

Session Review

106th Legislature • Second Session • September 2020



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TABLE OF CONTENTS

| | |
|---|----|
| INTRODUCTION _____ | ii |
| AGRICULTURE COMMITTEE _____ | 1 |
| APPROPRIATIONS COMMITTEE _____ | 4 |
| BANKING, COMMERCE and INSURANCE COMMITTEE _____ | 7 |
| BUSINESS and LABOR COMMITTEE _____ | 13 |
| EDUCATION COMMITTEE _____ | 18 |
| EXECUTIVE BOARD _____ | 23 |
| GENERAL AFFAIRS COMMITTEE _____ | 26 |
| GOVERNMENT, MILITARY and VETERANS AFFAIRS COMMITTEE _____ | 29 |
| HEALTH and HUMAN SERVICES COMMITTEE _____ | 35 |
| JUDICIARY COMMITTEE _____ | 42 |
| NATURAL RESOURCES COMMITTEE _____ | 49 |
| NEBRASKA RETIREMENT SYSTEMS COMMITTEE _____ | 53 |
| REVENUE COMMITTEE _____ | 54 |
| TRANSPORTATION and TELECOMMUNICATIONS COMMITTEE _____ | 59 |
| URBAN AFFAIRS COMMITTEE _____ | 64 |
| BILL INDEX _____ | 69 |
| RESOLUTION INDEX _____ | 72 |



INTRODUCTION

The following review provides a summary of significant legislative issues addressed during the 106th Legislature of Nebraska, Second Session. This review describes many, but by no means all, of the issues discussed by the Legislature during the 2020 session. Information gathered from committee counsels and other legislative staff, legislative records, and the *Unicameral Update* is used to produce this review.

The second session of the 2020 Legislature was anything but regular. On March 14, Speaker Scheer suspended the session in response to growing concerns about the COVID-19 pandemic. The senators went home; many staff worked remotely. On March 23, Speaker Scheer briefly reconvened the session in order to pass emergency pandemic funding (LB 1198 is discussed on page 4). After a nearly four-month hiatus, legislators reconvened July 20 to finish the 2020 session and adjourned sine die August 13, 2020.

Bill summaries and legislative resolution summaries, including proposed constitutional amendments, are found under the heading of the legislative committee to which each piece of legislation was referred. Because the subject matter of some legislation relates to more than one committee, cross-referencing notes are included as needed. Bill- and resolution-number indexes are included for ease of reference.

The Legislative Research Office staff acknowledges and thanks the legislative staff who assisted in preparation of this review.

A word about effective and operative dates—The Nebraska Constitution provides that, unless an emergency is declared, any bill passed by the Legislature takes effect three calendar months after the date the Legislature adjourns sine die. This year, the effective date for all enacted legislation that does not have a specific operative date or the emergency clause is November 14, 2020. If enacted legislation does not have a specific operative date but passes with the emergency clause, the legislation takes effect the day after the Governor signs it. For example, if a bill passes with the emergency clause and the Governor signs it on March 14, the bill takes effect March 15.



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AT RIGHT: Archie, the life-sized bronze mammoth sculpture, demonstrates proper mask etiquette for students returning to campus. The 5,000-pound statue has welcomed visitors to the University of Nebraska State Museum in Lincoln since 1998.



AGRICULTURE COMMITTEE

Senator Steve Halloran
Chairperson



ENACTED LEGISLATION

LB 344—Adopt the Animal Health and Disease Control Act, Eliminate and Provide Duties for the Department of Agriculture, Eliminate Various Acts, Terminate and Transfer Certain Funds, Create a Fund, and Provide Penalties (*Agriculture Committee*)

LB 344 consolidates animal disease statutes and authorities granted to the Nebraska Department of Agriculture (department) into a newly established Animal Health and Disease Control Act. The act emphasizes the relevance that animal health and disease control have on the livestock industry and declares it to be in the best interest of Nebraska’s economy to prevent, suppress, control, and eradicate dangerous diseases among livestock.

The bill authorizes the department to use the program standards of the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA) when appropriate to guide disease prevention and eradication. In addition, LB 344 authorizes the department to carry out control of disease outbreaks; issue quarantines; regulate animal movement; require testing, treatment,

or euthanasia; perform inspections; and adopt rules and regulations for program disease standards in line with USDA protocols. USDA veterinary inspectors are permitted to perform duties as authorized by the department.

Owners or custodians of animals not complying with specific provisions of a disease prevention program are required to reimburse the department’s administrative costs and face a late fee if costs are not reimbursed within 30 days.

The department can require owners or custodians of affected animals or an infected premises to develop a management plan, which can require the cleanup of infected facilities to prevent the spread of disease. Additionally, anyone who suspects that an animal



is affected by a dangerous disease must report this information to the department.

LB 344 also makes the following changes as it pertains to animal health and disease control:

- Authorizes the department to order that all animals testing positive for trichomoniasis go directly to slaughter;
- Requires the disposal of dead animals within 36 hours, unless a different time frame is provided for in a herd management plan;
- Revises the duties of the county sheriff to only act at the direction of the department with regard to improperly disposed animal carcasses;
- Adds a new requirement that animals entering Nebraska be identified in compliance with federal animal traceability rules;

- Provides an exemption from public records disclosure laws for premise and owner information shared in compliance with animal disease traceability provisions;
- Requires that all persons subject to the Animal Health and Disease Control Act maintain vaccination, diagnostic testing, and movement records for all animals infected, suspected, or exposed to disease for five years;
- Authorizes the department to report the non-payment of administrative fines to the Nebraska Attorney General for purposes of pursuing judicial action and recovering the fines;
- Defines State Veterinarian and assigns duties; and
- Establishes the Animal Disease Control Act Cash Fund.

LB 344 passed 47-0 and was approved by the Governor on July 24, 2020.

LB 803—Adopt the Dry Pea and Lentil Resources Act (*Hughes and Blood*)

LB 803 establishes the Dry Pea and Lentil Resources Act. The act creates a new promotional checkoff program for dry peas and lentils and authorizes a one-percent assessment of the net market value on all pulse crops sold. Under this legislation, “dry peas and lentils” include dry peas, lentils, chickpeas or garbanzo beans, faba beans, and lupins.

Beginning July 1, 2021, the assessment is collected by the first purchaser at the time of delivery or sale and the funds are deposited into a newly created promotional fund. After July 1, 2023, the assessment can be increased, not to exceed two percent, or decreased to an amount not less than one percent.

LB 803 creates the Dry Pea and Lentil Commission (commission) to protect and stabilize the dry pea and lentil industry and the economy of the areas in the state that produce these crops.

The commission is authorized to develop policies and programs for the discovery, promotion, and development of the dry pea and lentil industry and markets. The commission is also authorized to cooperate or contract with the Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources (IANR), or other local, state, or national organizations—public or private—to conduct research or development and carry out the act.

The commission consists of five members, each appointed by the Governor for a three-year term. In addition to meeting age and residency requirements, appointees must be actively engaged in growing dry peas or lentils and derive a substantial portion of their incomes from growing either crop. The Director of Agriculture and the Vice Chancellor of IANR serve as non-voting members of the commission.

For purposes of the commission, the state is divided into five districts:

- District 1 consists of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, and Duel counties;
- District 2 consists of Cherry, Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow counties;
- District 3 consists of all other counties not included in the first two districts; and
- Districts 4 and 5 include the state at-large.

The bill also amends the Dry Bean Resources Act to exclude chickpeas or garbanzo beans.

LB 803 passed 44-0 and was approved by the Governor on August 6, 2020.



LB 1152—Change Provisions Relating to Hemp (*Halloran, Brandt, and Wayne*)

The Nebraska Hemp Farming Act (act) was adopted by the Legislature in 2019 and recognizes hemp as a viable agricultural crop. LB 1152 aligns state law with the 2018 federal farm bill in relation to hemp production and selling hemp products, and establishes testing and compliance procedures.

LB 1152 makes the following modifications to the act in an effort to comply with new state plan requirements issued by the U.S. Department of Agriculture (USDA) for implementing the 2018 farm bill:

- Provides that the presence of feral hemp growing as an uncultivated, naturalized plant does not qualify as cultivation under the act;
- Adds USDA licensed hemp producers to the list of

legal producers in Nebraska;

- Requires all licensees to maintain records of all hemp shipments;
- Harmonizes references to the federal definition of “acceptable hemp THC level,” requires testing laboratories to measure the total THC level of hemp, and report a measurement of uncertainty; and
- Authorizes the Nebraska Hemp Commission to preserve and develop specific heirloom hemp varieties.

LB 1152 passed with the emergency clause 44-3 and was approved by the Governor on August 7, 2020.



LB 157—Provide for Voluntary Registration, Duties for the Department of Agriculture, and a Cause of Action under the Nebraska Apiary Act (*Brewer*)

What is all the buzz around LB 157? The bill would have changed the Nebraska Apiary Act and directed the Nebraska Department of Agriculture (department) to establish a voluntary apiary registry.

Any person owning or operating an apiary could have registered the location of the apiary and associated hive(s) with the department for the purpose of protecting apiaries and hives from proximity exposure to other beekeeping operations.

Under LB 157, commercial beekeeping operations (an owner or operator of 200 or more hives) would not have been permitted within three miles of any registered apiary or hive.

An amendment offered by the Agriculture Committee would have removed all provisions of the introduced bill, except the establishment of a registry, and would

have been applicable only to commercial beekeepers. In addition, the following limitations would have been implemented:

- A commercial beekeeper could register no more than five locations;
- Registered apiaries or hives located on property not owned by the beekeeper would have been required to provide a written statement of agreement by the landowner;
- New apiary locations could not have been registered within two miles of a previously registered location; and
- The site being registered would have to be used as an apiary.

LB 157 advanced to General File and died with the end of the session.



APPROPRIATIONS COMMITTEE

Senator John Stinner
Chairperson



ENACTED LEGISLATION

LB 1198—Appropriate Funds for the Governor’s Emergency Program—COVID-19 (*Stinner*)

LB 1198 became the vehicle to direct emergency funding in response to the coronavirus pandemic. As originally proposed, the bill would have appropriated funds to restore the doors to the George W. Norris Legislative Chamber.

LB 1198 provides for the transfer of \$83.6 million from the Cash Reserve Fund to the Governor’s Emergency Cash Fund and then directs the emergency funds into the newly created Governor’s Emergency Program-COVID 19. The program is housed in the Nebraska Military Department. The state received federal funds that are expected to reimburse the Cash Reserve and Governor’s Emergency Cash funds.

As outlined by the Governor, the funding priorities are:

- \$38.2 million for personal protective gear and other supplies to support local health departments;
- \$13 million to maintain staffing at veterans homes and Department of Health and Human Services’

care facilities;

- \$4 million for staffing at Department of Health and Human Services, Division of Public Health;
- \$2.5 million to the University of Nebraska Medical Center (UNMC) for lab equipment, technology upgrades, and personnel;
- \$515,000 to UNMC for COVID-19 testing;
- \$344,000 to enhance communication needs and share information related to the response efforts; and
- \$100,000 for UV light boxes.

The bill also includes \$25 million in unobligated funds to address unforeseen needs arising from the pandemic.

LB 1198 passed with the emergency clause 45-0 and was approved by the Governor on March 25, 2020.



Biennial Budget Adjustment Package—LB 1008, 1009, and LB 927

The halfway point of Nebraska’s biennial budget cycle allows Legislators to make adjustments to ensure a balanced budget for the two-year cycle. These adjustments allow the Legislature to react to emergencies and changing policy needs during the biennium.

This session had its fair share of emergencies as the state was hit with additional needs related to the devastating 2019 spring flooding and the 2020 COVID-19 pandemic. LB 1008 and LB 1009 provides appropriations related to the emergencies.

The 2020 adjustments to the biennium budget were driven partly by an increase in General Fund receipts and revenue forecasts from the Nebraska Economic Forecasting Advisory Board. Revenues had been increasing at a stronger than average rate. The pandemic slowed the increases, according to the forecasting board, but not as substantially as most had predicted.

LB 1008, introduced by *Speaker Scheer, at the request of the Governor*, makes adjustments to appropriations for state operations, aid, and construction programs for the fiscal year 2019-20. LB 1008 includes provisions from **LB 773, LB 779, LB 827, LB 894, LB 995, LB 1017, LB 1018, LB 1019, LB 1026, LB 1050, LB 1079, LB 1093, LB 1096, LB 1097, LB 1098, LB 1100, LB 1102, LB 1161**. Significant dollar adjustments to the budget include:

- \$10 million in General Fund dollars to the Rural Workforce Housing Investment Fund;
- \$3.7 million in increases to developmental disability provider rates;
- \$1.5 million to aid local public health departments;
- \$1 million to the Opportunity Grant Program under the Coordinating Commission for Postsecondary Education;
- \$250,000 for the processing the backlog of sexual assault forensic evidence kits;
- \$457,887 to problem solving courts for young adults; and
- \$4,140,249 to assistance for mental health services provider rates.

LB 1008 also makes adjustments to coronavirus aid and directs the distribution of any remaining federal funds to be re-offered to grant programs on broadband, workforce retraining, child care, food assistance, small business, and livestock stabilization, and the remainder transferred to the Cash Reserve Fund, if allowed by federal law.

LB 1008 passed with the emergency clause 43-3 and was approved by the Governor on August 6, 2020.

LB 1009, introduced by *Speaker Scheer, at the request of the Governor*, authorizes fund transfers used to carry out appropriations in the mainline budget bill.

Transfers in LB 1009 include:

- \$60 million from the Governor’s Emergency Cash Fund back to the Cash Reserve Fund;
- \$175,000 from the Water Sustainability Fund to the Natural Resources Cash Fund on or before June 30, 2021, and \$425,000 on or before June 30, 2021;
- \$500,000 from the Water Sustainability Fund to the General Fund; and
- \$3.8 million from the General Fund to the Critical Infrastructure Facilities Cash Fund.

Provisions of **LB 826** are amended into LB 1009. These provisions eliminate an annual transfer of \$100,000 beginning in fiscal year 2021-2022 from the Charitable Gaming Operations Fund to the Compulsive Gamblers Assistance Fund. Any remaining funds in the Charitable Gaming Operations Fund are to be transferred to the General Fund and the Compulsive Gamblers Assistance Fund at the direction of the Legislature.

LB 1009 passed with the emergency clause 46-2 and was approved by the Governor on August 6, 2020.

LB 927, introduced by the *Business and Labor Committee*, provides for payment of claims against the state.

Nebraska law requires the Legislature to review any tort or miscellaneous claim of more than \$50,000 made against the state and approved or denied by the State Claims Board. This legislative review is accomplished by the introduction of what are known as “state claims bills.” Each year two claims bills—one approving certain claims and one denying them—are introduced and heard by the Business and Labor Committee.

