

Ban on gender-altering procedures for minors advanced after cloture vote

Lawmakers gave first-round approval March 23 to a bill that would ban gender-altering procedures for minors in Nebraska following three days of often emotional debate and a successful cloture motion.

LB574, introduced by Omaha Sen. Kathleen Kauth, would create the Let Them Grow Act. Under the bill, physicians in Nebraska would be prohibited from performing or referring an individual under the age of 19 for gender altering procedures, including surgical procedures,



Sen. Kathleen Kauth said that there is not enough evidence that gender-altering treatments are safe or that they successfully treat gender dysphoria.

hormone therapy and puberty blockers. Kauth noted that the bill would not interfere with a practitioner's ability to provide therapeutic services to

minors or refer them to such services.

A physician who knowingly violates the bill's provisions would be subject to review by the state's medical licensing board. An individual who received a gender-altering procedure while under age 19, or their parent or guardian, could bring a civil action against the physician within two years of discovery.

The bill also would prohibit the distribution or use of state funds for any entity, organization or individual that

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Bill would prohibit minors from attending drag shows

The Judiciary Committee heard testimony March 24 on a proposal that would prohibit a minor under the age of 19 from attending a drag show in Nebraska.

LB371, introduced by Glenvil Sen. Dave Murman, defines a drag show as a performance in which a performer exhibits a gender identity different from their gender assigned at birth using clothing, makeup or other physical markers and the performer sings, lip syncs, dances or otherwise performs for an audience.



Sen. Dave Murman

In addition to prohibiting a minor from attending a drag show, the bill would add a criminal penalty for an individual who brings a minor to a drag show that would result in a Class I misdemeanor charge, which carries a maximum sentence of one year in jail and a \$1,000 fine.

The bill also states that no individual under age 21 would be allowed to attend a drag show if alcoholic liquor is served. Additionally, a state agency could not use state

funds to host a drag show under the bill.

Any business, establishment or nonprofit that violates these provisions would be fined \$10,000 under the bill and an owner or officer of an entity that hosts a drag show and knowingly violates these provisions would face a Class I misdemeanor charge.

Murman brought an amendment to the hearing to specify that a minor would be prohibited from attending a show in which a drag artist is "engaged in adult entertainment" while exhibiting a gender identity different from their gender assigned at birth and using clothing, makeup or other physical markers while performing.

Murman said the bill was based largely on several occurrences in Nebraska, including Drag Story Hour, where children were present at drag shows that he said included sexualized behavior and dancing. The role of the government is to protect children, Murman said, and LB371 would ensure that children are not introduced to sexual

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Bill would prohibit minors from attending drag shows

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and inappropriate behavior.

“Inappropriate content is becoming more prevalent,” Murman said. “It is not socially acceptable for children and the state of Nebraska needs to make that very clear.”

Testifying in support of the bill was Angie Eberspacher. Drag shows are used to indoctrinate children to queer theory, she said, and “drag pedagogy” is an effort to reformulate a child’s relationship to sex and sexual identity.

“Queer theory is here. It’s creeping into our schools, museums and hospitals,” Eberspacher said. “We must recognize the difference between adult sexuality and childhood innocence.”

Also in support was Keely Pagel. Children are intellectually distinct from adults, she said, and drag, as a genre, has very little benefit to children.

“Children do not have the capacity or the frame of reference to process experiences like adults do,” Pagel said. “While behaviors associated with drag may be considered acceptable in adult-only venues, these same behaviors are often listed as grooming techniques by child advocacy organizations.”

Katie Kilian, who identified as a

transgender woman, spoke in opposition to the bill. LB371 suggests that queer people who perform at drag shows are inherently sexual and a danger to children, she said, which is not the case.

“What this bill will do is make it harder for kids to find positive representations of gender non-conforming people,” Kilian said. “Kids shouldn’t have to grow up feeling it’s shameful to be queer. Our art and our culture are not inherently sexual and our bodies are not lewd.”

Also in opposition was Dylan Seaman of Lincoln. LB371 would give broad authority to criminalize trans and gender non-conforming people in Nebraska, she said, and would label those in the LBGTQIA community as inherently dangerous to children.

“Like any live performance or form of media, drag can be family-friendly or adult oriented,” Seaman said. “It is the responsibility of venues, performers and parents to ensure children are not subjected to inappropriate content.”

