

Measure to tax services, fund property tax relief falls to filibuster

A proposal to impose the state sales and use tax on certain services to fund additional property tax relief stalled on general file May 19 after a failed cloture motion.

LB170, as introduced by Plymouth Sen. Tom Brandt, would have imposed state sales tax on soft drinks and candy. He introduced an amendment that would replace the bill with a narrowed version of his LB169, which would impose the 5.5% state sales and use tax on nearly two dozen currently exempt services.



Sen. Tom Brandt

The new sales tax revenue would be used to provide an additional \$100 million in property tax relief per year under the School District Property Tax Relief Act. Enacted by lawmakers during last year's special session, the program distributes funds to counties, which then credit taxpayers against the amount of property taxes owed to school districts.

Brandt said the amendment would tax 18 "discretionary" services — including dry cleaning, swimming pool maintenance and golf lessons — in an effort to reduce Nebraskans' local property tax burden, which he said is projected to increase by \$283 million next year.

"What we are doing is cleaning up
(continued page 2)

Cloture attempt on medical cannabis regulation fails

A proposal seeking to regulate and tax medical cannabis in Nebraska after approval of two ballot initiatives last November stalled on the first round of debate May 20 following a failed cloture motion.

The successful ballot measures protect qualified individuals from legal penalties for possessing and using medical cannabis when recommended by a health care practitioner and create the Nebraska Medical Cannabis Commission to oversee the industry.

The commission is required to establish criteria to accept or deny applications for registered cannabis establishments by July 1. Entities will be able to apply for licensure beginning Oct. 1.

LB677, as introduced by Blair Sen. Ben Hansen, would provide a regulatory framework for medical cannabis and establish licenses for cultivators, dispensaries, product manufacturers, transporters, testing facilities and "vertical" facilities — those that both cultivate and dispense products.

The bill would limit the number of licenses issued in each congressional district and give the commission



Sen. Ben Hansen said the Legislature's failure to act would harm Nebraskans who could be helped by access to medical cannabis.

through Oct. 1 to establish criteria for registering cannabis establishments. Entities could apply for licensure beginning Jan. 1, 2026.

Under the proposal, health care practitioners — defined as a physician, osteopathic physician, physician assistant or nurse practitioner — would be authorized to issue a written recommendation for up to five ounces of medical cannabis for individuals with qualifying medical conditions. Individuals under age 18 would need approval from a legal parent or guardian with authority to

(continued page 3)

Measure to tax services, fund property tax relief falls to filibuster

(continued from front page)

the tax code, removing outdated exemptions and ensuring everyone pays their fair share so that we can deliver real property tax relief for everyone, urban and rural alike,” he said.

Brandt said the newly taxed services would generate approximately \$28 million in state revenue annually.

The amendment would raise another \$42 million per year by increasing the excise tax on cigarettes from 64 cents to \$1.36 per package, he said.

The measure also would impose sales tax on soft drinks and energy drinks, generating \$25 million per year, Brandt said. The amendment would not tax candy, as LB170 originally proposed.

Also included in the amendment are the provisions of LB712, introduced by Sen. Jana Hughes of Seward, which would increase the excise tax on vaping devices to 40% of the wholesale price. Brandt said the change would increase state revenue by \$15 million per year.



Sen. Jana Hughes

Elkhorn Sen. R. Brad von Gillern expressed “lukewarm” support for the proposal, saying he would prefer that the additional revenue be directed to the state’s General Fund. Continuing to add to the nearly \$1.5 billion Nebraska spends on its two property tax relief programs each year is unsustainable, he said.

“If we need to do this this year to continue to keep the ball rolling until we can fix the systemic issues of property tax relief,” von Gillern said, “then so be it.”

Hughes supported the amendment, although she agreed that her LB303, which would increase state funding to public schools while decreasing the maximum school levy, would be a better long-term method to reduce property taxes.

In the meantime, she said, Brandt’s proposal would provide additional relief aimed at preventing Nebraskans on fixed incomes from losing their homes due to valuation increases.

“Their income didn’t increase, but they still have to pay the bill,” Hughes said. “It’s not a choice like it might be on the sales tax exemptions that we’re

talking about.”

Sen. George Dungan of Lincoln opposed the amendment, saying it would raise taxes disproportionately on low- and middle-income Nebraskans while providing relatively little additional property tax relief.

“There’s a number of folks on the left and the right who don’t want to see just everyday people ... bearing the brunt of paying for property tax relief for the wealthy,” he said.

Whitman Sen. Tanya Storer also opposed the measure. She said lawmakers are only “feeding the monster” by directing more money to property tax relief rather than addressing local spending and other factors that lead to ever-increasing property tax collections.

Also opposed was Sen. John Cavanaugh of Omaha. He said his LB152, which would create a universal homestead exemption on the first \$100,000 of taxable value of owner-occupied homes, would be a more efficient way to pro-



Sen. John Cavanaugh



UNICAMERAL UPDATE

The Unicameral Update is a free, weekly newsletter published during the legislative session. It is produced by the Clerk of the Legislature’s Office through the Unicameral Information Office. For print subscriptions, call 402-471-2788 or email uio@leg.ne.gov. Visit us online at Update.Legislature.ne.gov, twitter.com/UnicamUpdate and facebook.com/UnicameralUpdate.

Clerk of the Legislature: Brandon Metzler
 Editor: Kate Heltzel; Writers: Maggie English, Kyle Harpster and McCartney Martin; Photographer: Bess Ghormley

Printed copies of bills, resolutions and the Legislative Journal can be requested at NebraskaLegislature.gov. Status of bills and resolutions can be requested 402-471-2709 or 800-742-7456 or can be found at NebraskaLegislature.gov/bills. Live video of hearings and floor debate can be viewed on NE-W and at nebraskapublicmedia.org.

Senators may be contacted by mail at this address:
 Senator Name, District #, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604

Assistance provided by the Clerk of the Legislature’s Office, the Legislative Technology Center, committee clerks, legal counsels, journal clerks, pages, transcribers, mail/bill room staff and the State Print Shop.

THE NEBRASKA LEGISLATURE’S OFFICIAL NEWS SOURCE SINCE 1977

vide relief to Nebraskans who might not be able to keep up with increasing property tax bills.

After several hours of first-round debate, Brandt introduced an amendment that would strike the sales tax provisions from his original amendment. The smaller proposal would retain the provisions on vaping products and cigars and increase the excise tax on cigarettes from 64 cents to \$1.64 per package.

Brandt said the pared-back measure would generate approximately \$80 million in revenue per year for property tax relief.

Lincoln Sen. Jane Raybould supported the amendment. She said the state needs additional revenue to fund property tax relief until lawmakers can devise a more sustainable plan.

