

Family caregiver credit, other revenue measures advanced

A proposal intended to help Nebraskans who incur expenses when caring for a family member cleared the first round of debate March 28 after lawmakers amended it to include nearly a dozen other tax measures.

Under LB937, introduced by Lincoln Sen. Eliot Bostar, a family caregiver would be eligible for a nonrefundable income tax credit equal to 50% of expenses incurred that are directly related to the care for and support of an eligible family member. The credit would be available beginning with tax year 2025.

“LB937 recognizes the hard work and sacrifices made by family caregivers and helps lessen the financially challenging impacts of family caregivers’ responsibilities,” Bostar said.

The maximum credit for a single tax year would be \$2,000 or \$3,000 if the family member is a veteran or has dementia.

Certain improvements to the family member’s primary residence, the purchase of durable medical equipment or the hiring of a home care aide would be among the expenditures eligible for the credit.



Sen. Eliot Bostar said family caregivers are the “backbone of the U.S. care system” and that LB937 would help ensure that Nebraskans in need of care can stay in their homes.

To qualify as an eligible family member, an individual would require assistance with at least two activities of daily living, live in a private residence and qualify as the caregiver’s dependent, spouse, parent or other relation by blood or marriage.

(continued page 3)

Age verification for adult website access clears first round

Lawmakers gave first-round approval March 27 to a measure that would require websites containing sexually explicit content to verify a user’s age.

LB1092, introduced by Glenvil Sen. Dave Murman, would adopt the Online Age Verification Liability Act. The bill would bar a



Sen. Dave Murman

commercial entity from knowingly publishing or distributing material harmful to minors online by requiring them to use a reasonable age verification method to ensure that anyone attempting to access such material is at least 18 years old.

The age verification requirement would apply only if a “substantial portion” of the website’s content, defined as one-third or more, meets the bill’s definition of being harmful to minors.

Murman said the adult entertain-

ment industry currently has “free rein” to provide minors with access to sexually explicit content. Such content damages young people’s understanding of intimate relationships, he said, and can lead to sexual aggression, anxiety, depression and dangerous sexual behavior.

“The research finds that childhood exposure to pornography is not only linked to serious mental health problems for our kids, but also influ-

(continued page 2)

Age verification for adult website access clears first round

(continued from front page)

ences behaviors which are linked to violence – especially toward women,” Murman said.

Under the bill, digitized identification cards, third-party age-verification services or a method that relies on public or private transactional data to verify a person’s age would qualify as a reasonable age verification method. A commercial entity or third party that performs an age verification would be prohibited from retaining a person’s identifying information after access to the material has been granted.

LB1092 also would allow individuals, parents or guardians harmed by an entity that violates the act’s provisions to pursue a lawsuit and potentially recover damages. The bill would not apply to any legitimate news-gathering organization or broadcaster, and internet providers would not be held liable if a minor accesses explicit content due to an entity’s failure to implement an age verification method.

Seward Sen. Jana Hughes spoke in support of the measure. She said the Legislature has a responsibility to en-

sure businesses and websites operating in Nebraska have safeguards in place.

“Let’s get Nebraska one step closer to protecting our kids,” she said.

Speaking in opposition to LB1092, Bellevue Sen. Carol Blood said Nebraska lacks the needed technology infrastructure to keep citizens’ data and personal information safe from bad actors. Requiring adults to upload their ID to the internet could put them at risk for identity theft or disclose their location, she said, which in turn could compromise a person’s safety.

“If you keep passing these technology bills and you don’t have a strong foundation, you are opening up others to the very thing you’re trying to protect children from,” Blood said. “If we are worried about sex trafficking and grooming, we should be worried about this bill and make sure it’s right.”

Blood also raised concerns regarding who would determine whether a website’s content meets the bill’s definitions and about the measure’s lack of an enforcement mechanism. She said the bill was well-meaning but

“not ready for prime time.”

Murman said he would introduce an amendment on select file to address concerns regarding the security of age verification methods.

Sen. Megan Hunt of Omaha also opposed LB1092 and said parents can protect their children from harmful content as they see fit.

“I trust parents ... to raise their children, raise their families [and] put their own limitations on screen time and technology in their homes,” Hunt said.

Omaha Sen. Machaela Cavanaugh filed several motions to extend debate on the measure. She questioned its effectiveness to protect children when adult content is easily accessible on social media platforms, which are not covered under the bill’s provisions.

Following several hours of debate spanning two days, lawmakers adopted a technical amendment offered by Murman on a 30-1 vote and another from the Judiciary Committee 30-0. They then advanced LB1092 to select file 30-1. ■

UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter published during the legislative session. It is produced by the Clerk of the Legislature’s Office through the Unicameral Information Office. For print subscriptions, call 402-471-2788 or email uio@leg.ne.gov. Visit us online at Update.Legislature.ne.gov, twitter.com/UnicamUpdate and facebook.com/UnicameralUpdate.

Clerk of the Legislature: Brandon Metzler

Editor: Kate Heltzel; Writers: Maggie English, Kyle Harpster and McCartney Martin; Photographer: Bess Ghormley

Printed copies of bills, resolutions and the Legislative Journal can be requested at NebraskaLegislature.gov.

