

Voter ID implementation bill advanced after cloture vote



Sens. Tom Brewer and Julie Slama offered fellow senators competing options for implementing voter ID in Nebraska.

Lawmakers gave first-round approval May 22 to a proposal that would implement the provisions of an initiative petition approved by voters last year establishing a photo ID requirement to vote in Nebraska.

LB514, introduced by Gordon Sen. Tom Brewer, was the Government, Military and Veterans Affairs Committee's annual election update and clean-up bill. As introduced, the measure would make a number of technical changes, including updating rules regarding early voting ballot delivery and recall elections.

Brewer, chairperson of the committee, brought an amendment to replace the bill with a proposal to implement voter ID prior to the 2024 election.

Brewer said he and the committee had worked since the start of the leg-



islative session to reach an agreement with Dunbar Sen. Julie Slama — who headed up the successful voter initiative effort and introduced her own bill outlining a voter ID framework — but those discussions failed to yield a compromise.

The result was a situation that no one wanted, he said, with two competing proposals: one from Slama and one from the committee. Brewer urged lawmakers to approve the committee's proposal in the few remaining days of the 2023 session or face the possibility of a special session this summer.

"It's not a perfect bill, but it's a better bill and it's what we have to do to fulfill our obligation to the people of Nebraska," Brewer said. "And whether we like it or not, we're out of time."

Slama objected to the Brewer

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Omnibus criminal justice reform bill advanced to final round after cloture

A bill that would enact a variety of criminal justice programs and other reforms was amended and advanced through two rounds of debate this week.

LB50, originally introduced by former Lincoln Sen. Suzanne Geist, would create several programs intended to improve the state's criminal justice system.

As introduced, the bill contains a number of provisions to address courts, reentry, release and supervision, including:

- requiring each judicial district to establish a problem-solving court;
- creating a pilot program to administer virtual behavioral health treatment services for court-involved individuals;
- requiring a court or a probation officer to notify an offender who may be eligible for a set-aside and information on filing a petition;
- creating a pilot program to hire assistant probation officers in a probation district;
- providing for stream-lined parole contracts for qualified offenders;
- prioritizing restitution payments;
- establishing a housing program for parolees who commit technical parole violations; and
- terminating the Legislature's Committee on Justice Reinvestment Oversight.

A Judiciary Committee amend-
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Voter ID implementation bill advanced after cloture vote

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amendment on both procedural and substantive grounds, noting that key individuals who backed the initiative were not included in implementation negotiations. Nebraska Secretary of State Robert Evnen was heavily involved in that process, Slama said, and she repeatedly referred to the Brewer amendment as the “Evnen amendment.”

She also argued that groups and individuals historically opposed to voter ID now backed Brewer’s amendment, which she said should lead lawmakers to question the proposal.

“The people who opposed voter ID are now in control of voter ID,” Slama said.

Among other provisions, Brewer’s amendment lays out the requirements for a valid form of photographic identification, which would include a document issued by the state of Nebraska, an agency or a political subdivision of the state, the U.S. military, a Nebraska postsecondary educational institution or a recognized Native American tribe or band.

A hospital, assisted-living facility, nursing home or other skilled care

facility record that includes a photo or digital image also would qualify.

The secretary of state’s office would be required to provide a website dedicated to voter ID requirements and procedures and implement a public awareness campaign. No fee would be charged to Nebraska residents for an original, renewal or duplicate state ID card for voting purposes.

The amendment would allow an individual without a photo ID to vote provisionally at the polls if they have a “reasonable impediment” to voting — including disability or illness or lack of a birth certificate or other required documents — or a religious objection to being photographed.

Mail-in ballots would be required to include a copy of the voter’s photo ID or their Nebraska driver’s license number or state ID card number. The secretary of state’s office would be charged with matching that number to photo ID information available in the state’s election database.

Ballots that do not meet these requirements could be “cured” through the election commissioner or county clerk’s office by providing missing

information by the Tuesday following the election.

Brewer said the proposal would implement the will of the people while not infringing on the rights of eligible Nebraska voters.

Lincoln Sen. Danielle Conrad, a member of the committee, agreed. She said the proposal “threads the needle” of implementing voter ID in a way that ensures access to the ballot and can be implemented by election officials “without chaos and confusion.”

Conrad said 92 of the state’s 93 election officials signed letters in support of the proposal.

“I vehemently and firmly disagree with voter ID,” she said. “However, I equally find as sacrosanct our duty to facilitate and carry out the will of the people even when we disagree with it.”

A counter amendment offered by Slama also would have allowed student and other photo IDs, but would have required the issuers of those IDs to opt in to a system to verify the citizenship of anyone using them for voting purposes.

Slama said the provision would be more thorough than cross-checking

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signatures with the state’s existing election database via motor voter information under Brewer’s proposal.

Her amendment would require that a “ballot witness” who is a Nebraska resident or notary public sign the envelope indicating that they had checked the voter’s ID. It also would require the secretary of state’s office to use information from any ID-issuing agency to verify the citizenship of every registered voter prior to Jan. 1, 2024.

Under the Slama amendment, the secretary of state’s office would be authorized to investigate voters suspected of not being citizens. In addition, after each election, the state attorney general would conduct an audit of witness signatures of a “meaningful sample” of mail-in envelopes to confirm the ballot witness’ credentials.