Dungan opposed the amendment, saying the tax increase likely would cause some people to quit smoking or vaping, leading to a “slow but steady drop” in revenue needed to fund the additional relief.

After eight hours of debate, Brandt filed a motion to invoke cloture, which ends debate and forces a vote on the bill and any pending amendments.

The motion failed on a vote of 30-15. Thirty-three votes were needed.

LB170 is unlikely to be scheduled for further debate this session. ■

Cloture attempt on medical cannabis regulation fails

(continued from front page)

make health care decisions.

After receiving written notation from a health care provider, the bill would require an individual to apply for a registry card to identify them as a qualified patient or registered caregiver. The registry would be established directly through the commission and require an application fee of up to \$45.

The use or possession of cannabis on school grounds, at a child care facility or home day care, in a jail, adult or juvenile correctional facility or youth rehabilitation and treatment center and while operating a vehicle would be prohibited under the bill. Schools would have the authority to establish regulations that allow for students to use non-smoked or vaporized medical cannabis in certain areas.

The measure also would enact a 4% sales tax on all medical cannabis products, with that revenue deposited into the Property Tax Credit Relief Fund.

Hansen said the bill seeks to ensure medical cannabis is safely provided to qualifying patients by requiring product testing, seed-to-sale tracking, childproof packaging and warning labels for pregnant individuals.

“I want to treat this about as close as we possibly can to a pharmaceutical medication,” he said. “Because if that’s the intent [of the ballot initiative], we need to treat it that way.”

An amendment offered by the General Affairs Committee would replace the bill with a modified proposal. Under the amendment, the sales tax would be increased to 5.5% and municipalities would be allowed to impose an additional 2% tax on dispensaries.

The committee amendment also

would prohibit the consumption of medical cannabis by smoking and limit the amount of dried flower a patient may possess to two ounces. Additionally, the amendment would narrow the definition of “qualifying medical condition” to 15 conditions recommended by the Nebraska Medical Association, including:

- cancer;
- autism with frequent or self-injurious or aggressive behavior;
- Crohn’s disease or ulcerative colitis;
- epilepsy or epileptic seizures;
- HIV or AIDS;
- Huntington’s disease;
- Parkinson’s disease;
- spinal cord injury or a disease with residual neurological deficits;
- terminal illness with a probable life expectancy of under one year;
- Tourette’s syndrome; and
- severe or chronic pain lasting longer than six months that is not adequately managed, in the opinion of a health care practitioner, despite treatment attempts using conventional medications other than opioids or opiates or physical interventions.

The measure also includes a provision that would allow an out-of-state health care provider to recommend medical cannabis to a patient in Nebraska who they have been seeing for at least six months.

Hansen supported the committee amendment, saying it would help establish one of the most “compre-

(continued page 4)



Cloture attempt on medical cannabis regulation fails

(continued from page 3)

hensive, regulated and restrictive” medical cannabis programs in the country.

Sen. John Fredrickson of Omaha also supported the proposal. He said it is the Legislature’s responsibility to ensure that the medical cannabis measure passed by voters is safe, effective and medically sound. He said 47 other states already have implemented legislation to allow for the use of medical cannabis.

“Two things can be true at the same time – we can support access while also safeguarding against misuse or abuse,” Fredrickson said. “Let’s put the right guardrails in place and ... help build a system that we can be proud of and put our patients first.”

Also supporting the bill and the committee amendment was Sen. Glen Meyer of Pender. He said several individuals had spoken to him regarding the relief they found through medical cannabis after other treatments and medications left them unable to perform everyday tasks.

“I would expect [that] intelligent people with good hearts, which I believe this body is, can find a way to provide relief with some medical marijuana,” Meyer said.

Speaking in favor of the proposal, Omaha Sen. Dunixi Guereca expressed concern about the potential for medical cannabis to become inaccessible if its regulation is left solely to the Nebraska Medical Cannabis Commission created by the initiative.

That commission will include the current three members of the Nebraska



Sen. Jared Storm said legislative action on the ballot initiative was not necessary.

Liquor Control Commission and two members appointed by the governor, individuals who Guereca characterized as “anti-marijuana” advocates.

Sen. Jared Storm of David City introduced a series of procedural motions to extend debate on the bill. He said the Legislature should not take action until the Nebraska Supreme Court rules on a pending case challenging the validity of the ballot initiatives.

Storm also said LB677 as amended would not represent the will of Nebraska voters who chose to grant authority to implement rules and regulations for medical cannabis to the newly created commission and not the Legislature.

“I have sympathy for people who are struggling ... but we have to get this right,” he said. “The people voted [and] as a legislator, I will carry out the will of the people.”

Norfolk Sen. Robert Dover agreed and added that the commission has not yet had the opportunity to carry out the provisions of the ballot initiative. He said the two gubernatorial nominees first must be confirmed by the Legislature before they can begin

to establish a regulatory framework.

“Why would we as a Legislature start messing with a commission that hasn’t even started to do its work in the first place?” Dover said.

Also speaking in opposition to the measure, Sen. Beau Ballard of Lincoln expressed concern regarding the “broad” nature of the qualifying conditions laid out in the amendment. He worried that health care

providers might exploit definitions such as “chronic pain” to provide medical cannabis to individuals who do not need it.

Sen. Teresa Ibach of Sumner also opposed the bill, saying the federal Food and Drug Administration has approved the use of a cannabis-derived medication for certain types of epilepsy and as a treatment for nausea caused by chemotherapy.

“While the agency has approved some cannabis-derived products for medical use, it currently prohibits the federal legalization and medical prescription of cannabis,” Ibach said. “Do we follow those FDA guidelines or do we find our own path?”

After eight hours of debate, Hansen filed a motion to invoke cloture, which ceases debate and forces a vote on the bill and any underlying amendments.

The motion failed on a 23-22 vote. Thirty-three votes were needed.

A failed cloture motion results in debate on a proposal ceasing for the day. LB677 is unlikely to be placed on the agenda again this session. ■

AGRICULTURE



Feedlot bill scaled back, advanced to final round

A measure originally intended to create uniformity in the feedlot industry under Nebraska law was narrowed before being advanced to final reading May 21.

Under current law, feedlots within a brand inspection area in Nebraska can become registered feedlots and be exempt from brand inspections when shipping cattle to slaughter. Inspection of RFLs is required, however, when cattle enter the feedlot and the Nebraska Brand Committee can conduct regular audits of RFL records at their discretion.

Sumner Sen. Teresa Ibach, sponsor of LB646, said only the western two-thirds of Nebraska is within the brand inspection area, while the eastern one-third of the state has no branding inspection requirements.