Status of bills and resolutions can be requested 402-471-2709 or 800-742-7456 or can be found at NebraskaLegislature.gov/bills.

Live video of hearings and floor debate can be viewed on NE-W and at nebraskapublicmedia.org.

Senators may be contacted by mail at this address:

Senator Name, District #, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604

Assistance provided by the Clerk of the Legislature’s Office, the Legislative Technology Center, committee clerks, legal counsels, journal clerks, pages, transcribers, mail/bill room staff and the State Print Shop.

THE NEBRASKA LEGISLATURE’S OFFICIAL NEWS SOURCE SINCE 1977

Family caregiver credit, other revenue measures advanced

(continued from front page)

Only individuals with a federal adjusted gross income of less than \$50,000, or \$100,000 if married filing jointly, could claim the credit.

A Revenue Committee amendment would limit total credits to \$2.5 million per year.

The amendment also contains provisions of 10 other bills heard by the committee this session.

Under the provisions of LB901, introduced by Linehan, purchases made by a non-profit organization would be exempt from state sales and use tax if the nonprofit acquires property or contracts to build, improve or repair property that will be transferred to a nonprofit whose purchases already are exempt.



Sen. Lou Ann Linehan

The amended provisions of LB1002, sponsored by Plymouth Sen. Tom Brandt, would set the maximum amount of tax credits available under the Nebraska Biodiesel Tax Credit Act at \$1.5 million in calendar year 2025 and \$2 million in the following years.



Sen. Tom Brandt

Under the amended provisions of LB1022, sponsored by Sen. Rita Sanders of Bellevue, film and television production companies could apply for a refundable income tax credit equal to 20% of their qualifying expenditures attributable to the



Sen. Rita Sanders

production of films, documentaries and other projects in Nebraska.

The state Department of Economic Development could approve up to \$1.5 million in credits each year.

The amended provisions of LB1025, introduced by Bostar, would create the Individuals with Intellectual and Developmental Disabilities Support Act.

Under the amendment, qualifying direct support professionals who care for individuals with intellectual and developmental disabilities could claim a refundable state income tax credit. Employers of direct support professionals could claim a nonrefundable credit.

The state Department of Revenue could approve a total of \$2.5 million in credits under the act annually.

Currently, grocery stores, restaurants and agricultural producers may apply for a nonrefundable state income tax credit equal to 50% of the value of food they donate to food banks, pantries or rescues.

Under the provisions of LB1040, introduced by Omaha Sen. John Fredrickson, the state Department of Revenue could approve up to \$1 million in credits each year.



Sen. John Fredrickson

The amended provisions of LB1072, sponsored by Sen. George Dungan of Lincoln, would allow a producer or importer of sustainable aviation fuel to claim a nonrefundable income tax credit based on the number of gallons sold or used in qualified mixtures.



Sen. George Dungan

Under the amended provisions of LB1084, introduced by Sumner Sen. Teresa Ibach, a Class III short-line rail company located wholly or partly in Nebraska could apply to the state Department of Revenue for a nonrefundable tax credit equal to 50% of its qualified maintenance expenditures during the tax year.



Sen. Teresa Ibach

The credit amount could not exceed \$5,000 per mile of track. The department could approve no more than \$2 million in credits annually.

Under the provisions of LB1158, sponsored by Bostar, the state treasurer would contract with a medical debt relief coordinator to purchase and discharge medical debt of eligible residents.

Nebraska residents with a household income at or below 400% of the federal poverty guidelines or with medical debt equal to at least 5% of the individual's household income would qualify.

Contributions to the program's fund would be deductible for state income tax purposes.

Under the amended provisions of LB1184, introduced by Bostar, Nebraska taxpayers could apply to the state Department of Revenue for a one-time, refundable state income tax credit of up to \$1,000 to offset the cost of installing a reverse osmosis system at their primary residence if test results show high levels of nitrates, uranium or certain chemicals in the drinking water.

The department could approve a total of \$1 million in credits each year.

(continued page 4)

The amended provisions of LB606, introduced last session by Sen. Joni Albrecht of Thurston, would allow individuals, passthrough entities, corporations, estates and trusts to claim a nonrefundable credit of up to 50% of their state income tax liability on contributions they make to qualifying pregnancy help organizations.



Sen. Joni Albrecht

Albrecht said the organizations assist pregnant women and new mothers by connecting them with jobs, education, transportation and housing.

Total credits would be limited to \$2 million per year beginning in calendar year 2025.

Eligible organizations would have to provide the state Department of Revenue a written certification that they meet certain criteria. Among other requirements, an organization would have to be a nonprofit located in Nebraska that does not provide, pay for, provide coverage of, refer for, recommend or promote abortions.

Several senators objected to the proposal's inclusion in the committee amendment. Omaha Sen. John Cavanaugh made a motion to divide the question and consider the provisions of LB606 separately from the committee amendment's other provisions. The motion was successful.

Dungan said LB937 and the committee amendment comprise a "fantastic package" that would benefit Nebraska by attracting new industries, recruiting and retaining talented workers and providing "limited but impactful" tax relief to caregivers.

