

Holocaust education standards clear first round

A bill intended to ensure Nebraska students receive education on the Holocaust before they graduate from high school advanced from general file March 1.

As introduced by Sen. Jen Day of Omaha, LB888 would have added studies relative to the Holocaust and other acts of genocide to the definition of multicultural education.

Day introduced an amendment, adopted 44-0, that instead would require the State Board of Education to adopt academic content standards for education on the Holocaust and other acts of genocide as part of the state's social studies standards.

She said the amendment is intended to ensure that students learn about the Holocaust in the appropriate grade rather than at each grade level.

Recent surveys have found that knowledge of the Holocaust among young people is declining, Day said. At the same time, she said, recent FBI statistics show that 60 percent of religiously motivated hate crimes are directed at Jews, who make up only 2 percent of the U.S. population.

In a 2021 survey, Day said, 25 percent of American Jews reported being targeted in the previous year and 40 percent reported changing their behavior due to fear of antisemitism.

"The increase in antisemitism combined with our youth's fleeting knowledge of the Holocaust paints a troubling picture and underscores the need to ensure that Nebraska students

(continued page 2)

Craft beer bill amended, advanced



Sen. John Lowe (right) discusses LB1236 with Sen. Michael Flood during first-round debate Feb. 28.

A bill intended to allow Nebraska craft breweries to have limited self-distribution rights was amended to become an omnibus liquor bill and advanced from general file Feb. 28.

As introduced by Kearney Sen. John Lowe, LB1236 would have allowed a craft brewery license holder to directly sell or re-sell an unspecified number of barrels per calendar year directly to off-premises sites located in Nebraska that hold an appropriate retail license.

A General Affairs Committee amendment, adopted 42-0, replaced the bill and would allow a craft brewer to directly sell up to 250 barrels — equivalent to 82,500 12-ounce bottles

or cans — of their own manufactured beer per calendar year if the licensee:

- self-distributes its beer only in a territory in which the licensee does not have a distribution agreement with a licensed wholesaler;
- uses only individuals exclusively and solely employed by the licensee to distribute its beer in vehicles exclusively and solely owned or leased by the licensee; and
- complies with all relevant statutes, rules and regulations that apply to Nebraska beer wholesalers regarding distribution of beer.

(continued page 3)

Holocaust education standards clear first round

(continued from front page)

are aware of the consequences of unchecked hate and ignorance,” she said.

Omaha Sen. Justin Wayne supported LB888 but said he would seek to amend it on select file to ensure that Nebraska students also are taught the history of slavery in the U.S., which he called one of the country’s “greatest tragedies” that has led to current racial disparities.

Sen. Bruce Bostelman of Brainard also supported the bill. He suggested, however, that lawmakers clarify the term “genocide,” which he said is too vague and open to interpretation. Bostelman said the bill should state explicitly which events are to be taught.

Senators voted 44-0 to advance LB888 to select file. ■



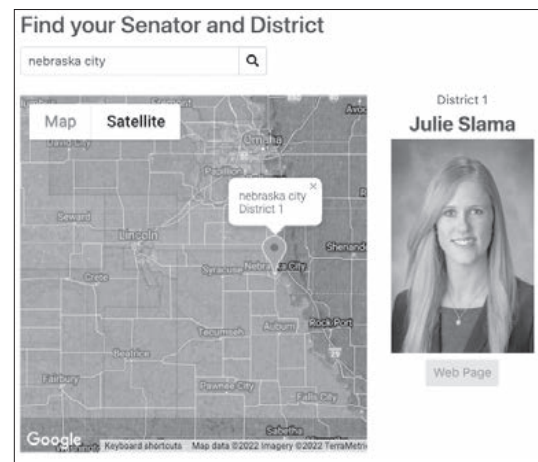
Sen. Jen Day said declining knowledge of the Holocaust among young people and increasing antisemitism in the U.S. indicate the need for Holocaust education.

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Craft beer bill amended, advanced

(continued from front page)

A craft brewery licensee could self-distribute beer brewed at its own licensed premises and could not distribute beer produced by any other licensee. The bill also would allow a licensee to store and warehouse tax-paid products in a designated, secure offsite facility if the Liquor Control Commission is notified.

Lowe said the majority of craft breweries in Nebraska sell most of their beer inside their own taprooms, but that the bill would be meaningful for some of the smaller breweries that have had difficulty finding distributors.

“This is a small business bill that will help promote all of the microbreweries in Nebraska,” he said.

The committee amendment also added provisions of two other bills introduced by Lowe.

LB899 would create a new special designated license for nonprofits that

are exempt from federal income taxes. The provisions would allow groups of nonprofits to use one application for up to six SDLs as long as each event is held at the same location. The fee would be \$40 for the initial license plus \$10 for each subsequent license listed on the application.

LB900 would allow Nebraska microdistilleries — entities that make their own whiskey, gin and other spirits — to operate up to five separate physical locations under one license. Currently, craft breweries are allowed to operate up to five separate physical locations and the amendment would allow microdistilleries to do the same. Current law limits a holder of a microdistillery license to one tasting room.

Sen. Tom Briese of Albion, chairperson of the committee, said the amended bill would be important to local economies.

“The combination of these bills ... really is a combination of legislation that can help some of our small businesses prosper going forward,” Briese said.

Norfolk Sen. Michael Flood supported both the bill and the amendment, which he said would settle a long-standing dispute between craft beer producers and wholesalers about distribution rights. He said he hoped to see similar legislation in the future that also would allow microdistilleries to self-distribute.

“I’m excited that this has come to fruition,” Flood said. “Let’s take this step today and let’s take a look at how it works and have future discussions about where we can go with distilleries.”

Following adoption of the committee amendment, lawmakers voted 39-0 to advance LB1236 to select file. ■

Economic forecasting board raises revenue projections

The Nebraska Economic Forecasting Advisory Board voted to increase revenue projections during a Feb. 28 meeting at the Capitol. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state’s budget.

Revenue projections for the current fiscal year and FY2022-23 were raised based on anticipated increases across all tax receipt categories, including a projected \$160 million increase in individual income tax receipts in FY2021-22 and a \$200 million increase in individual income tax receipts in FY2022-23.

Total projected revenue receipts for FY2021-22 were raised to \$5.72 billion, an increase of \$370 million. Projected total revenue receipts for FY2022-23 were set at \$5.96 billion, an increase of \$405 million.

The next board meeting is scheduled for Oct. 28. ■

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AGRICULTURE

Expanded riparian weed control program, other measures advanced

Lawmakers gave first-round approval March 3 to a bill that would expand a program intended to control noxious weeds and invasive plant species in Nebraska's rivers after amending it to include two other proposals heard by the Agriculture Committee this session.

The grant program, administered by the state Department of Agriculture, provides funding to weed management entities, local weed control authorities and natural resources districts for vegetation management projects whose primary purpose is to improve stream-flow in natural streams.

LB805, introduced by Sen. Dan Hughes of Venango, would state legislative intent to appropriate \$3 million per year to the program beginning in fiscal year 2022-23, up from \$1 million per year.

Currently, eligible projects must be related to vegetation management within a streambank or within 100 feet of the banks of a channel of any natural stream. Under Hughes's proposal, management activities could extend to a natural stream's floodplain.

Omaha Sen. Steve Lathrop opposed the bill, saying floodplains generally comprise land that is privately owned. Controlling vegetation on private property should be at the landowner's expense, not taxpayers', he said.

An Agriculture Committee amendment, adopted 32-1, includes the provi-



Sen. Dan Hughes

sions of two other bills introduced by Hughes this session, LB712 and LB802.

The provisions of LB712 would make several changes to the Black-Tailed Prairie Dog Management Act, which authorizes county boards to control black-tailed prairie dogs on property within the county.

The act, passed by the Legislature in 2012, requires landowners to manage prairie dog colonies on their property to prevent the animals from expanding to adjacent property if a neighboring landowner objects.

Under the amendment, an adjacent landowner could waive their objection to the expansion of a prairie dog colony onto their property. The proposal also would repeal provisions under which landowners who are responsible for an unmanaged prairie dog colony could be found guilty of an infraction and fined up to \$1,500.

Currently, a county's failure to publish general notice of a prairie dog management plan – or to serve a landowner with individual notice of a plan – does not exempt a landowner from the law's requirements. The amendment would repeal that provision and clarify that counties must serve individual notices by certified mail.

The provisions of LB802 would update the Nebraska Wheat Resources Act, which authorizes a 0.4 percent excise tax on wheat sold through commercial channels in the state.

The amendment would repeal the requirement that growers pay the checkoff when wheat is pledged or mortgaged as security for a federal price support program loan. Under the provisions of LB802, the tax would be collected only by the first purchaser when the wheat is sold, and it would not be collected if wheat is sold as seed.

Hughes's proposal would require first purchasers to maintain a record

of all settlements in which they did not collect the excise tax and report the number of bushels of wheat for which they did collect it.

