

## Free, early deer permits for some landowners advanced



Sen. Dan Hughes said the special permits would reward Nebraska landowners for sustaining the state's deer population.

Qualifying landowners would receive up to four free firearm deer hunting permits under a bill advanced from general file Jan. 30.

LB126, as introduced last session by Venango Sen. Dan Hughes, would require the state Game and Parks Commission to issue up to four free firearm deer hunting permits to landowners and their designated immediate family members who have been issued a limited permit.

The free permits would be valid during the seven days immediately preceding the beginning date for the firearm deer hunting season.

A landowner would qualify if he or she consents to make 50 percent or more of his or her farm or ranch land

available for public hunting during the firearm deer hunting season.

Hughes said wildlife, including deer, cause millions of dollars in crop damage every year. Landowners receive no compensation from the state other than a discounted hunting permit for those who own a certain amount of land, he said.

"This bill is intended to give the landowner some recognition for what they are contributing to the state's wildlife population, and that's feeding them 365 days a year," Hughes said.

A Natural Resources Committee amendment would shorten the period during which the permits would be valid. It also would remove the requirement that a landowner open his or her

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## Gender neutral option discussed for driver licenses, state IDs

State government identification forms would recognize gender neutral individuals under a bill heard by the Judiciary Committee Jan. 29.

Currently, a person applying for a driver license or state identification card must indicate their gender as either "female" or "male." LB873, sponsored by Omaha Sen. Megan Hunt, would add "non" as a third option.



Sen. Megan Hunt

Hunt brought an amendment to the committee that would change the "non" option to an "X," a standard adopted by other states that have passed similar legislation.

A 2015 survey conducted by the National Center for Transgender Equality showed just how difficult life can be when a person's government-issued ID does not match their gender presentation, Hunt said. According to the survey, nearly one-third of respondents reported verbal harassment, were denied benefits, asked to leave an establishment or assaulted, she said.

The ability to change one's documentation or status can have a significant impact on all other aspects of a person's life, she said, including employment, marriage, inheritance rights and simply conducting the business of life.

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# Gender neutral option discussed for driver licenses, state IDs

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“In order to live safe, full and authentic lives, it is essential that transgender people have access to identity documents such as photo identification and birth certificates that accurately reflect their name, gender identity and gender expression,” Hunt said.

The bill also would create an additional process to amend a birth certificate to reflect an applicant’s gender. Currently, a person can amend their birth certificate by providing an application and a notarized affidavit from the physician who performed their gender confirmation surgery to the state Department of Health and Human Services.

LB873 would allow a person to file a petition in district court requesting that their gender be changed on an amended birth certificate, without submitting proof of a gender confirmation procedure.

Abbi Swatsworth, executive director of OutNebraska, testified in support of LB873. A growing number of people use the term nonbinary to describe themselves and choose to use gender neutral pronouns, she said, making it clear that the number of people who would benefit from gender neutral identification is increasing.

“In addition to being a safety issue, gender neutral driver licenses are an

issue of inclusion and a signal that Nebraska acknowledges the diversity of the people who live, work and play in our state,” Swatsworth said.

After persistent misgendering by family members—which caused severe disorientation and dysphoria—severing those family ties was necessary for Victory Klafter of Lincoln, who also supported the bill.

“I grieve that very much, but it put a little fuel in my fire to come in front of you today,” Klafter said. “If my family won’t respect me and identify me as who I am, I want my government to.”

Opposing the measure was Julie

Maaske, deputy director of the state Department of Motor Vehicles. A provision in the bill that would make gender immaterial to the issuance of a driver license or identification card would put Nebraska out of compliance with the 2015 federal Real ID Act, she said.

“Falling out of compliance with the act will mean Nebraska documents would not be accepted for federal identification purposes, such as boarding a commercial aircraft, entering federal buildings or entering military institutions,” Maaske said.

The committee took no immediate action on the bill. ■

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# Deer permits for some landowners advanced

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land to public hunting to qualify for the free permits.

Hughes introduced an amendment to the committee amendment that would make the permits valid during the five days of Saturday through Wednesday immediately preceding the opening day of the firearm deer hunting season.

It also would limit the commission to issuing no more than four free permits per qualified landowner to the landowner or designated immediate family members.

The number of free permits issued to a Nebraska resident could not exceed the total acreage of their farm or ranch divided by 80. For a nonresident, the number of free permits issued could not exceed the total acreage of the farm or ranch divided by 320.

Sen. Steve Erdman of Bayard supported the proposal and said many landowners choose not to hunt deer because of the dangers posed by large numbers of other hunters. Allowing landowners to hunt first would be a reward for feeding Nebraska's deer, he said.

Albion Sen. Tom Briese also supported the bill, saying it could encourage more landowners to open their property to public hunting.

"This is a small way that we can show our appreciation to these landowners, and it has no adverse impact on the viability of our wildlife populations," Briese said. "Any impact on hunting opportunities is fairly negligible."

Sen. Tim Gragert of Creighton opposed the bill. He said he supports compensating landowners for damage caused by deer. However, if LB126 is meant to address that problem



Sen. Tim Gragert said an early deer hunting season for landowners would create more work for state game wardens.

by reducing the deer population, he said, the proposed permits should be limited to antlerless deer, which would exclude trophy bucks.

Additionally, Gragert said, expanding the firearm deer hunting season would interfere with the bow hunting season.

"I believe the bow hunter should be given their time to hunt without additional pressure added from the rifle hunter," he said.

North Platte Sen. Mike Groene expressed doubts about the Hughes proposal. Groene said he supported the original requirement that landowners open their land to public hunting in exchange for free permits.

He said the Hughes amendment, however, appears to create an early trophy hunting season exclusive to landowners and their families.

"For the long run, it [could] discourage hunters because every hunter, like everybody who buys a lottery ticket, goes out there thinking they're going to get that big buck," Groene

said.

Sen. Bruce Bostelman of Brainard said he voted against the bill in committee partly because it would increase the commission's administrative and enforcement costs while reducing the amount of revenue it collects.

Bostelman said the commission has not adequately addressed wildlife depredation in the past but is working to improve.

"This activity needs to belong to our biologists and our game folks who know how to handle this in a more appropriate way," he said.

Hughes said his proposal is intended only to reward landowners, not manage the state's deer population. He and Bostelman said they would work to reach a compromise on the bill between general and select file.

Senators voted 38-1 to adopt the Hughes amendment. They then voted 37-1 to adopt the committee amendment and 38-1 to advance the bill to select file. ■

## AGRICULTURE

### Pulse crop checkoff program proposed

The Agriculture Committee heard testimony Jan. 28 on a bill that would create a checkoff program for Nebraska pulse crop growers.

LB803, introduced by Sen. Dan Hughes of Venango, would create the five-member Pulse Crop Development, Utilization and Marketing Board.



Sen. Dan Hughes

The board would protect and stabilize the state's pulse crop industry and the economy of the areas producing those crops, which the bill defines as dry peas, lentils, chickpeas or garbanzo beans, faba beans and lupine.

Hughes said creating a state checkoff program would allow Nebraska farmers to join a national organization representing producers of dry peas, lentils and chickpeas. This would make Nebraska chickpea growers eligible for federal revenue insurance, he said.

The board could create general state policies and programs regarding the discovery, promotion and development of markets for Nebraska-grown pulse crops. It also could make grants and enter into contracts for research and data gathering.

The board's members, who would be appointed by the governor, would have to be Nebraska residents who are pulse crop growers with at least five years of experience, among other requirements.

The director of the state Department of Agriculture and the vice chancellor of the University of Nebraska's Institute of Agriculture and Natural Resources would serve as nonvoting members.

Beginning July 1, 2020, a 1 percent

excise tax would be imposed on the net market value of pulse crops sold through commercial channels in the state. The tax would be levied and imposed on the grower at the time of sale or delivery. The first purchaser would collect the tax and remit it to the board.

The board could adjust the levy after July 1, 2022, but it could not exceed 2 percent of the net market value.

Strahinja Stepanović, a University of Nebraska extension educator, testified in support of LB803. He said Nebraska pulse crop acres have increased from 20,000 in 2014 to nearly 80,000 now.

"The growth has been just unreal," Stepanović said.

Farmers in western Nebraska typically grow the crops in rotation with others such as wheat, he said, a system that can reduce fertilizer use, increase soil biodiversity, better use available water, reduce production risk and increase profitability.

Stepanović said the checkoff program would provide sustainable funding for research that can develop better varieties. It also would promote Nebraska's growing pulse crop industry to processors nationwide, he said.

Ansley Fellers testified in support of the bill on behalf of the Nebraska Farm Bureau. She said most respondents to a University of Nebraska survey of pulse crop growers appeared to support the creation of a checkoff program used for research, promotion and education.

However, Fellers said, LB803 should require the proposed board to gather input from those who pay the checkoff before adjusting the levy.

"We would encourage the exploration of an amendment which would require, at minimum, a public hearing before any checkoff rate adjustment is enacted," she said.

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

## APPROPRIATIONS

### Budget adjustments offered

Mid-biennium adjustments to the state's budget were considered by the Appropriations Committee Jan. 29. The state budget is structured on a two-year basis, with the budget passed in odd-numbered years and adjustments made during legislative sessions held in even-numbered years.

Three bills, introduced by Speaker Jim Scheer of Norfolk at the request of Gov. Pete Ricketts, comprise the governor's mid-biennium budget recommendations:



Sen. Jim Scheer

- LB1008 which would provide, change and eliminate state appropriations;
- LB1009 which would transfer funds, repeal a fund and change the use of a fund; and
- LB1010 which would change provisions relating to the state's Cash Reserve Fund.

Presented to the committee by State Budget Administrator Gerry Oligmueller, the bills would make adjustments in the current fiscal year ending June 30, 2020, as well as the next fiscal year. Oligmueller said after the biennium budget was passed, the state collected \$176.4 million more in general fund tax receipts than forecast.

Since then, he said, the Nebraska Economic Forecasting Advisory Board has raised its biennium budget projection of general fund tax receipts by \$160.9 million for FY2019-20, resulting in \$337.3 million in available funds for the current budget year.

The governor's budget adjustments

recommend using \$109.4 million—32 percent of that total—for one-time, disaster related repair costs, state building repairs and patient safety measures at the Lincoln Regional Center.

The remainder would be used to increase the state’s cash reserve balance to \$507 million.

Among other provisions, LB1010 would transfer \$62.6 million to the Governor’s Emergency Cash Fund. That amount would include \$50 million for the state’s share of the estimated \$400 million in repair costs related to the 2019 flooding. It also includes \$9.2 million for the state’s hardest hit counties and \$3 million to maintain the fund’s reserve for future emergency events.

Testifying in favor of LB1008 and LB1010 was Larry Dix, executive director of the Nebraska Association of County Officials. He said more than 80 of Nebraska’s 93 counties received disaster declarations due to flooding in 2019, and several others barely missed the federal damage cutoff for a declaration.

Many areas of the state suffered significant infrastructure damage, particularly to roads and bridges, he said.

“Some counties would anticipate that—without additional assistance—it would be five to seven years before they’ll be able to replace some of those bridges [that were destroyed],” Dix said.

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



**Bill aims to protect vulnerable adults, seniors**

Seniors and vulnerable adults would have greater protection from financial fraud under a bill discussed

Jan. 28 by the Banking, Commerce and Insurance Committee.

