

## Abortion restrictions stall after failed cloture vote



Sens. Joni Albrecht (left) and Julie Slama discuss LB626 during select file debate April 27.

A bill that would prohibit abortions in all but the earliest weeks of most pregnancies stalled on the second round of debate April 27 after a cloture motion fell one vote short.

Current Nebraska law prohibits abortion at 20 weeks post fertilization.

LB626, introduced by Thurston Sen. Joni Albrecht, would require physicians to test for “steady and repetitive contractions” within the gestational sac before inducing an abortion. If such activity is detected, a physician would be prohibited from performing an abortion except in cases of sexual assault, incest or medical emergency.

A physician who knowingly violates the bill’s provisions would be subject to the removal of their license to practice medicine. No one who undergoes an abortion would be considered to be

in violation of LB626.

The following would be excluded from the definition of an abortion under the bill:

- removal of an ectopic pregnancy;
- removal of the remains of an unborn child who already has died;
- an act done with the intention of saving the life or preserving the health of the unborn child; and
- termination or loss of life of an unborn child who is not being carried inside an individual’s body during the practice of in vitro fertilization or other assisted reproductive technology.

Ralston Sen. Merv Riepe offered an amendment during select file debate that would replace the bill and instead change the state’s current 20-week post fertilization ban to a 12-week ban.

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## E-15 requirement for retailers advances

Lawmakers gave first-round approval April 25 to a bill intended to increase consumer access to E-15 in Nebraska.

As introduced by Sen. Myron Dorn of Adams, LB562 would, with some exceptions, require motor fuel retail dealers in Nebraska to advertise and sell E-15 – which the bill defines as



Sen. Myron Dorn

gasoline with more than 10 percent but no more than 15 percent by volume of ethanol – from at least 50 percent of their qualifying dispensers, beginning in 2024.

Although Nebraska is the second largest ethanol producer in the country, Dorn said, it ranks nearly last in consumption.

“This bill creates an opportunity for Nebraskans to not only save money at the pump and have cleaner air but also to support an entire value chain,” he said.

A pending Agriculture Committee amendment would replace the bill with a modified version of the original proposal. Under the amendment, the 50 percent requirement would apply if a retail dealer builds a new retail motor fuel site or replaces more than 80 percent of the motor fuel storage and dispensing infrastructure at an existing site.

A site that has only one dispenser or sells an average of 300,000 gallons of gasoline per year or less would be exempt from the requirement if it files

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## E-15 requirement for retailers advances

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a statement with the state Department of Agriculture.

Beginning in 2028, if the statewide ethanol blend rate — the average percentage of ethanol contained in each gallon of motor fuel sold — for 2027 is below 14 percent, each retail dealer would be required to advertise and sell E-15 from at least one qualifying dispenser at each site unless the site:

- has been issued a waiver because its infrastructure is not compatible with E-15 and the cost to replace it would exceed \$15,000;
- has motor fuel storage tanks made of certain materials or installed before certain dates; or
- qualifies as a small retail motor fuel site.

Dorn said increasing Nebraska's ethanol blend rate from the current 9.6 percent to 14 percent would save consumers approximately \$50 million on fuel costs each year and benefit Nebraska corn growers and ethanol plants.

Lawmakers last year passed a measure creating a refundable state income tax credit for retail dealers that sell and dispense E-15 or higher blends.

The committee amendment would

increase the credit from 5 cents to 8 cents for each gallon of E-15 sold during 2024. The credit would be 9 cents per gallon in 2025, 8 cents per gallon in 2026, 7 cents per gallon in 2027 and 5 cents per gallon in 2028. It also would increase the annual limit on credits from \$4 million to \$5 million for those years.

Sen. Jana Hughes of Seward said the amendment is a compromise between Nebraska's ethanol industry and motor fuel retailers and that she would not vote to advance LB562 to select file unless it was adopted.

Hughes said increasing the credit is intended to encourage more retail dealers to offer E-15, which would increase Nebraska's ethanol blend rate to a level that would make the requirement that gas stations sell E-15 from at least one dispenser unnecessary.

Hastings Sen. Steve Halloran supported the bill, saying most gas stations could convert their existing E-10 storage tanks and dispensing infrastructure for E-15 at "minimal cost."

Sen. Jane Raybould of Lincoln said the switch could be a financial burden for smaller retailers and that consumer choice should determine

which products a business offers, not a government mandate.

Omaha Sen. Megan Hunt opposed LB562 and filed several procedural motions to delay a vote, preventing consideration of the committee amendment on the first round of debate. She said the proposal is a "handout" to the state's ethanol industry and agricultural landowners.

