

## Bill would change certain vaccination requirements

Vaccination requirements at child care facilities licensed under the Child Care Licensing Act in Nebraska would be updated under a bill considered by the Health and Human Services Committee Feb. 4.

Under current law, children attending licensed facilities can be exempted from immunization requirements for medical reasons or through parental objection. LB447, as introduced by Omaha Sen. Machaela Cavanaugh, would eliminate the



Sen. Machaela Cavanaugh said her amendment was drafted to allay the concerns of some Nebraskans regarding religious objections to vaccination.

parental objection option.

The bill also would require the state Department of Health and Human Services to establish a database

for immunization records accessible by child care providers.

At the hearing, Cavanaugh said she would offer an amendment to allow a parent to cite a religious objection for not vaccinating their child. She said this would align the bill with the state's school immunization rules.

"LB447 does not change the immunizations that a child is recommended [to have] to enter a day care or school. LB447 does not address the

**(continued page 2)**

## Greater law enforcement transparency proposed

Members of the Judiciary Committee heard testimony Feb. 3 on a bill to increase accountability and transparency for Nebraska law enforcement officers.

LB551, sponsored by Omaha Sen. Justin Wayne, would require law enforcement agencies to maintain publicly accessible records regarding officer discipline and uses of excessive force.

Every profession in the state that requires licensure maintains a public database of disciplinary findings, Wayne said, except for law enforcement. He said it does not make sense for a person with the ability to use lethal force not to be held to the same standards as a child care worker.



Sen. Justin Wayne

"Do we do just enough for law enforcement and advocates to feel comfortable with a step forward, or do we do what the community has asked for and [provide] oversight?" Wayne said.

The bill would require each law enforcement agency to maintain a record of all incidents of officer discipline, including the officer's name, investigatory findings, discipline imposed, whether or not there was an appeal or grievance and other pertinent information.

Each agency would transmit its discipline records — to be maintained for 10 years — to the Nebraska Commission on Law Enforcement and Criminal Justice on a quarterly basis. The commission would post such data on its website for public access.

Law enforcement agencies also would be required to

**(continued page 3)**

# Bill would change certain vaccination requirements

(continued from front page)

COVID-19 vaccination in any way,” Cavanaugh said. “The goal of LB447 is better record keeping regarding immunization records of children.”

Dr. Michelle Walsh, president of the Nebraska Medical Association, testified in support of the bill. She said 97 percent of Nebraskans vaccinate their children, but the number of parents opting out has increased in recent years. At the same time, the amount of misinformation about vaccines has increased, she said.

“Child care facilities would benefit greatly from this bill, knowing that they are providing a safer place for children,” Walsh said.

Kane Maly testified against the bill. He said it is wrong that adults can choose not to receive a vaccine but can’t make the same decision for their children.

“Parents have been trusted in every aspect of their child’s life to choose what is best,” Maly said.

Raegan Hain also spoke in

opposition to LB447. She said the proposed amendment was insufficient to win her support and that parents should be able to opt-out of a vaccine for their children without a reason.

“I am not anti-vaccine, but I am pro-choice when it comes to allowing parents to make those choices for their children based on their own personal

beliefs,” Hain said.

Also testifying in opposition was Bethany Soflin. Parents care more about their children than any medical professional, she said, and therefore deserve to manage their child’s health care.

The committee took no immediate action on LB447. ■



Testifiers line a Capitol hallway Feb. 4, waiting to speak on vaccine proposals.

## UNICAMERAL UPDATE

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# Greater law enforcement transparency proposed

(continued from front page)

establish a formal process to receive and process complaints of police misconduct under LB551. The internal investigation of such claims would be completed within 100 days of receiving the complaint by an officer with at least 24 hours of relevant investigatory training.

Cases involving the possible revocation of an officer's certification would be forwarded to the commission, which would have 180 days to subpoena relevant records and investigate the claim.

Spike Eickholt, representing the ACLU of Nebraska, spoke in support of LB551. Law enforcement is a state-certified profession, he said, but unlike other certified professions, law enforcement officers have the ability to arrest and even kill.

"Like any profession, discipline, sanctions and other things ... that can lead to the loss of that license should be publicly available," Eickholt said.

Opposing the bill was Jim Maguire, president of the Nebraska Fraternal Order of Police. When an officer is involved in a shooting, they are legally compelled to complete a thorough

statement detailing their involvement, he said.

"We have to be very careful when we talk about opening ourselves up to allowing [legally-protected] compelled statements into an open forum," Maguire said.

Bruce Ferrell, representing the Police Chiefs Association of Nebraska, also spoke in opposition. As proposed, the public database would be overly broad, he said, and perhaps only should include only officers who are decertified due to misconduct.

"While open dialogue is constructive, the amount of information that would be required for this database is a concern," Ferrell said. "Would a minor complaint, reprimand or written admonishment for coaching purposes be required?"

Among other provisions, LB551 would require a psychological evaluation of all applicants to determine fitness for duty. Applicants seeking entry-level law enforcement certification would be required to complete 40 hours of instruction on de-escalation. Eight hours of anti-bias and implicit bias training would

be required of new recruits and officers would be required to complete 40 hours of continuing education annually on a variety of subjects.

LB551 also would prohibit a police officer from intentionally using a chokehold on a person, except when deadly force has been authorized.

Similarly, an officer would be prohibited from using a carotid restraint control hold – a method of rendering a person unconscious by restricting blood flow by compressing the carotid arteries in the neck – on any person unless the officer believes the person would cause death or bodily injury to others or deadly force has been authorized and the officer in question has been trained on the restraint technique.

Under the bill, each law enforcement agency would be required to adopt a policy before Jan. 1, 2022, stating that an officer must intervene when he or she reasonably believes that another officer is engaged in the use of excessive force.

The committee took no immediate action on LB551. ■

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# MEET THE SENATOR

## Sanders looks to the future and beyond

Not even historic levels of snowfall can dampen Bellevue Sen. Rita Sanders' positive outlook on life. Born and raised in Hawaii, she looked outside her office window at the snow drifts last week and focused on her affinity for snow sports.

Then again, the new senator appears game for all outdoor activity. An avid runner, Sanders has a goal of running one marathon each year – the Lincoln Marathon already is on her calendar for 2021. If the rock-climbing wall in her home is any indication, however, the mountains truly have her heart.

Sanders likens her experience climbing Tanzania's Mount Kilimanjaro to how she'll approach her work as a new member of the Nebraska Legislature.

"The odds are definitely against you. You can go all the way and fail. So, you had better do the work," she said.

One of seven children, it was her mother's pragmatic attitude toward life that helped influence the way Sanders approaches new challenges.

"We were poor growing up. My mom always said she would not take any help from the government and we lived that way," Sanders said. "If we didn't have it, we didn't spend it."

Her father served in the military for 20 years and Sanders' love for the armed services community runs deep. Her first exposure to Bellevue came at the wedding of one of her sisters – who was stationed at Offutt Air Force Base.

While Hawaii was "paradise," she said, Bellevue has

been a natural fit for Sanders and her husband, Rick, because of its highly rated education system, housing and livability.

The couple put down firm roots in the town, purchasing and developing an independent and assisted living campus, with the help of tax increment financing (TIF). It was

that process, Sanders said, that piqued her interest in politics.

"Not everybody necessarily understands projects like TIF unless they have used it," she said. "Bringing the [Bellevue] city council up to speed on the positive things that TIF provides is what got me involved in politics."

Perhaps unsurprisingly, Sanders is most energized so far at the Legislature by her work on the Government, Military and Veteran Affairs Committee. If Offutt Air Force Base fails, she said, it would cause a domino effect impacting not just Bellevue, but Sarpy County and Nebraska as well.

Her experience recruiting new missions to the area, including her work on a task force to bring the nuclear command and control to Offutt, have her laser-focused on the future. Bringing the new U.S. Space Command Headquarters to Bellevue, she said, remains a top priority.

"The [recruitment effort] right from the city of Bellevue

to the county to the state, to the governor's office – who led it – it was fantastic to see that if we don't get this space command, we are certainly poised for other missions going forward," Sanders said. ■



Sen. Rita Sanders embraces nature at the 2020 Nebraska Steak Fry at Arbor Lodge State Historical Park in Nebraska City.

# AGRICULTURE

## Animal shares, independent processor assistance proposed

Nebraska farmers and ranchers could offer livestock ownership shares to customers under a bill heard Feb. 2 by the Agriculture Committee.

LB324, introduced by Sen. Tom Brandt of Plymouth, would provide for an animal share, or an ownership interest in an animal or herd of animals created by a written contract between a consumer and a farmer or rancher.



Sen. Tom Brandt

Animal share contracts would include a bill of sale to the consumer for an ownership interest in the animal or herd and a boarding provision under which the consumer boards the animal or herd with the farmer or rancher for care and processing and the consumer is entitled to receive a share of meat from the animal or herd.

The bill also would create an independent processor assistance program administered by the state Department of Agriculture.

Brandt said the bill is intended to increase Nebraska's meat processing capacity and expand market access for small and midsize beef and pork producers. He said coronavirus outbreaks at Nebraska meat processing plants have forced those producers to turn to local processors.

"This has created a bottleneck at every local meat locker in the state," Brandt said. "They simply do not have the capacity or equipment to keep up with demand."

He said the assistance program

would create a framework under which any federal coronavirus aid directed to Nebraska in the future could be used to provide grants to local processors to construct new buildings and upgrade equipment.

John Hladik of the Center for Rural Affairs testified in support of LB324. He said the bill, which is based on similar legislation implemented in Wyoming last year, would allow small producers to make animal shares available to consumers under a custom exemption in the Federal Meat Inspection Act.

Under the exemption, state and federal inspection of meat is not required if the animal is processed exclusively for consumption by its owner and his or her household, employees or guests.

Bill Rhea, president of the Nebraska Cattlemen, also testified in support, saying the assistance program could ease pandemic-related supply chain disruptions that have created what he called an exponential increase in demand for small processors.

Many cattle producers have made direct-to-consumer marketing a bigger part of their business in the wake of those disruptions, he said, and the proposed animal shares would give them more flexibility in selling their livestock to consumers.

Brian Kurth, general manager of McClean Beef, also testified in support. He said the bill could help the company expand production capacity at a processing facility it is renovating in York.

"I see firsthand the need for additional small local processing facilities when our phone is ringing every day with processing requests coming from small producers," Kurth said.

Steve Wellman, director of the state Department of Agriculture, testified in opposition to LB324. He

said the department has no authority to implement the animal share provision because custom exempt slaughter and processing facilities are regulated under federal law.

Additionally, he said, the animal share program would create more paperwork for processors even if they do not process livestock under animal share contracts.

The committee took no immediate action on the bill.

# EDUCATION

## Financial literacy requirements proposed

The Education Committee heard testimony Feb. 1 on two bills intended to improve Nebraska students' personal finance skills.

Under LB327, introduced by Sen. Julie Slama of Peru, students must complete at least one half-credit hour of a personal finance or financial literacy course prior to graduation, beginning in school year 2022-23.



Sen. Julie Slama

"Without a requirement that all students have a basic understanding of personal finance," she said, "we're risking the financial future of our youth."

LB452, introduced by Omaha Sen. Terrell McKinney, would require each school district to create a financial literacy program and incorporate it into its K-12 curriculum.



