

## Bill seeks to protect Second Amendment

State and local officials in Nebraska would be limited in their ability to enforce federal firearm regulations under a bill considered Feb. 24 by the Government, Military and Veterans Affairs Committee.

LB188, introduced by Sen. Steve Halloran of Hastings, would prohibit any state or political subdivision employee from enforcing any federal law regulating a firearm, firearm accessory or ammunition unless the measure also is codified in state law.

An individual in violation of the bill's provisions would be subject to a fine of up to \$3,000 for a first offense and a Class I misdemeanor for second or subsequent offenses. A political



Sen. Steve Halloran said LB188 is necessary to protect Nebraskans' right to bear arms.

subdivision that adopts an ordinance in violation of the bill would be ineligible to receive state grant funds for one fiscal year.

Halloran said the bill would not prevent Nebraska state troopers from

issuing concealed carry permits or implementing the National Instant Criminal Background Check System, but it would prevent the federal government from "commandeering"

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## Statewide farm-to-school program proposed

Nebraska farm-to-school program would provide locally grown and minimally processed food to elementary and secondary school students under a proposal considered Feb. 23 by the Education Committee.

LB396, introduced by Sen. Tom Brandt of Plymouth, would require the state Department of Education to hire a coordinator to administer the program, which also could provide students with hands-on learning activities, such as farm visits, cooking demonstrations and school gardening and composting programs.

The coordinator would partner with public agencies and nonprofits on a public engagement



Sen. Tom Brandt

campaign and build a communication network that links farmers and schools.

Coordinators also would encourage schools to develop and improve their nutrition plans using locally grown or processed food and provide technical assistance to school food services staff, farmers, processors and distributors regarding the demand for and availability of Nebraska food products.

Brandt said a statewide farm-to-school program would benefit local producers, improve the quality and quantity of local food served in Nebraska schools and teach students where their food comes from and how it is made.

"By providing a stable, reliable market for local pro-

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# Bill seeks to protect Second Amendment

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Nebraska officials to enforce federal gun laws.

“This does not negate any actions that are against the law now, as long as [the federal government] is not trying to force our law enforcement officers ... to enforce a law that isn’t governed by our state law,” Halloran said.

Anthony Arnold of Ashland testified in support of the bill. He said Americans are in danger of losing their right to bear arms and that the measure would ease those concerns.

“LB188 removes the ability of state-aided enforcement for hastily signed, overreaching executive orders and federal laws that do not reflect our values, our constitution and our heritage as Nebraskans,” Arnold said.

Patricia Harrold, President of the Nebraska Firearms Owners Association, also supported the bill. She said it is the duty of individuals to resist gun restrictions.

“It is publicly known than our rights are a target of opportunity for an unconstitutional agenda by many in the federal government,” Harrold said. “We must stand together and

declare that we won’t comply.”

Judy King of Lincoln testified in opposition on behalf of Nebraskans Against Gun Violence. She said the bill was rooted in the same movement that led to the riot at the U.S. Capitol in January.

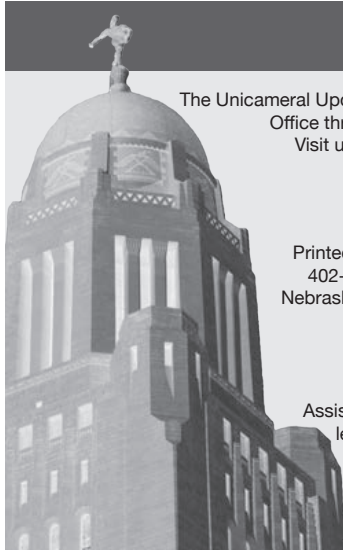
“We are a nation of laws and no-

body is above the law, not even the state of Nebraska,” King said. “By introducing this bill you are showing that you stand with those groups that tried to take our country over on January 6.”

The committee took no immediate action on LB188. ■



## UNICAMERAL UPDATE



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# Statewide farm-to-school program proposed

(continued from front page)

duce,” he said, “farm-to-school enables Nebraska communities to start recapturing a portion of the 90 percent of our school food dollars that are currently leaving the state.”

Sarah Smith, local foods consultant and fresh fruit and vegetable program coordinator at the state Department of Education, testified in support of the bill on the department’s behalf. She said the department’s current farm-to-school programs are limited and that a statewide network would provide the structure needed to help more schools and farmers navigate the complex food procurement system.

“Nebraska can lead the nation in community health and well-being,” Smith said, “celebrating our agricultural heritage and cultural diversity, with farm-to-school as the vehicle.”

Marcus Urban testified in support of the bill on behalf of seven agricultural organizations. He said the lack of direct and consistent access to lo-

cal farms prevents some large, urban school districts from participating more fully in current farm-to-school programs. A statewide coordinator would address that problem, Urban said.

“We especially appreciate that this bill promotes a farm-to-school model in both an economic and educational package that can be maximized in school districts and communities all across Nebraska,” he said.

Joan Ruskamp, who farms and feeds cattle with her husband near Dodge, also testified in support. For the past 15 years, she said, they have held tours for students at their farm as part of a Nebraska Farm Bureau program. Ruskamp said LB396 would introduce more students to the people who raise and grow their food and show them the variety of career opportunities in agriculture.

“In addition to providing a healthy diet,” she said, “we can benefit our

school kids and families by introducing them to agriculture through more direct interaction with farmers and ranchers.”

Also in support was Nathan Beacom of the Center for Rural Affairs. Approximately 30 percent of Nebraska schools participate in current farm-to-school programs, he said, but they spend less than 20 percent of their food budgets on locally grown food.

Beacom suggested that LB396 could increase that amount if it also required the coordinator to study food supply chain obstacles.

“With more streamlined distribution, consistent supply and processing that could extend the life of foods, the price point for local foods could be lowered,” he said, “thereby making it easier for schools to purchase greater quantities of produce locally.”

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

## Economic forecasting board raises revenue projections

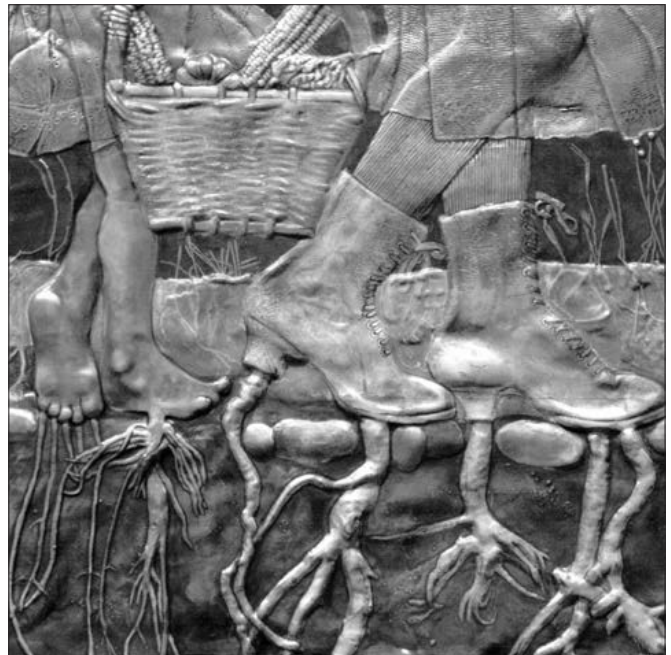
In its final meeting before debate begins on the state budget, the Nebraska Economic Forecasting Advisory Board voted Feb. 26 to raise revenue projections.

The board provides an advisory forecast of general fund receipts that the Legislature uses to craft the state’s budget.

Revenue projections for the current fiscal year were raised by \$204 million to \$5.49 billion. The adjustment was based on anticipated increases of \$95 million in individual income tax receipts, \$65 million in sales and use tax receipts, \$40 million in corporate tax receipts and \$4 million in miscellaneous taxes.

Total projected revenue receipts for FY2021-22 were raised to \$5.08 billion, an increase of \$165 million. The FY2022-23 projections increased by \$93 million.

The next meeting of the board is set for April 29. ■



# MEET THE SENATOR

## Cavanaugh looks for new ways to serve

Sen. John Cavanaugh is an Omaha kid, through and through. Number five of eight children born to John and Kate Cavanaugh, he currently represents the same legislative district that his father represented from 1972 to 1976.

For a guy born and raised in Omaha, who grew up cheering for the Creighton Bluejays, attending law school at Creighton University seemed like a foregone conclusion. Living and working in Omaha and building his family there was always in the plan.

So after graduating from Creighton Preparatory School and Catholic University in Washington, D.C., he returned home to the inevitable next step. But an algorithm landed Cavanaugh in South Royalton, Vermont instead, much to his surprise.

“I thought I was going to Creighton. And then I took an online survey that said I was a 100 percent match for Vermont Law School,” Cavanaugh said. “And I said ‘that’s ridiculous.’”

John, Sr. — a Creighton Law School graduate himself — encouraged Cavanaugh to get in touch with his former law school classmate Pat, an instructor at Vermont Law School. It was that conversation and a subsequent visit to the picturesque campus that sealed the deal. Having his new wife, Kakie McGill, close by at Dartmouth certainly helped.

After graduating from “the most beautiful law school in the world,” Cavanaugh and McGill briefly settled in Washington, D.C. before returning to Omaha to marry, begin their careers and start their family. Both come from

large families who still call Omaha home.

The couple and their four children are particularly fond of exploring Fontanelle Forest, Joslyn Castle, Durham Museum and the Omaha Children’s Museum. Unfortunately, the weekly big family dinners full of grandparents, aunts, uncles and cousins are on hold for now due to the pandemic.

“That’s the reason we wanted to be in Omaha and had our kids here. We wanted them to be able to spend that time with their grandparents and cousins,” he said.

His election to the Legislature — joining his sister, Omaha Sen. Machaela Cavanaugh — is his first foray into elected office, although his work as a public defender in Douglas County has more than prepared him for a life of public service.

“The people who become public defenders and do it for any length of time do it because they truly believe that every person deserves adequate representation and deserves to have their rights protected,” Cavanaugh said.

Advocating on behalf of others — whether it be in the courtroom or the legislative chamber — can be hard work, he said, but remembering his guiding purpose makes the workload a little lighter.

“I think it would be hard to imagine a better training ground for public service like this than

being a public defender, because it really is about advocacy for the best ideas, regardless of your personal feelings,” he said. “I’m always going to try to pursue what I think is the best public policy.” ■



Sen. John Cavanaugh with his wife, Kakie, and their children Evelyn, Jack, Lucy and William.

