

Suspension of tax credits considered

The Revenue Committee held a special hearing March 28 on an amendment to a bill that is intended to help the state make up its current budget shortfall.

As introduced by Sen. Jim Smith of Papillion, LB233 initially was drafted to make several technical changes to state tax law. Smith brought an amendment, AM707, to the hearing, which would replace the bill's provisions and suspend three planned tax credits: one for child care and education providers and staff, another for investors in early-stage companies and a third for property owners.



Sen. Jim Smith

Gering Sen. John Stinner, chairman of the Appropriations Committee, said in his testimony that suspending the credits would save the state approximately \$21.7 million over the next year.

Testifying in opposition to the bill



Sen. John Stinner said suspending three tax credits would save more than \$20 million over the next year, helping to balance the state's budget.

was John Cavanaugh of the Holland Children's Movement. Cavanaugh said the suspension of the credit for child care and education providers would set back efforts to increase the quantity and quality of child care programs across the state. Only 39 programs currently qualify for the credit, which only became available

this year, he added.

"If you are looking for revenue, this is not the place to find it," he said. "If you are looking to do real damage to an effort underway to raise quality standards for child care in Nebraska, this is certainly the place to start."

Susan Snow, director of the Morning Star Preschool and Child Care

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Tourism commission restructure advanced

A bill that would revamp the Nebraska Tourism Commission received first-round approval March 28.

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.

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 clarify grant guidelines, require the

commission to adopt written policies governing expenditure of appropriated funds and stipulate that contracts awarded by the commission follow rules established by the state Department of Administrative Services.

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.

The bill also would redefine what must be contained

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Suspension of tax credits considered

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Center in Omaha, also testified in opposition to the bill. Snow said that finding qualified staff members is difficult because of the child care industry's low pay. Suspending the tax credit for child care and education providers would make it even harder, she added.

"With these credits, we could do more for our families, our children and our staff," Snow said.

John Cederberg, speaking on behalf of the Nebraska Chamber of Commerce and Industry, the Greater Omaha Chamber of Commerce and the Lincoln Chamber of Commerce, provided neutral testimony on the bill. He said the chambers support the three tax credits that would be suspended but understand that the state is in a tough financial spot.

"If you must go this way, for goodness' sake don't let it become permanent," Cederberg said.

The amendment will be considered by the Legislature once the bill is scheduled for floor debate. ■

Tourism commission restructure advanced

(continued from front page)

in the commission's strategic plan to include:

- marketing strategies for promoting tourism;
- methods to expand existing tourism capacity;
- an examination of best management practices for the tourism industry;
- a review of revenue in the State Visitors Promotion Cash Fund available for tourism development at the state level; and
- recommended strategies to provide technical assistance, marketing services and state aid to local governments and the tourism industry in Nebraska.

Sen. Robert Clements of Elmwood supported the bill, saying that statewide representation and the addition of members of the business community would improve the commission.

"I see the tourism industry as a major industry in our state and we had a problem with this commission that needed attention," Clements said.

Bellevue Sen. Carol Blood offered

an amendment that would have removed a mandate in existing law that the commission develop a statewide strategic plan and instead would allow the commission to review, amend or replace provisions of the strategic plan.

The state has paid \$109,000 for an existing strategic plan, she said, and should work within it to improve tourism in Nebraska. The only flaw in the existing plan is that the commission's staff did not implement it, Blood said, adding that she was in support of the underlying bill.

"Once you have a strategic plan, you have a foundation," she said. "So it is your job not to constantly rewrite the strategic plan, but to revisit and amend as necessary."

Sen. John Murante of Gretna opposed the amendment. Removing the existing strategic plan mandate also would make permissive all of the other mandates currently in state law relating to the commission, he said.

The amendment failed on a vote of 10-20. The bill then advanced to select file 32-1. ■

UNICAMERAL UPDATE

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AGRICULTURE

Injunctions for hybrid seed corn violations advanced

A restraining order or injunction could be imposed against anyone who sells or represents corn seed as a hybrid variety that does not meet identity standards under a bill advanced from general file March 30.

Under LB276, introduced by Sen. Joni Albrecht of Thurston, anyone violating that prohibition would be guilty of a Class III misdemeanor. In addition to the criminal penalty, a district court in the county where the violation occurs would have jurisdiction to grant a restraining order or a temporary, permanent or mandatory injunction against that person.



Sen. Joni Albrecht

The bill would assign the attorney general or county attorney in the county where the violation occurs — when notified of violations by the director of the state Department of Agriculture — to pursue criminal and civil action.

Albrecht said the bill also would clarify the definition of hybrid seed corn and the process of cross fertilization as it relates to hybrid seed corn. The current definition of hybrid seed corn has been in place since the 1930s, she added.

“Some of the methods listed in the current statute have fallen out of favor while others have emerged,” Albrecht said.

Sen. Paul Schumacher of Columbus questioned whether the bill was imposing an unfunded mandate on counties by requiring county attorneys to pursue injunctions. He said the bill

is an example — albeit a small one — of how the Legislature can increase a county’s expenses, forcing it to raise property taxes.

“If this is a state concern, then shouldn’t the state pay the bill for injunctive action?” he said.

Lawmakers adopted a technical amendment and then advanced the bill to select file 39-0.

BANKING, COMMERCE & INSURANCE

Funding for biotech startups advanced

Lawmakers advanced a bill March 28 that would provide financial assistance to the state’s bioscience industry.

LB641, introduced by Lincoln Sen. Adam Morfeld, would create the Bioscience Innovation Program under the Business Innovation Act. The bill would create a fund to provide financial assistance to bioscience-related businesses in the state.



Sen. Adam Morfeld

Senators voted 30-5 to adopt a Banking, Commerce and Insurance Committee amendment that would transfer to the bioscience fund the money received as loan repayments from the Nebraska Progress Loan Fund as authorized by the federal Small Business Credit Initiative Act.

