

## Cash amusement device bill amended, advanced



Sen. John Lowe said LB685 would provide needed updates to the regulation of cash amusement devices.

Senators gave first-round approval Feb. 12 to a bill that would impose a revenue tax and increase fees on mechanical amusement devices in Nebraska.

Such devices are cash video machines that are used for games and contests and are considered games of skill and not chance. LB685, as originally introduced last session by Kearney Sen. John Lowe, would adjust the licensing fees for such devices and move oversight and regulation of them from the state Department of Revenue to the state Racing and Gaming Commission. The original bill also would impose a 20% annual tax on the gross operating revenue for each device.

Lowe said the expansion of mechanical amusement devices across the state has made it clear that more regulation is needed to ensure that illegal games don't infiltrate the market.

A General Affairs Committee amendment, adopted 33-1, replaced the bill. The amendment contains updated provisions of LB685 and one other measure also introduced by Lowe.

As amended, the bill would retain oversight and regulation of mechanical amusement devices with the state Department of Revenue and would impose a 5% annual tax

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## Dark fiber licensing proposal amended, advanced

Lawmakers gave first-round approval Feb. 15 to a bill intended to speed the deployment of broadband internet service to Nebraska's rural communities.

Under LB61, introduced by Sen. Tom Brandt of Plymouth, any agency or political subdivision of the state may lease or license the unused or "dark" portions of its fiber optic telecommunications infrastructure.

Brandt said current law allowing the lease of dark fiber is outdated and restrictive, preventing public power districts from leasing the unused strands of the fiber optic cables that interconnect their substations.

The public-private partnerships al-

lowed under LB61 would make it more cost-effective to expand broadband service to rural areas of the state and parts of Omaha, he said.

"This is not a silver bullet to get broadband out to all Nebraskans, but will certainly help," Brandt said.

Brandt introduced an amendment that he said is a compromise between public power districts and internet providers. It would require the license rate to be within or above the safe harbor range of market rates established by the Nebraska Public Service Commission.

Brandt's amendment also would require that revenue from the licensing of dark fiber be used only for costs

associated with the license or existing dark fiber infrastructure. Revenue from the sale or delivery of electricity could not be used for costs associated with the license of dark fiber.

Bennington Sen. Wendy DeBoer introduced an amendment, adopted 32-0, that replaced the Brandt amendment with a modified version.

DeBoer said Brandt's proposal would allow dark fiber licenses in areas where customers already have several broadband providers to choose from. The licensing of a public asset should be reserved for instances in which a provider expands high-speed internet service to areas of the state that do not

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## Dark fiber licensing proposal amended, advanced

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currently have it, she said.

“We have many choices for broadband providers in Omaha,” DeBoer said, “and there are places in our state that have no choices.”

Under her amendment, dark fiber licenses would be allowed only if they are used to provide service to unserved locations, which the amendment defines as locations where broadband:

- is not available by certain technologies and at speeds of at least 100 megabits per second

for downloading and at least 20 megabits per second for uploading; and

- no internet service provider has a legal agreement to make broadband service available at those speeds.

DeBoer said the amendment also would create a process by which a provider could file a challenge with the commission alleging that a location subject to a dark fiber lease is not an unserved location.

A provider would have to file the challenge within 30 days of receiving notice of the lease, and the commission would make a determination regarding the alleged violation within 30 days. If the commission finds that the location is an unserved location, the provider filing the challenge would be barred from filing additional challenges for two years.

After adopting Brandt’s amendment on a vote of 32-0, senators voted 34-2 to advance LB61 to select file. ■



Sens. Wendy DeBoer and Tom Brandt said LB61 would make it easier for public utilities to license their dark fiber to internet providers, helping to expand broadband service to currently unserved areas of the state.

## UNICAMERAL UPDATE

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# Cash amusement device bill amended, advanced

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on the net operating revenue of each cash device. Fraternal organizations would be exempt from the annual revenue tax and revenue generated from the tax would be distributed as follows:

- 40% to the Property Tax Credit Cash Fund;
- 10% to the Nebraska Tourism Commission;
- 2.5% to the state General Fund;
- 2.5% to the Compulsive Gamblers Association Fund; and
- 20% to the Charitable Gaming Operations Fund to carry out the provisions of the bill.

The remaining 25% of tax revenue would be split between the cities and counties where mechanical amusement devices are located.

Beginning Jan. 1, 2025, the amendment also would charge an annual licensing fee of \$5,000 for manufacturers and distributors of mechanical amusement devices and an annual licensing fee of \$100 per device, up to \$5,000.

In addition, a retail establishment offering cash amusement devices would be required to generate at least 60% of their gross operating revenue from other sources. The state tax commissioner would be responsible for establishing a central server to receive accurate revenue and income reporting from cash devices across the state. Once the server is operational, each cash amusement device must be connected to it at all times.

Lowe said a number of establishments in Nebraska are operating as “de facto casinos” where the only business occurring at the location is generated through mechanical amusement devices.

“This language will allow bars, restaurants [and] gas stations ... to

continue to operate the games they have at their location while cracking down on the locations with no other business-generating revenue,” he said.

The amendment also includes provisions of LB836, which would prohibit co-branded alcoholic beverages from being sold immediately adjacent to any non-alcoholic food or drink portraying cartoons or “youth-oriented images.” The bill defines a co-branded alcoholic beverage as one that contains the same or similar brand name, logo or packaging as a non-alcoholic beverage.

Businesses with less than 2,500 square feet of retail space would be allowed to sell co-branded beverages adjacent to one another if they display a clearly visible sign stating that the beverage contains alcohol and can be purchased only by persons who are 21 or older.

“I believe [the amendment] strikes a good balance of regulatory willingness and safety while ensuring we are not putting a major burden on private businesses in Nebraska,” Lowe said.

Elmwood Sen. Robert Clements spoke in support of the bill and the amendment. He estimated the tax revenue generated by the proposal would result in \$2.5 million in property tax credits and \$1.6 million to split between cities and counties.

“[The measure is] going to be more of a statewide benefit to local entities,” Clements said, “rather than just six locations where there are casinos.”

Sen. Carol Blood of Bellevue spoke in opposition to the amendment, saying safeguards already exist to prevent underage individuals from purchasing co-branded alcohol. The branding on such alcoholic beverages does mirror their non-alcoholic counterparts, she

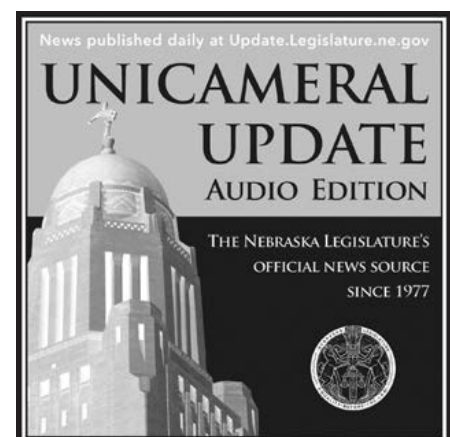
said, but cashiers are alerted when the barcode of an alcoholic beverage is scanned and they are required to verify the customer’s age.

“I worry that this is a consumer issue and ... we’re making it a morality issue,” Blood said. “Why are we involved in the marketing aspect of it?”

Speaking in support of the provision, Omaha Sen. John Cavanaugh said he understood the concerns but that the separation of hard and soft drinks at retail locations was necessary to protect consumers from confusion.

“I think we have to involve ourselves only when absolutely necessary,” Cavanaugh said. “But I do think this is a small step in ... government protection of health and safety.”

Following adoption of the committee amendment, senators voted 31-0 to advance LB685 to select file. ■



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# AGRICULTURE



## Health benefit plans for agricultural nonprofits considered

The Agriculture Committee heard testimony Feb. 13 on a bill intended to provide affordable health benefits to Nebraska farmers and ranchers.

Under LB1313, sponsored by Norfolk Sen. Robert Dover, health benefit plans that are sponsored by certain nonprofit agricultural organizations and provide benefits under a self-funded arrangement administered by a licensed third-party administrator would not be subject to insurance regulation.



Sen. Robert Dover

The organization that sponsors the plan must have been created primarily to promote programs for the development of rural communities and the economic stability of Nebraska farmers, among several other requirements.

Dover said he introduced the bill on behalf of the Nebraska Farm Bureau to provide a “family-friendly health care alternative.” He said the fully underwritten plans would provide coverage for office visits, hospitalization, preventive care, emergency room services, maternity care, mental health care and substance abuse treatment.

“The goal of LB1313 is simple: a high-quality, affordable health care option for those who want it,” Dover said.

Before providing health benefits, an organization would be required to file a certification with the state Department of Insurance verifying that the organization meets the bill’s requirements.

The risk assumed by a plan could

be reinsured by a company authorized to do business in Nebraska.

Mark McHargue testified in support of the bill on behalf of Nebraska Farm Bureau and several other agricultural organizations. Because Affordable Care Act premiums often are unaffordable for many farmers and ranchers, McHargue said, they do not purchase health insurance or rely on a spouse who works for an employer that offers those benefits.

In a 2023 survey, he said, 81% of farm and ranch members indicated that the cost of health insurance was one of their main concerns.

“There is significant need for more affordable health plans that will meet the needs of our members and, potentially, members who are not eligible for the federal health insurance subsidies,” McHargue said.

Dawn Kucera testified in support of LB1313 on behalf of the Nebraska Farm Bureau board of directors. She said the current health care insurance market discriminates against self-employed individuals and small business owners because they are not eligible for the discounted rates available under employer-sponsored plans.

Kucera said she and her husband, who operate a farm and agronomy business near Madison, pay nearly \$16,000 per year for their subsidized ACA plan and \$20,000 to \$40,000 annually in deductibles and copays. Premiums and out-of-pocket costs for an unsubsidized ACA family plan are even higher, she said.

“These high health insurance premiums and out-of-pocket costs for health care make a significant dent in our bottom line and even put our farm and agronomy business on very thin ice during years of drought or low commodity prices,” Kucera said.

She said the plans offered under LB1313, which would be priced using

preexisting conditions and individual medical underwriting, would cost 40% to 60% less than unsubsidized plans offered under the ACA.

No one testified in opposition to the bill and the committee took no immediate action on it.

## Incentives for reducing synthetic fertilizer use discussed

Nebraska farmers could receive incentives for reducing their synthetic, commercial fertilizer use and incorporating innovative technology into their farming practices under a bill considered Feb. 13 by the Agriculture Committee.

LB1368, introduced by Sumner Sen. Teresa Ibach, would adopt the Nitrogen Reduction Incentive Act, which would implement a program to incentivize farmers to switch from synthetic fertilizers to sustainable alternatives, such as nitrogen-fixing bacteria.



Sen. Teresa Ibach

The state Department of Natural Resources would administer the program, in collaboration with the state’s natural resources districts, and would provide an annual per-acre incentive to qualified farmers who verify a reduction in commercial fertilizer rates of either 25 pounds per acre for nitrogen or 15% by incorporating a qualifying product into the farm’s nutrient plans.

The bill states legislative intent to appropriate \$5 million in general funds in fiscal year 2024-25 to the department to fund the program and incentives would be capped at \$5 million annually. The incentive program would terminate Dec. 31, 2029.

Ibach said the aim of the bill is to encourage and assist farmers in

adopting “efficient and sustainable practices” that reduce nitrate contamination of groundwater.

“LB1368 isn’t just about protecting and enhancing our natural resources, which is paramount,” she said. “It’s also about retention to ensure our good life remains for the next generation.”

Under the bill, the department would be responsible for:

- reviewing the necessary commercial fertilizer reduction rate for the program biennially to determine if higher reduction targets are necessary;
- collaborating with natural resources districts to add any new technology to the program as it becomes available;
- identifying geographically beneficial target areas while keeping the program open to all farmers in the state;
- consulting with farmers and commercial entities in the agriculture industry to determine a per-acre payment rate tied to the commercial rate reduction; and
- reviewing the per-acre payment rate based on inflation or emerging technology in renewing years.