LB853, introduced by Sen. Matt Williams of Gothenburg, would allow a financial institution to notify a caretaker or other third party reasonably associated with a vulnerable adult or senior of suspected financial exploitation.



Sen. Matt Williams

The bill would allow a financial institution to place up to a 30-day hold on suspicious transactions and indemnify a financial institution’s employees, officers and directors from civil, criminal or administrative liability for any transaction delayed based on a good faith belief that the transaction may have been exploitive.

The bill would apply to transactions such as cash withdrawals, checks presented for payment, changes in beneficiary designations and changes of account ownership. It would not apply to sales of securities.

Williams said current law forbids bankers from notifying anyone other than law enforcement of suspected fraud.

“They recognize a scam. The red flags have gone up, but because of contract duties imposed by federal and state laws, and privacy regulations, they are unable to protect their customers,” Williams said. “LB853 allows the bank to simply call a timeout.”

Williams said 10 states have passed similar legislation.

Kent Franzen, vice-president at Henderson State Bank in Henderson, spoke in favor of the bill. He told lawmakers about an elderly client who began using the drive-thru window to withdraw several hundred dollars in cash multiple times a week. Tellers became suspicious and Franzen con-

tacted the customer’s son—a co-owner of the client’s account.

The client was being scammed, Franzen said, but the bank would not have been able to alert the client’s son had he not been a co-owner.

“In this instance, the son was most grateful,” Franzen said.

Theresa Heye, testifying on behalf of the Nebraska Independent Community Bankers Association, also spoke in support. She said LB853 would expand protections against elder abuse to include financial exploitation.

“This is not a hypothetical situation,” Heye said. “This has been a reoccurring problem.”

Mark Quandahl, director of the Nebraska Department of Banking and Finance, testified in support as well. He said he’s reviewed numerous cases of people taking advantage of elderly Nebraskans and said the bill would help address the problem.

No one testified in opposition and the committee took no immediate action on LB853.



**Resilience training; PTSD injury claims proposed for first responders**

The Business and Labor Committee heard testimony Jan. 27 on a bill meant to address the mental health toll experienced by emergency first responders.

LB963, sponsored by Gordon Sen. Tom Brewer, would provide first responders with opportunities to receive resilience



Sen. Tom Brewer

training to help prevent or mitigate the effects of post-traumatic stress disorder.

The culture among first responders is one of toughness, Brewer said, which can lead to failure to recognize the symptoms of PTSD caused by trauma experienced while on the job.

Brewer said that receiving a diagnosis of PTSD following a traumatic injury suffered during his military service finally explained his inability to sleep and maintain relationships, as well as memory loss and increased irritability.

“You can only do this work so much and have it not tear away at the fabric of your being,” he said. “You can hide it all you want, but at some point, it will tear you in two and the result of that will cause issues that are unfixable [without treatment].”

The bill would allow first responders to establish a presumptive case of PTSD from cumulative injury or stress as a personal injury for workers’ compensation purposes.

To establish such a case, the first responder must show that he or she: underwent a mental health examination before the onset of the mental injury or illness, obtained testimony from a qualifying mental health professional that he or she suffers from a mental injury or illness and participated in resilience training prior to the onset of the mental injury or illness and annually thereafter.

The state Department of Health and Human Services would reimburse first responders for resilience training if their employers do not.

Under LB963, a practicing physician, psychologist, physician assistant, advanced practice registered nurse, mental health practitioner or clergy member all would be qualified to render an official diagnosis of PTSD.

Tyler Fausset was diagnosed with

PTSD following a particularly traumatic call as an Omaha firefighter. He supported the bill, he said, because it provides a means for all first responders to build resiliency and continue to serve their communities to their fullest potential.

“PTSD can sometimes be described as an individual falling down into a large hole by themselves, with no way out, never to see the light and only to sit in the darkness,” Fausset said. “What LB963 says is that we as a community ... are saying to our first responders that we’re jumping in this hole with you, we’re going to give you the tools, the resources and the education to get out and that we support you.”

Heather Livengood of Omaha also spoke in favor of the bill. She said her husband, Rich, took his life in 2014 following a long firefighting career that resulted in undiagnosed PTSD.

“The resiliency training ... will give our responders the necessary equipment to process the things that they see every day—things that the rest of us probably will never have to witness,” Livengood said. “It is this training that I wish my husband had had the opportunity to receive and it is this training that will keep our first responders on the front lines on the way to mentally healthy and happy retirements.”

Representing the First Responders Foundation, Jodi Teal also supported LB963. Incidents of PTSD are reported to be five times higher among first responders than other professions, she said, but stigmas around mental health issues persist.

“We are told that when the oxygen mask drops from a plane, its best to [put on yours] before you put the mask on the individual next to you,” Teal said. “The same thing needs to be said for our first responders because [they] cannot be their best if they’re not tak-

ing care of themselves.”

Lynn Rex of the League of Nebraska Municipalities spoke in opposition to the bill. Her organization is supportive of the intent behind the bill, she said, but is concerned by the broad language that potentially would allow unqualified people to make medical diagnoses.

“Clergy members have a very important role in our communities across the state, but they are not qualified to make this determination in our view,” Rex said. “They certainly can refer you to a professional, but they are not that [mental health] professional.”

The committee took no immediate action on the bill.

## EDUCATION

### Language assessment program sought for deaf children

The Education Committee heard testimony Jan. 28 on a bill that would require special language assessments for children who are deaf or hard of hearing.

Also discussed was a bill that would recognize American Sign Language as a distinct language in state law.

LB965, introduced by Omaha Sen.

Mike McDonnell, would require the Nebraska Commission for the Deaf and Hard of Hearing to establish and coordinate a language assessment



Sen. Mike McDonnell

program for children who are deaf or hard of hearing.

The program would assess, monitor and track the language developmental milestones of those children from birth through age five.

McDonnell said research has shown that language deprivation during those years is the main cause of reading, academic and social problems for many deaf children.

He said LB965 would provide a list of assessments and other tools that schools could use to measure a deaf child's language and better support deaf or hard of hearing students who use American Sign Language, English or both.

Beginning July 1, 2021, language assessments would be given as needed to each child under 6 who is deaf or hard of hearing. A network that provides service coordination for children with special needs would provide the assessments for children under the age of 3; school districts would provide them for children older than 3.

The commission would appoint a 14-member committee to advise it on all aspects of the language assessment program. Before July 1, 2021, the committee would develop specific action plans and make recommendations necessary to implement the program.

In doing so, the committee would review, recommend and monitor the use of available language assessments and determine qualifications for identifying assessment evaluators with knowledge of the use of evidence-based best practices with children who are deaf or hard of hearing.

The bill also would require the commission to publish an annual report specific to language and literacy developmental milestones of children who are deaf or hard of hearing relative to their peers who are not deaf or hard of hearing. The commission would publish the report on its website and submit it to the Clerk of the Legislature and the Education Committee.

Linsay Darnall Jr., a National Association of the Deaf board member, testified in support of both bills. Dar-

nall, who is deaf, said he arrived at kindergarten "language ready" because he was able to communicate with his parents and brother, who also are deaf.

Many young children who are deaf or hard of hearing lack that support, however, and fall behind their peers, Darnall said.

He said LB965 would enhance the Individuals with Disabilities Education Act by requiring more comprehensive state assessments for deaf and hard of hearing children in addition to those already required by the federal law. This would provide more opportunities for those children to acquire language before they enter kindergarten, Darnall said.

Under LB839, sponsored by Lincoln Sen. Anna Wishart, the Legislature would declare that Nebraska recognizes American Sign Language as a separate and distinct language. Wishart said Nebraska is one of only five states that have not made that formal recognition.



Sen. Anna Wishart

The bill also would allow the State Board of Education to provide for the teaching of American Sign Language in schools. If a school offers a course in ASL, the bill would require that it be offered to all students regardless of whether a student is hearing, hard of hearing or deaf.

LB839 also would allow any post-secondary institution to offer an elective course in ASL, and those institutions could treat credits earned in an ASL course as foreign language credits.

Carly Weyers, a behavioral health coordinator and deaf services coordinator for the Nebraska Commission for the Deaf and Hard of Hearing, testified in support of LB839.

Weyers said people who are deaf or

hard of hearing often are marginalized for being different, partly because of their method of communication.

"If we recognize ASL as a language, that will remove that negative stigma," she said, which would create more opportunities for the deaf and hard of hearing in education, employment and their daily lives.

Amy Rhone, assistant director of the office of special education at the state Department of Education, also testified in support of both bills.

Nebraska faces a teacher shortage, she said, and the need is most acute for teachers and educational interpreters who work with "low-incidence populations" of students with the highest needs, such as the deaf and hard of hearing.

Rhone said LB839 could help address that shortage by providing more opportunities for Nebraska students to take classes in ASL and later go on to teach it.

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

### **Behavioral awareness training proposed for school staff**

Nebraska school districts would train teachers, administrators and other staff regarding how to manage student behavior under a bill heard Jan. 27 by the Education Committee.

Under LB998, sponsored by Sen.

Dave Murman of Glenvil, each district would offer behavioral awareness and intervention training to teachers, administrators, paraprofessionals, school nurses and counselors



Sen. Dave Murman

each year beginning with the 2021-22 school year.

It would require those staff members to receive the training before the end of school year 2024-25 and to receive a review at least once every three years.

Although many Nebraska schools already provide similar training, Murman said, LB998 would ensure that every school employee has at least basic training in managing student behavior.

“This bill would allow schools to train their employees to recognize what is and what is not...a reasonable response to problem behavior using mainstream, evidence-based, industry standard practices,” he said.

The required training would include six components:

- recognition of detrimental factors impacting student behavior, including trauma;
- positive behavior support and proactive teaching strategies;
- verbal intervention and de-escalation techniques;
- clear guidelines on removing students from and returning them to a class;
- behavioral interventions and supports that will happen after a student is removed from a class; and
- physical intervention for safety.

Schools also could provide the training to other employees, and LB998 would require all employees to “have a basic awareness of the goals, strategies and schoolwide plans included in such training.”

Districts would receive a base training reimbursement of \$2,000 for each school building with grades above kindergarten. Schools with 80 or more full-time teachers would receive additional reimbursement.

LB920, introduced by North Platte Sen. Mike Groene, would direct state lottery dollars to a newly created fund that would be used to pay for the training. The state Department

of Education estimates that the fund would receive \$1.9 million annually.

LB998 also would require each district to designate at least one employee as a behavioral awareness and intervention point of contact for each school building. Districts would have to maintain or have access to an existing registry of local mental health and counseling resources, and the bill would require each point of contact to “coordinate access to support services for students whenever possible.”

Districts also would be required to submit an annual report including the district’s training plan to the state school security director. Districts would not qualify for training reimbursement if they do not file the report or if they fail to comply with the bill’s provisions.

Rita Bennett testified in support of the bill on behalf of the Lincoln Education Association and the Nebraska State Education Association. Bennett, a teacher for nearly 30 years, recalled one student’s angry outburst and said she could have managed it more confidently and effectively with proper training in de-escalation techniques.

“I felt helpless and ill-prepared for that situation,” Bennett said, “and I know I did a disservice to that student and to others around him simply because I lacked the knowledge and training that I needed.”

Kyle McGowan also testified in support on behalf of the Nebraska Council of School Administrators and the Nebraska Association of School Boards. He said the bill would benefit all Nebraska schools by incorporating practices used at Boys Town to manage some of the most difficult student behaviors.

