

Bill would continue child care reimbursement changes

A bill that would make permanent a temporary change in the way Nebraska child care providers are reimbursed through a federal program was considered Feb. 10 by the Health and Human Services Committee.

Under LB68, introduced by Omaha Sen. Jen Day, providers in the federal Child Care Subsidy program would be reimbursed based on enrollment.



Sen. Jen Day

The program reimbursed providers based on attendance until Gov. Pete Ricketts issued an executive order last April to reimburse based on enrollment instead due to the pandemic, Day said. The bill would make that change — which otherwise will end 30 days after the governor lifts the current COVID-19 state of emergency — permanent.

Day said the state is on the verge of a child care crisis with people leaving the workforce because of the high cost of child care. Continuing the reimbursement based on enrollment would allow child care providers to reduce their costs, she said.

“This policy has been successful,” Day said. “This policy is strengthening our child care system by stabilizing payments to providers and providing access to care for working parents.”

Adam Feser of child advocacy

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Grant funding proposed for broadband expansion



Sen. Curt Friesen said LB388 would help close the state’s “digital divide.”

Members of the Transportation and Telecommunications Committee heard testimony Feb. 8 on a bill meant to encourage increased broadband availability throughout the state.

Under LB388, introduced by Henderson Sen. Curt Friesen at the request of the governor, the Public Service Commission would administer grants to providers, cooperatives and political subdivisions to fund qualifying broadband development projects.

Friesen said broadband expansion is one of the most important issues facing the state, especially in rural areas.

“Households rely on internet for education, telehealth and, in many cases, employment,” he said. “Bridging the digital divide between urban and rural is the key to helping all Nebraskans stay connected, productive and prosperous.”

The bill would appropriate \$20 million annually beginning in fiscal year 2021-22 to the commission to fund the grants. Priority would be given to grants to unserved areas that previously have not been targeted for such a project, unserved areas that are receiving federal support for construction that would not be completed within 24 months and underserved areas that have developed a broadband and digital inclusion plan.

Eligibility would be restricted to projects providing broadband internet service scalable to 100 Mbps for downloading and 100 Mbps for uploading, or greater. Each project would have a completion deadline of 18 months from the date the grant is awarded and be eligible for one extension of six months, to be approved by the PSC.

Gov. Pete Ricketts testified in sup-

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Bill would continue child care reimbursement changes

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group First Five Nebraska testified in support of LB68. He said the bill would create steady revenue for child care providers and encourage them to accept the children of families who receive the federal subsidy.

“Private-pay families must commit to paying their weekly tuition regardless of attendance. The current model of only reimbursing subsidy providers for attendance makes it risky for providers to enroll children who use it,” Feser said. “Their enrollment occupies a full slot of capacity while often not returning a full slot of tuition.”

Quentin Brown of early childhood education group Educare Lincoln also spoke in support. Brown said organizations like his don’t stop working just because a child isn’t in attendance.

“Whether it’s reaching out to try to understand why a child is absent for a day or a few days, sending home a care package or learning activity, or any number of other contacts that we routinely make, our team is still working on behalf of that child, or children, even when they are not physically present,” Brown said.

Stephanie Beasley, director of the Division of Children and Family Services at the state Department of Health and Human Services, testified in opposition to the bill.

She said that although the governor’s executive order has helped keep child care providers in business during

the pandemic, DHHS does not want its provisions to be extended. The bill would cost Nebraska an estimated \$26 million next fiscal year, Beasley said, and the fiscal impact to the state would be too great.

The committee took no immediate action on LB68. ■

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Clerk of the Legislature: Patrick J. O’Donnell

Editor: Kate Heltzel; Writers: Kyle Harpster, Ami Johnson, Mike Malloy; Photographer: Bess Ghormley

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THE NEBRASKA LEGISLATURE’S OFFICIAL NEWS SOURCE SINCE 1977

Grant funding proposed for broadband expansion

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port of LB388. Nebraska is a leader in roads infrastructure, he said, and must become a leader in broadband infrastructure for the state to continue growing. Ricketts acknowledged that the bill includes ambitious goals for internet speed, but said those speeds are necessary to compete in 2021.

“If we’re going to invest public taxpayer dollars in creating infrastructure, we ought to invest in quality infrastructure,” he said. “Infrastructure that is not going to get us to where we ought to have been before, but to where we need to be to allow students, businesses and health care providers to be able to operate in the 21st century.”

Grant applications must be submitted on or before Oct. 1, 2021, for FY 2021-2022, and on or before July 1 for subsequent fiscal years. Political subdivisions would be required to form a public-private partnership with a service provider to qualify for funding under LB388 and include matching funds equal to 50 percent of the total development costs.

Dan Watermeier, PSC chairman, spoke in support of the bill. The PSC can target funding effectively to align with the bill’s objectives, he said, and further leverage support because of the commission’s familiarity with other funding sources.

“This bill appropriately balances the funding priorities, has practical timelines and has reasonable opportunities for due process for the stakeholders,” Watermeier said.

If a grant recipient fails to complete a project within 18 months, 10 percent of the grant would be repaid for each month that the project is not complete, up to 100 percent of the grant. If the project is not complete despite a six-month extension, 20 percent of the

grant would be repaid for each month that the project is not complete, up to 100 percent of the original funding.

LB388 would require all grant recipients to conduct randomized speed tests and submit the results to the PSC. If speeds fail to meet the bill’s requirements, the provider would be required to repay the grant.

Finally, the bill would require the PSC to publish all grant applicants on its website within three days of the application deadline. Any service provider could, within 30 days, challenge an applicant’s eligibility for funding if the applicant already provides broadband or has begun construction in or near the proposed area.

Mark McHargue, Nebraska Farm Bureau President, supported the bill. Rural broadband is an issue of equity and necessity, he said, adding that rural areas of the state should have the same access to broadband as urban areas.

“This would help our state take a

significant step forward in bringing broadband to unserved and underserved areas,” McHargue said. “It will increase equity in broadband access and bring economic development to counties across the state.”

Representing AARP Nebraska, Jina Ragland also spoke in support of LB388. The broadband platform is essential to ensuring access to telehealth, civic engagement, entertainment and online learning, she said, as well as other internet-based applications that address isolation and other health challenges.

“Availability, affordability and reliability of broadband access services are essential to the health and quality of life of Nebraska’s older citizens,” Ragland said. “It helps older Nebraskans to age in place productively and safely with a higher quality of life than would otherwise exist.”

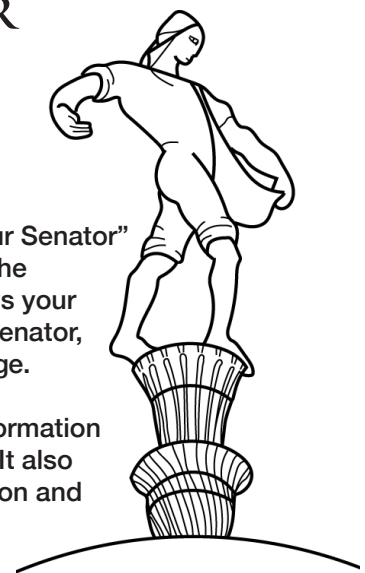
No one testified in opposition to the bill and the committee took no immediate action on it. ■

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MEET THE SENATOR

Learning is lifelong passion for Pahls

When Omaha Sen. Rich Pahls left the Legislature in 2013, he gave away many of his things – information packets, personal effects.

“I thought I was finished,” Pahls said of being term limited eight years ago.

His new office is a little bare, but ready to be filled as Pahls begins his third term at the Capitol.

In January, he stepped down from a seat on the Omaha City Council where he focused on “the gut-level work: potholes, street repair, trash.”

Debate on the council was limited, and Pahls said he wanted to get back to Lincoln where he and 48 colleagues could discuss issues at length.

Pahls grew up in Downs, Kansas – a small town about two hours south of Grand Island. He idolized teachers, planting a seed that eventually germinated in a long career in education. Pahls earned a master’s degree at Fort Hayes State, then took a teaching job in Atkinson, Nebraska in 1968.

He later earned a PhD in education from the University of Nebraska Omaha and spent 32 years as a teacher and administrator in the Millard School District.

Pahls’ early work life wasn’t confined to education. In fourth grade he took a job as a shoe shiner at a barber shop in Downs. On Saturday nights, people would sit in rocking chairs, get their hair cut and talk politics.

“I didn’t understand it all, but I learned a lot,” Pahls said.

Harm Voss, Downs’ representative in the Kansas Legislature, was one of his clients.

“I was always impressed with him because he was a spiffy dresser and he always tipped me,” Pahls said. “He treated me with respect even though I was a kid from the other side of the tracks.”

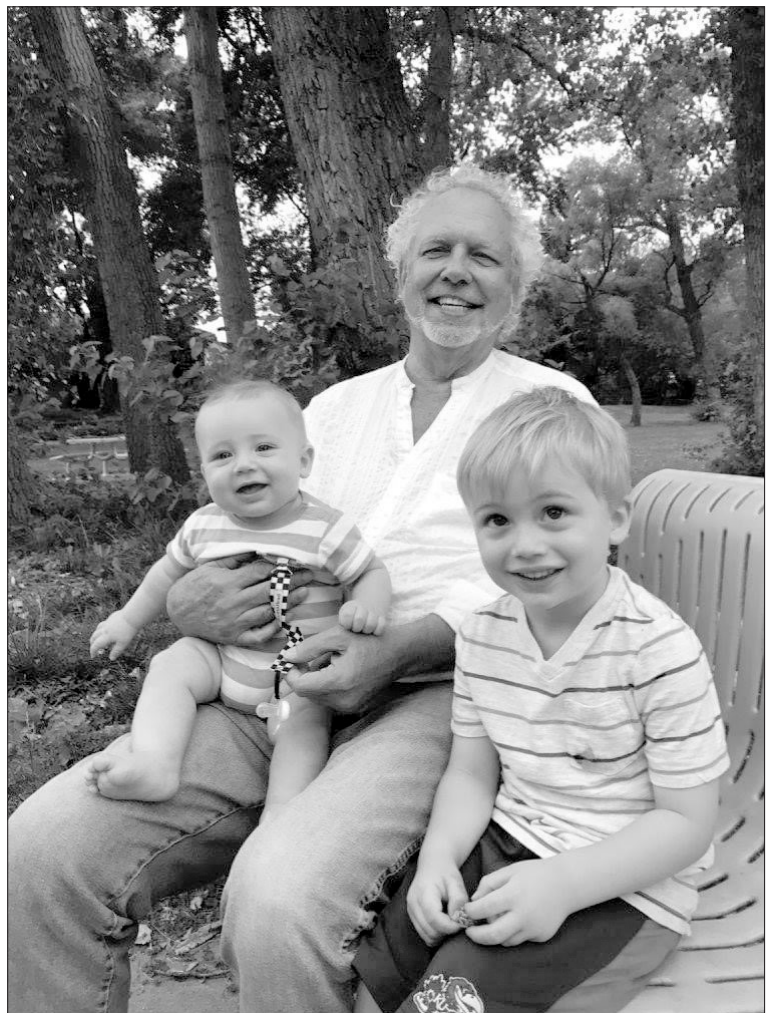
It was Voss who first told a young Pahls that he could become a state senator. While that prediction eventually came true, Pahls’ next job was at the town’s grocery store, where he worked for eight years.

“When I was in fifth grade, I had to file income

tax,” Pahls said. “I made so much money ... at 50 cents an hour.”

As he begins settling into his new space, it is unlikely to look like the office he had while a school principal. He often had a collection of exotic animals – macaws, a pot-bellied pig, tarantulas, snakes, iguanas – that students could see up close.

“I had an African Pixie Frog the size of a dinner plate,” Pahls said. “I got animals that I thought would be very intriguing to kids.” ■



Sen. Rich Pahls delights in spending time with grandsons Parker (left) and Garrett.

AGRICULTURE



Brand Act changes considered

The Agriculture Committee heard testimony Feb. 9 on a bill that would make several changes to the Nebraska Livestock Brand Act.

Hastings Sen. Steve Halloran, sponsor of LB572, said it would allow the Nebraska Brand Committee to inspect livestock using an approved nonvisual identifier such as an electronic tag, nose print, retinal scan or DNA match.



Sen. Steve Halloran

He said the bill also would reduce the annual registration fee for registered feedlots — which are allowed to ship cattle without inspection as long as they meet recordkeeping and auditing requirements — and impose an annual audit fee that would reflect more closely the audit program's cost.

LB572 also temporarily would reduce the physical inspection fee — which currently may be no more than \$1.10 per head — to 95 cents per head until June 30, 2023. Beginning July 1, 2023, it could be no more than \$1.50 per head.

Additionally, Halloran said, the bill would address the increasingly common practice of registered feedlots placing their cattle in a backgrounder lot before moving them to a registered feedlot for finishing. This requires two inspections under current law, he said.

LB572 would allow a registered feedlot within the brand area to move cattle from a backgrounder lot to a registered feedlot without inspection if 100 percent of the cattle in the backgrounder lot are owned by

the registered feedlot, among other requirements.

The bill also would make violations of several Brand Act provisions infractions enforceable by citation, Halloran said.

Finally, the bill would require the committee to provide a certified bill of sale and a certified transportation permit to qualified dairies that sell or move calves under 30 days of age out of the inspection area for beef production purposes.

