

Chief justice highlights accessibility of court system

The head of the state's judicial branch reported on its work to make the state's court system more accessible to all Nebraskans in his State of the Judiciary address Jan. 22.

State Supreme Court Chief Justice Michael Heavican said the Access to Justice Commission was created to provide equal access to "expeditious and fair justice for all Nebraskans, regardless of income, race, ethnicity, gender, disability, age or language."

To address a shortage of certified court interpreters, Heavican said that the commission's Language Access Program—which provides interpreters in 49 languages—worked in conjunction with Northeast Community College in Norfolk to provide a no-cost adult education course for aspiring court interpreters.

"This program is the first of its kind in the nation and is proving to be very successful," he said, adding that the courts hope to expand the program in the future.

Heavican said that improving judicial outreach to Nebraska's four recognized Native American tribes also is a continuing focus of the judiciary. This fall, the commission held grant-funded engagement sessions with tribal, state and federal court representatives.

"These sessions fostered conversations with Nebraska's Native American communities regarding court relationships, jurisdictional issues and the Indian Child Welfare Act," he

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School aid increase proposed to reduce property taxes



Sen. Lou Ann Linehan introduces LB974 to members of the Revenue Committee before a crowded hearing room Jan. 22.

The Revenue Committee heard testimony Jan. 22 on a proposal to reduce the state's reliance on property taxes to fund education by increasing state aid to public schools.

Introduced by the committee, LB974 would, over the next three years, reduce the percentage at which property is valued for school tax purposes while using up to 15 percent of state tax revenue to provide foundation aid per student to each school district.

Elkhorn Sen. Lou Ann Linehan, the committee's chairperson, said the proposal, which she called "a work in progress," would increase school aid by approximately \$520 million over the next three years.

"Regardless of where a student lives, his or her public school will receive state funding for their education" she said.

In addition to the proposed foundation aid, the bill would make several changes to the state's school funding formula. It would limit school budget growth by tying it to the Consumer Price Index and reduce the amount that schools may levy for their special building funds.

The bill also would allow school districts that meet certain criteria to apply for transition aid, over a period of three years, if they have a budget shortfall of at least 1 percent.

Concurrent with the increase in state aid to schools, LB974 would reduce valuations of agricultural and horticultural land and real property for the purposes of taxes levied by school districts.

Farmland, currently valued at 75 percent of its actual value for tax purposes, would be valued at 65 percent

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Chief justice highlights accessibility of court system

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said. “By organizing and hosting these sessions, we hope to strengthen Native American communities’ confidence in our court system.”

Finally, Heavican highlighted juvenile probation’s successful shift to more in-home and community-based alternatives, while also reducing costs to the state. He specifically noted the use of Victim Youth Conferencing, which allows young offenders to take responsibility for their actions and participate in face-to-face dialogues with their victims.

The judicial branch continues to face many challenges, he said, but will continue to expand its services and programming in 2020.

“The Nebraska Judicial Branch remains committed to the delivery of justice in a fair and timely manner,” Heavican said. “We will carry out this mission efficiently, while continuing to provide equal access for all Nebraska citizens.” ■

School aid increase proposed to reduce property taxes

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for school tax purposes in 2020 and 55 percent for 2021 and after.

Real property would be valued at 95 percent of its actual value for school tax purposes for tax year 2020, 90 percent for 2021 and 85 percent for 2022 and after.

Linehan said those percentages likely would have to be adjusted higher because increased residential, commercial and industrial property valuations in 2019 caused the original proposal’s cost to balloon.

Steve Nelson, president of the Nebraska Farm Bureau, testified in support of LB974. He said more than half of Nebraska school districts receive no equalization aid, which is state aid intended to cover the needs of districts that cannot be met by other resources, such as property taxes.

“LB974 provides property tax relief for all Nebraskans and puts the state on the path of assuming more of its responsibilities for funding K-12 education,” Nelson said.

Lavon Heidemann testified in

support of the bill on behalf of the Nebraska Cattlemen, the Nebraska Pork Producers Association and the Nebraska State Dairy Association. He said high property taxes have a disproportionate effect on the state’s farmers and ranchers and that the state must assume a larger role in funding public education.

“The situation is critical, as illustrated by the rapidly rising number of farm bankruptcies in Nebraska,” Heidemann said. “The time for property tax relief is now.”

Bryan Slone, president of the Nebraska Chamber of Commerce and Industry, also testified in support, saying broad tax reform is needed.

“If we’re going to remain competitive as a state and grow our economy for the next decades,” he said, “property tax relief and a business [tax] incentives bill this year are not optional.”

Several school officials testified in opposition to LB974, citing concerns that the proposed changes would re-

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duce school tax revenue and that the Legislature would not fully fund the proposed foundation aid intended to replace it.

Liz Standish, associate superintendent for business affairs at Lincoln Public Schools, testified in opposition. She said the district's lost taxing authority under LB974 might not be offset by increased foundation aid.

Fast-growing districts like LPS would need to make large budget cuts to qualify for the proposed transition aid intended to make up any shortfall, Standish said. Other proposed changes to the school funding formula would hurt large urban districts serving diverse populations, she said.

Marque Snow, president of the Omaha Public Schools board, also testified in opposition, saying OPS could lose \$26.7 million over three years under the proposal.

Under LB974, he said, state aid would comprise 59 percent of the district's budget. Snow said that gives the board "great concern" because of the Legislature's history of manipulating TEEOSA, the school funding formula, to balance the state's budget.

"We are very concerned that the state will struggle in the long term to fund its existing TEEOSA commitments along with the new 15 percent basic funding and the foundation aid elements created in LB974," he said.

Jack Moles, executive director of the Nebraska Rural Community Schools Association, also testified in opposition to LB974. NRCSA supports the proposed foundation aid, basic funding guarantee and lowering of farmland valuations inside the school funding formula, he said.

However, Moles said, the bill's proposed spending controls would erode the control of locally elected school boards. Current levy and spending limitations are effective at controlling school budget growth, he said.

The committee took no immediate action on the bill. ■

NEW BILLS

January 21, 2020

Bill	Introducer	One-line description
LB310A	Vargas	Appropriation Bill
LB1053	Health & Human Services	Require rules and regulations for hospital and nursing facility medicaid reimbursement rates
LB1054	Kolterman	Define the required beginning date and change deferral of payment provisions under certain retirement plans
LB1055	Brewer	Change provisions for voting by mail in certain counties
LB1056	Lowe	Provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act
LB1057	Lowe	Change provisions regarding appeals of certain zoning decisions by county planning commissions and county boards
LB1058	Howard	Adopt the Population Health Information Act
LB1059	Howard	Change provisions relating to health care facility licensure
LB1060	Cavanaugh	Include hair textures and protective hairstyles within the definition of race under the Nebraska Fair Employment Practice Act
LB1061	Crawford	Change provisions relating to alternative response to reports of child abuse or neglect
LB1062	Lathrop	Allow the Department of Correctional Services to establish a predischarge reentry pilot program
LB1063	Lindstrom	Change provisions relating to the State Treasurer and treasury management
LB1064	Briese	Change provisions relating to the sale and use of tobacco products
LB1065	Halloran	Change provisions regarding pharmacies, pharmacists, and pharmacy personnel
LB1066	Erdman	Change provisions for modifying school district boundaries
LB1067	Erdman	Provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle
LB1068	Hunt	Adopt the Interior Design Voluntary Registration Act
LB1069	Bolz	Appropriate funds to the Board of Regents of the University of Nebraska
LB1070	Murman	Change a sales tax exemption relating to agricultural machinery and equipment
LB1071	Hughes	Adopt the Wildlife Damage Recovery Act
LB1072	Hughes	Authorize certain natural resources districts to issue flood protection bonds and use bond proceeds as prescribed
LB1073	DeBoer	Create the School Financing Review Commission, add basic funding aid, and change adjusted valuations, the local effort rate, and certification dates
LB1074	Linehan	Change provisions relating to the assessment of improvements on leased lands and the collection of certain fees and taxes