Slama said requiring a voter to provide a driver’s license number on

their mail-in ballot was insufficient to accomplish the intent of the initiative, which was to require Nebraskans to present a photo ID when voting.

“This is voter ID without voter ID,” she said.

Conrad opposed the Slama amendment, saying citizenship verification was not part of the initiative petition drive nor the resulting language in the Nebraska Constitution. She said Slama’s proposal likely would result in costly, lengthy legal battles for the state.

After Slama’s amendment failed on a vote of 8-22, she offered a series of unsuccessful motions and amendments to extend debate on the underlying bill. After eight hours of discussion, Brewer offered a motion to invoke cloture, adopted 44-2, which ends debate and forces a vote on the bill and any pending amendments.

Following the successful cloture mo-

tion, lawmakers voted 44-1 to adopt a committee amendment that added provisions of two election clean-up bills.

LB313, introduced by Kearney Sen. John Lowe, would update the procedure for filling federal congressional vacancies. LB269, introduced by Hastings Sen. Steve Halloran, would return redistricting procedure deadlines to their state prior to an adjustment made in 2021 to accommodate the late delivery of federal census data to the states.

Senators then voted 43-1 to advance LB514 to select file. ■



Sen. John Lowe



Sen. Steve Halloran

Omnibus criminal justice reform bill advanced to final round after cloture

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ment, offered during general file debate May 22 and adopted 27-9, replaced the bill. The amendment contains all of LB50’s original provisions and adds the provisions of several additional bills, including Omaha Sen. Justin Wayne’s LB352.

Debate centered on two provisions of Wayne’s proposal related to habitual criminal enhancement and parole eligibility.

Currently, a third offense requires a 10-year mandatory minimum sentence. Wayne’s initial proposal would lower that to a three-year mandatory minimum for a felony charge that does not include offenses relating to violence, firearms or sex crimes.

The provisions also would allow an offender to be eligible for parole consideration two years before mandatory discharge on a maximum sen-

tence up to 12 years, three years before mandatory discharge on a maximum sentence up to 16 years, four years before mandatory discharge on a maximum sentence up to 20 years and five years before mandatory discharge on a maximum sentence of more than 20 years.

Wayne, chairperson of the Judiciary Committee, said the amendment was offered in an attempt to address “jamming out” — a term used to describe when an inmate exhausts their sentence before becoming parole eligible. Individuals who have committed Class I and II felonies — the state’s most violent offenders — currently are jamming out,



Sen. Justin Wayne urged lawmakers to increase opportunities for post-release supervision, which he said would enhance public safety.

he said, without any programming or supervision to help them successfully reenter society.

“The fear ... for law enforcement is not the person who is getting pa-

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Omnibus criminal justice reform bill advanced to final round after cloture

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role,” Wayne said. “The fear ... now is the one who packed their bags up and walked out of that prison system without any support system, guidance, job or a family to go back to.”

Omaha Sen. Terrell McKinney spoke in support of the committee amendment, saying the state’s prison overcrowding crisis, which has disproportionately impacted Black people in Nebraska, will not improve without access to programming and other reforms. The committee amendment could go even further, he said, but LB50 is a good starting point.

“Our criminal justice system and our prison will continue to be overcrowded and that is a huge issue because the data shows that once that new facility is open, it’s going to be overcrowded,” McKinney said.

Lincoln Sen. Carolyn Bosn spoke in opposition to the provisions included in the committee amendment related to habitual criminal enhancement and parole eligibility. Under those provisions, an individual who is serving a 20-year sentence could be eligible for parole after only six years, she said.

As a former prosecutor, she said

that would be difficult to explain to a crime victim.

Bosn said the two sides were close to an agreement, however, and asked fellow senators to adopt the amendments and advance LB50 to select file to allow time for negotiations to continue before the next round of debate.

When debate resumed May 24, Wayne offered an amendment that he said was a “good faith” compromise to address opponents’ concerns and had the approval of the attorney general, the governor’s office and several police unions.

Under the amendment, the mandatory minimum term for a habitual offender would be three years and the maximum term would be no more than the maximum term given or twenty years — whichever is greater — for qualified offenders. Individuals who have committed offenses related to firearms, violence or sex crimes would be excluded from those provisions.

The amendment also would require that two criminal defense attorneys with at least 10 years experience be appointed by the governor to the Nebraska Sentencing Reform Task Force.

Wayne said the amendment would provide inmates a larger window within which to become parole eligible.

“One year doesn’t make a difference on a 20-year sentence, but one year being supervised makes ... a difference,” he said. “We have to supervise people on the back end.”

Bellevue Sen. Rick Holdcroft also spoke in support of the amend-

ment and the underlying bill. Becoming parole eligible does not mean that an inmate automatically will be paroled, he said, and changing eligibility from 85 percent of a maximum sentence to 80 percent would not be substantial.

Several senators raised concern that the amendment was opposed by the county attorneys’ association.

Thurston Sen. Joni Albrecht spoke in opposition to the parole eligibility provision in the Wayne amendment, calling it a “substantial departure” from the state’s current sentencing requirements.

“This has the effect of making offenders parole eligible way before the mandatory discharge date and is essentially a reduction in [their] sentence,” Albrecht said. “These provisions would be retroactive and apply to offenders currently behind bars [and] would be disruptive to the victims who have settled with the expectation about sentences and parole eligibility.”