# APPROPRIATIONS

## Funding proposed for tribal health center

The Appropriations Committee heard testimony Feb. 25 on a bill seeking funding for one of the state’s federally qualified health centers.

LB185, sponsored by Gordon Sen. Tom Brewer, would appropriate \$700,000 in general funds in fiscal year 2021-22 and FY2022-23 to the Department of Health and Human Services to provide funding to the Fred LeRoy Health and Wellness Center in Omaha.



Sen. Tom Brewer

Brewer said the tribally owned, federally qualified health center was established in 1997 by the Ponca Tribe of Nebraska and provides medical, dental, behavioral and public health services to individuals who are eligible for Indian health services.

The clinic’s federal funding is limited, he said, and the bill would provide state funding on the same level as Nebraska’s seven other federally qualified health centers.

Larry Wright Jr., chairman of the Ponca Tribe of Nebraska, testified in support of the bill. He said the Fred LeRoy Health and Wellness Center serves more than 6,000 tribal citizens and other qualified individuals from over 160 different tribal nations.

Wright said the clinic currently is planning an expansion to serve more people, which he said would create more than 300 health care jobs.

“The parity that this bill will afford the Ponca Tribe to carry out our mission to serve our tribal citizens, other

American Indians and our staff – who are all Nebraskans – is paramount to providing long-term preventive health care and minimizing the cost of health care that comes from lack of access and neglect,” he said.

Judi gaiashkibos, executive director of the Nebraska Commission on Indian Affairs, also spoke in support. It’s important for American Indians to receive culturally competent care, she said, and to attempt to address the negative health outcomes that have resulted from historic trauma and lack of access to affordable care.

“Native Americans die at a much higher rate than any other people in America,” gaiashkibos said.

No one testified in opposition to LB185 and the committee took no immediate action on the bill.

## Provider rate increase sought

Certain behavioral health providers would receive a rate increase under a bill considered Feb. 25 by the Appropriations Committee.

LB462, introduced by Sen. Myron Dorn of Adams, would provide a 3 percent rate increase for behavior health providers for fiscal year 2021-22 and 3 percent for FY2022-23 under the state’s Medicaid program.



Sen. Myron Dorn

Dorn said Medicaid expansion has exacerbated the ongoing problem of low provider rates in Nebraska, which he said remain far below the cost of providing services. Federal CARES Act dollars have not helped, he said, because they only cover costs associated with the pandemic.

“It has been very difficult for hospitals, clinics and individual providers to maintain services in their communities

if every day they lose money,” Dorn said. “We have a choice to make: to continue to invest in a very important system of care that has a proven track record or fall back into complacency that we have done enough.”

Pat Connell, speaking on behalf of the Nebraska Child Health and Education Alliance, testified in support of the bill. He said that 25 mental health provider organizations have gone out of business in Nebraska because they could not cover their costs – not because demand has diminished.

“You can’t have adequate capacity without adequate provider rates,” Connell said.

John Day, executive director of Blue Valley Behavioral Health, also testified in support. Representing the Nebraska Association of Behavioral Health Organizations, he said providers have seen an increase in the number of individuals seeking help for anxiety, mental health and substance use issues during the pandemic.

“The one true reality that does exist is the emotional and psychological impact that [the pandemic] has had on all of us,” Day said. “We don’t see the lingering effects of COVID going away anytime soon.”

No one appeared at the hearing in opposition to the bill and the committee took no immediate action.

## Funding sought to address developmental disability wait list

The Appropriations Committee heard testimony Feb. 24 on a bill intended to alleviate a wait list for developmental disability services in Nebraska.

LB493, introduced by Sen. Machaela Cavanaugh of Omaha, would appropriate \$17 million in general funds per year in fiscal year 2021-22 and FY2022-23 to the state Depart-

ment of Health and Human Services to fund individuals on the wait list for the developmental disability services waiver.

Cavanaugh said that almost 5,000 Nebraskan received developmental disability services in 2018, but



Sen. Machaela Cavanaugh

another 2,300 were on the wait list. That number has risen to 2,900 over the last two years, she said.

Although the bill entails a large investment of state dollars, Cavanaugh said, the funds would improve lives and could keep young people out of the state's child welfare system.

"Over a decade ago, the Legislature promised to fund the waiting list," she said. "That promise has yet to be fulfilled."

Edison McDonald, executive director of The Arc of Nebraska, testified in support of the proposal. Services for individuals with intellectual and developmental disabilities help keep them in their communities and out of institutional settings, he said.

Many people have been on the state's wait list for as long as 10 years, he said, and are in danger of outliving their aging parents who have been their sole support systems. Other families have been driven to relinquish younger children because they cannot obtain needed services, he said.

"By failing to provide small, preventative services now ... we end up incurring radically higher costs later on," McDonald said.

Jenny Koley, who is on the wait list but receiving some services, testified as a self-advocate in support of LB493. Before the pandemic, Koley said, she was able to live on her own for several years with the help of independent living assistance. Being able to do so

again will depend on waiver services, she said.

"I have been able to work as a part-time receptionist, with the help of a job coach, for over 10 years," Koley said. "I take pride in going to work and being a productive citizen."

Kristen Larsen also spoke in support on behalf of the Nebraska Planning Council on Developmental Disabilities. The mother of a son with developmental disabilities, she said the family reached a crisis point when he was 12 years old and only then were classified as a priority for services.

"We have a lot of children and families who are waiting to become a priority," Larsen said. "Our system is set up to be reactionary and not preventative."

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

## EDUCATION

### Purple star designation for military friendly schools proposed

Nebraska schools that take measures to welcome military-connected students would receive a special designation under a proposal considered Feb. 23 by the Education Committee.

Under LB5, introduced by Bellevue Sen. Carol Blood, a public, private or parochial school could apply to the State Board of Education for an annual "purple star school" designation.



Sen. Carol Blood

To qualify, a school would have to designate a staff member as a military

liaison, who would serve as a school's point of contact for military-connected students and their families. Among other duties, the liaison would identify military-connected students and assist in coordinating school programs relevant to them.

Among other criteria, a qualifying school must offer online resources for military-connected students and their families, maintain a student-led program to assist military-connected students in transitioning into the school and offer training for staff members on issues related to military-connected students.

Blood said the average military-connected student moves six to nine times during their school years. LB5 is intended to encourage Nebraska schools to adopt programs that ease a difficult transition for students and their families, she said.

"An important part of any transition for these children of our military families is going to be learning that they aren't on their own and have a tangible support system in place," Blood said.

Amy Bonn testified in support of the bill, saying it would help maintain continuity in a student's education after a move.

Bonn said her son had been receiving additional help in reading at his previous school in Virginia. When the family moved to Nebraska after her husband was assigned to Offutt Air Force Base, Bonn said, her son's new school did not continue that help, although he eventually began reading intervention and special education.

"I strongly believe that the availability of a purple star schools program would prevent the type of struggle that my son and our family experienced by helping to ensure continuity in the learning process," Bonn said.

John Hilgert, director of the state

Department of Veterans Affairs, also testified in support, saying the proposal would help children of service members connect socially and emotionally with their new school. By making the transition easier for parents who serve on active duty, he said, the bill also would promote national defense.

Daniel Russell, deputy executive director of Stand for Schools, provided written testimony in support of LB5. He said it would recognize the public schools that already provide programming for military-connected students.

“Moreover,” he said, “the combination of academic, counselling and administrative support laid out in LB5 are important benchmarks for those schools that wish to provide additional programming for their military families.”

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

**Bill seeks to curb child sexual abuse**

Nebraska schools would provide child sexual abuse prevention training to students, teachers and parents under a bill considered Feb. 23 by the Education Committee.

As introduced by Sen. Joni Albrecht of Thurston, LB281 would require each school district to adopt a child sexual abuse prevention instructional program for students in kindergarten through fifth grade for implementation beginning in school year 2022-23.

Programs would include at least four instructional sessions per school year using age-appropriate curriculum regarding body safety. The instruc-



Sen. Joni Albrecht

tion would provide students with the knowledge and tools to communicate incidents of potential and actual sexual abuse.

Programs also would include a training component for teachers, administrators and other school staff and another for parents.

The bill would require the curriculum to be funded with money available under the federal Every Student Succeeds Act.

Albrecht brought an amendment to the hearing that she said would require the state Department of Education to provide a list of approved training materials to school districts. The amendment also would require districts to provide the training to students in kindergarten through twelfth grade, she said.

“Without educating children in school,” Albrecht said, “most will never get the message on how to speak up and tell someone that they’re being abused.”

Carrie Erks, a school social worker at Lincoln Public Schools, testified in support of LB281. She said her district started teaching preschoolers about body awareness and sexual abuse prevention nearly 20 years ago.

Erks said a well-chosen sexual abuse prevention program empowers parents to have body awareness conversations with their children often and early so that when a touching rule is broken, students are able to recognize, refuse and report the abuse before it can continue or escalate.

“Over the years, I have watched children who have received these lessons assertively define boundaries around their body and immediately and without hesitation report unwanted or unsafe touches,” she said. “But so many times I have hoped that this was available to all our community’s children.”

Cora Schrader provided written testimony in support of the bill on behalf of Children’s Hospital and Medical Center. She said appropriate, age-specific education on sexual abuse and how to disclose it can help children who have been abused come forward.

Teachers and other school personnel are the largest group of child sexual abuse reporters, Schrader said.

“However, it is not common for educators to have been taught how to respond to these disclosures and how to recognize indicators of abuse or neglect,” she said. “This training will provide educators with the tools necessary to recognize and respond appropriate[ly] to their students’ needs.”

Jason Hayes provided written testimony in support of the proposal on behalf of the Nebraska State Education Association. He said it is important that teachers, as mandatory reporters of child sexual abuse, receive the training necessary to identify signs of that abuse.

“In addition,” he said, “it is imperative that our students are given the information – and even the vocabulary – necessary to keep themselves safe and know who and how to reach out to if they are being abused.”

Colby Coash testified in opposition to the bill on behalf of the Nebraska Association of School Boards. He said it would circumvent the process by which the State Board of Education and state Department of Education set curriculum requirements for Nebraska schools.

Additionally, he said, the department has drafted new health education standards that include several of the elements proposed in LB281. If the bill passes, he said, school boards potentially would have to implement conflicting requirements.

Connie Duncan, a Lincoln Public

Schools board member, also testified in opposition. She said LB281 would “steal” federal funding from existing programs and create additional requirements for schools without also increasing state funding.

