

Inheritance tax phaseout debated

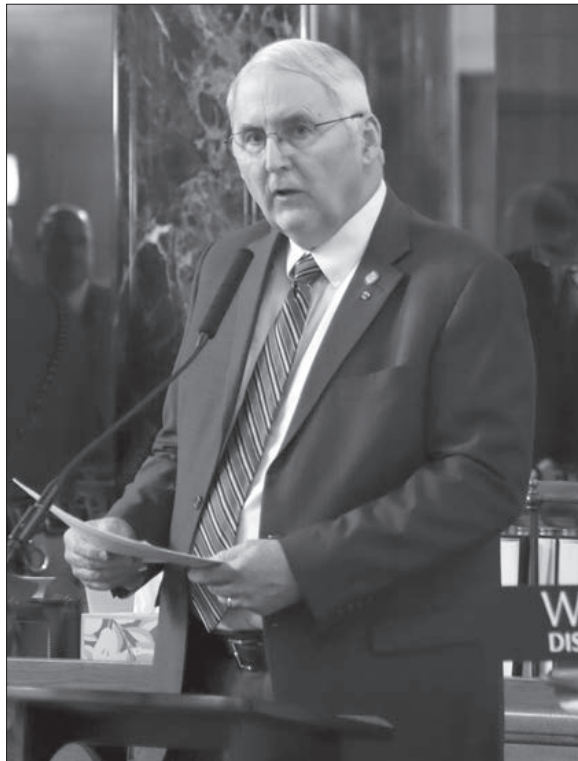
Lawmakers continued first-round debate this week on a proposal to phase out the inheritance tax collected by Nebraska counties while partially reimbursing them for housing state prisoners.

Under current law, immediate relatives pay a 1% tax on the clear market value of property over \$100,000 received by each person. Remote relatives pay 11% on inheritances of more than \$40,000, and all other beneficiaries pay 15% on inheritances of more than \$25,000.

Under LB1067, introduced by Sen. Robert Clements of Elmwood, the rate that applies to immediate relatives would fall incrementally each year, beginning in 2025, until reaching 0% in 2028. The rates that apply to distant relatives and others would decrease each year beginning in 2024, and also would reach 0% by 2028.

Clements said the inheritance tax makes Nebraska unattractive to retirees and is paid by a relatively small number of people, roughly 40% of whom live outside the state.

As introduced, the bill would offset a portion of counties' revenue loss by requiring the state Department of Correctional Services to reimburse counties \$35 per day for each state



Sen. Robert Clements said Nebraska is one of only six states in which inheritance tax is collected.

prisoner housed in a county jail. Beginning with fiscal year 2024-25, the total annual appropriation for reimbursing county jails could not exceed \$3.9 million.

A pending Revenue Committee amendment would increase the reimbursement to \$100 per day.

Omaha Sen. Justin Wayne introduced an amendment that would require the state to reimburse counties for 25% of their actual costs to house state prisoners in fiscal year 2024-25, 50% in FY2025-26 and 100% beginning in FY2026-27.

If prisoners are held in county jails for violating state law, Wayne said, the state should cover the entire cost,

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Recognition of tribal involuntary commitment orders advanced

A proposal meant to facilitate cooperation between tribal, state and local authorities regarding involuntary commitment of tribal members advanced to select file Feb. 29.

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.

Omaha Sen. Jen Day, chairperson of the State-Tribal Relations Committee, introduced the proposal during debate. She said the committee voted to give LB1288 a priority designation because of its importance to tribal leaders in Nebraska. The bill seeks to close a gap in state law, she said, and help protect tribal members who are experiencing a mental health crisis.

Currently, Day said, emergency protective custody orders issued by tribal courts are not recognized in state law. The result, she said, is that some local law enforcement officials will not trans-

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Inheritance tax phaseout debated

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which he estimated at \$140 million per year.

As introduced, LB1067 also would have allowed a county's governing body to use the proceeds of two funds intended to promote tourism and improve visitor attractions for other purposes. Under the committee amendment, they could use only up to 50% of the proceeds.

An amendment offered by Clements, adopted 40-0, would remove those provisions. He said counties spend most of their tourism funds, leaving little to offset lost inheritance tax revenue, as originally intended.

Clements said he and other senators were working to find additional ways to replace the estimated \$12 million in inheritance tax revenue counties would lose in the first year of the bill's implementation.