However, Dungan said, he did not vote to advance the bill from committee because of the inclusion of Albrecht's proposal in the amendment.

Sen. Megan Hunt of Omaha also



Sen. George Dungan, a member of the Revenue Committee, said he did not support inclusion of the crisis pregnancy tax credit provisions in the committee amendment.

opposed the amendment containing Albrecht's proposal. She said pregnancy help organizations, also called crisis pregnancy centers, do not offer or refer for comprehensive reproductive health care services including prenatal care, contraception or abortion.

Many provide misinformation and use deceptive tactics to dissuade individuals from accessing abortion services, Hunt added.

"By providing tax incentives for donations to crisis pregnancy centers, LB606 indirectly endorses and funds entities that engage in practices contrary to evidence-based medical guidance," she said.

Bostar introduced an amendment that he said would broaden the definition of pregnancy help organizations but still exclude those that provide, pay for or provide coverage of abortions.

Albrecht opposed the amendment, saying "there is no way" she would support providing tax credits for contributions to organizations that provide referrals for or recommend abortions.

Bostar's amendment failed on a vote of 17-24.

Senators then voted 28-15 to adopt the amendment containing Albrecht's

proposal and 37-0 to adopt the amendment containing the remainder of the committee amendment.

Brandt offered an amendment, adopted 34-0, to include provisions of his LB1047. They would expand the list of denaturants subject to an excise tax paid by ethanol producers and impose the tax on 2% of certain agricultural ethyl alcohol sold that is unfit for beverage purposes.

Brandt said the changes are necessary to reflect current industry practices and would allow the Nebraska Ethanol Board to raise sufficient revenue to fund its operations.

Finally, Sen. John Cavanaugh introduced an amendment, adopted 31-4, to include the provisions of his LB58, which would exempt diapers from state sales and use tax.



Sen. John Cavanaugh

Cavanaugh said diapers are essential for the health of infants and young children and that taxing them burdens Nebraska families.

Senators then voted 40-0 to advance LB937 to select file. ■

AGRICULTURE

Health benefit plans for ag nonprofits approved

A bill intended to provide affordable health benefits to Nebraska farmers and ranchers received final approval from lawmakers March 28.

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 are not subject to insurance regulation.



Sen. Robert Dover

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

LB1313 passed on a vote of 45-0.

APPROPRIATIONS

Budget adjustment package passed

Lawmakers gave final approval March 25 to the Appropriations

Committee's mid-biennium budget adjustment package.

LB1412, introduced by Speaker John Arch of La Vista at the request of Gov. Jim Pillen, is the mainline budget bill. The measure provides, changes and eliminates appropriations for the operation of state government, postsecondary education, state aid, capital construction and federal funds allocated to the state from the federal American Rescue Plan Act of 2021.



Sen. John Arch

The bill reflects a 3.1% increase in state spending and leaves approximately \$20 million to fund legislative proposals this year.

Following the 37-5 adoption of a cloture motion to cease debate, offered by Arch, lawmakers passed LB1412 on a 42-6 vote. The bill took effect immediately.

LB1413, also introduced by Arch at the request of the governor, provides for the transfer of funds and creates and changes the use and distribution of funds. Among other provisions, the bill authorizes transfers from approximately 20 state agency cash funds and places those dollars in the state's General Fund.

The bill passed on a 37-8 vote following the 35-7 adoption of an Arch cloture motion and took effect immediately.

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

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

BANKING, COMMERCE & INSURANCE

Commercial development study passed

Lawmakers approved a measure March 28 intended to promote the development of mega sites – large areas of land with infrastructure in place meant to draw commercial and industrial projects to the state.

LB644, sponsored by Omaha Sen. Mike McDonnell, appropriates \$500,000 from the Site and Building Development Fund in fiscal year 2024-25 to the state Department of Economic Development to fund a comprehensive evaluation of potential mega sites.



Sen. Mike McDonnell

The study must be completed by Dec. 15, 2024, and at least one potential site must be located west of the 100th meridian, which passes through the state at Cozad.

The DED director also is required 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.

LB644 passed on a vote of 42-1 and took effect immediately.

BUSINESS & LABOR

State claims bill amended, approved

Lawmakers amended and passed a

measure this week that approves payment of certain claims against the state.

LB1188, introduced by Ralston Sen. Merv Riepe, provides for payment of a series of claims against the state and agency write-offs. Riepe, chairperson of the Business and Labor Committee, introduced the bill at the request of the state Department of Administrative Services Risk Management Division.



Sen. Merv Riepe

As introduced, the bill covered an indemnification claim for \$100,000 and the following agency write-offs:

- \$1,495 by the state Department of Health and Human Services;
- \$1,690 by the State Fire Marshal;
- \$8,830 by the state Department of Veterans Affairs;
- \$201,000 by the state Department of Transportation;
- \$931,309 by the state Department of Labor; and another
- \$1.017 million by the state Department of Labor.

The State Claims Board has the authority to approve, deny or adjust claims of more than \$5,000 and less than \$50,000. Claims of more than \$50,000 must be approved by the Legislature.