Representing the Nebraska Association of Natural Resources Districts, Lyndon Vogt testified in support of the bill. He said NRDs educate producers and farmers on best practices when utilizing fertilizer, such as proper timing, placement and amount. NRDs need additional assistance, however, to convince producers to adopt new practices, he said, which can be accomplished through either incentivization or regulations.

“In my opinion, regulations are much more expensive than incentives and, once implemented, regulations seldom go away,” Vogt said. “Financial incentives will be imperative to getting

producers to change their current practices and help protect our water quality.”

Speaking on behalf of the Full Value Agriculture initiative through the Aksarben Foundation, Hank Robinson supported the bill. Reducing the use of artificial fertilizer in corn production will help decrease its carbon intensity, he said, which increases the inventory available for producers to leverage price supports and negotiations with the ethanol industry.

Katie Torpy testified in favor of the measure on behalf of The Nature Conservancy. Many farmers in the state are advised by agronomists to apply fertilizer at a rate that will result in the highest yield, she said, which often leads to using more fertilizer than necessary, causing excess fertilizer runoff in fresh water. The bill would help farmers financially who are considering changing their operations, she said.

“Many farmers are transitioning away from pure yield optimization and require technical and financial assistance,” Torpy said. “Because current practices are deeply ingrained into Nebraska farm culture, such assistance is critical in mitigating the risk associated with this operational change.”

No one testified in opposition to the bill and the committee took no immediate action on it.



**Large commercial site development bill advanced**

Lawmakers gave first-round approval Feb. 14 to a measure intended to promote the development of “mega

sites” in Nebraska, on assurance from its sponsor that the bill would be narrowed significantly during the next round of debate.

Omaha Sen. Mike McDonnell, sponsor of LB644, said the measure would enhance the state’s competitiveness in seeking such projects by bolstering the Site and Building



Sen. Mike McDonnell

Development Fund. The bill would create a sub-fund focused on identifying, evaluating and developing mega sites, which are large areas of land with infrastructure in place meant to draw commercial and industrial projects to the state.

As introduced last session, the measure would transfer \$80 million per year from the state’s Cash Reserve Fund to the Site and Building Development Fund over the next two years, with \$100 million targeted for developing mega sites, \$50 million for developing sites pursuant to the underlying Site and Building Development Fund parameters and \$10 million for planning, identifying and evaluating sites across Nebraska.

Sen. Julie Slama of Dunbar offered an amendment during general file debate Feb. 12, adopted 30-0, that replaced the bill. Under the amendment, the state Department of Economic Development would be required to use 15.5% of the funds for projects located west of the 100th meridian in Nebraska. The 100th meridian passes through the state at Cozad.

Slama said lawmakers ran out of time last session to take up her amendment, which she said would make funds more accessible for smaller Nebraska communities. The amendment also would lower the threshold to qualify for grants, which she said

would ensure greater opportunity to use the funds outlined in LB644.

“As western Nebraska has fewer larger, urban municipalities that can apply for the funds, it would not need to be held to the same criteria as the eastern part of the state,” Slama said. “This is a great opportunity to think big.”

Sen. Mike Jacobson of North Platte supported the Slama amendment. National developers are interested in locating in Nebraska, he said, because of the state’s strong work ethic. The amended version of LB644 would ensure that western Nebraska has a chance to benefit from that interest, he said.

“You can go across the state, and we have opportunities, but particularly when you get west of the 100th meridian, what we’re really looking at is being able to make sure that that part of the state has an opportunity to utilize this funding as well,” Jacobson said.

Elmwood Sen. Robert Clements, chairperson of the Appropriations Committee, opposed the bill, saying the proposed \$160 million transfer would deplete the cash reserve down to 13% of the state’s annual expenditures. The target for that balance traditionally has been 15%, he said.

In addition, Clements said, transfers from the cash reserve of roughly \$900 million for the Perkins County Canal Project and a new state prison, which are slated for the current budget cycle, have yet to be made and will reduce the balance even further.

Sen. Lou Ann Linehan of Elkhorn also expressed concern about the size of the transfer, noting that senators appeared poised to advance LB644 with less consideration than it merited, given the size of the bill’s budgetary impact.

The Legislature adjourned for the day before taking further action on the bill.

When debate resumed Feb. 14, McDonnell said he would offer an amendment on select file to narrow the bill significantly and lower the fiscal impact to \$500,000. He said the amendment would strike the existing bill and instead authorize a study of potential mega sites and how much funding would be needed to develop those areas.

Lawmakers then voted 41-1 to advance LB644 to the second round of debate.

### **Enhanced breast cancer screening coverage proposed**

The Banking, Commerce and Insurance Committee heard testimony Feb. 13 on a measure that would change coverage requirements for screening mammography and breast examinations for Nebraska insurance providers.

Under LB1353, sponsored by Sen. Tony Vargas of Omaha, coverage of at least one contrast-enhanced mammogram would be included in insurance coverage. The bill also would require coverage of additional mam-



Sen. Tony Vargas

mograms if necessary for women 40 or older. For women with an increased risk due to a variety of factors, LB1353 would require coverage of at least one digital breast tomosynthesis, bilateral whole breast ultrasounds and diagnostic magnetic resonance imaging with additional tomosynthesis, ultrasound or imaging as needed.

Vargas said he introduced the bill to build on a measure passed by the Legislature last year that expanded breast cancer screening coverage.

“Increasing access to, and afford-

ability of, health care screenings and preventive care is personal to me,” Vargas said, noting that his mother was diagnosed with breast cancer last year. “Her life was saved ... and I believe that every woman should be able to receive that same level of care.”

Lina Bostwick, a nurse for more than 40 years, testified in favor of the bill on behalf of the Nebraska Nurses Association. The rate of breast cancer in Nebraska is in the top half of the country, she said, and rates for younger women — whose cancers often are especially aggressive and deadly — are increasing.

Passage of LB1353 would help increase early diagnosis, Bostwick said, which would save lives.

Sara Klingelhofer, who described her experience of being diagnosed with stage II cancer at 33, also testified in support. Klingelhofer said she tested positive for the BRCA gene — an inherited genetic mutation that increases one’s breast cancer risk — after her mother was diagnosed.

Klingelhofer asked for a mammogram as a result of the test, she said, and was told that she should wait six months because she was breast feeding.

“I refused to follow this plan and demanded imaging,” she said. “My oncologist told me had I waited six months, the conversation we were having that day in his office would have been palliative and preparing me for my death.”

Doug Niemann, a physician at the Nebraska Medical Center, spoke in favor of the bill on his own behalf. About half of women have dense breast tissue, he said, which makes cancer detection by mammography difficult. Approximately 25% to 40% of cancers in women with dense breasts are missed with mammography screening alone, he said.

“Mammography is good at detecting breast cancer, but we can do better,” Niemann said.

Robert Bell, executive director of the Nebraska Insurance Federation, spoke in opposition to LB1353. He said the federal Affordable Care Act prohibits cost sharing for preventive screenings, but allows it for diagnostic procedures. Removing cost sharing for follow-up visits after a screening would increase insurance costs for everyone, he said.

Also testifying against the bill was Jeremiah Blake, representing Blue Cross Blue Shield of Nebraska. The law passed by the Legislature last year that eliminated cost sharing for some types of breast cancer screening didn’t take effect until Jan. 1, 2024, he said.

“I certainly understand the desire to ensure that women have access to cancer screening,” Blake said, “and I would just humbly recommend that we wait and see how [last year’s] law is impacting cancer screening rates in Nebraska.”

The committee took no immediate action on LB1353.

## BUSINESS & LABOR

### Amateur athlete income provisions considered

The Business and Labor Committee considered a bill Feb. 12 that would make changes to state law regarding name, image and likeness income opportunities for student athletes.

LB1393, introduced by Blair Sen. Ben Hansen on behalf of Gov. Jim Pillen, would update provisions of the Nebraska Student Athlete Name, Image or Likeness Rights Act, known

as NIL. Under the bill, universities in Nebraska would be able to assist student athletes with their NIL endorsements through legal support and access to department resources, such as team facilities, equipment, social media and photographers.



Sen. Ben Hansen

The bill defines a NIL activity as one that involves the use of an individual’s name, image or likeness for commercial or promotional purposes. It would prohibit the details of a student athlete’s NIL agreement from being made public.

Hansen said educational institutions currently are limited in the support they can provide student athletes regarding NIL, and are not allowed to be proactive with their assistance.

“That is insufficient for the institutions themselves as well as the companies, fans and the student athletes,” he said. “The universities support student athletes throughout their entire college experience and it only makes sense to be able to offer direction if [athletes] ask for it when it comes to NIL.”

LB1393 also would clarify that institutions in Nebraska would be able to compensate a student athlete for the use of their name, image or likeness if allowed by a college athletic association policy change, court order or settlement agreement. Should such a policy change take place, the bill would clarify that NIL compensation of a student athlete does not inherently make the athlete an employee of the institution.

Gov. Jim Pillen testified in support of the bill, saying the proposal would give Nebraska universities a competitive advantage to help recruit young talent from across the country. The

NIL space is changing the landscape of college athletics, he said, and Nebraska has the choice to either compete or “stay on the sidelines.”

“My preference would be that we would compete,” Pillen said. “LB1393 will give Nebraska colleges and universities the tools necessary to compete to attract top talent while also, most importantly, protecting our student athletes.”

Speaking in support of the bill, Nick Henrich shared his experience as a student athlete at the University of Nebraska-Lincoln when legislative changes in 2020 authorized compensation for the use of a student athlete’s name, image and likeness.

“Football is an extremely unforgiving game and injuries ended up derailing my career and causing me to retire,” he said, “but NIL really allowed me to set myself up for the future and provided me and my family [with] more opportunities.”

No one testified in opposition to LB1393 and the committee took no immediate action.

### Bill would mandate hotel employee trafficking training

All Nebraska hotel employees would be required to undergo mandatory training on human trafficking issues under a bill considered Feb. 12 by the Business and Labor Committee.

LB1408, sponsored by Bellevue Sen. Rita Sanders, would require the state’s existing human trafficking task force to work with the state Department of Labor to develop a curriculum for the training and determine how it would be provided. The training would involve guidance on how



Sen. Rita Sanders

to identify individuals at risk, signs of human trafficking and guidance on the role of hospitality employees in reporting and responding to potential or suspected human trafficking.

The bill also would require hotels to implement procedures for reporting suspected human trafficking and a prevention policy for all employees. A hotel that is out of compliance with the bill's provisions would have 90 days to remedy violations before being placed on a list of noncompliant entities.

Finally, the measure provides that any owner, operator or employee of a hotel that "complies in good faith" would not be held liable for any human trafficking related act committed by a third party at the hotel unless the owner, operator or employee knowingly assists in the commission of the act.

Sanders said the state attorney general's office provides training that could be used to fulfill the bill's provisions at no cost to hotels and that the measure could make a meaningful difference in the state's efforts to combat human trafficking.

"Prior success rates in other states not only show the importance of this but also the need," Sanders said. "Since the release of human trafficking training in 2020, 1.2 million hotel workers [nationally] have been trained to identify and recognize the signs of human trafficking."

Katie Wright, senior director of state and local government affairs for the American Hotel and Lodging Association, testified in support of the measure. The hotel industry is leading the response to human trafficking, she said, and is committed to training its workers.

"There is no room in the hospitality industry for human trafficking," Wright said.

Speaking on behalf of the Nebraska Hospitality Association, Rich Otto also testified in support. The association appreciates that a free training already exists through the attorney general's office and that the bill allows hotels 90 days to provide the training before being listed as noncompliant, he said.

Randi Scott, representing the Nebraska Association of Trial Attorneys raised concerns about the bill's immunity provision. Speaking in opposition to the measure, she stressed the importance of upholding the right to a trial by jury and said the immunity provision would prevent an individual's peers from deciding a case and instead allow the Legislature to preemptively deny access to the courts.

"Our opposition is strictly to that provision only in the bill and not to any content or to the purpose of the bill," Scott said, adding that the association would continue to work with Sanders to make changes to that section of LB1408.

The committee took no immediate action on the proposal.



### Special ed teacher loan forgiveness considered

The Education Committee considered a measure Feb. 12 that would provide forgivable loans to certain college students in exchange for their commitment to teach in Nebraska after obtaining certification with a special education teaching endorsement.

