

Proposed income tax cuts tied to growth

A bill heard by the Revenue Committee Feb. 8 would incrementally reduce the state's top income tax rate over the next decade if economic growth meets a benchmark rate.



Sen. Jim Smith

Introduced by Sen. Jim Smith of Papillion at the request of Gov. Pete Ricketts, LB337 would reduce the highest individual income tax rate by roughly 0.1 percent per year from 2020 to 2027, provided that the expected rate of revenue growth from year to year exceeds 3.5 percent.

The state's top income tax rate would drop from 6.84 percent in 2020 to 5.99 percent in 2027, for a total reduction of 0.85 percent. The state Department of



Gov. Pete Ricketts encouraged the Revenue Committee to advance his proposed tax package.

Revenue estimates that the bill would reduce state tax revenue by approximately \$288 million in fiscal year 2027-28.

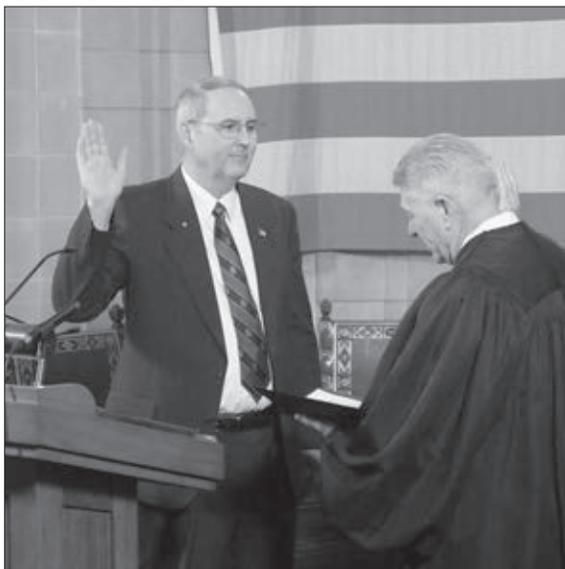
Smith said the bill would provide tax relief for the state's small business owners, most of whom pay taxes as individuals, at a higher rate than corporate

taxpayers. Small business owners could use that extra money to expand, he said.

"Some individuals will see smaller savings than others," Smith said, "but collectively more than \$1 billion will be introduced into the economy once LB337 is fully implemented."

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Clements appointed to fill District 2 vacancy



Sen. Robert Clements is sworn in by Chief Justice Michael Heavican.

Robert Clements of Elmwood will fill the legislative seat left vacant by the resignation of Sen. Bill Kintner last month.

Gov. Pete Ricketts announced the appointment at a press conference Feb. 6. Thirty-five people applied to fill the seat, Ricketts said, and he interviewed several before settling on Clements, who was sworn in by Nebraska Supreme Court Chief Justice Mike Heavican after the announcement.

"I am honored to have this opportunity to represent the people in my district," Clements said. "I know the state is facing difficult budget decisions, and I believe my background and experience will be of service during this process."

Clements, executive vice president of the American Exchange Bank, graduated from the University of Nebraska-Lincoln in 1973 with a degree in math and minors in economics and actuarial science. He worked as an actuary in Kansas City until 1978, when he returned to Elmwood to work at the American Exchange Bank.

Clements and his wife Peggy have five children and 10 grandchildren. ■

Proposed income tax cuts tied to growth

(continued from front page)

Each year beginning in November 2019, the Legislature's Tax Rate Review Committee would use data from the Nebraska Economic Forecasting Advisory Board to determine whether the income tax rate would be cut for the next fiscal year. If the board determines that the projected rate of tax revenue growth is less than 3.5 percent, the rate cut would be deferred.

From 2020 to 2026, any deferral would remain in effect until the expected rate of growth exceeds 4.2 percent.

Ricketts said the bill would help Nebraska compete with neighboring states when attracting new businesses. Iowa is the only neighboring state with a higher income tax rate, he said. Kansas, Colorado and Missouri have lower rates, and Wyoming and South Dakota have no income tax. Ricketts called the gradual reduction a prudent and measured approach to reducing Nebraska's income tax rate.

"We didn't get to be a high-tax state overnight," he said, "and we're not going to get back down out of being a high-tax state overnight."

Tony Fulton, state tax commissioner, said that although the proposal

might result in only modest tax relief in any single year, the incremental reductions would make a big difference over time. Nebraska businesses and those outside the state would consider that fact when they are planning to expand or relocate, he said.

"We should strive to make our income tax rates competitive with other states, we should do so incrementally and we should do so as available revenue allows," Fulton said.

Jeffrey M. Scherer, testifying on behalf of the Nebraska Chamber of Commerce and Industry, spoke in support of the bill, saying it would cut taxes on the 90 percent of Nebraska businesses that pay income taxes at the individual rate. He said the state's income tax rate makes it difficult for businesses to attract skilled workers.

"If we really want to grow our economy," he said, "we must provide income tax relief."

Renee Fry, executive director of the OpenSky Policy Institute, opposed the bill, saying that similar automatic cuts adopted by Oklahoma resulted in a budget crisis when state tax revenue dropped unexpectedly. She said 33 percent of the

bill's tax cuts would go to the wealthiest 1 percent of Nebraskans and would do little to help most small businesses.

Once the bill is fully implemented, Fry said, an earner in the state's top 1 percent would receive a \$5,800 annual tax cut, while middle income earners would receive only \$39 and people with low incomes would receive nothing.

"The revenue losses created by LB337 would, however, impede Nebraska's ability to invest in real economy builders like schools, public safety and infrastructure," she said.

Kenneth Kriz, professor of public finance at Wichita State University, testified in a neutral capacity. He said his research, which includes analysis of data from all 50 states over 40 years, has found no strong correlation between tax cuts and economic growth: for every 1 percent cut in taxes, a state's economy grew by only 0.2 percent. Because the tax cuts do not pay for themselves, Kriz said, states then must cut spending.

"On the whole," he said, "the benefits do not outweigh the costs of this."

The committee took no immediate action on the bill. ■

UNICAMERAL UPDATE

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MEET THE SENATOR

Walz wins race to the Capitol

If not for a fateful phone call from a former state senator, Sen. Lynne Walz of Fremont might have gone down a very different path.

She was 14 years into a successful career as a realtor when she felt an urge to try something new. In a life filled with a broad variety of experiences, Walz had settled on her next adventure; she would attend seminary and join the ministry.

When the suggestion came to run for the Legislature, she was caught completely off guard.

“I really had never even considered

running for office,” she said. “I knew I wanted to do something different. I knew I wanted to work with people in some capacity.”

Walz did not take lightly the decision to run. She consulted with someone she’s known since she was 12 – former state senator, Sen. Ray Janssen. She knew he would be totally honest with her and would have no problem telling her if it was a terrible idea.

Instead, he applauded. He encouraged her to rely on her years working with people with developmental

disabilities, teaching fourth- and fifth-grade students and helping families turn houses into homes.

“I’ve had so many jobs and experiences,” Walz said. “I’ve met so many different people and heard their different stories. That’s one of the most important things I can bring to my role as senator.”

She’s focused on bringing jobs to Nebraska that will provide more opportunities for the people who have expressed concerns about becoming self-reliant and taking care of their families. One important step, Walz says, is changing the stigma associated

with people receiving government assistance.

“I’ve heard so many times that people on government assistance just want to work,” she said. “There’s such a misperception that living on assistance is this really lucrative way of life. I want to help get people back to work and help them gradually get off that assistance.”

Changing the way students learn is a primary focus of the former teacher. She believes a renewed focus on practical life skills like budgeting and family life skills would better prepare young people for their futures. Walz also advocates for more programs and resources to assist young people diagnosed with autism and other developmental disabilities.

When she’s not serving in Lincoln, you can find Walz cheering on daughter Emma at swim meets or cooking and entertaining at home with her husband Chris. Her son Adam lives in Kansas City with his wife, and son Patrick is stationed at Fort Campbell, Kentucky with his wife and two children.

The transition to citizen senator has been a relatively smooth process for Walz. She’s adjusting to a new commute to Lincoln and hearing from constituents throughout her district. Walz loves meeting new people and hearing their stories, even if that means spending more time in the produce aisle.

“I still go to the store in my sweat-pants,” she laughed. “It always took me a while to get out of the store just because I know so many people. Now it just takes a little longer.” ■



An avid runner, Sen. Lynne Walz competed in the 2014 Omaha Marathon.

BUSINESS & LABOR

Family leave plan proposed

Nebraska would create a program similar to the federal paid family leave program under a bill considered Feb. 6 by the Business and Labor Committee.

Bellevue Sen. Sue Crawford, sponsor of LB305, said she has heard “heart-wrenching” stories about the difficulty that Nebraskans face when attempting to balance work and family responsibilities.



Sen. Sue Crawford

“As Nebraskans we value hard work and we value our family responsibilities,” she said. “We have one of the highest workforce participation rates in the country.”