“We also appreciate the effort to provide some funding, [although] it probably is not going to be enough,” McGowan said.

John Skretta, administrator of ESU 6, also testified in support. He said the proposed training is essential to give teachers, administrators and paraprofessionals the skills they need to work with the increasing number of Nebraska students who have behavioral and mental health problems.

Skretta said the state’s educational service units have personnel who are trained in crisis prevention and de-escalation techniques and are prepared to help school districts meet the bill’s requirements.

Spike Eickholt provided neutral testimony on behalf of ACLU Nebraska. He said the ACLU supports most of the bill’s provisions but is concerned about the implications of one section that appears to be linked to LB147, a related bill introduced by Groene last year and currently on general file.

That bill would give teachers and administrators legal protection for defending themselves and others against violent students as long as they acted reasonably.

Eickholt said the section in question seems to undermine the purpose of LB998 by stating that the proposed protections and defenses in LB147 are not contingent on whether those employees have received the training required by LB998.

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

## GENERAL AFFAIRS

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### Plan sought for creative districts

The General Affairs Committee heard testimony Jan. 27 on a potential change to the Nebraska Art Council’s duties.

LB943, introduced by Omaha



Sen. Megan Hunt, would require the council to devise a plan for creative districts throughout the state. The newly formed districts would be certified by the council and distinguished by ge-



Sen. Megan Hunt

ography, artistic or cultural activities or facilities, promotion and preservation of artistic or cultural sites, educational uses of artistic or cultural activities or sites and unique or niche areas, activities, events, facilities or sites.

The Legislature would have to approve any plan developed by the council.

The bill also would allow the council to create a competitive grant program available to a certified cultural district through the Nebraska Arts and Humanities Cash Fund. Money for the grants, Hunt said, would be generated by a separate bill she introduced this session that would authorize a specialty license plate promoting the arts.

“We found that creative districts can have a significant economic impact,” Hunt said. “A creative district is an urban area intended to create a critical mass of places of cultural consumption, including art galleries, theaters, music venues and public squares.”

Hunt said such districts already exist but that currently there is no way to encourage, maintain or incentivize them. She added that Nebraska is one of two states without formally recognized creative districts.

Suzanne Wise, executive director of the Nebraska Arts Council, spoke in favor of LB943. She said Montana recently adopted creative districts to enhance economic development.

“Having the guideposts of a creative arts district, helps [visitors] think, ‘Oh, maybe there’s a not-for-profit, like an art center,’” Wise said.

Also testifying in support was Doug

Zbylut, executive director of Nebraska for the Arts. He said creative districts establish a distinct sense of place by concentrating museums, performance venues and creative spaces. Such projects are underway in Omaha, McCook, Ashland and Lincoln, he said.

“States are committing tools and resources to develop these areas of creativity to help with community vitality and attract and retain employees and businesses,” Zbylut said.

Brad Mellema, executive director of the Grand Island/Hall County Convention and Visitors Bureau, also testified in support. He said a creative district designation would give a city “permission to be artistic” and that Grand Island would apply for a designation if the bill passed.

No one testified against LB943 and the committee took no immediate action on it.



**Bill calls for review of regulations**

New state rules and regulations would be reviewed periodically under a bill considered Jan. 31 by the Government, Military and Veterans Affairs Committee.

Under LB857, introduced by Kearney Sen. John Lowe, state agencies would be required to review all rules and regulations that they have adopted and file a report 10 years after the effective date, beginning with those enacted in 2021. The report would assess whether rules were effective and would



Sen. John Lowe

be filed with the Legislature.

Changes in agency staff and in the composition of the Legislature can cause a law to drift away from its original intent, Lowe said.

“This bill will act as a check on state agencies by the Legislature,” he said.

Nicole Fox of the Platte Institute testified in support of the bill. She said Nebraska law contains more than 100,000 restrictions, creating a hidden tax on businesses and individuals.

“Regulations come with a price tag,” Fox said. “Their promulgation and enforcement require people, processes and systems in government agencies as well as in the businesses and organizations affected by those regulations. Individuals and businesses needing to follow these regulations find themselves needing to hire lawyers familiar with relevant regulations to assure they are complying.”

Dustin Antonello of the Lincoln Independent Business Association also spoke in support. He said some regulations can have negative unintended consequences, especially for small business.

“LB857 is a good first step in implementing the regulatory reform necessary to prevent rules and regulations from becoming an undue burden on local businesses,” Antonello said.

Ken Allen, director of the state Board of Barber Examiners, testified against the bill. He said the board has reviewed and updated its rules twice in the past few years.

“We’re already doing this and to throw this [requirement] on top—I don’t see the purpose,” Allen said.

The committee took no immediate action on LB857.

**State may acquire Grand Island cemetery**

The state of Nebraska would acquire a veterans’ cemetery in Grand

Island under a bill discussed Jan. 30 by the Government, Military and Veterans Affairs Committee.

LB911, introduced by Grand Island Sen. Dan Quick, would enable the city to gift the former Nebraska Veterans' Memorial Cemetery and adjacent land to the state in order



Sen. Dan Quick

to establish a new state cemetery for veterans. The bill also would require the state Department of Veterans' Affairs to apply for funding assistance from the federal government.

The cemetery is on the former grounds of the Nebraska Veterans' Home, Quick said, and currently is owned by the city of Grand Island.

"It would be meaningful for our veterans and their families to celebrate and honor our veterans at this facility," Quick said.

Funeral home director Daniel Naranjo testified in support of the bill. He said there are approximately 1,600 graves at the six-acre site, dating from the Civil War to present day.

"By adopting LB911, as Nebraskans, we will assure the continued care of these veterans resting on these holy grounds and provide future burials for the men and women who currently serve in the armed forces," Naranjo said.

John Hilgert, director of the Nebraska Department of Veterans' Affairs, also testified in support, though he noted "some technical issues" that need to be addressed. In particular, Hilgert said there is no money in the current budget to fund the project, but he would like to explore alternative funding that could allow it to begin sooner.

Grand Island City Administrator Jerry Janulewicz said he supported

the bill after a process for obtaining the land was added. Under LB911, the state director of Veterans' Affairs would have to request funding by Sept. 15, 2020, giving the city and the state enough time to negotiate, he said.

No one testified in opposition to LB911 and the committee took no immediate action on it.



**Dental hygienist bill amended, advanced**

Lawmakers narrowed and advanced a bill from general file Jan. 30 designed to address a shortage of dental care providers in rural areas.

LB312, as introduced by Blair Sen. Ben Hansen, would allow licensed dental hygienists to perform residential care through a home-health agency or hospice service. The bill also would eliminate a requirement that a dental hygienist have 3,000 hours of clinical experience to treat adults unsupervised in a public health setting.



Sen. Ben Hansen

A Health and Human Services Committee Amendment, adopted 37-0, would authorize a licensed dental hygienist to perform all authorized functions within their scope of practice in a public health setting except periodontal scaling, root planing and administering anesthesia or nitrous oxide.

The committee amendment also would remove a provision of LB312 that would have allowed public health dental hygienists to work with patients in home health or residential hospice care, and would create an evaluation provision.

Hansen supported the amendment, which he said would eliminate opposition to the bill expressed during the committee hearing by the Nebraska Dental Association.

"This is a good bill to help get health care to those in rural areas that need it the most," Hansen said.

Following adoption of the amendment, senators advanced the bill to select file on a vote of 39-0.

**Reflexology bill stalls**

A bill to end licensing for reflexologists stalled on general file Jan. 29.

LB347, as introduced by Sen. Dave Murman of Glenvil, would exempt reflexologists who limit their services to the application of hand pressure to the hands, feet and outer ears from licensure under the Massage Therapy Practice Act.



Sen. Dave Murman

Murman said reflexologists still would need to follow the law and hold liability insurance, but requiring them to obtain a license is "meddlesome."

"Reflexology is an ancient practice that has helped countless people," Murman said. "There is no reason for a practice that has existed for centuries throughout the world to be regulated in Nebraska."

Omaha Sen. Sara Howard initially spoke against LB347. She said that while she doesn't believe reflexologists should have to obtain a license, a registry or certification should be required for them to become independent professionals.

"I agree that 1,000 hours [of education] to be a reflexologist is ridiculous, but I am concerned that if we exempt them, there is nothing," Howard said.

Sen. Jim Scheer of Norfolk also

opposed the bill, saying government has a duty to protect citizens.

“If someone is going to mess with your body, they should have some type of minimal training,” Scheer said. “I haven’t even looked at a YouTube [video] for this and I have no idea what it is, but if we pass this I can become one.”

In response to opposition, Murman introduced an amendment that would create a reflexologist registry with the state Department of Health and Human Services and require practitioners to register and pay a fee.

Howard then said she would support the amendment and the revised bill.

Sen. Ernie Chambers of Omaha filed a series of procedural motions to delay debate on LB347. After three hours of discussion over two days, the Legislature moved to the next item on the agenda without voting on the Murman amendment or the bill.

Per a practice implemented by Scheer, 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.

**Human trafficking resources framework advanced**

Nebraska would develop a statewide network of supports and services related to human trafficking under a bill given first-round approval Jan. 27.

Elkhorn Sen. Lou Ann Linehan, sponsor of LB518, said the Legislature has made great strides in recent years to combat human trafficking, including expanding statutes of limitations for sex trafficking crimes and mandating specialized screening tools



Sen. Lou Ann Linehan

to identify child trafficking victims.

“LB518 is [the] next step to begin to ensure that survivors of sex trafficking have access to services across the state and that law enforcement has access to funding for trauma-informed and victim-centered trafficking investigations, operations and prosecutions,” Linehan said.

LB518 would adopt the Support for Trafficking Survivors Act and create the Support for Trafficking Survivors advisory board.

The new board would develop, oversee and coordinate the statewide response to trafficking through creation of a state plan. Membership would include trafficking survivors, service providers and representatives of law enforcement and the criminal justice system.

The bill also would establish the Office of Support for Trafficking Survivors within the state Department of Health and Human Services to coordinate and implement the state plan developed by the advisory board.

As introduced, the bill would have created the Support for Trafficking Survivors Fund to fund competitive grants for services to trafficking victims across the state.

A Health and Human Services Committee amendment, adopted 38-0, instead would use the existing Human Trafficking Victim Assistance Fund—if public or private funding is made available.

The \$1.1 million in general fund appropriations outlined in the original bill were removed by the amendment.

Linehan said that a secure funding source for the bill still needs to be found and that the measure would be a “hollow” effort otherwise.

Senators voted 46-0 to advance LB518 to select file.

**Stability sought for Medicaid coverage**

A bill that would extend eligibility for certain health care coverage under the Medical Assistance Act was considered Jan. 29 by the Health and Human Services Committee.

LB851, introduced by Sen. John McCollister of Omaha, would provide continuous Medicaid eligibility regardless of changes in a child’s resources or income until the earlier of: the child turning 19, or the anniversary date on which the child’s eligibility was determined.



Sen. John McCollister

The bill also would require the state Department of Health and Human Services to submit a waiver to the federal Centers for Medicare and Medicaid by Oct. 1, 2020, to provide 12 months of continuous eligibility for individuals subject to the modified gross income budgeting methodology.

Under current law, Medicaid recipients must report a change in income within 10 days, McCollister said. This rule can be difficult to comply with, he said, and can cause Nebraskans to move on and off Medicaid resulting in disrupted coverage and higher administrative costs.

