

First-round debate begins on property tax relief proposal

Lawmakers debated a bill Feb. 19 and 20 that is intended to reduce the state's reliance on property taxes to fund education by increasing state aid to public schools.

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

Sen. Lou Ann Linehan, the committee's chairperson, said Nebraska ranks among the lowest in terms of state funding for public K-12 education, which has resulted in high property taxes for all Nebraskans. Linehan said LB974 would reduce that overreliance on property taxes to fund public schools without cutting school funding.



Sen. Lou Ann Linehan said LB974 would reduce local property taxes by sending additional state aid to schools and limiting school budget growth.

A pending Revenue Committee amendment would replace the bill. Linehan said it would adjust the original proposal's cost and provide an estimated \$520 million in property tax relief over the next three years.

Like the original bill, the amendment would reduce valuations of agricultural and horticultural land and real property for purposes of taxes levied by school districts.

Farmland, currently valued at 75 percent of its actual

value for tax purposes, would be valued at 65 percent of its actual value for school tax purposes for tax year 2020, 60 percent for 2021 and 55 percent for 2022 and after.

Real property would be valued at 95 percent of its actual value for school tax purposes for tax year 2020, 91 percent for 2021 and 87 percent for 2022 and after. The original

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Bill would ban abortion procedure

Members of the Judiciary Committee heard testimony Feb. 20 on a bill that would ban a specific abortion method in Nebraska.

LB814, introduced by Lincoln Sen. Suzanne Geist, would ban "dismemberment" abortions except in emergency situations. The bill defines a dismemberment abortion as a procedure in which a person purposely dismembers and extracts a living fetus from the uterus using clamps, forceps

or similar instruments.

The bill would not apply to an abortion in which suction is used to dismember a fetus, or removal of a fetus that is already dead.

The proposed ban is not a judgment or indictment of women who seek an abortion, Geist said, it simply restricts a particular procedure.

"Regardless of our individual opinions on abortion, I think we can agree that no living creature—and certainly no human being—should be subject

to this barbaric act in the name of women's health," she said.

LB814 also would allow for professional injunctions and civil action against any abortion provider found to be in violation of the bill's provisions.

The intentional and knowing performance of the procedure—unless performed due to a medical emergency—would be a Class IV felony, punishable by up to two years imprisonment with 12 months post-release supervision, a

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\$10,000 fine or both.

Kathi Aultman, a retired OB-GYN who previously performed the procedure, spoke in support of the bill. There is a large body of evidence to support the fact that a fetus can feel pain at 20 weeks, she said, but new studies indicate it may be as early as 12 weeks.

"[The bill] prevents the infliction of needless pain and suffering on innocent human beings and preserves the integrity of the medical profession," Aultman said. "A major benefit is that it would spare mothers the agony and guilt of knowing that their child was torn limb from limb while it was alive."

Karen Bowling, executive director of the Nebraska Family Alliance, also supported LB814. Fetuses are not puzzles to be pieced back together after an abortion, she said, they are babies deserving of love and compassion.

"Dismembering a live, preborn baby limb by limb shocks the conscience of Nebraskans," Bowling said. "It compels us to ask why should our state law sanction such a brutal, barbaric procedure?"

Opposing the measure was Jody Steinauer, an OB-GYN and professor. LB814 is not about patient safety or helping a physician provide quality



Sen. Suzanne Geist said the procedure should have no place in modern medicine.

medical care, she said, but is a ban on a very safe method of abortion.

"If this bill became law, it would make it a crime for doctors like me who use our best medical judgment when treating our patients," Steinauer said. "It would go against my medical oath to not be able to offer the safest possible method of abortion to my patients in the second trimester."

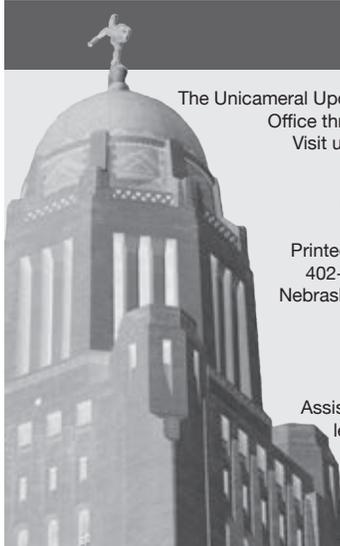
Tiffany Joekel, representing the Women's Fund of Omaha, also opposed the bill. It is critical that a

woman is able to consult a highly trained medical professional who can assess her needs and provide the best medical judgment, she said.

"Fundamentally, we trust a woman to make health care decisions that are best for herself and her family," Joekel said. "No matter how we may each personally feel about abortion, the decision about whether to keep or end a pregnancy is a deeply personal one."

The committee took no immediate action on the bill. ■

UNICAMERAL UPDATE



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bill would have set the final value at 85 percent.

At the same time, the amendment would use an increasing percentage of net state tax collections to provide schools with foundation aid. For school fiscal year 2022-23, Linehan said, foundation aid would amount to approximately \$2,341 per student.

In addition to other proposed changes to the state's school funding formula, the proposal would limit school budget growth by tying it to the Consumer Price Index.

Linehan said the change would better reflect what taxpayers can afford to pay for government services. The amount of property taxes levied by local governments over the past decade has increased at a higher rate than the Nebraska median household income, she said.

"It's not that people don't want to fund their schools or their counties or their cities," Linehan said. "They cannot afford it."

The proposal contains several provisions Linehan said are intended to ensure that schools do not lose funding. The amendment would allow school districts that meet certain criteria to receive transition aid, over a period of three years, if they have a budget shortfall.

Linehan said the amendment also would allow certain districts, by a two-thirds majority vote of their boards, to raise their levies to make up for lost revenue caused by any short-term adjustment the Legislature may make to the school funding formula.

The proposal also would allow districts that have commenced projects using their special building fund to continue to levy enough to pay for

those projects, she said.

Sen. Tom Briese of Albion supported the proposal. He said the state has failed to adequately fund K-12 education, leading to high property tax burdens on agricultural landowners, small businesses and homeowners. LB974 would provide more state aid to schools while limiting school spending growth, he said.

"I believe it would be irresponsible of us to inject hundreds of millions of additional state dollars into K-12 education and not try to ensure that those dollars yield property tax relief for hardworking Nebraskans," Briese said.

Peru Sen. Julie Slama also supported the bill, saying it would reduce property taxes without raising other taxes or cutting state spending.

By directing additional state aid to rural school districts that now rely mostly on property taxes, she said, the proposal would decrease property taxes for farmers and ranchers.

"We're taxing the core of our economy—and rural Nebraska as a whole—out of business," Slama said.

Also in support was Sen. Mike Groene of North Platte, who said the proposal would "reset" the state's school finance system. He said LB974 would address current funding inequities by providing state aid for each student and by guaranteeing at least 15 percent of each school district's basic funding.

Groene said concerns he has heard from school administrators that the proposal would reduce school funding are unfounded.

"Don't fear that our public schools will be harmed," he said.

Sen. Sue Crawford of Bellevue said she opposed the bill in committee

because it would not protect public school funding. She said groups representing public schools of all sizes oppose LB974 because, although it would increase state aid, it also would reduce school districts' property tax asking authority.

"If we're coming together to provide meaningful property tax relief while protecting our public schools," she said, "it's important that we have a solution that we can get our schools behind."

Additionally, Crawford said, the proposed transition aid would not be enough to keep growing schools whole.

Sen. Wendy DeBoer of Bennington filed a motion to bracket the bill, which effectively would end debate on it for the session. She said the proposal would repeal an averaging adjustment in the school funding formula that provides a significant amount of aid to large schools that educate most Nebraska students.

DeBoer said school groups and school finance experts oppose LB974 because it would not provide adequate school funding over the long term.

"When they are universally against it," she said, "I feel like they probably are onto something and we ought to listen to them."

After three hours of general file debate, the Legislature moved to the next item on its agenda without voting on the bracket motion, the committee amendment or the bill. Per a practice implemented by Speaker Jim 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. ■



Omnibus banking bill clears first round

A measure that would make several updates to Nebraska banking law was amended to become an omnibus banking bill and advanced from general file Feb. 18.

Among other provisions, LB909, introduced by Sen. Matt Williams of Gothenburg, would:



Sen. Matt Williams

- allow minors to establish deposit accounts;
- repeal obsolete language in the Nebraska Banking Act related to report publication;
- allow the director of the state Department of Banking and Finance to examine licensees at his or her discretion;
- grant state-chartered banks, savings associations and credit unions the same rights, powers, privileges and immunities as federally chartered entities doing business in the state as of Jan. 1, 2020; and
- allow certain employees of the state Department of Banking to borrow from a financial institution chartered by the department. The department director, deputy director, counsel, attorney or financial institution examiner still would be prohibited from such borrowing.