Abbie Swatsworth, executive director of OutNebraska, testified in opposition to the bill. The underlying

intent of the measure is to erase drag and trans people in Nebraska, she said, and it emboldens hateful rhetoric and action against these communities.

“Drag is art. Drag is free speech. Drag Story Hour is about kindness and empathy,” Swatsworth said. “Drag is a community for families who want their children to explore their imagination and feel safe expressing themselves.”

John Coleman, representing the Foundation for Individual Rights in Education, spoke against the proposal. The definition of drag show, as written in the bill, is overbroad, he said, and unconstitutionally targets expression based on viewpoint.

“As currently written, the bill’s definition ... would cover musical [productions] ... as well as traditional Shakespeare performances and other entertainment simply for depicting non-gender conforming characters,” Coleman said. “Broad definitions ... that do not distinguish between protected and non-protected forms of expression are unconstitutional.”

The committee took no immediate action on LB371. ■

UNICAMERAL UPDATE

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Ban on gender-altering procedures advanced

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provides gender-altering procedures for minors. The provisions of LB574 would take effect on Oct. 1, 2023.

Kauth said the bill is about protecting children who are experiencing gender dysphoria from what she called “dangerous” treatments. Individuals under the age of 19 are not able to fully comprehend the seriousness of undertaking life-altering procedures, she said.

“The prefrontal cortex that controls a [person’s] decision making ability develops into the mid 20s,” she said. “The thought that a child may be experiencing distress and be able to identify that stress as being transgender is logically inconsistent with what we know about children’s decision-making abilities.”

Elkorn Sen. R. Brad von Gillern supported LB574, which he said would safeguard young people from their own “immature” minds. Society doesn’t let kids eat candy for every meal or jump off a roof because they think they’re a superhero, he said, adding that not everything children want is good for them.

“Most kids go through a questioning or denial period where all that they know is up for question,” von Gillern said. “Why would we let a child choose to alter their gender simply because they feel at that moment they’re trapped in the wrong body?”

Speaking in support of the proposal, Brainard Sen. Bruce Bostelman shared a statement released by the Nebraska Board of Health — a panel of health providers and lay people appointed by the governor. The statement cited significant gaps in knowledge regarding the short- and long-term effects of behavioral, medical and surgical interventions for individuals experiencing

gender dysphoria, Bostelman said.

Blair Sen. Ben Hansen, who also supported LB574, said the conflicting research presented during debate was evidence that gender-altering care should be reevaluated. When you have conflicting data in any health care field, he said, the prudent thing to do is hold off on performing that kind of care until the science is clear.

“For some reason here, we’re saying [to] absolutely do it in the name of mental health care,” he said. “I don’t know of too many other instances where we actually do that.”

Omaha Sen. Jen Day spoke in opposition to the bill, emphasizing that every major medical organization opposes bans on gender-affirming care. The Nebraska Medical Association, American Medical Association, American Psychological Association and the American Academy of Pediatrics all oppose LB574, she said.

“Why do we, as legislators, think that we know better than physicians?” Day said. “We have no expertise in this area — it is not our place.”

Omaha Sen. Megan Hunt, who spoke about her 12-year-old son Ash’s transition, said gender-affirming care is difficult to obtain in Nebraska. Speaking in opposition to the bill, she said the claim by some senators that health care providers are convincing or coercing youth into believing that they are transgender reflects a misunderstanding of the issue.

“I was so happy to learn I had a son and that my child was growing up and revealing himself to me as he is and that he felt comfortable and safe in doing that,” Hunt said.

Also speaking in opposition to the proposal was Sen. George Dungan of Lincoln, who noted that the bill’s legal

standing is unclear. Arkansas recently passed a nearly identical measure, he said, which has been temporarily blocked by the 8th U.S. Circuit Court — in which Nebraska also resides.

The same treatments that are seen as medically sound for non-transgender minors would be banned for transgender youth under the Arkansas bill, he said, which the courts have ruled to be a discriminatory practice.

“Given the fact that LB574 is so similar to [the Arkansas bill], I think we can reasonably believe that the circuit court that we fall under is going to find that it violates equal protection, due process and First Amendment claims,” Dungan said.

