

Tenant 'clean slate' proposal stalls on first round



Sen. George Dungan discusses his proposal with fellow lawmakers during general file debate March 6.

A measure that would allow certain eviction proceeding records to be sealed failed to advance from general file March 7 after an unsuccessful motion to end debate on the bill.

LB175, as introduced by Lincoln Sen. George Dungan, would allow tenants to receive “clean slate” relief

— or the automatic sealing of the court record — if a trial court issues an order dismissing an eviction proceeding against them. It also would create a process for tenants to seek clean slate relief under certain circumstances, including instances when an eviction was initiated but not carried out or was later reversed or vacated.

Dungan said the bill aimed to seal court records of cases that do not result in judgment or conviction, mirroring existing practice in criminal cases. He also said LB175 would prevent people who ultimately were not evicted from having their housing options limited by that information remaining part of the public record.

“The goal of this bill is simply to ensure that the court history of an individual accurately reflects the outcome of their court proceedings,” Dungan said.

A pending Judiciary Committee amendment would remove a provision in the bill allowing tenants to request clean slate relief. It also would add provisions of Dungan’s LB1115, giving landlords and tenants the right to request a jury trial in eviction proceedings.

Omaha Sen. Justin Wayne, chairperson of the committee, supported the bill and the amendment. The inclusion of LB1115 is necessary, he said, due to a Nebraska Supreme Court ruling last year indicating that the Uniform Residential Landlord and Tenant Act likely

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Lawmakers expand, advance child care proposal

A bill that seeks to increase access to child care in Nebraska was expanded and given first-round approval March 4.

Under current law, the state Department of Health and Human Services is required to conduct a market rate survey every two years to determine provider reimbursement rates under the Child Care Subsidy Program. The market rate survey is the only approved methodology in Nebraska for determining reimbursement rates and consists of two markets — one comprises Dakota, Douglas, Lancaster and Sarpy counties and the other comprises every other county in the state.

LB904, introduced by Bennington Sen. Wendy DeBoer, would give the department authority to consider a different federally approved methodology to determine child care subsidy reimbursement rates. The bill also would allow the department to create their own model and seek federal approval.

DeBoer said LB904 would give the department discretion to use a method best suited to the state.

“Currently, the department has no ability to use any



Sen. Wendy DeBoer

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Lawmakers expand, advance child care proposal

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model but the market rate model,” DeBoer said, “[but] the market rate survey may not have the flexibility to take into consideration the various situations across the state.”

The bill also would require DHHS to provide reimbursement for providers at a rate not less than the 75th percentile of the market rate as determined by the department if they continue using the market rate survey.

A Health and Human Services Committee amendment, adopted 31-0, added the provisions of a bill that seeks to incentivize the creation of on-site child care services in the state’s nursing and assisted living facilities.

LB1178, introduced by Lincoln Sen. Anna Wishart, would create the Intergenerational Care Facility Incentive program to dispense one-time startup grants to provide child care in nursing and assisted living facilities that are certified for Medicare or Medicaid. Under the bill, certified facilities would be eligible for a grant of up to \$100,000 to be used for structural updates, outside campus space, equipment and supplies.



Sen. Anna Wishart

The bill would require DHHS to collaborate with a statewide association representing long-term care facilities and other stakeholders to develop the program. Facilities that have been cited for providing a substandard quality of care during their most recent survey would not be eligible for the program.

LB1178 originally stated legislative intent to make a \$300,000 one-time General Fund appropriation to DHHS for the pilot program.

Wishart offered an amendment to the committee amendment, adopted 40-0, to change the funding source from the state General Fund to the Medicaid Managed Care Excess Profit Fund.

Blair Sen. Ben Hansen, chairperson of the Health and Human Services Committee, said the Intergenerational Care Facility Incentive program would be a “revolutionary” way to bring together two important parts of the state’s health care system.

“[LB1178 would] not just save costs for the taxpayers, but also improve the lives ... of all those involved,” Hansen said.

Sen. Eliot Bostar of Lincoln attempted to add provisions of his LB1416 into the committee amendment as well. The proposal, which he introduced at the request of Gov. Jim Pillen, was considered by the Banking, Commerce and Insurance Committee this session.



Sen. Eliot Bostar

LB1416 would create the Child Care Capacity Building and Workforce Act and the Family Child Care Home Grant Program. The provisions would transfer \$5 million from the General Fund to a newly created cash fund within the state Department of Economic Development to fund the grant program.

Bostar withdrew his amendment following a challenge regarding the appropriateness of amending a bill heard in a different committee into the Health and Human Services Committee amendment.

Following adoption of the committee amendment, senators voted 30-0 to advance LB904 to select file. ■

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is unconstitutional because it does not provide for jury trials.

Wayne also warned that inaction by the Legislature to permit jury trials in eviction proceedings could result in lawmakers needing to reconvene for a special session later this year.

“[In] September or October, we will be here on a special session,” he said. “So when you’re thinking about having to harvest and all that during that time, we’re going to have 1,000 jury trials pending in Douglas County, Lancaster County and Sarpy County that we will not have a solution for.”

Omaha Sen. Wendy DeBoer also spoke in support of the bill and the amendment. Like Wayne, she raised concerns that a crisis could ensue if the landlord-tenant act is struck down, overwhelming the courts with jury trials. Landlords would face delays in the eviction process, DeBoer said, making the removal of tenants from their property more difficult.

“We’ve got to have some guardrails,” she said. “We’ve got to have some ability to provide for these situations with some protections for the courts and protections for everyone involved.”

Elkhorn Sen. Lou Ann Linehan also supported the bill and said that judgments from eviction proceedings often disproportionately favor landlords.

“This results in moms with little kids getting evicted in December, January [and] February,” she said. “Until we come up with some program where that doesn’t happen, we need to pass this bill.”

Sen. Julie Slama of Dunbar opposed the bill and the amendment, saying the measure would prevent landlords from accessing information about potential tenants and erode personal property rights. She also rejected



Sen. Julie Slama opposed LB175, which she said would prevent landlords from learning important information about potential tenants.

the prediction that the Nebraska Supreme Court would declare the entire Uniform Residential Landlord and Tenant Act unconstitutional.

