenders under the state's Sex Offender Registry Act beginning Jan. 1, 2023.

The bill passed on a 47-0 vote.



Sen. Patty Pansing Brooks



Sen. Julie Slama



### **Power pool representative pay cap increased**

Lawmakers approved a measure April 12 that raises the limit on total compensation for Nebraska's representative on a Southwest Power Pool committee.

The SPP is a regional transmission organization that manages the electric grid and power market for a 14-state region in the central U.S.

LB804, introduced by Sen. Dan Hughes of Venango, increases the compensation cap for Nebraska's designated representative on the SPP's Regional State Committee from \$20,000 to \$35,000 per year.

It also increases the limit on aggregate board member pay for activities related to the SPP from \$25,000 to \$40,000 per year.

Senators voted 45-0 to pass the bill.



Sen. Dan Hughes

### **Agriculture omnibus bill passed**

A bill that includes several measures heard by the Agriculture Committee this session received final approval from lawmakers April 13.

LB805, introduced by Sen. Dan Hughes of Venango, expands a program intended to control noxious weeds and invasive plant species in Nebraska's rivers.

The grant program, administered by the state Department of Agriculture, provides funding to weed management entities, local weed control authorities and natural resources districts for vegetation management projects whose primary purpose is to improve streamflow in natural streams.

Currently, eligible projects must be related to vegetation management within a streambank or within 100 feet of the banks of a channel of any natural stream. Under Hughes's proposal, management activities may extend to a natural stream's floodplain.

The bill includes provisions of two other proposals introduced by Hughes, including LB712, which

makes several changes to the Black-Tailed Prairie Dog Management Act.

The act, which authorizes county boards to control black-tailed prairie dogs on property within the county, requires landowners to manage prairie dog colonies on their property to prevent the animals from expanding to adjacent property if a neighboring landowner objects to the expansion.

Under LB805, an adjacent landowner may waive their objection to the expansion of a prairie dog colony onto their property. The proposal also repeals provisions under which landowners who are responsible for an unmanaged prairie dog colony could be found guilty of an infraction and fined up to \$1,500.

Currently, a county's failure to publish general notice of a prairie dog management plan — or to serve a landowner with individual notice of a plan — does not exempt a landowner from the law's requirements. LB805 repeals that provision and clarifies that counties must serve individual notices by certified mail.

The provisions of LB802 update the Nebraska Wheat Resources Act, which authorizes a 0.4 percent excise tax on wheat sold through commercial channels in Nebraska.

The measure repeals the requirement that growers pay the checkoff when wheat is pledged or mortgaged as security for a federal price support program loan. Under the bill's provisions, the tax will be collected only by the first purchaser when the wheat is sold, and will not be collected if wheat is sold as seed.

First purchasers must maintain a record of all settlements in which they did not collect the excise tax and report the number of bushels of wheat for which they did collect it.

The provisions also authorize the Nebraska Wheat Development, Utili-

zation and Marketing Board to acquire ownership rights to any wheat variety and to develop, produce, market or sell seed for any wheat variety it owns.

LB805 passed on a vote of 39-1.

### Natural resources omnibus bill approved

Lawmakers passed a bill April 12 containing several measures heard by the Natural Resources Committee this session.

LB809, introduced by Sen. Mike Moser of Columbus, authorizes 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.

Under Moser's proposal, the department also may 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 may cover up to 75 percent of the eligible project cost, an increase from 50 percent under current law.

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

The bill includes the provisions of LB803, introduced by Venango Sen. Dan Hughes, under which grandchildren, stepgrandchildren and their spouses are considered im-

mediate family members for purposes of limited hunting permits issued to qualifying landowners.

It also increases from four to eight the number of qualifying landowner permits to hunt deer in the three days immediately preceding the opening day of firearm deer hunting season. Six of those permits may be issued to individuals younger than 19.

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

Finally, provisions of LB978, also introduced by Hughes, 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.

LB809 authorizes 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.

The bill passed on a vote of 46-0.

### Healthy soils learning community authorized

Lawmakers approved a bill April 12 intended to help farmers adopt practices that protect Nebraska's soil and water.

Under LB925, introduced by Creighton Sen. Tim Gragert, the state Department of Natural Resources will pro-



Sen. Mike Moser



Sen. Tom Brewer



Sen. Dan Hughes



Sen. Tim Gragert



vide technical and legal assistance to a nonprofit, voluntary learning community led by agricultural producers to foster skills and share knowledge related to healthy soil management.