Omaha Sen. John Fredrickson also opposed the bill, saying LB574 uses a “fear-based perspective” that commonly has been used in other debates surrounding LGBTQ+ rights. To argue that members of the LGBTQ+ community are confused or will outgrow their identity is insulting and dehumanizing, he said.

“If this were actually about protecting kids, I imagine the conversation we would be having is something along the lines of, ‘How can we ensure that these kids are getting the best support available?’” Fredrickson said. “But the conversation that’s been had is around banning, eliminating [and] restricting.”

After eight hours of debate spanning several days, Kauth filed a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments.

The motion was successful on a vote of 33-16. Thirty-three votes were needed.

Senators then voted 30-17 to advance LB574 to select file. ■

MEET THE SENATOR

Flyer, communicator lands new role in the Legislature

As an airline pilot for 30 years, Sen. Loren Lippincott of Central City flew to destinations in 53 countries and all 50 states, but he has always considered Nebraska his home.

“I’ve lived in different places,” he said. “I have always been a Nebraskan.”

Lippincott and his three siblings grew up on the family farm near Central City. He said his parents, who served on several local boards and made a point of discussing ideas at the dinner table, were early political influences. Their communication style made a lasting impression, Lippincott said.

“They were always respectful of each other – they never talked on top of each other,” he said. “They communicated their thoughts and ideas very well.”

Lippincott’s parents also introduced him to Sen. Maurice Kremer of Aurora, who served in the Legislature from 1963 to 1983. Lippincott said Kremer mentored him while he worked as a legislative page during his junior and senior years at the University of Nebraska-Lincoln.

Lippincott was fascinated by radio as a youth. At night, he would walk to the barn to sit in his family’s car, where reception was best, so he could listen to the disc jockeys at his favorite Chicago station.

Lippincott himself later worked as a DJ at a Lincoln radio station and anchored the mid-night newscast at the local CBS affiliate, which hired him full time after he graduated from UNL with a degree in broadcast journalism.

Two years later, however, he decided to change course and pursue his lifelong interest in aviation, which had been sparked by his parents, both of whom had held a private pilot’s license. After joining the U.S. Air Force in 1980 and serving as an instructor pilot for three years, Lippincott received his dream assignment: flying F-16s in Germany.

“It is as close to being in love with something that is mechanical and non-living as you can possibly get,” he said.

Lippincott completed his commitment to the Air Force in 1990 and was hired by Delta Airlines. He spent much of his career living in Atlanta.

In 2020, after retiring from Delta, Lippincott moved back to the farmhouse where he grew up and began his campaign for the Legislature. Although his mother, Rosalie, died last year at 94, both she and his father would have been “fired up” to see him in elected office, Lippincott said.

“Every time anybody would come and see her at the retirement home where she lived,” he said, “she’d give them my campaign material.” ■



Sen. Loren Lippincott next to a U.S. Navy F/A-18F at Northwest Arkansas National Airport in 2019.

APPROPRIATIONS

Funds sought for EMS training, reporting system

The Appropriations Committee heard testimony March 21 on a bill that would provide an ongoing infusion of state dollars to support Nebraska’s emergency service providers.

LB415, sponsored by Sen. Myron Dorn of Adams, would appropriate \$1 million in general funds in fiscal year 2023-24 and FY2024-25 for the Emergency Medical Services Practice Act and the Statewide Trauma System Act. The bill states legislative intent that the appropriation be ongoing annually.

Dorn said the Legislature provided \$20 million in American Rescue Plan Act funds last year for rural EMTs and another \$5 million for equipment purchases. While those funds were appreciated, he said, more support is needed to help reimburse rural EMTs for initial training and continuing education.

“Nebraska is fortunate that we have volunteers who are willing to take hours and hours of training and testing to become emergency first responders,” Dorn said. “It is becoming more difficult, though, to find volunteers, partly because of the training requirements and associated costs.”

The bill also would increase the current general fund appropriation by \$150,000 annually for the statewide patient care reporting system and trauma registry.

Dorn said the registry, which is used to improve patient care by helping EMS personnel learn from past emergency responses, is cumbersome



Sen. Myron Dorn

and needs upgrading – which will cost between \$8 million and \$10 million.

Ansley EMS volunteer Mike Bailey testified in support of the bill. Nebraskans are passionate about volunteering in the emergency services field, he said, but the state does not do enough to assist them with the cost and strain that it puts on individuals.