Sen. Terrell McKinney

The proposed programs would be based on guidelines developed by the

state Department of Education and would teach knowledge and skills related to budgeting, credit, checking and savings accounts, loans, stocks and insurance.

McKinney said many young Nebraskans “build their boats as they sail,” learning personal finance through trial and error. LB452 would ensure that all students receive financial literacy instruction, outlined in the state’s social studies standards, as early as possible, he said.

“It is simply unfair and neglectful to expect 17- and 18-year-old high school graduates to thrive economically post graduation with no prior preparation,” McKinney said.

LB452 would require each district to present evidence to the department that it is teaching students financial literacy pursuant to the bill’s provisions each year. Districts that do not provide a financial literacy program or the required annual evidence to the department would lose their accreditation status.

Additionally, the department would collect data on the programs, evaluate their effectiveness and report that information to the Legislature and the State Board of Education.

Richard Baier testified in support of both bills on behalf of the Nebraska Bankers Association. Although Nebraska’s social studies standards already include material on financial literacy and economics, he said, those subjects are a small portion of the curriculum and get “lost in the shuffle” in many school districts.

State Treasurer John Murante also testified in support of both bills, saying the inconsistent teaching of basic financial skills in Nebraska high schools means that some graduates lack basic financial knowledge.

“This is a subject matter ... that every person who graduates will deal

with every day of their lives,” he said, “and everyone needs to be on an equal playing field.”

Also in support of both proposals was Jennifer Davidson, president of the Nebraska Council on Economic Education. Research has shown that requiring students to complete a financial literacy course in high school results in improved credit scores, reduced delinquency and better student loan borrowing decisions, she said.

Nebraska schools are required to teach economics and personal finance, Davidson said, but the material can be included in other courses, and schools are not required to have a dedicated economics or personal finance course.

A 2018 study she conducted found that 95 of Nebraska’s 244 school districts required a personal finance course for graduation, 210 offered such a course and 34 did not offer a semester-long personal finance course, Davidson said.

Corey Gardner, a senior at Kimball Public Schools, testified in support of LB327. In a recent career education and personal finance course, he said, his classmates struggled with coursework on taking out loans, budgeting and filing tax returns.

“It dawned upon me that – in just a few months – all of us were either going to be going to college or joining the workforce,” Gardner said, “and none of us were prepared.”

Colby Coash provided written testimony in opposition to LB327 on behalf of the Nebraska Association of School Boards. He said the bill is unnecessary because the state Department of Education already has outlined financial literacy in its social studies standards and that many schools already require a financial literacy course as a graduation requirement.

The committee took no immediate action on either bill.

## Allocation of lottery funds for education programs considered

New behavioral awareness and mental health training initiatives would receive a portion of state lottery funds under a bill heard Feb. 2 by the Education Committee.

Current law directs 44.5 percent of state lottery funds to various education programs each year. The state Department of Revenue estimates that \$21.2 million in lottery funds will be directed to these programs in FY2021-22, \$21.7 million in FY2022-23 and \$22.1 million in FY2023-24.

LB529, introduced by Fremont Sen. Lynne Walz, would allocate those funds to more than a dozen programs for fiscal years 2021-22 through 2025-26.



Sen. Lynne Walz

Under one new program, the Educational Service Unit Coordinating Council would ensure that annual behavioral awareness training is available statewide and develop, implement and administer a statewide teacher support system beginning in school year 2021-22.

Beginning with the 2023-24 school year, school districts would ensure that teachers, administrators, paraprofessionals, school nurses and counselors receive the training.

Walz said the proposal, which would direct 9.5 percent of education lottery funds to the new program, would allow ESUs to develop training for small school districts that otherwise could not afford to hire dedicated behavioral awareness experts.

The evidence-based training would include:

- recognition of detrimental factors impacting student behavior;
- positive behavior support and

- proactive teaching strategies; and
- verbal intervention and de-escalation techniques.

LB529 also would require each school district to designate at least one school employee as a behavioral awareness point of contact for each school building. Each point of contact would be trained in behavioral awareness and have knowledge of community service providers and other resources available for students and families in the district.

Additionally, each district would maintain or have access to an existing registry of local mental health and counseling resources. Each behavioral awareness point of contact would coordinate student access to those services whenever possible.

LB529 would direct 1.5 percent of the funds to a new mental health training grant program administered by the state Department of Education.

In addition to other requirements, applicants would have to describe how the training provided under the grant would prepare recipients to safely de-escalate crisis situations, recognize the signs and symptoms of mental illness and timely refer a student to available mental health services in the early stages of the development of a mental disorder.

The bill would allocate 1 percent to another new program under which the department would reimburse school districts for the amount they pay to reduce the fees charged to low-income students by certain college credit testing programs.

Under another new program, which would receive 2 percent of the funds, the Coordinating Council for Postsecondary Education would distribute grants to teachers enrolled in courses that lead to qualification to teach dual-credit and career and technical education courses.

LB529 would allocate 2.5 percent to the existing Access College Early

Scholarship Cash Fund. The ACE program, also administered by the commission, provides financial aid to low-income high school students who enroll in college courses through dual enrollment or early enrollment at Nebraska colleges or universities.

The Nebraska Opportunity Grant Fund, which provides financial aid to low-income Nebraska residents enrolled at postsecondary educational institutions, would receive the largest allocation at 58 percent, down from the 62 percent allocation it received for fiscal years 2016-17 through 2020-21.

Mike Baumgartner, executive director of the Coordinating Commission for Postsecondary Education, testified in support of LB529. Although the proposed decrease would slow the NOG program's growth, he said, it would receive \$14.4 million in lottery funds for each of the next two years.

"That provides a good foundation," Baumgartner said, "but the program will need additional funds in the future to make affordability gains."

Kyle McGowan testified in support of the bill on behalf of the Nebraska Council of School Administrators, the Nebraska Association of School Boards and other school organizations. LB529 would help teachers, administrators and other school personnel address the increasing prevalence of mental health problems among Nebraska students, he said.

Jean Anderson, special education director for ESU 10, also testified in support, saying behavioral awareness and mental health are critical issues for Nebraska schools. She said the proposed training would help teachers and other school staff safely de-escalate situations in which students become unable to emotionally self-regulate.

No opponents were present to testify at the hearing and the committee took no immediate action on the bill.

## EXECUTIVE BOARD

### Bill seeks transmission line moratorium, study

The Executive Board heard testimony Feb. 3 on a bill that seeks to halt construction on certain rural electric transmission lines and establish a legislative committee to examine the issue.

Introduced by Gordon Sen. Tom Brewer, LB409 would prohibit electric suppliers from starting or continuing construction on any transmission line project that extends 200 or more miles or expending any funds relating to such a project until Jan. 1, 2023.



Sen. Tom Brewer

Brewer said he realizes the need for the Nebraska Public Power District's proposed high voltage power line — known as the R-Project — in order to balance the transmission of electricity in western Nebraska. The current proposed route, however, would "disrupt and disturb the Sandhills like nothing we've done" in the region, he said.

"We've seen them pick the most dangerous, destructive route that they could pick — for their convenience," Brewer said, adding that everyone involved in the situation should "take a deep breath" and reexamine the project before moving forward.

The bill also would establish the Electric Transmission Line Study Committee. The seven-member committee would include senators from the Executive Board and the Natural Resources and Government, Military and Veterans Affairs committees.

The new committee would be tasked with studying the process of

routing transmission lines, private property rights and customer and rate-payer interests, as well as the necessity of constructing long-distance transmission lines, the sufficiency of statutory and regulatory requirements and the preservation of historical, cultural and ecological resources.

The committee would report its findings and recommendations to the Legislature and would terminate Dec. 31, 2022.

Brent Steffen, a Sandhills landowner for 30 years, testified in support of the bill. Nebraska’s public power system served the state well when it was struggling to complete rural electrification, he said, but since has become a powerful “behemoth” subject to minimal oversight.

He said NPPD now serves the interests of the Southwest Power Pool, a 14-state consortium of which it is a member, rather than the interests of Nebraskans — as evidenced by the R-Project.

“It takes generations and generations to heal disturbed property in the Sandhills,” Steffen said.

Linda Tacey of Sutherland, a Sandhills tour guide, also supported LB409. She said NPPD was tasked with avoiding cultural and historic sites when siting the R-Project. Despite this, she said, the current northern route would endanger Birdwood Creek and the Mormon and Oregon trails.

“All of these areas are pristine,” Tacey said. “They’ve never been plowed; they’ve been very protected by the landowners for over 175 years.”

Tom Kent, NPPD president and CEO, testified in opposition on behalf of NPPD and the Nebraska Power Association. He said the current route has been “thoroughly studied, designed and vetted” since 2012, when it was determined that the grid in northwest Nebraska needed to be

strengthened.

Planned power outages were necessary that year, he said, because NPPD didn’t have the transmission capability needed.

Acknowledging the environmental sensitivity of the Sandhills, Kent said every effort has been made to mitigate the adverse impact of the project and that a southern route was considered during the process. He added that NPPD has acquired 81 percent of the easements needed for the current proposed route.

“At the end of the day, not everyone is going to be happy,” Kent said. “If you move it somewhere else, someone else isn’t going to be happy.”

The committee took no immediate action on the bill.

## GENERAL AFFAIRS

### Bill would allow gaming near some fairgrounds

Casinos could be established at or near the site of fairs hosted by licensed racetracks under a bill considered Feb. 1 by the General Affairs Committee.

LB371, introduced by Grand Island Sen. Raymond Aguilar, would add games of chance under the Nebraska Racetrack Gaming Act to the current list of exceptions to activity prohibited on or near the grounds of a county or state fair. The bill would help implement the provisions of a constitutional amendment passed in 2020 that enables licensed horseracing tracks to offer games of chance.



Sen. Raymond Aguilar

Aguilar said, three horse tracks currently host fairs and, under current law, if any of them chose to construct a casino, either the casino would have to close during the fair or the fair would need to relocate. He added that the bill would not allow gaming to take place at a fair.

“This will not put poker tables next to the Ferris wheel,” Aguilar said.

Chris Kotulak, CEO of Nebraska State Fair host site Fonner Park, testified in support of LB371. He said the current statue needs to be updated and added that the footprint of Fonner Park would not change with the addition of a casino.

“We plan to just maintain what we have for the course of the fair,” Kotulak said.

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

### Racetrack casino bills considered

A bill to establish the regulatory oversight necessary to carry out a constitutional amendment passed in 2020 was considered Feb. 1 by the General Affairs Committee. Nebraska voters legalized casino gaming at licensed racetracks through an initiative petition drive.

LB561, introduced by Sen. Tom Briese of Albion, would:

- raise the legal age for wagering on horse racing from 19 to 21;
- merge the State Racing Commission and the State Gaming Commission, created under Constitutional Amendment 430, into the State Racing and Gaming Commission;
- grant the new commission



Sen. Tom Briese



authority to regulate games of chance under the Nebraska Racetrack Gaming Act; and

- allow the commission to hire investigators, inspectors and other personnel necessary to administer and enforce all provisions of the Nebraska Racetrack Gaming Act.

Dennis Lee of the Nebraska State Racing Commission testified in support of the bill. He said other states that have legalized casino gaming and horse racing have administered them under one commission.

“It just makes sense,” Lee said.

