

# UNICAMERAL UPDATE

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## Greater access to legislative video amended, advanced

Nebraskans would have expanded access to video of legislative proceedings under a bill advanced from general file April 17.

Nebraska Public Media currently broadcasts and live-streams video coverage of legislative public committee hearings and floor debate. Written transcripts of those proceedings are made available on the Legislature's website when completed.

LB254, as introduced by Gordon Sen. Tom Brewer, would require the Executive Board to develop and maintain a publicly accessible, digital internet archive of closed-captioned video of that coverage, indexed by bill number or date, beginning with coverage of the 2025 legislative session.

Brewer said almost every other state has publicly accessible, online archived



Sen. Tom Brewer said many legislative committee hearings happen simultaneously and that a video archive could help Nebraskans better follow the policymaking process.

video recordings of legislative debate and committee hearings and Nebraska should join them. An archive would give Nebraskans access to legislative proceedings in a way that U.S. Sen. George Norris – who championed the idea of a one-house, unicameral system – advocated for, he said.

“I don't think waiting four to six months for a copy of a written transcript from this body is what Norris had

in mind,” Brewer said, adding that members of the public cannot act as the “second house” if the Legislature's proceedings aren't transparent.

An amendment offered by the Executive Board, adopted 30-0, replaced the bill and, among other changes, would:

- require the Executive Board to develop policies and procedures surrounding the creation and ongoing use of the archive;
- provide that audio and video recordings of legislative proceedings are not official records and are not admissible in any proceeding as evidence of legislative history, action or intent; and
- provide that audio and video recordings of legislative proceedings cannot be used,

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## Medicaid reimbursement bill expanded, advanced

A bill intended to cover a Medicaid reimbursement gap in Nebraska was amended to become an omnibus health services measure and advanced from general file April 17.

As introduced by Blair Sen. Ben Hansen, LB227 would require the state Department of Health and Human Services to provide Medicaid reimbursement to



Sen. Ben Hansen

a hospital at 150 percent of the statewide average nursing facility per diem rate when a Medicaid enrollee:

- has been admitted as an inpatient at the hospital,
- is eligible for discharge after receiving care in such hospital,
- requires a nursing facility level of care upon discharge; and
- is unable to be transferred to a nursing facility due to a lack of available beds or requires a public guardian but one is unable to be appointed.

A Health and Human Services Committee amendment would lower the reimbursement to 100 percent. It also would remove the requirement regarding eligibility for discharge after receiving hospital care and replace it with a requirement that the individual no longer requires acute inpatient care and discharge planning.

The amendment also adds provisions of three additional bills heard by the committee:

- LB219, sponsored by Sumner

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# Greater access to legislative video amended, advanced

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Albion Sen. Tom Briese, chairperson of the Executive Board, supported the bill and the amendment. While details remain to be worked out, he said, the goal is to have the video archive in place for the next legislative session beginning in January 2024.

Sen. Danielle Conrad of Lincoln also supported the measure, calling it a “good government” bill that has strong support both from the public and members of the Legislature.

“This is really important updating and modernizing of our tools that aligns with our values of open government and ... transparency in Nebraska,” she said.

Omaha Sen. Megan Hunt offered an amendment during the second day of general file debate April 17 that would require the closed-captioning to be provided in both English and Spanish. Approximately 7 percent of Nebraskans are Spanish speakers, she said.

“This is a great thing for transparency and increasing public participation in the legislative process,” Hunt said.

Omaha Sen. Tony Vargas supported the amendment, saying more needs to be done to make the Legislature a welcoming place for Nebraskans with limited English proficiency. Many non-English speakers are impacted by public policy but have difficulty participating in the legislative process, he said.

“This is something that we should be doing more [of] to make sure the Legislature is accessible to all types of languages and cultures and this is one step in the right direction,” Vargas said.

Brewer said he supported the idea, but suggested that lawmakers take up the issue on the next round of debate in order to give him time to discuss the change with stakeholders and determine how it might impact the proposal’s feasibility and cost.

The Hunt amendment failed on a vote of 8-21.

Sen. Myron Dorn of Adams then offered an amendment to add provisions of his LB90,

which would make technical changes to performance audits conducted by the Legislature.

