

# UNICAMERAL UPDATE

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## Ban on gender-altering procedures expanded to include abortion restrictions, passed



From left: Sens. Mike Jacobson, Kathleen Kauth, Machaela Cavanaugh, John Fredrickson, Megan Hunt and Wendy DeBoer watch the voting board during the final vote on LB574.

A bill on final reading to ban “gender-altering” procedures for minors in Nebraska was modified and expanded May 16 to include a 12-week abortion ban after senators voted to return it to select file. Lawmakers gave the bill final approval May 19.

LB574, as introduced by Omaha Sen. Kathleen Kauth, would have prohibited physicians in Nebraska from performing or referring an individual under the

age 19 for gender-altering procedures, including surgical procedures, hormone therapy and puberty blockers.

The bill was advanced to the final stage of debate for the first time April 14 following a pledge from Kauth to work toward a compromise to be considered on the last round of debate. Bills on final reading cannot be amended, but senators may vote to return a bill from final reading to select file for consideration of a specific amendment.

Senators voted May 16 to return the bill to select file to consider an amendment introduced by Sen. Ben Hansen of Blair. The amendment modified LB574 and added provisions to enact a 12-week ban on abortion in Nebraska.

The amendment retains the ban on gender-altering surgeries for individuals under age 19, beginning Oct. 1, 2023, but allows individuals who began receiving gender affirming

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## Revenue omnibus bill advanced with retail tax break

Lawmakers gave first-round approval May 16 to a bill amended to include more than two dozen revenue-related measures, including one intended to attract new-to-Nebraska retail businesses.

Under LB727, as introduced by Sen. Lou Ann Linehan of Elkhorn, purchases made by a nonprofit corporation that is a party to a financial agreement with a governmental unit would qualify for a current sales and use tax exemption if the governmental unit’s expenditure toward the project has been approved by its voters.



Sen. Lou Ann Linehan

ment, adopted 37-0, a nonprofit’s purchases would qualify for the exemption if the governmental unit’s expenditure toward the project is paid in whole or in part with redevelopment bonds.

The amendment also added provisions of 20 other bills that Linehan said are either noncontroversial “fixes” to existing tax-related measures or new proposals intended to grow Nebraska’s economy.

The amended provisions of LB74, also sponsored by Linehan, would allow construction contractors to be appointed as purchasing agents that could purchase materials tax free based on the buyer-based exemption of the contrac-

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## Ban on gender-altering procedures expanded to include abortion restrictions, passed

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care prior to the bill's effective date to continue treatment. It also grants the state's chief medical officer the authority to establish regulations regarding non-surgical gender-altering procedures for minors.

At minimum, the regulations must require that a health care practitioner may prescribe approved puberty-blocking drugs and/or cross-sex hormones for a patient younger than 19 only if the individual has a "long-lasting and intense pattern of gender nonconformity or gender dysphoria" that began or worsened at the start of puberty.

Other specifications include requiring a minimum number of gender-identity focused therapeutic hours and a waiting period between the time a health care practitioner obtains informed patient consent and the prescribing of hormone therapy and puberty blockers.

The state Department of Health and Human Services may adopt rules and regulations consistent with those established by the chief medical officer.

Kauth supported Hansen's amendment. Calling gender incongruence

a "social contagion" that is spreading among young people, she said it is the state's responsibility to set necessary guidelines to protect children from making life-altering decisions, comparing the bill to existing prohibitions against underage smoking and drinking.

"We put in restrictions to protect kids from themselves," Kauth said, "restrictions that even parents can't override."

Kauth also emphasized what she called a lack of scientific consensus about the short- and long-term effects of gender affirming care and said many European countries are rethinking the use of puberty blockers and hormone therapy.

Hastings Sen. Steve Halloran spoke in support of LB574 and the amendment, saying he was against allowing children to make decisions that would surgically or chemically "mutilate" their bodies.

Lincoln Sen. George Dungan spoke in opposition to the bill and the Hansen amendment, citing concerns regarding the constitutionality of banning medical care only for certain individuals.

Federal courts recently ruled a nearly identical ban on gender-affirming care in Arkansas to be unconstitutional, he said, because it discriminates against transgender youth.