LB 927 approved tort, miscellaneous, and workers compensation claims of approximately \$2.15 million and \$66 million in agency write-offs. The majority of the write-offs are from the Department of Labor for uncollected unemployment insurance tax dating back to the 1930s for businesses that no longer exist or have gone bankrupt.

LB 927 passed with the emergency clause 48-0 and was approved by the Governor on August 6, 2020. The bill is also discussed in the Business and Labor Committee summary, on page 13.



LB 780—Change Duties for the Nebraska Arts Council Regarding Creative Districts and Change Provisions Relating to the Nebraska Arts and Humanities Cash Fund (*Stinner*)

LB 780 makes two changes affecting the Nebraska Arts Council.

LB 780 changes the level of administrative funding available through the Nebraska Arts and Humanities Cash Fund in fiscal year 2020-2021. Currently, the fund is capped at \$30,000, but because of improved fund-raising, more money is needed to ensure proper accounting practices. Through the passage of LB 780, the fund is calculated at one-half of one percent of the balance of the Nebraska Cultural Preservation Endowment Fund. The intent of this proposal is to adjust the fund to meet the demands of the program.

Secondly, the bill requires the Nebraska Arts Council to prepare a plan to divide the state into creative districts distinguished by different factors, such as geography and artistic or cultural activities that capitalize on niche areas, activities, events, facilities, or sites. The Legislature must approve the new districts. This requirement was originally included in **LB 943**, which was heard by the General Affairs Committee. In addition, the bill allows the Arts Council to develop a competitive grant program for creative districts, to the extent funds are available.

LB 780 passed with the emergency clause 47-0 and was approved by the Governor on August 6, 2020.



Omaha's Bemis Center for Contemporary Arts (pictured) hosts one of the most competitive art residency programs in the country.

LB 910—Provide for, Change, Eliminate, and Change Distribution of Fees and Funds of the Secretary of State (*Stinner*)

LB 910 consolidates cash funds administered by the Secretary of State and restructures fees assessed by the office.

The bill creates the Secretary of State Cash Fund and transfers the balances of the Administration Cash Fund, the Corporation Cash Fund, the Nebraska Collection Agency Fund, the Secretary of State Administration Cash Fund, and the Uniform Commercial Code Cash Fund into the newly created fund.

The goals of the restructuring are to incentivise online filing by making it cheaper to do so and streamline the administrative processes of the office.

LB 910 passed 42-5 and was approved by the Governor on August 6, 2020.



BANKING, COMMERCE and INSURANCE COMMITTEE

Senator Matt Williams
Chairperson



ENACTED LEGISLATION

LB 760—Require Health Carriers to Provide Coverage for Asynchronous Review by a Dermatologist by Way of Telehealth (*Kolterman*)

Specialty health care can be hard to access in some areas of the state, and LB 760 seeks to ensure all Nebraskans have access to quality dermatological health care by expanding the use of telehealth.

Nebraska has pioneered the use of telemedicine. As early as 1955, the Nebraska Psychiatric Institute began using closed-circuit TV to monitor patients remotely. By 1959, the institute was using early videoconferencing to provide therapy, consultation, and medical student training at the Nebraska state hospital in Norfolk.

LB 760 prohibits health insurers from excluding coverage

for telehealth services provided by a dermatologist solely because the service is delivered by asynchronous review. The bill defines asynchronous review as “the acquisition and storage of medical information at one site that is then forwarded to or retrieved by a health care provider at another site for medical evaluation.”

Further, under the terms of the bill, a health insurer must reimburse a health care provider at the rate negotiated between the provider and the insurer.

LB 760 passed 45-0 and was approved by the Governor on August 6, 2020.



LB 774—Change Provisions Relating to Reinsurance, Motor Vehicle Service Contract Reimbursement, and Fees for Dental Services and Prohibit Certain Activities by Health Care Facilities (*Williams*)

LB 774 adopts the latest National Association of Insurance Commissioners' (NAIC) updates to the NAIC Credit for Reinsurance Model Law.

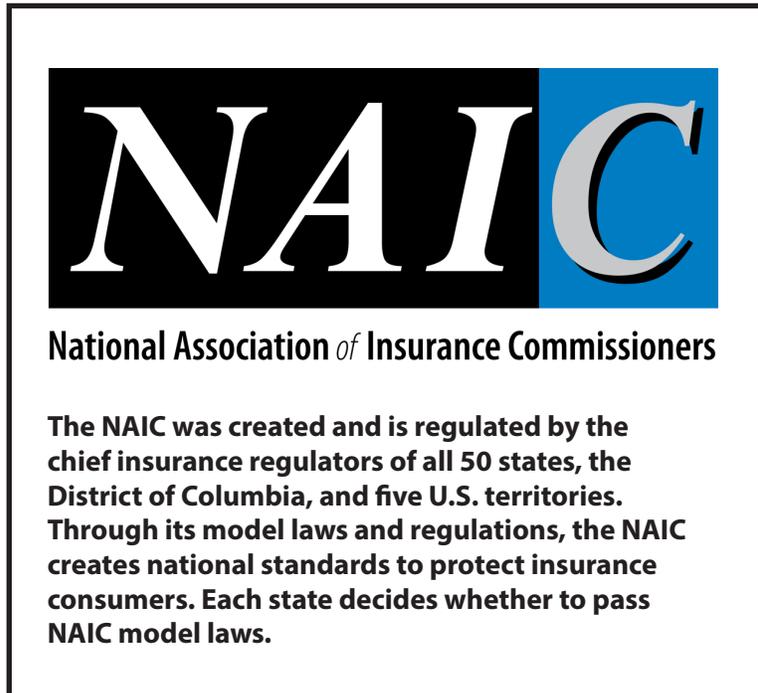
The model law provisions included in LB 774 implement the reinsurance collateral provisions of two international agreements entered into between the United States, European Union, and the United Kingdom.

The bill contains several conditions that must be met when one insurer cedes reinsurance to another insurer. Among them, the assuming insurer must have its head office, or be domiciled, in a "reciprocal jurisdiction" as defined in the bill, and must maintain minimum capital and surplus amounts.

Provisions from three other bills are amended into LB 774.

LB 886 requires that Nebraskans who have health insurance benefits and receive services from a network provider, receive the services at the rate negotiated by the health insurer. Additionally, network service providers agree to accept the set reimbursement amount for providing services, thus protecting the covered person from receiving a bill for any balance between the negotiated rate and the charge billed. The bill also prevents a health care facility from holding itself out as a network provider by placing the name or logo of a health insurer in any signage or marketing materials if the facility is not a network provider. If a facility violates these provisions, any contract between the health care facility and the insured person is voidable.

LB 954 mandates that dental insurance plans or contracts



cannot restrict the method of payment for dental services to credit card only. In addition, the bill allows a dental insurance carrier to grant a third party access to a provider network contract or a provider's dental services if the dental insurance carrier allows a provider who is part of the carrier's provider network to choose not to participate. The contracting entity may grant a third party access to a provider network contract or a provider's dental services if certain

conditions are met, including the insurer must identify on its website all third parties who have been granted access to the provider's network contract and the third party agrees to comply with the provider network contract's terms.

LB 1199 changes provisions of the Motor Vehicle Service Contract Reimbursement Insurance Act. Under the terms of the bill, a motor vehicle service contract reimbursement policy must either reimburse or pay on behalf of the service provider any sums the provider is obligated to pay, or provide the service in the event of the provider's nonperformance. If a covered service is not provided within 60 days of proof of loss, the service contract holder is entitled to apply directly to the insurer. The provider issuing a motor vehicle service contract must file a copy of the contract form, the service contract reimbursement policy, and the notice of filing form with the Department of Insurance.

LB 774 passed 48-0 and was approved by the Governor on August 6, 2020.



LB 808—Change Provisions Relating to Accountants, Provide for the Ratification of Defective Corporate Actions under the Nebraska Model Business Corporation Act, Adopt the Uniform Trust Decanting Act, Change Provisions Relating to Actions on Breach of Warranty on Improvements to Real Property and Change Provisions under the Nebraska Condominium Act, Change and Eliminate Provisions Relating to the Real Property Appraiser Act, Change the Nebraska Appraisal Management Company Registration Act, Redefine the Term Security to Include Certain Student Loans under the Public Funds Deposit Security Act, and Provide an Exemption to the Nebraska Real Estate License Act as Prescribed (*La Grone and Kolterman*)

LB 808 adds eight new sections to the Nebraska Model Business Corporation Act. The sections set out the procedures to validate corporate actions that are void or voidable due to a failure to properly authorize or approve the action, or an overissue of shares—meaning issuing more shares than the corporation has the power to issue—or issuing a class or series of shares not authorized by the articles of incorporation.

The bill provides definitions; establishes that a defective corporate action is not void or voidable if it is ratified or validated using the procedures and processes outlined in the bill; sets out quorum and voting requirements, shareholder notification requirements, and ratification effects; provides for filing of articles of validation; and specifies the court’s role in determining the validity and effectiveness of corporate actions.

Provisions of six additional bills are included in LB 808.

LB 767 amends the Nebraska Condominium Act to encourage increased housing development by mitigating risk to developers and protecting buyers and unit owners by providing opportunities to cure defects prior to litigation.

Provisions of the bill include:

- Reducing the statute of limitations on breach of warranty claims against builders and contractors from four years to two years;
- Requiring inclusion of a preventive maintenance plan prepared by a licensed engineer or architect in condominium declarations for projects with more than 15 units;

RiverFront Place Condos in Omaha features two 15-story residential towers and a large green space adjacent to the Bob Kerrey Pedestrian Bridge and Gallup Campus.





- Prohibiting any amendment to change the boundaries of a unit, increase the allocated interest of the unit, or change the uses to which a unit is restricted without the consent of the unit's owner;
- Requiring the formation of an owners association no later than the date on which over half of the condominium units are conveyed;
- Requiring disclosure of any threatened or pending litigation involving the unit or the association prior to the sale of a condominium unit; and
- Requiring a three-month cure period prior to commencing any judicial proceeding against a unit owner for breach of covenant.

LB 775 updates the Nebraska Real Property Appraiser Act to comply with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Uniform Standards of Professional Appraisal Practice, and the Policy Statements of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

The bill updates definitions and harmonizes various provisions throughout the act to incorporate the updated definitions. In addition, it removes duplicative provisions. It also includes minor changes to how the act is administered.

LB 782 amends the Public Accountancy Act, allowing a person to take test sections of the CPA examination within 120 days prior to completing the required academic credit and earning the degree. No credit is received unless, within 150 days of taking the first test section, satisfactory evidence is presented to the Nebraska State Board of Public Accountancy that the academic credit has been completed and the degree has been received.

LB 902 enacts the Uniform Trust Decanting Act (UTDA), a Nebraska version of the UTDA promulgated by the National Conference of Commissioners on Uniform State Law. The UTDA provides a method for reforming or modernizing an irrevocable trust.

Decanting is a trust management technique whereby the assets of an otherwise irrevocable trust can be distributed into another trust to address unforeseen circumstances. The actions must be within reasonable limits and ensure the trust will achieve the settlor's original intent. It cannot be used when it would defeat a charitable or tax-related purpose of the settlor.

LB 929 amends the Nebraska Real Estate License Act to provide that the act does not apply to any unlicensed person who provides a list of potential purchasers to a broker or salesperson or who makes calls or facilitates the initial contact between a potential client or customer and a broker or salesperson.

The unlicensed person may only provide information about the broker's or salesperson's services in written form created by the broker or salesperson that identifies his or her place of business and is sent by mail, email, or a link to a website.

LB 1123 amends a section of the Public Funds Deposit Security Act to expand the definition of securities. The bill provides that student loans backed or partially guaranteed by the U.S. Department of Education are an acceptable form of security for financial institutions to secure a deposit of public money or public funds in excess of the amount insured or guaranteed by the Federal Deposit Insurance Corporation.

LB 808 passed with the emergency clause 47-0 and was approved by the Governor on August 15, 2020.



LB 909—Change Provisions Relating to Banking and Finance (*Williams and Blood*)

In the United States, a bank is chartered and regulated as either a national bank under the National Bank Act or as a state chartered bank under state jurisdiction. States pass “wild card” or “parity” laws to enable state regulators to grant state depository financial institutions the same powers as their federal counterparts. LB 909 is Nebraska’s annual re-enactment of its wild card statutes.

In addition, LB 909 makes revisions in the Nebraska Banking Act, the Securities Act of Nebraska, the Interstate Land Sales Full Disclosure Act, the Commodity Code, the Nebraska Credit Union Act, the Loan Broker Act, the Nebraska Installment Loan Act, the Seller-Assisted Marketing Plan Act, the Consumer Rental Purchase Agreement Act, and the Uniform Commercial Code. The bill:

- Allows employees of the Nebraska Department of Banking and Finance, other than the director, deputy director, counsel, attorney, or financial institution examiner, to borrow from Nebraska state-chartered financial institutions;
- Expands the definitions of “unimpaired capital” and “unimpaired surplus” to conform to federal regulations;
- Removes the requirement for financial institutions to publish biannual reports in a local newspaper;
- Changes the fund for remittance of loan broker filing fees from the Financial Institutions Assessment Cash Fund to the Securities Act Cash Fund; and
- Updates references to applicable federal provisions.

The bill also contains provisions of six additional banking and finance-related bills.

LB 764 changes investment provisions for fiduciaries. It amends the Nebraska Trust Company Act to permit a Nebraska trust company acting as a trustee or agent to invest fiduciary funds in a private investment fund managed by an affiliate of the trust company.

LB 852 changes farm product lien provisions. The bill expands the definition of “farm product” in Neb. Rev. Stat. sec. 52-1308 to include “goats” and “hemp” for purposes of filing effective financing statements. The bill

also changes provisions regarding unauthorized financing statement filings under Section 9-513A of the Uniform Commercial Code by establishing procedures for victims of unauthorized financing statement filings to obtain relief.

LB 853 provides banking protections to prevent exploitation of vulnerable or senior adults. The bill authorizes financial institutions to place a hold of up to 30 days on suspicious customer transactions and provides legal protection for financial institutions that take action to prevent financial exploitation.

LB 854 changes provisions of the Public Funds Deposit Security Act relating to the single-bank pooled method. The bill mandates that a financial institution may not retain any deposit of public funds which is required to be secured unless the financial institution secures the deposit amount within 10 days or such shorter period of time as agreed upon between the institution and the Director of Banking and Finance. The bill clarifies the time frame for providing reports to governmental units and establishes that posting the report on the administrator’s website for access by participating governmental units satisfies the reporting requirement.

LB 908 amends the Delayed Deposit Services Licensing Act and adds language requiring licensees to be licensed and registered through the Nationwide Mortgage Licensing System (NMLS). NMLS is a system for the registration and licensing of mortgage loan originators, mortgage bankers, installment loan companies, and other state-regulated financial service entities developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

LB 939 amends the Collection Agency Act. Any entity desiring to engage in the collection business under the Collection Agency Act must submit a written license application to the Collection Agency Licensing Board (board). The bill adds a provision that the board can require applicants to use the NMLS for the processing of applications and fees.