The Legislative Audit Office, a division of the Legislature, conducts performance audits to review state agency programs and evaluate agency success in effectively implementing legislative intent.

Dorn, chairperson of the Legislative Performance Audit Committee, said the amendment would eliminate audit requirements for the Nebraska Advantage Act, which was replaced with the ImagiNE Nebraska Act in 2020, and remove outdated codes.

The amendment was adopted on a 34-0 vote.

Sen. Machaela Cavanaugh of Omaha stated support for LB254, but offered a series of motions to extend debate on the measure, none of which were adopted.

After several hours of debate over two days, lawmakers voted 33-0 to advance LB254 to select file. ■



Sen. Myron Dorn

## UNICAMERAL UPDATE

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# Medicaid reimbursement bill expanded, advanced

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Sen. Teresa Ibach, which would require DHHS to rebase inpatient interim per diem rates



Sen. Teresa Ibach

for critical access hospitals every two years using the most recent audited Medicare cost report;

- LB434, sponsored by North Platte Sen. Mike Jacobson,

which would require long-term acute care hospitals to enroll as Medicaid providers and direct



Sen. Mike Jacobson

the department to adopt a state amendment or federal Medicaid waiver; and

- LB517, sponsored by Fremont Sen. Lynne Walz, which would

require the department to implement a pilot program to facilitate the transfer of patients



Sen. Lynne Walz

with complex health needs from eligible acute care hospitals to appropriate post-acute care settings. The amendment also states legislative intent to appropriate \$1 million to carry out the pilot program.

Hansen, chairperson of the committee, said the underlying bill and the amendment would address an issue facing hospitals across the state — patients who can't be moved from acute health

care facilities to more appropriate facilities for a variety of reasons.

“This is an issue because hospitals don't have the room or the budget to house these patients for long periods of time without reimbursement,” he said. “These difficult to transfer patients may have mental health problems, physical disabilities, alcohol and drug abuse issues or limited ability to function on their own.”

Finally, the committee amendment also added provisions of LB590, sponsored by Bellevue Sen. Rick Holdcroft.

The provisions would increase the standard of need for eligible aged, blind and disabled persons from at least \$60 to \$75



Sen. Rick Holdcroft

per month for a personal needs allowance if the individual resides in an alternative living arrangement.

Holdcroft said the personal needs allowance — which can be used for items such as greeting cards, postage, toiletries and cell phone bills — has not increased since 2015. Increasing the allowance for individuals in nursing homes and long-term care and assisted living facilities would help residents maintain a level of independence and dignity, he said.

“It's the little things that add up,” Holdcroft said. “Many families help where and when they can, but not all families have that ability.”

Hansen offered another amendment that would add provisions of nearly a dozen additional measures related to pharmacy practice and health profession licensure, including:

- LB35, introduced by Bennington Sen. Wendy DeBoer, which would extend the sunset date

for transitional child care assistance under the federal Child Care Subsidy program and



Sen. Wendy DeBoer

cash assistance to families who have not achieved economic self-sufficiency to Oct. 1, 2026;

- LB123, introduced by Omaha Sen. John Fredrickson, which

would require behavior analysts to obtain a credential under the Uniform Credential-



Sen. John Fredrickson

ing Act and create a Board of Behavior Analysts to establish licensure standards and adopt a code of conduct;

- LB181, introduced by Hansen, which would specify that a prescription remains valid despite the prescribing practitioner's subsequent death or retirement or the suspension or revocation of the prescribing practitioner's credential and allow a pharmacist to use their professional judgment to fill or refill such a prescription;

- LB202, introduced by Walz, which would allow certified and trained pharmacy technicians to administer vaccines to individuals over 3 years of age if the vaccine is verified by a supervising pharmacist;

- LB402, introduced by Lincoln Sen. Beau Ballard, which would specify that the definition of a

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# Medicaid reimbursement bill expanded, advanced

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home health agency does not include a person or entity that engages only in social work practice;



Sen. Beau Ballard

- LB431, introduced by Hastings Sen. Steve Halloran, which would authorize the Nebraska State Patrol to submit health profession licensure applicants' fingerprints to the F.B.I. for national criminal history record information checks;



