

## Civics exam for middle and high schoolers proposed



Sen. Julie Slama said LB399 would ensure that Nebraska schools emphasize the teaching of U.S. history and government.

The Education Committee heard testimony Jan. 29 on a bill intended to ensure civic competence among Nebraska students.

Under current law, school boards are required to appoint three members to a committee on Americanism, which approves textbooks used in the teaching of American history and government.

LB399, introduced by Peru Sen. Julie Slama, would change the name of the committee to the committee on American civics. The new committee would be required to hold at least two public meetings annually and ensure that the district's social studies curriculum is accessible to the public.

It also would ensure that the district's curriculum aligns with state social studies standards and "teaches

and assesses foundational knowledge in civics, history, economics, financial literacy and geography."

Additionally, the committee would ensure that the district administers the 100-question civics portion of the U.S. Citizenship and Immigration Services naturalization exam to students no later than eighth grade and again no later than 11th grade. A student's individual score would be given to the student's parents or guardians.

LB399 also would add to the list of days on which schools are required to conduct patriotic exercises, such as Dr. Martin Luther King, Jr.'s birthday and Native American Day.

The bill would eliminate the current criminal penalty for violating the Americanism statute's provisions.

Slama said some school districts either do not adhere to the 1949

## Sales tax requirements for remote sellers considered

The Revenue Committee heard testimony on three bills Jan. 31 that would require out-of-state internet retailers to collect and remit state sales tax on purchases made by Nebraska residents.

The U.S. Supreme Court ruled last June in *South Dakota v. Wayfair* that a state may require online retailers without a physical presence in the state to collect and remit state sales tax.

In a July statement, the state Department of Revenue said remote sellers engaged in business in Nebraska must, before Jan. 1, 2019, begin collecting and remitting tax on sales made to customers in Nebraska. The department said it would administer the sales tax collection consistent with the court's ruling, which upheld South Dakota's exception for small retailers with sales of \$100,000 or less or 200 or fewer annual transactions in the state.

LB18, introduced by Albion Sen. Tom Briese, LB284, sponsored by Omaha Sen. John McCollister, and LB291, sponsored by Elkhorn Sen. Lou Ann Linehan, would require online retailers exceeding either of those thresholds to collect and remit state sales tax.

LB18 also would require the department to determine the amount of sales tax collected and remitted by remote sellers each year, and it would direct that amount to the state's property tax credit cash fund.

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## Civics exam for middle and high schoolers proposed

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Americanism statute or do not emphasize teaching American history, government and civics. Although she graduated from high school not long ago, Slama said, she does not remember much of what she learned in math, science and English. Civic education is different, she said.

“I have used that knowledge every day since high school in everything from reading the newspaper to voting in elections,” Slama said. “While not all students will strive to be an elected official, we should be giving them the basic knowledge and opportunity to be informed citizens.”

John Ross of Bancroft testified in support of the bill, saying it would provide schools with guidelines for teaching and assessing basic civic knowledge. Ross said he is concerned that students are not learning enough about the U.S. Constitution, the Bill of Rights and what the Founding Fathers did to win independence.

“Our forefathers gave us the foundation,” he said. “We all know what happens when a foundation of a building fails—it collapses.”

John Worthing, an Elm Creek Public Schools board member, also testified in support. He said the state requires testing and tracking of student scores in science, math and reading but not social studies, which he said is treated as the “proverbial stepchild.”

Worthing said the civics portion of the naturalization exam, while limited, is a good starting point for assessing basic knowledge of American government and history. Providing students’ scores to their parents would create some accountability, he added.

Testifying in opposition to the bill was Brian Halstead of the state Department of Education. He read a letter from Commissioner of Education Matthew Blomstedt in which Blomstedt wrote that the state Board of Education objects only to the bill’s requirement that districts administer the civics exam.

“The naturalization examination is not an appropriate measure of civic readiness and should not be included in LB399,” Blomstedt wrote. “The requirement of the additional assess-

ment usurps the powers traditionally reserved to establish local curriculum and classroom instruction materials and methods for student learning and engagement.”

Angelie Salahou-Philips of Omaha also testified in opposition. Although teaching civic engagement is crucial, she said, LB399 is intended to indoctrinate students with a “sugar-coated, whitewashed” version of American history.

“Systematically and routinely instilling into our youth that the U.S. is superior in government structure and systems is not civics, nor is it patriotism,” Salahou-Philips said. “It’s nationalism and ethnocentrism, and it doesn’t belong in our schools.”

The committee took no immediate action on the bill. ■

## UNICAMERAL UPDATE

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## Sales tax requirements for remote sellers considered

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“I believe that we owe it to Nebraskans to utilize any new revenue judiciously,” Briese said, “and that means directing it to property tax relief.”

LB284 and LB291 also would require “marketplace facilitators” or “multivendor marketplace platforms”—online marketplaces such as Amazon or Ebay—to collect and remit state sales tax for the smaller sellers they serve if the marketplaces meet the minimum thresholds.



Sen. John McCollister



Sen. Lou Ann Linehan

“LB284 acknowledges the role that a marketplace facilitator plays in a large proportion of sales on the internet,” McCollister said. “Since the marketplace facilitator is in the best position to compute, collect and remit the sales tax on those sales, under LB284 it will have a duty to do so.”

Sarah Curry, policy director at the Platte Institute, testified in support of all three bills. Although the state Department of Revenue requires remote sellers to begin collecting and remitting state sales tax as of this year, she said, it cannot legally enforce that regulation because it is not in state law.

“While the Supreme Court’s decision does allow sales tax on e-commerce and remote sales,” Curry said, “Nebraska still has to update its statutes with provisions of the court



Sen. Tom Briese said LB18 is needed to clarify which remote sellers are required to collect and remit state sales tax.

in order to protect itself from future legal challenges.”

Jim Otto, president of the Nebraska Retail Federation, testified in support of LB284 and LB291 on behalf of the federation and the Nebraska Grocery Industry Association. To protect Nebraska brick-and-mortar retailers that compete with online sellers, he said, state law needs to include the minimum sales thresholds and a requirement that online marketplaces collect and remit state sales taxes for third-party sellers.

“If we do only the first one I mentioned,” Otto said, “we will not have leveled the playing field for Nebraska businesses.”

State Tax Commissioner Tony Fulton testified in support of LB291, saying it is needed to provide clarity and protection for online sellers that meet the thresholds and to enhance the department’s ability to enforce collection of the tax.

However, he disagreed with a Legislative Fiscal Office estimate that LB291 would increase state revenue by approximately \$19 million over

the next two fiscal years. He said any additional revenue attributable to the *Wayfair* decision was included in the Nebraska Economic Forecasting Advisory Board’s October forecast.

“We do not anticipate this influx of revenue,” Fulton said, “and that’s important as you guys are setting your budget.”

In its fiscal note, the LFO states that the board’s forecast included only the estimated sales tax revenue from marketplace platforms that collect and remit state sales tax voluntarily as a result of *Wayfair*. The LFO estimates an increase in state revenue as the remaining sellers begin collecting and remitting state sales tax as required by LB291.

No one testified in opposition to the bills and the committee took no immediate action on them. ■

# MEET THE SENATOR

## Arch sees Legislature as platform for doing good

In November, Sen. John Arch of La Vista stepped down as director of the Boys Town National Research Hospital in Omaha after 25 years there.

For the previous decade, he had been seeking a “broader platform” from which he could help not only the children and families served by Boys Town but all of Nebraska’s residents. After consulting with former Sen. Jim Smith of Papillion—his predecessor in the District 14 seat—and others, Arch decided that the Legislature could be that platform.

“I began to realize immediately that health care was one of the best training grounds for the Legislature because ... the issues are complex and there are many interest groups that have to come together to take good care of patients,” he said.

Arch grew up in Sioux City, Iowa, the son of a switchboard operator and an engineer. He knew early in life that

he wanted to work with people, and he studied the Bible, history and philosophy at Grace University in Omaha with the goal of becoming a pastor or a missionary.

Arch found himself drawn instead to a theology and psychology master’s degree program at Western Conservative Baptist Seminary. After graduating in 1980, he and his wife, Brenda, moved to Papillion, where Arch worked as a counselor through a local church.