In addition, effective October 1, 2020, the board can require licensees under the act to be licensed and registered through NMLS.

LB 909 passed with the emergency clause 48-0 and was approved by the Governor on July 24, 2020.



LB 997—Adopt the Out-of-Network Emergency Medical Care Act (*Morfeld, Blood, Groene, Hilgers, M. Hansen, and Bolz*)

Unexpected medical bills — some quite large — can occur when someone seeks care at a health care facility in their health insurance provider’s network of service providers, but receives treatment or services from a provider or facility that is out-of-network. LB 997 was introduced to prevent this from happening in emergency situations.

The bill adopts the Out-of-Network Emergency Medical Care Act. For purposes of the bill, an emergency medical condition is a medical or behavioral condition that comes on suddenly and manifests symptoms of sufficient severity that a layperson, with an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention would place the health of the person in serious jeopardy or result in

serious impairment of bodily functions or organs.

Under the act, if a covered person receives emergency services at a health care facility, the facility cannot bill the person more than the same services would cost at an in-network facility. This prohibition also applies to the health care provider performing the services.

The bill lists the criteria an insurer can use in determining if an out-of-network health care provider’s bill is reasonable. If the out-of-network health care provider deems the insurer’s payment unreasonable, the payment is to be returned to the insurer. In this event, the bill establishes a dispute resolution procedure.

LB 997 passed 47-0 and was approved by the Governor on July 24, 2020.

LB 1014—Change Provisions of the Multiple Employer Welfare Arrangement Act (*Lindstrom*)

LB 1014 amends the Multiple Employer Welfare Arrangement Act to allow self-employed individuals — as defined in the bill — to participate in multiple employer welfare arrangements (MEWAs).

A MEWA is a health benefit plan established or maintained by two or more participating employers to provide health insurance benefits to their employees. A MEWA is a good way for smaller employers to obtain group health insurance benefits for their employees in a cost-effective way.

The bill changes the term “covered employee” to “covered individual” and adds that a self-employed individual who is covered by a health benefit plan provided through a MEWA falls under the definition of covered individual. It also expands the definition of “participating employer” to mean an employer or self-employed individual who participates in a MEWA.

In addition, the bill mandates that a MEWA can only be established and maintained by an association of participating employers or covered individuals who are self-employed individuals.

The bill adds a new section providing that a MEWA providing health care coverage to self-employed individuals must comply with federal statutes, including the Patient Protection and Affordable Care Act, and must maintain a surplus in trust equal to at least \$750,000.

The act applies to MEWAs providing health care coverage to self-employed individuals on or after January 1, 2020.

LB 1014 passed 48-0 and was approved by the Governor on July 24, 2020.



BUSINESS and LABOR COMMITTEE

Senator Matt Hansen
Chairperson



ENACTED LEGISLATION

LB 927—Provide for Payment of Claims Against the State (*Business and Labor Committee*)

Nebraska law requires the Legislature to review any tort or miscellaneous claim of more than \$50,000 made against the state and approved or denied by the State Claims Board. This legislative review is accomplished by the introduction of what are known as “state claims bills.” Each year two claims bills—one approving certain claims and one denying them—are introduced and heard by the Business and Labor Committee.

This year LB 927 details the approved state claims. The bill approved tort, miscellaneous, and workers’ compensation claims totaling \$2.15 million and write-offs totaling \$66 million for a total amount of \$68.15 million.

LB 927 passed with the emergency clause 48-0 and was approved by the Governor on August 6, 2020. The bill is part of this year’s biennial budget adjustment package and is also discussed on page 5.



LB 962—Adopt the Nebraska Fair Pay to Play Act (*Hunt, Blood, Brewer, Crawford, DeBoer, M. Hansen, McCollister, Morfeld, Pansing Brooks, Vargas, Wayne, Wishart, Stinner, Cavanaugh, Howard, Kolowski, Quick, McDonnell, and Chambers*)

College athletes such as Husker Volleyball Senior Lauren Stivrins (pictured) are required to disclose any promotional income to their postsecondary institution under the Nebraska Fair Pay to Play Act.



College athletes can be paid for the use of their name, image, or likeness (NIL) without jeopardizing their eligibility status under the terms of LB 962.

LB 962 enacts the Nebraska Fair Pay to Play Act, which prohibits Nebraska postsecondary institutions from enforcing any rule or regulation that prevents a student-athlete from participating in a collegiate sport because the student-athlete earned payment for the use of their NIL. LB 962 does not create an employer-employee relationship between the postsecondary institution and student-athletes, but allows student-athletes to seek compensation in the marketplace.

The bill requires postsecondary institutions to designate and make known to all student-athletes the individual to whom student-athlete contract information must be provided. LB 962 also requires student-athletes to disclose to the designated person all contracts they have entered into for payment for using their NIL.

Finally, LB 962 prohibits student-athletes from entering into contracts that require the athlete to wear or display a sponsor's products during official team activities when doing so would violate a contract entered into by the team.

LB 962 passed 37-6 and was approved by the Governor on July 24, 2020.



LB 963—Change Provisions Relating to Worker’s Compensation for Injuries to First Responders and Frontline State Employees and Burial Expenses (*Brewer, Geist, Gragert, Lowe, McDonnell, Blood, M. Hansen, and Wishart*)



LB 963 is an effort to reduce the effects of cumulative exposure to horrific events experienced by first responders, which make them susceptible to the emotional and behavioral impacts of job-related stressors including post-traumatic stress disorder (PTSD).

LB 963 amends workers’ compensation provisions to allow first responders to demonstrate a prima facie case of personal injury when seeking workers’ compensation benefits. The bill also provides reimbursement for resiliency training taken to overcome traumatic events experienced in the workplace.

To receive benefits, a first responder must prove by a preponderance of the evidence that the mental injury or mental illness suffered is job-related. The first responder establishes prima facie evidence of a mental injury or mental illness by providing the following:

- The first responder underwent a mental health examination upon or subsequently to entry into the

covered service and the results of the examination did not reveal the mental injury or mental illness for which he or she seeks compensation;

- Evidence from a mental health professional stating that the first responder is suffering from a mental injury or mental illness caused by an event or series of events that collectively caused the injury or illness for which compensation is being sought; and
- The first responder had taken resiliency training before the conditions causing the mental injury or mental illness and had kept the training current by receiving an annual update.

As enacted, LB 963 contains provisions of **LB 448**, which increase the burial expense amount under the Nebraska Workers’ Compensation Act from \$10,000 to \$11,000 adjusted annually for inflation.

LB 963 passed 45-0 and was approved by the Governor on August 15, 2020.



LB 1016—Change Provisions Regarding the Worker Training Program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and Eliminate Provisions Regarding Service Letters, High Voltage Lines, and Private Employment Companies (*M. Hansen*)

LB 1016 makes several changes to Nebraska employment statutes. As enacted, the bill contains provisions of **LB 788** and **LB 926**.

LB 1016 prohibits an employer from retaliating against an employee who either files a claim or testifies, assists, or participates in an investigation against a Nebraska employer under the Nebraska Wage Payment and Collection Act (act). LB 1016 provides that an employee who wins a lawsuit filed under the act is entitled to collect reasonable attorney's fees and costs.

LB 1016 provides that Nebraska employees who work for an employer who is not subject to the Nebraska

Fair Employment and Practice Act may file a lawsuit against their employer for violations of the wage act.

LB 1016 also prohibits an employer who has been issued a citation under the act from entering into a contract with the state or any political subdivision until the citation has been paid. Citations issued under the act must be made available to the public when requested.

Additionally, LB 1016 changes the due date for the annual Nebraska Worker Training Board report from July 1 to December 31 and provides flexibility in the fee contractors pay to register with the state from the fixed amount

of \$40 to "no more than \$40."

Finally, LB 1016 clarifies the authority of the Commissioner of Labor to issue a citation to a contractor after an investigation has revealed the contractor has violated the Employee Classification Act. The commissioner must notify the contractor of the citation by certified or any other type of mail in which delivery can be verified. The contractor has 15 days to contest the citation. All citations must be paid within 10 days after the penalty becomes final and no further appeals are available.

LB 1016 passed with the emergency clause 42-4 and was approved by the Governor on July 24, 2020.

LB 1160—Adopt the Nebraska Statewide Workforce and Education Reporting System Act (*M. Hansen, Bolz, and Vargas*)

LB 1160 implements the Nebraska Statewide Workforce and Education Reporting System Act, which requires the collection and tracking of outcome data.

Under LB 1160, the Department of Labor must enter into a memorandum of understanding with the Nebraska Statewide Workforce and Education Reporting System (reporting system) by December 31, 2020, to share workforce and educational data. The collected data is to be provided to educators and policymakers so that those who allocate state resources and educate Nebraska residents can make data-informed decisions.

Under LB 1160, the reporting system is allowed to:

- Provide workforce data to postsecondary institutions to help guide their program implementation;
- Provide workforce information to students and

parents to help guide occupational choices;

- Provide comprehensive student and workforce data to policymakers to help them in allocating resources and making policy decisions;
- Provide necessary data to help align educational programs with workforce needs;
- Disaggregate student data by race, ethnicity, gender, and economic status to be used to identify and close racial and gender gaps; and
- Identify the benefits of early childhood education.

Finally, LB 1160 requires the reporting system to issue a report to the Clerk of the Legislature by December 1, 2021.

LB 1160 passed with the emergency clause 33-5 and was approved by the Governor on August 10, 2020.

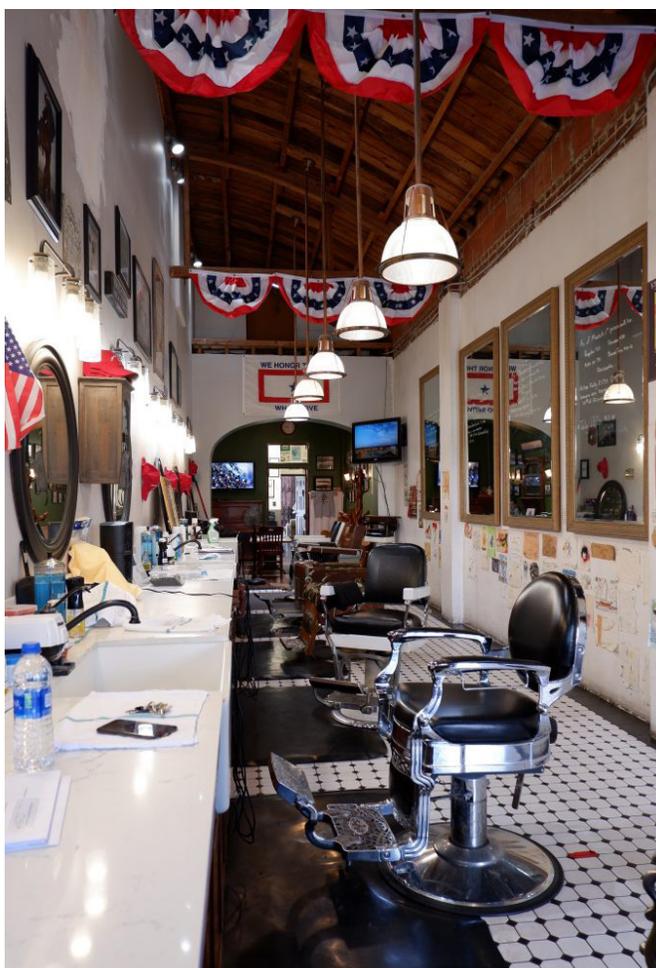


LEGISLATION NOT ENACTED

LB 1060—Include Hair Textures and Protective Hairstyles within the Definition of Race under the Nebraska Fair Employment Practice Act
(Cavanaugh, Blood, Hunt, and Chambers)

LB 1060 would have amended the Nebraska Fair Employment Practice Act by expanding the definition of race to include hair textures and protective hairstyles. The definition of protective hairstyles would have included hairstyles such as braids, locks, and twists.

LB 1060 passed 27-12, but the Governor vetoed the bill. In his veto message, the Governor stated the bill needed to “add protections for employees based upon their immutable hair texture and to also add protections for employers centered on health and safety standards.”





EDUCATION COMMITTEE

Senator Mike Groene
Chairperson



ENACTED LEGISLATION

LB 534—Require Public Postsecondary Educational Institutions to Submit Reports Regarding Sexual Harassment and Require Public Hearings as Prescribed (*Cavanaugh, Howard, M. Hansen, and Blood*)

LB 534 requires Nebraska public postsecondary institutions to issue a report regarding sexual harassment and Title IX compliance. Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. The law protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

The report required under LB 534 must be submitted electronically to the Clerk of the Legislature and the Education Committee by September 15, 2021, and by September 15 of each odd-numbered year thereafter. The report must contain the following information:

- Results of any campus climate survey related to sexual violence, dating violence, domestic violence, and stalking;
- Information related to the training provided to Title IX coordinators, investigators, and decision-

makers regarding sexual violence, dating violence, domestic violence, and stalking;

- Information on how students and employees of the postsecondary institution can report concerns of sexual harassment to the institution; and
- Information on where students and employees of the postsecondary institution can receive immediate emergency assistance for instances of sexual harassment.

LB 534 also requires the Education Committee to hold a public hearing to review all of the reports submitted to the committee as required by this act on or before December 15, 2021, and on or before December 15 of each odd-numbered year thereafter.

LB 534 passed 41-1 and was approved by the Governor on August 17, 2020.



LB 880—Change Dates Related to Certifications and Distributions of State Aid to Schools (*Groene*)

On March 1 of each year, the State Department of Education certifies the amount of state aid to be distributed to each school district according to the Tax Equity and Educational Opportunities Support Act (TEEOSA) formula. TEEOSA determines the amount of state equalization aid received by each school district

(Needs-Resources=Equalization Aid).

Due to potential changes to the funding amount to be distributed under TEEOSA, the Education Committee deemed it necessary to enact LB 880 to delay the certification date for the 2020 school fiscal year to May 1. Delaying the certification date

allows a more accurate identification of the amount for certification and distribution under the TEEOSA formula to be calculated for the 2020-2021 school year.

LB 880 passed with the emergency clause 44-0 and was approved by the Governor on February 12, 2020.

LB 965—Recognize American Sign Language, Provide for the Teaching of American Sign Language in Schools and Postsecondary Educational Institutions, and Establish a Language Assessment Program for Children Who are Deaf or Hard of Hearing (*McDonnell*)

Ensuring that children who are deaf or hard of hearing are kindergarten-ready is the goal of LB 965. As enacted, LB 965 includes provisions of **LB 839**.

LB 965 requires the State Department of Education (department) to collaborate with the Nebraska Commission for the Deaf and Hard of Hearing (commission) to establish a language assessment program for children who are deaf or hard of hearing. The program must be able to assess and track the language development of children from birth to five years of age. Assessments are given to qualifying children as needed under the Nebraska Special Education Act and the federal Individuals with Disabilities Education Act, as that act existed on January 1, 2020.