Sen. Lou Ann Linehan of Elkhorn, chairperson of the committee, supported LB1067, saying most counties



Sen. Jane Raybould said that without inheritance tax revenue, counties would have to collect more property taxes to build up emergency reserves and pay for essential services.

have robust reserves and could adjust to the gradual inheritance tax phaseout. She said the tax is "mean" and "unfair" because it applies to money and property that already has been subject to income and property taxes.

"You pay taxes your whole life, and then, when you die, your heirs pay taxes again," Linehan said. "It's just wrong."

Seward Sen. Jana Hughes said she agrees that the tax is unfair but

that eliminating it would leave counties with no "viable alternative" to pay for emergencies and unexpected expenses other than increasing property taxes, their only other source of revenue.

"I'm not in favor of eliminating one tax to replace it with another, especially if it runs counter to our efforts to lower our property tax[es]," she said.

Sen. Jane Raybould of Lincoln opposed LB1067, saying counties use inheritance tax proceeds to buy emergency equipment, repair damaged infrastructure and pay for unfunded state and federal mandates.

When fully implemented, she said, the bill would reduce county revenues by approximately \$120 million per year, forcing them to cut programs and services or raise property taxes to pay for them.

The Legislature adjourned before voting on the pending amendments or the bill. LB1067 remains on general file. ■

UNICAMERAL UPDATE

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Recognition of tribal involuntary commitment orders advanced

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port an individual under such an EPC order to a facility that can provide the appropriate level of care — or, if they do, the individual may be turned away from the facility.

“If either of these needs cannot be met, which is often the case, we are putting the health and safety of an individual at risk of harm to themselves or others in great jeopardy,” Day said.

An amendment offered by Raybould that would address concerns raised by the state Department of Health and Human Services regarding payment for transportation and treatment was adopted 29-6.

Thurston Sen. Joni Albrecht, whose legislative district includes the Winnebago and Omaha reservations, opposed the bill and the amendment. She said the Winnebago Tribe has a hospital in Thurston County that could be enhanced to provide the care needed.

“I think it would be easier to bring the doctors in than to have to transport [people] out,” Albrecht said.

Sen. Tom Brewer of Gordon agreed that the hospital in Winnebago should be supported, but said doing so is a long-term project that would not solve the current problem. County sheriffs are being forced to place individuals who are experiencing a mental health crisis in jail cells without treatment because some facilities won’t recognize an order issued by a tribal court, he said.

“What we’re trying to do is deal with a crisis now,” Brewer said.

Lincoln Sen. Danielle Conrad supported the bill and the amendment. She said the proposal could be confusing to people who are not attorneys



Sen. Jen Day presented LB1288 to lawmakers in Sen. Jane Raybould’s absence Feb. 29.

because it involves complex issues of tribal governance, but that its provisions should not be considered controversial.

Conrad said Raybould’s amendment was written in consultation with DHHS, experts in tribal law and other stakeholders. It was crafted to eliminate any concerns regarding reimbursement for transportation and services and to respect tribal sovereignty, she said.

“This is a critical bill that is long overdue, has been carefully vetted by the legal experts on this issue, and we need to move forward,” Conrad said.

Following adoption of the Raybould amendment, lawmakers voted 25-10 to advance the bill to select file. Twenty-five votes were needed. ■

Forecasting board raises short-term revenue projections

In its final meeting before legislative debate begins on proposed adjustments to the state budget, the Nebraska Economic Forecasting Advisory Board voted Feb. 29 to raise revenue projections for the current fiscal year.

The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state’s budget.

Revenue projections for the current fiscal year were raised primarily based on an anticipated increase of \$750 million in corporate income tax receipts, offset by a projected decrease of \$200 million in individual income tax receipts.

Total projected revenue receipts for FY2023-24 were set at \$7.02 billion, an overall increase of \$575 million.

The board also set the forecast for projected total revenue receipts for FY2024-25 at \$5.84 billion, a decrease of \$525 million. That change was based mainly on a projected \$715 million decrease in individual income tax receipts, partially offset by a projected \$160 million increase in corporate income tax receipts.

The next board meeting is scheduled for Oct. 31. ■

BANKING, COMMERCE & INSURANCE



Bill would regulate discount drug program

The Banking, Commerce and Insurance Committee heard testimony Feb. 27 on a bill meant to protect certain hospitals and other health care facilities in Nebraska that purchase drugs at discount prices through a federal program.