As amended on first-round debate, the measure would require a \$1,000 fee to operate a registered feedlot in Nebraska and increase the cap on the physical and electronic inspection fee the Brand Committee may charge to \$1.50 per head. The measure also would allow for new inspection exemptions for cattle:

- transferred to the care of another individual without transfer of ownership if proof of temporary possession is established;
- being transferred to or from a qualified dairy;
- transferred to an affiliated grow yard from an inspected RFL

- under certain conditions; and
- transferred from an affiliated grow yard to an RFL under certain conditions.

North Platte Sen. Mike Jacobson offered an amendment on select file that he said was the result of continued negotiations among various stakeholders.

The amendment, which replaces the previous proposal, would increase the cap on the physical and electronic inspection fee the Brand Committee may charge to \$1.50 per head, exempt from inspection cattle shipped to or from a qualified dairy and set the feedlot registration fee at 50 cents multiplied by the feedlot's maximum livestock capacity.

Jacobson said the amendment would cut the current feedlot registration fee in half. The state's brand inspection system is important to cow/calf producers, he said, and the compromise amendment would ensure that all factions of the industry are treated fairly.

Calling the amendment "a good first step," Ibach spoke in favor of it. She said further reforms need to happen, but that the proposal would "move the needle" in the right direction.

"I feel like we've made some progress," she said.

Whitman Sen. Tanya Storer also supported the amendment, although with reservations. A vigorous opponent of the measure on the first round of debate, Storer called the negotiation process "frustrating" and said she had "fought like hell" to make sure the integrity of the state's brand inspection system was maintained for cattle producers.

"This industry is the core — the foundation — certainly of my district, but I believe of the state of Nebraska," Storer said.

She offered and later withdrew a floor amendment to the Jacobson

amendment to replace a mileage reimbursement system with a flat surcharge fee for travel expenses incurred by brand committee members for inspections.

Ibach said the change was not part of the agreement that was reached during negotiations, but she offered a floor amendment with those same provisions that also included a \$20 cap on the surcharge.

She said she was willing to do so in order to not derail the bill and "keep talking" about the change before the final round of debate. The Ibach amendment was adopted 36-0.

Following the 37-0 adoption of the Jacobson amendment, senators advanced LB646 to final reading by voice vote.



Sen. Teresa Ibach

BUSINESS & LABOR



Vote on limits to state minimum wage reconsidered

Lawmakers could have a second chance to vote on final passage of a measure that would limit scheduled increases to the state's minimum wage after choosing May 22 to reconsider a vote taken last week.

Nebraskans voted at the November 2022 general election to increase the state minimum wage incrementally to \$15 an hour by Jan. 1, 2026. Once the minimum wage, which currently is \$13.50 an hour, reaches \$15 it is set to adjust annually based on the Midwest Consumer Price Index to account for cost-of-living increases.

LB258, sponsored by Lincoln Sen. Jane Raybould, instead would increase the state minimum wage by 1.75% annually.

The bill also would establish a youth minimum wage of \$13.50 an hour for employees ages 14 and 15 and adjust the 90-day training wage for new employees under age 20 to \$13.50 an hour through Dec. 31, 2026. The training wage then would increase by 1.5% annually.



Sen. Jane Raybould

The youth minimum wage, which would not apply to emancipated youth, also would increase by 1.5% every fifth year beginning Jan. 1, 2030.

LB258 failed to obtain final approval May 14 on a 31-17 vote. Laws that would alter voter-approved initiative measures require a two-thirds majority, or 33 votes, for final passage.

Under the rules of the Legislature, a senator who is not voting or is on the “prevailing side” of a question may offer a motion to reconsider that vote. Lincoln Sen. Beau Ballard, who supported the bill, was ‘present not voting’ on the May 14 vote after realizing that another supporter was absent, and subsequently filed a reconsideration motion.

During debate on the motion, several senators acknowledged that reconsidering a vote on final passage of a bill is rare, but Ballard noted an occurrence in 1984. He said it is within the rules of the Legislature to reconsider a vote taken on a bill that did not pass on final reading if offered within the time frame laid out in the rules.

“I think this is the right motion, it is well in order and it’s the right thing for this Legislature,” Ballard said.

Omaha Sen. Megan Hunt opposed the motion, calling it “shameful” that a bill would get a second chance at final passage because another senator did not return to the chamber in time to cast their vote. She said reconsider-

ing a vote taken on final reading goes against the “norms and traditions” of the Legislature.

“Proponents of this measure lost fair and square and now they want a do-over,” Hunt said.

The reconsideration motion succeeded on a 33-16 vote. Thirty votes were required. No further action was taken on LB258 and it has not been scheduled for a second final reading vote.

EDUCATION

TEEOSA review commission advanced

Lawmakers gave first-round approval May 21 to a measure that would create a commission to review the state’s school funding formula after amending out provisions that would have changed the formula and the school levy.

As introduced by Seward Sen. Jana Hughes, LB303 would make several changes to the Tax Equity and Educational Opportunities Support Act, or TEEOSA. The bill would increase school foundation aid by 6% – from \$1,500 to \$1,590 per student – beginning in fiscal year 2025-26.



Sen. Jana Hughes

The original proposal would lower the maximum property tax rate that schools may levy from \$1.05 to \$1.02 per \$100 of taxable valuation. It also would create a base levy adjustment to reduce TEEOSA aid if the potential general fund levy is less than 30 cents.

Hughes said the original proposal

had broad support from teachers, school districts and other stakeholders, with Omaha Public Schools offering the only opposition testimony at the hearing. Unfortunately, she said, the state’s current fiscal situation does not allow the original bill to go forward.

“What we don’t have now, at the end of the day, is the funds to do this,” Hughes said.

An amendment offered by the Education Committee and adopted 40-0 would strip all of the bill’s provisions except for creation of the School Finance Reform Commission. The commission would be tasked with studying and providing advisory recommendations related to school funding, including an evaluation of the TEEOSA formula, and issuing annual reports to the Clerk of the Legislature.

Hughes said the funding formula might not be as “skewed” as it currently is if such a commission had existed in the past to provide annual reports to lawmakers. Twenty years ago, she said, 200 of the state’s 240 school districts received equalization aid, while today that number is fewer than 60.

The 18-member committee would include 12 members appointed by the governor, including five at-large members, four superintendents or school board members and representatives of a class V school, a class IV school and postsecondary education with expertise in school finance.

The three nonvoting legislative members would include members of the Revenue and Education committees, with representation from each congressional district and no more than two members from the same political party.

Finally, the commission would include the commissioner of education, the property tax administrator and a

representative of the governor's office.

Following adoption of the committee amendment, lawmakers voted 39-0 to advance LB303 to select file.