LB964, introduced by Lincoln Sen. George Dungan, would adopt the Special Education Teacher Forgivable Loan Program Act, which the state

Department of Education would administer. University of Nebraska or Nebraska State College System students would be eligible for the program, with loans available for up to 25 students annually from each institution.



Sen. George Dungan

Loans could be used only to pay for any remaining tuition after applying all awarded federal and state financial aid grants and scholarships. Students who meet the eligibility criteria would be required to teach special education at a Nebraska elementary or secondary school within one year of graduation. Participants would need to remain employed for the equivalent number of years of loans taken, up to a maximum of five years.

LB964 also would amend the Career Scholarship Act to allow scholarship funds to be used for University of Nebraska students participating in the Special Education Teacher Forgivable Loan Program.

Dungan said the state currently has a shortage of special education teachers and a shortage of students pursuing an endorsement. Nebraska needs to develop pathways to encourage students to study special education, he said, which is the aim of LB964.

In addition, Dungan said, the program would cost approximately \$500,000 or less annually to administer in fiscal year 2024-25 and FY2025-26, which includes \$144,000 to \$250,000 in maximum total loan amounts each year plus operating costs.

"For a relatively small fiscal impact, we can make a big difference in education," he said.

Megan Pitrat, a special education teacher, testified in support of the measure on behalf of the Nebraska



State Education Association. Since the beginning of February, the department has posted nearly 50 special education job openings on its website, she said, and there simply are not enough graduates to fill those vacancies.

“We are reaching a crisis,” Pitrat said.

Spencer Head spoke in support of LB964, representing the Omaha Public Schools Board of Education. The bill would address the need for “creative and innovative” policies to recruit more special education teachers at both state and district levels, he said.

Also testifying in favor was Edison McDonald, speaking on behalf of the Arc of Nebraska. He stressed the importance of addressing special education shortages in rural schools.

“You need to balance urban and rural needs,” McDonald said. “Omaha makes the news, but that doesn’t mean that we’re not seeing that same special education crisis throughout small schools throughout the state.”

No one testified in opposition to LB964 and the committee took no immediate action on it.

**Religious protections for school employees proposed**

Nebraska school employees could express their religious beliefs while at work without punishment under a bill considered Feb. 12 by the Education Committee.

LB1034, introduced by Central City Sen. Loren Lippincott, seeks to prevent school districts from punishing employees for engaging in private religious expression while on duty at a school.



Sen. Loren Lippincott

Under the bill, staff could engage in private religious expressions such as prayer, religious

discussion or study with other employees during non-instruction time. Staff also could sponsor a student religious club or organization and assist students in planning meetings, activities and events.

Additionally, LB1034 would allow school employees to wear religious clothing, symbols or jewelry at work, as long as such items comply with the school’s dress code, and decorate desks or personal spaces with religious objects.

Lippincott said he introduced the bill in response to the 2022 U.S. Supreme Court ruling in Kennedy v. Bremerton School District, which was decided in favor of Joseph Kennedy, a former football coach in Bremerton, Washington.

Kennedy sued the public school district for placing him on administrative leave after defying directives to stop leading his team in mid-field prayers immediately after games. The Supreme Court ruled that the First Amendment protected Kennedy’s conduct. Lippincott said passing LB1034 into state law would align Nebraska law with the Supreme Court’s ruling.

“I want to make sure that we have our rights spelled out so that this does not happen again – or happen in our state,” he said.

Testifying in support of the measure was Nate Grasz, speaking on behalf of the Nebraska Family Alliance. He said the current lack of clarity for school districts regarding religious freedom could lead to restrictions on speech and religious expression for public school employees.

LB1034 makes clear that a school district retains the ability to maintain order and discipline on school grounds, Grasz said, and protects the rights of students, employees and visitors.

“This [bill] is about private religious

expression that is noncoercive and protected by the First Amendment,” he said.

Marion Miner also testified in support of the measure on behalf of the Nebraska Catholic Conference. In recent years, he said, religious liberty has been interpreted as specifically the freedom to worship, which is a “narrow, mistaken view.”

“Religious liberty must entail the ability to live out one’s faith in day-to-day life activities,” Miner said.

Abbi Swatsworth, speaking on behalf of OutNebraska, testified in opposition to the proposal. While the First Amendment protects freedom of religion, she said, it also protects freedom from religion. She also warned that allowing school staff to practice their faith at school openly could harm LGBTQ students.

“We’ve heard directly from too many students across the state that their school bullies are not other students – but instead, teachers and administrators who refuse on religious grounds to honor their identities,” Swatsworth said.

Joy Kathurima, representing ACLU Nebraska, also testified against LB1034, saying the proposal would allow school staff to impose prayer on students or “proselytize” to them unconstitutionally. Kathurima said the Supreme Court made clear in its ruling in the Kennedy case that limitations remain in place on religious activity by school employees while on duty or interacting with students.

The committee took no immediate action on the bill.

**Providing menstrual products in schools proposed**

Nebraska school districts would be required to provide menstrual products and dispensers in all middle

and high school girls' bathrooms and locker rooms under a proposal considered Feb. 12 by the Education Committee.

LB1050, introduced by Lincoln Sen. Danielle Conrad, would take effect at the start of the 2025-26 academic year. The state Department of Education would distribute the products to school districts and create a formula to determine the amount of menstrual products needed in each public school building.



Sen. Danielle Conrad

In recent years, the Legislature has made progress regarding menstrual equity, Conrad said, including removing the state sales tax on menstrual hygiene products and ensuring their availability for incarcerated women and girls. In spite of those gains, she said, she spoke with many families at a volunteer event who said they struggle to provide menstrual hygiene products for their children, which can affect their ability to participate in school.

"I think this measure is really important to bring forward – to raise awareness, to reduce stigma and to increase equity," Conrad said.

Cassidy Bell, a Lincoln East High School senior who worked with Conrad to introduce LB1050, testified in support of the bill. She said before becoming a menstrual equity advocate, she was taught that discussing menstruation was indecent, inappropriate and embarrassing. Not having those conversations, however, will not help meet women's needs, she said.

"Once female students hit puberty, we're given this insurmountable task of being our own nurses and our own janitors," Bell said. "And because we don't talk about it, we girls never say to each other, 'Maybe it doesn't have

to be like this.'"

Also testifying in support of the bill was Mindy Diller, a middle school teacher who spoke on behalf of the Nebraska State Education Association. One in four students experience period poverty, she said.

"Without period products, students are more likely to miss school," Diller said. "By providing tampons and pads, schools can reduce absenteeism, ensuring that students do not miss out on valuable education."

Archita Raj, an Elkhorn South High School student, also testified in favor of the proposal. Providing menstrual hygiene products at school would help all students, she said, because it would eliminate the anxiety and embarrassment associated with having to take hygiene products into the bathroom discreetly.

"Numerous times, I have felt the anxiety of rummaging through my backpack and stuffing a tampon up my sleeve because I'm ashamed someone might find out that I started my period," Raj said. "It sounds trivial, but those who menstruate understand just how much of a relief it would be to simply be able to go to the restroom, get a product and come back [to class]."

No one testified in opposition to LB1050 and the committee took no immediate action on it.

**Elimination of tenure at public colleges, universities proposed**

A bill that would prohibit the future use of tenure for professors at Nebraska's public postsecondary institutions was considered Feb. 13 by the Education Committee.

LB1064, introduced by Central City Sen. Loren Lippincott, would eliminate tenure protection for professors at the University of Nebraska,

the Nebraska State College System and the state's community colleges.

Under the bill, the University of Nebraska Board of Regents, the Board of Trustees of the Nebraska State College System and community college boards of governors would be required to replace tenure with "employee agreements" with faculty, which would consist of:

- annual performance evaluations;
- minimum standards of good practice;
- standards for review and discipline;
- acceptable grounds for termination; and
- procedures for dismissal for cause, program discontinuance and financial exigency.

Lippincott called tenure a "unique quirk" of higher education that protects professors from termination in ways that are uncommon in other professions. Universities have prioritized the protection of faculty over students, he said, resulting in less focus on a professor's performance and merit.

"The goal is not to stifle academic freedom," Lippincott said. "The goal is to put benchmarks in place and allow for more transparency."

Linda Vermooten of Bellevue testified in support of the measure. While tenure initially was good policy, she said, some professors now delegate much of their work to graduate students and teaching assistants.

"The number of hours that they would be putting in – they are actually delegating to someone else – and yet getting paid for that," Vermooten said.

William Forbes of Paxton also testified in support of LB1064, saying conservative voices have been stifled



Sen. Loren Lippincott

at universities across the country. He pointed to a 2017 incident at the University of Nebraska-Lincoln where faculty members protested a recruitment event organized by Turning Point USA, a conservative student group.

“We need to protect these students and their right to free speech and to speak what their minds are, rather than those professors trying to perpetuate their point of view on those students,” Forbes said.

Chris Kabourek, interim president of the University of Nebraska System, testified in opposition to the bill. Tenure is something that takes time and significant work to earn, he said, and banning it would severely hinder the university’s ability to compete nationally by making it more difficult to recruit and retain faculty and students.

“Eliminating tenure would tie both our hands behind our backs at the very time our university is setting high aspirations to compete with the best of the best,” Kabourek said.

Christopher Exstrom, a professor and president of the faculty senate at the University of Nebraska at Kearney, opposed the measure on behalf of faculty senates at all University of Nebraska campuses. He said that receiving tenure was a peak accomplishment in his career and keeps him motivated to continue serving the university.

“In short, I invest in the long-term success of my university because my university made a long-term investment in me,” Exstrom said.

Former University of Nebraska-Lincoln professor John Bender, speaking on behalf of the Academic Freedom Coalition of Nebraska, also opposed the bill. He said there already are measures in place to hold tenured professors accountable.

While a professor at UNL, Bender said he witnessed accountability measures in action firsthand, including

annual reviews. Due to those reviews, some professors were denied tenure and others were terminated from their positions, he said.

Paul Turman, Chancellor of the Nebraska State College System, also testified against the proposal. He said prohibiting tenure would hurt the ability of state colleges to recruit faculty, which already is challenging because of competition for talent from other institutions.

“Tenure is extremely important for our ability to retain and recruit faculty, especially to rural areas of the state,” Turman said.

The committee took no immediate action on LB1064.

### **Prohibition on DEI programs, offices considered**

The Education Committee considered a measure Feb. 13 that would prohibit the use of public funds for diversity, equity and inclusion offices and programs at the state’s public colleges and universities.

LB1330, introduced by Glenvil Sen. Dave Murman, would bar any public postsecondary educational institution from requiring staff to participate in DEI programs or to spend public funds on any such program.



Sen. Dave Murman

The bill defines a DEI program as one that requires employees to participate in or attend a training, orientation, workshop, therapy session or similar activity that addresses:

- structures, systems, relations of power, privilege or subordination based on race, sex, color, gender, ethnicity, gender identity or sexual orientation;

- methods to identify, dismantle or oppose any such structure, system, relation of power, privilege or subordination;
- differential treatment or benefit based on race, sex, color, gender, ethnicity, gender identity or sexual orientation; or
- a variety of theories including unconscious or implicit bias, cultural appropriation, allyship, systemic oppression, ethnocentrism, structural racism or inequity, social justice, gender identity or racial or sexual privilege.

Additionally, the bill would allow a public postsecondary institution employee to bring action against the institution and seek injunctive relief if required to participate in a DEI program or training.

Murman said the University of Nebraska has faced budget shortfalls recently, resulting in significant cuts to academic degree programs and departments such as theater at the University of Nebraska at Kearney. Eliminating all funding to DEI programs and offices would save money and could prevent the elimination of additional academic programs, he said.

“No doubt some hard decisions are going to have to be made, but the good news is today we have a partial solution [in] ending funding to the DEI departments,” Murman said.

Speaking on behalf of Nebraska Taxpayers for Freedom, Doug Kagan testified in support of the proposal. DEI programs are exclusionary, he said, because they hinder diversity of viewpoints and political beliefs — especially conservative ones.

“Instead of encouraging a cooperative atmosphere of togetherness, [DEI] teaches people to exclude those who do not share their perspectives on diversity and other issues,” Kagan said.