LB984, sponsored by Sen. Brian Hardin of Gering, would prohibit drug manufacturers or wholesale drug distributors from directly or indirectly denying, restricting, prohibiting, refusing, withholding or otherwise interfering with the acquisition of a 340B drug by any pharmacy that is under contract with a participating entity.

Hardin said the federal 340B program was created by Congress in 1992 to authorize eligible critical-access and “safety-net” hospitals and federally qualified health centers to purchase certain outpatient medications at discount prices to help offset the cost of providing Medicaid and Medicare services. The savings that health facilities realize through the federal program are then reinvested in local programs that increase access to care for Nebraskans, he said.

Most rural hospitals do not have in-house pharmacies, Hardin said, so over half of the state’s hospitals contract with community and specialty pharmacies. Manufacturers and wholesalers have begun placing restrictions on those partnerships, he

said, and the result is a significant narrowing of the 340B program.

“LB984 does not seek to change the federal 340B program; it simply seeks to regulate the delivery of drugs from a manufacturer or wholesaler through a contract pharmacy,” Hardin said, adding that Arkansas and Louisiana recently passed similar legislation.

Olivia Little testified in favor of the bill on behalf of the Johnson County Hospital and the Nebraska Hospital Association. The 340B program allows small, rural hospitals to continue offering services such as home health, she said, which keeps people out of assisted living facilities and nursing homes without using Nebraska taxpayer dollars.

“Critical-access hospitals are already operating on a very thin margin while supporting needed services in our community that operate at a loss,” Little said.

Also testifying in support was Kathy Nordby, CEO of Midtown Health Center, which is a federally qualified health center in Norfolk with satellite clinics in Madison and West Point. Midtown – which does not have an in-house pharmacy – serves more than 8,200 patients in 14 different counties in northeast Nebraska, she said, providing in-person and telehealth behavioral health resources, psychiatric consultations and other services.

Nordby said more than 80% of the people Midtown serves are at or below 200% of the poverty level and nearly one quarter are uninsured. Placing more restrictions on which pharmacies the center can contract with puts medication access for low-income Nebraskans at risk, she said.

“If I have one pharmacy to serve our entire area ... how are people going to get their refills?” Nordby said.

Jed Hansen, president of the Ne-

braska Rural Health Association, also spoke in favor of LB984. Almost every rural health system is impacted by the 340B program, he said, and 87% of rural Nebraska hospitals have seen their program discounts reduced because of new restrictions by manufacturers and distributors.

“The sustainability of this program is paramount to the health of our communities,” Hansen said.

Jordan Wildermuth testified in opposition to the bill on behalf of the Healthcare Distribution Alliance, which represents wholesale drug distributors. Distributors do not determine the price of 340B drugs, he said, but simply pack and ship them for manufacturers. Other states that have passed similar bills have not included wholesalers in their legislation, Wildermuth said, and he encouraged the committee to consider amending wholesalers out of LB984.

Also opposed to the bill was Kate- lin Lucariello, deputy vice president of state advocacy for PhRMA, the Pharmaceutical Research and Manufacturers of America. Lucariello agreed that the 340B program is critical for Nebraska hospitals and said manufacturers are committed to its success. Any reform, however, should be done at the federal level, she said, adding that recent legislation passed in Arkansas and Louisiana currently is being litigated.

“We see a federal fix as necessary,” Lucariello said, “because it is a program that requires systematic change rather than creating a kind of a patchwork of state policy.”

The committee took no immediate action on LB984.



Sen. Brian Hardin

EDUCATION

Bill would allow chaplains to serve as public school counselors

The Education Committee heard testimony Feb. 27 on a proposal that would allow chaplains to perform duties typically done by public school counselors.

LB1065, introduced by Central City Sen. Loren Lippincott, would permit a chaplain to perform the duties of a school counselor without a certificate to teach, administer or perform other special services.



Sen. Loren Lippincott

Chaplains would, however, be required to undergo a criminal history record check and would be subject to the same eligibility restrictions as school counselors based on the results.

Under the bill, before a school district could hire a chaplain as a school counselor, the school board would be required to create a policy outlining the hiring process, disciplinary actions, continuing education requirements and termination procedures.