The committee took no immediate action on the bill.

## EXECUTIVE BOARD

### Appointment of juvenile facility oversight committee proposed

The Executive Board heard testimony Feb. 25 on a bill that would re-authorize an oversight committee for the state’s troubled youth rehabilitation and treatment centers.

In 2020, lawmakers created the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature in response to a crisis situation at YRTC Geneva the year before. The nine-member committee issued a report of its findings and recommendations to the Legislature and terminated Dec. 31, 2020.

La Vista Sen. John Arch introduced LR25 on behalf of the Health and Human Services Committee. The measure would re-authorize the oversight committee with a termination date of Dec. 31, 2021.

Because the 2020 legislative session was interrupted by the pandemic, Arch said, the bill establishing the original oversight committee was not signed into law until August of that year. This left the committee only a brief window of time to carry out its duties, he said.



Sen. John Arch

“Nebraska has made some significant strides toward improving our YRTC system in the last couple of years,” Arch said. “However, we know ... that a lack of oversight can undo a lot of progress in a short amount of time.”

The committee’s continuation was among the recommendations outlined in its report to the Legislature, Arch said, because members believed state senators could bring valuable expertise to the reorganization of the YRTC structure currently being undertaken by the state Department of Health and Human Services.

Jason Hayes of the Nebraska State Education Association testified in support of the measure. In written testimony, he said continued oversight is necessary to ensure that the YRTC system is meeting its goals.

“Educators and staff at these facilities are among the key stakeholders in providing gender-appropriate programming and age-appropriate curriculum,” Hayes said.

No one testified in opposition and the committee took no immediate action on LR25.

## GOVERNMENT, MILITARY & VETERANS AFFAIRS

### Bill would eliminate waiting period on voting rights

Nebraskans who have been convicted of a felony would have their voting rights restored upon completion of their sentence or probation under a bill considered Feb. 24 by the Government, Military and Veterans Affairs Committee. Current law requires a two-year waiting period.

Omaha Sen. Justin Wayne, sponsor of LB158, said recidivism drops

when individuals who are released from prison engage with the political process and that the current two-year waiting period is arbitrary and rooted in racism.



Sen. Justin Wayne

“This type of legislation and constitutional amendments started in the Reconstruction era,” Wayne said. “[Disenfranchisement] laws became popular in the 1870s ... I think it is important to recognize the tentacles of slavery.”

Jasmine Harris of RISE – an organization that assists individuals recently released from prison – testified in support of the bill. Many forget that they regain the right to vote or mistakenly believe that the ban is permanent, she said. Harris added that the current waiting period was the result of a compromise among state senators and not based on data.

“There’s no science behind this number,” she said.

Shakur Abdullah of the Community Justice Center also testified in support. He said ex-prisoners often feel like lesser people and that restoring their voting rights upon release would ease that burden.

“A felony conviction does not abrogate your citizenship,” Abdullah said.

Law student Shayna Bartow also supported the bill. In 2020, approximately 27 percent of Nebraskans affected by the current restriction were Black, she said, while Black Nebraskans account for roughly five percent of the state’s population.

“There is simply no legitimate social or legal policy justification for this law,” Bartow said.

No one appeared at the hearing to testify in opposition to LB158 and the committee took no immediate action on it.



**Bill would require county zoning for wind turbines**

The Government, Military and Veterans Affairs Committee heard testimony Feb. 26 on a bill that would require any Nebraska county that wishes to host a wind energy project to establish zoning requirements for such projects.

LB424, introduced by Gordon Sen. Tom Brewer, would require, beginning Sept. 1, 2021, that such counties adopt zoning regulations to establish:



Sen. Tom Brewer

- noise standards;
- a decommissioning plan that includes site restoration;
- fees for conditional-use permits for wind energy projects; and
- a fixed-distance setback from residential buildings to wind energy generation facilities.

Brewer said the expansion of wind energy projects has created a “tear in the fabric of communities” in western Nebraska by causing disputes between neighbors and decreasing property values.

“[A nearby wind turbine] has caused you to either not be able to sell your home or have the value of that home degraded,” Brewer said.

Terry Madson of the Nebraska Coalition for Responsible Energy testified in support of LB424. He said the bill was not about stopping wind energy development but about protecting property owners.

“It doesn’t mean we’re opposed to zero-carbon [energy] generation. It doesn’t mean that we’re necessarily opposed to wind generation. It does mean that it has to be done properly,” Madson said.

Larry Allder of Cortland also testi-

fied in support. He said LB424 would protect counties that currently do not have zoning laws by establishing a legal framework prior to wind energy development.

“If wind energy is going to go forward in this country it should be done with public support,” Allder said.

David Levy testified in opposition to the bill on behalf of BHE Wind. He said the proposal discriminates against the wind energy industry and diminishes local control by mandating county zoning regulation.

“This legislature authorized counties to adopt zoning regulation in 1969, however, neither then, nor since then, has the Legislature saw fit to require counties to have zoning. LB424 would require them to do so – but only for one industry,” Levy said.

Elaine Menzel of the Nebraska Association of County Officials also testified in opposition. Counties want to retain control over whether to establish zoning regulations, she said, adding that 35 Nebraska counties already have adopted zoning regulations for wind energy facilities.

The committee took no immediate action on the bill.

**Bill seeks improved public records access**

Information subject to the Nebraska Public Records Act would be more accessible under a bill considered Feb. 25 by the Government, Military and Veterans Affairs Committee.

LB557, introduced by Lincoln Sen. Matt Hansen, would add police body camera recordings that involve the death of an individual being apprehended or in law enforce-



Sen. Matt Hansen

ment custody to the list of public records under the act.

Hansen said the provision to make police body camera footage available is “vital” in cases when an individual dies.

“Making any video available quickly could help ease the [public’s] concerns by providing a specific account of what happened directly to the public,” Hansen said.

Current law allows agencies to charge for staff time required to retrieve public records if the request takes more than four hours to fulfill. LB557 would lengthen that time from four hours to eight for Nebraska residents and the news media. The bill also would require custodians of public records to attest under oath to the estimated cost of fulfilling a records request.

Spike Eickholt of the ACLU of Nebraska testified in support of the bill. The media and Nebraskans are sometimes “priced out” of access to public records, he said, meaning that such records functionally are not public.

“[Residents] ought to have some greater right of access to those public records that you have the privilege of paying for,” Eickholt said.

Also in support was Korby Gilbertson, who testified on behalf of Media of Nebraska. In written testimony, Gilbertson said the bill would give the public greater access to public information that entities are required to provide.

“Providing public records should not be a revenue generating enterprise for custodians,” Gilbertson said.

Ken Schilz, speaking on behalf of the Consumer Data Industry Association, testified in opposition to LB557. The bill would increase costs for data collection agencies, he said, which may be located out of state but often are retrieving records for Nebraska residents, such as information used

to calculate credit scores.

“Nebraskans need CDIA’s members to be able to affordably access public records,” Schilz said.

Christy Abraham, speaking on behalf of the League of Nebraska Municipalities and the Nebraska Power Association, also testified against LB557. She said the current four hour provision is working well.

“If it’s going to take a [county] clerk half of her work day to fulfill a request, maybe she can do that; if it’s going to be an entire day of her time to fulfill a public records request, that’s pretty burdensome,” Abraham said. “We have a lot of clerks that only work 10 hours a week total.”

Also in opposition was Steve Cerveney of the Omaha Police Department. Releasing police body camera footage could taint a jury pool and cause a “rush to judgement,” he said.

“Allowing immediate release of footage related to an in-custody death can derail the process of justice by fracturing the ability to obtain and deliver the truth,” Cerveney said.

The committee took no immediate action on LB557.

**Proposal would end felon disenfranchisement**

Nebraskans who have committed a felony other than treason would be able to vote while incarcerated under a proposed constitutional amendment considered Feb. 24 by the Government, Military and Veterans Affairs Committee.

LR10CA, introduced by Omaha Sen. Machaela Cavanaugh, would repeal the current prohibition on felon voting until two years after



Sen. Machaela Cavanaugh

completion of a sentence or probation, unless the individual was convicted of treason. If approved by lawmakers, the proposal would be placed on the 2022 general election ballot.

Cavanaugh said the current policy is not a deterrent to crime and is rooted in racism. According to the U.S. Department of Justice, Black Nebraskans are 4.6 percent of the state’s population but 26.9 percent of the state’s prisoners, she said.

“I would challenge you to find someone who is incarcerated who stopped before committing a crime and thought ‘If I do this, I won’t get to vote for president,’” Cavanaugh said. “[Disenfranchisement] isn’t related to crime. It is something we do to marginalize the population of people that are incarcerated.”

Law student Deanna Hobbs testified in support of the proposal. Felon voting restrictions are incompatible with democracy, she said, adding that felon disenfranchisement disproportionately affects Black residents in Nebraska.

“Deprivation of the right to vote is not an inherent or necessary aspect of criminal punishment,” Hobbs said.

Westin Miller of Civic Nebraska also spoke in support. He said voting rights should be protected as fervently as the right to free speech and the right to bear arms.

“The right to vote in enshrined in four different [U.S.] constitutional amendments,” Miller said. “Citizenship is not a right that expires upon misbehavior.”

No one appeared at the hearing to testify in opposition to LR10CA and the committee took no immediate action on it.

**JUDICIARY**

**Aggregation of certain criminal charges sought**

The Judiciary Committee heard testimony Feb. 24 on LB104, sponsored by Henderson Sen. Curt Friesen. The bill would allow the aggregation of pecuniary losses suffered by one or more individuals from a singular scheme or course of conduct in criminal mischief cases.



Sen. Curt Friesen

There are many instances where the property of multiple citizens is damaged as part of one continued act or course of conduct, Friesen said, but these instances currently cannot be charged in one single count.

“By adding the aggregation of pecuniary losses in the criminal mischief statute, prosecutors and courts will be able to work more effectively and offenders will be held accountable,” he said.

Sarah Carstensen, speaking on behalf of the Nebraska County Attorneys Association, supported LB104. Aggregation of pecuniary losses already is authorized for theft offenses, she said, but not for criminal mischief offenses.

An individual who steals several phones could face one single charge, she said, but if they instead only damage those phones, each instance must be brought as a separate charge.

“This statute will allow prosecutors to more efficiently do their work, allow the courts to process cases more efficiently, hold offenders accountable for more large-scale damages that occur in a series of crimes [with] numerous victims ... and provide better

access to the justice system for victims of a crime,” Carstensen said.