Morfeld said the state expects to receive \$2.4 million over the next three years in leftover funds from the federal program, which is ending. The growth of high-wage, high-skill jobs in the biosciences is key to expanding Nebraska’s economy, he said.

“But in order for this sector to

grow, Nebraska must advance priorities that advance innovation entrepreneurship,” Morfeld said.

Sen. Matt Williams of Gothenburg spoke in support of the bill, saying it would help kick-start new biotechnology companies, which generally need large amounts of capital.

“I would submit that this rather small investment of \$2 million in existing cash funds is that type of small investment that can lead to larger benefits in the future,” he said.

Sen. Paul Schumacher of Columbus opposed the bill, saying it does not include a review process by which the Legislature can determine whether the funding is effective. Additionally, he said, the Legislature’s Bioscience Steering Committee, created last year, has not yet completed a strategic plan for expanding the bioscience economy in Nebraska.

“What are we doing when we’re training businesses that the first place they should stop for a little extra boost is at the Legislature?” he said.

Senators adopted a technical amendment and voted 31-2 to advance LB641 to select file.

BUSINESS & LABOR

Employment preference advanced for military spouses

A bill that would help military families become established in Nebraska was advanced from general file March 28.

LB639, introduced by Brainard Sen. Bruce Bostelman, would give preference to active duty service members when



Sen. Bruce Bostelman

seeking employment with the state or its governmental subdivisions. Military veterans currently are eligible for such a preference.

Bostelman said employment is one of the leading factors that active duty service members and veterans consider when deciding where to live. Approximately 143,000 people currently would benefit if the bill were to pass, he said.

“This would bring more stability to military families that face the transient nature of military assignments,” he said. “It would help military families to make the decision to stay in Nebraska or move here after service.”

Spouses of active duty service members also would be preference eligible during the first 180 days immediately following the service member’s discharge or separation from service. A Business and Labor Committee amendment, adopted 31-0, extended spouse eligibility to the service member’s active duty term as well.

Bellevue Sen. Sue Crawford spoke in favor of the bill. She said it is a powerful way to support the military families that live in the state.

“This is an important accommodation we can make to help provide an opportunity for employment while their spouse is serving in our state,” she said.

Senators advanced the bill to select file on a 33-0 vote.

EDUCATION

Education omnibus bill amended, advanced

Senators gave first-round approval March 31 to a bill that would, as amended, offer financial protection to students of for-profit schools, require trained lifeguards at swimming pools used by schools and place voluntary

termination agreements under school district levy limits.

As introduced by the Education Committee, LB512 was drafted to make several technical changes to education law. A committee amendment, adopted 33-4, incorporated the provisions of several other education-related bills into LB512.

Provisions of LB123, introduced by Lincoln Sen. Patty Pansing Brooks, would authorize the Coordinating Commission on Postsecondary Education to assess a fee on for-profit postsecondary institutions in the state and direct the proceeds to a cash fund. The commission then would receive, evaluate and pay claims to students to recover lost tuition and fees resulting from the closure of a for-profit institution.



Sen. Patty Pansing Brooks

LB175, introduced by Sen. Adam Morfeld of Lincoln, would prohibit technology companies that contract with schools from using student data for targeted advertising or creating student profiles for non-educational purposes.



Sen. Adam Morfeld

LB235, introduced by Sen. Lynne Walz of Fremont, would authorize recipients of a grant under the Summer Food Service Program to spend a grant’s full amount when starting or expanding a summer food program. As amended, the bill would reduce the amount of money appropriated to the program from \$140,000 to \$100,000 per year.



Sen. Lynne Walz

LB398, introduced by Sen. Justin Wayne of Omaha, would require that a person currently certified in first aid, CPR and drowning risk prevention be present at every swimming pool owned, rented, leased or otherwise used by a school district for practice, competition or other school function.



Sen. Justin Wayne

LB457, introduced by Sen. Tom Briese of Albion, would remove a budget and levy limitation exemption for the money a school district agrees to pay teachers and administrators in exchange for voluntary termination of employment.



Sen. Tom Briese

Briese said placing voluntary termination payments within a school district’s levy limit would provide more control of and accountability for school spending.

“Boards and superintendents can still use this tool – they just have to do it responsibly and plan ahead for it,” he said. “To the extent they need to go outside of the budget restrictions and the levy lid, they can take it to a vote of the people if need be.”

Sen. Burke Harr of Omaha opposed the committee amendment. He said voluntary termination agreements provide an incentive for older, higher-paid teachers to retire, making way for younger teachers who make less. This ultimately saves school districts money and allows new teachers to enter the workforce, he said. However, Briese’s proposal would make it more difficult for school districts that have reached the maximum levy limit to use the agreements, Harr said.

“There are very few school districts

that use it," he said, "but [for] those that do it is a very valuable tool."

Harr introduced an amendment that would limit payments under a voluntary termination agreement to \$45,000 for any employee. It failed 23-17.

Lawmakers then voted 32-2 to advance the bill to select file.

EXECUTIVE BOARD

Donation of Norfolk property to community college advanced

Lawmakers gave first-round approval March 30 to a bill that would direct the state to donate 43 acres of excess land at the Norfolk Regional Center to Northeast Community College.

Introduced by Norfolk Sen. Jim Scheer, LB376 would require the state Department of Administrative Services to seek authorization from the governor and the Legislature to donate the land, which would be used to develop a technology park.



Sen. Jim Scheer

"This project will significantly help our entire region and we have been waiting far too long for it to begin," Scheer said, adding that lawmakers passed a bill in 2015 giving the community college the right of first refusal to purchase the land.

Northeast Community College offered to pay \$3,000 per acre, he said, which was turned down by the state. The transaction has since been tied up in the appraisal process.