Melody Benjamin testified in support of the bill on behalf of the Nebraska Cattlemen and the Nebraska Farm Bureau. Not all segments of the cattle industry agree with the changes proposed in LB572, she said, but it would help modernize brand inspection laws to better reflect current business practices.

Steve Wolfe testified in support of the bill on behalf of the Nebraska State Dairy Association. He said the proposed transportation permit would reduce inspection fees for dairy farmers, most of whom do not raise their calves but instead ship them out of the inspection area to another ranch.

Wolfe said the association also favors electronic inspection because it would reduce the time and expense required for inspections.

John Schroeder, general manager of a registered feedlot near Cozad, also testified in support. He said he favors reducing fees for registered feedlots but that LB572 does not go far enough.

Schroeder also supported the proposed backgrounder lot exemption, although he said it might not be feasible to meet the requirement that 100 percent of the cattle there be owned by one feedlot.

Testifying in opposition was Lee Borck, a cattle feeder with feedlots in Kansas and Nebraska. He said the

bill would not make Nebraska cattle producers competitive with those in other states, such as Kansas, that have voluntary brand inspection programs.

Borck said he receives no benefit from Nebraska brand inspections, which cost him roughly \$50,000 per year.

David Wright also testified in opposition to the bill, saying it would favor one segment of the cattle industry. Under LB572, he said, registered feedlots could pay as little as 25 cents per head for inspections, compared to 95 cents for all others.

“How do you expect to maintain a system to prove ownership if you're going to start allowing these carve-outs?” Wright said.

Adam Sawyer, chairperson of the Nebraska Brand Committee, gave neutral testimony on LB572. He said the committee favors allowing brand inspectors to write citations because the decision to file charges for a brand inspection violation currently is left to county attorneys.

Sawyer said the committee also supports a provision in LB572 that would allow it to charge producers for mileage. This would help the committee recoup costs when inspectors must drive long distances to inspect only a few head of cattle, he said.

The committee took no immediate action on the bill.

APPROPRIATIONS



Bill would provide temporary NDOT funding

The Appropriations Committee heard testimony Feb. 8 on a bill that would provide temporary funding to the Nebraska Department of Trans-

portation.

LB579, sponsored by Columbus Sen. Mike Moser, would appropriate \$70 million in general funds to NDOT to repair damage to highways, roads and bridges from the 2019 floods.



Sen. Mike Moser

The bill would require NDOT to apply for federal emergency funds and to reimburse the state \$70 million upon receipt of those funds. The department also would be required to provide information about the Heartland Expressway, detailing the number of miles yet to be completed and expected milestone dates for other expressway projects, in its annual report to the Legislature.

Moser said he would offer an amendment that also would “require funding for project completion” of the expressway system. Increased ease and safety of travel between smaller communities and Lincoln and Omaha would benefit residents and industry, he said.

“There have been numerous delays in the expressway system,” Moser said. “It was originally scheduled to be completed in 2003 – this is now 2021. It’s 18 years since the [original] completion date that was set in 1988.”

Dennis Hirschbrunner, a retired engineer, testified in support of the bill. He said NDOT has indicated that continued expressway delays are due in part to the department’s need to dedicate funding to flood repair. The state owes it to residents to uphold the commitment made to finish the expressway project, he said, which LB579 would facilitate.

“It all comes down to priority and funding,” Hirschbrunner said.

Shandy Hand, president of BMC Transportation in Columbus, also testified in favor of the bill. He said

Columbus is a major manufacturing city in the state, but that the current highway system makes transportation of goods difficult due to safety concerns.

“Highway 30 is our [lifeline] to the east,” Hand said. “Our drivers have to be very selective on when they travel Highway 30, which causes us delays.”

Moe Jamshidi, acting NDOT director, testified in opposition. He said that the department is effectively managing its assets and cashflow to deliver projects on schedule and called the bill’s reporting requirements redundant.

He said the department’s revenues have stabilized and that reimbursement from the federal government is expected soon for eligible projects.

Delays on the expressway system owe more to the recession of 2008 and federal environmental and engineering requirements than to delays in federal reimbursements, Jamshidi said, noting that currently the cost of 1 mile of expressway is more than \$5 million.

The committee took no immediate action on LB579.

BUSINESS & LABOR

Unemployment benefit increase proposed for parents

The Business and Labor Committee heard testimony Feb. 8 on a bill to provide additional unemployment benefits for Nebraskans with dependent children.

LB171, sponsored by Lincoln Sen. Matt Hansen, would increase an individual’s weekly



Sen. Matt Hansen

unemployment benefit by 5 percent per dependent child, up to 15 percent if he or she has three or more dependents.

Hansen said that the coronavirus pandemic has made clear that unemployment insurance is a lifeline for struggling families across the state.

“Nebraskans want to work, so when they are in the unfortunate position of applying for unemployment benefits, let’s do a better job of matching what families need with what we can provide them for the short time they do receive those benefits,” he said.

The increased benefit proposed in LB171 would not count toward an individual’s maximum annual benefit amount.

Alex Serrurier, representing OpenSky Policy Institute, testified in support of the bill. A strong unemployment insurance program is critical to support Nebraska workers, he said, and ensure that individuals searching for employment aren’t forced to leave the state to find jobs elsewhere.

“LB171 would modernize our unemployment system by recognizing that those with dependents require resources to support more than just themselves,” Serrurier said.

Opposing the bill was Commissioner of Labor John Albin. Nebraska’s unemployment trust fund remained relatively stable during the pandemic, he said, because the governor authorized the use of federal funds to pay unemployment benefits related to the pandemic.

“Because the dependent allowance is not due to the COVID-19 pandemic, these additional benefits would not be eligible for CARES Act dollars,” Albin said. “Furthermore, there is no guarantee that federal legislative changes would include additional CARES Act dollars.”

The committee took no immediate action on the bill.

Emergency grants proposed for small businesses

Members of the Business and Labor Committee heard testimony Feb. 8 on a bill that would offer financial assistance to struggling small businesses during certain qualifying events.

LB598, sponsored by Lincoln Sen. Anna Wishart, would appropriate \$20 million in fiscal year 2021-22 for grants to be distributed by the state Department of Economic Development to eligible businesses in the event of a natural disaster, pandemic or other emergency declared by the governor.



Sen. Anna Wishart

There are small Nebraska businesses that will not survive unless they receive some level of cash relief during a devastating emergency in their community, Wishart said.

“This way, when we as a state encounter flooding, wildfires or a future pandemic and our legislature is out of session, we have a mechanism already in place at the state level to provide immediate relief,” she said.

To qualify for a grant under the bill, a business must be physically located in Nebraska and have annual revenue of less than \$1 million. An eligible business also must demonstrate a significant loss of gross revenue — at least 50 percent from the amount of gross revenue received over the same period in the prior year.

Grants would be awarded on a first-come, first-served basis while funds remain. Individual business awards would be no more than \$12,000.

Kristen Hasebrook, supported the bill on behalf of the Nebraska Chamber of Commerce. She said service-sector small businesses in particular

have been hurt by the pandemic.

“Vaccines are on the way, yet some businesses have not reopened, communities and families continue to struggle and, as much as possible, we must continue to respond to their calls for help,” Hasebrook said. “This is perfectly tailored to help small businesses with a cap on gross revenue and will help those that are most in need.”

Also supporting the bill was Katherine White, representing the Lincoln Independent Business Association. Many small businesses have struggled during the pandemic, she said, due to restrictions placed on them that were outside of their control.

“While LB598 would cost the state \$20 million, this grant program could be the difference between fighting to keep the doors open another month or having to shut down for good,” White said. “Supporting our small and local businesses is essential as we look to restimulate our local economy, while also making sure we can continue to provide jobs and ensure our unemployment rate stays the lowest in the nation.”

No one testified in opposition to LB598 and the committee took no immediate action on it.

Changes to education labor union membership considered

A bill that would allow public school employees to join or leave a labor union at any time was heard by the Business and Labor Committee Feb. 8.

LB684, sponsored by Elmwood Sen. Robert Clements, would prohibit any public school or labor organization representing public school employees



Sen. Robert Clements

from placing restrictions on when a person may join or terminate membership in a labor organization.

If the dates to opt out of union membership are missed, Clements said, a teacher may have to wait over a year to officially terminate membership with the union while still being required to pay dues.

“I believe in the right to associate freely with organizations with which you find value and common interests,” he said. “In the same way, when you cease to find value in your organization, you should be able to leave without difficulty.”

Speaking in support of LB684 was Charles Zurcher, representing the Association of American Educators. He said teachers should be allowed to join and leave a labor union whenever they want.

“While some teachers may see the value for their money, those who don’t shouldn’t have money taken from their hard-earned paychecks,” Zurcher said. “This straightforward solution gives teachers the autonomy and respect they deserve with respect to association membership.”

Doug Kagan, representing Nebraska Taxpayers for Freedom, also supported the bill. With inconvenient deadlines at busy times, short opt-out windows and special forms required, he said teachers find it difficult to resign their membership.

“The arrangement allows unions to continue to collect mandatory dues until the window opens again in the next cycle,” Kagan said. “LB684 would allow teachers in future contracts the freedom of choice to leave union membership at any time during the year and would prohibit the union from placing restrictions both on how and when a public school employee could terminate membership.”

Jason Hayes, offering written tes-

timony on behalf of the Nebraska State Education Association, opposed the bill.

Annual membership in the NSEA is voluntary and can be terminated at any time, he said, however, as with all annual contracts, an individual is obligated to fulfill the payment terms for the length of the contract.

“While some have argued that unions cannot enforce voluntarily undertaken membership agreements, the courts have rejected those arguments, holding that an individual’s voluntary agreement to pay annual dues is a private contractual agreement with the union that can be enforced even if the individual opts to resign their membership,” Hayes said.

Also opposing LB684 was Susan Martin, president of the Nebraska State AFL-CIO. She said union members understand the terms of their membership when they join voluntarily.

“Our state legislature is always looking at less government involvement and ... I feel this bill is unnecessary overreach,” Martin said. “Just like any other agreement signed by individuals when joining an organization, they are aware of the terms of the membership. These decisions should be between the organization and the employee.”

The committee took no immediate action on the bill.



Student Discipline Act updates considered

The Education Committee heard testimony Feb. 9 on a bill that would change several provisions in the Student Discipline Act related to suspension, expulsion and mandatory

reassignment.

Omaha Sen. Tony Vargas, sponsor of LB198, said the proposal is identical to LB515, a bill he introduced last year that was passed by the Legislature and vetoed by Gov. Pete Ricketts. Vargas said the proposed changes and clarifications would make the student discipline process more fair for students and families.



Sen. Tony Vargas

The bill would require that a student be given an opportunity to complete any classwork and homework missed during a suspension, including examinations.

It also would require school districts to reinstate a student after an expulsion and accept certain non-duplicative, grade-appropriate credits earned by the student during the expulsion.

Among other changes, LB198 would require a principal to decide to discipline a student by long-term suspension, expulsion or mandatory reassignment within two school days after learning of the alleged misconduct.

Under current law, a student is subject to those penalties if they cause or attempt to cause personal injury to a school employee, school volunteer or student unless the injury was caused by accident, self-defense or an action taken on the reasonable belief that it was necessary to protect another person.

Under the bill’s provisions, personal injury would be considered accidental “when the damage or consequences of the act that caused the injury were unintentional, unforeseen or unexpected.”

LB198 also would modify procedures for student discipline hearings. A student or the student’s parent or

guardian could request the designation of a hearing examiner other than the hearing examiner recommended by the superintendent. Schools would pay the examiner’s expenses and fees.

Elizabeth Eynon-Kokrda testified in support of the bill on behalf of Education Rights Council. She said the change is important because some families do not view hearing examiners, who often are school district employees, as impartial.

“Having the impression and the feeling of true impartiality in a hearing is really critical for families,” Eynon-Kokrda said.

Rose Godinez of the ACLU of Nebraska also testified in support. She said suspended and expelled students often are unsupervised and easily can fall behind on schoolwork, increasing their likelihood of dropping out and entering the juvenile justice system.

Godinez said the bill would keep more students out of the school-to-prison pipeline by protecting their due process rights and allowing them to keep up with coursework without having to attend an alternative program.

David Kramer testified in opposition to the bill on behalf of Omaha Public Schools. He said changing the definition of a personal injury caused by accident would allow a student who injured another student or teacher to avoid discipline by claiming that they did not intend to hurt anyone.

Additionally, Kramer said, two days is not enough time for principals to thoroughly investigate student misconduct, and requiring schools to pay for independent hearing officers would be expensive.

“LB198 creates a costly, cumbersome, overly legalistic mechanism that will complicate student discipline,” he said.

The committee took no immediate action on the bill.

Statewide school threat reporting system considered

Nebraska would broaden an existing school safety pilot program under a bill considered Feb. 9 by the Education Committee.

LB322, sponsored by Gothenburg Sen. Matt Williams, would require the state Department of Education to establish a statewide, anonymous reporting system to support threat assessment teams with the goal of reducing violent incidents.



Sen. Matt Williams

Williams said the bill is modeled after a successful pilot program in Douglas County, called Safe2Help Nebraska. Under that program, trained professionals staff a help line located at Boys Town, he said, which is available to all 80 schools in the county.