The department also will 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 per year to the program for the next five years.

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

Finally, LB925 requires the department to submit an annual report to the governor and the Legislature's Agriculture and Natural Resources committees from 2022 through 2027.

Senators voted 42-5 to pass the bill.

### **South Platte River canal project authorized**

Lawmakers approved a proposal April 12 to build a canal to divert South Platte River water from Colorado to Nebraska under a 1923 interstate compact.

LB1015, introduced by Lincoln Sen. Mike Hilgers on behalf of Gov. Pete Ricketts, authorizes the state Department of Natural Resources to develop, construct, manage and operate the canal and its associated reservoirs, called the Perkins County Canal Project, under the terms of the compact.



Sen. Mike Hilgers

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

The bill prohibits the department's director, employees and their immediate family members from having a direct or indirect financial interest in any entity that is party to a contract or from having a financial interest in the ownership or lease of any property relating to the development, construction, management or operation of the project.

The conflict-of-interest provision also applies to members of the Legislature and elected officials in the executive branch of state government. The provision relating to executive branch officials applies while those officials are in office and for two years after they leave office.

Senators voted 42-4 to pass LB1015.

### **Lake development, water recreation projects approved**

Lawmakers approved a proposal April 12 to build several water recreation and tourism projects across Nebraska.

LB1023, introduced by Sen. Mike Hilgers of Lincoln, authorizes the state Game and Parks Commission to oversee the construction of marinas at Lake McConaughy and Lewis and Clark Lake and an event center and lodge at Niobrara State Park.

It also authorizes the state Department of Natural Resources to build and manage a lake in eastern Nebraska within the Platte River's floodplain.

The department may purchase, sell or lease land and enter into contracts for construction and management services related to the lake. It also could enter into agreements with natural resources districts.

The bill requires the department to

give preference to contract proposals from a certain nonprofit corporation and those that provide for a public-private partnership.

The nonprofit's board will include at least four directors who are appointed by the governor with the approval of a majority of the Legislature. It also will include a member of the Legislature and a representative of the state Game and Parks Commission, both of whom will be nonvoting members.

LB1023 requires the department to ensure that the public has complete access to the lake. The land selected for the lake will be owned by the state, and the bill prohibits any private entity from designating any portion of the lake for exclusively private use.

It also prohibits the department's director and employees from having a financial interest, either personally or through an immediate family member, in any purchase, sale or lease of real property relating to the construction or development of the lake or in any lake-related contract.

A similar prohibition applies to members and employees of the commission.

LB1023 passed on a vote of 38-6 and took effect immediately.

### **Environmental regulator granted additional authority**

A bill intended to give a state agency the ability to respond more quickly to the release of pollution received final approval from lawmakers April 12.

LB1102, introduced by Sen. Bruce Bostelman of Brainard, creates the Nebraska Environmental Response Act.

It authorizes the director of the



Sen. Bruce Bostelman

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

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

The director may cause an administrative order to be served upon those the director has reason to believe have violated the act. An order may assess a penalty of up to \$5,000 per day per violation.

The director may 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.

LB1102 also authorizes 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.

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

LB1102 passed on a vote of 46-0.

## REVENUE



### Executive branch closing fund pulled from agenda

A proposal to create a fund that Nebraska’s governor could use to attract and retain “high-impact” business projects or facilities stalled on

select file April 11 after Speaker Mike Hilgers of Lincoln requested that lawmakers pass over it.

Under LB729, introduced by Omaha Sen. Brett Lindstrom, the governor could approve payments from the fund if the state Department of Economic Development conducts an analysis of the applicant’s business activity.

After evaluating selected projects, the director could recommend expenditures from the fund if they are expected to result in a net economic benefit to the state.

To qualify for the funds, an applying business would have to be engaged in a business activity that qualifies for incentives under the ImagiNE Nebraska Act, the state’s main business tax incentive program.

Sen. Steve Erdman of Bayard opposed the bill, calling it a “slick way to pay back political favors.” The Legislature would determine how much to appropriate to the fund, he said, but would have no control over how the governor spends the money.

Erdman filed a motion to bracket LB729 until April 20.

Norfolk Sen. Michael Flood supported the motion, saying LB729 “waters down” the separation of powers.

“In this case, we have a situation where we hand over the money before we know exactly where it’s going, and we give it to the executive branch,” he said. “That is not how it’s supposed to work.”

Sen. John Stinner of Gering also supported the motion, saying the governor’s use of discretionary funds to benefit certain businesses could “draw a lot of skepticism.”