A growing interest in business inspired him to earn an MBA from the University of Nebraska at Omaha in 1987. Later that year, his counseling experience and business acumen landed him a job at the St. Joseph Center for Mental Health in Omaha.

It was while working there that he met Dr. Patrick E. Brookhouser, the founding director of the Boys Town National Research Hospital. Brookhouser asked Arch to be the hospital’s administrator in 1993, and Arch took

over as director when Brookhouser died in 2011.

“He was my mentor in health care,” Arch said. “He was a huge visionary, a giant intellect, a brilliant physician ... I couldn’t have asked for a greater privilege than to be under his direction and mentorship.”

As administrator, Arch focused on building trust and relationships, a practice he plans to continue as a senator.

“When everybody is on the same team going towards the same goal, it’s extremely powerful,” he said. “I think that my understanding of relationships and how important those are will be beneficial to the Legislature.”

As might be expected of someone focused on relationships, Arch said that the best part of his new job has been meeting fellow senators, some of whom have not fit his preconceptions.

“You really can’t put people in a box,” he said. “Set aside the prejudices and meet them as people.” ■



Sen. John Arch with his sons Cameron, left, and Nicholas, right, on a deer hunting trip near Valentine in 2017.

# AGRICULTURE



## Healthy soils task force proposed

A task force would develop a plan to improve soil health in Nebraska under a bill heard Jan. 29 by the Agriculture Committee.

Introduced by Creighton Sen. Tim Gragert, LB243 would create a 15-member healthy soils task force under the state Department of Agriculture.



Sen. Tim Gragert

The task force would develop a healthy soils initiative and a plan to carry it out “using standards for organic matter, biological activity, biological diversity, and soil structure as measures to assess improved soil health.”

When developing the plan, the task force would examine how to provide farmers and ranchers with research, education, technical assistance and demonstration projects; financial incentives to improve soil health; and information on the contribution of livestock to soil health. It also would create a timeline to improve soil health in the state within five years of the plan’s completion.

The task force would submit its plan, findings and recommendations to the Legislature and the governor by Jan. 1, 2021, when it would terminate.

Task force members would include the director of the state Department of Agriculture or his or her designee and others appointed by the governor, including representatives of natural resources districts, production agriculture and agribusiness as well as academic experts and a representative from an environmental organization. The chair-

persons of the Legislature’s Agriculture and Natural Resources committees would serve as nonvoting members.

Gragert said improving the health of Nebraska’s soils is the most effective way for farmers and ranchers to increase crop productivity and profitability while also protecting the environment. He said healthy soils increase crop drought resilience, reduce soil erosion, enhance water quality and increase carbon sequestration.

“If farmers and ranchers become more aware of the benefits of healthy soils, the state as a whole will benefit,” Gragert said.

Annette Sudbeck, general manager of the Lewis and Clark NRD, testified in support of the bill, saying it would compile healthy soil practices into a concise package.

“A healthy soils action plan is truly essential at this time of increased demand for crop production as well as the need to protect and improve our groundwater and surface water quality,” she said.

Scott Gonnerman, a farmer from the Waco area, also testified in support. Since he started using soil health management and regenerative farming practices on his farm in 2008, he said, Gonnerman has stopped runoff from his fields, ended his use of insecticide and fungicide and cut his nitrogen use by more than 50 percent. Such practices are not secrets, he admitted.

“I think it’s pretty sad, though, that there’s such a low percentage of our soil in the state of Nebraska being farmed this way,” Gonnerman said. “If there’s some way that we can get knowledge more readily available for Nebraskan farmers, then I think that that would benefit the whole.”

Steve Ebke gave neutral testimony on behalf of the Nebraska Corn Growers Association. He said the U.S. Department of Agriculture, grower associations and representatives from other indus-

tries already are engaged in research, education and the adoption of programs meant to encourage sustainable agriculture, including healthy soil practices.

“Our neutral position does not detract from our support of soil health initiatives,” Ebke said. “We simply question whether a state task force is necessary.”

No one testified in opposition to LB243 and the committee took no immediate action on it.

# BANKING, COMMERCE & INSURANCE



## Interest rate cap hike advances

The Legislature advanced a bill to select file Feb. 1 that would allow Nebraska lenders to charge higher interest rates on installment loans.

The bill was heard by the Banking, Commerce and Insurance Committee Jan. 29 and advanced to the floor on a 6-0 vote.

Currently, the interest rate on installment loans is capped at 24 percent for the first \$1,000 of an unpaid balance and 21 percent on any remaining balance. LB188, introduced by Sen.

Brett Lindstrom of Omaha, would raise the limit to 29 percent on the entire balance.



Sen. Brett Lindstrom

The interest rate cap last changed in 1984 when the landscape of lending was significantly different, Lindstrom said. At that time, there were no online options to pull customers away from licensed Nebraska lenders, he said.

Lindstrom said the number of registered installment loan lending locations in the state fell from 39 in 2005 to 10 in 2016.

“The problem is that some parts of the industry are growing at the expense of others,” he said.

“Brick-and-mortar locations are disappearing in the face of growth of online, out-of-state and unlicensed installment loan lenders.”

Lindstrom added that installment loans fill a gap between payday lending and traditional borrowing from banks and credit unions.

Sen. Tom Brandt of Plymouth was the only senator to speak against the bill, which he said was not in the best interest of Nebraskans.

“I’d have to say that 29 percent is excessive except that I believe that line was already crossed at 24 percent,” Brandt said.

Sen. Matt Williams of Gothenberg supported the proposal. He said 29 percent was not excessive given the risk associated with installment loans.

“It has become much more difficult, at the end of the day, to make money,” Williams said.

“There is a need to keep this industry economically viable.”

Senators voted 28-1 to advance the bill.

## BUSINESS & LABOR

### Family caregivers could qualify for unemployment

The Business and Labor Committee heard testimony Jan. 28 on a bill that would expand eligibility for unemployment benefits.

Currently, a person who voluntarily leaves employment with “good cause” is eligible for unemployment benefits under employment security law. LB306, introduced by Bellevue Sen. Sue Crawford, would add leaving employment to care for a family member with a serious

health condition to the existing list of good cause reasons.

Crawford said an AARP study found that over 65 million Americans are acting as caregivers, with 10 percent of those leaving work to do so. Caregivers who leave employment lose an average of \$304,000 in wages over their lifetime, she said.

“This would help ease the burden shouldered by Nebraskans looking to reenter the workforce after caring for family,” Crawford said. “It would provide a safety net to allow caregivers to put food on the table while they look for their next job.”

Jina Ragland, representing AARP Nebraska, spoke in favor of LB306. A traumatic medical incident like a stroke or broken hip can create an urgent need for care, she said, often making it difficult for a family caregiver to make long-term practical and financial plans.

“Family caregiving concerns do and will continue to have an increasing impact on employment because of the growing aging population,” Ragland said. “While many families face a work/family conflict ... what makes elder care especially challenging is that its onset and duration is [unpredictable].”

Opposing the measure was Ron Sedlacek, representing the Nebraska Chamber of Commerce. He said unemployment benefits are intended to assist people who are between jobs and actively searching for work, not those who have chosen to take time off from working.

“[Unemployment] is an insurance program aimed at people with strong work histories who become unemployed through no fault of their own,” Sedlacek said. “It was never the intention of the system to provide benefits to people unable to return to work right away.”



Sen. Sue Crawford

The committee vote 6-0 to advance the bill to general file.

## EDUCATION

### Free meals proposed for low-income public school students

Nebraska public school students from low-income families would receive free breakfasts and lunches under a bill heard Jan. 28 by the Education Committee.

Introduced by Fremont Sen. Lynne Walz, LB251 would require public schools participating in the federal School Breakfast Program or the National School Lunch Program to provide meals at no cost to students eligible for reduced-price breakfasts or lunches.



Sen. Lynne Walz

The state Department of Education would reimburse school districts for the amount that students would have been charged. Schools may charge up to 30 cents for a reduced-price breakfast and up to 40 cents for a reduced-price lunch.

The department estimates that it would cost approximately \$1.9 million in fiscal year 2019-20 to reimburse schools for the meals and a further \$1.9 million in FY2020-21.

As a former teacher, Walz said, she has seen how important it is for children to be well-nourished if they are to be successful in the classroom. She said LB251 would cover the copay for reduced-price lunches for students from families with an income of 130 percent to 185 percent of the federal poverty level, or between \$26,000 and \$37,000 for a family of three.