A Banking, Commerce and Insurance Committee amendment, adopted 47-0, added provisions of LB853, also introduced by Williams, which 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.

The provisions 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.

Williams said he was passionate about LB853. Attempted scams happen often at the bank where he works in Gothenburg, he said, and include attempts by scammers to convince a vulnerable person to pay a “processing fee” to distribute lottery winnings.

“A week does not go by that we do not have somebody coming in thinking they are the winner of a lottery,” Williams said. “This bill will give the bank the ability to call a timeout.”

Sen. Robert Clements of Elmwood said the bank where he works also has seen numerous scams—from fake lotteries to overcharging for shoddy work.

“This bill would really help us do some double-checking,” Clements said.

The committee amendment also added provisions of LB764, introduced by Sen. Brett Lindstrom of Omaha, which would allow a Nebraska trust company acting as a trustee or agent to invest fiduciary funds in private investment funds managed by an affiliate of the trust company.



Sen. Brett Lindstrom

Also included in the amendment were four additional bills sponsored by Williams:

- LB852, which would, for purposes of filing effective financing statements, expand the

definition of farm product to include goats and hemp and allow someone improperly identified as a debtor on a financial statement to obtain relief;

- LB854, which would allow a financial institution not to retain any deposit of public funds that is required to be secured unless it has secured the deposits for the benefit of the governmental units that have funds with such a financial institution;
- LB908, which would require licensure and registration for licensees under the Delayed Deposit Services Licensing Act through the Nationwide Mortgage Licensing System and Registry, starting Jan. 1, 2021; and
- LB939, which would allow the Collection Agency Licensing Board to require licensure and registration through the NMLSR, starting Oct. 1, 2020.

Following adoption of the committee amendment, LB909 advanced to select file on a 42-0 vote.

Expanded insurance coverage for certain medications considered

The Banking, Commerce and Insurance Committee considered two bills Feb. 18 designed to increase access to life-saving medication.

LB949, introduced by Sen. Kate Bolz of Lincoln, would require that any individual or group health insurance policy or self-funded employee benefit plan that provides reimbursement for prescription insulin



Sen. Kate Bolz

limit the amount that a covered individual would pay for the drug. Under

the bill, the cost of insulin could not exceed \$100 for a 30-day supply.

The bill would take effect Jan. 1, 2021, and terminate July 1, 2030.

Bolz said she introduced LB949 after receiving calls from several constituents who were unable to afford insulin.

“Many in our society are forced to ration their doses or forego their medication,” Bolz said.

Mark Feit, who has Type 1 and 2 diabetes, spoke in support of the bill. He said he spends more than \$500 every three weeks for insulin, which does not include the cost of glucose tablets, needles, test strips and other items necessary to manage the disease.

“A Type 1 diabetic will die in as little as one day without insulin. You have an opportunity to literally help Nebraskans more easily afford to live,” Feit said.

Christine Fallabel of the American Diabetes Association also supported LB949. She said the rising cost of insulin is a national crisis.

“A bottle of insulin in 1996 cost \$21. Today, that same, exact vial is over \$300,” Fallabel said. “The chemical formulary for insulin has not changed in over two decades.”

Also testifying in support was Bob Lassen, speaking on behalf of AARP Nebraska. He said a Yale University study showed that 25 percent of people with diabetes use less than the prescribed amount of insulin because of cost. One of them was Lassen’s nephew, who died from the disease after not taking insulin, he said.

“He was trying to manage his condition by drinking orange juice,” Lassen said.

Jay McLaren of insurer Medica testified against LB949. He said limiting a patient’s out-of-pocket cost does nothing to lower the actual cost of insulin.

“This addresses a symptom,” McLaren said. “This bill also does not address people who are not insured.”

Robert Bell, testifying on behalf of the Nebraska Insurance Federation, also spoke against the bill. He said it is understandable that patients would want lower costs, but LB949 could have the unintended consequence of raising their insurance premiums.

“It merely shifts these costs to the insurance company, which must increase its premiums and cost-sharing limits to stay solvent,” Bell said.

The committee also heard testimony on LB804, introduced by Omaha Sen. Justin Wayne, which would mandate that health insurance companies in Nebraska cover the cost of epinephrine autoinjectors—emergency allergy medication—for people younger than 19, beginning Jan. 1, 2021.

Wayne said many insurance companies already cover epinephrine autoinjectors for minors, but not all do.

“Insurance plan don’t consider EpiPens a complete necessity,” Wayne said.

Karla Lester testified in support of the bill. Generic epinephrine autoinjectors also are cost prohibitive for many Nebraska families, she said, and prices, as with insulin, have grown significantly in recent years.

“My husband and I are both physicians and we can easily afford EpiPens for our two children, but every time we go we think of all the families that I take care of ... and who I know have to go with an expired epinephrine autoinjector or go without,” Lester said.

Jeff Huether of Blue Cross Blue Shield of Nebraska testified against LB804. He said the bill is unnecessary because his company and all others in Nebraska cover epinephrine autoinjectors for patients of all ages.

The committee took no immediate action on either bill.

Proposal to curb unexpected medical bills advanced

Lawmakers advanced a bill from general file Feb. 20 that would reduce “surprise billing” for emergency medical care.

LB997, as introduced by Sen. Adam Morfeld of Lincoln, would create the Out-of-Network Emergency Medical Care Act, which would allow for resolution of unexpected medical bills due to an emergency visit to a health care facility or provider that was not in a patient’s health insurance network.



Sen. Adam Morfeld

The bill defines an emergency as the sudden onset of a medical condition that would place the person in serious jeopardy if not treated immediately, and limits a patient’s expenses to what would have been charged if the patient had been treated at an in-network facility.

Morfeld said the bill would help reduce the number of bankruptcies due to unexpectedly large medical bills by removing the insured from any ensuing dispute between an insurance company and a health care provider.

He asked senators to imagine being rushed to the emergency room of an in-network hospital, and then months later receiving a bill for thousands of dollars.

“And the realization hits you that the ER doctor and the hospital [were] in network but maybe one of those other providers wasn’t in network and you didn’t know that,” Morfeld said.

Sen. Mike Groene of North Platte supported the bill, calling it “badly needed.” He described a constituent who received emergency surgery at a hospital that was not part of the per-



Sen. Justin Wayne

son's health insurance network.

"They're facing bankruptcy now," Groene said. "They had insurance."

A Banking, Commerce and Insurance Committee amendment would provide a framework for how to settle unpaid claims. A claim would be deemed reasonable if it is the higher of the contracted rate under an existing in-network contractual relationship between the insurer and the out-of-network health care provider for the same or similar services, or 175 percent of the payment rate for Medicare services for the same or similar services in a geographic area.

If a claim is deemed unreasonable the insurer and the provider would engage in mediation in accordance with the Uniform Mediation Act.

Senators adopted the amendment 37-0 and advanced LB997 to select file on a vote of 43-0.

BUSINESS & LABOR

Omnibus labor bill advanced

Lawmakers advanced a bill from general file Feb. 20 that makes several changes to existing employment regulations.

LB1016, as introduced by Lincoln Sen. Matt Hansen, would prohibit an employer from retaliating or discriminating against an employee who files a suit or complaint or otherwise participates in an investigation under the Nebraska Wage Payment and Collection Act.



Sen. Matt Hansen

An employee could be owed wages by their employer and file a formal complaint resulting in a citation for

the employer, Hansen said, but there is no way for the department to ensure that the wages are paid.

"The [state Department of Labor] has no mechanism to collect the back wages, which is the problem we're trying to solve with LB1016," he said. "We're not giving the department permanent collection powers, but instead giving employees the ability to bring a civil suit."

An employee who works for a company that is not subject to the Nebraska Fair Employment Practice Act—and alleges a violation of the Nebraska Wage Payment and Collection Act—could bring a suit against their employer to recover damages resulting from the violation.

Citations issued to employers for violations under LB1016 would have to be paid before the employer could contract with the state or any political subdivision.

A Business and Labor Committee amendment, adopted 29-0, incorporated the provisions of two additional bills.

Peru Sen. Julie Slama introduced LB788, which would change the fee for contractor registration from \$40 to no more than \$40. She said it would ensure that the state Department of Labor would have the flexibility to lower fees in certain areas if it is realistic for them to do so.



Sen. Julie Slama

LB926, introduced by the committee, would change the citation process under the Employee Classification Act to mirror the Nebraska Wage Payment and Collection Act.