"The state's goal in passing [that bill] was not to ban treatment, it was to ban an outcome that the state deems undesirable," Dungan said.

Omaha Sen. Machaela Cavanaugh, who has engaged in extended debate on almost every bill this session to express opposition to LB574, said the proposal would set a precedent of prioritizing the government over parents when it comes to decisions about medical care for children.

Hansen's amendment also includes provisions that change Nebraska's 20-week post-fertilization abortion ban to a 12-week, post-gestational age ban. The change calculates a pregnancy from the first day of a pregnant individual's last menstrual cycle rather than from the moment of fertilization.

Omaha Sen. John Cavanaugh, speaking in opposition to the amendment, pointed out that the difference between the two definitions could be as much as

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two weeks, which he said actually makes the amendment a 10-week ban.

An attempt earlier this session by Thurston Sen. Joni Albrecht to effectively ban abortion at around six-weeks under her LB626 stalled on the second round of debate April 27 when it fell one vote short of an attempt to cut off debate and force a vote on the bill.

Ralston Sen. Merv Riepe had attempted to amend LB626 during select file debate. His proposal would have changed the state's current 20-week post fertilization ban to a 12-week ban and included an exception for 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.

Riepe's amendment also would have repealed sections of existing state law outlining criminal penalties for providing unauthorized abortion care. A cloture motion on LB626 failed before lawmakers could consider Riepe's amendment.

Hansen's amendment to LB574 retains exceptions for sexual assault, incest and medical emergencies but does not include exceptions for fetal anomalies.

The amendment also excludes the following from the definition of an abortion:

- 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.

Health care providers who violate the bill's provisions may be subject to

removal of their license to practice medicine.

Niobrara Sen. Barry DeKay spoke in support of LB574 and the Hansen amendment. Of the 2,360 abortions performed in Nebraska in 2021, DeKay said, 309 were performed at 12 weeks gestation or later.

"As I see it, the [amendment] would reduce the number of abortions in Nebraska by about 13 percent," he said, "potentially [saving] the lives of between 300 and 400 children each year."

Sen. John Cavanaugh of Omaha expressed concern that the Hansen amendment does not repeal existing provisions in Nebraska law that provide criminal penalties for doctors who perform an unlawful abortion.

Riepe supported the amendment, but asked Hansen to commit to work with him next year to address the issue of criminal penalties currently in state law. Hansen agreed.

"I believe most Nebraskans feel that 12 weeks, with reasonable exceptions, is a sensible, reasonable compromise that protects the unborn, protects reproductive rights and is legally defensible," Riepe said.

Several procedural motions from opponents – including points of order and attempts to overturn rulings from the presiding officer and to return the bill to committee for a public hearing on the Hansen amendment – were unsuccessful.

Lincoln Sen. Danielle Conrad expressed frustration with the debate process and the way that divisive, national issues had made their way into the Nebraska Legislature.

"I think today was a very sad day where you saw citizens crying out for



Sens. John Cavanaugh (left) and Ben Hansen confer May 19 during final-round debate on LB574.

autonomy and dignity, and you saw the majority bend the rules – if not break the rules – at every turn in order to achieve a desired result," Conrad said.

After several hours of discussion, Kauth offered a motion to invoke cloture, adopted 33-14, which ended debate on the bill and forced a vote on the Hansen amendment and LB574. Thirty-three votes were needed.

Senators then voted 33-15 to adopt the Hansen amendment and re-advanced LB574 to final reading on a vote of 33-14.

The bill returned to the agenda May 19. Kauth offered another cloture motion after an additional two hours of discussion regarding an attempt to again return the bill for consideration of an amendment – this time offered by Omaha Sen. John Cavanaugh.

Cavanaugh said his amendment would have provided more explicit guidelines for non-surgical gender-affirming care for minors in Nebraska, a decision he said should not be left to a chief medical officer appointed by the governor, who may have no expertise on the subject.

The cloture motion was adopted 33-15. LB574 then passed on a vote of 33-15 and takes effect immediately. ■

# Revenue omnibus bill advanced with retail tax break

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tor's client.