The pilot program logged 470 reports including suicide threats, drug use, bullying, mental health issues and threats against property, Williams said, and diverted 81 percent of the resulting contacts away from law enforcement interaction.

Similarly, information provided through the report line under LB322 would go directly to individuals trained in crisis management, he said, rather than directly to law enforcement.

“The intent, obviously, is to reduce the risk or thwart incidents of targeted violence – including harm to self, harm to others or harm to school property,” Williams said. “When it comes to keeping kids safe, there’s no such thing as having too many helpful resources and the pilot program has been a lifesaving partnership.”

The reporting system – to be named the Safe2HelpNE report line – would allow students, school staff,

parents and community members to report concerns and information about a threat or possible harm to people or property anonymously and without charge by telephone call, text, mobile app, website or email.

The report line would be available to any public or nonpublic school that has a threat assessment team and maintains a current list of contact information for at least five team members designated to receive alerts from report line staff 24/7.

LB322 states legislative intent to appropriate money from the state General Fund for the Safe2HelpNE report line for ten years. At the end of that time, the department would report cost-benefit data and recommendations to the Legislature regarding the continued viability of the report line.

Williams noted the potential cost of the program – estimated in the bill’s fiscal note as \$899,000 – which he said is the equivalent of approximately \$2.50 per student.

“I would challenge all of us to think about it that way,” he said. “I don’t think we can afford not to do this.”

Jolene Palmer, state school security director for the Nebraska Department of Education, testified in support of the bill. The pilot program is unique, she said, because its focus is on diverting students away from law enforcement involvement.

Palmer said the proposed statewide program would not be mandatory but would be available for any school that wishes to use it.

“Research tells us that threat assessment is one of the most effective, evidence-based practices in preventing targeted violence against people – against self, others and property,” she said.

Bill Jelkin, director of student services for Millard Public Schools, also testified in support, saying he’s been

with the school system since 2010. The pilot program has done a “phenomenal job” of triaging crisis situations, he said, and the bill would bring that service to students across the state.

“Unfortunately, I’ve been involved in hundreds of family crisis and threat situations over those years,” Jelkin said. “I cannot go into details about those situations, but what I can tell you is that the Safe2Help hotline system works.”

Mark Adler, superintendent of Ralston Public Schools, testified about his son, Reid, who committed suicide at age 15 in 2016. He said Reid spoke with several friends the night he died, all of whom thought that they had talked him into a better place and did not contact an adult.

Adler said he believed that his son could have been saved if something like the Safe2Help system were in place at the time.

“The ripple effect of grief is tremendous,” Adler said. “The day Reid left, a part of all of us went with him and will never be replaced.”

No one testified in opposition to LB322 and the committee took no immediate action on the bill.

Teaching certification changes proposed for military spouses

The Education Committee heard testimony Feb. 8 on a bill intended to speed the issuance of teaching certificates to military spouses.

LB389, introduced by Bellevue Sen. Rita Sanders at the request of Gov. Pete Ricketts, would require the State Board of Education to issue a certificate or permit to a military spouse who, among other re-



Sen. Rita Sanders

quirements, holds a valid certificate or permit currently in force in another state to teach, administer or provide special services.

An applicant also would have to have held the certificate or permit for at least one year, be in good standing in all states where the certificate or permit is held, have no pending investigations or complaints, meet all residency and background check requirements and pay applicable fees.

Sanders said the proposed changes — such as shortening the time an applicant must hold a teaching certificate from two years to one — would help military spouses resume their teaching careers more quickly after relocating to Offutt Air Force Base.

Sanders said LB389 is part of an effort to make Nebraska more military friendly as the Department of Defense decides where to locate new commands, including the U.S. Space Command headquarters.

The certificate or permit for a military spouse would be valid for at least three years and include the same or similar endorsements to teach in all subject areas for which the applicant had been certified in the other state if Nebraska offers a similar endorsement.

Under LB389, the board would issue a preliminary permit to the applicant after they submit the application, pay any fees and complete the criminal history record check. It would remain in force until the state commissioner of education finishes reviewing the other requirements and either issues a certificate or permit or notifies the applicant of why it cannot be issued.

The bill also would require the board to adopt rules and regulations to expedite the processing of applications submitted by an individual whose spouse is serving on active duty.

Jeff Rippe, superintendent of Bellevue Public Schools, testified in sup-

port of LB389, saying it would help metro area schools that are struggling to fill teaching positions.

The bill would make it easier for qualified military spouses to get Nebraska teaching certificates, Rippe said, but still would require them to pass a background check, be in good standing and go through the hiring process.

“It’s not like we’re just handing out teaching certificates to anybody,” he said.

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

Bill would require schools to develop remote learning plans

Nebraska public schools would create detailed plans describing their remote learning options under a bill heard Feb. 8 by the Education Committee.

Under LB623, introduced by Omaha Sen. Tony Vargas, each school board would adopt a remote learning plan that would give students who are unable to attend school in person a choice to enroll in a remote learning option through their school district.

Each plan would include the school’s rules and procedures for offering remote instruction and would describe each remote learning option.

Vargas said remote learning likely will outlast the pandemic and could provide a viable option to continue class when students are ill or schools close due to weather. However, he said, the lack of shared standards — or even shared definitions of remote learning terms — has resulted in education disparities for minority and

low-income students.

Vargas said LB623 would help ensure that remote learning options provide a high-quality education using technology that is equitable, accessible and reliable in a way that is fair to teachers.

“We’ve all seen reports in the news about this [situation] driving teachers to retirement,” he said. “Without the training and supports in place, the job has become exponentially more stressful and difficult.”

Under LB623, each remote learning option would be provided at no cost to students and align with the school district’s curriculum.

The plans would state the attendance and grading practices to be used in remote learning options, require regular interaction between students and instructors and include a certain amount of web-based live instruction each day.

They would include professional development for teachers that would focus on the teaching methods necessary for remote instruction. They also would guarantee training for students and parents on the use of any technology necessary for accessing teachers’ virtual office hours.

Additionally, the plans would provide students enrolled in remote learning options the same access to resources — such as school psychologists and counselors — as those who use an in-person option, ensure that remote learning options meet the needs of English language learners and protect the rights of students with disabilities.

Finally, the plans would ensure that students receiving remote instruction have access to electronic devices and internet connectivity sufficient to allow them to participate fully. Students and instructors would have access to an information technology officer or help desk to assist with technical problems.



Sen. Tony Vargas

Lee Perez, an English as a second language teacher at Omaha Public Schools, testified in support of the bill on behalf of the Nebraska State Education Association. He said teaching remotely during the pandemic has been exhausting and the most difficult experience of his career.

LB623 would give teachers a structured approach to remote learning and help ensure that students learning online get the same education they would in the classroom, Perez said. He said the bill also recognizes that effective remote instruction has its own teaching methods.

“It is far more than just placing students in front of a screen and expecting them to watch a teacher engage with the students physically present in the classroom,” Perez said.

Elizabeth Eynon-Kokrda of Education Rights Council also testified in support, saying Nebraska school districts have taken wildly different approaches to remote instruction during the pandemic. She said some offer only synchronous instruction, in which remote students watch their teacher in real time, something that is especially difficult for students with learning disabilities or low English proficiency.

LB623 would allow school districts to create their own remote learning plans while requiring them to be pedagogically sound, meet basic standards and give students an idea of what is expected of them, Eynon-Kokrda said.

“As a state, if we want sound educational practices and equity for all kids, we need the structure that LB623 offers,” she said.

Jack Moles, executive director of the Nebraska Rural Community Schools Association, testified in opposition to the bill on behalf of his organization, the Nebraska Council of School Administrators, the Nebraska

Association of School Boards and other groups.

He said school boards should be left to solve the problems of remote learning at the local level. Additionally, Moles said, requiring schools to ensure that students have internet access would be problematic in areas that lack broadband connectivity.

Spencer Head testified in opposition to the bill on behalf of Omaha Public Schools. He said LB623 could require schools to provide remote learning to each student whether they need it or not, resulting in “astronomical” costs.

The committee took no immediate action on the bill.

Bill would authorize teachers to use physical intervention

The Education Committee heard testimony Feb. 9 on a bill that would require school districts to provide behavioral awareness training to teachers and certain other school staff.

LB673, introduced by Sen. Dave Murman of Glenvil, also would authorize teachers and other school personnel to use reasonable physical intervention to manage student behavior to protect the student or another person from physical injury.

The bill would require each school district to offer annual behavioral awareness and intervention training to teachers, administrators, paraprofessionals, school nurses and counselors beginning with the 2021-22 school year.

Those staff members would receive the training before the end of school year 2023-24 and receive a review at least once every three years.

Under LB673, Murman said, all

school employees would have basic training in how to manage dangerous student behavior reasonably and safely.

The required training would include:

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

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

In addition, LB673 would require each district to designate at least one employee as a behavioral awareness and intervention point of contact for each school building. Districts would have to maintain or have access to an existing registry of local mental health and counseling resources, and each point of contact would coordinate student access to those services whenever possible.

The bill also would require school districts to have a policy that describes the process of removing a student from a class and returning a student to a class.

Under LB673, teachers or other school personnel would not be subject to professional or administrative discipline or be held criminally or civilly liable for physical intervention or removal of a student from a class if they acted in a reasonable manner and in accordance with school policy.



Sen. Dave Murman

Those protections would not be made contingent on whether a school employee has completed behavioral awareness and intervention training.

Mark Bonkiewicz of Omaha testified in support of the bill, saying disruptive students can interrupt lessons and endanger their classmates.

“Without proper decorum and discipline in a classroom,” he said, “the teaching environment is replaced with chaos.”

Kristen Larsen testified in opposition to LB673 on behalf of the Nebraska Council on Developmental Disabilities. Although the bill would address the need for behavioral awareness training, she said, it fails to recognize research showing that students of color and those with intellectual and developmental disabilities experience a much higher rate of physical intervention, discipline and removal from the classroom than their peers.

“While we understand the need for teachers and administrators to maintain control [on] school property and to keep all students and faculty safe,” Larsen said, “we cannot condone the use of physical intervention to manage student behavior.”

Brad Meurrens, public policy director for Disability Rights Nebraska, also testified in opposition. Nebraska schools already are required to have restraint and seclusion policies, he said, but they vary from district to district.

Meurrens said the Legislature should work with schools, families and disability advocates to make those policies uniform and ensure that they focus on preventing dangerous behavior rather than controlling it with physical intervention.

“We don’t need to reinvent the wheel,” he said. “We need to bolster and improve the existing policies that schools already have.”

Also in opposition was Rose Go-

dinez of the ACLU of Nebraska. She said state law already authorizes teachers to take actions that are reasonably necessary to help a student, further school purposes or prevent interference with the educational process.

A Nebraska Supreme Court case determined that the law authorizes teachers and administrators to use physical contact short of corporal punishment to the degree necessary to preserve order and control in the school environment, Godinez said.

The committee took no immediate action on the bill.



Investigative committee sought for child welfare contract

The Legislature would establish a committee to investigate the quality of care and related staffing issues in one of the state’s child welfare service areas under a proposal considered Feb. 10 by the Executive Board.

LR29, introduced by Omaha Sen. Machaela Cavanaugh, would create the Eastern Service Area Child Welfare Contract Special Investigative and Oversight



Sen. Machaela Cavanaugh

Committee. The committee would investigate placement and quality of care received by children in Nebraska’s eastern service area through the state’s contract with Saint Francis Ministries.

The committee also would study the process undertaken by the state Department of Health and Human Services and Administrative Services to award, implement and oversee the contract.

Nebraska implemented a statewide privatization of its child welfare system in 2009. By 2012, the experiment had failed and all service areas except the one serving Douglas and Sarpy counties had returned to DHHS casework provision.

In 2019, the department awarded Saint Francis Ministries a \$197 million, five-year contract as provider for the eastern service area. LR29 states that Saint Francis Ministries has estimated a \$27 million operating loss for the first year of the contract and may be at risk of bankruptcy.

Cavanaugh said the history of child welfare privatization in Nebraska is indicative of systemic problems with how the state approaches caring for vulnerable children. She said her interest is not in assigning blame, but in finding solutions.

“We’ve been here before,” Cavanaugh said. “Here we are, over a decade later, and no lessons have been learned.”

The proposed committee would include members of the Health and Human Services, Appropriations, Education and Judiciary committees appointed by the Executive Board. The committee would have subpoena power and would report findings and recommendations to the Legislature by Dec. 1, 2022.

Speaking in favor of the proposal was Lana Temple-Plotz, CEO of Nebraska Children’s Home Society. Testifying on behalf of the Children and Family Coalition of Nebraska — a statewide association of 10 child welfare and family service provider agencies — she said the initial contract between Saint Francis Ministries and the state was not feasible and that the procurement process should be investigated.

“We are extremely concerned with the ability of Saint Francis to carry out the contractual agreement with the state of Nebraska without disrupt-

ing or causing harm to children and families in the [eastern service area],” Temple-Plotz said.

Kerry Winterer, former DHHS CEO, also supported the proposal. Winterer, who led the department’s initial efforts to implement privatization and then course-correct after its failure, called the Saint Francis contract “grossly underfunded.”

Winterer said Saint Francis has failed to achieve the state-mandated caseworker ratio — which he said is not surprising, given that their contract bid was less than 60 percent of what the previous provider needed to carry out its duties.