“We owe it to the people who answer the call and take care of us,” Bailey said.

Marlene Bomar, testifying on behalf of the Nebraska Emergency Medical Services Association, also supported the proposal. Bomar, a Battle Creek EMT, said additional funding to update the trauma registry is “critically” important to save EMT provider time, noting that the current process can take up to an hour to complete.

Bomar said she has been a volunteer for 27 years and her husband for 46 years, and both have seen an increased need for support and stress management for EMTs.

“Over that time, we have seen the number of volunteers drop drastically,” she said. “And in that same time, the kinds of calls that we are asked to respond to have become much more complex.”

No one testified in opposition to LB415 and the committee took no immediate action on it.

EDUCATION

Reimbursement for school mental health expenses proposed

The Education Committee heard testimony March 21 on a proposal intended to help meet the mental health needs of Nebraska public

school students.

LB527, introduced by Omaha Sen. John Fredrickson, would require the state Department of Education to reimburse qualifying school districts and educational service units a percentage of their allowable mental health expenditures.



Sen. John Fredrickson

Fredrickson said 60 percent of the approximately 22,000 Nebraskans ages 12 to 17 who have depression did not receive treatment in the last year. The lack of mental health resources leads to poor academic performance, increased school absenteeism, substance abuse and behavioral problems, he said.

“Children eat, work and play at school,” Fredrickson said. “If we want to make a difference in the child’s life, we need early interventions within that environment.”

To qualify for reimbursement, school districts and ESUs would have to designate an employee as a community-based mental health resource liaison and provide the training and resources needed to help students, families, teachers and schools locate mental health resources.

Qualifying expenditures would be related to:

- the training or work of the liaison;
- meeting the mental health needs of an individual student or group of students; or
- a strategy to reduce students’ mental health needs by improving the overall educational environment.

LB527 states legislative intent to appropriate \$12 million for reimbursements in fiscal year 2024-25.

Brandy Rose, a school psychologist at ESU 7, testified in support of the bill

on behalf of the Nebraska State Education Association. She said schools and ESUs require more resources to meet the needs of an increasing number of students with mental and behavioral health problems.

In the districts she works with, Rose said, some teachers feel as if they have lost control of their classrooms as younger students become more physical and more students engage in disrespectful and defiant behavior linked to trauma and unmet mental health needs.

“By reducing mental health and behavioral challenges,” she said, “students will make more growth academically, peer relationships will be stronger, teacher retention will be higher and overall behavioral issues will be reduced.”

Stephen Grizzle, superintendent at Fairbury Public Schools, also testified in support. Since contracting with ESU 5 to provide mental health services to students and staff last year, he said, school absences, suspensions and classroom evacuations due to student disruptions have decreased.

“I cannot and will not claim that all of these improved stats are the direct result of the mental health supports, but it’s definitely been a positive influence that we can feel,” Grizzle said. “I know each district has its own priorities and needs, but if we could access financial support for these services, I believe more districts will try to offer them.”

Jordan Grieser, director of the Connections program at Project Harmony, testified in support of LB527 on behalf of Project Harmony and the Nebraska Alliance of Child Advocacy Centers. She said Connections received nearly 2,000 referrals last year for children in the Omaha metro area who needed mental health services.

Grieser said a 2021 statewide assessment found that one in four families

found it difficult or impossible to access mental health services for their children on their own and that one in three paid for those services out-of-pocket.

“When we make high-quality, evidence-based mental health services available and easily accessible to the children who need it, they thrive,” she said. “This bill would give those who see children and families every day ... the ability to actually link those children with the supports that they need.”

The committee took no immediate action on the bill.



Electioneering communication reporting requirement considered

Additional reporting for certain types of political expenditures would be required under a bill considered March 23 by the Government, Military and Veterans Affairs Committee.

Under LB9, introduced by Sen. Carol Blood of Bellevue, an individual who makes an independent expenditure for an electioneering communication of more than \$1,000 would be required to file a report with the Nebraska Accountability and Disclosure Commission within two days. Failure to do so would be a Class IV misdemeanor and would incur a fine of \$25 per day, not to exceed \$750.

The bill defines an electioneering communication as one that clearly identifies a political candidate or bal-

lot question, is directed to the electorate and is released within 30 days of an election involving the candidates or ballot measures mentioned.