The bill was advanced to select file on a 33-0 vote.

EXECUTIVE BOARD

Bill seeks open communication between senators, agencies

An effort to facilitate open dialogue between certain state employees and lawmakers was considered Feb. 20 by the Executive Board.

LB1191, sponsored by Omaha Sen. Sara Howard, would add language to the Office of Juvenile Services Act to provide express permission for employees of the Office of Juvenile Services, state Department of Health and Human Services and state Department of Correctional Services to communicate with members of the Legislature and the Office of Public Counsel.



Sen. Sara Howard

The bill also would require that employees of those agencies be allowed to testify at any public hearing regarding the operations and conditions of the department in which they work.

Howard said the bill was driven in part by recent experiences with employees of the state's troubled Youth Rehabilitation and Treatment Centers, who she said wanted to talk to state senators about deteriorating conditions at the facilities, but feared retaliation from DHHS.

In addition, Howard said, a recent directive to employees of the state Department of Correctional services indicated that any employee who is contacted by a state senator must report that contact to their superior. State employees also are citizens and taxpayers, she said, and should have reasonable access to their elected officials.

"I never want us working in a

vacuum,” Howard said. “We make the worst policies when we have the least amount of information.”

Spike Eickholt, testifying on behalf of the ACLU of Nebraska, supported LB1191. The insight provided by frontline employees is invaluable, he said, and they should be encouraged to speak freely about issues of public concern.

“This bill is consistent with open and transparent government,” Eickholt said.

Omaha Sen. Steve Lathrop, chairperson of the Judiciary Committee, also testified in support of LB1191. In addition to making laws, he said, senators need to fulfill their oversight role—especially of departments as troubled as corrections.

“That oversight responsibility needs to be meaningful,” Lathrop said, “and it’s only meaningful if we have access to employees in those agencies.”

Scott Frakes, director of the state Department of Correctional Services, testified against the bill, which he said could lead employees to represent themselves as speaking on his behalf, or on behalf of the department, without his knowledge or input.

Corrections employees are free to speak to senators and to identify themselves as employees of the agency, he said, but ultimate responsibility for speaking for the agency belongs to the director.

“While I can delegate some authority; I can’t delegate responsibility,” Frakes said.

Also testifying in opposition was DHHS CEO Danette Smith. She said the department has been open and forthcoming with state senators and the Office of Public Counsel.

Smith said that allowing staff to be available to senators “at all reasonable times” as outlined in the bill, however, could increase the workload of other

staff members, jeopardize the care of vulnerable individuals and possibly lead to confidentiality violations.

The committee took no immediate action on LB1191.



Bill to change state contract authority discussed

A bill that would change state purchasing processes was debated on general file Feb. 20.

LB790, sponsored by Sen. Julie Slama of Peru, would allow the state Department of Administrative Services to join competitively bid group contracts entered into with political subdivisions of other states rather than seeking new bids for an independent contract. The bill would authorize the state purchasing bureau to negotiate the terms of such contracts.

Slama said the state currently purchases parking equipment using a contract held between the city of Lincoln and a private business. LB790 would enable Nebraska to engage in a similar process with political subdivisions in other states, she said.

“This is advantageous to the state because a political subdivision of another state with a contract Nebraska is looking to join would have already researched and vetted out the product, saving state’s funds and time,” Slama said.

Slama said the bill is not an expansion of government authority, adding that 38 states have such contracting authority.

Sen. Mark Kolterman of Seward opposed LB790, saying it would give DAS authority to evade competitive bidding laws and “spend taxpayer

dollars in backroom deals.”

Sen. Justin Wayne of Omaha said there is no protection for disgruntled bidders in Nebraska law as there is in many of the other states that allow such contracting. He added that Nebraska currently requires public bidding for any contract in excess of \$100,000.

“If we enter into an agreement with, say, Iowa and their threshold is \$200,000 or \$1 million then we [dodged] our public bidding process,” Wayne said. “That’s 100 percent what would happen.”

Slama introduced an amendment that would add LB890, sponsored by Lincoln Sen. Mike Hilgers, to her bill. The provision would allow political subdivisions to use a design-build contract method—in which design and construction contracts are bid simultaneously rather than sequentially—for water infrastructure projects.

“It’ll save money, save time, and is good for taxpayers,” Hilgers said.

The Legislature adjourned for the day before taking any action on the amendment or LB790.

State holiday honoring Native Americans proposed

Indigenous Peoples’ Day would replace the state holiday of Columbus Day under a bill considered Feb. 19 by the Government, Military and Veterans Affairs Committee.

LB848, introduced by Lincoln Sen. Patty Pansing Brooks, would designate the day to “recognize the historic, cultural, and contemporary significance” of



Sen. Patty Pansing Brooks

Native Americans in Nebraska. The holiday would remain on the second

Monday in October.

South Dakota already has replaced Columbus Day with a holiday honoring indigenous people, she said, and a majority of states do not recognize Columbus Day.

“Columbus did not set foot in Nebraska,” Pansing Brooks said. “He did not set foot in North America.”

Larry Wright Jr., chairperson of the Ponca Tribe of Nebraska, testified in support of LB848. He said Columbus is unworthy of a holiday and that changing the name is long overdue.

“For so many years, others told our stories,” Wright said. “The reality of Columbus’ action upon indigenous people he encountered is well documented; rape, abuse, enslavement, murder and theft are not things to be honored.”

Also speaking in support was Judi gaiashkibos, executive director of the Nebraska Commission on Indian Affairs. She said indigenous people were the original cornhuskers.

“Nebraska’s indigenous people have inhabited this state for millennia,” she said. “We are not, however, just historic artifacts or ghosts from the past. We are still here.”

Historian Margaret Jacobs also testified in support of the bill. She read excerpts from Columbus’ journal in which he wrote that indigenous people were “simple” and that they would make good servants. Jacobs said changing the holiday’s name is not disrespectful to Italian Americans, many of whom celebrate the man who was born in a city that only later became part of Italy.

“If they were to learn the true history of Columbus, it’s nothing they would be proud of,” Jacobs said. “I don’t believe we should be celebrating this person.”

Gio Portera testified against LB848. He said Columbus’ accomplishments

should be celebrated and that many of the accusations against him are untrue.

“The reputation of Columbus has suffered at the hands of special interest groups who use this 15th century renaissance navigator to further their 21st century political and social agenda,” Portera said.

Sam Troia also spoke against the bill. He said he supported a national holiday for indigenous people, but not as a replacement for Columbus Day.

The committee took no immediate action on LB848.

Bill would allow campaign funds to cover child care

An elected officials’ child care expenses could be paid for with campaign funds under a bill considered Feb. 20 by the Government, Military and Veterans Affairs Committee.

LB935, introduced by Omaha Sen. Megan Hunt, would change the Nebraska Political Accountability and Disclosure Act to allow an officeholder to use campaign money to pay for child care for an immediate family member while the officeholder is performing his or her duties.



Sen. Megan Hunt

Current law allows a candidate to use campaign funds to pay child care expenses, Hunt said, but not after that candidate becomes a public official.

She said current law would allow her to use campaign donations to take colleagues out to dinner but not to pay a babysitter. LB935 would allow more lower-income, single women to run for office, she said.

“Women spend nearly twice as much as men on child care according to the Pew Research Center and are running for office in greater numbers

than ever in the history of the United States,” Hunt said. “Officeholder-related child care expenses are unavoidable.”

Kelsey Waldron of the Women’s Fund of Omaha testified in support of LB935. She said child care costs are high in Nebraska, limiting opportunities for lower-income Nebraskans to run for office.

Westin Miller of Civic Nebraska also spoke in support of the bill. He said all campaign expenditures should be scrutinized, but that the bill is limited and would solve a specific problem.

No one testified in opposition to LB935 and the committee took no immediate action on it.

Bill would ban certain officeholder advertising

A bill to extend the prohibition on Nebraska’s constitutional officers using state money on advertising and promotional materials that refer to the officeholder by name was considered Feb. 21 by the Government, Military and Veterans Affairs Committee.

Currently, Nebraska’s governor, lieutenant governor, secretary of state, state treasurer, attorney general and state auditor may not use their name in advertising paid for with state funds during gubernatorial election years. LB982, introduced by Lincoln Sen. Matt Hansen, would extend the ban to every year.



Sen. Matt Hansen

Prior to the current ban, established in 2002, there was an increase in constitutional officeholder advertising in a way that was “indistinguishable from campaign ads,” Hansen said.

“The self-promotional aspect is what gave incumbents an unfair ad-

vantage,” he said.