“This bid clearly should not have been awarded to Saint Francis,” Winterer said. “I think anyone ... who had experience with that whole privatization process and saw these contracts signed with the dollars [bid] would say, ‘It can’t work.’”

Current DHHS CEO Dannette Smith testified in opposition to the proposal. She said the Legislature’s existing Health and Human Services Committee can provide the necessary oversight for the child welfare contracting process for the eastern service area.

“A separate, special investigative committee proposed in LR29 would limit the department’s ability to move forward efficiently,” she said.

Smith said the department signed an emergency contract extension with Saint Francis Ministries in January 2021, which will ensure continuity of care and stability in the system for children and families until the situation can be stabilized.

Calling the current circumstances “unfortunate,” Smith said DHHS also is developing a more transparent process for managing the new emergency contract with Saint Francis.

The committee took no immediate action on the proposal.

GENERAL AFFAIRS

Expansion of to-go alcohol sales considered

The General Affairs Committee heard testimony Feb. 8 on a bill intended to expand off-premises alcohol sales in Nebraska.

LB72, introduced by Sen. Suzanne Geist of Lincoln, would allow the holder of a Class C liquor license to sell alcohol not in the original package — such as a mixed drink or cocktail — for consumption off the premises.



Sen. Suzanne Geist

The holder of a Class I liquor license could do the same if the alcohol is not partially consumed and is purchased with food.

Alcohol sold under the bill’s provisions would be in a sealed, labeled container with a tamper-evident lid, cap or seal and, if placed into a car, be out of reach of the driver or passengers.

Nebraska bars and restaurants were allowed to sell alcohol off site under a directed health measure implemented during the COVID-19 pandemic, Geist said, and LB72 would make that change permanent.

“If there is something we can do, or I could do, to help these businesses recover and stay open, then we should try,” Geist said.

Lincoln restaurant owner Dean Hart testified in support of the bill. Revenue at Hart’s restaurant has dropped 40 percent since the pandemic began nearly a year ago, he said, but without the ability to sell liquor his business would be “in dire straits.”

Hovert Rupe, Director of the Nebraska Liquor Control Commission,

also spoke in support. He said LB72 would not violate the state’s open container law and that most establishments have sold alcohol responsibly during the pandemic.

“We’ve received very few complaints,” Rupe said.

Chris Wagner of Project Extra Mile testified against LB72. In written testimony, Wagner said the bill would make alcohol more readily available in Nebraska and exacerbate societal problems associated with excessive drinking.

“According to the Centers for Disease Control and Prevention, our state ranks as the fifth-worst binge drinking state in the country and has the second-worst rate of self-reported drunk driving,” Wagner said. “Cocktails-to-go is not going to solve these problems, it’s going to make them worse.”

The committee took no immediate action on the bill.

Bill would reduce tax on certain alcoholic beverages

Taxes on ready-to-drink cocktails would be significantly lowered under a bill considered Feb. 8 by the General Affairs Committee.

LB578, introduced by Omaha Sen. Tony Vargas, would tax ready-to-drink cocktails at 31 cents a gallon. The bill defines ready-to-drink cocktails as spirits in an original container with up to 12.5 percent alcohol by volume.



Sen. Tony Vargas

Vargas said the current excise tax rate of \$3.75 a gallon on such products is “exorbitant” and prices many products out of the market, limiting the profitability of alcohol vendors.

“Many of these products in the

market have similar alcohol by volume to beer and hard seltzer,” Vargas said.

Zac Triemert, president of Brickway Brewery and Distillery, testified in support of LB578. He said the bill would “change the landscape” of what the company can do.

“As long as the canned cocktail tax rate is higher than hard seltzers, it’ll never grow to be a significant part of the market,” Triemert said.

Justin Brady, testifying on behalf of the Nebraska Liquor Wholesalers, also spoke in support. He said LB578 would provide a much-needed definition for ready-to-drink cocktails.

“I think the market can grow,” Brady said.

Chris Wagner of Project Extra Mile testified against the bill. In written testimony, he said reducing the price of alcoholic beverages leads to greater consumption and that the state would lose revenue from reduced taxation.

“Higher alcohol taxes reduce binge drinking and have a greater impact on youth since they are much more responsive to price increases than adults,” Wagner said.

The committee took no immediate action on the bill.



National Guard grave markers considered

Certain members of the Nebraska National Guard could receive a military grave marker under a bill considered Feb. 11 by the Government, Military and Veterans Affairs Committee.

Under LB261, introduced by Elkhorn Sen. Lou Ann Linehan,

a guard member who served on or after July 1, 1973, or served in active duty or reserve federal service would be eligible. The bill would remove a requirement that a guard member have served during wartime to receive a marker.



Sen. Lou Ann Linehan

Linehan said she was surprised to learn that not all guard members are eligible for a marker. Current law sends a message that, “somehow, you’re not as deserving as those who got deployed,” she said.

Allison Himes testified in support of the bill. She said her family was unable to obtain a military marker for her brother, who died in 2017 after serving in the National Guard.

“If you were not called up by the president you’re not entitled to any sort of recognition in terms of a burial marker,” Himes said.

Ryan McIntosh of the National Guard Association of Nebraska also testified in support. He said current law excludes individuals who have served for many years in the Nebraska National Guard.

“LB261 is a simple solution to this,” McIntosh said.

No one testified against LB261 and the committee took no immediate action on it.

Bill would prohibit short-term rental bans

Nebraska counties would no longer be able to ban property owners from renting their property through Airbnb and other short-term rental companies under a bill considered Feb. 11 by the Government, Military and Veterans Affairs Committee.

Under LB631, introduced by Sen.

Eliot Bostar of Lincoln, counties still could adopt and enforce short-term rental ordinances that protect the health and safety of the public, but could no longer prohibit residents from renting all or part of their property for 30 or fewer days. The bill would not affect regulation of a homeowners’ association.



Sen. Eliot Bostar

Bostar said the bill was an extension of one signed into law in 2019 that prohibits cities and villages from banning short-term rentals.

“The broader intent of the bill is to ensure that individuals are subject to consistent legal treatment regarding their ability to rent their property,” he said.

Tyson Franzen testified in support of LB631. Franzen said he has rented out his property in rural Otoe County as a campground through a short-term rental company. The county charged him \$600 for a permit and imposed other requirements, he said.

“Campgrounds require things like 12-foot wide rock roads, full electric, water, septic [services, and] concrete paths. This was a very large investment that I could not afford, nor did I want to do,” Franzen said.

Laura Ebke of the Platte Institute also spoke in support of the bill.

“We don’t believe that counties that levy taxes on private property should place limits on how property owners can sublet their property provided that no real harm is being done to others in the process,” Ebke said.

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

HEALTH & HUMAN SERVICES

Bill would require PDMP registration

The Health and Human Services Committee heard testimony Feb. 10 on a bill that would require most prescribers and dispensers to register with the state's prescription drug monitoring program.

LB86, introduced by Sen. Bruce Bostelman of Brainard, would mandate that active prescribers and dispensers who are registered under the Uniform Credentialing Act also register with the state Department of Health and Human Services for the PDMP. The bill would exempt credential holders who don't prescribe, dispense or treat patients as well as veterinarians and members of the armed forces who do not practice in Nebraska.



Sen. Bruce Bostelman

Bostelman said the bill would help Nebraska comply with a federal law that mandates that prescribers and dispensers register with a monitoring system by Oct. 1, 2021. He added that federal funding for the state's prescription drug monitoring program would be available if LB86 passes.

"Nebraska could expect funding in perpetuity for our PDMP," he said.

Dexter Schrodt of the Nebraska Medical Association testified in support of LB86. In written testimony, Schrodt said Nebraska physicians are aware that past prescribing practices contributed to the opioid epidemic and that the PDMP helps address the problem.

"The PDMP is an important tool for accountability that nearly every

state has adopted," he said.

Also offering written testimony in support was Robert Hallstrom on behalf of the Nebraska Pharmacists Association. He said many of the approximately 5,200 pharmacists registered in Nebraska do not live or practice in the state and that exempting them from the registry was appropriate.

Felicia Quintana-Zinn, deputy director of the Division of Public Health at the state Department of Health and Human Services, testified against the bill. She said the department opposes additional mandates on prescribers and said the bill would create more work for DHHS staff.

About 25 percent of licensed prescribers and 37 percent of licensed pharmacists in Nebraska have registered for the monitoring program, Quintana-Zinn said.

"This leaves nearly 16,800 persons to be registered within a few months," she said. "Both the PDMP registration and the updates to the current modernization projects would be time and resource intensive."

The committee took no immediate action on LB86.

Foster care transition program would expand

The Health and Human Services Committee heard testimony Feb. 11 on two bills that would expand eligibility for a state program that provides a system of supports for state wards as they transition out of the foster care system.

LB202, introduced by Sen. Patty Pansing Brooks of Lincoln, would allow juvenile-adjudicated youth who are at least 19 years old and were in a court-



Sen. Patty Pansing Brooks

ordered out-of-home placement to participate in the Young Adult Bridge to Independence program.

Youth who are aging out of the juvenile justice system often lack support, Pansing Brooks said.

"They can find themselves alone or homeless. It is especially crucial to reach these at-risk kids so that we can ensure that they have proper supports to keep them from entering our adult prison system," she said.

Pansing Brooks added that the bill would extend eligibility to about 30 young adults.

Sarah Helvey of Nebraska Appleseed testified in support of the bill. She said LB202 would not only help young adults have a better life, but would save the state money by keeping them out of the adult correctional system.

"We believe it carefully targets a subset of the juvenile justice population who need the support of [the program] because they don't have a home to return to," Helvey said.

Laura Opfer of the Nebraska Children's Commission also spoke in favor of LB202. Program participants are more likely to have attended college, found safe and affordable housing and have adults that they can turn to when in crisis than young adults who are not in the program, she said.

"We believe every youth is one caring adult away from being a success story," Opfer said.

Stephanie Beasley, director of the Division of Children and Family Services at the state Department of Health and Human Services, testified in opposition.

In written testimony, she said the expansion would increase program expenses and complicate eligibility determinations.

"Unless a youth is dually adjudicated with an abuse or neglect case, the department has concerns about

the ability to determine eligibility for probation youth, as DHHS will not have the authority to obtain [the] documents needed,” Beasley said.

LB262, introduced by Sen. Tony Vargas of Omaha, would extend eligibility for the program to young adults who are not lawfully present in the country.



Sen. Tony Vargas

Vargas said not allowing undocumented youth into the program sets them up for failure, adding that there currently are eight young adults in Nebraska whose immigration status prevents their participation.

“When they’re missing out on these services, they’re missing out on the opportunity to have the type of transition that enables them to be truly independent, hard-working Nebraskans,” Vargas said.

Allison Derr of Nebraska Appleseed spoke in support of LB262. She said young adults in the immigration system in particular are at risk after transitioning out of foster care.

“The importance and effectiveness of [the program] can’t be overstated and that’s especially so for young people needing assistance navigating our complex immigration system, often without family or other supportive adults,” Derr said.

Rose Godinez of the ACLU of Nebraska also testified in support. She said federal law grants states the authority to expand access to services like the Young Adult Bridge to Independence program and that many of the individuals who would be covered by LB262 are on a path to legal immigration status.

Beasley testified in opposition to LB262 on behalf of DHHS.

She said that undocumented youth

may not be able to meet the program’s educational and work requirements because of their immigration status. She added that expanding the program would increase state expenses.

“LB262 would cause an additional fiscal burden by extending medical coverage to participants in [the program who are] not eligible for Medicaid,” Beasley said. “This would include not only the expansion group identified in LB262 but all individuals in [the program] who are not receiving medical assistance.”

The committee took no immediate action on either proposal.

Bill would expand child care assistance

More Nebraskans would be eligible for subsidized child care assistance under a bill considered Feb. 10 by the Health and Human Services Committee.

LB485, introduced by Bennington Sen. Wendy DeBoer, would increase the income eligibility limit of the Child Care Subsidy program from 130 percent of the federal poverty level to 185 percent. The bill also would increase transitional child care income eligibility from 185 percent of FPL to 200 percent.

DeBoer said this change would lessen the so-called “cliff effect” that occurs when a raise or promotion causes an individual receiving subsidized child care to lose that benefit.

Child care is a vital part of Nebraska’s economy, DeBoer said, and lack of affordable child care can drive people out of the labor market.

“Investing in child care is an investment in our workforce,” DeBoer said.

“The current initial eligibility levels [of the program] prevent many low-income families from accessing much-needed assistance that enables them to stay engaged in the workforce.”

Adam Feser with early childhood development organization First Five Nebraska testified in support of the bill. The child care subsidy enables families to afford more educational options and earn more income, he said.

“Currently, Nebraska has some of the most restrictive eligibility criteria for child care assistance in the country,” Feser said. “We have an opportunity to change that.”

J.P. Lauterbach, chief operating officer of the YMCA of Lincoln, also testified in favor of LB485. He said that for every child receiving the subsidy there are five more on the state’s waiting list.

“Imagine a single parent or even a couple, working full time, making between \$9 and \$12 an hour, trying to afford quality child care for their two children so they are safe and learning,” Lauterbach said.

Leslie Andersen, testifying on behalf of the Nebraska Chamber of Commerce and Industry, also spoke in support. She said the bill would give families “more breathing room” to pursue higher education or a new career.