Lynne McNally, Vice-President of the Nebraska Horsemen’s Benevolent and Protective Association testified in support of the bill. She said she supported combining the two commissions to save the state money.

No opponents to LB561 appeared at the hearing.

Also considered were LB560, introduced by Briese, which would provide the regulatory framework to implement casino gaming, and LB73, introduced by Lincoln Sen. Suzanne Geist, which would direct a portion of the proceeds from the Nebraska Racetrack Gaming Act to county agricultural societies.

Among other provisions, LB560 would establish rules and regulations for new operators, including the submission of fingerprints and floor plans, a system for lodging complaints and a process for controlling deposits and wagers. The bill would classify cheating or manipulation of a game of chance or gaming machine as a Class I misdemeanor and would establish a process to allow a person to be excluded voluntarily from wagering.

The bill also would prohibit the use of credit cards as payment for any wager or to purchase coins, tokens or other forms of credit to be wagered on

any game of chance.

The committee took no immediate action on the proposals.

### **Constitutional amendment would tax, regulate sports betting**

The Legislature would be authorized to regulate and tax sports wagering in Nebraska under a constitutional amendment considered Feb. 1 by the General Affairs Committee.

If passed by the Legislature, LR26CA, introduced by Omaha Sen. Brett Lindstrom, would put the issue before voters in the 2022 general election.



Sen. Brett Lindstrom

Lindstrom said 19 states, including some that border Nebraska, allow sports wagering. Voters should decide if Nebraska will join them, he said.

“Do we want to lose revenue over the river or across our borders?” Lindstrom said.

Brendan Bussmann of Global Market Advisors testified in support of the proposal. He said eight states are in the process of legalizing sports wagering, ready to join the states that already have.

“You’re surrounded by it,” Bussmann said.

Glenn Andersen testified against LR26CA. He said Nebraska voters didn’t intend to legalize sports wagering when they approved last fall’s constitutional amendment authorizing casino gaming at licensed racetracks.

“We’re going above and beyond what the voters are looking for,” Andersen said.

Gloria Fairchild also opposed the measure. She questioned whether the Legislature adequately could regulate

sports wagering and said the state would not see increased economic activity from the proposal because other states already are allowing Nebraskans to gamble.

“It’s a mature market; it’s oversaturated,” Fairchild said.

The committee took no immediate action on LR26CA.



### **Bill would lower organ donor age**

The minimum age to choose to be an organ donor on a Nebraska state ID or driver license would be lowered under a bill considered Feb. 4 by the Health and Human Services Committee.

LB251, introduced by Omaha Sen. Machaela Cavanaugh, would lower the age from 16 to 14.



Sen. Machaela Cavanaugh

Under current law, a parent of a teenager who chooses organ donation can override that decision after the child’s death.

“[The bill] does not take away that parent’s right to make those decisions,” Cavanaugh said.

Marigold Helvey of Omaha testified in support of LB251. Fourteen-year-old Helvey said teenagers who are considered old enough to drive a car also should be considered mature enough to register as an organ donor.

“LB251 will start important conversations with teens and their families and it will make a difference so that children who need a transplant won’t have to wait as long and they can get

a better match,” she said.

Kyle Herber, president of organ procurement organization Live On Nebraska, also supported the bill. He said there are more than 300 Nebraskans and 100,000 Americans currently awaiting an organ donation.

“Some will wait days, some years, some will never get the opportunity to receive a transplant,” Herber said. “In the U.S., 20 people die each day because an organ wasn’t available for them.”

No one testified against LB251 and the committee took no immediate action on it.

### **Bills would address youth center issues**

The Health and Human Services Committee heard testimony Feb. 3 on three bills, each introduced by the committee, concerning youth rehabilitation and treatment centers.

LB429 would require the state Department of Health and Human Services to give notice to the Legislature before making substantial changes to facilities and programs under the jurisdiction of the Office of Juvenile Services. Proposed changes could not be implemented until the Legislature reviews the proposal.

The bill is a response to the closure of YRTC-Geneva in 2019, after what committee chairperson Sen. John Arch of La Vista called a “multiple system failure.”

“The purpose of this legislation is to ensure that the Legislature isn’t caught by surprise as it was with the crisis in August 2019,” Arch said.

Inspector General for Child Welfare Jennifer Carter spoke in support of LB429. She said DHHS implemented numerous significant changes in the past, complicating oversight of YRTCs.

“There were many, many changes and it created a good deal of instabil-

ity in the system,” Carter said. “Many of them were significant changes and yet there really wasn’t any legislative action or policy change driving it.”

Larry Kahl, chief operating officer of DHHS, testified in opposition to LB429. He said the bill would limit the department’s ability to respond to conditions at YRTCs.

“There are no exceptions for emergency situations,” Kahl said. “LB429 also does not define what would be considered a substantial change. This could result in DHHS and the Legislature operating under different understandings.”

Also considered was LB428, which would require that educational programs offered at YRTC remain accredited by the Nebraska State Board of Education and ensure that YRTC residents receive an education equivalent to that offered to students in Nebraska’s public schools.

Arch said the bill was just a start on improving the education of YRTC students.

Nebraska Commissioner of Education Matt Blomstedt testified in support of LB428. He said the bill would guarantee that academic credits earned at a YRTC would transfer to any public school in Nebraska. That hasn’t always happened in the past, he said, forcing students to retake classes upon their return to public school.

No one testified against LB428.

Finally, LB425 would require DHHS to hire a consultant to perform a needs assessment and cost analysis of an inpatient adolescent psychiatric unit at the Lincoln Regional Center. The assessment would be submitted to the committee by Dec. 15, 2021.

Arch said YRTCs currently are not equipped to care for youth with severe mental illness and individuals who need that type of care have not received it.

No one appeared at the hearing to

testify on LB425 and the committee took no immediate action on any of the bills.

### **Vaccination opt-out sought**

Nebraskans would not be required to comply with a mandatory vaccination order under a bill considered Feb. 4 by the Health and Human Services Committee.

LB643, introduced by Sen. Ben Hansen of Blair, would allow individuals to refuse a mandatory vaccination directive issued by the state of Nebraska, either for themselves or their children, and would allow companies to refuse such an order for their employees.



Sen. Ben Hansen

There currently are no such general mandates in the state, but Hansen said he wants to stop such an effort before it starts.

“This legislation is in no way against vaccines, or the COVID-19 vaccine,” Hansen said. “This is more saying that the state doesn’t have the right to inject anything into our bodies, mandatorily.”

Robert Borer testified in support of LB643. He said compulsory vaccinations violate human rights and that government shouldn’t be allowed to practice medicine.

“We have a fundamental right to make our own health care decisions,” Borer said. “Consent is the antithesis of compulsion.”

Bonni Meckel, a registered nurse, testified in support, saying vaccines are a one-size-fits-all treatment that can have serious side effects. Meckel said she is “morally, legally, ethically” bound to tell patients that they are not required to take a course of treatment with which they aren’t comfortable.

“I can encourage, I can education, but it is not my business nor my choice,” she said.

Also speaking in support was Stephanie Remus. She said she does not oppose anyone choosing to get a vaccine, but that she wants the same ability to choose not to do so.

Dr. Michelle Walsh, President of the Nebraska Medical Association, testified in opposition to the bill. As written, LB643 would last in perpetuity – beyond the current COVID-19 pandemic – and would limit the state’s ability to ensure public health, she said.

“If this bill were adopted, it would result in an increase in preventable diseases that children are currently immunized for and a substantial drop in immunization rates,” Walsh said. “This would have the effect of raising the risk of future types of preventable disease outbreaks which have been under control for decades.”

Cora Schrader, testifying on behalf of Nebraska Nurse Practitioners, also opposed the bill. In written testimony, she said vaccinations have greatly reduced cases of deadly disease and that numerous studies have shown them to be safe. LB643 would increase vaccine hesitancy, Schrader said.

“Changing the mandate to allow more vaccine refusal will lower the high vaccination rate in Nebraska,” she said.

The committee took no immediate action on the bill.



**Limited immunity sought for violent crime victims, witnesses**

The Judiciary Committee heard testimony Feb. 5 on a bill meant to encourage people to report violent crimes.

Under LB7, sponsored by Bellevue Sen. Carol Blood, a person who is a victim of or witness to a violent crime would be eligible for legal protection against charges of nonviolent drug possession or solicitation.



Sen. Carol Blood

It already is common practice in many Nebraska jurisdictions, Blood said, to withhold arrest for lower-level offenses when gaining cooperation in the reporting or investigation of more serious crimes.

“This bill builds upon our history of good Samaritan laws for victims to ensure someone is able to engage with law enforcement or seek critical medical care safely and without fear of criminal repercussions,” she said. “By allowing survivors and witnesses of violent crimes to report without fear of criminal prosecution or arrest for nonviolent offenses, LB7 supports identification of violent crimes in our community.”

Under LB7, a person who reports a violent crime in good faith to law enforcement or requests emergency medical assistance for a victim of such crime would be eligible for immunity from prosecution if evidence supporting arrest or prosecution of the crime is collected as a result.

Speaking in support of the bill was Kelsey Waldron of the Women’s Fund of Omaha. Victims of sex trafficking often form a “trauma bond” with their perpetrator due to extensive manipulation, she said, which may prevent them from coming forward.

“This bill will support our state in creating more trauma-informed processes, specifically as it relates to instances of sex trafficking,” Waldron said. “[It] recognizes the complex nature of trauma that may cause

someone to not identify as a victim and addresses these legal gaps by supporting individuals in accessing emergency care or engaging in our criminal legal system.”

Also supporting LB7 was Tracy Scherer, representing the Omaha Police Department. Victims of sex trafficking historically have been disbelieved, she said, and often have difficulty trusting those whose intentions are to help.

“We believe having [immunity] in statute will go further toward victims being willing to [come forward] because of the complex trauma of trafficking victims as well as the distrust of supportive systems and outside agencies,” Scherer said.

Corey O’Brien, speaking on behalf of the Nebraska Attorney General’s Office, opposed the bill. Preserving limited discretion to confer immunity, he said, would allow prosecutors to continue to present thoroughly vetted cases to juries.

“By giving them blanket immunity statutorily, without the vetting process or being able to lay out the terms before a jury, it substantially impacts our ability to prosecute the human traffickers and defend the reliability and credibility of victims and our cases,” O’Brien said.

The committee took no immediate action on the bill.

**Prohibition on fraudulent service and support animals considered**

Tenants requiring the assistance of a service or emotional support animal would be required to provide specific documentation under a bill heard by members of the Judiciary Committee Feb. 4.

Under LB309, sponsored by Elmwood Sen. Robert Clements, a land-

lord could require potential tenants with disabilities who require use of a support animal to provide documentation from a health care provider — who has a personal relationship with the potential tenant — detailing the disability, the person’s disability-related need for a support animal and the kind of support the animal provides.



Sen. Robert Clements

Clements said many tenants with a legitimate disability, not knowing the requirements of state and federal housing laws, are lured into purchasing worthless and unnecessary online documentation for assistance animals.

“Other individuals purchase online documentation to fraudulently circumvent landlord pet restrictions and rental fees, misrepresenting their pet as an assistance animal,” he said. “This hurts truly disabled applicants and creates suspicion of the disabled and housing providers alike.”