“Continuous eligibility would enhance continuity of care, reduce the administrative burden for patients and providers and save the state of Nebraska administrative costs,” McCollister said.

Kathy Nordby, who spoke on behalf of the Health Center Association of Nebraska, testified in support of the bill. She said continuous coverage is critical in rural areas, particularly for seasonal farm workers.

“These people aren’t out-of-work engineers,” Nordby said. “It’s not like

they are hopping from hundreds of thousands of dollars down to nothing. They're fluctuating right on that cusp of eligibility."

Sarah Maresh, testifying on behalf of Nebraska Appleseed, also supported LB851, saying it would lead to better health outcomes for patients and lower costs to the state.

"There is evidence that changes in coverage are associated with increased use of the emergency room and result in higher health care costs," Maresh said.

Jeremy Brunssen of the state Department of Health and Human Services testified against the bill. He said the waiver application required by LB851 likely would be denied because, under federal law, proposed changes must be cost neutral.

Brunssen said Medicaid costs likely would increase under the bill's provisions because some Nebraskans would receive benefits that they are ineligible for under current law.

The committee took no immediate action on the bill.

### Change sought for managed care companies

A bill that would change provider notification procedures for state-contracted managed care companies that deliver Medicaid services was discussed Jan. 29 by the Health and Human Services Committee.

LB956, introduced by Fremont Sen. Lynne Walz, would require notice of material changes to an agreement between health care providers and a managed care organization. Under the bill, providers would receive:



Sen. Lynne Walz

- 90-day notice of any material change;

- a proposed effective date of the change;
- a description of the change;
- notice that the provider can accept or reject the change;
- contact information for the managed care organization;
- the opportunity to meet with the managed care organization; and
- a copy of the entire agreement after three material changes in 12 months.

LB956 defines a material change as one that decreases a provider's payment or compensation, or changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expense, including altering an existing prior authorization, precertification, notification or referral program or specific edits.

Walz said providers have had previously covered procedures dropped from their provider agreements without notice.

"This is not only a financial drain on our providers but also a health issue for our Medicaid patients," she said.

Grace Knott, president of the Nebraska chapter of the American Physical Therapy Association, testified in support of the bill. She said her profession is "on the brink of collapse" because of increased administrative burdens from providing care to Medicaid recipients.

"One large facility in Omaha which treats many Medicaid beneficiaries informed me that they are spending 30 to 40 hours per week on just this new authorization process for United Health Care," Knott said.

Jessica Thoene, speaking on behalf of the Nebraska Speech-Language-Hearing Association, also testified in support. She said significant changes have been made to agreements with-

out input from providers.

"MCOs have placed demands on providers with no warning, have not engaged stakeholders in proposed changes to the plans and have not been accountable when these changes result in delays or no service for patients," Thoene said.

James Watson of the Nebraska Association of Medicaid Health Plans testified against the bill, saying it was unnecessary. Managed care organizations' contracts already require notice of changes, he said, adding that the bill's definition of a material change is too vague.

"LB956 would require a contract amendment to every MCO-provider contract in the state. That would be a significant cost, and very time consuming, to providers and MCOs," Watson said.

The committee took no immediate action on LB956.

### Bill would guarantee drug access

Medicaid recipients could not be denied certain prescription medication coverage under a bill discussed Jan. 30 by the Health and Human Services Committee.

LB1052, introduced by Lincoln Sen. Anna Wishart, would prohibit the state Department of Health and Human Services, a managed care organization or a contracted pharmacy benefit manager from denying coverage of antidepressant, antipsychotic or anticonvulsant medication if the patient's health care provider deemed the drug medically necessary.



Sen. Anna Wishart

Administrators at mental health treatment facilities throughout Nebraska have reported that some

residents were admitted after losing Medicaid coverage for drugs that had successfully managed their conditions, Wishart said.

“Our goal in this state should be to work toward people with mental health issues living as independently as possible, as long as possible, as healthy as possible and with the least cost possible to the state,” she said.

Wishart said she introduced LB1052 after learning about a mentally ill man named Curtis. He overcame suicidal ideation in 2006 and was stable and independent for 11 years, she said, benefitting from a drug that was later removed from the preferred drug list. Unable to afford the medication, Curtis became delusional, attempted suicide and moved into an assisted living facility, she said.

Marlene Wagner, Curtis’ sister, testified in support of the bill. She said Curtis is back on his original medication and, although he has shown signs of recovery, he is not well enough to live on his own.

“Imagine if Curtis had not had an advocate. He may have harmed himself or someone else. He may have ended up dead or in jail. All because a managed care organization made a short-sighted decision,” Wagner said.

Joni Cover, CEO of the Nebraska Pharmacists Association, also supported LB1052. She said it is common for a patient like Curtis to learn from their pharmacist that a medication they’ve been prescribed is no longer covered by Medicaid.

“It’s really health care providers that should be practicing medicine and not payers,” Cover said.

Beth Ann Brooks, testifying on behalf of the Nebraska Medical Association, the Nebraska Association of Behavioral Health Organizations and the Regional Council of the American Academy of Childhood and Adoles-

cent Psychiatry, also spoke in support of the bill.

Finding effective mental health medication is difficult and varies by patient, she said. Once a successful drug is found, patient health outcomes, and not cost, should be the primary consideration, Brooks said.

Carisa Schweitzer Masek, pharmacy director for the DHHS Division of Medicaid and Long-Term Care, testified against LB1052. She said the bill would violate federal law that requires drug utilization reviews, causing the state to lose \$1.2 million in federal Medicaid funding.

Current law has been designed to protect patients, Schwietzer Masek said.

“These are, as you all know, some of the most vulnerable patients. These are also some of the most toxic drugs,” she said. “Due to the toxicity risk, [the current review process] needs to be in place to do that double-check and say ‘are there other drugs that this patient could be on that would cause a problem?’”

The committee took no immediate action on the bill.

## JUDICIARY



### Free speech protections for student journalists, advisers stalls

A bill to expand protections to student journalists and their advisers stalled on select file Jan. 31.

LB206, as introduced by Lincoln Sen. Adam Morfeld, would extend the full right to exercise freedom of speech and press that is provided to



Sen. Adam Morfeld

professional members of the media to high school and postsecondary student journalists, as well as their media advisers.

As amended on general file Jan. 14, the bill only would apply to public high school and postsecondary student journalists, as well as their media advisers. Additionally, the amendment removed an original provision extending civil and criminal immunity to those protected under the bill.

LB206 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 advisers would not be subject to discipline for exercising their rights protected under the bill.

Morfeld introduced an amendment during select file debate, adopted 27-4, that reaffirmed the authority of school administrators to provide professional feedback to student media advisers consistent with rules established by the state Department of Education.

Elmwood Sen. Robert Clements introduced an amendment, which is pending, that would remove from the bill protections for high school journalists. Protections for postsecondary journalists would not be impacted by the amendment.

Local school administrators and school boards should retain the power to direct how a school newspaper reflects on the school and district, Clements said.

“I think that more local [control] should be available to [school] administrators or school boards,” he said.

After one and a half hours of debate, 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.

**Immunity proposed for emergency child removal**

A person assisting a child believed to be in imminent danger would be eligible for legal immunity under a bill heard by the Judiciary Committee Jan. 31.

LB832, sponsored by Brainard Sen. Bruce Bostelman, would provide criminal and civil immunity for a person who removes a child—who they reasonably believe to be in imminent danger—from a locked motor vehicle, as long as they act in good faith.



Sen. Bruce Bostelman

According to the “Kids in Hot Cars” report, Bostelman said, 53 children younger than 15 died of heat stroke in hot vehicles in 2019.

“According to the National Highway Traffic Safety Administration, heat stroke is not about irresponsible people potentially leaving children in cars,” he said. “Most cases occur when a child is mistakenly left [behind] or enters into a vehicle unattended.”

Immunity would be contingent upon the person using no more force than reasonably necessary and notifying law enforcement or emergency services as soon as reasonably practical.

The person rendering assistance must remain with the child in a safe location in reasonable proximity to the vehicle until the arrival of either law enforcement, emergency services personnel, a parent, guardian or adult relative of the child or the owner of the vehicle.

If the safety of the child would be harmed by remaining in the area, the person giving aid must contact law enforcement or emergency services to notify them of the situation. They also would be required to leave a note on the windshield of the vehicle with their name, contact information and a description of where the child has been taken.

Speaking in support of the bill was Trisha Nicolas of Bellwood. Her one-year-old son, Weston, died after being left in a hot vehicle all day. After a sleepless night caring for her ill son, she said, a sleep-deprived Nicolas took a new route to work, forgetting about her sleeping child in the backseat.

“Had someone heard him, I wouldn’t want them to worry about breaking into my van,” Nicolas said. “People shouldn’t have to worry about that; the only consequence they should worry about is the child, because damaged property can be replaced but a child cannot.”

Eric Koepp, president of the National Safety Council of Nebraska, also spoke in support of LB832. He said more than 800 children in the United States have died in hot vehicles in the past 40 years.

“While Nebraska child vehicular heat stroke fatalities are relatively low compared to other states, we must be diligent in providing protections to good Samaritans whose only goal is saving a life,” Koepp said.

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

**Anti-bias and implicit bias training would be required**

Members of the Judiciary Committee heard testimony Jan. 31 on a bill that seeks to strengthen enforcement of the state’s ban on racial profiling by

law enforcement.

LB924, sponsored by Omaha Sen. Ernie Chambers, would require each law enforcement agency in Nebraska to implement an anti-bias and implicit bias training policy to combat apparent or actual racial profiling practices.



Sen. Ernie Chambers

Racial profiling was outlawed in 2001, Chambers said, but Nebraska’s prohibition lacks a significant enforcement mechanism.

“Already there is specific, detailed legislation on the books dealing with racial profiling, requiring reporting and documentation of what is being done to minimize [it],” he said. “These standards are not even being complied with because there is no sanction for noncompliance.”

Under the bill, each agency would be required to submit its adopted policy to the Nebraska Commission on Law Enforcement and Criminal Justice. Every law enforcement officer would be required to complete at least two hours of bias training during each calendar year.

Additionally, LB924 would authorize the commission to withhold loans, grants, funds or donations from a law enforcement agency if the agency is found to have neglected to collect required vehicle stop demographic data. The funding could be reinstated once the reporting failure is corrected.

Rose Godinez of the ACLU of Nebraska supported the bill. Since 2001, people of color have been two to three times more likely than white drivers to be pulled over for traffic stops, she said.

“Racial profiling by law enforcement is a long-standing and deeply troubling problem in Nebraska and

the United States,” Godinez said. “LB924 adds a crucial and basic law enforcement training requirement.”

Schuyler Geery-Zink, representing Nebraska Appleseed, also spoke in favor of the bill. Every person has implicit biases, she said, but if left unchecked, they could harm public safety.

“Without our conscious knowledge, we are all trained in a variety of ways over the course of a lifetime to view the world in certain ways,” Geery-Zink said. “While these views are detrimental to everyone in their day-to-day [lives], they can become deadly in a situation when an officer must make fast-paced, life-or-death decisions.”

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

### Bill would ban automatic college criminal checks

Criminal history would not disqualify a person automatically from public postsecondary school admission under a bill heard by the Judiciary Committee Jan. 30.

LB986, sponsored by Lincoln Sen. Patty Pansing Brooks, would prohibit any publicly funded college or university from inquiring about a person’s criminal or juvenile court history when considering his or her application for admission, except as otherwise required by federal or state law.