NEW BILLS

Bill	Introducer	One-line description
LB1075	Linehan	Change tax provisions relating to net book value
LB1076	Bolz	Change provisions relating to eligible programs for the Community College Gap Assistance Program Act
LB1077	Wayne	Change legislative declarations and findings relating to traffic congestion in municipal areas
LB1078	Wayne	Adopt the Municipal Inland Port Authority Act
LB1079	Wishart	Appropriate funds to the Nebraska State Patrol
LB1080	Lathrop	Require school policies that prohibit sexual conduct with students and former students
LB1081	Morfeld	Change provisions on postconviction relief
LB1082	Morfeld	Increase the indigent defense court filing fee
LB1083	Morfeld	Change provisions relating to the Meadowlark Program
LB1084	Kolterman	Adopt the Nebraska Transformational Projects Act
LB1085	Howard	Change terminology related to the Public Counsel
LB1086	Hansen, M.	Provide for poll watchers under the Election Act
LB1087	Friesen	Change provisions relating to partial payments of property taxes
LB1088	Friesen	Provide for personalized message specialty license plates
LB1089	Vargas	Require students to complete the FAFSA prior to graduation from high school
LB1090	Blood	Allow local governing bodies to suspend liquor licenses for nonpayment of taxes, fees, and special assessments
LB1091	Vargas	Adopt the Face Surveillance Privacy Act
LB1092	Stinner	Change and transfer contract provisions under the Medical Assistance Act and create a fund
LB1093	Stinner	State intent regarding appropriations for nursing facility services under the medical assistance program
LB1094	Murman	Change lien provisions on support order judgments
LB1095	McDonnell	Authorize counties containing a city of the metropolitan class to establish juvenile justice programs and services
LB1096	McDonnell	Appropriate funds to the Department of Correctional Services
LB1097	McDonnell	Appropriate funds to the Supreme Court
LB1098	McDonnell	Appropriate funds to the Department of Economic Development
LB1099	Pansing Brooks	Create a fund under the Nebraska State Capitol Preservation and Restoration Act
LB1100	Bolz	State intent regarding appropriations for mental health and behavioral health services
LB1101	Halloran	Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act
LB1102	Walz	Provide an appropriation for volunteer emergency medical care providers
LB1103	Hansen, M.	Change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court
LB1104	Arch	Redefine a term under the Health Care Quality Improvement Act
LB1105	Hansen, B.	Change audit provisions under the Medical Assistance Act
LR297	Hilkemann	Provide each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution included in this resolution be automatically rescinded if the convention is not called on or before January 1, 2021

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LB1106	Scheer	Eliminate obsolete sales tax provisions
LB1107	Scheer	Change property tax provisions relating to notice of preliminary valuations
LB1108	Gragert	Change provisions relating to property under the Uniform Disposition of Unclaimed Property Act, the School Employees Retirement Act, and the Uniform Residential Landlord and Tenant Act
LB1109	Chambers	Provide a sales tax exemption for the furnishing of water service
LB1110	La Grone	Change procedures for calling a school bond election
LB1111	McDonnell	Create a grant program for the State Treasurer to award private donations and temporary school funds to common schools as prescribed
LB1112	Kolowski	Change provisions relating to payment for sexual assault forensic examinations
LB1113	Kolowski	Provide that photographing or recording a peace officer is not obstruction of justice
LB1114	Hansen, M.	Change election provisions for sanitary and improvement districts
LB1115	Hansen, M.	Change provisions relating to the revocation of instruments under the Nebraska Uniform Real Property Transfer on Death Act
LB1116	Morfeld	Adopt the New School Construction and Water Access Act

NEW BILLS

Bill	Introducer	One-line description
LB1117	Pansing Brooks	Change sentencing provisions for crimes committed by a person under twenty-one years of age and change provisions relating to jurisdiction over juveniles
LB1118	Scheer	Provide for grandparent visitation
LB1119	La Grone	Restrict special elections under the Election Act as prescribed
LB1120	La Grone	Restrict special elections under the Election Act as prescribed
LB1121	La Grone	Change incumbent filing deadlines and remove obsolete election provisions
LB1122	La Grone	Change provisions regarding counting boards for early voting
LB1123	Lindstrom	Redefine the term security to include certain student loans under the Public Funds Deposit Security Act
LB1124	Howard	Adopt the Opioid Prevention and Treatment Act
LB1125	Cavanaugh	Provide a new homestead exemption and authorize the late filing of homestead exemption applications
LB1126	Vargas	Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act
LB1127	Vargas	Change and provide contempt powers for the Nebraska Workers' Compensation Court
LB1128	Vargas	Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act
LB1129	Vargas	Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act
LB1130	Groene	Change provisions relating to agreements and application deadlines under the Mutual Finance Assistance Act
LB1131	Groene	Change provisions relating to education
LB1132	Wayne	Change provisions relating to net metering
LB1133	Wayne	Increase caps on medical malpractice liability
LB1134	Wayne	Change enrollment option limits and provisions for part-time enrollment
LB1135	Wayne	Provide duties for a city attorney of a city of the metropolitan class and provide a prosecutorial exception for city and village attorneys
LB1136	Williams	Prescribe when an interest in a contract is prohibited and eliminate a prohibition against such interest by a public power and irrigation district board member
LB1137	Lathrop	Provide for class certification and removal to district court for certain cases under the Administrative Procedure Act
LB1138	Wishart	Establish a dementia registry
LB1139	Wishart	Provide for Pets for Vets license plates
LB1140	Health & Human Services	Provide requirements for youth rehabilitation and treatment centers
LB1141	Health & Human Services	Require the Department of Health and Human services to develop operations plans for the youth rehabilitation and treatment centers
LB1142	Health & Human Services	Provide for emergency plans at the youth rehabilitation and treatment centers
LB1143	Health & Human Services	Provide duties for the Department of Health and Human Services with respect to establishment of an inpatient adolescent psychiatric unit
LB1144	Health & Human Services	Change provisions affecting the Public Counsel and the Inspector General of Nebraska Child Welfare
LB1145	Health & Human Services	Require the development and implementation of policies by the Office of Juvenile Services
LB1146	Howard	Appropriate funds for the Youth Rehabilitation and Treatment Center-Kearney
LB1147	Vargas	Provide duties for the Department of Health and Human Services regarding the youth rehabilitation and treatment centers
LB1148	Vargas	Change provisions relating to the Office of Juvenile Services and the placement of juveniles at youth rehabilitation and treatment centers
LB1149	Vargas	Change provisions relating to the Office of Juvenile Services
LB1150	Brandt	Require the youth rehabilitation and treatment centers to be fully operational by July 1, 2021
LB1151	Vargas	Redefine eligible student and provide for prioritization of awards under the Nebraska Opportunity Grant Act
LB1152	Halloran	Change licensing, cultivation, testing, transportation, violation and penalty, and powers and duties provisions relating to hemp
LB1153	Vargas	Change provisions for diploma of high school equivalency testing

NEW BILLS

Bill	Introducer	One-line description
LB1154	Hansen, M.	Appropriate funds to the State Department of Education
LB1155	Vargas	Adopt the Middle Income Workforce Housing Investment Act and transfer funds from the General Fund
LB1156	Vargas	Provide for a statewide school panic button program
LB1157	Vargas	Provide for counting Nebraska residents in Nebraska prisons for redistricting purposes
LB1158	Arch	Provide information on job-skills programs to applicants for medical assistance
LB1159	Stinner	Change certain use restrictions and provide for unlimited license examination attempts under the Pesticide Act
LB1160	Hansen, M.	Adopt the Nebraska Workforce and Education Reporting System Act
LB1161	Hansen, M.	Appropriate funds to the Department of Health and Human Services
LB1162	Wishart	Adopt the Fueling State Tax Credit Act
LR298	Howard	Provide the Executive Board appoint a special committee of the Legislature to be known as the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature

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LB1163	Wayne	Provide for transportation and storage of alcohol by retail licensees for customer pickup
LB1164	Walz	Change terminology related to disability in civil rights provisions
LB1165	Stinner	Eliminate the Nebraska Brand Committee and provide powers and duties for the Department of Agriculture under the Livestock Brand Act
LB1166	Brewer	Change school district membership requirements as prescribed
LB1167	Albrecht	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act
LB1168	Kolowski	Adopt the College Credit Testing Fee Reduction Program Act and the Career-Readiness and Dual-Credit Education Grant Program Act, add a fund to the Access College Early
Scholarship Program Act,		and change provisions relating to the State Lottery Operation Trust Fund
LB1169	Cavanaugh	Create the Nebraska Integrated Juvenile Data Governing Body and the Nebraska Juvenile Justice Information System
LB1170	Cavanaugh	Provide for implicit bias training, coverage under the medical assistance program for doula services and postpartum women, instruction to health professionals, and a pilot program
LB1171	Cavanaugh	Change provisions under the Healthy Pregnancies for Incarcerated Women Act
LB1172	Cavanaugh	Change provisions relating to juveniles and provide duties for the Department of Health and Human Services
LB1173	Erdman	Provide for limited transferable permits to hunt either antelope, deer, or elk
LB1174	Briese	Change licensure provisions under the State Electrical Act
LB1175	Briese	Impose a tax on cash devices under the Mechanical Amusement Device Tax Act
LB1176	Briese	Change provisions relating to the sale of tobacco products, electronic nicotine delivery systems, and alternative nicotine products
LB1177	Hunt	Eliminate oath for teachers and other school employees
LB1178	Wayne	Prohibit land banks from entering into certain agreements to temporarily hold real property
LB1179	Wayne	Adopt the ImagiNE Small Business and Urban Revitalization Act
LB1180	Wayne	Change provisions regarding alternate jurors
LB1181	Wayne	Adopt the Fair Sentencing Act and change provisions relating to mandatory minimums, the habitual criminal enhancement, and pretrial detention
LB1182	Wayne	Provide for notice of new drug or biologics license applications and for a study of drug costs
LB1183	Arch	Create the Health Information Technology Board and change prescription drug monitoring program provisions
LB1184	Arch	Require standards for certain psychiatric services under the Medical Assistance Act
LB1185	Health & Human Services	Change provisions relating to criminal history record information checks for child care staff members
LB1186	Hilgers	Require salary to be paid to injured school employees as prescribed
LB1187	La Grone	Change provisions relating to the Occupational Board Reform Act
LB1188	Howard	Provide duties for the Office of Juvenile Services relating to education and change the definition of interim program school
LB1189	McDonnell	Adopt the Firefighter Cancer Benefits Act and provide an income tax exemption for such benefits
LB1190	Briese	Provide for grandparent visitation when the parents of the child remain married
LB1191	Howard	Require the Department of Health and Human Services, the Office of Juvenile Services, and the