Finally, the amendment would authorize the Nebraska Wheat Development, Utilization and Marketing Board to acquire ownership rights to any wheat variety and to develop, produce, market or sell seed for any wheat variety it owns.

Hughes said the change would help the board better market varieties developed by the University of Nebraska's wheat breeding program, which is funded in part by the checkoff.

Senators voted 33-5 to advance the bill to select file.

APPROPRIATIONS

Bill would direct pandemic relief funds to dual enrollment program

Community college programs that allow high school students to earn college credit would receive a share of the state's federal pandemic relief dollars under a bill considered March 1 by the Appropriations Committee.

LB1087, sponsored by Gering Sen. John Stinner, would appropriate \$15 million of the American Rescue Plan Act funds allocated to Nebraska to the state's community colleges for dual enrollment programs. Funds would be distributed in \$5 million per year increments over three fiscal years to community college areas in proportion to the number of students enrolled in dual credit courses.



Sen. John Stinner

Stinner said the dual enrollment program offsets tuition for dual credit courses, which he said provide students an easier transition into college and help them discover majors that suit their interests. When students are exposed to career opportunities, they are better prepared to enter trades and professions, he said.

“With the influx of federal funds to the state, we have a unique opportunity to make additional investments in workforce preparedness,” Stinner said.

Metropolitan Community College president Randy Schmailzl testified in support of the bill on behalf of the Nebraska Community College Association. Community college is an affordable alternative for many students, he said, but tuition still can be a barrier for low-income families.

Opening doors to all high school students through dual enrollment would provide a boost to students who have been negatively impacted by the pandemic by having their education interrupted, he said.

“This is really the opportunity to make a huge difference in the long run,” Schmailzl said. “We need to expose as many high school students as possible to discovery of college classes.”

Zach Pechacek also spoke in favor of LB1087, saying dual enrollment allowed him to become a master electrician at age 26 without any college debt. Pechacek, who now teaches at Metropolitan Community College, said he spent his senior year taking both high school and college courses. After high school graduation, he worked full-time as an apprentice and went to school in the evenings.

“Seeing this full circle, I can see what it can do for students and what a jumpstart it can give you,” he said.

Also testifying in support, Randy Gilson, Blair Community Schools superintendent, said the bill would

allow students more dual enrollment options. The courses are important for students, he said, only 22 percent of whom are prepared to succeed in college when they graduate from high school, according to recent research.

“[Through dual enrollment] our students can learn highly advanced skills in welding, manufacturing, computer programming and nursing – not just to be an employee, but to be a highly skilled, sought-after employee,” Gilson said.

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

State would reimburse cost of educator PPE

The Appropriations Committee heard testimony Feb. 28 on a bill that would create a program to cover the cost of personal protective equipment purchased by Nebraska school employees.

Under LB1182, sponsored by Lincoln Sen. Patty Pansing Brooks, the state Department of Education would be required to create the School Employees Pandemic Protection Program. The program would be funded by \$10 million of the federal American Rescue Plan Act funds allocated to Nebraska.

The program could pay a maximum of \$200 to Nebraska school employees to cover the cost of PPE purchased during the pandemic and would be established by Aug. 1, 2022.

Pansing Brooks said the bill would demonstrate appreciation for educators who have done so much to keep students safe during the COVID-19 pandemic.



Sen. Patty Pansing Brooks

“We want to establish an environment that takes care of our teachers and school personnel,” she said.

Robert Miller, an Omaha public school teacher, testified in favor of the bill on behalf of the Nebraska State Education Association. Teachers “reached deeper” into their own pockets than normal during the pandemic to provide masks, makeshift dividers, hand sanitizer and disinfecting wipes to keep classrooms safe, he said.

“The learning continued because, as difficult as it was, educators made it happen,” Miller said.

Linda Freye, a Lincoln kindergarten teacher, also supported LB1182. She said it became clear early in the pandemic that the masks supplied by her school would be an insufficient supply for the young students.

“I just went out and started buying masks,” Freye said, adding that her out-of-pocket expenditures, which normally are around \$1,000 a year, likely doubled during the pandemic.

“I’m your average teacher, just trying to do a good job,” she said.

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

Tribal water system improvements discussed

The state would allocate federal pandemic relief funds to improve municipal water systems owned and operated by Native American tribes headquartered in Nebraska under a bill considered March 3 by the Appropriations Committee.

Gordon Sen. Tom Brewer said he introduced LB1191 at the request of the Winnebago Tribe to help them address



Sen. Tom Brewer

the poor quality of their drinking water. The situation is the same for other tribes in the state, he said, and the bill would provide \$10 million of the state's federal American Rescue Plan Act funds to several projects to improve and repair dangerous and substandard municipal water systems.

The bill would allocate the funds to the Commission on Indian Affairs, Brewer said, with a tentative breakdown of \$6 million to the Santee Sioux Tribe and \$2 million each to the Winnebago and Omaha tribes. He said all the projects are federally approved, would receive other federal matching dollars and would be suitable uses of ARPA funds.

"We've got a chance to right an obvious wrong," Brewer said. "We're looking at building huge ditches on the Colorado border ... and a lot of things that are just a good idea maybe, but they're not essential to day-to-day life. This is."

Clinton Powell, civil engineer for the Santee Sioux tribe, testified in favor of the proposal. He said \$6 million would be used to leverage a federally authorized \$22 million project to bring treated surface water from South Dakota to tribal land and other communities in north central Nebraska. The project would involve a system of pipes underneath the Missouri River, he said.

Powell said the tribe currently is under an Environmental Protection Agency order not to drink the municipal water due to high levels of manganese, which is particularly harmful to infants.

Kameron Runnels, vice chairperson of the Santee Sioux Nation Tribal Council, also testified in support. The water crisis has been a burden on the tribe, he said. The local grocery store can't stock enough bottled water to meet residents' needs, Runnels said,

and the closest supermarket with a sufficient supply is an hour's drive away.

"As far as I can remember ... clean drinking water straight from the kitchen sink is something that our tribal people have never had," Runnels said. "We always hear the phrase 'water is life' among our people, yet we can't even fill up a glass of water from our kitchen sink to give to our kids."

Speaking on behalf of several Omaha tribal entities, Gwen Porter testified in favor of LB1191. Orders to boil water, leaks and other problems have become the norm for the tribe's water system, she said, and the \$2 million they would receive under the proposal would be used for a water treatment plant and an additional groundwater well to serve the town of Macy and surrounding areas.

Victoria Kitcheyan, chairperson of the Winnebago Tribe of Nebraska, also spoke in support. Winnebago's water has been classified as "undesirable for household consumption," Kitcheyan said, creating an unacceptable burden on an already impoverished community. The tribe has been working to fix the problem, she said, and pandemic relief funds would be a step toward solving a decades-long problem.

"When a bath smells like rotten eggs and is discolored, that is not the tub that you want to put your loved one in – your elderly mother, your infant child," Kitcheyan said.

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

Updated climate report, recommendations proposed

The University of Nebraska would use federal coronavirus relief funds to update a nearly decade-old climate change report under a bill heard March 3 by the Appropriations Committee.

LB1255, introduced by Lincoln Sen. Eliot Bostar, would appropriate \$150,000 in American Rescue Plan Act funds to the university in fiscal year 2022-23.



Sen. Eliot Bostar

Bostar said the university's Institute of Agriculture and Natural Resources would use the funds to update a 2014 report that assessed the effects of climate change in Nebraska.

The funding also would allow the institute to contract with a third-party, science-based organization to develop a report that recommends specific measures the state could take based on the findings of the updated university report, he said.

Those measures would include a conservation and management plan under the federal Clean Water Act and plans for green infrastructure investments and projects that improve the state's resilience to climate change.

Both reports would be delivered to the governor and the Legislature by Dec. 1, 2024.

Bostar said 2021 was the seventh consecutive year in which the country experienced 10 or more billion-dollar weather- or climate-related disasters. National and global climate assessments are updated and reissued regularly to reflect new data and refined modeling techniques, he said, and Nebraska's report should be no different.

"It's imperative that we are measuring and gauging the impact of climate change on our state with accuracy and timeliness," Bostar said.

Martha Shulski, Nebraska state climatologist, testified in support of LB1255 on her own behalf. She said the most useful scientific reports are "living documents" that synthesize new information.

In the past three years alone, Shulski said, Nebraska has experienced widespread drought, its third wettest year on record and, in 2021, its warmest December on record, a month that also included an unusual winter derecho and 30 confirmed tornadoes. The key to helping Nebraska prepare for emerging weather hazards like those is to track them regularly and systematically, she said.

“Tracking weather trends is not a choice,” Shulski said. “It’s a must.”

Kristal Stoner testified in support of the bill on behalf of Audubon Nebraska. The 2014 report is the “current gold standard” for those seeking information on how climate change could affect Nebraska, she said, and an update is needed.