The Wayne amendment was adopted 34-6.

Also during select file debate, Hastings Sen. Steve Halloran offered a motion to replace a floor amendment with provisions of Glenvil Sen. Dave Murman’s LB371, intended to prohibit minors under age 19 from attending drag shows in Nebraska.

Halloran said the state has a responsibility to protect minors from drag shows that he said often include “sexually inappropriate” behavior.

The motion failed on a vote of 6-32.

Sumner Sen. Teresa Ibach also offered a select file amendment, adopted



Sen. Carolyn Bosn expressed concerns regarding proposed changes to parole eligibility requirements.



Sen. Dave Murman

37-6, that includes provisions of four additional bills:

- LB14, introduced by Lincoln Sen. George Dungan, which would expand eligibility for the Young Adult Bridge to Independence program;



Sen. George Dungan

- LB220, introduced by Ibach, which would require the Board of Pardons to notify a victim whose name appears in the file of a



Sen. Teresa Ibach

- convicted person of any pardon or commutation at least 30 days prior to those proceedings and within 10 days of the granting of a pardon or commutation;

- LB265, introduced by Gordon Sen. Tom Brewer, which would require the Nebraska Department of



Sen. Tom Brewer

- Correctional Services to provide stab-resistant protective vests to each corrections officer; and

- LB521, introduced by Fremont Sen. Lynne Walz, which would include school personnel in immunity provisions for administering naloxone to a



Sen. Lynne Walz

- person who is experiencing an opioid-related overdose.

Other provisions

As amended on general file, LB50 contains provisions of Wayne's LB352 that would create geriatric parole eligibility for certain offenders over age 75 who have served 15 years of their sentence. Individuals convicted of a Class I or IA felony or sex offenses and those serving life sentences would be excluded.

The committee amendment also included provisions of the following bills:

- LB18, introduced by Wayne, which would allow a motion for a new trial if a witness exercised constitutional privilege to testify in a defendant's trial but later testified in the witness's defense;
- LB27, introduced by Dungan, which would clarify the appointment process of a public defender to an indigent defendant who files an appeal;
- LB30, also introduced by Dungan, which would authorize pleas of no contest in juvenile court cases;
- LB59, introduced by Omaha Sen. John Cavanaugh, which would temporarily pause the statute of limitations for a post-conviction action while an appeal to the Supreme Court is pending;
- LB76, introduced by Lincoln Sen. Eliot Bostar, which would allow law enforcement to access certain probation and parole supervision information;



Sen. John Cavanaugh



Sen. Eliot Bostar

- LB137, introduced by Bosn, which would create an enhanced penalty for controlled substance offenses if use of the substance results in death or serious injury;
- LB162, introduced by Omaha Sen. Mike McDonnell, which would create



Sen. Mike McDonnell

- a new Class I misdemeanor charge for tampering with an electronic monitoring device;

- LB314, introduced by Omaha Sen. John Fredrickson, which would require suicide prevention materials to be provided to firearm purchasers;



Sen. John Fredrickson

- LB337, introduced by Ralston Sen. Merv Riepe, which would clarify when mental health practitioners may share an individual's medical records when consent cannot be obtained; and