LB305 would create the Paid Family Medical Leave Insurance Act, under which a covered individual would be provided family medical leave for:

- care of a new child after birth, adoption or foster care placement;
- leave during a covered individual’s serious illness or pregnancy;
- care of a family member with a serious health condition;
- care of a covered service member who is next of kin; and
- qualified exigency leave as defined in the bill.

A covered individual would be entitled to take leave under the bill beginning April 1, 2020. Available leave would vary between 6 and 12 weeks during any calendar year dependent on the qualified reason for the leave.

A covered individual could not receive family medical leave benefits and unemployment or workers’ compensation benefits at the same time. Benefit amounts would be determined by a covered indi-

vidual’s yearly earnings as a percentage of Nebraska’s average weekly wage.

The state Department of Labor would administer the program and the bill would transfer \$4 million from the Health Care Cash Fund to a newly created Paid Family Medical Leave Insurance Fund to cover up-front administration costs. Those funds would be repaid in installments over a five-year period.

Ongoing benefits would be funded by contributions collected by covered employers as a payroll deduction from covered individuals. That amount could not exceed 0.5 percent of a covered individual’s gross wages in any 12-month period.

The bill also would:

- require an employer to maintain health benefits for a covered employee during a leave period;
- require an employer to restore the individual to their position prior to leave or a position with equivalent pay and benefits; and
- prohibit retaliatory action by an employer against a covered individual who claims leave under the program.

Crawford said New Jersey, Rhode Island and California have passed similar laws. Nebraska could be a pioneer in paid family leave, she said, adding that the program could help solve the state’s workforce shortage by offering a cutting-edge recruiting and retention tool.

“LB305 ensures that workers can put family first without sacrificing their jobs,” she said.

Kaitlin Reece, policy coordinator for Voices for Children in Nebraska, testified in support of the bill. Providing paid family leave would demonstrate to Nebraska workers that the state values hard work and wants to help provide the best start in life for children, she said.

Reece noted that 77.9 percent of all available parents in Nebraska are in the workforce, but only half of work-

ing parents in the state are eligible for leave under the federal family leave program, which is unpaid.

“In an ideal world, employers would offer this on a volunteer basis,” she said.

Clayton Freeman, director of programs and public policy for the Alzheimer’s Association Nebraska Chapter, also supported in the bill. He said one of the greatest concerns among the 81,000 caregivers of individuals with Alzheimer’s in Nebraska is the ability to take time from work to care for their loved ones while maintaining their financial well-being.

“This act would provide partial wage replacement to those workers who need to take time off for family and medical reasons,” Freeman said.

Testifying in opposition to the bill on behalf of the Nebraska, Omaha and Lincoln chambers of commerce, Art Schorr said the bill would negatively impact small businesses in the state. He said there are good reasons that the federal act applies only to employers with 50 or more employees and to individuals who have worked for 12 consecutive months at the same job.

“LB305 does not address these issues in anywhere near the detail that the federal [law] does,” he said, adding that the bill could “cripple” a small business that has only five or 10 employees.

John Albin, Nebraska commissioner of labor, also opposed the bill. The 0.5 percent contribution rate would not be sufficient to cover the estimated \$300 million in annual benefits that would be paid out under the bill, he said. In addition, he said, the department would need to develop a new information technology system to collect the payroll tax and process claims.

“The department’s primary concern is the fiscal sustainability of the program,” Albin said.

The committee took no immediate action on LB305.

Bill would prohibit employment discrimination against family caregivers

A bill seeking to expand employment protections to include family caregivers was heard by the Business and Labor Committee Feb. 6.

Currently, employers covered by the Nebraska Fair Employment Practices Act may not discriminate based on race, color, religion, sex, disability or national origin. LB372, introduced by Bellevue Sen. Sue Crawford, would add family care responsibilities to the list of protected classes.

The bill defines family care responsibility as providing direct and ongoing care for a person’s spouse, child, parent, sibling, grandchild or grandparent — or a spouse’s child or parent.

Crawford said that approximately 51 percent of Nebraskans have acted as an unpaid caregiver for a loved one and that 60 percent of those providing care were employed either part time or full time while doing so. The state needs to ensure that these caregivers are safe from workplace discrimination, she said.

“Caregivers in Nebraska play a vital role in ensuring that our older populations can continue to live at home longer,” Crawford said. “LB372 creates protections for caregivers by adding family care responsibilities as a protected class.”

Susan Campbell, co-chairperson of the Nebraska Caregiver Coalition, testified in support of the bill, saying that caregivers need assurances that they can care for loved ones without being harassed or fired.

“It is so important because if you aren’t a caregiver — or haven’t been a caregiver — you will be,” Campbell said.

Omaid Zabih, staff attorney for Nebraska Appleseed, also testified in support, saying many low-income workers have little or no flexibility in their schedules to address family care needs

and often face retaliation when seeking the ability to care for family members. The state has an interest in ensuring that workers can care for their families while pursuing gainful employment, he said.

“The inclusion of care responsibilities as a protected class would support these vital interests,” Zabih said.

Testifying on behalf of the Nebraska Independent Business Association, Robert Hallstrom testified in opposition to LB372. Under the bill, something as insignificant as administering over-the-counter medication throughout the day could qualify as a caregiving responsibility and engender a claim, he said.

“The definition of family care responsibilities is extremely vague and will dramatically increase the amount of frivolous litigation,” Hallstrom said.

The committee took no immediate action on the bill.

EDUCATION

Minimum state aid per student proposed

Each Nebraska public school district would receive a minimum amount of state aid per student under a bill heard by the Education Committee Feb. 6.

LB265, introduced by Sen. Curt Friesen of Henderson, would direct \$1,500 per student to school districts beginning with fiscal year 2018-19. The amount would increase incrementally each year until it reaches \$5,500 in FY2022-23.

The bill would increase state aid to public schools by an estimated \$71.8 million in FY2018-19 and by \$152.6 million in FY2019-20.



Sen. Curt Friesen

Friesen said the bill is intended to increase equalization aid, or state funds paid to school districts that cannot meet their needs using local resources such as property taxes. Many schools, particularly those in rural areas, do not receive equalization aid because high agricultural land valuations have driven up property taxes.

“This bill would immediately help all schools that don’t receive equalization aid,” he said.

David Grimes, speaking for the Nebraska Farm Bureau, testified in support of the bill, saying that the state relies too heavily on property taxes to fund public education. Nebraska public schools receive 33 percent of their funding from state sources, he said, compared to a national average of 47 percent.

“Nebraska needs to diversify its portfolio of resources to fund public education,” Grimes said.

Bonnie Hinkle, representing the Greater Nebraska Schools Association, testified in opposition to the bill. She said the association is concerned that, in order to pay for the proposal, districts with lower valuations and higher levels of poverty and greater student needs would receive less state aid.

“In other words,” she said, “scarce resources currently earmarked for districts with students with the greatest needs will lose those scarce resources to other school districts that have the ability to raise educational funds locally through taxable wealth and other accessible resources.”

Micaela LaRose of OpenSky Policy Institute testified in a neutral capacity. If implemented, the bill would reduce property taxes by 22.9 percent for agricultural landowners and would direct state aid to 228 of 245 school districts, she said. However, 17 districts, including 10 with the greatest needs, would receive no increase in state aid, LaRose added.

“With such a high cost, it may prove difficult to fully fund the proposal,” she

said, “and therefore we have concerns that the existing equalization aid for these 17 school districts would be jeopardized in order to pay for this proposal.”

The committee took no immediate action on the bill.

Physical restraint proposed for unruly students

Teachers could physically restrain violent students and remove unruly students from the classroom without facing legal action under a bill heard by the Education Committee Feb. 7.

LB595, introduced by Sen. Mike Groene of North Platte, would allow teachers and administrators to use physical force to restrain or subdue a student that becomes physically violent toward himself or herself, another student, a teacher or an administrator. A teacher or administrator also could physically restrain a student who is destroying school property.

Groene said the bill would help teachers maintain discipline in the classroom. He said current student discipline regulations authorize suspension or expulsion of students, but there are no guidelines for containing violent and disruptive students.

“We need to help our teachers control their classrooms,” Groene said.

The proposal would allow a teacher to remove a student from class if the student’s behavior interferes with the teacher’s ability to communicate with students or with the students’ ability to learn.

A student removed from a classroom for disruptive behavior could be placed into another classroom, in-school suspension or an alternative education program, but a principal

could not return the student to the classroom from which they were removed without the teacher’s consent.

The bill would prevent legal action or administrative discipline against teachers who protect students or themselves, protect school property or remove a disruptive student from a classroom.

Jay Sears, speaking for the Nebraska State Education Association, testified in support of the bill. He said the association received more than 7,000 responses to an email survey about LB595 that it sent to members. Eighty percent of respondents reported that discipline and behavior problems have increased, Sears said, and 60 percent said unruly and disruptive students are the biggest problem they face in the classroom.