EXECUTIVE BOARD

Bill advanced to create new legislative oversight division

Lawmakers gave first-round approval May 21 to a bill that would create a new division within the Nebraska Legislature and reorganize the institution's oversight functions.

Currently, there are five divisions that carry out the institutional and administrative functions of the Nebraska Legislature, including the Office of the Public Counsel. That division exists to promote accountability in government by independently and impartially investigating issues related to state agencies and employees.

The division includes the Office of Inspector General of Nebraska Child Welfare and the Office of Inspector General of the Nebraska Correctional System. The inspectors general work to provide increased accountability, oversight and improvement of the state's child welfare, juvenile justice and correctional systems by conducting formal investigations and reviews.

Both IG offices were established in response to crises within the child welfare and criminal justice systems. The status of the offices has been in question since the Nebraska attorney general issued an opinion in August 2023 that cast doubt on their constitutionality.

In response, the Department of Correctional Services and the child welfare system — both within the ex-

ecutive branch — ceased allowing the IGs access to records and other data. The Legislature and the executive branch entered into a memorandum of understanding in 2024 to restore limited access to that information, and the Legislature established a special oversight committee to study legislative oversight functions.

Speaker John Arch of La Vista, sponsor of LB298, said the measure was introduced as a result of that special committee's work. An amendment offered by the Executive Board and adopted 37-3 replaced the bill with a modified proposal. The amended measure would create the Division of Legislative Oversight within the Legislature and move the Legislative Audit Office, OIG for child welfare and OIG for corrections under the new division.

Arch called the bill a "transformational" way to ensure that the Legislature can engage in its oversight function in a "constitutionally sound" way.

"LB298 addresses the issues raised in the AG's opinion, provides for the necessary access to information while maintaining confidentiality and confirms that the Legislature is a co-equal branch of government [in] which the constitutional duty of oversight is vested," Arch said.

The amendment also would create the Legislative Oversight Committee, which would replace the existing Performance Audit Committee. Members would consist of the speaker of the Legislature, chairperson of the Executive Board, chairpersons of the Appropriations, Health and Human Services and Judiciary committees and four state senators appointed by the Executive Board.



Sen. John Arch

The division director could be removed only by a two-thirds vote of the Legislature. IGs would be appointed to five-year terms by the division director with the approval of the Executive Board, chairperson of the Legislative Oversight Committee and chairperson of the relevant standing committee.

The amendment also would make a number of changes to how the inspectors general obtain information, including:

- updating and clarifying subpoena authority;
- removing mandatory direct computer access for IG staff;
- clarifying that information is to be provided to IGs in the most efficient and timely way;
- providing that any confidential information or records shared with the Division of Legislative Oversight, Ombudsman's Office or the IGs remain confidential;
- creating a process by which the executive and judicial branches may object to production or disclosure of legally privileged records, reports or documents to the IGs and negotiate terms of production and disclosure.

The amendment also incorporates the provisions of Adams Sen. Myron Dorn's LB228, which would make several technical changes to the Performance Audit Act.



Sen. Myron Dorn

Finally, LB298 as amended would clarify that law enforcement may provide information to the IGs and that the IGs would suspend an investigation at the request of a law enforcement agency.

Lincoln Sen. Danielle Conrad

opposed the measure. She said the Legislature “capitulated” in the face of an “unwarranted and unfounded political attack” from the executive branch in the form of the AG’s opinion and subsequent denial of access to necessary records and data by executive branch agencies subject to inspector general oversight.

Conrad suggested that a better option would have been to challenge those attempts to thwart Legislative oversight in court, especially given that the IG offices were created in the wake of repeated scandals involving harm and deaths among the state’s most vulnerable populations.

“This has been a political crisis, and it’s the failure of the speaker and the failure of the Executive Board and the failure of this body to stand in their power and protect this branch of government,” she said.

Bennington Sen. Wendy DeBoer also questioned the proposal. She cautioned against using an AG’s opinion as the basis to overturn legislative action such as the original establishment of the inspector general offices.

“An attorney general’s opinion is just an opinion,” DeBoer said, “so it is a bit of a concern that we have been acting as though the attorney general can have a veto on our laws, including past laws.”

Also expressing concerns was Sen. John Fredrickson of Omaha. He supported the bill and the amendment, but said a provision that would subject staff to criminal penalties for sharing confidential information could have a “chilling effect” and possibly inhibit the IG’s work.

Arch offered an amendment, adopted 38-0, to remove the Class III misdemeanor penalty for knowingly sharing confidential information and replace it with “grounds for dismissal.” He said the original language was car-

ried over from laws regarding the existing Performance Audit Committee.

Lawmakers then voted 39-3 to advance LB298 to select file.



Veto of SNAP eligibility expansion sustained

An attempt to override the governor’s veto of a bill to eliminate the state’s lifetime ban on Supplemental Nutrition Assistance Program eligibility for individuals with certain drug-related convictions fell short May 19.

Currently, individuals with one or more felony convictions involving the sale or distribution of a controlled substance or three or more felony convictions for possession or use are prohibited from receiving SNAP benefits.

An individual with one or two felony convictions for possession or use is eligible only if they participate in an approved substance abuse treatment program.

LB319, introduced by Bellevue Sen. Victor Rountree, would have removed the lifetime ban and allowed individuals with felony drug convictions to receive SNAP benefits if they otherwise qualified and had completed their sentence or are serving a term of parole, probation or post-release supervision.

The measure also would have modified the requirement to participate in a treatment program as a condi-

tion of eligibility. Under the bill, an individual with three or more felony convictions for possession or use of a controlled substance would have been eligible only after participating in an approved treatment program while incarcerated or on probation or parole following their most recent conviction.

An exception from mandatory substance abuse treatment could have been granted on a case-by-case basis if a licensed health care practitioner determined such treatment was not required.

Lawmakers passed LB319 on a 32-17 vote May 14. The bill was vetoed by Gov. Jim Pillen later that day.

In his veto letter, Pillen said the bill contained “loopholes” that could allow “habitual offenders” to evade the substance abuse treatment requirement. Individuals who distribute or sell illicit drugs should not be entitled to taxpayer-funded benefits, he said, and those who use drugs should be required to complete treatment at a point before they receive a third felony conviction.

Rountree filed a motion to override the veto, which was taken up for debate May 19. He disagreed that the treatment requirements outlined in the bill contained “loopholes.” The measure would provide the help needed to those who struggle with addiction, he said, while also allowing those who do not require substance abuse treatment to still receive food assistance.

Removing the current SNAP ban for felony drug convictions would promote successful reentry, reduce recidivism and help prevent hunger among Nebraska children and families, Rountree said.

“There is no final straw ... that warrants us withholding forgiveness,” he said. “Everyone needs to eat.”