He said the governor and the department can use existing tax incentive pro-



Sen. Brett Lindstrom

grams to assemble a package sufficient to attract or retain a business. If additional benefits are needed, he said, the Legislature can make that appropriation later.

Lindstrom opposed the motion, saying the proposal is intended to help the state act quickly to close a deal, especially when the Legislature is not in session.

“This is about closing business and having the flexibility to do so,” he said. “Nothing more, nothing less.”

Erdman’s bracket motion failed on a vote of 19-24. Twenty-five votes were needed.

After approximately one hour of second-round debate, lawmakers moved to the next item on the agenda without voting on LB729. The bill was not scheduled for further debate this session.

### NEST account payments for student loans approved

Nebraska educational savings plan trust accounts may be used to repay student loans under a bill passed by lawmakers April 12.

Under LB864, introduced by Sen. Tim Gragert of Creighton, accounts may be used to pay the principal and interest on the qualified education loan of a beneficiary or the beneficiary’s sibling.



Sen. Tim Gragert

The bill caps aggregate total payments at \$10,000 per person.

LB864 passed on a vote of 47-0.

### Tax credit for employers of felons created

Businesses that employ felons may apply for a state income tax credit under a proposal passed by lawmakers

April 12.

Under LB917, introduced by Omaha Sen. Justin Wayne, a business is eligible for a non-refundable state income tax credit equal to 10 percent of the wages paid to an individual who has been convicted of a felony.



Sen. Justin Wayne

The credit applies to wages paid during the first 12 months of the individual's employment, and the total credit per employee may not exceed \$20,000.

The state Department of Revenue may approve up to \$5 million in credits each year beginning in tax year 2023.

The department estimates that LB917 will reduce state general fund revenue by \$4.6 million in fiscal year 2023-24 and \$400,000 in FY2024-25.

The bill passed on a vote of 47-0.

### **Turnback tax expansion, postcard cleanup measure approved**

Parking facilities for convention centers and arenas will qualify for state turnback tax assistance under a bill passed by senators April 13.

The Convention Center Facility Financing Assistance Act turns back 70 percent of the state sales tax collected by onsite retailers and nearby hotels to political subdivisions to help pay off bonds used to build convention and meeting center facilities.

Under LB927, introduced by Omaha Sen. Rich Pahls, political subdivisions also may use state turnback tax assistance to



Sen. Rich Pahls

improve and equip nearby parking facilities.

This includes any parking lot, garage or other parking structure that is located within 600 yards of a convention and meeting center facility but is not directly connected to it.

Up to \$150 million may be appropriated to a single convention center project under LB927, an increase from \$75 million under existing law.

Currently, state sales tax collected by hotels within 600 yards of an eligible convention and meeting center facility is included in the turnback provision. As amended on general file, the bill would have extended the radius to 1,200 yards.

Lawmakers amended the proposal on select file to eliminate that extension in order to reduce a projected budget deficit at the end of the next fiscal biennium.

LB927 also contains a provision under which a municipality is eligible for a grant under the Community and Civic Center Financing Act only if it partners with a certified creative district and is not otherwise prohibited from receiving a grant.

Grant applications must include a notification of approval from the Nebraska Arts Council. A grant may not be less than \$100,000 or more than \$250,000.

The provision applies between July 1, 2023, and June 30, 2024.

LB927 contains the provisions of LB818, introduced by Sen. Lou Ann Linehan of Elkhorn. They allow state assistance under the Sports Arena Facility Financing Assistance Act to be used for parking facilities within 700 yards of a sports arena facility.



Sen. Lou Ann Linehan

The bill also increases the total amount of state assistance for a sports arena facility from \$50 million to \$100 million and repeals a current provision that prohibits state assistance from being paid out for more than 20 years after the issuance of the first bond for the facility.

The Convention Center Facility Financing Assistance Act requires a portion of turnback revenue appropriated to metropolitan class cities to be distributed equally to areas with a high concentration of poverty for certain purposes.

LB927 does not change those purposes but specifies that 55 percent of the funds be used to showcase important historical aspects of those areas and assist with the reduction of street and gang violence. The remaining 45 percent must be used to assist small business and entrepreneurship growth.

The bill also requires the county commissioner and city council member who serve on a committee that identifies potential projects in areas with a high concentration of poverty to share responsibility for committee operations and meetings.

Additionally, the measure requires each funding recipient to submit an itemized report to the committee detailing the use of funds.