“Our members have told us in no uncertain terms that they need strong support and additional resources and training to ensure safe classrooms for all students,” he said.

Karen Haase, an attorney who practices school law, testified in opposition to the bill, saying that it points to a need for mental health resources for young children, not a lack of options for dealing with violent and unruly students. Simply removing a disruptive student from the classroom will not solve the problem, she said.

“I believe that LB595 is bad public policy – bad for teachers, bad for schools and bad for kids,” Haase said.

Lynn Redding also testified against the bill. As a person with a disability who has had restraints applied to her in school, she said that the bill would not help create a safe environment for teachers and students.

“I fear that letting teachers be free of potential discipline or legal actions will allow the potential for abusive situations,” she said. “There is a line that needs to be drawn to protect a child,

even one engaging in a bad behavior.”

Brad Meurrens, public policy director for Disability Rights Nebraska, also opposed the bill. He said restraint can result in the injury or death of children, especially when staff are not trained. The bill contains no safeguards or provisions for staff training, Meurrens added. He urged the committee to instead commission an interim study to address school violence.

“The problems inspiring this legislation are complex and require a thoughtful, planned and deliberate process, which is starkly lacking in this bill,” he said.

The committee took no immediate action on the bill.

Bill would consider dyslexia a learning disability

A bill heard by the Education Committee Feb. 7 would identify dyslexia, which causes difficulty in acquiring and processing language, as a learning disability in state law.

Under current law, disability means an impairment that causes a child to need special education and related services.

LB645, introduced by Lincoln Sen. Patty Pansing Brooks, would add dyslexia to the list of defined disabilities, which includes blindness, deafness and autism.

Pansing Brooks said Nebraska is one of only 11 states that does not have legislation regarding dyslexia screening. Defining dyslexia in statute would raise awareness of the condition in Nebraska, she said, an important first step that could be followed later by requirements for assessment, screening and teacher training.



Sen. Mike Groene



Sen. Patty Pansing Brooks

“It sends a clear message that dyslexia is a specific learning disability that needs our attention,” she said.

Dyslexia would be defined, in part, as a learning disability that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities.

Eileen Vautravers, speaking on behalf of the Nebraska Medical Association and the Nebraska Dyslexia Association, testified in support of the bill. Vautravers said early identification of dyslexia and intervention are critical in the prevention of reading problems in children. Dyslexia accounts for 80 percent of learning disabilities, she said, and is the most common cause of reading problems. Up to 60,000 Nebraska public school students are dyslexic, she added.

“More educators, administrators, speech language pathologists and school psychologists must become aware that dyslexia exists, know what dyslexia is and that it is a disability for which schools must provide services,” she said.

Hunter Gilbertson also testified in support of the bill. His parents asked for him to be screened for dyslexia after his second-grade teacher noticed that he had trouble reading. He said reading, spelling, writing and typing are difficult for him, but working with resource teachers, listening to audiobooks and using dictation software have made those tasks easier.

“Sometimes having dyslexia is hard because other kids and adults don’t understand why I can’t read or write as well as other people,” he said. “I think that it is important that people understand what dyslexia is and that it doesn’t mean that you are stupid but that you learn differently.”

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



Uniform enforcement of firearm regulations proposed

Firearm regulations would be consistent statewide under a bill considered by the Government, Military and Veterans Affairs Committee Feb. 10.

LB68, introduced by Lincoln Sen. Mike Hilgers, would authorize the state to regulate the registration, possession, transportation, transfer and storage of firearms and ammunition, overriding individual city and village ordinances. Cities and villages would retain the authority to enforce prohibitions on firearm discharge.

Hilgers said an inconsistency in policy that allows a “patchwork” of local ordinances regarding firearm possession creates the possibility that a responsible firearm owner could unknowingly violate city ordinances while traveling.

“Currently, local ordinances have created a patchwork of firearms laws throughout the state,” he said. “Nebraskans need and deserve consistent firearms regulations across the state so law-abiding citizens may remain law-abiding citizens.”

Representing the National Rifle Association, Chris Kopacki testified in support of the bill, calling it a good policy that provides a common sense solution to a real problem in the state. If a lawful firearm owner in Bellevue were to commute to Omaha with a gun in his vehicle, he said, that person could unknowingly be in violation of Omaha’s gun registry ordinance.

“There currently are over 50 different

local ordinances in Nebraska,” Kopacki said. “[LB68] would simplify Nebraska firearm ordinances by keeping them consistent and fair across the state.”

Representing the Nebraska Firearm Owners Association, Dick Clark also supported the bill. He said it no longer makes sense to make gun policy at the local level in Nebraska.

“Authorization of these local ordinances may have once made sense, but they are now obsolete in 2017 because we live, work and travel very differently than we did in [the past],” he said.

Several members of Nebraskans Against Gun Violence and Moms Demand Action for Gun Sense opposed the bill, saying the perceived benefits of the bill were not worth the risks to public safety. Their opposition focused primarily on concerns that repealing local firearm ordinances could result in people openly carrying guns in public spaces like schools, university campuses, government buildings, community parks and domestic violence shelters.

In her opposition testimony, Rebecca Jewell of Lincoln said her sister was working as a teacher at Colorado’s Columbine High School when two students opened fire in the school’s cafeteria during lunch. Nearly 20 years later, she said, the trauma of that day continues to impact her sister and family.

“There is no evidence saying more guns result in a safer society – in fact the evidence shows just the opposite,” Jewell said. “Please don’t hand our rights to make local decisions for local [problems] away.”

Omaha City Councilman Garry Gernandt also testified in opposition to the bill on behalf of the council. Omaha passed a gun registry ordinance to combat gang violence, he said, but if LB68 were passed, that ordinance would become null and void.

“Omaha’s gun registry works and it is not in conflict with the state’s



Sen. Mike Hilgers

concealed carry law,” he said. “The proposed changes in LB68 are not needed and would be harmful to public safety.”

The committee took no immediate action on the bill.

Tourism commission restructure recommended

The Government, Military and Veterans Affairs Committee heard testimony Feb. 8 on a bill that would revamp the Nebraska Tourism Commission.

LB222, introduced by Gering Sen. John Stinner, would expand the commission’s membership from nine to 11 governor-appointed members. Four would be required to have professional, volunteer or public service experience related to the governance duties of the commission and seven would be affiliated with the tourism industry.



Sen. John Stinner

Thirty days after passage, the bill would dissolve the current commission membership and create 11 districts based on geography and tax lodging revenues to ensure statewide representation. Members would serve four-year terms and be limited to two successive terms.

The bill also would stipulate that contracts awarded by the commission follow rules established by the state Department of Administrative Services, clarify grant guidelines and require the commission to adopt written policies governing expenditure of appropriated funds.

Stinner said the commission’s fiscal problems came to a head in 2016 when its director was fired for misuse of state-appropriated funds following a “scathing” state audit report. The commission has since begun taking steps to rectify those problems, he said, and the bill would help by diversifying the board and increasing professionalism.

“LB222 is part of a long-standing effort to integrate oversight measures into the structure of the Nebraska Tourism Commission,” Stinner said. “In the spirit of the Nebraska tradition of fiscal responsibility, I am confident that the previously mentioned changes to the commission and the passage of this bill will accomplish the oversight objectives.”

Todd Kirshenbaum, chairman of the Nebraska Travel Association, testified in support of the bill, saying the board membership changes would create a more diverse voice for the state’s tourism industry.

“The commission is now under the dynamic leadership of a new director and this bill will be the next logical step to make the commission even better,” he said.

No one testified in opposition to LB222 and the committee took no immediate action on it.

State employee volunteerism considered

A bill that would allow state employees to volunteer in Nebraska schools during work hours was considered by the Government, Military and Veterans Affairs Committee Feb. 8.

Under LB655, sponsored by Gretna Sen. John Murante, a state employee could – with a supervisor’s authorization – participate in volunteer activities at a public elementary, middle or high school, or nonprofit organization that focuses on such education, during normal work hours without loss of pay, vacation time, sick leave or earned overtime accumulation.

Murante called the bill a creative solution to meet the need for mentors in Nebraska public schools during dif-

ficult fiscal times. Many private sector employers offer paid volunteer time to their employees because it increases job satisfaction, he said.

“Allowing and encouraging employees to volunteer makes good business sense,” Murante said. “Employees who volunteer through work experience an increase in job productivity and performance.”

As introduced, the bill would not apply to an employee or officer of the state whose salary is set by the state constitution or in state law. Local government employees also would not be covered by the bill’s provisions.

Murante said he would offer an amendment to expand the bill’s scope to cover employees of any political subdivisions. The amendment also would allow each agency to determine whether or not to participate in the program.

“This bill is permissive,” he said. “It’s not a mandate.”