The national unemployment rate among the formerly incarcerated is 27 percent, Pansing Brooks said, adding that the ability to obtain training and education is central to securing employment.

“We need to ensure opportunities

are available for [formerly incarcerated people] to get the education they need to contribute to our workforce,” she said.

Juliet Summers, representing Voices for Children in Nebraska, supported the bill. She said it would offer young adults the ability to confidently approach the college application process without worrying about their past.

“Individuals—including youth—who have paid their debt to society should have the chance to advance in a chosen career field, pursue intellectual or creative passions, build positive peer and mentor relationships, and earn an honest living,” Summers said. “Moreover, when they are able to do so, their prospects for lifetime income and stability improve, impacting the prosperity of neighborhoods, communities and our state as a whole.”

Also supporting the bill was Rose Godinez, representing ACLU of Nebraska. Nationally, one in three adults has a criminal record, she said, and the state Department of Corrections estimates that over 2,000 people with felony convictions are released into Nebraska communities every year.

“Public safety is vitally important for students, families and schools,” Godinez said. “However, there has been no conclusive research finding to suggest using a criminal justice [background check] in any way lowers campus crime.”

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

### Expansion of housing discrimination prohibition considered

Source of income would be a protected category in state housing discrimination law under a bill heard by the Judiciary Committee Jan. 29.

Under the bill, lawful source of income would include, but would

not be limited to, income derived from Social Security, child support, foster care subsidies, alimony, veteran benefits or any other form of federal, state or local public general assistance or housing assistance.

LB1020, sponsored by Omaha Sen. Tony Vargas, would prohibit housing discrimination based on lawful sources of income.



Sen. Tony Vargas

The effects of redlining—a systematic housing discrimination practice—still can be seen in Omaha, Vargas said. Minority populations remain concentrated in northeast and south Omaha, he said, but some areas in west Omaha are more than 90 percent white.

Lack of access to resources is a much larger issue in areas with a history of redlining, Vargas said, which makes it difficult for residents to break the cycle of poverty.

“This is what intergenerational poverty is,” Vargas said. “And the state of Nebraska is perpetuating it by allowing [housing] discrimination based on source of income.”

Supporting the measure was Taylor Hayes, a University of Nebraska College of Law student who specializes in tenants’ rights.

LB1020 would protect a wide range of individuals, he said, including the elderly, people with disabilities, single parents and veterans.

“[Where someone lives matters] because a parent needs to know their child can safely walk to school each morning. It matters because city buses only stop in certain locations. It matters because in some towns, there’s only one landlord and if that landlord won’t accept your source of income, you can’t rent [in that town],” Hayes said.



Sen. Patty Pansing Brooks

Erin Feichtinger, representing homeless services organization Together Omaha, also supported the bill. Many of her clients describe the process of applying for housing assistance as “heartbreaking, demoralizing and hopeless,” she said.

“If you make it through the entire, arduous process of qualifying for housing assistance ... and you want to move to a neighborhood that has good schools, low crime, nice neighbors and [have] the American dream, but you want to use your voucher in Omaha—tough luck,” Feichtinger said.

Gene Eckel, representing the Nebraska Association of Commercial Property Owners, spoke in opposition to LB1020. Mandating that landlords accept housing assistance and follow stringent inspection standards only would increase costs for landlords, he said, which then would create fewer affordable housing options.

“We believe that because Congress [originally] did not make [source of income] a protected class, Nebraska should continue to follow that,” Eckel said. “We believe it should be participated in, not mandated.”

Also opposing the bill was Dustin Antonello, representing the Lincoln Independent Business Association. Federal housing assistance—commonly referred to as “Section 8”—imposes strict annual inspections on property owners, he said, even if a tenant does not move out.

“Although LIBA supports making it easier for low-income residents to utilize federal, state or local housing benefits, we do not support mandating rental property owners to accept Section 8 housing vouchers because they often create hidden financial regulatory burdens for property owners,” Antonello said.

The committee did not take immediate action on the bill.



**Free park entry permit sought for disabled veterans**

Certain disabled veterans could apply for a free lifetime state park entry permit under a bill heard Jan. 30 by the Natural Resources Committee.

LB770, introduced by Sen. Tim Gragert of Creighton, would require the state Game and Parks Commission to create and issue a free park entry permit for qualified disabled veterans in addition to the existing annual and temporary permits.



Sen. Tim Gragert

Of the 40 states that issue park permits, Gragert said, 19 offer free permits to disabled veterans.

To qualify, a veteran must be a Nebraska resident who has been honorably discharged and either rated by the U.S. Department of Veterans Affairs as 50 percent or more disabled as a result of service in the U.S. military or receiving a pension from the department as a result of total and permanent disability that is not connected to military service.

The permits would be perpetual and would become void only if a veteran no longer meets the eligibility criteria.

LB770 would increase the maximum fee for a nonresident motor vehicle annual park entry permit from \$45 to \$65. It also would increase the maximum fee for a nonresident motor vehicle temporary park entry permit from \$8 to \$12.

Gragert said LB287, introduced by Sen. Dan Quick last session, would raise the maximum fee for a nonresi-

dent park entry permit from \$45 to \$55 to cover the cost of capital maintenance. He said the further increase proposed under LB770 would help cover the free permit’s cost.

“I believe the nonresident fee could be raised even further considering that the vast majority of visitors to Lake McConaughy are from Colorado, where the cost of a park permit is \$80,” Gragert said.

Greg Holloway testified in support of the bill on behalf of the Nebraska Veterans Council, saying many veterans have expressed interest in a free entry permit. He said visiting the state’s parks can be therapeutic for veterans even if, like him, they no longer hunt or fish.

Timothy McCoy, deputy director of the state Game and Parks Commission, also testified in support. He said implementing LB770 would be straightforward because the commission already offers a free lifetime hunting and fishing permit to the same categories of disabled veterans.

Dan Wills testified in support of the bill on behalf of Disabled American Veterans.

“By doing something like this,” he said, “you’re giving opportunities to veterans [who] otherwise cannot afford to go to our state parks.”

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

**Cap proposed on game and parks property**

The state Game and Parks Commission could not increase the amount of property it owns under a proposal heard by the Natural Resources Committee Jan. 30.

Under current law, the commission may acquire title to land outside organized municipalities for additional



state parks, hatcheries, recreation grounds, recreational trails, wildlife management areas, captive wildlife facilities and public shooting grounds.

LB863, introduced by Sen. Dan Hughes of Venango, would bar the commission from any purchase or acquisition of additional sites if doing so would increase the amount of property it owns as of Sept. 1, 2020.



Sen. Dan Hughes

During two interim committee hearings last fall, Hughes said, many people shared concerns about maintenance at commission sites across the state.

“Many were concerned with the obvious lack of maintenance and upkeep on Game and Parks properties, evidenced by weeds not being mowed, buildings [and] structures in disrepair and fences not being maintained,” he said.

Hughes said he brought the bill in part to discover why maintenance seems to have fallen off in the last five to 10 years.

“If there are additional resources that need to be acquired,” he said, “let’s find out, and let’s make sure that we have sufficient resources in place to manage what we have now before we continue to add more acres and more sites.”

John Ross testified in support of LB863 on his own behalf. Ross, a hunter education instructor for the commission, said he has long heard complaints about Lake McConaughy and added that people do not visit Dead Timber State Recreation Area, located near his home, because it has been a “disaster area” for years. He said the commission should ensure their properties are “up to snuff” before they acquire more.

“Most of what Game and Parks does is good,” Ross said, “but we need to improve things.”

Timothy McCoy, the commission’s deputy director, testified in opposition. He said the commission adopted a plan in 2018 that sets out criteria it uses when determining whether it should buy a property that has been offered for sale.

As part of that process, McCoy said, staff examine the site and estimate what additional resources the commission might need to manage it.

Other than a few places that are shorthanded, he said, the commission currently has enough staff to oversee its sites, although it has “some more prioritization to do.”

McCoy said the commission does not have a formal park inspection system or complaint system and that park superintendents are responsible for maintenance and responding to neighboring landowners’ concerns. Some complaints arise when the commission decides to change how it manages a certain area, he said.

“The communication about those changes in management is really important,” McCoy said, “and I’m not sure we’ve always done the best job of sharing that information and helping people understand why.”

John Denton, manager of conservation programs for Nebraska for Ducks Unlimited, also testified in opposition. He said Ducks Unlimited partners with the commission to conserve wetlands within wildlife management areas. As the group seeks to interest young Nebraskans in outdoor activities, Denton said, it wants to ensure access to such public land.

Denton, who said he managed a WMA as a former Georgia state employee, said maintenance is “kind of an eye of the beholder situation.”

“As a state agency, we were expected

to manage for multiple user groups, multiple species, and often times those things contradict,” he said.

Jim Johnson testified in opposition to LB863 on behalf of the Nebraska Wildlife Federation. He said the commission’s ability to acquire land in collaboration with conservation groups is an important tool to stave off development for the purpose of protecting wildlife habitat.

If maintenance of state land is a problem, he said, communication between commission staff and landowners would be a better solution than prohibiting the commission from buying more land.

“The ability for [the commission] to help preserve and protect Nebraska’s wildlife habitat is absolutely necessary,” Johnson said, “and they can’t do that without the ability to acquire land when necessary.”

The committee took no immediate action on the bill.



**Tax deduction proposed for employers of felons**

The Revenue Committee heard testimony Jan. 29 on a proposal to provide an income tax deduction to Nebraska businesses that employ individuals convicted of a felony.

Under LB805, introduced by Omaha Sen. Justin Wayne, an individual’s federal adjusted gross income—or a corporation’s federal taxable income—would be reduced by 65 percent of the wages paid to



Sen. Justin Wayne

an individual who has been convicted

of a felony in any state.

Wayne said many businesses do not consider hiring felons because the business must then pay a higher insurance premium. The proposed tax incentive would help offset that, he said.

By encouraging more businesses to hire them, Wayne said, LB805 would help more felons rejoin society, reducing their recidivism rate.

The deduction would be allowed for taxable years beginning on or after Jan. 1, 2021. It would be allowed only with respect to wages paid during the individual's first year of employment and could not exceed \$20,000 per individual.

The state Department of Revenue estimates that LB805 would reduce state income tax revenue by \$2.4 million in fiscal year 2021-22 and an additional \$2.4 million in FY2022-23.

Josh Waltjer, a student at the University of Nebraska College of Law, testified in support of the bill on his own behalf. He said businesses often are wary of hiring individuals with a criminal record because of the misplaced fear that they are violent. Most felons are nonviolent and simply are trying to become better people, Waltjer said.

"With these incentives," he said, "employers would be willing to overlook these individuals' prior criminal records and instead focus on their capabilities as potential employees."

Jennifer Creager, senior director of public policy at the Greater Omaha Chamber, also testified in support. She said the bill would help address Nebraska's severe labor shortage by providing more employment opportunities for felons.

Danielle Conrad testified in support of LB805 on behalf of ACLU Nebraska, saying it could help reduce prison overcrowding.

"One of the best things that we can do to stop the cycle of recidivism and

criminal behavior is to provide folks with meaningful employment to help them transition back into society as part of a robust reentry program," she said.

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

### Plastic bag fee proposed

Grocery stores and other retailers would charge customers 5 cents for each single-use plastic checkout bag that they provide under a proposal heard Jan. 30 by the Revenue Committee.

