

## Consumer protections advanced

Lawmakers gave first-round approval Feb. 1 to a bill that would ensure free credit monitoring to consumers following a data security breach.

LB757, introduced by Lincoln Sen. Adam Morfeld, would prohibit a credit-monitoring agency from charging fees to place, temporarily lift or remove a security freeze following a data breach similar to the one experienced by Equifax in 2017.

A security freeze places a hold on a person's credit report, preventing identity thieves from opening fraudulent credit accounts using stolen information.

Morfeld said the bill would provide common-sense protection regulations while also allowing the credit reporting industry to continue innovating new services and products.

"None of us as consumers have ever chosen to give our personal information to any of these companies and yet they can profit off of it when they lose it," he said. "Given the staggering loss of information, I think the Legislature must act."

Any individual or commercial entity conducting business in Nebraska that owns, licenses or maintains data including personal information would be required to implement reasonable security measures to safeguard that



Sen. Adam Morfeld

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## Bill proposes income tax cuts, credit on property taxes paid

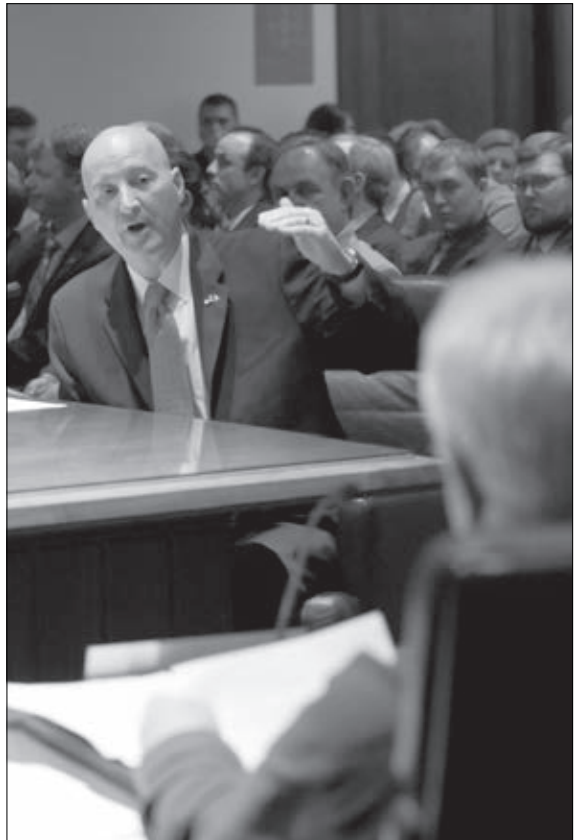
The Revenue Committee heard testimony Jan. 31 on a proposal to cut the state's top individual and corporate income tax rates and to provide credits on property taxes paid.

Introduced by Papillion Sen. Jim Smith on behalf of Gov. Pete Ricketts, LB947 would eliminate the state's current property tax credit program and instead would provide Nebraska homeowners and agricultural or horticultural land owners a refundable state income tax credit equal to 10 percent of property taxes paid beginning this year. The credit would apply only to Nebraska residents.

The bill would cap the credit at \$230 this year. Increases in the credit would be triggered if state revenue exceeds forecasts, but they would be limited to \$730.

Smith said LB947 is a "work in progress" and the subject of continuing discussions with agricultural groups, businesses and citizens across the state in order to provide tax relief and grow Nebraska's economy.

"Though it's more than a frame-



Gov. Pete Ricketts said the income tax cuts proposed by LB947 would help Nebraska compete with surrounding states when trying to attract new business.

work," he said, "we understand that it's short of perfection."

The bill also would reduce the top individual income and corporate income tax rates. The top individual rate would decrease from 6.84 percent to 6.75 percent in 2019 and to 6.69 percent in 2020.

The top corporate income tax rate, assessed on businesses with income in excess of \$100,000, would decrease from 7.81 percent to 6.75 percent in 2019. The rate would fall to 6.69 percent in 2020. The lower corporate



Sen. Jim Smith

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# Bill proposes income tax cuts, credits

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rate would stay at 5.58 percent.

Smith said the bill also would strengthen Nebraska's workforce by transferring \$10 million to a job training fund over the next two years.

The state Department of Revenue estimates that the proposal would reduce revenue by approximately \$2.7 million in fiscal year 2018-19 and a further \$86 million in FY2019-20. It would grow to \$463 million by FY2027-28.

Ricketts testified in support of LB947, saying that the state can continue to grow its economy only if its tax rates are competitive with those in other states. The governor said that he and Smith will continue to work with all stakeholders to find ways to improve the bill.

"We've got to remember that we've all got to work together and that we're going to have to compromise," he said. "That's the only way we'll be able to find that consensus to get this bill to my desk."

Ricketts proposed removing the tax credit triggers in the original bill. His change would instead increase the tax credit to 12 percent this year and

14 percent next year. After that, the credit would increase by 2 percent a year—except for 2020, 2023, 2026 and 2029—until it reaches a maximum of 30 percent in 2031.

Steve Seline, chairman of the Omaha Chamber of Commerce's public policy council, also testified in support of the bill, saying that it would boost state economic growth. Reducing the corporate tax rate would allow businesses to pay higher wages and expand their operations, Seline said, and directing more funding to the state's job training fund would help attract new businesses and benefit existing ones.

"This is a matter of competition," he said. "This is about attraction and retention of employers and employees. This is about addressing Nebraska's reputation as a high-tax-rate state."

Steve Nelson, president of the Nebraska Farm Bureau, also testified in support of the bill on the condition that Ricketts's proposed increase to the tax credit is included. Nelson, who was speaking on behalf of the bureau, the Nebraska Corn Growers Association, Nebraska Pork Produc-

ers Association, Nebraska Soybean Association and the Nebraska State Dairy Association, said those groups would support proposals that provide significant property tax relief—between \$600 million and \$1 billion—as soon as possible.

"We are seeking a solution that generates broad enough support in this Legislature that it can be passed this session," he said.

Testifying in opposition to LB947 was Renee Fry, executive director of the OpenSky Policy Institute. She said the proposal would mostly benefit wealthy Nebraskans while low- and middle-income families would see nominal or no tax relief. Recent federal tax cuts have created uncertainty in state revenue, she added, and Ricketts' proposed increase in tax credits would increase the measure's cost.

"Whether it's triggered or not, it still puts tax policy on autopilot," Fry said. "You can always pass tax cuts in the future when we're on a stable footing, rather than in the middle of a continued budget shortfall."

John Hansen, president of the Nebraska Farmers Union, also testified

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in opposition to the bill. He said the proposal would not provide enough property tax relief for Nebraska farmers, who are facing the worst crisis since the mid-1980s.

“What we are hoping for this legislative session is something that provides more real, tangible property tax relief than what this bill offers,” he said.

Also testifying in opposition was

Jordan Rasmussen, policy associate for the Center for Rural Affairs. LB947 would exacerbate the imbalance between state property tax and income tax collections, she said, and it would not address the state’s overreliance on property taxes to fund public education and local governments. Paying for the income tax rate reduction could force the state to cut government services, Rasmussen added.

“Rural Nebraskans are desperate for property tax relief—this act recognizes it,” Rasmussen said. “Yet residents are not so naïve as to be willing to carry the burden of an income tax cut for the state’s wealthiest residents while forgoing access to healthcare, education and public safety, which uphold their communities.”

The committee took no immediate action on the bill. ■

## Consumer protections advanced

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information. A third-party service provider that receives personal information from an individual or commercial entity also would be required to implement such security measures.

The bill would authorize the state attorney general to prosecute a violation of the bill’s security provisions as a violation of the Consumer Protection Act.

Morfeld filed an amendment, adopted 34-0, that would address concerns about language in the bill prohibiting fees on a “substantially similar type of security product.” Similar products that offer protection equivalent to a security freeze still would be free, he said, but companies providing products offering more or less protection could charge a fee for those services.

“Personally, I don’t think anyone should be charged for credit monitoring from here on out,” Morfeld said. “But I also understand that the industry must have the ability to offer additional products.”

Following the adoption of a technical Judiciary Committee amendment, senators voted 34-0 to advance LB757 to select file. ■



## Unicameral Youth Legislature registration open

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2018 Unicameral Youth Legislature, which will convene June 10-13.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol and coordinated by the Clerk’s Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation’s only unicameral.

Students will learn about the inner workings of the Legislature directly from senators and staff. Bills will be

based on legislation considered during the current legislative session.

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships are also available.

The University of Nebraska-Lincoln’s Extension 4-H Youth Development Office coordinates housing and activities for the camp as part of their Big Red Summer Camps program.

Registration forms can be obtained from the Legislature’s Unicameral Youth Legislature page: [www.NebraskaLegislature.gov/uyl](http://www.NebraskaLegislature.gov/uyl).

The registration deadline is May 15.



### Bill to continue insurance for those in custody advanced

Lawmakers gave first-round approval Jan. 31 to a bill intended to prevent termination of private health insurance solely due to incarceration.

Omaha Sen. John McCollister, sponsor of LB480, said that once an individual is found guilty of a crime, his or her health care costs are the responsibility of the political subdivision in which the sentence is carried



Sen. John McCollister

out. However, he said, health care for an individual who is in temporary custody before sentencing, and who has private health insurance, should be paid for by his or her carrier.

"It seems a simple matter of fairness for them to continue health coverage in the time prior to sentencing," McCollister said.

A Banking, Commerce and Insurance Committee amendment, adopted 30-0, replaced the bill. As amended, LB480 would require a private insurer to pay claims for covered services or supplies provided by an out-of-network health care provider to an insured who is in temporary custody in an amount that is not less than 100 percent of the Medicare rate for such services or supplies.

Temporary custody is defined as being in the custody of a jail pending disposition of charges, or sentencing. An insurer could cancel coverage or deny coverage for services or supplies provided to an insured who is incarcerated after sentencing.

Insurers could deny coverage for treatment of injuries resulting from a violation of law by the insured or for diagnostic tests or health evaluations required for all individuals in temporary custody.

The bill also would prohibit an insurer refusing to credential a health care provider on the basis that the employee or contractor provides medical services in a jail.

Following adoption of a McCollister amendment that changed the operative date from Jan. 1, 2018 to Jan. 1, 2019, the bill advanced to select file 30-0.