Tom Osborne, representing the TeamMates Mentoring Program, testified in support of the bill. Young people who have mentors see a decrease in anti-social behavior and disciplinary problems, he said, as well as increased odds of graduation and college attendance.

“We find that young people who have a mentor are much more hopeful about the future,” Osborne said. “Hope is a big deal. If you have hope in your life, things get better.”

Mentees also benefit, Osborne said, adding that LB655 could enhance state employee job satisfaction.

“I think there are many state agencies with a lot of turnover where sometimes morale isn’t always the best,” he said.

Deb Denbeck, president of Partnership 4 Kids – an organization that serves 5,400 youth in Omaha Public Schools – also supported the bill. Encouraging state employees to engage in their communities would benefit the entire state, she said, by building strong relationships now and saving money in



Sen. John Murante

the future that would have been spent on social services for young people who fail to graduate from high school.

“If we don’t invest in our young people, our future is not going to be very bright,” Denbeck said.

Bo Botelho, an administrator in the state Department of Administrative Services, cautioned that the program would have to be constructed carefully, given the scrutiny that state workers face. Testifying in a neutral capacity, he said taxpayers may perceive the program as paying state workers to do something other than the state’s business.

“Our concern here would be the perception,” Botelho said.

No opposition testimony was offered and the committee took no immediate action on the bill.

Confidentiality sought for lethal injection drug providers

A bill that seeks confidentiality for certain records relating to the state’s lethal injection protocol was considered by the Government, Military and Veterans Affairs Committee Feb. 9.

Under LB661, introduced by Heartwell Sen. John Kuehn, records containing any information that reasonably would lead to the identity of any person or entity that manufactures, supplies, compounds or prescribes the substances, medical supplies or medical equipment used to perform a lethal injection would be confidential and exempt from disclosure under the state’s public records laws.

Kuehn said the bill would protect providers of drugs used in a lethal injection protocol from harassment and threats, while still making the identity of the drug and any lab analysis publicly available.



Sen. John Kuehn

Harassment by death penalty opponents has resulted in the commercial unavailability in the U.S. of certain drugs used in lethal injection, Kuehn said, so a shield law regarding the identity of drug providers could increase the state’s chances of obtaining the necessary drugs.

Through the initiative process, 61 percent of Nebraska voters chose to reinstate the death penalty after it was repealed by the Legislature in 2015, he said – sending lawmakers a clear message.

“It is now the responsibility of elected officials and state agencies to act in accordance with the will of the people and address the functional problems with the death penalty,” Kuehn said.

Bob Evnen, a cofounder of Nebraskans for the Death Penalty, spoke in favor of the bill. He said objections to the measure on transparency grounds are really objections to the death penalty. That issue has been settled, he said, and now the state needs to facilitate the execution process.

“There is a long history of protecting the identity of those involved in death penalty protocols, He said. “Nebraskans have spoken, and they expect the Legislature to act to enable the state to carry out capital punishment in the few cases where it is warranted.”

Scott Frakes, director of the state Department of Correctional Services, also testified in support. Nebraska currently shields the identities of members of an execution team and protects medical professionals from action against their licenses resulting from participation in an execution, he said.

“LB661 is a reasonable extension of [those] privacy protections,” Frakes said.

Alan Peterson, an attorney who was appointed to defend a death row inmate, spoke in opposition to the bill. The state’s comprehensive public records law was passed in 1979, he said, but its roots can be found in territorial law from the 1850s.

Given the serious nature of an

execution, he said, the state has an additional obligation to act in a manner that is open to the public.

“Don’t sacrifice – along with the person that’s being killed – the transparency of state government,” Peterson said. “That’s really a sacrifice.”

Spike Eickholt, testifying on behalf of the ACLU of Nebraska, also opposed the bill, saying the state Department of Correctional Services in particular should not be allowed to operate without public scrutiny.

The department has experienced scandal and embarrassment in recent years, he said, from prison overcrowding to miscalculated sentences, escapes and a riot. The department also was involved in an unsuccessful attempt to purchase a drug to be used in the lethal injection protocol, he said, which turned out to be a “scam” that cost the state \$54,000.

“This is an agency that the people of Nebraska are entitled to observe in public,” Eickholt said. “The people in this state deserve to know where their money goes.”

Mary Boschult of the League of Women Voters of Lincoln and Lancaster County agreed.

“If you’re acting on behalf of the people, the people have a right to know what you are doing and how you are doing it,” she said.

The committee took no immediate action on LB661.



Perinatal hospice bill considered

A bill that would provide information regarding perinatal hospice to a woman diagnosed with a lethal fetal anomaly was heard Feb. 10 by the Health and Human Services Committee.

Under LB506, introduced by Thurston Sen. Joni Albrecht, a physician who diagnoses a lethal fetal anomaly would provide information regarding perinatal hospice services, which the bill defines as comprehensive support from the time of diagnosis through the death of an infant and the postpartum period.



Sen. Joni Albrecht

A lethal fetal anomaly is defined as a condition diagnosed before birth that will – with reasonable certainty – result in the death of an unborn child within three months of birth.

Under the bill, the state Department of Health and Human Services (DHHS) would be required to provide an information support sheet of available programs and services, which also would be posted on the department website.

Albrecht said the bill was personal because her daughter’s first child was diagnosed with a lethal medical condition at 18 weeks’ gestation. Many parents faced with a similar diagnosis feel adrift, she said, with little understanding of their options. Being provided with resources for emotional and spiritual support would help families dramatically, she said.

“It may seem like a simple bill, but it will make a world of difference,” Albrecht said. “It will mean a great deal for the families dealing with a devastating, life-changing ordeal.”

Kelly Gerken of Sufficient Grace Ministries for Women in Ohio supported the bill. Having lost three children to lethal fetal anomalies, she testified that parents often are in shock and need help finding resources. In addition, she said, many obstetricians are unaware of the existence of perinatal hospice.

“Many families are not offered the option to receive perinatal hospice support,” Gerken said. “With one in

four pregnancies ending in loss, we must find the courage to show compassion to grieving parents.”

Shawna Hoffman, cofounder of HEALing Embrace in Omaha and the mother of a son who died in childbirth, also testified in support. Even if a child is not born alive, she said, families can prepare to bathe their child, introduce them to extended family and engage in other bonding activities.

“Many of these families are offered very limited options or are only encouraged to terminate their pregnancies,” Hoffman said. “I have met families who have felt abandoned after receiving their diagnosis.”

Kim Robak, representing the Nebraska Medical Association, said the organization had opposed the bill as introduced due to the mandate on physicians to offer a patient the information made available by DHHS. However, she said, the organization supported the bill with an agreement to remove the mandate.

“Palliative care is an important process and the fact that we can expand that across the state is a good thing for all involved,” Robak said.

Albrecht said she would bring an amendment to make the bill permissive and clarify that no provider would be required to offer the information.

No one testified in opposition to LB506 and the committee took no immediate action on it.



Judge’s ok suggested before sex offender access to children

Members of the Judiciary Committee heard testimony Feb. 9 on a bill that would provide stronger protections for children against registered sex offenders.

Under LB60, introduced by Omaha

Sen. Brett Lindstrom, registered sex offenders found guilty of felony child sexual abuse would not be allowed unsupervised parental access to a child unless a judge finds that the adult presents no significant risk to the child.



Sen. Brett Lindstrom

Lindstrom said a recent Nebraska Supreme Court decision found that a father could not prevent his child from living in the same home as his ex-wife’s new husband, a registered sex offender.

He said LB60 would shift the burden of proof to the person seeking to allow unsupervised contact with a child to show that such contact would be in the child’s best interest.

“[The bill] reaffirms a strong public policy that we must protect our children and provides more guidance to our judicial branch to protect them,” he said.

Written notice also must be provided to all other persons with custody or access rights before a registered sex offender would be allowed to have unsupervised access or reside in the same home as a child.

Stephanie Huddle, representing the Nebraska Coalition to End Sexual and Domestic Violence, testified in support of the bill. She said 34 percent of sexual abuse is perpetrated by family members and can have long-lasting effects on children.

“Children who are sexually abused may develop phobias, suffer from nightmares and engage in regressive behaviors,” she said. “[LB60] would ensure additional safeguards for Nebraska children and peace of mind for their parents.”

Opposing the bill was Derek Logue, an anti-registry activist and registered sex offender. As a group, he said, sex offenders have low rates of recidivism.

“The written notification requirement seems to be more about humiliation than

personal safety,” he said. “Those who share my label are assumed guilty until proven innocent. How can anyone reasonably expect a registered citizen to meet such a burden when society is so quick to believe the worst about such people?”

The committee took no immediate action on the bill.

New penalties for sex abuse of minors considered

Members of the Judiciary Committee heard testimony Feb. 8 on a bill that would broaden child sexual abuse protections.