A similar law was passed in Texas last year, Lippincott said, and state legislatures in Florida, Indiana and Oklahoma currently are considering similar legislation. Chaplains commonly provide services in public settings, he said, such as Congress, hospitals and the military.

“If chaplains are entrusted with our firefighters and law enforcement, I think they can be of use in our schools,” Lippincott said.

Sherry Jones, a former school counselor from Grand Island, testified in

support of the proposal. She said Texas has seen a decrease in teacher turnover, bullying and suicide since enacting its law permitting chaplains to perform counselor duties. Nebraska has a shortage of teachers, counselors and social workers, Jones said, and chaplains could help alleviate those shortages.

“If we indeed have a mental health crisis in our schools – coupled with the shortage of school counselors and social workers to address the needs [of students] – then we must think outside of the box as to how to provide services to our students and staff,” she said.

Also testifying in support of the bill was Ted Lewiston of Bellevue. Young people are experiencing an “epidemic” of loneliness and isolation, he said, resulting in increased rates of depression, anti-social behavior and violence in schools.

Allowing chaplains to perform the duties of school counselors would provide students and school staff with “a listening ear, a caring heart and a resource that’s outside of the normal school hierarchy,” he said.

Deb Rasmussen, a school counselor in Lincoln, testified in opposition to the proposal on behalf of the Nebraska State Education Association. She said school counselors are tasked with providing an inclusive, nonjudgmental environment for all students. Many schools have a culturally and religiously diverse student population, Rasmussen said, and a chaplain could not appropriately serve students of every faith background.

“Religion belongs outside classrooms and public schools,” she said.

Testifying in opposition to the proposal on behalf of the Nebraska School Counselor Association, Doug Hauserman said school counselors have knowledge and specialized training in mental health, education and

social development. Counselors also abide by a code of ethics, he said, and are versed in local, state and federal laws and policies.

“Bottom line, chaplains who do not possess the academic and professional credentials of a school counselor – even with the best intentions – may provide inappropriate responses or interventions to students that could jeopardize students’ development and well-being,” Hauserman said.

Grant Friedman, representing ACLU Nebraska, also spoke against the proposal. Allowing chaplains to assume responsibilities in public schools could create an environment “ripe for religious coercion and indoctrination,” he said.

“Freedom of religion means that parents in faith communities, not government officials, have the right to direct their children’s religious education and development,” Friedman said.

The committee took no immediate action on LB1065.

GOVERNMENT, MILITARY & VETERANS AFFAIRS

Occupational licensure bill approved

Lawmakers passed a bill Feb. 29 aimed at alleviating certain occupational licensure regulations in Nebraska.

LB16, sponsored by Sen. Danielle Conrad of Lincoln, provides broad reciprocal licensure for military members, apprentices and individuals who are licensed in other states, provided they meet a number of criteria.



Sen. Danielle Conrad

Among other provisions, the bill requires that applicants for reciprocal licensure must hold a credential that covers a similar scope of practice, not have a disqualifying criminal record and not have had their credential surrendered or revoked for negligence or misconduct.

LB16 also allows individuals with criminal convictions to provide additional information regarding mitigating factors when submitting an application for licensure, government certification or state recognition of their qualifications and adds two members to the State Electrical Board.

Finally, the bill includes provisions of Gordon Sen. Tom Brewer's LB471, which establish a voluntary registry of interior design professionals in Nebraska.

Senators passed LB16 on a 42-1 vote.

Land surveyor regulations updated

Laws governing the work of professional land surveyors in Nebraska were updated by a bill passed Feb. 29.

LB102, sponsored by Bayard Sen. Steve Erdman, revises the Nebraska Plane Coordinate System Act, Land Surveyors Regulation Act and related state laws that govern the land surveying profession in Nebraska.

Among other provisions, the bill provides new authority for professional land surveyors and their assistants and trainees to enter public and private lands and waterways to



Sen. Tom Brewer

conduct land surveys and to place survey monuments. Vehicles used for this purpose must be clearly marked with identifying information and surveyors are liable for any property or crop damage resulting from their work.

The bill defines the scope of practice and licensure processes for land surveyors who offer their services through an organization and sets out a professional disciplinary process for the examining board to follow in enforcing the Land Surveyors Regulation Act.