Omaha Sen. Megan Hunt supported the override motion. She said the current SNAP eligibility ban – which



Sen. Victor Rountree

does not apply to any other criminal conviction — is an “invisible punishment” that lasts a lifetime.

The people LB319 would help already have completed their sentences and paid their debt to society, she said, but the state is withholding food assistance and continuing to punish them for those crimes for the rest of their lives.

“Once you’ve done your time, you should be able to reintegrate into society and live like everybody else,” Hunt said.

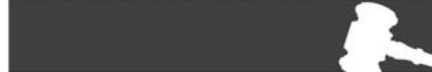
Sen. Tanya Storer of Whitman opposed the override motion. She said the current ban does not exclude all individuals with felony drug convictions, but rather focuses on “drug dealers” and repeat offenders.

“If they are savvy enough to run a drug-dealing operation, they’re probably savvy enough to get a job,” Storer said.

She added that current practice allows flexibility for those struggling with addiction by allowing up to three convictions for use or possession before an individual is deemed ineligible for SNAP benefits.

The override motion failed on a 24-24 vote. Thirty votes were needed.

JUDICIARY



Judiciary omnibus measure amended, advanced

A bill aimed at clarifying mandatory minimum sentences for “habitual criminals” convicted of specific crimes received first-round approval May 20 after being amended to incorporate several additional bills heard by the Judiciary Committee.

LB150, introduced by Lincoln Sen. Carolyn Bosn, originally aimed to eliminate provisions in state law that allow for reduced penalties for habitual criminals whose prior felony convictions are not related to sexual offenses, serious bodily harm or the use of dangerous weapons.



Sen. Carolyn Bosn

Habitual criminals are defined as individuals who have two or more prior felony convictions, each resulting in a sentence of at least one year, who later are convicted of another felony in Nebraska.

A Judiciary Committee amendment, adopted 42-0, replaced LB150 with a modified version of the original proposal.

Bosn said the amendment would “narrowly tailor” the bill to specifically address mandatory minimum sentences for habitual criminals convicted of controlled substance offenses or theft violations. Under the amendment, she said, the mandatory minimum sentence for these crimes would be three years, with a maximum not to exceed 20 years.

The committee amendment also incorporated provisions of several additional bills, including LB219, introduced by Lincoln Sen. George Dungan. Those provisions would eliminate a current nine-month minimum post-release supervision requirement for Class III and IIIA felonies.



Sen. George Dungan

The proposed change would give judges greater flexibility in sentencing, Dungan said, while permitting them to impose post-release supervision for up to two years.

Provisions of Whitman Sen. Tanya Storer’s LB386 also are included in the committee amendment. The provisions would direct the Nebraska Commission on Law Enforcement and Criminal Justice to seek and obtain federal funding for a pilot program to improve mental health resources in county jails or other facilities.



Sen. Tanya Storer

If all parties agree, the measure also would allow for videoconferencing during mental health evaluations and mental health board hearings.

Storer said that due to the limited number of mental health beds available, officers who assist Nebraskans in emergency protective custody situations due to mental health issues often must travel long distances or wait extended periods of time to obtain care for those individuals.

The pilot program aims to address this problem, she said, and first would be implemented in one county and later evaluated for potential expansion to other counties across the state.

“The goal really is to get better, more expedient care for those individuals experiencing a mental health crisis, as well as provide a more realistic option for [very small counties with] something like two officers on their entire staff,” Storer said.

Also included in the committee amendment is LB539, introduced by Gering Sen. Brian Hardin, which would eliminate a requirement that the Nebraska State Patrol establish its own system for conducting criminal history record checks for firearm purchases.



Sen. Brian Hardin

Hardin said current law requires this change once the state has completed 85% of the work of developing a database of Nebraska’s arrest and conviction records, a milestone he said the state is approaching.

Provisions of LB539 instead would allow Nebraska to continue using the federal background check system and save the state approximately \$3 million needed to implement its own system, Hardin said.

The committee amendment also would incorporate provisions of:

- LB329, introduced by Elkhorn Sen. R. Brad von Gillern, which would replace the definition of “school employee” in state statutes relating to sexual abuse with “school worker”;



Sen. R. Brad von Gillern

- LB412, introduced by Syracuse Sen. Bob Hallstrom, which would allow an individual who has reason to believe he is the biological father of a child to



Sen. Bob Hallstrom

file a civil proceeding to determine paternity; and

- LB606, introduced by Bellevue Sen. Rick Holdcroft, which would eliminate obsolete references to the Division of Parole Supervision in state law.



Sen. Rick Holdcroft

Several senators offered additional amendments to the package, includ-

ing Hallstrom, whose amendment, adopted 41-0, would allow provisions of his LB412 to be applied to pending actions or cases upon passage of the underlying bill.

An amendment offered by Holdcroft, adopted 40-0, would attach provisions of his LB136. Under the bill as amended, a corporate employer could be served only at the address of its registered agent, instead of an employee’s physical workplace, when a garnishment summons is issued for a debtor employed by a corporation.

Additionally, Sen. Dunixi Guereca of Omaha offered an amendment, adopted 44-0, to incorporate provisions of his LB694, which would add military and veteran status to the existing list of traits and statuses upon which individuals cannot be discriminated against in employment, public accommodation, housing and certain government activities.



Sen. Dunixi Guereca

Finally, senators voted 46-0 to adopt amended provisions of Dungan’s LB93, which would clarify the right to discovery in criminal proceedings.

Lawmakers then advanced LB150 to select file on a vote of 40-2.

Judicial package amended, advanced to final round

Lawmakers amended a package of judicial measures before advancing it from select file May 22.

LB530, introduced by Omaha Sen. Kathleen Kauth, would increase speeding violation fines in all categories and clarify that driving



Sen. Kathleen Kauth

at more than double the posted maximum speed limit would be considered prima facie evidence of reckless driving.

Additionally, the measure would increase the criminal penalty for motor vehicle homicide to a Class IV felony if an individual dies as a result of a driver’s actions. A Class IV felony is punishable by up to two years’ imprisonment and 12 months of post-release supervision, a fine of \$10,000 or both.

After a motor vehicle homicide conviction, a court could order a driving ban based on the crime’s severity, lasting from two to 15 years. The person’s driver’s license would be suspended for the same amount of time.

LB530 also would add a new requirement that motor vehicle operators exercise due care and caution when approaching or passing “vulnerable road users.” The bill defines vulnerable road users as pedestrians, first responders, construction workers, bicyclists and motorcyclists, among others.

As amended on general file, the measure includes provisions of a number of additional proposals including Bennington Sen. Wendy DeBoer’s LB600. Those provisions would allow the Nebraska Department of Transportation to reduce speed limits temporarily under conditions such as adverse weather, emergencies or traffic congestion. The measure also would outline rules for drivers encountering stopped vehicles.