The bill requires the department and the commission to jointly publish an annual report, beginning December 31, 2022, that identifies for each age from birth to five years, the language and literacy developmental milestones of Nebraska children who are deaf or hard of hearing in comparison to their peers who are not deaf or hard of hearing.

Further, LB 965 requires the commission to appoint a 14-member advisory committee to advise the commission on the language assessment program. The advisory committee, on or before July 1, 2022, must create plans and issue recommendations to carry out the language assessment program. The advisory committee is also required to:

- Collaborate with entities that provide service coordination to children younger than three;

- Seek input from language development professionals for children who are deaf or hard of hearing to identify the selection of specific language development milestones;
- Recommend existing language assessments for children who are deaf or hard of hearing;
- Make recommendations for the qualifications and identify language professionals who use evidence-based, best practices in English and American Sign Language (ASL) and who are available to advocate at individualized family service plan or individualized education program team meetings;
- Identify language assessment evaluators who use evidence-based, best practices with children who are deaf or hard of hearing; and
- Recommend methods for communicating the language assessment results and milestones to parents, guardians, teachers, and others who provide early intervention and education to deaf or hard of hearing children.

Finally, LB 965 authorizes the department to allow ASL to be taught in any Nebraska school and be counted as a world language credit where applicable. The bill also provides that postsecondary institutions can offer ASL as an elective course, which qualifies as a world language credit.

LB 965 passed 48-0 and was approved by the Governor on August 15, 2020.



LB 1080—Require School Policies that Prohibit Sexual Conduct with Students and Former Students (*Lathrop and Vargas*)

LB 1080 requires that all public and private K-12 schools in Nebraska implement policies detailing an appropriate relationship between students and school employees, student teachers, or interns by June 30, 2021. Policies required under LB 1080 must:

- Prohibit employees engaging in grooming (gaining a student’s trust in order to engage in sexual activity) and include examples of prohibited behavior;
- Prohibit relationships that involve sexual contact or sexual penetration with current or former students for a minimum of one year after the student’s graduation or when the student ceases enrollment;
- Include a process to verify that the policy was received and understood by school employees, student teachers, or interns;
- Provide a procedure for reporting suspected grooming or other unacceptable conduct to the school or school district administration; the State Department of Education (department);

A recent Omaha World-Herald investigation found that since the beginning of 2014, at least 56 certified Nebraska educators were caught having inappropriate communication or sexual contact with students.

Source: [Omaha World-Herald](#)

the Department of Health and Human Services (DHHS); and law enforcement;

- Include a description of acceptable methods of communicating with students, including the personal communication systems the school board or governing authority has deemed permissible for this purpose;
 - Provide notice that a violation of this policy can result in disciplinary action up to and including dismissal;
 - Express that a violation of the policy by any certificated employee can result in referral to the department and a suspension or revocation of the employee’s certificate;
- and
- Clearly indicate that any violation involving sexual or other abuse will result in a referral to DHHS, law enforcement, or both.

LB 1080 passed 47-0 and was approved by the Governor on August 7, 2020.

LB 1186—Require Salary to be Paid to Injured School Employees as Prescribed (*Hilgers and Albrecht*)

Public school employees who are injured on the job are entitled to injury leave under the terms of LB 1186.

The bill provides injury leave for up to seven days at regular pay to a public school employee who suffers a bodily injury through the intentional or reckless act of another person. The injury must have occurred during

the injured employee’s scope of employment.

For injuries requiring longer than seven days of leave, the bill requires injured employees use benefits provided under the Nebraska Workers’ Compensation Act. Injury leave provided under LB 1186 does not count against any type of earned leave

that the injured employee accrues while working for the school district where the injury occurred. Schools can require a doctor confirm the injuries and indicate the amount of time before the employee can return to work.

LB 1186 passed 48-0 and was approved by the Governor on August 7, 2020.



LEGISLATION NOT ENACTED

LB 147—Provide for the Use of Physical Force, Restraint, or Removal from a Class in Response to Student Behavior (Groene, Albrecht, Clements, Halloran, and La Grone)

LB 147 would have authorized a teacher or administrator to “use physical contact or physical restraint” on a student who becomes physically violent toward himself or herself, a teacher, an administrator, or another student or who is trying to destroy school property.

A teacher or administrator (teachers) using physical force or physical restraint would have been immune from legal or administrative punishment, provided he or she was acting in a reasonable manner.

Physical restraint would have been defined as “holding the hands, wrists, or torso of a student to control the movements of such student” and would not have included “the use of a mechanical device or binding of a student to any object.” LB 147 also would have authorized teachers to

remove students from their classes for disruptive behavior, and the teacher’s consent would have been required before a student returned to the classroom, unless the return was required under the Special Education Act or Individuals with Disabilities Education Act.

LB 147 was the subject of extended debate on General File, with opponents expressing concerns that the bill did not provide teachers training to handle disruptive or violent students, among other issues. Therefore, **LB 998** was introduced as a companion bill to provide the behavioral training component and is discussed on page 22.

LB 147 was on General File and died with the end of the session.

LB 515—Change Provisions Related to the Student Discipline Act (Vargas)

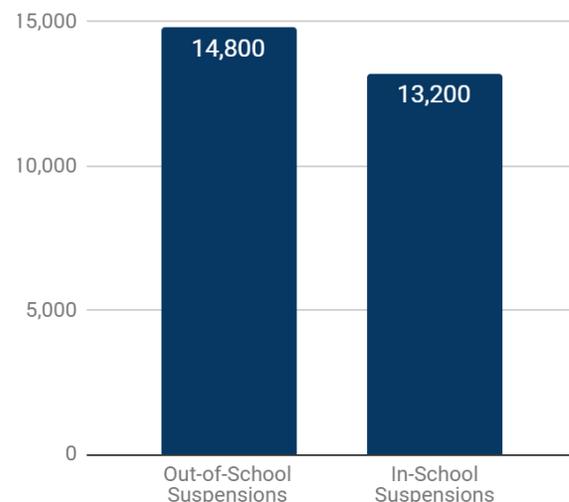
LB 515 would have changed the Student Discipline Act by requiring students who are suspended or appealing a suspension to be allowed to complete their classwork, homework, and examinations during the period of suspension.

LB 515 would have clarified that non-duplicative educational credits earned by a student during his or her suspension be accepted by the school to which they are returning, as long as the educational credit was earned from a Nebraska accredited institution or an institution accredited by one of the six regional accrediting bodies.

LB 515 also would have changed the procedure for appointing a hearing examiner in student disciplinary actions if a hearing was requested. Finally, LB 515 would have changed the standard required for suspension for the possession of illegal drugs on school property, at a school event, or in a school vehicle from “mere possession” to “knowingly possessing illegal drugs.”

LB 515 passed 26-7 but was vetoed by the Governor.

Nebraska School Suspensions (2018)



Source: [National Center for Education Statistics](#)



LB 920—Change Provisions for the Distribution of Lottery Funds Used for Education, Transfer Powers and Duties, Create New Acts and Funds, and Change Education Provisions (*Groene*)

LB 920 would have allocated lottery funds for educational purposes for five years beginning in fiscal year 2021-2022 through 2025-2026.

LB 920 reflected the findings of the 2019 Education Committee study on the educational uses of lottery funds. In addition to its original provisions, LB 920 was amended to include portions of **LB 568** and **LB 1168**.

Additionally, LB 920 would have:

- Required the State Department of Education (department) to create a mental health first aid training program for teachers and other school personnel;
- Transferred responsibility for the Excellence in Teaching Act from the department to the Coordinating Commission for Postsecondary Education (CCPE);
- Required the department to implement the College Credit Testing Fee Reduction Program; and
- Required the CCPE to establish education pathways for the teaching of dual-credit courses and career and technical education courses.

LB 920 advanced to Select File and died at the end of session.

LB 998—Require Behavioral Awareness and Intervention Training and Points of Contact, Transfer Funds, and Change the Tax Equity and Educational Opportunities Support Act (*Murman and Albrecht*)

LB 998 would have required administrators, teachers, paraprofessionals, school nurses, and counselors to receive behavioral awareness and intervention training.

School districts would have been allowed to select any behavioral awareness and intervention training program, as long as it contained the following components:

- Recognition of detrimental factors impacting student behavior including signs of trauma;
- Positive behavior support and proactive teaching strategies including expectations and boundaries;
- Verbal intervention and de-escalation techniques;

- Clear guidelines on removing and returning students to class;
- Behavioral interventions that take place when a student is outside of the classroom; and
- Physical intervention for safety.

LB 998 was identified as a companion bill to LB 147, which would have allowed teachers or administrators to use “physical contact or physical restraint” on a student who was physically violent towards themselves, a teacher, or another person. LB 147 is discussed on page 21.

LB 998 was on General File and died at the end of the session.

LB 1089— Provide a High School Graduation Requirement Relating to Federal Student Aid (*Vargas, Lindstrom, Murman, and M. Hansen*)

LB 1089 was intended to increase the opportunity for Nebraska students to obtain federal and state loans and grants to make postsecondary education more affordable.

LB 1089 would have required all Nebraska secondary students to complete a Free Application for Federal Student Aid (FAFSA) before graduating unless the requirement was waived. FAFSA is used by federal and state governments to help determine income eligibility for federal and state student aid. The bill would also have directed the Nebraska Commissioner of Education to create an opt-out form to waive the FAFSA requirements under certain conditions.

LB 1089 passed 29-12 but was vetoed by the Governor.



EXECUTIVE BOARD

**Senator Mike Hilgers
Chairperson**



ENACTED LEGISLATION

LB 1144—Change Provisions Relating to Youth Rehabilitation and Treatment Centers and State Institutions, Create the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature, and Provide Duties for the Public Counsel (*Health and Human Services Committee*)

Scrutiny of state Youth Rehabilitation and Treatment Centers (YRTCs) was a central theme of this legislative session.

YRTCs are facilities where juveniles with violations such as assault or burglary are provided with supervision and programming by the Department of Health and Human Services (DHHS). Until August 2019, there was a YRTC for boys in Kearney and one for girls in Geneva. But the Geneva YRTC was evacuated when mold and other structural problems were discovered. The girls were then moved to Kearney, despite concerns about housing them near the boys.

LB1144 enables more legislative oversight of the YRTCs.

The bill provides the Inspector General of Nebraska Child Welfare (Inspector General) — housed within the Legislature’s Office of Public Counsel — with new oversight responsibilities related to YRTCs.

The bill requires DHHS to report to the Inspector General if any of the following occur at a Nebraska YRTC:

- assault;
- escape;
- attempted suicide;
- self-harm by a juvenile;
- property damage;
- use of mechanical restraints;
- a significant medical event for a juvenile; or
- an internally substantiated violation of the Prison Rape Elimination Act.



The Inspector General is required to conduct an annual review and physical inspection of YRTC's, and report to the Legislature. In addition, DHHS is required to submit quarterly reports of grievances filed at YRTC's and to notify the Inspector General of any leadership changes within the Office of Juvenile Services or the YRTC's.

The bill incorporates provisions from two other proposals. **LR 298** creates the Youth Rehabilitation and Treatment Center Special Oversight Committee of

the Legislature. The 11-member oversight committee is required to issue a report with any findings and recommendations to the Legislature by December 15, 2020.

LB 1085 makes gender neutral several references to the Office of Public Counsel in state law.

LB 1144 passed 48-0 and was approved by the Governor on August 6, 2020.



LB 283—Provide for a Climate Change Study (Pansing Brooks, Hunt, M. Hansen, and McCollister)

LB 283 would have required the University of Nebraska to develop a strategy for adapting to climate change.

Development of the plan was expected to cost \$250,000. A committee amendment would have shifted the focus to extreme weather risks and changed the funding source from the Waste Reduction and Recycling Incentive Fund to the Petroleum Release Remedial Action Collection Fund.

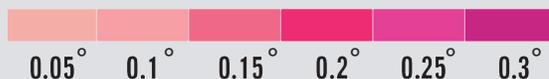
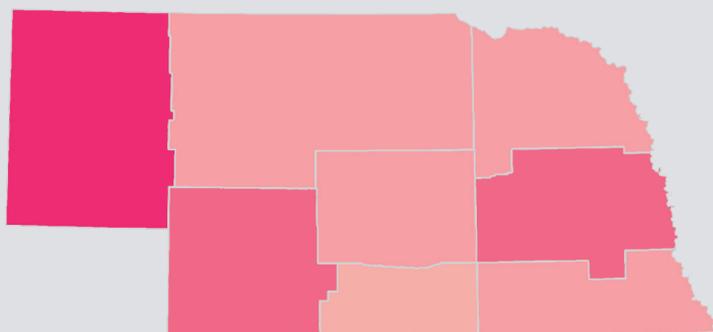
Nebraska is no stranger to extreme weather events. In spring 2019, flooding caused widespread devastation in the state, primarily along the Missouri River. Damage in Nebraska alone was estimated at over \$1.3 billion, including \$449 million in damage to roads, levees, and

other infrastructure. Agricultural damages included \$440 million in crop losses and \$400 million in cattle losses.

Proponents called climate change an “existential risk” and that as an agricultural state, Nebraska has both a responsibility and interest in mitigating its negative consequences. Opponents questioned the accuracy of climate science and said several entities in Nebraska already study and prepare for extreme weather, making another plan redundant.

LB 283 failed to advance from General File and died with the end of session.

Average Temperature Increase per Decade (1895-2016)



Nebraska’s climate has warmed over the last century. On average, temperatures have increased about 1.6 degrees Fahrenheit since 1895. This map shows average temperature increases, per decade, for the state’s eight climate divisions based on data collected from 1895 to 2016.