Recipients are not eligible to receive funding for more than three consecutive years unless they are able to justify continued funding based on certain criteria, including the number of people served by the project and the economic impact on the area.

Also included in LB927 are provisions of LB1250, introduced by Blair Sen. Ben Hansen. They update a law passed last year that re-



Sen. Ben Hansen



quires certain political subdivisions to participate in a joint public hearing before increasing their property tax request by more than a certain amount. Counties must notify affected taxpayers of the hearing by postcard.

Among other changes, LB927 requires the county clerk or his or her designee to organize the hearing. It clarifies that the cost of creating and mailing the postcards must be divided proportionately among participating political subdivisions based on the total number of parcels in each.

Lawmakers voted 38-2 to pass the bill.

### Sales and use tax measures passed

A bill containing several state sales and use tax proposals, including one that increases the amount businesses receive for collecting and remitting the tax, received final approval from lawmakers April 13.

The current collection fee for merchants — the amount they are allowed to retain when remitting the taxes — is equal to 2.5 percent of the first \$3,000, or \$75, in sales or use tax collected each month.

LB984, introduced by Columbus Sen. Mike Moser, increases the fee to 3 percent of the first \$5,000 remitted each month, or \$150, beginning Oct. 1, 2022.

The bill also includes the provisions of LB881, introduced by Sen. Terrell McKinney of Omaha, that exempt feminine hygiene products



Sen. Mike Moser



Sen. Terrell McKinney

from state sales and use tax and require detention facilities to supply them to female prisoners free of charge.

Also included are provisions of LB941, introduced by Sterling Sen. Julie Slama, which prohibit imposition of state sales and use tax on the gross receipts from the sale, lease or rental of net wrap — plastic wrap used in the baling of hay — purchased for use in commercial agriculture.



Sen. Julie Slama

As amended on general file, the bill also would have allowed manufacturers, which are exempt from paying sales and use tax on qualified machinery and equipment, to appoint a contractor as a purchasing agent so that the contractor could purchase those items on behalf of the manufacturer free of sales and use tax.

Senators amended the proposal on select file to remove that provision in order to reduce a projected budget deficit at the end of the next fiscal biennium.

The Legislative Fiscal Office estimates that LB984 will reduce general fund revenue by \$6.4 million in fiscal year 2022-23, \$9.8 million in FY2023-24 and \$10 million in FY2024-25.

The bill passed on a vote of 45-0.

### ImagiNE Act reporting requirements, other provisions updated

Lawmakers approved a measure April 13 that modifies Nebraska's main business tax incentive program.

LB1150, introduced by the Legislative Performance Audit Committee, contains several proposals related to the ImagiNE Nebraska Act, passed in 2020, and other state tax incentive programs.

Under the bill's provisions, ImagiNE Nebraska Act applications must

include the most recent taxable valuations and levy rates for all qualified locations. They also must include a program schedule for job training activities and the city and state where recruited employees lived if tax credits are used for those purposes.

The provisions of LB817, introduced by Sen. Lou Ann Linehan of Elkhorn, make several technical changes requested by the state Department of Revenue.



Sen. Lou Ann Linehan

Under that proposal, the department must submit tax incentive program reports on a fiscal year, accrual basis that satisfies the requirements of the Governmental Accounting Standards Board.

Among other changes, the measure also allows the department to obtain employees' Social Security numbers to confirm the number of new employees at a qualified location.

The provisions of LB502, introduced by Norfolk Sen. Michael Flood, allow certain businesses receiving tax incentives under the Nebraska Advantage Act to use a direct pay permit, as is allowed under the ImagiNE Nebraska Act. The measure applies only to certain data center projects.



Sen. Michael Flood

The provisions of LB985, sponsored by Sen. Mark Kolterman of Seward, change the definition of base year — which is used to measure employment growth for tax in-



Sen. Mark Kolterman

centive purposes — under the ImagiNE Nebraska Act.

Under that measure, if an applicant increased the number of equivalent employees at a qualified location in 2020 or 2021 in response to the COVID-19 pandemic, the base year will be 2019. The provision applies to applications made in 2021 or 2022.

The provisions of Flood's LB1094 also update the ImagiNE Nebraska Act. Under that proposal, the time worked by employees in their Nebraska residence is considered spent at a qualified location if the employee works at both locations.

Also included in LB1150 are the provisions of LB457, introduced by Sen. John McCollister of Omaha.

They require the department to notify each metropolitan and primary class city of the total amount of local option sales tax refunds that are estimated to be paid to taxpayers during the following calendar year under certain tax incentive programs.