Under the amended provisions of LB96, introduced by Dunbar Sen. Julie Slama, state sales and use tax could not be imposed on the gross receipts from the sale, lease or rental of baling wire and twine purchased for use in commercial agriculture.



Sen. Julie Slama

The provisions of LB100, introduced by Sen. Steve Erdman of Bayard, would allow certain waste treatment and disposal facilities to qualify for tax incentives under the ImagiNE Nebraska Act.



Sen. Steve Erdman

Currently, livestock producers that invest at least \$50,000 in a modernization or expansion project are eligible for a refundable state income tax credit under the Nebraska Advantage Rural Development Act.

The provisions of LB118, introduced by Plymouth Sen. Tom Brandt, would decrease the minimum required investment to \$10,000 for applications filed on or after Jan. 1, 2024.



Sen. Tom Brandt

Brandt's proposal also would set an application fee of \$100 for an investment of less than \$25,000 and \$250 for an investment of at least \$25,000 but less than \$50,000. The current fee of \$500 would apply to larger projects.

Under the provisions of LB165, sponsored by Sen. R. Brad von Gillern of Elkhorn, Nebraska educational

savings plan trust accounts could be used for up to \$10,000 in elementary or secondary school tuition per beneficiary per taxable year.



Sen. R. Brad von Gillern

Under the amended provisions of LB180, sponsored by Brandt, retail dealers that sell and dispense biodiesel could apply for a refundable state income tax credit equal to 14 cents per gallon sold. The state Department of Revenue could approve up to \$5 million in credits each year, and no new applications could be filed after Dec. 31, 2028.

Under the provisions of LB300, introduced by Linehan, state sales and use taxes could not be imposed on purchases by certain nonprofit organizations that provide community-based mental health or substance use services.

The provisions of LB344, introduced by Omaha Sen. Christy Armendariz, would exclude property taxes that, as of the time of payment, were delinquent for five years or more for purposes of tax credits provided under the Nebraska Property Tax Incentive Act.



Sen. Christy Armendariz

The provisions of LB384, introduced by Sen. Eliot Bostar of Lincoln, would direct state sales and use taxes collected on the sale or lease of aircraft to the new Department of Transportation Aeronautics Capi-



Sen. Eliot Bostar

tal Improvement Fund. The fund could be used to build, repair, renovate, rehabilitate, restore, modify or improve infrastructure at Nebraska's public-use airports.

The provisions of LB407, introduced by Linehan, would extend the application deadline under the Nebraska Transformational Projects Act from Dec. 31, 2023, to Dec. 31, 2025.

Under the provisions of LB447, sponsored by Bostar, retired firefighters would qualify for a state income tax deduction on health insurance premiums they paid during the taxable year. Bostar's proposal also would make firefighters, their legal dependents and the legal dependents of law enforcement officers eligible for a tuition waiver.

The provisions of LB491, introduced by von Gillern, would reinstate the Nebraska Advantage Research and Development Act, which ended in 2022. Under von Gillern's proposal, businesses could claim credits under the act until Dec. 31, 2033.

Under the provisions of LB495, introduced by Albion Sen. Tom Briese, Nebraska educational savings plan trust account distributions would not be subject to penalty if they constitute a rollover to a Roth individual retirement account.



Sen. Tom Briese

Currently, agricultural and horticultural land that has an actual value reflecting purposes or uses other than agriculture or horticulture can qualify for special valuation if located outside the boundaries of a sanitary and improvement district, city or village.

The amended provisions of LB580,

sponsored by Sen. Rick Holdcroft of Bellevue, would strike that requirement and instead require that the land consist of five acres or more. He said the change would allow certain property annexed by Gretna that currently is used for agriculture to retain its special valuation until commercial development begins.



Sen. Rick Holdcroft

The amended provisions of LB584, introduced by Seward Sen. Jana Hughes, would impose a tax on the selling or dealing of electronic nicotine delivery systems.



Sen. Jana Hughes

For systems containing 3 milliliters or less of consumable material, the tax would be 5 cents per milliliter. For systems containing more than 3 milliliters, the tax would be 10 percent of the purchase price paid by the first owner or the price at which the first owner who made, manufactured or fabricated the system sells the item to others.

Under the amended provisions of LB692, sponsored by Linehan, the state Department of Economic Development could approve applications to create “good life districts.”