Bennington Sen. Wendy DeBoer, sponsor of LB905, said she introduced the bill on behalf of students at Omaha Northwest High Magnet School and the University of Nebraska at Omaha Service Learning Academy.



Sen. Wendy DeBoer

"The issue of plastic litter and excessive use of these thin, film-like plastic bags is one which I believe to be increasingly problematic," she said. "We have here an opportunity to begin to address the issue."

Three cents of the fee would go to the state's general fund, 1 cent could be withheld by stores to reimburse them for collecting the fee and the remaining cent would go to a fund administered by the state Department of Environment and Energy.

The department would use the fund to create a program to provide reusable checkout bags to the public. LB905 provides that the bags would contain recycled materials, meet certain durability requirements and be washable a certain number of times. The director could enter into agreements for the design, creation and

distribution of the bags.

Stores would collect and remit the fees to the state Department of Revenue in the same way as sales and use tax.

The fee would apply only to plastic bags of a certain thickness. Bags provided to contain meat, seafood, loose produce or other unwrapped food items; newspaper bags; and laundry or dry cleaning bags would not be subject to the fee.

DeBoer said the bill's fiscal note bears out the idea that the fee would induce a change in consumer behavior.

The state Department of Revenue estimates that the fee would generate \$4.9 million in fiscal year 2020-21 and an additional \$9.5 million in FY2021-22. Assuming that people would use fewer plastic bags because of the fee, that figure would decline to \$7.2 million in FY2022-23 and \$4.8 million in FY2023-24.

Lillian Hughes testified in support of LB905. She said cutting plastic bag use would reduce litter, prevent harm to wildlife and decrease costs associated with the bags, such as clogged storm drains and jammed sorting machines at recycling plants.

"As a state, we have a responsibility to do our part in reducing pollution, habitat degradation, loss of wildlife and ultimately harm to people," Hughes said.

Annie Nelson also testified in support, saying that plastic use endangers our food and water supply. Plastic bags do not biodegrade, she said, and so will persist in the environment for centuries.

Nelson said researchers have found microplastics—small pieces of plastic that have degraded from larger pieces—in oceans, rivers and even Nebraska groundwater. Microplastics also can affect soil health, she said.

"Taxing plastic bags to change

consumer behavior is the first step in supporting healthy and sustainable practices within our environment,” Nelson said, “and it’s crucial to the well being of people and wildlife in Nebraska.”

Kathy Siefken testified in opposition to LB905 on behalf of the Nebraska Grocery Industry Association, the Nebraska Chamber of Commerce and Industry, the Nebraska Retail Federation and the Nebraska Restaurant Association. She said retailers buy plastic bags and provide them to customers for convenience.

“[LB905] turns this into a revenue stream for the state of Nebraska,” Siefken said. “We don’t really approve of that concept.”

She said the fee would encourage more people to use paper bags, which are worse for the environment than single-use plastic bags because they require more resources to make. And although plastic bags are a visible source of litter, Siefken said, they comprise only about 10 percent of plastic waste.

“Plastic bags really aren’t the problem,” she said. “The problem [is] the people and the way they are disposing of the plastic bags.”

Dustin Antonello testified in opposition to the bill on behalf of the Lincoln Independent Business Association. He said the fee would create an inconvenience for small businesses and consumers for little environmental benefit. According to the U.S. Environmental Protection Agency, he said, plastic bags make up less than 1 percent of municipal plastic waste.

Higher use of reusable bags also has been found to increase shoplifting, he said, and the bags can cause foodborne illness if consumers do not wash them regularly.

The committee took no immediate action on LB905.

### Airport maintenance fund proposed

State sales and use tax imposed on the sale or lease of aircraft would be used to maintain Nebraska’s airports under a bill heard Jan. 31 by the Revenue Committee.

LB1033, introduced by Sen. Curt Friesen of Henderson, would require the state tax commissioner to credit an amount equal to the state sales and use tax imposed on the sale or lease of aircraft to a new capital improvement fund administered by the state Department of Transportation.



Sen. Curt Friesen

The bill would apply to transactions occurring on or after July 1, 2020.

Friesen said the state’s airports benefit the economy by easing interstate travel and improving crop yields. As evidenced by last year’s floods, he said, they also provide a way to deliver emergency goods and services.

“Because our airports are such an important asset to the state,” Friesen said, “I am offering LB1033 in an effort to ensure that Nebraska establishes a sustainable financial support mechanism for the maintenance of our air transportation network.”

The fund could be used to build, repair, renovate, rehabilitate, restore, modify or improve any infrastructure under the authority and administration of the department’s Division of Aeronautics. The fund also would consist of transfers authorized by the Legislature and any gifts, grants, bequests or donations.

The state Department of Revenue estimates that the bill would direct \$1.3 million in revenue to the fund in fiscal year 2020-21, \$1.4 million in FY2021-22 and an additional \$1.5

million in FY2022-23.

Diane Hofer, an aviation subject matter expert at Olsson, testified in support of LB1033 on behalf of the Nebraska Aviation Council. She said the proposal would help address the approximately \$500 million in needed improvements included in the Division of Aeronautics’ annual capital improvement report.

Hofer said the aviation industry adds \$8.6 billion per year to Nebraska’s economy, but state grants to airports averaged only \$200,000 per year from 2010 to 2018.

“What other \$8 billion industry gets so little state support?” she said.

Nathan Masten, president of the Nebraska Association of Airport Officials, also testified in support. He said many Nebraska airports cannot raise the matching funds needed to receive federal grants for projects that ensure safe operations, such as fixing runways or beacons.

Masten said the Lexington airport, which he manages, will have to borrow money to raise the 10 percent match for an upcoming runway rehabilitation and repair project.

Sandi Decker, manager of the Fairbury Municipal Airport, also testified in support of LB1033. She said the airport expects to receive a federal grant for a resurfacing project this year but had to issue bonds to come up with its share of the funds.

“We’re lucky,” Decker said. “There’s smaller airports out there that have absolutely no way of getting their 10 percent.”

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

### NEST program expansion proposed

Nebraskans could take a tax deduction equal to contributions that their

employers make to their state college savings accounts under a bill heard Jan. 29 by the Revenue Committee.

The Nebraska Education Savings Trust Plan provides tax-advantaged 529 accounts meant to encourage saving for postsecondary education costs. Contributions grow tax-deferred, and withdrawals are exempt from state and federal taxes as long as they are used for a beneficiary's qualified higher education expenses.

Gretna Sen. Andrew La Grone, sponsor of LB1042, said the bill would ensure that employees do not have to pay state income tax on employer contributions to their NEST accounts.



Sen. Andrew La Grone

Under his proposal, an individual's federal adjusted gross income would be reduced by the amount of any contribution made by the individual's employer into the individual's NEST account.

The deduction would be for taxable years beginning on or after Jan. 1, 2021, and could not exceed \$5,000 for those married filing separately or \$10,000 for other filers.

La Grone said the bill also would eliminate the provision in current law that allows only an account's participant, or registered owner, to take a state income tax deduction equal to contributions they make to their account, up to \$5,000 for those married filing separately or \$10,000 for other filers.

"This change will allow grandparents and other family members ... to donate to a beneficiary's account without having to open an additional 529 account in order to get the deduction that they are already entitled to," he said.

LB1042 also would prohibit any state agency that provides benefits or

aid to individuals based on financial need from taking employer contributions into account when determining an individual's income.

Finally, the bill as introduced would expand the definition of qualified higher education expenses for NEST account purposes.

Under La Grone's proposal, NEST accounts also could be used to pay for costs incurred for participation in certain apprenticeship programs and the principal or interest on any qualifying education loan of the designated beneficiary or sibling of the beneficiary.

La Grone said the expansion is meant to align state law with federal changes made last year. He said, however, that he would introduce an amendment to remove those provisions from LB1042 because of their projected cost.

The state Department of Revenue estimates that the bill would reduce state income tax revenue by \$8.6 million in fiscal year 2021-22 and an additional \$9.3 million in FY2022-23. The Legislative Fiscal Analyst estimates that LB1042 would reduce revenue by \$17.1 million and \$18.5 million in those years, respectively.

State treasurer John Murante testified in support of LB1042. Although La Grone's expected amendment would eliminate the proposed definition change, Murante said, he would support future legislation that includes it.

Murante said Congress most likely will continue to expand the definition of qualified expenses to make 529 accounts more flexible. If Nebraska does not follow suit, he said, it will lose out to other states that allow withdrawals for those expenses.

"Nebraskans do not have to invest in NEST," Murante said. "So the more we are restrictive, all we're doing is incentivizing Nebraskans to go

to another state and buy their plan."

Tiffany Friesen Milone, policy director at OpenSky Policy Institute, provided neutral testimony on the bill. She said she originally planned to testify in opposition to LB1042 because of the proposed expansion of qualified expenses.

Friesen Malone said those changes would allow individuals to use NEST accounts, which are meant to encourage long-term saving, to receive short-term tax benefits by contributing to an account, deducting that amount from their taxes and then immediately withdrawing it to pay off student loans.

"If the goal is debt relief for students," she said, "we believe there are more efficient ways to provide it that would be more predictable from a state budgeting standpoint."

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

## TRANSPORTATION & TELECOMMUNICATIONS

### Increased fee proposed to fund first responder training

The Transportation and Telecommunications Committee heard testimony Jan. 27 on a bill that would provide funding for rural first responder training.

LB761, sponsored by Adams Sen. Myron Dorn, would increase an existing "50 Cents for Life" motor vehicle registration fee by 50 cents, which would bring the fee to \$1 each year.



Sen. Myron Dorn

The additional revenue would fund Simulation in Motion, a Uni-

versity of Nebraska Medical Center training simulation that prepares first responders and emergency medical technicians in rural Nebraska.

The state's population is rapidly aging, Dorn said, which comes with an increased possibility for complex health issues that require emergency medical services.

"The better trained our first responders are, the better the outcomes for those who have suffered a medical emergency on the road, on the farm or at home," he said.

Doug Dekker, program manager for Simulation in Motion, supported the bill. The training program has the potential to impact the health of every person in Nebraska, he said.

"A 50 cent per motor vehicle registration fee is a small price to pay for the benefit of sustaining this life-saving program," Dekker said.

Lancaster County Commissioner Sean Flowerday also spoke in support of LB761. Lancaster County is one of the best served areas in the state in terms of emergency medical services, he said, however there is a significant lapse in response time for rural parts of the county.

"These rescue calls are imperative to the safety and well-being of Lancaster County residents," Flowerday said. "[Simulation in Motion] gives rural residents the best training available so that they can deliver the best care possible."

Michael Wiekhorst, chief of the Valley Fire Department, testified in favor of the bill. Valley is located between two large, expanding cities and sees significant commuter traffic, he said, but is served by an entirely volunteer fire department.

"With a very limited annual budget, we could not afford the training that [Simulation in Motion] provides free of charge," Wiekhorst said. "Prior

to this training, units such as ours relied primarily on in-house training that was not nearly as comprehensive and that did not train us to the highest level of preparedness."

Opposing LB761 was Loy Todd, president of the Nebraska New Car and Truck Dealers Association. Providing proper training for first responders and emergency medical technicians is vitally important, he said, however it is unfair to seek funding for such training by increasing already high motor vehicle taxes.

"Years ago, [our association] made the decision to resist any attempt to tack on additional fees on motor vehicles for anything other than road [projects]," Todd said.

The committee took no immediate action on the bill.