“The cost for school meals can quickly add up for a low-income family,” Walz said, “leaving many low-income students vulnerable to hunger during the school day.”

Julia Tse, policy director for Voices for Children in Nebraska, testified in support of the bill. The number of students who qualify for free and reduced-price meals has increased from 30 percent to 40 percent over the last 10 years, she said, and approximately 29,000 Nebraska students qualified for reduced-price meals for the 2018-19 school year.

“Ensuring that no needy student will have to worry about missing lunch is an investment that produces many long-term benefits in the form of improved academic performance, behavior and overall student wellness,” Tse said.

Eric Savaiano, a program associate in the economic justice program at Nebraska Appleseed, also testified in support of the bill. In a recent Nebraska Appleseed survey of Nebraska school districts, he said, 61 percent of respondents reported carrying meal debt of approximately \$12,000 on average. The state reimbursement provided under LB251 would help districts pay off part of that debt, Savaiano said.

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



### Bill would clarify Offutt land jurisdiction

A bill intended to clarify jurisdiction over five tracts of land inside the fence line of Offutt Air Force Base was heard Jan. 30 by the Government, Military and Veterans Affairs Committee.

Gretna Sen. Andrew La Grone, sponsor of LB214, said the bill would provide the federal government with exclusive jurisdiction over the land, which is near two of the base’s gates and under a dormitory. Currently, he said, the federal government owns the land but has only propriety jurisdiction over it.



Sen. Andrew La Grone

As a result, he said, Nebraska does not own the approximately 80 acres, but the state is responsible for law enforcement on the land. This can cause confusion in emergency response situations, he said, adding that clarifying the jurisdiction would alleviate an administrative issue for the base.

“I think it’s incredibly important that we do everything we can to support Offutt—to keep it here, to keep this vital part of our economy in place and to support the members of our military that are living in Nebraska,” La Grone said.

Doug Carlson, deputy director of the state Department of Administrative Services, testified in support of the bill. The jurisdictional issue is especially problematic on the tract of land that includes dormitories, he said, because sometimes the dividing line between propriety and exclusive jurisdiction is nothing more than a hallway.

“[LB214] creates clarity and simplicity for law enforcement and our military by providing the appropriate jurisdiction at Offutt Air Force Base,” Carlson said.

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

### Bill would require county wind farm regulation

Any Nebraska county wanting to

host a wind energy facility would be required to develop zoning ordinances to regulate its construction under a bill considered Jan. 31 by the Government, Military and Veterans Affairs Committee.

Under LB373, introduced by Sen. Tom Brewer of Gordon, counties would be required to pass zoning ordinances regulating how far turbines must be set back from the edge of a property, noise emission and decommissioning of wind energy facilities.



Sen. Tom Brewer

The bill would require counties to follow a three-mile setback standard from any residence until July 1, 2021, when zoning ordinances would have to be in place.

The bill also would establish a civil cause of action for anyone who believes that the presence of a nearby wind farm has reduced his or her property value.

Brewer said the bill was not intended to be anti-wind energy. Nebraska should not prohibit the building of wind turbines, he said, but the authority to regulate that process belongs at the county level.

“This is a bill about county government,” Brewer said. “I recognize that local control often produces policies that are a better fit for our communities.”

Terry Madson, a Nuckolls County resident, testified in favor of the bill. He said there are no zoning laws in Nuckolls County, opening the door to turbines being built anywhere.

“The three-mile setback is not unreasonable because it’s waivable,” Madson said. “All it means is that the wind-energy companies have to sit down and negotiate.”

Also testifying in favor of the bill was Antelope County Commissioner

Dean Smith. He said the state needs to require minimum standards for counties to follow in regulating wind energy projects.

Amy Ballagh, a resident of Garfield County, also spoke in favor of LB373. She said property values in rural Nebraska often are based on the view one has from a property—a view that can be obstructed by wind turbines.

“This bill is not about trying to stop wind energy,” Ballagh said. “It’s just trying to say ‘let’s work together, and let’s get it right, before those wind turbines are placed.’ ”

Speaking against the bill was Mark Walter of Tradewind Energy, a company with one completed wind farm in Nebraska and a second in development. Walter said the three-mile setback, which he called “the most burdensome setback provision in the country,” would effectively end wind energy development in the state.

Elaine Menzel of the Nebraska Association of County Officials testified against LB373. She said 83 of Nebraska’s counties currently regulate wind turbines, and that ample opportunity for public input already exists at county board meetings.

Director of Holt County Development, Darby Paxton, said wind turbine development near O’Neill has increased sales tax revenue as well as property values. He testified against the bill, which he said could hurt local economies.

“Not only did [the construction of a wind farm] create 25 new jobs, but it’s why O’Neill Community Schools were able to expand with a \$13 million project without a bond,” Paxton said.

David Cary, director of the Lincoln/Lancaster County Planning Department, also spoke against the bill. Cary said Lancaster County recently adopted zoning regulations for wind farms that would have to change to

comply with LB373.

The committee took no immediate action on the bill.

### Convention of the states proposals considered

The Government, Military and Veterans Affairs Committee heard testimony Feb. 1 on a resolution to call for a convention of the states, authorized under Article V of the U.S. Constitution.

Sen. Steve Halloran of Hastings, who introduced LR7, said 12 states have passed such a resolution. Congress would be compelled to call a convention of the states if 34 states pass identical resolutions.



Sen. Steve Halloran

LR7 calls for the convention to:

- impose fiscal restraints on the federal government;
- limit the power and jurisdiction of the federal government; and
- impose term limits on members of Congress and federal officials.

Amendments approved at a convention of the states must then be ratified by 38 states to become binding. That, Halloran said, provides a safeguard against controversial amendments, like repealing the Second Amendment or outlawing abortion.

“An Article V convention of states operates within the Constitution, as a method to propose amendments to the Constitution, not as an instrument to rewrite the Constitution,” Halloran said. “The fear of a runaway convention is absurd.”

Joe Stephans testified in favor of the resolution. Stephans is a volunteer with Convention of States Project, and said there is much support for a

convention among Nebraskans. He cited the ongoing fight over the federal budget as evidence of the need for congressional term limits.

“People are tired of the dysfunctional federal government,” Stephans said.

Steve Riese of Plattsmouth also spoke in favor of the resolution. National debt, he said, is a greater threat to America’s security than the Islamic State of Iraq and Syria, Russia or China.

“Our fiscal future is bleak and our ability to defend our values comes into question,” Riese said.

Mark Adamson testified in support of the resolution. Adamson said he’s volunteered with Convention of States Action in the hope that a convention would impose term limits on members of Congress.

“The founders could never have imagined career politicians,” Adamson said. “And I don’t believe the founders would have imagined elected officials becoming wealthy.”

Testifying against the resolution was Matthew Parker of Omaha. A convention is “untried and untested,” he said, and the rules governing a convention are unclear.

“There is no broad legal consensus on how it will proceed,” he said.

Also speaking in opposition to LR7 was Susan Soriente. She agreed with the supporters’ frustrations but said a convention of the states was a poor way to fix the problems.

“I’m afraid it would go past the three [LR7 proposals],” Soriente said. “I feel this is just a tool to vent frustrations.”

Renee Fry of the OpenSky Policy Institute also testified against the resolution. Allowing the federal government to go into debt is sometimes necessary to manage crises, like a recession or a war, Fry said.

The committee also considered LB451, introduced by Halloran. The bill would require that all delegates to



a convention of the states be required to take an oath promising not to vote on any amendment to the U.S. Constitution not previously approved by the Nebraska Legislature.

Casting an unauthorized vote would be a felony, and that delegate would be disqualified from continued service in the role.

“We could very well see a convention of states in the next few years,” Halloran said. “We must be prepared.”

Brandon Benson of Convention of States Action testified in favor of the bill. He said momentum is building for a convention of the states, and Nebraska needs to establish rules governing convention delegates.

Larry Storer of Omaha testified against LB451. Storer said the state does not have the power to decide who represents Nebraska at a convention of the states.

“You don’t have the right to take that away from us,” Storer said.

The committee took no immediate action on LR7 or LB451.