“It’s kind of absurd to claim the Nebraska Supreme Court’s just going to come in with an Uzi and claim that the entire landlord-tenant act is unconstitutional,” she said. “When it comes to this issue on right of a jury trial, I’ve reviewed the cases, I’ve reviewed their opinions ... they’re not going to come in and rule this en masse unconstitutional.”

Elkhorn Sen. R. Brad von Gillern also opposed the measure. He said that, as a landlord, he had encountered tenants who were destructive and negligent. Landlords should have access to potential tenants’ information so they can make an informed decision about who they rent to, von Gillern said.

Dungan offered a compromise amendment that he said stakeholders had agreed upon. The amendment, adopted 32-11, would narrow the proposal to provide clean slate relief to

tenants only once and would remove provisions of LB1115 from the committee amendment.

The amendment also would add provisions from Norfolk Sen. Robert Dover’s LB1312, which would allow electronic communication between landlords and tenants in certain circumstances.

Dungan said the changes would balance the interests of tenants and landlords while protecting property owners from bad actors. Slama remained opposed, however, and filed a series of amendments and motions to extend debate and keep the measure from reaching a vote.

After eight hours of debate, Dungan offered a motion to invoke cloture, which ends debate and forces a vote on the bill and any pending amendments.

The cloture motion failed 30-16. Thirty-three votes were needed. A failed cloture motion results in debate on a proposal ceasing for the day. LB175 is unlikely to be placed on the agenda again this session. ■

AGRICULTURE

Omnibus ag proposal clears first round

A cleanup bill was amended to become an omnibus Agriculture Committee measure and advanced from general file March 5.

LB262, as introduced last session by the committee, would clarify and combine terms within the Nebraska Pure Food Act to align with the federal Food and Drug Administration Food Code. Under current law, only individuals who are credentialed as registered environmental health specialists qualify as food inspectors. Among other changes, LB262 would remove that requirement.

An Agriculture Committee amendment, adopted 33-1, replaced the bill and added provisions of four other proposals. Among other changes, the amendment would specify that a local regulatory authority still could choose to use only individuals who are credentialed as registered environmental health specialists as food inspectors.

Hastings Sen. Steve Halloran, chairperson of the committee, said the amendment was a package of requests from state agencies and other provisions prioritized by the committee.



Sen. Steve Halloran

The amendment includes provisions of two proposals introduced by the committee: LB263, which would remove conflicts between state law and the USDA Final Rule implementing the hemp provisions of the 2018 Farm Bill; and LB264, which would make a series of revisions to the state Grain Dealer Act and Grain Warehouse Act.

The provisions of LB264 would revise

the definition of “grain” to remove an ambiguity regarding whether grain excludes segregated commodities such as certified organic. It also would change grain dealer licensure requirements as follows:

- increase the maximum dealer security from \$300,000 to \$1 million;
- increase the maximum warehouse bond from \$500,000 to \$1 million;
- remove a formula for calculating the security amount and allow the Nebraska Public Service Commission to set the amount by regulation; and
- clarify an exemption from criminal background checks for an individual submitting a new license application who previously submitted a background check for a separate license.

The amended provisions of LB305, sponsored by Halloran, also are included in the committee amendment. The provisions would remove the duty and authority of the PSC to establish grain storage rates, but would specify that warehouse licensees must prominently post storage rates and related charges on signage issued by the commission.

New license applicants would file a schedule of storage rates and charges with their application. Warehouse licensees could adjust such rates and charges by filing notice with the PSC and all grain owners of record at least 30 days prior to any adjustment taking effect. The amendment also would make it a Class IV misdemeanor to charge storage rates other than, or in addition to, those filed and posted.

Finally, the committee amendment would add provisions of Omaha Sen. Tony Vargas’s LB 740, which would allow a po-



Sen. Tony Vargas

litical subdivision acting as a regulatory authority to enter into an interlocal agreement with other public agencies to grant and provide reciprocity for local licensing of food trucks.

Halloran offered an amendment, adopted 35-1, that removed the provisions of LB740 from the committee amendment. He said identical provisions were amended into another bill that lawmakers passed last session.

Following adoption of the amendments, senators voted 33-1 to advance LB262 to select file.

Detasseling measure clears second round

Lawmakers amended and advanced a bill March 7 meant to clarify how seed corn companies solicit bids for contract labor for roguing – eliminating undesired corn plants – and detasseling in Nebraska.

The federal H-2A temporary agricultural program allows employers who anticipate a lack of available domestic workers to bring foreign workers to the U.S. to perform temporary or seasonal agricultural work including detasseling and roguing.

LB844, sponsored by Bayard Sen. Steve Erdman, would amend the state Farm Labor Contractors Act to require seed corn producers who contract for detasseling and roguing services to solicit bids from local contractors before employing H-2A workers.



Sen. Steve Erdman

As amended during general file debate, producers who contract for detasseling and roguing labor must report the number of acres of hybrid seed corn produced, in addition to other information, to the state Department of Agriculture. The department would be required to

publish an annual report of that information, beginning Sept. 30, 2025.

Sumner Sen. Teresa Ibach offered an amendment on select file, adopted 29-0, which would require that the information contained in the report be aggregated. She said the change would protect seed corn producers' proprietary information and ensure that identifying company data not become public record.

"Without this language, important private information of seed companies will be provided to competitors — including competitors from other states — that will then use this information in order to pursue customers," Ibach said.

Sen. Mike Jacobson of North Platte offered an amendment to remove a provision that would make violations of the bill's provisions by a seed corn producer a Class IV misdemeanor. He said producers in most cases contract with detasseling companies and should not be held liable if such a company violates the law.

Erdman said it was "disappointing" that stakeholders who had concerns about LB844 did not testify against it at the public hearing or contact lawmakers until after the first round of debate. Even so, he said he considered both amendments to be "friendly" and not harmful to the bill's primary goal of protecting Nebraska youth who want to participate in detasseling.

Following adoption of the Jacobson amendment on a 30-0 vote, senators advanced LB844 to final reading by voice vote.

Health benefit plans for agricultural nonprofits advanced

Lawmakers gave first-round approval March 4 to 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 non-

profit 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

Dover said the proposed plans, which would be similar to those offered by several faith-based organizations, would provide members with coverage for office visits, hospitalization, preventive care and other services.

An organization that sponsors a 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.

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.

The bill advanced to select file on a vote of 33-0.