Proposed projects within a district would have to meet certain thresholds related to development costs and job creation. For a project located in a county with 100,000 or more inhabitants, an applicant also would have to demonstrate that, upon completion of the project, at least 20 percent of the project’s sales would be made to out-of-state residents and that the project would attract new-to-market retail businesses and draw at least 3 million

visitors per year.

Transactions occurring within a district would be subject to a reduced state sales tax rate of 2.75 percent.

The amended provisions of LB697, introduced by Sen. Danielle Conrad of Lincoln, would make several changes to the Nebraska Job Creation and Mainstreet Revitalization Act and extend its sunset date from Dec. 31, 2022, to Dec. 31, 2030.



Sen. Danielle Conrad

The act provides for a nonrefundable state income tax credit equal to 20 percent of eligible expenditures up to a maximum credit of \$1 million.

Under Conrad’s proposal, the maximum credit allocated to any one project would be \$2 million. For historically significant real property located in a county that includes a metropolitan or primary class city, the credit would be equal to 25 percent of eligible expenditures. It would be equal to 30 percent of eligible expenditures in any other county.

Beginning in 2024, \$12 million in credits could be allocated under the program, \$4 million of which would be reserved for applications seeking less than \$100,000 in credits.

Under the provisions of LB704, introduced by Glenvil Sen. Dave Murman, the owner of an ABLE account or the representative of the account’s beneficiary could distribute the account balance to specified individuals if it is less than or equal to \$5,000 on the date of the beneficiary’s death.



Sen. Dave Murman

Under the amended provisions of LB706, introduced by Sen. Mike

Moser of Columbus, the state highway commission could, upon recommendation of the state Department of Transportation, issue up to \$450 million in bonds between 2023 and 2029 to accelerate completion of highway construction projects, including Nebraska’s expressway system, under the Build Nebraska Act.



Sen. Mike Moser

The measure would extend the act’s sunset date to 2042 and require all bonds to be paid off by June of that year.

The amended provisions of LB732, sponsored by Bostar, would extend the application deadline for the Convention Center Facility Financing Assistance Act from 2012 to 2030. The act turns back a portion of state sales tax revenue collected by convention centers and associated hotels to cities to help finance the facilities.

Under the committee amendment, a portion of state sales tax revenue collected by nearby retailers also would be turned back.

**Additional amendments**

Linehan introduced an amendment that also would allow cities to use turnback funds to repair or replace eligible convention center facilities.

The amendment includes provisions of five other bills, including LB623, introduced by Omaha Sen. Mike McDonnell. Under his proposal, concert venues of a certain capacity would qualify for state assistance under the Sports Arena Facility Fi-



Sen. Mike McDonnell

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# Revenue omnibus bill advanced with retail tax break

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nancing Assistance Act.

The provisions of LB4, introduced by Sen. Rita Sanders of Bellevue, would require veterans with a 100 percent service-connected permanent disability to apply for a homestead exemption every five years rather than annually.



Sen. Rita Sanders

Also included are provisions of LB529, introduced by Blair Sen. Ben Hansen, which would update a law requiring some political subdivisions to participate in a joint public hearing before increasing their property tax request by more than a certain amount.



Sen. Ben Hansen

Among other changes, the measure would require a hearing to be held prior to Sept. 24 rather than Sept. 29 and require at least one elected offi-

cial from each participating political subdivision to attend.

Provisions of LB97, introduced by Sen. Robert Clements of Elmwood, would modify a reporting requirement related to inheritance taxes.



Sen. Robert Clements

Under his proposal, each petitioner in a proceeding to determine inheritance tax would be required to submit a report to the county treasurer in the county where the determination was conducted. The report would include the amount of inheritance tax revenue generated and other information.

It also would require the state Department of Revenue to compile inheritance tax reports from counties and make them available to the public on its website.

Finally, Linehan's amendment would add the amended provisions of LB577, introduced by Omaha Sen. John Cavanaugh, which he said would

update Nebraska's tax sale certificate process to help address "equity theft."