## HEALTH & HUMAN SERVICES

### Bill would fund improved doctor training

The Health and Human Services Committee considered a bill Jan. 30 that would enhance training for medical professionals.

LB25, introduced by Sen. Mark Kolterman of Seward, would pay for additional training through the Patient Safety Cash Fund. Money for the fund would be generated by



Sen. Mark Kolterman

biennial fees of \$50 for physicians and osteopathic physicians and \$20 for physician assistants.

The fee would be imposed through 2025.

Kolterman said the bill would reduce the number of patients who are harmed through the negligence of health care professionals. He said the Heartland Health Research Institute estimated in 2016 that between 590 and 2,620 Nebraskans die each year from medical malpractice.

Kolterman cited an incident in which 99 patients contracted hepatitis C at a Fremont clinic where nurses used contaminated needles.

“All 99 went to the doctor for help, but came away with another deadly disease,” Kolterman said.

Katherine Jones, of the Nebraska Coalition for Patient Safety, testified in favor of the bill. The NCPS provides training to doctors, nurses and other medical professionals, but Jones said that training is limited to the organization’s 59 member hospitals. That coalition would expand if LB25 became law, Jones said.

“We health care professionals inadvertently harm patients because we learn very little about the nature of human error, systems-making and learning organizations in our training,” Jones said. “We must have a way to rapidly learn when technological innovation collides with human fallibility.”

Also speaking in favor of the bill was Britt Thedinger, president of the Nebraska Medical Association. He said that imposing a fee on NMA members would demonstrate the organization’s commitment to reducing errors.

“We see this as an investment,” he said. “We want to pay for this ourselves.”

Thedinger said that even with the

potential added fee, the cost of a doctor’s license is much lower in Nebraska than in neighboring states.

No one spoke in opposition to LB25 and the committee took no immediate action on the bill.

## JUDICIARY

### Free speech protections proposed for student journalists, advisors

A bill heard by the Judiciary Committee Feb. 1 would expand protections to student journalists.

LB206, introduced by Lincoln Sen. Adam Morfeld, would extend the full right to exercise freedom of speech and press that is provided to professional members of the media to high school and post-secondary student journalists, as well as their media advisors.



Sen. Adam Morfeld

Morfeld said the protection of student journalists’ First Amendment rights is critical to the development of current and future civic leaders.

“Many administrators and school board members have concerns about this bill because it limits the control they currently have,” he said. “It is a necessary and important part of our democracy and critical to teach the incredible power and consequences of the First Amendment.”

The bill would not protect any expression by a student journalist that is libelous or slanderous, constitutes an unwarranted invasion of privacy, violates state or federal law or incites students to engage in an unlawful act.

Student journalists and advisors

would not be subject to discipline for exercising their rights protected under the bill.

Hadar Harris, executive director of the Student Press Law Center, spoke in support of the bill. She said a 1969 U.S. Supreme Court decision established a broad interpretation of student journalists' First Amendment rights.

"This does not create a new set of student rights, but reestablishes the standard set by *Tinker v. Des Moines*," Harris said. "This is not a legislative overreach. It is a common-sense, well-articulated set of parameters [for student journalists]."

Ben Randall, a high school journalist from Gretna, also supported LB206, saying he was prevented by his school administration from explicitly criticizing the U.S. president and the proliferation of "fake news."

"The longer we allow our kids to fall back under administrative review, the farther we are set back," he said. "We are in a time when our journalism must be noble, concise and must cover every side of the story."

Student journalists must have a safe environment in which to learn, said McKayla Vermeer of Bellevue. During her work as a co-editor-in-chief of her school newspaper, Vermeer said she has been prevented from writing stories based on potential backlash.

"If students are being taught how to be proper journalists, there should be no concern about what they're producing and no need for censorship," she said. "I'd prefer to publish a piece that later receives some backlash than not be able to produce a story in the first place."

Opposing the measure was Marion Miner, representing the Nebraska Catholic Conference. He said a private religious educational institution could not be compelled to disseminate messages that are in violation of the

institution's values.

"This would deprive a religious educational institution the ability to discipline a student media advisor or student who engages in behavior that does not align with the beliefs and mission of the school," Miner said.

The committee took no immediate action on LB206.

### **Juvenile records would be sealed automatically**

Members of the Judiciary Committee heard testimony Jan. 31 on a bill meant to tighten the process of sealing juvenile adjudication records in Nebraska.

LB354, introduced by Lincoln Sen.

Patty Pansing Brooks, would require that any juvenile's record be sealed automatically upon satisfactory completion of diversion, mediation, probation, supervision or other treatment program.



Sen. Patty Pansing Brooks

Pansing Brooks said failure to seal a juvenile's record can negatively impact their ability to secure housing, obtain jobs, join the military or pursue higher education. Children make mistakes, she said, but those mistakes should not follow them around for the rest of their lives.

"Many children are not able to move on from those mistakes ... because serious loopholes exist in our juvenile sealing statutes," Pansing Brooks said. "This is seeking to hold juveniles accountable consistent with their long-term needs."

Under the bill, a juvenile's record would be sealed automatically if no charges are filed or if the charges are dismissed.

If a record is not automatically

sealed, the juvenile or his or her parent could file a motion to have it sealed six months after the case has been closed or when the juvenile has reached the age of majority, whichever is sooner.

The bill would permit the state court administrator to permit viewing of a sealed record for bona fide research.

Pansing Brooks brought an amendment to the committee that would clarify that the bill's provisions would not apply retroactively.

Christine Henningsen, director of Nebraska Youth Advocates, spoke in favor of the bill. She said it would have a significant impact on the thousands of youth who are served through probation annually.

"This takes important steps to both simplify and expand our juvenile sealing statutes so that youth can move forward despite a youth adjudication," Henningsen said.

Also supporting the bill was Jasmine Jones, representing the Juvenile Justice Council. She said she personally has experienced some of the barriers that exist as a result of bad choices in childhood.

"It has taken a lot of opportunities away from me due to things I did when I was 13 or 15," Jones said. "This takes those things into account and makes it so a fresh start is truly a fresh start."

The committee took no immediate action on the bill.

### **Changes proposed to correctional investigation process**

Criminal activity within the Nebraska Department of Correctional Services would be investigated externally under a bill considered by the Judiciary Committee Jan. 30.

LB438, introduced by Lincoln Sen. Anna Wishart, would direct the Nebraska State Patrol to investi-

gate all reports of criminal activity within any state correctional facility. The Legislature currently does not have a clear picture of issues facing the department, Wishart said.



Sen. Anna Wishart

“This would ensure the Department of [Correctional Services] and the Lincoln Regional Center provide a safe environment for state employees and prisoners,” she said “It is the state’s responsibility to investigate what occurs within our facilities.”

At least 10 NSP officers would be dedicated to such investigations, two of whom would be dedicated permanently to the Tecumseh State Correctional Institution and Nebraska State Penitentiary. The other investigators would be assigned as needed.

Information regarding criminal activity investigations would be reported to the Inspector General of the Nebraska Correctional System. Such reports would not be a matter of public record.

Jim Maguire, representing the Nebraska Fraternal Order of Police, spoke in support of LB438. NDCS already is referring certain criminal investigations to NSP, he said, and the bill would simply formalize that working arrangement.

“We’re asking for clarity and direction, so if there is some investigation that needs to occur within [the department], that there’s one point agency to do that,” Maguire said. “There are enormous opportunities for folks to sit down, investigate, talk to the inspector general ... so there can be absolute transparency about what goes on within [the department].”

NDCS Director Scott Frakes opposed LB438. As introduced, the bill would transfer two investigators cur-

rently employed by the department to NSP, he said, making it considerably more difficult to manage the state’s inmate population.

“Removing investigators from NDCS and placing them in another agency would seriously weaken our ability to conduct [internal] investigations,” Frakes said. “We actively work with law enforcement currently to investigate criminal activity.”

The committee took no immediate action on the bill.



**Merger of energy, environmental quality agencies proposed**

The Natural Resources Committee heard testimony Jan. 30 on a proposal to merge the state agencies responsible for recommending state energy policies and administering Nebraska’s environmental regulations.

LB302, introduced by Venango Sen. Dan Hughes on behalf of Gov. Pete Ricketts, would authorize the transfer of statutory powers, employees and assets of the State Energy Office into the state Department of Environmental Quality on July 1, 2019. The new agency would be named the Department of Environment and Energy.