LB102 also protects private landowners by shielding them from liability for damages to surveyors incurred during their survey work, unless such damages are the result of an intentional tort.

Senators passed the bill on a 44-0 vote.

AI political ad requirements proposed

Political ads generated with artificial intelligence would be required to disclose that information under a bill considered by the Government, Military and Veterans Affairs Committee Feb. 28.

LB1203, introduced by Omaha Sen. John Cavanaugh, would require qualified political advertisements to include a statement to the Nebraska Accountability and Disclosure Commission regarding AI generation.

A qualified ad would be any paid advertisement related to a candidate for local or state office or a ballot question that contains any image, audio or video that is generated in whole or substantially with the use of artificial intelligence.



Sen. John Cavanaugh

The bill also would prohibit the distribution of "materially deceptive media" – defined as media created with AI with the intention to deceive voters that falsely depicts conduct or speech that did not occur – within 90 days of an election, unless such media carries a disclaimer.

LB1203 would not apply to news broadcasts, satire or parody.

Cavanaugh acknowledged that the bill likely would raise concerns regarding free speech rights, but said misleading political ads that blur the line between reality and fabrication are becoming increasingly common.

"The potential for deep fakes, or digitally manipulated audio and video, to deceive voters and disrupt elections is something that we should all be concerned about," Cavanaugh said.

Heidi Uhing, public policy director for Civic Nebraska, testified in favor of the proposal. Several other states are considering similar legislation, she said, which seeks to place some "guardrails" around the use of AI to protect elections and help voters determine a candidate's actual behavior and policy positions.

"Media can now be created very simply, and very cheaply, that depicts a person's likeness or voice so accurately that one cannot distinguish whether or not it is real," Uhing said. "The success of our democracy is dependent upon an informed electorate that has access to true and accurate information on which to base their votes."

David Hunter, executive director of the Nebraska Accountability and Disclosure Commission, testified in opposition to the proposal. While agreeing that AI is a concern, he said the NADC could not administer or enforce the bill as written.

"The NADC is not tasked with trying to judge the truth or falsity of claims made in the heat of a cam-

paign,” Hunter said. “We are not equipped to be fact checkers [or] to investigate allegations from candidates who, under this bill, may file a complaint alleging that false statements – in part using artificial intelligence – are being made about them.”

The committee took no immediate action on LB1203.

Native American voting commission proposed

Nebraska would study barriers to voting access for the state’s Native American population under a proposal considered by the Government, Military and Veterans Affairs Committee Feb. 28.

LB1262, introduced by Sen. Jen Day of Omaha, would create a Native American Voting Rights Commission within the Nebraska Commission on Indian Affairs. The new commission would contract with a consultant with expertise in tribal issues to conduct a study to determine barriers to voting and equal representation for Indian tribes in Nebraska.

As introduced, the bill would require the commission to submit an annual report and ongoing policy recommendations to the Legislature beginning Dec. 31, 2025. Day said she would offer an amendment to change that requirement to a one-time report.

Day said Thurston County is home to the largest Native American population in Nebraska and regularly has the lowest voter turnout of any county in the state. Geographic isolation, nontraditional mailing addresses, poor roads and technological barriers may be just a few of the reasons why, she said.

Several other states have conducted

similar studies or used a national report to implement recommendations for removing voting barriers, she said, and LB1262 could provide the same opportunity for Nebraska.

“By asking the right questions, our state will be able to discover the barriers to voting [that are] particular to Nebraska’s tribal lands so we can explore policy changes that would improve accessibility for all Native Americans in our state,” Day said.

Eugene DeCora Sr., an elected member of the Winnebago Tribe of Nebraska Tribal Council, testified in favor of LB1262. Deliberate efforts have been made to silence Native American voices in every level of government, he said, including in Nebraska, where he said the redistricting process has diluted the voting strength of members of the Winnebago Tribe.

“Voting – having a voice in government – is at the core of what it means to be an American,” DeCora said.

Nora Lenz also spoke in favor of the proposal on behalf of the Nebraska State Education Association. Many Native American communities are on the front lines of important public policy concerns, she said, including environmental, health and educational issues.

LB1262 would help promote the “active empowerment” of Native American voters, Lenz said, by taking the state’s history and voting trends into account when determining barriers to Native voter participation and finding ways to remove those barriers.