Stoner said 34 states have released or are currently drafting climate action plans and that Nebraska decision makers need similar guidelines to help them conserve state resources and build sustainable communities.

“The cost of this proposed legislation, in my opinion, is cheap compared to the implications of inaction,” she said.

Katie Torpy of the Nature Conservancy also testified in support, saying the university is Nebraska’s most trusted source for climate-related information.

By authoring the updated report, she said, the university could serve as a “climate ambassador” to help Nebraskans better understand the state’s vulnerabilities to climate change and demonstrate how adaptation and mitigation techniques can benefit them.

“The continued absence of a climate action plan not only leaves Nebraska vulnerable — it leaves us unable to capitalize on solutions that benefit our economy and the environment right now,” Torpy said.

John Hansen testified in support of LB1255 on behalf of Nebraska

Farmers Union, saying the state’s agriculture sector is particularly vulnerable to climate change. The more data and knowledge farmers have, he said, the better they can plan for and adapt to changing climate conditions.

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



Banking omnibus bill advanced

A bill that would adopt updates to the Insurance Holding Company System Act was amended to become an omnibus banking measure and advanced from general file March 3.

LB863, introduced by Gothenburg Sen. Matt Williams, would mandate the filing of a group capital calculation and liquidity stress test results with the Nebraska Department of Insurance by insurers subject to the registration requirements of the Insurance Holding Company System Act.



Sen. Matt Williams

Williams said the bill was necessary after the U.S., the European Union and the United Kingdom entered into two agreements to mandate such filings.

“The bill makes sure that internationally active Nebraska domiciled insurers are not subject to double regulation by the European Union or the United Kingdom,” he said.

The Banking, Commerce and Insurance Committee offered an amendment to include provisions of the following bills:

- LB728, introduced by Omaha Sen. Brett Lindstrom, which would create a state administered statutory framework for the sale of travel insurance and make individuals who sell travel insurance subject to the Unfair Insurance Trade Practices Act;
- LB737, introduced by Lincoln Sen. Eliot Bostar, which would create the Primary Care Investment Council to analyze, among other data, spending and investment on primary care services in comparison to health outcomes in Nebraska and nationally;
- LB739, also introduced by Bostar, which would lower the health insurance coverage age for a colorectal cancer screening from 50 to 45;
- LB955, introduced by Sen. Dave Murman of Glenvil, which would prohibit the denial or reduction of coverage for life, disability or long-term care insurance or the charge of an additional premium for living organ donors in Nebraska;
- LB957, introduced by Sen. Michael Flood of Norfolk, which would require that all Nebraska domestic insurers regulated by



Sen. Brett Lindstrom



Sen. Dave Murman



Sen. Michael Flood

the state establish standards, requirements and limitations for the investment of insurers; and

- LB1042, introduced by Bostar, which would provide guidance to insurance companies regarding gifts and other related activities.

Senators adopted the committee amendment on a 42-0 vote and advanced LB863 to select file 44-0.

BUSINESS & LABOR

Innovation partnership bill amended, advanced

Lawmakers advanced a bill from select file March 3 meant to facilitate relationships between technology firms and research institutions in historically underserved areas of Nebraska.

LB450, sponsored by Omaha Sen. Terrell McKinney, would require the state Department of Economic Development to design an innovation hub, or “iHub,” designation for certain areas in Nebraska.

The bill defines an iHub as a partnership between private nonprofit corporations and a two- or four-year college or university to stimulate economic development. Among other tasks, the DED would provide technical assistance and guidance to entrepreneurs and facilitate partnerships between the member organizations.

Lincoln Sen. Suzanne Geist offered an amendment on select file to include provisions of her LB1215. The amendment would appropriate \$5 million to a newly created small business assistance

program. The program would allow certain individuals who want to start a small business with five or fewer employees in Nebraska to apply for a \$25,000 grant from DED.

To qualify for a grant, the applicant could not have earned more than \$55,000 in the most recent calendar year, have a net worth of less than \$200,000 and not have an ownership interest in any other business.

The amendment also would authorize grants of up to \$12,500 for small businesses in existence less than five years if gross revenue has grown by less than 25 percent in the past calendar year and the owner has a net worth of less than \$200,000 and does not have an ownership interest in another business.

“These start-ups ... could include salons, boutique stores, child care centers and many other businesses that provide much-needed services,” Geist said.

Senators adopted the amendment on a 31-0 vote and advanced LB450 to final reading on a voice vote.

Diaper changing accommodations proposed

A bill that would require diaper changing tables in public bathrooms was heard by the Business and Labor Committee Feb. 28.

LB815, introduced by Omaha Sen. Terrell McKinney, would require public accommodation spaces that already have a publicly accessible bathroom to install at least one diaper changing station in the women’s and men’s bathrooms and in a gender-neutral or family bathroom. Signage indicating the location of a diaper changing station also would be required under the bill.

An exemption could be granted



Sen. Suzanne Geist

by a local permitting entity or building inspector if the installation of a diaper changing station would not be feasible or would result in failure to comply with building regulations. Provisions of the bill would take effect Jan. 1, 2023.

McKinney said the “good life” should mean an end to diapers being changed on the floor of public restrooms merely because babies are not with their moms. Parents should be afforded equal accommodations to take care of their children, he said.

“Our society is a patriarchal one. To this end, it has been historically presumed that women are primary caretakers and men don’t take part in changing kids’ diapers. This is no longer the case,” he said. “Men, too, take an active part in child-rearing and deserve accommodations that add to that effect.”

Claire Wiebe of Planned Parenthood North Central States in Nebraska testified in support of the bill. The U.S. has seen an increase in stay-at-home dads and families choosing to split child care responsibilities, Wiebe said, and not all families have a female partner who can easily access a women’s bathroom.

“Public spaces should reflect the needs of the people they serve,” Wiebe said. “Not all families fit into the nuclear structure that many spaces – spaces like the Capitol – are designed for and that diversity should be reflected in ensuring equitable access to facilities for child care, including diaper changing stations.”

Also in support of the bill was Scout Richters, who spoke on behalf of the ACLU of Nebraska.

With the proposed legislation, Richters said, women no longer would have sole responsibility for changing their child’s diaper in public places in Nebraska.



Sen. Terrell McKinney

“The disparity of locations of current diaper changing stations creates a near impossible situation for single fathers, same-sex male parents and other male caregivers when they enter a public building and know that it’s unlikely they’ll be able to hygienically change a diaper,” Richters said. “Without diaper changing stations in all restrooms, Nebraska upholds unhelpful gender norms and stereotypes that are becoming increasingly outdated.”

No one testified in opposition to LB815 and the committee took no immediate action on it.

EDUCATION

Farm-to-school program expanded

Early childhood education programs are included in the Nebraska farm-to-school program under a bill given final approval Feb. 28.

Lawmakers created the program in 2021 with passage of a bill sponsored by Plymouth Sen. Tom Brandt that requires the state Department of Education to administer a program to help provide locally grown and minimally processed food to elementary and secondary school students in Nebraska.

LB758, introduced by Brandt this session, expands the law to include early childhood education programs licensed under the state’s Child Care Licensing Act.

Senators passed the bill on a 46-0 vote.



Sen. Tom Brandt

State funds would help students with disabilities attend private schools

Parents of children with disabilities could apply for state scholarship funds that they could use at private and parochial schools under a bill heard Feb. 28 by the Education Committee.

LB1251, introduced by Sen. Ben Hansen of Blair, would create a scholarship program for parents of eligible elementary and secondary school students who receive special education services under an individualized education plan or a plan under Section 504 of the federal Rehabilitation Act of 1973.

Hansen said the bill would allow parents of children with disabilities to choose a learning environment that best meets their needs.

To determine the scholarship amount, the state Department of Education would assign students to one of four tiers based on their disabilities. Parents would receive 50 to 150 percent of the current year’s statewide average basic funding per public school student, with parents of higher needs students receiving more funding.

To participate in the program, a school would have to comply with all applicable health and safety laws and conduct background checks on potential employees.

A participating school would not be required to alter its creed, practices, admissions policy or curriculum, and it could accept or deny a student under the program based on its ability to serve the student appropriately.

LB1251 would transfer \$5 million in lottery funds to the program each year beginning in fiscal year 2022-23,



Sen. Ben Hansen

but Hansen said he is open to other funding methods.

Holly Hansen of Saunders County testified in support of the bill. She said her twin sons, who are in first grade, started kindergarten at a Catholic elementary school in Wahoo, which their older brother attends, but had to transfer to the local public school to receive the special education services they need.

Hansen said she is grateful for the care and support her sons have received in public school.

“However, I should be able to choose the school my children attend, and if my husband and I want to provide a Catholic school environment for my children, they should be able to get that,” she said. “They should be able to receive the special education help they need at any school they attend.”

Leah Critchfield, a special education teacher at Roncalli Catholic High School in Omaha, also testified in support. She said it would allow Roncalli to expand its Benilde Program, which now serves students with mild learning disabilities, to those with more intensive needs.