Stephanie Beasley, director of the Division of Children and Family Services at the state Department of Health and Human Services, testified in opposition to the bill.

Affordable child care is important for families, Beasley said, but increasing the income limit would be too costly to the state. The bill would add approximately 10,800 children to the program, she said, requiring DHHS to hire 21 new employees at a cost of \$29.7 million next fiscal year.

The committee took no immediate action on LB485.



Sen. Wendy DeBoer

JUDICIARY

Incarcerated mothers' rights discussed

A bill meant to keep infants with their incarcerated mothers whenever possible was heard by members of the Judiciary Committee Feb. 11.

LB119, sponsored by Omaha Sen. Machaela Cavanaugh, would require that a lactating mother be given the opportunity to nurse or express milk for her infant while housed in a state Department of Correctional Services facility, county jail or youth rehabilitation and treatment center.

Cavanaugh said the bill is an attempt to improve opportunities for incarcerated women and youth housed in a YRTC to bond with their infants.

"Research and common sense tell us that bonding with a newborn is essential for that child to thrive and a great motivator for that mother to care for that child in a way that keeps her out of a YRTC, jail or prison in the future," she said.

The bill also would prevent physical separation of a child younger than 24 months from his or her mother, unless a facility administrator determines that doing so presents a clear and imminent danger to the child or to comply with a court-ordered custody arrangement or formal parenting agreement.

Each facility operator would be required to develop a parent separation policy, which would include a process for placing an infant with their mother, a plan to provide for lactation and

information regarding the mother's parental rights while in custody.

A correctional facility also could allow a pregnant prisoner, detainee or juvenile to live in a dedicated space for mothers prior to giving birth, if space is available.

Speaking on behalf of the ACLU of Nebraska, Scout Richters supported LB119. The bill is important, she said, because the number of women in American prisons and jails grew 700 percent from 1980 to 2019.

"The bill provides that the default is that infants remain with their mothers who are incarcerated or in a juvenile facility, which provides the means to keep families together during critical periods of child development," Richters said.

NDCS Director Scott Frakes opposed the bill. Allowing a mother to bring her baby into a correctional facility, he said, is tantamount to sentencing that child to incarceration.

"Prison poses inherent dangers, even in the most secure environments," Frakes said. "I don't believe that it's good public policy to remove children from the community and bring them into a prison environment."

The committee took no immediate action on LB119.

Changes proposed for parole board

Members of the Judiciary Committee heard testimony Feb. 11 on two bills addressing the duties and membership of the state Board of Parole.

Under LB130, sponsored by Omaha Sen. John McCollister, at least one of the members appointed to serve after Jan. 1, 2023, must have

experience treating mental illness or substance abuse.

Like Nebraska, many states already have specific criteria in state law regarding the background of board members, McCollister said, including experience in law, criminal justice and human resources.

"Due to the increase of behavioral health issues in our criminal justice system, and especially within our correctional system, it would make sense to have a member with training and experience with these issues," he said.

The bill also would extend board members' terms from six to eight years, beginning with terms starting after Jan. 1, 2023. No member could be reappointed for a consecutive term. In addition, board members would elect a chairperson to serve a four-year term. Currently, the chairperson is appointed by the governor.

Spike Eickholt, representing the ACLU of Nebraska, spoke in support of LB130. He said there are high rates of substance abuse and mental illness in the state's correctional system.

"It would be natural that someone who's on the parole board and reviewing people who will be placed back in the community would at least have some appreciation and experience with the issues of mental illness and substance abuse," Eickholt said. "It's important not only for the offenders appearing before the parole board, but also for parole board members to understand the needs of the people who are going to be [released]."

McCollister also introduced LB269. The bill would require the Board of Parole to review the record of every parole-eligible individual when they have been incarcerated for more than 30 years or are within three years of their earliest parole eligibility date.

He said the bill could help alleviate pressure on Nebraska's already



Sen. Machaela Cavanaugh



Sen. John McCollister

overcrowded prisons.

“The intent of [this bill] is to identify committed offenders who are least likely to reoffend and are most likely to succeed under release and parole,” McCollister said.

LB269 also would require the board to publish an annual list of committed offenders who are at least 60, have been convicted of nonviolent offenses, have high-risk medical conditions and could be considered for early parole.

Spike Eickholt, appearing again on behalf of the ACLU of Nebraska, testified in support of the bill. Once offenders reach a certain age, they become less of a threat to the community, he said, even if they committed a violent or heinous crime.

“I think if the public had some sort of understanding of who we have in prison and what it’s costing the community and the state to house those people, that might result in some pressure to consider actually paroling or releasing people of a certain age who are no longer a threat,” Eickholt said.

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

Exception to electronic device ban proposed

The Judiciary Committee heard testimony Feb. 11 on a bill that would allow certain visitors to bring electronic communication devices into the state’s correctional facilities.

LB333, sponsored by Omaha Sen. Justin Wayne, would allow an attorney, the public counsel or any member of the Legislature to bring a device – without prior approval – into



Sen. Justin Wayne

correctional facilities when visiting incarcerated offenders.

Attorneys already can bring an electronic device into a correctional facility with prior approval, Wayne said, and that exception has not been problematic.

“It’s used as an investigatory tool,” he said. “It’s easier to record conversations when you’re talking to your client and take notes.”

Jerall Moreland, deputy ombudsman for institutions with the Office of the Public Counsel, spoke in support of LB333. The public counsel has the authority to investigate administrative agencies, he said, and electronic communication devices are an essential tool.

“[They] allow for the collection and relaying of relevant information to [investigations],” Moreland said. “It also supports observations that could aid report writing.”

Also testifying in support was Spike Eickholt, speaking on behalf of the Nebraska Criminal Defense Attorneys Association. He said much of the information in the discovery process, including police reports, are in digital format.

“You need to be able to show your client [that information] so that they can make an informed decision regarding that case and this bill would allow that,” Eickholt said.

No one testified in opposition to LB333 and the committee took no immediate action on it.

Required reporting of incarceration costs discussed

The Judiciary Committee heard testimony Feb. 10 on a bill meant to create fiscal transparency in the criminal sentencing process.

LB335, sponsored by Norfolk Sen. Michael Flood, would require the court to announce the total

estimated cost of imprisonment in open court when sentencing a defendant. For example, if the state is spending \$200,000 to incarcerate someone



Sen. Michael Flood

for five years, Flood said, the public should understand those costs and have input into possible alternatives.

“This bill is intended to provide a fiscal note of sorts so that the general public and all Nebraskans can have the opportunity to think about whether the offender’s conduct warrants the amount of money required to incarcerate him or her,” he said.

The bill would require the state Department of Correctional Services to calculate the average cost of imprisonment for inmates for the preceding year and submit such data to the Nebraska Commission on Law Enforcement and Criminal Justice annually beginning Aug. 1, 2022.

The data would be forwarded by the commission to the state court administrator, who then would be required to distribute the data to all county and district courts by Sept. 15 each year.

Spike Eickholt, representing the ACLU of Nebraska, spoke in support of LB335. A person found guilty of forging \$5,000 worth of checks should face consequences, he said, but incarceration may not make fiscal sense.

“People are willing to pay for locking up the really bad people,” Eickholt said. “[However], I think the public might be somewhat more understanding that it might not make sense to lock up somebody like that for \$41,000 a year.”

Oposing the bill was Tim Hruza, speaking on behalf of the Nebraska State Bar Association. The cost of incarceration is important informa-

tion, he said, but should not impact the administration of justice.

“We have some concerns about giving a judge pause in applying the appropriate sentence to those facts [of a case] ... and pointing citizens to the judge as the person who is in best control of that [cost],” Hruza said.

The committee took no immediate action on LB335.

Good time changes proposed for county jail inmates

Individuals incarcerated in county jails would start earning credit toward their sentences earlier under a bill heard by the Judiciary Committee Feb. 10.

Currently, when inmates begin serving a state prison sentence, they are eligible to earn day-for-day “good time” credit toward their sentences for following rules and not engaging in prohibited conduct. Inmates serving a sentence in a county jail also can earn this good time, but only after the first 14 days of their sentence.

LB444, sponsored by Lincoln Sen. Matt Hansen, would amend the good time rate for jail sentences to mirror the state prison good time rate, effectively abolishing the 14-day waiting period.

It is not good policy, Hansen said, to discount an entire two weeks of a jail sentence from being eligible for good time.

“I would argue that the first two weeks are a time when this tool would be most helpful to jail staff,” he said. “At the same time, it would streamline shorter jail sentences to match those at our prisons.”

The bill also would give judges the



Sen. Matt Hansen

discretion to apply any unused good time credit earned during a previous incarceration if an individual is arrested on a new charge. Judges already have this authority when imposing state prison sentences.

George Dungan, representing the Nebraska Criminal Defense Attorneys Association, spoke in support of LB444. From a purely logistical perspective, Dungan said, creating harmony between the state and county good time statutes would add some clarity to an already complex process.

“Certainly, we want to be encouraging individuals in custody to maintain that good time,” he said. “If we’re going to be making sure that individuals are cooperative and working inside that jail, I think it makes sense to let them start earning that good time from the very first day that they’re in custody.”

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

Bill would require correctional demographic data report

Lawmakers would have a clearer understanding of individuals involved in the state’s correctional system under a bill heard by the Judiciary Committee Feb. 11.

LB499, sponsored by Bennington Sen. Wendy DeBoer, would require the state Department of Correctional Services, Office of Probation Administration and Division of Parole Supervision to report annually to the Legislature regarding the status of each active case under its supervision.

Reported data collection has been sporadic, DeBoer said, and having the ability to compare one year against



Sen. Wendy DeBoer

another will help lawmakers to see trends, especially trends related to race and ethnicity.

“Having easily accessible and consistent data is of utmost importance for us as policy makers when drafting legislation,” she said. “It’s also important for advocates and citizens to have access to this data as they participate in the legislative process.”

The report – due each Nov. 1 – would include information on each individual’s age, race, ethnicity and gender, as well as the individual’s prior county of residence, citizenship status, offense of conviction and the type and length of sentence imposed.

Names, dates of birth and addresses would not be included in the report.

Speaking in support of LB499 was Ryan Spohn, a criminal justice researcher. A more thorough examination of additional data points will improve transparency regarding important government services, he said, and help identify sources of racial and ethnic disparities in the criminal justice system.

“Data is what allows us to evaluate the operations of our criminal justice and correctional systems so that we can hold informed conversations regarding methods for important public safety through effective and cost-effective community corrections and institutional correctional practices,” Spohn said.

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

Earned time incentives proposed

Individuals incarcerated within the state Department of Correctional Services system could reduce their sentences under a bill considered by the Judiciary Committee Feb. 10.

Under LB624, sponsored by Oma-

ha Sen. John McCollister, incarcerated individuals could earn credit against their minimum sentence term for completion of pro-social and rehabilitative activities.



Sen. John McCollister

Earned time is not a new idea, McCollister said, but it is currently not used effectively in Nebraska.

“This will offer an incentive for all those incarcerated to ... maintain good conduct while in custody,” he said. “This hugely benefits NDCS in that more of those in custody will be engaged in programming rather than engaged in negative or destructive behavior.”

Pro-social and rehabilitative activities would include seeking employment, education, reduced misconduct, self-betterment groups, peer support, drug treatment, spiritual awareness, entrepreneurship courses and restorative justice training.

LB624 would offer a wide range of earned credit depending on the activity, including up to one year of credit for completion of a general education development test. McCollister offered an amendment at the hearing that would allow individuals currently incarcerated to retroactively earn credit for pro-social activities completed on or before Jan. 1, 2017.

Spike Eickholt, speaking on behalf of the ACLU of Nebraska, supported the bill. It would provide an opportunity to further incentivize individuals in prison to get programming and attend classes, he said.

“There’s a certain segment of the population that just doesn’t do programming because they don’t see a point,” Eickholt said. “[The bill] would give people a reason to seek out that programming.”

Opposing LB624 was NDCS Director Scott Frakes. The earned time system created by the bill would complicate staff scheduling, he said, and inhibit timely delivery of clinical treatment.

“For those eligible for earned time, the bill creates disparities between those who have access to certain programs and activities and those who do not,” Frakes said. “Also, it’s not feasible to replicate programming and pro-social activities at all facilities, nor does it make sense to try to do so.”

The committee took no immediate action on the bill.



State climate change action plan proposed

The University of Nebraska would develop a plan to help the state mitigate and adapt to the effects of extreme weather events or climate change under a bill heard Feb. 11 by the Natural Resources Committee.

Omaha Sen. John Cavanaugh, sponsor of LB483, said there is broad consensus among scientists that climate change is real and is caused by human activity.



Sen. John Cavanaugh

The proposed plan would not mandate specific actions, he said, but would give policymakers a roadmap to mitigate and adapt to the effects of a changing climate.

“Extreme droughts or flooding can take a substantial toll on our farmers and ranchers,” Cavanaugh said. “The climate action plan is a necessary step for our state to confront ... changes in climate head on.”

The evidence-based, data-driven strategic action plan would examine the impacts of climate change on agriculture, water resources, health care and public health, energy generation and use, ecosystems and forestry, rural and urban communities, transportation and commerce and industry.