Ethan Friedman, a freshman at the University of Nebraska-Lincoln, also spoke in favor of LB1330. He expressed support for diversity on campus but also raised concerns that DEI programs stifle the exchange of ideas and narratives among students and faculty.

“Education should be about free thought and promoting a marketplace of ideas, not about getting individuals to believe ideas without such debate and discussion,” Friedman said.

Ricki Barber, representing the Lincoln Branch NAACP, testified in opposition to the measure. He said the bill’s passage could draw scrutiny and negative media attention to the state’s flagship university while also hurting its ability to recruit athletes and remain competitive in sports.

“When we evaluate LB1330 through an athletic lens, we should remind ourselves that the transfer portal is a real thing,” Barber said. “Our Black athletes, in particular, are watching.”

Also testifying in opposition was Regina Werum, a sociology professor at UNL who spoke on her own behalf. The bill likely would violate the Americans with Disabilities Act, she said, and the Nebraska Constitution, which delegates university governance to the board of regents and not the Legislature.

Additionally, Werum said, the bill could impact the University’s ability to grow enrollment and serve diverse groups of students if faculty and staff are unable to understand those students.

UNL student Vivianne Clark testified against LB1330. Originally from Ohio, Clark said one of the major reasons she chose to attend UNL was her positive experience with the Office of Academic Success and Intercultural Services, or OASIS, and the diversity

office. Both have helped to create a welcoming and united campus culture, she said.

“It can be easy to feel lost at a big school, especially if your identity is overlooked or devalued,” Clark said. “Our campus actively benefits from funds dedicated to OASIS and the Office of Diversity and Inclusion because they make people feel seen.”

The committee took no immediate action on LB1330.

## EXECUTIVE BOARD

### Proposals would clarify legislative oversight office duties, create special committee

The Executive Board considered two measures Feb. 14 that were introduced in response to a 2023 attorney general’s opinion that cast doubt on the constitutionality of legislative oversight offices.

The status of the Office of Public Counsel and the offices of Inspector General of Nebraska Child Welfare and Inspector General of the Nebraska Correctional System have been in question since the attorney general issued his opinion in August of last year.

Speaker John Arch of La Vista introduced two measures designed to restore the offices’ access to the people, records and facilities needed to carry out their oversight of the state’s child welfare and corrections systems. That access was removed by the executive branch following the attorney general’s opinion, he said.

Arch described the two proposals as

“separate but intertwined” – not only with each other, but with a memorandum of understanding that was signed by representatives of the legislative and executive branches hours before the public hearing. The MOU will restore access for the offices for two years, he said, during which time the Legislature will carry out a study of its oversight functions under LR298 and implement any recommended changes.

That measure would create the Legislative Oversight Review Special Committee of the Legislature. Members would include the speaker, chairpersons of the Executive Board, Judiciary and Health and Human Services committees, two at-large members of the Executive Board and three at-large members of the Legislature.

The committee would study the structure and organization of current legislative oversight functions that exist within legislative divisions and offices. The committee also could study oversight conducted by statutorily created boards and commissions in Nebraska and the legislative oversight functions of other state legislatures.

The committee would issue a report and any recommendations no later than Dec. 15, 2024, and would terminate Dec. 31, 2024.

Arch said the Legislature’s oversight role is “complex and multifaceted,” and that a holistic evaluation such as the committee could provide is needed. To date, oversight often has been in response to critical incidents, he said, such as the state’s troubled attempt to privatize child welfare or deaths in prison facilities.

“The concern is that if we simply address the immediate issue of the inspectors general, we will need to return and address the additional, broader issues of other legislative oversight functions again in the near term,” Arch said.



Sen. John Arch

LB1321, also sponsored by Arch, would transfer the statutes that govern the offices to another chapter of state law that governs legislative functions in order to clarify their roles. It also would make a number of other changes, including eliminating oversight of juvenile probation from the OIG for Child Welfare. Arch noted, however, that he filed an amendment to the bill that would restore that oversight.

Julie Rogers, the state’s public counsel, testified in support of the proposal. Prior to the attorney general’s opinion, she said, the office – which was established in 1971 – had never been denied information needed to carry out its duties.

“We are anxious to get back to our important, independent work for the Legislature and for the public,” Rogers said.

Inspector General of Child Welfare Jennifer Carter also spoke in favor of the bill, saying her office previously had a productive relationship with the state Department of Health and Human Services. Since the attorney general’s opinion, however, the office has stopped receiving notifications of death or serious injuries in the child welfare system, she said.

“Our ability to provide the review and accountability we were tasked with by the Legislature has been significantly hindered,” Carter said.

Other testimony focused on the provision in LB1321 as introduced that would remove oversight of juvenile probation from the OIG of Child Welfare.

Corey Steel, Nebraska state court administrator, supported the proposal. Youth under probation supervision are not in the state’s custody, he said, and therefore should not be subject to oversight by the OIG, which is tasked with oversight of state wards.

Steel echoed the attorney general’s

assertion that such oversight of one branch of government by another would be unconstitutional.

“The independence of the judiciary is the fundamental element of our government,” he said. “Judges must be free to adjudicate youth under their jurisdiction without threat of investigation by another branch of government.”

A number of members of law enforcement testified in opposition to the bill as introduced, based on that same provision, including Patrick Dempsey, representing the Omaha Police Officers Association.

Dempsey said there is a “critical need” for enhanced transparency and oversight in the state’s juvenile probation system. The judicial branch has failed to provide law enforcement with probation data, he said, which compromises their ability to uphold public safety.

The committee took no immediate action on either proposal.



**Medicaid prenatal program amended, advanced**

Lawmakers gave first-round approval Feb. 13 to a bill that seeks to provide support for low-income Nebraska mothers who are at risk for adverse birth outcomes.

LB857, as introduced by Lincoln Sen. George Dungan, would create the Nebraska Prenatal Plus Program to cover the cost of prenatal and post-



Sen. George Dungan

partum services for at-risk mothers. The bill defines an at-risk mother as a woman who is eligible for Medicaid or the Children’s Health Insurance Program who is pregnant or in the postpartum period and determined by a health care provider to be at risk of having a negative maternal or infant health outcome.

A Health and Human Services Committee amendment, adopted 45-0, replaced the bill. The amendment would limit the program to prenatal services for Medicaid recipients. The state Department of Health and Human Services would be responsible for filing a state plan amendment or waiver to authorize the program no later than Oct. 1, 2024.

The department would be required to submit an annual report to the Legislature beginning Dec. 15, 2024, regarding the number of mothers served by the program, services offered and birth outcomes. The amendment also would add funding for the program as an authorized use of the Medicaid Managed Care Excess Profit Fund.

Services eligible for reimbursement under the program would include nutritional counseling, psychosocial counseling and support, general client education and health promotion, breastfeeding support and targeted case management.

Nebraska Medicaid currently offers a “fairly robust” package of prenatal services, Dungan said, but certain services that are especially important for at-risk mothers, such as those outlined in the bill, are not covered. He said LB857 would expand coverage while also ensuring that current services continue to be reimbursed.

Dungan said a 2001 study conducted on a similar program in Colorado found significant cost savings to the state’s Medicaid program and an immediate increase in birth weights among

mothers on the program. Implementation of the Prenatal Plus Program in Colorado showed that for every dollar invested in the program, there was a Medicaid savings of \$2.48, he said.

“We know that if we [fund] these upstream investments, there’s not the same downstream negative effects,” Dungan said.

Elmwood Sen. Robert Clements introduced an amendment to the committee amendment to sunset the program on June 30, 2028. He said the change would allow future legislators to evaluate the success of the program before allocating continued funding.

“When a new program starts, I think it should be a pilot program,” Clements said. “After four years ... we should be able to have an idea if [the program] is successful.”

Speaking in support of the bill and both amendments, Ralston Sen. Merv Riepe said the program would help promote healthy lifestyles for expectant mothers.

Seward Sen. Jana Hughes spoke in support of LB857 and the committee amendment, but expressed concerns that the proposed sunset date would not allow enough time to fully implement the program and see its true impact.

There are approximately 2,600 preterm births in Nebraska every year, Hughes said, and over half of those births occur in families who would qualify for assistance under the Prenatal Plus Program.

“Why would we only want to help mothers and babies at risk for a couple of years and then take it away?” Hughes asked. “We can spend a smaller amount of money now and prevent adverse outcomes that can have a lifetime of consequences [for] kids as they grow.”

Senators voted 25-15 to adopt the Clements amendment and advanced LB857 to select file on a 45-0 vote.

### Transitional health care for homeless adults advanced

A bill that would provide short-term housing with supportive medical services for eligible adults experiencing homelessness advanced from general file Feb. 15.

LB905, introduced by Ralston Sen. Merv Riepe, would require the state Department of Health and Human Services to apply for a Medicaid waiver or state plan amendment with the federal Centers for Medicare and Medicaid services by Jan. 1, 2025, to designate two medical respite facilities for homeless individuals in Nebraska.



Sen. Merv Riepe

The facilities – one located in a primary class city and the other in a metropolitan class city – would be reimbursed for services to qualified individuals. Lincoln is the state’s only primary class city and Omaha is the only metropolitan class city.

Riepe said LB905 would be a proactive step toward addressing the health care needs of the state’s homeless population while also demonstrating fiscal responsibility. Eleven other states have implemented similar programs, he said, resulting in a reduction in hospital stays, readmission rates and the cost of care.

One study found that every dollar spent on medical respite care programs results in \$1.81 in savings, Riepe said.

“By investing in medical respite care, we not only uphold our duty to provide compassionate care to those in need,” he said, “but also stand to realize cost savings [to] the state.”

Lincoln Sen. Anna Wishart spoke in support of the proposal, saying

recent sub-zero temperatures across Nebraska further highlighted the needs of homeless residents. She said long-term exposure to extreme elements can result in frequent health care challenges that require an emergency care setting.

“[LB905 is] an opportunity for us to make a commitment to those who are unsheltered in our community that they will be provided evidence-based medical services for the length of time that they truly need to heal,” Wishart said. “During that time, [they also will] be connected with housing options, job options, sobriety support and other types of essential services that can help somebody get onto their feet.”

Senators advanced the bill to select file 38-0.

### Prescription drug donation program clears first round

Nebraska would establish a program to allow the donation of prescription drugs under a bill advanced from general file Feb. 14.

LB1035, sponsored by Sen. Jana Hughes of Seward, would require the state Department of Health and Human Services to create a prescription drug donation program that permits voluntary donations and the dispensing of qualifying prescription drugs.



Sen. Jana Hughes

Hughes said she introduced the bill after a constituent told her of the struggle to keep her late father’s prescription drugs from going to waste.

Nebraska currently has a drug take-back program, she said, but not a donation program. Hughes said the state spends approximately \$500,000 to collect and dispose of an average of 30,000 pounds of prescriptions annu-

ally under that program – medication that otherwise could be donated.

LB1035 instead would allow qualifying unused medication to be diverted to Nebraskans who cannot afford their medication, she said, including individuals who are transitioning out of the state’s justice system.

“LB1035 can help those who presently fall through the cracks in accessing their prescriptions,” Hughes said.

Under the bill, medications could be donated by individuals or entities, including manufacturers or health care facilities. Donations must:

- undergo inspection prior to donation;
- be in original, unopened, sealed and tamper-evident packaging;
- bear an expiration date more than six months after the donation date, except in limited cases; and
- not be restricted for distribution by the U.S. Food and Drug Administration.

Hughes offered an amendment, adopted 34-0, that replaced the bill. Under the amendment, Nebraska would partner with Iowa’s donation program, which she said would significantly reduce the cost to the state.

“We don’t have to reinvent the wheel here,” Hughes said, adding that Iowa’s program has been in place since 2007.

Ralston Sen. Merv Riepe supported the bill and the amendment, which he said would keep prescription drugs out of landfills and provide needed medications to low-income Nebraskans.

Sen. George Dungan of Lincoln also spoke in support of the proposal. LB1035 fits the “theme” of the 2024 legislative session, he said, by focusing on measures that benefit a large number of people while also saving taxpayer dollars.