Sen. Wendy DeBoer

Provisions of Lincoln Sen. Eliot Bostar’s LB684 proposes several changes to juvenile probation.



Sen. Eliot Bostar

Under the proposal, juvenile probation functions of

the Office of Probation Administration would be transferred to a newly established Juvenile Probation Agency overseen by the executive branch. In consultation with the Nebraska Supreme Court, the agency would oversee the juvenile probation system, develop policies and standards and supervise juveniles on probation.

LB684 also would permit county attorneys to file motions to revoke juvenile probation and require that when a juvenile court places a juvenile on probation, the court must conduct a hearing to determine whether the juvenile is a “high-risk juvenile probationer.”

Additionally, the bill would permit juvenile detention when deemed immediately necessary due to a clear record of behaviors such as fleeing from law enforcement, leaving home without permission, committing violent offenses or threatening self-harm or harm to others.

LB684 also would make it a Class IV felony to remove, alter or tamper with an electronic monitoring device mandated by court order as a condition of parole.

LB530 also incorporates provisions of:

- LB6, introduced by Lincoln Sen. Carolyn Bosn, which would enhance penalties for providing an individual with fentanyl if that person is seriously injured or dies as a result;
- LB44, sponsored by Sen. Terrell McKinney of Omaha, which



Sen. Carolyn Bosn



Sen. Terrell McKinney

would establish new guidelines for determining when the one-year statute of limitations begins for filing a motion for post-conviction relief;

- LB124, introduced by Bellevue Sen. Rick Holdcroft, which would update the penalty for motor vehicle homicide of an unborn child caused by driving under the influence from a Class IIIA to a Class IIA felony, which carries a maximum penalty of 20 years’ imprisonment;
- LB395, sponsored by Sen. Barry DeKay of Niobrara, which would allow law enforcement to inspect sealed records of individuals younger than 25 who apply for a gun permit or handgun purchase to check for prior domestic violence adjudications, and would require courts to inform juveniles about firearm possession prohibitions after completing probation;
- LB404, introduced by Syracuse Sen. Bob Hallstrom, which would allow the court to extend a probation term if the probation officer and the probationer jointly apply for it; and
- LB556, sponsored by Sen. Merv Riepe of Ralston, which would lower the allowable age for youth detention from 13 to 11.



Sen. Barry DeKay



Sen. Merv Riepe

Bosn offered an amendment on select file that would replace LB530 with a modified version of the pro-

posal. She said the amendment makes a number of changes that reflect compromise and a “showing of goodwill” between proponents and opponents of some components of the package.

Under the amendment, the term “high-risk juvenile probationer” would be replaced with “comprehensive supervision probationer.” The change would better describe the nature of the probation being offered to juveniles rather than focusing on the characteristics of the youth receiving those services, Bosn said.

The amendment also would establish resources for comprehensive supervision probationers, including therapeutic services, educational support, mentorship and behavioral interventions. Additionally, it specifies that when a youth is involved in both the juvenile justice and child welfare systems, the Office of Probation Administration must collaborate with the state Department of Health and Human Services to enhance coordination.

The amendment would establish a distinct set of criteria for determining detention for youths aged 11 or 12, emphasizing that all other placement options must be considered and exhausted before pursuing detention. Lastly, the phrase “harm to self” would be removed from the list of reasons that could justify juvenile detention.

McKinney proposed two amendments to Bosn’s amendment, both focusing on provisions in LB684 that would require the Office of Probation Administration to create a list of all juvenile probationers in each county and share that list with the corresponding county law enforcement agency.

Under both of McKinney’s amendments, only law enforcement officers with the rank of captain, chief, deputy chief, sheriff or an equivalent position

would be granted access to juvenile information.

McKinney said the change would better protect youth and their private information, preventing officers from using such data to target them.

“At the end of the day – regardless of why they are in the system – they are youth,” he said. “We need to protect them as much as possible to make sure that the information about them isn’t just widely [or] readily available for just anybody to access.”

Bosn opposed both amendments, saying that while she understood McKinney’s concerns, the sharing of information would improve communication between law enforcement, probation officers and courts when working with troubled youth.

“The communication between those groups is in the best interest of not only public safety but also these juveniles,” she said.

Both amendments failed.

Lawmakers also rejected an amendment brought by Omaha Sen. Ashlei Spivey to specify that any costs incurred by political subdivisions due to changes in LB530 would be reimbursed by the state.

Finally, Sen. George Dungan of Lincoln offered an amendment, adopted 38-0, to remove the provisions of McKinney’s LB44 from the omnibus package. He said the change was agreed upon after concerns were raised that the bill’s wording might unintentionally impose further restrictions on obtaining post-conviction relief.

“The long story short – we need more time to figure it out,” Dungan said.

Senators then voted 41-5 to adopt Bosn’s amendment before advancing LB530 to final reading by voice vote.

URBAN AFFAIRS

Housing agency bed bug requirements vetoed, override motion filed

Gov. Jim Pillen vetoed a bill May 20 requiring the Omaha Housing Authority to address bed bug infestations.

Under LB287, introduced by the Urban Affairs Committee, a housing agency in a metropolitan class city must inspect a dwelling unit within 10 days of receiving a bed bug complaint and provide remedial pest control services within 21 days, among other requirements. Omaha is the state’s only metropolitan class city.

Included in the bill are the amended provisions of LB514, sponsored by Omaha Sen. Terrell McKinney. They would allow a metropolitan class city to require a housing authority to comply with any city rental inspection and registration ordinance, code enforcement and inspection of residential rental properties.

Also included are the amended provisions of LB321, introduced by Sen. Rita Sanders of Bellevue. They would allow sanitary and improvement districts to pay for improvements by collecting special assessments on property located outside the boundaries of the district to the extent the improvements benefit that property.

LB287 passed on a vote of 34-15 on May 14.

In his veto letter, Pillen said local

governments already have the authority to enforce “basic sanitation and anti-infestation standards” within their communities and that OHA is subject to “rigorous” federal oversight, including regular inspections.

By allowing an SID to impose taxes on property owners outside its jurisdiction, Pillen added, the bill would violate the principle of no taxation without representation.

McKinney filed a motion May 21 to attempt to override the governor’s veto. Thirty votes will be required. Consideration of the override motion is scheduled for debate May 27. ■

FIND YOUR SENATOR

NebraskaLegislature.gov provides an easy tool for identifying your district and senator.

Enter your full address into the “Find Your Senator” search field on the right-hand side of the website home page. Your district number and a picture of your senator will be displayed on the right, along with a link to that senator’s landing page.