Jack Gould of Common Cause Nebraska testified in support of the bill. He said State Treasurer John Murante spent \$600,000 in 2019 on “somewhat questionable” television ads to promote the office’s unclaimed property division.

“The ads were not directly involved with disclosing lost property,” Gould said.

There was no opposition testimony on LB982 and the committee took no immediate action on it.

Year-round daylight saving time proposed

Nebraskans no longer would reset their clocks twice a year under a bill considered Feb. 19 by the Government, Military and Veterans Affairs Committee.

LB1015, introduced by Sen. Tom Briese of Albion, would adopt year-round daylight saving time in Nebraska. The bill would take effect only if the federal government allows states to do so and at least two neighboring states also make the switch.

Briese said he has received an “overwhelming” positive response to his bill from Nebraskans, and cited studies that indicate time changes cause an increase in car accidents and workplace injuries and a decrease in worker productivity.

“Farmers, and everyone else in our state, it would seem, hate the idea of changing their clocks twice a year,” Briese said.

No one testified in support of LB1015.

Jim Timm, president of the Nebraska Broadcasters Association, testified

against the bill. He said abandoning time changes would be disruptive to television and radio station schedules, especially when setting start times for live events.

“Adopting different time standards on this individual basis would put each state out of synch with its neighbors and make program scheduling as chaotic as the patchwork time zone map,” Timm said.

The committee took no immediate action on the bill.

Public forum requirement proposed

Governmental entities would have to allow a public forum during all meetings subject to the state Open Meetings Act under a bill considered Feb. 20 by the Government, Military and Veterans Affairs Committee.

Sen. Joni Albrecht of Thurston said she introduced LB1167 because she heard from constituents that they were not allowed to address elected officials at public meetings.

“If you’ve been elected by the people and if you are able to decide how to spend the people’s money then you are expected to listen to the voices of the people,” Albrecht said.

Danielle Conrad, executive director of the ACLU of Nebraska, testified in support of LB1167, saying it would promote open government.

“We frequently are assisting citizens who are trying to engage their government and running into barriers, many times arbitrary barriers,” she said.

Doug Oertwich also spoke in support. He said he recently attended a city council meeting in Columbus where no public comment was allowed.

“A lot of people showed up and then they found out they didn’t get to speak,” Oertwich said.

Shawn Melotz said she began testifying at Papio-Missouri River Natural Resources District meetings in 2004, and spoke during time allotted for items not on the meeting agenda. The following year, that option was discontinued and has not been restored, she said.

“By passing LB1167, the Papio NRD Board and other governmental bodies across the state will no longer be allowed to ignore issues of public concern,” Melotz said.

Lynn Rex of the League of Nebraska Municipalities testified against LB1167. Certain meetings, like ones discussing personnel issues, should not have public comment, she said. Rex added that she has attended public meetings where the public forum “turned into a free-for-all.”

“Allowing public participation at all meetings sometimes just doesn’t work,” Rex said. “It’s not about not having public participation, it’s about doing it in a way that is most respectful and fair to everybody.”

Jim Vlach, a member of the Lyons-Decatur Board of Education, also testified against the bill. He said it could provide a venue for personal attacks.

“The retraction never gains as much attention as the headline,” Vlach said.

Jack Cheloha, testifying on behalf of the city of Omaha, also spoke against LB1167. He said providing an “open mic” opportunity on a public meeting agenda would be unproductive.

“Open comment periods can have the unintended consequences of providing a forum for items unrelated to city business,” Cheloha said.

The committee took no immediate action on LB1167.



Sen. Tom Briese



Sen. Joni Albrecht

HEALTH & HUMAN SERVICES

Child protection changes advanced

A bill that would extend and revamp the state's alternative response procedures in child welfare cases advanced from general file Feb. 21.

Alternative response is a practice that handles low-risk child welfare cases by empowering families to build on their strengths, rather than criminally investigating them or placing them on the Child Abuse and Neglect Registry. Nebraska's alternative response pilot program has been in place since 2014.

Among other provisions, LB1061, introduced by Sen. Sue Crawford of Bellevue, would eliminate the pilot program's sunset date, provide clearer definitions of response pathways for reports of child abuse and neglect and establish an advisory group under the Nebraska Children's Commission to examine the state Department of Health and Human Service's use of alternative response.

Crawford said it is the state's duty to protect children and that alternative response can be used only in cases where danger to a child is low.

"Alternative response has been demonstrated to yield positive results and [DHHS] has expressed a desire to eliminate the sunset and continue this program indefinitely," Crawford said.

Sen. Sara Howard of Omaha spoke in support of the bill. In the past, she said, if a social worker encountered a home that was unsanitary but was an otherwise loving environment for



Sen. Sue Crawford

children, the social worker would have to involve the courts.

"Now, with alternative response, you can get services for that family, clean up that home, and keep that family intact without having them go into the court system," she said. "Nebraska used to be the leader in removing children from their homes."

Sen. Kate Bolz of Lincoln also spoke in support of the bill. She said LB1061 would reduce the number of out-of-home placements by requiring use of evidence-based tools in assessments and giving DHHS more flexibility in how to respond to abuse claims.

Sen. Curt Friesen of Henderson suggested an amendment to expand the number of reasons that a case would not be eligible for alternative response.

"If we advance the bill without an amendment, we will be ignoring the alarm bells sounded by county attorneys about the need for additional safeguards for children at serious risk of harm," Friesen said.

Crawford said she plans to meet with county attorneys to discuss their concerns before the next round of debate.

A Health and Human Services Committee amendment, adopted 40-0, would dissolve the Nebraska Children's Commission sub-committee to review the prescribing and administration of psychotropic drugs to children who are wards of the state.

Howard said the goals of that committee have been accomplished and it is no longer required.

Lawmakers advanced LB1061 to select file on a 43-0 vote.

JUDICIARY

Harsher penalties proposed for sexual misconduct

The Judiciary Committee heard joint testimony Feb. 20 on four bills that would impose stricter penalties on authority figures who abuse their power to engage in sexual misconduct with minors.

Under LB766, sponsored by Omaha Sen. Brett Lindstrom, an authority figure who engages in sexual penetration of a victim under 19 would be charged with first-degree sexual assault. An authority figure could include a victim's guardian or foster parent, temporary caretaker, coach, counselor, principal, teacher or health care provider.



Sen. Brett Lindstrom

Lindstrom said that people in positions of authority over children have significant power and influence over them.

"The parents of minors teach their children to trust and obey these community members," he said. "People who abuse that trust and authority should be held accountable for their actions."

First-degree sexual assault is a Class II felony and carries a penalty of one to 50 years in prison.

Under the bill, an authority figure could be charged with either second- or third-degree sexual assault of a child if they engage in sexual contact with a victim under 19. Second-degree sexual assault is a Class II felony. Third-degree sexual assault is a Class I misdemeanor and carries a penalty of up to one year in prison, a \$1,000 fine or both.

A person who commits three or more separate acts of sexual contact with the same victim under age 19 over a period of at least three months could

be charged with second-degree sexual assault of a child. Evidence of a victim's consent would not be admissible in any civil action involving alleged sexual penetration or contact between an authority figure and a victim under 19.

LB766 also would change the statute of limitations for failing to make a report of child abuse or neglect to 18 months from the offense or the date such failure to report is first discovered by law enforcement, whichever is later.

Maddie Fennell, executive director of the Nebraska State Education Association, spoke in support of LB766 on behalf of the organization. There is no acceptable reason for an educator to be in a sexual relationship with a minor student, she said, regardless of the age of consent.

"Currently, if a school employee engages in a sexual relationship with a student under the age of 16, they can be prosecuted by law enforcement," Fennell said. "However, if the student is 16 or older, the consequences are limited to loss of job and teaching certificate."

Molly Keane, representing the Nebraska County Attorneys Association, also supported LB766. Prosecutors have been unable to prosecute many acts of sexual abuse of a minor at the hands of an authority figure, she said, because the actual sex acts do not occur until those minors are 16, which is the age of sexual consent in Nebraska.

"These are people we teach our children to trust, to respect and to work to impress from the time they're toddlers," Keane said. "Often times, these perpetrators begin grooming these children before the age of 16 but wait to commit sex acts on them [until later]."

Opposing the bill was Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association. State statutes regarding sexual offenses already are "convoluted," he said, agreeing with proponents that legal

loopholes exist. Eickholt cautioned, however, that passing LB766 might add another layer of confusion to an already unclear section of state law.