Seward Sen. Mark Kolterman spoke in favor of the bill, saying the facilities that had been on the land before the current process started were abandoned and dilapidated, posing a

tremendous liability to the state. If the community college can use the land for economic development, he said, the state should assist the process.

"I don't think I need to tell you how important a community college is in a community like Norfolk," Kolterman said. "They're a strong economic driver."

Sen. John McCollister of Omaha said the state paid approximately \$550,000 to clear the ground at the site and should consider accepting the community college's initial offer in order to recoup some of that cost.

"It would be in the state's best interest to take that \$130,500 and put that money in the general fund," he said. "Instead of simply giving the property away for nothing, we should at least get that."

An Executive Board amendment, adopted 36-0, stipulates that if the community college sells the property within 10 years after the donation, all proceeds would be remitted to the state's General Fund.

LB376 advanced to select file on a 33-1 vote.

Expanded reporting authority for inspector general advanced

Lawmakers advanced a bill from general file March 28 that would give the inspector general of the Nebraska Correctional System expanded reporting capabilities.

Currently, the inspector general's office investigates allegations of possible misconduct, malfeasance, statute violations and injury or deaths that occur in the state's facilities. The findings are then published in the office's annual report.

LB539, introduced by Omaha Sen. Bob Krist,



Sen. Bob Krist

would expand the reporting requirement to include all cases that result in death, serious injury, hospitalization or urgent medical treatment required by an employee acting in his or her official capacity.

Krist said the Office of Inspector General of the Nebraska Correctional System was established in 2015 in response to management questions and increasing safety threats to inmates and staff alike.

"Since the act went into effect, the Office of the Inspector General has identified major changes to the act that would assist him in carrying out his duties and those of his office," he said.

The introduced bill also would require the inspector general to receive consent from the prosecuting attorney to interview any person who has already been interviewed by law enforcement as part of an active investigation.

Omaha Sen. Ernie Chambers introduced an amendment, adopted 35-0, to strike this new language. He said the original bill was introduced before a March 2017 disturbance at the Tecumseh State Correctional Institution. Chambers said without the amendment, the inspector general would be prohibited from interviewing anyone while the investigation was ongoing.

Journalists, on the other hand, would not face the same prohibition, which Chambers called unreasonable.

"This would put the Office of the Inspector General on the same footing as others who are allowed to conduct interviews while such an investigation is going on," he said.

A second amendment, introduced by Crete Sen. Laura Ebke, removed a provision that currently limits the office to only one annual report. It would allow the inspector general to release investigative findings if it is determined to be in the public's best interest.

The Ebke amendment also would protect any employee who provides information for such a report from negative employment consequences.

Following the 35-0 adoption of the Ebke amendment, senators advanced the bill to select file on a 34-0 vote.



Third-party ballot access bill advanced

Lawmakers gave first-round approval March 29 to a bill intended to ease ballot access for third-party political candidates.

Under current law, a candidate who is a registered voter of a particular political party can be placed on a primary election ballot in Nebraska if the party received at least 5 percent of the total votes cast in either of the two previous statewide elections.

LB34, introduced by Crete Sen. Laura Ebke, automatically would allow access to the primary election ballot if a party has at least 10,000 registered members as indicated by state voting records.



Sen. Laura Ebke

Ebke said the bill would allow maintenance of ballot access for parties so that they can field candidates at all levels in Nebraska primary elections.

The bill advanced to select file 30-0.

Bill to end voter waiting period advanced

Senators advanced a bill from general file March 31 that would restore voting rights upon completion of a felony sentence or probation. Current

law requires a two-year waiting period.

Omaha Sen. Justin Wayne, sponsor of LB75, said the two-year waiting period is unnecessary and unjust. Approximately 95 percent of people in prison will re-enter society at some point, he said, and it is in the best interest of the state to make sure that they have the tools necessary to reintegrate successfully.



Sen. Justin Wayne

Research shows that ex-felons who have their voting rights restored are three times less likely to reoffend, he said.

“When a person has paid their debts to society – and all their fines and issues have been dealt with – they should be involved in the democratic process,” Wayne said.

Gretna Sen. John Murante expressed concern about the constitutionality of the bill, citing a provision in the Nebraska Constitution that ties voting rights for ex-felons to the restoration of other civil rights. He also questioned whether individuals who have been criminally convicted of voter fraud should be near ballots.

“It is putting fire near gasoline – and to me, it’s bad public policy,” Murante said.

LB75 advanced to select file on a 28-8 vote.

Corrective action audit report requirement advanced

Lawmakers gave first-round approval March 28 to a bill intended to make audited agencies more responsive to recommendations by the state auditor’s office.

As introduced by Sen. John Stinner of Gering, LB151 would require any entity subject to a comment or recommendation by the auditor of public ac-

counts to electronically submit a written report detailing any corrective action it has taken or plans to take in response. The bill would require the agency to submit the report no more than six months after the comment or recommendation was issued.



Sen. John Stinner

The auditor of public accounts then would evaluate the report and submit findings to the governor and the appropriate legislative committee. The bill also would require the auditor to deliver the report to the Legislature’s Appropriations Committee so that it could be entered into the record during the committee’s budget hearing process.

Stinner said current law requires audited entities to work with the auditor of public accounts during the audit, but agencies sometimes disregard audit reports after completion.

“It is imperative that the Legislature initiate a more substantive review process by maintaining contact with state agencies that have been subject to an audit,” he said.

A Government, Military and Veterans Affairs Committee amendment, adopted 30-0, would exclude the state colleges and the University of Nebraska from the requirement. It also incorporated provisions from the following bills into LB151.

LB27, introduced by Sen. John Murante of Gretna, would allow the state auditor’s office to penalize governing bodies that do not provide the auditor with requested information regarding trade names under which the body operates and any interlocal agreements to which it is a party



Sen. John Murante

by Sept. 20 of each year. The auditor could assess a late fee of \$20 per day up to a maximum penalty of \$2,000.