The measure would allow someone who purchases a tax sale certificate to apply to a county for a tax deed if the difference between 110 percent of the property's assessed value and the amount needed to redeem the property is \$25,000 or less. If the difference is greater, the purchaser would have to foreclose the lien represented by the certificate in district court.

Within 30 days of the county's granting of a deed, the grantee would have to pay any surplus – calculated using either the property's sale price or its assessed value – to the property's previous owner.

Sen. Carol Blood of Bellevue introduced an amendment that would exempt breast pumps and certain nursing supplies from state sales and use tax. It failed on a vote of 14-25. Twenty-five votes were needed.

After adopting Linehan's amendment on a vote of 40-0, senators voted 44-0 to advance LB727 to select file. ■



## ★ 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 is May 22. ■

# MEET THE SENATOR

## Bosn welcomes a challenge

When faced with the perennial question “what do you want to be when you grow up?” children often have big answers: president, actor, astronaut. For Lincoln’s newest state senator, the answer was a little different — ever since she knew what a prosecutor was, Sen. Carolyn Bosn wanted to be one.

“I wanted to be a prosecutor my whole life,” Bosn said. “Even as a small child, I had a fierce sense of justice and wanted to make the world a better place.”

Bosn spent several years in different county attorney’s offices, handling cases that many would shy away from: everything from child abuse and neglect to domestic violence. The cases were emotionally challenging, but the work was collaborative — something that’s still important to Bosn — and it was a vocation that she could feel good about at the end of the day.

For all the upsides, however, when she and husband Reggie had their third child, Betsy, the work schedule was simply too much.

“We were like ships passing in the night,” Bosn said.

So, she stepped away to focus on home and family, but quickly realized that she still thrived on a challenge. In addition to the kids’ swim team, soccer and dance, Bosn found time to volun-



Sen. Carolyn Bosn and husband Reggie are ready for game day with children (left to right) Johnny, Heide, Betsy and Zoe.

teer at their school and as a coach for the University of Nebraska College of Law’s trial team. She also plays in a golf league and helps out in her husband’s commercial heating and air business.

“I’m not a good sitter,” Bosn laughed.

She often took the kids to the Lincoln Children’s Zoo, the Lincoln Children’s Museum and anywhere else they might find adventure or get a little time outside. That strong connection to the outdoors is at the heart of the family.

Bosn and her husband met on a spring break camping trip with mutual friends while she was in law school, and camping remains one of the family’s favorite activities. They make frequent trips in their bunkhouse camper to

Branched Oak Lake, Mahoney State Park and Indian Cave State Park.

The annual Halloween event at Indian Cave is a highlight. Many families bring extra campers to set up as haunted houses, she said, and display elaborate decorations for the trick-or-treaters.

“That’s our end-of-the-year, big extravaganza,” Bosn said. “I didn’t really go camping when I was growing up, but I definitely love it now.”

Bosn was appointed to the Legislature in early April to fill the seat of former Sen. Suzanne Geist, who resigned, and she sees her new

role as an extension of her work as a deputy county attorney.

“This opportunity presented itself and I thought, ‘Ok, this is another way to be involved in public service and try to make positive change,’” Bosn said.

Lawmaking echoes the spirit of teamwork that animated her earlier career, she said, where everyone shares the goal of the best possible outcome, but may differ on how to get there. Bosn said she can appreciate her legislative colleagues’ good intentions even when they disagree on policy.

“The process is much different than I thought,” Bosn said. “It’s collaborative and you have to find a way to agree to disagree on some things. I knew that theoretically, but it’s another thing to be a part of it.” ■

## APPROPRIATIONS

### State budget package passed

Lawmakers gave final approval this week to the seven components of the state's \$10.7 billion, two-year budget package following successful cloture votes.

Among the measures passed May 17 was LB813, which makes adjustments to funding for state operations, aid and construction programs in the current fiscal year ending June 30, 2023.

Lawmakers rejected a number of attempts to return the bills to select file for amendments and other procedural motions offered by Omaha Sens. Machaela Cavanaugh and Megan Hunt to extend discussion on the measures.

After two hours of debate and a successful cloture motion, which ends debate and forces a vote on the bill, senators voted 44-2 to pass LB813.