Sen. Steve Halloran

- LB458, introduced by Ballard, which would allow a fill pharmacy to deliver to a patient on behalf of a dispensing pharmacy if both pharmacies are under common ownership;

- LB548, also introduced by Ballard, which would remove a requirement that a pharmacist licensure applicant obtain a grade of 75 on the pharmacy jurisprudence examination and require anyone authorized to compound to comply with the U.S. Pharmacopeia and the National Formulary;

- LB572, sponsored by Ralston Sen. Merv Riepe, which would update the Medical Nutrition Therapy Act by making terminology consistent and providing a pathway to licensure for certified nutrition specialists;

- LB611, also sponsored by Riepe, which would change drug

administration requirements for a hospital, ambulatory surgical center or health care practitioner facility to allow any unused portion of certain medications be offered to a patient upon discharge if required for continuing treatment; and



Sen. Merv Riepe

- LB765, sponsored by Niobrara Sen. Barry DeKay, which would eliminate regional trauma advisory boards and replace them with regional trauma committees and make other changes to definitions.



Sen. Barry DeKay

Sen. Machaela Cavanaugh of Omaha made a successful motion to divide the amendments into eight separate components.

She and Omaha Sen. Megan Hunt then offered a series of procedural motions, none of which were adopted, to extend debate on LB227 in response to other actions taken by the Legislature this session. Neither lawmaker indicated opposition to the underlying bill or any of the proposals contained in the amendments.

After eight hours of debate over two days, Hansen offered a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments. The motion was adopted 44-0 and all of the divisions of Hansen's amendment and the committee amendment were adopted without dissenting votes.

Lawmakers then voted 45-0 to advance LB227 to the second round of debate. ■

## Moser elected committee chair

Lawmakers chose Columbus Sen. Mike Moser in a three-way race to replace former Sen. Suzanne Geist as chairperson of the Legislature's Transportation and Telecommunications Committee April 20.

Geist resigned from the Legislature earlier this month to focus on her Lincoln mayoral campaign.

Moser, who had served as vice-chairperson of the committee, said he has a "passion" for roads and extensive experience working with the



Sen. Mike Moser

state Department of Transportation during his 12 years as mayor of Columbus.

Bennington Sen. Wendy DeBoer and Plymouth Sen. Tom Brandt also sought the position. All three senators agreed that broadband service, particularly in rural and other underserved areas, is a priority for the committee.

"Broadband continues to be an issue, despite all the money we've spent on various grant programs," Moser said. "We haven't had the results that we want."

Moser will serve as chairperson until new leadership elections are held in January 2025. ■



# MEET THE SENATOR

## Holdcroft launches legislative career

Several years ago, Sen. Rick Holdcroft of Bellevue noticed that certain trees on his property weren't bearing fruit. So he brought in some help: honeybees.

Holdcroft took a community college class on pollinators and in his backyard set up two hives, which last year yielded seven gallons of honey. Until recently, he was manager of the Omaha Bee Club's apiary.

"I could spend an hour with you on [the] biology of bees," he said. "It's pretty amazing."

It was a practical solution from a person with a practical bent. Holdcroft earned degrees in electrical engineering at the University of Nebraska-Lincoln and computer science at naval postgraduate school in Monterrey, California. His wife, Mary Jo, and their five children all earned degrees in technical fields.

Holdcroft's father was in the submarine service, and he spent his early years in California, Nebraska and Florida, living in military housing and playing baseball with friends whose parents also served in the Navy.

"Military life was what I knew and what I looked forward to doing," he said.

Holdcroft joined the Naval Reserve Officers Training Corps program at UNL and, after receiving his commission in 1976, spent nearly 30 years as a surface warfare officer. He served aboard several warships and completed stints at the Armed Forces Staff College and what is now the Navy Warfare Development Command in Norfolk, Virginia.

In 1995, he took command of the USS Arthur W. Radford, a Spruance-class destroyer. Under Holdcroft's com-

mand, the Radford became one of the first U.S. Navy ships to sail into the Black Sea to visit the post-Soviet states of Bulgaria, Romania and Ukraine after the Cold War ended.