Currently, students with an IEP are bused to the nearest public high school to receive associated special education services, Critchfield said, but they miss up to two class periods at Roncalli to do so.

“As you can imagine, it doesn’t work,” she said. “Because of this, I’m put in a position where I have to watch parents make a choice and essentially give up the services or leave the school they feel is best for their child.”

Kami Jessop testified in opposition to LB1251 on behalf of several school organizations, including the Nebraska State Education Association and the Nebraska Association of School Boards. She said the bill could undermine students’ access to high-quality

educational services and protections they are entitled to under the law.

Jessop said the organizations she represents also are concerned about the proposed tiers that would categorize students based on their disability.

“The assumption that the provision of services or cost of educating a student is in any way associated with their disability label is uninformed, inaccurate and misleading,” she said.

Also in opposition was Connie Knoche of OpenSky Policy Institute. She said LB1251 would provide state funding to private schools without also imposing oversight or accountability measures to ensure that the program is working as intended.

Daniel Russell testified in opposition to the bill on behalf of Stand for Schools. Under Hansen’s proposal, he said, private schools would maintain their ability to discriminate against students based on religion, gender identity, sexual orientation and other characteristics.

“Stand for Schools does not believe that state dollars should be used to support schools that may be closed to some children,” Russell said.

The committee took no immediate action on the bill.

Amendment to eliminate State Board of Education proposed

Voters could choose to eliminate the State Board of Education under a proposed constitutional amendment considered by the Education Committee March 1.

The eight-member board sets education policy and ensures that the state Department of Education carries out duties established by the state constitution and set out by the Legislature and the board.

Currently, the board appoints the commissioner of education, who is the

administrative head of the department.

LR278CA, sponsored by Elkhorn Sen. Lou Ann Linehan, would transfer that power to the governor. It also would transfer the power to issue revenue bonds from the board to the commissioner at the direction of the governor.



Sen. Lou Ann Linehan

If passed by the Legislature, the resolution would place the question on the November 2022 general election ballot.

Linehan said Nebraska is one of few states in which neither state lawmakers nor the governor appoint members to a state board of education or hire a commissioner of education.

Many Nebraskans do not know who represents them on the board, she said, but most know who the governor is and could more easily hold that person accountable for education policy.

Laura Rauscher of Lancaster County supported the measure, saying State Board members have been unresponsive to opponents of its development of health education standards over the past year.

Matthew Blomstedt, commissioner of education, testified in opposition to LR278CA. He said Nebraska’s system allows for oversight and flexibility and is “among the most stable governance structures.”

Dave Welsch also testified in opposition to the resolution on behalf of several school organizations, including the Nebraska State Education Association, Nebraska Council of School Administrators and Nebraska Association of School Boards.

Public education should be governed by an independent, elected board that sets policy within guidelines established by the Legislature, he said, and the commissioner should be appointed by the board based on qualifications,

not political affiliation or agenda.

Also in opposition was Abbi Swatsworth of OutNebraska. She said the current system allows the State Board to hire a commissioner who is focused on equity for all Nebraska public school students. If the commissioner is appointed by the governor, Swatsworth said, the role could become more partisan.

Additionally, she said, the board now serves as an “unbiased broker” when deciding education policy and focuses on a long-term plan for public education in Nebraska.

“We believe that, without a state school board ... perhaps greater Nebraska communities would not have a voice in state-level education decisions as power is consolidated under the governor.”

Sara Skretta testified in opposition to LR278CA on behalf of the Nebraska Association of Colleges of Teacher Education. She said LR278CA would prevent Nebraskans from participating in educational policy making through election to the board. She said an independent board is needed to ensure consistent leadership on education issues.

“LR278CA would result in an education system that is inherently political, rather than one focused on educational policy,” Skretta said.

The committee took no immediate action on the proposal.

GENERAL AFFAIRS

Bill would allow lottery ticket vending machines

Lottery tickets could be sold through vending machines under a bill considered Feb. 28 by the General

Affairs Committee.

Lincoln Sen. Eliot Bostar said he introduced LB1268 to bring Nebraska in line with other states. Forty-two of the 45 states that have a state lottery allow tickets to be sold in vending machines, he said.



Sen. Eliot Bostar

“Lottery machines are stand-alone and secure. They are age-controlled and require a valid driver’s license with a bar code to be scanned to verify the purchaser’s age,” Bostar said.

Rich Otto, testifying on behalf of the Nebraska Retail Federation and the Nebraska Grocery Industry Association, spoke in support of the bill, saying it would lessen the burden on staff at retail outlets and make transactions easier for customers.

Mike Baumgartner, director for Nebraska’s Coordinating Commission for Postsecondary Education, also testified in support of LB1268. He said Nebraska’s Community College Gap Assistance Program receives between \$11 million and \$13 million a year in lottery proceeds – money that is used to fund scholarships for lower-income Nebraskans. Allowing lottery vending machines would generate an estimated additional \$250,000 for the program, Baumgartner said.

“Lottery funds are very important to addressing college affordability in Nebraska,” he said.

Pat Loontjer of Gambling With the Good Life testified in opposition to the bill. She said lottery vending machines would expand gambling in Nebraska.

“When they talk about increased revenue, they’re talking about money that is going to be lost by families and children,” Loontjer said.

Nate Grasz of the Nebraska Family Alliance also spoke in opposition,

saying low-income Nebraskan’s would be hurt most by the increased ease of buying lottery tickets.

“The lottery loves poverty,” Grasz said. “The poorest third of Americans buy more than half of all lottery tickets, which is why states advertise so aggressively in poor neighborhoods.”

The committee took no immediate action on LB1268.

GOVERNMENT, MILITARY & VETERANS AFFAIRS



Voting machine, ballot counting bills considered

The Nebraska Secretary of State would be required to inspect all vote counting machines used in the state to ensure that they cannot be accessed remotely under a bill heard March 2 by the Government, Military and Veterans Affairs Committee.

LB1121, introduced by Sen. Joni Albrecht of Thurston, would require the Nebraska secretary of state’s office to carry out the inspection and prohibit contracting with a third-party. The bill also would require a representative of the office to be present whenever a ballot counting machine is being serviced.

Albrecht said the bill would send a message to Nebraska voters that their votes matter.

“We owe no greater debt to this state than to provide the means necessary for our elections to be unquestionably free, fair and correct,” she said.

Doug Kagan of Nebraska Taxpay-

ers for Freedom testified in support of LB1121. County clerks lack the technical expertise to verify that vote tabulating machines have not been tampered with, he said.

Nebraska Secretary of State Bob Evnen testified in opposition to the bill. He said there was no justification for the proposal and that it would be prohibitively expensive. Vote counting machines are never connected to the internet, Evnen said, and are tested for accuracy both before and after elections.

“There is not any credible evidence to believe that our vote counting devices have rendered false results,” he said.

The committee also heard testimony on LB1123, introduced by Sen. Steve Erdman of Bayard, which would prohibit county election officials from counting ballots until after all polls close in the state on Election Day. The bill would apply to ballots cast in person or received by mail.



Sen. Steve Erdman

Erdman said prohibiting the tabulation of votes until polls close would eliminate the premature releasing of results.

“When vote counts are released to the public before the polls close, some citizens may decide that the candidate or candidates that they prefer are too far behind to be elected and they don’t go vote,” he said.

Michael Connelly testified in support of the bill, saying that waiting to count ballots would prevent fraud.

Douglas County Election Commissioner Brian Kruse testified in opposition to the bill. Ballot counting currently may begin 24 hours before Election Day, he said, and a variety of measures are taken to ensure that no results are released prior to polls closing.

Kruse said Douglas County officials spent 11 hours counting ballots the Monday prior to Election Day in 2020 and that waiting to do so until after polls close would delay reporting results and burden an already taxed workforce.

“Attempting to fit an additional 11-hour’s worth of work [into] an extremely full day is not best practice, safe or practical,” Kruse said.

The committee took no immediate action on either proposal.



Athletic trainer bill clears first round

A bill that would change the scope of practice for licensed athletic trainers in Nebraska advanced from general file March 1.

LB436, introduced by Sen. Ben Hansen of Blair, would expand an athletic trainer’s duties under the Athletic Training Practice Act to include:



Sen. Ben Hansen

- injury prevention and wellness promotion;
- examination, assessment and medical opinion;
- immediate emergency care including administration of emergency drugs prescribed by a physician;
- therapeutic intervention or rehabilitation of injuries and illnesses;
- therapeutic modalities; and
- health care administration.

Under the bill, athletic trainers would not be allowed to use joint manipulation or joint cavitation or prescribe medications.

Hansen said athletic trainers are undervalued in Nebraska and LB436 would expand their scope of practice to match their education and training.