**Increased enforcement of school bus safety law proposed**

Drivers who fail to stop for school buses would be subject to increased enforcement under a bill heard by the Transportation and Telecommunications Committee Jan. 28.

Under LB789, introduced by Peru Sen. Julie Slama, a school bus operator could report a driver who fails to stop when the school bus stop arm is extended. Currently, bus drivers can report violators to law enforcement, Slama said, but law enforcement will not issue a citation unless they personally witness the infraction.

"There are children who are getting hit by cars and dying because a driver can't be bothered to look up from their phone before passing a school bus," she said. "When we have a problem that is so concerning that some

cities and towns are [stationing] police officers on their buses to monitor traffic, something needs to be done."

Any report filed by a school bus driver—and submitted to his or her employer—must include the time and approximate location of the violation, the license plate number and the color and type of vehicle involved.

Within 72 hours of receiving the report, the employer would be required to forward it to law enforcement, who would have seven calendar days to initiate an investigation of the alleged violation.

If law enforcement is able to identify the driver and has reasonable cause to believe a violation occurred, the person would receive a uniform traffic citation. If the driver at the time of violation cannot be confirmed, the owner of the vehicle would be liable for the violation.

Jack Moles, executive director of the Nebraska Rural Community Schools Association, spoke in favor of LB789. He said violations of the school bus stop arm create an "incredibly dangerous" situation for students, particularly on rural school bus routes.

"Currently it is difficult to follow up violations of the stop arm," Moles said. "This bill would help and at least provide another opportunity to solve that problem."

Cheri Wirthele, board president of Educational Service Unit 4, also supported the bill. Stop arm violations do not just happen on highways, she said, but inside city limits and on country roads as well.

"When a driver chooses to pass my bus and the red stop arm is out and the lights are flashing, he or she puts the students inside and outside of my bus in danger," Wirthele said, adding that the bill would bring new awareness to drivers' responsibilities when it comes to interacting with school buses.



Sen. Julie Slama

No one testified in opposition to LB789 and the committee took no immediate action on it.

**Motor vehicle tax exemption proposed for military members**

Members of the Transportation and Telecommunications Committee heard testimony Jan. 27 on a bill that would expand an existing motor vehicle tax exemption.

Currently, active duty military members who are stationed in Nebraska but are residents of another state are exempt from paying the state motor vehicle tax.

LB842, sponsored by Bellevue Sen. Sue Crawford, also would exempt Nebraska residents who are active duty military members—and their spouses—from the state motor vehicle tax.



Sen. Sue Crawford

Crawford said the bill would correct the disparity between residents and nonresidents so that all service members have the same access to the tax exemption.

“Why shouldn’t our active duty service members who are Nebraska residents have the same benefits as those who are stationed at Offutt [Air Force Base]?”

Ryan McIntosh, representing the National Guard Association of Nebraska, supported the bill. He said there are 580 active service members in Nebraska currently who are not receiving the tax exemption because they are Nebraska residents.

“This is important legislation because it would help to incentivize service members who are stationed here to become Nebraska residents,” McIntosh said.

Opposing the bill was Jon Cannon,

representing the Nebraska Association of County Officials. Nebraska’s counties already are faced with a lack of revenue, he said, and LB842 would exacerbate that situation.

“No matter how small or insignificant it may seem, this is an erosion of our tax base,” Cannon said. “As far as counties are concerned, there are no other places to go [for revenue] except for property taxes.”

The committee took no immediate action on the bill.

**Regulation of peer-to-peer car sharing discussed**

Members of the Transportation and Telecommunications Committee heard testimony Jan. 28 on a bill that would create a regulatory framework for an emerging industry.

LB961, introduced by Henderson Sen. Curt Friesen, would impose insurance and tax regulations on peer-to-peer car sharing programs, which connect consumers who want to temporarily use a vehicle with an eligible vehicle owner.



Sen. Curt Friesen

“This ensures that all [Nebraska] counties that are implementing peer-to-peer car sharing programs operate on a level playing field,” Friesen said.

Under the bill, a peer-to-peer car sharing program would assume the liability of the vehicle owner for any bodily injury or property damage to third parties, uninsured and insured motorist benefits and personal injury prevention protection losses for the time period during which the vehicle is shared.

The program would not be liable if the vehicle owner makes a material, intentional or fraudulent misrepresentation or omission before the period

in which the loss occurred or acts in concert with a driver who failed to return a vehicle.

Finally, the bill would impose a sales and use tax on the vehicle owner for each rental transaction.

Ryan Thistlethwaite, representing Enterprise Holdings, spoke in favor of LB961. He said it would help ensure fairness and transparency in the highly competitive mobility marketplace.

“It is critical to ensure [any] regulatory framework protects consumers, car owners and the revenue streams of states and cities,” Thistlethwaite.

Opposing the measure was William Dane, representing peer-to-peer car sharing company Turo, who said the bill would treat individuals sharing their vehicles the same as rental car companies. Those companies pay no sales tax on vehicles purchased for their business, Dane said, but individuals pay sales tax on their personal vehicles used for car sharing.

“Applying another tax on these transactions results in triple taxation on consumers who are seeking to make ends meet by sharing their vehicles,” Dane said.

The committee took no immediate action on the bill.

**URBAN AFFAIRS**

**Bill would expand cities’ ability to borrow**

A bill considered Jan. 28 by the Urban Affairs Committee would allow cities and villages to borrow money after a calamity.

LB870, introduced by Bellevue Sen. Sue Crawford, would allow cities and villages to borrow directly from a financial institution only to repair or rebuild property or restore public

services damaged or disrupted by a natural disaster.

The bill also would waive borrowing limits currently placed on cities and villages if funds are used to recover from a disaster.

Crawford said she introduced the bill in response to last spring's flooding that devastated numerous communities, including Peru. Floodwater contaminated Peru's drinking water supply, she said, and although a local bank was willing to help finance the

transportation of clean water, state law prevented it from doing so.

"LB870 is designed to address the emergency need for financing," Crawford said.

Robert Hallstrom, speaking on behalf of the Nebraska Bankers Association, testified in support of the bill. He said cities and villages often use direct borrowing to finance vehicles or other smaller expenses, and allowing direct borrowing after a natural disaster would be beneficial because

of the emergency nature of the need.

Lynn Rex of the League of Nebraska Municipalities also spoke in support of the bill. She said LB870 would be limited enough to prevent cities and villages from direct borrowing to pay for non-emergency expenses.

"Given what has happened since last March, this is really important," Rex said.

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

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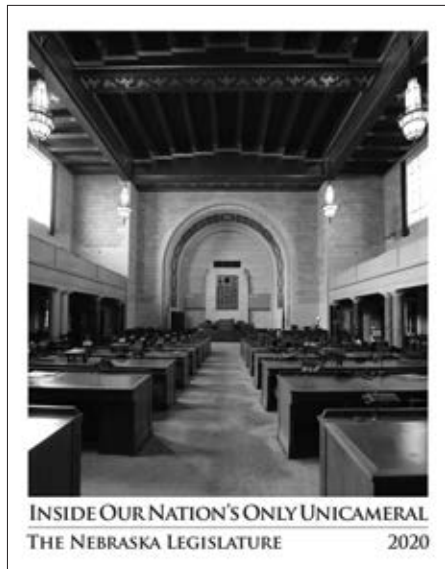
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# COMMITTEE HEARINGS

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

## **Monday, Feb. 3**

### **Appropriations**

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

Agency 18: Dept. of Agriculture  
Agency 22: Dept. of Insurance  
Agency 29: Dept. of Natural Resources  
Agency 30: State Electrical Board  
Agency 33: Game and Parks Commission

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

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

LB760 (Kolterman) Require health carriers to provide coverage for asynchronous review by a dermatologist by way of telehealth  
LB929 (Lindstrom) Provide an exemption to the Nebraska Real Estate License Act  
LB1063 (Lindstrom) Change provisions relating to the State Treasurer and treasury management

### **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

### **Education**

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

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  
LB1186 (Hilgers) Require salary to be paid to injured school employees as prescribed  
LB1089 (Vargas) Require students to complete the FAFSA prior to graduation from high school

### **General Affairs**

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

LB1064 (Briese) Change provisions relating to the sale and use of tobacco products  
LB1056 (Lowe) Provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act  
LB862 (Hughes) Prohibit possession by minors of tobacco and nicotine products  
LB1174 (Briese) Change licensure provisions under the State Electrical Act  
LB1176 (Briese) Change provisions relating to the sale of tobacco products, electronic nicotine delivery systems, and alternative nicotine products

### **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

## **Tuesday, Feb. 4**

### **Agriculture**

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

*Appointment:* Bradley D. Lubben - Beginning Farmer Board  
LB1152 (Halloran) Change licensing, cultivation, testing, transportation, violation and penalty, and powers and duties provisions relating to hemp  
LB1219 (Wayne) Change provisions of law relating to hemp and adopt the Nebraska Hemp Transportation and Sales Licensing Act  
LB919 (Wayne) Change requirements for approval or denial of licenses or licensing agreements under the Nebraska Hemp Farming Act

### **Appropriations**

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

LB1099 (Pansing Brooks) Create a fund under the Nebraska State Capitol Preservation and Restoration Act  
LB910 (Stinner) Provide for, change, eliminate, and change distribution of fees and funds of the Secretary of State

LB1198 (Stinner) Appropriate funds to the Department of Administrative Services  
Agency 9: Secretary of State  
Agency 12: State Treasurer  
Agency 16: Dept. of Revenue  
Agency 65: Dept. of Administrative Services  
Agency 85: Neb. Public Employees Retirement Board  
Agency 87: Accountability and Disclosure Commission

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

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

LB757 (Blood) Prohibit certain fraudulent acts under the Nebraska Criminal Code and the Insurance Fraud Act  
LB886 (Arch) Prohibit certain acts by health insurers and network providers and list a deceptive trade practice  
LB1014 (Lindstrom) Change provisions of the Multiple Employer Welfare Arrangement Act  
LB1123 (Lindstrom) Redefine the term security to include certain student loans under the Public Funds Deposit Security Act

### **Education**

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

LB1066 (Erdman) Change provisions for modifying school district boundaries  
LB1083 (Morfeld) Change provisions relating to the Meadowlark Program  
LB1166 (Brewer) Change school district membership requirements as prescribed  
LB1131 (Groene) Change provisions relating to education

### **Executive Board**

#### **Room 1507 - 12:00 p.m.**

LB1144 (Health & Human Services) Change provisions affecting the Public Counsel and the Inspector General of Nebraska Child Welfare  
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



# COMMITTEE HEARINGS

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

LB1067 (Erdman) Provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle  
LB746 (Blood) Adopt the Nebraska Consumer Data Privacy Act

**Urban Affairs  
Room 1510 - 1:30 p.m.**

LB973 (Kolowski) Adopt the Homeowner Association Act  
LB794 (M. Hansen) Adopt the Missing Middle Housing Act and provide zoning regulation requirements for certain cities  
LB866 (Wayne) Adopt the Density Bonus and Inclusionary Housing Act  
LB1155 (Vargas) Adopt the Middle Income Workforce Housing Investment Act and transfer funds from the General Fund  
LB999 (Wayne) Require cities and villages to pay for appointed counsel for prosecutions and adjudications for violation of city and village ordinances  
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