"It was the best job I had while I was in the Navy," he said.

Among other assignments, Holdcroft also finished two tours at STRATCOM at Offutt Air Force Base. After retiring from the Navy, he used that experience to start a second career directing the Bellevue field office of a defense contractor that made solid-fuel rockets for ballistic missiles and the space shuttle. He retired from that job in 2016 and started beekeeping.

Fortunately for Holdcroft's bees, they are mostly self-sufficient and don't require his constant attention. A few years after starting his new hobby, a phone call put him on course for a different hive of activity that would leave considerably less time for beekeeping.

In 2019, former Sen. Andrew La Grone called Holdcroft "out of the blue." Later, at a local coffee shop, La Grone and Sen. John Arch of La Vista asked Holdcroft if he would be interested in running for the District 3 legislative seat in 2020.

Holdcroft lost in a close race, but, when the 2021 redistricting process moved his residence to LD36, he decided to try again and won.

Now that Holdcroft is back in a position of service, he said, he looks forward to working with other members of his large freshman class to pass the conservative legislation his constituents want.

"I felt like ... it was my time to serve the state of Nebraska," he said. ■



From right: Sen. Rick Holdcroft, son-in-law Erich, son Rick and daughter Amy with Holdcroft's bees in his Bellevue backyard.

# BANKING, COMMERCE & INSURANCE

## Banking regulation bill broadened, advanced from first round after cloture

A measure that would eliminate an onsite review requirement for title insurance agents was amended to become an omnibus committee bill and advanced to the second round of debate April 18 after a successful cloture motion.

Under current law, title insurers are required to conduct an onsite annual review of a title insurance agent's practices. As introduced by Dunbar Sen. Julie Slama, LB92 would remove the requirement that the review be done onsite. She said the COVID-19 pandemic made clear that the annual review could successfully be conducted remotely rather than in person.



Sen. Julie Slama

A Banking, Commerce and Insurance Committee amendment, adopted 46-0, added provisions of 13 additional bills heard by the committee this year:

- LB3, introduced by Bellevue Sen. Rita Sanders, which would change provisions for tax levies for bonds issued by political subdivisions;
- LB68, introduced by Slama, which would increase from \$500,000 to \$1 million the minimum amount of proof



Sen. Rita Sanders

of financial responsibility of medical malpractice liability for health care providers beginning Jan. 1, 2024, and increase professional liability insurance from \$1 million to \$3 million for aggregate limits for physicians and nurse anesthetists;

- LB93, also introduced by Slama, which would update requirements regarding security deposits made by insurers for the benefit of policyholders to include creditors in the same manner as policyholders;
- LB145, sponsored by Lincoln Sen. Eliot Bostar, which would, among other provisions, amend laws relating to insurance coverage requirements for mammography screening and breast examinations by expanding coverage for younger women and those with increased breast cancer risk and heterogeneous or dense breast tissue, beginning Jan. 1, 2024;



Sen. Eliot Bostar

- LB207, introduced by Elkhorn Sen. R. Brad von Gillern, which would allow a sale of trust property under the Nebraska Trust Deeds Act to occur at a public building where county offices are located within the county in which the property to be sold – or some part of it – is located;



Sen. R. Brad von Gillern

- LB214, introduced by Slama, which would adopt federal updates to state banking and

finance law and change provisions relating to the Nebraska Installment Loan Act and loan brokerage agreements;

- LB383, also sponsored by Bostar, which would require coverage of at-home colorectal cancer screening kits and prohibit imposition of a deductible, co-insurance or other cost-sharing requirement for screening colonoscopies, including those performed as a result of a positive non-colonoscopy, stool-based preventive screen;
- LB392, sponsored by Lincoln Sen. Beau Ballard, which would authorize the electronic delivery of certain health benefit plan documents;
- LB437, also sponsored by Ballard, which would change the renewal period for business entity licenses under the Insurance Producers Licensing Act from annual to biennial, beginning April 30, 2024;
- LB536, introduced by Slama, which would change provisions relating to investment by insurers in preferred and common stock;
- LB587, introduced by Lincoln Sen. Anna Wishart, which would create a regulatory sandbox program under the state Department of Insurance to allow a participant to temporarily test innovative insurance products or services on a limited basis without otherwise being licensed or authorized under state law;
- LB669, introduced by Ballard, which would allow the department to prescribe conditions on