“The education standards for athletic trainers have gone through four revisions since 1989. They now have clinical and didactic coursework. This prepares them to work with a wide range of populations,” Hansen said. “LB436 will provide an avenue for athletic trainers to help patients beyond only those individuals defined as athletes.”

Hansen offered an amendment, adopted 43-0, that would allow trainers to employ “dry needling” and clarify that the modalities listed in the bill could be performed only by a licensed athletic trainer, physician, osteopathic physician, chiropractor, nurse, physical therapist or podiatrist.

Lawmakers advanced the amended LB436 to select file on a 43-0 vote.

Continuous glucose monitoring bill advances

Prescribed continuous glucose monitors would be covered by Medicaid in Nebraska under a bill advanced from general file March 1.

LB698, introduced by Sen. Mark Kolterman of Seward, would require the state Department of Health and Human Services to provide Medicaid coverage for the devices by Jan. 1, 2023.



Sen. Mark Kolterman

Kolterman said Nebraska is one of five states that does not require Medicaid to cover the monitors, which

enable an individual with diabetes to be aware of their blood sugar level constantly.

“Patients who manage their diabetes have better outcomes, higher quality of life and cost significantly less to the state,” he said. “Without proper care, patients are at increased risk of blindness, limb amputation, kidney failure and heart disease.”

La Vista Sen. John Arch spoke in support of the bill. He said the state could see reduced costs and better health outcomes for diabetic Nebraskans if they have fewer emergency room visits due to sudden changes in blood sugar levels.

Lawmakers advanced LB698 to select file on a 45-0 vote.

Stillbirth review proposal advanced

A bill that would expand state review of child deaths to allow inclusion of stillbirths advanced from general file March 2.

LB741, as introduced by Bennington Sen. Wendy DeBoer, would allow the State Child and Maternal Death Review Team to review stillbirths that occur after Jan. 1, 2023, to help identify preventable causes of stillbirths.



Sen. Wendy DeBoer

Under the bill, the review team is not required to review all stillbirths, DeBoer said, but the provisions would allow it or any agency that derives its authority from the state Department of Health and Human Services to access and analyze stillbirth data. She added that approximately one in five stillbirths are preventable.

“LB741 offers an avenue for trained clinical teams to review these deaths and make recommendations to pre-

vent these heartbreaking outcomes,” DeBoer said.

The Health and Human Services Committee offered an amendment that would add provisions of LB626, introduced by Omaha Sen. Tony Vargas, to the bill. The amendment would separate the State Child and Maternal Death Review Team into the State Child Death Review Team and the State Maternal Death Review Team. Each group would submit an annual report to the Legislature.



Sen. Tony Vargas

The amendment also would define a stillbirth as a spontaneous fetal death that occurs between 20 weeks gestation and birth and results in the issuance of a fetal death certificate.

Vargas said the amendment would formalize the separate purview of each review team and promote maternal and infant health.

“These goals cannot be met without access to timely and accurate data,” he said.

Senators adopted the committee amendment on a 44-0 vote and advanced LB741 to select file 44-0.

HHS omnibus bill clears first round

A bill that would expand the scope of practice for respiratory therapists was amended to become a committee omnibus bill and advanced from general file March 3.

LB752, as introduced by Sen. John Arch of La Vista, would authorize respiratory therapists, in addition to current allowable practices,



Sen. John Arch

to engage in a broader range of practices including the administration of all pharmaceutical, diagnostic and therapeutic agents for the treatment and diagnosis of cardiopulmonary disease for which the respiratory care practitioner has been professionally trained or has obtained sufficient education or certification.

Arch said state law needs to be updated to reflect significant advancements in respiratory therapy.

A Health and Human Services Committee amendment, adopted on a 35-0 vote, added the provisions of several bills:

- LB753, also introduced by Arch, which would require Nebraska health care providers to obtain informed written consent prior to administering stem cell therapy. Any patient age 19 or older would be required to confirm that their health care provider has explained the treatment, that the treatment has not received approval from the U.S. Food and Drug Administration and that the patient understands that the treatment hasn’t received such approval;
- LB554, introduced by Sen. Carol Blood of Bellevue, which would adopt the Licensed Professional Counselors Interstate Compact which, if it becomes operative, would enable a licensed Nebraska professional counselor to work in another state that is a member of the compact without having to obtain a new license in that state; and
- LB15, also introduced by Blood, which would adopt the



Sen. Carol Blood

Occupational Therapy Practice Interstate Compact. Once in effect, the compact would allow licensed therapists to practice in other member states without having to obtain a separate license as is required currently.

Bennington Sen. Wendy DeBoer also offered an amendment to include provisions of her LB374. The amendment, adopted 34-0, would create the Alzheimer’s Disease and Other Dementia Advisory Council. The 17-member council would examine the needs of individuals living with dementia, services available for those individuals and caregivers and the ability of health care providers and facilities to meet those needs.

Lawmakers advanced LB752 to select file on a 36-0 vote.

Bill would require state approval for all directed health measures

The Health and Human Services Committee heard testimony March 2 on a bill that would require local public health departments to receive state approval before implementing directed health measures.

Under current law, DHMs – such as indoor mask mandates – can be implemented without the approval of the state Department of Health and Human Services only by a local health district organized as city-county health department and located in a county with a population greater than 200,000. The Lincoln-Lancaster County Health Department is the only entity that fits that definition.

LB859, sponsored by Elmwood Sen. Robert Clements, would remove that provision of state law and instead would



Sen. Robert Clements

require all local public health departments to receive prior approval from DHHS.

Clements said the Lincoln-Lancaster County Health Department exception caused division among local communities during the pandemic and concern that “overreaching DHMs” encroached on residents’ personal liberties and created an unlevel playing field for businesses depending on their location.

“It’s become clear to me that during a pandemic of an airborne virus it would be best dealt with on the statewide level when considering DHMs,” he said.

The bill also would require the board of health of all local health districts to hold a public hearing – with 10 days prior notice – before enacting rules and regulations.

Dale Michaels, a retired family physician, testified in support of the proposal. Having different directed health measures during the pandemic was confusing and unnecessary, he said.

“Given the fact that Nebraskans are largely the same wherever they live, it just doesn’t make sense,” Michaels said.

Gary Anthonie, chief medical officer and director of public health at the state Department of Health and Human Services, also supported the bill. Viruses and other infectious diseases do not recognize county lines, he said, and Nebraska would benefit from a uniform, statewide approach.

“The bill would provide more continuity and consistency to directed health measures across the state in response to a pandemic or epidemic,” Anthonie said.

Pat Lopez, director of the Lincoln-Lancaster County Health Department, opposed LB859. It is critical that local officials have authority to address public health threats, she said, adding that an additional 230 residents would have died if Lancaster

County had had the same COVID-19 death rate as the rest of Nebraska.

The department relied on evidence-based practices from local and national public health agencies to try and protect the county’s hospital system, reduce illness and death and lessen the pandemic’s impact on education, government operations and businesses, she said.

“There will always be new and emerging infectious disease threats,” Lopez said. “Having the ability to address them locally and rapidly – to implement protective measures based on local conditions – is critical to protecting the public’s health for Lincoln and Lancaster County.”

Testifying on behalf of the Lancaster County Board of Commissioners, Commissioner Rick Vest also spoke in opposition to the bill. The Lincoln-Lancaster County Health Department “admirably executed its mission and saved lives,” he said, adding that different counties have different needs during a public health emergency and local officials are best positioned to know what those needs are.

“LB859 mistakenly treats the Lincoln-Lancaster County Health Department as an exception that needs to be corrected, whereas the results show that our health department is a model to be emulated,” Vest said.

The committee took no immediate action on the bill.

JUDICIARY



Expanded prison, parole evaluations advanced

Lawmakers advanced a bill from general file March 3 that would re-

quire evaluation of Nebraska’s prison and parole programs.

LB896, as introduced by Omaha Sen. Steve Lathrop would require the Nebraska Department of Correctional Services and the Division of Parole Supervision to use an independent contractor or academic institution to evaluate programs funded by the department.



Sen. Steve Lathrop

Under the bill, nonclinical treatment and structured programs would be evaluated on a regular basis and clinical treatment programs would be evaluated every three years. When applicable, evaluations would include a cost-benefit analysis, ratings of effectiveness in reducing recidivism and the availability and timeliness of programs.

Evaluation results would be sent to the inspector general of corrections and the evaluated entities.

Individuals sent to NDCS are expected to be rehabilitated, Lathrop said, and part of that comes from programming, which needs to be evaluated to ensure evidence-based best practices are used and that they are accessible to the inmate population.

“LB896 will assist the [NDCS] in providing quality, evidence-based programs to incarcerated individuals and help ensure that our tax dollars are going to effective programming that improves public safety and achieves the goals it is intended to achieve,” Lathrop said.

An amendment offered by the Judiciary Committee, adopted 40-0, would clarify language regarding nonclinical treatment, remove the Division of Parole Supervision from the bill and remove the provision that an independent contractor be listed as an entity

permitted to conduct program evaluations. Education institutions instead would be the sole entity responsible for the evaluations.