Commercial development bill narrowed to a study, advanced

Lawmakers narrowed a measure intended to promote the development of "mega sites" in Nebraska before advancing it to the final round of debate March 4.

As introduced last session, LB644, sponsored by Omaha Sen. Mike McDonnell, would have transferred \$80 million per year from the state's Cash

Reserve Fund to the Site and Building Development Fund over the next two years to target, evaluate and develop mega sites, which are large areas of land with infrastructure in place meant to draw commercial and industrial projects to the state.



Sen. Mike McDonnell

The bill was amended on general file to require that the state Department of Economic Development 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.

Several senators expressed reservations about the bill's cost during the previous round of debate and McDonnell offered an amendment on select file to address those concerns.

The amendment, adopted 32-0, gutted the measure and instead would appropriate \$500,000 from the Site and Building Development Fund in fiscal year 2024-25 to the department to fund a comprehensive evaluation of potential mega sites, to be completed by Dec. 15, 2024. At least one proposed site in the study would have to be located west of the 100th meridian.

Among other variables, the study would assess:

- potential geographic locations;
- infrastructure assets that would be required for each site, including transportation and utilities;
- the population within 50 miles of each site and whether such population would be sufficient to provide an adequate workforce; and
- the appropriate level of state investment necessary to position Nebraska as a nationally or globally competitive location for site selection in various economic sectors.

The amendment also would require the DED director to create an advisory committee, made up of representatives of economic development organizations from each of the state’s three congressional districts, to assist the department in identifying potential mega site locations.

Following adoption of the amendment, senators advanced LB644 to final reading by voice vote.

Foreign land purchase measure clears first round

Lawmakers amended and advanced a bill to select file March 5 that would require an affidavit for real property purchases near sensitive military areas in Nebraska.

LB1120, as introduced by Gering Sen. Brian Hardin, would require a purchaser of real property within a restricted area to sign an affidavit indicating that they are not affiliated with any foreign government or nongovernment person considered to be a foreign adversary of the U.S. by federal law.



Sen. Brian Hardin

A restricted area would be defined as a county that does not contain a primary or metropolitan class city and is within a 10-mile radius of a military installation.

A Banking, Commerce and Insurance Committee amendment, adopted 41-0, replaced the bill. As amended, LB1120 would apply to purchases of “covered real estate,” which is defined in federal law, and would include an example affidavit. Completed affidavits would be sent by the register of deeds to the state attorney general’s office.

Hardin said Nebraska is home to 80 intercontinental ballistic missile launch facilities and nine alert facilities that are sensitive for national security purposes. The upcoming re-

placement of those Minuteman ICBM facilities with the new Sentinel ICBM system has increased concerns regarding land purchases in the area, he said.

“Eyes from across the world are looking at the Nebraska panhandle,” Hardin said. “LB1120 is an important safety check protecting Nebraska land from foreign adversaries.”

Niobrara Sen. Barry DeKay supported the proposal, saying a number of bills have been introduced this session that would work together to protect the state’s land.

“It is imperative that we take action to preserve Nebraska land from external threats,” DeKay said.

Hardin offered an amendment to the committee amendment that he said would address concerns raised by stakeholders after the bill advanced to the floor of the Legislature for debate.

The amendment would further clarify which real estate is subject to the bill’s provisions by referencing federal regulations that identify all of Banner, Cheyenne, Kimball and Scotts Bluff counties and specific parts of Newel, Garden, Morrill and Sioux counties as “sensitive land” for national security purposes.

The amendment also would specify that the responsibility for determining whether an affidavit is required rests solely with the purchaser and that no individual or entity other than the purchaser would bear civil or criminal liability relating to an affidavit.

Following adoption of the Hardin amendment 40-0, lawmakers advanced LB1120 to select file on a vote of 38-0.



Shortened unemployment eligibility discussed

Senators began first-round debate

March 5 on a proposal that would reduce the maximum number of weeks a person could receive unemployment benefits in Nebraska under the Employment Security Act.

LB1170, introduced by Ralston Sen. Merv Riepe, would reduce the maximum amount of unemployment benefits a person is eligible for from 26 weeks to 16 weeks.



Sen. Merv Riepe

The bill also would proportionally reduce the maximum benefit payable when a disqualification — such as voluntarily leaving work, misconduct or rejecting suitable employment — is assessed.

The bill would maintain a current benefit clause that allows unemployment benefits to be extended in the case of an economic emergency. The provisions of LB1170 would take effect Jan. 1, 2025.

Riepe said the federal Bureau of Labor Statistics reports that there are 2.5 available jobs for every unemployed person in Nebraska. Unemployment benefits play a vital role in society, he said, but they also may inadvertently discourage individuals from actively seeking employment.

“We have to ask ourselves at what point does it stop becoming a safety net and ... start becoming a disincentive for participating in society,” Riepe said. “While it’s important to support Nebraskans in finding work that aligns with their experience and provides fair compensation, it’s also critical to recognize that at a certain point individuals may need to accept available work opportunities.”

Proponents of the measure said the state’s low unemployment rate and abundance of available jobs indicates that a reduction in unemployment benefits is necessary to sustain Nebraska’s workforce.

Seward Sen. Jana Hughes said offering displaced Nebraskans 26 weeks

of unemployment benefits made sense during the pandemic and other times of economic upheaval, but is counterproductive when the state's current unemployment rate is 2.3%.

"LB1170 is a commonsense approach to dealing with reality," Hughes said. "Keeping unemployment benefits at six months only serves to make our workforce issues unnecessarily worse."

Sen. Mike Jacobson of North Platte agreed, saying he can't walk two blocks without seeing a help wanted sign.

"You shouldn't have to take six months to find a job," Jacobson said. "You shouldn't need six weeks to find a job, frankly."

Speaking in opposition, Omaha Sen. Machaela Cavanaugh argued that forcing Nebraskans into jobs that aren't a good fit is not the best way to create a robust workforce. She offered a series of unsuccessful motions to extend debate on the proposal.

"We jeopardize the ability of parents and families to get good jobs because they're going to have to take [any] job or have zero income whatsoever," Cavanaugh said.

Lincoln Sen. George Dungan also opposed the measure. Children and families living in poverty should not be punished to prevent the potential misuse of the state's unemployment system, he said. Dungan also noted that only 18% of Nebraska unemployment claimants in 2022 continued to receive benefits beyond the proposed 16 weeks according to the state Department of Labor.