LB89, introduced by Sen. Dan Hughes of Venango, would reduce the period of public notice that a governing body is required to provide before holding a hearing on its proposed budget statement from at least five days to at least four calendar days.



Sen. Dan Hughes

LB90, also sponsored by Hughes, would require a public entity under audit or examination by the auditor of public accounts to provide the auditor with accommodations at the location where the requested records are kept. The accommodations would have to include desks or tables and chairs, electrical outlets and internet access if it is available.

LB101, also introduced by Stinner, would prohibit state agencies from extending any contract for services for a period of more than 50 percent of the initial contract term.

Stinner also introduced an amendment, adopted 35-0, that would prohibit the auditor of public accounts from revealing sealed or confidential court records contained in working papers.

Lawmakers then voted 35-0 to advance the bill to select file.



Newborn health screening updates advanced

Lawmakers advanced a bill March 30 that would change provisions related to infant health screenings in Nebraska.

LB91, sponsored by Omaha Sen. Robert Hilke-
mann, would update the definition of metabolic diseases and define pharmaceutically manufactured foods as those that are chemically synthesized or processed for the treatment of in-born errors in metabolism.



Sen. Robert Hilkemann

The bill also would raise the maximum fee that can be charged by the state Department of Health and Human Services to administer the newborn screening program. The fee, currently capped at \$10, could be raised to \$20 under the bill.

Bancroft Sen. Lydia Brasch expressed concern about raising the screening fee during difficult economic times.

“I understand the hospital will pay this fee, but who pays the hospital?” Brasch said. “I believe that [the increased costs] will all come back to the individuals who enter that hospital.”

A Health and Human Services Committee amendment, adopted 38-0, added provisions of LB401, also sponsored by Hilkemann, which would add X-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidoses type 1 (MPS-1) and Pompe disease to the list of diseases screened for by the state’s screening program.

Hilkemann said a federal panel and the Nebraska Newborn Screening Advisory Committee both have recommended adding the diseases to the 29 for which newborns currently are tested. All the diseases have devastating symptoms that can be lessened through early diagnosis and treatment, he said.

Last year 27,000 Nebraska newborns were screened, Hilkemann said, and 58 were identified with a

metabolic or genetic disease covered by the program.

“That is 58 children who otherwise would be facing unimaginable challenges, hardships and death at far too young of an age,” Hilkemann said. “It is also 58 families whose expenses for care would be exorbitant and could potentially fall to the liability or responsibility of the state of Nebraska under our Medicaid program.”

Bellevue Sen. Sue Crawford spoke in support of LB91, relaying the experience of a testifier at the bill’s committee hearing. The testifier – the parent of a child whose disease was not screened for and who was not diagnosed for many months, resulting in additional medical challenges – said a \$20 screening would have saved the state over \$295,000 in costs that subsequently were paid for by Medicaid.

The bill advanced to select file 39-0.

Pharmacy regulation changes advanced

Lawmakers advanced a bill March 28 that would update state law regulating pharmacy practice in Nebraska.

LB166, introduced by Seward Sen. Mark Kolterman, would amend and update the Pharmacy Practice Act and the Uniform Controlled Substances Act.



Sen. Mark Kolterman

Kolterman said regulations governing pharmacists in Nebraska have not been updated since 2007. A recent review of those regulations revealed the need for updates and clarifications in state law, he said.

The bill would clarify that a Schedule II controlled substance could be dispensed in an emergency situation in which a prescribing practitioner

determines that no appropriate alternative treatment is available, immediate administration of the controlled substance is necessary and it is not possible to provide a signed prescription for the dispenser.

In addition, the bill would allow a hospital to provide the unused portion of a drug to a patient upon discharge under certain circumstances.

“This is particularly important for patients who visit the emergency rooms at a critical access hospital,” Kolterman said, where discharged patients may not be able to immediately fill a prescription.

Among other provisions, LB166 also would:

- require that a pharmacist intern be supervised at all times;
- allow more than one drug to be placed in a container in certain circumstances;
- specify that 60 days be the quantity of drug indicated for a long-term care facility resident;
- extend the time available to fill the remainder of a partially dispensed controlled substance prescription from 72 hours to 30 days after the prescription date;
- authorize a pharmacist to enter into a practice agreement with a qualified licensed health care practitioner to provide pharmaceutical care independently; and
- require that a registered pharmacy in which controlled substances are stored or dispensed complete a controlled-substances inventory when there is a change in the pharmacist in charge.

A Health and Human Services Committee amendment, adopted 37-0, made several additional technical changes and added reporting, maintenance and documentation requirements.

The bill advanced to select file on a 37-0 vote.

Update to nursing home flu shot requirements advanced

A bill that would expand a requirement for the offering of onsite flu shots in Nebraska was advanced to select file March 30.

Current law requires all hospitals, intermediate care facilities and nursing and skilled nursing facilities to offer onsite influenza and pneumococcal disease vaccinations to residents and inpatients prior to discharge.

LB267, introduced by Elkhorn Sen. Lou Ann Linehan, would expand the requirement to all nursing and skilled nursing facility employees. Facilities would not be required to offer vaccines if contraindicated



Sen. Lou Ann Linehan

in an individual case or if there were a national vaccine shortage. Linehan said people over 65 and those with chronic medical conditions are more likely to develop complications from the flu, adding that the median age of the four influenza-associated deaths in Nebraska this flu season was 87.

Influenza can be transmitted by nursing-home providers who don't realize that they are ill or who are still contagious after their symptoms have ceased, she said.

“Higher influenza vaccination levels among health care personnel can reduce influenza-related illness and even deaths in settings like nursing homes,” Linehan said.