The bill would make it unlawful for a person to misrepresent a disability or related need for a support animal, either to a health care provider or potential landlord. Fraudulently fitting an animal with a harness, collar, vest or sign implying its status as a service animal also would be prohibited.

Gene Eckel, representing the Nebraska Association of Commercial Property Owners and the Apartment Association of Nebraska, spoke in support of the bill. He said an entire “cottage industry” around providing falsified service animal documentation has worsened the problem in recent years.

“We want to protect those with a legitimate need to ensure that they’re not overshadowed by many who are just looking to get around the restric-

tions on pets, pet deposits and pet rent,” Eckel said.

Opposing the bill was Brad Meurrens of Disability Rights Nebraska. Competing definitions and guidelines at the federal level can create legitimate confusion for tenants, he said.

“I would caution framing this issue solely as a problem created by selfish people,” Meurrens said. “The use of unqualified animals as service animals may not be a deliberate act, but instead a problem created by misunderstood definitions, differences between civil rights laws and misinformation by the medical community.”

LB309 also would prohibit a health care provider from knowingly providing fraudulent documentation of a disability or related need for a service animal, as well as anyone other than a health care provider who would provide such documentation.

Violation of the bill’s provisions would be considered a Class III misdemeanor for a first offense, punishable by up to three months imprisonment, a \$500 fine or both. Subsequent offenses would be considered a Class II misdemeanor, punishable by up to six months imprisonment, a \$1,000 fine or both.

Taylor Christopher, a student attorney, also opposed LB309. Diagnosing a nonvisible disability, she said, is a more subjective process than diagnosing a visible disability. The bill’s penalties could hinder health care relationships, she said.

“People with disabilities should receive the care they need and there should be no risk of that care being denied because of a fear of professional sanctions,” Christopher said.

The committee took no immediate action on the bill.

## Eviction, foreclosure moratoriums proposed

Local leaders would have increased authority regarding evictions and foreclosures during a public health emergency under a bill heard Feb. 4 by the Judiciary Committee.

Under LB394, sponsored by Lincoln Sen. Adam Morfeld, a municipality, county board or local public health department could enact a moratorium on evictions and foreclosures if deemed necessary to protect the community’s welfare during a public health emergency.



Sen. Adam Morfeld

The bill is in response to the struggles of homeowners, landlords and tenants, Morfeld said, all of whom are worried about their ability to financially weather the current pandemic.

“This is a real problem that needs to be addressed,” he said. “Whether it be now or for future public health emergencies.”

Any moratorium imposed would end when either the relevant mayor, city manager or governing body determines by resolution or proclamation that it is no longer necessary, regardless of which entity originally enacted the moratorium. The public would be given no less than 14 days’ notice of such decision.

If a mayor or city manager calls for an end to a moratorium, the relevant governing body could overturn the decision with a two-thirds majority vote.

The bill would prohibit a landlord from serving notice of intent to terminate a lease or filing an eviction action in court while a moratorium is effective. A landlord also could not assess any fees or penalties for nonpayment of rent.

LB394 would not preclude a landlord from initiating an eviction pro-

ceeding after a moratorium ends for good cause unrelated to a rent delinquency. A tenant displaced from their dwelling in violation of the bill's provisions would have cause for civil action to be restored to their dwelling and to seek damages and attorney's fees.

The bill also would prohibit a mortgagee from filing a foreclosure action in court against any landlord while the moratorium is in effect. A housing assistance fund would be created to distribute both government assistance and private gifts and grants.

Erin Feichtinger of Together Omaha spoke in support of LB394. Her organization spent \$960,000 in 2020 to help people pay their rent, she said, yet many people still lost their homes.

"It's hard to fully articulate how disheartening it is to be one organization of many in our community trying desperately to hold back the tide of sorrow, pain and fear that every person who called us for help was feeling at the prospect of losing their home during this pandemic," Feichtinger said. "LB394 would ensure that as we come out of COVID-19, if we ever go through this again, we can act quickly to protect the health of our community."

Also supporting the bill was Kasey Ogle of Nebraska Appleseed. While availability of affordable housing was a problem before, she said, the pandemic only exacerbated the issue.

"This bill is essential for public health. The coronavirus pandemic caught us before we were prepared," Ogle said. "While actions have been taken to suspend evictions, those steps have been inadequate to protect us from unnecessary spread of the coronavirus."

Under the bill, in the six months directly following the end of a moratorium, a landlord would be prohibited from terminating or not renewing a lease agreement due to a rent delinquency arising during a moratorium.

Following the six-month grace period, a landlord would be required to provide a tenant the opportunity to propose a reasonable repayment plan for unpaid rent.

A payment plan would be considered reasonable under LB394 if the tenant agrees to pay future rental payments on time and in full, any overdue rent is paid in full within six months and there is good cause to believe the tenant would have the financial means to meet the repayment plan terms.

Opposing the bill was Gene Eckel, representing both the Nebraska Commercial Property Owners and the Apartment Association of Nebraska. The bill may be unconstitutional, he said, because it would violate the contract clause.

"We think it's government overreach to take this moratorium and say that [we] can't enforce a contract," Eckel said. "There is no compensation here for landlords. Nothing in this bill that says there's going to be any assistance to pay landlords while they're not receiving rent."

Jon Cannon, representing the Nebraska Association of County Officials, also spoke in opposition. While the intent of the bill is laudable, he said, it would encourage people to make late property tax payments.

"If that's the case, you're going to create a cash-flow problem for the very agencies you're depending on to get you through a pandemic," Cannon said.

The committee took no immediate action on the bill.

### **Eviction reporting mandate considered**

The Judiciary Committee heard testimony Feb. 4 on a bill to require regular reports on eviction proceedings throughout the state.

LB402, sponsored by Bennington Sen. Wendy DeBoer, would require the Nebraska Supreme Court to create a biannual report detailing eviction proceedings by county.



Sen. Wendy DeBoer

Among other information, the report would include the number of and reasons for evictions, and the number of tenants and landlords represented by counsel.

DeBoer said housing security and access is a major public health issue that impacts all of Nebraska.

"This information will allow us to see where evictions are concentrated, how eviction rates change over time and the cause under which evictions are being filed," she said. "It will allow us to see those trends and tailor our policy accordingly and allow support groups to best serve the community."

Each year, beginning in 2022, reports would be due to the Legislature by Jan. 15, and July 15.

Speaking in support of the bill was Tessa Lengeling, a student attorney. The data collected under LB402 would best help those facing eviction and homelessness, she said, as well as landlords struggling to balance their books and courts with overloaded dockets.

"Now, more than ever, accurate data and research is important," Lengeling said. "This information will allow policymakers, attorneys, landlords and service providers to fully grasp what is going on in courtrooms throughout Nebraska."

Scott Mertz, representing Legal Aid of Nebraska, also supported the bill. People are evicted for a variety of reasons, he said, ranging from serious criminal activity to simple nonrenewal of rental agreements.

“Being able to distinguish the reason for eviction would enable us to know the number of evictions that are happening, but also, more importantly, why they’re happening,” Mertz said. “This will lead to a better understanding of where there is a lack of decent affordable housing and help Nebraska to address that shortage.”

No one testified in opposition to LB402 and the committee took no immediate action on it.

### Financial assistance proposed for assault patients

Individuals who have experienced domestic or sexual violence could avoid a lengthy and expensive reimbursement process under a bill discussed Feb. 5 by the Judiciary Committee.

Under LB497, sponsored by Bennington Sen. Wendy DeBoer, a health care provider could apply to the Nebraska Crime Victim’s Reparations Program for reimbursement of costs associated with treating or examining a person’s injuries directly related to sexual assault or domestic abuse.

The reimbursement would cover the portion of costs that are not covered by insurance or other sources and typically would be paid by the patient. Currently, a person receiving such services would be billed and be required to pay for the services before then applying for reimbursement.

DeBoer said she introduced the bill to ensure that potential medical costs do not pose a barrier to seeking needed medical care.

“Victims of domestic and sexual assault are already eligible for reimbursement for medical costs related



Sen. Wendy DeBoer

to their victimization through the CVR program,” DeBoer said. “LB497 provides a more efficient mechanism to reimburse medical costs directly associated with domestic or sexual violence by allowing health care providers to seek reimbursement directly from the program.”

Jennifer Tran, a sexual assault nurse examiner at Methodist Women’s Hospital in Omaha, spoke in support of the bill. Even with medical insurance, most patients have out of pocket expenses of \$1,000 to \$2,000, she said.

“We have to explain that while the [sexual assault kit] would cost them nothing, the medical examination would,” Tran said. “This creates an environment where patients may be choosing what parts of their medical care they want to proceed with.”

Also supporting the bill was Anne Boatright, speaking on behalf of the Nebraska Attorney General’s Office. Many survivors do not know how to get these medical costs covered, she said, or who to call for help.

“They often will receive a \$1,500 to \$2,500 bill after their examinations,” Boatright said. “Victims have enough on their plates while they’re dealing with the fight of their life. We can and should do better and LB497 creates an opportunity for this.”

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

### Bill would provide mental health commitment data

First responders could be notified of a person’s prior mental health treatment when responding to a service call under a bill heard Feb. 3 by the Judiciary Committee.

LB663, sponsored by Lincoln Sen. Suzanne Geist, would require the

state Department of Health and Human Services to collect and transfer the personal identification data of any person placed



Sen. Suzanne Geist

into the custody of DHHS for court-ordered mental health treatment to the Nebraska Commission on Law Enforcement and Criminal Justice.

The commission then would create an indicator within its information system to note that the person was ordered to inpatient treatment and committed to the custody of DHHS.

Under the bill, emergency dispatch operators and other personnel designated by the commission would have access to the indicator.

Geist said she worked with local elected officials, law enforcement and behavioral health professionals to identify ways to protect an individual’s privacy while also providing law enforcement a tool to assist in responding to potential crisis situations.

“[We] sought to find a pathway to protect both law enforcement officers and those who are struggling with a mental health crisis when law enforcement is called,” she said. “This scenario is becoming more and more common and we were looking for a way to make sure these interactions provide the best and safest outcome for all involved.”

Lancaster County Commissioner Deb Schorr testified in support of LB663. The proposal is a work in progress, she said, but a step in the right direction for all parties involved.

“Lancaster County strongly believes that having this indicator in place will allow law enforcement and select other persons who work within the criminal justice system access to valuable information to provide the most appropriate

and caring response to those in crisis and safely resolve possibly dangerous situations,” Schorr said.

Kim Etherton, director of Lancaster County Community Corrections, also supported the bill. Without access to behavioral health information at the point of contact, she said, law enforcement may miss an opportunity to place a person in a pre-trial diversion program.

“Law enforcement may encounter an individual in the community while on a call for service that dispatch reports has a current or previous mental health commitment,” Etherton said. “If there is cause for citation or arrest, accurate information about this individual’s behavioral health history will direct referral to the most appropriate intervention.”

Opposing LB663 was Brad Meurons of Disability Rights Nebraska. He said the bill would stigmatize and discriminate against individuals with mental health issues and could create an unnecessarily tense situation for first responders.

“It imposes a permanent identifier on the people with mental health histories based on the simplistic and wrong-headed assumption that people with mental illnesses are inherently and permanently dangerous,” Meurons said. “Just because a person has been committed even once should not automatically label them as deviant, as this bill does.”