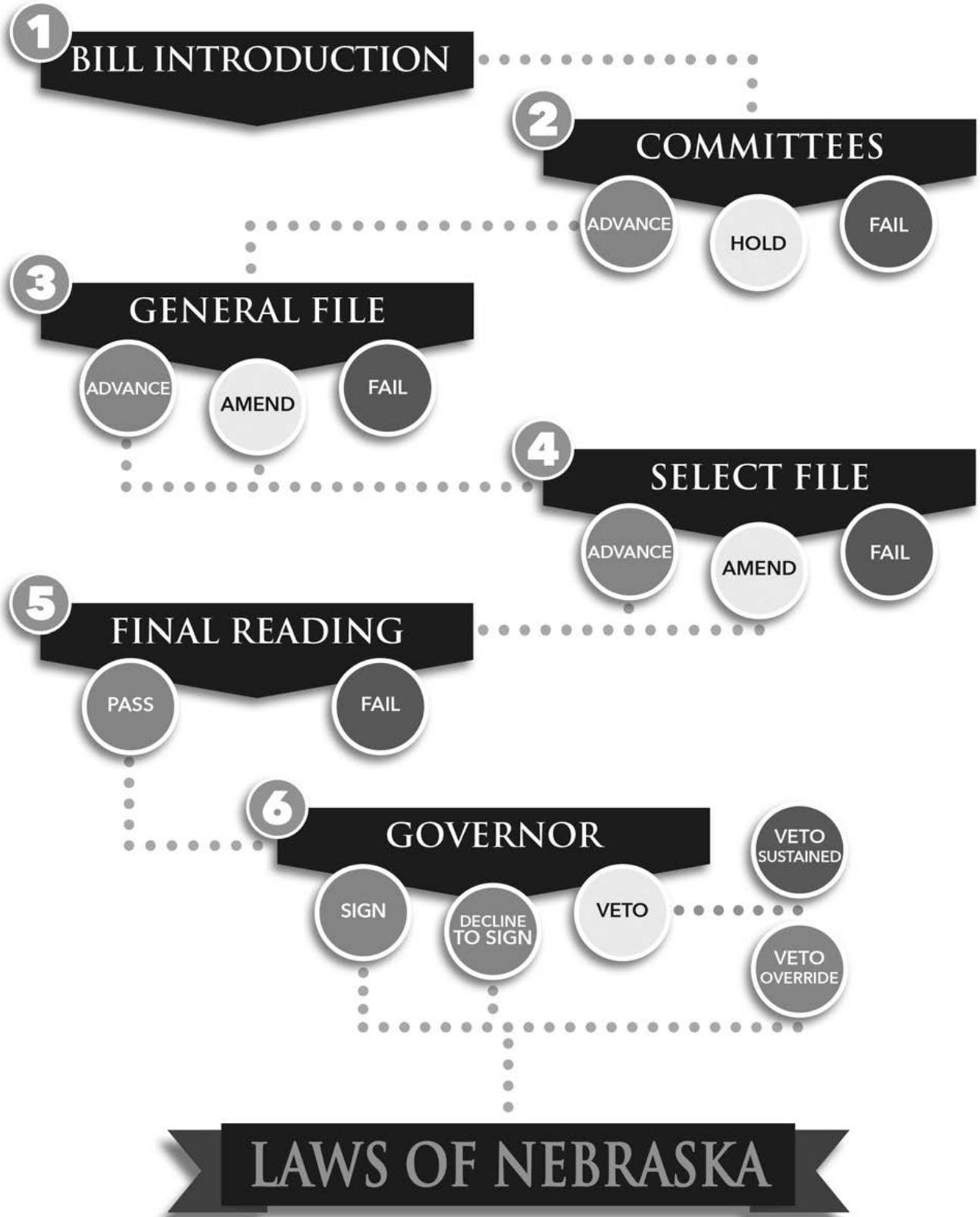
Sen. Merv Riepe

- LB494, introduced by Dungan, which would allow for custodian certification of business records by an affidavit signed under penalty of perjury.

After four hours of select file debate May 24, Wayne offered a motion to invoke cloture, adopted 35-9, which ends debate and forces a vote on the bill and any pending amendments.

Following the successful cloture motion, lawmakers voted 30-7 to advance LB50 to the final round of debate. ■

HOW A BILL BECOMES LAW



APPROPRIATIONS

Line-item vetoes delivered

Gov. Jim Pillen sent a message to lawmakers May 24 announcing millions in line-item vetoes to a variety of programs and proposals contained in two components of the state budget package passed last week.

The governor said the cuts are meant to ensure that funds are available for “transformative tax relief” while still providing quality services to the state’s residents.

“We must continue to fight against excessive governmental spending to deliver dollars back into the pockets of Nebraskans,” Pillen said.

Among the governor’s cuts to LB814, the mainline budget bill, were \$15.3 million in general fund appropriations for Medicaid reimbursement rates and \$6 million for child welfare provider rate increases.

Pillen said the state’s hospitals have seen “record profits” in recent years and that increasing reimbursement rates would not address systemic workforce shortages.

Other general fund appropriations vetoed were:

- \$107,250 to the Nebraska Commission for the Deaf and Hard of Hearing for a full-time sign language interpreter;
- \$470,000 to the Nebraska State Historical Society;
- \$500,000 to expand the state’s court appointed special advocate program;
- \$510,700 to the attorney general’s office for interstate water litigation and a trial preparation coordinator position;
- \$848,700 for a new state auditor position and salary increases;

- \$1.8 million for the expansion of home visitation care;
- \$1 million for a facility to house pregnant and parenting homeless youth;
- \$1.9 million in funding to the state Supreme Court;
- \$2.2 million for legislative branch salary increases; and
- \$7 million to the state Department of Environment and Energy for grants to support a rural drinking water project in Cedar and Knox counties.

Pillen also vetoed \$40 million in cash fund transfers from LB818 to the Rural Workforce Housing Investment Fund and the Middle Income Housing Investment Fund. The state has invested more than \$200 million in affordable housing over the last three years, he said, which developers are leveraging to build up the state’s affordable housing supply.

Other cash transfers vetoed were:

- \$20 million from the Shovel Ready Capital Recovery and Investment Act;
- \$10 million to the Site and Building Development Fund for a ground-based nuclear deterrence project near Kimball; and
- \$10 million from the Nebraska Health Care Cash Fund for a pilot program on PTSD related to gun violence.

Pillen said his vetoes would save \$94.2 million in general funds, \$10 million from the Health Care Cash fund and \$87 million from the state’s Cash Reserve Fund over the next four years.

“We must cut government spending, we must cut government red tape and we must lead the charge in investing in our next generation,” Pillen said.

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.

BUSINESS & LABOR

Business and labor package passes

A bill containing a variety of business and labor measures passed the final round of debate May 24.

LB191, as originally introduced by Hastings Sen. Steve Halloran, would have made certain workers’ compensation injury reports confidential for 60 days from the date of filing.



Sen. Steve Halloran

The bill was gutted by a Business and Labor Committee amendment on general file in order to replace it with provisions of a variety of measures heard by the committee, including LB249. Sponsored by Albion Sen. Tom Briese, the provisions add the extension of sewer or water service as an eligible activity under the Rural Workforce Housing Investment Act.



Sen. Tom Briese

Also included are provisions of LB267, sponsored by Gordon Sen. Tom Brewer, which prioritize resources such as personal protective equipment, vaccines and medical treatment



Sen. Tom Brewer

for critical infrastructure utility workers during a civil defense emergency.