Blood said gaps in current election law enable individuals and groups to secretly fund communications by claiming they are educational — a practice that is legal as long as the communication doesn’t ask a voter to vote for or against a candidate or a ballot question. She said both parties engage in the practice and will continue to do so unless the law requires greater transparency.

“Voters have the right to know who funds political campaigns in Nebraska,” Blood said. “This is a disclosure law — it creates transparency, it doesn’t create winners and losers or limit what people can spend.”

Sheri St. Clair testified in support of the bill on behalf of the League of Women Voters of Nebraska. She cited a recent example of state senators being targeted by a Virginia group through electioneering communications in opposition to a proposal to extend term limits.

“Most of these communications are meant to elicit strong emotional reactions rather than presenting nonpartisan information on issues that affect our state,” St. Clair said. “Nebraskans have a right to know who is funding these communications and activities to independently determine why these groups are influencing particular initiatives.”

Frank Daley, executive director of the Nebraska Accountability and Disclosure Commission, also testified in support of LB9, which he said would “fill an important gap” in the state’s campaign finance disclosure law.

Context matters when voters are trying to evaluate electioneering communications, Daley said, and knowing who is funding them through report-



Sen. Carol Blood

ing requirements would assist in that evaluation process.

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

Bills would require election changes

The Government, Military and Veterans Affairs Committee heard combined testimony March 22 on a trio of bills that would make changes to Nebraska’s election laws.

LB457, sponsored by Bellevue Sen. Rick Holdcroft, would require video surveillance of voting areas and implementation of anti-counterfeiting ballot techniques, including a watermark, a holograph and other techniques used to protect U.S. paper currency.

The bill also would require that any vote scanning device or tabulating equipment be verified and certified by election officials to be incapable of executing any embedded code or triggers on scanned ballots.

Holdcroft said he believes that Nebraska’s elections are more secure than those in most other states, but that more needs to be done to instill faith among voters in the integrity of the process.

“Citizens need to be able to verify that their vote was counted as it was cast, and an effective way to do that is to add serial numbers to the ballots,” he said.

LB193, introduced by Hastings Sen. Steve Halloran, would prohibit any voting system



Sen. Rick Holdcroft



Sen. Steve Halloran

or component from being purchased or used unless designed, manufactured, integrated and assembled in the U.S. from entities accredited by the U.S. Department of Defense.

Halloran said approximately 20 percent of software and hardware components in election equipment comes from suppliers in China. Having parts that are made in America would help restore public trust in elections, he said.

“When we allow our voting system to remain open in this way to foreign adversaries, they are potentially vulnerable to exploitation,” Halloran said.

He also introduced LB808, which would permit election commissioners and county clerks to conduct a hand count for tabulating votes cast in any election. The bill also would allow an apparent loser at a general election to request and receive a hand recount.

Danna Severs, chairperson of the Seward County Republican Party, testified in favor of all three proposals. She said an election audit conducted by the secretary of state’s office that she participated in revealed flaws in oversight of the state’s elections. One reason, she said, was that county clerks had advance notice of which precincts would be audited.

“I don’t know the other 92 clerks across the state,” Severs said. “If they know, and they have a week – and the boxes are open when you arrive – how is that an audit?”

Greg Epp also testified in support, although he said all three bills could go further.

“Our elections lack transparency, in my opinion, and election integrity ... is the most important issue that will come before this Legislature,” Epp said.

Arlo Hettle testified against all three proposals on behalf of the Nebraska Civic Engagement Table.

The current manufacturer of Nebraska’s election equipment is based in Omaha, he said, and the machines go through extensive testing.

He said the cost to implement the three bills would be better spent making polling places accessible to Nebraskans with disabilities and addressing other voter needs.

“These bills are proposed solutions that would make our election system more expensive and less accurate,” Hettle said.

Also testifying in opposition was William Davenport of Lincoln, a former election judge. Davenport questioned the feasibility of installing surveillance cameras in polling places, most of which are not government property. Doing so would invade voters’ privacy and perpetuate the false narrative that election workers are manipulating votes – something that there is no evidence of in Nebraska, he said.

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

JUDICIARY

Bills would create crimes for ‘digital grooming’ of minors, vulnerable adults

Two bills were heard in the Judiciary Committee March 23 that would create offenses for digital grooming of minors and vulnerable adults.