**Wednesday, Feb. 5**

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

LB916 (Lathrop) Appropriate funds to the Department of Correctional Services for a community corrections facility  
LB995 (Gragert) Appropriate funds to the Commission on Public Advocacy  
LB1017 (Geist) Appropriate funds to the Supreme Court  
LB1096 (McDonnell) Appropriate funds to the Department of Correctional Services  
LB1097 (McDonnell) Appropriate funds to the Supreme Court  
Agency 5: Supreme Court  
Agency 46: Dept. of Correctional Services  
Agency 78: Neb. Commission on Law Enforcement and Criminal Justice

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

LB1047 (Friesen) Change provisions relating to semiannual statements of county treasurers

LB1055 (Brewer) Change provisions for voting by mail in certain counties  
LB1057 (Lowe) Change provisions regarding appeals of certain zoning decisions by county planning commissions and county boards  
LB1211 (B. Hansen) Change requirements for the preparation of proposed budget statements under the Nebraska Budget Act

**Health & Human Services  
Room 1510 - 1:00 p.m.**

*Appointments:* Shelly K. McQuillan; David J. Hansen - Neb. Child Abuse Prevention Fund Board  
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  
LB1145 (Health & Human Services) Require the Department of Health and Human Services to develop and implement policies regarding use of mechanical restraints and transportation of juveniles

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

LB1027 (Lathrop) Adopt the County Court Special Proceedings Act  
LB1028 (Lathrop) Change filing procedure for actions in Small Claims Court  
LB1029 (Lathrop) Change requirements for preservation of court records  
LB1030 (Lathrop) Change requirements relating to forfeited recognizances, fines, and costs  
LB1032 (Lathrop) Change provisions relating to civil judgments  
LB1137 (Lathrop) Provide for class certification and removal to district

court for certain cases under the Administrative Procedure Act  
LB1164 (Walz) Change terminology related to disability in civil rights provisions

**Natural Resources  
Room 1525 - 1:30 p.m.**

*Appointment:* Sherry Vinton - Neb. Environmental Trust Board  
LB1201 (Bostelman) Create the Flood Mitigation and Planning Task Force  
LR288 (Slama) Urge Congress and the United States Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstream Reservoir System Water Control Manual  
LB1072 (Hughes) Authorize certain natural resources districts to issue flood protection bonds and use bond proceeds as prescribed  
*AM 2171 to LB 1072*

**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

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

LB1189 (McDonnell) Adopt the Firefighter Cancer Benefits Act and provide an income tax exemption for such benefits  
LB806 (Wayne) Exempt social security benefits and retirement benefits from taxation as prescribed  
LB819 (Brewer) Change provisions relating to the taxation of benefits received under the federal Social Security Act  
LB891 (Hilgers) Provide an income tax credit for overtime pay

**Thursday, Feb. 6  
Appropriations**

**Room 1003 - 1:30 p.m.**  
LB826 (Hilkemann) Provide for and eliminate transfers from the Charitable Gaming Operations Fund  
LB894 (Stinner) Appropriate funds for community college aid

# COMMITTEE HEARINGS

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LB979 (Morfeld) Appropriate funds to the Department of Transportation  
LB1079 (Wishart) Appropriate funds to the Nebraska State Patrol

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

LB781 (Stinner) Provide for annual continuing education for treasurers of certain local governments and provide a duty for the Auditor of Public Accounts  
LB807 (La Grone) Change a duty of the Auditor of Public Accounts relating to government auditing standards

## **Health & Human Services**

### **Room 1510 - 1:00 p.m.**

*Appointment:* Jillian Chance - Neb.  
Child Abuse Prevention Fund Board  
LB1188 (Howard) Provide duties for the Office of Juvenile Services relating to education and change the definition of interim program school  
LB1150 (Brandt) Require the youth rehabilitation and treatment centers to be fully operational by July 1, 2021  
LB1147 (Vargas) Provide duties for the Department of Health and Human Services regarding the youth rehabilitation and treatment centers  
LB1149 (Vargas) Change provisions relating to the Office of Juvenile Services  
LB1172 (Cavanaugh) Change provisions relating to juveniles and provide duties for the Department of Health and Human Services

## **Judiciary**

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

LB1041 (Pansing Brooks) Change provisions relating to grand jury transcripts  
LB1095 (McDonnell) Authorize counties containing a city of the metropolitan class to establish juvenile justice programs and services  
LB1112 (Kolowski) Change provisions relating to payment for sexual assault forensic examinations  
LB1148 (Vargas) Change provisions relating to the Office of Juvenile Services and the placement of juveniles at youth rehabilitation and treatment centers

LB1169 (Cavanaugh) Create the Nebraska Integrated Juvenile Data Governing Body and the Nebraska Juvenile Justice Information System  
LB1194 (Walz) Change population threshold for appointment of public defenders in certain counties

## **Natural Resources**

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

*Appointment:* Douglas Anderson - Environmental Quality Council  
LB859 (Hughes) Change provisions relating to qualifications and terms of office for certain Game and Parks Commission members  
LB860 (Hughes) Change Game and Parks Commission district limits and designations as prescribed

## **Revenue**

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

LB1084 (Kolterman) Adopt the Nebraska Transformational Projects Act  
*AM2207 to LB720*

## **Monday, Feb. 10**

### **Appropriations**

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

LB827 (Hilkemann) Appropriate funds to the Department of Health and Human Services  
LB874 (Howard) Restate intent regarding funding programs from the Nebraska Health Care Cash Fund  
LB877 (Walz) State intent regarding appropriations for aging and disability resource centers  
LB1093 (Stinner) State intent regarding appropriations for nursing facility services under the medical assistance program  
LB1215 (Walz) Appropriate funds to the Department of Health and Human Services  
Agency 25: Health and Human Services  
*Note: Operations, Medicaid and Long Term Care, Developmental Disabilities*

## **Banking, Commerce & Insurance**

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

LB808 (La Grone) Provide for ratification of defective corporate actions under the Nebraska Model Business Corporation Act

LB954 (Lindstrom) Change insurance provisions relating to fees for dental services

LB988 (Hilgers) Provide restrictions on business entity ownership with respect to certain professional services

## **Business & Labor**

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

LB813 (Bolz) State intent regarding appropriations for apprenticeships and provide powers for the Department of Labor  
LB1216 (Vargas) Adopt the H3 Rural Renewal Award Act  
LB1160 (M. Hansen) Adopt the Nebraska Workforce and Education Reporting System Act  
LB1101 (Halloran) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act  
LB1103 (M. Hansen) Change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court

## **General Affairs**

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

LB1090 (Blood) Allow local governing bodies to suspend liquor licenses for nonpayment of taxes, fees, and special assessments  
LB1163 (Wayne) Provide for transportation and storage of alcohol by retail licensees for customer pickup  
LB971 (Wayne) Redefine a lottery to include wagers made on the outcome of an authorized sporting event  
LB990 (Wayne) Adopt the Games of Skill Act and use proceeds to reduce school district property tax levies  
LR295CA (Wayne) Constitutional amendment to allow the Legislature to authorize, regulate, and tax any game of chance

## **Transportation & Telecommunications**

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

LB1088 (Friesen) Provide for personalized message specialty license plates  
LB843 (Cavanaugh) Provide for Donate Life license plates  
LB903 (Kolowski) Provide for Down Syndrome Awareness license plates

# COMMITTEE HEARINGS

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

LB921 (Hilkemann) Provide for The Good Life Is Outside Plates  
 LB942 (Hunt) Provide for Support the Arts license plates  
 LB1139 (Wishart) Provide for Pets for Vets license plates

## **Tuesday, Feb. 11**

### **Agriculture**

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

*Appointments:* Britt D. Anderson; Dave W. Nielsen; Wade E. Thornburg - Beginning Farmer Board  
 LB1159 (Stinner) Change certain use restrictions and provide for unlimited license examination attempts under the Pesticide Act  
 LB1040 (Vargas) Provide for a state food insecurity nutrition incentive grant program

### **Appropriations**

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

LB779 (Stinner) State intent regarding appropriations to the Department of Health and Human Services  
 LB897 (Cavanaugh) Appropriate funds for behavioral health aid  
 LB1100 (Bolz) State intent regarding appropriations for mental health and behavioral health services  
 LB1146 (Howard) Appropriate funds for the Youth Rehabilitation and Treatment Center-Kearney  
 LB1161 (M. Hansen) Appropriate funds to the Department of Health and Human Services  
 Agency 25: Health and Human Services  
*Note: Public Health, Children and Family Services, Behavioral Health, Facilities*

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

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

LB997 (Morfeld) Adopt the Out-of-Network Emergency Medical Care Act  
 LB767 (Lindstrom) Change provisions on breach of warranty on improvements to real property and provisions under the Nebraska Condominium Act  
 LB1199 (Lindstrom) Change provisions relating to motor vehicle service contract reimbursement insurance

### **Transportation & Telecommunications**

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

LB787 (Lathrop) Construe applicability of certain uninsured and underinsured motor vehicle insurance coverages  
 LB1046 (Friesen) Change provisions relating to taxes and fees on community antenna television service

### **Urban Affairs**

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

LB743 (Blood) Adopt updated electrical standards  
 LB1116 (Morfeld) Adopt the New School Construction and Water Access Act  
 LB864 (Wayne) Adopt the Bed Bug Detection and Treatment Act for cities of the metropolitan class  
 LB1114 (M. Hansen) Change election provisions for sanitary and improvement districts  
 LB984 (Hunt) Provide deadlines for filling vacancies on certain city or village boards, authorities, and agencies  
 LB1178 (Wayne) Prohibit land banks from entering into certain agreements to temporarily hold real property  
 LB960 (Friesen) Change accounting of income provisions and provide a requirement for use of funds under the Municipal Proprietary Function Act

## **Wednesday, Feb. 12**

### **Appropriations**

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

LB773 (Williams) Appropriate funds for the Rural Workforce Housing Investment Fund  
 LB1026 (Bolz) Appropriate funds to the University of Nebraska  
 LB1050 (Vargas) Appropriate funds to the Coordinating Commission for Postsecondary Education  
 LB1069 (Bolz) Appropriate funds to the Board of Regents of the University of Nebraska  
 LB1098 (McDonnell) Appropriate funds to the Department of Economic Development  
 Agency 72: Dept. of Economic Development  
 Agency 50: Neb. State College System  
 Agency 51: University of Nebraska System

### **Judiciary**

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

LB786 (Lathrop) Change rules on the use of restrictive housing and require screenings of inmates for serious mental illness, developmental disabilities, and traumatic brain injuries  
 LB978 (Murman) Provide for county, city, and village jail reimbursement  
 LB1082 (Morfeld) Increase the indigent defense court filing fee  
 LB1171 (Cavanaugh) Change provisions under the Healthy Pregnancies for Incarcerated Women Act  
 LB1180 (Wayne) Change provisions regarding alternate jurors  
 LB1208 (Vargas) Change provisions relating to restrictive housing, immediate segregation, discipline, and other conditions of confinement in state correctional facilities

## **Thursday, Feb. 13**

### **Judiciary**

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

LB959 (Vargas) Limit habitual criminal enhancement to violent felonies  
 LB985 (Pansing Brooks) Provide for Class ICA and IDA felony classifications and change penalties  
 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  
 LB1181 (Wayne) Adopt the Fair Sentencing Act and change provisions relating to mandatory minimums, the habitual criminal enhancement, and pretrial detention  
 LB1209 (Vargas) Provide a diversion program for caregivers  
 LR281CA (McCollister) Constitutional amendment to allow the Legislature to enact legislation authorizing courts to reduce sentences ■

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