During general file debate March 25, Riepe asked senators to vote down a Business and Labor Committee amendment that would have added claims settled after the public hearing on LB1188. He explained that two additional settlements needed to be added to the bill, but legislative rules do not allow committee amendments to be withdrawn. Lawmakers obliged, voting down the committee amendment 0-35.

Riepe then offered an amendment, adopted 38-0, to include the claims in the committee amendment as well as an additional \$485,000 for two work-

ers' compensation claims.

It also includes the remaining \$7.45 million to finalize payment to the family of a Kearney man injured when his vehicle was struck by an individual involved in a high-speed chase while fleeing a stop by the Nebraska State Patrol.

A second Riepe amendment, also adopted 38-0, included an additional \$200,000 for a claim related to another law enforcement high-speed pursuit.

Sen. Justin Wayne of Omaha offered and later withdrew an amendment that would have added provisions of Hastings Sen. Steve Halloran's LB341. Those provisions would allow victims of child sexual abuse to sue a political subdivision or state agency for tort claims arising out of that abuse.

Elmwood Sen. Robert Clements, chairperson of the Appropriations Committee, expressed concern about attempting to attach a substantive change in public policy onto what is generally considered a budget bill.

Wayne said he would keep working to find a vehicle for the proposal. Lawmakers then voted 40-0 to advance the bill to select file. LB1188 was given final approval March 28 on a vote of 45-0 and took effect immediately.

EXECUTIVE BOARD

Halloran censure resolution considered

The Executive Board heard invited testimony March 28 on a resolution to formally censure Hastings Sen. Steve Halloran for remarks made during floor debate last week.

LR335, introduced by Omaha Sen. Machaela Cavanaugh and cosigned by Sen. Julie Slama of Dunbar, relates to events that occurred March 18 during debate on a bill regarding obscenity

laws governing K-12 teachers and librarians.



Sen. Machaela Cavanaugh

During the debate, Halloran read a passage from "Lucky," a memoir by Alice Sebold, which describes a graphic sexual assault that the author experienced. Halloran inserted the names "Senator Cavanaugh" and "Senator Dungan," who were engaged in the debate on the bill, throughout his reading of the excerpt.

The action resulted in calls for an apology and – from Slama – for Halloran to resign from the Legislature. Halloran apologized on the floor of the Legislature March 19, saying it was a mistake to insert fellow lawmakers' names into the passage during his speech, and claiming that he was simply attempting to bring their attention to the reading.

The Legislature has launched an official investigation into the incident under its workplace harassment policy.

LR335 asserts that Halloran engaged in behavior that "rises to the level of harassment and hostility to fellow members of the Nebraska Legislature." It goes on to state that his actions were "contrary to senatorial traditions of decorum" and have brought "disrespect and disrepute" to the Legislature and "shaken" Nebraskans' confidence in the institution.

Cavanaugh was the lone testifier at the hearing. Sens. John Cavanaugh, Dungan and Halloran declined to do so.

A vote by the Legislature to censure Halloran would not remove him from committee assignments or limit his ability to speak, Cavanaugh said, but would acknowledge that even constitutionally protected speech can have consequences.

"A censure vote is not merely a procedural formality, but a profound

expression of our collective conscience,” she said. “It is a reflection of our shared commitment to uphold the integrity and dignity of this body.”

Cavanaugh said the experience had “traumatized” her and her family, and that Halloran’s behavior was “profoundly offensive and fundamentally disrespectful” to the Legislature and its members.

In an email to the committee, Halloran argued that the hearing violated the Legislature’s official rules and that recent instances of “egregious behavior” by senators did not result in censure or other disciplinary action.

In addition, he cited the Nebraska Constitution, which states that “no member of the Legislature shall be liable in any civil or criminal action whatever for words in debate.”

“If I am guilty of anything, it is of working zealously to protect Nebraska’s children, exercising my First Amendment Right of Free Speech in debate on the Legislative floor,” Halloran wrote.

The Executive Board may vote to advance LR335 to the full Legislature for consideration. Twenty-five votes would be needed to adopt the resolution and officially censure Halloran.

Grand Island Sen. Raymond Aguilar, chairperson of the Executive Board, said at the end of the hearing that the committee will take the weekend to consider the resolution. The Legislature is in recess until April 2.

GENERAL AFFAIRS

Liquor, gaming and vaping package approved

Lawmakers gave final approval March 28 to a bill that contains several updates to state law governing liquor, gaming and vaping.

LB1204, sponsored by Omaha Sen. John Cavanaugh, defines rickhouse under the Nebraska Liquor Control Act and allows the holder of a microdistillery or spirits manufacturer license to operate



Sen. John Cavanaugh

a rickhouse in the state if authorized by the Nebraska Liquor Control Commission. A rickhouse is defined 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 includes provisions of three other measures, including Bellevue Sen. Rick Holdcroft’s LB981, which raises the quarterly tax-filing threshold to \$15,000 in gross proceeds for qualifying nonprofits that conduct lotteries or raffles.