LB1150 passed on a vote of 44-1 and took effect immediately.

### **Rural development tax credit increased, ethanol credit approved**

Additional tax incentives are available for certain livestock modernization or expansion projects and other qualifying rural Nebraska businesses under a bill passed by lawmakers April 13.

LB1261, introduced by Sen. Dave Murman of Glenvil, increases the amount of tax credits available each



Sen. John McCollister



Sen. Dave Murman

year under the Nebraska Advantage Rural Development Act from \$1 million to \$10 million beginning in 2022.

As introduced, the bill would have increased the amount to \$25 million per year, but lawmakers scaled back the proposal on select file in order to reduce a projected budget deficit at the end of the next fiscal biennium.

LB1261 also extends the deadline for applications under the act from Dec. 31, 2022, to Dec. 31, 2027, and increases the maximum credit amount available for certain livestock modernization or expansion projects from \$150,000 per application to \$500,000.

The bill includes provisions of LB596, introduced by Thurston Sen. Joni Albrecht, under which retailers who sell and dispense ethanol blended gasoline formulated with at least 15 percent by volume of ethanol are eligible for a refundable state income tax credit.

The credit equals 5 cents per gallon of E-15 sold during the prior calendar year and 8 cents per gallon of E-25 or higher blend.

Total credits are limited to \$2 million in 2022. The annual limit for future years may increase if the annual amount of tax credits approved in the prior calendar year exceeded 90 percent of that year's annual limit, not to exceed \$4 million.

No new applications may be filed under the program after Dec. 31, 2026.

The Legislative Fiscal Office estimates that LB1261 will reduce state general fund revenue by \$2 million in fiscal year 2022-23, \$7.4 million in FY2023-24 and \$10.8 million in FY2024-25.

The bill passed on a vote of 46-0 and took effect immediately.



Sen. Joni Albrecht

### **Tax deduction, tuition waiver for law enforcement officers approved**

Senators passed a bill April 12 that provides a state income tax deduction to retired law enforcement officers and a full tuition waiver for other eligible officers.

Under LB1273, introduced by Lincoln Sen. Eliot Bostar, a retired individual who was employed full time as a certified law enforcement officer for at least 20 years and who is at least 60 at the end of the taxable year may reduce their federal adjusted gross income by the amount of health insurance premiums they paid during the taxable year.

The change goes into effect in tax year 2023.

The bill includes the provisions of LB1272, introduced by Sen. Steve Halloran of Hastings, which increase a current tuition waiver for eligible law enforcement officers from 30 percent to 100 percent. The waiver applies to resident tuition charged by any state university, college or community college.

The state Department of Revenue estimates that LB1273 will reduce state general fund revenue by \$176,000 in fiscal year 2023-24 and \$187,000 in FY2024-25.

The bill passed on a vote of 47-0.

### **Ballot measure for expanded air service passed**

Voters will decide whether to allow



Sen. Eliot Bostar



Sen. Steve Halloran

Nebraska's commercial service airports to enter into certain revenue-sharing contracts with airlines under a measure approved by lawmakers April 12.

LR283CA, sponsored by Lincoln Sen. Eliot Bostar, will place a proposed amendment to the state constitution on the November 2022 general election ballot.



Sen. Eliot Bostar

If approved by voters, the measure will allow any city, county or other political subdivision that owns or operates an airport to expend its revenues to encourage or develop new or expanded regularly scheduled commercial passenger air service.

LR283CA passed on a vote of 47-0.

## TRANSPORTATION & TELECOMMUNICATIONS

### DMV omnibus bill passed

Senators passed a bill April 12 that makes a number of changes to laws regarding the state Department of Motor Vehicles.

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



Sen. Curt Friesen

- authorizes former military vehicles to tow designated trailers;
- allows motorboats and UTV/ATVs to have a transfer-on-death designation on the certificate of title;
- removes a notary requirement for vehicle major component part bills of sale;

- allows previously salvaged titles to be issued initially if a vehicle has been properly inspected; and
- reduces from eight to four hours the driver improvement course requirement for individuals younger than 21.

The bill includes provisions of six additional measures:

- LB714, sponsored by Lincoln Sen. Suzanne Geist, which requires 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;



Sen. Suzanne Geist

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



Sen. Bruce Bostelman

- LB1022, sponsored by Friesen, which modifies 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 stipulates 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 increases the issuance fee for new license plates and renewal tabs from not more than \$3.50 to not more than \$4.25 per plate, starting Jan. 1, 2023; and

- LB1266, sponsored by Hastings Sen. Steve Halloran, which stipulates that individuals 65 or older may receive free or reduced rates from regulated common carriers.