### New insurance producer, public adjuster requirements advanced

Lawmakers gave first-round approval Feb. 1 to a bill that would amend state law related to insurance producers.

Omaha Sen. Brett Lindstrom said he introduced LB743 on behalf of the state Department of Insurance to update and modernize state law related to insurance producers in three important ways.



Sen. Brett Lindstrom

The bill would remove a requirement that paper certificates be issued for completion of insurance producer continuing-education activities and limit the approval of continuing-education activities to four years. The bill also would eliminate a pre-licensing requirement for insurance producers.

Lindstrom said the current requirements either are obsolete, cause confusion for insurance producers or have been deemed unnecessary.

The bill also would create regulations for public adjusters—individuals

who provide compensated assistance to an insured in the filing and settlement of a property claim against an insurer—through adoption of the National Association of Insurance Commissioners model law.

Lindstrom said the NAIC is the U.S. standard-setting and regulatory support organization created and governed by insurance regulators from all 50 states and the District of Columbia. Currently, public adjusters are licensed as insurance consultants in Nebraska, he said.

"Adoption of the NAIC model act would add an array of consumer protections to our law," he said.

Among other provisions, the bill would:

- establish criteria for resident and nonresident public adjusters;
- provide for administration of exams and licensure requirements;
- create a continuing education requirement for public adjusters;
- require public adjusters to secure a minimum \$20,000 surety bond;
- provide criteria for a business entity to become a public adjuster in Nebraska; and
- prohibit an individual from acting as a public adjuster without being licensed in accordance with the act, misrepresenting that they work for an insurer or entering an agreement to repair property that the adjuster was engaged to adjust.

Seward Sen. Mark Kolterman offered an amendment, adopted 32-0, that removed a cap in the bill. As introduced, LB743 would allow a public adjuster to charge the insured a "reasonable fee" equal to or less than 15 percent of any insurance settlement or proceeds.

"I feel that by putting a cap on

[this] that we're hurting our consumers to a certain extent on the smaller claims," Kolterman said, noting that most of the claims for which a public adjuster is used are between \$2,000 and \$7,000.

Capping the fee could limit the number of public adjusters who are willing to come to Nebraska, he said, and removing the cap instead would allow the free market to determine those fees.

Following adoption of the Kolterman amendment, the bill advanced to select file on a 36-0 vote.

## EDUCATION

### University free speech policy requirement proposed

The University of Nebraska would be required to adopt a detailed policy governing free expression on its campuses under a bill heard by the Education Committee Jan. 30.

LB718, as introduced by Hastings Sen. Steve Halloran, also would require the University of Nebraska's Board of Regents to create a nine-member committee that would submit an annual report to the Legislature, the governor and the university's governing body.

The report would describe any "barriers to or incidents of disruption of free expression"—such as attempts to block speakers and investigations into student organizations for their speech—and what disciplinary action was taken against those determined to be responsible. The report would be posted on the university's website.



Sen. Steve Halloran

Halloran brought an amendment that would make those provisions apply to the governing bodies of Nebraska's community and state colleges in addition to the University of Nebraska.

Halloran said free expression is under attack on college campuses across the nation, including at the University of Nebraska, where a graduate lecturer confronted an undergraduate student recruiting for a conservative organization on its Lincoln campus last August.

"We need to restore the public trust—that the rights that students, faculty and guests have to free expression will be protected within institutions of higher learning," he said.

Halloran said he was encouraged that the Board of Regents last week adopted a statement expressing the university's commitment to free expression. He said his bill still is necessary, however, because the university's policy would not apply to state colleges and community colleges. Putting the requirement into law also would ensure that the board could not weaken the policy in the future, Halloran said.

Testifying in support of the bill was Joe Cohn, legislative and policy director for the Foundation for Individual Rights in Education, a nonprofit that works to protect individual rights at colleges and universities. Cohn said he was working with Halloran to draft a new amendment to address concerns that the proposal would not comply with a 1977 Nebraska Supreme Court ruling that the Legislature cannot dictate policy to the Board of Regents.

The new amendment should direct regents to adopt a policy promoting free speech on campus without infringing on the rights of students, faculty and guests to engage in expressive activities protected by the First Amendment as long as those activities

are not "materially disruptive," Cohn said. This would give the board broad discretion in implementing such a policy, avoiding any conflict with the supreme court case.

Cohn said the university still has work to do to ensure that its day-to-day policies and operations conform to its new free speech policy.

"They should be commended for taking an important step in the right direction," Cohn said, "but they haven't solved their problem on free speech."

Rob Schafer, chairman of the University of Nebraska Board of Regents, testified in opposition to the bill, saying that it would infringe on the board's constitutional authority to govern the university.

He said the policy adopted last week reinforces the university's commitment to free speech and directs each campus to clearly communicate which facilities are open to the public and which are not, such as classrooms.

"We are for free speech—unequivocally so," Schafer said. "The university must be a place where ideas can be freely exchanged and where robust and open dialogue can occur."

Jay Grabow read a statement in opposition to the bill from Courtney Lawton, the graduate student lecturer involved in the August incident. Lawton wrote that LB718 is designed to suppress dissenting political opinions, not to protect free speech.

After the encounter with the undergraduate student last year, Lawton wrote, she received threats and was removed from the classroom because of concerns for her and her students' safety. She said members of the Legislature later pressured the university into barring her from teaching there.

"The very people that claim to be protecting academic freedom and free speech with this bill are the ones

who have spent the last five months destroying my life and interfering with my scholarship because they disagree with my politics,” she wrote.

Julie Nichols testified in opposition to the bill on her own behalf. The proposed policy would be redundant because freedom of expression already is covered by UNL policy and the First Amendment, she said. The bill would restrict free discourse and those who must practice it in their duties as teachers and administrators, Nichols added.

“LB718 actually and ironically seeks to violate the First Amendment by interfering in the processes of academic free speech through an undue focus on reporting, monitoring, targeting and sanctioning those who violate the provisions of the bill,” she said.

Also testifying in opposition was Danielle Savington, a lawyer from Lincoln. Requiring a publicly available report on disciplinary action regarding violations of free expression on campus could lead to threats against both faculty and students involved in those incidents, she said. Nichols added that the policy treats college students like “addled children.”

“They may be young, but they are adults,” she said, “and they have the right and the duty to go to college and be exposed to ideas that they don’t necessarily hold closely and dearly to their own hearts.”

The committee took no immediate action on the bill.

### Higher reimbursement rate proposed for special education expenses

The Education Committee heard testimony Jan. 30 on a bill that would direct more state funding toward special education programs and support services.

LB876, introduced by Omaha

Sen. Rick Kolowski, would require the state to reimburse school districts at least 80 percent of the total excess allowable costs for those programs and services. Kolowski said the state currently reimburses schools for approximately 48 percent.



Sen. Rick Kolowski

“If the state takes a larger share of the costs, it will relieve strains on local budgets,” he said. “This will allow districts to lower property taxes, especially in districts that do not receive equalization funding.”

The state Department of Education estimates that the bill would increase state special education reimbursement by approximately \$150 million in fiscal year 2018-19 and an additional \$170 million in FY2019-20.

Jenni Benson, president of the Nebraska State Education Association, testified in support of the bill. She said school districts need additional funding to provide services for an ever-growing number of children identified as having special needs at a time when federal and state reimbursements have not kept up with promises.

The federal government has pledged to reimburse schools 40 percent of their special education expenses, Benson said, but they currently provide only about 14 percent.

John Skretta, superintendent of the Norris School District, also testified in support of the bill. Norris spent just over \$2 million on special education services in the 2016-17 school year, he said, and the state reimbursed approximately 45 percent. If Norris had been reimbursed at the rate proposed by LB876, it would have received an additional \$700,000, Skretta said.

“That would be incredibly beneficial to the operations of our district,”

he said.

Ann Hunter-Pirtle, executive director of Stand for Schools, also testified in support of the bill. She said special education and support services are required by law, but neither the state nor federal governments have provided the promised funding, leaving local property tax payers to foot the bill.

“Increasing state investment would reduce local property taxes and free up local resources to meet other growing needs,” Hunter-Pirtle said.



### Bill would change Cass County’s planning and development region

Cass County would move to a new planning and development region under a bill heard Feb. 2 by the Government, Military and Veterans Affairs Committee.

Currently, Cass County is in Region 6, known as the Southeast Nebraska Development District, or SENDD. LB1019, introduced by Elmwood Sen. Robert Clements, would transfer the county to Region 8, known as the Metropolitan Area Planning Agency, or MAPA.



Sen. Robert Clements

Clements said much has changed since the regions were created in 1992 to help coordinate economic development in regions across the state. While some of Cass County still is considered rural, he said, much of the county is now bedroom communities for people who work in the Omaha metro area.

As a result, Clements said, Cass County would like join Washington, Douglas and Sarpy counties, which are more natural economic development partners.

“I’ve received no opposing comments from any small communities in Cass County as this bill has been proposed,” Clements said. “I believe that this would be a good change.”

Jim Peterson, a member of the Cass County Board of Commissioners, testified in support of the bill. Approximately 42 percent of the county workforce commutes to Douglas or Sarpy counties on a daily basis, he said, and soon there will be a continuous freeway connecting Omaha to Plattsmouth.

“If you examine the Nebraska planning and development region map, you will see that Cass County’s geographical location is a natural fit for Region 8,” Peterson said.

Rita Sanders, mayor of Bellevue and chairperson of MAPA, also testified in support. She said MAPA has engaged in a recent collaboration with the cities of Bellevue and Plattsmouth, Sarpy and Cass counties, two natural resource districts and the state Department of Transportation to ensure that the new Highway 75 Platte River bridge includes a side path for pedestrians and cyclists.

MAPA has demonstrated a willingness and ability to coordinate interlocal agreements in the region, she said, and the Cass County Board voted unanimously to pursue becoming part of MAPA.

“In situations such as these, local elected officials who know their communities best should be trusted to do what they believe [is] in the best interest of their city or county,” Sanders said.

Cheryl Brandenburgh, representing SENDD and the Nebraska Eco-

nomic Developers Association, opposed the bill. Cass County contains many small towns and unincorporated communities that would not be a good fit for a metropolitan-focused economic development region, she said.

Communities near Omaha currently can participate in interlocal agreements with MAPA entities, she said, so there is no need to move the entire county to that regional development district.