Sen. Rick Holdcroft

The provisions of LB1000, introduced by Plymouth Sen. Tom Brandt, prohibit the Charitable Gaming Division and any lottery contractor from disclosing the identity of a person awarded a prize of \$250,000 or more except upon written authorization by the prize winner.



Sen. Tom Brandt

Finally, provisions of LB1296, sponsored by Sen. Jana Hughes of Seward, prohibit the online sale and delivery of electronic nicotine delivery systems directly to consumers in Nebraska



Sen. Jana Hughes

but allows online orders to be picked up at a licensed retail facility. Among other provisions, the measure also requires licensure or certification of wholesalers, retailers and manufacturers of ENDS products.

LB1204 passed on a 45-0 vote.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

History Nebraska bill advanced to final round

A state agency with a recent history of controversy would be placed under the direct authority of the governor under a bill amended and advanced from select file March 25.

Under LB1169, introduced by Bayard Sen. Steve Erdman, the Nebraska State Historical Society – commonly known as History Nebraska – would become a code agency under Nebraska state law. Code agency directors are appointed by the governor with legislative approval and report directly to the governor.



Sen. Steve Erdman

History Nebraska has been a noncode 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.

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

Lincoln Sen. Danielle Conrad

echoed concerns about LB1169 that she expressed during the first round of debate. She said some of the state’s most troubled entities are code agencies and that changing the status of History Nebraska is the “wrong remedy” to address the agency’s problematic recent history.

In addition, Conrad said, placing the director under the governor carries a danger of having the agency’s work become an extension of the political beliefs of whomever appoints them.

She offered an amendment that would require the agency director to ensure that the study and presentation of exhibits and other material is conducted in a way that “stimulates, encourages and protects” freedom of expression and academic freedom.

Conrad said the amendment mirrors language in state law that governs the Nebraska Arts Council and would place “guardrails” around the work of History Nebraska.

“I do think that this makes the bill better and will ... make sure that their important work continues without political interference,” Conrad said. “We need to keep the focus on the mission.”

Omaha Sen. Machaela Cavanaugh supported the amendment. She noted what she described as lawmakers’ failure to thoroughly vet the governor’s appointee to lead the state Department of Health and Human Services – whose appointment was approved earlier in the day – and expressed concern that the same might happen with the future leader of History Nebraska.

Following the 35-0 adoption of the Conrad amendment, senators voted 31-0 to advance LB1169 to final reading.

HEALTH & HUMAN SERVICES

Medicaid prenatal program approved

Lawmakers passed a bill March 28 to support low-income Nebraska mothers who are at risk for adverse birth outcomes.

LB857, sponsored by Lincoln Sen. George Dungan, creates the Nebraska Prenatal Plus Program to cover the cost of prenatal services for at-risk mothers – defined as pregnant women eligible for Medicaid or the Children’s Health Insurance Program who a health care provider determines are at risk for a negative maternal or infant health outcome.

Prenatal services under the program include nutritional counseling, psychosocial counseling and support, general client education and health promotion, breastfeeding support and targeted case management. The program will sunset June 30, 2028.

The bill also includes provisions of Lincoln Sen. Carolyn Bosn’s LB933 that expand Nebraska Medicaid coverage for continuous glucose monitors to include individuals with gestational diabetes and those receiving any type of insulin therapy.

Funding for continuous glucose monitor coverage is capped at \$600,000 annually from the Medicaid Managed Care Excess Profit Fund.

Senators passed LB857 on a 45-0 vote.



Sen. George Dungan



Sen. Carolyn Bosn



Sen. Ben Hansen



Sen. Carol Blood



Sen. Beau Ballard



Sen. Merv Riepe

Omnibus health services bill approved

Senators passed a bill March 28 that makes a number of changes to laws governing the licensure and provision of health services in Nebraska.

Among other provisions, LB1215, sponsored by Blair Sen. Ben Hansen, requires nurse renewal licenses to be registered in the state Department of Health and Human Services electronic database and eliminates the certificate of need requirement for rehabilitation beds in hospitals.

The measure includes provisions of 10 other proposals considered by the Health and Human Services Committee this session, including:

- LB823, sponsored by Bellevue Sen. Carol Blood, which adopts the Physician Assistant Licensure Compact;
- LB896, introduced by Lincoln Sen. Beau Ballard, which repeals a requirement for a signed statement within 10 days when a telehealth patient gives verbal consent during an initial consultation;
- LB1009, sponsored by Sen. Merv Riepe of

Ralston, which allows a person who has failed the state barber examination a third time to take the test again;

- LB1106, introduced by Omaha Sen. Jen Day, which requires Medicaid to cover a minimum of 10 lactation consultations for mothers and children covered under Medicaid and increases lactation consultant provider rates by 145%;



Sen. Jen Day

- LB1107, also introduced by Day, which requires DHHS to provide Medicaid coverage for electric breast pumps for qualified pregnant women, beginning no later than Jan. 1, 2025;
- LB1138, sponsored by Riepe, which allows a prescriber who issues fewer than 50 prescriptions a year to not use electronic prescription technology;

- LB1171, introduced by Gering Sen. Brian Hardin, which adds an exception to pharmacy verification requirements for pharmacies with multiple locations that share a common electronic database;



Sen. Brian Hardin

- LB1173, sponsored by Riepe, which changes requirements related to vital statistics;
- LB1181, introduced by Ballard, which changes the Pharmacy Practice Act, Uniform Controlled Substances Act and Public Health and Welfare statutes relating to medications; and

- LB1373, sponsored by Blood, which creates the Dietitian Licensure Compact, which will take effect when seven states pass enacting legislation, and adds dietitians to the list of health professions in Nebraska that require a background check.