NEW BILLS

Bill	Introducer	One-line description
		Department of Correctional Services to allow employees to speak to members of the Legislature and the Public Counsel
LB1192	Linehan	Limit the total amount reimbursed by the state for homestead exemptions
LB1193	Linehan	Change election provisions for certain bond issue, tax levy, and property tax limitation questions
LB1194	Walz	Change population threshold for appointment of public defenders in certain counties
LB1195	Morfeld	Change provisions regarding access to public records
LB1196	Morfeld	Adopt the Pharmacy Benefit Manager Regulation Act and require an audit under the Medical Assistance Act
LB1197	Morfeld	Change distribution of legislative journals and session laws to the UNL College of Law
LB1198	Stinner	Appropriate funds to the Department of Administrative Services
LB1199	Lindstrom	Change provisions relating to motor vehicle service contract reimbursement insurance
LB1200	Brewer	Rename the Livestock Brand Act and the Nebraska Brand Committee and change provisions relating to livestock
LB1201	Bostelman	Create the Flood Mitigation and Planning Task Force
LB1202	Linehan	Adopt the Opportunity Scholarships Act and provide for tax credits
LB1203	Linehan	Change provisions relating to an income tax deduction for dividends received from certain corporations
LB1204	Cavanaugh	Require a family support waiver under the Medical Assistance Act and provide for a pilot family support program under the Disabled Persons and Family Support Act
LB1205	McCollister	Adopt the Renewable Energy Standards Act
LB1206	Vargas	Require reporting to the Nebraska Early Childhood Professional Record System
LB1207	McCollister	Adopt the Redistricting Act
LB1208	Vargas	Change provisions relating to restrictive housing, immediate segregation, discipline, and other conditions of confinement in state correctional facilities
LB1209	Vargas	Provide for caregiver diversion programs
LB1210	Vargas	Create the offense of sexual exploitation of a student
LB1211	Hansen, B.	Change requirements for the preparation of proposed budget statements
LB1212	Hansen, B.	Adopt the Property Tax Request Act
LB1213	Hansen, B.	Change tax and school funding provisions
LB1214	Friesen	Adopt the Rural Economic Development Grant Act
LB1215	Walz	Appropriate funds to the Department of Health and Human Services
LB1216	Vargas	Adopt the H3 Rural Renewal Award Act
LB1217	Wayne	Require individualized response plans following a report of certain types of incidents involving students
LB1218	Wayne	Adopt the Nebraska Historically Underutilized Business Program Act
LB1219	Wayne	Change provisions of law relating to hemp and adopt the Nebraska Hemp Transportation and Sales Licensing Act
LB1220	Wayne	Authorize High-Wage Jobs and Capital Investment Creation Fund entities
LB1221	Wayne	Change controlled substance schedules for certain federally approved drugs containing derivatives of cannabis
LR300CA	Erdman	Constitutional amendment to prohibit all forms of taxation other than a consumption tax ■



Changes sought for CPA exam

Students nearing the completion of an accounting degree would have more time to take the certified public accountant exam under a bill discussed Jan. 21 in a Banking, Commerce and Insurance Committee hearing.

Currently, individuals who are within 60 days of completing their accounting degree can sit for the CPA exam. LB782, introduced by Sen. John Stinner of Gering, would increase that limit to 120 days.



Sen. John Stinner

"It is my intent to prevent students from leaving the state to take the CPA exam," Stinner said. "I believe LB782 will add one more piece to the incentive package to keep (graduates) in state in the accounting sector."

Shari Munro of the Nebraska Society of Certified Public Accountants testified in support of the bill, saying it would "provide greater convenience" and better enable students to take the exam in Nebraska.

Also in support was Tom Purcell of the Nebraska Board of Public Accountancy. Purcell, also a professor of accounting at Creighton University, said current law needlessly restricts when students can sit for the CPA exam, sometimes causing them to wait until after graduation.

"In my experience with students over the last 40 years is that they are in a much better position to pass the exam as soon as they finish their academic preparation," Purcell said.

"This will really help those students accelerate their success."

No one spoke in opposition to the bill and the committee voted 8-0 to advance it to general file.



Paid family medical leave proposal stalls

Senators debated a bill Jan. 15 and 21 that would guarantee paid leave to Nebraskans.

LB305, as introduced by Bellevue Sen. Sue Crawford, would require employers with four or more employees to provide paid sick and safe leave. Under the proposal, employees would accrue at least one hour of paid leave



Sen. Sue Crawford

for every 30 hours worked. Employees could earn up to 40 hours of paid leave per year, based on hours worked.

Twenty-six percent of Nebraska jobs are low-wage jobs, Crawford said, and 70 percent of those low-wage workers do not have any paid sick days.

"As Nebraskans, family and work top our priorities," she said. "Yet almost half—about 46 percent—of Nebraska's workforce does not have access to a single paid sick day to stay home when they or a child are sick."

Qualifying employers would be required to allow an employee to use his or her paid sick and safe leave for a mental or physical illness, injury or health condition, to care for an ill family member or for an absence due to domestic abuse, assault or stalking—including psychological treatment or legal services.

Employees would be eligible to use accrued leave 60 days after beginning employment. Any unused leave time would carry over at the end of the year, but an employee could use only 40 hours of paid leave annually.

An employer with a comparable paid sick time policy would be eligible for an exemption from the bill's provisions.

A pending Business and Labor Committee amendment would remove the term "domestic partner" from the definition of family member under LB305.

Sen. Adam Morfeld of Lincoln spoke in favor of the bill. For Nebraska to have a healthy economy, he said, we need to make sure our workforce is healthy and that employees have the resources they need when they are sick.

"If your business model is so weak that you can't give employees who are bound to get sick five days [of paid leave], then maybe you need a different business model," Morfeld said.

Lincoln Sen. Patty Pansing Brooks also supported the bill. She said that nearly 1 in 4 workers has reported losing a job or being threatened with job loss for taking a sick day.

"This [bill] is economic development," Pansing Brooks said. "This is taking care of our workers and keeping people in Nebraska."

Blair Sen. Ben Hansen opposed the bill. Good intentions are important, he said, but are not enough on their own to produce positive policy outcomes.

"Laws such as these force business owners to alter how they conduct business," Hansen said, adding that well-intentioned bills often have negative, unintended consequences for business owners.

Also opposing the bill was Kearney Sen. John Lowe, who said it would "kill" small businesses in Nebraska.

"We need to do everything we can

to support our businesses so that we all can have good jobs, pay our taxes and afford our families,” Lowe said.

After three hours of debate spanning two days, the Legislature moved to another item on the agenda. Per a practice implemented last year by Speaker Jim Scheer of Norfolk, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate.



Campus sexual violence report requirement advanced

Public colleges and universities in Nebraska would be required to report information to the Legislature on campus sexual assault and dating violence under a bill advanced from general file Jan. 23.

As introduced by Omaha Sen. Machaela Cavanaugh last session, LB534 would require each public postsecondary educational institution to administer a sexual assault campus climate survey to its students every two years. It would require those institutions to provide the results, as well as information regarding sexual assault complaints, to the Legislature.



Sen. Machaela Cavanaugh

The bill also would require each institution to develop and provide training for all individuals involved in implementing student grievance procedures relating to sexual assaults or sexual misconduct policy violations.

An Education Committee amendment would replace the bill. It would require each institution to submit a report every two years to the Clerk of the Legislature and the Education Committee regarding sexual violence, dating violence, domestic violence and stalking.

The report would include the results of any campus climate survey related to sexual violence, dating violence and stalking and related information about the training provided to Title IX coordinators and others.

The report would not include any personally identifiable information.

Cavanaugh filed an amendment to the committee amendment that would require additional information in the report.

Among other information, institutions also would be required to report any policies, initiatives or grievance procedures they adopt to address sexual violence, dating violence, domestic violence and stalking, as well as information on how and where students and employees may report those instances or receive emergency assistance.

Cavanaugh’s amendment also would require the Education Committee to hold a public hearing to review each report.

Cavanaugh said the amendment would address concerns that the University of Nebraska, state colleges and community colleges had with the original proposal while ensuring that the Legislature has current information.

“Campus sexual and dating violence is a crisis that we struggle to deal with,” she said, “and ensuring lawmakers have the most up-to-date and most accurate information possible can only help us make better decisions.”

After voting 40-0 to adopt Cavanaugh’s amendment, senators voted 37-0 to adopt the committee amendment. They then advanced LB534 to select file on a vote of 40-0.

Allocation of lottery funds for education proposed

The Education Committee heard testimony Jan. 21 on a bill that would allocate lottery funds to certain education-related grant programs for the next several years.