Sheri Dawson, director of the DHHS Division of Behavioral Health, also opposed the bill. Mental health involuntary treatment is protected information under HIPPA, she said, yet LB663 would allow transfer of this information to emergency dispatch operators and others.

“While the bill states that procedures should be established that guarantee that no information is released

beyond what is necessary, the ‘need to know’ and intended use of protected health information is not clearly and explicitly stated,” Dawson said.

The committee took no immediate action on the bill.



**Bill would prohibit treated seed corn in ethanol production**

Nebraska ethanol plants could not use treated seed corn as a fuel stock under a bill heard Feb. 3 by the Natural Resources Committee.

LB507, introduced by Sen. Bruce Bostelman of Brainard, would prohibit the use of treated seed corn in the production of agricultural ethyl alcohol if its use results in the generation of a byproduct that is deemed unsafe for livestock consumption or land application.



Sen. Bruce Bostelman

Bostelman said an ethanol plant near Mead has been using treated seed corn as a fuel stock and is storing the byproduct – which contains unsafe levels of insecticide – onsite, leading to concerns about groundwater contamination and other environmental problems.

“This process is not environmentally safe, nor is it commonly used in the production of ethanol,” he said. “By eliminating the use of the treated seed corn, we can make certain that ethanol producers do not use treated byproducts now and will not use them in the future.”

Jody Weible of Mead testified in support of the bill, saying regulators so far have not forced the plant to

dispose of the byproduct. She said she fears that the toxins in the waste, which is sitting on the ground, will contaminate the area’s water supply.

Al Davis testified in support of LB507 on behalf of the Nebraska chapter of the Sierra Club. He said the byproduct at the Mead plant contains high levels of neonicotinoids, an insecticide that is toxic to invertebrates, insects, birds and mammals and subject to partial bans in Canada and the European Union.

Dr. Judy Wu-Smart, an assistant professor and extension specialist at the University of Nebraska-Lincoln, gave neutral testimony on her own behalf.

Wu-Smart said bee deaths at research apiaries at the UNL extension center in Mead for the past several years could be associated with high levels of neonicotinoids found at the plant, which is within the bees’ foraging range.

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

**Bills would relocate game and parks headquarters**

The Natural Resources Committee heard testimony Feb. 4 on two bills that would relocate the state Game and Parks Commission’s headquarters.

LB562, introduced by Bayard Sen. Steve Erdman, would relocate the commission’s headquarters from Lincoln to Sidney.



Sen. Steve Erdman

In addition to giving Sidney an economic boost, Erdman said, the move would put headquarters staff in close proximity to the large parks and wildlife populations they manage in the western part of the state.

Under LB668, introduced by Sen. Dan Hughes of Venango, the headquarters would be located in a county with a population of 10,000 or fewer and at least 200 miles from any city of the primary or metropolitan class.



Sen. Dan Hughes

Hughes said he introduced the bill to start a discussion about the drawbacks of concentrating state agencies and their employees in Nebraska's capital. He said moving the commission's headquarters would provide needed jobs and population growth in rural areas of the state.

"I don't care where Game and Parks headquarters goes," Hughes said. "It just needs to be somewhere outside of Lincoln."

Roger Gallaway, mayor of Sidney, testified in support of Erdman's proposal. He said the city could offer Game and Parks and its employees office space left vacant by Cabela's and Bass Pro Shops, a new housing development, easy access to Interstate 80, good telecommunications infrastructure and a talented labor pool of approximately 25,000 workers within a 70-mile radius.

"We see this as an opportunity not only for Sidney but also the state," Gallaway said. "We are more than capable to do what it takes to make such a facility a success."

Timothy McCoy, deputy director of the state Game and Parks Commission, testified in opposition to both bills. He said moving the commission's headquarters away from Lincoln could impede the agency's collaboration with the Legislature, governor, University of Nebraska-Lincoln and other state agencies.

McCoy said his biggest concern is the potential monetary and personal

costs of moving headquarters staff.

"They have homes, families, children in school – a change like this where we require them to move is going to require them to [make] really difficult decisions," he said.

The committee took no immediate action on either bill.



**Bill would end microenterprise tax credit program**

The Revenue Committee heard testimony Feb. 4 on a bill that would end a tax credit program intended to help small businesses.

LB74, introduced by Lincoln Sen. Suzanne Geist, would end the application period for the Nebraska Advantage Microenterprise Tax Credit Act in December 2021. The program provides tax credits tied to new investment and employment at small businesses that have five or fewer employees at the time of application.



Sen. Suzanne Geist

Geist said the bill's intent is to direct the \$2 million saved each year to the state Department of Economic Development for the Business Innovation Act, starting in fiscal year 2022-23.

The act provides financial and technical assistance to startup companies in high-growth, high-technology industries such as biosciences and value-added agriculture.

Geist said she introduced a similar bill last year after touring several startup companies funded by Invest Nebraska, which works with the department and receives funding under

the Business Innovation Act.

"Invest Nebraska has opened many doors to investors and provided the extra credibility that a startup needs to break into an industry," she said.

Joseph Young, Invest Nebraska chairman, testified in support of the bill. The Business Innovation Act has a much higher return on investment for taxpayers than the microenterprise credit, which is underutilized, he said.

In 2020, Young said, the Business Innovation Act had a \$517 million impact on the state's economy and generated \$11.7 million in state and local taxes. Invest Nebraska recently launched an incubator program on the Nebraska Innovation Campus that supports food and agriculture startups, he said.

"As we come out of the fog of this pandemic," Young said, "we need to make sure that Nebraska is a leader in the high-growth businesses that attract capital and that attract people."

Eric Zeece, CEO of Thyreos, also testified in support, saying the vaccine startup received \$750,000 in an initial round of investment led by Invest Nebraska. He said the funding will assist the development and testing of a vaccine that protects cattle against a herpes virus that reduces milk production and fertility, costing the industry more than \$1 billion a year.

Without that support, Zeece said, the company probably would not have located in Nebraska.

Trenton Buhr of the Center for Rural Affairs testified in opposition to LB74, saying the underuse of the microenterprise credit stems from a lack of promotion and awareness, not a lack of interest.

He said eliminating the program to increase funding for the Business Innovation Act would be inappropriate when just two years ago the Legislature ended another tax credit program and



directed its \$4 million in funding to the Business Innovation Act, starting this year.

More than 80 percent of Nebraska small businesses fit into the microenterprise category, Buhr said, and the credit provides support that is unavailable to those businesses in other state tax incentive programs.

“It may not have many flashy-type businesses,” he said, “but when you consider where the recipients are, this makes a tremendous difference in their communities for a relatively small investment.”

Lauren Sheridan-Simonsen of Neligh also testified in opposition. Eliminating the microenterprise credit would exacerbate economic decline and depopulation in the state’s rural areas, she said.

“I think it’s important to realize the benefits that the program has in rural, small communities,” Sheridan-Simonsen said.

The committee took no immediate action on the bill.

**Sales tax on services would be tied to rate cut**

The Revenue Committee heard testimony Feb. 3 on a bill that would apply state sales tax to most services and cut the sales tax rate.

LB422, introduced by Sen. Tom Briese of Albion, would reduce the state sales tax rate from 5.5 percent to 5 percent beginning Oct. 1, 2022. Under the bill’s provisions, services would be presumed taxable unless a specific exemption applies.

In its first year of implementation, the bill would require the state tax commissioner to make quarterly ad-

justments to the sales tax rate so that it provides approximately the same amount of sales and use tax revenue as would have been generated under the current rate.

Briese said the adjustments are intended to ensure that LB422 is revenue neutral. The October 2022 implementation date would give the Legislature time to determine which services should remain exempt from sales tax, he said, possibly including health care, education, housing and business inputs.

Briese said the proposal reflects how Nebraska’s economy has changed from a goods-based to a service-based economy over the past several decades.

“The goal is not to raise taxes on Nebraskans,” he said. “It is to update our tax code to the realities of the 21st century.”

Tiffany Friesen Milone, editorial director at OpenSky Policy Institute, testified in support of the bill. She said it would modernize the state’s tax code, under which goods are taxed unless exempted but services are exempted unless specifically taxed.

Although the proposed rate cut would offset the regressive effects of applying sales tax to more services, Friesen Malone said, services such as health care, tuition and auto repair should continue to be excluded because taxing those services disproportionately would affect low-income Nebraskans.

Sarah Curry, policy director at the Platte Institute, also testified in support – specifically because LB422 would broaden the sales tax base while cutting the rate, rather than using the additional revenue for new spending.

Curry said tax policy experts and economists from across the political spectrum agree that including services in the sales tax base is good policy because taxpayers are spending a larger

portion of their income on services than in the past.

Korby Gilbertson testified in opposition to the bill on behalf of 41 different entities. She said the Legislature should conduct a comprehensive study of the effects of broadening the state sales tax base before making the wholesale changes proposed in LB422.

The committee took no immediate action on the bill.

**Child care contribution tax credit proposed**

The Revenue Committee heard testimony Feb. 4 on a bill intended to improve access to child care and early childhood education programs for Nebraska families.

Under LB531, introduced by Albion Sen. Tom Briese, taxpayers who make a qualifying financial contribution to certain child care and early childhood education programs in Nebraska could apply for a nonrefundable income tax credit equal to a portion of the contribution.

Briese said the bill would drive private investment in Nebraska’s early childhood system, which he said is key to the state’s economic security and quality of life. Improving access to child care is especially important in encouraging working parents to live in rural areas, he said.

“Making child care more accessible and affordable to parents will help us realize the full benefit of other investments we currently make in housing, worker training and business attraction,” Briese said.

The contributions would have to promote or enhance quality child care and early childhood education programs in the state.

Among other purposes, they could be used to operate a child care or early childhood education program, create



Sen. Tom Briese

a grant program for parents who need financial assistance placing their children in such a program and help child care providers improve their facilities.

An eligible child care or early childhood education program would have to be enrolled in the quality rating and improvement system developed under the Step Up to Quality Child Care Act and meet other requirements.

The credits would be available for taxable years beginning on or after Jan. 1, 2022, and before Jan. 1, 2027. The department could approve up to \$15 million in credits each year.

Nebraska resident and nonresident individuals, estates, trusts and corporations could claim credit, which could not exceed \$100,000 per taxpayer in any single year.

Elizabeth Everett, deputy director at First Five Nebraska, testified in support of LB531. She said the state suffers from a chronic shortage of openings in child care programs and loses approximately \$745 million annually due to inadequate access to child care.

Even in good economic times, Everett said, the child care industry faces high employee turnover, low profit margins and high operating costs.

“In the face of an unprecedented challenge such as COVID-19,” she said, “it is more important than ever that our public and private sectors are actively involved in helping to sustain this critical industry.”

Diane Temme Stinton, CEO of TMCO in Lincoln, testified in support of the bill on behalf of the Nebraska and Lincoln chambers of commerce.

Since the start of the pandemic, she said, many workers have left their jobs because they cannot find adequate child care. A disproportionate number of those workers are women, which threatens to worsen gender inequalities and wage gaps in the workplace, Temme Stinton said.

She said TMCO offers a child care benefit to its employees, but it is one of few businesses its size to do so. LB531 would encourage more employers to make that investment, Temme Stinton said.

“The business community needs an incentive to get the conversation going and to build awareness around the effects and consequences of inadequate child care resources for the economic future of Nebraska,” she said.