Under LB107, introduced by Bellevue Sen. Sue Crawford, a health professional, school employee, youth center employee or an adult who holds a “special position of trust” with a child would be held criminally liable for sexual abuse of a child between 16 and 18 years old.



Sen. Sue Crawford

Crawford said one in six women and one in 33 men will be sexually assaulted in their lifetime, a large number of those assaults occurring before age 18.

“We expect these people in special positions of trust to serve, educate and protect our children,” she said. “They need to be held accountable if they violate that trust.”

Those considered to be in a “special position of trust” would be a child’s employer, religious counselor, scout leader, camp counselor, babysitter, foster parent or someone involved in their juvenile justice proceeding.

A person convicted of sexual penetration of a minor would be guilty of a Class IIA felony, punishable by a maximum of 20 years in prison. A conviction of sexual contact would be categorized as a Class IIIA felony, punishable by a maximum of three years in

prison and 18 months of post-release supervision, a \$10,000 fine or both.

LB107 would explicitly prohibit the defense of consent by the protected minor.

Lieutenant Tim Melvin of the Bellevue Police Department supported the bill. He said sexual relationships addressed in the bill are currently not illegal.

“Our current laws do not protect minors between the ages of 16 and 18 from being victimized by persons in special positions of trust,” he said. “Once they gain the trust of a minor, it’s easy to take advantage of that trust and turn that relationship into a sexual one.”

April O’Loughlin, representing the Nebraska Criminal Defense Attorneys Association, testified in opposition to the bill. She said it is inappropriate to consider a relationship between a 19-year-old coach and a 17-year-old minor a sexual assault.

O’Loughlin also said the definition of “special position of trust” is too vague and questioned whether police officers and lawyers also should be covered in the bill.

The committee took no immediate action on the bill.

Ending mandatory minimum sentences proposed

Judges would have more flexibility in sentencing under a bill heard by the Judiciary Committee Feb. 8.

Currently, the mandatory minimum sentences for Class IC and Class ID felonies are five and three years, respectively. LB447, introduced by Omaha Sen. Ernie Chambers, would eliminate the mandatory minimum sentences for these felonies.



Sen. Ernie Chambers

A person convicted of a Class IC felony is subject to a sentence of five to 50 years in prison and

three to 50 years for a Class ID felony.

Those serving a mandatory minimum sentence are ineligible for the state Department of Correctional Services’ “good time” program, which automatically reduces sentences by 50 percent. Because of this, Chambers said, mandatory minimum sentences do not deter criminal behavior, but instead lead to prison overcrowding.

“Mandatory minimums don’t protect the public or deter crimes,” he said. “Those who commit crimes don’t know what the penalty is. They don’t plan or expect to get caught, so there can be no deterrence whatsoever.”

April O’Loughlin, representing the Nebraska Criminal Defense Attorneys Association, testified in support of the bill. She said the current mandatory minimum statutes place drug crimes on the same level as heinous, violent crimes.

“I understand the purpose of what prosecutors are trying to accomplish with [mandatory minimum sentences],” she said. “However, the very fundamental nature of our system is based upon discretion and justice tempered with mercy.”

Fran Kaye of Lincoln also supported the bill, saying all mandatory minimum sentences should be abolished.

“People who are incarcerated for too long are less likely to be successful upon release, which leads to higher rates of recidivism,” Kaye said.

Corey O’Brien, representing the Office of the Attorney General, opposed LB447. He said the societal costs of eliminating mandatory minimum sentences would far outweigh the potential benefits.

“Elimination of mandatory minimums could relieve some of the current overcrowding but it would amount to nothing more than a drop in the bucket,” he said. “Any benefits it did yield would be outweighed by the threat to public safety from people who were released too early.”

The committee took no immediate action on the bill.

NATURAL RESOURCES

Designation for wind-friendly counties proposed

Nebraska counties wishing to promote themselves to wind energy developers could apply for a special designation under a bill heard by the Natural Resources Committee Feb. 9.

LB392, sponsored by Sen. Tyson Larson of O'Neill, would require the state Department of Agriculture to create a process, including criteria and standards, that would recognize and assist counties' efforts to create, maintain or expand wind energy development. Counties meeting the criteria could apply to a receive a "wind-energy friendly" designation.



Sen. Tyson Larson

Criteria would include the diversity of a county's energy development activities, a formal expression of interest by a county board in developing wind energy production or an assurance that the county intends to work with other governmental entities in developing wind projects.

Larson said the designation would signal investors and developers that a county is open to having a wind energy facility in the area and that a county has adopted certain zoning regulations that pave the way for development. He said he chose the Department of Agriculture to develop the process because they administer a similar program that designates livestock-friendly counties.

"I believe LB392 provides an additional tool for counties to distinguish themselves from their neighbors and promote rural economic development," Larson said.

Ken Schilz of Bluestem Energy Solutions testified in support of the bill, saying that developing the wind energy industry in Nebraska would bring money and capital to rural areas.

"The key here is to find those places around the state that are interested in this kind of development and then promoting them," he said.

Ken Winston, testifying on behalf of the Sierra Club, also spoke in support of the bill, saying the group supports the development of renewable energy. He said the designation's criteria should protect wildlife and fragile ecosystems, particularly undisturbed grasslands.

Winston also suggested that the Department of Agriculture coordinate with the state Department of Environmental Quality, state Game and Parks Commission and Nebraska Energy Office when creating the program's criteria.

John Hansen, president of the Nebraska Farmers Union, testified in opposition to the bill. He said wind energy development is a great fit for rural communities because it provides good-paying jobs and capital investment. But a wind-energy friendly designation could interfere with a community's control over the wind energy projects it chooses to develop, Hansen said.

"We strongly support local communities going through the process of planning and zoning and charting their own course," he said, "and doing it unimpeded and without being told what it is they need to have in their county in order to qualify for anything."

The committee took no immediate action on the bill.

Shared solar energy programs considered

The Natural Resources Committee heard testimony Feb. 9 on a bill that is

intended to promote the development of solar energy generating projects in Nebraska.

Sponsored by O'Neill Sen. Tyson Larson, LB626 would require local power utilities to work with groups of customers interested in building a shared community solar energy generating system. At the request of customers, the utility would adopt regulations to establish the pilot project and oversee connection of the system to the state's electric grid. Customer-generators would receive credits based on their portion of the project's energy production.

"Although there has been a great deal of interest in solar energy development in Nebraska," Larson said, "very little exists today when compared with other states."

He said 15 states and Washington, D.C., have authorized shared renewable energy projects. Shared programs allow customers to pool their resources when building an energy-generating system, making it cheaper for everyone involved, Larson said.

The bill also would allow customer-generators to contract with a third party to finance, build or operate a system.

Cliff Mesner, of Mesner Solar Development, testified in support of the bill. He said his company has completed successful community solar projects in Central City, Holdrege, Venango and Scottsbluff. One benefit of shared solar programs, aside from cost savings provided by economies of scale, is that they allow communities to site solar arrays in a single place, such as an abandoned parking lot or a field on the outskirts of town, he said.

Mesner said LB626 is necessary because those who want to build shared projects need their local utility's cooperation.

"If the utility companies want to

work with you, you can do it," he said. "If the utility companies don't work with you, you have a problem."

Nancy Meyer of Cedar Bluffs also testified in support of the bill, saying that the development of solar energy would give Nebraska utilities greater energy independence. The financial viability of the state's utilities relies on the price of coal and demand from states where the utilities sell excess electricity, she said.

"Thus it makes sense that increased ability to generate power within the state using our own abundant natural resources will help utilities and all Nebraskans achieve greater autonomy and control of their energy destiny," Meyer said.

Kristen Gottschalk, speaking on behalf of the Nebraska Rural Electric Association, testified in opposition to the bill. She said authorizing customers to contract with a third party to build shared solar energy generating systems does not give utilities enough control over electricity prices or how the systems are engineered and connected to distribution infrastructure. Ultimately, Gottschalk said, the bill is not necessary to authorize community solar projects.

"Community solar and solar projects are burgeoning across the state," she said, "and we're going to continue to see that happen."

The committee took no immediate action on the bill.



Tax exemption for military retirement pay requested

Members of the Revenue Committee heard testimony Feb. 10 on a bill that would exclude a portion of

military retirement pay from Nebraska state income tax.

LB121, sponsored by Sen. Tom Brewer of Gordon, would exempt benefit income in increasing increments of \$10,000 per year over a period of five years, beginning in 2018.



Sen. Tom Brewer

For 2022 and after, up to \$50,000 could be excluded.

Brewer said retired veterans are well-educated and highly trained, and often start second careers in the private sector or as government contractors. But many military retirees leave Nebraska for other states, including Iowa and Kansas, that do not tax military retirement benefits, he said.

"Letting our veterans keep more of their military pensions will cause a modest reduction in income tax revenue," Brewer said, "but I think the economic benefits of attracting highly skilled, trained veterans with strong leadership qualities outweigh whatever tax dollar loss there is."