Current law directs 44.5 percent of state lottery funds through fiscal year 2021-22 to several education programs. The state Department of Revenue estimates that approximately \$21 million in lottery funds will be directed toward education each year over the following five-year period.

North Platte Sen. Mike Groene, sponsor of LB920, said programs that already are receiving lottery funds would continue to receive at least some funding under his proposal.



Sen. Mike Groene

The Nebraska Opportunity Grant Fund, which provides financial aid to low-income Nebraska residents enrolled at postsecondary educational institutions, would continue to receive the largest allocation, 58 percent, down from the current 62 percent.

In addition to setting the allocations, the bill would require any department or agency receiving a transfer of lottery funds or administering a fund that receives a transfer to submit a report each year to the state Auditor of Public Accounts with information on how the money is used. It would require the auditor to compile annual summaries of those reports and submit them to the Legislature.

Groene said LB920 also would allocate funds to new programs, including one that would be used to provide grants to teachers to meet dual-credit teaching requirements and another that would provide financial aid to

high school students from low-income families who take college credit courses.

The bill also would allocate 9.5 percent of the lottery funds each year to a cash fund that would pay for training outlined in LB998.

That bill, introduced by Glenvil Sen. Dave Murman, would require school districts to provide behavioral awareness and intervention training to teachers and certain other school staff. It is a companion bill to Groene's LB147, which would provide legal protection for teachers and other school personnel who use physical interventions to control violent students.

Jenni Benson, president of the Nebraska State Education Association, testified in support of LB920, particularly its inclusion of funding for the training proposed by LB998.

"The fact is that now, today, all teachers and staff need tools available to assist us not only with special education students but with the rising number of students we serve who come to school with many experiences of trauma that deeply affect them," she said.

Brian Halstead, a deputy commissioner at the state Department of Education, also testified in support. Such training is the department's "No. 1 topic," he said, but the department is concerned whether enough lottery dollars will be available each year to pay for it.

Halstead also questioned the bill's proposal to end the use of lottery funds to pay for all Nebraska high school juniors to take the ACT each year. If the Legislature does not appropriate general funds for the testing in the future, he said, no state funding source would remain.

Tammy Green, director of workforce and IT innovation at Metropolitan Community College, testified in opposition to the bill, specifically its

proposed cut to the Community College Gap Assistance Program Fund.

The program provides financial aid to low-income Nebraskans enrolled in programs in certain high-need fields. LB920 would cut the program's current allocation of lottery funds from 9 percent to 4.5 percent.

Green said the 50-percent reduction would force cuts to a program that has almost doubled the number of students it serves at Metro each year since its inception.

The committee took no immediate action on the bill.

EXECUTIVE BOARD

Number of state senators could increase

The maximum possible number of Nebraska state senators would be raised under a proposed constitutional amendment heard by the Legislature's Executive Board Jan. 22.

LR279CA, introduced by Sen. Jim Scheer of Norfolk, would raise the maximum number of state senators authorized by the state constitution from 50 to 55. If approved by 30 senators, the measure would be placed on the ballot for voter approval during the 2020 general election.

Scheer said the proposal itself would not increase the number of state senators, which has been at 49 since the 1960s, but merely would give the Legislature the option of possibly adding members in the future.

He said that 55 senators could be accommodated within the existing George W. Norris Legislative

Chamber and that an odd number of members would prevent the possible need for tie-breaking votes to be cast by a member of the executive branch.

Scheer said that while increasing the number of senators would not decrease the geographical size of current districts, doing so could keep rural districts that already are difficult for a senator to manage from becoming even larger. In addition, he said, the change would decrease the number of constituents that each member serves, which currently is estimated at 39,500 residents.

"We're supposed to be a citizen's legislature and not necessarily a full-time job," Scheer said. "At what point does it become too many constituents for one senator?"

Danielle Conrad, representing Nebraska ACLU, testified in opposition to the proposal. She said that any measure related to redistricting should further the principles of reducing partisanship, increasing transparency and protecting minority voting rights. She said that, while well-intentioned, LR279CA alone would not achieve those goals.

"This measure should not be divorced from commonsense redistricting reform," Conrad said.

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



Sen. Jim Scheer

GENERAL AFFAIRS

New regulation sought for party buses

Lawmakers advanced a bill from general file Jan. 21 that would license charter buses that allow consumption of alcohol under the state's Liquor Control Act.

LB734, introduced last session by Omaha Sen. Megan Hunt, would

require companies that operate charter vehicles commonly known as party buses to obtain an annual license from the Nebraska Liquor



Sen. Megan Hunt

Control Commission. The commission would have the right to suspend, revoke or cancel the license under the bill. A one-year license would cost \$75.

The Legislature decriminalized consumption of alcohol in a chartered bus in 2011, Hunt said, but that law created the unintended consequence of creating “rolling bars” that are havens for overconsumption.

“Nebraska has a precedent that when consuming alcohol is part of your business plan then it’s appropriate for the Liquor Control Commission to have a role in accountability for your business,” she said.

Under LB734, minors would be allowed on party buses but could not drink, Hunt said.

Sen. Tom Briese of Albion spoke in favor of the bill. He said underage drinking is common on party buses—sometimes resulting in tragic outcomes.

“This would not upset the business model that’s in place unless the business model is to target underage drinkers,” Briese said.

A General Affairs Committee technical amendment was approved 30-0 and LB734 advanced to select file on a 33-0 vote.



Bill would create new interstate compact

A bill that would create the Audiol-

ogy and Speech-Language Pathology Interstate Compact was discussed Jan. 22 in a Health and Human Services Committee hearing.

LB753, introduced by Bellevue Sen. Carol Blood, would allow audiologists and speech-language pathologists who are licensed in a member state of the compact to practice in another member state.



Sen. Carol Blood

To join the compact, a state must:

- conduct a criminal background check of all licensure applicants, and report the results to members of the compact;
- determine if an applicant has held a license in another state;
- require an applicant to hold a license in that state; and
- determine if an applicant has earned necessary college degrees and passed required exams.

States also would be able to investigate wrongdoing and terminate an audiologist’s or speech-language pathologist’s license, Blood said, and nine other states would need to join Nebraska for the compact to take effect.

Blood said currently there are nine audiologists and 67 speech-language pathologists per 100,000 Nebraskans and that her bill would increase access to these specialists and promote expanded use of telehealth.

“This bill is also on the yearly policy priority list that we receive from the [U.S.] Department of Defense,” she said. “This will help our state to continue on the path to become a leader on military friendly policy.”

Blood added that she does not expect the compact to cost the state money, noting that the last two interstate compacts Nebraska entered

required either minimal or no cost.

Janet Seelhoff, Executive Director of the Nebraska Speech-Language-Hearing Association, testified in support of LB753. She said the bill would reduce regulatory barriers while still protecting the public.

“We support this legislation as a measure to make it easier for audiologists and speech-language pathologists to practice in Nebraska,” Seelhoff said. “There are shortages of providers, particularly in the rural areas of the state.”

Darrell Klein of the state Division of Public Health spoke in opposition to LB753.

Klein said that as the first state to adopt the compact, Nebraska would be committing to an unknown, adding that the state Department of Health and Human Services would not be able to implement the bill as written and would require significant changes.

“We would be unable to determine the costs of joining,” Klein said, “and what the impact would be on the department.”

The committee took no immediate action on the bill.

Bill would create in-home barber permit

Licensed barbers would be allowed to offer in-home services under a bill discussed by the Health and Human Services Committee Jan. 23.

LB755, introduced by Sen. Carol Blood of Bellevue, would require barbers working at a client’s home to obtain a permit from the state Board of Barber Examiners. The bill also would allow nail technicians to offer in-home services. A permit fee has not yet been proposed.

LB755 also would expand the definition of who qualifies for home services to include people with persistent physical and mental disabilities.

“A home barber permit applies to consumers that are immobilized and cannot leave their home,” Blood said.

Blood said Nebraska’s aging population will increase demand for in-home services. The new permit also would give a break to caregivers who may be homebound along with their loved ones, she said.

Ken Allen, director of the Board of Barber Examiners, testified in favor of LB755. Under current law, it is illegal for a barber to provide services at an unlicensed residence, he said.

“The biggest part of this bill is legalizing a licensed barber to go into a home and perform these kinds of services,” Allen said.

He said equipment and chemicals used during in-home visits would be inspected regularly.

No one spoke in opposition to LB755 and the committee took no immediate action.

Expanded duties sought for physician assistants

LB772, introduced by Sen. Matt Williams of Gothenburg, would ease constraints on how a physician may delegate tasks to a physician assistant under his or her supervision



Sen. Matt Williams

if the PA has received education, training and experience related to the task.

The bill redefines a “supervising physician” as a licensed physician who supervises a physician assistant under a collaborative agreement, and “supervision” as the ready availability of the supervising physician for consultation and collaboration on the activities of a physician assistant.

The change would allow a physician assistant to serve under several

specialists who may work at the same practice rather than solely under a single physician. A physician assistant also could render services in a setting that is geographically remote from the supervising physician.