"The ethanol industry has been around for a long enough time now that it should be able to stand up on its own without government mandates," Hunt said.

Additional subsidies for corn and ethanol production would lead to greater consumption of water, electricity and fertilizer as well as increased soil runoff and carbon dioxide emissions, she added.

After eight hours of debate on general file, Dorn filed a motion to invoke cloture, which ends debate and forces a vote on the bill and any pending amendments.

The motion succeeded on a vote of 37-0. Thirty-three votes were needed.

Lawmakers then advanced LB562 to select file on a vote of 32-1. ■

## UNICAMERAL UPDATE

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The amendment would provide exceptions to preserve the life of an unborn child or in cases of a fetal anomaly incompatible with life — defined as one diagnosed before birth that cannot be treated and would, with all reasonable certainty, result in the death of an unborn child within three months.

It would also retain existing exceptions in state law to avert a mother's death or serious risk of substantial and irreversible physical impairment of a major bodily function.

Riepe, an original co-sponsor of LB626 and a retired hospital administrator, said he was swayed by concerns expressed by doctors regarding a six-week ban — which he characterized as possibly being “a bridge too far.” He said the bill's provisions as introduced would not offer pregnant individuals adequate time to make critical, life-changing decisions.

“In an ideal world, every child would have the opportunity to live, thrive and experience a fulfilling life,” Riepe said, “However, we must acknowledge that we do not live in a utopian society and we face challenges in life that make it difficult to achieve this ideal.”

Albrecht opposed the amendment, saying her bill already represents a compromise from the total ban she introduced last session. Extending the abortion prohibition to 12 weeks would negate the bill's effectiveness and purpose, she said.

“According to the annual reports from DHHS, the overwhelming majority of abortions in our state take place before 12 weeks,” Albrecht said. “LB626 could save 2,000 precious lives every year from elective abortions [while] the 12-week law will only stop around 300 abortions.”

Seward Sen. Jana Hughes said she



Sen. Merv Riepe (right) offered an amendment to replace the “heart beat” bill with a 12-week ban.

could support Riepe's amendment or the underlying bill without it, saying either option would be an improvement on the current 20-week ban.

She said LB626 as introduced represents a reasonable compromise that would provide exceptions for medical emergencies, rape and incest and does not contain criminal penalties for doctors or women who have abortions.

“Every other state puts the doctor in front of a judge and jury when accused of performing unlawful abortions,” Hughes said.

Lincoln Sen. Danielle Conrad said Riepe's amendment could provide a path toward a more “humane” approach to women's health care. LB626 as introduced would ban abortions in Nebraska before most women know they're pregnant, she said, and provides unclear penalties and no exception for fetal anomalies.

“I'm not sure I could ever support additional restrictions or bans on abor-

tion ... [but] I also know I have a duty to ensure harm reduction when given the opportunity,” Conrad said. “I believe that Sen. Riepe's amendment is a better step forward than the radical ban that is before us. It would provide women an opportunity to make an informed and thoughtful choice with more time.”

Conrad suggested that supporters of LB626 were extending debate in an effort to force a cloture motion and avoid the possible adoption of Riepe's amendment.

After four hours of debate, Albrecht filed a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments.

The motion failed on a 32-15 vote. Thirty-three votes were needed.

A failed cloture motion results in debate on a proposal ceasing for the day. LB626 is unlikely to be placed on the agenda again this session. ■

# MEET THE SENATOR

## Raybould finds fulfillment in family business, public service

Lincoln Sen. Jane Raybould is no stranger to hard work. As the daughter of grocery store owners, her first business experience was selling fireworks at age 8 in the parking lot of Russ's Market at 17th and Washington streets.

"That was such a great job," she said. "I got paid in change and fireworks."

At 14, Raybould started her first job inside the store, where she worked her way up from dishwasher, to donut fryer, to serving at the bakery counter and later becoming a cashier during high school and college.

That work ethic served her well when, after graduating from Lincoln's Pius X Catholic High School, Raybould went on to attend Creighton University for undergrad and later Georgetown University, where she earned a master's degree in Soviet economics.

She accepted a position at the International Trade Administration in the U.S. Department of Commerce, which dealt with Soviet trade and technology, and a few years later learned about commercial construction and real estate while at the District of Columbia Building Industry Association.

While living in Washington D.C, Raybould married Jose "Pepe" Herrero and the couple had two children, Clara and Gabriel. After spending nearly 20 years on the East Coast, Raybould decided to return to Nebraska to help care for her parents and the family business.

Her father built his first Super Saver store in 1984 and Raybould saw the expanding grocery business as an opportunity to utilize her construction, remodeling and real estate acquisition skills.