Source: Nebraska State Climate Office



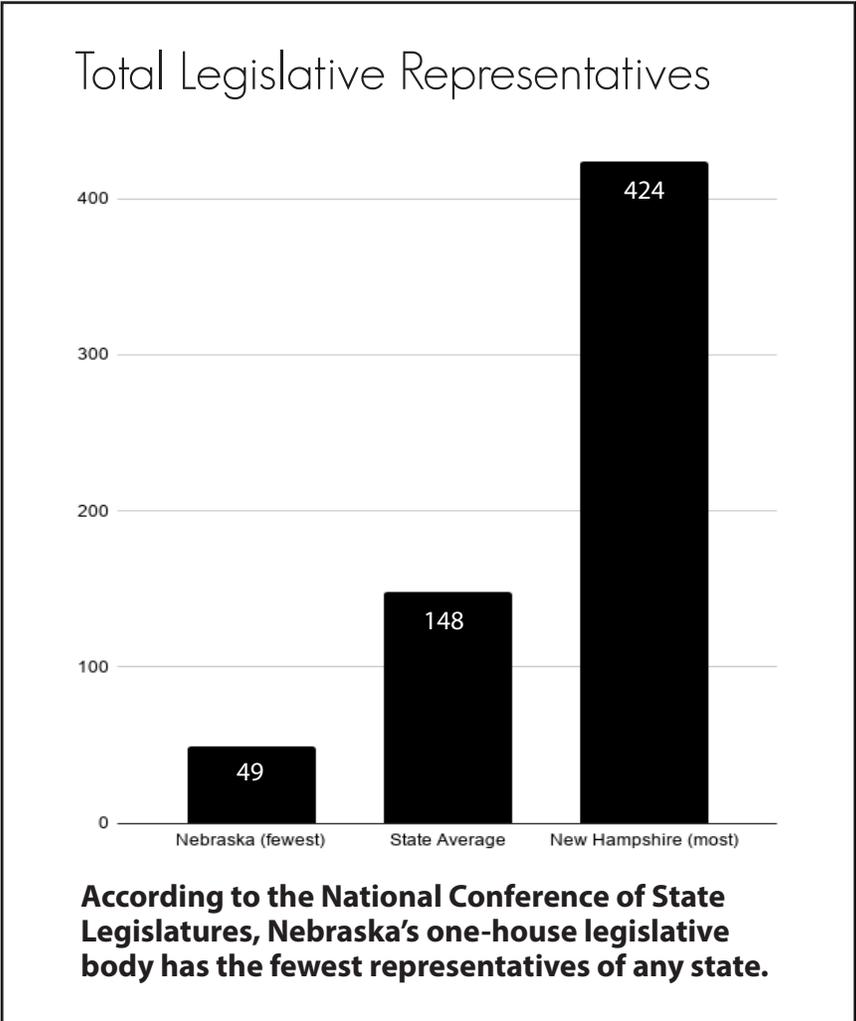
LR 279CA—Constitutional Amendment to Authorize an Increase in the Number of Members of the Legislature (*Scheer*)

Membership in the Nebraska Unicameral could have increased under LR 279CA.

The proposal would have raised the maximum number of state senators authorized by the State Constitution from 50 to 55. The proposed amendment to Article III, Section 6 of the Nebraska Constitution would not automatically increase the number of state senators, but instead give the Legislature the option of adding members in the future. If approved by voters, LR279CA would have added more legislative districts to reduce the number of constituents each senator represents.

Proponents said the sheer geographic size of some western districts makes developing personal connections with constituents difficult. Seven large legislative districts (Legislative Districts 47, 44, 43, 42, 41, 40 and 36), span hundreds of miles, taking up nearly two-thirds of the state’s land area. Opponents said that given demographic and population trends, any new districts would likely be in cities, expanding urban influence without appreciably shrinking the size of rural districts.

LR 279CA failed to advance from General File and died with the end of session.



LR 280CA—Constitutional Amendment to Change Legislative Term Limits to Three Consecutive Terms (*Wayne and Hunt*)

State senators continue to be limited to eight years in office with the failure of LR 280CA.

LR 280CA would have placed on the ballot a change to Article III, section 12, of the Nebraska Constitution, allowing members of the Legislature to serve three terms instead of two. Members of the Nebraska Legislature are currently limited to two consecutive four-year terms. Proponents argued eight years is not enough time to develop the experience and institutional knowledge necessary to tackle complex policy issues. Opponents pointed out that changes to term limits were rejected by voters in 2000 and again in 2012.

LR 280CA failed to advance from committee and died with the end of session.



GENERAL AFFAIRS COMMITTEE

Senator Tom Briese
Chairperson



ENACTED LEGISLATION

LB 734—Provide for Regulation of Charter Bus Services and Licensure of Special Party Buses under the Nebraska Liquor Control Act (*Hunt, Briese, and Wayne*)

Party buses, which have allowed passengers to consume alcohol onboard under legislation passed in 2011, now must get a liquor license under provisions adopted via LB 734.

Proponents of the change contend the 2011 legislation created “rolling bars,” with the unintended consequence of creating havens for overconsumption of alcohol and underage drinking.

The requirement affects persons operating special party bus service under a certificate of public convenience and necessity granted by the Public Service Commission when the consumption of alcoholic liquor is allowed on the buses. Persons under the legal drinking age of 21 are permitted to ride the buses but cannot consume alcohol.

LB 734 sets the fee for the annual liquor license at \$75. Only one license is required for all special party buses operated statewide by the same owner. The bill prohibits counties, cities, or villages from requiring any additional licenses or levying taxes for allowing alcohol consumption on the buses.

LB 734 passed 42-0 and was approved by the Governor on February 19, 2020.



LB 1056—Change Provisions of the Nebraska Liquor Control Act and the Nebraska Lottery and Raffle Act (*Lowe*)

Farm wineries, craft breweries, microdistilleries, bottle clubs, and retail liquor establishments can temporarily expand their licensed premises upon approval of their local governing bodies without seeking a special designated license from the Liquor Control Commission (commission) under the terms of LB 1056.

The bill limits the expanded premises to 50 days in 2020 and 15 days in each calendar year thereafter. The expanded area can be either (1) an immediately adjacent area owned or leased by the licensee or (2) an immediately adjacent street, parking lot, or alley. The expanded area must be enclosed by fencing or other

means, have easily identifiable entrances and exits, and meet all sanitation requirements of a licensed premises.

The local governing body must approve the expansion and can set terms that must be met for the expansion to occur, including imposing a fee or tax upon the expansion. The decision of the local governing body is final. Within five days of authorizing any expansion, the local governing body must electronically notify the commission of its decision.

As enacted, LB 1056 also contains provisions from **LB 980**. These provisions make three changes to the Nebraska Lottery and Raffle Act

affecting nonprofit organizations which are allowed to hold fundraising events that sell lottery or raffle tickets. The changes (1) extend the validity of a special permit to conduct a lottery or raffle from three months to one year; (2) allow raffle tickets to be sold online or in person using a debit card; and (3) allow nonprofits to remit the taxes paid on proceeds annually instead of quarterly. This does not change the amount of taxes owed, but lessens the paperwork burden, supporters said.

LB 1056 passed with the emergency clause 47-0 and was approved by the Governor on August 15, 2020.

LB 1064—Change Provisions Relating to the Sale and Use of Tobacco Products (*Briese*)

LB 1064 raises the legal age from 19 to 21 to purchase or use tobacco in any form, including cigarettes, cigars, electronic nicotine delivery systems, and alternative nicotine products.

The bill brings the state into compliance with federal law passed in December 2019 that raised the legal age to purchase any tobacco product from 18 to 21. Nebraska joins at least 30 other states that have raised the age to purchase tobacco to 21.

Under the provisions of LB 1064, selling tobacco products to underage individuals is a Class III misdemeanor punishable by up to three months in jail, a \$500 fine, or both.

LB 1064 also raises the age from 19 to 21 to enter a tobacco specialty store, but allows such stores to

employ persons who are 19 or 20 years of age until January 1, 2022.

Finally, the bill includes provisions from **LB 322**, which was originally heard by the Judiciary Committee. These provisions establish a uniform process for tobacco sales compliance checks. The bill allows persons ages 15 to 20 to assist law enforcement in conducting compliance checks providing certain conditions are met. Among other requirements, a parent or legal guardian must give written consent and the underage individual cannot consume tobacco products.

The bill has an operative date of October 1, 2020.

LB 1064 passed with the emergency clause 48-0 and was approved by the Governor on August 15, 2020.



LEGISLATION NOT ENACTED

LR 285CA—Constitutional Amendment to Provide for Use of Lottery Proceeds for Prison Overcrowding Prior to Use for the Nebraska Environmental Trust Act (*Brewer*)

LR 285CA would have proposed an amendment to Article III, section 24, of the Nebraska Constitution that would have changed how proceeds from the Nebraska Lottery are distributed.

The amendment would have redirected a share of proceeds currently going to the Environmental Trust Fund to be used to address prison overcrowding as the Legislature directs.

The Nebraska Environmental Trust receives 44.5 percent of lottery proceeds remaining after payout for prizes, operating expenses, and \$500,000 to the Compulsive Gamblers Assistance Fund. Lottery proceeds also help fund education and the Nebraska State Fair.

LR 285CA was withdrawn by the introducer.



LR 295CA—Constitutional Amendment to Allow the Legislature to Authorize, Regulate, and Tax Any Game of Chance (*Wayne*)

LR 295CA would have proposed an amendment to Article III, section 24, of the Nebraska Constitution that, if approved by voters, would have allowed the Legislature to authorize, regulate, and tax any game of chance. Essentially, the amendment would have legalized gambling in Nebraska.

The Constitution prohibits games of chance, with the exception of the State Lottery and certain charitable enterprises, such as keno, and bars the Legislature from authorizing other games of chance.

LR 295CA did not advance from committee and died with the end of the session.



GOVERNMENT, MILITARY and VETERANS AFFAIRS COMMITTEE

Senator Tom Brewer
Chairperson



ENACTED LEGISLATION

LB 781—Provide for Annual Continuing Education for Treasurers of Certain Local Governments, Change and Eliminate County Treasurer Statement Requirements, and Provide a Duty for the Auditor of Public Accounts (*Stinner*)

LB 781 amends state statutes governing the duties and responsibilities of municipal and county treasurers, as well as the Nebraska Auditor of Public Accounts. As enacted, LB 781 contains provisions of **LB 807** and **LB 1047**.

Under LB 781, every city, village, and county treasurer must complete a continuing education program. The program is to be developed by the Nebraska Auditor of Public Accounts (state auditor), in consultation with the Nebraska Association of County Officials and the League of Nebraska Municipalities. City or village clerks who also serve in the capacity of treasurer must meet

this requirement. Costs incurred to attend continuing education courses are at the expense of the city, village, or county.

The state auditor is responsible for maintaining records of program attendance and notifies each city council, village board of trustees, or county board when its treasurer has not met the education requirement. Additionally, the auditor must notify the respective county attorney and the Nebraska Attorney General.

LB 781 also changes the statutory reporting and



publication requirements for county treasurers.

In January and July of each year, all 93 county treasurers must report a tabulated statement of the receipts and disbursements for the last six months ending June 30 and December 31, including (1) the amount of money received and the fund category, (2) the amount of disbursements and the fund category, (3) the ending fund balance for each fund category, (4) the amount of outstanding warrants or orders registered and unpaid, (5) the total balance, and (6) the total amount of unpaid claims of the county as certified by the county clerk.

The statements must be printed in a legal newspaper

that is published in the county or in a newspaper of general circulation within the county. For counties with a population of more than 250,000 people, the report must be printed in a daily legal newspaper published in the county. If a newspaper cannot publish the statement in a timely manner, the statement can be published on a county's website.

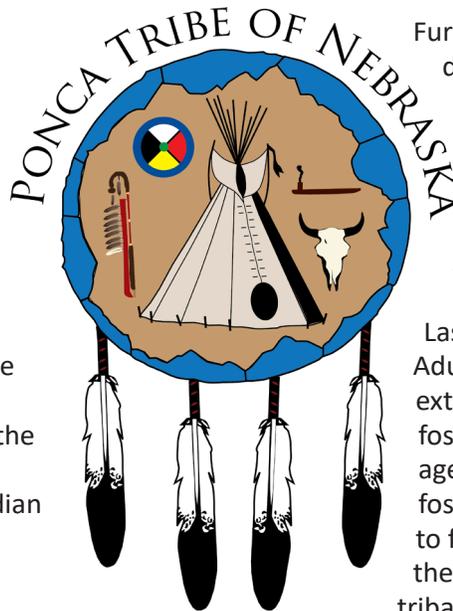
Lastly, all audits performed by the state auditor's office after June 30, 2020, must follow the principles set forth in Government Auditing Standards (2018 revision).

LB 781 passed with the emergency clause 47-0 and was approved by the Governor on August 15, 2020.

LB 848—Rename Columbus Day as Indigenous Peoples' Day and Columbus Day, Change the Young Adult Bridge to Independence Act as it Relates to Indian Tribes, and Require the Display of Tribal Flags in the Capitol (*Pansing Brooks, Brewer, Linehan, McCollister, Scheer, Vargas, Hunt, and M. Hansen*)

In recognition of the historic, cultural, and contemporary significance of the indigenous people of Nebraska, the second Monday in October is renamed Indigenous People's Day and Columbus Day. LB 848, as enacted, also contains the provisions of **LB 849** and **LB 937**.

Additional efforts to recognize the indigenous people of Nebraska include displaying tribal flags in the Nebraska State Capitol Building. LB 848 directs the Clerk of the Legislature to coordinate with the Nebraska Commission on Indian Affairs (commission) to display flags of the four federally recognized tribes headquartered in Nebraska: Omaha, Ponca, Winnebago, and Santee Sioux Nation. The flags are to be displayed in the legislative chamber. All expenses for the flags and mounting hardware are paid for with private dollars raised by the commission.



Further, the Capitol Administrator must display the flags of Indian tribes with historic and regional connections to Nebraska within the Memorial Chamber on the 14th floor of the Capitol. The commission is to work with the 27 tribes connected to Nebraska to make these designations and display flags.

Lastly, LB 848 makes changes to the Young Adult Bridge to Independence Act, which extends services and support to former foster youth who have turned 19— the age of majority— and have aged out of the foster care system. The bill extends eligibility to former tribal wards who have reached the age of 18— the age of majority under tribal law— and have aged out of Tribal Court proceedings.

LB 848 passed 35-10 and was approved by the Governor on August 15, 2020.



LB 850—Authorize Placement of a Monument to the First Regiment Nebraska Volunteer Infantry at Fort Donelson National Battlefield *(Pansing Brooks, Bostelman, Brewer, Linehan, Lowe, Scheer, Williams, Hunt, M. Hansen, and Blood)*

LB 850 pays tribute to the pivotal role played by the soldiers of the First Regiment of the Nebraska Volunteer Infantry (First Nebraska) in February 1862 at the battle of Fort Donelson in northwestern Tennessee. According to Civil War Historian Bruce Catton, the battle of Fort Donelson has been called “one of the most decisive engagements of the entire war.” Actions taken by First Nebraska ensured that the Confederate army would not escape and was one of the first critical victories for the Union.



by the Nebraska Secretary of State: an employee of the Nebraska State Historical Society; two members of a Civil War roundtable group; and a professor of history from the University of Nebraska. Additionally, the chairperson of the Legislature’s Government, Military and Veterans Affairs Committee serves as a voting member.

By no later than December 31 of each year, the committee must submit an electronic report to the Government, Military and Veterans Affairs Committee updating members on the progress of the monument. The committee will terminate upon completion of the project.

LB 850 passed with the emergency clause 43-0 and was approved by the Governor on August 6, 2020.

Under LB 850, the Nebraska Secretary of State will enter into an agreement with the U.S. Secretary of the Interior or the superintendent of the Fort Donelson National Battlefield and submit a written request for approval to place a monument at the fort. The monument will be funded by grants

and private donations.