Williams said the bill would lower health care costs and reduce administrative burdens by allowing individual practices to establish their own working agreements.

“Most of the action comes from striking sections of statute. This is done to lessen the statutory mandates related to PA-physician employment relationships,” Williams said.

Kurt Schmeckpeper, a member of Nebraska Academy of Physician Assistants, spoke in favor of the bill. He said LB772 would modernize state law.

“A lot has changed in the five decades that PAs have been in the health care scene in Nebraska,” Schmeckpeper said. “The proposed changes will reflect the true nature of PA’s practices.”

Also speaking in support was physician assistant Tamara Dolphens. She said the original conception of a physician assistant was someone working alongside a doctor, but “now practice has changed. We have physician groups; we have large medical organizations that hire multiple physicians and multiple PAs,” she said.

Dr. Robert Wergin, testifying on behalf of the Nebraska Medical Association, also supported LB772. He said that he has worked with physician assistants throughout his nearly 40-year career.

“The physician assistants I’ve worked with often have sought my input when patients present with complex medical problems as we develop treatment plans,” Wergin said. “This process has worked well for me.”

No one spoke in opposition to LB772 and the committee took no immediate action.

Bill would add to infant screenings

Newborns in Nebraska would be screened for Spinal Muscular Atrophy under a bill discussed Jan. 22 by the Health and Human Services Committee.

LB825, introduced by Omaha Sen. Robert Hilke-
mann, would add SMA to the list of 32 required screenings for all infants born in Nebraska.



Sen. Robert Hilke-
mann

“This is a bill that will save lives,” Hilke-
mann said. “How often can we say that?”

The additional test would add \$5.50 to the current \$80.50 cost of the mandatory screening, he said.

Dr. Geetanjali Rathore of Children’s Hospital and Medical Center in Omaha spoke in favor of the bill.

SMA is the leading genetic cause of death for newborns, Rathore said. Undiagnosed children slowly will become completely paralyzed, lose the ability to eat and likely die in less than two years, she said.

“Until recently, we were not able to give any hope to these parents but now we have life-saving therapy and a potential cure for SMA,” Rathore said.

Approximately two children born in Nebraska each year will have the disease, she said, and without early detection, irreversible nerve damage will occur quickly.

Also testifying in support was Chris Arnold, whose son, Wyatt, was born with SMA in 2010. The Arnolds initially were unable to understand why Wyatt struggled to roll over or move his arms until they received a diagnosis. He lived only five months.

“Wyatt’s the reason I’m here today,” Arnold said.

No one testified in opposition and the committee took no immediate action on LB825.

JUDICIARY

Limitations on juvenile confinement amended, advanced

The Legislature amended and advanced a bill from select file Jan. 24 that would restrict the use of room confinement for juveniles.

LB230, introduced by Lincoln Sen. Patty Pansing Brooks, would prohibit correctional facilities from placing juveniles in room confinement as a result of disciplinary sanctions, staff shortages or retaliation by staff members.

The bill specifies that room confinement could be used only after all other less-restrictive alternatives have been exhausted and the juvenile poses a serious and immediate security threat to themselves or others. The length of confinement would be restricted to the minimum amount of time needed to resolve any such threat while not harming the mental or physical health of the juvenile.

Pansing Brooks offered an amendment on select file, adopted 33-0, that removed county jails from the list of facilities that would be subject to the bill's provisions. She said the original language created confusion because it referred to county jails that house people under the age of majority—19 in Nebraska—but the rest of LB230 refers specifically to juveniles, who are defined as youth under 18.

Confined individuals would con-

tinue to have regular access to medical and mental health treatment, meals, contact with parents and legal guardians, legal assistance and educational programming. Monitoring of confined individuals may be accomplished through regular in-person visits, supplemented by electronic video monitoring.

Notice to an offender's parents or guardians and attorney of placement in room confinement would be required within one business day.

Following adoption of the Pansing Brooks amendment, senators advanced the bill to final reading by voice vote.

Guaranteed legal representation for juveniles stalls

A proposal to ensure that all juveniles who appear before the court in Nebraska have legal representation stalled during general file debate Jan. 24.

Under LB231, introduced by Lincoln Sen. Patty Pansing Brooks, legal counsel would be appointed each time a juvenile court petition is filed. The juvenile and his or her parent or guardian would be informed of the right to retain such counsel as needed.

The bill also would require any legal counsel representing a juvenile to continue representation through post-dispositional proceedings unless the juvenile requests new counsel.

Senators passed legislation in 2016 ensuring that juveniles in counties with a population greater than 150,000 are guaranteed access to counsel. Despite this progress, Pansing Brooks said, Nebraska is failing juveniles engaged in the legal system in the rest of the state.

"The current patchwork of laws says that both those under 14 and those over 18 have a right to an attorney regardless of where they live," she said.

"However, those between [ages] 14 and 18 only have this right if they live in one of our state's three largest counties."

Under LB231, a juvenile who waives the right to counsel could rescind the waiver at any time. Counsel would not be appointed for a juvenile who participates in a pre-trial diversion program.

The bill would authorize grants to counties to cover the cost of providing legal counsel to indigent juveniles. The Juvenile Indigent Defense Fund would be funded by a \$1 fee assessed on all cases filed in county court.

Omaha Sen. Steve Lathrop supported LB231. The bill is not about appointing a lawyer for everyone who goes through juvenile court, he said, as much as it is about trying to ensure that a child in juvenile court knowingly, intelligently and voluntarily waives their right to a lawyer to contest the charges against them.

"What we're doing with this bill is simply saying a lawyer ought to be there to [explain] what is going to happen," Lathrop said. "You don't need to have a lawyer, but before you make that decision, let someone who is on your side tell you what all the consequences are and whether or not you have a defense."

Sen. Adam Morfeld of Lincoln also spoke in support of the bill, saying it would ensure access to justice and provide balance when it comes to the power of the state.

"What happens when we have juveniles that get into the [correctional] system—whether they should be in the system because they were found to be guilty or because they did not have a vigorous defense—they are more likely to be in the system the rest of their lives," he said. "We don't want juveniles going into the system who should not be there in the first place."

North Platte Sen. Mike Groene offered a motion to recommit the bill



Sen. Patty Pansing Brooks

to the Judiciary Committee, saying it was a solution in search of a problem.

“Only six states have enacted laws like this,” he said, adding that senators should let the juvenile justice system work as intended.

Henderson Sen. Curt Friesen opposed LB231, saying it would take parents out of the decision-making process, which could disproportionately impact certain families who would not qualify for grant funding.

“Attorneys may need to be present at some point, but a parent should have the right whether or not to waive that [right],” Friesen said. “If you have a low to moderate household income and suddenly your kid is in front of a judge and that judge decides you do have the ability to pay, you [now] have to come up with that money.”

Sen. John Lowe of Kearney also opposed the bill. Letting the government mandate what should be a private choice by a family, he said, infringes upon individual freedoms.

“The judge will appoint an attorney for that child, whether that is the attorney the child or parent wants,” Lowe said. “They may want a different attorney but now they’re stuck with this one because that’s the one the judge appointed.”

After three hours of debate spanning two days, the Legislature moved to another item on the agenda. Per a practice implemented last year by Speaker Jim Scheer of Norfolk, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate.

Voter approval for certain eminent domain uses proposed

Members of the Judiciary Committee heard testimony Jan. 22 on a bill

that could potentially limit the use of eminent domain in Nebraska.

Under LB823, sponsored by Gordon Sen. Tom Brewer, voter approval of eminent domain use would be required for certain public projects.



Sen. Tom Brewer

Brewer said numerous Nebraskans risk losing their private land because an out-of-state consortium has ordered the construction of a new transmission line through the Sandhills.

“When the Legislature gave public power the right to seize private property and exercise the use of eminent domain, no one in this [legislative body] could have imagined a day when Nebraskans had their property taken from them on behalf of an out-of-state third party,” he said.

The bill would require that a special election be held before eminent domain could be exercised by a city or other political subdivision on behalf of an out-of-state third party for purposes of transmission lines for electric power.

Shelley Sahling-Zart, representing the Nebraska Power Association, opposed the bill. She said it would set a bad precedent for future public projects.

“The reality is that most [utilities] rarely use eminent domain,” she said. “Eminent domain is always a tool of last resort, but it is an important tool.”

No one testified in support of LB823 and the committee took no immediate action on it.

Elimination of public notification requirement considered for certain liens

A bill to streamline the termination of certain liens was considered by the Judiciary Committee Jan. 22.

Current law requires that the recording of a termination of a notice of commencement under the Nebraska Construction Lien Act be published at least once per week for three consecutive weeks in a general circulation newspaper.

LB844, sponsored by Elmwood Sen. Robert Clements, would eliminate this notification requirement.



Sen. Robert Clements

Clements said the current law creates delays and adds extra expense to construction projects.

“The purpose of the notice of commencement is to notify property owners that their lien priority starts when this notice is filed—not earlier—if they have already done some work on the property,” he said. “This causes a delay in the termination of the notice.”