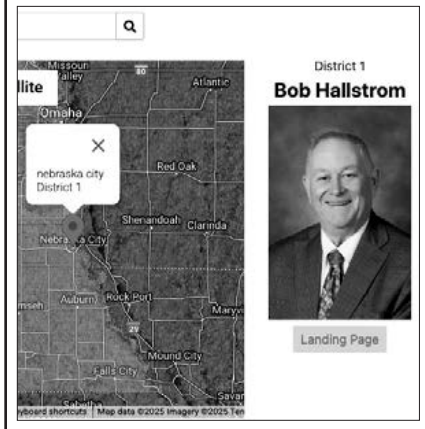
This page includes the senator’s contact information, biography and the committees they serve on. It also provides links to their photos, bills they’ve introduced and coverage in the Unicameral Update.



Sen. Terrell McKinney



Sen. Rita Sanders



Line-item vetoes delivered, returned to governor

Gov. Jim Pillen sent a message to lawmakers May 21 announcing a handful of vetoes to line-items contained in two components of the state budget package passed last week.

Those items include cutting \$18 million in cash fund appropriations for recreational upgrades at Lake McConaughy, reducing an appropriation to the Nebraska Supreme Court by approximately \$4 million in fiscal year 2025-26 and \$7.8 million in FY2026-27, and cutting general fund appropriations by \$512,000 over the next two fiscal years to the State Fire Marshal’s office and \$1 million annually to public health departments.

Under the Nebraska Constitution, the governor has five calendar days, excluding Sunday, to sign, veto or line-item veto appropriations within the budget. Bills not returned within that time frame become law as though there were signed by the governor.

In a brief floor speech May 22, Speaker John Arch of La Vista said

the physical bills with the line-item vetoes were not delivered to the Legislature by the five-day deadline of May 21.

“As such, we don’t believe that we can accept these vetoes,” Arch said. “I have directed the clerk to return the bills to the governor with a message outlining the facts.”

Brandon Metzler, Clerk of the Legislature, then read the message into the record. The message indicated that the bills were delivered by the governor’s office to the secretary of state’s office on May 21.

“On May 22, 2025, at 12:01 a.m., the signed bills were in the possession of the secretary of state,” Metzler said. “In light of the aforementioned considerations, the Legislature is hereby remitting these bills to the governor’s office pending further determination regarding the constitutionality of present circumstances.”

The Legislature then adjourned for the week. ■

No Unicameral Update next week

After May 22, six days remain in the 2025 legislative session.

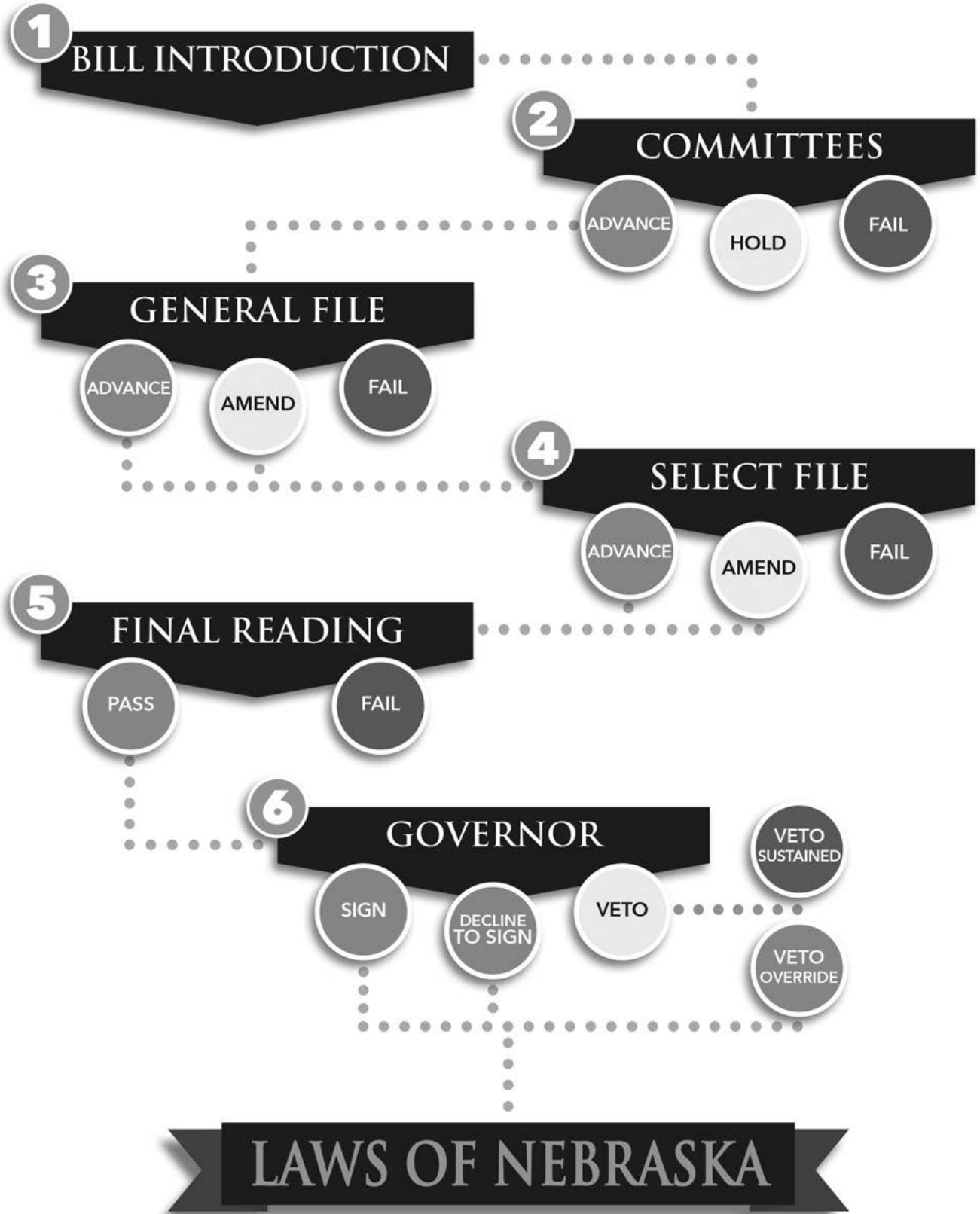
Issue #21 of the Unicameral Update will be published following the Legislature’s adjournment sine die, currently scheduled for June 9.