Greg Epp of Giltner opposed the measure, which he said was unnecessary. Epp said the Nebraska Commission on Indian Affairs should be able to determine why the state’s Native American population has such low voter turnout without using additional taxpayer dollars to contract for a study.

The committee took no immediate action on LB1262.



Bill would require annual TANF report

The Health and Human Services Committee considered a bill Feb. 28 that seeks to increase transparency regarding the use of Temporary Assistance for Needy Families program funds.

TANF is a federal block grant program that provides states with funding to help low-income families with children achieve economic self-sufficiency. At a minimum, states must use the funds to operate a cash assistance program and a mandatory work program.

Funds not utilized by the end of the year can be carried over for subsequent years and may be used for any allowable TANF purpose. Carryover balances are referred to as TANF rainy day funds. Allowable purposes include programs that:

- provide assistance to needy families so that children may remain and be cared for in their own homes;
- reduce the dependency of needy parents on government benefits by promoting job preparation, work and marriage;
- prevent and reduce the incidence of out-of-wedlock pregnancies; and
- encourage the formation and maintenance of two-parent families.

LB871, introduced by Omaha Sen. Machaela Cavanaugh, would require the state Department of

Health and Human Services to submit



Sen. Jen Day



Sen. Machaela Cavanaugh

an annual report to the Legislature by Nov. 1 of each year detailing current and anticipated TANF 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 program or service.

Cavanaugh said the TANF rainy day fund has grown from \$92 million in 2020 to over \$125 million. Nebraska receives \$56.6 million in federal tax dollars from the TANF block grant every year, she said, and the state's failure to use those federal funds to the maximum extent possible is harmful to Nebraska's children and families.

"It is the duty of this Legislature to ensure that all taxpayer resources are used efficiently and effectively," Cavanaugh said. "The simple reporting requirement in this bill would assist us in that endeavor."

The bill also would require the department to explain in the report how programs or services receiving TANF funds are more likely to help families achieve economic mobility and self-sufficiency than would an increase in expenditures to Aid to Dependent Children, the state's direct cash assistance program.

Diane Amdor of Nebraska Appleseed testified in support of LB871. She said providing direct cash assistance is one of the best ways to help low-income Nebraska families with children achieve economic self-sufficiency.

Amdor also noted that the main issue raised in the most recent audit of TANF expenditures was the underutilization of the block grants and the rainy day fund.

"As of 2021, Nebraska was one of just 16 states with a TANF rainy day fund that contains more money than its annual TANF block grant," Amdor said. "An increase in ADC expendi-

tures is the fastest and most effective way to expend TANF funds."

Rasna Sethi, policy analyst for OpenSky Policy Institute, also testified in support of the measure. While the TANF rainy day fund continues to grow, she said, the direct cash allotment under ADC has not been increased since 2015.

"It is not an efficient use of funds for Nebraskans to have such a large TANF rainy day fund," Sethi said. "LB871 provides essential transparency and accountability for the use of taxpayer dollars and it provides additional data to assist program planners seeking to improve the effectiveness of TANF programs."

Shannon Grotrian, director of the office of economic assistance at DHHS, testified in opposition to LB871 on behalf of the department.

The bill would require DHHS to "speculate" regarding whether the use of TANF dollars for certain services and programs is more beneficial than an increase in ADC payments would be, she said, but not all allowable TANF expenditures are designed to increase economic independence.

"For example, a program could very specifically be funded [to] reduce out of wedlock pregnancies, therefore it may not speak directly to economic self-sufficiency," Grotrian said.

The committee took no immediate action on LB871.

JUDICIARY

Case transfer protections for juveniles approved

Certain statements made by juvenile defendants will no longer be allowed to be used against them in

other proceedings under a bill passed by lawmakers Feb. 29.

LB184, introduced by Omaha Sen. John Cavanaugh, prevents statements made by child defendants to a mental health professional during the hearing process for a motion to transfer a case from county or district court to juvenile court from being used against them in other civil or criminal proceedings.



Sen. John Cavanaugh

The bill allows such statements to be used as evidence in certain other circumstances, including transfer proceedings, for impeachment purposes or in certain presentence investigation reports.

Senators passed LB184 on a 42-0 vote.

Bill permitting syringe services programs passed

A bill shielding public or behavioral health programs and pharmacies from drug paraphernalia offenses when distributing clean, hypodermic needles to community members passed Feb. 29.