LB191 passed 46-0 and takes effect immediately.

EDUCATION

Dyslexia reporting bill amended to include teacher mobility compact

A bill on final reading that would require school districts to collect data on students with dyslexia was amended to include a proposal intended to enhance teacher mobility after lawmakers voted to return it to select file May 24.

LB298, introduced by Sen. Lou Ann Linehan of Elkhorn, requires school districts to provide certain information on dyslexia to the state Department of Education. As amended, it also would require Nebraska school districts to adopt a written dress code and grooming policy that would be implemented at the start of the 2025-26 school year.

Senators voted to return the bill to select file to consider an amendment offered by Bellevue Sen. Carol Blood to add provisions of her LB413.

Under Blood's proposal, Nebraska would adopt the Interstate Teacher Mobility Compact, which she said is intended to streamline the licensure process for teachers, particularly military spouses, when moving between



Sen. Lou Ann Linehan



Sen. Carol Blood

member states.

The State Board of Education would create the rules for providing certification after 10 states agree to participate and the compact takes effect.

After adopting Blood's amendment on a vote of 37-2, senators advanced LB298 to final reading by voice vote.

Governor's education funding proposal passes

Senators approved a bill May 25 that directs approximately \$300 million per year in additional state funding to K-12 public schools.

Under LB583, introduced by Bellevue Sen. Rita Sanders at the request of Gov. Jim Pillen, the state will pay public school districts \$1,500 in foundation aid per student beginning with school fiscal year 2023-24.



Sen. Rita Sanders

The bill also requires the state Department of Education to reimburse each school district 80 percent of the total allowable excess costs for all special education programs and support services in the following school year.

Under the bill's provisions, each school district must submit an annual report to the department that includes the amount by which it reduced its property tax request for the school fiscal year, if any, as well as other information required by the department.

LB583 passed on a vote of 44-0 and takes effect immediately.

EXECUTIVE BOARD

Legislative video archive approved

A proposal intended to expand access to video of legislative proceedings was given final approval May 24.

Nebraska Public Media currently broadcasts and live-streams video coverage of legislative public committee hearings and floor debate.

LB254, sponsored by Gordon Sen. Tom Brewer, requires the Executive Board to develop and maintain a publicly accessible, digital internet archive of that coverage beginning with the 2025 legislative session or as soon as live, closed-captioned video coverage of the Legislature is available.



Sen. Tom Brewer

Video will be closed-captioned in English and Spanish and indexed by bill number or date.

LB254 passed on 48-0 vote and takes effect immediately.

HEALTH & HUMAN SERVICES

Health services package amended, returned to final reading

An omnibus health services proposal on final reading was amended to include maternal and child health protections after lawmakers voted to return it to select file May 24.

LB227, as introduced by Blair

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



Sen. Ben Hansen

The measure was amended during previous rounds of debate to include a number of proposals related to pharmacy practice, licensure and other health and human services issues.

Senators voted to return the bill to select file to consider an amendment offered by Omaha Sen. Tony Vargas, which includes the amended provisions of three other bills considered by the Health and Human Services Committee this session.

Provisions of LB570, introduced by Vargas, would create the Overdose Fatality Review Teams Act to design a regulatory framework for establishing county level multidisciplinary teams to collect data related to opioid overdose deaths in Nebraska.



Sen. Tony Vargas

The state Department of Health and Human Services would develop regulations to carry out the act and teams would begin providing annual de-identified data on local incidents, causes and contributing factors of opioid deaths by June 1, 2024.

LB75, also introduced by Vargas, would grant the state's Child and Maternal Death Review Team the authority to conduct reviews of the rates, trends and causes of severe maternal morbidity in the state.

Also included are the amended provisions of Lincoln Sen. Anna

Wishart's LB419, which would expand Medicaid coverage for postpartum women from 60 days to at least six months.



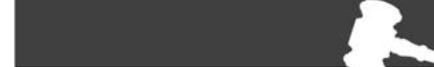
Sen. Anna Wishart

Hansen, chairperson of the Health and Human Services Committee, spoke in support of the amendment.

"One of the underlying things I hear from [my constituents] is, 'what are we doing to take care of those who are having babies in the state of Nebraska,'" Hansen said. "I think this is a big step forward to address that concern."

Senators adopted the amendment 41-0 and advanced LB227 to final reading on a voice vote.

JUDICIARY



Public guardianship bill expanded, advanced

A bill intended to create public guardianships to assist individuals in applying for benefits was amended to include a variety of judicial matters and advanced from general file May 25.

LB157, introduced by Bennington Sen. Wendy DeBoer, would create temporary guardianships to assist an individual who is applying for private or public benefits. The bill would allow the temporary guardian to access personal and financial records necessary to apply for those benefits.



Sen. Wendy DeBoer

DeBoer said patients sometimes wait hundreds of days for help with

signing the papers needed to get them moved out of a hospital.

"These are people who are in hospital beds who are waiting to get out and the only reason they cannot is because they do not have legal authorization to do so because they don't have a guardian," DeBoer said.

A Judiciary Committee amendment, adopted 33-0, narrowed the provisions to apply only to a county containing a metropolitan class city. Omaha currently is the state's only metropolitan class city.