May						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
				DAY 72	RECESS	
4	5	6	7	8	9	10
	RECESS	DAY 73	DAY 74	DAY 75	DAY 76	
11	12	13	14	15	16	17
	DAY 77	DAY 78	DAY 79	DAY 80	RECESS	
18	19	20	21	22	23	24
	DAY 81	DAY 82	DAY 83	DAY 84	RECESS	
25	26	27	28	29	30	31
	HOLIDAY	DAY 85	DAY 86	DAY 87	DAY 88	

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



HOW A BILL BECOMES LAW



SENATOR CONTACT INFO

Sen. Bob Andersen Omaha, District 49 Room 1021 (402) 471-2725 bandersen@leg.ne.gov	Sen. Stan Clouse Kearney, District 37 Room 1206 (402) 471-2726 sclouse@leg.ne.gov	Sen. Ben Hansen Blair, District 16 Room 2108 (402) 471-2728 bhansen@leg.ne.gov	Sen. Dan Lonowski Hastings, District 33 Room 1017 (402) 471-2712 dlonowski@leg.ne.gov	Sen. Victor Rountree Bellevue, District 3 Room 1000 (402) 471-2627 vrountree@leg.ne.gov
Sen. John Arch La Vista, District 14 Room 2103 (402) 471-2730 jarch@leg.ne.gov	Sen. Danielle Conrad Lincoln, District 46 Room 2028 (402) 471-2720 dconrad@leg.ne.gov	Sen. Brian Hardin Gering, District 48 Room 1402 (402) 471-2802 bhardin@leg.ne.gov	Sen. Dan McKeon Amherst, District 41 Room 1401 (402) 471-2631 dmckeon@leg.ne.gov	Sen. Rita Sanders Bellevue, District 45 Room 1315 (402) 471-2615 rsanders@leg.ne.gov
Sen. Christy Armendariz Omaha, District 18 Room 1423 (402) 471-2618 carmendariz@leg.ne.gov	Sen. Wendy DeBoer Bennington, District 10 Room 1114 (402) 471-2718 wdeboer@leg.ne.gov	Sen. Rick Holdcroft Bellevue, District 36 Room 1019 (402) 471-2642 rholdcroft@leg.ne.gov	Sen. Terrell McKinney Omaha, District 11 Room 1212 (402) 471-2612 tmckinney@leg.ne.gov	Sen. Tony Sorrentino Elkhorn, District 39 Room 1522 (402) 471-2885 tsorrentino@leg.ne.gov
Sen. Beau Ballard Lincoln, District 21 Room 1101 (402) 471-2673 bballard@leg.ne.gov	Sen. Barry DeKay Niobrara, District 40 Room 1022 (402) 471-2801 bdekay@leg.ne.gov	Sen. Jana Hughes Seward, District 24 Room 1319 (402) 471-2756 jhughes@leg.ne.gov	Sen. Glen Meyer Pender, District 17 Room 1309 (402) 471-2716 gmeyer@leg.ne.gov	Sen. Ashlei Spivey Omaha, District 13 Room 1120 (402) 471-2727 aspivey@leg.ne.gov
Sen. Carolyn Bosn Lincoln, District 25 Room 1103 (402) 471-2731 cbosn@leg.ne.gov	Sen. Myron Dorn Adams, District 30 Room 1208 (402) 471-2620 mdorn@leg.ne.gov	Sen. Megan Hunt Omaha, District 8 Room 2107 (402) 471-2722 mhunt@leg.ne.gov	Sen. Mike Moser Columbus, District 22 Room 1202 (402) 471-2715 mmoser@leg.ne.gov	Sen. Tanya Storer Whitman, District 43 Room 1529 (402) 471-2628 tstorer@leg.ne.gov
Sen. Eliot Bostar Lincoln, District 29 Room 1012 (402) 471-2734 ebostar@leg.ne.gov	Sen. Robert Dover Norfolk, District 19 Room 2011 (402) 471-2929 rdover@leg.ne.gov	Sen. Teresa Ibach Sumner, District 44 Room 2000 (402) 471-2805 tibach@leg.ne.gov	Sen. Dave Murman Glenvil, District 38 Room 1107 (402) 471-2732 dmurman@leg.ne.gov	Sen. Jared Storm David City, District 23 Room 1124 (402) 471-2719 jstorm@leg.ne.gov
Sen. Tom Brandt Plymouth, District 32 Room 1210 (402) 471-2711 tbrandt@leg.ne.gov	Sen. George Dungan Lincoln, District 26 Room 1016 (402) 471-2610 gdungan@leg.ne.gov	Sen. Mike Jacobson North Platte, District 42 Room 1117 (402) 471-2729 mjacobson@leg.ne.gov	Sen. Jason Prokop Lincoln, District 27 Room 1118 (402) 471-2632 jprokop@leg.ne.gov	Sen. Paul Strommen Sidney, District 47 Room 1321 (402) 471-2616 pstrommen@leg.ne.gov
Sen. John Cavanaugh Omaha, District 9 Room 1008 (402) 471-2723 jcavanaugh@leg.ne.gov	Sen. John Fredrickson Omaha, District 20 Room 2015 (402) 471-2622 jfredrickson@leg.ne.gov	Sen. Margo Juarez Omaha, District 5 Room 1528 (402) 471-2710 mjuarez@leg.ne.gov	Sen. Dan Quick Grand Island, District 35 Room 2004 (402) 471-2617 dquick@leg.ne.gov	Sen. R. Brad von Gillern Elkhorn, District 4 Room 1116 (402) 471-2621 bvongillern@leg.ne.gov
Sen. Machaela Cavanaugh Omaha, District 6 Room 1115 (402) 471-2714 mcavanaugh@leg.ne.gov	Sen. Dunixi Guereca Omaha, District 7 Room 1523 (402) 471-2721 dguereca@leg.ne.gov	Sen. Kathleen Kauth Omaha, District 31 Room 2010 (402) 471-2327 kkauth@leg.ne.gov	Sen. Jane Raybould Lincoln, District 28 Room 1406 (402) 471-2633 jraybould@leg.ne.gov	Sen. Dave Wordekemper Fremont, District 15 Room 1110 (402) 471-2625 dwordekemper@leg.ne.gov
Sen. Robert Clements Elmwood, District 2 Room 1004 (402) 471-2613 rclements@leg.ne.gov	Sen. Bob Hallstrom Syracuse, District 1 Room 1404 (402) 471-2733 bhallstrom@leg.ne.gov	Sen. Loren Lippincott Central City, District 34 Room 1018 (402) 471-2630 llippincott@leg.ne.gov	Sen. Merv Riepe Ralston, District 12 Room 1015 (402) 471-2623 mriepe@leg.ne.gov	

Unicameral Information Office
Nebraska Legislature
P.O. Box 94604
Lincoln, NE 68509
03-23-05

PRESRT STD
U.S. POSTAGE PAID
LINCOLN, NE
PERMIT NO. 212