Senators voted to advance LB896 to select file 40-0.

'Stolen valor' bill proposed

An individual who fraudulently claims to be an active member or veteran of the U.S. military with the intent to benefit from that impersonation would face penalties under a bill heard by the Judiciary Committee March 2.

Under LB990, introduced by Blair Sen. Ben Hansen, an individual would commit the offense of "stolen valor" if he or she fraudulently represents as an active member or veteran of the U.S. military with the intent to obtain money, property or other benefit through use of unauthorized military regalia or falsified military identification.



Sen. Ben Hansen

An individual who falsely claims to be a recipient of a military award also would commit the offense of stolen valor. Violation of the bill's provisions would be a Class I misdemeanor, which carries a maximum penalty of one year imprisonment and a \$1,000 fine.

Hansen said that for veterans and active military members, service to their country is their life.

"Unfortunately, there are those that falsely claim that they are a part of this elite group with the intent to benefit in some way ... they ride on the coattails of others' bravery in search of recognition they don't deserve," he said.

Hansen brought an amendment to the hearing that would clarify lan-

guage and require an individual who is found guilty of committing criminal impersonation by stolen valor to make restitution payments.

In support of the bill was Air Force veteran Kevin Willis. Several states already have adopted stolen valor laws, he said, and LB990 would hold accountable individuals who choose to "trample" the uniform.

"There are those in this state who have benefited from pretending to serve or claiming to have served in our armed forces," Willis said. "They dress the part, often wearing medals, ribbons and insignias to bolster their claim in order to obtain money, property or some material gain."

Greg Holloway of the Nebraska Veterans Council, a recipient of several Purple Heart awards, also spoke in support. A Purple Heart award is given to members of the U.S. military who have been wounded or killed while serving in the line of duty.

"The cost of these awards and decorations are high and they are emotional," he said. "Someone using them in vain affects us all."

No one testified in opposition to LB990 and the committee took no immediate action on it.

Bill seeks to curb catalytic converter thefts

The Judiciary Committee heard testimony March 2 on a bill that would increase regulations on the sale of used catalytic converters in Nebraska.

LB994, introduced by Omaha Sen. Steve Lathrop, would require purchasers of used catalytic converters to record the VIN number, year, make and model of the motor vehicle from which the converter was obtained. Additionally, it would require purchasers to pay for catalytic converters by check, sent by U.S. mail, and to keep a catalytic con-

verter in the condition in which it was purchased for five business days.

A catalytic converter is a device incorporated into a motor vehicle's exhaust system that converts pollutant gasses into less harmful ones. Typically, it has a thin coating made of precious metals such as platinum, palladium and rhodium.

Lathrop said the selling of stolen catalytic converters is a significant problem in Lincoln and Omaha. Individuals, often those addicted to drugs, crawl under cars in the middle of the night to steal converters and sell them at scrap metal facilities for a "quick dollar," he said.

"[The bill's provisions] are intended to help stop this and interrupt the process for those trying to get a quick dollar by stealing precious metals," Lathrop said. "The idea of this bill is to slow down the process so there isn't that immediate gratification."

In support of the bill was Lt. Kyle Steffen, speaking on behalf of the Omaha Police Department. Steffen said OPD saw a 2,400 percent increase in catalytic converter thefts in 2021 compared to years prior. On average, he said, replacing a catalytic converter can cost between \$1,000 and \$2,500, however on commercial vehicles, the cost can be much higher.

"There are several reasons these thefts have been skyrocketing in Nebraska as well as nationwide," Steffen said. "They are easy to steal, they are difficult to track, they are extremely valuable and they are quickly converted into cash."

Brian Jackson, assistant chief of the Lincoln Police Department, also spoke in favor of the proposal. Jackson said LPD has directed several projects toward reducing thefts in Lincoln, such as examining sales data, proactive patrols and educating officers and community members. Despite these

efforts, he said, the city saw nearly 1,000 converters stolen in 2021.

“Thefts of catalytic converters in Lincoln represent approximately \$1,000 of loss to each community member victimized,” he said. “This is approaching \$1 million of loss for residents of the city of Lincoln.”

Brian Urwin of Student Transportation of America, an independent school bus service, also testified in support. He said that in the last 14 months the company has lost \$424,800 in Omaha due to catalytic converter theft despite \$175,000 worth of security improvements, including added fencing, cameras and live security.

“It seems that nothing we do stops them,” Urwin said. “We got hit last night for another \$16,000.”

In opposition to LB994 was Mike Vail of Alter Trading. Vail said that after the Lincoln City Council approved an ordinance in 2021 implementing stricter regulations, Alter Trading’s business went down by 80 percent while the sale of catalytic converters increased. The problem isn’t lack of regulation, he said, it’s that certain scrap metal recyclers are accepting catalytic converters outside the scope of existing law.

“There’s a huge distinction in the recycling industry [between] those that are doing it right and those that are doing it wrong,” Vail said. “Our opposition to this bill is because, as written, it doesn’t fix the problem.”

Gary Griessmeyer testified on behalf of Sadoff Iron and Metal in opposition to the bill. Griessmeyer said collecting the motor vehicle VIN numbers would serve no purpose unless each VIN also is independently verified by the purchaser. Additionally, he said, increasing regulations without targeting companies who don’t follow the law won’t change the market.

“Trying to decrease the market by

having this bill isn’t going to happen,” Griessmeyer said. “The market for this precious metal is driven by the values worldwide.”

The committee took no immediate action on LB994.

Bill would update child abuse, neglect definitions

The Judiciary Committee heard testimony March 3 on a bill that would redefine child abuse and neglect in Nebraska.

LB1000, introduced by Blair Sen. Ben Hansen, would update Nebraska’s definition of child abuse and neglect by excluding certain independent childhood activities as a consideration for child abuse as long as the child is of sufficient maturity, physical condition and mental ability to avoid substantial risk of harm.



Sen. Ben Hansen

Under the bill, independent activities could include walking or biking to and from school or a nearby commercial or recreational facility, playing outdoors, remaining unattended in a motor vehicle in good weather or remaining home alone for a reasonable period of time.

Hansen said current law often is misunderstood by the public. The bill would clarify that neglect exists only when danger is sufficiently obvious, he said, and if a reasonable person would not permit their child to be placed in such a situation.

Additionally, Hansen said, LB1000 would protect children’s ability to engage in reasonable independent childhood activities without their parents being reported to the state’s Child Abuse Hotline or put into the child welfare system.

“Parents have reached out saying they feel that there are everyday experiences they allow for their children that people from the outside could consider as endangerment,” he said. “In actuality though, the parents allow for these activities to promote growth and to challenge their children to excel in life.”

Sarah Helvey of Nebraska Applesseed testified in support of the bill. Nebraska’s current definition of neglect is outdated and overbroad, she said, and as a result too many families are reported and investigated for alleged maltreatment that is never substantiated.

Children benefit from opportunities to be kids and have unstructured play, Helvey said, and families shouldn’t be stopped from giving their kids independence whether by choice or, in some cases, by necessity.

Lincoln Arneal of the Nebraska Children and Families Foundation also testified in support of the bill. He said LB1000 would allow parents greater freedom to choose how to raise their children by establishing clearer definitions of child abuse and neglect and permissible activities.

“With clearer definitions, it would eliminate some of the confusion of permissible activities,” Arneal said. “It also clarifies that parents don’t need to supervise children 24/7 provided they have established a safe environment with appropriate developmental activities.”

Aubrey Mancuso, representing Voices for Children in Nebraska, testified in favor of the bill. Mancuso said an ideal child welfare system prioritizes family preservation and removes children from their homes only when absolutely necessary. Removal from the home is traumatic for children regardless of the suitability of their parents, she said, and Nebraska is putting families through investigations that may not be necessary

to ensure child safety.

“Nebraska has made progress in reducing the number of child removals over the past decade, but we continue to have a higher rate of investigations per capita than the U.S. overall,” Mancuso said. “Further, the rates of investigations that are ultimately substantiated are lower than the U.S. average.”

No one testified in opposition to LB1000 and the committee took no immediate action on it.

Reimbursement discussed for county jails

The Judiciary Committee heard testimony March 3 on a bill that would require the state Department of Health and Human Services to reimburse counties for costs associated with housing defendants who are awaiting competency restoration treatment.

Under LB1223, introduced by Lincoln Sen. Matt Hansen, DHHS would be required to reimburse counties for lodging a defendant at a rate of \$100 per day after the first 30 days if a judge orders a defendant to be committed to the Lincoln Regional Center to receive competency treatment and the defendant remains in the county jail. Beginning July 1, 2023, and each July after, the amount reimbursed would be equal to the previous year’s compensation increased by the percentage of the consumer price index.

Hansen said county jails have become mental health facilities – something they were never designed for – because defendants are forced to wait a considerable amount of time before receiving required state services, such as competency treatment.