Following adoption of a second technical amendment from Hughes on a 34-0 vote, senators advanced the bill to select file 34-0.

### Hospital assessment program clears first round

A bill intended to increase Medicaid payments to Nebraska hospitals without the use of additional general fund dollars was amended and advanced to select file Feb. 15.

LB1087, introduced by North Platte Sen. Mike Jacobson, would require the state Department of Health and Human Services to submit a state plan amendment to the Centers for Medicare and Medicaid Services for approval to impose an assessment on Nebraska hospitals.



Sen. Mike Jacobson

Under the plan, each Nebraska hospital would pay an assessment fee based on their quarterly net patient revenue. The total statewide assessment amount could not exceed 6% of the total net patient revenue of all assessed hospitals.

Jacobson said the bill would allow Nebraska to access a federal program used by 43 other states and the District of Columbia that provides matching funds to help hospitals cover the cost of treating individuals on Medicaid.

For each dollar assessed under the program, he said, the federal match in Medicaid directed payments would be approximately \$2.19 – a total of approximately \$1 billion per year. Those dollars would be distributed to Nebraska hospitals based on their share of Medicaid patients treated in both inpatient and outpatient settings.

The majority of Nebraska hospitals are losing money on operations, Jacob-

son said, including 59% of small, rural critical access hospitals. Several of those hospitals have closed labor and delivery units, hospital-owned nursing homes and behavioral health, hospice and home health services, he said.

“[LB1087] presents a lifeline to Nebraska hospitals and the people they serve,” Jacobson said. “If passed, this bill would increase and improve access to quality care across the state and give us measurable results for all Nebraskans.”

A Health and Human Services Committee amendment, adopted 39-0 replaced the bill. The contents of that amendment were in turn replaced by an amendment offered by Jacobson and adopted 34-3.

As amended, LB1087 would be administered by DHHS, which would receive an administration fee of 3% of the assessment amount, not to exceed \$15 million. Of the total assessed amount, 3.5% could be used for health priorities including funding non-hospital Medicaid rates for physicians, dental care, behavioral health services or increased rates for nursing homes, among other priorities. That amount would be capped at \$17.5 million annually.

The amendment also would eliminate the bill’s original fiscal note of more than \$400 million by changing the timing mechanism for how Medicaid directed payments would be paid to the state’s hospitals and would terminate the program Dec. 31, 2026.

Jacobson said the termination provision was part of a negotiation between the state’s hospitals and the executive branch.

Several lawmakers, including Sen. Myron Dorn of Adams, expressed concerns about the sunset date, noting that it might not provide the state enough time to establish such a complex program and have sufficient

data to evaluate it properly.

“When we set in motion a program like this, especially ... a Medicaid program, it’s not one where tomorrow we turn a switch on [and] now it’s up and going,” Dorn said. “It’s going to take time.”

Sen. Danielle Conrad of Lincoln echoed those concerns when explaining her vote against the Jacobson amendment. She said she strongly supported the underlying bill – calling it a “commonsense” solution to the challenges facing the state’s hospitals – but warned against ceding control over programs that the Legislature creates by giving “too much deference” to the executive branch.

“[The amendment] unnecessarily and needlessly weakens a really smart, strong policy solution that essentially there is very, very strong support for,” Conrad said.

Jacobson agreed with those concerns, but said the sunset provision was negotiated “in good faith” and that he intended to keep his word.

“Do I agree with the sunset? No,” he said.

Sen. Ben Hansen of Blair supported the sunset provision. States rarely discontinue a program once it’s established, even if the federal government alters program requirements in ways that lawmakers disagree with, he said.

“I’ll bet the farm on it that ... we’re not going to give up that money,” Hansen said. “This is a growing concern I’ve had for the six years that I’ve been here.”

Following adoption of the amendments, lawmakers voted 40-0 to advance LB1087 to select file.

### **Medicaid coverage for doulas proposed**

The Health and Human Services Committee heard testimony Feb. 14

on a bill that would provide Medicaid coverage for doula services in Nebraska.

LB1278, sponsored by Omaha Sen. Terrell McKinney, would require the state Department of Health and Human Services to provide Medicaid coverage for doula and full spectrum doula services, beginning no later than Jan. 1, 2026.



Sen. Terrell McKinney

The bill defines a doula as a trained companion who supports another individual and their family through a significant health-related experience. A full spectrum doula is defined as a trained companion who provides emotional, physical and informational support for individuals before, during and after labor and birth.

The bill also would require DHHS to establish a workgroup of stakeholders and experts to develop an implementation plan by Oct. 1, 2025, that includes provider reimbursement rates and core competencies required for a doula to qualify for reimbursement. There currently is no mandatory licensure or credentialing requirements for doulas to practice in the United States.

McKinney said doula support during pregnancy has been linked with significant improvements in maternal and infant health outcomes. Doula assisted mothers were four times less likely to have a baby with low-birth weight, two times less likely to experience a birth complication and significantly more likely to initiate breastfeeding, he said.

Despite improvements in prenatal care, McKinney said, mortality rates among Black and Indigenous pregnant people and infants are still two to three times higher than those for white pregnant individuals.

“Doula support is ... a well-researched and evidence-based pathway to improve pregnancy outcomes and experiences,” McKinney said. “Increasing use of doula services is an important strategy to improve equity in maternal health care outcomes.”

Shanika King, a full spectrum doula and co-founder of A Mother’s Love, testified in support of LB1278. She said connecting birthing individuals with culturally specific doulas could help lessen the impact of systemic racism and improve maternal health outcomes.

“Due to a lack of resources and awareness about maternal health in our communities, mothers are dying,” King said. “When you have [cultural] knowledge ... it makes a better birthing experience.”

Bryonna Ward also testified in support of the proposal. Ward said her doula was able to provide critical support as she made life or death decisions for herself and her child. Ward said having a doula saved her life.

“As a Black woman with a deep understanding of the gap in maternal health care and disparities ... I knew that having a doula was deeper than having a birth companion,” Ward said. “It was about choosing life for me and my unborn child.”

Executive director of I Be Black Girl Ashlei Spivey spoke in favor of the proposal. A report from the March of Dimes found the U.S. to be the least safe developed country to birth a child, she said, and Nebraska has the 11th highest rate of maternal mortality in the country at 28%.

“There are accessible interventions that allow for people, especially Black people, to not only live through their birthing experiences, but thrive,” Spivey said. “Full spectrum doulas can disrupt [a] family’s experience of harm, mistreatment and adverse health outcomes by acting as an advocate while enhancing



feelings of agency, security and respect.”

Joyce Dykema testified in opposition to LB1278 on behalf of the Douglas of North America board of directors. Although supportive of Medicaid expansion to cover doula services, she said, the board expressed concern that the definitions of a doula and full spectrum doula outlined in the bill do not align with widely recognized definitions of such services.

“The inaccurate definition of doula in LB1278 is so broad it could include minimally trained support for any number of health-related experiences outside of pregnancy,” Dykema said. “The likelihood of exploitation due to the ambiguous, misleading and incorrect definitions of doulas is high, putting extra strain on Medicaid dollars.”

The committee took no immediate action on the proposal.

## JUDICIARY

### Syringe services bill amended, advanced

Senators amended and gave second-round approval Feb. 14 to a bill that would protect public or behavioral health programs and pharmacies from prosecution for drug paraphernalia offenses when distributing clean, hypodermic needles to community members.

LB307, introduced by Omaha Sen. Megan Hunt, would allow local jurisdictions to permit public and behavioral health organizations to implement Syringe Services Programs by exempting staff and participants from drug parapher-



Sen. Megan Hunt

nal prosecution.

SSPs provide many services, Hunt said, including referrals to substance abuse treatment programs, care for infectious diseases, overdose prevention, education on safe injection practices and supplies to prevent overdoses.

La Vista Sen. John Arch offered an amendment during select file debate that he said would incorporate changes suggested by the Nebraska Medical Association to “tighten” the bill’s language and ensure that such programs work as envisioned.

Among other provisions, the amendment would specify that only the governing body of a political subdivision could approve an SSP and would prohibit a county ordinance from authorizing a program for a municipality within its borders. Arch said the language would ensure local control.

The amendment also outlines minimum requirements that a program must meet, including providing naloxone, or information on where it can be obtained, and referral information for mental health and other social services. In addition, an approved SSP could not be located within 500 feet of a child care program, school or youth center or a public library, community center or swimming pool.

Arch said communities could place further restrictions on syringe programs, but that he wanted the state to provide minimum guidelines. As amended, he said, the bill would help communities address the reality of addiction.

“We all would like to see drug abuse go away. It’s a scourge,” Arch said. “[But] it is not going to go away — it’s something we have to deal with.”

Hunt supported the amendment, which she said would codify best practices for syringe programs. Nebraska has been a national leader in confronting the opioid crisis, she said,

and LB307 would continue the state’s tradition of creating public policy on addiction issues that is informed by experts in the field.

Following adoption of the Arch amendment on a 31-3 vote, lawmakers advanced LB307 to final reading by voice vote.

### Bill aims to aid victims, curb online explicit content

A bill that would expand current law to aid minors and victims of sex trafficking and sexual assault who have been exploited through online explicit content was considered Feb. 14 by the Judiciary Committee.

LB1096, introduced by Omaha Sen. Christy Armendariz, would expand the Uniform Deceptive Trade Practices Act to classify the manufacture, production, publication, distribution or public availability of any visual depiction of sexually explicit conduct, obscene material or material that is harmful to minors as a deceptive trade practice.



Sen. Christy Armendariz

Armendariz said the bill would allow the state attorney general’s office to pursue bad actors on the internet through civil action. The bill also would allow for recovery of up to \$4,000 per violation, as well as injunctive relief, she said.

“LB1096 allows protection beyond the geographic limits of current criminal jurisdictions to reach the world’s most prolific purveyors of exploitation of children and sex trafficking victims,” she said.

Bebe Strnad, chief of the Consumer Protection Bureau in the Nebraska Attorney General’s Office, spoke in support of the bill. In today’s digital

world, sexual assault and sex trafficking survivors are retraumatized when content depicting their assault or trafficking is posted online, she said. It often takes a significant amount of time and money to remove such content from websites, she said, and sometimes the situation is never resolved.

“The burden should not be on survivors to prevent further exploitation,” Strnad said. “They have endured enough.”

Also testifying in support of LB1096 was Ivy Svoboda, representing the Nebraska Alliance of Child Advocacy Centers. She said Project Harmony, a child advocacy center in Omaha, and the Omaha Police Department together investigated and confirmed 34 cases of juvenile sex trafficking in the Omaha-metro over the past year.

Juvenile victims of sex trafficking often are marketed online, Svoboda said, and 59,000 commercial sex trafficking ads were found in the Omaha-metro area in 2023, many featuring juveniles.

Julie Shrader also testified in favor of the bill on behalf of Restored Wings, a nonprofit that supports individuals who have been trafficked. The passage of LB1096 could help “stem the tide” of trafficking and return a “sense of self worth, independence and humanity” to survivors, she said.

No one testified in opposition to the bill and the committee took no immediate action on it.

## REVENUE

### Bill would authorize local revenue sources for good life districts

Cities could use local tax revenue to pay for the development of special

districts intended to attract out-of-state visitors to new retail, entertainment and dining opportunities under a bill heard Feb. 14 by the Revenue Committee.

The Legislature last session passed the Good Life Transformational Projects Act, which authorizes the state Department of Economic Development to approve applications for “good life districts” that meet certain thresholds related to investment and job creation. Transactions within a district are subject to a reduced state sales tax rate of 2.75 percent.

Sen. Lou Ann Linehan of Elkhorn, sponsor of LB1374, said the bill would allow cities to help a developer finance projects inside a district with local tax revenue, ensuring that “game-changing” projects can move forward.



Sen. Lou Ann Linehan

“The scale, the ambition, the incredible impact of these projects is exactly what we wanted from last year’s bill and is why I introduced [LB]1374,” Linehan said.

Under the bill, a city could – with voter approval – establish an economic development program for an area of the city included in a good life district and appropriate local sources of revenue to pay for certain development costs, including the construction of public and privately owned real estate.