Sen. Steve Halloran

LB750 passed on a 46-0 vote and took effect immediately.

### Public-private transportation partnerships approved

Senators passed a bill April 12 to allow for certain public-private partnerships for transportation projects in Nebraska.

LB1016, introduced by Fremont Sen. Lynne Walz, allows the state Department of Transportation to enter into certain public-private partnerships for construction or financing of capital projects or procurement of services under the Transportation Innovation Act.



Sen. Lynne Walz

Eligible projects may include the accelerated completion of improvements and expansion projects on the Nebraska segments of the National System of Interstate and Defense Highways, highway resurfacing and the accelerated completion of the state expressway system.



A contractor may utilize the progressive design-build method — a public-private contracting method for purposes of project delivery — in addition to the design-build or construction manager general contractor method.

Under LB1016, progressive design-build contracts must include consideration of a builder's history of costs and expenses when bidding and completing projects, regardless of the process used. The bill passed 44-0.

### Broadband grant program expanded

Senators made several changes to the state's existing broadband grant program under a bill passed April 13.

The Broadband Bridge Act, enacted in 2021, is a program that facilitates and funds the development of broadband networks in unserved and underserved areas of Nebraska. The Public Service Commission is responsible for administering grants to providers, cooperatives and political subdivisions to fund qualifying broadband development projects.

LB1144, introduced by Henderson Sen. Curt Friesen, reduces the matching grants for projects located in high-cost areas from 50 percent of project costs to 25 percent. The bill also extends the deadline for applications to be filed with the PSC from July 1 to Oct. 1, with grants being awarded no later than Jan. 31 of the following year, beginning in 2022.

Under the bill, grant recipients must commit to maintaining a minimum 100 Mbps of download and upload speeds for all locations for which they have received grant funding and agree to offer broadband in the project

area for 15 years.

In addition, if good cause is shown, the PSC may give a provider up to 90 days to submit a challenge to an application. If the PSC denies an application based on a challenge and the challenger does not provide service in the proposed project area within 18 months, the commission will impose a civil penalty for each day going forward that service is not provided.

The proposal also includes provisions of four additional bills:

- LB761, introduced by Adams Sen. Myron Dorn, which provides up to \$2 million in annual grant funding to provide precision agriculture



Sen. Myron Dorn

connectivity of at least 100 Mbps download and 20 Mbps upload speed to accelerate rural economic development and provide high-speed internet connectivity to farm sites in unserved areas of the state;

- LB914, introduced by Brainard Sen. Bruce Bostelman, which allows the PSC to create and maintain a Nebraska location fabric broadband access map;
- LB1214, introduced by Lincoln Sen. Suzanne Geist, which requires the PSC's weighted application scoring system to include the ability to offer rates in a project area comparable to rates offered by the applicant outside the project area; and
- LB1234, introduced by Friesen, which provides for an expedited wire-crossing permit process for telecommunications companies wishing to cross railroad rights of way.

The bill passed on a vote of 46-0 and took effect immediately.

## URBAN AFFAIRS

### Omnibus municipal measure clears final round

Senators passed a bill April 12 that makes several changes to state laws governing Nebraska municipalities.

LB800, as introduced by the Urban Affairs Committee, makes grammatical and technical changes and replaces outdated language in state law regarding metropolitan class cities.

The bill includes provisions of seven other measures:

- LB555, introduced by Lincoln Sen. Matt Hansen, which requires that reports filed under the Municipal Density and Missing Middle Housing



Sen. Matt Hansen

- Act include the percentage of residential areas a city has declared substandard and blighted or extremely blighted;
- LB724, also introduced by Hansen, which authorizes funds generated under the Local Option Municipal Economic Development Act to be used to develop and implement affordable housing action plans and authorizes 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 eliminates unnecessary language in state law regarding sanitary and improvement district elections;

- LB799, introduced by the committee, which updates and clarifies reporting requirements under the Municipal Density and Missing Middle Housing Act;
- LB842, introduced by Gordon Sen. Tom Brewer, which authorizes tribal governments to apply for grants under the Civic and Community Center Financing Act;



Sen. Tom Brewer

- LB1176, introduced by Lincoln Sen. Eliot Bostar, which amends the Affordable Housing Tax Credit Act to clarify that only individuals who be-



Sen. Eliot Bostar

came partners or members of a partnership, limited liability corporation or subchapter S corporation, or who acquired shares of stock prior to Feb. 15 of the year in which a tax return is filed for the credit, are eligible to claim it; and

- LB1189, introduced by Norfolk Sen. Michael Flood, which transfers all funds, property, property rights, legal obligations, taxes or assessments owned by or owed to a sanitary



Sen. Michael Flood

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.