Opposing LB104 was Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association. The bill would allow prosecutors to stack charges, he said, which could turn a misdemeanor offense into a felony.

Eickholt said a felony conviction can have long-lasting ramifications for an individual, including having their right to vote revoked temporarily.

“The only thing this bill does is allow the prosecutors of the state to increase their charging power,” he said.

The committee took no immediate action on the bill.

### **New penalties proposed for rioting, assault**

A bill heard Feb. 24 by members of the Judiciary Committee would define rioting in state law and create new and expanded punishments.

Under LB111, sponsored by Thurston Sen. Joni Albrecht, an individual who participates in or organizes a riot would be guilty of a Class I misdemeanor, punishable by up to one year imprisonment, a \$1,000 fine or both. An individual found guilty of the offense also could be required to pay restitution.

The bill defines a riot as a disturbance in a public place, prison or jail involving an assemblage of three or more persons which, by tumultuous and violent conduct, creates grave danger of substantial damage to property, serious bodily injury to persons or substantially obstructs law enforcement or another governmental function.

Albrecht said she brought the bill in response to “outside groups” that

she said incited violence against law enforcement and damaged property during widespread protests for racial justice in 2020.

“We must provide law enforcement and county attorneys the tools that hopefully discourage and deter, but certainly appropriately punish, outside violent interests from causing harm,” she said.

If damage directly resulting from a riot is valued at more than \$5,000, the charge would be elevated to a Class IV felony, punishable by up to two years imprisonment with 12 months post-release supervision, a \$10,000 fine or both, as well as restitution.

The bill also would classify obstructing a public right of way and refusing a public safety officer’s request to move as a Class I misdemeanor. An attempt to obstruct or interfere with a lawful meeting, procession or gathering would be a Class II misdemeanor, punishable by up to six months imprisonment, a \$1,000 fine or both.

The definition of criminal mischief already in statute would be expanded under LB111 to include property damage and unauthorized graffiti suffered by a member of law enforcement, the armed services or an elected or appointed official. The offense would be considered a Class IV felony. If such damage is inflicted upon a government building, school or hospital, the offense would be a Class I misdemeanor.

A person found guilty of either offense could be required to pay restitution and would be liable for a \$5,000 fine for second and subsequent offenses.

Among other provisions, LB111 also would establish penalties for assault of a public safety officer or health care worker. First degree assault would include causing serious bodily injury during the commission of their

official duties and would be classified as a Class ID felony, punishable by three to 50 years imprisonment and an additional \$5,000 fine.

Brad Johnson, director of the Lancaster County Department of Corrections, spoke in support of LB111. He said including correctional officers in the bill’s protections would improve everyone’s safety.

“Assaultive behavior of any kind in a correctional facility is dangerous and unacceptable,” Johnson said. “When an inmate is willing to use violence against a staff member, the safety and security of the entire facility is at risk.”

Mark Bonkiewicz of Omaha also supported the bill, saying it was an appropriate response to the violence that occurred last year.

“During the summer of 2020, Americans witnessed unlawful mobs destroying public and private property, assaulting first responders and killing first responders and innocent citizens,” Bonkiewicz said. “LB111 is an example of powerful legislation that will protect all Nebraska citizens.”

Opposing the bill was Spike Eickholt, speaking on behalf of the ACLU of Nebraska. The proposal would create unnecessary new offenses, he said, and is intended to discourage individuals from exercising their legally protected rights to protest and assemble.

“There’s already existing felonies and crimes to hold people [accountable] for damage done during a protest,” he said.

The committee took no immediate action on LB111.

### **Equal treatment sought for religious organizations**

State agencies and political subdivisions would be prohibited from disproportionately restricting religious



Sen. Joni Albrecht

activity during a state of emergency under a bill heard by the Judiciary Committee Feb. 26.

Under LB167, sponsored by Lincoln Sen. Suzanne Geist, religious organizations would be permitted to continue operating and engaging in religious services during a state of emergency.



Sen. Suzanne Geist

The government still could impose health, safety or occupancy requirements on a religious organization if those restrictions are applied to all organizations and businesses and further a compelling state interest in the least restrictive way possible.

Protections granted under LB167 could be used as a defense in any judicial or administrative proceeding, as well as a basis for a tort claim against the state. The court could award injunctive relief and financial damages if a religious organization successfully proves its claim.

Geist said religious organizations not only meet people’s spiritual needs but also provide essential support services including feeding the hungry, housing the homeless and providing mental and physical health care.

“Religious organizations provide services that are vital to the health and welfare of our state,” she said. “Churches and their ministries are desperately needed to provide these services to those in need and are especially important in a time of crisis.”

Solo Mwanja, lead pastor of Lincoln City Church, testified in support of the bill. He said that religious leaders must be allowed to help their congregations during challenging times.

“We’ve continued to work with families as they navigate the hardships that we’re all experiencing due to this pandemic,” Mwanja said. “In

Nebraska, we could at least feel that our legislators are protecting us to do our work without the fear that our government will infringe upon that.”

Marilyn Asher of Omaha also spoke in support of the bill. She said she worries about increased rates of depression among people who were unable to attend spiritual services during the coronavirus pandemic due to restrictions on the size of indoor gatherings.

“I don’t think we can overestimate the value of the faith community in Nebraska,” Asher said.

No one appeared at the hearing to testify in opposition to LB167 and the committee took no immediate action on the bill.

**Ban on public accommodation, housing discrimination considered**

Individuals could not be denied public service or housing because of their sexual orientation or gender identity under a bill heard Feb. 26 by the Judiciary Committee.

LB230, sponsored by Omaha Sen. Megan Hunt, would prohibit discrimination on the basis of sexual orientation or gender identity in public accommodations and under the Nebraska Fair Housing Act.



Sen. Megan Hunt

Hunt said no one should be denied the ability to get a sandwich or a haircut because of their sexual orientation or gender identity.

“Providing a commercial service doesn’t mean that a business owner endorses or agrees with everything their customers believe,” she said. “It simply means the business owners are providing a service to the public and

that they must be open on the same terms to everyone.”

Public accommodations include any business or public place offering the general public goods, services, food, shelter, recreation and amusement including hotels, restaurants, movie theaters, stores or any publicly funded facility.

Sarah Rips of Lincoln spoke in support of the bill. She said the protections proposed in LB230 align with the beliefs of the majority of Nebraskans.

“Despite all of the progress that LGBT people have [achieved] in the last 10 years, we have a long way to go,” Rips said. “And as an LGBT person in Nebraska, I know we have a long way to go, but I know we can get there.”

Also speaking in support of the bill was Kayla Meyer, representing the Lincoln Young Professionals Group. Society is becoming more diverse, she said, and Nebraska should strive to become more inclusive and welcoming.

“Discrimination is already against the law when it comes to factors like race, religion, sex and national origin,” Meyer said. “As a state we have the opportunity to step up and act now to make sure these protections are provided for [all] our citizens.”

Opposing the bill was Karen Bowling, executive director of the Nebraska Family Alliance. Other states have ruled that protections similar to those in LB230 would apply to churches, she said, including prohibitions on gender-specific bathrooms.

“Government officials have used [sexual orientation and gender identity] laws to force churches and faith-based organizations to violate their sincerely held beliefs,” Bowling said. “Bodily privacy and dignity must be protected.”

Matt Sharp, speaking on behalf of the Alliance Defending Freedom,

also opposed LB230. He said constitutional free speech protections should be applied equally.

“Tolerance and respect for good-faith differences of opinion are essential in a pluralistic society like ours and enable us to peacefully coexist with each other,” Sharp said. “But laws like LB230 will result in kind-hearted Nebraskans being dragged into court and being punished by the government for peaceably seeking to live and work consistent with their beliefs.”

The committee took no immediate action on the bill.

### Bill would repeal educator obscenity exemption

Members of the Judiciary Committee heard testimony Feb. 26 on a bill that would repeal a legal protection given to certain educators.

LB282, sponsored by Thurston Sen. Joni Albrecht, would remove an exemption from prosecution for school or library employees who provide obscenity to minors.



Sen. Joni Albrecht

Albrecht said the bill would close a loophole in Nebraska law that allows an adult to provide obscenity to a child.

“In Nebraska elementary [and] high schools and libraries it currently is lawful to provide criminal obscenity to any age of school children,” she said. “It makes no sense that schools and libraries – of all places – should be given a path to expose children to material the law already would recognize as criminally obscene.”

Violation of the state’s obscenity law is a Class I misdemeanor, punishable by up to one year in prison, a \$1,000 fine or both.

Matt Heffron, representing the Thomas Moore Society, spoke in support of LB282. He said the exemption for educators in the state’s obscenity statute was intended only for postsecondary instructors and art classes.

“[The bill] doesn’t do anything as far as teachers are concerned, they would just be held to the same standard as everyone else in the state,” Heffron said. “This is only to sort out the rogues who might want to present obscenity in schools.”

Also speaking in support of the bill was Teresa Davidson, a pediatric nurse practitioner and anti-human trafficking advocate. She said children’s minds are not developed enough to process sexually explicit images.

“Being exposed to sexually explicit material places children at risk from all kinds of predators, which is why it’s critical that a [legal] loophole that allows obscene material to be provided to children be closed,” Davidson said.

Opposing the bill was Hunter Traynor, speaking on behalf of the Nebraska Library Association. The bill runs counter to the Nebraska ideal of local control, he said, and would curtail the discretion librarians need to do their jobs.

“Library boards and school boards are better forums for concerned parents than our courts of law,” Traynor said. “Local control allows librarians to meet the needs of their communities and respond swiftly to any [situation].”

The committee took no immediate action on the bill.

### Conviction enhancement limits proposed

The Judiciary Committee heard testimony Feb. 24 on a bill that would limit sentence enhancement for certain offenses.

Under LB319, sponsored by Oma-

ha Sen. John Cavanaugh, second or subsequent theft convictions only could be enhanced by a prior conviction if the prior offense occurred within the preceding 15 years.



Sen. John Cavanaugh

Cavanaugh said the state already imposes a 15-year “look back” provision with regard to driving under the influence offenses.

“This bill would recognize the reality that if someone goes a long period without a law violation, that they are not as serious a threat to society as someone who commits multiple crimes in quick succession,” he said.

Spike Eickholt, speaking on behalf of the Nebraska Criminal Defense Attorneys Association, supported the bill. He said it was a modest reform of the state’s crime enhancement statute.