"We're not talking about people who abuse the system, we're talking about hardworking Nebraskans," Dungan said. "When you're struggling with the day-to-day realities of poverty, it is very, very difficult to pull yourself up by your own boot straps if you don't have the boot straps in the first place."

Also speaking in opposition to LB1170, Sen. Tony Vargas of Omaha said

there is no evidence that a reduction in the maximum possible weeks of eligibility results in lower unemployment rates.

After approximately four hours of debate, the Legislature adjourned for the day before voting on the bill's advancement. LB1170 remains on general file.

GENERAL AFFAIRS

Liquor, gaming and vaping package advanced

A proposal to regulate rickhouse operations in Nebraska was amended to become an omnibus bill and advanced from general file March 4.

LB1204, as introduced by Omaha Sen. John Cavanaugh, would define rickhouse under the Nebraska Liquor Control Act as an offsite bonded warehouse that is kept and maintained to store spirits in barrels for aging in order to impart flavor from the barrel into the spirits. The bill also would allow the holder of a microdistillery or spirits manufacturer license to operate a rickhouse in the state if authorized by the Nebraska Liquor Control Commission.

"Allowing [rickhouses] in a manner consistent with federal law will allow the Nebraska distilled spirits industry to grow," Cavanaugh said.

Lincoln Sen. George Dungan spoke in support of LB1204, saying the provisions would provide assurance of high quality bourbon to Nebraska consumers.

A General Affairs Committee amendment, adopted 41-0, added the provisions of three other measures. Among those additional bills is LB981, sponsored by Bellevue Sen. Rick Hold-

croft, which relates to compliance requirements for Charitable Gaming Lottery and Raffle applicants in Nebraska.



Sen. Rick Holdcroft

Currently, a nonprofit conducting a lottery or raffle is required to pay a quarterly tax on earnings if the lottery exceeds \$1,000 in gross proceeds or the raffle exceeds \$5,000.

LB981 would adjust the tax filing threshold for nonprofits to \$15,000 in gross proceeds for both lotteries and raffles. The provisions also would clarify that qualifying nonprofit organizations would be limited to one lottery or raffle per calendar month that exceeds \$15,000. Organizations would be authorized to conduct more than one lottery or raffle if their total gross proceeds do not exceed the threshold.

Holdcroft said the bill was brought on behalf of the state Department of Revenue's Charitable Gaming Division to help simplify compliance requirements for charitable gaming lottery and raffle applicants.

The committee amendment also includes a bill that would protect the identity of certain lottery winners. Under LB1000, introduced

by Plymouth Sen. Tom Brandt, the Charitable Gaming Division and any lottery contractor would be prohibited from disclosing the



Sen. Tom Brandt

identity of any person awarded a prize of \$250,000 or more except upon written authorization by the prize winner.

Brandt said he brought the bill after hearing stories of lottery winners who struggled mentally and financially after winning big. The "harassment" that winners can experience to give money to family, friends and local

organizations has caused some of them to move out of state to escape, he said.

“I do believe the ability to remain anonymous to the public will allow winners to hold onto a sense of normalcy and not leave ‘The Good Life,’” Brandt said. “Nebraska should be a place lottery winners move to to spend their newfound wealth.”

Also included in the committee amendment are the amended provisions of a bill intended to reduce access to vaping devices by minors in Nebraska.

LB1296, introduced by Sen. Jana Hughes of Seward, would prohibit the online sale and delivery of electronic nicotine delivery systems directly to consumers in Nebraska. The bill would not prohibit a retailer from accepting online orders to be picked up at their licensed retail facility.

Hughes said the direct online sale of ENDS has resulted in illegal products of questionable quality and origin being delivered to consumers in the state. Among other provisions, LB1296 would:

- require licensure or certification by wholesalers, retailers and manufacturers of ENDS products;
- require manufacturers to pay a \$250 certification fee for each type or model of ENDS product sold in the state;
- prevent the use of packaging and labeling that mimics other consumer products or that conceals a vaping device; and
- require manufacturers to attest that they fully comply with federal disclosure requirements.

The bill also would prohibit overseas manufacturers from selling products to retailers and distributors in Nebraska unless they are certified

under the measure’s provisions.

“Overall, LB1296 will provide clarity to consumers, retailers and enforcement agencies [about] what products are legal and what are not permitted to be sold in Nebraska,” Hughes said.

Following the adoption of the committee amendment, senators voted 41-0 to advance LB1204 to select file.



Government reform bill amended, advanced

An omnibus measure aimed at furthering open government and transparency was amended March 4 to include an additional bill and advanced to the final round of debate.

LB43, sponsored by Bellevue Sen. Rita Sanders, would direct hearing officers and judges not to rely on a state agency’s interpretation of state laws or regulations in contested cases under the Administrative Procedures Act.

The bill was amended during the first round of debate to include provisions of five additional proposals that address the state’s Administrative Procedures Act and Public Records Act, including LB366, sponsored by Sen. Danielle Conrad of Lincoln. Provisions of that measure seek to improve the process for fulfilling public information requests.

Currently, Nebraska residents may be charged for time spent fulfilling a public records request beyond the first

four hours. Conrad’s proposal would change that threshold to eight hours and allow nonresidents to be charged the full cost of fulfilling a request.

In addition, it would require that any claim made by an agency that a request requires more than four days to fulfill be “attested to under oath” before being provided in writing to the requester.

Gordon Sen. Tom Brewer offered an amendment during select file debate, adopted 41-0, to remove the attestation requirement. Brewer said the provision would have required county clerks in rural areas to drive long distances to have an attestation notarized.

The Brewer amendment – which he said was the result of many hours of negotiations with stakeholders, including the state attorney general’s office and the governor – also would make a number of technical changes and add the provisions of LB637, sponsored by Thurston Sen. Joni Albrecht.

Those provisions would require a public body to allow members of the public an opportunity to speak at every meeting except for closed sessions related to personnel matters, investigations regarding allegations of criminal conduct or other purposes already exempted under state law.

Albrecht said it’s important for local elected officials to make the time to listen to their constituents and for residents to know that they have the opportunity to make their voices heard. She said many government agencies currently don’t put a public comment item on their agenda for every meeting, despite state law requiring that constituents have that opportunity.