LB307, introduced by Omaha Sen. Megan Hunt, allows local jurisdictions to permit public and behavioral health organizations to implement Syringe Services Programs and exempt staff and participants from drug paraphernalia prosecution when implementing or participating in a program.



Sen. Megan Hunt

Political subdivisions may establish SSPs on a voluntary basis and approval of a program can be authorized only by

the governing body of a political subdivision. County ordinances cannot authorize a program for a municipality within its borders.

Under the bill, SSPs must satisfy minimum requirements, such as providing naloxone or information on where to obtain it and referral information for mental health and other social services.

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.

LB307 passed 30-7.

Bill would restrict recording of peace officers

A measure that would expand the offense of obstructing a peace officer to include certain audio or visual recording was considered Feb. 29 by the Judiciary Committee.

Under LB1185, introduced by Kearney Sen. John Lowe, an individual who records audio or video of a peace officer engaged in their duties would be required to remain at least 10 feet away from the officer while recording, unless they are the person with whom the officer is actively engaging.



Sen. John Lowe

Obstructing a peace officer is a Class I misdemeanor.

Lowe said the bill would strike a balance between allowing citizens to record officers and providing officers “breathing room” when performing their official duties.

“I believe that LB1185 creates a safer environment for our police officers [and] for the individual who has been stopped by the officer [while] ensuring that third party individuals maintain

the right to record and provide citizen oversight of police officers,” he said.

Terry Wagner testified in support of the measure on behalf of the Nebraska Sheriffs Association, Police Officers Association of Nebraska and Police Chiefs Association of Nebraska.

Officers are accustomed to – and welcome – being recorded with body and car cameras, he said, which often clear officers of wrongdoing. When a third party is recording within a few feet of an interaction, however, it can cause officers to become distracted, he said, which can endanger citizens and potentially compromise a crime scene.

“LB1185 simply provides that safety zone so officers can focus their attention on the task at hand and not have to worry about any outside interference,” Wagner said.

Representing ACLU Nebraska and the Nebraska Criminal Defense Attorneys Association, Spike Eickholt testified against the measure. A citizen already can be charged with obstruction if they hinder an officer from performing their duties, he said. Additionally, Eickholt said, courts consistently have ruled that citizens have the right to record interactions with the police.

“The courts are clear, and have been uniform across the country, that people have a right to observe peace officers while they’re on duty and they have a right to record,” he said.

Korby Gilbertson also testified against the bill on behalf of Media Nebraska, Inc. She questioned how individuals could abide by the 10-foot requirement without exiting a vehicle – which law enforcement advises people not to do during a traffic stop – if they are pulled over by the police.

The committee took no immediate action on LB1185.

TRANSPORTATION & TELECOMMUNICATIONS

Increased penalties for distracted driving, speeding considered

The Transportation and Telecommunications Committee heard testimony Feb. 27 on a bill intended to deter distracted driving and speeding.

Omaha Sen. Kathleen Kauth, sponsor of LB1340, said current penalties are not severe enough to discourage dangerous driving. Speeding has become a “significant” problem in the Omaha area, she said, with many motorists cited for driving more than 35 miles per hour over the limit.



Sen. Kathleen Kauth

Under LB1340, which would increase fines for speeding on highways or freeways, a driver would be guilty of a Class I misdemeanor if the violation involved traveling more than 35 miles per hour over the limit.

“That provides the opportunity to remove the speeder from the road at that moment rather than simply ticketing him or her and letting them drive away,” Kauth said.

Under current law, a person who unintentionally kills another while operating a motor vehicle in violation of state law or city or village ordinance commits motor vehicle homicide. As introduced, LB1340 would make motor vehicle homicide a Class III felony if the proximate cause of the death is texting while driving.

Kauth said a proposed amendment also would increase the penalty for motor vehicle homicide from a Class I misdemeanor, which she said carries

a maximum sentence of one year in prison and a \$1,000 fine, to a Class IV felony, which carries a maximum sentence of two years in prison and a \$10,000 fine.

Testifying in support of the bill was Kim Latacha of Omaha, who said her husband was killed by a distracted driver while riding his bicycle last year. Because the driver had no prior convictions, was not under the influence of drugs or alcohol and was not driving recklessly or with a revoked license, she said, he was charged with a misdemeanor.