Subsequently, her brother, Pat, stepped into the role of CEO of B&R Stores, which now has 33 stores in three states, with Raybould now serving as vice-president and vice-chairperson of the board of directors.

"As a family business, we are truly very fortunate because we love working with each other," Raybould said. "I learned a lot from dad and it's a big honor being in his office now."

The siblings also continue their love of fireworks all these years later.

"We're just pyromaniacs," Raybould laughed. "So now we have fireworks stands in almost every single one of our grocery stores."

Her other love is public service.

The 2008 Democratic presidential caucus in Nebraska sparked Raybould's interest in personal political involvement and local government elective office.

"I was so excited and energized by all of the neighbors that I saw going to the caucus at Irving Middle School," she said. "The whole gym was full of people."

That experience was the catalyst for a successful run for the Lancaster County Board of Commissioners. She also has served on the Lincoln Chamber of Commerce board of directors and as a member of the Lincoln City Council.

"I love public service," Raybould said. "It fulfills me." ■



Sen. Jane Raybould (center) enjoying Sesame Street Place with husband Pepe (right), daughter Clara, son-in-law Micah and granddaughters Leni and Paloma in Chula Vista, California.

## EXECUTIVE BOARD

### Legislative video archive bill expanded, advanced

A proposal intended to expand access to video of legislative proceedings was broadened and advanced from the second round of debate April 25.

Nebraska Public Media currently broadcasts and live-streams video coverage of legislative public committee hearings and floor debate. Written transcripts of those proceedings are made available on the Legislature’s website when completed.

As amended on general file, LB254, sponsored by Gordon Sen. Tom Brewer, would require the Executive Board to develop and maintain a publicly accessible, digital internet archive of closed-captioned video of that coverage, indexed by bill number or date, beginning with the 2025 legislative session or as soon as live, closed-captioned video coverage of the Legislature is available.

Omaha Sen. Megan Hunt offered an amendment during select file debate, adopted 35-0, which would require the closed-captioning to be provided in both English and Spanish.

An amendment offered by Sen. John Cavanaugh of Omaha, also adopted 35-0, would add provisions of his LB552. The amendment would extend the termination date for the Legislature’s Mental Health Care Capacity Strategic Planning Committee



Sen. Tom Brewer



Sen. John Cavanaugh

by one year, to Nov. 1, 2025.

It also would extend the deadline by which the committee must contract with an independent consultant to Nov. 1, 2023, and the reporting deadline for findings and recommendations to Nov. 1, 2024.

The committee was created by a measure passed by the Legislature in 2022, Cavanaugh said, but was not able to hire a consultant by the established deadline.

Following adoption of the select file amendments, LB254 was advanced to final reading by voice vote.

## HEALTH & HUMAN SERVICES

### Health services package expanded to include SNAP extension, advanced

An omnibus health services proposal was expanded to include several additional measures, including a SNAP benefit extension, before advancing from the second round of debate April 25.

LB227, sponsored by Blair Sen. Ben Hansen, would require the state Department of Health and Human Services to provide Medicaid reimbursement to a hospital at 100 percent of the statewide average nursing facility per diem rate for Medicaid enrollees who meet certain criteria.

The bill was amended during the first round of debate to include provisions of more than a dozen measures

related to pharmacy practice and health profession licensure.

Sen. Jen Day of Omaha offered an amendment during select file debate, adopted 27-3, to add an amended version of her LB84 related to Supplemental Nutrition Assistance Program benefits. SNAP eligibility in Nebraska currently is set at 165 percent of the federal poverty level, but is scheduled to drop to 135 percent of FPL on Oct. 1, 2023.



Sen. Jen Day

Day’s bill originally would have made the 165 percent threshold permanent. Her amendment instead would extend the current sunset date until Oct. 1, 2026. DHHS has indicated its ability to absorb the cost of administering the current eligibility level until that time, she said, and the benefits themselves are entirely federally funded.

Day said the eligibility cap was increased temporarily during the COVID-19 pandemic – increasing participation by approximately 4,500 families – and should be extended due to continued food insecurity related to inflation and lagging wages.

“If you’re someone living on the brink, what once was enough to barely get by is no longer sufficient,” Day said. “Following a major spike in hunger related to the COVID-19 pandemic, many Nebraskans still struggle to put food on the table for themselves and their families.”

Sen. Mike Jacobson of North Platte supported the amendment, saying food insecurity is a serious issue in his district and across the state.

“We are dealing with significant food inflation,” he said.