Sen. Danielle Conrad of Lincoln supported the inclusion of the provisions of Albrecht’s bill and the rest



Sen. Jana Hughes



Sen. Rita Sanders



Sen. Joni Albrecht



Sen. Danielle Conrad

of the amendment, although she said she would have preferred not to have “weakened” the underlying LB43.

“We have a proud and strong tradition of open government in Nebraska,” Conrad said. “Citizens have a right to know what government is doing in their name and with their money.”

Sen. Mike Moser of Columbus questioned the wisdom of the Albrecht provision, saying the inclusion of a broad public comment period at every public meeting would mean hours of testimony – possibly on topics not at all related to items on the agenda for that particular meeting.

“I think people should have the right to speak to their ... elected representatives when they’re spending money, but I don’t know that every meeting that they have would necessarily have to have time for open comment,” Moser said.

Omaha Sen. John Cavanaugh supported the portion of the amendment related to Albrecht’s proposal, but expressed concern about some of the other provisions. He offered an amendment to remove a technical section of the bill that he said was unnecessary, which was rejected on a vote of 12-30.

As amended on general file, LB43 also includes provisions of the following bills:

- LB41, sponsored by Sen. Ben Hansen of Blair, which would prohibit the state from placing “intrusive or politically motivated” filing or reporting requirements on charitable organizations beyond those required by state law unless narrowly tailored to serve a compelling state interest or to fulfill federal funding requirements;
- LB277, sponsored by Brewer, which would create a more restric-



Sen. Ben Hansen

tive standard for imposing a “substantial burden” on a person’s right to the exercise of religion

and authorize indigenous tribal members who are students in approved or accredited public schools to wear tribal regalia at any school facility or function, unless doing so would prevent school purposes or interfere with the educational process;

- LB297, sponsored by Sanders, which would prohibit state and local government agencies from compelling a nonprofit organization to release the personal information of its members, supporters, volunteers or donors; and
- LB650, introduced by Omaha Sen. Mike McDonnell, which would amend public records law to permit the state or any political subdivision to withhold records relating to the “nature, location or function of cybersecurity.”



Sen. Tom Brewer



Sen. Mike McDonnell

Following adoption of the Brewer amendment, senators advanced LB307 to final reading by voice vote.

Bill to change status of History Nebraska advanced

A state agency with a recent history of controversy would be placed under the direct authority of the governor under a bill advanced from general file March 7.

Under LB1169, introduced by Bayard Sen. Steve Erdman, the Nebraska State

Historical Society – commonly known as HistoryNebraska – would become a code agency under Nebraska state law. Code agency directors are appointed



Sen. Steve Erdman

by the governor with legislative approval and report directly to the governor.

History Nebraska has been a non-code agency since 1994 and is governed by a board of 15 trustees, three of whom are appointed by the governor. The remaining trustees are elected by History Nebraska members in each of the state’s three congressional districts. The director is appointed by the board of trustees.

Erdman said the agency has had management issues for years, most recently when felony charges were brought against its former director for misdirecting a donation to a private charitable organization that he founded. He also noted that, under its current form of governance, History Nebraska disposed of a large number of items from the Fort Robinson historical site.

“This is the solution that we need to proceed with to bring some confidence back to those people who are making contributions to History Nebraska ... so that they can be confident that we’re keeping the history that we should be keeping in Nebraska,” Erdman said.

Sen. Tom Brewer of Gordon supported the proposal, saying the agency needs greater oversight and a new leadership structure. He cited as an example the lack of whistleblower protections for individuals who brought recent wrongdoings to light.

“The system is broken,” Brewer said.

Lincoln Sen. Danielle Conrad expressed concerns about the bill, while acknowledging that the agency has had a “host” of issues in recent years. The criminal justice system is addressing misconduct by the former director, she

said, and the agency is taking concrete steps to move in the right direction.

“Just by making something a code agency, that in itself... does not prevent waste, fraud and abuse,” Conrad said, adding that some of the state’s “most troubled” entities are code agencies.

She said the measure carries a “lingering undercurrent” of a desire to curtail academic freedom and censor content, noting that the agency has drawn scrutiny for its engagement with the state’s LGBTQ history and community. Making History Nebraska a code agency could have a “chilling” effect on some historical research and outreach, Conrad said.

Among other provisions, LB1169 would require prior approval of gifts to History Nebraska of real property or with a monetary value of \$10,000 or more. It also would outline the director’s duties and prohibit the director from serving on the board of any charitable organization that provides monetary or other support to History Nebraska.

Finally, the bill would remove administrative duties from the trustees and instead give them an advisory role to the director.

Lawmakers gave LB1169 first-round approval on a vote of 27-1.

HEALTH & HUMAN SERVICES

Medicaid translation requirement clears first round

A bill that would require the state to provide coverage for all necessary translation and interpretation services for individuals who receive Medicaid was broadened and advanced from the first round of debate March 7.

LB62, sponsored by Omaha Sen. Machaela Cavanaugh, would require the state Department of Health and

Human Services to provide the coverage and to “take all actions necessary” to maximize federal funding to do so.

Cavanaugh said she brought the bill because the managed care organizations that the state contracts with “theoretically” provide for interpretation and translation services, but are not always in compliance. Such services are covered inconsistently, she said, and often end up being paid for out of pocket.

“[The bill] is a needed step to ensure everyone is able to receive the health care they need, even if English is not their first language,” Cavanaugh said. “Language access improves outcomes and ultimately reduces health care costs.”

A Health and Human Services Committee amendment, adopted 30-0, would add provider reimbursement to the bill’s provisions. An amendment offered by Cavanaugh to fund the measure from the Medicaid Managed Care Excess Profit Fund was adopted 31-0.

La Vista Sen. John Arch supported the bill and the Cavanaugh amendment. When Medicaid fails to cover the cost of something like interpreting services, he said, those costs are shifted to everyone else who pays into the health care system – both providers and those who pay premiums.

A second Cavanaugh amendment, adopted 28-0, would add the provisions of her LB871 and require DHHS to submit an annual report to the Legislature by Nov. 1 of each year detailing current and anticipated Temporary Assistance for Needy Families program expenditures.

The report would include a description of each program or service funded by TANF, the number of people being served, total costs and expenditures and the TANF purpose met by each



Sen. Machaela Cavanaugh

program or service.