Committee members also heard testimony on three additional proposals:

- LB991, sponsored by Hastings

Sen. Steve Halloran, which would create the offense of sexual assault of a student and prohibit related enticement conduct by school officials;



Sen. Steve Halloran

- LB1048, sponsored by Grand Island

Sen. Dan Quick, which would create the offense of sexual assault by a school employee and provide notification to the commissioner of education; and



Sen. Dan Quick

- LB1210, sponsored by Omaha

Sen. Tony Vargas, which would create the offense of sexual exploitation of a student.



Sen. Tony Vargas

The committee took no immediate action on any of the bills.

Repeal of abortion reversal language considered

Health care providers in Nebraska no longer would be required to provide certain information to women seeking abortions under a bill heard by the Judiciary Committee Feb. 21.

The Legislature passed a bill in 2019

that requires medical providers to inform a woman seeking an abortion that mifepristone—the first of two drugs administered during a medical abortion—is not always effective in ending a pregnancy.

The state Department of Health and Human Services is required to publish information on the agency's website about the effectiveness of mifepristone as well as contact information for medical assistance.

LB872, sponsored by Omaha Sen. Megan Hunt, would repeal this language from state statute. She said Nebraska should embrace evidence-based practices, not promote or encourage "bad" medicine.



Sen. Megan Hunt

"The legislation that we passed last year was irresponsible and new evidence shows that the procedure recommended by [DHHS] threatens the health and safety of patients," she said. "We should not be passing laws that encourage women to participate in an unmonitored experiment."

Supporting the bill was Jody Steinauer, an OB-GYN and professor. The legislation enacted in 2019 is based on a theory that medication abortions can be stopped by changing the recommended drug protocol, she said, and forces doctors to give medically inaccurate information that can cause harm.

"As a physician, my duty is to care for my patients based on scientific evidence," Steinauer said. "Patients need to feel confident that they're receiving medically accurate information that's based on thorough and factual research."

Meg Mikolajczyk, representing Planned Parenthood of the Heartland, also supported LB872. She said that medical providers should have the ability to use their unfettered medical judgment to counsel their patients.

“Medication abortion is safe,” Mikolajczyk said. “Forcing health care providers to give information that isn’t based in science is unsafe.”

Opposing the bill was Marion Miner, representing the Nebraska Catholic Conference. He said LB872 would repeal a law that was passed with broad support last year.

“The law [passed in 2019] is based in good science and continues to be reinforced by numerous studies, including studies done by doctors whose purpose is to sow doubt about the effectiveness of progesterone to save the baby after [a woman takes] mifepristone,” Miner said.

Karen Bowling, representing the Nebraska Family Alliance, also testified against the measure.

“We oppose LB872 because it repeals the vital work that state senators did to ensure women seeking a chemical abortion have access to all medical information,” Bowling said. “As with any medical procedure, women deserve to have all medical information to make their best-informed decision.”

The committee took no immediate action on the bill.

Limitations on gun purchase, possession sought

A bill that would limit who could purchase or possess a firearm was heard by the Judiciary Committee Feb. 21.

LB958, sponsored by Omaha Sen. Machaela Cavanaugh, would prohibit a person who has been convicted of domestic violence or is the subject of a current and final domestic violence, sexual assault or harassment protection order from purchasing or possessing a firearm.



Sen. Machaela Cavanaugh

Cavanaugh called the bill a logical next step to build upon legislation passed in 2019 that clarified the process of obtaining a protection order.

“It is urgent that we pass LB958,” she said. “It is no exaggeration to say that lives will be saved or lost as a result.”

Danielle Savington, representing Nebraskans Against Gun Violence, spoke in support of the bill. She said the measure would protect victims while also ensuring the due process rights of gun owners.

Also supporting the measure was Sarah Zuckerman of Lincoln. People who have committed domestic violence against their romantic partners clearly are a danger to others, she said.

“Abusers with guns are five times more likely to kill their victims,” Zuckerman said. “Guns further exacerbate the power and control dynamic used by abusers to inflict abuse and exert control over their victims.”

Opposing LB958 was Scott Shaver of Scottsbluff, who called the bill unnecessary.

“Everything that is proposed in this bill is already [included] in the definition of a ‘prohibited person’ by federal law,” he said.

The committee took no immediate action on the bill.

Data collection program to improve broadband availability advanced

Lawmakers gave first-round approval Feb. 18 to a bill that would help Nebraska obtain federal funding for increased broadband availability.

LB996, sponsored by Plymouth Sen. Tom Brandt, would allow Nebraska to create a statewide crowd-



Sen. Tom Brandt

sourcing program to collect broadband availability data to supplement federal data that already is collected.

The current data collection form employed by the Federal Communications Commission grossly overstates the availability of broadband in Nebraska, Brandt said, but the agency has undertaken a new process for obtaining more accurate data and is asking states for help in that effort.

“The data collected will now be used to determine how and where federal broadband funding is allocated,” he said. “LB996 is written to ensure that the state of Nebraska can maximize the benefits of this program.”

The bill would prioritize resources and outreach in areas of the state that crowdsourcing, public feedback and other evidence suggests are unserved or underserved by high-speed internet.

Sen. Mike Hilgers of Lincoln supported LB996. The state cannot address the problem of rural broadband access, he said, until more accurate data is collected.

“Understanding where the most acute needs are and where those dollars, resources and focus should be is one of the challenges we face,” Hilgers said. “LB996 is one step forward to try and help get us [information] that we really need to address this issue.”

Thurston Sen. Joni Albrecht also supported the bill. Many young people in her district take computers home from school, she said, but many do not have access to high-speed internet to complete their homework.

“Most of the [children] in my district will end up in the library after school or at McDonald’s, just anywhere they can get online to get their homework done before they head home,” Albrecht said.

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

Earlier parole eligibility considered

A bill that seeks to address the overcrowding crisis in Nebraska’s correctional system was discussed by the Judiciary Committee Feb. 19.

Under LB1004, sponsored by Omaha Sen. Steve Lathrop, a committed offender automatically would be eligible for parole within two years of their mandatory discharge date, unless they are eligible for parole at an earlier date.



Sen. Steve Lathrop

Lathrop said the bill has the potential to provide relief in the state’s overcrowded prison system.

“If someone comes in and they are parole eligible after a short period of time as a consequence of [this bill], that person still has to check all the boxes before the parole board ... to be a suitable candidate,” he said. “But it does have the potential to provide the board with more candidates to choose from at a time when we’re approaching the overcrowding designation on July 1, 2020.”

Joe Nigro, representing the Nebraska Criminal Defense Attorneys Association, supported the bill. When parole eligibility and discharge dates are too close to each other, he said, many inmates will opt to stay in prison rather than risk making a mistake while out on parole.

“The research is clear that people coming out of prison under supervision are less likely to reoffend,” Nigro said. “Having a bigger gap between parole eligibility and discharge gives inmates a greater incentive to [seek] parole.”

Also speaking in support of LB1004 was Aaron Hanson, representing the Omaha Police Officers Association. Successful reentry into society is critical, he said, and post-release supervi-

sion is a big factor.

“It is one of the scariest situations when an inmate intentionally decides that he or she would rather ‘jam’ out as opposed to supervised release,” Hanson said. “[These people] are exactly the targeted population who need supervision.”

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



Municipal energy bill amended, advanced

Lawmakers advanced a bill from general file Feb. 20 that updates governance of the Municipal Energy Agency of Nebraska.

LB858, introduced by Venango Sen. Dan Hughes, would reorganize, simplify and streamline MEAN’s governing document, the Municipal Financing Act. Hughes said MEAN was created in 1981 to generate, transmit and distribute wholesale electric power and energy.



Sen. Dan Hughes

MEAN currently serves 69 communities in four states, he said, and is facing new opportunities and challenges.

“It’s governing law has not been updated for almost 40 years and this bill contains updates, improvements and housekeeping changes to help modernize MEAN’s governance model,” Hughes said.

Among other provisions, the bill would specify how a municipality may terminate participation in an agency, make a variety of changes to board of director qualifications and specify that

construction, maintenance or remodeling of an agency’s headquarters is not a “power project.”

A Natural Resources Committee amendment, adopted 33-0, added provisions of three additional bills:

- LB367, also introduced by Hughes, which would extend the sunset date of the Nebraska Litter Reduction and Recycling Fund to Sept. 30, 2025, and eliminate fund transfer language;
- LB855, introduced by Columbus Sen. Mike Moser, which would remove the legislative confirmation process for the appointment of board members to the Niobrara Council; and
- LB856, also introduced by Moser, which would extend the sunset date for the Petroleum Release Remedial Action Cash Fund from June 30, 2020, to June 30, 2024.