The state Department of Revenue estimates that LB121 would reduce state income tax revenue by approximately \$4.2 million in fiscal year 2017-18 and approximately \$27 million in FY2021-22, when the bill is fully implemented.

Current law allows those receiving military retirement pay to exclude 40 percent of their benefit pay from income tax for seven years or 15 percent a year for life beginning when they turn 67. LB121 would allow taxpayers to choose that exclusion before Dec. 31, 2017, or within two years of their retirement, whichever comes first. It also would allow taxpayers to revoke that election so that they can take the bill's proposed exemption.

Larry Gerlt, senior vice commander

of the VFW Department of Nebraska, testified in support of the bill. He said it would help Nebraska retain a high-quality workforce and improve quality of life for military retirees, most of whom receive only about \$20,000 a year in retirement pay.

"If I lose 5 percent of that to Nebraska [income tax], it may not sound like much to you, but that may be the crucial difference between seeing my daughter and three grandchildren in Phoenix each year for Christmas," he said.

Also speaking in support of the bill was Pat Jones, a military retiree from Bellevue. He and his wife enjoy living in Nebraska, he said, but now that his wife also is close to retirement, they are planning to move to Texas to avoid paying income taxes on his military retirement benefits. Jones said the state would forego not only the income tax he would have paid on benefits, but taxes on the rest of their spendable income.

"Yes, [the bill] helps the military retiree, but in the long run it's really helping Nebraska," he said.

Paul Cohen, speaking on behalf of the Military Officers Association of America, also testified in support of the bill. Nebraska has seen no increase in the number of military retirees as a result of a more limited military retirement pay exclusion that began in 2014, he said, compared to a 1 to 2 percent gain in neighboring states that have more attractive incentives.

Last summer, Cohen said, he met a newly retired U.S. Air Force senior master sergeant who had received nearly identical job offers at insurance companies in Omaha and Des Moines.

"He chose Des Moines," Cohen said. "It saved him nearly \$6,000 in taxation on his military retirement pay."

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

Income-based valuation of agricultural land proposed

Land used for farming and ranching would be valued according to its ability to produce income under a bill heard by the Revenue Committee Feb. 8.

LB338, introduced by Sen. Lydia Brasch of Bancroft on behalf of Gov. Pete Ricketts, would base valuations on land's projected income and commodity prices instead of solely on the land's market value.



Sen. Lydia Brasch

Brasch said the proposed method is fairer than the current one and is at least part of the solution to high property taxes on agricultural land.

"Today taxes are so bad that many farmers and ranchers wonder if they will even be able to keep their farms," she said. "In good conscience, we cannot simply walk away from this problem."

To establish an income range for each land capability group in the state, the state property tax administrator would use U.S. Department of Agriculture data on average yield for commodities appropriate to each land capability group and the prices of the commodities on which the average yield is based. The calculation also would include land sales from the previous three years.

The administrator then would provide his or her findings and recommendations to county assessors no later than Jan. 1 each year. Assessors would use that information to assign a use value to each parcel. If assessors

disagree with the property tax administrator's income ranges, they could petition for a change.

The property tax administrator would ensure that capitalization rates result in a statewide agricultural use value between 60 and 75 percent of actual value for each class of land. Under current law, agricultural and horticultural land are valued at 75 percent of actual value. The bill also requires that aggregate agricultural value will not increase by more than 3.5 percent from the prior year.

Ricketts testified in support of the bill, saying it would put Nebraska in line with other agricultural states, such as South Dakota, Kansas and Iowa, that use income-based valuations. He said the change would make it easier for farmers and ranchers to predict how much their property taxes will rise each year and prevent steep increases like the one seen in recent years. If this method had been in place in 2017, Ricketts said, total agricultural land valuations would have gone down by \$2.2 billion.

"This income potential assessment will be more fair to our farmers and ranchers because it's tying the value of that property more closely to the amount of income that can be earned off of that property," he said.

Ruth Sorensen, state property tax administrator, also testified in support of the bill, saying that statewide valuation of agricultural land has increased 264 percent since 2006. The proposed change would average out good years and bad years, she said, and it would maintain county assessors' responsibility for assigning value to a piece of land.

"This is something that we can do, and it's something that we should do," she said.

Steve Wellman, a farmer from Syracuse, also spoke in support of the

bill. He said an income-based valuation method would eliminate inflated valuations caused by artificially high sale prices and would more accurately reflect an owner's ability to operate a farm or ranch.

"I believe income-based valuations will be an improvement for Nebraska farmers and ranchers while still providing funding for our schools, counties and other taxing entities," Wellman said.

Steve Nelson, president of the Nebraska Farm Bureau Federation, spoke in support of the bill but said it falls short of addressing problems with how the state values agricultural land. The proposed method's mix of income-based and market-based valuations would not achieve the same effect seen in other states that use a purely income-based approach, he said.

"At the end of the day, this is a land valuation bill, not a bill which fundamentally fixes the property tax problem," he said.

Jordan Rasmussen of the Center for Rural Affairs spoke in opposition to the bill, saying that it would not provide substantial tax relief or long-term property tax reform. For example, she said, the owner of a 40-acre parcel of irrigated land in Saunders County valued at \$237,000 in 2016 would see a tax savings of less than \$150 if the bill were implemented. However, local governments likely would face revenue shortfalls as a result of the change.

"To address these shortfalls," Rasmussen said, "local entities are likely to raise levies to meet their budget needs, thereby eliminating savings gained by decreasing property taxes."

Also in opposition to LB338, Mary Lou Block, a farmer from Custer County, said that the proposed system could limit a farmer's flexibility in deciding which crops to grow. She said the valuation of her land has increased

281 percent in the last 10 years and the bill would not provide enough tax relief soon enough.

“That is like a puff of air in a Nebraska tornado,” Block said.

The committee took no immediate action on the bill.

TRANSPORTATION & TELECOMMUNICATIONS

Title and registration services proposed for car dealers

Car dealers could electronically provide titling and registration services under a bill heard by the Transportation and Telecommunications Committee Feb. 7.

LB263, introduced by the Transportation and Telecommunications Committee, would require the state Department of Motor Vehicles (DMV) to create an electronic dealer services system. The system would allow dealers to provide titling and registration services following the sale of a vehicle, in addition to collecting title and registration fees, sales taxes and motor vehicle taxes.

Dealer participation would be voluntary.

According to the bill’s statement of intent, the DMV currently is introducing a new vehicle and title registration (VTR) computer system. The bill would enhance the effectiveness and efficiency that the system, once implemented, will bring to the titling and registration process.

DMV Director Rhonda Lahm said the current VTR system was built with outdated technology.

“The process to modernize the VTR system has been in the works for several years,” she said. “As part of the modernization process, LB263 removes old statutory language that

hinders customer service.”

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

Helmet law repeal discussed

Members of the Transportation and Telecommunications Committee heard testimony Feb. 6 on a proposed repeal of the state’s motorcycle helmet requirement.

Current state law requires all motorcycle or moped riders to wear a protective helmet. LB368, introduced by Kearney Sen. John Lowe, instead would give riders 21 and older the option to wear no helmet but would require that eye protection be used.



Sen. John Lowe

Lowe said Nebraska is actively discouraging tourism revenue because many motorcycle riders choose alternate routes around the state on their way to rallies like Sturgis, held in South Dakota each year.

“Individuals who choose to ride a motorcycle should be allowed to choose whether they wear a helmet,” he said. “We should not be in the business of regulating personal choice.”

The bill also would prohibit children younger than six years old from riding a motorcycle or moped.

Former senator Dave Bloomfield, who introduced similar legislation during his time in the Legislature, testified in support of the bill. He said the right to choose whether to wear a motorcycle helmet is a civil right that should be restored to all Nebraskans.

“[LB368] restores freedom to adult citizens of Nebraska in giving back a basic civil right that should have never been taken away from them: the ability to decide for themselves what is best

for themselves,” he said.

Representing ABATE of Nebraska, Brad Christian also supported the bill, saying motorcycle helmets rarely save lives.

“I ride about 10,000 miles a year on average and riding without a helmet should be my choice,” Christian said. “If it’s your time to go, it’s your time to go. Helmets will not save you from blunt-force trauma.”

Patrick Lange of Cozad opposed LB368. His wife was killed and he suffered permanent neurological damage after they were involved in a motorcycle accident while not wearing helmets. He said he cannot know whether a motorcycle helmet would have saved his wife’s life, but he will always wonder.

“I want my kids to not have the choice to not wear a helmet when they’re old enough to ride,” Lange said. “I will wonder the rest of my life what could have happened if I’d taken the extra safety precautions that day.”

Omaha motorcycle safety instructor Dave Halen also opposed the bill, saying preventing traumatic brain injuries is a basic public safety issue.

“I don’t think the state is intruding one bit in asking people to wear the single most important piece of safety equipment a motorcycle rider can wear,” he said.