The bill also creates the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee (committee). The committee is responsible for creating, producing, transporting, installing, and unveiling the First Nebraska monument. The committee consists of four members appointed

LB 918—Create the Commission on African American Affairs *(Wayne, Chambers, and Blood)*

With LB 918, Nebraska becomes the 13th state to have a commission solely dedicated to the affairs of its African American community (community). The purpose of the commission is to enhance the cause of African American rights and to develop solutions to common problems for all African Americans in Nebraska.

Nebraska’s Commission on African American Affairs consists of 14 members, all of whom must be of African ancestry and are appointed by the Governor for four-year terms.

Additionally, the commission can appoint ex-officio members, who do not have to be of African ancestry.

Commission duties include:

- Promote state and federal legislation;
- Coordinate programs regarding housing, education, welfare, medical and dental care, employment, economic development, law and order, and other related issues;
- Work with state and federal

agencies and elected officials to develop the above programs;

- Keep the Governor’s Office informed of the situation and needs of the community;
- Provide public information and education related to the affairs of the community; and
- Develop programs to encourage involvement of African American people in activities for the benefit of the community.

LB 918 passed 39-2 and was approved by the Governor on August 15, 2020.



LB 1055—Change Provisions Regarding Elections and the Nebraska Accountability and Disclosure Act (*Brewer*)

The Government, Military and Veterans Affairs Committee's omnibus bill addresses a variety of issues and makes numerous changes to Nebraska's election laws. As enacted, LB 1055 includes provisions of **LB 820**, **LB 1086**, **LB 1110**, **LB 1120**, and **LB 1136**.

LB 1055 requires those counties conducting elections completely by mail must (1) allow voters to hand-deliver ballots to the county election office; (2) maintain a minimum of one secure ballot drop box with 24-hour access 10 days in advance of the election; (3) maintain at least one in-person voting location within the election office with availability to voters on the day of the election; and (4) maintain in-person, early voting opportunities. County election officials can provide additional secure ballot drop boxes and in-person voting locations that do not have to meet the bill's access requirements.

A second major change in LB 1055 defines, provides qualifications, and describes duties of a poll watcher.

LB 1055 defines a poll watcher as an individual appointed to a specific polling place to observe the conduct of an election. In order to be eligible to be a poll watcher, a person must be a registered voter in Nebraska or a representative of a state-based, national, or international election-monitoring organization.

Any political party in Nebraska, a candidate for election in Nebraska not affiliated with a political party, an organization of persons interested in a ballot question, or a nonpartisan organization interested in Nebraska's elections and the elective process can appoint one or more poll watchers.

The county clerk or election commissioner and the Nebraska Secretary of State are responsible for



Since 2005, Neb. Rev. Stat. sec. 32-960 has given counties with fewer than 10,000 residents the option to conduct all-mail elections. Eleven Nebraska counties currently conduct all-mail elections, including: Boone, Cedar, Cherry, Clay, Dawes, Dixon, Garden, Knox, Merrick, Morrill, and Stanton.

issuing credentials to poll watchers.

In order to appoint poll watchers, written notice must be given to the appropriate county clerk or election commissioner no later than the close of business on the Wednesday prior to the day of the election. The written notice must include a list of appointed poll watchers, as well as a list of the voting precincts to be observed.

Written notice for poll watchers requested by a national or international election-monitoring organization must be submitted to the Nebraska Secretary of State no later than the close of business on the Wednesday prior to the day of the election. The request must include a list of appointed poll watchers, as well as a list of counties and precincts to be observed.

Protests of any aspect of an election by the poll watcher or the sponsoring organization must be filed with the Secretary of State or the election

commissioner or county clerk. The election official must rule on the issues within a reasonable amount of time. Persons found to be violating the provisions of LB 1055 are guilty of a Class V misdemeanor.

Additionally, LB 1055:

- Removes and modifies the content of voter registration applications;
- Changes filing deadlines for recall petitions and timeframes for holding special elections;
- Adds local public power districts to the list of boards governed by the Nebraska Political Accountability and Disclosure Act; and
- Allows a candidate who was appointed to fill a vacancy after the incumbent filing deadline to file for office by the non-incumbent deadline.

LB 1055 passed 47-0 and was approved by the Governor on August 7, 2020.



LEGISLATION NOT ENACTED

LB 758—Name the State Capitol Courtyards (*Scheer*)



Lee Lawrie



Bertram Goodhue



Hildreth Meiere



Hartley Burr Alexander

Construction of the Nebraska State Capitol building was finished nearly 88 years ago, but some of the original landscaping plan remains incomplete. Over the last decade, a group of former state senators has raised funds to renovate the four interior courtyards and restore them as originally designed by the state’s first trained landscape architect, Ernst Herminghouse.

LB 758 would have amended the Nebraska State Capitol Preservation and Restoration Act to name the courtyards of the State Capitol to honor the individuals whose innovative designs, artistry, and inscriptions are visible throughout the building.

The northeast courtyard would have been named after Bertram Goodhue, a New York City architect who was given full creative freedom in designing Nebraska’s third capitol building.

The southeast courtyard would have been named after Hartley Burr Alexander, a Nebraska native and professor of philosophy at the University of Nebraska who drew upon statesmen, philosophers, lore of the Plains Indians, and his own insights when developing the inscriptions that appear on the interior and exterior of the Capitol.

The southwest courtyard would have been named after Hildreth Meiere, a muralist from New York City who worked with philosopher Hartley Burr Alexander to develop the mosaics that adorn the floors and ceilings of the Capitol.

Lastly, the northwest courtyard would have been named after Lee Lawrie, a German-born sculptor who is responsible for the intricate sculptures incorporated throughout the building’s architecture.

LB 758 advanced to General File and died with the end of the session.



LB 790—Change the Political Subdivisions and Construction Alternatives Act and Certain State Bidding Requirements and Contract Approval Procedures (*Slama*)

LB 790 would have allowed the Department of Administrative Services to join competitive bid group contracts involving one or more political subdivisions in other states rather than seeking new bids for an independent contract. The state purchasing bureau would have negotiated contract terms on behalf of the state.

Additionally, the bill would have authorized political subdivisions to use a design-build method for water infrastructure projects. Under this method, the contracting agent would have been responsible for planning,

designing, and constructing the agreed upon project.

Lastly, LB 790 would have directed the Department of Health and Human Services and the Department of Veterans' Affairs to work jointly to include the question, "Have you or a family member ever served in the military?" on all intake forms and during interviews, where appropriate. (This provision was enacted in LB 755, discussed on page 35.)

LB 790 advanced to Select File and died with the end of the session.

LR 283CA—Constitutional Amendment to Change Qualifications of Electors (*Brewer, Halloran, Hilgers, La Grone, and Lowe*)

LR 283CA would have proposed an amendment to Article VI, section 1, of the Nebraska Constitution to change who is eligible to be an elector.

Currently, the Constitution provides that every citizen who is at least 18 years old, on or before the first Tuesday after the first Monday in November, is eligible to be an elector.

According to the introducer, this amendment would have changed "every citizen" to "only a citizen" for the purpose of strengthening and clarifying that only citizens can vote in elections.

LR 283CA did not advance from committee and died with the end of the session.

LR 286CA—Constitutional Amendment to Remove Felonies other than Treason from Being a Disqualification for Voting (*Cavanaugh, Chambers, and Hunt*)

LR 286CA would have proposed an amendment to Article VI, section 2, of the Nebraska Constitution so that only a conviction of treason would have been a disqualification for voting.

LR 286CA did not advance from committee and died with the end of the session.

LR 292CA—Constitutional Amendment to Require Verification of Identity Prior to Voting (*La Grone, Albrecht, Bostelman, Brewer, Clements, Erdman, Gragert, Groene, Halloran, B. Hansen, Lowe, Moser, Murman, Slama, and Hilkemann*)

LR 292CA would have proposed an amendment to Article I, section 22, of the Nebraska Constitution to add language requiring voter identification.

The constitutional amendment would have allowed the Legislature to provide for the types of acceptable voter ID, as well as exemptions in situations that would violate an individual's right to vote.

LR 292CA failed to advance and died with the end of the session.



HEALTH and HUMAN SERVICES COMMITTEE

Senator Sara Howard
Chairperson



ENACTED LEGISLATION

LB 755—Change Provisions Relating to Home Services under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and Barber Act; Physician Assistants under the Medicine and Surgery Practice Act and the Podiatry Practice Act; Membership of the Board of Medicine and Surgery; Infant Screening Testing; Parkinson’s Disease Drug Reporting; and the Engineers and Architects Regulation Act (*Blood, DeBoer, and Hilkemann*)

Licensed nail technicians and cosmetologists can provide home services to clients but, prior to adoption of LB 755, there was no such provision for barbers. LB 755 amends the Barber Act to allow licensed barbers to provide in-home services in certain circumstances.

In order to receive home barber services, the client must be “in emergency or persistent circumstances”

which prevent him or her from regularly leaving his or her residence to conduct routine affairs such as grocery shopping or attending worship services. Examples of qualifying circumstances include suffering from a chronic illness, general infirmity, having a temporary immobilizing injury, suffering a severe mental disability, or having sole responsibility for caring for someone requiring constant attention.



A barber cannot perform home barber services unless employed by, or under contract to, a barber shop licensed by the Board of Barber Examiners to perform home barber services.

An additional provision in the bill adds “persistent circumstances” to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act list of allowable situations in which home services can be provided.

Provisions from six additional bills are included in LB 755.

LB 37 amends the Podiatry Practice Act to allow physician assistants (PAs) to practice in collaboration with and under the supervision of licensed podiatrists. PAs can only perform services as delegated by a supervising podiatrist and that are within the podiatrist’s scope of practice and appropriate for the level of education, experience, and training of the PA. Podiatrists and PAs must have written agreements setting out the terms of supervision and scope of practice.

LB 752 instructs the Department of Health and Human Services (DHHS) and the Department of Veterans’ Affairs to encourage service providers to ask the question “Have you or a family member ever served in the military?” during interviews and on intake forms. Hospitals, mental health care centers, senior centers, employment offices, courts, schools, and encounters with law enforcement are listed as examples of appropriate opportunities to obtain this information.

LB 772 makes changes to the Medicine and Surgery Practice Act to expand the scope of practice for PAs. The bill removes many restrictions previously placed on PAs, such as their ability to prescribe medication, their ability to work in hospitals, and the content of their collaborative agreements.

PAs must have at least one supervising physician for each employer. If the employer is a multispecialty practice, a supervising physician is required for each specialty practice area.

Another provision in the bill allows PAs to provide services in a setting that is geographically remote from the supervising physician or supervising podiatrist.

Finally, the bill makes changes to the governance of the Physician Assistant Committee by making the Board of Medicine and Surgery member nonvoting.

LB 811 amends The Parkinson’s Disease Registry Act to change the information pharmacists must submit in their semi-annual report to DHHS listing persons to whom the pharmacist has dispensed Parkinson’s disease drugs. This provision also removes the requirement to include the patient’s social security number and adds the requirement to include the patient’s date of birth.

LB 825 adds spinal muscular atrophy to the list of screenings required for newborns. The bill also adds it to the list of diseases for which dietary and therapeutic management are the responsibility of the child’s parent, guardian, or custodian.

LB 834 amends the Nebraska Engineers and Architects Regulation Act to reduce barriers to licensure for architects and professional engineers.

The bill removes the minimum requirements for taking the technical and professional subjects of architecture exam and allows the exam to be taken without approval of the Board of Engineers and Architects (board) while completing their education and experience requirements.

Another provision recognizes graduation from a program accredited by the Canadian Engineering Board as fulfilling the education requirement for enrollment as an engineer-intern and also for taking the engineering principles and practices exam. The bill also removes the exam’s prior work experience requirement.

In addition, the bill adds a two-year time limit to temporary permits issued to architects and engineers licensed in other jurisdictions who wish to practice in Nebraska.

Finally, the bill allows compensation for members of the board for participation in, attendance at, and conduct of board activities by telephone or electronic means.

LB 755 passed 47-0 and was approved by the Governor on August 15, 2020.



LB 840—Prohibit the Use of Electronic Smoking Devices as Prescribed under the Nebraska Clean Indoor Air Act (*Quick, Crawford, M. Hansen, Pansing Brooks, Walz, and Kolowski*)



LB 840 prohibits the use of electronic smoking devices in public places and places of employment.

The bill defines an electronic smoking device as a type of electronic nicotine delivery system. An electronic nicotine delivery system simulates smoking by delivering nicotine, tobacco, or tobacco derivatives in a vapor, fog, mist, gas, or aerosol form.

In addition, LB 840 expands the definition of smoking beyond lighting or possessing a cigarette, cigar, pipe, or other smoking material, to “inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation” including an electronic smoking device.

The bill exempts licensed electronic smoking device retail

outlets from the Nebraska Clean Indoor Air Act as it relates to the use of electronic smoking devices. An electronic smoking device retail outlet sells electronic smoking devices and related products, does not sell alcohol or gasoline, receives no more than 20 percent of its revenue from the sale of food, and prohibits anyone under 21 from entering.

Until January 1, 2022, an electronic smoking device retail outlet can employ an individual who is under the age of 21. After that date, all employees must be 21 or older.

Finally, LB 840 requires the owner of a tobacco retail outlet to post a sign stating that smoking of cigars and pipes is allowed inside the business but smoking of cigarettes and electronic smoking devices is not allowed.

LB 840 passed 33-2 and was approved by the Governor on August 6, 2020.

LB 1053—Change Various Provisions under the Medical Assistance Act, Health Care Facility Licensure Act, and Medication Aide Act and Change Receiver and Receivership Provisions Relating to Health Care Facilities (*Health and Human Services Committee*)

Introduction of LB 1053 was prompted by a move by the Department of Health and Human Services (DHHS) to remove Medicaid reimbursement rate methodologies for both nursing homes and hospitals from its rules and regulations. This raised serious concerns that a new unregulated rate methodology could be imposed without stakeholder input, adversely impacting service providers. The rate methodology is used to calculate the amount of reimbursement nursing facilities and hospitals receive for the care of Medicaid patients.

LB 1053 requires DHHS to adopt and promulgate rules

and regulations regarding the rate methodology for reimbursing hospital and nursing facility services. Any change to the rate methodology is considered substantive and requires a new rulemaking or regulation-making proceeding under the Administrative Procedure Act.

Provisions of two additional bills are included in LB 1053.

LB 833 changes provisions in the Health Care Facilities Licensure Act related to Programs of All Inclusive Care for the Elderly (PACE).

PACE provides comprehensive medical and social services



to certain frail, community-dwelling, elderly individuals. An interdisciplinary team of health professionals provides PACE participants with coordinated care and a package of services that enable them to remain in the community rather than receive care in a nursing home.

Previously, PACE centers were required to have multiple licenses for each health care facility or health care service the PACE center operates. LB 833 creates an exception allowing PACE centers to operate under a single license.

An additional provision exempts licensed PACE centers from the provisions of the Medication Aide Act.

LB 1043 makes several changes to state law governing health care facility receiverships.