Sen. Anna Wishart

certain financial institutions as a part of any order, decision or determination required under state laws governing those institutions;

- LB674, introduced by Sen. Mike Jacobson of North Platte, which would update state law that governs digital asset depository institutions and digital asset departments within banks to improve regulation and make technical corrections; and
- LB779, sponsored by Bostar, which would specify that if there were a national shortage of an insulin drug, a covered individual would be ensured access to insulin at a maximum of \$35 per 30-day supply until such time that the national shortage ends to prevent disruptions in patient access.



Sen. Mike Jacobson

Slama, chairperson of the committee, said the amendment included mostly noncontroversial measures that represent important updates to the state's banking and insurance regulations. She noted that LB145 and LB383 in particular could save lives by encouraging expanded preventive screenings for breast and colorectal cancer.

"This is really a bill where everyone should be able to find something they like in it," Slama said.

Ralston Sen. Merv Riepe expressed concern, however, that the portions of the bill expanding preventive care insurance coverage mandates represented government "encroachment" that could result in the state becoming a "health care dictator."

An attempt by Omaha Sen. Justin Wayne to strip Slama's LB68 from

the bill was unsuccessful. He said lawmakers should take a comprehensive look at medical malpractice caps and liability rather than addressing the issue piecemeal, but his amendment failed on a vote of 12-17.

Sen. Mike McDonnell of Omaha then offered an amendment, adopted 41-1, that added provisions of his LB616, which would attempt to align Nebraska's economic development structure with the requirements of a federal microchip program. It also added his LB617, which would create the Economic Development Cash Fund to provide matching grants to a Nebraska-based covered entity that qualifies under the federal CHIPS for America Act.



Sen. Mike McDonnell

"The CHIPS Act presents an extraordinary opportunity in Nebraska to capitalize on the growing semiconductor industry," McDonnell said. "This industry is critical in the development of advanced technologies, many of which have direct applications in agriculture."

Another amendment brought by Sen. Lynne Walz of Fremont, adopted 46-0, added the provisions of her LB278, which would require the Nebraska Investment Finance Authority and the state Department of Economic Development to use their best efforts to obtain state and federal grants to build safe, affordable and accessible housing for individuals with disabilities and collaborate with the state Department of Health and Human Services to obtain such grants.



Sen. Lynne Walz

Omaha Sen. Machaela Cavanaugh

offered a series of procedural motions to extend discussion on LB92, which she said was an effort to allow time for ongoing negotiations among other senators on a different measure that would ban gender-affirming care for transgender minors in Nebraska. None of the motions were adopted.

After eight hours of debate, Slama offered a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments. The motion was adopted 48-0 and senators then voted 46-0 to advance LB92 to the second round of debate.

### Pet insurance, telehealth proposal approved

Senators passed a bill April 18 that creates a state regulatory framework for the sale of pet insurance and requires parity in insurance reimbursement rates for telehealth providers.

LB296, sponsored by Lincoln Sen. Beau Ballard, requires pet insurers to provide disclosures regarding waiting periods, claim schedules and exclusions for preexisting conditions. It also requires training for agents who sell pet insurance.



Sen. Beau Ballard

The measure includes provisions that require insurance reimbursement rates for a telehealth service to be at least as much as a comparable in-person health care service if the licensed provider also provides in-person health care services at a physical location in Nebraska, or is employed by or holds medical staff privileges at a licensed facility in Nebraska that provides in-person health care services in the state.

Finally, the bill requires an off-campus hospital location to obtain and use a National Provider Identifier



for reimbursement claims that is distinct from the NPI used by the main hospital campus.

LB296 passed on a vote of 46-0.

## BUSINESS & LABOR

### Business and labor package clears first round

A bill containing a variety of business and labor measures advanced from general file April 20 after a successful cloture motion.