The committee took no immediate action on the bill.

URBAN AFFAIRS

Day care building code alignment proposed

The Urban Affairs Committee heard testimony Feb. 7 on a bill intended to align the state building code with state agency regulations.

LB590, introduced by Bellevue Sen. Sue Crawford, would bring the state building code occupancy classifications relating to in-home day cares into alignment with state Department of Health and Human Services (DHHS) regulations. The bill also would clarify that state agencies may adopt and enforce regulations that conflict with the building code when authorized by state law to do so.



Sen. Sue Crawford

Crawford said the state building code, which was adopted most recently in 2015, classifies a care facility with more than five occupants under the commercial code rather than the residential code. The commercial code is more restrictive, she said, and would require in-home day care providers to have sprinkler systems and storm shelters, among other requirements.

The bill would raise the number of occupants for a care facility to 12, which conforms with DHHS regulation for in-home child care providers.

“LB590 will ensure that licensed in-home day cares that provide much

needed care – especially in our rural and under-served communities – can continue to do so under appropriate residential classification,” Crawford said.

Jay Davis, assistant planning director for the city of Omaha, testified in support of the bill, saying the city does not want to burden home day care providers due to a “glitch” in the code.

“We’re putting people out of business and that’s certainly not what we want to do,” Davis said.

No opposition testimony was offered and the committee took no immediate action on the bill. ■

COMMITTEE HEARINGS

*Current hearing schedules are always available at: NebraskaLegislature.gov/calendar

Monday, February 13

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

LB480 (McCollister) Provide requirements relating to health benefit plan coverage for insureds in jail custody
LB92 (Kolterman) Require health carriers to provide coverage for telehealth services
LB474 (Baker) Require insurance coverage for synchronizing prescription medications
LB72 (Schumacher) Provide for governmental unit bond priority under the Nebraska Governmental Unit Security Interest Act and rename the act

Business & Labor

Room 2102 - 1:30 p.m.

LB639 (Bostelman) Change when a preference is required for certain government employment relating to servicemembers and their spouses and veterans
LB515 (Bolz) Create the Nebraska Integrated Education and Training Grant Program
LB518 (Williams) Adopt the Rural Workforce Housing Investment Act and transfer funds from the Affordable Housing Trust Fund
LB261 (Hansen) Adopt the Nebraska Worker Adjustment and Retraining Notification Act

Education

Room 1525 - 1:30 p.m.

Appointment: Buckendahl, Chad W.
- Technical Advisory Committee for

Statewide Assessment - *Note: phone confirmation*

Appointment: Aspen, Gwenn - Coordinating Commission for Postsecondary Education
LB608 (Linehan) Adopt the Parental Choice Scholarship Program

Executive Board

Room 2102 - 12:00 p.m.

LB653 (Murante) Adopt the Redistricting Act

General Affairs

Room 1510 - 1:30 p.m.

LB632 (Larson) Change provisions relating to the Nebraska Liquor Control Act and music licensing agencies
LB254 (Crawford) Change provisions relating to making and serving alcoholic liquor by nonlicensed persons as prescribed
LB73 (Riepe) Prohibit the sale or transfer to or use by persons under twenty-one years of age of tobacco, vapor products, and alternative nicotine products

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

LB532 (Kolterman) Change provisions relating to a military service credit for certain retirement plans as prescribed

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB157 (Friesen) Change the prepaid

wireless surcharge determination and duties of sellers and the Department of Revenue under the Prepaid Wireless Surcharge Act

LB522 (Walz) Change Nebraska Telecommunications Universal Service Fund provisions

LB523 (Walz) Change provisions relating to financial assistance from the Nebraska Internet Enhancement Fund
LB573 (Friesen) Change local competition determinations and rate list filing requirements under the Nebraska Telecommunications Regulation Act and provide for a nonregulated activity
LB654 (Murante) Provide jurisdiction under the Automatic Dialing-Announcing Devices Act to the Nebraska Accountability and Disclosure Commission for certain telephone calls and messages as prescribed

Tuesday, February 14

Agriculture

Room 2102 - 1:30 p.m.

LB449 (Chambers) Repeal the Black-Tailed Prairie Dog Management Act
LB499 (Brewer) Provide for voluntary registration and duties for the Department of Agriculture under the Nebraska Apiary Act as prescribed

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB375 (Schumacher) Change provisions of the Credit Union Act

COMMITTEE HEARINGS

*Current hearing schedules are always available at: NebraskaLegislature.gov/calendar

LB341 (Lindstrom) Change provisions relating to executive bank officer license revocation and suspension
 LB454 (Lindstrom) Allow credit unions to opt out of licensing loan officers
 LB96 (Crawford) Provide an eligible activity for assistance from the Site and Building Development Fund as prescribed

Education

Room 1525 - 1:30 p.m.

LB246 (Morfeld) Provide a budget exception for expanded learning opportunity programs
 LB247 (Morfeld) Provide for school district levy and bonding authority for cybersecurity
 LB525 (Morfeld) Change distribution provisions related to the Education Innovation Fund
 LB575 (Kolowski) Provide funding for schools offering certain programs and courses as prescribed

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB618 (Wayne) Change provisions relating to the use of the Transportation Network Company Regulation Cash Fund
 LB70 (Pansing Brooks) Change provisions relating to operator's license revocation
 LB410 (Smith) Change boundaries and number of public service commissioner districts and provide for the appointment and election of new commissioners as prescribed
 LB459 (Smith) Change provisions relating to governance of the statewide one-call notification center and provide for the establishment of best practices
 LB460 (Smith) Change provisions regulating the transportation of clients of the Department of Health and Human Services and other authorized agencies as prescribed
 Appointment: Ashburn, William - Motor Vehicle Industry Licensing Board

Urban Affairs

Room 1510 - 1:30 p.m.

LB625 (Larson) Change the Property Assessed Clean Energy Act
 LB97 (Crawford) Adopt the Riverfront Development District Act
 LB614 (Wayne) Eliminate a restriction

relating to appropriations under the Local Option Municipal Economic Development Act

Wednesday, February 15

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

LB652 (Kolowski) Authorize the display of the Honor and Remember Flag
 LB497 (Brewer) Change references to a federal form relating to veterans
 LB340 (Murante) Transfer powers and duties from Division of Veterans' Homes of Department of Health and Human Services to Department of Veterans' Affairs

Health & Human Services

Room 1510 - 1:30 p.m.

LB88 (Blood) Provide for temporary credentials under the Uniform Credentialing Act for military spouses
 LB342 (Erdman) Adopt the Nurse Licensure Compact and provide for temporary nursing license for military spouses
 LB402 (Hilkemann) Change provisions of the Nebraska Regulation of Health Professions Act

Judiciary

Room 1113 - 1:30 p.m.

LB168 (Ebke) Change provisions relating to rights of subrogation of medical payments with respect to automobile liability policies
 LB204 (Hilgers) Change provisions relating to appeals to the Supreme Court, service on employees of the state, and summary judgment
 LB359 (Kolterman) Authorize damages for property taxes and special assessments paid on property lost through adverse possession
 LB492 (Harr) Adopt the Self-Service Storage Facilities Act and authorize certain liens
 LB544 (Watermeier) Provide for elimination of the office of clerk of the district court as prescribed

Natural Resources

Room 1525 - 1:30 p.m.

LB218 (Groene) Provide for installation of ground water pumps by public entities
 LB488 (Groene) Adopt the Water Conservation Grant Act

Revenue

Room 1524 - 1:30 p.m.

LB380 (Harr) Change income tax rates, itemized deductions, and standard deductions
 LB452 (Lindstrom) Impose sales tax on services and change income tax rates and personal exemption amounts
 LB468 (Krist) Change revenue and taxation provisions
 LB461 (Smith) Correct references to a federal act in a revenue statute

Thursday, February 16

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

LB369 (Lowe) Change provisions relating to fees charged by the register of deeds
 LB237 (Erdman) Change filing requirements of official bonds for school districts
 LB382 (Erdman) Change provisions relating to budget limitations for counties

Health & Human Services

Room 1510 - 1:30 p.m.

LB311 (Morfeld) Eliminate an eligibility provision relating to nutrition assistance benefits as prescribed
 LB358 (McCullister) Change income eligibility provisions relating to the Supplemental Nutrition Assistance Program

Judiciary

Room 1113 - 1:30 p.m.

LB243 (Bolz) Require reporting of certain information concerning assaults that occur in state institutions
 LB245 (Bolz) Provide for a corrections-related emergency and overtime as prescribed
 LB250 (Harr) Change provisions relating to probationers' rights
 LB258 (Hansen) Provide opportunity for inmates to obtain state identification card or driver's license before discharge

Natural Resources

Room 1525 - 1:30 p.m.