The amendment also added provisions of the following bills:

- LB82, introduced by DeBoer, which would update reporting requirements from the director of the state's Department of Correctional Services;

- LB315, introduced by Omaha Sen. John Fredrickson, which would prohibit providers of medical or other services related to examination of injuries



Sen. John Fredrickson

- arising from sexual assault, domestic assault or trafficking from referring victims to collection agencies or taking other adverse action for failure to pay the debt;

- LB330, introduced by DeBoer, which would allow a successor to a decedent to endorse a check, payable to the decedent or the decedent's estate, for a debt owed to the decedent;

- LB436, introduced by Lincoln Sen. Carolyn Bosn, which would



Sen. Carolyn Bosn

update the state Uniform Controlled Substances Act to conform with federal law; and

- LB757, introduced by DeBoer, which would extend the filing date for victims to apply for reimbursement from the Crime Victims Reparations Fund.

Bellevue Sen. Rick Holdcroft offered an amendment to the committee amendment, adopted 27-0, which would include provisions of his LB480 to add emergency medical service providers to the list of medical agencies that can file a lien on settlement awards received by injured parties.

An amendment offered by Bellevue Sen. Carol Blood, adopted 27-4, includes provisions of her LB11, which would specify that domestic abuse protection orders may explicitly provide for sole possession of a household pet and restrict contact with such pets.

Omaha Sen. John Cavanaugh also offered an amendment, adopted 31-1, which would include provisions of his LB183 to allow the District Court to waive fees related to a name change.

Finally, Omaha Sen. Justin Wayne offered an amendment, adopted 33-0, to include provisions of his LB240 that would



Sen. Rick Holdcroft



Sen. Carol Blood



Sen. John Cavanaugh



Sen. Justin Wayne

prohibit a juvenile court from modifying the terms of a disposition order unless the juvenile has violated a previous order or all parties agree and the juvenile has consulted with or waived counsel.

Following adoption of the amendments, lawmakers advanced LB157 to select file 34-0.

NATURAL RESOURCES

Hydrogen hub funding, design-build authorization approved

Lawmakers approved a bill May 23 intended to support Nebraska's efforts to be selected as a regional clean hydrogen hub by the U.S. Department of Energy.

LB565, introduced by Brainard Sen. Bruce Bostelman, states legislative intent to appropriate \$500,000 over the next two fiscal years to the state Department of Economic Development for grants that will be used for engineering and modeling needed to apply for the H2Hubs program, which is intended to accelerate the use of hydrogen as a clean energy source.

Senators amended the bill on select file to add provisions of several other measures considered by the Natural Resources Committee this session, including LB723, sponsored by Bostelman at the request of Gov. Jim Pillen.

The measure allows the state Department of Natural Resources to use public-private partnerships and design-build, progressive design-build and construction manager-general contractor



Sen. Bruce Bostelman

project methods when contracting for public surface water or groundwater-related infrastructure projects.

LB565 passed on a vote of 41-0 and takes effect immediately.

REVENUE

Property tax relief increased, school revenue growth capped

A bill that provides additional property tax relief to Nebraskans while limiting increases in the amount of property taxes public school districts may collect received final approval from lawmakers May 25.

LB243, introduced by Albion Sen. Tom Briese, gradually will increase the minimum amount of relief granted under the Property Tax Credit Act from the current \$275 million to \$475 million by tax year 2028.

The following year, it will grow by the percentage increase in the total assessed value of all real property statewide over the prior year, plus an additional \$75 million. The amount then will continue to grow by the percentage increase in statewide valuations.

As amended, LB243 contains provisions of several other bills considered by the Revenue Committee this session, including LB589, sponsored by Briese at the request of Gov. Jim Pillen.

The measure limits the amount by which a school district may increase its property tax request – the amount of taxes requested to be raised through its levy – from one year to the next by 3 percent, with some exceptions based on a district's growth in student enroll-



Sen. Tom Briese

ment, the number of limited English proficiency students and the number of students in poverty.

Under the bill's provisions, a district's property tax request may not exceed its property tax request authority, which the state Department of Education will calculate annually.

A district may exceed its property tax request authority by an amount approved by a 60 percent majority of voters at a special election. The bill also allows a school board to exceed a district's property tax request authority by 4 to 7 percent, depending on the number of students enrolled, if at least 70 percent of its members approve.

Among other provisions, LB243 eliminates the 5 percent cap on the school district tax credit's allowable growth percentage under the Nebraska Property Tax Incentive Act. It also ends Nebraska's community college area levy after fiscal year 2023-24. Beginning the next year, the state will distribute funds to community colleges to offset the lost property tax revenue.

The state Department of Revenue estimates that the bill will reduce state general fund revenue by \$1.8 billion from fiscal year 2024-25 to FY2030-31.

LB243 passed on a vote of 44-0 and takes effect immediately.

Revenue omnibus bill trimmed, advanced to final round

A bill containing more than two dozen tax-related proposals advanced to final reading May 23 after senators amended it to reduce the fiscal impact on state revenue.

LB727, sponsored by Elkhorn Sen. Lou Ann Linehan, was amended on general file to include measures that would exempt



Sen. Lou Ann Linehan

baling wire and twine from state sales tax, impose a tax on electronic nicotine delivery systems and allow for the creation of special retail districts where transactions are subject to a reduced state sales tax rate, among others.