The Nebraska Energy Office serves as the central repository for energy data relevant to Nebraska and provides the public with information on energy sources, use and conservation, in addition to other duties. The state Department of Environmental Quality administers the rules, regulations

and standards adopted to protect and improve water, air and land quality in Nebraska.

LB302 would authorize the newly created department to assume responsibility for a permit program related to the discharge of dredged or fill material consistent with section 404 of the federal Clean Water Act. The permits are required for any project that encounters “waters of the U.S.” as defined under the act. Federal law allows the program, which is administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency, to be delegated to states with approved programs.

Hughes said private companies, cities and natural resources districts support the merger. He said he has “total confidence” in Director of Environmental Quality Jim Macy, who would lead the new agency and currently serves as interim director of the State Energy Office.

Macy testified in support of the bill, saying the two agencies have related functions and similar services that could be improved by combining their efforts. Macy said the merger also would cut redundant administrative jobs and aid succession planning at a time when 40 percent of state Department of Environmental Quality staff and 70 percent of State Energy Office staff are within five years of retirement.

Macy said the U.S. Army Corps of Engineers and the state Department of Environmental Quality review 404 program permits. State assumption of the program could eliminate that duplication of effort, he said.

“This would reduce the amount of time it takes to get a permit and accelerate job-creating economic development and infrastructure projects across the state while protecting water quality,” Macy said.

The state could assume permitting



Sen. Dan Hughes

authority only with further action by the state Environmental Quality Council and funding from the Legislature, he added.

Craig Mielke, an environmental scientist with Omaha engineering firm Alfred Benesch & Company, testified in support of the bill on behalf of the American Council of Engineering Companies. He said Nebraska has an extensive framework of agencies and regulations to protect its more than 81,000 miles of streams.

“The additional layer of federal oversight [with the 404 permit program] is often onerous and duplicative to these regulations and could be more efficiently managed by the state,” Mielke said. “The number and proliferation of these resources makes it very difficult for private landowners, corporations and public agencies to undertake any project without encountering them.”

Pat O’Brien of the Upper Niobrara White Natural Resources District testified in support of the bill on behalf of the Nebraska Association of Resources Districts. He said many NRD water management plans require physically manipulating streams or building structures to control them—projects that require 404 program permits.

“Over the past few years, the time and expense to receive these permits has risen drastically,” he said, adding that the NRDs support state assumption of the program.

Jonathan Leo, an environmental attorney in Lincoln, gave neutral testimony on the bill. While making government more efficient when necessary is “unimpeachable,” he said, the Legislature also should ensure that the new agency maintains or enhances environmental protection standards for the state’s waterways and other natural resources.

“The most important thing ... is

not to lose sight of the original overlying purpose of these laws,” Leo said, “which is truly to protect the environment.”

No one testified in opposition to the bill. The committee voted 8-0 to advance LB302 to general file.



**Retirement plan administration changes advanced**

Lawmakers gave first-round approval Jan. 29 to a bill that would make a number of governance and administrative changes to the Public Employees Retirement Board (PERB), Nebraska Public Employees Retirement System (NPERS), Nebraska Investment Council, Class V School Employees Retirement Plan and the Class V plan’s board of trustees.

Introduced by Seward Sen. Mark Kolterman, LB33 would:



Sen. Mark Kolterman

- increase the per diem for PERB members from \$50 to \$75;
- exempt legal compliance audit contracts from bidding requirements;
- increase from one to two the number of three-year extensions on actuarial contracts that the PERB may issue; and
- change the presentation date of the NPERS and Nebraska Investment Council annual reports to the Legislature from March 31 to April 10, beginning in 2020.

Finally, the bill would grant the Class V School Employees Retirement Plan employer and its board of trustees

the same exclusion from the state’s public records law that applies to all other plans administered by the PERB.

The only member information that could be released would be a member’s name and dates of plan participation.

North Platte Sen. Mike Groene expressed concern that the public records exemption could limit the state’s ability to gain information about the Class V plan, which has struggled in recent years.

“We’re going to take transparency out of this retirement program,” he said. “Transparency is the heart of democracy.”

Kolterman said he understood the concerns, but said the bill simply would bring the Class V plan into alignment with all the other state plans regarding the privacy of members’ data.

“There are certain things that we think ought to be privileged information,” he said.

Following adoption of a technical committee amendment on a 40-1 vote, the bill was advanced to select file 42-0.



**Reinstatement of NRD water management levy considered**

Certain natural resources districts would regain additional levy authority to pay for water management projects under a bill heard Jan. 30 by the Revenue Committee.

In fiscal year 2005-06, the Legislature authorized NRDs located in fully appropriated or overappropriated river basins the authority to levy up to 3 cents on each \$100 of valuation on all taxable property within each district. The levy could be used only to pay for ground water management activities and integrated management plans

under the Nebraska Ground Water Management and Protection Act. The levy authority ended in FY2017-18.

Introduced by Gering Sen. John Stinner, LB134 would reinstate the levy authority from FY2020-21 through FY2027-28. The bill also would require each district to keep separate records on the funds raised by the levy and document how they are used.



Sen. John Stinner

Stinner said 10 of the state's 23 NRDs could use the levy under their current designations, but only eight used it in the past. Those that did used it "judiciously," he said, and the levy should be reinstated to help NRDs meet obligations imposed by the integrated management plans.

"The coming years will bring more stringent streamflow requirements if the NRDs can't fund the necessary water management projects," Stinner said. "As a result, they will only be able to respond by reducing irrigation allocations for farmers, which would devastate agricultural production and hurt our state's economy."

John Berge, general manager of the North Platte NRD, testified in support of the bill on behalf of his district and the Nebraska Association of Resources Districts. He said the North Platte NRD, which was deemed overappropriated in 2004, used the 3-cent levy to raise matching funds for federal and state grants used to pay for programs and incentives that helped farmers use less ground and surface water.

"In lieu of the incentives ... we are going to have no choice but to get an awful lot more draconian in the way that we regulate," Berge said, "and I think that will be detrimental to irrigated agriculture and detrimental to the tax base."

No one testified in opposition to

the bill and the committee took no immediate action on it.

**Early childhood, apprenticeship tax credits considered**

The Revenue Committee heard testimony Feb. 1 on two bills intended to improve the quality of Nebraska's workforce.

Under the 2016 School Readiness Tax Credit Act, eligible staff members of child care and early childhood education programs may apply for a refundable state income tax credit of up to \$1,500. Providers of qualifying programs can apply for a separate nonrefundable credit. The state Department of Revenue may approve up to \$5 million in credits each year.

Omaha Sen. Brett Lindstrom, sponsor of LB266, said current law makes it impossible for a significant number of the state's child care professionals to qualify for the credits.



Sen. Brett Lindstrom

"As a result, these quality and affordability incentives for child care providers have been significantly underutilized since the tax credits became available two years ago," he said.

LB266 would amend the act so that self-employed individuals who provide child care and early childhood education are eligible to claim the staff member credit. It also would allow tax credits awarded to eligible providers that are formed as pass-through entities to be distributed as income.

Tracy Gordon, co-executive director of the Nebraska Association for the Education of Young Children, testified in support of the bill. She said it was the act's intent to make the tax credits available to all early childhood educators and programs in the state.

"It was only after the bill had passed and we started to see that some providers' applications were being denied that we realized we had unwittingly excluded some providers," she said, "and now we seek to correct this."

The state Department of Revenue estimates that LB266 would reduce state revenue by approximately \$71,000 in fiscal year 2020-21 and an additional \$81,000 in FY2021-22.

Under LB272, introduced by Lincoln Sen. Adam Morfeld, a taxpayer could apply to the state Department of Revenue for nonrefundable income tax credits for each apprentice it plans to employ as part of a qualifying apprenticeship training program during the following calendar year. A qualified program would consist of 1,200 to 8,000 hours of on-the-job training.



Sen. Adam Morfeld

"A skilled workforce is imperative to Nebraska to be competitive and a critical need for our state at the present time," Morfeld said. "Offering incentives for businesses to provide high-paying apprenticeships is a great way to ensure Nebraska is workforce ready."