For programs other than the Aid to Dependent Children program, the report would include a “clear statement” explaining how an expenditure for that program or service is more likely to help families achieve economic mobility and self-sufficiency than an increase in ADC expenditures.

The amendment also includes provisions of Cavanaugh’s LB1237, which would require a DHHS annual report on Medicaid redeterminations, including the:

- number of eligibility determinations;
- average client call duration;
- client call abandonment rate;
- number of requests for a fair hearing;
- number and percentage of applications approved and denied;
- number of case closures in the Medicaid program and Children’s Health Insurance Program and the specific reason for each closure;
- number of Medicaid program and CHIP enrollees;
- average number of days required to process applications for the Medicaid program and CHIP program; and
- rate of re-enrollment within 90 days of termination and within 12 months of termination.

The amendment was adopted 28-0 and lawmakers advanced LB62 to select file on a vote of 28-2.

Medicaid prenatal program expanded, advanced to final round

A bill that seeks to provide support to low-income Nebraska mothers who are at risk for adverse birth outcomes was expanded to include coverage of continuous glucose monitors and advanced from select file March 7.

LB857, sponsored by Lincoln Sen. George Dungan, would create the Nebraska Prenatal Plus Program to cover the cost of prenatal services for at-risk mothers, including nutritional counseling, psychosocial counseling and support, general client education and health promotion, breastfeeding support and targeted case management.



Sen. George Dungan

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 and determined by a health care provider to be at risk of having a negative maternal or infant health outcome.

The bill was amended on general file to include a sunset date of June 30, 2028.

Lincoln Sen. Carolyn Bosc offered an amendment on select file to add provisions of her LB933, which would broaden Medicaid coverage for continuous glucose monitors — devices that read blood sugar levels and provide real-time data every five minutes.



Sen. Carolyn Bosc

Current Nebraska Medicaid regulations cover CGMs only for individuals receiving intensive insulin therapy, which is defined as three or more injections per day or the use of an insulin pump. The amendment, adopted 32-0, would expand Nebraska Medicaid coverage for CGMs to individuals with gestational diabetes and include coverage for Medicaid recipients receiving any type of insulin therapy.

Bosc said the use of CGMs during pregnancy has been found to reduce the risk of hypoglycemia, preeclampsia, Cesarean section births, neonatal

intensive care unit stays and stillbirths.

“Continuous glucose monitors ... are lifesaving devices for individuals with diabetes,” Bosc said.

Dungan supported the amendment, saying the addition of LB933 to the Prenatal Plus Program would help achieve the state’s goal of “healthy moms and healthy babies.”

The amendment would cap funding for CGM coverage at \$600,000 annually from the Medicaid Managed Care Excess Profit Fund.

Following the adoption of the Bosc amendment, senators advanced LB857 to final reading by voice vote.

Nursing measure amended to become omnibus health services bill, advanced

A bill that would change renewal requirements for certain nursing licenses to eliminate the provision of paper-based notifications was amended to become an omnibus health services bill and given first-round approval March 4.

LB1215, sponsored by Blair Sen. Ben Hansen, would require nurse renewal licenses to be registered in the state Department of Health and Human Services electronic database. It also would eliminate a fee relating to an informal conference with a peer review organization, eliminate a DHHS contracting requirement with hospitals in treating tuberculosis patients and eliminate the certificate of need requirement for rehabilitation beds in hospitals.



Sen. Ben Hansen

A Health and Human Services Committee amendment, adopted 37-0, would add the provisions of six additional bills, including:

- LB896, introduced by Lincoln Sen. Beau Ballard, which would re-

peal a current requirement in state law that when a telehealth patient gives verbal consent during



Sen. Beau Ballard

an initial consultation, a signed statement must be collected within 10 days of that consultation;

- LB1009, introduced by Ralston Sen. Merv Riepe, which



Sen. Merv Riepe

would allow a person who has failed the state barber examination a third time to take the test again; and

- LB1138, also sponsored by Riepe, which would allow a prescriber who issues fewer than 50 prescriptions a year to not use electronic prescription technology.

Hansen, chairperson of the committee, said the bills included in the amendment are part of an effort to work with health professionals to streamline processes and regulations.

“This package cuts out the red tape and makes state agencies and health organizations able to do their jobs more effectively,” he said.

Also included in the committee amendment is LB1171, introduced by Gering Sen. Brian Hardin, which would



Sen. Brian Hardin

add an exception to pharmacy verification requirements for pharmacies with multiple locations that share a common electronic database. Under the

provisions, verification could be done by means of a real-time audio-visual communication system if all of the fol-

lowing conditions are met:

- the pharmacist performing the verification is located in Nebraska;
- the physical product verification occurs in person at the location where the prescription is prepared; and
- the pharmacy maintains manual or electronic records that identify – individually, for each order processed – the name, initials or identification code of each pharmacist, pharmacist intern or pharmacy technician who took part in all acts, tasks or functions undertaken to fulfill a prescription.

Provisions of LB1173, sponsored by Riepe, would change requirements related to vital statistics. Under the proposal, an abstract of death, which is a certified document that summarizes the facts of a death, could be used as documentation to terminate child support. The proposal also would require DHHS to supply an abstract of death when applied for to fulfill any “proper purpose,” and would allow the department to charge a \$15 fee. Certain veterans’ organizations and other state agencies would not be charged the fee, which also could be waived in cases of hardship.

The measure also would remove the period of service from the death certificate form for veterans of the U.S. Armed Forces.

Finally, amended provisions of LB1181, sponsored by Ballard, would change the Pharmacy Practice Act, Uniform Controlled Substances Act and Public Health and Welfare statutes relating to medications. Specifically, the amendment would:

- change inventory and dosage requirements for controlled substances;
- change self-inspection forms used by pharmacies;
- require a pharmacy intern to be

at least 18 years old; and

- change pharmacy technician registration requirements relating to drug-relating crimes and labeling requirements involving legend drugs that are not controlled substances.

Following adoption of the committee amendment, lawmakers voted 40-0 to advance LB1215 to select file.

JUDICIARY



Syringe services bill vetoed, override motion filed

A bill that allows local jurisdictions to permit public and behavioral health organizations to implement Syringe Services Programs was vetoed by Gov. Jim Pillen March 4.