“This will, we believe, shift resources away from the smaller communities in the county,” Brandenburgh said.

The committee took no immediate action on the bill.

### Extended time sought for voter registration

Nebraska voters would have more time on the final day of online voter registration under a bill considered Feb. 2 by the Government, Military and Veterans Affairs Committee.

Currently, the deadline for online registration to vote in-person on election day is the third Friday before the election. LB1038, introduced by Omaha Sen. Theresa Thibodeau at the request of the Nebraska secretary of state’s office, would create a deadline of midnight on that day.



Sen. Theresa Thibodeau

“LB1038 extends the online voter registration deadline from 5 p.m. to midnight on the deadline date,” Thibodeau said. “[It] provides clarification regarding online voter registration.”

Wayne Bena, deputy Nebraska secretary of state for elections, testified in support of the bill. The measure would clarify the lingering question of when online voter registration ends

in the state, he said. If there is not a specific deadline set in state law, he said, it is 5 p.m.

“This bill would give residents a 24/7 [registration] method even on the deadline day,” Bena said.

Lancaster County Election Commissioner David Shively also supported the bill. It has been evident since the inception of the state’s online voter registration system in 2015 that voters are unclear about the deadline, he said.

“We hope that this would end any confusion on the part of voters,” Shively said.

The committee took no immediate action on the bill.

## JUDICIARY

### Stronger scrutiny proposed in cases of police misconduct

The Judiciary Committee heard testimony Jan. 31 on a bill that would allow for thorough administrative review of law enforcement officers accused of serious misconduct.

LB792, introduced by Crete Sen Laura Ebke, would require law enforcement agencies to document the reason for and circumstances surrounding an officer’s separation of service from that agency. The head of that agency must then submit the report to the Nebraska Crime Commission.



Sen. Laura Ebke

Ebke said it would ensure more accountability and transparency within the state’s law enforcement agencies, particularly the Nebraska State Patrol.

Additionally, agencies would be required to submit a more detailed

report to the Nebraska Crime Commission if an officer is terminated from employment or allowed to resign in lieu of termination for conduct that would constitute incompetence, neglect of duty, incapacity, dishonesty, a guilty plea to a felony charge, a felony conviction or another violation of the officer's oath of office, code of ethics or statutory duties.

The report must include a summary of the relevant allegations and identification of any witnesses to such allegations. The law enforcement agency report must be submitted within 30 days of the employee's termination.

A law enforcement officer terminated under such circumstances would be required to sign a waiver upon application for employment with a new agency that would allow the prospective employer to contact the officer's former agency and obtain a copy of the report detailing his or her separation from previous service.

The former employer would be required to provide the report if requested. The person designated to prepare such a report would be immune from civil liability if he or she provides the information in good faith.

Darrell Fisher, executive director of the Nebraska Crime Commission, supported the proposed reporting requirements. He said just the illusion of impropriety within the State Patrol's ranks has become a matter of public trust. The bill would be instrumental in helping the commission in addressing ongoing issues, he said.

"This would prevent bad actors from leaving one agency and going to another without background checks being conducted on the reason for leaving a law enforcement agency," Fisher said.

LB792 also would authorize the director of the Crime Commission to subpoena witnesses and documents,

internal administrative files, reports, personnel records, disciplinary histories or any other relevant materials when considering the revocation of an officer's license.

Representing the Nebraska Fraternal Order of Police, Jim Maguire disagreed, saying the due process rights of officers could be negatively impacted during administrative review.

"We understand there is a need for some kind of change that needs to occur during the decertification process," he said. "We're worried about the impact on the due process rights of our officers that could occur under this proposed process."

Other provisions of the bill would remove a statutory obligation of the state attorney general to defend all civil and criminal charges against members of the State Patrol incurred while operating within a members' official capacity.

When a 2017 review of the State Patrol revealed allegations of misconduct among officers, the attorney general felt he was unable to bring criminal charges because of his obligation to defend the officers, said Jason Jackson, the governor's chief human resources officer.

"The Nebraska State Patrol is alone among any state agency in that it is entitled to criminal defense from the attorney general's office," he said. "This will cure that conflict and put the State Patrol on equal footing with every other state agency and state employee."

Solicitor General James Smith, representing the attorney general's office, also spoke in support of the change to the attorney general's duties. As the state's chief prosecutor, current statute creates an inherent ethical dilemma when a member of the State Patrol is accused of misconduct, he said.

"The attorney general cannot ethi-

cally both prosecute and defend anyone in a criminal case, which includes State Patrol officials," Smith said.

Representing the State Troopers Association of Nebraska in opposition to the bill, Gary Young said LB792 is trying to fix a problem that does not exist.

"We're taking away the only legal support the state has ever provided troopers," Young said. "If the attorney general is concerned about any potential conflict of interest, statute allows him to appoint a private counsel to represent the officer."

The committee took no immediate action on the bill.

### **Bill would prevent child custody being denied due to disability**

Members of the Judiciary Committee heard testimony Feb. 2 on a bill that would protect the custodial rights of people with disabilities.

LB845, introduced by Albion Sen. Tom Briese, would prohibit the denial or restriction of parental custody based solely on a parent's disability in cases when custody is determined to be otherwise in the best interests of the child.

Briese said the bill recognizes that individuals with disabilities face societal biases relating to their ability to parent children.

"This is designed to give the children of parents with a disability the best chance at having a happy, loving life with their parents," he said.

If it is alleged that a person's disability could have a detrimental impact on a child, the person raising the allegation would be required to provide clear and convincing evidence.



Sen. Tom Briese



If the burden of proof is met, the parent with a disability would have the opportunity to demonstrate how supportive services could help them overcome any concerns raised.

The court could require that supportive parenting services be put in place and review the need for the continuation of such services as reasonable.

If a court determines that a parent's custodial rights should be denied or restricted, it would be required to explain its findings and why supportive parenting services would not alleviate concerns about the parent's parenting.

Representing the National Federation of the Blind of Nebraska, Amy Buresh spoke in support of the bill. She said blindness does not define a person or their future, which for many includes becoming a parent.

The parenting abilities of people with disabilities have been unfairly questioned and used against them in child disputes in some divorces, Buresh said.

"We know that blind people are fully capable and have been successfully raising their children for generations," she said. "How would you feel if, just on the basis of a characteristic like the color of your hair, someone said you're unable to parent?"

Jamie Richey, a parent with a disability, also supported LB845. Despite questions about her ability to parent, she said, her children have developed into independent, empathetic young people.

"Our blindness has not held our children back from living the lives they want," Richey said. "This would ensure that parents with disabilities can raise their children without being afraid of having them taken away."

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

### Bill would allow release of terminally ill offenders

The members of the Judiciary Committee heard testimony Feb. 1 on a bill that could make certain nonviolent inmates eligible for early or temporary release.

Under LB852, introduced by Lincoln Sen. Kate Bolz, terminally ill inmates could be considered for medical release by the state Department of Correctional Services. Bolz said the bill is intended to help safely and responsibly address current overcrowding issues in the department and reduce recidivism upon inmates' release.



Sen. Kate Bolz

"This is intended to assist the department in overcoming challenges associated with the increased need for services ensuring inmates are parole-ready and successful upon re-entry," she said. "As long as there are inmates eligible for re-entry into the community but are unable to do so, the department will continue to lose options to alleviate overcrowding."

The department would have sole discretion in reviewing the medical, institutional and criminal records of such an inmate and determine whether he or she is eligible for medical release. The inmate must agree to the alternative placement in a hospital, hospice or other housing suitable to his or her medical condition.

The inmate's family home could be considered an acceptable alternative under the bill.

If an inmate's health dramatically improved to the extent that medical release would no longer be reasonable, the department could hold a review hearing to potentially terminate the release. If medical release were revoked,

the inmate would serve the balance of his or her original sentence in a secure facility.

LB852 additionally would allow the department director to temporarily release inmates to participate in substance abuse evaluations or treatment, attend rehabilitative programming or treatment, seek residency or employment, or participate in structured programming.

Finally, the bill would expand the definition of programming permitted by the Office of Parole Administration to include evidence-based peer and family support programs.

Jerall Moreland, deputy ombudsman for institutions, spoke in favor of the measure, saying the department could begin to address its overcrowding issue under LB852.

"We believe the state could realize a benefit from this bill and its guidelines that could assist in identifying the appropriate inmates that do not pose a threat to the community," he said.

The bill will give the department the tools and flexibility to manage its population, said Inspector General of the Nebraska Correctional System Doug Koebernick in support of the measure.

"This boils down to treating people who are suffering in a humane manner and freeing up staff time and resources," Koebernick said.

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

### Documentation would be required for deferred parole

The Judiciary Committee heard testimony on a bill Feb. 1 that would create a more transparent parole process.

Under LB868, introduced by Lincoln Sen. Patty Pansing Brooks, if an inmate is denied parole based on a lack of available programming, the Nebraska

Board of Parole would be required to inform the state Department of Correctional Services within 10 days.



Sen. Patty Pansing Brooks

The board also would provide recommendations on programming or treatment that could expedite or increase the likelihood of the inmate's release.

Pansing Brooks said there is a vicious cycle of problems in the correctional system related to overcrowding that must be addressed.

"This would help ensure that parole-ready individuals receive the programming they need before they come back into our communities," she said. "When these deferrals happen, the state is not working in a systemic way to get these individuals necessary programming."

The department would be required to implement the recommended programming within 30 days. An inmate could refuse programming, in which case the department would be required to obtain a written statement verifying the refusal.

The bill would require that an annual report be prepared by the department and submitted to the inspector general of the Nebraska Correctional System detailing the circumstances surrounding inmates for whom parole has been deferred due to lack of programming.

ACLU Nebraska representative Spike Eickholt spoke in support of the bill, saying it would codify a simple process for inmates to follow and potentially be paroled.

"It is a constant issue that these people are not being paroled," he said. "This at least has a process in place that each individual inmate can follow if he does not receive parole."

Jason Witmer, who was formerly incarcerated, also supported the bill. He said the programming he received as an inmate helped him turn his life around and have a positive impact on other inmates being released from the system.

"There's something amazing about the education programming that makes you more aware of other people and lets you think about stuff you never thought was possible," Witmer said. "Education is probably the biggest and greatest thing you can do in the correctional system."

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

### Method proposed to resolve AG conflicts

Members of the Judiciary Committee heard testimony Jan. 31 on a bill that would help the state attorney general resolve potential conflicts of interest.