Credits would equal \$1 per each hour that the apprentice is expected to work during the year. LB272 would limit the credit for any individual apprentice to the lesser of \$2,000 or 50 percent of the apprentice's total expected wages.

The department could award up to \$2.5 million in credits per calendar year. Credits claimed but not used in a taxable year could be carried forward.

Testifying in support of the bill was Chris Callihan, business manager with International Bureau of Electrical Workers Local 265 in Lincoln. He said the proposed tax credit would encourage contractors to hire from approved apprenticeship training programs,

which provide their apprentices with better safety training and career guidance than other programs.

“I think this creates an incentive for the contractors that aren’t necessarily taking advantage of an apprenticeship program to look at it,” Callihan said.

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Roads project bill advanced

Lawmakers gave first-round approval Jan. 28 to a bill that would allow the Nebraska Department of Transportation to complete roads projects more efficiently.

Under LB82, introduced by Henderson Sen. Curt Friesen, NDOT could apply for pre-approval to use practical road design standards that might not meet all current statutory design standards, but that would provide significant benefits to users at a reasonable cost.

Friesen said the bill would streamline certain NDOT processes and allow more flexibility in road design.

“This would help us stretch our finite dollars to complete much needed road improvements,” he said.

The bill would allow the department, counties or municipalities to apply for programmatic pre-approvals, which could apply to an entire category of roads projects that are materially similar.

LB82 also would allow each county and municipality to electronically certify completion of one-year and six-year road improvement plans re-



Sen. Curt Friesen

quired annually by state law, rather than submitting hard copies of both plans to the Nebraska Board of Public Roads Classifications and Standards.

The certification must be included in the county or municipality’s public record and be adopted by its governing board.

Senators advanced the bill to select file on a 41-0 vote.

### Autonomous vehicle liability provisions considered

Autonomous vehicle manufacturers could be held liable for accidents under a bill heard by the Transportation and Telecommunications Committee Jan. 29.

LB142, as originally introduced by Lincoln Sen. Suzanne Geist, would have updated legal definitions to mirror those adopted by the Society of Automotive Engineers in 2018. It also would have established legal liability for autonomous vehicle accidents.



Sen. Suzanne Geist

Geist introduced an amendment that would, if adopted, replace the original bill. She said the measure would ensure that Nebraska stays at the forefront of legislation aimed at encouraging innovation.

“This protects consumers and manufacturers by ensuring an autonomous vehicle means the same thing in Pennsylvania as it does in Nebraska,” Geist said.

As amended, the bill would clarify who is legally liable in the event an autonomous vehicle is involved in an accident. If a human driver is in the autonomous vehicle during the accident, he or she would be legally liable unless the automated driving system is engaged. If the system is engaged, the manufacturer would be liable, unless the system has been modified by a third party.

Before an autonomous vehicle could operate in Nebraska, the manufacturer of the autonomous vehicle and automated driving system must prove their financial ability to pay legal damages of at least \$5 million, including minimum coverage of \$1 million per vehicle, per occurrence.

Julie Maaske, deputy director of the state Department of Motor Vehicles, supported the measure, saying it would allow the department to respond to technological changes in the market.

“The key issue is the need to ensure innovation is not stifled while maintaining balanced oversight of [safety],” she said.

Opposing LB142 was Leighton Yates, representing the Alliance of Automobile Manufacturers. He said the updated definitions proposed in the original bill were too narrowly crafted and would put Nebraska out of step with other states that have approved autonomous vehicle technology.

“Last year, LB989 was enacted into law and put Nebraska at the forefront of states that foster innovation and embrace businesses and technology,” Yates said. “The existing statute provides an ideal framework for autonomous vehicles and uses terms that are widely accepted and supported.”

The committee took no immediate action on the bill.

## URBAN AFFAIRS

### Short-term rental bill advances

The Legislature gave first-round approval Feb. 1 to a bill that would prevent a municipality from banning Airbnb or other short-term rental companies from operating in Nebraska.

Sen. Adam Morfeld of Lincoln said he introduced LB57 to prevent bans on

short-term rentals, defined as 30 or fewer days. Municipalities still could regulate short-term rental properties for health and safety reasons, and the bill would not affect regulation of homeowners' associations.



Sen. Adam Morfeld

The bill was heard by the Urban Affairs Committee Jan. 29 and advanced to the floor on a 7-0 vote.

LB57 also would authorize an online hosting platform to enter into an agreement with the state tax commissioner to collect and pay applicable sales taxes imposed under Nebraska law on behalf of short-term renters.

"Airbnb is a service that I have personally used numerous times and I have found it to be a safe, efficient, affordable and fun way to travel and meet people," Morfeld said. "It also is an important addition to our efforts to expand and promote tourism in Nebraska, and a service that many people, both young and old, have come to expect."

Sen. Ernie Chambers of Omaha raised concerns about potential invasions of privacy. He said he has read stories of homeowners installing cameras, "to secretly spy on and film" people who use short-term rentals.

Chambers said he was willing to work with lawmakers on his concerns before select file debate on the bill.

Senators voted 29-1 to advance LB57 to select file.

### Improvements in early childhood education sought

The Urban Affairs Committee heard two bills Jan. 29 designed to expand and improve early childhood education.

LB160, introduced by Grand Island Sen. Dan Quick, would allow a city or

village to use the Local Option Municipal Economic Development Act to improve early childhood development. Quick said the law, passed in 1991, allows municipalities to use local tax revenue for economic development, but increased access to child care is not among the authorized uses.



Sen. Dan Quick

"LB160 represents a logical extension of the act to include early childhood infrastructure development to address early childhood education shortages, which hurt the ability of our communities to attract new businesses," Quick said.

Joey Adler of the Holland Children's Movement spoke in favor of Quick's bill. Adler said access to quality child care is critical to growing a city's economy.

Elizabeth Everett of First Five Nebraska also testified in favor of LB160. She said Nebraska leads the nation in the percentage of single mothers who work outside the home and have a child younger than six, making the need for child care even more critical.

Everett said the city of Pender was in a "child care desert" before the recent opening of a daycare center.

Jason Buss also spoke in favor of the bill. Buss, president of the Merrick County Child Development Center, recently moved from Columbus to Central City, and said access to child care was his family's main consideration regarding where to live.

Central City is growing, Buss said, and his organization needs to expand to keep up with demand.

No one spoke against LB160 and the committee did not take immediate action on it.

The committee also considered LB66, introduced by Sen. Matt Han-

sen of Lincoln. The bill would require that early childhood development be included in a city's comprehensive development plan by 2022.



Sen. Matt Hansen

The bill would require a city to:

- promote early childhood education;
- assess the number and quality of childhood education programs for children younger than six; and
- evaluate the availability of child care capacity and the utilization of child care for children younger than six.

"Access to quality child care leads to a more skilled workforce," Hansen said.

Testifying in favor of the bill was Colby Coash of the Nebraska Association of School Boards. He said school boards are ready to work with cities to promote early childhood development.

"When a community builds a comprehensive plan, something like this is really important for the viability of that community," Coash said.

Adler also spoke in favor of the bill. He said cities should be required to consider early childhood education in their future plans.

"We want to make sure this is a first thought, and not a secondary thought," Adler said.

Jack Cheloha, representing the city of Omaha, testified against the bill. He said the city supports early childhood development, but does not believe that using its comprehensive plan is appropriate.

"We think there are other avenues that would be a better fit," Cheloha said.