Under LB106, introduced by Omaha Sen. Mike McDonnell, a person 19 or older would commit the offense of digital grooming if they use an electronic communication device or social media to communicate with a vulnerable adult with the intention of committing a misdemeanor or felony against that individual.

Violation would result in a Class IIIA felony charge, punishable by up to three years in prison and nine to 18 months of post-release supervision.



Sen. Mike McDonnell

LB107, also introduced by McDonnell, would create the offense of digital grooming when a person 19 or older uses an electronic device or social media to communicate with someone 16 or younger with the intent to engage in sexual contact, extortion or receipt of a visual depiction of the child for sexual gratification.

Violation would result in a Class IV felony charge, which carries a maximum penalty of two years imprisonment and one year post-release supervision. A person found guilty of digital grooming of a minor also would be required to register with the Nebraska Sex Offender Registry.

McDonnell said current laws regarding enticement have not been updated since 2009. As the digital world has changed rapidly, he said, vulnerable adults and minors are at a higher risk of being digitally groomed.

“These bills strengthen current statutes to close gaps and allow law enforcement to intervene earlier in the grooming process, before sexual violence or exploitation occurs,” McDonnell said.

Amie Konwinski, founder and CEO of Smart Gen Society — an Omaha-based organization dedicated to online safety and privacy — testified in support of the bills. In Nebraska, she said, between 50 and 70 percent of students reported receiving offers of financial gain in exchange for connecting with strangers online.

“It takes, on average, 10 minutes for an online predator to make a conversation sexualized and to ask for nude

images,” Konwinski said.

“For law enforcement, unless images received meet the threshold of child pornography ... officers are unable to intervene in the grooming process and have to wait until greater harm has been perpetrated on the victim.”

Julia Hebenstreit, speaking on behalf of the Kim Foundation and the Nebraska Association of Behavioral Health Organizations, also testified in support. Survivors of digital grooming can face years of post-traumatic stress disorder and other mental health conditions, she said, that in some cases lead to suicide.

“We can help to eliminate those struggles for many, and possibly even save a life from suicide, by intervening earlier, deterring offenders by strengthening statutes and preventing potential sexual abuse and online exploitation,” Hebenstreit said.

Spike Eickholt, representing the Nebraska Criminal Defense Attorneys Association, spoke in opposition to both bills. Nebraska already has several crimes related to online enticement, he said, and LB107 would result in lesser penalties than existing law already provides.

“Violation of this current law is punishable by a [Class] IB felony, which is a mandatory minimum of three to 50 years in prison,” Eickholt said. “The bill proposed is a Class IV felony which is zero to two years in prison.”

Erin Feichtinger, speaking on behalf of the Women’s Fund of Omaha, testified in a neutral capacity on both proposals. While not opposed to the intention behind the bills, she expressed concern over the term “grooming,” which she said has been conflated with comprehensive health education.

“We have some concerns, given the current heated political climate in Nebraska around comprehensive sex

education and the LGBTQ+ community, that those who provide resources for either could be subject to investigation [or] the penalties provided for in these bills,” Feichtinger said.

The committee took on immediate action on LB106 and LB107.

Doula services considered for incarcerated women, juvenile offenders

The Judiciary Committee heard testimony March 22 on a bill that would create a pilot program to offer doula services for pregnant incarcerated individuals and juvenile offenders.

A doula is a trained professional labor assistant who provides educational, physical and emotional support to individuals during pregnancy, childbirth and postpartum for up to one year.

LB581, introduced by Omaha Sen. Machaela Cavanaugh, would establish the program to provide access to doula services during pregnancy and postpartum care at the Nebraska Correctional



Sen. Machaela Cavanaugh

Center for Women and the Youth Rehabilitation and Treatment Center.

Under the bill, a qualified pregnant person would have access to doula services of their choice throughout pregnancy, labor and delivery and the postpartum period. A doula would not be required to have visited the inmate previously and a doula could not be denied eligibility on the basis of a prior criminal conviction or involvement with the criminal justice system.

Cavanaugh said that women in correctional rehabilitation systems are at a higher risk for stress-related complications and have less access to

prenatal care than women outside of the system. Having a doula present could reduce these risks, she said, and provide for better birth outcomes.