The plan would include a baseline measurement of the state’s greenhouse gas emissions, or carbon footprint. It also would assess risks and vulnerabilities from climate change as well as opportunities presented by adaptation and mitigation strategies.

Additionally, it would include measurable benchmarks and goals and provide recommendations for new policies and changes to policies and programs that support those goals.

The plan would be developed with public comment and engagement, input from climate, water and other experts and examination of other states’ strategic action plans.

To pay for the plan, LB483 would direct the state treasurer to transfer \$250,000 from the Petroleum Release Remedial Action Collection Fund to the university, which would submit the finished plan to the Legislature and the governor on or before Dec. 15, 2022.

Al Davis testified in support of the bill on behalf of the Nebraska chapter of the Sierra Club. He said the plan would build on a 2014 UNL report assessing the implications of climate change for Nebraska. A 2015 legislative task force voted unanimously to create a climate action plan, Davis said, but it was never developed.

“It’s long past time that this step is accomplished,” he said.

Also in support was John Hansen, president of the Nebraska Farmers Union. He said the University of Nebraska, home to the National Drought Mitigation Center, is well-suited to the task.

“We ought to give them the opportunity to use that expertise to help us put together a plan so that we can minimize the adverse impacts but also take advantage of the opportunities that also come with it,” Hansen said.

Jesse Starita also testified in support of LB483. Although climate change poses many risks, he said, it also presents opportunities in agriculture, energy, transportation and other fields.

“This bill delivers informed choices to our state senators on how to respond to a crisis,” he said. “If that’s not part of good governance, then I don’t know what is.”

Mark Whitehead testified in opposition to the bill on behalf of the Nebraska Petroleum Marketers and Convenience Store Association.

He said the association does not have an opinion on the plan’s merits – it opposes the proposed cash fund transfer because that money is used to investigate and clean up leaking underground fuel storage tanks.

The committee took no immediate action on the bill.

Net metering changes considered

The Natural Resources Committee heard testimony Feb. 10 on two bills that would modify Nebraska’s net metering laws.

Local distribution utilities must provide net metering to any customer-generator with a qualified facility, such as a solar array or wind turbine. The utility allows the customer-generator’s retail consumption of electricity to be offset by their qualified facility that is interconnected with the electrical grid.

The qualified facility’s net excess generation during a billing period is credited to the customer-generator at a rate equal to the utility’s avoided cost

of electricity supply. The credits are carried forward, and any excess credits are paid out at the end of the year.

A utility is not required to provide net metering to additional customer-generators after the total generating capacity of all its customer-generators using net metering is equal to or exceeds 1 percent of the capacity necessary to meet its monthly peak demand.

LB506, introduced by Omaha Sen. John Cavanaugh, would increase that cap to 3 percent.

He said net metering benefits utilities by reducing peak energy demand, allowing them to put off expensive infrastructure projects. The number of net metering customers is growing quickly, Cavanaugh said, and the current cap is too low to meet the demand for solar energy in many parts of the state.

Although some utilities add net metering customers beyond the 1 percent cap – as allowed under the law – some do not, he said.

“The 1 percent cap is set as a floor,” Cavanaugh said, “and many utilities treat it as a ceiling.”

John Hansen, president of the Nebraska Farmers Union, testified in support of the bill. He said some rural electric associations near the 1 percent cap refuse to approve net metering projects, despite demand from some of their customers.

Jon Dockhorn, general manager of Burt County Public Power District, testified in opposition to LB506 on behalf of the Nebraska Rural Electric Association and the Nebraska Power Association. Although his public power district still interconnects customers’ renewable energy systems, he said, it currently exceeds the 1 percent cap and no longer accepts new net metering customers.

Because each utility’s system is different, Dockhorn said, utilities should

be allowed to determine the amount of net metering they accept.

“We believe that renewable distributed generation is good to have in our systems,” he said. “However, we also believe that the amount of that generation should be left up to our local utilities.”

Dockhorn said net metering was meant to encourage the adoption of renewable energy. Now that renewable energy costs have dropped, he said, it is not necessary to expand net metering capacity and further shift the cost of maintaining the electrical grid to customers who do not generate their own electricity.

Under LB573, introduced by Lincoln Sen. Eliot Bostar, a facility would qualify for net metering if it has a rated capacity at or below 25 kilowatts as measured in alternating current.



Sen. Eliot Bostar

Bostar said the law does not specify which type of current utilities must use when determining whether a customer-generator’s facility qualifies for net metering. Most utilities use a system’s alternating capacity, he said, but some use its direct current capacity.

Bostar said this puts solar arrays at a disadvantage to wind turbines because solar panels generate electricity in direct current, which must be converted to the alternating current accepted by the electrical grid.

“Energy loss occurs during inversion,” he said, “making the distinction between measuring in direct current before that transition or alternating current after the energy inversion meaningful to our customer generators.”

Robert Best testified in support of LB573. He said Norris Public Power District determined that part of his

solar array does not qualify for net metering because the system's direct current capacity exceeds the 25 kW maximum, although its output in alternating current is less than 23 kW.

"I am so set on trying to get this resolved because what they're doing is incorrect," he said. "Other power districts are using alternating current, but Norris isn't."

Shelley Sahling-Zart testified in support of LB573 on behalf of Lincoln Electric System, the League of Nebraska Municipalities, NMPP Energy and the Nebraska Public Power District. She said the current law is ambiguous and should be clarified.

Sahling-Zart said most electric utilities approve net metering projects based on their alternating current capacity because that is the type of current accepted by the electrical grid.

"If we were connecting a customer-owned wind system or methane or something else, that would be on alternating current," she said. "So from our standpoint, that makes it more consistent."

Jerry Enns testified in opposition to the bill on behalf of Norris Public Power District and the Nebraska Rural Electric Association. He said net metering is intended to meet or offset customers' electricity generation requirements.

Of the power district's approximately 100 net metering customers, Enns said, only one has claimed that using a system's direct current rating to determine whether it qualifies for net metering is unfair. He said Norris delivered 11,000 kilowatt-hours of energy to that customer in 2020 and received nearly 33,000 kWh.

"Allowing a solar array's DC capacity to exceed 25 kW and still fall within net metering limitations allows the opportunity to circumvent the spirit of [the law] by overproducing and

further burdening the other ratepayers," Enns said.

The committee took no immediate action on either bill.

Legal framework for carbon dioxide sequestration proposed

The Natural Resources Committee heard testimony Feb. 11 on a bill that would create a legal and regulatory framework for the geologic storage of carbon dioxide in Nebraska.

Under LB650, sponsored by Norfolk Sen. Michael Flood, the Nebraska Oil and Gas Conservation Commission would regulate facilities that inject carbon dioxide through wells into underground geologic formations for permanent or short-term storage.



Sen. Michael Flood

Flood said that by capturing and sequestering carbon dioxide generated by industrial facilities — particularly ethanol plants — Nebraska could increase the value of its products while also cutting greenhouse gas emissions that are tied to climate change.

He said the bill would supplement, not replace, the Environmental Protection Agency's Underground Injection Control program, which authorizes the type of wells used to inject carbon dioxide deep underground.

LB650 would allow geologic storage only if a storage operator obtains a permit from both the commission and the federal program. Before the commission issues a permit, it would hold a public hearing and consult with the state Department of Environment and Energy and the federal permitting authority.

The commission must find that the

proposed storage facility would not endanger surface waters or underground drinking water sources and that the storage operator would establish a testing and monitoring plan to assess the location and migration of injected carbon dioxide.

Under LB650, title to a storage reservoir would be vested in the owner of the overlying estate unless it has been severed and separately conveyed.

Before issuing a permit, the commission also must find that the storage operator obtained the consent of those who own portions of the storage reservoir comprising at least 60 percent of the reservoir's physical volume.

The bill would authorize the commission to require that any portions of the reservoir owned by nonconsenting owners be included in a storage facility. Those owners would be "equitably compensated."

LB650 would require storage operators to pay the commission two fees on each ton of carbon dioxide injected for storage. One would be used to defray expenses in processing permit applications, regulating storage facilities and determining storage amounts. The other would be used to defray expenses incurred in the long-term monitoring and management of a closed storage facility.

After carbon dioxide is injected into a storage reservoir, a storage operator could apply to the commission for a certificate of project completion. Once the certificate is issued, title to the storage facility and its carbon dioxide would transfer to the state and the storage operator would be released from all regulatory requirements associated with the facility.

Chuck Woodside, CEO of a company that operates ethanol plants in Minden and Ravenna, testified in support of the bill. For each kernel of corn used in the ethanol production process, he said, approximately one-

third is converted to carbon dioxide through fermentation.

He said the ethanol industry has identified geologic storage of carbon dioxide as a way to reduce the fuel's carbon footprint, making it more valuable in markets such as Oregon and California that score fuels based on their carbon impact.

Charles Gorecki, CEO of the University of North Dakota's Energy and Environmental Research Center, also testified in support. He said the bill is based on similar legislation passed in Montana, North Dakota and Wyoming.

Although the EPA would issue permits for the special class of wells used in carbon sequestration, Gorecki said, LB650 would lay the groundwork should Nebraska seek a grant of primary regulatory authority, as North Dakota and Wyoming have done.

Kristen Hassebrook testified in support of LB650 on behalf of the Nebraska Chamber of Commerce and Industry. Although Nebraska's ethanol industry would see the most immediate impact, she said, power plants, steel processors and manufacturers also could benefit from carbon capture technology.

A 2020 Rhodium Group study found that Nebraska could see \$3.3 billion to \$5 billion in capital investment if it pursues all of its immediate or near-term carbon capture opportunities, Hassebrook said.

Matt Joeckel, Nebraska state geologist, gave neutral testimony on his own behalf. Although only a few carbon capture and sequestration facilities are in operation worldwide, he said, the technology shows promise, and many experts agree that it should be one of many strategies for decreasing anthropogenic carbon dioxide emissions.

Joeckel said a recent research project concluded that carbon capture

and sequestration is feasible in parts of Nebraska, roughly the western two-thirds of the state.

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

NEBRASKA RETIREMENT SYSTEMS

Bills would increase funds for judges' retirement system

The Nebraska Retirement Systems Committee heard testimony Feb. 9 on two bills meant to increase funding for the state's retirement plan for judges.

LB16, as introduced by Seward Sen. Mark Kolterman, would add a state contribution, beginning July 1, 2021, equal to 4 percent of total compensation of plan members, which would increase to 6 percent beginning July 1, 2023.



Sen. Mark Kolterman

Kolterman offered an amendment at the hearing, which would push the start date to 2023. He said the governor's biennial budget already contains funding for the actuarially required contribution to the judges' plan for 2021 and 2022. The amendment also would lower the increase in 2023 to 5 percent.

"The purpose of the bill is to create an annual contribution that grows automatically with increases in judges' salaries," he said, adding that currently earmarked court fees and member contributions are the only other sources of scheduled contributions to the judges' plan.

Kolterman also introduced LB24,

which would increase the amount of various court fees used to help fund the judges' retirement plan. The amounts would increase to \$6 through June 30, 2021, and then rise annually to settle at \$12 by July 1, 2025.

Traffic diversion programs have reduced fee contributions, he said, and the pandemic also has negatively impacted those fees.

"In 2020, the pandemic caused a significant decrease in court fee revenue," Kolterman said, "including a drop of \$400,000 in the last quarter of [the fiscal year]."

Chief Justice Mike Heavican of the Nebraska Supreme Court testified in support of both bills. At one time, he said, member contributions were enough to fund the judges' plan, but that is no longer the case. Several court fees have not changed since 2005, he said, and minimal and gradual increases are needed.

"Court fees are set by the Legislature," Heavican said. "They do not change frequently, nor have there been consistent adjustments for inflation or wage increases. As a result, revenue from this source is not guaranteed to grow."

In written testimony, Spike Eichholt of the ACLU of Nebraska opposed LB24.

"We see court fees as a user fee for those people who are processed through, or prosecuted in, the court system," he said. "This fee increase, while admittedly minimal, would pass [along] the cost of this bill in a manner that disadvantages the poor and impacts people of color disproportionately."

The committee took no immediate action on the bills.

REVENUE

Property tax requests would require joint public hearing

Political subdivisions seeking to increase the amount of property taxes they collect would have to hold a joint public hearing under a bill considered Feb. 10 by the Revenue Committee.

Under current law, if the governing body of a county, city, village, school district, learning community, sanitary and improvement district, natural resources district, educational service unit or community college intends to increase its property tax request as a result of increased valuations, it may do so only after holding a public hearing called for that purpose and by passing a resolution or ordinance.

Under LB644, introduced by Sen. Ben Hansen of Blair, those political subdivisions could increase their property tax requests only if they participate in a joint public hearing.



Sen. Ben Hansen

The bill would require counties to notify affected taxpayers of the hearing by postcard, the cost of which would be shared by the political subdivisions seeking to increase their property tax request. Notice also would be posted on the main page of the relevant county's website.

Hansen said current law does not require political subdivisions to send taxpayers direct notification of a property tax request hearing.

He said a postcard showing the amount that an individual's taxes would increase would be more effective at getting their attention than the currently required newspaper

advertisement.

The proposed hearing would be held after 6 p.m. between Aug. 20 and Sept. 20 and would be open to public testimony. Its agenda would include only the property tax request proposals.