“Misdemeanor’ and ‘homicide’ should not occur together,” Latacha said. “Negligence which results in the death of an innocent person should carry a stronger penalty than a \$1,000 fine.”

Spike Eickholt testified in opposition to LB1340 on behalf of ACLU Nebraska and the Nebraska Criminal Defense Attorneys Association. He said criminal penalties should be proportionate to a defendant’s criminal intent.

The committee took no immediate action on the bill. ■



Unicameral Youth Legislature registration now open

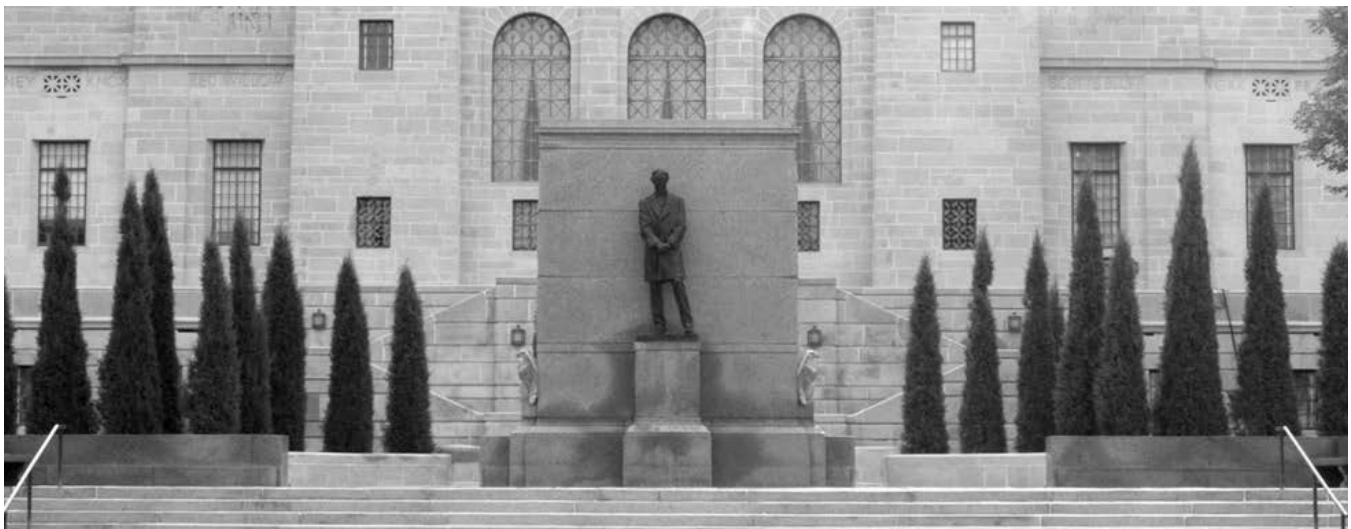
High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2024 Unicameral Youth Legislature, which will convene June 10-14.

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.

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Other scholarships may also be available. Note that all scholarships are awarded prior to registration.

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



2024 Legislative Session*

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

Sun	Mon	Tues	Wed	Thur	Fri	Sat
February						
				1 DAY 20	2 DAY 21	3
4	5 DAY 22	6 DAY 23	7 DAY 24	8 DAY 25	9 RECESS	10
11	12 DAY 26	13 DAY 27	14 DAY 28	15 DAY 29	16 RECESS	17
18	19 HOLIDAY	20 DAY 30	21 DAY 31	22 DAY 32	23 DAY 33	24
25	26 RECESS	27 DAY 34	28 DAY 35	29 DAY 36		

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

Sun	Mon	Tues	Wed	Thur	Fri	Sat
April						
	1 RECESS	2 DAY 53	3 DAY 54	4 DAY 55	5 DAY 56	6
7	8 RECESS	9 DAY 57	10 DAY 58	11 DAY 59	12 RECESS	13
14	15 RECESS	16 RECESS	17 RECESS	18 DAY 60		20
21	22	23	24	25	26	27
28	29	30				

Federal & State Holidays
 January 15 – Martin Luther King Jr. Day
 February 19 – Presidents' Day

Legislative Recess Days
 January 29
 February 9, 16, 26
 March 1, 8, 11, 22, 29
 April 1, 8, 12, 15, 16, 17

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

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