A Health and Human Services Committee amendment, adopted 35-0, removed the proposed pneumococcal disease vaccination requirement for employees.

Ralston Sen. Merv Riepe, chairperson of the committee, said pneumococcal vaccination is not recommended

for individuals with certain medical conditions, so offering the vaccine to employees was deemed unnecessary.

LB267 advanced to select file 34-0.

DHHS clean-up bill advanced

A bill intended to improve the efficiency of the state Department of Health and Human Services (DHHS) was advanced from general file March 30.

LB417, introduced by Ralston Sen. Merv Riepe, would make numerous technical changes, incorporate operational efficiencies and remove outdated reporting requirements.



Sen. Merv Riepe

Among other provisions, the bill would:

- eliminate waiver reporting requirements for relative foster care;
- replace the term “nursing assistant” with “nurse aid” in state law;
- provide for electronic notifications under the Uniform Credentialing Act;
- remove the term “companion” and make various changes to the newly-named Senior Volunteer Program Act; and
- mandate that the department make aging services annual grants in an amount not to exceed \$25,000.

A Health and Human Services Committee amendment, adopted 35-0, removed provisions from the bill that would have required quality review teams relating to services for individuals with developmental disabilities and sections related to the use of alternative response.

Riepe said the committee worked hard to remove any controversial portions of the bill as introduced, in order to address only technical improve-

ments to the functioning of DHHS.

“There is a lot in this bill [and] its passage will allow the department to provide more efficiencies and effective governmental services to the citizens of Nebraska,” he said.

LB417 advanced to select file 34-0.

Perinatal hospice bill advanced

A bill that would provide information regarding perinatal hospice to a woman diagnosed with a lethal fetal anomaly was advanced to select file March 28.

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.

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 many parents faced with a lethal fetal anomaly diagnosis feel adrift, with little understanding of their options. Being provided with resources for emotional and spiritual support would help families dramatically, she said.

“No parent prepares to hear the news that the child that they are carrying is going to die,” Albrecht said. “Families in this heartbreaking

situation leave their doctor’s office in shock, with no help, no hope and feeling that they have nowhere to turn.”

Seward Sen. Mark Kolterman spoke in support of the bill, saying parents who find themselves with a lethal diagnosis for their unborn child need support.

“This is really just a way for people to find out that there is help available,” he said. “It’s compassionate legislation that we need to promote.”

A Health and Human Services Committee amendment, adopted 37-0, clarified that physicians and nurse practitioners may inform a patient diagnosed with a lethal fetal anomaly of the perinatal hospice services available and the resources compiled by DHHS.

LB506 advanced 38-0.



Sen. Joni Albrecht



Family visitation rights advanced

Lawmakers advanced a bill from general file March 28 that would ensure that family members have access to loved ones under the care of a caregiver or health care facility.

LB122, introduced by Lincoln Sen. Patty Pansing Brooks, would prohibit caregivers from arbitrarily denying visitation to family members of individuals under in-home or nursing home care.

Pansing Brooks said the bill is designed to help family members stay in contact when one of them becomes ill or incapacitated. It would help family members guard against abuse, ensure access and protect each other, she said.

“The thought of someone in a posi-

tion of power denying us access to a family member would be unthinkable for most of us; however, it is something that happens far too often,” Pansing Brooks said.

If a family member is denied visitation, he or she could petition the court to compel visitation unless the court finds that visitation is not in the individual’s best interests or the individual communicates a desire to not have visitation with the petitioner.

A Judiciary Committee amendment, adopted 32-0, expanded the bill’s definition of family members eligible to petition a court to include a spouse, adult child, adult grandchild, parent, grandparent, sibling, aunt, uncle niece, nephew, cousin or domestic partner.

The amendment also clarified that any petition to compel visitation would be filed in county court, which typically has jurisdiction in similar legal matters.

Omaha Sen. Bob Krist supported the bill, saying it addresses a growing problem and would protect families.

“Elder abuse and this kind of chasm built between an individual and their family is horrific,” he said. “This is happening right here in Nebraska and it is sad because it causes a rift between families.”

Senators advanced the bill to select file on a 33-0 vote.

Stronger human trafficking penalties advanced

Lawmakers gave first-round approval March 29 to a bill that would address the increase of human trafficking in the state.

LB289, introduced by Lincoln Sen. Patty Pansing Brooks, would increase penalties for a number of crimes, including pandering and human trafficking for labor or sexual exploitation. The state needs to better



Sen. Patty Pansing Brooks

protect victims of human trafficking, Pansing Brooks said, and bring justice to people who engage in the practice.

“The human trafficking of women, men and children for forced labor or sexual exploitation is the epitome of modern-day slavery,” she said. “This would ensure we send a strong message to those who engage in trafficking that Nebraska will no longer tolerate your inhumane treatment of our people.”

Under the bill, the penalties for pandering or trafficking of an adult would increase from a Class III to a Class II felony, punishable by 1 to 50 years in prison. Trafficking of an adult with the use or threat of force would be a Class ID felony, which carries a sentence of 3 to 50 years in prison.

The bill would impose even stronger penalties for sex trafficking offenses involving a minor. Previously a Class II felony, sex trafficking or solicitation of a minor would be categorized as a Class IC felony, punishable by 5 to 50 years in prison. In the event force is used or the minor is under 16, the penalty would increase to a Class IB felony, punishable by 20 years to life in prison.

Finally, the bill would designate solicitation of a trafficked adult as a Class II felony, which could result in 1 to 50 years in prison.

Thurston Sen. Joni Albrecht spoke in favor of LB289. She said the safety of young women in her community is of particular concern to the constituents she has spoken with.

“There are a lot of folks out there, especially single mothers, who are trying to provide and protect for their families,” she said. “It’s easier than we want to believe for people to get caught up in this.”