Lawmakers passed the measure on a 45-0 vote and LB1215 took effect immediately.

Changes to opioid fund usage amended, advanced

Rules governing a fund that contains state settlement dollars related to the opioid crisis would be modified to provide grants for prevention, treatment and research under a bill given second-round approval March 25.

Under LB1355, introduced by Sen. Tony Vargas of Omaha, the state would provide funds from the Nebraska Opioid Recovery Trust Fund to the state Department of Health and Human Services to address Nebraska’s opioid problem.



Sen. Tony Vargas

Vargas offered a select file amendment, adopted 41-0, that replaced the bill. He said the changes reflected work done by stakeholders, including DHHS and the governor’s office, after the bill’s first round of debate.

“A shared vision for how we can make the lives of Nebraskans safer and healthier made compromise possible,” Vargas said.

Among other changes, the amendment would make the following annual appropriations:

- \$1.25 million to the Training Division Cash Fund;
- \$400,000 to the HHS Cash Fund to carry out the Overdose

- Fatality Review Teams Act; and
- \$3 million to the Opioid Prevention and Treatment Cash Fund, which the bill would create, to be distributed among the state’s behavioral health regions.

Any dollars provided to the behavioral health regions and not utilized would be “clawed back” to the settlement fund.

The amendment also states legislative intent that 25% of the total settlement funds received by the state be transferred to the Opioid Prevention and Treatment Cash Fund and 75% to the Opioid Treatment Infrastructure Cash Fund, which the amendment also would create.

Dollars appropriated to the infrastructure fund would be used for state and local public-private partnerships for entities engaged in opioid treatment, including capital construction and renovation. Administrative costs would be capped at 5%.

Also included in the amendment is legislative intent to appropriate \$500,000 in general funds to DHHS for distribution to local public health departments for opioid use prevention and mediation. Funds appropriated for this purpose would be offset by a reduction in the state’s appropriation to the Behavior Health Aid program.

An appropriation of \$250,000 in general funds in the amendment to support research on opioid addiction and misuse prevention at the University of Nebraska Medical Center also would be offset by a reduction in the Behavioral Health Aid appropriation.

Finally, regional behavioral health authorities and local public health departments would be required to report in even-numbered years regarding the use of funds.

Blair Sen. Ben Hansen, chairperson of the Health and Human Services Committee, supported the

amendment, which he described as “forward thinking” in its effort to set aside funding for the expansion of treatment options in Nebraska.

Following adoption of an additional technical amendment offered by Vargas, lawmakers advanced LB1355 to final reading by voice vote.

JUDICIARY



County sheriff requirement passed

Lawmakers approved a proposal March 28 that requires county sheriffs in Nebraska to be certified law enforcement officers.

LB894, introduced by Sumner Sen. Teresa Ibach, requires county sheriff candidates to possess a diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice before running for office.



Sen. Teresa Ibach

The measure also requires newly elected and appointed county sheriffs to obtain certification within eight months of taking office. County sheriffs elected to office before July 19, 1980, are exempt from the bill’s provisions.

LB894 passed on a 44-0 vote.

Recognition of tribal involuntary commitment orders clears second round

A proposal meant to facilitate cooperation between tribal, state and local authorities regarding involuntary commitment of tribal members was

amended and advanced from select file March 25.

LB1288, sponsored by Lincoln Sen. Jane Raybould, would require state and local authorities to recognize tribal hold orders, commitment orders and emergency protective custody orders issued for residents of Indian country, as defined by federal law.



Sen. Jane Raybould

The bill also would allow for transportation of persons civilly committed under tribal law and provide for reimbursement of treatment and transportation costs by the tribe.

Thurston Sen. Joni Albrecht, whose legislative district includes the Winnebago and Omaha reservations, opposed the bill. She offered and later withdrew a motion to bracket LB1288 until April 18.

Albrecht said not all stakeholders were consulted on the proposal and that it would have unintended consequences for tribes, counties and law enforcement. She said the problem the bill is focused on should be addressed by the federal government, not state lawmakers.

Raybould opposed the bracket motion. She said tribal leaders indicated that their top policy concern is that law enforcement and treatment facilities currently are not recognizing hold orders for tribal members who are experiencing a mental health crisis when those orders are issued by tribal judges.

She said she worked on the bill with tribal leaders, experts in tribal law, the courts and the state Department of Health and Human Services.

Raybould offered an amendment that would reiterate that LB1288 applies only to tribal members and would strike a provision requiring

tribal consent to discharge or transfer an individual who is subject to the bill’s provisions. The amendment instead would require that a tribe simply be notified of any such action.