LB191, as originally introduced by Hastings Sen. Steve Halloran, would have made certain workers' compensation injury reports confidential for 60 days from the date of filing.

The bill was gutted by a Business and Labor Committee amendment on general file in order to replace it with provisions of a variety of measures heard by the committee, including LB249. Sponsored by Albion Sen. Tom Briese, the provisions would add the extension of sewer or water service as an eligible activity under the Rural Workforce Housing Investment Act.



Sen. Tom Briese

Briese said the lack of housing in rural Nebraska is "choking off" economic development and that the Rural Workforce Housing Act has been a proven tool for expanding workforce housing in the past.

"[LB249] is intended to make the program work more efficiently to better address the needs of participants and the changes proposed to the program in this legislation have been informed by the housing developers and stakeholders in the housing arena," Briese said.

Sumner Sen. Teresa Ibach agreed.

One of the biggest issues facing the state is the lack of workforce housing, she said, and the provisions of LB249 would help to eliminate financial barriers facing housing projects.

"By enacting LB249, we will be able to double the program's [ability] to allow high-capacity developers to accelerate production of workforce housing," Ibach said.

Also included were provisions of LB267, sponsored by Gordon Sen. Tom Brewer, which would prioritize resources such as personal protective equipment, vaccines and medical treatment for critical infrastructure utility workers during a civil defense emergency.



Sen. Tom Brewer

Brewer said the measure would enable a coordinated response to protect essential workers in an emergency.

"These critical energy workers support and preserve the infrastructure operation centers critical to maintain the backbone of our society," he said. "By prioritizing their health and safety ... we ensure continuous distribution of energy and utilities to Nebraska's rural and urban communities."

The committee amendment also included provisions of five other bills:

- LB427, sponsored by Ralston Sen. Merv Riepe, which would amend the Nebraska Contractor Registration Act to no longer require out-of-state contractors to pay a one-time \$25 registration fee or submit a \$25 fee for each contract they receive of at least \$10,000;
- LB460, sponsored by Omaha Sen.



Sen. Merv Riepe

Mike McDonnell, which would require the state Department of Health and Human Services to reimburse first responders for



Sen. Mike McDonnell

mental health examination costs related to mental health injuries that are not reimbursed by their employer and require that rates be established by the Critical Incident Stress Management program;

- LB639, sponsored by Bellevue Sen. Carol Blood, which would change notice requirements on proposed workers' compensation regulations and eliminate certain other hearing and summons requirements;



Sen. Carol Blood

- LB666, also sponsored by Riepe, which would amend the state Employment Security Law to allow employers to choose their preferred method of document delivery and extend the deadline for employers to submit voluntary contributions to the state Department of Labor from Jan. 10 to Feb. 28 each year; and

- LB671, sponsored by Blair Sen. Ben Hansen, which would allow the Nebraska Training and Support Cash Fund to be used for employee retention for Nebraska businesses.



Sen. Ben Hansen

Riepe, chairperson of the commit-



tee, said the amendment contains closely related, noncontroversial bills that address business and labor issues throughout the state.

Omaha Sen. Machaela Cavanaugh offered a series of procedural motions to extend debate on LB191, none of which were adopted.

After eight hours of discussion, Hal-loran offered a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments. The motion was adopted 45-0.

Lawmakers then voted 45-0 to adopt the Business and Labor Committee amendment and advanced LB191 to the second round of debate on a 45-0 vote.

## GENERAL AFFAIRS

### Omnibus liquor law changes approved

Lawmakers passed a bill April 17 that makes a number of changes to Nebraska's liquor laws.

LB376, introduced by Kearney Sen. John Lowe, creates a brand registration for the state Liquor Control Commission to accurately identify and track alcoholic products imported into Nebraska.



Sen. John Lowe

Beginning Jan. 1, 2024, every licensed manufacturer, wholesaler and shipper will be required to pay a registration fee and submit a report to the commission prior to the sale or shipment of any alcoholic liquor into the state.