The state Department of Revenue estimates that, as amended, the bill would reduce state general fund revenue by \$32 million in fiscal year 2023-24, \$48 million in FY2024-25 and \$53 million in FY2025-26.

On select file, Linehan introduced an amendment, adopted 38-0, that she said is a "negotiated resolution" intended to fit the package into the state budget, which the Legislature passed last week.

"Everybody had to give a little bit," she said.

Among other changes, the amendment removed a provision that would have allowed Nebraska educational savings plan trust accounts to be used for elementary or secondary school tuition.

Linehan's amendment also would cap a proposed sales tax credit for retail dealers that sell biodiesel at \$1 million per year, rather than \$5 million as originally proposed.

Under another of the bill's provisions, \$12 million in credits could be allocated each year under the Nebraska Job Creation and Mainstreet Revitalization Act. The amendment would reduce that amount to \$2 million.

Sen. Mike Moser of Columbus said the amendment also would address another provision's potential conflict with the state constitution.

LB727 would authorize the state highway commission to issue bonds to accelerate completion of highway construction projects. Under the proposal, any bonds issued would be special obligations of the state payable only from the State Highway Capital Improvement Fund and any other funds

specifically pledged by the commission.

The State Highway Capital Improvement Fund currently is funded with state sales tax revenue, Moser said, but the state constitution requires highway bonds to be paid off using revenue that is closely related to highway use, such as motor vehicle fuel taxes and registration fees.

Linehan's amendment would ensure that those revenue sources, and not sales taxes, are used to repay the bonds, he said.

Finally, the amendment added provisions of LB524, introduced by Omaha Sen. John Fredrickson, but would not direct any funding to the proposal.



Sen. John Fredrickson

The measure would allow grocery stores, restaurants and agricultural producers to apply for a nonrefundable state income tax credit equal to 50 percent of the value of food they donate to food banks, pantries or rescues. The credit would be limited to \$2,500 per year.

After voting 39-0 to adopt a technical amendment by Sen. Christy Armendariz of Omaha, lawmakers advanced LB727 to final reading by voice vote.

Tax credit scholarship bill approved

Nebraskans may receive a tax credit for contributions to organizations that grant scholarships to students to attend private school under a measure passed by lawmakers May 24.

Elkhorn Sen. Lou Ann Linehan introduced LB753 at the request of Gov. Jim Pillen. The measure allows individuals, passthrough entities, estates, trusts and corporations to claim a nonrefundable income tax credit of up to 50

percent of their state income tax liability on contributions made to nonprofit organizations that grant scholarships to students to attend private school.

Contributions from individuals, passthrough entities and corporations are capped at \$100,000, and contributions from estates or trusts are limited to \$1 million.

Only Nebraska residents are eligible for the scholarships, which may be used to pay tuition and fees at a qualifying privately operated elementary or secondary school.

A scholarship granting organization must provide the state Department of Revenue with sufficient information to show that it will use a tiered system that prioritizes certain students.

The department may grant \$25 million in credits in 2024, 2025 and 2026. After that, if at least 90 percent of the credits in any given year are claimed, the annual limit will increase by 25 percent. Annual increases may continue until the total credit amount reaches \$100 million.

The department estimates that the full credit amount will be claimed in the first three years and that LB753 will reduce state general fund revenue by \$31.3 million in FY2027-28.

After two hours of debate on final reading, Linehan 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 33-11. Thirty-three votes were needed.

Senators then voted 33-11 to pass LB753.

Income tax cuts, child care tax credits approved

A proposal that will cut Nebraska's top individual and corporate income tax rates to 3.99 percent by tax year 2027 received final approval from

lawmakers May 25.

LB754, introduced by Elkhorn Sen. Lou Ann Linehan at the request of Gov. Jim Pillen, also incrementally will cut the rate on the third individual income tax bracket to 3.99 percent by the same year.

As amended, the bill also exempts 100 percent of Nebraskans' Social Security income from state income tax beginning in tax year 2024 rather than 2025 and allows federal retirees to exclude the amounts received as annuities under the Federal Employees Retirement System or the Civil Service Retirement System from their federal adjusted gross income.

LB754 also includes provisions of LB318, introduced by Sen. Eliot Bostar of Lincoln, which authorizes the state Department of Revenue to approve up to \$15 million each year in refundable income tax credits intended to help parents and legal guardians pay for child care.



Sen. Eliot Bostar

The measure allows individuals, estates, trusts and corporations to apply for a nonrefundable state income tax credit of up to \$100,000 for contributions they make to eligible child care programs. The department may approve \$2.5 million in credits under the program each year.

Finally, LB754 increases the amount of tax credits available for qualifying child care providers and employees under the School Readiness Tax Credit Act from \$5 million to \$7.5 million annually.

The department estimates that the bill will reduce state general fund revenue by \$3.3 billion from fiscal year 2023-24 to FY2028-29.

LB754 passed on a vote of 39-2 and takes effect immediately.

TRANSPORTATION & TELECOMMUNICATIONS

Transportation bill amended to include repeal of state's motorcycle helmet law

A Transportation and Telecommunications Committee clean-up bill on final reading was amended to repeal the state's helmet law for riders age 21 and older after lawmakers voted to return it to select file May 24.

LB138, originally introduced by former Sen. Suzanne Geist and now sponsored by Lincoln Sen. Carolyn Bosn, is an annual clean-up measure to align state transportation law with federal requirements.