Following additional successful cloture motions, senators also passed the following bills May 17:

- LB816, which appropriates funds for the salaries of the state's constitutional officers, on a 44-2 vote;
- LB815, which appropriates funds for the \$12,000 annual salaries of state senators, on a 45-1 vote; and
- LB799, which changes judges' salaries, judgeships in county courts and the Nebraska Workers' Compensation Court and provisions relating to the Nebraska Supreme Court and the University of Nebraska College of Law, on a 40-0 vote.

Senators passed the final three components of the budget package May 18.

LB814, passed 42-3, is the main-line budget bill and contains funding for state aid and operations. Among other provisions, the measure authorizes \$335 million for a new state prison and \$8.5 million to increase reimbursement rates for child welfare service providers.

LB818, passed 41-3, authorizes new fund transfers and changes and eliminates provisions regarding existing fund transfers. The bill includes a transfer of \$574.5 million from the Cash Reserve to the Perkins County Canal Project Fund to be administered by the state Department of Natural Resources for a canal to divert South Platte River water from Colorado to Nebraska.

The measure also transfers \$1 billion from the state General Fund to the newly created Education Future Fund and states legislative intent to transfer \$250 million annually going forward. It also places study and reporting requirements on the transfer from the state's Cash Reserve to the state Department of Correctional Services for a new state prison.

Under the provisions of LB818, the state's cash reserve balance will be approximately \$780 million.

Finally, LB282, which approves approximately \$27 million in tort claims against the state and agency write-offs, passed on a 42-0 vote.

All of the measures took effect immediately upon passage.

The governor has five calendar days, excluding Sunday, to sign, veto or line-item veto appropriations within the budget bills.

If budget bills are returned to the Legislature with line-item vetoes, the Appropriations Committee must report on the fiscal impact of the vetoes within one day and may offer a motion to override any or all of them. Thirty votes are required to override a veto.

## HEALTH & HUMAN SERVICES

### Statewide behavioral health model adopted

Lawmakers passed a bill May 18 that implements a new statewide delivery model for behavioral health service provision in Nebraska.

LB276, introduced by Lincoln Sen. Anna Wishart, adopts the Certified Community Behavioral Health Clinic Act in an attempt to increase access to outpatient mental health and substance abuse treatment through service delivery coordination with community partners.



Sen. Anna Wishart

The CCBHC program requires the state Department of Health and Human Services to develop a prospective payment system through which providers will be reimbursed based on the anticipated cost of providing required services to Medicaid recipients on either a daily or monthly basis — rather than on a fee-for-service basis.

Under the bill, DHHS is required to apply for a Medicaid state plan amendment through the federal Centers for Medicare and Medicaid Services to implement the bill's provisions by Jan. 1, 2026.

LB276 also states legislative intent to cap general fund appropriations to the program at \$4.5 million annually, which will be matched by federal funding.

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



## URBAN AFFAIRS

### Pandemic funding update expanded, advanced to final round

A bill that would update a measure passed by the Legislature last year related to federal pandemic funds was expanded to become an omnibus urban affairs measure and given second-round approval May 18.

LB531, as introduced by Sen. Terrell McKinney of Omaha, would make clean-up changes to the Economic Recovery Act passed by the Legislature in 2022, which provided funding for pandemic recovery projects in North and South Omaha and other communities that were disproportionately impacted by the COVID-19 pandemic.



Sen. Terrell McKinney

The 2022 measure was designed to use federal American Rescue Plan Act funds, as well as transfers from the state's cash reserve, to fund grant programs through the Economic Recovery and Incentive Division of the state Department of Economic Development.

Among other provisions, as amended on general file, LB531 would create and outline administration of the North and South Omaha Grant Program and authorize a \$180 million grant to a primary class city to fund a water treatment plant, land acquisition, wellfields, permitting, pumping and transportation costs for potable water.

Lincoln currently is Nebraska's only primary class city.

McKinney, chairperson of the Urban Affairs Committee, offered

an amendment on select file, adopted 37-3, that replaced the bill. He said the amendment represents the committee's priorities for the current legislative session and includes a number of measures meant to spur economic development across the state.

Omaha Sen. Justin Wayne supported the amendment, saying it would result in an additional \$11 million for projects in western Nebraska, including adding site acquisition, preparation and rail spur construction within 30 miles of the state's largest reservoir as a qualified use of an iHub grant.