John Mueller, a constituent of Clements’, supported the bill. He brought the issue to the senator, he said, because often the person selling the land forgets about the publication requirement until new buyers close the sale on a property.

“Construction delays can be costly because of a delay in publication [of the notice],” Mueller said. “It also adds extra costs to the owner of the property to get that publication done.”

Representing the Nebraska State Bar Association, Luke Vavricek opposed LB844. He agreed that the publication requirement can cause delays, but said it remains an important part of the process.

“[Buyers] are not going to be getting any sort of direct notice from the project engineer, developer or owner,” Vavricek said. “A lot of the time, all they’re going to have to rely on is the published notice.”

The committee took no immediate action on the bill.

Clarification of child forensic interview procedures discussed

Members of the Judiciary Committee heard testimony Jan. 23 on a bill that would clarify who can access forensic interviews of children in cases of child abuse or neglect.

LB906, introduced by Bennington Sen. Wendy DeBoer, would allow a child advocacy center to maintain a video recording of a forensic interview conducted on its premises. Information obtained through the interview could be shared with appropriate members of child abuse and neglect investigation teams.



Sen. Wendy DeBoer

DeBoer said Nebraska’s child advocacy centers play a vital role in the child welfare system by working with children and families in highly sensitive and often crisis-level situations.

“LB906 updates our statutes to reflect the current method of storing forensic interviews, which helps streamline their response to abuse and neglect,” she said.

Under the bill, the custodian of a video recording could not release it to any additional party without a court order, even if the child victim or child witness consents to its release.

The child advocacy center could, however, release the video upon request by law enforcement, the Office of Inspector General of Nebraska Child Welfare or the state Department of Health and Human Services for the investigation of crimes identified in the video interview.

Additionally, LB906 would allow the child advocacy center to use video internally for supervision and peer review required by national accreditation standards.

Ivy Svoboda, executive director of the Nebraska Alliance of Child Advocacy Centers, supported the bill. She said it would help child advocacy centers to better protect child victims and their families.

“It creates a clear and uniform state standard for the access to forensic interviews so that investigations can easily be coordinated,” Svoboda said.

Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association, opposed LB906. Excluding defense attorneys from gaining access to the forensic interviews would create an unfair process, he said.

“In many of these cases the forensic interview is critical,” Eickholt said. “In many cases it may be the only evidence there is.”

The committee took no immediate action on the bill.

Exemption from bar exam proposed

Law school graduates would have one less requirement to meet under a bill considered by the Judiciary Committee Jan. 23.

LB934, introduced by Lincoln Sen. Adam Morfeld, would eliminate successful completion of a bar examination as a condition to practice law for graduates of accredited law schools located in Nebraska.



Sen. Adam Morfeld

If students graduating from law school are unprepared to practice, Morfeld said, the state court system and bar association should be responsible for developing more stringent educational standards.

“Those law schools should have the burden of graduating competent and qualified attorneys and raising their

standards for our [profession],” he said.

Carole McMahon-Boies, administrator for the attorney services division of the Nebraska Supreme Court, opposed the measure. Based on bar exam scores from the last five years, she said, if LB934 became law, Nebraska would be forced to license attorneys who fall well below minimum standards.

“Requiring the exam and monitoring how law schools are preparing students to become attorneys provides us valuable information in regulating the practice of law,” McMahon-Boies said. “We would regularly be licensing attorneys who perform 45 points below an acceptable level of competency.”

Nebraska State Bar Commission chairperson Mary Hewitt also opposed the bill. She said the exam is designed to test a person’s ability to make critical decisions under pressure.

“We believe the bar exam is some evidence that those who have passed are minimally competent,” Hewitt said. “The bar exam is intended to enhance the quality of professionalism in Nebraska and thereby protect the public by identifying those who are not prepared for entry-level practice.”

No one testified in support of LB934 and the committee took no immediate action on it.

Judicial pardon process would be more efficient, transparent

Members of the Judiciary Committee heard testimony Jan. 24 on a bill that would expedite pardon hearings.

LB968, sponsored by Omaha Sen. John McCollister, would require the state Board of Pardons to hold hearings every 90 days to consider applications for pardon.



Sen. John McCollister

The Board of Pardons transferred its administrative duties to the Nebraska Crime Commission in 2019, McCollister said, but still recognizes the need to improve its administrative procedures.

“The board’s representative has assured me that they are committed to resolving the current backlog so that all viable applications can be heard in a timely manner,” he said.

The bill would require that an applicant must be scheduled for a hearing and considered by the board at its next regularly scheduled meeting, and hearings on unrelated applications could not be combined. The board would be required to issue a written decision outlining the relief requested, the specific facts considered and its final decision.

Finally, the Board of Pardons would be required to submit a report to the Legislature annually detailing the pardons considered and granted in the preceding year.

Teela Mickles, founder and CEO of Compassion in Action, supported the bill. Her organization has attended several board hearings to testify on behalf of pardon applicants, she said, only to witness mass denials of applications without testimony from hearing attendees.

“People expect positive things [when they apply] and look forward to their opportunity,” Mickles said. “The process is just disgusting.”

Representing ACLU Nebraska, Spike Eickholt also testified in support of LB968. The Nebraska Supreme Court has interpreted a pardon as an “act of grace,” not an entitlement, he said, but it still should be a fair process for applicants.

“At the very least, the process should be meaningful,” Eickholt said. “Showing up for a hearing when the outcome already has been decided is

not meaningful. Filing for a pardon and never hearing back is not meaningful.”

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



Legislative finding on land and water rights proposed

The Natural Resources Committee heard testimony Jan. 22 on a proposed legislative finding regarding the separability of groundwater rights and land ownership.

Under LB802, introduced by Sen. Dan Hughes of Venango, the Legislature would find and declare “that the right to use groundwater is an attribute of owning fee simple title to land overlying the source of the groundwater and is inseparable from the land to which the right applies.”



Sen. Dan Hughes

That provision would not apply to exceptions the Legislature has created regarding municipal and industrial groundwater transfers, among others. It also would not change the regulatory authority granted to the state Department of Natural Resources under the Nebraska Ground Water Management and Protection Act.

Hughes said LB802 would codify Nebraska common law, which, with those few exceptions, links the reasonable, beneficial use of groundwater to ownership of the overlying land. He said he introduced the bill on behalf of the Nebraska Cattlemen and the Nebraska Farm Bureau to address their concerns about recent efforts

to separate water rights from land ownership.

“Such a practice would set a dangerous precedent that could lead to groundwater rights being bought and sold as a commodity,” Hughes said. “This could have a negative impact on irrigators, the sustainability of water resources and upon the ag industry as a whole.”

Chris Schluntz, chairman of the Nebraska Cattlemen’s natural resources and environment committee, testified in support of the bill. He said allowing water rights to be separated from land ownership and sold to the highest bidder would hurt farmers and ranchers because they would have to purchase water rights in addition to new land when expanding their operations.

“Allowing even the potential of separating the ownership of access to groundwater from the land ownership puts the state’s No. 1 economic driver at undue risk, unnecessarily increasing operating cost,” Schluntz said.

Don Blankenau, a private attorney in Lincoln, also testified in support on behalf of the Nebraska Association of Resources Districts. He said codifying the common law would preserve natural resources districts’ existing rules and regulations and allow lawyers to reference a single statute rather than several court decisions.

Testifying in opposition to LB802 was Jeff Fassett, director of the state Department of Natural Resources. He said any changes to state law regarding transfers of groundwater could jeopardize two streamflow augmentation projects that help Nebraska comply with a multistate compact governing water use in the Republican River basin.

Nebraska courts already have settled the issue of separating groundwater use from land ownership, Fassett said, and a clarification of the com-

mon law in statute only would create the risk of new lawsuits.

“Nebraska’s water laws are a complex, interrelated system that begs for stability and legislative caution because imprecise words can create unintended consequences that will lead to litigation,” he said. “It is simply the nature of the beast.”

The committee took no immediate action on the bill.

Petroleum leak remediation fund extension proposed

The Revenue Committee heard testimony Jan. 23 on a bill that would extend the deadline for reporting petroleum storage tank leaks under the Petroleum Release Remedial Action Act.

Under the act, producers, refiners, importers, distributors, wholesalers and suppliers who sell, distribute, deliver and use petroleum in Nebraska pay a per-gallon fee on gasoline and diesel fuel. The fee goes to a cash fund administered by the state Department of Environment and Energy.

Money in the fund may be used to reimburse the owners of petroleum storage tanks for remedial action they take in the event of a spill or leak of petroleum into the soil, groundwater or surface water. It also may be used to pay third-party claims against owners and to reimburse costs that the department incurs in responding to spills and other environmental emergencies related to petroleum products.

Under current law, releases must be reported by June 30, 2020, to qualify for reimbursement. LB856, introduced by Columbus Sen. Mike Moser, would extend that date to



Sen. Mike Moser

June 30, 2024.

Moser cited department data suggesting that the fund is needed for at least the next few years. He said there are 917 known leaking tank sites and an estimated 216 sites that may leak in the future.

Mark Whitehead testified in support of the bill on behalf of the Nebraska Petroleum Marketers and Convenience Store Association. He said the fund is an example of “the industry taking care of the industry’s problem.”