The committee voted 4-0 to advance LB66 to general file. ■

# COMMITTEE HEARINGS

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

## **Monday, Feb. 4**

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 PM**

LB442 (McCollister) Require insurance coverage for synchronizing prescription medications

LB622 (Williams) Change provisions and provide for pooled collateral under the Public Funds Deposit Security Act

LB172 (Pansing Brooks) Change provisions relating to cofiduciaries, payable on death accounts, and competency for persons eighteen years of age or older entering into certain financial agreements

LB536 (Pansing Brooks) Adopt the Nebraska Uniform Directed Trust Act

### **Business & Labor**

#### **Room 1524 - 1:30 PM**

LB604 (Lindstrom) Authorize High-Wage Jobs and Capital Investment Creation Fund entities and provide grants, loans, and economic assistance to such entities

LB527 (Bolz) Adopt the Customized Job Training Act

LB667 (Vargas) Adopt the Youth Opportunities in Learning and Occupations Act

LB254 (McCollister) Adopt the Fair Chance Hiring Act

LB305 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act

LB311 (Crawford) Adopt the Paid Family and Medical Leave Insurance Act

### **Education**

#### **Room 1525 - 1:30 PM**

LB575 (Brewer) Require school district policies regarding the provision of information to and access by military recruiters

LB486 (Lowe) Adopt the Veteran and Active Duty Supportive Postsecondary Institution Act

LB513 (Briese) Change requirements for the issuance of certain school district bonds

### **General Affairs**

#### **Room 1510 - 1:30 PM**

*Appointment:* Paul Leckband - Neb. Commission on Problem Gambling

LB41 (Hilkemann) Change provisions

relating to transfers and uses of certain gaming taxes

LB624 (Williams) Change terms of members of the Nebraska Craft Brewery Board

LB235 (Crawford) Change provisions relating to making and serving alcoholic liquor by nonlicensed persons as prescribed

LB203 (Briese) Change provisions of the Music Licensing Agency Act

### **Transportation & Telecommunications**

#### **Warner Chamber - 1:30 PM**

LB270 (Friesen) Change licensing, registration, and titling provisions for motor vehicles and other vehicles as prescribed

LB184 (Friesen) Adopt the Small Wireless Facilities Deployment Act

LB208 (Walz) Provide an exception for leasing dark fiber or providing certain telecommunications and related services by a state agency or political subdivision

LB549 (Brandt) Provide for creation and maintenance of a geographic information system map as prescribed under the Nebraska Telecommunications Regulation Act

## **Tuesday, Feb. 5**

### **Agriculture**

#### **Room 1524 - 1:30 PM**

LB660 (Brewer) Change provisions relating to the executive director and chief investigator of the Nebraska Brand Committee

LB344 (Agriculture Committee) Adopt the Animal Health and Disease Control Act, eliminate and provide duties for the Department of Agriculture, eliminate various acts, terminate and transfer certain funds, create a fund, and provide penalties

LB320 (Albrecht) Change various provisions of the Pesticide Act and update federal references

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 PM**

LB380 (La Grone) Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act

LB159 (Williams) Change provisions of

the Nebraska Life and Health Insurance Guaranty Association Act

LB469 (Lindstrom) Change provisions of the Surplus Lines Insurance Act

### **Education**

#### **Room 1525 - 1:30 PM**

LB544 (Linehan) Adopt the Meadowlark Scholarship Act

LB547 (Wishart) Create the College Savings Plan Matching Grant Program

LB563 (Bolz) Adopt the Access College Early Tech Promise Program Act

LB639 (Stinner) Adopt the H3 Careers Scholarship Act

### **Nebraska Retirement Systems**

#### **Room 1507 - 12:00 PM**

LB34 (Kolterman) Eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to employee reinstatement under the County Employees Retirement Act and State Employees Retirement Act

LB35 (Kolterman) Change provisions relating to reemployment, reinstatement, repayment, and age eligibility for certain members under the County Employees Retirement Act and State Employees Retirement Act

### **Transportation & Telecommunications**

#### **Warner Chamber - 1:30 PM**

LB38 (Hilkemann) Provide for one license plate and In Transit decal per vehicle

LB128 (Hughes) Provide for Wildlife Conservation Plates

LB138 (Blood) Provide for additional Military Honor Plates and Support Our Troops Plates

LB696 (Bostelman) Change provisions relating to Military Honor Plates

LB697 (Bostelman) Eliminate a fee for issuance of military related license plates

LB215 (Linehan) Provide for Prostate Cancer Awareness Plates

LB356 (Scheer) Change fee distribution for certain specialty license plates

LB546 (Wishart) Create Spay and Neuter Awareness license plates and a low-income spay and neuter grant program



# COMMITTEE HEARINGS

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LB691 (Cavanaugh) Provide for Ornate Box Turtle Conservation license plates  
 LB699 (Bostelman) Change provisions relating to transporter plates

**Urban Affairs**

**Room 1510 - 1:30 PM**

LB317 (Kolterman) Eliminate Public Service Commission inspection authority under the Nebraska Uniform Standards for Modular Housing Units Act and eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and rename the code  
 LB23 (Kolterman) Change the Property Assessed Clean Energy Act  
 LB124 (Crawford) Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act  
 LB107 (Dorn) Change provisions relating to city and village plumbing boards and change a penalty  
 LB195 (Urban Affairs) Committee Correct statutory references relating to the State Fire Code

**Wednesday, Feb. 6**

**Executive Board**

**Room 1525 - 12:00 PM**

LR2 (Blood) Rescind any previous resolutions calling for U.S. Constitution Article V conventions  
 LR11CA (M. Hansen) Constitutional amendment to change age requirements for members of the Legislature  
 LR12CA (Vargas) Constitutional amendment to change legislators' salaries

**Government, Military & Veterans Affairs  
 Room 1507 - 1:30 PM**

LB212 (Government, Military & Veterans Affairs Committee) Change requirements for videoconferencing and telephone conferencing under the Open Meetings Act  
 LB191 (La Grone) Change provisions relating to budgets and public hearing notice for certain governmental entities  
 LB148 (Groene) Change requirements for public hearings on proposed budget

statements and notices of meetings of public bodies

LB239 (Dorn) Change requirements for notice of hearing on county budget

**Health & Human Services**

**Room 1510 - 1:30 PM**

LB29 (Kolterman) Provide and eliminate telehealth provisions  
 LB112 (Howard) Provide for waiver of certain occupational and licensing fees as prescribed  
 LB730 (Walz) Change, transfer, and eliminate provisions relating to advanced practice registered nurses

**Judiciary**

**Warner Chamber - 1:30 PM**

LB108 (Bolz) Change provisions relating to placement of Department of Correctional Services inmates in county jails  
 LB114 (Blood) Change provisions relating to reductions of good time  
 LB216 (Kolterman) Prohibit releasing a person in custody to avoid medical costs  
 LB277 (McCollister) Change membership provisions for the Board of Parole  
 LB376 (Friesen) Provide for safekeeping of prisoners  
 LB443 (McCollister) Require the Department of Correctional Services to allow committed offenders reasonable access to their attorneys

**Natural Resources**

**Room 1525 - 1:30 PM**

*Appointment:* Loren Taylor - Neb. Natural Resources Commission  
 LB319 (Moser) Change provisions relating to notices, rules, and regulations of the Department of Natural Resources

**Revenue**

**Room 1524 - 1:30 PM**

LB470 (La Grone) Provide a tax deduction for nonparticipant contributions and remove a tax deduction limit relating to the Nebraska educational savings plan trust  
 LB545 (Wayne) Change income tax provisions relating to the Nebraska educational savings plan trust and authorize employer contributions to the trust

LB610 (Lindstrom) Adopt the College Savings Tax Credit Act  
 LB688 (Cavanaugh) Provide for contributions to the Nebraska educational savings plan trust from income tax refunds  
 LB705 (Murman) Provide for distribution of funds upon death from an achieve a better life experience account

**Thursday, Feb. 7**

**Government, Military & Veterans Affairs  
 Room 1507 - 1:30 PM**

LB412 (Geist) Require an election regarding creation of a joint public agency  
 LB608 (La Grone) Change and eliminate provisions regarding counting methods under the Election Act  
 LB246 (Brewer) Change provisions relating to elections  
 LB280 (Brewer) Change a penalty for violations of the Nebraska Political Accountability and Disclosure Act

**Health & Human Services**

**Room 1510 - 1:00 PM**

Economic Assistance Briefing

**Health & Human Services**

**Room 1510 - 1:30 PM**

LB255 (McCollister) Change provisions relating to the Supplemental Nutrition Assistance Program  
 LB402 (Hilkemann) Eliminate an eligibility provision relating to nutrition assistance benefits as prescribed  
 LB169 (Hunt) Change provisions relating to eligibility for the Supplemental Nutrition Assistance Program

**Judiciary**

**Warner Chamber - 1:30 PM**

LB166 (Hunt) Prohibit defendant's discovery of victim's actual or perceived gender or sexual orientation as defense to crime  
 LB167 (Hunt) Prohibit conversion therapy  
 LB168 (Hunt) Define offense of child abuse to include subjecting a child to conversion therapy  
 LB504 (Hunt) Provide for enhanced penalties and a civil action for crimes committed because of a victim's