No one testified in opposition to LB319 and the committee took no immediate action on it.

### Agricultural equipment right-to-repair bill considered

Owners of modern farm machinery would have the same access as authorized dealers to the software tools, technical manuals and parts needed to make repairs under a bill heard Feb. 25 by the Judiciary Committee.

LB543, introduced by Sen. Tom Brandt of Plymouth, would require original equipment manufacturers to make available, on fair and reasonable terms, the documentation, parts and tools needed to diagnose, maintain or repair electronics-enabled agricultural equipment to



Sen. Tom Brandt

independent mechanics or the equipment's owner.

Violating the act – which would apply to equipment sold or in use in Nebraska on or after its effective date – would be an unlawful practice under the state Uniform Deceptive Trade Practices Act.

Brandt said software-driven tractors, combines, center pivots and other farm equipment are more efficient than their analog forebears, but their increasing complexity has allowed manufacturers to restrict the tools and documentation necessary to make repairs to authorized dealers.

He said LB543 is intended to allow farmers and ranchers to make simple repairs themselves, saving them time and money.

“As a farmer, I’m overjoyed when I snap a piece of steel because I can get that off the shelf – I can fix that,” Brandt said. “But when I’ve got code problems, that’s another story.”

Brandt brought an amendment to the hearing that he said is intended to address the concerns of equipment dealers and manufacturers. Among other changes, it would define “fair and reasonable,” remove a provision allowing owners to access security-related functions and clarify that the proposal would not authorize owners to modify equipment.

Lance Atwater testified in support of the bill and the amendment on behalf of the Nebraska Farm Bureau and six other agricultural groups.

He said manufacturers and right-to-repair advocates had hoped to have a memorandum of agreement in place by early this year, but negotiations stalled. Auto manufacturers have made a similar agreement under which owners and independent repair shops can buy the diagnostic equipment and tools needed to repair cars, Atwater said.

“Our members feel strongly about having the same flexibility in farm equipment repair that’s available in the automobile industry,” he said.

Jerrad Stroh, who farms near Juniata, also testified in support. He said most dealerships charge a flat fee for a service call, plus mileage and an hourly service charge. If he had access to the electronic diagnostic tool that gives detailed information about an equipment failure, he said, he could make simple repairs himself rather than wait for a technician.

Vern Jantzen testified in support of the bill on behalf of Nebraska Farmers Union. In many parts of the state, he said, farmers and ranchers can face long wait times for a technician during the busiest times of the year.

“Most farmers will tell you that downtime is money lost during planting and harvesting operations,” Jantzen said.

Grant Suhre, manager of customer support for John Deere in the U.S. and Canada, testified in opposition to LB543. He said the company supports its customers’ ability to repair their machines but not to modify them or tamper with emissions controls.

To that end, Suhre said, John Deere has made available all tools, diagnostic equipment and technical manuals needed to make repairs.

“We don’t believe we need legislation to enable customers to repair their machines,” he said. “We’ve already enabled that.”

Trevor Mecham testified in opposition to the bill on behalf of Valley Irrigation. He said automated center pivot irrigation systems soon will use artificial intelligence software to determine when, where and how to spray for pests and disease. Those applications will require a higher level of expertise to troubleshoot, Mecham said.

“Giving uncertified access to inde-

pendent third parties who have not gone through proper certification and training could materially and negatively impact growers’ attempts to produce greater yields with greater operational efficiency,” he said.

Also in opposition was Kevin Clark, CEO of AKRS Equipment Solutions. He said the company, which operates 26 John Deere dealerships across Nebraska, answers service calls around the clock and usually can send a technician to a customer’s farm within 24 hours.

“With hundreds of different repair shops outside the John Deere dealer network,” he said, “there is ample ability to get equipment repaired throughout the state.”

The committee took no immediate action on the bill.

### Penalty proposed for social media censorship

LB621, sponsored by Henderson Sen. Curt Friesen, would require a dominant social media site to provide written notice within 30 days to any user whose account is disabled, suspended or censored.



Sen. Curt Friesen

Following the 2020 presidential election, Friesen said many social media companies began to censor posts and ban users for content that the companies found offensive or harmful.

“While I understand the importance of preventing violence, unaccountable social media giants – that are answerable only to their shareholders – are not the right entities to make these sorts of decisions, especially when these decisions can be made for any reason, with zero due process or

accountability,” he said.

The bill defines a dominant social media site as one that has more than 75 million subscribers or users and has not been affiliated with a specific religion or political party from its inception.

The owner or operator of such a social media site would be fined \$100,000 per violation if their actions would have been in violation of First Amendment protections had they been a government entity. Fines collected under LB621 would be remitted to the state treasurer for distribution to counties to support public schools.

Andrew Bish of Giltner spoke in support of the bill. Social media posts advertising his legal hemp farming operation have been censored, he said, under provisions prohibiting drug-related content.

“We actually had been censored by YouTube because we were harvesting hemp in the field by tractor,” Bish said. “The Farm Bill of 2018 legalized hemp federally, yet today I don’t have the same opportunities for advertising or outreach that some other places have.”

No one appeared at the hearing to testify in opposition to the bill and the committee took no immediate action on it.

## REVENUE

### Tax exemption for residential water service considered

The Revenue Committee heard testimony Feb. 24 a proposal that would exempt residential water service from state sales and use tax.

Omaha Sen. Justin Wayne, sponsor of LB26, said Nebraska does not impose sales tax on bottled water but does tax residential water ser-

vice, unlike many states. He said a substance that is essential to life should not be subject to tax.

The state Department of Revenue estimates that LB26 would reduce state general fund revenue by \$4.6 million in fiscal year 2021-22, \$7.8 million in FY2022-23 and \$8.6 million in FY2023-24.

Doug Kagan of Nebraska Taxpayers for Freedom testified in support of the bill. He said Nebraskans pay the tax in question on a government service, not on their consumer purchases or private services.

Kagan said businesses can claim a tax exemption if more than 50 percent of the water they use is consumed in manufacturing, processing, refining or the irrigation of farmland.

“Adding this exemption to residential property seems only fair,” he said.

Jack Cheloha testified in opposition to the bill on behalf of the city of Omaha. If LB26 passes, he said, the city would lose between \$1.6 million and \$2 million per year in sales tax revenue that it uses to balance its budget.

Also in opposition was Lash Chaffin of the League of Nebraska Municipalities. He said LB26 would cut revenue to the more than 200 Nebraska cities that impose a local option sales tax.

Cities would have to increase water rates or their property tax levies to offset that loss, Chaffin said.

The committee took no immediate action on the proposal.

### More detailed tax incentive reporting proposed

The Revenue Committee heard testimony Feb. 26 on a bill intended



Sen. Justin Wayne



Sen. Tom Brandt

to increase transparency in Nebraska’s tax incentive programs.

LB134, introduced by Sen. Tom Brandt of Plymouth, would require the state Department of Revenue to compile detailed information on tax refunds, credits

and exemptions received by taxpayers under the state’s current tax incentive programs and any similar program created by the Legislature in the future.

The information, which would be posted on a website maintained by the state treasurer, would include a list of individual tax incentives received by each taxpayer, the aggregate amount of tax credits and sales tax refunds received by each taxpayer and the aggregate amount of wage credits a taxpayer used against employee withholding.

Brandt said current reporting is not detailed enough to allow the public and lawmakers to determine whether the hundreds of millions of dollars in tax incentives granted each year are serving their intended purpose.

“Until we become more transparent regarding corporate tax credits,” he said, “it will remain difficult for us as lawmakers to determine if these programs deliver sufficient value to the state at large and not just the rewarded companies.”

LB134 also would require the department to include the information in an annual report and present it at a joint hearing of the Appropriations and Revenue committees.

Craig Beck, fiscal analyst at OpenSky Policy Institute, testified in support of the bill. Under the ImagiNE Nebraska Act, he said, only basic information such as a taxpayer’s name and location and a two-year sum of their tax credits and sales tax refunds

is made public.

LB134 would give the Legislature more detailed, company-specific data on a yearly basis, Beck said, helping policymakers determine whether that program and others are meeting their goals.

Chad Denton testified in opposition to the bill on behalf of the Nebraska State Chamber of Commerce and Industry and the Lincoln and Omaha chambers. He said LB134 causes businesses “tremendous” concern because the detailed reporting it would require indirectly could reveal sensitive information to competitors.

The committee took no immediate action on the bill.

### Tax exemption sought for ethanol inputs

Certain products used to manufacture ethanol would be exempt from state sales and use tax under a bill heard Feb. 24 by the Revenue Committee.

Under LB595, introduced by Thurston Sen. Joni Albrecht, state sales and use taxes could not be imposed on gross receipts from the sale, lease or rental of — and storage, use or other consumption in Nebraska of — enzymes, yeast and related products used to manufacture ethyl alcohol, or ethanol.

Albrecht said Nebraska typically exempts manufacturing inputs from state sales tax to avoid tax pyramiding.

“Taxing inputs results in an effective sales tax rate that is higher than the statutory rate,” she said. “The imposition of sales tax on inputs has kept our ethanol producers and manufacturers at a distinct disadvantage to



Sen. Joni Albrecht

other ethanol-producing states.”

The state Department of Revenue estimates that LB595 would reduce state general fund revenue by \$593,000 in fiscal year 2021-22, \$898,000 in FY2022-23 and \$907,000 in FY2023-24.

Troy Bredenkamp, senior vice president of government affairs for the Renewable Fuels Association, testified in support of the bill. Nebraska exempts business inputs from sales and use tax in almost every instance, he said, but the department does not interpret yeast and enzymes to be ethanol manufacturing inputs because they are not identifiable in the final product.

By remedying that “unfortunate” interpretation, Bredenkamp said, LB595 would make Nebraska’s ethanol industry, which has been battered by thin margins and pandemic-related disruptions, more competitive.

Roger Berry, administrator of the Nebraska Ethanol Board, also testified in support, saying it is “imperative” to exempt ethanol inputs from taxation. He said LB595 could position Nebraska to expand its ethanol industry at a time when California and other states are demanding more low-carbon fuels.

“This one act would keep Nebraska competitive so that when the day of expansion comes, we do not lose out to the other states around us,” Berry said.

Also in support was Jon Cosby of E Energy Adams, which operates an ethanol plant in southeast Nebraska. He said neighboring states do not tax the enzymes and yeast that are integral to the ethanol manufacturing process.

“LB595 would put Nebraska’s ethanol producers and a plant like ours on an even playing field with competition in other states,” Cosby said.