A city could impose a new local option sales and use tax and a business occupation tax within the district to pay for a program. It also could use a portion of the local option sales and use tax cities are allowed to collect under current law.

A city also would be authorized to finance a program by issuing bonds that would be payable from the local

sources of revenue.

Additionally, Linehan said, LB1374 would extend the duration of a good life district to 30 years from 25, expand a district’s maximum size from 2,000 to 3,000 acres and allow a district’s boundaries to change over time.

Rodney Yates, owner and operator of Nebraska Crossing in Gretna, testified in support of the bill. Yates, member of an LLC whose application for a good life district in the same area recently was approved by the state, said the district is projected to attract up to 18 million tourists per year, generate more than \$2 billion in annual retail sales and create 40,000 jobs.

He said developers and USA Volleyball are close to reaching an agreement to relocate the organization’s olympic athletes, as well as its corporate and training staff, to a proposed \$150 million facility in the district. Developers also are in preliminary talks with the NHL to bring a franchise to the area, Yates added.

Also in support was John Cook, head volleyball coach at the University of Nebraska. He said relocating USA Volleyball to Gretna is a “beautiful opportunity” in line with the sport’s ever-increasing popularity in Nebraska.

The proposed volleyball facility also could host youth sports tournaments that would draw visitors from around the region, Cook said.

Testifying in opposition to LB1374 was Mike Rogers, a bond attorney whose firm represents cities with proposed good life districts, including Gretna. He said certain provisions conflict with the U.S. and Nebraska constitutions by proposing to give a private developer sole discretion over which properties are included in a district and therefore subject to different tax rates.

Gretna and other cities would support the bill if those provisions are

removed, Rogers said.

Also in opposition was Laura McAloon, Grand Island city administrator. She said the city plans to create a good life district encompassing the state fairgrounds, a downtown business district, a new rail park and a future facility that could make central Nebraska a tourist destination.

“Without the unconstitutional language ... we would be 100% behind this bill,” McAloon said. “We want a local option sales tax authority.”

Angie Lauritsen of Gretna also testified in opposition. She said Gretna residents and nearby landowners are concerned about the scale of the proposed development and the city’s associated water, sewer and other infrastructure costs.

The committee took no immediate action on the bill.

## TRANSPORTATION & TELECOMMUNICATIONS

### Broadband infrastructure permitting rules discussed

The Transportation and Telecommunications Committee heard testimony Feb. 12 on a proposal that would cap fees and set deadlines for permitting the installation of broadband internet infrastructure on certain utility poles and towers.

Under LB1112, introduced by Elmwood Sen. Robert Clements, counties, cities and other local governing entities that require a permit for the placement of communications infrastructure on public or private



Sen. Robert Clements

utility poles and towers located in their jurisdiction could charge an application fee of no more than \$100 and a permit fee of no more than \$250.

Clements said some counties have partnered with consultants that charge as much as \$16,000 and take as long as nine months to review applications to install broadband equipment, limiting the number of providers that might otherwise serve those locations.

Under LB1112, local governments could not allow a third-party reviewer to assess any charges to an applicant. Cities and counties that contract with a third-party reviewer would be required to pay for those services.

The bill also would require a local governing entity to publish certain information on its website. In addition to the application form, it would have to publish the application and permit fees, the schedule for processing and reviewing applications and issuing permits, the criteria and standards used in determining the approval or denial of an application and other information.

Local governing entities also would be required to confirm receipt of an application within five business days and approve or deny it within 30 days – 40 days if the review period is extended due to an incomplete application. If the county or city does not approve or deny the application by the deadline, it would be deemed approved.

Aaron Clark testified in support of LB1112 on behalf of Nextlink Internet. He said the bill would set clear expectations for telecommunications companies, provide them with a useful timeline and ensure that fees are “fair and reasonable.”

“LB1112 serves to set some reasonable guardrails and expectations while maintaining local control of the process,” Clark said.

Testifying in opposition to the bill was Valerie Grimes, director of plan-

ning and development for the city of Norfolk. She said city staff lack the engineering and legal background required to review permit applications and rely on a consultant to ensure that broadband infrastructure is safely installed.

“Our city taxpayers should not front the cost of compliance,” Grimes said. “That should be on the telecommunication companies who, in our experience, are often eager to push projects quickly and without ... regard for local health and safety regulations.”

Also testifying in opposition was Lash Chaffin of the League of Nebraska Municipalities. He said the “vast majority” of permits are processed within days. When the process has been delayed, Chaffin said, it is because a telecommunications company did not provide information in a timely manner or the permit involved a tower that holds public safety equipment.

“There are a few isolated examples that are being blown out of proportion,” he said.

Blair MacDonald testified in opposition to LB1112 on behalf of Greater Nebraska Cities. She said the proposed 30-day timeline is “very restrictive” and that 60 days would be more reasonable for member cities, whose planning departments review permit applications without the help of consultants.

The proposed fee caps are much lower than what some cities currently charge, MacDonald added, with Grand Island charging \$1,000 to review an application.

The committee took no immediate action on the bill.

### Rail safety proposal considered

The Transportation and Telecommunications Committee heard testimony Feb. 13 on a bill intended to improve the safety of freight trains

operating in Nebraska.

Fremont Sen. Lynne Walz, sponsor of LB1212, said the bill includes comprehensive rail safety measures that are needed in light of recent freight rail accidents in Nebraska, including a BNSF coal train derailment near Cairo last week and an explosion at Union Pacific's Bailey Yard in North Platte in September.

She said 42 trains derailed in Nebraska between January 2022 and November 2023.

"Rather than waiting on federal legislation ... let us as Nebraska take the necessary steps to protect our constituents and our crew members," Walz said.

Under the bill, a train carrying hazardous substances on a main line in Nebraska could be no more than 8,500 feet long.

Additionally, a railroad operating a train on a main line would be required to have a wayside detector system installed at least every 20 miles. LB1212 would require a railroad to stop and inspect a train from the ground after receiving a defect message from a wayside detector system.

The bill also includes provisions that would prohibit railroads from blocking public crossings for longer than 10 minutes as well as require them to offer hazardous materials



Sen. Lynne Walz

training to fire departments and maintain insurance coverage that is adequate to pay for costs, damages and liabilities related to accidents.

Tim Schram, who testified in support of LB1212 on behalf of the Nebraska Public Service Commission, said federal legislation setting standards for wayside detector systems and other rail safety measures is stalled.

Although the commission supports the bill's provisions related to blocked crossings, he said, similar laws in other states have been "uniformly unsuccessful," with railroads arguing in court that federal law preempts state regulations.

Also in support was Andrew Foust of SMART TD, a labor union representing rail workers. Between 2021 and 2023, he said, the average Union Pacific train was more than 9,300 feet long.

Foust said radio signals from wayside detectors, which spot defects as train cars pass by, have difficulty reaching a locomotive when trains are that long, making length restrictions necessary.

Amanda Snide, a Union Pacific worker, also testified in support, saying first responders need greater access to training to handle situations like last year's explosion in Bailey Yard, which involved hazardous materials.

"As catastrophic derailments and incidents are ever increasing," she said, "the training on how to handle them needs to as well."

Testifying in opposition to LB1212 was Rod Doerr, chief safety officer at Union Pacific. He said railroads have voluntarily installed wayside detector systems for decades and that advancements in technology will help reduce derailments and blocked crossings.

Doerr said there is no definitive correlation between train length and derailments or blocked crossings and that the 2021 federal Infrastructure Investment and Jobs Act allocated funding to study the operation of freight trains longer than 7,500 feet.

"We should wait for those results," he said.

Robert Bavier, senior director of Union Pacific's hazardous materials team, also testified in opposition. He said the railroad offers a variety of in-person and online training programs for fire departments in Nebraska and other states.

"We already do what the bill states and more," Bavier said.

Also in opposition was Jeff Davis of BNSF. He said federal courts have struck down state laws regarding train length and blocked crossings and that federal law prohibits state regulation of wayside detector systems, insurance requirements and other provisions of LB1212.

"This bill is really an attempt to regulate issues already covered by federal statutes and more than 1,300 pages of federal regulations," Davis said.

The committee took no immediate action on the bill. ■

# PRIORITY BILLS

Priority bills generally are scheduled for debate before other bills. Each senator may select one priority bill, each standing committee may select two priority bills and the speaker may select 25 priority bills. The speaker will announce his priority bills next week.

## SENATOR PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Aguilar	LB952	Day	Require the Department of Health and Human Services to implement the federal Summer Electronic Benefits Transfer Program
Albrecht	LB441	Albrecht	Referral Change provisions relating to obscenity
Arch	LB461	Arch	Change, transfer, and eliminate provisions relating to the materiel division of the Department of Administrative Services and procurement of services and personal property
Armendariz	LB1087	Jacobson	Adopt the Hospital Quality Assurance and Access Assessment Act
Ballard	LB1300	Bostar	Adopt the Pacific Conflict Stress Test Act and the Foreign Adversary Contracting Prohibition Act
Blood	LB829	Blood	Change provisions relating to insurance coverage for screening for colorectal cancer
Bosn	LB934	Bosn	Change provisions relating to venue and enforcement powers of the Attorney General under the Consumer Protection Act and the Uniform Deceptive Trade Practices Act and provide for jury trials
Bostar	LB937	Bostar	Adopt the Caregiver Tax Credit Act
Bostelman	LB399	Brewer	Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities
Brandt	LB61	Brandt	Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission
Brewer	LB1394	Brewer	Exempt Nebraska National Guard income from state income taxation
J. Cavanaugh	LB184	J. Cavanaugh	Provide for inadmissibility of statements of juveniles during transfer proceedings
M. Cavanaugh	LB62	M. Cavanaugh	Provide for coverage of translation and interpretation services under the medical assistance program
Clements	LB1067	Clements	Eliminate the inheritance tax, adopt the State Prisoner Reimbursement Act, and change the authorized uses of certain county funds
Conrad	LB16	Conrad	Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction, provide and change requirements regarding applicants with a criminal conviction, provide for jurisprudential examinations and appeals, change requirements for membership of the State Electrical Board, and adopt the Interior Design Voluntary Registration Act
Day	LB126	Day	Change provisions relating to homestead exemptions
DeBoer	LB175	Dungan	Adopt the Residential Tenant Clean Slate Act
DeKay	LB1301	DeKay	Adopt the Foreign-owned Real Estate National Security Act
Dorn	LB1108	Dorn	Change a fee under the Motor Vehicle Registration Act
Dover	LB1313	Dover	Provide for regulation of health benefit plans for nonprofit agricultural organizations
Dungan	LB857	Dungan	Create the Nebraska Prenatal Plus Program
Erdman	LB1169	Erdman	Provide, change, and eliminate provisions relating to the Nebraska State Historical Society
Fredrickson	LB856	Fredrickson	Change eligibility requirements for the federal child care subsidy program
Halloran	LR31	Halloran	Resolution to rescind a prior resolution and apply to Congress for a convention of the states to propose amendments to the United States Constitution
Hansen	LB1004	Hansen	Change motorcycle, moped, and autocycle helmet provisions
Hardin	LB1120	Hardin	Require affidavits for certain purchases of real property near military installations
Holdcroft	LB137	Bosn	Provide for a penalty enhancement for a controlled substances violation resulting in serious bodily injury or death
Hughes	LB1035	Hughes	Adopt the Prescription Drug Donation Act
Hunt	LB307	Hunt	Provide exceptions to penalties related to drug paraphernalia under the Uniform Controlled Substances Act
Ibach	LB1368	Ibach	Adopt the Nitrogen Reduction Incentive Act