Sen. Mike Moser

“Each of these bills was overwhelmingly supported and unanimously approved by the committee,” Hughes said.

Following adoption of the committee amendment, senators advanced LB858 to select file on a 41-0 vote.



Higher payments on certain game and parks lands considered

The Revenue Committee heard testimony Feb. 21 on a proposal that would update state law requiring the state Game and Parks Commission to make payments in lieu of taxes on

lands it uses for wildlife management.

Current law requires the commission to make payments in lieu of taxes to county treasurers on lands acquired for wildlife management purposes on or after Jan. 1, 1977. The payments are the same as the real property taxes that would have been paid on the land as if it had been owned privately.

LB829, introduced by Bayard Sen. Steve Erdman, would require the commission to make payments on all lands it has ever acquired for wildlife management purposes.



Sen. Steve Erdman

Additionally, the proposal would require county assessors to value the lands as if they were being used at their “highest and best use.”

Under current law, county assessors value the lands as if they were being used for the use they had immediately before acquisition, excluding any improvements on the lands before or after the acquisition.

Erdman said not requiring the commission to make payments in lieu of taxes on lands it acquired before 1977 effectively raises taxes on a county’s property taxpayers.

He said LB829 would provide property tax relief by requiring the commission to make payments on all lands and by allowing county assessors to adjust the valuation of commission lands if they determine that they are not being used for their original use.

The commission estimates that the bill would increase its payments in lieu of taxes by approximately \$546,000 to \$2.4 million annually.

John Cannon, deputy director of the Nebraska Association of County Officials, testified in support of LB829. He said the Legislature decided that the state should pay a share

of county property taxes by requiring the commission to make payments in lieu of taxes.

By exempting certain commission lands from that requirement, and by not requiring those payments to be based on the land’s highest and best use, as it is for every other property owner, current law shifts that tax burden onto county residents, Cannon said.

“To the extent that we’ve decided the state should pay a share,” he said, “I think it’s only logical we should ask them to pay their fair share.”

Testifying in opposition to the bill was Timothy McCoy, deputy director of the state Game and Parks Commission. He said wildlife management areas are open to the public and provide an economic benefit to nearby communities through hunting, fishing and outdoor recreation.

He said the payments in lieu of taxes are not static but can increase based on valuations of similarly classified land.

Kristal Stoner, executive director of Audubon Nebraska, also testified in opposition, saying LB829 would divert funds that the commission needs to steward the state’s natural resources and maintain public access to wildlands.

“Restoring and maintaining our natural areas and habitats statewide is a public service and is beneficial to all Nebraskans,” she said.

The committee took no immediate action on the bill.

Tax credit for private school scholarship contributions proposed

Individuals, businesses and other entities would be eligible for an income tax credit for contributing to nonprofit organizations that grant scholarships to students to attend a

private school under a bill heard Feb. 19 by the Revenue Committee.

Under LB1202, introduced by Elkhorn Sen. Lou Ann Linehan, individuals, passthrough entities, estates or trusts and corporations would be eligible for a non-refundable income tax credit of up to 50 percent of the taxpayer’s state income tax liability for the tax year on contributions they make to scholarship-granting organizations.



Sen. Lou Ann Linehan

Linehan said Nebraska is one of only three states that does not have a similar program. LB1202 would help more low-income families send their children to private school if they feel it is a better fit for them than a public school, she said.

“We must do what is right for every kid in Nebraska who is looking for more educational opportunities,” Linehan said.

Only Nebraska residents would be eligible for scholarships, which could be used to pay tuition and fees at an accredited, nonprofit, nongovernmental, privately operated elementary or secondary school located in Nebraska.

A child who is in foster care or out-of-home care or is a dependent member of a household that qualified for benefits in the preceding year under the federal Supplemental Nutrition Assistance Program would be eligible for the scholarships if they meet certain other requirements.

Doug Kagan of Nebraska Taxpayers for Freedom testified in support of LB1202. He said similar scholarship programs in other states have saved taxpayers money by reducing public school class sizes.

Christopher Uttecht, principal of Cedar Catholic High School and Holy Trinity Elementary School in Harting-

ton, also testified in support. Uttecht said every parent has a constitutional right to determine the best education for their children. However, he said, that right is restricted for many families who wish to send their children to private school but lack the financial means to do so.

Uttecht said many would-be private school students are turned away because existing scholarship programs do not have enough funds to meet demand.

Jayleesha Cooper of Omaha also testified in support of the proposal, saying that receiving scholarships to attend private schools “opened a whole new world” to her. Cooper, who attends Duchesne Academy of the Sacred Heart on scholarship, said she did not know her true potential until she enrolled at a private school, an opportunity many young people in her community do not have.

In her family, Cooper said, graduating from high school is rare.

“I never would have thought that I would be getting recruitment letters from Harvard and Yale and Duke,” she said.

Connie Duncan, a Lincoln Public Schools board member, testified in opposition to the bill on behalf of the Nebraska Association of School Boards. She said it would prohibit scholarship granting organizations from discriminating on the basis of race but not on physical disability, religion or whether a student has an individualized education program.

In addition, those organizations would not be required to report how contributions are spent, provide a demographic summary of students who receive scholarships or describe recipients’ academic outcomes, Duncan said.

“This is in stark contrast to the transparent financial and academic accountability systems required of

public schools,” she said.

Also testifying in opposition was Ann Hunter-Pirtle, executive director of Stand for Schools. She said the proposal would divert public funds to private schools at a time when Nebraskans are asking for property tax relief.

Hunter-Pirtle said donations to private school scholarship programs already are eligible for state income tax deductions and that no other charitable giving is eligible for a dollar-for-dollar credit as provided for in LB1202.

Molly Davies, an Omaha Public Schools English teacher, also testified in opposition to the bill, saying such proposals have not been proven to produce better outcomes for students. Davies said LB1202 would reduce tax revenue that could be used to support public schools, which serve the vast majority of students in poverty.

“Real opportunity is being able to send your kids to a free and high-quality school that is publicly funded and accountable, no matter where you live, what you believe, which languages you speak, whom you love and what your disability status might be,” she said.

The committee took no immediate action on the bill.

URBAN AFFAIRS

Annexation changes proposed

Smaller Nebraska towns would have more flexibility in responding to catastrophic flooding under a bill considered Feb. 18 by the Urban Affairs Committee.

LB1003, introduced by Sen. Lynne Walz of Fremont, would allow any second-class city or village to annex land, lots, tracts, streets or highways to re-

locate all or part of a town because of catastrophic flooding, while waiving a requirement that annexed areas are contiguous or adjacent and urban or suburban in character.



Sen. Lynne Walz

The bill would require a two-thirds vote of either a city council or the village board to annex land.

The town of Winslow, located in Walz’s district, was severely damaged in last spring’s flooding, and is unable to move because of rules established by the Federal Emergency Management Agency, she said.

“The entire town of Winslow is in a flood plain and although FEMA will reimburse for the damage this time, it will not reimburse again,” Walz said.

Winslow Village trustee Zachary Klein testified in support of the bill. The change would allow the town’s governing structure to remain in place while in transition, he said.

“The continuity of incorporation is vital in the recovery stages of a disaster,” Klein said. “It allows the community to maintain the history and current structure.”

Lynn Rex of the League of Nebraska Municipalities also spoke in support of LB1003. She said the bill would not guarantee that Winslow could relocate—it may be cost prohibitive—but without the ability to annex, the town certainly would be unable to move.

“When you have something as catastrophic as what Winslow has experienced, they do need options,” Rex said.

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

COMMITTEE HEARINGS

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

Monday, Feb. 24

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB1024 (Clements) Change provisions of the Intergovernmental Risk Management Act

LB1108 (Gragert) Change provisions relating to property under the Uniform Disposition of Unclaimed Property Act, the School Employees Retirement Act, and the Uniform Residential Landlord and Tenant Act

LB1196 (Morfeld) Adopt the Pharmacy Benefit Manager Regulation Act and require an audit under the Medical Assistance Act

Business & Labor

Room 1524 - 1:30 p.m.

LB927 (Business & Labor) Provide for payment of claims against the state

LB928 (Business & Labor) Deny claims against the state

LB1126 (Vargas) Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act

LB1127 (Vargas) Change and provide contempt powers for the Nebraska Workers' Compensation Court

LB1128 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act

LB1129 (Vargas) Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act

Education

Room 1525 - 1:30 p.m.

LB1206 (Vargas) Require reporting to the Nebraska Early Childhood Professional Record System

LB1023 (DeBoer) Adopt the Extraordinary Increase in Special Education Cost Act

LB1177 (Hunt) Eliminate oath for teachers and other school employees

General Affairs

Room 1510 - 1:30 p.m.