LB307, introduced by Omaha Sen. Megan Hunt, provides immunity to public and behavioral health programs and pharmacies from drug paraphernalia offenses when distributing clean, hypodermic needles to community members to curb the spread of disease.

Under the bill, political subdivisions may establish SSPs on a voluntary basis and approval of a program is permitted only by the governing body of a political subdivision. County ordinances cannot authorize a program for a municipality within its borders.

The measure also requires SSPs to satisfy minimum requirements, such as providing naloxone or information on where to obtain it and referral information for mental health and other social services. Additionally, approved programs cannot operate within 500 feet of a child care program, school

or youth center or a public library, community center or swimming pool.

Senators passed LB307 Feb. 29 on a 30-7 vote.

In his veto message, the governor said SSPs have not proven effective in reducing drug use or the spread of disease when compared to other means. SSPs have led to increased drug deaths in areas where they have been implemented, Pillen said, and could expose citizens to health and safety risks due to improperly disposed needles.

Hunt filed a motion to override the governor’s veto. Thirty votes will be required. Consideration of the override motion is scheduled for debate March 12.

County sheriff candidate requirements expanded, advanced

A bill requiring county sheriff candidates to be certified law enforcement officers upon filing for office was amended and advanced from general file March 4.

LB894, introduced by Sumner Sen. Teresa Ibach, would require county sheriff candidates to possess a diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice before running for office. Additionally, upon filing to run for county sheriff, candidates would need to submit a standardized letter from the Nebraska Law Enforcement Training Center director certifying the issuance of their certificate or diploma.

The measure also would require newly elected county sheriffs to attend and complete a sheriff’s certification course and obtain certification within eight months of taking office. County sheriffs elected to office before July 19,



Sen. Megan Hunt



Sen. Teresa Ibach

1980, would be exempt.

Ibach said under current law, candidates for county sheriff do not have to be certified in law enforcement and have an eight-month grace period to obtain certification once taking office. Last year, she said, an uncertified individual was elected as county sheriff in Dundy County and failed to obtain certification, which resulted in a recall election that removed the sheriff from office.

“It is my hope that with the enactment of LB894, situations like this can be prevented in the future,” Ibach said. “I believe that it is in the best interest of the state, the county and the citizens of Nebraska that a person serving as sheriff be a certified law enforcement officer prior to election.”

A Judiciary Committee amendment, adopted 39-0, would replace the bill and clarify that sheriffs appointed by a county board also must possess a law enforcement officer certificate.

Omaha Sen. Justin Wayne offered an amendment to the committee amendment to add provisions of his LB918 that would permit individuals who have received Deferred Action for Childhood Arrivals status to receive law enforcement training and certification.



Sen. Justin Wayne

Rural areas of the state need help recruiting law enforcement, Wayne said, and allowing DACA recipients to become law enforcement officers could alleviate workforce shortages.

Sen. Robert Clements of Elmwood spoke in opposition to Wayne’s amendment and expressed concern over individuals with temporary resident status being allowed to serve as law enforcement.

“I think law enforcement officers should be a citizen of the United States when they take an oath to up-

hold the Constitution,” he said.

Dunbar Sen. Julie Slama spoke in favor of the amendment, saying people with temporary resident status should be able to serve their communities if they choose. If a person’s DACA status is revoked, she said, they would no longer be eligible to serve in law enforcement.

“If they [DACA recipients] want to walk the thin blue line and protect our communities, I think we should let them work toward that goal,” Slama said.

Omaha Sen. Terrell McKinney offered an amendment that would require sheriffs in Douglas, Lancaster and Sarpy counties to have at least a four-year degree in criminal justice or law enforcement. He said college-educated law enforcement officers are 40% less likely to use force and nearly 30% less likely to fire their weapons in the line of duty.

“I think college, in some cases, builds better leaders,” McKinney said. “I’m not saying college is the end-all-be-all, but I think it’s definitely helpful for people going into law enforcement.”

The amendment failed on a vote of 10-19.

Following the 36-8 adoption of Wayne’s amendment, LB894 advanced to select file 42-2.



Natural resources omnibus bill advanced

A proposal to create an online hunting and fishing guide and outfitter database received first-round approval March 7 after lawmakers amended it to include several other bills related to natural resources.

Under LB867, introduced by Sen. Bruce Bostelman of Brainard, the state Game and Parks Commission would charge a registration fee to administer

the database. Applicants who meet the bill’s requirements would be placed in the database for three years.



Sen. Bruce Bostelman

Among those requirements is that an applicant could not have been convicted of a felony or violated state or federal game law within three years prior to application.

Under a Natural Resources Committee amendment, adopted 26-0, an applicant also could not have had their privilege or right to hunt or fish suspended in Nebraska, another state or a state participating in the Interstate Wildlife Violator Compact.

Bostelman said the database would give hunters and anglers a list of “trusted” businesses that comply with state and federal laws.

Also included in the amendment are the provisions of five other bills heard by the committee this session.

The amended provisions of LB866, also sponsored by Bostelman, are intended to address concerns about succession planning, continuity and technical expertise on the five-member Nebraska Power Review Board, he said.

They would increase the number of consecutive terms a member could serve from two to three and eliminate the requirement that at least one member be an accountant.

Under current law, no one may serve on the board who has been a director, officer or employee of any electric utility or an elective state officer within four years preceding their appointment.

LB866 would allow no more than one person with that background to serve on the board at the same time. A member who previously served as a director, officer or employee of an electric utility could not take action in any proceeding before the board

that involves the utility for four years after the member leaves that position.

The proposal also would increase the per diem for most board members from \$60 to \$100 per day and increase the cap on total annual pay from \$6,000 to \$7,000.

The amended provisions of LB868, introduced by Bostelman, would extend the Petroleum Release Remedial Action Cash Fund's sunset date from June 30, 2024, to June 30, 2028. They also would direct investment earnings to the fund and repeal a provision allowing transfers to the state's General Fund.

The amended provisions of LB971, sponsored by Sen. Loren Lippincott of Central City, would require the state Game and Parks Commission to issue upon application a free, one-day hunting permit, habitat stamp and Nebraska migratory waterfowl stamp to any veteran who is a Nebraska resident and was discharged or separated under honorable conditions.