McKinney said he worked to find innovative funding sources for the bill's grant program, including crediting investment earnings from the Perkins County Canal Project Fund in fiscal year 2023-24, FY2024-25 and FY2025-26 to the Economic Recovery Contingency Fund.

Elmwood Sen. Robert Clements objected to the amendment, saying interest from the canal fund – which he said could be as much as \$40 million a year – should be credited back to the fund to guard against likely inflationary increases in the cost of the canal project by the time it is built.

Among other changes, the amendment also added the provisions of McKinney's LB629, which would update the Middle Income Workforce Housing Investment Act and the Economic Recovery Act. It also includes provisions of several additional bills.

LB33, introduced by North Platte Sen. Mike Jacobson, would allow the mayor of a first or second class city to vote on any matter that requires a majority vote of the city council if there is an absence or the council is equally divided. The provisions would



Sen. Mike Jacobson

not allow the mayor to vote when a super-majority vote of the council is required.

LB45, originally introduced by Adams Sen. Myron Dorn, would create the Revitalize Rural Nebraska Grant Fund for first and second class cities and villages and provide \$1 million in general funds. The program would be administered by the state Department of Environment and Energy and grants would be used to demolish dilapidated commercial property.



Sen. Myron Dorn

The provisions of LB98, introduced by Jacobson, would make changes to "micro" tax-increment financing projects by allowing limits on the number of expedited reviews of redevelopment plans, denial of redevelopment plans and an optional resolution before an area is declared substandard and blighted.

LB170, introduced by McKinney, would harmonize the definition of a blighted area under the Nebraska Investment Finance Authority Act and the state's Community Development Law.

Also introduced by McKinney, LB223 would require all cities that adopt an affordable housing action plan to submit their plan to the Urban Affairs Committee electronically and provide an option in the report to show effort toward an affordable housing action plan or to implement such a plan after it is adopted.

LB342, introduced by Gering Sen. Brian Hardin, would remove a requirement that home inspectors register with the



Sen. Brian Hardin

secretary of state every even-numbered year and allow them to renew registration within 45 days of expiration. It also would provide that registration is valid for two years.

Finally, LB532, introduced by McKinney, would make a number of changes to the state's Community Development Law, including: requiring an "extremely blighted" designation to last for at least 25 years; extending the deadline from 24 months to 60 months for housing studies in all but metropolitan class cities; and placing limits on creation of new redevelopment plans in areas already designated as blighted.

### Other amendments

Omaha Sen. Justin Wayne offered an amendment, based on his LB474, which initially would have required the state Game and Parks Commission to purchase or receive by donation, and subsequently manage, the Mayhew Cabin historical site in Nebraska City.



Sen. Justin Wayne

The purchase originally would have been financed with \$1.5 million from the State Settlement Cash Fund, with an addition \$2 million from the fund to construct a visitor center and \$950,000 from the fund for exhibit fabrication, historical interpretation and staffing.

Wayne said the cabin once was the home of John Kagi — who later fought alongside abolitionist John Brown and died during the raid on Harper's Ferry, Virginia — and recently was recognized as an Underground Railroad site by the National Parks Service.

The cabin currently is closed to the public, he said, due to damage

from the 2019 floods and a subsequent legal battle over whether responsibility for repairs lies with the foundation that currently owns the cabin or Nebraska City.

"It would be shameful if we lost this site," Wayne said.

Dunbar Sen. Julie Slama supported the amendment, saying the cabin was an important destination for southeastern Nebraskans and others, including student field trips, for generations before it closed.

"This is the only recognized existing stop [on] the Underground Railroad located in the state of Nebraska," Slama said. "This site is worth preserving, it's worth protecting and it's worth ensuring that generations of Nebraskans to come [are able to] learn about this valuable historical site."

Elmwood Sen. Robert Clements objected to using the State Settlement Cash Fund for the project and noted that the Game and Parks Commission has deferred maintenance issues with buildings that they already own and operate.

Wayne then offered a floor amendment to his amendment that instead simply would require the commission to purchase or receive the Mayhew Cabin historical site and subsequently rehabilitate and manage it. He said the state's existing 309 Task Force for Building Renewal could be used to structure and facilitate the transfer.