The measure also includes provisions of five other bills heard by the General Affairs Committee this session:

- LB259, introduced by Lowe, which allows farm wineries to apply for a license to sell beer, mixed drinks and other alcoholic beverages not produced by the farm winery for consumption on their premises;
- LB377, also introduced by Lowe, which authorizes nonprofits to apply for up to 12 Special Designated Licenses per calendar year. Current regulations restrict nonprofits to six SDL applications each year;
- LB452, introduced by Sen. Dave Murman of Glenvil, which allows the holder of a microdistillery license to sell up to 500 gallons of their product directly to licensed retail facilities annually;
- LB596, introduced by Gering Sen. Brian Hardin, which permits liquor manufacturers and wholesalers to enter into an advertising or sponsorship agreement with a nonprofit organization, municipal corporation, religious corporation or political subdivision that holds an SDL; and
- LB667, introduced by Sen. Jana Hughes of Seward, which authorizes alcohol wholesalers to use channel pricing — a strategy used to determine a product's



Sen. Dave Murman



Sen. Brian Hardin



Sen. Jana Hughes

price based on the retailer's license and business type.

LB376 passed on a 41-0 vote and took effect immediately.

### Omnibus gaming bill passed

Lawmakers gave final approval April 18 to a bill that contains several updates to Nebraska gaming law.

LB775, sponsored by Sen. John Lowe of Kearney, updates the definition of licensed racetrack enclosure in the Nebraska Racetrack Gaming Act to include all real property licensed and used to conduct a race meeting.

The bill also grants the Nebraska Racing and Gaming Commission authority to recommend necessary updates to state law that it administers and authority to create an adjudication subcommittee to investigate and respond to violations of the gaming act.

The measure includes provisions of four additional bills:

- LB72, sponsored by Grand Island Sen. Raymond Aguilar, which amends the County and City Lottery Act by establishing that gross proceeds do not include any admission costs collected at any location where the lottery also is available to the public free of an admission charge;
- LB73, also sponsored by Aguilar, which allows funds from the County Visitors Promotion Fund to be used to improve a facility in which parimutuel wagering is conducted if the facility also serves as the site of a state fair or district or county agricultural society fair;



Sen. Raymond Aguilar

• LB232, sponsored by Omaha Sen. John Cavanaugh, which authorizes the sale of digital keno tickets for players verified to be on the premises of a licensed Nebraska lottery location and the use of debit cards – limited to \$200 in wagers from a lottery operator in single calendar day – bank accounts, prepaid cash accounts or the cash balance of a payment application as payment methods; and



Sen. John Cavanaugh

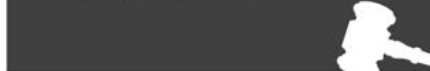
• LB544, sponsored by Lincoln Sen. Danielle Conrad, which makes minor changes to the Nebraska Bingo Act to reflect technological advancements.



Sen. Danielle Conrad

Senators voted 46-0 to pass LB775.

## JUDICIARY



### Concealed handgun permit requirement repealed

Lawmakers passed a bill April 19 that removes a concealed handgun permit requirement in Nebraska law following a successful cloture motion.

State law had required that an individual pass a background check, submit a \$100 permit fee and complete a gun safety course to obtain a concealed carry permit. LB77, introduced by Gordon Sen. Tom Brewer,

waives those requirements.

Under the bill, an individual not otherwise prohibited from possessing or carrying a gun in Nebraska can conceal carry without a permit – which supporters refer to as “constitutional carry.” LB77 also prohibits counties, cities and villages from regulating ownership, possession or transportation of a concealed handgun.

The bill adds a misdemeanor charge for carrying a firearm or destructive device while committing certain “dangerous” misdemeanor crimes, including harassment, stalking, domestic violence, shoplifting and resisting arrest, among others. An individual is subject to a Class I misdemeanor for a first or second offense and a Class IV felony for a third or subsequent offense.

Brewer said the Nebraska Constitution allows for the carrying of guns for security and defense and that LB77 is focused on law-abiding citizens. The bill would not remove existing restrictions that prohibit felons, perpetrators of domestic violence, those with dangerous mental illnesses and others from carrying weapons, he said.

Lincoln Sen. Jane Raybould, who led the opposition to the bill, said the U.S. is “held in the grip” of senseless gun violence. States with right-to-carry laws have higher rates of violent crimes, gun violence and road rage incidents, she said, and states with tighter laws have fewer gun-related deaths.