Sen. Loren Lippincott

The permit and stamps would be valid only on Veterans Day in the year in which they are issued.

The amended provisions of LB1001, introduced by Lincoln Sen. Danielle Conrad, would require the commission to establish a migratory waterfowl hunting season for veterans and members of the armed forces during which those individuals could hunt as long as they have a valid hunting permit and all required stamps.



Sen. Danielle Conrad

The amended provisions of LB1406, sponsored by Sen. Rita Sanders of Bellevue, would require the commission to offer an annual park entry per-

mit to active-duty military members who are stationed in Nebraska. The fee would be \$5, regardless of residency.



Sen. Rita Sanders

LB867 advanced to select file on a vote of 30-0.

TRANSPORTATION & TELECOMMUNICATIONS

Updated motorcycle helmet requirements advanced

A bill modifying Nebraska's motorcycle helmet law advanced to select file March 5.

Lawmakers last session repealed the state's helmet requirement for riders age 21 and older who have completed a basic motorcycle safety course.

Blair Sen. Ben Hansen, sponsor of LB1004, said current law requires even experienced riders to take both the online and in-person course components.



Sen. Ben Hansen

"This requirement has overwhelmed the safety classes with skilled riders and prevents those who actually need to learn the basics of riding from attending," he said.

Under LB1004, a Nebraska resident who is 21 and older and has received a Class M license prior to May 1, 2024, could operate a motorcycle or moped on a highway in Nebraska without a helmet if they have completed the three-hour online course component and submitted proof of completion to the state Department of Motor Vehicles.

Riders who receive their license after

May 1, 2024, would not be required to wear a helmet if they have completed the full course and submitted proof of completion to the department.

Nonresidents who are 21 and older and choose not to wear a helmet no longer would be required to show proof of motorcycle rider course completion to a law enforcement officer. Hansen said the current requirement is unenforceable because officers have no way to validate an out-of-state rider's certification during a traffic stop.

Hansen's proposal also would eliminate the current requirement that passengers must complete the safety course before riding without a helmet. Under LB1004, a passenger could ride without a helmet if the person operating the motorcycle is not required to wear a helmet.

Under a Transportation and Telecommunications Committee amendment, adopted 33-1, a passenger also would have to be 21 and older to ride without a helmet.

Hansen introduced an amendment, adopted 32-2, to add an emergency clause to the bill, under which it would take effect immediately upon passage.

Lawmakers then voted 34-3 to advance LB1004 to the second round of debate.

EMS funding increase clears first round

A proposal to bolster emergency medical services programs in Nebraska advanced to select file March 7 after lawmakers amended it to use a different funding source.

Currently, county treasurers collect a 50-cent fee in addition to registration fees for motor vehicles and trailers. The fee is credited to the Nebraska Emergency Medical System Operations Fund, which is administered by the state Department of Health and Human Services.

The fund is used to carry out activi-

ties related to the design, maintenance or enhancement of the statewide trauma system and to support emergency medical services programs.

Adams Sen. Myron Dorn, sponsor of LB1108, said the fee has not increased since it was created in 2001. As introduced, the bill would increase the fee to \$1.



Sen. Myron Dorn

Under a Transportation and Telecommunications Committee amendment, adopted 32-0, the fund also could be used to provide financial support for the statewide patient care reporting system and trauma registry and for the recruitment, retention and training of emergency medical responders.

Dorn estimated that LB1108 would direct an additional \$1.27 million to the fund each year, helping to recruit and train new volunteer emergency medical technicians.

“In rural areas, we are really starting to struggle with having enough members on many of these squads,” he said.

The amendment also would require the department to submit an annual report to the Legislature that explains how the money appropriated to the department from the fund was spent or why it was not spent.

Dorn introduced an amendment, adopted 33-0, that instead of increasing the fee would transfer \$1.27 million from the state Game and Parks Commission Capital Maintenance Fund to the Nebraska Emergency Medical System Operations Fund each fiscal year beginning in 2025.

The commission’s fund, which is used for deferred maintenance projects at state parks, currently receives sales and use tax proceeds from the sale or lease of motorboats, personal watercraft, all-terrain vehicles and utility-type

vehicles for transactions occurring before Oct. 1, 2027. Dorn’s amendment would strike the sunset date.

Senators then voted 33-0 to advance LB1108 to select file.

Transportation and telecommunications omnibus bill advanced

A bill containing technical changes requested by the state Department of Motor Vehicles advanced from general file March 4 after lawmakers amended it to include several other proposals heard by the Transportation and Telecommunications Committee this session.

Columbus Sen. Mike Moser, sponsor of LB1200, said the bill would update state law to conform with federal regulations, ensuring Nebraska does not lose federal highway funds.



Sen. Mike Moser

A committee amendment, adopted 41-0, added the provisions of five other bills considered by the committee this session.

The provisions of LB226, introduced by Sen. Tom Brandt of Plymouth, would allow a contracting agency, when entering into a construction manager-general contractor contract, to combine the separate qualification and proposal steps into a single-step process if the agency determines that a single-step process is in its best interest.



Sen. Tom Brandt

The provisions of LB891, sponsored by Lincoln Sen. Carolyn Bosn, would update the



Sen. Carolyn Bosn

Motor Vehicle Industry Licensing Act to clarify that a manufacturer is any person who manufactures, assembles or distributes motor vehicles.

Under the amendment, a manufacturer or distributor could not own a service facility or perform warranty or nonwarranty work on its vehicles unless it manufactures or distributes electric vehicles and is not a franchisor.

The provisions of LB900, also introduced by Brandt, would increase maximum truck length from 40 to 45 feet.

The provisions of LB929, sponsored by Sen. John Fredrickson of Omaha, would require the state Department of Health and Human Services to coordinate with the Nebraska Public Service Commission to ensure that the 988 Suicide and Crisis Lifeline can connect callers to, and receive communications from, the 911 service system. The commission would adopt statewide standards providing for dual capability so that it would be operational by Jan. 1, 2025.



Sen. John Fredrickson

The provisions of LB966, introduced by Niobrara Sen. Barry DeKay, would govern the movement of vehicular traffic facing flashing yellow arrow and steady red arrow indications. They also would increase the precision with which the state Department of Transportation calculates the state’s fuel tax rate.



Sen. Barry DeKay

LB1200 advanced to select file on a vote of 42-0. ■

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