The bill provides DHHS can petition the district court of the county where the health care facility is located or, in the event multiple facilities are involved, the district court of Lancaster County to appoint a receiver for the facility. Unless approved by the court, no person can act as a

receiver for more than six health care facilities at the same time.

The receiver must conduct a thorough analysis of the financial records of the health care facility within the first 30 days of the receivership and provide monthly reports to the court and DHHS regarding the financial status of the facility as well as plans for its continued operation or sale.

LB 1053 also changes the time frame for the court to order a health care facility closed or sold, from 12 months after a hearing to six months. Compensation for the receiver and his or her receivership expenses must be approved by the court.

Finally, the bill clarifies language relating to the liability of the receiver and the relationship between the receiver and the Attorney General for defense of the receiver in the receiver's official capacity.

LB 1053 passed 48-0 and was approved by the Governor on August 15, 2020.

LB 1061—Change the Child Protection and Family Safety Act and Eliminate a Committee (*Crawford and Howard*)

LB 1061 amends the Child Protection and Family Safety Act, which sets out the procedures used by the Department of Health and Human Services (DHHS) in response to a report of child abuse or neglect.

The bill extends and makes changes to the use of alternative response procedures in child welfare cases

Alternative response is a process for handling reports of child abuse where danger to the child is low and court involvement is not required. Alternative response seeks to keep families intact and out of the court system. Unlike traditional response, which requires an investigation and formal determination of whether child abuse or neglect has occurred, alternative response has no such requirement and the subject of the report is not placed on the Child Abuse and Neglect Registry.

Not all reported child abuse cases are eligible to be handled through alternative response. The bill lists 15 exclusions, including murder, assault, and sexual abuse,

for which alternative response is not an option.

LB 1061 creates an advisory group within the Nebraska Children's Commission to monitor DHHS use of alternative response and make recommendations to the Legislature as needed. Alternative response has been in use since 2014 under a pilot project and is scheduled to sunset on December 31, 2020. The bill eliminates the sunset date.

In addition, the bill mandates that DHHS use evidence-based tools in traditional response assessments, giving DHHS more flexibility in how to respond to abuse claims.

Finally, LB 1061 eliminates the Nebraska Children's Commission subcommittee to examine state policies and procedures for prescribing and administering psychotropic drugs to children who are wards of the state.

LB 1061 passed 46-0 and was approved by the Governor on July 24, 2020.



LB 1124—Adopt the Opioid Prevention and Treatment Act (*Howard and Lindstrom*)

Across the country, state and federal lawsuits against opioid manufacturers and distributors are resulting in multimillion dollar judgments and settlements. LB 1124, the Opioid Prevention and Treatment Act, creates a repository for any future funds the state receives as the result of opioid litigation.

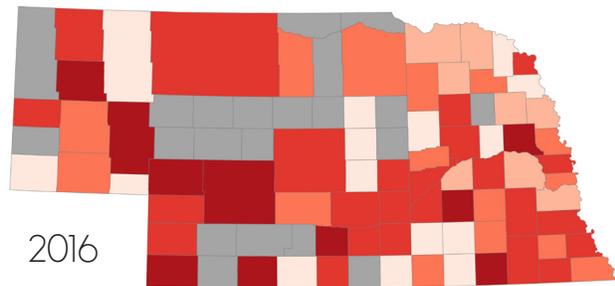
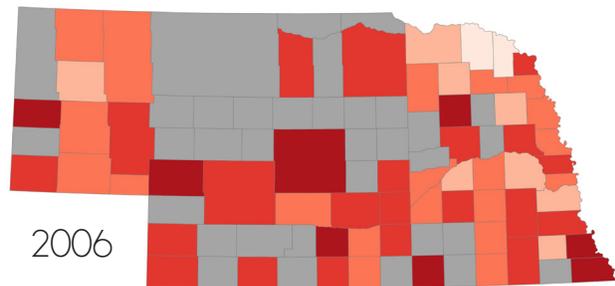
The new fund, known as the Nebraska Opioid Recovery Fund, is to be used to fund opioid disorder-related treatment and prevention.

Any funds appropriated or distributed under the act must be spent in accordance with the terms of any verdict, judgment, compromise, or settlement.

The Department of Health and Human Services is to annually report to the Legislature, the Governor, and the Attorney General regarding the use of any appropriated funds and the outcomes received.

LB 1124 passed 48-0 and was approved by the Governor on August 7, 2020.

Opioid Prescriptions per 100,000 residents



Source: CDC



LB 1140—Change Provisions Relating to Youth Rehabilitation and Treatment Centers and Placement of Juveniles (*Health and Human Services Committee*)

Even though the first Youth Rehabilitation and Treatment Center (YRTC) was established in Nebraska over 100 years ago, statutes are silent on the purpose and operation of the state's two YRTCs. LB 1140, and the four bills amended into it, codify the purpose and duties required of the YRTCs, along with requirements for the Department of Health and Human

Services (DHHS).

The bill states the purposes of YRTCs are to provide programming and services to rehabilitate and treat juveniles committed under the Nebraska Juvenile Code. Each YRTC must provide:

- Safe and sanitary space for

sleeping, hygiene, education, programming, treatment, and recreation;

- Health care and medical services;
- Appropriate separation of juveniles based on gender;



- Sufficient staffing to comply with law and protect the safety and security of each juvenile;
- Training specific to the population being served;
- A facility administrator with responsibility for a single YRTC;
- An evaluation process for development of an individualized treatment plan within 14 days of admission to a YRTC;
- An education program that is age and developmentally appropriate;
- Case management designed to reintegrate the juvenile into the community;
- Compliance with federal requirements; and

- Research- or evidence-based programming and treatment services.

The bill prevents DHHS from establishing a new YRTC or moving a YRTC to a new or existing state or private facility until March 20, 2021.

Provisions of four other bills are included in LB 1140.

LB 1141 requires DHHS to develop a five-year operations plan with input from key stakeholders. The bill sets out a list of items to be included in the plan, among them staffing, programming, and performance and outcome measures. A statement of rights and a grievance process for juveniles at the facility are also to be included. The original plan is to be submitted by March 15, 2021, and annually thereafter.

LB 1142 requires DHHS to develop an emergency plan for the YRTCs and amends the Nebraska Juvenile

Code to allow for placement of a juvenile at a detention facility for up to seven days in the event of an emergency. The bill defines an emergency. Inadequate staffing does not constitute an emergency under the definition. The bill sets out the requirements for the plan as well as who is entitled to notice in the event an emergency plan is implemented.

LB 1143 authorizes DHHS to conduct a needs assessment and cost analysis for the establishment of an inpatient adolescent psychiatric unit within the Lincoln Regional Center. If DHHS chooses to conduct a needs assessment, it is instructed to contract with an outside consultant.

LB 1145 mandates that the policies and procedures of DHHS regarding the transportation of juveniles placed at a YRTC are also applicable to private contractors.

LB 1140 passed with the emergency clause 48-0 and was approved by the Governor on August 6, 2020.

LB 1183—Adopt the Population Health Information Act, Create the Health Information Technology Board, and Change Prescription Drug Monitoring Program and Statewide Health Information Exchange Provisions (*Arch, Blood, and Vargas*)

LB 1183 creates a 17-member Health Information Technology Board. The board includes 15 members appointed by the Governor along with the chairpersons of the Legislature’s Health and Human Services Committee and Appropriations Committee, both of whom are nonvoting, ex officio members. A minimum of three members must be appointed from each congressional district. Gubernatorial appointees serve five-year terms and must be approved by the Legislature. The board begins meeting on or before April 1, 2021.

Duties of the board include:

- Establishing criteria for data collection and disbursement by the statewide health information exchange and the Prescription Drug Monitoring Program (PDMP);

- Evaluating and ensuring the statewide health information exchange is meeting technological standards for reporting data for the PDMP;
- Providing oversight to ensure that health information is accessed, used, or disclosed only in accordance with the Health Insurance Portability and Accountability Act (HIPPA) privacy and security protections; and
- Providing recommendations to the statewide health information exchange.

The bill also makes several changes to the PDMP, including requiring that any prescription drug dispensed in the state be entered into the system daily after the prescription drug is sold. This replaces language requiring that the



information be entered into the system when the drug was dispensed.

The bill also contains provisions from **LB 1058** creating the Population Health Information Act to provide a statutory framework for the operation of the state health information exchange.

Among its responsibilities, the health information exchange is to:

- Aggregate clinical information to support the medical assistance program under the Medical Assistance Act;
- Collect and analyze data to inform the Legislature, Department of Health and Human Services, and other health care providers and entities as to the cost, access to, and quality of health care in

Doctors



Drug Monitoring



Pharmacies



Nebraska; and

- Collect and report public health data for registry submissions, electronic laboratory reporting, immunization reporting, and syndromic surveillance from an electronic health record.

LB 1183 passed with the emergency clause 47-0 and was approved by the Governor on August 7, 2020.

LB 1188—Change Provisions Relating to Youth Rehabilitation and Treatment Centers *(Howard, Murman, and Walz)*

LB 1188 requires that by December 1, 2020, the Department of Health and Human Services (DHHS) establish and fill the position of superintendent of institutional schools to administer the education programs in state institutions that house juveniles under the supervision of DHHS. The superintendent of institutional schools reports directly to the CEO of DHHS and reports annually to the State Board of Education as a requirement for accreditation of education programs.

Provisions of three other bills are included in LB 1188.

LB 1147 authorizes DHHS to direct the daily maintenance, minor repairs, custodial duties, and operations of the buildings that DHHS administers which house juveniles. Previously, the Department of Administrative Services had sole responsibility for building maintenance and upkeep for all youth rehabilitation and treatment centers (YRTCs)

LB 1149 requires the Office of Juvenile Services (OJS) to use evidence-based and validated risk and needs assessment tools to create individualized treatment plans and provide treatment services and programs.

In addition, OJS is to provide evidence-based services and operate the YRTCs in accordance with evidence-based policies, practices, and procedures and submit a comprehensive annual report detailing the evidence-based services, policies, practices, and procedures it uses and the efforts taken to ensure fidelity to evidence-based models.

The bill also includes a provision that prevents a juvenile’s in-person visitation, phone calls, or electronic communication with relatives from being limited or prohibited as a consequence of a sanction.

LB 1150 requires that beginning July 1, 2021, except in the event of an emergency as defined in the bill, the YRTC-Kearney is used exclusively for the treatment of boys and the YRTC-Geneva is used exclusively for the treatment of girls. In the event of an emergency, both genders can be housed in the same facility for up to seven days. If this occurs, DHHS must ensure safe and appropriate gender separation.

LB 1188 passed 42-4 and was approved by the Governor on August 6, 2020.



JUDICIARY COMMITTEE

Senator Steve Lathrop
Chairperson



ENACTED LEGISLATION

LB 43—Adopt the Sexual Assault Victims’ Bill of Rights and Change Certain Rules of Procedure *(Bolz, Cavanaugh, M. Hansen, Hunt, and Vargas)*

LB 43 creates a Sexual Assault Victims’ Bill of Rights in Nebraska.

The bill specifies that victims have the right to be treated with fairness, dignity, and respect during the investigation process. The bill codifies certain rights for crime victims related to physical examinations, interviews, and depositions arising out of sexual assault investigations. The intent is to encourage sexual assault victims to come forward, inform victims about their rights, and connect them with recovery resources.

Under LB 43, medical professionals, peace officers, prosecutors, or defense attorneys must provide written documentation of victims’ rights prior to any physical examination or interview. The rights enumerated include the right to choose the gender of the peace officer handling the investigation and the right to a private consultation with a sexual assault advocate.

LB 43 also clarifies that a victim is entitled to have forensic

medical examination costs paid pursuant to Neb. Rev. Stat. sec. 81-1429.03 whether or not they decide to cooperate with law enforcement. Prompt testing, analysis, processing of evidence, and clear communication must be the primary goals for state investigators in sexual assault cases. The bill requires a medical provider who conducts a post-assault exam to contact the appropriate law enforcement agency, which must retain any forensic evidence for at least 20 years.

The bill also includes protections for victims when reporting sexual assaults. For example, victims cannot be prosecuted for misdemeanors uncovered during their sexual assault investigation. The bill also clarifies that sexual assault victims have a right to be protected from further harm based on the decision to cooperate with law enforcement.

LB 43 passed 43-0 and was approved by the Governor on August 6, 2020.



LB 230—Provide for Room Confinement of Juveniles as Prescribed (*Pansing Brooks, Hunt, and Wayne*)

Solitary confinement in state Youth Rehabilitation and Treatment Centers (YRTCs) will be reserved for only the most extreme circumstances under LB 230.

Psychologists have long known that solitary confinement can have serious negative effects on the mental health of people of all ages, but particularly juveniles. During adolescence, the brain undergoes major structural growth. Depriving children from human contact during this growth process can have permanent developmental effects.

The bill prohibits juvenile offenders from being confined alone in their rooms unless they pose a danger to themselves or others and other less restrictive alternatives have been exhausted. The measure bans the practice from being used as a form of punishment or retaliation, or because of staffing shortages. In addition, juveniles can

only be confined if it does not compromise their physical or mental health.

The bill requires that confined individuals continue to have access to medical treatment, food, contact with family, legal assistance, and educational programming. The family and attorneys for any juvenile placed in confinement must be notified within one business day. The bill specifies that the confinement period should be restricted to the minimum amount of time required to resolve the threat.

The new requirements in LB 230 only apply to detention and staff secure facilities, facilities operated by the Department of Correctional Services, YRTCs, and any county facility that houses youth under the age of majority.

LB 230 passed 44-0 and was approved by the Governor on February 12, 2020.

LB 247—Adopt the Advance Mental Health Care Directives Act (*Bolz and Linehan*)

Nebraskans have new legal options to determine the mental health care treatment they want — or do not want — when they cannot speak for themselves.

State law currently allows individuals to create a living will or name someone as their health care power of attorney, giving them the ability to make decisions about their care. LB 247 creates a new legal document called an “advance mental health care directive” aimed at allowing people with mental illnesses to specify precisely what treatment they want if they become too sick to make competent decisions.

These self-driven health directives, also called “psychiatric advance directives,” were first introduced in the 1980s and are legally recognized in 30 states.

LB 247 allows a person to issue instructions or preferences on future mental health care decisions, including consent to or refusal of specific types of care, such as inpatient treatment, psychotropic medication, or electroconvulsive therapy. The intent is that an advance directive can increase patient autonomy and help people avoid involuntary commitment or jail.

Two witnesses must be present for the signing of an

advance directive. The person signing must be of sound mind and cannot appear incapacitated or under undue influence or duress at the time of signing. A directive remains in effect until it expires or is revoked by the person invoking the directive.

LB 247 passed 44-0 and was approved by the Governor on August 6, 2020.

One in five Nebraskans report experiencing mental illness within the past year, about half a point higher than the United States' average.