“This only applies to a small number of people in need of help who refuse it voluntarily,” Raybould said. “We are talking about individuals who are at risk of harm to themselves or others.”

Finally, the amendment would change the bill’s operative date to Oct. 1. Raybould said that change would allow time for tribes and counties to negotiate other methods of addressing the issue if they choose to do so.

Sen. Tom Brewer of Gordon supported the bill and the amendment. Tribal members need services, he said, and lawmakers need to offer solutions in the near term, even if they are imperfect.

“This is something that we have to take action on to fix,” Brewer said. “It’s a real problem.”

The Raybould amendment failed on the first vote 22-0. Twenty-five votes were needed. A motion to reconsider that vote was successful and the amendment was adopted on a second vote of 28-1.

Omaha Sen. Terrell McKinney then offered an amendment, adopted 35-0, to add provisions of his LB923. The provisions would add a tribal enrollment card as a valid form of proof of identification and age for the purchase of alcohol and for an application for a handgun transfer certificate or a permit to carry a concealed handgun.

An amendment offered by Sen. Carol Blood to include provisions of her LB911, which would require DHHS to keep re-



Sen. Carol Blood

cords of Indian Child Welfare Act cases and allow for data analysis, failed on a vote of 23-0.

Lawmakers advanced LB1288 to final reading by voice vote.

TRANSPORTATION & TELECOMMUNICATIONS

Motorcycle helmet requirements updated

Lawmakers passed a bill March 28 modifying Nebraska’s motorcycle helmet law.

Under LB1004, sponsored by Blair Sen. Ben Hansen, a Nebraska resident who is 21 or older and received a Class M license prior to May 1, 2024, may operate a motorcycle or moped on Nebraska highways without a helmet if they complete a three-hour online motorcycle safety course and submit proof of completion to the state Department of Motor Vehicles.



Sen. Ben Hansen

Riders who are 21 or older and receive a license after May 1, 2024, are not required to wear a helmet if they complete the full basic motorcycle safety course and submit proof of completion to the department.

Under the bill, nonresidents who are 21 or older and ride without a helmet no longer are required to show proof of motorcycle rider course completion to a law enforcement officer upon request. They are required to have a motorcycle license issued by another state.

LB1004 also eliminates the requirement that motorcycle or moped passengers complete a safety course before

riding without a helmet. A passenger who is 21 or older may ride without a helmet if the person operating the motorcycle is not required to wear a helmet.

The bill passed on a vote of 39-4 and took effect immediately.

URBAN AFFAIRS

Bill gutted to become inland port authority measure, advanced

Lawmakers gave first-round approval March 26 to a proposal intended to give community members greater say in the development of a proposed inland port district in Omaha.

As introduced by Omaha Sen. Terrell McKinney, LB164 would have updated building and energy codes in state law. An Urban Affairs Committee amendment, adopted 32-0, replaced the bill with a separate proposal to change the Municipal Inland Port Authority Act, which the Legislature created in 2021.



Sen. Terrell McKinney

It allows qualifying cities and counties to create an inland port authority – administered by an appointed governing board – with the power to plan and develop an inland port district. Up to five inland port districts may be designated throughout the state.

Among other changes, the amendment would increase that number to seven and allow no more than one district to be created in a metropolitan class city. Omaha currently is the state’s only metropolitan class city.

McKinney introduced an amend-

ment, adopted 30-0, that would replace the committee amendment with a modified version of the proposal, leaving the maximum number of districts at five.

He said the changes are intended to ensure that a proposed business park and innovation district in North Omaha are developed with public input.

“We’re just trying to make sure that there is proper coordination with the projects and that ... the community isn’t forgotten about,” McKinney said.

The amendment would require an inland port authority within the boundaries of a metropolitan class city to create and operate an innovation district, conduct quarterly public input meetings, create and maintain a community advisory committee and meet several other requirements.

McKinney’s amendment also would require the state treasurer to transfer \$30 million from the Economic Recovery Contingency Fund to a proposed Inland Port Authority Fund for the innovation district and other purposes. That funding currently is designated for grants to a proposed innovation hub in North Omaha.

In addition to that transfer, the treasurer would transfer interest earned from federal coronavirus relief funds, as well as investment earnings from funds designated for the construction of a new state prison, to the Inland Port Authority Fund for the next two fiscal years.

The treasurer would use the new fund to provide grants to an inland port authority created within the boundaries of a metropolitan class city.

The amendment also would require the state Department of Economic Development to meet certain requirements before releasing approximately \$90 million in grant funds it recently awarded to a nonprofit to develop the North Omaha business park.

Before releasing the funds, the department would require the grant recipient to attend all meetings of the proposed advisory committee and establish a separate bank account for the funds.

The recipient also would have to submit a financial pro forma, hold two public meetings to receive input on economic development initiatives within the business park and receive a letter of support from the inland port authority managing the inland port district where the park is located.

Additionally, McKinney's amendment would require the state treasurer to transfer \$7 million from the Economic Recovery Contingency Fund to the Museum Construction and Maintenance Fund for the construction of a new museum at Fort Robinson State Park.