No one testified in opposition to LB856, and the committee took no immediate action on it.

Public power district authority to develop biofuels proposed

Nebraska’s public power districts could develop and manufacture biofuels under a bill heard Jan. 23 by the Natural Resources Committee.

LB899, introduced by Venango Sen. Dan Hughes, would authorize a public power district to “develop, manufacture, use, purchase or sell biofuels and biofuel byproducts and other fuels which help reduce greenhouse gas emissions.”

Hughes said he brought the bill on behalf of the Nebraska Public Power District. The public power industry already has been authorized to sell ethanol, he said, so it would be appropriate to allow them to explore new technology and biofuels that could be financially beneficial.

Hughes brought an amendment to the hearing that he said would limit public power districts’ new authority to “advanced biofuels” and their byproducts so long as the development, manufacturing, purchase or sale of those fuels is done to help offset greenhouse gas emissions.

John Swanson testified in support

of the bill on behalf of the Nebraska Public Power District and the Nebraska Power Association. Swanson, director of generation strategies at NPPD, said advanced biofuels are those made from any nonfood biomass source such as animal waste and the nonedible parts of plants, including corn stover.

He said NPPD has partnered with Monolith Materials, a company that will produce carbon black at a site near Hallam beginning this year. NPPD will buy hydrogen-rich gas produced as a byproduct at that facility and burn it in one of its boilers at Sheldon Station instead of coal, Swanson said, reducing the plant’s carbon dioxide emissions, which are produced when fossil fuels are burned.

Swanson said LB899 would allow NPPD to develop technology to produce other biofuels such as methanol using Monolith’s hydrogen and the carbon dioxide from one of NPPD’s power plants or the leftover biomass from a Nebraska ethanol plant, which would reduce either facility’s greenhouse gas emissions.

“We believe LB899 will allow public power utilities to reduce their carbon footprint while serving customers with low-cost and reliable electricity and contributing to the economic development of the state,” he said.

Jill Becker testified in opposition to the bill on behalf of Black Hills Energy, saying that the natural gas industry also is involved in developing advanced biofuels. She said the bill’s language is overly broad and provides the public power industry “a path into what is essentially our core business.”

Troy Bredenkamp, executive director of Renewable Fuels Nebraska, the trade association representing the state’s ethanol industry, provided neutral testimony.

Anything that would reduce the

public power industry’s carbon dioxide emissions would help Nebraska ethanol producers, he said, but the group supports Hughes’ amendment that would allow public power districts to develop only advanced biofuels, not ethanol.

“Public power’s ability to lower their greenhouse gas emissions would be a benefit to my ethanol plants simply because we can then lower our carbon intensity score for the ethanol that we produce,” he said, “and that increases [the] value of our ethanol when we sell it into low-carbon fuel markets like California.”

The committee took no immediate action on the bill.

REVENUE

Expanded child care tax credit advanced

Self-employed child care providers could apply for a state income tax credit under a bill advanced from general file Jan. 22.

Under the 2016 School Readiness Tax Credit Act, eligible staff members who are employees of child care and early childhood education programs participating in the Step Up to Quality child care program 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.

Introduced by Omaha Sen. Brett Lindstrom, LB266 would add self-employed individuals



Sen. Brett Lindstrom

providing services for applicable child care and early childhood education programs to the definition of “eligible staff member,” allowing them to apply for the credit.

Additionally, the bill would allow credits awarded to eligible providers that are formed as LLCs and other pass-through entities to be distributed in the same manner and proportion as income.

Current law prevents those individuals and small businesses from applying for the credits, Lindstrom said, which was not the act’s original intent.

“It is in our own best interest to encourage all small business owners and skilled early learning professionals to remain engaged and viable in this industry,” he said.

The state Department of Revenue estimates that LB266 would reduce state tax revenue by approximately \$81,000 in fiscal year 2021-22 and an additional \$94,000 in FY2022-23.

Elkhorn Sen. Lou Ann Linehan supported the bill. She said it would allow in-home child care providers, which often are the only child care options in small and rural communities, to apply for the credit.

Lawmakers voted 33-0 to advance LB266 to select file.

Inflation adjustment proposed for renewable energy tax rate

The tax on owners of renewable energy generation facilities would be indexed to inflation under a proposal heard Jan. 24 by the Revenue Committee.

Current law requires the owner of an energy generation facility that uses wind, solar, biomass or landfill gas as a fuel source to pay a tax of \$3,518 per megawatt of nameplate capacity, a facility’s intended full-load output.

Under LB818, introduced by Gor-

don Sen. Tom Brewer, the state Department of Revenue would, each year beginning Jan. 1, 2021, adjust the nameplate capacity tax by the percentage change in the Consumer Price Index for All Urban Consumers for the 12-month period ending in August of the previous calendar year.



Sen. Tom Brewer

Brewer said the Legislature created the nameplate capacity tax to replace the property taxes wind turbine owners otherwise would have paid, a method he supports. However, he said, the tax should be recalculated over time to reflect inflation.

“The tax that wind energy pays instead of property tax cannot remain chiseled in stone for eternity while everyone else’s taxes continue to increase,” Brewer said. “It’s not fair.”

According to the Legislative Fiscal Analyst, assuming that total nameplate capacity in 2020 is similar to that in 2019, counties would receive approximately \$87,000 in additional tax revenue this year if LB818 had been in effect.

Jon Cannon, deputy director of the Nebraska Association of County Officials, testified in support of the bill. He said that the Legislature, when it created the nameplate capacity tax in 2009, failed to account for the fact that original equipment costs and taxes would increase over time.

David Levy testified in opposition to the bill on behalf of BHE Renewables and Kimball Wind. He said the nameplate capacity tax is intended to replace the personal property tax that would have been assessed on equipment such as wind turbines, not the real property tax assessed on buildings or other improvements.

That is because wind turbines, like

other types of personal property, depreciate over time, Levy said. LB818 would take an “apples and oranges” approach by applying an inflationary factor to a tax on depreciating equipment, he said.

Also in opposition was John Hansen, president of the Nebraska Farmers Union. He said the nameplate capacity tax is a “good, creative solution” that benefits both wind energy developers and rural communities.

Any adjustment would affect power purchase agreements already in place, Hansen said.

“I have a real issue with changing the rules of the game after the contract’s already in place,” he said.

Lucas Nelson, policy associate at the Center for Rural Affairs, also testified in opposition. He said the wind energy industry has had broad economic benefits for rural Nebraska, including

new jobs, payments to landowners and property and nameplate capacity tax revenue. Changing the nameplate capacity tax would create uncertainty for developers, Nelson said.

“Any sort of barrier or hurdle can harm potential new development and chip away at that revenue over time,” he said.

The committee took no immediate action on the bill. ■

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COMMITTEE HEARINGS

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

Monday, Jan. 27

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB902 (Pansing Brooks) Adopt the Uniform Trust Decanting Act
LB775 (Williams) Change Real Property Appraiser Act provisions
LB908 (Williams) Change provisions of the Delayed Deposit Services Licensing Act
LB939 (Williams) Change provisions under the Collection Agency Act

Business & Labor

Room 1524 - 1:30 p.m.

LB888 (Hilgers) Change State Tort Claims Act provisions relating to authority of the Risk Manager and State Claims Board
LB963 (Brewer) Change provisions relating to workers' compensation for injuries to first responders and frontline state employees
LB846 (Quick) Change provisions relating to compensation under the Nebraska Workers' Compensation Act
LB926 (Business & Labor) Change provisions relating to violations of the Employee Classification Act

Education

Room 1525 - 1:30 p.m.

LB950 (Murman) Change eligibility requirements for the Access College Early Scholarship Program
LB998 (Murman) Require behavioral awareness and intervention training and points of contact, transfer funds, and change the Tax Equity and Educational Opportunities Support Act

General Affairs

Room 1510 - 1:30 p.m.

Appointments: Cameron J. Arch; Claudia Louise Barthold; Mark R. Canada - Neb. Commission on Problem Gambling
LB943 (Hunt) Provide duties for the Nebraska Arts Council regarding creative districts
LB798 (Brandt) Provide for the anonymity of certain state lottery prize winners
LB980 (Brandt) Change provisions of the Nebraska Lottery and Raffle Act

Nebraska Retirement Systems

Room 1525 - 8:30 a.m.

Appointments: Allen Simpson; Kelli M. Ackerman; Michael D. Jahnke - Public Employees Retirement Board
Appointment: John M. Dinkel - Neb. Investment Council

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB944 (Geist) Change provisions relating to motor vehicles
LB931 (Halloran) Change a harvested products maximum weight overload exception under the Nebraska Rules of the Road
LB761 (Dorn) Change motor vehicle registration fees and provide funding for the simulation in motion program
LB842 (Crawford) Change provisions relating to motor vehicle tax imposed on military servicemembers
LB983 (Crawford) Eliminate a penalty relating to speeding
LB830 (Erdman) Change provisions relating to the establishment of speed limits by local authorities

Tuesday, Jan. 28

Agriculture

Room 1524 - 1:30 p.m.