Appointments: David Hunter; James S. Brummer - State Electrical Board

Appointment: Janelle Beveridge - State Racing Commission

Appointment: Kelly J. Lambert - Commission on Problem Gambling

Appointment: Mark Laughlin - Neb. Arts Council

Tuesday, Feb. 25

Education

Room 1525 - 1:00 p.m.

LB1156 (Vargas) Provide for a statewide school panic button program

LB967 (DeBoer) Change provisions regarding bullying prevention and education

Executive Board

Room 1507 - 12:00 p.m.

LB937 (Brewer) Require the display of tribal flags in the Capitol

LB1197 (Morfeld) Change distribution of legislative journals and session laws to the UNL College of Law

Urban Affairs

Room 1510 - 1:30 p.m.

LB976 (Bolz) Redefine handicapped or disabled person for purposes of handicapped or disabled parking permits

LB1078 (Wayne) Adopt the Municipal Inland Port Authority Act

LB867 (M. Hansen) Adopt the Local Option Municipal Childcare Financing Act

LB1077 (Wayne) Change legislative declarations and findings relating to traffic congestion in municipal areas

Wednesday, Feb. 26

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB1121 (La Grone) Change incumbent filing deadlines and remove obsolete election provisions

LB1122 (La Grone) Change provisions regarding counting boards for early voting

LB1005 (McCollister) Change provisions regarding nomination and election of certain partisan candidates

LR286CA (Cavanaugh) Constitutional amendment to remove felony convictions other than treason from being a disqualification for voting

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Dion J. Neumiller - Board of Emergency Medical Services

Appointment: John L. Kuehn - State Board of Health

LB1044 (B. Hansen) Change provisions relating to the practice of medical nutrition therapy

LB838 (Arch) Provide an exemption from licensure under the Medicine and Surgery Practice Act

LB1170 (Cavanaugh) Provide for implicit bias training, coverage under the medical assistance program for doula services and postpartum women, instruction to health professionals, and a pilot program

LB1182 (Wayne) Provide for notice of new drug or biologics license applications and for a study of drug costs

Judiciary

Room 1113 - 1:30 p.m.

LB742 (Blood) Change penalty, sentencing, and hearing application provisions relating to offenses against animals

LB749 (Blood) Adopt the Nebraska Anti-Terrorism Act

LB792 (Slama) Allow for the combination or aggregation of cocaine, base cocaine, heroin, amphetamine or methamphetamine amounts for two or more controlled substance violations

LB793 (Slama) Change penalty and statute of limitation provisions relating to public assistance violations

LB913 (McDonnell) Change arson, trespass, and graffiti provisions

LB1113 (Kolowski) Provide that photographing or recording a peace officer is not obstruction of justice

Revenue

Room 1524 - 1:30 p.m.

LB1162 (Wishart) Adopt the Fueling Station Tax Credit Act

LB1175 (Briese) Impose a tax on cash devices under the Mechanical Amusement Device Tax Act

LB1214 (Friesen) Adopt the Rural Economic Development Grant Act

LB1220 (Wayne) Authorize High-Wage Jobs and Capital Investment Creation Fund entities

LB946 (Briese) Change the sales tax rate and impose sales tax on additional services

COMMITTEE HEARINGS

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

Thursday, Feb. 27

Executive Board

Room 1507 - 12:00 p.m.

LR282 (Erdman) Recognize Harold Dean Thayer as the original creator of the Tin Roof Sundae and declare the Tin Roof Sundae to be the sundae of the State of Nebraska
 LR297 (Hilkemann) Provide each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution included in this resolution be automatically rescinded if the convention is not called on or before January 1, 2021

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR292CA (La Grone) Constitutional amendment to require verification of identity prior to voting
 LB1022 (M. Hansen) Provide for election of election commissioners and eliminate certain deputy positions
 LB744 (Blood) Authorize appointment of county engineer in certain counties and change powers and duties

LB752 (Blood) Provide duties and programs relating to veterans

Health & Human Services

Room 1510 - 1:30 p.m.

Appointment: Todd Hovey - Board of Emergency Medical Services

LB875 (Howard) Require a medicaid state plan amendment for outpatient assisted therapy
 LB815 (Morfeld) Prohibit certain section 1115 waivers under the Medical Assistance Act
 LB1065 (Halloran) Change provisions regarding pharmacies, pharmacists, and pharmacy personnel
 LB1059 (Howard) Change provisions relating to health care facility licensure

Judiciary

Room 1113 - 1:30 p.m.

LB750 (Blood) Prohibit discrimination based on military or veteran status
 LB1091 (Vargas) Adopt the Face Surveillance Privacy Act
 LB1094 (Murman) Change lien provisions on support order judgments

LB1115 (M. Hansen) Change provisions relating to the revocation of instruments under the Nebraska Uniform Real Property Transfer on Death Act
 LB1118 (Scheer) Provide for grandparent visitation
 LB1190 (Briese) Provide for grandparent visitation when the parents of the child remain married

Revenue

Room 1524 - 1:30 p.m.

LB1012 (La Grone) Change provisions relating to tax exemptions for property acquired by certain tax-exempt entities
 LB1125 (Cavanaugh) Provide a new homestead exemption and authorize the late filing of homestead exemption applications
 LB1192 (Linehan) Limit the total amount reimbursed by the state for homestead exemptions
 LB1212 (B. Hansen) Adopt the Property Tax Request Act
 LB1213 (B. Hansen) Change tax and school funding provisions ■



TESTIMONY SUGGESTIONS

- Always state your name and spell it for the record, as hearings are transcribed.
- Prepare written copies of your testimony to distribute to the committee.
- Be prepared to limit your testimony, and try not to repeat the points offered by previous testifiers.
- Please turn off cell phones.

PRIORITY BILLS

Priority bills generally are scheduled for debate before other bills. Each senator may select one priority bill and each standing committee may select two priority bills. The speaker's 25 priority bills have yet to be announced.

SENATOR PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Albrecht	LB1186	Hilgers	Require salary to be paid to injured school employees as prescribed
Arch	LB1158	Arch	Provide information on job-skills programs to applicants for medical assistance
Blood	LB755	Blood	Provide for and change home services permits for barbers, cosmetology, and nail technology
Bolz	LB43	Bolz	Adopt the Sexual Assault Survivors' Bill of Rights Act
Bostelman	LB1002	Bostelman	Change provisions relating to wholesale drug distribution for emergency medical reasons
Brandt	LB996	Brandt	Create the Broadband Data Improvement Program
Brewer	LB582	Brewer	Change provisions relating to stolen firearms
Briese	LB930	Briese	Require a minimum amount of tax relief under the Property Tax Credit Act
Cavanaugh	LB1060	Cavanaugh	Include hair textures and protective hairstyles within the definition of race under the Nebraska Fair Employment Practice Act
Chambers	LB924	Chambers	Change provisions relating to racial profiling and require law enforcement training
Clements	LB870	Crawford	Change provisions relating to direct borrowing by cities and villages
Crawford	LB1061	Crawford	Change provisions relating to alternative response to reports of child abuse or neglect
DeBoer	LB1073	DeBoer	Create the School Financing Review Commission, add basic funding aid, and change adjusted valuations, the local effort rate, and certification dates
Dorn	LB1014	Lindstrom	Change provisions of the Multiple Employer Welfare Arrangement Act
Erdman	LR300CA	Erdman	Constitutional amendment to prohibit all forms of taxation other than a consumption tax
Friesen	LB461	Friesen	Eliminate certificates of public convenience and necessity and permits for common and contract motor carriers and provide a permit process for regulated motor carriers
Geist	LB814	Geist	Prohibit dismemberment abortion
Gragert	LB770	Gragert	Provide for state park permits for disabled veterans and change nonresident fees for state park permits
Groene	LB1021	Groene	Provide for an expedited review of certain redevelopment plans under the Community Development Law
Halloran	LB344	Agriculture	Adopt the Animal Health and Disease Control Act, eliminate and provide duties for the Department of Agriculture, eliminate various acts, terminate and transfer certain funds, create a fund, and provide penalties
Hansen, B.	LB1203	Linehan	Change provisions relating to an income tax deduction for dividends received from certain corporations
Hansen, M.	LB881	Hansen, M.	Prohibit deductions of fines from bonds
Hilgers	LB1183	Arch	Create the Health Information Technology Board and change prescription drug monitoring program provisions