No opponents were present at the hearing and the committee took no immediate action on the bill.

### **Tax credit for parent of stillborn child proposed**

The parent of a stillborn child could claim a state income tax credit under a bill heard Feb. 5 by the Revenue Committee.

LB597, introduced by Sen. Joni Albrecht of Thurston, would provide for a \$2,000 refundable income tax credit for the parent of a stillborn child if a fetal death certificate is filed for the child, the child had advanced to at least the 20th week of gestation and the child would have been a dependent of the individual claiming the credit.



Sen. Joni Albrecht

It would be allowed for the taxable year in which the stillbirth occurred, starting with taxable years beginning Jan. 1, 2022.

State Department of Health and Human Services records indicate that approximately 150 fetal deaths occur at 20 weeks’ gestation or later each year in Nebraska. Using that data, the state Department of Revenue estimates that the bill would reduce state general fund revenue by approximately

\$300,000 each year beginning in fiscal year 2022-23.

After paying hospital expenses for a stillbirth, some families cannot afford a funeral and burial for their child, Albrecht said.

“By advancing LB597,” she said, “we can support families at a time of immense grief and ensure proper recognition for the loss of life.”

Holly Stutzman testified in support of the bill, saying stillborn deliveries often require additional surgery to save the mother’s life, increasing costs. After she delivered her stillborn daughter nine years ago, Stutzman said, she and her husband found that hospital expenses had depleted their savings.

“I would not have been able to pay for the burial or the funeral of my daughter had it not been for the generosity of family and friends,” she said.

Marion Miner testified in support of LB597 on behalf of the Nebraska Catholic Conference. He said the state and federal governments recognize through tax credits the financial costs that families bear to raise their children.

“LB597 is a recognition of the costs borne by families who have lost a child as well,” Miner said.

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



### **Limited local control proposed for speed limits**

Certain cities and villages could lower maximum speed limits under a proposal heard by the Transportation and Telecommunications Committee Feb. 1.

Currently, cities with at least

40,000 residents can lower local speed limits on highways within their corporate limits when hazardous conditions exist. LB164, sponsored by Bayard Sen. Steve Erdman, would extend this option to cities and villages with as few as 500 residents.



Sen. Steve Erdman

Small towns like Oshkosh cannot lower speed limits at dangerous intersections currently, Erdman said, because state law requires the state Department of Transportation to follow federal requirements.

“It’s time for the [department] to make decisions in these small communities that affect their well-being and safety instead of falling behind federal [requirements] and hiding there,” he said.

Moe Jamshidi, acting director of the state Department of Transportation, opposed the bill. LB164 would diminish an important safety component, he said, by violating a federal requirement that speed limit changes be based on traffic engineering studies.

“We believe safety is potentially degraded when speed limit determinations are altered by local governing boards on their individual interpretations of perceived hazards at certain highway locations,” Jamshidi said.

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

**Vehicle tax exemption proposed for disabled veterans**

Disabled veterans would be exempt from motor vehicle taxes under a bill heard by the Transportation and Telecommunications Committee Feb. 2.

Under LB508, sponsored by Brainard Sen. Bruce Bostelman, a veteran

with a 100 percent service-connected disability who was honorably discharged and is drawing on Social Security would be eligible for the motor vehicle tax exemption for one vehicle owned and used for their personal transportation.



Sen. Bruce Bostelman

A veteran’s surviving spouse who receives dependency and indemnity compensation also would be eligible for the exemption. The bill would take effect Jan. 1, 2022.

Bostelman said the bill would provide much-needed financial relief for disabled veterans and their families who have suffered from a significant loss of income.

“Those individuals have sacrificed a great deal for our nation and any financial support will go a long way,” he said.

Supporting the bill was Greg Holloway, representing the Nebraska Veteran’s Council. As a veteran with a 100 percent service-connected disability, Holloway said he understands how important financial relief is to disabled veterans with fixed incomes.

“I have the ability to earn other income, but it’s very difficult,” he said. “Any money you can actually save will go back into feeding my family or buying that set of tires my car needs.”

No one testified in opposition to LB508 and the committee took no immediate action on it.

**Helmet law repeal considered**

Members of the Transportation and Telecommunications Committee heard testimony Feb. 2 on a proposal to repeal the state’s motorcycle helmet requirement.

Current state law requires all mo-

torcycle or moped riders to wear a protective helmet. LB581, introduced by Blair Sen. Ben Hansen, instead would give riders 21 and older the option to wear no helmet, but would require completion of a certified motorcycle safety course and eye protection while riding.



Sen. Ben Hansen

One of the most important things Nebraskans can gain from the bill, Hansen said, is the restoration of freedom that the government has removed from motorcyclists.

“This issue is more than a medical or economic issue,” he said. “There are more than 55,000 proud motorcyclists residing in Nebraska that have a rich culture and history that just want the option to choose whether or not to wear a helmet.”

Supporting the bill was Todd Miller, chairperson of ABATE of Nebraska. In written testimony he said that repealing the helmet law would increase tourism spending in the state, including up to \$4 million in revenue from people traveling to and from the annual Sturgis Motorcycle Rally in South Dakota.

“In these economic hard times, shouldn’t we consider passing favorable legislation to welcome those from states without mandatory helmet laws into our state to explore our scenic highways and small towns?” Miller said.

Former state senator Dave Bloomfield, who offered similar proposals during his time in the Legislature, spoke in support of LB581. Freedom is a precious commodity, he said, which is nearly impossible to regain once it’s lost.

“The people who have lost this right are not a bunch of radicals,” Bloomfield said. “They are decent,

hardworking, freedom-loving Americans who have been fighting within the system for over a quarter of a century, trying to regain a right that was taken from them.”

Brooke Murtaugh, brain injury program manager at Madonna Rehabilitation Hospital, opposed the bill. No one can understand the pain and suffering of traumatic brain injury survivors, she said, including the long-term cognitive, mental, emotional and physical deficits experienced by many.

“Anything we can do as Nebraskans to lessen the incidence and severity of traumatic brain injuries is critically important,” Murtaugh said.

Also opposing the measure was Alicia Gentle, representing the Nebraska Emergency Nurses Association. She said that requiring motorcycle operators under 21 to wear a helmet would protect less than 1 percent of all licensed operators in Nebraska.

“I have seen firsthand the impact wearing helmets has on motorcycle riders in our state,” Gentle said. “Helmets decrease the severity of head injuries, the likelihood of death and the cost of medical care.”

The committee took no immediate action on LB581.

**New timeline requirements proposed for abandoned vehicles**

Nebraska law enforcement would be required to make timely abandoned vehicle reports under a bill heard Feb. 2 by the Transportation and Telecommunications Committee.

Currently, when an abandoned vehicle is towed, the towing company must notify any lienholder on the title, as well as the owner, within 15 business days. LB616, sponsored by Venango Sen. Dan Hughes, would require the law enforcement agency with

jurisdiction also to follow the notification requirements.

Hughes said that it is not uncommon for a tower to have a vehicle on their lot for an extended period of time while waiting for law enforcement to give notice to the last owner of the vehicle or lienholder.

“In the meantime, the vehicle is taking up space in the tower’s lot and the tower is not being financially compensated or recouping any of the towing charges,” Hughes said.

Jo Hitz, representing the Professional Towing Association of Nebraska, spoke in support of the bill. She said it would expedite the processing of vehicles and free up lot space for towers.

“Law enforcement does currently provide notification to previous owners and lienholders on vehicles that have been towed,” Hitz said. “The problem is that they’re not confined to any time constraints so therefore it’s open ended on their part as to whenever they process the vehicles.”

The bill also would increase the value of an abandoned vehicle from \$250 to \$500.

No one testified in opposition to LB616 and the committee took no immediate action on it.



Sen. Dan Hughes



Sen. Terrell McKinney

LB515, introduced by Omaha Sen. Terrell McKinney, would adopt the Municipal Police Oversight Act. The bill would require metropolitan and primary class cities

to appoint a citizen oversight board to monitor, investigate and evaluate police standards and practices.

Currently, Omaha is the state’s only metropolitan class city and Lincoln is the lone primary class city.

Under the bill, a board – consisting of seven members, none of whom may be affiliated with law enforcement – would have the authority to:

- investigate complaints and grievances filed by citizens against a police department;
- investigate all shootings involving police officers;
- identify instances of police misconduct and report findings and recommendations to the mayor, city council and all federal and state registries of police misconduct;
- investigate alleged mistreatment of citizens by police officers;
- provide the police department with evidence in support of any criminal or disciplinary proceedings or other management actions;
- provide citizen feedback to the police department; and
- monitor, investigate and evaluate policing standards, patterns and practices of the police department.

McKinney said the bill would promote transparency and repair the relationship between law enforcement and communities that do not trust the police.

“As a Black man, I was taught by

**URBAN AFFAIRS**

**Additional police oversight sought**

The state’s two largest police departments would be subject to citizen oversight boards under a bill considered Feb. 2 by the Urban Affairs Committee.

the age of five how I needed to act, not if, but when I encountered a police officer,” McKinney said. “I’ve been frisked and searched for guns and drugs that I never had and then allowed to proceed to my destination once those items were not found. I’ve been assaulted by officers from which I have permanent scars on my head.”

Spike Eickholt of the ACLU of Nebraska testified in support of LB515. He said an oversight board would be independent from a city’s police department and have subpoena power, enabling it to have meaningful oversight authority.

“[The bill] really aspires to the best practices when it comes to having

regulatory agencies looking at police departments,” Eickholt said.

Omaha Police Chief Todd Schmaderer testified in opposition. Schmaderer disagreed that the bill follows best practices for oversight, which he said he strongly favors.

“The litmus test for any oversight committee is: do they change the quality of policing?” Schmaderer said. “Civilian boards will historically administer less discipline than the chief will.”

Schmaderer added that nearly 40 Omaha police officers have been dismissed since he became police chief in 2012.

Jim Maguire of the Omaha Police Officers Association also testified

against LB515, calling it an overreach. He said internal investigations, county attorneys, city councils, county boards and numerous other entities already provide adequate oversight.

“This bill undermines the authority of the internal affairs department. It also undermines the authority of the police chief,” Maguire said.

Brian Jackson, acting Lincoln Police Chief, also spoke in opposition. He said Lincoln already has a nine-person citizen board that acts as a liaison between police and residents. LB515 would be an unnecessary, unfunded mandate for the city, Jackson said.

The committee took no immediate action on the bill. ■

## GET LEGISLATIVE NEWS ONLINE

The Unicameral Update print edition is mailed weekly, while the online version, located at [update.legislature.ne.gov](http://update.legislature.ne.gov), is updated throughout each legislative day.

The site provides links to the Update’s Facebook and Twitter feeds. Readers may search Update stories by bill number, senator’s name or keyword using the search box provided in the top-right corner.