Sen. Robert Hilkemann of Omaha also supported the bill. He said merely hoping the problem of human trafficking will go away is not enough. Nebraskans need to accept that this

is happening in their neighborhoods, Hilkemann said.

“We cannot continue to hide our heads in the sand and say it doesn’t happen [here],” he said. “If there are not stronger penalties for this, it’s going to continue.”

Crete Sen. Laura Ebke introduced an amendment, adopted 41-0, that incorporated provisions of four additional bills dealing with sexual assault and domestic violence.

The first was LB178, originally introduced by Lincoln Sen. Kate Bolz, which would allow a victim of sexual assault to file for civil protection orders against his or her assailant. The order would prohibit the harassing, threatening, assaulting, molesting, attacking or otherwise disturbing the peace of the victim. The order also would prohibit all communication with the victim.

Provisions of LB191, originally introduced by Pansing Brooks, would prohibit the withdrawal of a petition for a protection order except upon order of the court. It also would allow a victim of domestic abuse to file a petition and affidavit to renew a protection order up to 30 days before the expiration of the previous order to ensure there is no gap in protection. A renewed order would be effective for a period of one year, commencing on the first day following expiration of the previous order.

Provisions of LB188, originally introduced by Omaha Sen. Sara Howard, would allow for the parent of a child conceived as a result of a sexual assault to petition for termination of

parental rights of his or her attacker.

Provisions of LB394, originally introduced by Lincoln Sen. Adam Morfeld, would prohibit any person who is under a valid domestic violence protection order, or knowingly violates a valid harassment protection order, from possessing a deadly weapon. As amended, any person prohibited from owning a deadly weapon because of a valid domestic violence or harassment protection order could participate in a court hearing where such prohibition is established.

Omaha Sen. Ernie Chambers said the bill’s amended language cast too wide a net that could ensnare unknowing citizens. Prosecutors would use the threat of a trafficking offense against people to coerce confessions, he said. Chambers said a patron who tips an exotic dancer could be guilty under the bill, for example, even if he or she is unaware the dancer was a trafficking victim.

“Before you have a serious crime, the person has to knowingly and intentionally commit the crime,” he said. “But under the bill, people who have no knowledge of any trafficking offense could find themselves being charged with trafficking.”

Sen. Mike Hilgers of Lincoln supported the concept behind the bill, but said he understood concerns about the bill being too broad.

“This is an incredibly important conversation to be having to make sure we’re tailoring the language the right way and not catching things beyond the original intent of the bill,” he said.

Pansing Brooks said she would work with her colleagues on an amendment to address concerns about the bill’s language. Senators voted 42-0 to advance LB289 to select file.



Sen. Adam Morfeld



Sen. Kate Bolz



Sen. Sara Howard

Protection of first responders' health insurance advanced

Injured first responders could retain their health insurance coverage under a bill advanced from general file March 29.

LB444, introduced by Fremont Sen. Lynne Walz, would prohibit cities and counties from cancelling existing health insurance coverage for any law enforcement officer who suffers serious bodily injury as a result of an assault while in his or her official capacity.



Sen. Lynne Walz

The city or county would be obligated to provide health insurance while the first responder remains employed with the agency and returns to work within one year of the original injury.

Walz told the story of Deuel County Deputy Sheriff Mike Hutchinson, who was shot four times in an ambush while trying to serve an arrest warrant in 2015. Hutchinson lost his health insurance coverage because he was unable to work more than 30 hours each week.

Walz said the Legislature should make sure that what happened to Hutchinson does not happen to another first responder.

"It's very important that we're supporting and doing what we can for the people who are out protecting us every day," she said.

A Judiciary Committee amendment, adopted 28-5, would further extend the bill to cover injured sheriffs, deputy sheriffs, volunteer or paid firefighters and volunteer or paid mental health care providers.

Crete Sen. Laura Ebke introduced an amendment to the committee amendment to exclude volunteer first responders from the bill's protections. Because LB444 is designed to main-

tain currently offered health insurance coverage, it would not apply to volunteers who typically do not receive such benefits as part of their service.

Sen. Mike McDonnell of Omaha supported the bill. He said first responders do not get into their line of work because of the pay or benefits they expect to receive. The state should, however, honor their sacrifice and take care of its public servants who put their personal safety at risk every day, McDonnell said.

"We should make sure, at a minimum, that they have the health insurance coverage they had the day they were injured or made the ultimate sacrifice," he said.

Lincoln Sen. Matt Hanson also supported the bill, saying that protecting insurance coverage is just one way to support first responders.

"When we talk about supporting our first responders, there are myriad ways to support them," Hansen said. "One of the simple ways is making sure they have access to health care and insurance."

Thurston Sen. Joni Albrecht said she supports first responders, but ultimately opposed the bill. Requiring continued coverage, she said, would put an undue strain on small towns and counties.

"Big cities have other ways of taking care of their first responders that smaller communities don't," Albrecht said. "I cannot support mandating a smaller community being told by the state that they need to do something like this."

Following adoption of the Ebke amendment on a 28-3 vote, senators advanced the bill to select file 33-4.

Drug overdose immunity amended, advanced

A bill that would provide legal immunity to anyone seeking help for a drug overdose was amended March 30 to include provisions of several bills

addressing controlled substances.

Under LB487, introduced by Lincoln Sen. Adam Morfeld, a person experiencing a drug overdose or a person who witnesses an overdose who seeks medical assistance would receive legal immunity. Morfeld



Sen. Adam Morfeld

said the language mirrors that of a bill passed in 2014 that provides immunity to a person experiencing or witnessing a possible alcohol overdose.

"Countless Nebraska youth in serious need of medical attention have utilized that law while receiving medical attention and cooperating with law enforcement," he said. "We should pass proactive laws that put safety and lives first and criminal offenses second."