Each political subdivision at the hearing would present certain information, including the:

- amount of the property tax request;
- percentage difference in total assessed value of property from the prior year;
- tax rate that, when multiplied by the new total assessed value of property, would generate the same amount of property taxes as the prior year;
- tax rate resulting from the proposed property tax request; and
- percentage by which the political subdivision's total operating budget would exceed the prior year's.

The required notice and the resolution or ordinance setting the property tax request would include the same information. The resolution or ordinance would have to be certified and forwarded to the county clerk on or before Oct. 15 of the year for which it is to apply.

If political subdivisions raise their property tax request without following the bill's provisions, their levy would be considered unauthorized.

Sarah Curry, policy director at the Platte Institute, testified in support of the bill. She said many Nebraskans are unaware of the currently required hearings and that 77 percent of respondents to a recent Platte Institute poll would support a mailed notification of a property tax hearing.

Testifying in opposition to the bill was Lynn Rex, executive director of the League of Nebraska Municipalities.

Under LB644, she said, political subdivisions would have to hold two separate hearings on property tax requests.

Rex said some counties contain more than two dozen political subdivisions, some of which are regional entities covering more than one county, factors that would complicate finding a time and place for a joint hearing.

Colby Coash testified in opposition to LB644 on behalf of the Nebraska Association of School Boards and other education groups. School boards already discuss their budgets and property tax requests in open session, he said.

Coash said a bill passed last year added requirements similar to those in LB644, including a provision for stand-alone budget hearings at which the public has an opportunity to speak.

The committee took no immediate action on the bill.

TRANSPORTATION & TELECOMMUNICATIONS

Bill would authorize municipal broadband, internet services

The Transportation and Telecommunications Committee heard testimony Feb. 9 on a bill that would eliminate a ban on local broadband providers.

LB656, sponsored by Omaha Sen. Justin Wayne, would authorize municipalities to provide broadband or internet services on a retail or wholesale basis.



Sen. Justin Wayne

Currently, political subdivisions in Nebraska other than public power suppliers are prohibited

from providing such services.

The state is enforcing private, for-profit monopolies, Wayne said, by prohibiting municipalities from offering the same service as private service providers. He suggested the bill could be amended to grant similar authority to county governments.

“If a city, village, town or county decides that they’re tired of their local provider and their democratically elected city council, mayor or county board decides to implement local broadband, it should not be illegal to do so,” he said.

Lash Chaffin, speaking on behalf of the League of Nebraska Municipalities, spoke in support of LB656. Municipalities in Kansas, South Dakota and Wyoming have been offering broadband service for years, he said, making Nebraska an outlier.

“If you’re looking for an out-of-the-box solution to getting broadband access across the state, this would do it,” Chaffin said.

Also supporting the bill was Jon Cannon, executive director of the Nebraska Association of County Officials. Not every county would want to provide broadband service, he said, but a number of them are seeking solutions.

“More and more, with the connected world that we have and with the increasingly digital world we have, [broadband service] is another basic infrastructure tool to move us in that direction,” Cannon said.

Opposing the bill was Tip O’Neill, president of the Nebraska Telecommunications Association. Maintaining the prohibition on local broadband, he said, would ensure that villages, cities and counties have the tax base needed to operate.

“The rationale for the prohibition is plain,” O’Neill said. “A municipality should not provide a service in compe-

tion with a service provider, which is a private, tax-paying company.”

Jim Ediger, speaking on behalf of Hamilton Telecommunications, also opposed LB656. The likely outcome of the bill, he said, is that municipalities would prioritize service to densely populated areas to keep costs low.

“The unlevel playing field created by such policy will chill both private investment and competition in the areas served by a municipality,” Ediger said. “Further, it is unlikely that a municipality would serve the areas outside of city limits.”

The committee took no immediate action on the bill.

URBAN AFFAIRS

Landlord responsibility for bed bug infestations sought

Certain Omaha landlords would be required to provide bed bug inspections and treatment under a bill considered Feb. 9 by the Urban Affairs Committee.

LB553, introduced by Omaha Sen. Justin Wayne, would adopt the Bed Bug Detection and Treatment Act. The bill would require landlords of multi-unit dwellings in metropolitan class cities to have dwellings inspected and treated at the landlord’s expense after a complaint – written or electronic – from a tenant. Omaha is currently the state’s lone metropolitan class city.

LB553 also would prohibit such landlords from renting a dwelling that they know or suspect to contain bed bugs. Tenants would be required to promptly notify their landlord of a suspected infestation and landlords would have 96 hours to respond.

Wayne said bed bugs are an emerging public health issue in Omaha

schools.

“It’s similar to kids who have experienced lice,” Wayne said. “The difference between bed bugs and lice is, often times, lice is just confined to your home. Bed bugs can move around, particularly through apartment units, and spread quickly and exponentially.”

Carl Braun, president of the Nebraska State Pest Control Association, testified in support of the bill. He said bed bugs are not a personal problem, but a societal one, and that holding tenants responsible for bed bugs discourages reporting.

“The state of Nebraska must proactively ensure that our existing legal structures do not incentivize the further spread of bed bugs,” Braun said. “When landlords dispute liability and tenants lack affordable and effective pest control options, infestations are left untreated.”

Lynn Fisher, testifying on behalf of the Nebraska REALTORS Association and the Real Estate Owners and Managers Association of Lincoln, testified against LB553. The cost of inspection and treatment should be borne by tenants, he said.

“Landlords and property owners do not bring bed bugs into their property,” Fisher said.

The committee took no immediate action on LB553. ■

COMMITTEE HEARINGS

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

Further committee information is available at: NebraskaLegislature.gov/committees/standing-committees.php

Tuesday, Feb. 16

Appropriations

Room 1524 - 1:30 p.m.

LB576 (Bostar) Appropriate funds to the University of Nebraska
LB646 (Flood) Change the maximum amount of certain Nebraska Career Scholarships
LB671 (Murman) State intent regarding appropriations to the University of Nebraska
LB588 (Stinner) Change, rename, and eliminate provisions of the University of Nebraska facilities programs and the state college facilities programs
Agency 48: Coordinating Commission for Postsecondary Education
Agency 50: Nebraska State College System
Agency 83: Community College Aid
Agency 51: University of Nebraska System

Banking, Commerce & Insurance

Room 1507 - 1:30 p.m.

LB439 (M. Hansen) Change provisions relating to stacking of coverage under the Uninsured and Underinsured Motorist Insurance Coverage Act
LB530 (Lathrop) Require certain insurance policies to comply with federal minimum levels of financial responsibility for motor carriers
LB612 (Lathrop) Change motor vehicle liability insurance and financial responsibility requirements
LB602 (Pahls) Provide restrictions regarding insurance coverage and consumer care involving aftermarket parts for motor vehicles

Education

Room 1525 - 1:30 p.m.

LB359 (Pansing Brooks) Change provisions regarding multicultural education as prescribed and provide powers for the State Board of Education
LB527 (Walz) Change provisions relating to transition services for students with a developmental disability
LB538 (Walz) Adopt the Community Schools Act and change the distribution of income from solar and wind agreements on school lands

Nebraska Retirement Systems

Room 1525 - 12:00 p.m.

LB586 (Clements) Require an annual report regarding police and firefighter retirement plans in certain cities

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

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

Urban Affairs

Room 1510 - 1:30 p.m.

LB168 (M. Hansen) Terminate authorization for creation of sanitary and improvement districts
LB96 (DeBoer) Change provisions related to sanitary and improvement district hearings
LB81 (Hilkemann) Provide authority for sanitary and improvement districts to own, construct, and maintain public parking facilities

Wednesday, Feb. 17

Appropriations

Room 1525 - 9:30 a.m.

Agency 82: Commission for the Deaf and Hard of Hearing
Agency 81: Commission for the Blind and Visually Impaired
Agency 67: Equal Opportunity Commission
Agency 68: Latino-American Commission
Agency 70: Foster Care Review Board
Agency 76: Neb. Indian Commission
Agency 90: African American Affairs Commission

Appropriations

Room 1525 - 1:30 p.m.

Agency 19: Dept. of Banking
Agency 22: Dept. of Insurance
Agency 87: Accountability and Disclosure Commission
Agency 65: Dept. of Administrative Services

Executive Board

Room 1525 - 12:00 p.m.

LB107 (McCollister) Adopt the Redistricting Act
LR18CA (Wayne) Constitutional amendment to change legislative term limits to three consecutive terms

Government, Military & Veterans Affairs

Room 1507 - 9:30 a.m.

LB76 (Slama) Change apportionment of Nebraska's electoral college votes

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR3CA (Slama) Constitutional amendment to require verification of identity prior to voting

Health & Human Services

Room 1510 - 9:30 a.m.

LB108 (McCollister) Change provisions relating to the Supplemental Nutrition Assistance Program
LB121 (Hunt) Change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits
LB356 (Hunt) Change provisions relating to disqualification for the Supplemental Nutrition Assistance Program

Health & Human Services

Room 1510 - 1:30 p.m.

LB554 (Blood) Adopt the Licensed Professional Counselors Interstate Compact
LB628 (Morfeld) Change provisions relating to faculty licenses under the Dentistry Practice Act

Judiciary

Room 1113 - 9:30 a.m.

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

COMMITTEE HEARINGS

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Judiciary

Room 1113 - 1:30 p.m.

LB32 (Pansing Brooks) Provide for Class ICA and IDA felony classifications and change penalties

LB33 (Pansing Brooks) Change provisions relating to minimum sentences

LB34 (Pansing Brooks) Change sentencing provisions for crimes committed by a person under twenty-one years of age

LB114 (McCollister) Adopt the Clean Slate Act

LB484 (J. Cavanaugh) Provide for a new felony classification and change penalties for certain theft offenses

LB505 (J. Cavanaugh) Limit habitual criminal enhancement to specified felonies

Revenue

Room 1524 - 9:30 a.m.

LB292 (Friesen) Change provisions relating to partial payments of property taxes

LB367 (Briese) Impose a tax on cash devices under the Mechanical Amusement Device Tax Act

LB524 (Brandt) Change provisions relating to the calculation of credits under the Nebraska Property Tax Incentive Act

LB613 (Erdman) Change provisions relating to hearings and decisions on appeals under the Tax Equalization and Review Commission Act

Revenue

Room 1524 - 1:30 p.m.

LB291 (Friesen) Change provisions relating to property tax protests

LB521 (Friesen) Change provisions relating to applications for property tax exemptions

LB611 (Hilgers) Correct a reference to a defined term relating to property taxes

LB622 (Friesen) Limit the growth of real property valuations and provide for adjustments to assessed values

Thursday, Feb. 18

Appropriations

Room 1525 - 9:30 a.m.

LB192 (Wishart) State intent regarding

appropriations for law enforcement training and certification

LB193 (Wishart) State intent regarding appropriations for law enforcement training

LB304 (M. Hansen) Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice

LB341 (Stinner) Provide for transfers from the State Settlement Cash Fund Agency 11: Attorney General Agency 78: Neb. Commission on Law Enforcement and Criminal Justice

Appropriations

Room 1525 - 1:30 p.m.

LB353 (Lathrop) Appropriate funds to the Department of Correctional Services for a community corrections facility

Agency 5: Supreme Court

Agency 15: Neb. Board of Parole

Agency 46: Dept. of Correctional Services

Agency 94: Commission on Public Advocacy

Agency 64: State Patrol

Executive Board

Room 1525 - 12:00 p.m.

LB658 (McDonnell) Require the Inspector General of the Nebraska Correctional System to commission a study

LB659 (McDonnell) Create the Workforce Development Committee of the Legislature

Government, Military & Veterans Affairs

Room 1507 - 9:30 a.m.

LB590 (Groene) Change time periods for ballots for early voting

LB125 (McCollister) Provide for ranked-choice voting for certain elections

LB635 (J. Cavanaugh) Change provisions regarding nomination and election of certain partisan candidates

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LR24CA (Wishart) Constitutional amendment to change the one-subject requirement for initiative measures

LB475 (Wishart) Require an opinion from the Attorney General with respect to whether an initiative measure

contains more than one subject

LB477 (Bostar) Require the Secretary of State to provide an advisory opinion on the object statement and text of a proposed initiative or referendum measure

Health & Human Services

Room 1510 - 9:30 a.m.

LB570 (Health & Human Services) Change certain Department of Health and Human Services model pilot project evaluation periods

LB491 (M. Cavanaugh) Change and eliminate provisions relating to lead agencies, pilot projects, and service areas for certain social services

Health & Human Services

Room 1510 - 1:30 p.m.

LB129 (McCollister) Change provisions relating to eligibility for services under the Medical Assistance Act

LB376 (M. Cavanaugh) Authorize the application for and implementation of services and supports for developmentally disabled children and their families and provide duties for the Advisory Committee on Developmental Disabilities

LB67 (Day) Change provisions relating to school-based health centers under the Medical Assistance Act

Judiciary

Room 1113 - 9:30 a.m.

LB52 (Lathrop) Provide for immunity for injury or death resulting from COVID-19 exposure

LB54 (Lathrop) Change immunity for intentional torts under the Political Subdivisions Tort Claims Act and the State Tort Claims Act

LB71 (Wayne) Change provisions relating to intentional tort claims under the Political Subdivisions Tort Claims Act and State Tort Claims Act

LB139 (Briese) Adopt the COVID-19 Liability Protection Act

Judiciary

Room 1113 - 1:30 p.m.