“Recently, the wait time for those

in the Lancaster County jail waiting to be transferred to the Lincoln Regional Center is averaging about 145 days,” Hansen said. “These individuals are the responsibility of the state of Nebraska, but instead of providing counties with some level of reimbursement for these costs, we allow them to remain in county jails and allow county resources to pay for them.”

The bill also would mandate that state hospitals for the mentally ill provide minimum numbers of beds for different commitment reasons totaling 200 beds.

Finally, the bill would require the DHHS Division of Behavioral Health director and the department CEO to provide an annual report and to testify annually at a joint hearing of the Appropriations and Judiciary committees regarding the department’s compliance with the bill’s provisions starting Nov. 1.

Commissioner Deb Schorr, representing the Lancaster County Board of Commissioners, testified in support of the proposal. Schorr said there has been a steady and significant increase in the percentage of mentally ill detainees compared to the overall Lancaster County jail population, adding that the severity of mental illness also has increased.

“As the wait times at the regional center continue to increase, those in the most need of acute care are housed in our infirmary area because all other less-restrictive options have been exhausted,” she said. “It is my belief that detainees who need to be restored to competency should not be housed in a correctional facility any longer than is necessary.”

C.J. Johnson of Region V Systems, an organization responsible for the development and coordination of publicly funded behavioral health services, spoke in support. It’s critical that the

minimum bed requirement provision of the bill be approved to ensure proper resource management, he said.

“When individuals are not able to be admitted to [the Lincoln Regional Center] ... the entire state and behavioral health emergency system is compromised as community hospitals and other treatment facilities are forced to reduce capacity, increase staffing and, many times, address damages to facilities,” Johnson said.

Larry Kahl, chief operating officer for DHHS, spoke in opposition to LB1223. Kahl said LRC has faced a number of challenges, including extensive construction delays during recent modifications, resulting in entire buildings and wings being out of commission at various times.

Additionally, he said, LRC has been impacted by the nursing shortage and relies on costly traveling nurses. These challenges would make it difficult for DHHS to comply with the bill’s provisions, he said.

“DHHS opposes arbitrarily establishing a minimum number of beds for a category of admission because this could be physically impossible, create gaps in services, leave beds empty or short needed beds at the facility,” Kahl said.

The committee took no immediate action on LB1223.

Sexual assault, sex trafficking identity protection bill advances

Senators advanced a bill from general file March 2 that would keep the identity of an individual alleging sexual assault or sex trafficking confidential in the period immediately following a reported crime.

LB1246, introduced by Lincoln Sen. Patty Pansing Brooks, would require attorneys and criminal jus-



Sen. Matt Hansen

tice agencies to withhold any personal identifying information of an alleged victim from the public record until charges are filed. Under the bill, relevant information could be shared between criminal justice agencies, attorneys and victim advocacy agencies under certain circumstances.



Sen. Patty Pansing Brooks

Pansing Brooks said trafficking investigations often are intense and time consuming and frequently an incident report is made before a trafficker is arrested. The result is that a victim's name is public before a trafficker is in custody, she said, adding that fear of retaliation is the most common reason for not reporting violent sex crimes.

"When identifying information of victims in these cases is available to the public, it can leave them vulnerable to intimidation, threats or harm," Pansing Brooks said. "There have been instances in Nebraska where victims of trafficking have been physically harmed or received death threats from their traffickers after reporting to law enforcement."

An amendment offered by the Judiciary Committee, adopted 40-0, would provide an additional exception to the confidentiality requirement to allow criminal justice agencies to share identifying information about an alleged victim with an educational entity, such as a Title IX coordinator.

Committee chairperson, Sen. Steve Lathrop of Omaha, said the change is necessary to empower those entities to provide support services to students who are victims of such crimes.

Sterling Sen. Julie Slama also brought an amendment that would add provisions of her LB204 to require convicted sex traffickers to register

as sex offenders beginning Jan. 1, 2023. Sex trafficking is a sex crime, Slama said, and the amendment would harmonize the state's sex offender registry law to treat it as such.



Sen. Julie Slama

Following the 41-0 adoption of the Slama amendment, lawmakers voted to advance LB1246 to select file 41-0.



Higher pay cap for power pool representative advanced

Lawmakers gave first-round approval March 1 to a bill that would raise the limit on total compensation for Nebraska's representative on a Southwest Power Pool committee.

The SPP is a regional transmission organization that manages the electric grid and power market for a 14-state region in the central U.S.

Sen. Dan Hughes of Venango, sponsor of LB804, said the bill would increase the number of days that a Nebraska representative on the SPP's Regional State Committee could engage in SPP-related activities.



Sen. Dan Hughes

Under current law, the designated representative's total compensation for actual and necessary activities related to their duties is limited to \$20,000 per year, and aggregate pay for board members for activities related to the Southwest Power Pool is limited to \$25,000 per year.

Under LB804, the designated representative could receive up to \$35,000 per year, and total board member pay for activities related to the Southwest Power Pool would be limited to \$40,000 per year.

Hughes said the current per diem rate of \$250, which was set in 2016, allows for 80 days of SPP-related work. The Regional State Committee's workload has increased since then, he said, and in 2021 Nebraska's representative had to limit SPP-related work after reaching the compensation limit.

The proposed increase would allow for up to 140 days of SPP-related activities, Hughes said.

Senators voted 41-1 to advance the bill to select file.

Hydrogen hub work group advanced

Nebraska would seek to be selected as a regional clean hydrogen hub under a bill advanced from the first round of debate March 1.

LB1099, introduced by Sen. Bruce Bostelman of Brainard, would require the state Department of Economic Development to create a work group that would include representatives from manufacturing and industry, agriculture, transportation and energy.



Sen. Bruce Bostelman

The group's purpose would be to draft a proposal seeking Nebraska's selection by the U.S. Department of Energy as one of four regional clean hydrogen hubs authorized under the federal Infrastructure Investment and Jobs Act, which Congress passed last year.

Bostelman said Nebraska could secure approximately \$2 billion in federal funding if selected.

“Nebraska is a prime candidate for a hydrogen hub location,” he said. “We already meet some of the more important grant criteria by having a diverse mix of electric generation and existing substantial infrastructure capable of transporting hydrogen across the United States.”

Additionally, Monolith, a clean hydrogen manufacturer, already has established operations in Nebraska and is seeking to expand, Bostelman said.

As introduced, LB1099 would require the state Department of Economic Development director to appoint the group’s members. Under a Natural Resources Committee amendment, adopted 41-0, the governor would appoint the members.

Senators voted 43-0 to advance the bill to select file.

REVENUE

NEST account payments for student loans advanced

Nebraska educational savings plan trust accounts could be used to repay student loans under a bill advanced from general file March 2.

Under current law, the accounts may be used to pay a beneficiary’s qualified higher education expenses.

Under LB864, introduced by Sen. Tim Gragert of Creighton, they also could be used to pay the principal and interest on the qualified education loan of a beneficiary or the beneficiary’s sibling.



Sen. Tim Gragert

The bill would cap aggregate total payments at \$10,000 per person.

Gragert said the best use of 529 funds is to spend them up front and avoid taking out student loans. Some families, however, have leftover 529 funds that they would like to use to pay off student loans, he said, and LB864 would allow them to do so.

“Expanding what constitutes a qualified withdrawal under the 529 plan will give families more flexibility in spending the money that they have worked so hard to save over the years,” Gragert said.

Sen. Megan Hunt of Omaha supported the bill, saying it would update Nebraska law to conform with changes made at the federal level in 2019. LB864 could help alleviate at least a small portion of the student loan debt burden on Nebraskans, she said.

“It seems like good sense to me that, if you can use 529 accounts to pay for tuition, then you should also be able to use 529 accounts to pay for past tuition, which is student loans,” Hunt said.

LB864 advanced to select file on a vote of 40-0.

Income tax deduction for employers of felons clears first round

Businesses that hire felons would receive a state income tax deduction under a bill advanced from general file March 3.

Under LB917, introduced by Omaha Sen. Justin Wayne, a company’s federal adjusted gross income or federal taxable income would be reduced by 65 percent of the wages paid to an individual who has been convicted of a felony.



Sen. Justin Wayne

The deduction would apply to wages paid during the first 12 months of the individual’s employment, and the total deduction per employee could not exceed \$20,000.

Wayne said the proposal would encourage employers to hire individuals who recently were incarcerated, which would help reduce Nebraska’s recidivism rate.

The state Department of Revenue estimates that LB917 would reduce state general fund revenue by \$2.6 million in fiscal year 2023-24 and \$2.6 million in FY2024-25.

Senators voted 38-1 to advance the bill to select file.

Rural development tax credit increase considered

The Revenue Committee heard testimony March 3 on a bill that would increase the amount of tax incentives available for livestock modernization or expansion projects and other qualifying rural Nebraska businesses.