Under LB883, introduced by Omaha Sen. Burke Harr, the attorney general could recuse himself from prosecuting criminal charges against a state official or employee when a real or perceived conflict of interest exists.



Sen. Burke Harr

The appointed counsel would have the same powers as the attorney general, but would be independent of and not act under the authority of the attorney general. Any costs incurred by the special counsel would be paid from the attorney general's budget.

Harr said the state already allows county attorneys to request independent counsel in such cases.

"I think we need to have a remedy when there is a clear or perceived

conflict of interest," he said. "This allows the state attorney general to do what we already allow every county attorney to do."

Solicitor General James Smith, representing the Attorney General's Office, opposed the measure, calling it unnecessary. County attorneys already can prosecute state crimes, he said, and judges can appoint a special prosecutor at the attorney's request.

"There are at least two alternatives that already exist in Nebraska law that have been used successfully and that have been used to investigate and prosecute officials," Smith said. "This just creates another expensive and unnecessary layer of government bureaucracy."

No one testified in support of the bill and the committee took no immediate action on it.



### Property tax offset for streamflow projects advanced

After a successful cloture motion, lawmakers gave first-round approval Jan. 30 to a bill that is meant to reduce the impact of streamflow augmentation projects on county tax rolls.

As introduced by Sen. Dan Hughes of Venango, LB758 would require state natural resources districts and interlocal entities that buy private land for the development of a streamflow augmentation project to work with the county in which the project is located to reduce the project's impact on the local property tax base.



Sen. Dan Hughes

Senators voted 46-1 to adopt a

Natural Resources Committee amendment that would replace the bill and instead would authorize NRDs and interlocal entities to make voluntary payments in lieu of taxes to the county. The amount of the payments would not exceed the property taxes that would have been paid if the land were subject to taxation.

Hughes said the amendment would address the loss of property tax revenue to counties under the Rock Creek Augmentation Project and the Nebraska Cooperative Republican Platte Enhancement project. Both projects help the state meet streamflow requirements under the 2003 Republican River Compact, which allocates the use of surface water between Colorado, Kansas and Nebraska.

Lincoln and Dundy counties both lost property tax revenue after those projects converted irrigated land to grassland, which has a much lower tax valuation. N-CORPE and Rock Creek have paid property taxes assessed by the counties but they have done so in protest because it was not clear if a public entity should pay property taxes on that land serves a public purpose.

In July 2017, the state Tax Equalization and Review Commission ruled that N-CORPE was exempt from paying property taxes for that reason. Lincoln and Dundy counties appealed that ruling to the state's higher courts.

Hughes said the amendment, by allowing N-CORPE to make payments voluntarily, avoids that prohibition while helping to offset lost property tax revenue to the counties.

The amendment also would require joint entities or NRDs that acquire private land for the purpose of developing and operating a water augmentation project to give public notice of the project, including an estimate of the amount of water to be pumped and the project's timeframe.

It also would require a public hearing on the project and the input of county officials and adjoining landowners on ways to mitigate the project's effects on the county.

Additionally, NRDs and interlocal entities would be required to publish an annual report on the project's finances and activities, including the amount of water pumped and the amount of revenue gained from land leases. NRDs and interlocal entities would have to submit those leases to the county assessor within 30 days after the lease's effective date.

Omaha Sen. Ernie Chambers filed several motions in an effort to extend debate on the bill. He filed a motion Jan. 25 to bracket the bill until April 18, which would end debate on the bill for this session. The motion failed Jan. 30 on a 0-43 vote.

After six hours of debate over three days, Hughes filed a motion to invoke cloture, or cease debate and vote on the bill. The motion succeeded 45-1.

Senators then voted 47-0 to advance the bill to select file.

**Bill would restore wind energy requirements**

The Natural Resources Committee heard testimony Feb. 1 on a bill that would restore state-level regulatory requirements for wind energy generation facilities in Nebraska.

A law passed by the Legislature in 2016 exempted private renewable energy generation facilities from certain laws that regulate electricity generating facilities. LB1054, introduced by Gordon Sen. Tom Brewer, would remove wind energy from the list of facilities exempted.



Sen. Tom Brewer

Brewer said the Legislature "took away the voice of the people" when it exempted wind energy from the Nebraska Power Review Board approval process. LB1054 would place wind energy back under the board's scrutiny, he said, because the current process of approval by county governing bodies is not working.

Many county board members benefit financially from investment in the wind industry, Brewer said, and consequently are unable to be unbiased and objective when deciding whether to approve wind projects.

"This bill gives people affected by wind energy projects a voice and it makes their voice matter," he said. "It's that simple."

John Stanner of Brainard testified in support of the bill, saying the state's public power system ensures that suppliers only build when facilities are needed so as not to raise rates for consumers. Private wind projects should have to abide by the same power review board process in order to determine whether their projects benefit Nebraskans, he said.

"The 2016 exemption for renewables created a situation where a private entity can build an energy-creating facility without regard for the impact on rate payers," Stanner said.

Also testifying in support, Keith May of the Holt County Planning and Zoning Board said wind energy companies target areas in rural America where zoning regulations are weak or nonexistent. Companies befriend elected officials and recruit landowners, he said, ensuring favorable outcomes for their proposals. This was the case in Holt County, he said.

"Attempts by the zoning board to revise the current regulations have been met with opposition from wind companies and our own [county] supervisors," May said.

Thomas Budler of BHE Wind, a subsidiary of Berkshire Hathaway Energy Company, testified in opposition to the bill. The company has completed a 400 megawatt wind farm in Holt County, he said, which is the largest wind energy facility in Nebraska history and is a \$600 million investment in the state's economy.

Budler said the regulatory regime in place before 2016 put the state at a competitive disadvantage in attracting wind energy projects. Restoring those barriers would discourage future development, he said.

"Investment decisions must be made today and the uncertainty that LB1054 would impose ... creates a significant cloud over investing in Nebraska," he said.

Also testifying in opposition was Chelsea Johnson of the Nebraska League of Conservation Voters. Counties currently have a process for determining whether or not to allow wind energy projects, she said, and the state should not restore the additional hurdle of approval by the power review board.

"We have a public process for these projects in Nebraska, and we have examples of that process yielding varying results for wind projects depending on the overall needs and desires of local communities," Johnson said.

The committee took no immediate action on LB1054.

## REVENUE

### Higher wage requirements for tax incentives proposed

The Revenue Committee heard testimony Feb. 1 on a bill that would increase the minimum qualifying wage level for certain tax credits and job

training grants.

Businesses may receive tax credits for new employees under the Nebraska Advantage Act and the Nebraska Advantage Rural Development Act.

LB918, introduced by Lincoln Sen. Kate Bolz, would increase the minimum qualifying wage from 60 percent to 150 percent of the Nebraska average weekly wage for tier 1, 2, 3, and 4 projects under the Nebraska Advantage Act. Employees in those tiers, as well as those in tier 6, also would be required to receive employer-provided health care benefits.

Bolz said the state should set a high bar for wage requirements in its tax incentive programs so that businesses create high-skill, high-wage jobs, especially since it is spending a significant amount on those programs. The cumulative tax credit balance under the Nebraska Advantage Act is expected to reach \$1.46 billion by 2021, she said.

"With an unemployment rate of 2.7 percent, we're not in need of more jobs—we're in need of better jobs," Bolz said.

Employers also may receive wage credits under the Nebraska Advantage Act. For tier 1, 2, 3 and 4 projects, LB918 would increase the wage level to:

- 150 percent of the average annual wage to receive a 3 percent credit,
- 165 percent for a 4 percent credit,
- 190 percent for a 5 percent credit and
- 215 percent for a 6 percent credit.

Employers currently must pay new employees \$8.25 per hour to receive tax credits under the Nebraska Advantage Rural Development Act. LB918 would



Sen. Kate Bolz

increase that to 150 percent of the average weekly wage and require that employers provide health care benefits.

The bill also would require that employers pay at least 150 percent of the average weekly wage and provide health benefits to receive job training grants from the state Department of Economic Development.

The state Department of Revenue estimates that the bill would reduce tax credit expenditures by approximately \$5.8 million in fiscal year 2019-20 and a further \$18.9 million in FY2020-21. That would increase to \$106 million by FY2025-26.

Renee Fry, executive director of the OpenSky Policy Institute, testified in support of the bill. She said a job created under the Nebraska Advantage Act would have to pay an employee \$43,500 a year just to disqualify a family of three from the majority of programs that benefit low-income families. Despite that low wage threshold, a 2016 Legislative Performance Audit Committee report found that it cost between \$24,500 and \$320,000 in incentives to create a single job under the program.

"If we plan on incentivizing businesses," Fry said, "we should at least ensure that jobs being created are good-paying jobs with benefits, especially given that we are at structural unemployment."

Molly McCleery, deputy director of the health care program at Nebraska Appleseed, also testified in support of the bill. She said Nebraska's unemployment rate was the fifth lowest in the nation last year, but it ranks in the bottom 10 states in terms of average annual wage. The state currently is providing tax incentives to companies that create jobs paying an annual wage that is low enough to qualify certain families for the Supplemental Nutrition Assistance Program and the Children's Health Insurance Program,

McCleery added.

“At the current level of incentives, we are allowing for jobs to be incentivized where those jobs are essentially being subsidized by public assistance,” she said.

Sean Johnson, senior director of business development at the Omaha Chamber of Commerce, testified in opposition to the bill. He agreed that qualifying wage levels under the Nebraska Advantage Act should be increased. However, the 150 percent threshold may be too high, especially outside the Omaha area, Johnson said.

Rather than making changes to the wage requirements, he added, the Omaha and Lincoln chambers would prefer a complete overhaul of the Nebraska Advantage Act.

“We are committed to updating the act to better target our resources in order to have a maximum effect on growing and recruiting businesses,” Johnson said. “We ask the committee to please consider those changes in a comprehensive manner rather than making small changes around the edges.”

The committee took no immediate action on the bill.

### Tax bracket adjustments proposed

A tax increase on those with high incomes would pay for a tax cut for low- and middle-income Nebraskans under a bill heard by the Revenue Committee Feb. 2.