The amendment also would create two grant programs intended to increase Nebraska's child care capacity.

Under the first program, the state Department of Economic Development would award grants to cities, villages, counties, nonprofits and other eligible recipients identified by a statewide organization that supports children and families.

Applicants would be required to provide a one-to-one match before receiving a grant. They could use the funds to provide financial support to a licensed child care program or a license-exempt provider serving children enrolled in a child care subsidy program, among several other uses.

Under the second program, the department would provide grants for certain new and existing licensed family child care programs and to create regional hubs that would provide administrative and technical support to those programs.

Senators voted 31-0 to advance LB164 to select file.

Innovation hub measure amended, advanced

A proposal to update the Nebraska Innovation Hub Act advanced to the final round of debate March 26 after lawmakers amended it to limit the number of special retail districts that could be created statewide.

The act allows the director of the state Department of Economic Development to designate private nonprofit corporations and postsecondary educational institutions as innovation hubs in certain geographic areas to stimulate partnerships, economic development and job creation.

As amended on general file, LB1344, sponsored by Omaha Sen. Justin Wayne, would allow an innovation hub to be located within an inland port district, 30 miles of a certain reservoir or any county with a population of less than 100,000.

It also would increase the maximum number of innovation hubs that could be designated in the state's 1st Congressional District from four to six and in the 2nd Congressional District from three to four.

The bill would require the department to terminate a designation for any innovation hub that has not fully implemented a memorandum of understanding entered into with the department director within three years after the designation.

Wayne introduced an amendment on select file that contains amended provisions of his LB1356, which would expand the definition of community betterment organization to include inland port authorities.

The amendment would rename and modify the Community Devel-

opment Assistance Act, which allows cities, villages, counties and other community betterment organizations engaged in eligible activities in community development areas to apply to DED to have one or more programs certified for tax credit status.

Under the new Creating High Impact Economic Futures Act, agribusinesses, innovation hubs and inland port authorities would be classified as community betterment organizations. The definition of community development area would expand to include economic redevelopment areas, enterprise zones, counties with a population of less than 10,000 and inland port districts.

The operations of inland port authorities, sports complexes and intermodal facilities are among the new activities that would be eligible for tax credit status.

Individuals and businesses currently receive a 40% tax credit for contributions they make to a community betterment organization's certified program.

Under Wayne's amendment, individuals would be eligible for a nonrefundable income tax credit equal to 100% of their contributions. Passthrough entities, corporations and estates or trusts would be eligible for a nonrefundable credit equal to 50% of their contributions.

The amendment would limit the total amount of tax credits to \$2 million per congressional district per calendar year, for a total of \$6 million annually.

The amendment also contains amended provisions of Wayne's LB1228, under which DED could approve no more than three good life districts across the state.

Transactions within the districts, which the Legislature authorized last year under the Good Life Transformational Projects Act, are subject to a reduced state sales tax rate of 2.75%.



Sen. Justin Wayne

Wayne said the proposed limit on good life districts is intended to safeguard state sales tax revenue.

Under the amendment, no more than one good life district could be created in a county with a population of 500,000 or more, not including a district created within an inland port district.

Wayne introduced another amendment, adopted 28-0, under which no more than five districts could be created. It also would limit the maximum amount of credits per program or project under the Creating High Impact Economic Futures Act to \$150,000 per year for both the 1st and 3rd congressional districts.

Sen. Carol Blood of Bellevue supported the amendment, saying the higher maximum number of good life districts is needed to accommodate a proposed district in Bellevue.

Elmwood Sen. Robert Clements expressed concern about a provision in Wayne's original amendment that would have allowed individuals or businesses to receive a tax credit for services they contribute to a community betterment organization.

Wayne offered an amendment, adopted 37-1, to remove that provision.

Senators then advanced LB1344 to final reading by voice vote. ■



Unicameral Youth Legislature registration now open

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2024 Unicameral Youth Legislature, which will convene June 9-14.

In this legislative simulation conducted at the State Capitol Building, high school students from around the state have the opportunity to take on the role of lawmakers. Student senators sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only

unicameral by learning directly from current state senators and staff.

The program is conducted by the Clerk of the Nebraska Legislature, through the Unicameral Information Office, in coordination with Big Red Summer Camps.

Scholarships are available and are awarded prior to registration. Early bird registration ends April 5.

For information on registration and scholarships, visit the Unicameral Youth Legislature page: NebraskaLegislature.gov/uyl. ■

LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

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

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

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

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

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

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

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

Chair - the presiding officer.

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

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

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

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

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

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

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

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

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

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

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

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

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

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

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

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

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

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

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



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

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

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

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

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

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

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

Override a Veto - see Veto Override.

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

Presiding Officer - the senator currently presiding over legislative proceedings.

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

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

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

Resolution - see Legislative Resolution.

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

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

may be printed in the Legislative Journal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Unicameral Information Office
Nebraska Legislature
P.O. Box 94604
Lincoln, NE 68509
03-23-05

PRESRT STD
U.S. POSTAGE PAID
LINCOLN, NE
PERMIT NO. 212