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

### Tax exemption sought for header trailers, seed tenders

Certain agricultural machinery and equipment would not be subject to state sales and use tax under a bill heard Feb. 24 by the Revenue Committee.

Sales and use tax currently may not be imposed on the gross receipts from the sale, lease or rental of depreciable agricultural machinery and certain equipment used in commercial agriculture.

Under LB672, introduced by Sen. Dave Murman of Glenvil, agricultural machinery and equipment would be defined as tangible personal property used directly in cultivating



Sen. Dave Murman

or harvesting a crop, raising or caring for animal life, protecting the health and welfare of animal life or collecting or processing an agricultural product on a farm or ranch.

The bill also would specify that agricultural machinery and equipment includes header trailers, head haulers, header transports and seed tender trailers.

Murman said the definition is needed to provide guidance and clarity to the agricultural community and the state Department of Revenue, which he said has applied the current exemption inconsistently.

“All of these items have a specific purpose used directly in agriculture and are not used for other purposes,” he said.

Al Juhnke testified in support of LB672 on behalf of the Nebraska Pork Producers Association and several other agricultural groups. He said the bill’s passage would bring “sighs of relief” from Nebraska farmers and ranchers.



Juhnke said the department decided in recent years to impose sales tax on equipment that it has never taxed before.

“There’s some brand-new taxes being invoked by the Department of Revenue,” he said. “We’ve tried internally to correct it over the last two or three years and been unsuccessful.”

John Hansen, president of Nebraska Farmers Union, also testified in support. He said similar disputes have centered on the department’s interpretation of whether an exemption applies to multipurpose machinery that could be used for agriculture, construction or recreation.

However, Hansen said, the specialized equipment in question clearly is used for commercial agriculture and should be covered by the current exemption.

“There’s just not much of a case to be made that a header trailer is used for some other reason than agriculture,” he said. “If you have a seed tender, what else would you use a seed tender for?”

Tim Keigher testified in support of the bill on behalf of the Iowa-Nebraska Equipment Dealers Association. He said the issue arose some years ago when the department audited several equipment dealers and asked them to remit sales tax on certain items.

In most cases, Keigher said, the dealers paid it themselves rather than ask customers to pay it after the fact.

No one testified in opposition to LB672 and the committee took no immediate action on it.

**Parity between top corporate, personal income tax rates sought**

The Revenue Committee heard testimony Feb. 25 on a proposal to cut the state’s top corporate income tax rate.

Corporations currently pay an income tax rate of 5.58 percent on the first \$100,000 of taxable income and 7.81 percent on all taxable income in excess of that amount.

LB680, introduced by Sen. Lou Ann Linehan of Elkhorn, would set the top rate at 6.84 percent, the same as the state’s top individual income tax rate, beginning Jan. 1, 2022.



Sen. Lou Ann Linehan

The state Department of Revenue estimates that the bill would reduce general fund revenue by \$5 million in fiscal year 2021-22, \$20 million in FY22-23 and \$36 million in FY23-24.

Linehan said most Nebraska businesses are formed as passthrough entities that distribute income to partners and shareholders, who pay personal income taxes on those distributions.

She said LB680 would create tax parity for businesses regardless of their legal form and make Nebraska less reliant on tax incentives that “everybody knows we have to have but nobody seems to love.”

Sarah Curry, policy director for the Platte Institute, testified in support of the bill, saying Nebraska’s current tax code puts it at a disadvantage to other states in the region. South Dakota and Wyoming do not levy a corporate income tax, she said, and Missouri and Colorado have some of the nation’s lowest corporate tax rates.

Bryan Slone testified in support of the bill on behalf of the Nebraska Chamber of Commerce and Industry and the Lincoln and Omaha chambers. He said reducing the corporate tax rate is essential for Nebraska to compete with other states in the region for new business investment.

Additionally, Slone said, the current tax code results in situations

where businesses in the same industry with similar taxable income are taxed at different rates based on how they were formed.

Renee Fry, executive director of OpenSky Policy Institute, testified in opposition to LB680. She said the proposed tax cut mostly would benefit a small number of individuals who live outside Nebraska while cutting revenue used to fund state services.

The committee took no immediate action on the bill.

**TRANSPORTATION & TELECOMMUNICATIONS**

**Specialty license plates considered**

Members of the Transportation and Telecommunications Committee heard testimony Feb. 23 on two bills that would create new specialty license plates.

Under LB317, sponsored by Omaha Sen. John Cavanaugh, Nebraska History licenses plates would be available in alphanumeric or personalized versions beginning Jan. 1, 2023. The plate would be designed in consultation with History Nebraska – formerly the Nebraska Historical Society – and reflect the importance of preserving the state’s shared history.



Sen. John Cavanaugh

The specialty license plate commemorating Nebraska’s sesquicentennial has generated over \$250,000 in revenue, Cavanaugh said, showing a clear demand for license plates that celebrate state history.

“The Nebraska 150 plate expires

in 2022, leaving a void in specialized plates for citizens who want to celebrate and remember Nebraska's history and removing a small, but reliable revenue stream for History Nebraska," he said. "All funds generated from the sale of History Nebraska plates will be directed toward enhancing and increasing access to Nebraska's history through vital means and supporting history education for children."

The fee for the alphanumeric plates would be \$5, credited to the Support Nebraska History Cash Fund. Personalized plates would cost \$40, with \$10 credited to the state Department of Motor Vehicles Cash Fund and \$30 credited to the Support Nebraska History Cash Fund.

Speaking in support of LB317 was Trevor Jones, director of History Nebraska. Funds generated from the license plate would continue to fund education efforts at the historical society, he said, with a particular focus on digital education.

"History Nebraska has been working for years to improve digital offerings but the demand has skyrocketed during the pandemic and will only continue to grow," Jones said.

The committee also heard testimony on LB166, sponsored by Lincoln Sen. Suzanne Geist, which would authorize Josh the Otter-Be Safe Around Water license plates, available as of Jan. 1, 2022.



Sen. Suzanne Geist

Blake and Kathy Collingsworth of Lincoln created the Josh the Otter-Be Safe Around Water Memorial Fund after their son, Josh, succumbed to his injuries following an accidental drowning. Geist said she introduced the bill on their behalf because they have turned a tragedy into a positive

force in the community.

"This grant program would hopefully help to lower the number of childhood drownings in Nebraska," She said

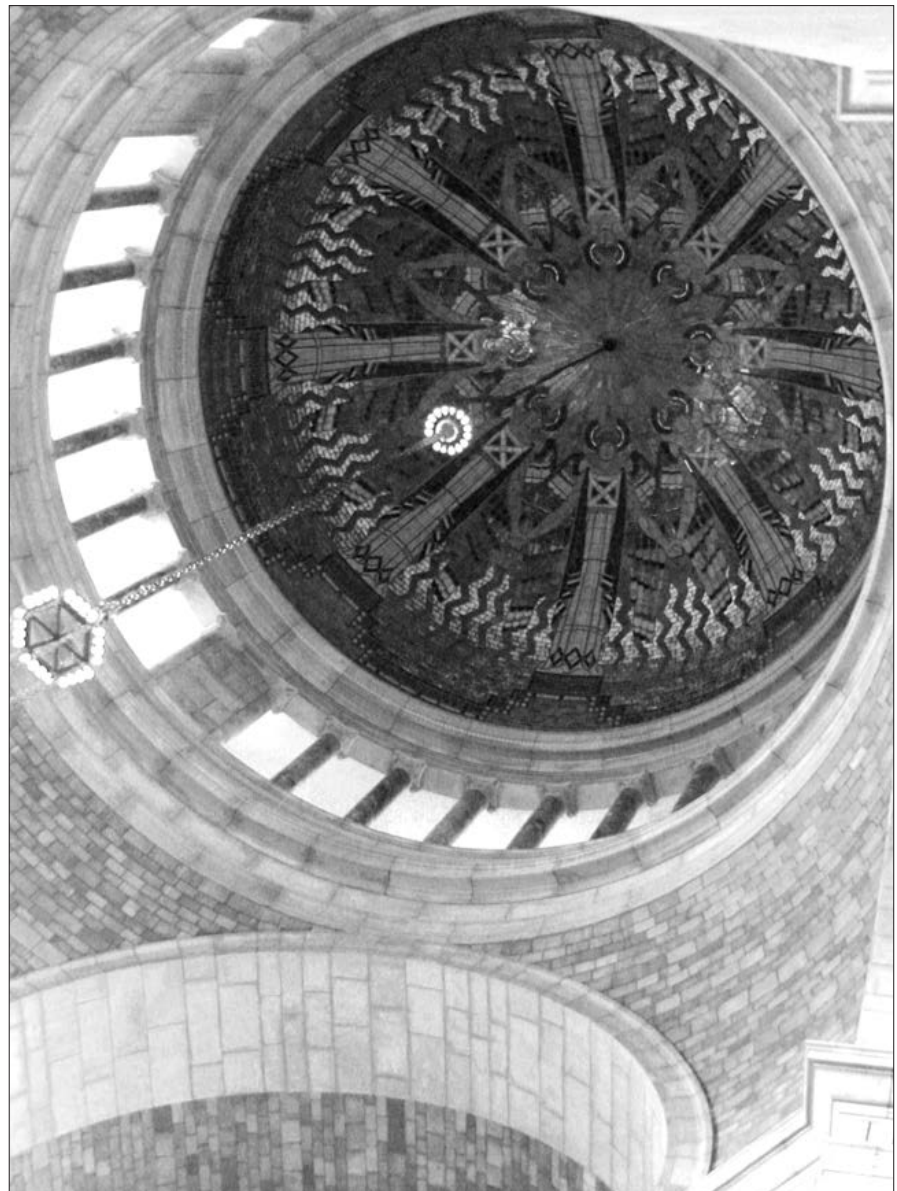
The fee for the alphanumeric plates would be \$5, credited to the Josh the Otter-Be Safe Around Water Cash Fund. Personalized plates would cost \$40, with \$10 credited to the state Department of Motor Vehicles Cash Fund and \$30 credited to the Josh the Otter-Be Safe Around Water Cash Fund.

Blake Collingsworth spoke in support of LB166. He said that among

preventable injuries, drowning is the leading cause of death for children aged one to four.

"I truly believe it's a question of awareness, a question of educating children, caregivers, parents and grandparents that drowning is a serious issue," Collingsworth said. "We created the Josh the Otter program to introduce it to children and parents in a fun, not scary way."