“Women in the Nebraska correctional system or the YRTC facility should have access to the support and a healthy start for their infants,” Cavanaugh said.

Kelsey Arends, representing Nebraska Appleseed, spoke in support of the bill. The U.S. maternal mortality rate has worsened consistently for many years, she said, and the U.S. has a particularly high maternal mortality rate for Black individuals.

“Evidence has shown that doulas reduce the need for medical interventions, like cesarean delivery, which is riskier for pregnant people and babies,” Arends said. “Additionally, doula care also has the potential to reduce health care spending overall.”

Scout Richters, speaking on behalf of the ACLU of Nebraska, also testified in favor. Doulas provide individualized care to incarcerated people, offer ways to reduce stress and promote a healthy pregnancy, she said.

“This is particularly important for Nebraskans who are incarcerated, a disproportionate number of whom are people of color ... who face maternal mortality rates nearly four times greater than their counterparts,” Richters said.

Nyomi Thompson, speaking on behalf of I Be Black Girl — an organization that advocates for Black women — also testified in support of LB581. Incarcerated pregnant individuals are one of the most overlooked populations in the U.S, Thompson said, and many of them already have mental health issues, chronic conditions and are at higher risk for maternal mortality.

In opposition to the bill was Diane Sabatka-Rine, interim director of the state Department of Correctional

Services. LB581 poses a security risk for staff, she said, because it excludes consideration of prior convictions for doula eligibility and would circumvent the department’s oversight of doulas authorized to provide service to pregnant inmates.

“Furthermore, to implement this bill, [the department] would need to notify the doula when prenatal visits or a cesarean section is scheduled,” Sabatka-Rine said. “Providing people outside of the department with advanced notice of scheduled appointment times creates a significant security risk for transporting inmates outside.”

Sara Morgan testified in opposition to the bill on behalf of the state Department of Health and Human Services. The lack of a doula credential in Nebraska is a public safety concern, she said, as there are no specific state training requirements to standardize a doula’s education.

Additionally, Morgan said, the bill would allow an individual with a prior criminal conviction or who is on supervised release to become a doula, which would violate current practices.

“[The current] standard prohibits the hiring or promotion of any individual who may have been convicted of or engaged in sexual abuse in prison, jail, lockup, a community confinement facility, a juvenile facility or other institution,” she said.

The committee took no immediate action on LB581.



Tax credit for food donations considered

The Revenue Committee heard testimony March 22 on a bill intended

to incentivize food donations to Nebraska food banks and pantries.

Under LB524, introduced by Omaha Sen. John Fredrickson, Nebraska grocery store retailers and restaurants that donate food to those organizations would be eligible for a non-refundable income tax credit equal to 50 percent of the wholesale value of the donated food.



Sen. John Fredrickson

A credit could not exceed \$2,500, and total credits allocated each fiscal year could not exceed \$1.75 million.

Fredrickson said encouraging more businesses to donate unused food would reduce food waste and alleviate food insecurity in Nebraska.

He said he would introduce an amendment under which donations made by agricultural producers and to food rescue organizations — which transport donated food to organizations that distribute emergency food supplies — also would qualify for the credit.

Ansley Fellers testified in support of LB524 on behalf of the Nebraska Grocery Industry Association, the Nebraska Hospitality Association and the Nebraska Chamber of Commerce and Industry.

Most Nebraska grocery stores and restaurants donate food that is nearing its sell-by date, she said, but in some cases it is less costly and labor intensive for retailers — especially smaller ones and those in rural areas — to discard expiring food. The proposed credit would help offset those costs, Fellers said.

Brian Barks testified in support of the bill on behalf of Food Bank for the Heartland and the Food Bank of Lincoln. He said the two organizations anticipate serving 40 percent more households this year than in 2020, when the pandemic began, because

low-income families and seniors cannot afford “skyrocketing” food prices.

The Food Bank of the Heartland currently receives donated food from nearly 200 Nebraska retailers, manufacturers and processors, Barks said, but those donations, as well as assistance from the federal government, are not enough to meet demand for emergency food assistance.

“This bill would incent those companies to continue to support our work as well as grow new business partners to donate food in support of local communities and our neighbors in need,” he said.