# COMMITTEE HEARINGS

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gender identity or association with a person of a certain gender identity and include strangulation in the offenses eligible for enhancement

LB627 (Pansing Brooks) Prohibit discrimination based upon sexual orientation and gender identity  
LB426 (DeBoer) Provide for adoption by two adults

## **Natural Resources**

### **Room 1525 - 1:30 PM**

*Appointment:* Richard S. Mercure - Niobrara Council

LB155 (Brewer) Eliminate authority for eminent domain by certain political subdivisions

## **Revenue**

### **Room 1524 - 1:30 PM**

LB153 (Brewer) Change provisions relating to the taxation of military retirement benefits

LB263 (Clements) Change provisions relating to the taxation of military retirement benefits

LB628 (Pansing Brooks) Increase the earned income tax credit

LR3CA (Erdman) Constitutional amendment to provide income tax credits for property taxes paid

## **Friday, Feb. 8**

### **Executive Board**

#### **Room 1525 - 12:00 PM**

LB561 (Geist) Adopt updated audit standards under the Legislative Performance Audit Act

LB566 (Crawford) Provide for notice to the Legislature if the Department of Insurance applies for a 1332 waiver from requirements of federal law as prescribed

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

#### **Room 1507 - 1:30 PM**

LB16 (Briese) Provide for the withholding of records relating to certain critical infrastructure

LB150 (Brewer) Change provisions relating to access to public records and provide for fees

LB118 (Arch) Provide a procedure to withhold residential addresses of physicians in county records

LB123 (Crawford) Add an exemption from the Taxpayer Transparency Act for certain contracts

## **Health & Human Services**

### **Room 1510 - 1:00 PM**

Child Care Briefing

## **Health & Human Services**

### **Room 1510 - 1:30 PM**

LB329 (Bolz) Change provisions relating to child care assistance and licensure

LB459 (Health & Human Services Committee) Change criminal

background check provisions under the Child Care Licensing Act

LB590 (Briese) Provide for reporting of staff training for early childhood education

LB341 (Arch) Change provisions relating to a determination of ongoing eligibility for a child care subsidy

## **Judiciary**

### **Warner Chamber - 1:30 PM**

LB300 (Lathrop) Change judges' salaries

LB309 (Lathrop) Increase the number of district court judges in Douglas County

LB339 (Lathrop) Change provisions relating to judicial nominating commissions

LB388 (Howard) Change provisions relating to termination of parental rights, placement of children, and guardianship

LB389 (Howard) Change provisions relating to termination of parental rights

LB490 (Wayne) Consolidate offices of clerk of the district court and clerk magistrates

## **Revenue**

### **Room 1524 - 1:30 PM**

LB76 (Williams) Change provisions relating to the nameplate capacity tax

LB393 (Groene) Increase the documentary stamp tax

LB463 (Williams) Change provisions relating to treasurer's tax deeds and tax sale certificates

LB523 (Linehan) Provide a documentary stamp tax exemption for certain deeds and a property tax exemption for certain charitable organizations

## **Monday, Feb. 11**

### **Banking, Commerce & Insurance**

#### **Room 1507 - 1:30 PM**

LB224 (Albrecht) Rename the Nebraska Educational, Health, and Social

Services Finance Authority Act and provide for applicability

LB384 (Walz) Change certain education requirements under the Nebraska Real Estate License Act

LB454 (Clements) Eliminate a high school diploma or equivalent requirement for real estate license

### **Business & Labor**

#### **Room 1524 - 1:00 PM**

LB644 (McDonnell) Adopt the Nebraska Workforce Diploma Act

### **Business & Labor**

#### **Room 1524 - 1:30 PM**

LB345 (Wishart) Prohibit mandatory overtime for certain state employees

LB217 (Pansing Brooks) Prohibit retaliation against employees for communicating about wages

LB383 (Quick) Provide for an annual adjustment to the minimum wage

LB400 (Hunt) Change the minimum wage for persons compensated by way of gratuities

LB361 (M. Hansen) Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act

LB362 (M. Hansen) Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act

LB362 (M. Hansen) Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act

### **Executive Board**

#### **Room 1525 - 12:00 PM**

LB105 (Linehan) Designate corn as the state vegetable

LB283 (Pansing Brooks) Provide for a climate change study

### **Transportation & Telecommunications**

#### **Warner Chamber - 1:30 PM**

LB462 (Friesen) Change provisions of the One-Call Notification System Act

LB616 (Hilgers) Provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act

# COMMITTEE HEARINGS

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

LB269 (Friesen) Change provisions relating to school permits  
 LB278 (Bostelman) Provide a veteran notation on an operator's license or a state identification card for certain commissioned officers as prescribed

## Tuesday Feb. 12

### Agriculture

#### Room 1524 - 1:30 PM

LB657 (Wayne) Adopt the Nebraska Hemp Act  
 LB227 (Hughes) Redefine terms and change determination of a public or private nuisance under the Nebraska Right to Farm Act

### Banking, Commerce & Insurance

#### Room 1507 - 1:30 PM

LB145 (M. Hansen) Change power of attorney provisions relating to banks and other financial institutions  
 LB116 (Kolterman) Authorize electronic delivery of insurance policies and billing

information to insureds  
 LB257 (Kolterman) Change provisions relating to loss payouts by insurers

### Nebraska Retirement Systems

#### Room 1507 - 12:00 PM

LB36 (Kolterman) Redefine creditable service, change a payment deadline for restoration of relinquished creditable service, and change payment requirements and service credit computation provisions under the School Employees Retirement Act  
 LB565 (Bolz) State legislative intent relating to a designated beneficiary determination under certain retirement systems

### Transportation & Telecommunications Warner Chamber - 1:30 PM

LB378 (B. Hansen) Change helmet provisions for autcycles, motorcycles, and mopeds  
 LB371 (Erdman) Change provisions relating to requirements for all-terrain

vehicles and utility-type vehicles  
 LB612 (Erdman) Authorize the display of roadside memorials  
 LB665 (Friesen) Authorize the use of electric foot scooters  
 LB719 (Hughes) Provide for reporting to the National Motor Vehicle Title Information system for wreckers and salvage dealers

### Urban Affairs

#### Room 1510 - 1:30 PM

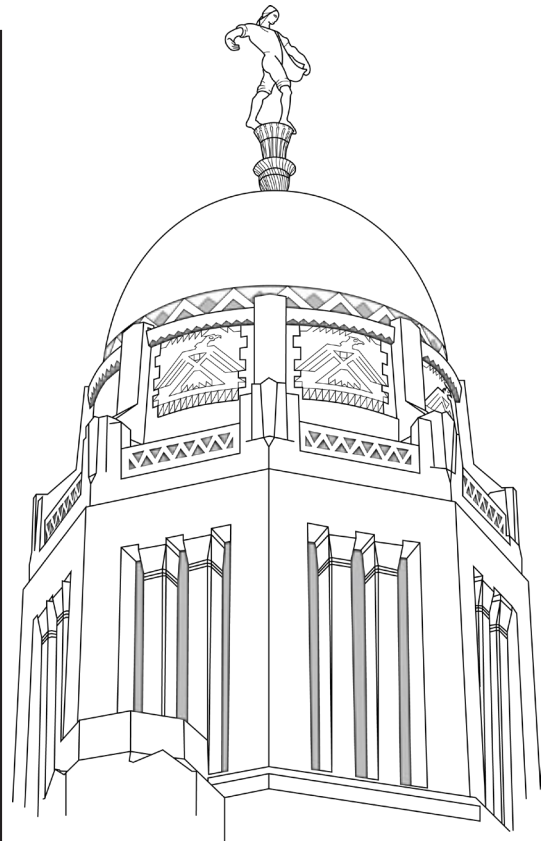
LB348 (Quick) Adopt changes to the state building code  
 LB405 (Hunt) Adopt updates to building and energy codes  
 LB96 (Wayne) Change local building code provisions  
 LB95 (Wayne) Change applicability provisions for building codes  
 LB130 (DeBoer) Adopt radon resistant new construction requirements  
 LB409 (Kolowski) Adopt design standards for health care facilities ■

## FIND LEGISLATIVE DOCUMENTS

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