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



# COMMITTEE HEARINGS

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

Further committee information is available at: [NebraskaLegislature.gov/committees/standing-committees.php](http://NebraskaLegislature.gov/committees/standing-committees.php)

## **Monday, March 1**

### **Banking, Commerce & Insurance Room 1507 - 1:30 p.m.**

LB20 (Blood) Provide for insurance coverage of and medicaid access to prescribed contraceptives  
LB30 (Wayne) Limit the amount an insured pays for prescription insulin drugs

### **Business & Labor**

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

LB172 (M. Hansen) Change provisions relating to benefit payments under the Employment Security Law  
LB207 (McDonnell) Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act  
LB441 (M. Hansen) Change provisions relating to compensation for individuals affected by COVID-19 under the Nebraska Workers' Compensation Act  
LB480 (McKinney) Change the minimum wage as prescribed

### **Business & Labor**

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

LB667 (Halloran) Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act  
LB512 (Brewer) Adopt the Critical Infrastructure Utility Worker Protection Act  
LB594 (Slama) Adopt the Rural Workforce Crisis Act  
LB632 (Bostar) Provide for a low-income student or first-generation college student internship program  
LB241 (Vargas) Adopt the Meatpacking Employees COVID-19 Protection Act

### **Education**

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

LR21CA (Briese) Constitutional amendment to require the State of Nebraska to pay all classroom expenses related to the operation of public elementary and secondary schools  
LB378 (DeBoer) Require the Commissioner of Education to report data as prescribed  
LB640 (Day) Change provisions related to early childhood education in the Tax

Equity and Educational Opportunities Support Act

### **Education**

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

LB630 (Bostar) Provide for a study of the efficacy of commercial air filters in classrooms  
LB565 (McDonnell) Provide for a youth initiated mentoring pilot program  
LB200 (Vargas) Provide a high school graduation requirement relating to federal student aid  
LB639 (Day) Adopt the Seizure Safe Schools Act

### **Executive Board**

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

LB393 (Hughes) Eliminate the Next Generation Business Growth Act  
LB657 (Vargas) Require the office of Legislative Research to prepare racial impact statements for legislative bills

### **Transportation & Telecommunications**

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

LB486 (Day) Require train crews of at least two individuals  
LB539 (Walz) Provide for a limit on the length of trains

### **Transportation & Telecommunications**

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

LB575 (Bostar) Adopt the Midwest Interstate Passenger Rail Compact  
LB12 (Blood) Require a commuter rail service study by the Department of Transportation

## **Tuesday, March 2**

### **Agriculture**

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

*Appointment:* Tom S. Dinsdale - Neb. State Fair Board

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

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

LB270 (Morfeld) Adopt the Pharmacy Benefit Manager Regulation Act and require an audit under the Medical Assistance Act  
LB375 (Kolterman) Adopt the Pharmacy Benefit Manager Regulation and Transparency Act

### **Education**

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

LB62 (Kolterman) Create the Access College Early Scholarship Cash Fund and change provisions relating to the Nebraska Education Improvement Fund, Nebraska Opportunity Grant Fund, and Community College Gap Assistance Program Fund  
LB36 (Erdman) Require display of the national motto in schools  
LB87 (Morfeld) Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds

### **Nebraska Retirement Systems**

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

LB478 (Blood) Adopt the Cities of the First Class Firefighters Cash Balance Retirement Act

### **Urban Affairs**

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

LB423 (Lathrop) Require registration of home inspectors  
LB549 (Wayne) Adopt the Aid to Municipalities Act  
LB219 (Wayne) Change legislative declarations and findings relating to traffic congestion in municipal areas

## **Wednesday, March 3**

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

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

LB442 (M. Hansen) Create the Commission on Asian American Affairs

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

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

LB349 (McKinney) Create El-Hajj Malik El-Shabazz, Malcolm X Day and establish a holiday  
LB29 (Wayne) Replace Arbor Day with Juneteenth as a state holiday  
LB577 (Bostar) Establish Election Day as a holiday and change provisions relating to early voting and automatic voter registration

### **Health & Human Services**

#### **Room 1510 - 10:30 a.m.**

*Appointment:* Dennis Roop - Stem Cell Research Advisory Committee

# COMMITTEE HEARINGS

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

Further committee information is available at: [NebraskaLegislature.gov/committees/standing-committees.php](http://NebraskaLegislature.gov/committees/standing-committees.php)

## Health & Human Services

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

*Appointment:* David Owens - Stem Cell Research Advisory Committee

## Judiciary

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

LB13 (Blood) Prohibit possession of a deadly weapon by the subject of a foreign protection order  
LB85 (Bostelman) Require Nebraska State Patrol to provide notice of expiration of concealed handgun permits  
LB244 (Clements) Change permit renewal provisions of the Concealed Handgun Permit Act

## Judiciary

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

LB116 (McCollister) Change provisions relating to handgun transfer certificates and require suicide prevention training and informational materials  
LB173 (B. Hansen) Change provisions relating to carrying a concealed weapon  
LB300 (Slama) Change provisions relating to justification for the use of force  
LB404 (Lowe) Change permit and renewal time periods under the Concealed Handgun Permit Act  
LB417 (Halloran) Authorize possession of a firearm on school grounds by a full-time, off-duty law enforcement officer

## Natural Resources

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

LR48 (Bostelman) Recognize the need for the Legislature to understand the circumstances and practices surrounding the interruptions in electricity to residents in the state  
*(Note: Invited Testimony Only)*

## Nebraska Retirement Systems

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

LB184 (Brewer) Provide for an insurance premium deduction from the retirement annuity of certain Nebraska State Patrol employees  
LB209 (McDonnell) Change provisions relating to treatment of deferred compensation by certain political subdivisions, state agencies, and the Public Employees Retirement Board

## Revenue

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

LB180 (Linehan) Change provisions relating to certain public statements of the Tax Commissioner and certain estimates of General Fund net receipts  
LB431 (Revenue) Change taxation provisions relating to improvements on leased lands, the assessment of undervalued and overvalued property, methods for giving notice, and the collection of certain taxes and fees  
LB542 (Walz) Authorize the issuance of highway bonds under the Nebraska Highway Bond Act

## Revenue

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

LB434 (Revenue) Change provisions relating to tax expenditure reports and certain joint hearings of legislative committees  
LB459 (M. Cavanaugh) Change provisions relating to the cigarette tax and the Tobacco Products Tax Act and distribute tax proceeds as prescribed  
LB655 (Wayne) Change tax provisions relating to cigars, cheroots, and stogies

## Thursday, March 4

### Government, Military & Veterans Affairs

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

LB8 (Blood) Change independent expenditure reporting requirements and require electioneering reporting

### Government, Military & Veterans Affairs

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

LB489 (Wayne) Require a financial stability and service capability analysis for certain state contracts  
LB61 (Kolterman) Provide formal protest procedures for certain state contracts for services

## Judiciary

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

LB49 (M. Hansen) Change penalty for use of tobacco or nicotine products by a person under twenty-one years of age  
LB58 (Pahls) Change requirements for service by publication for delinquent liens arising from city or village special assessments

LB95 (DeBoer) Change provisions relating to garnishment  
LB331 (Wayne) Prohibit contractual criminal enforcement of certain offenses related to animals  
LB540 (Walz) Change terminology related to disability in civil rights provisions

## Judiciary

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

LB157 (Wayne) Change provisions relating to grand juries in cases of death during apprehension or custody  
LB204 (Slama) Change provisions of the Sex Offender Registration Act  
LB496 (Hilkemann) Require collection of DNA samples for persons arrested for crimes of violence  
LB636 (J. Cavanaugh) Eliminate cash bail bonds, appearance bonds, and related provisions  
LB458 (McCollister) Change provisions of the Sex Offender Registration Act

## Revenue

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

LB564 (McDonnell) Redefine a term relating to the Nebraska educational savings plan trust  
LB681 (Linehan) Include elementary and secondary schools in the Nebraska educational savings plan trust and change tax benefits  
LB599 (Lindstrom) Change an exemption from the documentary stamp tax

## Revenue

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

LB329 (Wayne) Change provisions relating to taxes imposed on the average wholesale price of gasoline  
LB430 (Revenue) Change tax provisions relating to net book value  
LB432 (Revenue) Change income tax rates  
LB433 (Revenue) Change the sales and use tax rate  
LB676 (Linehan) Redefine a term relating to cigarette taxes  
LB679 (Linehan) Require the Tax Commissioner to collect lodging taxes as prescribed

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## Tuesday, March 9

Health & Human Services

Room 1510 - 12:30 p.m.

YRTC Five-Year Plan Briefing

## Wednesday, March 10

Judiciary

Room 1113 - 1:30 p.m.

LB474 (Wishart) Adopt the Medicinal Cannabis Act

LB31 (Wayne) Authorize punitive damages as prescribed and provide for distribution

LB397 (Bostelman) Prohibit certain causes of action by motorists without liability insurance or convicted of DUI

offenses, require the Department of Motor Vehicles to establish and maintain an online verification system for accessing certain private passenger motor vehicle insurance information, and authorize a disclosure of certain motor vehicle records

LB634 (J. Cavanaugh) Provide a cause of action for unsafe disposal of treated seed

## Thursday, March 11

Judiciary

Room 1113 - 1:30 p.m.

LB199 (Vargas) Adopt the Face Surveillance Privacy Act

LB227 (Morfeld) Adopt the Doxing Prevention Act and change and provide penalties and a civil action for false reporting

LB370 (Sanders) Adopt the Personal Privacy Protection Act

## Friday, March 12

Judiciary

Room 1113 - 9:30 a.m.