LB803 (Hughes) Adopt the Pulse Crop Resources Act and harmonize other provisions of law
LB972 (Brandt) Change germination seed testing provisions under the Nebraska Seed Law

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB764 (Lindstrom) Change investment provisions for fiduciaries
LB852 (Williams) Change farm product lien provisions and actions relating to termination statements
LB853 (Williams) Authorize financial institutions to place a hold on certain customer transactions in cases of financial exploitation
LB854 (Williams) Change provisions under the Public Funds Deposit Security Act relating to secured deposits and pooled collateral

Education

Room 1525 - 1:30 p.m.

Appointment: Dorothy C. Anderson; Jacque Carter - Neb. Educational Telecommunications Commission
Appointment: Glenn R. Wilson - Board of Educational Lands and Funds
LB965 (McDonnell) Establish a language assessment program for children who are deaf or hard of hearing
LB839 (Wishart) Recognize American Sign Language and provide for the teaching of American Sign Language in schools

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB961 (Friesen) Adopt the Peer-to-Peer Vehicle Sharing Program Act
LB771 (Gragert) Change a one-license-plate registration provision
LB789 (Slama) Change school bus stop signal arm violation provisions

Urban Affairs

Room 1510 - 1:30 p.m.

LB870 (Crawford) Change provisions relating to direct borrowing by cities and villages
LB797 (M. Hansen) Change restrictions on municipal annexation
LB957 (Walz) Change quorum requirements for city councils of cities of the first and second class
LB993 (Lowe) Change provisions regarding the number of city council members in cities adopting the city manager plan of government
LB809 (Wayne) Adopt 2018 Uniform Plumbing Code standards
LB824 (Hunt) Change provisions related to state and local building codes
LB800 (Urban Affairs) Provide for the applicability of state and local construction codes

Wednesday, Jan. 29

Appropriations

Room 1003 - 1:30 p.m.

LB1008 (Speaker Scheer) Provide, change, and eliminate provisions relating to appropriations
LB1009 (Speaker Scheer) Provide for transfers of funds, repeal a fund, and change use of a fund

COMMITTEE HEARINGS

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

LB1010 (Speaker Scheer) Change Cash Reserve Fund provisions

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

LR283CA (Brewer) Constitutional amendment to change qualifications of electors

**Health & Human Services
Room 1510 - 1:30 p.m.**

LB932 (Wishart) Require expansion of the medical assistance program as prescribed
LB851 (McCollister) Change provisions relating to eligibility for services under the Medical Assistance Act
LB955 (Walz) Change provisions relating to eligibility for medical assistance
LB956 (Walz) Provide duties for managed care organizations under the Medical Assistance Act

Judiciary

Room 1113 - 1:30 p.m.

LB873 (Hunt) Provide for a gender neutral designation on operator's licenses and state identification cards and provide for amendment of a birth certificate
LB883 (M. Hansen) Change procedures relating to obligors and obligees in child support proceedings
LB895 (Morfeld) Change provisions related to decedents' estates
LB966 (DeBoer) Adopt the Uniform Wills Recognition Act (1977)
LB1006 (M. Hansen) Change provisions relating to garnishment
LB1020 (Vargas) Change provisions relating to discrimination under the Nebraska Fair Housing Act
LB1031 (Lathrop) Change provisions relating to probate, testacy, and appointment proceedings

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Jan K. tenBensel - Neb. Ethanol Board
LB855 (Moser) Eliminate legislative confirmation for certain members of the Niobrara Council
LB769 (Gragert) Change provisions relating to membership on the Nebraska Natural Resources Commission

Revenue

Room 1524 - 1:30 p.m.

LB805 (Wayne) Provide an income tax deduction for certain wages paid to individuals convicted of a felony
LB865 (Wayne) Change income tax provisions relating to the Nebraska educational savings plan trust and authorize employer contributions to the trust
LB1042 (La Grone) Authorize and provide tax deductions for contributions to the Nebraska educational savings plan trust by employers and persons other than participants as prescribed

Thursday, Jan. 30

Appropriations

Room 1003 - 1:30 p.m.

Schematic design planning document for construction of office / parking structure at City of Lincoln block bounded by 17th, 18th, K, and L Streets and other matters provided in LB297 (2019) Sec. 45

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

LB911 (Quick) Provide for acquisition of former Nebraska Veterans' Memorial Cemetery in Grand Island
LB896 (Erdman) Require notice of construction and expansion of structures near military installations as prescribed
LB850 (Pansing Brooks) Authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at Fort Donelson National Battlefield

Health & Human Services

Room 1510 - 1:30 p.m.

LB1052 (Wishart) Change provisions regarding the preferred drug list under the Medical Assistance Act
LB887 (Arch) Authorize pharmacists to adapt prescriptions to aid consumers
LB847 (Arch) Change requirement for dispensing drugs in certain health care facilities
LB922 (Kolterman) Require electronic issuance of prescriptions for controlled substances as prescribed

Judiciary

Room 1113 - 1:30 p.m.

LB748 (Blood) Adopt the Fertility Fraud Act
LB751 (Blood) Provide for a mental

health exception to compulsory education requirements

LB900 (Cavanaugh) Provide for the ownership of an unfertilized human ovum

LB941 (Hunt) Create the Nebraska Youth in Care Bill of Rights

LB964 (McDonnell) Provide for an acknowledgment of maternity

LB986 (Pansing Brooks) Prescribe requirements for public colleges and universities regarding criminal history and juvenile court record information
LB994 (Murman) Adopt the Organ Transplant Fairness Act

Natural Resources

Room 1525 - 1:30 p.m.

Appointment: Norris Marshall - Environmental Quality Council
LB770 (Gragert) Provide for the Game and Parks Commission to issue disabled veteran permits as prescribed
LB863 (Hughes) Limit ownership of land by the Game and Parks Commission

Revenue

Room 1524 - 1:30 p.m.

Appointment: James D. Kuhn - Tax Equalization and Review Commission
LB905 (DeBoer) Provide for a fee on single-use checkout bags and for a program to provide reusable checkout bags to the public
LB810 (McCollister) Impose sales tax on bottled water, candy, and soft drinks
LB923 (Lindstrom) Change sales tax provisions relating to gross receipts

Friday, Jan. 31

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

LB790 (Slama) Change state bidding requirements and contract approval procedures
LB889 (Hilgers) Change appeal provisions under the Administrative Procedure Act
LB857 (Lowe) Require state agency review of rules and regulations

Health & Human Services

Room 1510 - 1:30 p.m.

LB849 (Pansing Brooks) Change eligibility requirements under the Young

COMMITTEE HEARINGS

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Adult Bridge to Independence Act
LB977 (Bolz) Change provisions relating to the case management lead agency model pilot project
LB1061 (Crawford) Change provisions relating to alternative response to reports of child abuse or neglect
LB759 (Kolterman) Require consultation with school districts regarding placement of children

Judiciary

Room 1113 - 1:30 p.m.

LB745 (Blood) Provide duties for law enforcement and prosecutors regarding federal immigration forms relating to victims of certain crimes
LB832 (Bostelman) Provide immunity for removal of a child from a motor vehicle
LB924 (Chambers) Change provisions relating to racial profiling and require law enforcement training
LB945 (Cavanaugh) Require a report on untested sexual assault evidence collection kits
LB975 (Geist) Change provisions relating to reports of child abuse or neglect
LB1007 (M. Hansen) Change provisions

relating to competency to stand trial and be sentenced
LB1036 (Morfeld) Allow persons eighteen years of age to make health care decisions and persons under nineteen years of age in correctional facilities to consent to medical and mental health care

Revenue

Room 1524 - 1:30 p.m.

LB1033 (Friesen) Change the distribution of sales tax revenue and authorize the use of funds for certain infrastructure projects
LB1070 (Murman) Change a sales tax exemption relating to agricultural machinery and equipment
LB1074 (Linehan) Change provisions relating to the assessment of improvements on leased lands and the collection of certain fees and taxes

Monday, Feb. 3

Business & Labor

Room 1524 - 1:30 p.m.

LB962 (Hunt) Adopt the Nebraska Fair Pay to Play Act
LB1060 (Cavanaugh) Include hair textures and protective hairstyles

within the definition of race under the Nebraska Fair Employment Practice Act
LB915 (Hunt) Change the minimum wage for persons compensated by way of gratuities
LB788 (Slama) Change and eliminate provisions relating to the Department of Labor
LB1016 (M. Hansen) Change the Nebraska Wage Payment and Collection Act

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB898 (Friesen) Provide for the collocation of certain wireless facilities
LB992 (Friesen) Adopt the Broadband Internet Service Infrastructure Act and provide for certain broadband and Internet-related services
LB996 (Brandt) Create the Broadband Data Improvement Program

Wednesday, Feb. 5

Nebraska Retirement Systems

Room 1525 - 12:10 p.m.

LB1054 (Kolterman) Define the required beginning date and change deferment of payment provisions under certain retirement plans ■

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Senators greet Nebraska Supreme Court Chief Justice Michael Heavican as he leaves the George W. Norris Legislative Chamber after delivering his State of the Judiciary address Jan. 22.