# SENATOR PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Jacobson	LB31	Jacobson	Require train crews of at least two individuals as prescribed
Kauth	LB575	Kauth	Adopt the Sports and Spaces Act
Linehan	LB1402	Linehan	Appropriate funds to the State Treasurer for the purpose of providing grants to scholarship-granting organizations
Lippincott	LB600	Lippincott	Adopt the Municipality Infrastructure Aid Act and transfer funds from the Cash Reserve Fund
Lowe	LB541	Lowe	Change provisions relating to election of public power district directors
McDonnell	LB1363	McDonnell	Change provisions relating to the rate and disbursement of the documentary stamp tax, the Military Base Development and Support Fund, the Nebraska Film Office Fund, the Innovation Hub Cash Fund, and the Economic Recovery Contingency Fund
McKinney	LB631	McKinney	Change provisions relating to the Board of Parole
Meyer	LB71	Sanders	Change provisions relating to parental involvement in and access to learning materials in schools
Moser	LB1335	Moser	Change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act
Murman	LB1092	Murman	Adopt the Online Age Verification Liability Act
Raybould	LB20	Wayne	Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony
Riepe	LB1109	Riepe	Provide an exception under the Preborn Child Protection Act to allow an abortion after twelve weeks in the case of a fatal fetal anomaly and change and eliminate certain penalty provisions relating to abortions
Sanders	LR277CA	Sanders	Constitutional amendment to require the Legislature to enact laws providing for life imprisonment for sex or labor trafficking of a minor and certain sex offenses involving minors
Slama	LB912	Slama	Provide for contracting for reasonable terms for coverage under the Uninsured and Underinsured Motorist Insurance Coverage Act
Vargas	LB1355	Vargas	Provide for disbursement of grants from the Nebraska Opioid Recovery Fund
von Gillern	LB1023	von Gillern	Provide income tax deductions for certain research or experimental expenditures
Walz	LB1284	Walz	Provide for a statewide computer science education expansion program
Wayne	LB25	Wayne	Authorize punitive damages as prescribed and provide for distribution
Wishart	LB905	Riepe	Require the Department of Health and Human Services to submit a waiver or state plan amendment for medical respite care

# COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Agriculture	LB262 LB844	Agriculture Erdman	Change and eliminate provisions of the Nebraska Pure Food Act Change provisions of the Farm Labor Contractors Act
Banking, Commerce &	LB1074	Slama	Adopt changes to federal law regarding banking and finance and change provisions of the Commodity Code, the Credit Union Act, and the Securities Act of Nebraska
Insurance	LB1073	Slama	Change provisions relating to onsite audits of the operations of third-party administrators of insurers
Business & Labor	LB1170 LB1017	Riepe Bosn	Change provisions of the Employment Security Law relating to benefit amounts and periods of disqualification for benefits Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act
Education	LB1329 LB1331	Murman Murman	Change provisions of the Nebraska Career Scholarship Act Change provisions related to truancy and attendance and various programs administered by the State Department of Education

# COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Executive Board	LB1321	Arch	Change provisions relating to the Public Counsel, the Inspector General of Nebraska Child Welfare, and the Inspector General of the Nebraska Correctional System
	LB1104	Aguilar	Change fees for lobbyist registration and change distribution of such fees
General Affairs	LB685	Lowe	Rename, transfer, and change provisions relating to the Mechanical Amusement Device Tax Act, transfer powers from the Department of Revenue to the State Racing and Gaming Commission, provide a tax on cash devices, and eliminate provisions relating to the power to tax under the Mechanical Amusement Device Tax Act
	LB1204	J. Cavanaugh	Define rickhouse and authorize a holder of a manufacturer's license or microdistillery license to operate a rickhouse under the Nebraska Liquor Control Act
Government, Military & Veterans Affairs	LB287	Brewer	Eliminate obsolete provisions relating to the 2020 federal decennial census and provide, change, and eliminate provisions relating to petitions, conflicts of interest, voter registration and voting as prescribed in the Election Act, and notice and virtual conferencing requirements under the Open Meetings Act
	LB43	Sanders	Adopt the First Freedom Act and the Personal Privacy Protection Act, authorize tribal regalia to be worn by students, change provisions relating to withholding records from the public, provide requirements for interpretation of statutes, rules, and regulations, and prohibit state agencies from imposing certain requirements on charitable organizations
Health & Human Services	LB1215	Hansen	Change provisions relating to credentialing fees, communicable diseases, rehabilitation beds, and acute care beds
Judiciary	LB253	Brewer	Provide for an additional location for the Nebraska Law Enforcement Training Center
	LB348	Wayne	Adopt the Community Work Release and Treatment Centers Act and change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration
Legislature's Planning	LB904	DeBoer	Change duties of the Department of Health and Human Services regarding child care reimbursement rates
Natural Resources	LB867	Bostelman	Provide for a voluntary hunting and fishing guide and outfitter database
	LB1370	Bostelman	Provide requirements for retirement of a dispatchable electric generation facility by an electric supplier
Nebraska Retirement Systems	LB686	Walz	Adopt the Cities of the First Class Firefighters Cash Balance Retirement Act
	LB196	Bostar	Change provisions relating to the Nebraska State Patrol Retirement System and benefits provided upon the death of an officer after retirement and annual benefit adjustment calculations
Revenue	LB388	Linehan	Change provisions relating to sales taxes
	LB1317	Linehan	State findings relating to property taxes
State-Tribal Relations	LB1288	Raybould	Provide for recognition of tribal mental health and dangerous sex offender commitment orders and for transportation of and commitment of persons civilly committed under tribal law
Transportation & Telecommunications	LB1200	Moser	Adopt updates to federal law relating to motor vehicles and motor carriers and change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, and the Nebraska Rules of the Road
	LB1031	Bostelman	Change provisions relating to the Nebraska Telecommunications Universal Service Fund, dark fiber leases, and broadband telecommunications services
Urban Affairs	LB164	McKinney	Adopt updates to building and energy codes
	LB840	McKinney	Adopt the Poverty Elimination Action Plan Act

# COMMITTEE HEARINGS

Current hearing schedules are available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## **Tuesday, Feb. 20**

### **Appropriations**

#### **Room 1524 - 1:30 p.m.**

- LB850 (Jacobson) Change the authorized use of certain Federal Funds for housing
- LB931 (Fredrickson) Change appropriations of Federal Funds for behavioral health purposes
- LB1079 (McDonnell) Appropriate Federal Funds to the Department of Economic Development
- LB1099 (McDonnell) Change the use of appropriated Federal Funds for nursing scholarships
- LB1155 (McDonnell) Appropriate federal funds to the Department of Health and Human Services and state intent relating to appropriations
- LB1266 (Conrad) Appropriate Federal Funds to the Board of Regents of the University of Nebraska
- LB1352 (DeBoer) State intent regarding appropriations of Federal Funds allocated to the State of Nebraska pursuant to the federal American Rescue Plan Act of 2021

### **Education**

#### **Room 1525 - 1:30 p.m.**

- LB1371 (Vargas) Adopt the Media Literacy Act and provide and change graduation requirements and academic content standards
- LB962 (Wayne) Prohibit the use of certain projection maps in public schools and require each school board to adopt a policy relating to projection maps
- LB1231 (Wayne) Adopt the Nebraska Education Formula and terminate the Tax Equity and Educational Opportunities Support Act
- LB1291 (Conrad) Require the State Department of Education to administer electronic benefit transfer funds for eligible youth in the summer as prescribed
- LB862 (Linehan) Change provisions relating to the transportation of students and require school districts to submit a report regarding certain student transportation
- LB987 (Linehan) Change provisions relating to applicability of and assessment instruments under the Quality

- Education Accountability Act
- LB1271 (Murman) Change provisions relating to the definition of graduate degree programs
- LB1272 (Murman) Update terminology relating to individualized education programs for high school students
- LB1348 (Murman) Change provisions relating to comparison groups for purposes of calculating basic funding under the Tax Equity and Educational Opportunities Support Act

### **General Affairs**

#### **Room 1510 - 1:30 p.m.**

- Appointments:* Zachary Cheek; Jon Gross; Clark Roush; Jana Goranson; Brian Botsford; Lovell James Wright - Neb. Arts Council
- Appointment:* John (Chris) Stinson - State Racing and Gaming Commission
- Appointment:* Bruce D. Bailey - Neb. Liquor Control Commission
- Appointments:* Cameron Arch, Claudia Moore, Kelly Lambert - Neb. Commission on Problem Gambling

### **Nebraska Retirement Systems**

#### **Room 1525 - 12:00 p.m.**

AM2285 to LB686

### **Transportation & Telecommunications**

#### **Room 1113 - 1:30 p.m.**

- LB1255 (Fredrickson) Change provisions relating to next-generation 911 service
- LB1256 (DeBoer) Require reports by communications service providers regarding 911 service outages and require a hearing
- LB1257 (DeBoer) Change provisions of the 911 Service System Act

## **Wednesday, Feb. 21**

### **Appropriations**

#### **Room 1003 - 1:30 p.m.**

- LB1080 (Holdcroft) Appropriate Federal Funds to the Department of Natural Resources
- LB1205 (Hughes) Appropriate Federal Funds to the Department of Natural Resources
- LB1244 (McDonnell) Appropriate Federal Funds to the Department of Natural Resources
- LB1287 (Ballard) Appropriate Federal

Funds to the Department of Environment and Energy for drinking water infrastructure

LB1401 (Ballard) Appropriate Federal Funds to the Department of Transportation

LB1411 (Clements) Appropriate Federal Funds to the Department of Transportation

### **Executive Board**

#### **Room 2102 - 12:00 p.m.**

- LR284CA (DeBoer) Constitutional amendment to create the office of Public Counsel in the Legislature
- LB994 (Wayne) Provide for the Legislature to administer the Department of Correctional Services and appoint the Director of Correctional Services
- LB1343 (Wayne) Change provisions relating to the appointment of the Inspector General of Nebraska Child Welfare and the Inspector General of the Nebraska Correctional System (*Note: Joint hearing with LB1293*)
- LB1293 (Conrad) Change appointment provisions and powers and duties of the Public Counsel, the Inspector General of Nebraska Child Welfare, and the Inspector General of the Nebraska Correctional System (*Note: Joint hearing with LB1343*)

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

- LR282 (Lippincott) Application to Congress for a convention of the states to propose an amendment to the United States Constitution to set a limit on the number of terms members of the House and Senate may serve
- LR146 (Conrad) Urge the members of Congress to enact federal legislation granting statehood to the people of Washington, D.C.
- LB869 (Bostar) Change provisions relating to services of the county veterans service committees
- LB1037 (Brewer) Prohibit certain conduct relating to assistance or referrals in veterans benefits matters

### **Health & Human Services**

#### **Room 1510 - 1:30 p.m.**

- LB920 (McKinney) Require the Department of Health and Human Services



# COMMITTEE HEARINGS

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to establish a Restaurant Meals Program  
 LB946 (Day) Change requirements for payments to Child Care Subsidy program providers  
 LB1350 (DeBoer) Define certain terms under the Health Care Facilities Licensure Act  
 LB1100 (McDonnell) Change provisions relating to capitation payments made in accordance with the Medical Assistance Act as prescribed

## Judiciary

### Room 1113 - 1:00 p.m.

*Appointments:* John Brazda, Ann E. Ames - Crime Victim's Reparations Committee

## Judiciary

### Room 1113 - 1:30 p.m.

LB1092 (Murman) Adopt the Online Age Verification Liability Act  
 LB916 (Brewer) Adopt the Controlled Substance Offenses Forfeiture Act and change provisions relating to forfeiture  
 LB1161 (Dungan) Adopt the Consumer and Employment Arbitration Data Reporting Act  
 LB1071 (Dungan) Protect free speech rights of student journalists and student media advisers  
 LB922 (McKinney) Adopt the Parolee and Probationer Business Empowerment Act (reschedule)  
 LB978 (DeBoer) Provide for adoption by a second adult person and change provisions relating to adoptions

## Natural Resources

### Room 1525 - 1:30 p.m.

*Appointment:* John Arley Rundel - Neb. Oil and Gas Conservation Commission  
*Appointment:* Roger Helgoth - Neb. Environmental Trust Board  
 LB1335 (Moser) Change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act  
 LB1247 (Hansen) Require certain school lands be open to the public for hunting as prescribed and provide powers and duties relating to the use of such school lands for hunting