LB276 (Hunt) Eliminate a requirement that the physician be physically present in the same room when an abortion is performed ■

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Tuesday, January 12, 2021 Latest: Day four bill introduction

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**Day five bill introduction**

Sen. John McCollister, LB266 LB273 LB281 LB283 LB292 LB293 LB295 LB296 LB307

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# SENATOR CONTACT INFO

Sen. Raymond Aguilar Grand Island, District 35 Room 1118 (402) 471-2617 raguilar@leg.ne.gov news.legislature.ne.gov/dist35	Sen. Machaela Cavanaugh Omaha, District 6 11th Floor (402) 471-2714 mcavanaugh@leg.ne.gov news.legislature.ne.gov/dist06	Sen. Mike Groene North Platte, District 42 Room 1302 (402) 471-2729 mgroene@leg.ne.gov news.legislature.ne.gov/dist42	Sen. Brett Lindstrom Omaha, District 18 Room 2015 (402) 471-2618 blindstrom@leg.ne.gov news.legislature.ne.gov/dist18	Sen. Patty Pansing Brooks Lincoln, District 28 Room 1016 (402) 471-2633 ppansingbrooks@leg.ne.gov news.legislature.ne.gov/dist28
Sen. Joni Albrecht Thurston, District 17 Room 1404 (402) 471-2716 jalbrecht@leg.ne.gov news.legislature.ne.gov/dist17	Sen. Robert Clements Elmwood, District 2 Room 1120 (402) 471-2613 rclements@leg.ne.gov news.legislature.ne.gov/dist02	Sen. Steve Halloran Hastings, District 33 Room 1022 (402) 471-2712 shalloran@leg.ne.gov news.legislature.ne.gov/dist33	Sen. Lou Ann Linehan Elkhorn, District 39 Room 1116 (402) 471-2885 llinehan@leg.ne.gov news.legislature.ne.gov/dist39	Sen. Rita Sanders Bellevue, District 45 Room 1406 (402) 471-2615 rsanders@leg.ne.gov news.legislature.ne.gov/dist45
Sen. John Arch La Vista, District 14 Room 1402 (402) 471-2730 jarch@leg.ne.gov news.legislature.ne.gov/dist14	Sen. Jen Day Omaha, District 49 Room 1018 (402) 471-2725 jday@leg.ne.gov news.legislature.ne.gov/dist49	Sen. Ben Hansen Blair, District 16 Room 2010 (402) 471-2728 bhansen@leg.ne.gov news.legislature.ne.gov/dist16	Sen. John Lowe Kearney, District 37 Room 2011 (402) 471-2726 jlowe@leg.ne.gov news.legislature.ne.gov/dist37	Sen. Julie Slama Peru, District 1 11th Floor (402) 471-2733 jslama@leg.ne.gov news.legislature.ne.gov/dist01
Sen. Carol Blood Bellevue, District 3 Room 1021 (402) 471-2627 cblood@leg.ne.gov news.legislature.ne.gov/dist03	Sen. Wendy DeBoer Bennington, District 10 Room 1114 (402) 471-2718 wdeboer@leg.ne.gov news.legislature.ne.gov/dist10	Sen. Matt Hansen Lincoln, District 26 Room 1015 (402) 471-2610 mhansen@leg.ne.gov news.legislature.ne.gov/dist26	Sen. John McCollister Omaha, District 20 Room 1017 (402) 471-2622 jmccollister@leg.ne.gov news.legislature.ne.gov/dist20	Sen. John Stinner Gering, District 48 Room 1004 (402) 471-2802 jstinner@leg.ne.gov news.legislature.ne.gov/dist48
Sen. Eliot Bostar Lincoln, District 29 Room 1012 (402) 471-2734 ebostar@leg.ne.gov news.legislature.ne.gov/dist29	Sen. Myron Dorn Adams, District 30 11th Floor (402) 471-2620 mdorn@leg.ne.gov news.legislature.ne.gov/dist30	Sen. Mike Hilgers Lincoln, District 21 Room 2103 (402) 471-2673 mhilgers@leg.ne.gov news.legislature.ne.gov/dist21	Sen. Mike McDonnell Omaha, District 5 Room 2107 (402) 471-2710 mmcdonnell@leg.ne.gov news.legislature.ne.gov/dist05	Sen. Tony Vargas Omaha, District 7 Room 1000 (402) 471-2721 tvargas@leg.ne.gov news.legislature.ne.gov/dist07
Sen. Bruce Bostelman Brainard, District 23 Room 1117 (402) 471-2719 bbostelman@leg.ne.gov news.legislature.ne.gov/dist23	Sen. Steve Erdman Bayard, District 47 Room 1124 (402) 471-2616 serdman@leg.ne.gov news.legislature.ne.gov/dist47	Sen. Robert Hilkemann Omaha, District 4 Room 2028 (402) 471-2621 rhilkemann@leg.ne.gov news.legislature.ne.gov/dist04	Sen. Terrell McKinney Omaha, District 11 11th Floor (402) 471-2612 tmckinney@leg.ne.gov news.legislature.ne.gov/dist11	Sen. Lynne Walz Fremont, District 15 Room 1107 (402) 471-2625 lwalz@leg.ne.gov news.legislature.ne.gov/dist15
Sen. Tom Brandt Plymouth, District 32 Room 1528 (402) 471-2711 tbrandt@leg.ne.gov news.legislature.ne.gov/dist32	Sen. Michael Flood Norfolk, District 19 11th Floor (402) 471-2929 mflood@leg.ne.gov news.legislature.ne.gov/dist19	Sen. Dan Hughes Venango, District 44 Room 2108 (402) 471-2805 dhughes@leg.ne.gov news.legislature.ne.gov/dist44	Sen. Adam Morfeld Lincoln, District 46 Room 1008 (402) 471-2720 amorfeld@leg.ne.gov news.legislature.ne.gov/dist46	Sen. Justin Wayne Omaha, District 13 Room 1115 (402) 471-2727 jwayne@leg.ne.gov news.legislature.ne.gov/dist13
Sen. Tom Brewer Gordon, District 43 Room 1101 (402) 471-2628 tbrewer@leg.ne.gov news.legislature.ne.gov/dist43	Sen. Curt Friesen Henderson, District 34 Room 1110 (402) 471-2630 cfriesen@leg.ne.gov news.legislature.ne.gov/dist34	Sen. Megan Hunt Omaha, District 8 Room 1523 (402) 471-2722 mhunt@leg.ne.gov news.legislature.ne.gov/dist08	Sen. Mike Moser Columbus, District 22 Room 1529 (402) 471-2715 mmoser@leg.ne.gov news.legislature.ne.gov/dist22	Sen. Matt Williams Gothenburg, District 36 Room 1401 (402) 471-2642 mwilliams@leg.ne.gov news.legislature.ne.gov/dist36
Sen. Tom Briese Albion, District 41 Room 1019 (402) 471-2631 tbriese@leg.ne.gov news.legislature.ne.gov/dist41	Sen. Suzanne Geist Lincoln, District 25 Room 2000 (402) 471-2731 sgeist@leg.ne.gov news.legislature.ne.gov/dist25	Sen. Mark Kolterman Seward, District 24 Room 2004 (402) 471-2756 mkolterman@leg.ne.gov news.legislature.ne.gov/dist24	Sen. Dave Murman Glenvil, District 38 Room 1522 (402) 471-2732 dmurman@leg.ne.gov news.legislature.ne.gov/dist38	Sen. Anna Wishart Lincoln, District 27 Room 1308 (402) 471-2632 awishart@leg.ne.gov news.legislature.ne.gov/dist27
Sen. John Cavanaugh Omaha, District 9 Room 1306 (402) 471-2723 jcavanaugh@leg.ne.gov news.legislature.ne.gov/dist09	Sen. Tim Gragert Creighton, District 40 11th Floor (402) 471-2801 tgragert@leg.ne.gov news.legislature.ne.gov/dist40	Sen. Steve Lathrop Omaha, District 12 Room 1103 (402) 471-2623 slathrop@leg.ne.gov news.legislature.ne.gov/dist12	Sen. Rich Pahls Omaha, District 31 Room 1403 (402) 471-2327 rpahls@leg.ne.gov news.legislature.ne.gov/dist31	

# 2021 Legislative Session\*

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>January</b>						
					1	2
3	4	5	6 DAY 1	7 DAY 2	8 DAY 3	9
10	11 DAY 4	12 DAY 5	13 DAY 6	14 DAY 7	15 DAY 8	16
17	18 HOLIDAY	19 DAY 9	20 DAY 10	21 DAY 11	22 DAY 12	23
24	25	26	27	28	29	30
31	DAY 13	DAY 14	DAY 15	DAY 16	DAY 17	

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>March</b>						
	1 DAY 35	2 DAY 36	3 DAY 37	4 DAY 38	5 RECESS	6
7	8 RECESS	9 DAY 39	10 DAY 40	11 DAY 41	12 DAY 42	13
14	15 DAY 43	16 DAY 44	17 DAY 45	18 DAY 46	19 RECESS	20
21	22 DAY 47	23 DAY 48	24 DAY 49	25 DAY 50	26 RECESS	27
28	29 DAY 51	30 DAY 52	31 DAY 53			

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>May</b>						
						1
2	3 RECESS	4 DAY 71	5 DAY 72	6 DAY 73	7 DAY 74	8
9	10 DAY 75	11 DAY 76	12 DAY 77	13 DAY 78	14 RECESS	15
16	17 RECESS	18 DAY 79	19 DAY 80	20 DAY 81	21 DAY 82	22
23	24 DAY 83	25 DAY 84	26 DAY 85	27 DAY 86	28 RECESS	29
30	31 HOLIDAY					

## Federal & State Holidays

January 18 – Martin Luther King Jr. Day  
 February 15 – Presidents' Day  
 April 30 – Arbor Day  
 May 31 – Memorial Day

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>February</b>						
	1 DAY 18	2 DAY 19	3 DAY 20	4 DAY 21	5 DAY 22	6
7	8 DAY 23	9 DAY 24	10 DAY 25	11 DAY 26	12 RECESS	13
14	15 HOLIDAY	16 DAY 27	17 DAY 28	18 DAY 29	19 DAY 30	20
21	22 RECESS	23 DAY 31	24 DAY 32	25 DAY 33	26 DAY 34	27
28						

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>April</b>						
				1 DAY 54	2 RECESS	3
4	5 RECESS	6 DAY 55	7 DAY 56	8 DAY 57	9 DAY 58	10
11	12 DAY 59	13 DAY 60	14 DAY 61	15 DAY 62	16 RECESS	17
18	19 RECESS	20 DAY 63	21 DAY 64	22 DAY 65	23 DAY 66	24
25	26 DAY 67	27 DAY 68	28 DAY 69	29 DAY 70	30 HOLIDAY	

Sun	Mon	Tue	Wed	Thur	Fri	Sat
<b>June</b>						
		1 DAY 87	2 DAY 88	3 DAY 89	4 RECESS	5
6	7 RECESS	8 RECESS	9 RECESS	10 DAY 90	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

## Legislative Recess Days

February 12, 22  
 March 5, 8, 19, 26  
 April 2, 5, 16, 19  
 May 3, 14, 17, 28  
 June 4, 7, 8, 9

\*The Speaker reserves the right to revise the session calendar.

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