# COMMITTEE HEARINGS

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## **Monday, Feb. 8**

### **Appropriations**

#### **Room 1507 - 9:30 a.m.**

*Agency 24:* Dept. of Motor Vehicles

*Agency 27:* Dept. of Transportation

*Agency 40:* Motor Vehicle Licensing Board

LB579 (Moser) Change provisions relating to Department of Transportation reports regarding highway construction and state intent regarding appropriations

### **Appropriations**

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

*Agency 16:* Dept. of Revenue

*Agency 36:* State Racing Commission

*Agency 93:* Tax Equalization and Review Commission

*Agency XX:* Nebraska Gaming Commission

LB365 (Briese) Appropriate funds to the State Racing Commission

LB629 (Morfeld) Create a grant program to provide financial assistance to entities affected by event cancellations

### **Business & Labor**

#### **Room 1524 - 9:30 a.m.**

LB451 (McKinney) Include characteristics associated with race, culture, and personhood within definition of race, including hair texture and protective hairstyles under the Nebraska Fair Employment Practice Act, and change provisions relating to unlawful employment practices

LB420 (Pahls) Change provisions relating to presumptions regarding causes of death or disability of firefighters and firefighter-paramedics

LB598 (Wishart) Adopt the Small Business Stabilization Grant Program Act

LB440 (M. Hansen) Change provisions of the Nebraska Fair Employment Practice Act

### **Business & Labor**

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

LB684 (Clements) Allow public school employees to join or terminate membership in a labor organization as prescribed

LB171 (M. Hansen) Change provisions of the Employment Security Law relating to weekly benefit amounts and maximum annual amounts

LB290 (M. Cavanaugh) Adopt the Paid Family and Medical Leave Insurance Act

LB258 (Vargas) Adopt the Healthy and Safe Families and Workplaces Act

### **Education**

#### **Room 1525 - 9:30 a.m.**

*Appointment:* Duane L. Kime - Board of Educational Lands and Funds

LB473 (DeBoer) Adopt the Extraordinary Increase in Special Education Cost Act

LR13CA (Brewer) Constitutional amendment to limit the percentage of funding for schools that comes from property taxes

### **Education**

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

LB623 (Vargas) Adopt the Remote Instruction Act

LB558 (Vargas) Adopt the Alternative Certification for Quality Teachers Act

LB389 (Sanders) Require the issuance of teaching certificates and permits to military spouses

### **General Affairs**

#### **Room 1510 - 9:30 a.m.**

LB511 (Lindstrom) Change provisions relating to cigarette tax stamps

LB72 (Geist) Provide for sale of alcoholic liquor not in its original package

LB578 (Vargas) Impose a tax on ready-to-drink cocktails

LB80 (Briese) Change shipping license fees under the Nebraska Liquor Control Act

### **General Affairs**

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

LB274 (Lowe) Provide for a promotional farmers market special designated license under the Nebraska Liquor Control Act

LB295 (Wishart) Repeal prohibition on sale of alcoholic liquor to a person within a motor vehicle

LB415 (Groene) Change provisions relating to microdistilleries under the Nebraska Liquor Control Act

LB311 (Vargas) Change provisions relating to microdistilleries under the Nebraska Liquor Control Act

### **Transportation & Telecommunications**

#### **Room 1113 - 9:30 a.m.**

LB388 (Friesen) Adopt the Nebraska Broadband Bridge Act

LB456 (Friesen) Adopt the Nebraska Enhancing Broadband Act

### **Transportation & Telecommunications**

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

LB455 (Friesen) Adopt the Broadband Pole Attachment Act

LB520 (Friesen) Provide for applications for the collocation of certain wireless facilities

LB604 (Geist) Adopt the Nebraska Accelerated Broadband Deployment Grant Program Act and change telecommunications provisions

## **Tuesday, Feb. 9**

### **Agriculture**

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

LB572 (Halloran) Change provisions of the Livestock Brand Act

LB571 (Halloran) Provide for background lot registration under the Livestock Brand Act

LB614 (Erdman) Eliminate registered feedlot provisions under the Livestock Brand Act

### **Appropriations**

#### **Room 1507 - 9:30 a.m.**

*Agency 23:* Dept. of Labor

*Agency 37:* Workers' Compensation Court

*Agency 75:* Neb. Investment Council

*Agency 77:* Commission on Industrial Relations

*Agency 85:* Public Employees Retirement Board

LB438 (M. Hansen) Appropriate funds to the Department of Labor

### **Appropriations**

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

*Agency 21:* State Fire Marshal

*Agency 31:* Military Dept.

*Agency 35:* Liquor Control Commission

### **Education**

#### **Room 1525 - 9:30 a.m.**

LB154 (Wayne) Require tracking of student discipline as prescribed

LB322 (Williams) Adopt the School Safety

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and Security Reporting System Act  
LB673 (Murman) Adopt the Education Behavioral Awareness and Support Act and change the determination and certification of state aid to schools

## Education

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

*Appointment:* Gene Kelly - Coordinating Commission for Postsecondary Education

LB198 (Vargas) Change provisions relating to the Student Discipline Act  
LB136 (Vargas) Change procedures regarding short-term suspension of students

LB518 (Morfeld) Change provisions relating to long-term suspension, expulsion, or mandatory reassignment under the Student Discipline Act  
LB642 (Day) Provide for reimbursements to school districts and educational service units for mental health expenditures

## Nebraska Retirement Systems

### Room 1525 - 12:00 p.m.

LB16 (Kolterman) Provide for state contributions to the Nebraska Retirement Fund for Judges  
LB24 (Kolterman) Change fee, remittance, and distribution provisions relating to the Nebraska Retirement Fund for Judges

## Transportation & Telecommunications

### Room 1113 - 9:30 a.m.

LB460 (Brandt) Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission  
LB600 (Brandt) Provide powers and duties for political subdivisions regarding broadband facilities and infrastructure  
LB498 (DeBoer) Require the Public Service Commission to implement a broadband service testing and mapping program

## Transportation & Telecommunications

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

LB398 (Bostelman) Change provisions relating to broadband speeds and services  
LB338 (Bostelman) Provide powers

and duties for the Public Service Commission regarding redirection of funding for broadband services  
LB656 (Wayne) Authorize municipalities to provide broadband and Internet services

## Urban Affairs

### Room 1510 - 9:30 a.m.

LB9 (Blood) Change annexation requirements and property tax special valuation provisions  
LB161 (Urban Affairs) Provide for the applicability of state and local construction codes  
LB218 (Wayne) Adopt 2018 Uniform Plumbing Code standards  
LB221 (Wayne) Adopt 2021 Uniform Plumbing Code standards

## Urban Affairs

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

LB467 (Bostar) Adopt updated electrical standards  
LB220 (Wayne) Change applicability provisions for building codes  
LB553 (Wayne) Adopt the Bed Bug Detection and Treatment Act for cities of the metropolitan class

## Wednesday, Feb. 10

### Executive Board

#### Room 1525 - 12:00 p.m.

LR29 (M. Cavanaugh) Provide for appointment by the Executive Board of a special committee to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature

## Government, Military & Veterans Affairs

### Room 1507 - 9:30 a.m.

LB65 (Williams) Change contractual conflict of interest provisions under the Nebraska Political Accountability and Disclosure Act  
LB482 (J. Cavanaugh) Change provisions relating to use of public resources by public officials and public employees

## Government, Military & Veterans Affairs

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

LR14 (Halloran) Resolution to Congress for convention of the states to propose

amendments to the United States Constitution

LB195 (Halloran) Adopt the Faithful Delegate to Federal Article V Convention Act

## Health & Human Services

### Room 1510 - 9:30 a.m.

LB677 (Linehan) Change provisions relating to eligibility for transitional child care assistance  
LB485 (DeBoer) Change provisions relating to child care assistance  
LB68 (Day) Change provisions relating to reimbursement for services provided by the federal Child Care Subsidy program

## Health & Human Services

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

LB86 (Bostelman) Require registration for the prescription drug monitoring system  
LB411 (Lathrop) Require sharing of information with the designated health information exchange  
LB238 (McDonnell) Change provisions of the Ground Emergency Medical Transport Act  
LB418 (Murman) Adopt the Solemn Covenant of the States to Award Prizes for Curing Diseases compact

## Judiciary

### Room 1113 - 9:30 a.m.

LB334 (Wayne) Adopt the Community Work Release and Treatment Centers Act and change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration  
LB335 (Flood) Require announcement of the average cost of incarceration at sentencing for sentences served at the Department of Correctional Services  
LB525 (Wishart) Provide duties and requirements for transitional housing facilities and change powers of the Office of Inspector General of the Nebraska Correctional System

## Judiciary

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

LB444 (M. Hansen) Change provisions relating to credit against jail terms

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LB559 (Vargas) Change provisions relating to restrictive housing under the Nebraska Treatment and Corrections Act  
LB620 (Vargas) Limit use of restrictive housing and solitary confinement  
LB624 (McCollister) Provide for earned time credit reductions to the minimum terms of sentences of offenders at facilities of the Department of Correctional Services

**Natural Resources**  
**Room 1525 - 9:30 a.m.**

LB591 (Groene) Require a permit for any natural resources district water augmentation project  
LB683 (Wayne) Change provisions relating to net metering

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

*Appointment:* Stanley A. Clouse - Natural Resources Commission  
LB506 (J. Cavanaugh) Change provisions relating to net metering provided by local distribution utilities  
LB573 (Bostar) Change the definition of qualified facility for purposes of net metering

**Revenue**  
**Room 1524 - 9:30 a.m.**

LB2 (Briese) Change the valuation of agricultural land and horticultural land for certain school district taxes  
LB98 (Walz) Change provisions relating to agricultural or horticultural land receiving special valuation  
LB189 (Halloran) Change provisions relating to property tax refunds  
LB644 (B. Hansen) Adopt the Property Tax Request Act

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

LB63 (Lindstrom) Change certain deadlines relating to property tax exemptions  
LB79 (Briese) Change the minimum amount of relief provided under the Property Tax Credit Act  
LB165 (Erdman) Change provisions relating to the assessment of real property that suffers significant property damage

**Thursday, Feb. 11**  
**Government, Military & Veterans Affairs**  
**Room 1507 - 9:30 a.m.**

LB631 (Bostar) Prohibit counties from prohibiting the use of residential property as short-term rentals  
LB664 (Groene) Change distributions from the Mutual Finance Assistance Fund  
LB261 (Linehan) Change provisions regarding grave markers for certain veterans

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

*Appointment:* Kate Sullivan - Accountability and Disclosure Commission  
*Appointment:* Erin Bond - State Personnel Board

**Health & Human Services**  
**Room 1510 - 9:30 a.m.**

LB202 (Pansing Brooks) Change provisions relating to transition of young adults to independence  
LB262 (Vargas) Provide for participation in the bridge to independence program by young adults not lawfully present in the United States

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

LB609 (Hilgers) Change provisions relating to the Uniform Credentialing Act  
LB436 (B. Hansen) Change provisions of the Athletic Training Practice Act  
LB390 (Murman) Provide for credentials based on reciprocity and change requirements for credentials under the Uniform Credentialing Act

**Judiciary**  
**Room 1113 - 9:30 a.m.**

LB130 (McCollister) Change membership provisions for the Board of Parole  
LB269 (McCollister) Change provisions regarding review of a committed offender's record by the Board of Parole  
LB499 (DeBoer) Require an annual report on active cases by the Department of Correctional Services, Office of Probation Administration, and Division of Parole Supervision  
LB563 (McDonnell) Provide caseload limits for high-risk offenders supervised by probation officers and parole officers