To qualify for the bill's immunity provision, a person must remain on the scene until medical assistance or law enforcement arrives and provide his or her full cooperation. The bill would not apply to any other drug-related offense such as the manufacturing or distribution of drugs.

No emergency responder or law enforcement officer would be held criminally or civilly liable for the treatment of a person experiencing a drug overdose, unless such person behaves in a willfully or grossly negligent manner.

A Judiciary Committee amendment, adopted 31-6, incorporated provisions of several bills, including LB296, originally introduced by Omaha Sen. John McCollister. As amended, it would provide civil immunity to any physician, health care professional or pharmacist who prescribes or dispenses non-patient-



Sen. John McCollister

specific medication for response to life-threatening asthma or anaphylaxis to a school, educational service unit or early childhood education program.

Provisions added from LB293, originally introduced by O’Neill Sen. Tyson Larson, would add a drug known as U-47700, a synthetic opioid, as a Schedule I drug under the Uniform Controlled Substances Act to mirror federal regulations.



Sen. Tyson Larson

Finally, provisions added from LB167, originally introduced by Crete Sen. Laura Ebke, would make cannabidiol a Schedule V controlled substance. The drug currently is under development as a possible epilepsy treatment and adding it to the Uniform Controlled Substances Act would make it available to patients as soon as it is approved by the Federal Drug Administration, Ebke said.



Sen. Laura Ebke

“Without this proactive legislation, children may not be able to obtain access to the medication,” she said. “There is no reason why these children and families should suffer one day longer if there is an approved medication available.”

Senators advanced the amended bill to select file on a 35-4 vote.

NATURAL RESOURCES

Drinking water program clarification advanced

Senators advanced a bill March 28 that would clarify the qualifications

for a program that provides financial assistance to cities to build safe drinking water projects.

Currently, the Drinking Water State Revolving Fund Act authorizes the state Department of Environmental Quality to provide grants and make and forgive loans to political subdivisions that operate public water systems for safe drinking water projects.

LB182, introduced by Sen. Dan Hughes of Venango, would clarify that the department may provide loans, grants and loan forgiveness to a political subdivision if its public water system serves a population of 10,000 or less.



Sen. Dan Hughes

Hughes said the change would reflect the program’s original intent.

The bill advanced to select file 38-0.

REVENUE

Tax credit carry-over extension advanced

Businesses that make large capital investments in Nebraska could carry over unused tax credits for a much longer period under a bill advanced by the Legislature March 28.

LB161, introduced by Sen. Curt Friesen of Henderson, would extend the income tax credit carryover period for companies that file a Tier 6 application under the Nebraska Advantage Act from



Sen. Curt Friesen

one year to 20 years after the end of the entitlement period. The change

would apply to all Tier 6 project applications filed before, on or after the bill’s effective date.

The state Department of Revenue estimates that the bill would reduce state tax revenue by \$1.8 million in fiscal year 2023-24 and another \$1.89 million in FY2024-25.

The act, which provides tax incentives for businesses to relocate or expand in Nebraska, allows companies to carry over unused credits for a limited number of years depending on which of the act’s six tiers the project falls under.

Tier 6 is meant to encourage companies to make significant capital investments and bring high-paying jobs to the state. To qualify for Tier 6 benefits, companies must invest \$10 million and create 75 new jobs or invest \$109 million and create 50 new jobs.

Friesen said the current carry-over period of one year is too short for Tier 6 companies to use the credits they earn. In comparison, firms may carry forward credits for no more than nine years after application for a Tier 1 or Tier 3 project and for no more than 14 years after application for a Tier 2 or Tier 4 program.

Extending the carry-over period for Tier 6 companies would attract a wider range of businesses to the state, Friesen said, helping to diversify Nebraska’s economy at a time when the agricultural sector is struggling.

“This does not involve any new incentives, it simply allows a company that’s met the threshold to utilize the credits it’s earned,” he said.

Kiewit, a large construction firm with headquarters in Omaha, is the only company to have qualified for Tier 6 benefits so far, Friesen said.

A Revenue Committee amendment, adopted 37-0, reduced the proposed carryover period from 20 to 16 years.

Omaha Sen. Bob Krist supported the bill, saying it is needed to make sure the Nebraska Advantage Act is working as it should.

“These are not start-up companies. These are 100-year-old businesses that have been here, done the job and attracted good business [to the state],” he said.

Senators advanced the bill on a 37-0 vote.

Revenue changes to homestead exemption, housing advanced

A bill that would determine when interest accrues after a homestead exemption is rejected was amended March 30 to include provisions from several tax-related bills.

As introduced by Sen. Burke Harr of Omaha, LB217 would give a property owner 30 days after a county assessor receives approval from a county board to remove or reduce a homestead exemption from the tax rolls to pay taxes owed without accruing interest.



Sen. Burke Harr

A Revenue Committee amendment, adopted 37-0, incorporated the provisions of several additional bills.

Provisions of LB228, also introduced by Harr, would require the owner of a rent-restricted housing project to file an electronic statement containing income and expense data for the prior year and other information. It also would require the state Department of Revenue to forward those statements to the county assessor of each county in which a rent-restricted housing project is located.

LB233, introduced by Sen. Jim Smith of Papillion, would make several technical changes to current tax law. It would update statute related

to raffles and lotteries; clarify the method of claiming a tax credit for employers that hire former recipients under the Temporary Assistance for Needy Families program; and allow for the electronic filing of a report with the Property Tax Administrator regarding unused homestead exemption tax credits, among other changes.



Sen. Jim Smith

LB387, introduced by Sen. Brett Lindstrom of Omaha, would make several changes to programs administered by the state Department of Economic Development. It would require the department to make its best efforts to allocate at least 30 percent of funds from the Affordable Housing Trust Fund to each congressional district.