LB1261, introduced by Glenvil Sen. Dave Murman, would make two changes to the Nebraska Advantage Rural Development Act, which provides refundable income tax credits based on a company’s employment and investment.



Sen. Dave Murman

Currently, the tax commissioner may not approve further applications for incentives once the expected credits from approved projects total \$1 million each year. Under Murman’s proposal, the cap would increase to \$25 million per year beginning in 2022.

The bill also would increase the maximum amount of the investment credit from \$150,000 per application to \$500,000.

Murman said the cost of livestock production has increased dramatically since the last time the credit cap was increased several years ago. Demand for the credits now far exceeds the available amount, he said.

“With agriculture being the largest industry in Nebraska,” Murman said, “we need to do all that we can to incentivize investment in projects that would benefit rural Nebraska and the state as a whole.”

No new applications may be filed under the act after Dec. 31, 2022, but Murman brought an amendment to the hearing that would strike the sunset provision, allowing the program to continue indefinitely.

The state Department of Revenue estimates that LB1261 as introduced would reduce state general fund revenue by \$11.5 million in fiscal year 2023-24, \$5.8 million in FY2024-25 and \$2.3 million in FY2025-26.

Kris Bousquet testified in support of the bill on behalf of the Nebraska State Dairy Association and several other agriculture groups. He said the current \$1 million credit allocation usually is “gone in a blink of an eye” and that the program could provide a greater boost to Nebraska’s economy if it were better funded.

Attracting a new dairy processor to Nebraska alone could provide a \$1.7 billion annual economic impact, Bousquet said.

No one testified in opposition to LB1261 and the committee took no immediate action on it.

Tax deduction, tuition waiver for law enforcement officers advanced

A bill that would provide a state income tax deduction to retired law enforcement officers advanced to the second round of debate March 3 after

lawmakers amended it to include a tuition waiver for eligible officers.

Under LB1273, introduced by Lincoln Sen. Eliot Bostar, a retired individual who was employed full time as a certified law enforcement officer for at least 20 years and who is at least 60 at the end of the taxable year could reduce their federal adjusted gross income by the amount of health insurance premiums they paid during the taxable year.

The deduction would go into effect in tax year 2023.

Bostar said the proposal would help retired officers cover the costs of long-term mental and physical health problems that often result from a career in law enforcement.

A Revenue Committee amendment, adopted 33-0, includes the provisions of LB1272, introduced by Sen. Steve Halloran of Hastings.

Those provisions would increase a current tuition waiver for eligible law enforcement officers from 30 percent to 100 percent. The waiver applies to the resident tuition charged by any state university, college or community college.

Halloran said the waiver could help recruit and retain law enforcement officers and incentivize them to continue their education.

The state Department of Revenue estimates that LB1273 as amended would reduce state general fund revenue by \$176,000 in fiscal year 2023-24 and \$187,000 in FY2024-25.

Senators advanced the bill to select file on a vote of 41-0.



Sen. Eliot Bostar



Sen. Steve Halloran

Constitutional amendment on expanded air service advanced

Lawmakers gave first-round approval March 2 to a proposed constitutional amendment intended to help expand passenger air service at Nebraska airports.

Under LR283CA, sponsored by Sen. Eliot Bostar of Lincoln, voters could amend the state constitution to allow any city, county or other political subdivision that owns or operates an airport to expend its revenues to encourage or develop new or expanded regularly scheduled commercial passenger air service.

The resolution would place the question on the November 2022 general election ballot if passed by the Legislature.

Bostar said the change would allow the governing bodies of Nebraska’s nine commercial service airports to enter into contracts that guarantee a minimum amount of revenue to an airline during the first months of new or expanded air service.

“Especially for small to medium sized airports across the country, this is essentially the tool that is used to attract and expand passenger air service,” he said. “I know of no other state where this cannot be utilized or isn’t being utilized.”

Henderson Sen. Curt Friesen supported the measure, saying expanded air service is essential to Nebraska’s economic development. He said airlines have struggled during the pandemic and are reluctant to expand service unless they have a revenue guarantee.

Sen. Mike Hilgers of Lincoln also supported the proposal, saying expanded service at the Lincoln airport would help attract new businesses and residents.

“Expanding the airport here in

Lincoln [is] going to be a critical part of our success as a community over the next 10 or 20 years,” he said.

Also in support was Norfolk Sen. Mike Flood, who said the change could help bring more daily flights not only to Lincoln but to Grand Island, Kearney, North Platte and Scottsbluff.

Senators voted 42-1 to advance the proposal to select file.

URBAN AFFAIRS

TIF review changes clear first round

A bill that would change expedited review of so-called “micro” tax-increment financing projects advanced from general file March 2.

Under a segment of the state’s community development law, Nebraska municipalities are able to designate areas as substandard and blighted, allowing them to be redeveloped. The increased property taxes generated by the improvements are used to pay for the financing of TIF projects.

A bill passed by the Legislature in 2020 created an expedited review process for counties with populations under 100,000 or in areas that have been declared extremely blighted. The decision to allow an expedited review process rests with the governing body of a municipality.

LB1065, which was originally introduced by former North Platte Sen. Mike Groene, was taken up by Omaha Sen. Justin Wayne following Groene’s resignation. The bill would



Sen. Justin Wayne

make the following changes to the existing expedited review process:

- increase the maximum TIF project period from 10 years to 15;
- require existing structures to have been within the corporate limits of a municipality for at least 60 years; and
- allow the redevelopment of vacant lots that have been platted and within the corporate limits of a city for at least 60 years.

The bill also would increase the maximum assessed value of property within a redevelopment project that receives an expedited review from \$250,000 to \$350,000 for a single-family residential development, from \$1 million to \$5 million for a multi-family development and from \$10 million to \$15 million for a project involving structures on the National Register of Historic Places.

An Urban Affairs Committee amendment, adopted 40-1, would reduce the maximum assessment for a multi-family project to \$1.5 million and eliminate the proposed cap increase for structures on the National Register of Historic Places. The amendment also would clarify that a

municipality could declare a portion of an area as substandard and blighted following an appropriate analysis.

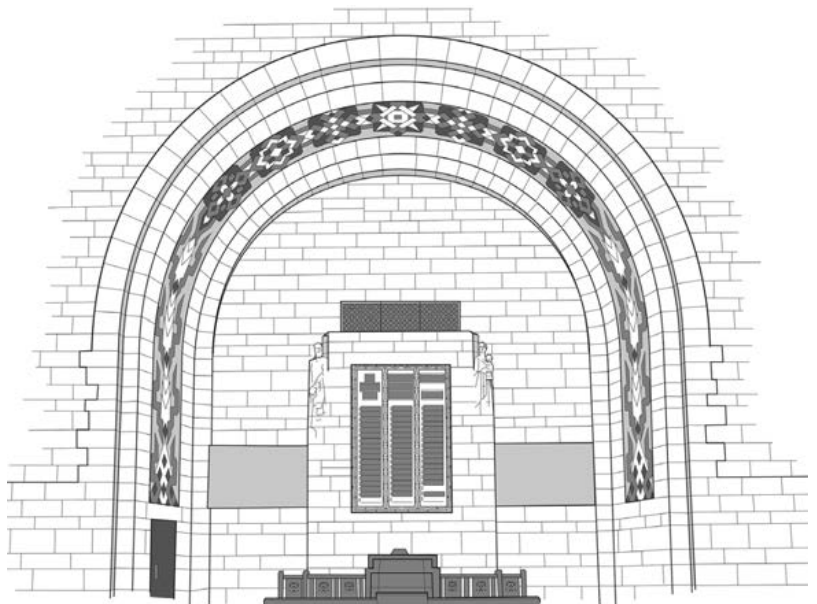
Wayne said several communities using micro-TIF were concerned that declaring entire areas as substandard and blighted would push them up against existing caps in state law.

He said developers in North Platte, for example, would like to use micro-TIF but the city has been hesitant to declare areas substandard and blighted out of concern that doing so would cause them to reach the maximum percentage of land that can receive the designation under current state law.

North Platte Sen. Mike Jacobson supported the bill. Jacobson, who served as chairperson of the city’s Community Redevelopment Authority for more than 20 years before being appointed to the Legislature in February, said micro-TIF can be an important affordable housing tool for smaller communities.

“We have housing problems throughout the state; it’s a huge economic development headwind,” he said.

Senators adopted the amendment 40-1 and advanced LB1065 to select file on a 40-0 vote. ■



LEGISLATIVE PROCESS

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

can formally consider it.

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

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

Research

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

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

Drafting

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

Introduction

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

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



A legislative committee hearing

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

Committee Action

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

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

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

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

General File

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

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

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

Select File

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

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

Final Reading

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

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

Governor

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

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

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

Laws of Nebraska

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



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Balconies in the George W. Norris Chamber once again are open to students and other groups interested in observing the Legislature, following the lifting of pandemic restrictions.