LB1074, introduced by Omaha Sen. Tony Vargas, would adjust the state’s existing individual income tax brackets and add a new fifth bracket with a rate of 7.84 percent. It would apply to those earning at least



Sen. Tony Vargas

\$100,000 if filing individually and at least \$200,000 if married filing jointly.

The bill would add an additional 1 percent tax on income in excess of \$1 million and an additional 2 percent tax on income in excess of \$2 million.

Vargas said the additional tax on high earners would more than make up for an increased number of low- and moderate-income earners paying lower rates. The state could use the additional revenue generated by the tax increase to help make up its current budget shortfall, he said.

“Without raising revenue, children and seniors will face cuts to services they rely on,” Vargas said. “Programs that protect the safety of our water and our roads will be cut again. The university and state college budgets will be cut again.”

The state’s current third bracket, with a rate of 5.01 percent, applies to those earning between \$18,000 and \$28,999 if filing individually and between \$36,000 and \$57,999 if married filing jointly. LB1074 would change those thresholds to between \$18,880 and \$37,499 and between \$37,760 and \$74,999, respectively.

The current fourth and highest bracket, with a rate of 6.84 percent, applies to those earning at least \$29,000 if filing individually and at least \$58,000 if married filing jointly. Under LB1074, the fourth bracket would apply to those earning between \$37,500 and \$99,999 if filing as an individual and between \$75,000 and \$199,999 if married filing jointly.

The state currently provides a refundable income tax credit equal to 10 percent of the federal Earned Income Tax Credit, which is designed to help working families with low to moderate incomes. LB1074 would increase the state credit to 12 percent.

The state Department of Revenue estimates that the changes would gen-

erate an additional \$106 million in revenue in fiscal year 2018-19 and an additional \$78 million in FY2019-20.

Tiffany Joekel, policy director at the OpenSky Policy Institute, testified in support of the bill. By expanding the state’s third income bracket, she said, LB1074 would allow more Nebraskans with moderate incomes to pay income taxes at the 5.01 percent rate instead of the 6.84 percent rate.

“The important thing is that it raises revenue on the top and puts that revenue into tax cuts for low- and moderate-income folks,” Joekel said.

Aubrey Mancuso, executive director of Voices for Children, also testified in support of LB1047, especially its proposed increase in the state EITC. She said the EITC is widely recognized as one of the most effective anti-poverty programs in the nation and currently keeps approximately 19,000 Nebraska children out of poverty.

“We are supportive of the balanced approach that [LB]1074 takes when ensuring that Nebraska will...be able to invest in programs that support vulnerable children while providing tax relief to their families.”

Nicole Fox, director of government relations for the Platte Institute, testified in opposition to the bill. If LB1074 were implemented, she said, Nebraska’s top rate of 9.84 percent would rank fourth highest in the nation after California’s 13.3 percent, Oregon’s 9.9 percent and Minnesota’s 9.85 percent. Other states that have enacted a millionaires’ tax like the one proposed by LB1074 saw many of their high earners flee for states with lower rates, Fox said.

“If the state decides to pass LB1074, there will be negative consequences for our state and we will surely drive away wealth,” she said.

The committee took no immediate action on the bill.

## Sales tax increase would fund workforce development

A half-cent increase in the state sales and use tax would pay for a raft of programs and tax credits meant to improve the quality of the state's workforce under a bill heard by the Revenue Committee Feb. 1.

LB1108, introduced by Omaha Sen. Burke Harr, would increase the state sales and use tax from 5.5 percent to 6 percent between 2019 and 2023. It would use the additional revenue to fund foundation aid for public schools, infrastructure programs, training grants and other programs. The bill also would create several new tax credits for employers.



Sen. Burke Harr

Harr said LB1108 is meant to catalyze the state's economic growth by investing in its workforce—from early childhood education to job retraining in later life. The state's low unemployment rate and slow growth indicate a misalignment between available jobs and workers' skills, he said, and fixing that problem is worth a temporary tax increase.

"Sometimes, to grow a business, you have to invest in that business," he said. "You can't just cut your way to greatness."

LB1108 would create three income tax credits for employers: a job training tax credit, a Nebraska intern tax credit and a post-training tax credit.

To qualify for the job training credit, an employer would agree to train an employee who works at least 35 hours a week for at least six months in a high-needs job in fields including science, technology and teaching. The employee also would have to receive 40 to 160 hours of job training and would

have to be paid a wage equal to at least 240 percent of the federal poverty level—currently \$29,000—and receive health benefits. Total credits would be limited to \$5 million per year.

For an employer to receive the intern tax credit, students must be paid at least the state minimum wage and complete the internship in less than a year. Total credits would be limited to \$7.5 million per year.

The post-training tax credit would go to employers who hire a student completing an internship or an employee completing job training. Among other qualifications, the employer must pay the employee a wage of at least 300 percent of the federal poverty level—currently \$36,000—with health benefits. Total credits would be limited to \$10 million per year.

The bill also would provide businesses an income tax credit for expenses incurred while researching and developing jobs and technology in partnership with a nonprofit or postsecondary education institution. The credit would be limited to \$1 million per partnership, and total credits would be limited to \$31.5 million per year.

LB1108 would provide \$6 million for grants to community colleges to develop and implement adult education and remedial education programs as well as workforce training for specific occupations. It would direct \$1 million to a fund that would provide grants to programs that expose seventh- and eighth-grade students to the manufacturing and information technology industries.

The bill would remove the current sunset date for the School Readiness Tax Credit Act and would increase the amount of credits available to child care and education providers and their staff members from \$5 million to \$10 million per year.

Additional sales tax revenue would be used to provide foundation aid to all Nebraska school districts. The state Department of Revenue estimates that the bill would provide \$61.4 million in foundation aid in FY2018-19. That would increase to \$110 million by FY2023-24.

Finally, LB1108 would direct one half of 1 percent of sales tax revenue derived from the sale or lease of motor vehicles, trailers and semitrailers to the state's transportation infrastructure bank fund and to a new fund to provide grants for light rail projects.

Richard Schmeling, speaking on behalf of ProRail Nebraska and Citizens for Improved Transit, testified in support of the bill, particularly its increased funding of rail projects. He said improving Nebraska's public transportation system would benefit the state's economy by retaining and attracting more young people.

"[Millennials] want to live where there's a good public transportation system, and we don't have that in Nebraska," Schmeling said.

Jon Habben, executive director of the Nebraska Rural Community Schools Association, also testified in support of the bill, saying that the proposed workforce development programs would benefit rural Nebraska, which faces population loss and stagnant school enrollments.

He said the bill's proposed foundation aid particularly would benefit rural school districts, which have lost state equalization aid over the past decade.

Sarah Moylan, senior director of talent at the Greater Omaha Chamber of Commerce, provided neutral testimony on the bill. She said the chamber cannot support the sales tax increase proposed under LB1108, but it enthusiastically supports workforce development.

“Never before has the need for workforce—as well as developing that workforce—been greater,” Moylan said. “We are in a battle for keeping every young Nebraskan here while trying to attract new Nebraskans here at the same time to meet the growing needs of our state.”

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Change to wireless surcharge remittance advanced

Lawmakers gave first-round approval Jan. 31 to a bill that would move the responsibility to collect and remit a surcharge on prepaid wireless phones from service providers to retailers.

Nebraska wireless customers pay three surcharges administered by the Nebraska Public Service Commission, including one that funds wireless E911 service and another that pays for telecommunications services and equipment for those with hearing or speech impairments.

LB157, introduced by Sen. Curt Friesen of Henderson, would change how the third surcharge—for the state’s Universal Service Fund—is collected and remitted. The fund pays for programs that ensure urban and rural Nebraskans have comparable accessibility to telecommunications services at affordable prices.

Friesen said retailers currently collect and remit the first two surcharges to the state Department of Revenue,



Sen. Curt Friesen

which then transfers the funds to the PSC and the state treasurer. Wireless providers currently are required to remit the USF surcharge directly to the PSC, but LB157 would require sellers of prepaid wireless products to collect and remit the USF surcharge to the Department of Revenue like the other two surcharges.

Under current law, retailers may retain 3 percent of the wireless surcharges they collect from consumers. The Department of Revenue may retain 2 percent of prepaid wireless surcharges to reimburse its administration costs, but LB157 would reduce that to 0.5 percent.

Friesen said the bill also would make the remittance process easier for small retailers. Under LB157, retailers would be required to remit prepaid wireless surcharges on a monthly basis unless they collect less than \$1,000 in surcharges in the previous year. In that case, they could remit annually.

After adopting two technical amendments, senators voted 32-0 to advance the bill to select file.

### Interstate transport proposed for large hay bales

The Transportation and Telecommunications Committee heard testimony Jan. 30 on a bill that would ease certain agricultural transportation restrictions.

LB980, introduced by Syracuse Sen. Dan Watermeier, would authorize the state Department of Transportation or the Nebraska State Patrol to issue special permits allowing the transportation of hay bales up to 12 feet wide on the interstate during daylight hours.



Sen. Dan Watermeier

Transportation of large or oversized hay bales currently is allowed, Watermeier said, but only on state highways. South Dakota, Iowa, Colorado and Kansas all currently offer such permits.

“The interstate is just a safer means of travel,” Watermeier said. “Nebraska should get on board and allow these permits.”

Nebraska Farm Bureau representative Terry Keebler supported the bill. He said the state already offers special permits during emergencies.

“We are hopeful that through incremental and meaningful changes Nebraska freight policy will continue to become more compatible with neighboring states and make it easier for Nebraska agriculture to compete,” Keebler said.

Alan Hanke, a transportation company owner from Modale, IA, also spoke in favor of LB980. It makes sense for Nebraska to have policies similar to its surrounding states, he said.

“It would make it extremely easy to just jump on the interstate and transport into Nebraska,” Hanke said. “It would save us a lot of time and expense.”

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

## URBAN AFFAIRS

### Vacant property registration bill advanced

A measure intended to help cities address the problem of vacant properties was advanced from general file Jan. 31.

Albion Sen. Tom Briese, sponsor of LB256, said the bill would provide communities an additional tool to

address problem properties and housing shortages. Existing nuisance ordinances have limited application for vacant properties, he said, which



Sen. Tom Briese

can hinder economic growth and are a concern for many small communities.

A 2016 report by the Nebraska Chamber of Commerce indicated that 70 percent of Nebraska communities face a housing shortage, he said, but housing vacancy rates often exceed 10 percent. Vacant properties can lead to increased crime and vandalism and lower property values, he said.