LB800 passed on a 48-0 vote and took effect immediately.

### **Pandemic economic recovery proposal approved**

Senators gave final approval April 12 to a bill directing federal and state dollars to pandemic recovery efforts in Omaha and across the state.

LB1024, introduced by Omaha Sen. Justin Wayne, allocates \$250 million of the federal American Rescue Plan Act funds provided to Nebraska to the new Economic Recovery and Incentive Division within the state Department of Economic Development, established to administer grant funding for recovery efforts from the coronavirus pandemic.



Sen. Justin Wayne

Priority for grant funding will be given to projects located within qualified census tracts in metropolitan class cities. Omaha is the state's only metropolitan class city. A federally qualified census tract is one in which 50 percent or more of households have an income less than 60 percent of the area median gross income or a poverty rate of at least 25 percent.

LB1024 also transfers \$55 million from the state's Cash Reserve Fund and places it, along with \$80 million of the ARPA funds, into the newly created Economic Recovery Contingency Fund.

The bill creates the Economic Recovery Special Committee of the Legislature to review proposals for

distribution of those contingency funds. The committee will include the chairpersons of the Appropriations and Urban Affairs committees, the speaker of the Legislature and four other senators who represent legislative districts containing one or more qualified census tracts located in Omaha.

Contingency fund dollars will not be distributed until DED has submitted a coordinated plan to the legislative committee.

The remaining funds will be distributed in fiscal year 2022-23. A newly created Qualified Census Tract Recovery Grant Program will provide funding to public and private entities located within qualified census tracts.

No less than \$90 million will go to qualified census tracts in North and South Omaha. Up to \$10 million will be distributed to qualified census tracts in Lincoln and \$10 million in qualified census tracts outside Lincoln and Omaha.

In addition to the census tract grants, the bill directs at least \$60 million for development of an airport business park in Omaha, \$30 million to innovation hubs located within two miles of the same airport and \$20 million to prepare land parcels for affordable housing in Omaha.

Among other provisions, the bill also distributes federal funds from the Coronavirus Capital Projects Fund to qualified projects in each of the state's three congressional districts, with \$35 million for projects in CD2, \$40 million in CD1 and \$40 million for second class cities and villages in CD3. Funds may be used for broadband infrastructure and rehabilitation of existing community facilities.

Senators passed LB1024 on a 45-1 vote and the bill took effect immediately.

## TIF review changes updated

A bill establishing expedited review of so-called “micro” tax-increment financing projects passed April 12.

Under a segment of the state’s community development law, Nebraska municipalities are able to designate areas as substandard and blighted, allowing them to be redeveloped. The increased property taxes generated by the improvements are used to pay for the financing of TIF projects.

A bill passed by the Legislature in 2020 created an expedited review process for counties with populations under 100,000 or in areas that have been declared extremely blighted. The decision to allow an expedited review process rests with the governing body of a municipality.

LB1065, which was originally introduced by former North Platte Sen. Mike Groene, was taken up by Omaha Sen. Justin Wayne following Groene’s resignation. The bill makes the following changes to the existing expedited review process:

- increases the maximum TIF project period from 10 years to 15;
- requires existing structures to have been within the corporate limits of a municipality for at least 60 years; and
- allows the redevelopment of vacant lots that have been platted and within the corporate limits of a city for at least 60 years.

The bill also increases the maximum assessed value of property within a redevelopment project that receives an expedited review from \$250,000 to \$350,000 for a single-family residential structure and from \$1 million to \$1.5 million for a multi-family or commercial structure.

Senators passed LB1065 on a 46-1 vote. ■

## Legislative investigation of Groene complaint completed

A panel appointed by the Executive Board to investigate the Legislature’s handling of the workplace harassment complaint that led to the resignation of former North Platte Sen. Mike Groene has completed its work.

Groene resigned Feb. 21 amid news reports that he took inappropriate photographs of a female legislative staffer without her permission while she worked in his office. The staff member subsequently filed a workplace harassment complaint with the Executive Board.