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

URBAN AFFAIRS

Amendment would tie street car funds to affordable housing

Omaha would gain \$100 million in state funds toward its proposed streetcar project and could use development revenue for affordable housing under an amendment considered by the Urban Affairs Committee March 21.

Sen. Justin Wayne of Omaha brought the amendment to the committee, which would be attached to LB532, a tax increment financing bill sponsored by Omaha Sen. Terrell McKinney. As introduced, the amendment would appropriate \$100 million in general funds in fiscal year 2023-24 to provide assistance to a metropolitan class city to establish, maintain and



Sen. Justin Wayne

operate a streetcar within 2.5 miles of a major airport.

Omaha currently is the state’s only metropolitan class city and has approved a plan to create a streetcar system related to redevelopment and construction of Mutual of Omaha’s downtown headquarters.

Wayne’s proposal also would amend the state’s Community Development Law to deem certain affordable housing – defined as single-family or condominium housing used as primary residences for those with annual incomes below the area median – to be related to the redevelopment even if not located on the redevelopment site as long as the housing supports the activities of the redevelopment plan.

The amendment also states that the city and the streetcar authority would make “best efforts” to allocate not less than 30 percent of excess revenue above what is needed to pay off TIF bonds to qualifying affordable housing during each fiscal year that funds are available. In the selection process, first priority would be given to “financially viable” projects that serve the lowest income occupants for the longest period of time.

Under current law, proceeds can be used only to pay off TIF bonds early.

Wayne said he initially opposed the streetcar project in Omaha, but decided that the best option was to find a way to attach affordable housing requirements and expand the line to also serve North and South Omaha.

“We’re talking about an investment that could fundamentally change this community and ... create a sustainable way that we can fund affordable housing without having to rely on state dollars,” Wayne said.

Requiring the city to use some of the revenue generated from the estimated \$1 billion in development along the streetcar line for affordable

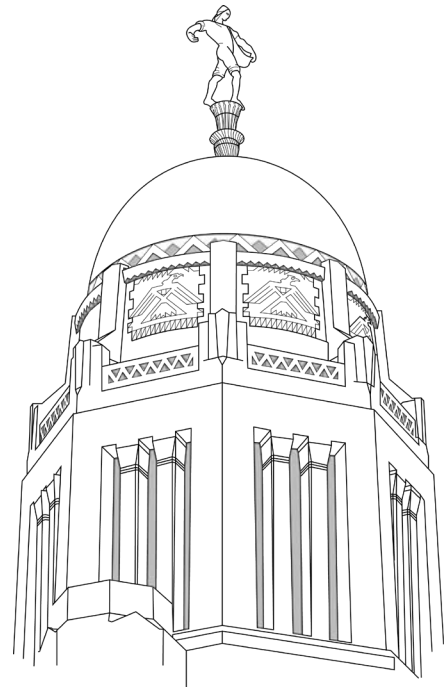
housing would further the goal of creating generational wealth in long-neglected areas of Omaha, he said.

“The only way to close the wealth gap is through equity,” Wayne said. “The one thing we didn’t want to do is create more landlords to just create more profits.”

Jennifer Taylor, Omaha assistant city attorney, testified in favor of the proposal, saying the city supports the effort to extend the streetcar line to North and South Omaha. Wayne’s amendment would help the city fill the gap between the revenue the streetcar project would generate and what it would cost Omaha to extend the line.

“We have always stated that we would build these lines with the development that comes from the line and not from any [city] general fund taxpayer dollars,” Taylor said.

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





Unicameral Youth Legislature registration now open

High school students with an interest in law, government, leadership or public speaking are encouraged to register for the 2023 Unicameral Youth Legislature, which will convene June 11-14.

The Unicameral Youth Legislature is a four-day legislative simulation conducted at the State Capitol Building and coordinated by the Clerk's Office of the Nebraska Legislature. Student senators will sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral.

Students will learn about the inner workings of the Legislature directly from senators and staff. Bills will be based on legislation considered dur-

ing the current legislative session.

Registrants are encouraged to apply for a Speaker Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships also are available.

Note that all scholarships are awarded prior to registration.

The University of Nebraska-Lincoln's Extension 4-H Youth Development Office coordinates housing and recreational activities for the camp as part of their Big Red Summer Camps program.

Registration forms can be obtained in through the Legislature's Unicameral Youth Legislature page: NebraskaLegislature.gov/uyl. ■

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