Also amended into the proposal was LB586, originally introduced by



Sen. Ben Hansen

Seward Sen. Jana Hughes and prioritized by Ralston Sen. Merv Riepe, who offered the amendment. The provisions would provide \$3 million in general funds in fiscal year 2023-24 and \$3 million in FY2024-25 to incentivize and expand opportunities for nursing education and the training of nursing faculty.



Sen. Jana Hughes

Riepe said the state faces a critical shortage of nurse educators, which in turn leads to a shortage of nurses in the field. Nebraska is projected to be short more than 5,400 nurses by 2025, he said.

“Nebraska is in a health care workforce crisis,” Riepe said, adding that the amendment also requires the Nebraska Center for Nursing to establish a committee of experts to determine the most effective way to use the resources allocated to train more nurses.

The amendment was adopted on a 27-0 vote.

Another amendment, offered by Fremont Sen. Lynne Walz and adopted 29-0, added her LB286. The amendment provides confidentiality to physicians who participate in a wellness program unless a peer coach determines that the physician’s condition constitutes a danger to public health and safety.



Sen. Lynne Walz

Walz said the Nebraska Medical Association provides a voluntary, confidential peer support system for physicians in the state who are facing marriage, financial or other stressors. Many doctors don’t use the service, however, out of fear of career repercussions, she said.

“While symptoms of workplace fatigue are not likely to rise to the criteria of reportable conduct,” Walz said, “this fear is a very real barrier to physicians seeking support for dealing with stress and burnout.”

Finally, Hansen also offered an amendment on select file, adopted 32-0, that added the provisions of four additional bills:

- LB261, sponsored by Riepe, which would change requirements of a split apprenticeship for individuals studying mortuary science by allowing the apprentice license to be completed while attending a mortuary science school;



Sen. Merv Riepe

- LB245, sponsored by Walz, which would increase the per diem reimbursement for members of the Board of Barber Examiners from \$75 to \$150;

- LB345, sponsored by Omaha Sen. Christy Armendariz, which would define palliative care as specialized medical care for people living with a serious illness that carries a high risk of mortality or negatively impacts quality of life; and



Sen. Christy Armendariz

- LB357, sponsored by Walz, which would increase the maximum monthly support allowable under the Disabled Persons and Family Support Act from \$300 to a maximum of \$400 for eligible individuals and from \$150 to \$200 for an additional

disabled family member.

Following adoption of the select file amendments, senators advanced LB227 to final reading by voice vote.

## NEBRASKA RETIREMENT SYSTEMS

### Retirement changes approved

Lawmakers gave final approval April 25 to an omnibus retirement systems measure.

LB103, sponsored by Sen. Mike McDonnell of Omaha, makes technical changes to a bill passed in 2022 that codified retirement practices and rules for certified teachers covered by the State Code Agency Teachers Association contract who previously or subsequently are employed by a school district, educational service unit or other state agency.



Sen. Mike McDonnell

The measure includes provisions of three additional bills sponsored by McDonnell.

LB104 changes the state, county, judges, school and state patrol retirement plans by raising the age from 72 to 73 for required minimum distributions in order to align with recently passed federal legislation. The RMD age will increase to 75 beginning in 2033.

LB105 changes various retirement plans to align with federal legislation that changed the definition of military service to include preparations for military service, rest and recovery after military service and state active service.

Under LB160, the supplemental

retirement benefit rate for counties that participate in the County Employees Retirement Plan increases from 1 to 2 percent of compensation in counties with a population of 85,000 or less. The rate in counties with a population greater than 85,000 increases from 2 to 3 percent.

The measure passed on a 41-0 vote and takes effect immediately. ■



**★UNICAMERAL YOUTH★  
LEGISLATURE**

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2023 Unicameral Youth Legislature, which will convene June 11-14.

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

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

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

Registration forms can be obtained through the Legislature’s Unicameral Youth Legislature page: [NebraskaLegislature.gov/uyl](http://NebraskaLegislature.gov/uyl). The registration deadline to receive the regular tuition rate is May 12. ■

**Economic forecasting board lowers revenue projections**

In its final meeting before the Legislature begins debate on the state’s two-year budget and considers possible adjustments to two packages of bills that would cut tax revenue significantly, the Nebraska Economic Forecasting Advisory Board voted April 26 to lower revenue projections in the near term.

The board provides an advisory forecast of general fund receipts.

Revenue projections for the current fiscal year were lowered by \$80 million to \$6.36 billion. The adjustment was based on anticipated decreases of \$200 million in individual income and sales and use tax receipts, offset in part by projected increases of \$120 million in corporate and miscellaneous tax receipts.

Total projected revenue receipts for FY2023-24, however, were raised by \$25 million and the FY2024-25 projections were raised by \$55 million.

The next meeting of the board is set for Oct. 27. ■

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