“Municipalities across our state find themselves bearing the cost of properties that remain vacant for extended periods of time,” Briese said.

Under the bill, which was introduced last session, a municipality could adopt an ordinance that would allow it to identify and register vacant properties, collect fees to compensate for the public costs of property vacancy, plan for rehabilitation and encourage occupancy. The registry could apply to commercial or residential property.

If adopted, a vacant property registration ordinance would require registration of a property vacant for 180 days or longer. An initial registration fee of no more than \$250 for a residential property and \$1,000 for a commercial property would be assessed. Supplemental fees would be allowed and exemptions to the fee requirement could be provided.

Unpaid registration fees and fines would become a lien on the applicable property upon notice to the county.

An Urban Affairs Committee amendment, adopted 31-0, would:

- require that an ordinance exempt vacant properties that are

advertised in good faith for sale or lease;

- clarify that an ordinance would apply only to buildings located within a city or village’s corporate limits;
- specify that the act’s provisions are supplemental to and in addition to any existing state laws relating to vacant property;
- allow an ordinance program administrator to designate another individual to conduct inspections of vacant properties; and
- give property owners the right to prior notice of and the ability to appeal adverse decisions by the municipality or the ordinance program administrator, with notice to be sent by certified mail.

The amendment also would exempt metropolitan and primary-class cities from the bill’s provisions. Omaha is the state’s only metropolitan class city and Lincoln is the only primary-class city.

Omaha Sen. Justin Wayne, chairperson of the committee, explained that both Lincoln and Omaha already have authority under their charters to establish vacant property ordinances.

Bellevue Sen. Carol Blood spoke in favor of the bill, saying vacant properties are a significant strain on the budget of municipalities and are a drain on the value of nearby properties. The ability to enact local ordinances could help cities and villages speed up the process of addressing such properties, she said.

“This is long past due and I think it’s going to save taxpayers a lot of money,” Blood said.

Sen. Mike Groene of North Platte also supported the bill, citing a vacant hotel in the center of North Platte as an example of a problem vacant prop-

erty. City leaders have not been able to locate the building’s owners, he said, and redevelopment of the property has stalled as a result.

“We’re sitting with a hotel that’s a fire hazard and we have developers that want to develop it,” Groene said. “We have no key to the front door. We need more tools to make people take personal responsibility.”

Columbus Sen. Paul Schumacher raised concerns that the bill could result in cities acquiring buildings that they cannot find buyers for or afford to tear down, by simply levying excessive fees.

“I recognize the need, but I don’t see how this solves anything other than putting title in the city’s name,” Schumacher said “And probably, if the city would have asked, the owner would have signed a quitclaim deed and given [the property] to the city because it’s not worth the aggravation.”

Sen. Kate Bolz of Lincoln also expressed concerns, saying she could not vote to support the bill although she appreciates the intent.

“To me, I see opportunities for more fees and fines, more requirements on property owners and a concern that those requirements will lead to increased valuations and increased property taxes,” Bolz said.

LB256 advanced to select file on a vote of 40-0.

## Updates to TIF rules sought

The Urban Affairs Committee heard testimony Jan. 30 on a bill that would update the state’s tax-increment financing rules.

Introduced by the Urban Affairs Committee, LB874 is the result of an interim study to answer questions about the use of TIF that were raised in a 2016 report by the state auditor of public accounts.



Under a segment of the state's community development law, Nebraska municipalities are able to designate areas as substandard and blighted, allowing them to be redeveloped. When a redevelopment plan is approved, TIF bonds may be issued for the acquisition and improvement of the property. The increased property taxes generated by the improvements are used to pay for the financing of TIF projects.

Among other provisions, LB874 would authorize the state auditor to audit a community redevelopment authority whenever the auditor believes it necessary, or when requested to do so by the governing body.

The bill also would:

- require a planning commission hearing on a redevelopment plan;
- require that an annual TIF report on projects be provided to a municipality's governing body;
- require that cost-benefit analyses on TIF projects be made available to the public;
- clarify that the annual report on TIF projects provided by municipalities to the state Department of Revenue is required;
- limit reimbursement of costs incurred prior to the approval of a redevelopment project;
- require that a cost-benefit analysis consider the impact of a TIF project on school districts;
- require that if a redevelopment project divides the tax on only a portion of the real property included in the project, the property must be clearly related to the redevelopment project;
- require that each municipality that utilizes TIF retain copies of all redevelopment plans, substandard and blighted studies and analyses, cost-benefit

analyses and supporting documents associated with the redevelopment plan or any related substandard and blighted declaration;

- require that TIF redevelopment contracts include a provision requiring developers to retain copies of all supporting documents associated with the project and provide them to the municipality;
- redefine the term redevelopment project to include enhancements to structures in the redevelopment project area that exceed minimum building and design standards in the community and prevent recurrence of substandard and blighted conditions;
- require that municipalities conduct a substandard and blighted analysis on whether a redevelopment project meets the requirements and include that analysis in the public hearing notice;
- allow redevelopment projects to include a provision that requires all property taxes levied on a redevelopment project to be paid before such taxes become delinquent to be eligible to receive TIF funds;
- require that municipalities give counties or school districts the opportunity to appoint a nonvoting member to a community redevelopment authority; and
- require that proceeds from the repayment of loans made for TIF projects be deposited in the municipality's general fund and prohibit those proceeds from being used to establish a revolving loan fund.

Russ Karpisek, legislative liaison for the state auditor of public accounts,

testified in support of the bill. The auditor's office report did not necessarily find violations of state law in examining the implementation of TIF, he said, but rather a great deal of "gray area" in regard to legislative intent.

Larger cities like Lincoln and Omaha have experts on staff and keep good records regarding TIF projects, he said, but many smaller communities are unsure of the law's specifications and the consequential lack of recordkeeping makes it difficult to evaluate those projects.

"Almost everything that the auditor's office does is we look at statute and make sure that it's being followed," Karpisek said. "We just want to make sure that the Legislature knows how [TIF] works, that the people who are doing it understand how it works and that the people who are helping people do it understand how it works."

Dave Landis, director of urban development for the city of Lincoln, testified in opposition to the bill, though he acknowledged that it had the potential to be a "peace treaty" on TIF. Not all cities should be required to add a nonvoting member of a county board or commission and school board member to a redevelopment authority, he said.

For example, he said, it's not uncommon for Lincoln to meet with developers on an hour's notice and it would be difficult to integrate someone into that process who doesn't work at city hall.

Landis also raised concerns regarding the apparent prohibition in the bill on using TIF money as a revolving fund for smaller-scale development projects. Lincoln created such a fund for small projects—for which the issuance of formal bonds wouldn't be feasible—and when those loans are repaid, he said, that money returns to

the fund for additional loans.

“We can’t tell whether that’s a revolving fund outlawed by this statute or not,” Landis said. “But if it is, it does kill our chance to help small businesses—many of whom are first-generation immigrants—in doing small business projects that we’d like to see.”

Jamie Berglund, executive director of Omaha by Design, also opposed the bill. TIF creates redevelopment in urban areas that revitalizes communities in ways that would not happen otherwise, she said, in part because of significant challenges such as aging infrastructure. Having a streamlined and predictable process for TIF projects would avoid creation of additional hurdles, she said.

“Complicated and burdensome processes are surefire ways to ensure that projects don’t move forward,” Berglund said.

The committee took no immediate action on LB874.

**Bill would end inclusion of undeveloped vacant land for municipal development**

A provision of state law that enables Nebraska municipalities to develop undeveloped vacant land would be

eliminated under a bill considered by the Urban Affairs Committee Jan. 30.

LB967, introduced by North Platte Sen. Mike Groene, would remove a provision of community development law allowing undeveloped vacant land within a three-mile radius of the city limits to be acquired for redevelopment when it is not located in an area deemed blighted or substandard.

Groene said tax-increment financing is being abused and misinterpreted to allow its use beyond the law’s original intent. TIF was intended as a tool for urban renewal, he said, yet communities use the law to add land to a redevelopment project through annexation.

“It’s really frustrating as somebody who represents citizens and taxpayers that we’ve gone back to Medieval times, where we have these powerful city-states who confiscate the property tax base of our schools, our counties and everybody else outside their little community for their purposes,” Groene said.



Sen. Mike Groene

Larry Dix, testifying on behalf of the Nebraska Association of County Officials, spoke in support of the bill. Taxpayers are angry about the perceived erosion of the property tax base in their counties, he said, and are expressing those complaints in valuation protest hearings.

Ervin Portis, Plattsmouth city administrator, testified in opposition to the bill. The city has designated 18 percent of Plattsmouth as substandard and blighted, he said, of the 35 percent allowed by law. Some of those areas currently contain TIF projects, he said, and the term “urban renewal” could apply to projects at the very edge of a small community, including vacant land.

“The city of Plattsmouth is like a lot of cities in the state of Nebraska,” Portis said. “First of all, we’re small. We’re 3.1 square miles, so the distance from the city center to the edge of the community is a nice walk ... or a very short drive.”

Mike Jacobson, representing the North Platte Area Chamber of Commerce and the North Platte Community Redevelopment Authority, also opposed LB967. North Platte could not have brought the Walmart food distribution center to the city without TIF, he said.

North Platte was able to annex “raw land” at the edge of the city, blight it and develop it, Jacobson said, in order to add hundreds of thousands of dollars in new property tax revenue.

In addition, he said, the TIF bonds for Walmart and a nearby Menards have been paid in full and both projects have brought new jobs, sales tax and other economic benefits to North Platte.

“If we have a better tool than TIF, I’d like to hear it,” Jacobson said.

The committee took no immediate action on the bill. ■

**FIND LEGISLATIVE DOCUMENTS**

Committee hearing schedules, daily agendas and more can be viewed using the calendar on [www.NebraskaLegislature.gov](http://www.NebraskaLegislature.gov).

Clicking the “Calendar” link on the left side of the website’s home page will open a calendar that is constantly updated with new information.