LB53 (Lathrop) Provide immunity for health care providers acting in

COMMITTEE HEARINGS

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conformance with the crisis standard of care during a COVID-19 state of emergency

LB160 (Wayne) Change provisions of the Nebraska Hospital-Medical Liability Act
LB259 (Halloran) Authorize a civil action for damages sustained by public safety officers

LB326 (Slama) Provide immunity for claims against first responders operating motor vehicles and arising from vehicular pursuits and provide for policies, training, and duties relating to vehicular pursuits

Revenue

Room 1524 - 9:30 a.m.

LB310 (Clements) Change inheritance tax rates and exemption amounts
LB377 (DeBoer) Change inheritance tax provisions
LB40 (Groene) Adopt the Nebraska Rural Projects Act

Revenue

Room 1524 - 1:30 p.m.

LB502 (Flood) Change sales tax incentives under the Nebraska Advantage Act
LB544 (Wayne) Adopt the Urban Redevelopment Act and provide tax incentives
LB547 (Wayne) Adopt the Nebraska Small Business Act and provide tax incentives

Friday, Feb. 19

Appropriations

Room 1525 - 9:30 a.m.

LB103 (Dorn) Appropriate funds to aid counties to pay certain federal judgments
LB140 (Stinner) Provide funding for enforcement of railroad safety standards
LB488 (Stinner) Change provisions relating to appropriations
Agency 7: Governor
Agency 8: Lieutenant Governor
Agency 9: Secretary of State
Agency 10: Auditor of Public Accounts
Agency 12: State Treasurer
Agency 14: Public Service Commission
Agency 3: Legislative Council

Appropriations

Room 1525 - 1:30 p.m.

Agency 69: Neb. Arts Council
Agency 13: Dept. of Education
LB141 (Stinner) Appropriate funds to the University of Nebraska at Kearney
LB142 (Stinner) Change provisions relating to General Fund transfers to the Nebraska Cultural Preservation Endowment Fund
LB264 (Stinner) State intent to appropriate funds for cultural districts created by the Nebraska Arts Council
LB342 (Stinner) Appropriate funds to the State Department of Education
LB361 (Dorn) State intent regarding appropriations to the State Department of Education

Government, Military & Veterans Affairs

Room 1507 - 9:30 a.m.

LB652 (Wayne) Adopt the Historically Underutilized Business Program Act

Government, Military & Veterans Affairs

Room 1507 - 1:30 p.m.

LB179 (Linehan) Transition from elected to appointed county assessors

Health & Human Services

Room 1510 - 9:30 a.m.

LB637 (Vargas) Change provisions relating to the control of contagious or infectious disease
LB494 (M. Cavanaugh) Direct the Department of Health and Human Services to apply for grants to establish and maintain a health care insurance claims and payment information data base
LB328 (Arch) Change licensure application provisions under the Health Care Facility Licensure Act

Health & Human Services

Room 1510 - 1:30 p.m.

LB516 (McKinney) Change provisions relating to self-sufficiency contracts and work activity requirements under the Welfare Reform Act
LB626 (Vargas) Change provisions of the Child and Maternal Death Review Act
LB183 (Hunt) Adopt the Sexual Assault Emergency Care Act and provide for discipline against a hospital's license

Judiciary

Room 1113 - 9:30 a.m.

LB278 (Wayne) Change a penalty for possession under the Uniform Controlled Substances Act
LB301 (B. Hansen) Change drug schedules and penalties and adopt federal drug provisions under the Uniform Controlled Substances Act
LB552 (Wayne) Clarify definitions relating to marijuana under the Uniform Controlled Substances Act and schedule nabiximols as a Schedule III controlled substance

Judiciary

Room 1113 - 1:30 p.m.

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

Revenue

Room 1524 - 9:30 a.m.

LB39 (Lindstrom) Change the Sports Arena Facility Financing Assistance Act
LB181 (Linehan) Change the Convention Center Facility Financing Assistance Act
LB479 (McKinney) Change the membership of a committee under the Convention Center Facility Financing Assistance Act

Revenue

Room 1524 - 1:30 p.m.

LB175 (Friesen) Change the distribution of sales tax revenue and authorize the use of funds for certain infrastructure projects
LB178 (Lindstrom) Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turnback of state sales tax revenue
LB233 (Friesen) Provide sales and use tax collection duties for certain peer-to-

COMMITTEE HEARINGS

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peer rentals of vehicles
LB350 (Linehan) Change provisions relating to distribution of sales tax revenue to the Game and Parks Commission Capital Maintenance Fund

Tuesday, Feb. 23

Banking, Commerce & Insurance

Room 1507 - 9:30 a.m.

LB648 (Flood) Adopt the Transactions in Digital Assets Act
LB649 (Flood) Adopt the Nebraska Financial Innovation Act
LB654 (Wayne) Adopt the Public Entities Investment Trust Act

Education

Room 1525 - 9:30 a.m.

LB5 (Blood) Adopt the Purple Star Schools Act
LB669 (Vargas) Adopt the Veteran Promise Act
LB281 (Albrecht) Require child sexual abuse prevention instructional programs for school students and staff

Education

Room 1525 - 1:30 p.m.

LB550 (Wayne) Change enrollment option limits and provisions for part-time enrollment in schools
LB651 (Wayne) Provide a termination date for the enrollment option program
LB396 (Brandt) Adopt the Nebraska Farm-to-School Program Act

Transportation & Telecommunications

Room 1113 - 9:30 a.m.

LB522 (Friesen) Change a motor vehicle identification inspection training provision under the Motor Vehicle Certificate of Title Act
LB633 (Vargas) Change provisions of the Motor Vehicle Industry Regulation Act
LB504 (J. Cavanaugh) Change certain penalty provisions for the suspension, revocation, or impoundment of a motor vehicle operator's license

Transportation & Telecommunications

Room 1113 - 1:30 p.m.

LB317 (J. Cavanaugh) Provide for Nebraska History license plates
LB166 (Geist) Provide for Josh the

Otter-Be Safe Around Water Plates and provide powers and duties for the Game and Parks Commission
LB215 (Hughes) Change 911 service surcharge provisions

Urban Affairs

Room 1510 - 9:30 a.m.

LB647 (Flood) Change powers of cities of the first class
LB446 (M. Hansen) Adopt the Nebraska Housing Index and Financing Investment System Act
LB131 (Hunt) Change provisions relating to the enactment of ordinances

Urban Affairs

Room 1510 - 1:30 PM

LB555 (M. Hansen) Change reporting requirements under the Municipal Density and Missing Middle Housing Act
LB556 (M. Hansen) Change provisions relating to redevelopment contracts under the Community Development Law
LB653 (Wayne) Require goals for using historically underutilized businesses under the Community Development Law

Wednesday, Feb. 24

Judiciary

Room 1113 - 9:30 a.m.

LB186 (Hilkemann) Change provisions relating to the offense of criminal child enticement
LB206 (McDonnell) Change provisions and penalties relating to arson, trespass, and graffiti
LB315 (J. Cavanaugh) Change penalties for assault by strangulation or suffocation and domestic assault
LB661 (McDonnell) Prohibit assault on a public transportation driver and clarify provisions relating to assault on officers, emergency responders, certain employees, and health care professionals

Judiciary

Room 1113 - 1:30 p.m.

LB104 (Friesen) Allow aggregation of pecuniary losses for criminal mischief offenses
LB111 (Albrecht) Change provisions relating to various offenses involving public safety

LB187 (M. Cavanaugh) Change definition of sexual penetration for purposes of sexual offenses
LB229 (Hunt) Provide for enhanced penalties and a civil action for crimes committed because of a victim's gender identity or association with a person of a certain gender identity
LB319 (J. Cavanaugh) Change penalties for theft offenses
LB360 (Pansing Brooks) Define and redefine terms relating to sexual assault offenses

Revenue

Room 1524 - 9:30 a.m.

LB115 (McCollister) Impose sales tax on candy and soft drinks and provide for distribution of proceeds
LB457 (McCollister) Change provisions relating to deductions for certain sales and use tax refunds

Revenue

Room 1524 - 1:30 p.m.

LB26 (Wayne) Provide a sales tax exemption for residential water service
LB595 (Albrecht) Provide a sales tax exemption for certain products used in the process of manufacturing ethyl alcohol
LB672 (Murman) Change the sales and use tax exemption on agricultural machinery and equipment

Thursday, Feb. 25

Judiciary

Room 1113 - 9:30 a.m.

LB543 (Brandt) Adopt the Agricultural Equipment Right-To-Repair Act
LB603 (Aguilar) Adopt the Organized Consumer Product Theft Protection Act
LB621 (Friesen) Adopt the Social Media Fairness Act

Judiciary

Room 1113 - 1:30 p.m.

LB102 (Dorn) Provide for transfer of duties of clerks of the district court to clerk magistrates
LB316 (J. Cavanaugh) Change provisions relating to limitations for a postconviction relief action
LB355 (Lathrop) Change provisions

COMMITTEE HEARINGS

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relating to county judges, clerk magistrates, and civil procedure
LB386 (Lathrop) Change judges' salaries
LB548 (Wayne) Adopt the Nebraska Racial Justice Act and provide grounds for postconviction relief

Revenue

Room 1524 - 9:30 a.m.

LB64 (Lindstrom) Change provisions relating to the taxation of social security benefits
LB237 (Brewer) Change provisions relating to the taxation of benefits received under the federal Social Security Act
LB410 (Linehan) Change provisions relating to itemized deductions

Revenue

Room 1524 - 1:30 p.m.

LB299 (McDonnell) Adopt the Firefighter Cancer Benefits Act and provide an income tax exemption for such benefits
LB347 (Lindstrom) Change provisions relating to an income tax deduction for dividends received from certain corporations
LB625 (Vargas) Impose a surtax on certain taxable income and use the tax proceeds for early childhood education
LB680 (Linehan) Change the corporate income tax rate

Friday, Feb. 26

Judiciary

Room 1113 - 9:30 a.m.

LB167 (Geist) Protect religious freedoms as prescribed and provide for certain tort claims
LB282 (Albrecht) Change provisions relating to obscenity
LB517 (Hunt) Provide for a gender neutral designation on operator's licenses and state identification cards and provide for amendment of a birth certificate

Judiciary

Room 1113 - 1:30 p.m.

LB120 (Hunt) Prohibit discrimination based upon sexual orientation and gender identity

LB230 (Hunt) Prohibit discrimination in public accommodations and under the Nebraska Fair Housing Act on the basis of sexual orientation or gender identity
LB231 (Hunt) Prohibit conversion therapy
LB321 (J. Cavanaugh) Prohibit defendant's discovery of victim's actual or perceived gender or sexual orientation as a defense to a crime

Revenue

Room 1524 - 9:30 a.m.

LB18 (Kolterman) Change provisions relating to equivalent employees and qualified locations under the ImagiNE Nebraska Act
LB84 (Bostelman) Redefine terms relating to tax incentive performance audits and the ImagiNE Nebraska Act

Revenue

Room 1524 - 1:30 p.m.

LB134 (Brandt) Require the posting and reporting of tax incentive information under the Taxpayer Transparency Act
LB523 (Albrecht) Change provisions relating to certain school taxes and special funds

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

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

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

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

COMMITTEE HEARINGS

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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

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

Thursday, March 4

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

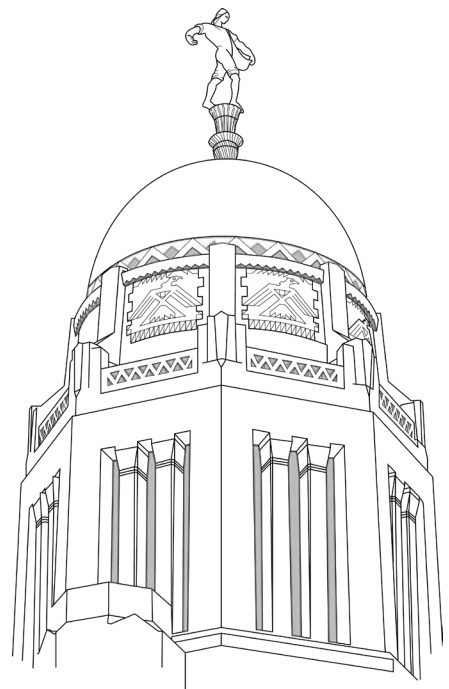
Room 1113 - 1:30 p.m.

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 ■

As part of the Legislature's procedural modifications in response to the COVID-19 pandemic, four options have been approved for public input this year.

1. As always, individuals may testify in person at committee hearings. Hearing room capacity will be limited due to social distancing.
2. The public may submit written testimony in person on the day of a public hearing – between 8:30 a.m. and 9:30 a.m. in the room in which the hearing will take place. These submissions will be included in the official committee hearing record.
3. Individuals wishing to provide public comment without appearing in person may submit a position letter by emailing the committee's account by 12:00 p.m. CST on the last work day prior to the public hearing. A list of committee email accounts is available on the Legislature's website at NebraskaLegislature.gov/committees/committee-emails.php.
4. Online comments may be submitted through a new feature on the Legislature's website, which is available on each individual bill page. Online written comments will not be included as part of the official legislative record.

For details, visit NebraskaLegislature.gov/committees/public-input.php ■



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