Sen. Brett Lindstrom

These provisions would remove references to distressed areas in the Angel Investment Tax Credit Act and change the percentage of refundable tax credits available to all qualified small businesses to 40 percent.

LB387 also would allow the Department of Revenue’s Business Recruitment Division to withhold information regarding business recruitment, location, relocation and expansion projects from the public until a public announcement is made about the project or until negotiations between the business and the division or government entity regarding the project have been completed.

LB49, introduced by Sen. Paul Schumacher of Columbus, would require the state



Sen. Paul Schumacher

tax commissioner to submit a report to the Legislature within 60 days of the enactment of an amendment to the Internal Revenue Code. The report would describe the changes and their impact on state revenue and on various classes of taxpayers. The requirement would not apply if the amendment’s impact on state revenue for that year is less than \$5 million.

Finally, LB238, introduced by Sen. Steve Erdman of Bayard, would require a county assessor to file a tax levy certification to a governing body or board by mail, electronically or by placing the certification on the county assessor’s website.



Sen. Steve Erdman

LB288, also sponsored by Harr, would make technical changes to law governing tax certificate sales.

Harr also introduced a floor amendment, adopted 33-0, that would clarify current law regarding the ownership and transfer of affordable housing tax credits.

Lawmakers then voted 39-0 to advance LB217 to select file.

TRANSPORTATION & TELECOMMUNICATIONS

Car title and registration updates amended, advanced

A bill enabling car dealers to electronically provide titling and registration services was amended March 28 to include provisions of several transportation-related bills.

LB263, introduced by the Transportation and Telecommunications Committee, would require the state Department of Motor Vehicles (DMV) to create an electronic dealer services sys-

tem. 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.

A Transportation and Telecommunications Committee amendment, adopted 34-2, would allow any car dealer participating in the electronic dealer services system to charge a service fee of up to \$50.

The amendment also would allow the owner of a motor vehicle that is more than 30 years old to apply for issuance of a title when no major component parts have been replaced and the DMV shows no record of a previously issued title. A title could be issued following presentation of a notarized bill of sale, completion of a title inspection and payment of a \$25 fee.

Brainard Sen. Bruce Bostelman supported the bill, saying it would address a problem currently faced by many car enthusiasts who purchase and restore classic cars.

The committee amendment also incorporated provisions of several bills, including:

- LB54, introduced by Columbus Sen. Paul Schumacher, which would exclude the owner of a vehicle equipped with a keyless ignition from the duty to lock and remove a key from the ignition before leaving a vehicle unattended on a highway;
- LB70, introduced by Lincoln Sen. Patty Pansing Brooks, which

would allow for judicial discretion to forego the current one-year re-



Sen. Patty Pansing Brooks

revocation of operating privileges in cases of a first offense of driving with a revoked driver license;

- LB143, introduced by Henderson Sen. Curt Friesen, which would require that the vehicle registration for a vehicle with a public power district license plate be kept at the principle place of business of the public power district;

- LB164, introduced by Lincoln Sen. Suzanne Geist, which would amend several technical DMV provisions relating to

commercial driver license disqualification, motor



Sen. Suzanne Geist

vehicle accident reports and motor vehicle records administration;

- LB294, introduced by Papillion Sen. Jim Smith, which would allow the DMV to enter into an agreement of mutual recognition of operator licenses with foreign countries;

- LB418, introduced by Albion Sen. Tom Briese, which would update state statute with federal regula-



Sen. Tom Briese

- tions adopted within the last year;
- LB459, introduced by Smith,

which would expand the responsibilities of the state fire marshal in carrying out the One-Call Notification Act;

- LB460, also introduced by Smith, which would authorize the state Department of Health and Human Services or any organization or agent contracted by the department to contract for non-medical emergency transportation with a contract carrier authorized by the Public Service Commission (PSC); and
- LB483, introduced by Lincoln Sen. Mike Hilgers, which would

provide to the PSC an exemption from the Nebraska Administrative Procedures Act for purposes of granting or denying a petition for intervention.



Sen. Mike Hilgers

Senators advanced the bill to select file on a 32-0 vote.

Aeronautics, Roads Dept. merger advanced

A bill that would create a unified state transportation department advanced in the Legislature March 28.

Under LB339, introduced by Henderson Sen. Curt Friesen, the state Department of Aero-

nautics would be merged with the state Department of Roads, effective July 1. The combined agencies would be re-named the Nebraska Department of Transportation.



Sen. Curt Friesen

Friesen said merging the departments and finding efficiencies is im-

portant in light of the state’s budget shortfall.

“I believe we are the last state to not have a designated Department of Transportation,” he said. “It’s important to discuss this idea now and the opportunities it presents for the state.

The newly formed department would be administered by the director-state engineer for the state Department of Transportation. This position would be filled by the current director-state engineer for the state Department of Roads.

Lincoln Sen. Anna Wishart spoke in favor of the bill, emphasizing the need to modernize and invest in all forms of transportation in the state.

“It is time that the Legislature recognizes that we’re not just the Department of Roads,” she said. “We have a variety of forms of transportation in the state and it’s important that we invest in those and in their infrastructure.”

Sen. Bob Krist of Omaha raised concerns about making the Department of Aeronautics into a division of the newly created Department of Transportation. He said the person in charge of Aeronautics no longer would require legislative confirmation and oversight under the bill. He said he would support the bill only if lawmakers adopted an amendment requiring legislative confirmation for

the aeronautics director.

Krist also said he was worried that funding for aeronautics may be diverted to road projects, putting additional strain on rural airports that already are in need of resources.

“I want you to understand that absorbing [this department] creates a larger organization and I’m concerned there will be some mismatching of priorities in terms of what direction we want to go,” he said. “I’m still concerned that the combination will de-emphasize some things that already are de-emphasized and need some work.”

Following adoption of a technical committee amendment, senators advanced the bill to select file 40-0. ■

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