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

LB119 (M. Cavanaugh) Change provisions of the Healthy Pregnancies for Incarcerated Women Act  
LB124 (McCollister) Change provisions relating to reports of the Inspector General of the Nebraska Correctional System  
LB150 (Morfeld) Increase the indigent defense court filing fee  
LB333 (Wayne) Change provisions relating to possession of an electronic communications device in Department of Correctional Services facilities  
LB352 (Lathrop) Change the amounts of certain court fees  
LB471 (DeBoer) Change the termination date of the long-term restrictive housing work group within the Department of Correctional Services  
*Appointment:* Rosalyn R. Cotton - Board of Parole  
*Appointments:* Jeffrey Davis; Anne E. Ames; Shawn Eatherton - Crime Victims Reparations Committee

**Natural Resources**  
**Room 1525 - 9:30 a.m.**

*Appointment:* Joshua N. Andersen - Environmental Trust Board  
LB650 (Flood) Adopt the Nebraska Geologic Storage of Carbon Dioxide Act  
LB468 (Erdman) Provide compensation by the Game and Parks Commission for property damage caused by wildlife

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

*Appointment:* Kendall (Ken) B. Curry - Game and Parks Commission  
LB483 (J. Cavanaugh) Provide for a climate change study and action plan  
LB266 (McCollister) Adopt the Renewable Energy Standards Act

**Revenue**  
**Room 1524 - 9:30 a.m.**

LB454 (Friesen) Adopt the School Property Tax Stabilization Act and change the valuation of agricultural land  
LB466 (Linehan) Require the proration of property taxes when real property is sold



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## Revenue

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

LB214 (Linehan) Define certain terms for purposes of property taxes  
 LB222 (Erdman) Change provisions relating to certain in lieu of tax payments made by the Game and Parks Commission  
 LB313 (Sanders) Change provisions relating to late applications for homestead exemptions  
 LB412 (M. Cavanaugh) Change a tax and assessment provision under the Nebraska Housing Agency Act

## Tuesday, Feb. 16

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

LB610 (Hilgers) Change provisions relating to improper issuance of a certificate of registration under the Motor Vehicle Registration Act  
 LB339 (Bostelman) Require a utility coordination plan for certain highway and bridge contracts  
 LB670 (Murman) Authorize design and placement of highway memorial signs

## Wednesday, Feb. 17

### Judiciary

#### Room 1113 - 9:30 a.m.

LB56 (Lathrop) Change provisions relating to administration of and eligibility for parole  
 LB109 (Pansing Brooks) Provide that photographing or recording a peace officer is not obstruction of justice  
 LB271 (Morfeld) Adopt the 24/7 Sobriety Program Act  
 LB500 (Geist) Provide for venue for prosecution of certain offenses when committed using an electronic communication device

### Judiciary

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

LB32 (Pansing Brooks) Provide for Class ICA and IDA felony classifications and change penalties  
 LB33 (Pansing Brooks) Change provisions relating to minimum sentences  
 LB34 (Pansing Brooks) Change sentencing provisions for crimes committed by a person under twenty-

one years of age

LB114 (McCollister) Adopt the Clean Slate Act  
 LB484 (J. Cavanaugh) Provide for a new felony classification and change penalties for certain theft offenses  
 LB505 (J. Cavanaugh) Limit habitual criminal enhancement to specified felonies

## Thursday, Feb. 18

### Judiciary

#### Room 1113 - 9:30 a.m.

LB52 (Lathrop) Provide for immunity for injury or death resulting from COVID-19 exposure  
 LB54 (Lathrop) Change immunity for intentional torts under the Political Subdivisions Tort Claims Act and the State Tort Claims Act  
 LB71 (Wayne) Change provisions relating to intentional tort claims under the Political Subdivisions Tort Claims Act and State Tort Claims Act  
 LB139 (Briese) Adopt the COVID-19 Liability Protection Act

### Judiciary

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

LB53 (Lathrop) Provide immunity for health care providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency  
 LB160 (Wayne) Change provisions of the Nebraska Hospital-Medical Liability Act  
 LB259 (Halloran) Authorize a civil action for damages sustained by public safety officers  
 LB326 (Slama) Provide immunity for claims against first responders operating motor vehicles and arising from vehicular pursuits and provide for policies, training, and duties relating to vehicular pursuits

## Friday, Feb. 19

### Judiciary

#### Room 1113 - 9:30 a.m.

LB278 (Wayne) Change a penalty for possession under the Uniform Controlled Substances Act  
 LB301 (B. Hansen) Change drug schedules and penalties and adopt

federal drug provisions under the Uniform Controlled Substances Act  
 LB552 (Wayne) Clarify definitions relating to marijuana under the Uniform Controlled Substances Act and schedule nabiximols as a Schedule III controlled substance

### Judiciary

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

LB481 (McKinney) Adopt the Marijuana Conviction Clean Slate Act, decriminalize possessory marijuana and synthetic cannabinoid offenses and drug paraphernalia offenses, and change related provisions  
 LB546 (Wayne) Adopt the Marijuana Control Act and the Marijuana Conviction Clean Slate Act  
 LR2CA (Wayne) Constitutional amendment to legalize cannabis for persons twenty-one and older and to require legislation ■

## SEARCH FOR BILLS

Learn more about bills considered by the Unicameral by logging on to [NebraskaLegislature.gov](http://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 PROCESS

**T**he lawmaking process in Nebraska officially begins when a bill is introduced. But the process actually begins much earlier, when senators formulate ideas for new laws. Anyone — concerned citizens, special interest groups, state agencies or the governor — may suggest an idea for a new law. But a senator, a group of senators or a legislative committee must introduce the idea before the Legislature

can formally consider it.

Legislative committees then consider each bill and may propose amendments to them before advancing them to the full Legislature. The legislative body then has an opportunity to debate a bill at least twice before voting on its final passage.

This is the process a bill must undergo before it becomes a Nebraska statute:

## Research

First, a senator and his or her staff research a problem and study possible legislative remedies. Senators may introduce bills to create new laws or to repeal or change existing laws.

Much research is done during the period between sessions called the interim. During this time, committees study a variety of issues that have been outlined in interim study resolutions passed by the Legislature.

## Drafting

A senator brings his or her idea for a new law to a bill drafter, who works with the senator to transform the idea into the proper legal form for a bill. Unlike some states, bills introduced in Nebraska must contain only one subject.

## Introduction

Most bills are introduced during the first 10 days of a regular legislative session, which begins each January.

To introduce a bill, a senator files it with the clerk of



*A legislative committee hearing*

the Legislature. The clerk reads the title of the bill into the record, assigns the bill a number and prints copies of it for public and legislative use.

## Committee Action

Except for a few technical bills, all bills and many resolutions must receive a public hearing before a legislative committee. A nine-member Reference Committee determines which bills will be heard by which committees, based on subject matter jurisdiction.

The Legislative Fiscal Office prepares budget statements known as fiscal notes for each bill

introduced. Fiscal notes generally are prepared before a committee conducts a hearing on a bill.

After the hearing, the committee may either indefinitely postpone the measure, hold it for further discussion or advance it to the full Legislature. The committee may forward recommended amendments to the bill if it is advanced.

## General File

General file is the first time the full Legislature can debate and vote on bills. At this stage, senators often consider amendments, which may be proposed both by committees and by individual senators. Many people consider general file to be the most crucial stage of the legislative process, because it is where most compromises are worked out through debate and amendment.

Bills on general file may be amended, indefinitely postponed, sent back to committee or advanced to the next stage. As with most legislative business, it takes a majority of senators (25 votes) to adopt any amendment or to move a bill from general file to the next stage.

After a bill is advanced from general file, it undergoes an initial process of enrollment and review, or E&R. During E&R Initial, adopted amendments are reviewed and the entire bill is checked for technical and grammatical accuracy.

## Select File

Select file is the second debating and voting stage. This stage offers another opportunity for amendment, compromise and reflection. Bills on select file may be amended, indefinitely postponed, sent back to committee or advanced to the next stage.

After a bill is advanced from select file, the bill and all of its adopted amendments are sent to enrollment and review final for a process called engrossment. Once all amendments are incorporated into the bill, it is considered to be “correctly engrossed.” The bill then is reprinted for final reading.

## Final Reading

Final Reading is the third and last stage of legislative consideration. The Nebraska Constitution requires the clerk of the Legislature to read every bill aloud in its entirety before the vote on whether to pass it. However, that requirement may be waived by a three-fifths vote (30 members) of the Legislature.

A bill may not be amended on final reading, but it may be returned to select file for specific amendment. No bill can be passed on final reading until at least five legislative days after the bill is introduced and one legislative day after it is placed on final reading.

## Governor

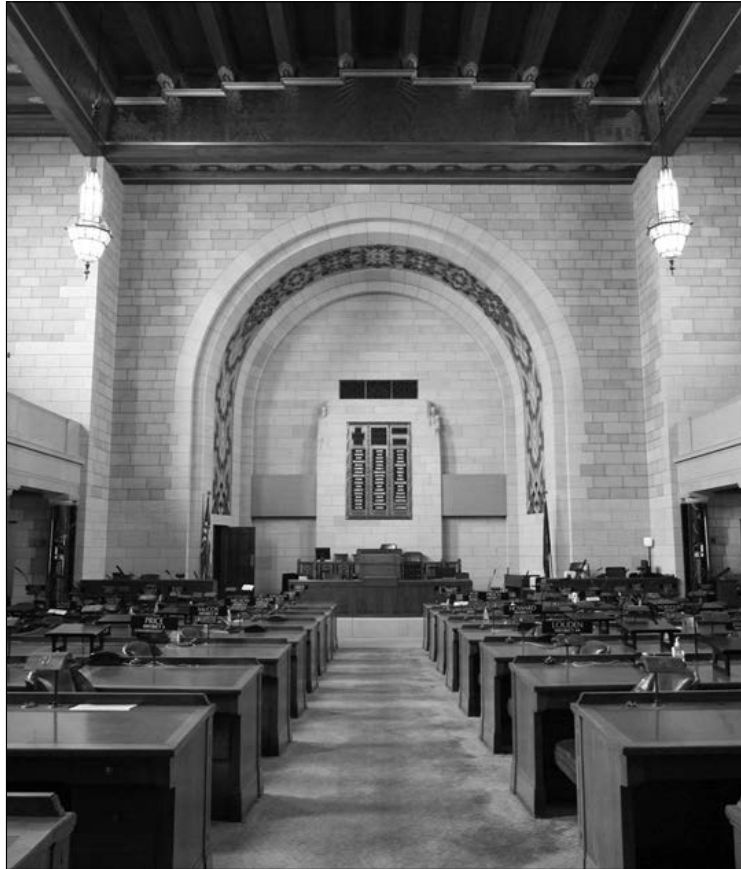
After the Legislature passes a bill on final reading, it goes to the governor. The governor has five days, excluding Sundays, to decide what to do with a bill.

If the governor signs a bill or declines to act on it, the bill becomes law. If the governor vetoes the bill, it is returned to the Legislature with the governor’s objections. A three-fifths vote of the Legislature is re-

quired to override a governor’s veto. The governor also may make reductions of specific figures in state budget bills. These reductions are line-item vetoes.

## Laws of Nebraska

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns. However, bills may take effect earlier if they contain an emergency clause or a specified operative date. An emergency clause allows a bill to take effect immediately after the governor signs it. It takes a vote of 33 members of the Legislature to pass a bill with an emergency clause. ■



*The George W. Norris Legislative Chamber*

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