Sen. Carolyn Bosn

As amended during earlier rounds of debate, it includes provisions of Gordon Sen. Tom Brewer's LB199 to create a new driving privilege card to serve as a license to operate a motor vehicle for individuals who are assigned parolee immigration status by the U.S. Department of Homeland Security.



Sen. Tom Brewer

Senators voted to return the bill to select file to consider an amendment from Blair Sen. Ben Hansen to include provisions of his LB91. The amendment would allow an individual age 21 and older who has



Sen. Ben Hansen

completed a certified motorcycle safety course to choose whether or not to

wear a helmet, provided the rider uses protective eye equipment.

Hansen said states surrounding Nebraska already have adopted similar measures, many with even lower age requirements, without negative consequences.

“The bill is more conservative in nature so that we can make sure we are doing our due diligence to protect [riders] as best we can, but also give them the freedom and liberty to choose to wear a helmet or not,” Hansen said.

Bennington Sen. Wendy DeBoer spoke in favor of the amendment. Helmets save lives and riders should opt to wear them, she said, however individuals should be allowed to choose for themselves.

“The government should not be involved in these personal decisions,” DeBoer said.

North Platte Sen. Mike Jacobson also spoke in favor of the proposal. The state loses out when riders traveling to the Sturgis Motorcycle Rally in South Dakota avoid Nebraska, he said, taking significant economic activity with them.

Brainard Sen. Bruce Bostelman spoke in opposition to the motion to return the bill to select file.

During committee hearings over

the years, he said, there has been significant opposition from a variety of medical associations and health professionals from across the state. Data shows that the number of deaths and significant injuries have increased in states that removed helmet requirements, Bostelman said.

Columbus Sen. Mike Moser also spoke in opposition. The Legislature should encourage people to wear helmets for their own safety by maintaining the legal requirement to do so, he said.

“Government tells us to wear seatbelts. Government tells us to obey the speed limits. They tell us to obey stop lights,” Moser said. “Government tells us what to do all the time.”

After voting 30-5 to adopt the Hansen amendment, senators advanced LB138 to final reading by voice vote.

State broadband office approved

An omnibus telecommunications measure passed the final round of debate May 23.

LB683, as introduced by the Transportation and Telecommunications Committee, creates the Nebraska Broadband Office to administer and

maintain broadband services in Nebraska. A director will be appointed by the governor and confirmed by the Legislature to lead the office, which will operate administratively under the Nebraska Department of Transportation.

Broadband services were under the purview of the Public Service Commission, a five-member elected body that regulates a variety of transportation and telecommunications industries in Nebraska.

Among other provisions, LB683 requires the new office to coordinate state broadband infrastructure deployment, operation and maintenance and transfers the creation and maintenance of the state broadband map from the PSC to the new Nebraska Broadband Office.

The bill was amended to add provisions of several additional bills considered by the committee this session, including LB63, introduced by Lincoln Sen. Eliot Bostar. The measure prohibits a telecommunications company from using Nebraska universal service funds if the company is using or providing communications equipment or service that poses a threat to national security.

LB683 passed on a vote of 39-0 and takes effect immediately. ■



LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

Amendment On File - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

Amendment Printed Separate - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

Appropriation Bill (“A” Bill) - a bill to appropriate funds to finance another bill bearing the same number.

Attorney General’s Opinion - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

Call of the House - a procedure used to compel attendance of unexcused senators in the chamber.

Carry-over Legislation - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

Chair - the presiding officer.

Cloture - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

Constitutional Amendment Resolution - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

Consent Calendar - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

Emergency Clause (“E” Clause) - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

Engrossment - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

Enrollment and Review (E&R) - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

Executive Session - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

Final Reading - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

Fiscal Note - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

Floor - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” it means the bill is being sent to the full Legislature for consideration.

General File - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

Hearing - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

House Under Call - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

Interim Study Resolution - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

Laws of Nebraska (Session Laws) - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

Legislative Bill (LB) - a proposal to create, change or delete one or more laws.



Legislative History - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

Legislative Journal - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

Legislative Resolution (LR) - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

Line-Item Veto - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

Machine Vote - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

Major Proposal - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

One-liner - a one-line description of a bill or resolution.

Override a Veto - see Veto Override.

President of the Legislature - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madam President, the lieutenant governor alone holds the official title.

Presiding Officer - the senator currently presiding over legislative proceedings.

Priority Bill - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

Record Vote - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system and the senators' names and corresponding votes are then printed in the Legislative Journal.

Regular Session - the annual session that begins the first Wednesday after the first Monday in January.

Resolution - see Legislative Resolution.

Revisor Bill - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

Roll Call Vote - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

Select Committee - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

Select File - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

Session - a period of time, usually a number of days, during which the Legislature meets and transacts business.

Session Laws - compilation of all laws and constitutional amendment resolutions passed in a session.

Sine Die - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

Slip Law - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

Speaker of the Legislature - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and presides in the absence of the lieutenant governor.

Special Committee - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

Special Session - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

Standing Committee - a permanent committee with subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

Summary Sheet - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

Veto - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

Veto Override - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

Voice Vote - a vote in which senators cast their votes orally and no totals are recorded.

Worksheet - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



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Many senators whose offices have been temporarily relocated during the Capitol's ongoing HVAC renovation are preparing to return to their previous locations as the project enters the fourth of five planned phases.