LB657 (Wayne) Adopt the Retail Electricity Transparency Act
 LB660 (Wayne) Adopt the Nebraska Retail Electricity Choice Act and remove a restriction on the sale or delivery of retail electricity by a private electric supplier

COMMITTEE HEARINGS

*Current hearing schedules are always available at: NebraskaLegislature.gov/calendar

Revenue

Room 1524 - 1:30 p.m.

LB251 (Harr) Redefine agricultural or horticultural purposes for revenue and taxation purposes
LB266 (Friesen) Change the valuation of agricultural land and horticultural land
LB640 (Groene) Change provisions of the Property Tax Credit Act and provide school district property tax relief

Tuesday, February 21

Agriculture

Room 2102 - 1:30 p.m.

LB617 (Wayne) Adopt the Industrial Hemp Act

Appropriations

Room 1524 - 1:30 p.m.

Budget bills scheduled at this time for official record purposes. Testimony on the overall budget is appropriate, however testimony on specific issues and/or agencies should be presented at the date scheduled for the relevant agency.

LB327 (Scheer) Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2019
LB328 (Scheer) Appropriate funds for salaries of members of the Legislature
LB329 (Scheer) Appropriate funds for salaries of constitutional officers
LB330 (Scheer) Appropriate funds for capital construction and property acquisition
LB331 (Scheer) Create funds, provide for transfers, and change provisions governing funds
LB332 (Scheer) Change Cash Reserve Fund provisions
LB150 (Stinner) Provide for a transfer from the Cash Reserve Fund

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB194 (Vargas) Change provisions of the Credit Services Organization Act, Delayed Deposit Services Licensing Act, and Nebraska Installment Loan Act
LB286 (Craighead) Adopt the Nebraska Flexible Loan Act and change provisions of the Delayed Deposit Services Licensing Act
LB386 (Lindstrom) Change time period a licensee under the Delayed Deposit Services Licensing Act may hold a check

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

LB412 (Bolz) Provide duties for the state investment officer relating to investment in energy-related companies or funds

Transportation & Telecommunications

Room 1113 - 2:00 p.m.

LB156 (Friesen) Eliminate a termination date under the 911 Service System Act
LB43 (Hilkemann) Change provisions relating to surcharges for 911 service
LB483 (Hilgers) Provide a rules of procedure exemption for the Public Service Commission
LB389 (Friesen) Adopt the Small Wireless Facilities Act
LB472 (Bostelman) Change provisions relating to signs and advertising on highways
LB612 (Wayne) Require direct access to 911 emergency service from certain telephone systems using Internet protocol-enabled services

Urban Affairs

Room 1510 - 1:30 p.m.

LB579 (McDonnell) Provide for termination of city occupation taxes subject to a vote and require vote on tax rate changes
LB262 (Groene) Change provisions relating to undeveloped vacant land under the Community Development Law
LB489 (Groene) Redefine development project under the Community Development Law
LB597 (Groene) Provide for application process through county assessor and Tax Commissioner prior to using tax-increment financing

Wednesday, February 22

Appropriations

Room 1003 - 1:30 p.m.

Agency 45: Board of Barber Examiners
Agency 30: Electrical Board
Agency 74: Power Review Board
Agency 41: Real Estate Commission
Agency 53: Real Property Appraiser Board
Agency 63: Board of Public Accountancy
Agency 36: State Racing Commission
Agency 58: Board of Engineers and Architects
Agency 59: Board of Geologists

Agency 62: Board of Examiners for Land Surveyors

Agency 66: Abstracters Board of Examiners
Agency 73: Board of Landscape Architects

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB508 (Hilgers) Change the population threshold for the county civil service system
LB567 (Bolz) Change funding for county public assistance offices
LB603 (Riepe) Require a high-deductible plan for state employees' health insurance

Judiciary

Room 1113 - 1:30 p.m.

LB165 (Brewer) Require employer identification numbers and use of the federal immigration verification system
LB173 (Morfeld) Prohibit discrimination based upon sexual orientation and gender identity
LB192 (Pansing Brooks) Change and modernize provisions relating to the qualifying and summoning of jurors
LB526 (Morfeld) Change provisions relating to debtor's rights, garnishment, attachment, and other debt collection procedures

Natural Resources

Room 1525 - 1:30 p.m.

LB429 (Wishart) Provide for virtual net metering
LB87 (Blood) Redefine a qualified facility and authorize local distribution utilities to waive certain requirements relating to net metering
LB610 (Kolowski) Adopt the Community Solar Energy Economic Development Act

Revenue

Room 1524 - 1:30 p.m.

LB535 (Hughes) Provide an exception for filing a statement with the register of deeds when recording an oil, gas, or mineral lease
LB322 (Craighead) Change the Tax Equalization and Review Commission Act
LB385 (Lindstrom) Change provisions

COMMITTEE HEARINGS

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relating to the burden of proof and who may appeal under the Tax Equalization and Review Commission Act
 LB555 (Smith) Change and eliminate provisions of the Tax Equalization and Review Commission Act

Thursday, February 23

Appropriations

Room 1003 - 1:30 p.m.

Agency 18: Dept. of Agriculture
 Agency 18: Dept. of Agriculture
Note: Potato Board & Poultry/Egg
 Agency 39: Neb. Brand Committee
 Agency 60: Neb. Ethanol Board
 Agency 56: Neb. Wheat Board
 Agency 61: Neb. Dairy Industry Development Board
 Agency 86: Dry Bean Commission
 Agency 88: Corn Development, Utilization and Marketing Board
 Agency 92: Neb. Grain Sorghum Board

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB644 (Committee) Provide, change, and eliminate provisions governing boards, commissions, and similar entities

Health & Human Services

Room 1510 - 1:30 p.m.

LB298 (Baker) Change provisions relating to the Nebraska Strengthening Families Act and a task force
 LB179 (Bolz) Change provisions relating to transition of young adults to independence
 LB297 (McCullister) Create Children and Juveniles Data Pilot Project

Judiciary

Room 1113 - 1:30 p.m.

LB178 (Bolz) Provide for sexual assault protection order
 LB191 (Pansing Brooks) Provide for renewals of domestic violence protection orders
 LB289 (Pansing Brooks) Change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking and prohibit solicitation of a trafficking victim
 LB394 (Morfeld) Change provisions relating to possession of a deadly weapon by person subject to a

domestic violence protection order
 LB487 (Morfeld) Provide exception to certain crimes for persons witnessing or experiencing drug overdoses and provide protection from civil liability for emergency responders and peace officers administering naloxone

Natural Resources

Room 1525 - 1:30 p.m.

LB448 (Chambers) Eliminate provisions relating to the hunting of mountain lions

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

LB548 (Lindstrom) Provide for the consolidation of the Class V school employees' retirement system and the School Employees Retirement System of the State of Nebraska

Revenue

Room 1524 - 1:30 p.m.

LB232 (Kolterman) Provide a property tax exemption for property leased to the state or a governmental subdivision
 LB236 (Erdman) Change provisions relating to the inclusion of multiple lots in one parcel
 LB238 (Erdman) Change provisions of the Nebraska Budget Act relating to certifying taxable values
 LB249 (Harr) Expand business inventory property tax exemption

Friday, February 24

Appropriations

Room 1003 - 1:30 p.m.

LB416 (Vargas) Appropriate funds to the Department of Labor and make changes to uses of the Employment Security Administration Fund
 Agency 28: Dept. of Veterans' Affairs
 Agency 23: Dept. of Labor
 Agency 37: Workers' Compensation Court
 Agency 77: Commission of Industrial Relations
 Agency 85: Public Employees Retirement Board

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB299 (Ebke) Adopt the Occupational Board Reform Act and change

procedures for rules and regulations
 LB320 (Lowe) Change provisions relating to bidding and purchases, conflicts of interest in the materiel division, and facilities construction and administration
 LB482 (Smith) Adopt the Government Neutrality in Contracting Act

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Hanus, Mary Beth - Neb. Child Abuse Prevention Fund Board
 LB588 (Crawford) Exempt reflexology from licensure under the Massage Therapy Practice Act

Judiciary

Room 1113 - 2:00 p.m.

LB188 (Howard) Change provisions relating to paternity of a child conceived as a result of sexual assault
 LB300 (Krist) Eliminate the statute of limitations on civil actions for sexual assault of a child
 LB367 (Krist) Change provisions relating to payment of costs in juvenile matters
 LB411 (Bolz) Change Nebraska Juvenile Code provisions relating to placement of siblings

Revenue

Room 1524 - 1:30 p.m.

LB602 (Erdman) Change and eliminate provisions relating to the valuation of agricultural land
 LB498 (Brewer) Change provisions relating to transfer of homestead exemptions
 LB253 (Crawford) Authorize intergovernmental service agreements under the County Industrial Sewer Construction Act and provide for a special tax levy
 LB288 (Harr) Change provisions relating to service of notice when applying for a tax deed and the laws governing tax sale certificates ■

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