The amendment was adopted on a 38-0 vote and the underlying amendment was adopted 40-0.

Another amendment, offered by Sen. Jane Raybould of Lincoln and adopted 28-4, added her LB329. The provisions would prohibit the state building code from limiting the

use of a refrigerant designated as acceptable for use under federal law as of Jan. 1, 2023, as long as any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions.

Sen. Danielle Conrad of Lincoln brought an amendment to add provisions of her LB462, adopted 31-0, which would update qualifications for owner-occupied housing units under the Middle Income Workforce Housing Investment Act. The amendment would increase the qualifying cost to total construction costs of no more than \$330,000.



Sen. Danielle Conrad

Following adoption of two additional technical amendments, senators advanced LB531 to final reading by voice vote. ■



Sen. Jane Raybould

# 2023 Legislative Session\*

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>January</b>						
1	2	3	4	5	6	7
			DAY 1	DAY 2	DAY 3	
8	9	10	11	12	13	14
	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	
15	16	17	18	19	20	21
	HOLIDAY	DAY 9	DAY 10	DAY 11	DAY 12	
22	23	24	25	26	27	28
	DAY 13	DAY 14	DAY 15	DAY 16	DAY 17	
29	30	31				
	DAY 18	DAY 19				

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>February</b>						
			1	2	3	4
			DAY 20	DAY 21	DAY 22	
5	6	7	8	9	10	11
	RECESS	DAY 23	DAY 24	DAY 25	DAY 26	
12	13	14	15	16	17	18
	DAY 27	DAY 28	DAY 29	DAY 30	RECESS	
19	20	21	22	23	24	25
	HOLIDAY	DAY 31	DAY 32	DAY 33	DAY 34	
26	27	28				
	RECESS	DAY 35				

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>March</b>						
			1	2	3	4
			DAY 36	DAY 37	DAY 38	
5	6	7	8	9	10	11
	DAY 39	DAY 40	DAY 41	DAY 42	RECESS	
12	13	14	15	16	17	18
	DAY 43	DAY 44	DAY 45	DAY 46	RECESS	
19	20	21	22	23	24	25
	RECESS	DAY 47	DAY 48	DAY 49	DAY 50	
26	27	28	29	30	31	
	RECESS	DAY 51	DAY 52	DAY 53	DAY 54	

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>April</b>						
						1
2	3	4	5	6	7	8
	DAY 55	DAY 56	DAY 57	DAY 58	RECESS	
9	10	11	12	13	14	15
	RECESS	DAY 59	DAY 60	DAY 61	DAY 62	
16	17	18	19	20	21	22
	DAY 63	DAY 64	DAY 65	DAY 66	RECESS	
23	24	25	26	27	28	29
	RECESS	DAY 67	DAY 68	DAY 69	HOLIDAY	
30						

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>May</b>						
	1	2	3	4	5	6
	RECESS	DAY 70	DAY 71	DAY 72	DAY 73	
7	8	9	10	11	12	13
	DAY 74	DAY 75	DAY 76	DAY 77	RECESS	
14	15	16	17	18	19	20
	RECESS	DAY 78	DAY 79	DAY 80	DAY 81	
21	22	23	24	25	26	27
	DAY 82	DAY 83	DAY 84	DAY 85	RECESS	
28	29	30	31			
	HOLIDAY	DAY 86	DAY 87			

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>June</b>						
				1	2	3
				DAY 88	DAY 89	
4	5	6	7	8	9	10
	RECESS	RECESS	RECESS	RECESS	DAY 90	
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**Legislative Recess Days**

February 6, 17, 27  
 March 10, 17, 20, 27  
 April 7, 10, 21, 24  
 May 1, 12, 15, 26  
 June 5, 6, 7, 8

**Federal & State Holidays**

January 16 – Martin Luther King Jr. Day  
 February 20 – Presidents' Day  
 April 28 – Arbor Day  
 May 29 – Memorial Day

\* The Speaker reserves the right to revise the session calendar.

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Opponents and supporters of LB574 filled the Rotunda during debate on the bill May 19.