In the wake of the resignation, chairperson Sen. Dan Hughes of Venango appointed three senators to serve on the panel, which was authorized to hire an outside investigator to determine whether the facts alleged in the complaint constituted unlawful workplace discrimination or harassment and provide recommendations to the Legislature regarding its workplace harassment policies.

Lincoln employment law attorney Tara Paulson was hired to conduct the investigation and the executive summary of her report was shared with lawmakers prior to adjournment April 13 by Lincoln Sen. Anna Wishart, one of three senators appointed to the panel.

Wishart said the investigator found that Groene had photographed the complainant without her authorization or knowledge and characterized his behavior as “boorish, brainless and bizarre, especially for the workplace.” The investigator did not find, however, that the photographs were shared with other members or employees of the Legislature.

The executive summary further stated that had Groene not resigned,

he likely would have been subject to reprimand, censure or expulsion from the Legislature. His actions did not, however, constitute unlawful discrimination or harassment according to relevant legal standards or the Legislature’s workplace harassment policies, according to Paulson.

The investigation also found that Hughes appropriately followed legal standards and the Legislature’s workplace harassment policies in conducting the Executive Board’s investigation of the complaint.

Paulson noted that she did not have access to all evidence, due to a parallel criminal investigation being conducted by the Nebraska State Patrol. She reserved the right to reopen and re-evaluate the report’s conclusions based on that evidence once it is available, if asked to do so by the Executive Board.

Wishart said the report contains a number of recommendations regarding the Legislature’s workplace harassment policies that will be considered by senators before next session.

“I want to thank the complainant for having the courage to speak out on this issue,” Wishart said. “As a former staff member myself, it is clear that we have a lot more work to do to improve our workplace culture and environment at the Legislature.” ■







## Unicameral 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 dur-

ing the current legislative session.

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships also are available.

Note that all scholarships are awarded prior to registration.

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 through the Legislature's Unicameral Youth Legislature page: [www.NebraskaLegislature.gov/uyl](http://www.NebraskaLegislature.gov/uyl).

## FIND YOUR SENATOR

NebraskaLegislature.gov provides an easy tool for identifying your district and senator.


Enter your full address into the "Find Your Senator" search field on the right side of the home page. Your district number and a picture of your senator will be displayed, along with a link to their web page.

Senator web pages contain contact information and links to biographies and photos. Each page also provides a list of committees a senator serves on, bills they've introduced and coverage of them in the Unicameral Update.


### Find Your Senator by Address

District 1

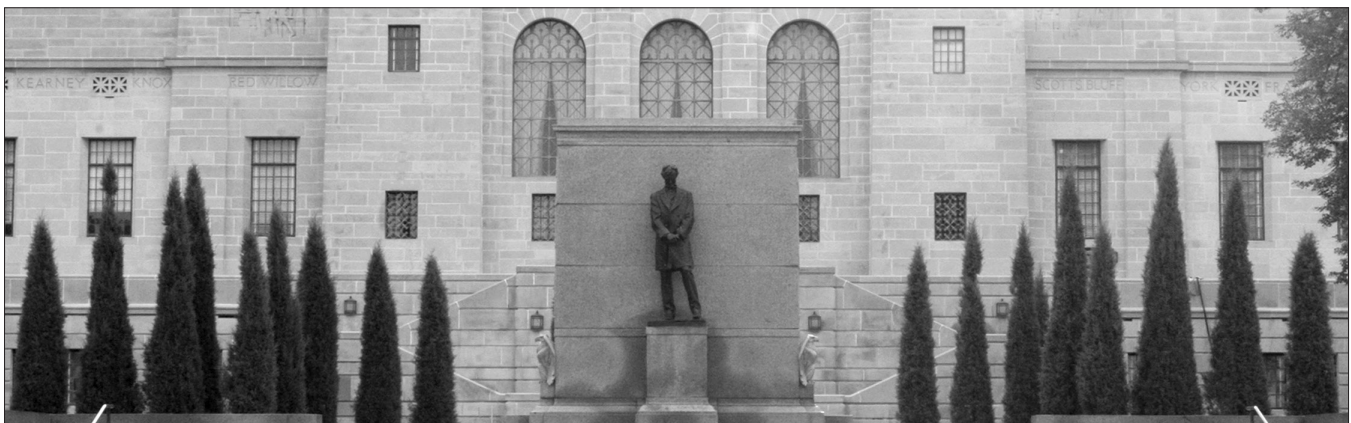
**Julie Slama**



[Web Page](#)



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