## Revenue

### Room 1524 - 1:30 p.m.

LB1022 (Sanders) Adopt the Cast and Crew Nebraska Act and provide for tax credits and grants  
 LB1095 (Dorn) Change provisions relating to tax credits under the Nebraska Biodiesel Tax Credit Act and change provisions of the E-15 Access Standard Act  
 LB1002 (Brandt) Change provisions of the Nebraska Biodiesel Tax Credit Act  
 LB1324 (Conrad) Adopt the Child Tax Credit Act  
 LB1367 (J. Cavanaugh) Adopt the Property Tax Circuit Breaker Act  
 LB825 (Blood) Adopt the Nebraska Farmers of Color Opportunity Act and provide tax credits  
 LB1363 (McDonnell) Change provisions relating to the rate and disbursement of the documentary stamp tax, the Military Base Development and Support Fund, the Nebraska Film Office Fund, the Innovation Hub Cash Fund, and the Economic Recovery Contingency Fund

## Thursday, Feb. 22

### Government, Military & Veterans Affairs

#### Room 1507 - 1:30 p.m.

LB1191 (Conrad) Eliminate provisions relating to Attorney General opinions on acts of the Legislature  
 LB1243 (McDonnell) Adopt the Wildland Fire Response Act  
 LB1404 (Wayne) Change membership of the Commission on African American Affairs and provide for a quorum  
 LB1076 (M. Cavanaugh) Adopt the Public Contract Provider Open Meetings Act

## Health & Human Services

### Room 1510 - 1:30 p.m.

LB1106 (Day) Provide for coverage of lactation consultations under the Medical Assistance Act  
 LB1107 (Day) Provide for coverage of breast pumps under the Medical Assistance Act  
 LB1373 (Blood) Adopt the Dietitian Licensure Compact and change provisions relating to criminal background checks  
 LB823 (Blood) Adopt the Physician As-

sistant (PA) Licensure Compact and change provisions relating to criminal background checks

## Judiciary

### Room 1113 - 1:00 PM

*Appointment:* Michael D. Jones - Crime Victim's Reparations Committee  
*Appointment:* Bryan Tuma - Neb. Crime Commission  
*Appointment:* Layne Gissler - Board of Parole

## Judiciary

### Room 1113 - 1:30 PM

LB1109 (Riepe) Provide an exception under the Preborn Child Protection Act to allow an abortion after twelve weeks in the case of a fatal fetal anomaly and change and eliminate certain penalty provisions relating to abortions  
 LB1360 (McDonnell) Create the Court Security and Service Reimbursement Program  
 LB1021 (M. Cavanaugh) Require programs for inmates related to compensation and employment and require minimum wage for inmates of jails and Department of Correctional Services facilities and state and political subdivision employees  
 LB883 (Brewer) Eliminate a requirement to obtain a handgun purchase certificate and change provisions on criminal history record checks for firearms and explosives  
 LB921 (McKinney) Provide for mentorship programs for individuals under supervision by probation and parole officers  
 LB919 (McKinney) Require the demolition of the Nebraska State Penitentiary

## Natural Resources

### Room 1525 - 1:30 PM

AM2489 to LB120

## Revenue

### Room 1524 - 1:30 p.m.

LB1279 (Halloran) Provide an income tax adjustment for unrealized capital gains  
 LB1372 (Brandt) Change provisions relating to individual and corporate income tax rates and property tax credits

# COMMITTEE HEARINGS

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LB1032 (Bostelman) Provide for tuition waivers for conservation officers of the Game and Parks Commission under the First Responder Recruitment and Retention Act

LB1218 (Bostar) Provide for motor vehicle registration of certain electric vehicles, impose an excise tax on electric energy used at commercial electric vehicle charging stations, provide for regulation of certain charging stations, and provide a sales tax exemption for certain electric energy

LB853 (Jacobson) Change provisions relating to homestead exemptions

LB1058 (Wayne) Exclude certain pension and annuity payments from income taxes

LB1341 (Wayne) Provide for sales tax on consumable hemp products and state intent regarding funding for post-traumatic stress disorder

## **Friday, Feb. 23**

### **Government, Military & Veterans Affairs Room 1507 - 1:30 p.m.**

LR286CA (von Gillern) Constitutional amendment to prohibit the State of Nebraska from contracting with or investing in companies that have active business operations with any foreign terrorist organization or state sponsor of terrorism

LB1277 (Wayne) Change provisions relating to emergency proclamations for disasters, emergencies, and civil defense emergencies made by the Governor

LB1048 (Bostar) Require certain chemical facilities to comply with a federal chemical security program

### **Health & Human Services**

#### **Room 1510 - 1:30 p.m.**

LB882 (Bostar) Change provisions relating to benefits under the federal Supplemental Nutrition Assistance Program

LB927 (Fredrickson) Require suicide awareness and prevention training for certain employees of child-placing agencies and employees of the Department of Health and Human Services

LB1194 (Conrad) Require legislative approval of medicaid state plan

amendments and state plan amendments for the Temporary Assistance to Needy Families program

LB1221 (Day) Provide staff training requirements for facilities offering care to persons with Alzheimer's disease, dementia, or related disorders

### **Judiciary**

#### **Room 1113 - 1:30 p.m.**

AM2534 to LB253

LB1281 (McDonnell) Change provisions relating to when a juvenile detained or placed in an alternative to detention must be released

LB1282 (McDonnell) Provide for youth renewal centers for high-risk youth

LB1208 (Bosn) Allow for detention of juveniles under the Nebraska Juvenile Code for their own protection

LB1157 (McKinney) Require hearings regarding juveniles in detention in certain counties and require payment of certain costs by the Office of Probation Administration

LB890 (Bosn) Provide for certified copies of sealed juvenile records for certain attorneys

LB1057 (DeBoer) Change provisions relating to arraignments, filing of juvenile petitions, and jurisdiction of juvenile courts

### **Revenue**

#### **Room 1524 - 1:30 p.m.**

LB1389 (Bostar) Provide for a personal property tax exemption for broadband equipment as prescribed

LB950 (Linehan) Change provisions relating to the collection of occupation taxes

LB1019 (Holdcroft) Change provisions relating to the correction of assessment and tax rolls

LB1151 (Dover) Define the term occupy for purposes of homestead exemptions

LB1041 (Fredrickson) Change provisions relating to homestead exemptions

LB1362 (McDonnell) Change provisions relating to the valuation of residential property for property tax purposes

LR285CA (McDonnell) Constitutional amendment authorizing the Legislature to provide a different method of taxing residential property

## **Tuesday, Feb. 27**

### **Banking, Commerce & Insurance Room 1507 - 1:30 p.m.**

LB990 (Bostar) Change provisions of the Pharmacy Benefit Manager Licensure and Regulation Act

LB1232 (Wayne) Prohibit certain actions under the Pharmacy Benefit Manager Licensure and Regulation Act

LB833 (Blood) Adopt the Prescription Drug Affordability Act

LB984 (Hardin) Prohibit certain actions relating to distribution of drugs by 340B entities

LB1110 (Jacobson) Require dental plan carriers to meet a minimum dental loss ratio and provide a report to the Department of Insurance as prescribed

LB1290 (DeBoer) Provide requirements for special needs trusts as prescribed

LB954 (Kauth) Adopt the Biometric Autonomy Liberty Law

### **Transportation & Telecommunications Room 1113 - 1:30 p.m.**

LB1340 (Kauth) Change provisions relating to enforcement of offenses related to interactive or handheld wireless communication devices, speed limit violations, removal of vehicles from highways, and motor vehicle homicide

LB1186 (Sanders) Change provisions of the One-Call Notification System Act

LB1105 (DeKay) Name the Branded Certificate of Title Act and provide for the issuance of destroyed-vehicle branded certificates of title

LB1180 (Wishart) Change provisions relating to standards established by the Public Service Commission for specialized telecommunications equipment under the Telecommunications Relay System Act

## **Wednesday, Feb. 28**

### **Executive Board**

#### **Room 2102 - 12:00 p.m.**

LB1285 (Walz) Create the Task Force on Supported Employment

LR281CA (Erdman) Constitutional amendment to provide for biennial legislative sessions beginning in 2027

# COMMITTEE HEARINGS

Current hearing schedules are available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

**Government, Military & Veterans Affairs  
Room 1507 - 1:30 p.m.**

LB1203 (J. Cavanaugh) Regulate artificial intelligence in media and political advertisements under the Nebraska Political Accountability and Disclosure Act

LB1382 (Hansen) Prohibit paying petition circulators based on the number of signatures and prohibit certain contributions to ballot question committees

LB1390 (Bostar) Require a report and prohibit certain activities related to elections and change and provide

penalties (Note: Joint hearing with LB1262)

LB1262 (Day) Change and eliminate provisions relating to the Commission on Indian Affairs and provide for an ongoing study relating to Native American voting issues (Note: Joint hearing with LB1390)

**Thursday, Feb. 29  
Government, Military & Veterans Affairs  
Room 1507 - 1:30 p.m.**

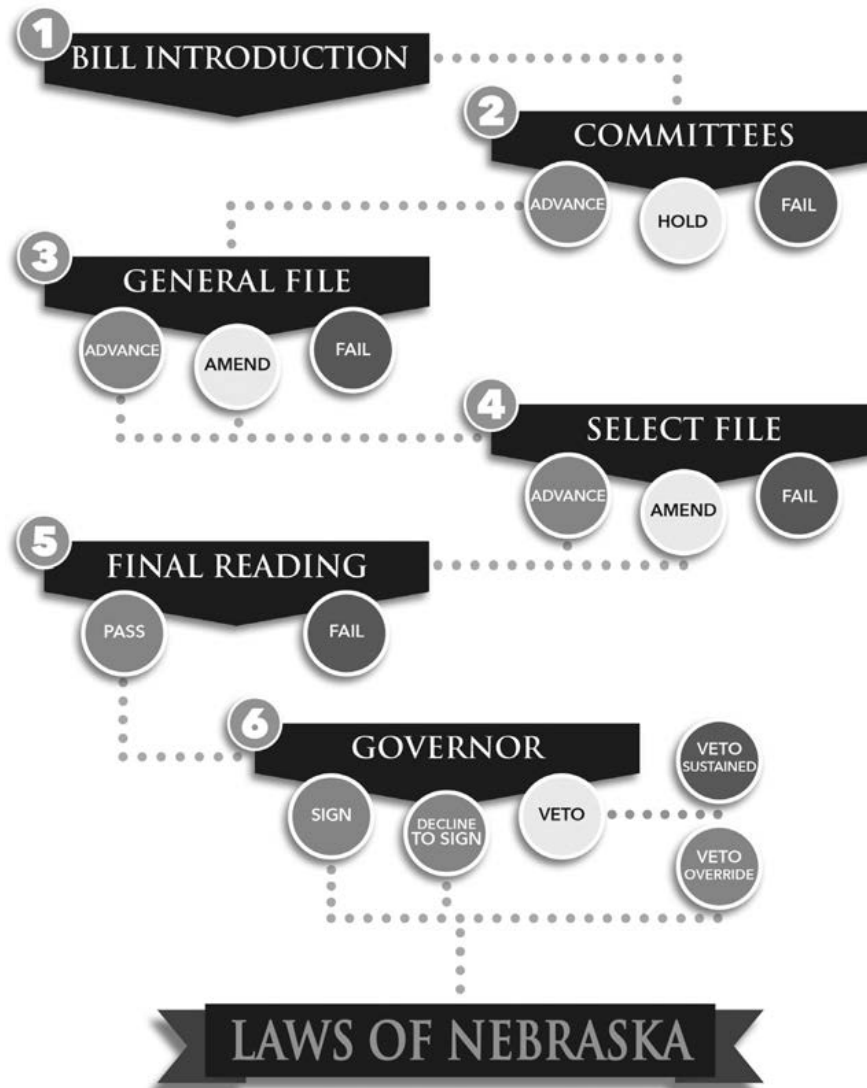
LB1153 (Arch) Eliminate provisions relating to the Nebraska Sesquicenten-

nial Commission that has terminated LB1417 (Brewer) Create, eliminate, terminate, and provide, change, eliminate, and transfer powers, duties, and membership of boards, commissions, committees, councils, task forces, panels, authorities, and departments and change and eliminate funds

LB1327 (Brewer) Restate findings under the Nebraska Political Accountability and Disclosure Act

LB1246 (Brewer) Change provisions relating to county government ■

## HOW A BILL BECOMES LAW



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