# COMMITTEE HEARINGS

Current hearing schedules are always available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## Monday, February 5

### Appropriations

#### Room 1524 - 1:30 p.m.

Agency 18: Dept. Agriculture  
 Agency 48: Coordinating Commission for Postsecondary Education  
 Agency 50: Neb. State College System  
 Agency 83: Community College Aid  
 LB 944, Section 71 - Restriction on use of Federal Title X program funds

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB726 (Wayne) Require insurance coverage for in vitro fertilization procedures  
 LB1105 (Vargas) Change the transaction loan period under the Delayed Deposit Services Licensing Act

### Business & Labor

#### Room 2102 - 1:30 p.m.

LB928 (McDonnell) Change provisions relating to compensation paid upon the death of an employee under the Nebraska Workers' Compensation Act  
 LB952 (Albrecht) Change provisions relating to dismissals of actions under the Nebraska Workers' Compensation Act  
 LB953 (Albrecht) Change provisions relating to lump-sum settlements under the Nebraska Workers' Compensation Act  
 LB957 (Lowe) Provide procedures for choosing a method of payment for payments under the Nebraska Workers' Compensation Act  
 LB1024 (Wayne) Change references from Big Twelve Conference to Big Ten Conference in provisions requiring a stipend or restricting hours of participation for intercollegiate athletes

### Education

#### Room 1525 - 1:30 p.m.

LB1069 (Brasch) Change provisions related to the Committee on Americanism  
 LB1070 (Brewer) Change an election requirement for school districts with fewer than twenty-five students in high school grades  
 LB1135 (Vargas) Adopt the Alternative Certification for Quality Teachers Act  
 LB1001 (Briese) Provide for a review of the financing of schools

### Executive Board

#### Room 2102 - 12:00 p.m.

LB974 (Vargas) Prohibit consideration of political affiliation, demographic information, and previous election results in drawing legislative districts  
 LB975 (Howard) Adopt the Redistricting Act

### General Affairs

#### Room 1510 - 1:30 p.m.

LB734 (Scheer) Change provisions relating to special designated licenses under the Nebraska Liquor Control Act  
 LB1120 (Larson) Change provisions of the Nebraska Liquor Control Act and music licensing provisions

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

Appointment: Eric Bigler - Motor Vehicle Industry Licensing Board  
 LB721 (Wayne) Remove a prohibition to regulate wireless telecommunications service by the Public Service Commission  
 LB993 (Friesen) Create the 911 Service System Advisory Committee and change the 911 Service System Act and eliminate the act's termination date  
 LB994 (Friesen) Create the Rural Broadband Study Task Force, change provisions relating to the Nebraska Telecommunications Universal Service Fund, and change powers and duties of the Public Service Commission as prescribed

## Tuesday, February 6

### Agriculture

#### Room 2102 - 2:00 p.m.

LB1133 (Wayne) Adopt the Industrial Hemp Act, provide an exemption under the Uniform Controlled Substances Act, and eliminate a provision relating to industrial hemp research

### Appropriations

#### Room 1524 - 1:30 p.m.

LB727 (Wayne) Provide for appropriations to the Nebraska State Historical Society  
 Agency 69: Neb. Arts Council  
 Agency 13: Dept. of Education  
 Agency 32: Board of Educational Lands and Funds  
 Agency 47: Neb. Educational Telecommunications Commission

Agency 34: Neb. Library Commission  
 Agency 54: State Historical Society

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 p.m.

LB987 (Schumacher) Adopt the Uniform Regulation of Virtual-Currency Businesses Act  
 LB1121 (Larson) Adopt the Nebraska Uniform Protected Series Act

### Education

#### Room 1525 - 1:30 p.m.

LB1103 (Friesen) Provide a minimum amount of state aid for each school district  
 LB1056 (Hansen) Provide for collection of data on student disciplinary actions  
 LB1094 (Hilgers) Provide for financial literacy and entrepreneurship academic content standards  
 LB917 (Bolz) Change eligibility relating to the Community College Gap Assistance Program Act

### Transportation & Telecommunications

#### Room 1113 - 1:30 p.m.

Appointment: Mick Syslo - Board of Public Roads Classifications and Standards  
 LB1009 (Murante) Provide a super-two rural highway classification and change maximum highway speed limits as prescribed

### Urban Affairs

#### Room 1510 - 1:30 p.m.

LB1020 (Crawford) Change provisions relating to limits on indebtedness from direct borrowing by cities and villages  
 LB986 (Hansen) Adopt the Neighborhood Improvement District Act and change provisions relating to special assessments for other improvement or development districts as prescribed  
 LB1067 (Quick) Authorize a special tourism surcharge under the Business Improvement District Act  
 LB735 (Blood) Provide for interlocal agreements regarding nuisances  
 LB942 (Wayne) Adopt the Metropolitan Port Authority Act  
 LB1028 (Wayne) Adopt the Abandoned and Dilapidated Housing Act

# COMMITTEE HEARINGS

Current hearing schedules are always available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## **Wednesday, February 7**

### **Appropriations**

#### **Room 1003 - 1:30 p.m.**

Agency 12: State Treasurer

Agency 23: Dept. of Labor

Agency 67: Equal Opportunity Commission

Agency 68: Latino-American Commission

Agency 70: Foster Care Review Board

Agency 82: Commission for the Deaf and Hard of Hearing

Agency 81: Commission for the Blind and Visually Impaired

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

LB1058 (Halloran) Adopt the Faithful Delegate to Federal Article V Convention Act

LB1111 (Stinner) Adopt the Fiscal Stress Management Act

LB1119 (Riepe) Adopt the Direct Primary Care Pilot Program Act

### **Health & Human Services**

#### **Room 1510 - 1:30 p.m.**

LB1041 (Wishart) Require specific training for foster care licensees on sexual abuse

LB1004 (Bolz) Provide for aging and disability resource centers as prescribed and eliminate references to demonstration projects

LB770 (McCollister) Change provisions relating to the Supplemental Nutrition Assistance Program

### **Judiciary**

#### **Room 1113 - 1:30 p.m.**

LB691 (Blood) Adopt the Nebraska Virtual Currency Money Laundering Act and define and redefine terms under the Nebraska Money Transmitters Act

LB695 (Blood) Authorize and define smart contracts and authorize use of distributed ledger technology as prescribed

LB773 (Clements) Change intimidation by telephone call provisions and prohibit intimidation by electronic message

LB782 (Pansing Brooks) Change intimidation by telephone call provisions and provide for intimidation by electronic communication

LB855 (Lindstrom) Change Security, Privacy, and Dissemination of Criminal History Information Act provisions to

provide for charges or offenses that have been pardoned

LB1083 (Hansen) Provide for discovery of telephone numbers and email addresses of witnesses in criminal cases

### **Natural Resources**

#### **Room 1525 - 1:30 p.m.**

Appointment: Rodney K. Gangwish - Environmental Quality Council

LB1123 (Groene) Provide for streamflow augmentation projects and retention of water rights as prescribed

LB1124 (Groene) Provide notice and hearing requirements for public entities relating to land acquisition and ground water pump installations

### **Revenue**

#### **Room 1524 - 1:30 p.m.**

LB1089 (Smith) Change provisions relating to confidential tax information, refundable income tax credits, and homestead exemptions

LB1090 (Smith) Change provisions relating to inflation adjustments, personal exemptions, and standard deductions

LB1091 (Smith) Update references to the Internal Revenue Code

LB1048 (Harr) Change provisions relating to the personal exemption credit

LB1050 (Harr) Provide an adjustment to income for certain charitable contributions

LB961 (Smith) Change corporate income tax rates

LB962 (Smith) Change individual income tax rates

LB963 (Smith) Change how often real property is inspected and reviewed for property tax purposes

## **Thursday, February 8**

### **Appropriations**

#### **Room 1003 - 1:30 p.m.**

LB938 (Stinner) Change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund

Agency 7: Governor

Agency 8: Lieutenant Governor

Agency 9: Secretary of State

Agency 10: Auditor of Public Accounts

Agency 11: Attorney General

Agency 3: Legislative Council

Agency 76: Neb. Indian Commission

### **Executive Board**

#### **Room 2102 - 12:00 p.m.**

LB1053 (Wishart) Provide for a 10-year strategic plan by the Legislature's Planning Committee

LB1099 (Kuehn) Adopt the Legislative Ethics Act

### **Government, Military & Veterans Affairs**

#### **Room 1507 - 1:30 p.m.**

LB1064 (Murante) Require election officials to check voter records for deceased individuals and require the Secretary of State to check the citizenship status of all registered voters and applicants to register to vote

LB1066 (Murante) Require photographic identification for purposes of voting

### **Health & Human Services**

#### **Room 1510 - 1:30 p.m.**

LB1046 (Bolz) Provide for a caseload ratio emergency declaration relating to health and human services

LB1073 (Crawford) Provide for additional information relating to foster care placements as prescribed

LB1079 (Howard) Change report provisions relating to the Children's Residential Facilities and Placing Licensure Act

### **Judiciary**

#### **Room 1113 - 1:30 p.m.**

LB752 (Brewer) Limit the authority of certain political subdivisions to acquire rights-of-way

LB833 (McCollister) Change provisions relating to petroleum products liens

LB886 (Morfeld) Protect student journalists' and student media advisers' rights of and freedom of speech and of the press

LB990 (Wayne) Create the offense of possession of a firearm by a prohibited juvenile offender

LB1047 (Harr) Change provisions under the Nebraska Uniform Power of Attorney Act relating to banks and other financial institutions

LR293CA (Wishart) Constitutional amendment providing a right to use or consume medical cannabis subject to laws, rules, and regulations

# COMMITTEE HEARINGS

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## Natural Resources

### Room 1525 - 1:30 p.m.

Appointment: Czaplewski, Mark - Environmental Quality Council

## Revenue

### Room 1524 - 1:30 p.m.

LB976 (Briese) Provide a reporting duty for the Beginning Farmer Board under the Beginning Farmer Tax Credit Act  
 LB1084 (Briese) Adopt the Property Tax Request Limitation Act, provide sunset dates for certain tax exemptions and incentives, and change other revenue and taxation provisions  
 LB919 (Bolz) Adopt the Student Loan Repayment Tax Credit Act and change certain taxation and grant provisions

## Friday, February 9

### Judiciary

#### Room 1113 - 9:00 a.m.

LB781 (Pansing Brooks) Change penalties for certain felonies committed by persons under nineteen years of age  
 LB869 (Pansing Brooks) Change provisions relating to sealing of juvenile records  
 LB875 (Bolz) Change sentencing provisions for crimes committed by persons under the age of eighteen  
 LB930 (Hansen) Prohibit use of juveniles' statements made as a result of custodial interrogation  
 LB983 (Ebke) Change provisions relating to audiovisual court appearances