After two hours of debate, Brewer filed a motion to invoke cloture, which ceases debate and forces a vote on the bill and any pending amendments or motions. The motion was adopted 33-14. Thirty-three votes were needed.



Sen. Tom Brewer

Senators then defeated a Raybould motion to recommit the bill to the Judiciary Committee and passed LB77 on a 33-14 vote.

## NATURAL RESOURCES

### Hydrogen hub funding proposal broadened, advanced

A bill that would fund Nebraska’s efforts to be selected as a regional clean hydrogen hub advanced to the final round of debate April 18 after lawmakers amended it to include the provisions of several other bills related to natural resources.

LB565, introduced by Sen. Bruce Bostelman of Brainard, states legislative intent to appropriate \$500,000 over the next two fiscal years to the state Department of Economic Development for grants that would be used for engineering and modeling needed to submit a full application to the U.S. Department of Energy’s H2Hubs program.



Sen. Bruce Bostelman

Bostelman introduced an amendment on select file that added the provisions of five other bills heard by the committee this session.

The provisions of LB217, introduced by Seward Sen. Jana Hughes, would extend the sunset date for a scrap tire project grant program under the Waste Reduction and Recycling Incentive Act from 2024 to 2029.



Sen. Jana Hughes

The provisions of LB289, sponsored

by Bostelman, would amend the Municipal Cooperative Financing Act to authorize municipal agencies to own and operate, contract to operate or lease advanced metering infrastructure technology and provide advanced metering infrastructure services to public utilities.

The measure also would authorize the agencies to provide certain services, including information technology and physical infrastructure management, to public utilities and municipal infrastructure systems.

Bostelman said the change would clarify that the Municipal Energy Agency of Nebraska could provide these services to its members.

The provisions of LB395, introduced by Sen. Steve Erdman of Bayard, would increase the maximum daily compensation for members of the Nebraska Oil and Gas Conservation Commission from \$400 to

\$500 and adjust the amount for inflation every other year, beginning in 2025. The proposal also would repeal the current \$4,000 annual cap on each member's compensation.

Currently, farmers and ranchers may, without a permit from the state Game and Parks Commission, destroy any predator, including coyotes, preying on livestock or poultry or causing agricultural depredation on their land. A similar provision allows farmers and ranchers to kill a mountain lion that is in the process of stalking, killing or consuming livestock on their property.

Under the amended provisions of LB400, introduced by Gordon Sen. Tom Brewer, any private landowner or tenant could kill a mountain lion



Sen. Steve Erdman

under those conditions or destroy a predator preying on livestock or poultry or suspected of causing other damage on their land.

The provisions of LB425, introduced by Bostelman, would increase the number of state Game and Parks Commission members needed for a quorum at the commission's public meetings from four to five.

Among other changes, the proposal also would increase caps on certain nonresident hunting and fishing permits and allow the commission to issue permits for the taking of elk from state game refuges when their number is deemed detrimental to habitat conditions on the refuges or to adjacent private property.

After voting 38-0 to adopt Bostelman's amendment, senators advanced LB565 to final reading by voice vote. ■

# SEARCH FOR BILLS

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The Legislature's website offers a bill search on the upper-right portion of the homepage. Entering a bill number will retrieve the bill's text, fiscal note, statement of intent, votes, transcripts and more.

You also can search current laws using the keyword search found below the bill search.

The screenshot shows the Nebraska Legislature website homepage. At the top, it says "NEBRASKA LEGISLATURE" and "The official site of the Nebraska Unicameral Legislature". The main content area displays "108th Legislature, 1st Regular Session - Day 3" and "The Legislature is adjourned until Monday, January 9, 2023 at 10:00 am". There is a "Recent Legislative Information" section with links to various reports and documents. On the right side, there are search boxes for "Search Current Bills" (with fields for LB and #) and "Search Laws". Below these are links for "Live Video Streaming" and "Find Your Senator". A red arrow points to the "Search Current Bills" search box.



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Former state senators were invited to the George W. Norris Legislative Chamber April 19 to be recognized by the Legislature.