SENATOR PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Hilkemann	LB1148	Vargas	Change provisions relating to the Office of Juvenile Services and the placement of juveniles at youth rehabilitation and treatment centers
Howard	LB1144	Health & Human Services	Change provisions affecting the Public Counsel and the Inspector General of Nebraska Child Welfare
Hughes	LB931	Halloran	Change a harvested products maximum weight overload exception under the Nebraska Rules of the Road
Hunt	LB962	Hunt	Adopt the Nebraska Fair Pay to Play Act
Kolowski	LB1188	Howard	Provide duties for the Office of Juvenile Services relating to education and change the definition of interim program school
Kolterman	LB720	Kolterman	Adopt the ImagiNE Nebraska Act, Renewable Chemical Production Tax Credit Act, Customized Job Training Act, and Community Economic Opportunities Act and provide tax incentives
La Grone	LB1042	La Grone	Authorize and provide tax deductions for contributions to the Nebraska educational savings plan trust by employers and persons other than participants as prescribed
Lathrop	LB912	Brandt	Change provisions relating to examination of witnesses by telephonic, videoconferencing, and similar methods
Lindstrom	LB242	Lindstrom	Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turnback of state sales tax revenue
Linehan	LB1202	Linehan	Adopt the Opportunity Scholarships Act and provide for tax credits
Lowe	LB783	Lowe	Change the definition of ambulatory surgical center
McCollister	LB283	Pansing Brooks	Provide for a climate change study
McDonnell	LB963	Brewer	Change provisions relating to workers' compensation for injuries to first responders and frontline state employees
Morfeld	LB997	Morfeld	Adopt the Out-of-Network Emergency Medical Care Act
Moser	LB899	Hughes	Provide certain powers to public power districts relating to biofuels and biofuel byproducts
Murman	LB147	Groene	Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior
PansingBrooks	LB627	Pansing Brooks	Prohibit discrimination based upon sexual orientation and gender identity
Quick	LB840	Quick	Prohibit the use of electronic smoking devices as prescribed under the Nebraska Clean Indoor Air Act
Scheer	LB1106	Scheer	Eliminate obsolete sales tax provisions
Slama	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
Stinner	LB424	Quick	Change the Nebraska Municipal Land Bank Act
Vargas	LB1089	Vargas	Require students to complete the FAFSA prior to graduation from high school
Walz	LB956	Walz	Provide duties for managed care organizations under the Medical Assistance Act
Wayne	LB1218	Wayne	Adopt the Nebraska Historically Underutilized Business Program Act
Williams	LB808	La Grone	Referral Provide for ratification of defective corporate actions under the Nebraska Model Business Corporation Act
Wishart	LB1052	Wishart	Change provisions regarding the preferred drug list under the Medical Assistance Act

COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Agriculture	LB791	Slama	Change provisions of the Livestock Animal Welfare Act relating to ownership, possession, or seizure of animals
	LB1152	Halloran	Change licensing, cultivation, testing, transportation, violation and penalty, and powers and duties provisions relating to hemp
Appropriations	LB780	Stinner	Change provisions relating to appropriations from the Nebraska Arts and Humanities Cash Fund
	LB1198	Stinner	Appropriate funds to the Department of Administrative Services
Banking, Commerce & Insurance	LB774	Williams	Change requirements regarding credit for reinsurance
	LB909	Williams	Change provisions relating to banking and finance
Business & Labor	LB1016	M. Hansen	Change provisions regarding the worker training program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and eliminate provisions regarding service letters, high voltage lines, and private employment companies
	LB1160	M. Hansen	Adopt the Nebraska Workforce and Education Reporting System Act
Education	LB920	Groene	Change provisions for the distribution of lottery funds used for education, transfer powers and duties, and create new funds
	LB1131	Groene	Change provisions relating to education
Executive Board	LB681 LR279CA	Hilgers Scheer	Change provisions relating to legislative subpoenas Constitutional amendment to authorize an increase in the number of members of the Legislature
General Affairs	LB1056	Lowe	Provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act
	LB1064	Briese	Change provisions relating to the sale and use of tobacco products
Government, Military & Veterans Affairs	LB790	Slama	Change state bidding requirements and contract approval procedures
	LB1055	Brewer	Change provisions for voting by mail in certain counties
Health & Human Services	LB1053	Health & Human Services	Require rules and regulations for hospital and nursing facility medicaid reimbursement rates
	LB1140	Health & Human Services	Provide requirements for youth rehabilitation and treatment centers
Judiciary	LB1004	Lathrop	Change provisions relating to parole eligibility
	LB1062	Lathrop	Allow the Department of Correctional Services to establish a pre-discharge reentry pilot program
Legislature's Planning	LB1155	Vargas	Adopt the Middle Income Workforce Housing Investment Act and transfer funds from the General Fund

COMMITTEE PRIORITY BILLS

Priority	Bill	Introducer	One-line description
Natural Resources	LB632	Hughes	Clarify a statutory reference relating to rural water districts
	LB858	Hughes	Change provisions of the Municipal Cooperative Financing Act
Nebraska Retirement Systems	LB1054	Kolterman	Define the required beginning date and change deferral of payment provisions under certain retirement plans
Revenue	LB1074	Linehan	Change provisions relating to the assessment of improvements on leased lands and the collection of certain fees and taxes
	LB974	Revenue	Change taxation and school funding provisions
State-Tribal Relations	LB848	Pansing Brooks	Change Columbus Day to Indigenous People's Day
Transportation & Telecommunications	LB944	Geist	Change provisions relating to motor vehicles
	LB992	Friesen	Adopt the Broadband Internet Service Infrastructure Act and provide for certain broadband and Internet-related services
Urban Affairs	LB866	Wayne	Adopt the Density Bonus and Inclusionary Housing Act
	LB1003	Walz	Provide annexation powers to cities of the second class and villages for relocation due to catastrophic flooding

SEARCH FOR BILLS

Learn more about bills considered by the Unicameral by logging on to www.NebraskaLegislature.gov.

The Legislature's website offers a bill search on the upper-right portion of the home page. Entering a bill number will retrieve the bill's text, fiscal note, statement of intent, votes, transcripts and more.

You also can search current laws using the keyword search found below the bill search.



LEGISLATIVE GLOSSARY

“A” Bill - see Appropriation Bill.

Amendment On File - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

Amendment Printed Separate - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

Appropriation Bill (“A” Bill) - a bill to appropriate funds to finance another bill bearing the same number.

Attorney General’s Opinion - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

Bill - see Legislative Bill.

Bracket - to delay consideration of a bill.

Call of the House - a procedure used to compel attendance of unexcused senators in the chamber.

Carry-over Legislation - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

Chair - the presiding officer.

Cloture - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

Constitutional Amendment Resolution - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

Consent Calendar - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

“E” Clause - see Emergency Clause.

E&R - see Enrollment and Review.

Emergency Clause (“E” Clause) - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

Engrossment - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

Enrollment and Review (E&R) - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

Executive Session - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

Final Reading - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

Fiscal Note - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

Floor - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” it means the bill is being sent to the full Legislature for consideration.

General File - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

Hearing - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

House Under Call - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

Indefinitely Postpone (IPP) - to kill a bill.

Interim - the period between regular legislative sessions.

Interim Study Resolution - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

IPP - see Indefinitely Postpone.

Journal - see Legislative Journal.

Laws of Nebraska (Session Laws) - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

Legislative Bill (LB) - a proposal to create, change or delete one or more laws.



Legislative History - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

Legislative Journal - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

Legislative Resolution (LR) - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

Line-Item Veto - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

Machine Vote - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

Major Proposal - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

One-liner - a one-line description of a bill or resolution.

Override a Veto - see Veto Override.

President of the Legislature - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madam President, the lieutenant governor alone holds the official title.

Presiding Officer - the senator currently presiding over legislative proceedings.

Priority Bill - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

Record Vote - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system and the senators' names and corresponding votes are then printed in the Legislative Journal.

Regular Session - the annual session that begins the first Wednesday after the first Monday in January.

Resolution - see Legislative Resolution.

Revisor Bill - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

Roll Call Vote - a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes

may be printed in the Legislative Journal.

Select Committee - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

Select File - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

Session - a period of time, usually a number of days, during which the Legislature meets and transacts business.

Session Laws - compilation of all laws and constitutional amendment resolutions passed in a session.

Sine Die - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

Slip Law - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

Speaker of the Legislature - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and presides in the absence of the lieutenant governor.

Special Committee - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

Special Session - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

Standing Committee - a permanent committee with subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

Summary Sheet - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

Veto - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

Veto Override - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

Voice Vote - a vote in which senators cast their votes orally and no totals are recorded.

Worksheet - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



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