### Judiciary

#### Room 1113 - 1:30 p.m.

LB925 (Pansing Brooks) Change provisions relating to certain sex crimes and crimes against children  
 LB988 (Pansing Brooks) Adopt an affirmative consent standard with respect to sexual assault  
 LB1013 (Pansing Brooks) Limit the habitual criminal enhancement to violent felonies  
 LB1132 (Pansing Brooks) Provide a procedure to set aside convictions of victims of sex trafficking and to expunge related records

## Monday, February 12

### Appropriations

#### Room 1524 - 1:30 p.m.

LB677 (Krist) Change appropriations for certain health and human services programs  
 LB715 (Howard) State intent relating to appropriations to local public health departments  
 LB864 (Walz) Designate funds appropriated to the Department of Health & Human Services for state aid  
 LB985 (Howard) Provide for state funding of prenatal care under the medical assistance program  
 LB1101 (Vargas) State intent relating to appropriations to behavioral health services providers  
 Agency 28: Dept. of Veterans' Affairs  
 Agency 25: Health & Human Services

### Business & Labor

#### Room 2102 - 1:30 p.m.

LB844 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act  
 LB916 (Hansen) Prohibit retaliation under the Nebraska Wage Payment Collection Act and the Wage and Hour Act  
 LB843 (Pansing Brooks) Provide protections for employees' wage disclosures  
 LB1014 (Pansing Brooks) Name the Discriminatory Wage Practices Act, change provisions relating to wage discrimination on the basis of sex, and provide protections for employees relating to wage disclosure  
 LB791 (Ebke) Change Nebraska State Patrol employees' bargaining rights

### Education

#### Room 1525 - 1:30 p.m.

LB801 (Stinner) Adopt the Panhandle Beginnings Act to provide certain services to school-age children  
 LB998 (Walz) Create the Collaborative School Behavioral and Mental Health Program  
 LB1081 (Education Committee) Change education provisions regarding reporting, penalties, residency, boundaries, priority schools, subpoena authority, poverty, and limited English proficiency

## Executive Board

### Room 2102 - 12:00 p.m.

LB1078 (Crawford) Require reporting of sexual abuse allegations as prescribed  
 LR288 (Bolz) Create the Child Welfare Death and Abuse Special Oversight Committee of the Legislature

## General Affairs

### Room 1510 - 1:30 p.m.

LB1102 (Friesen) Change provisions relating to distribution of taxes collected, license renewals and fees, and the tax on gross proceeds for county and city lotteries  
 LR294CA (Larson) Constitutional amendment to allow the Legislature to authorize any game of chance, lottery, or gift enterprise and to provide for distribution of revenue  
 LB984 (Quick) Change provisions of the Nebraska Lottery and Raffle Act relating to special permits and gross proceeds

## Transportation & Telecommunications

### Room 1113 - 1:30 p.m.

Appointment: Barbara J. Keegan - Board of Public Roads Classifications and Standards  
 LB1136 (Clements) Provide for custody and disposition of certain vehicles in possession of multistate auction dealers by treating such vehicles as abandoned vehicles  
 LB1011 (Harr) Provide a duty for drivers approaching certain stopped vehicles on a roadway as prescribed under the Nebraska Rules of the Road  
 LB1049 (Harr) Redefine low-speed vehicle  
 LB1080 (Hughes) Provide for Wildlife Conservation Plates  
 LB1092 (Smith) Change provisions relating to autocycles

## Tuesday, February 13

### Appropriations

#### Room 1524 - 1:30 p.m.

Agency 5: Supreme Court  
 Agency 15: Neb. Board of Parole  
 Agency 64: State Patrol  
 Agency 78: Neb. Commission on Law Enforcement and Criminal Justice  
 LB716 (Howard) Appropriate funds to the Department of Correctional Services  
 LB871 (Wishart) Appropriate funds to

# COMMITTEE HEARINGS

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the Department of Correctional Services  
LB861 (Watermeier) Require that certain prosecution costs be paid by the state  
Agency 46: Dept. of Correctional Services

## Transportation & Telecommunications Room 1113 - 1:30 p.m.

LB1063 (McDonnell) Provide funding to assist victims of traumatic brain injury and increase certain driver's license fees as a source of such funding  
LB989 (Wishart) Authorize testing of autonomous vehicles by a city of the primary class on its roadways  
LB1122 (Larson) Authorize testing of automated motor vehicles as prescribed  
LB1043 (Lowe) Change provisions relating to reimbursement of common and contract carriers for transportation costs associated with certain agency clients as prescribed  
LB1031 (Friesen) Change excavation notification and marking requirements and provide for large project planning meetings, rulemaking authority, and cost allocation under the One-Call Notification System Act

## Urban Affairs

### Room 1510 - 1:30 p.m.

LB709 (Baker) Change provisions relating to city and village plumbing boards and change a penalty  
LB767 (Quick) Adopt changes to the state building code  
LB1025 (Wayne) Create the Building Codes Advisory Committee and change building code provisions  
LB720 (Wayne) Change applicability provisions for building codes  
LB889 (Wayne) Provide and eliminate duties relating to fire codes  
LB890 (Wayne) Provide for a fee examination and report relating to the State Fire Marshal

## Wednesday, February 14

### Appropriations

#### Room 2102 - 1:30 p.m.

Agency 51: University of Nebraska System

### Executive Board

#### Room 2102 - 12:00 p.m.

LR277 (Schumacher) Rescind any previous resolutions calling for U.S. Constitution Article V conventions

LR286 (Krist) Resolution proposing an election to call a state constitutional convention to amend Article VIII and other revenue provisions of the Constitution of Nebraska

## Health & Human Services

### Room 1510 - 1:30 p.m.

LB866 (Crawford) Change provisions relating to rules, regulations, and waivers under the Medical Assistance Act  
LB867 (Crawford) Change provisions regarding managed care  
LB956 (Howard) Require application for a demonstration project to allow purchase of medicaid coverage

## Judiciary

### Room 1113 - 1:30 p.m.

Appointment: Gissler, Layne - Neb. Board of Parole  
LB836 (Howard) Provide for minors' consent to certain mental health services as prescribed  
LB964 (McDonnell) Authorize mental health professionals to take a person into emergency protective custody under the Nebraska Mental Health Commitment Act  
LB982 (Morfeld) Provide for persons eighteen years of age or older to consent to certain behavioral health services  
LB1082 (Vargas) Require jails, law enforcement agencies, and the Nebraska State Patrol to provide public notice before entering into agreements to enforce federal immigration law and to allow audits of noncomplying entities  
LB1118 (Krist) Create the Coordinated Reentry Council

## Thursday, February 15

### Appropriations

#### Room 1003 - 1:30 p.m.

LB1002 (Wishart) Create the Nebraska Film Office Fund  
LB1055 (Crawford) Create the Intern Nebraska Cash Fund and state intent regarding appropriations  
LB1061 (Wayne) State intent relating to appropriations relating to a grant program as prescribed  
LB1062 (McDonnell) State intent relating to appropriations for the Tobacco Prevention and Control Program  
Agency 27: Dept. of Transportation

## Health & Human Services

### Room 1510 - 1:30 p.m.

LB1060 (Wayne) Adopt the Healthy Kids Act and require tests for lead-based hazards in housing  
LB1040 (Albrecht) Provide for certificates of nonviable birth  
LB922 (Vargas) Adopt the All Kids Health Care Program Act

## Judiciary

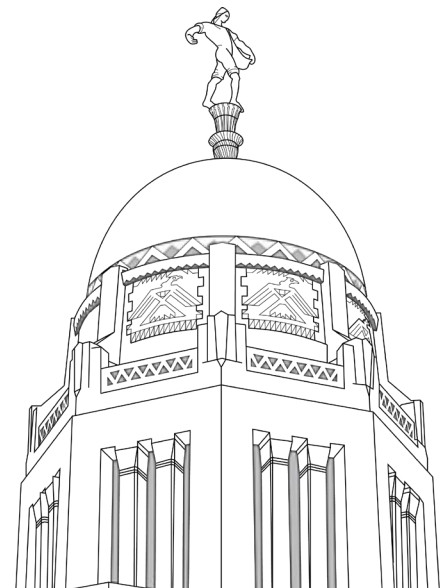
### Room 1113 - 1:30 p.m.

LB978 (Harr) Change provisions relating to garnishment  
LB992 (Bolz) Provide for release from a residential lease for a victim of domestic violence and eviction of a perpetrator of domestic violence  
LB1029 (Hansen) Change time for acceptance of a power of attorney  
LB1039 (Linehan) Increase the amount that may be required for a pet deposit under the Uniform Residential Landlord and Tenant Act  
LB1131 (Riepe) Define minor child relating to dissolution of marriage statutes

## Transportation & Telecommunications

### Room 2102 - 1:00 p.m.

Appointment: James Litchfield - Board of Public Roads Classifications and Standards  
Appointment: Edward R. Wootton, Sr. - Board of Public Roads Classifications and Standards ■



# 2018 Legislative Session\*

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

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

Sun	Mon	Tues	Wed	Thur	Fri	Sat
<b>March</b>						
				1 DAY 36	2 RECESS	3
4	5 RECESS	6 DAY 37	7 DAY 38	8 DAY 39	9 DAY 40	10
11	12 DAY 41	13 DAY 42	14 DAY 43	15 DAY 44	16 RECESS	17
18	19 RECESS	20 DAY 45	21 DAY 46	22 DAY 47	23 DAY 48	24
25	26 DAY 49	27 DAY 50	28 DAY 51	29 DAY 52	30 RECESS	31

Sun	Mon	Tues	Wed	Thur	Fri	Sat
<b>April</b>						
1	2 RECESS	3 DAY 53	4 DAY 54	5 DAY 55	6 DAY 56	7
8	9 DAY 57	10 DAY 58	11 DAY 59	12 RECESS	13 RECESS	14
15	16 RECESS	17 RECESS	18 DAY 60	19	20	21
22	23	24	25	26	27	28
29	30					

## Federal & State Holidays

January 15 – Martin Luther King Jr. Day  
February 19 – Presidents' Day

## Legislative Recess Days

January 12, 29  
February 9, 16  
March 2, 5, 16, 19, 30  
April 2, 12, 13, 16, 17

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

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