Source: [University of Nebraska Medical Center](#)



LB 814—Prohibit Dismemberment Abortion (*Geist, Albrecht, Arch, Bostelman, Brandt, Brewer, Clements, Erdman, Gragert, Groene, Halloran, B. Hansen, Hilgers, Kolterman, La Grone, Linehan, Lowe, McDonnell, Moser, Murman, Slama, Lindstrom, Hughes, Briese, and Dorn*)



Abortion rights advocates and opponents gathered at the Nebraska State Capitol in May 2019.

Nebraska is the latest state to ban a controversial type of abortion.

LB 814 bans a specific type of second trimester abortion procedure called dilation and evacuation — except in emergency situations.

This method, sometimes referred to as “dismemberment abortion,” entails dilating a woman’s cervix and removing the fetus in pieces. The bill defines dismemberment abortion as a procedure in which a person purposely dismembers and extracts a living fetus from the uterus using clamps, forceps, or similar instruments. The bill does not apply to an abortion in which suction is used to terminate a pregnancy, or the removal of a fetus that is already dead.

Proponents described the procedure as brutal and inhumane. Opponents said the bill creates a burden on a

woman’s constitutional rights and puts people at risk by forcing doctors to use more medically risky procedures.

Any abortion provider convicted of performing a dismemberment abortion (unless done because of a medical emergency) is guilty of a Class IV felony, punishable by up to two years imprisonment with 12 months post-release supervision, a \$10,000 fine, or both. The bill places liability only on the physician who actually performs the procedure. The woman seeking the abortion, nurses, assistants, clinic staff, and pharmacists involved in the procedure cannot be prosecuted.

LB 814 also provides a cause of action for both injunctive relief and civil damages against the physician.

LB 814 passed 33-8 and was approved by the Governor on August 15, 2020.



LB 881—Change Provisions Relating to Criminal and Civil Procedure (*M. Hansen and DeBoer*)

LB 881 makes numerous changes to judicial procedure, including a correction to what critics say is a major oversight in existing Nebraska sexual assault statute.

The bill combines provisions of four bills — **LB 766**, **LB 991**, **LB 1048**, and **LB 1210** — all pertaining to sexual assault in schools, creating the new offense of sexual abuse by a school employee.

Under LB 881, sexual penetration of a student by a school employee is a Class IIA felony, punishable by up to 20 years in prison. Sexual contact with a student is a Class IIIA felony, subject to a penalty of up to three years imprisonment with 18 months post-release supervision, a \$10,000 fine, or both. School employees that engage in a pattern or scheme to subject a student to such conduct — commonly referred to as “grooming” — are guilty of a Class IV felony, punishable by a maximum of two years in prison with 12 months post-release supervision, a \$10,000 fine, or both.

A student’s consent to sexual activity is not considered a valid defense. A school employee found guilty of sexual abuse of a student under LB 881 is required to register as a sex offender. Reports of alleged sexual abuse by a school employee must be forwarded to the state Commissioner of Education, including the status of any active investigation. The bill also extends the statute of limitations for failure to report child abuse or neglect to 18 months after the crime occurred or the date the child reaches the age of majority, whichever is later.

LB 881 puts Nebraska on par with 22 other states — including Iowa, Wyoming, and Colorado —that already criminalize sexual contact between school employees and students.

The bill includes provisions of a host of other judicial procedure bills:

- **LB 213** allows a person sentenced to community service to apply to have their conviction set aside;
- **LB 282** requires the court to appoint counsel when setting bond for an indigent defendant;
- **LB 776** allows evidence from an expert witness regarding eyewitness testimony to be admitted under the Nebraska Evidence Rules;
- **LB 777** is a technical cleanup bill that replaces certain references to infractions, misdemeanors, and felonies in statute with the term “offense;”
- **LB 945** requires cities of more than 100,000 people to prepare an annual report of untested sexual assault evidence collection kits;
- **LB 1007** reduces the time between court reviews of a person’s competency to stand trial to every 60 days;
- **LB 1041** clarifies the process for making the grand jury transcript public in cases in which a person dies in state custody or detention;
- **LB 1180** increases to six the number of alternate jurors a court can impanel; and
- **LB 1181** provides that a person cannot be held in custody while awaiting trial for longer than the maximum sentence for the underlying offense.

LB 881 passed 30-8 and was approved by the Governor on August 7, 2020.

LB 924—Change Provisions Relating to Racial Profiling and Require Law Enforcement Training (*Chambers, Vargas, and Wayne*)

LB 924, requires two hours of annual anti-bias training at Nebraska law enforcement agencies.

State law requires the Nebraska State Patrol, county sheriffs, and all city and village police departments to adopt a racial profiling prevention policy that includes internal methods of prevention and enforcement. LB 924 adds anti-bias and implicit bias training and testing to the

anti-racism toolbox. The training is designed to minimize apparent or actual racial profiling and be incorporated into the 20 hours of annual training required for law enforcement officers to maintain certification.

The bill took on added significance following the killing of George Floyd by Minneapolis police on May 25, 2020, which triggered protests across the country and



Nebraska Traffic Stops by Race

| Race/Ethnicity | % of Nebraska Population | # of Traffic Stops | % of Total Traffic Stops |
|------------------------|--------------------------|--------------------|--------------------------|
| Asian/Pacific Islander | 2.6% | 7,349 | 1.7% |
| Black | 5.1% | 35,606 | 8.3% |
| Hispanic | 11% | 42,489 | 9.9% |
| Native American | 1.5% | 4,085 | 1% |
| Other | 2.3% | 7,198 | 1.7% |
| White | 79% | 331,522 | 77.4% |

Red Text = Race/Ethnicity is overrepresented in traffic stops when compared to the corresponding Nebraska population percentage.
Source: Nebraska Commission on Law Enforcement and Criminal Justice

brought renewed focus on issues of police misconduct and racial inequality. Proponents said this training could help prevent police killings of African Americans and reduce the amount of racial profiling in traffic stops. Opponents pointed to research that indicates implicit bias interventions do little to change racial attitudes and can even have the opposite effect.

The bill also improves data gathering for state crime

statistics. Prior to LB 924, law enforcement agencies were required to collect demographic information during traffic stops, including the race and ethnicity of the person stopped. LB 924 requires this information be transmitted to the Nebraska Commission on Law Enforcement and Criminal Justice so it can be analyzed on a statewide basis.

LB 924 passed with the emergency clause 49-0 and was approved by the Governor on August 6, 2020.

LB 1148—Provide and Change Requirements for Reports of Abuse and Neglect and Placement and Treatment of Juveniles (*Vargas, Howard, Lathrop, and DeBoer*)

LB 1148 makes several changes to the process of sending a juvenile to a Youth Rehabilitation and Treatment Center (YRTC).

The bill requires the Office of Juvenile Services (OJS) to file notice with the committing court to any changes in a juvenile’s treatment plan or placement at a YRTC. The office is required to provide copies of the notice to all interested parties, including any parent or guardian of the juvenile, at least seven days before the placement.

The bill restricts OJS’ authority to change the juvenile’s placement without a court order. LB 1148 authorizes the court to hold a review hearing for any change in placement and issue a temporary stay if necessary until completion of the review. Each juvenile who is placed at a YRTC is entitled to an annual review of his or her placement by the juvenile court for as long as he or she remains committed.

Provisions of five additional bills are included in LB1148:

- **LB 458** allows child advocacy centers to access child abuse and neglect investigations under review by the Nebraska Department of Health and Human Services (DHHS);
- **LB 906** clarifies the process of retaining forensic interview videos by child advocacy centers;
- **LB 940** clarifies legislative intent relating to sealing juvenile records.
- **LB 969** ensures that defendants are entitled to a physical copy of video evidence in which they are described; and
- **LB 975** allows DHHS to share information gathered from abuse investigations for the purpose of complying with other state or federal investigations.

LB 1148 passed 35-6 and was approved by the Governor on August 6, 2020.



LEGISLATION NOT ENACTED

LB 231—Change Provisions Relating to Legal Defense of Juveniles (*Pansing Brooks*)

The right to legal representation is a fundamental principle of the criminal justice system, however parents can waive that right in juvenile justice cases.

LB 231 would have required legal representation for juveniles at their first court appearance.

In 2016, senators passed legislation ensuring that juveniles in counties with a population greater than 150,000 are guaranteed access to counsel. This created a patchwork of legal rights across the state based on an offender’s age and place of residence. Under current law, only the state’s three largest counties now provide lawyers in every juvenile case.

LB 231 would have eliminated current provisions that distinguish between counties over and under 150,000 in regard to juvenile representation. Under LB 231, a legal counsel would have been appointed each time a juvenile court petition is filed. The juvenile and his or her parent or guardian would have been informed of the right to retain such counsel as needed.

Proponents said in smaller counties, juveniles sometimes waive representation without knowing the consequences. Opponents said parents or guardians should be the ones to decide if a lawyer is necessary on a case-by-case basis.

The bill also would have created the Juvenile Indigent Defense Fund within the Commission on Public Advocacy to provide a grant program for legal counsel for indigent juveniles. The Defense Fund would have been funded through a \$1 increase in court costs.

LB 231 failed to advance from General File and died with the end of session.

LB 238—Change Requirements for Witnessing Death Penalty Executions (*Pansing Brooks*)



An effort to increase transparency in the state’s execution protocol failed to survive a gubernatorial veto.

LB 238 would have required the Department of Correctional Services (DCS) to allow witnesses to view the execution continually from the moment the inmate enters the execution chamber until the moment he or she is pronounced dead, without any impediment to their line of sight.

The bill would have allowed any person performing an execution to wear a mask or otherwise conceal his or her personal identity. Under current law, at least two media representatives and up to six people total, including officials from DCS, are chosen to witness executions in Nebraska. Some family members and friends of the victim and condemned inmate are also permitted to attend.

LB 238 was a response to the 2018 execution of [Carey Dean Moore](#), the first person put to death in Nebraska in two decades, and the state’s first execution by lethal injection. During the procedure, witnesses reported that Nebraska prison officials dropped a curtain three times, blocking their view of the execution.

Proponents said it is important for witnesses to be able to view the entire execution, to ensure constitutional protections from cruel and unusual punishment are not violated during the process. Opponents argued that the specific execution protocols used at NCDS are better left to the executive branch.

LB 238 passed 27-10 but was vetoed by the Governor.



LB 1004—Change Provisions Relating to Age of Majority and the Administration of and Eligibility for Parole (*Lathrop*)

LB 1004 would have made some prison inmates eligible for parole sooner.

Individuals convicted of Class I and II felonies would have become eligible for parole within two years of their mandatory discharge, unless they were eligible for parole at an earlier date. Inmates still would have had to go before the Board of Parole and win approval to be released. The director of the Division of Parole Supervision would have established caseload standards for parole officers and provided annual caseload reports to the Legislature.

Nebraska's prisons have been among the most overcrowded in the nation for more than a decade. A state law passed in 2015 required the automatic declaration of an overcrowding emergency on July 1, 2020. According

to the Department of Correctional Services, as of August 2020, state prisons were at 151 percent of capacity, holding about 1,900 more inmates than they were designed to house.

Proponents argued the bill was a tool to reduce recidivism, while opponents said it could endanger public safety by allowing inmates with serious felony convictions to spend less time in prison.

The bill also included provisions of **LB 1036** which would have changed the age of consent for health care decisions from 19 to 18. It also would have allowed a person under 19, who is in the custody of the correctional system, to consent to medical and mental health care decisions.

LB 1004 passed 29-11 but was vetoed by the Governor.

LR 281CA—Constitutional Amendment to Allow the Legislature to Enact Legislation Authorizing Courts to Reduce Sentences (*McCollister*)

LR 281CA would have given courts more sentencing flexibility.

The proposal would have amended Article II, section 1, of the Nebraska Constitution to allow the Legislature to enact bills allowing courts to reduce criminal sentences after they have become final. For example, potential legislation under the amendment might have allowed a trial court judge to review an inmate's sentence, similar to the authority currently granted to the state Board of Pardons.

Proponents argued the measure was another tool to reduce mass incarceration and bring down prison overcrowding. Opponents said the proposal would have created a separation of powers conflict by investing authority in the courts that is reserved for the executive branch.

LR 281CA failed to advance from committee and died with the end of session.



NATURAL RESOURCES COMMITTEE

Senator Dan Hughes
Chairperson



ENACTED LEGISLATION

LB 126—Provide for Additional Limited Landowner Deer Hunting Permits (*Hughes*)

Deer and other wildlife cause millions of dollars in crop damage annually. Giving landowners some compensation for this depredation was the impetus behind LB 126.

LB 126 authorizes the Game and Parks Commission to issue up to four limited permits to hunt deer to qualifying landowners and their immediate family members (qualifying landowners) during the Saturday through Monday immediately preceding the opening day of the firearm deer hunting season. Each pre-season permit costs five dollars.

The number of discounted limited permits available to each qualifying landowner is determined by the number of acres owned, with an absolute cap at four permits

per qualifying landowner. For a Nebraska resident landowner, the number of permits issued cannot exceed the total acreage of the farm or ranch divided by 80. For a nonresident landowner, the number of permits issued cannot exceed the total acreage of the farm or ranch divided by 320.

Additionally, no more than one permit can be issued per person. Of the discounted permits available to each qualifying landowner, no more than two permits can be issued to persons 19 years of age or older and no more than two permits to persons younger than 19.

LB 126 passed 30-7 and was approved by the Governor on August 17, 2020.



LB 632—Change Provisions Relating to the Nebraska Natural Resources Commission, the Integrated Solid Waste Management Act, the Regulation of Containers, and Utility Discontinuance and Reconnection and to Develop a State Flood Mitigation Plan (*Hughes*)

Among the several provisions contained in LB 632, the bill prohibits local governments from enacting ordinances that ban single-use plastics and other materials. As enacted, LB 632 contains provisions originally proposed in **LB 769**, **LB 861**, **LB 933**, and **LB 1201**.

LB 632 amends the Integrated Solid Waste Management Act to prohibit counties, municipalities, or agencies from setting standards, fees, or requirements regarding the sale, use, or marketing of “containers.” The provisions do not apply to county, municipality, or agency recycling or solid waste collection programs.

According to supporters, creating uniform statewide regulation helps businesses operating in multiple jurisdictions that might otherwise face a jumble of regulatory mandates.

“Containers” include bags, cups, packages, containers, bottles, or other packaging (1) designed to be either reusable or single-use; (2) made of cloth, paper, plastic (including foamed or expanded plastic), cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates; and (3) designed for consuming, protecting, or transporting merchandise, food, or beverages from or at a food service or retail facility.

Another provision of LB 632 responds to catastrophic flooding experienced by Nebraska in 2019 by requiring the Department of Natural Resources (DNR) to develop a state flood mitigation plan. To carry out this task, DNR is directed to convene a plan development group and engage with federal, state, and local agency and community stakeholders and other sources for technical expertise.

Specifically, LB 632 requires DNR to:

- Evaluate the issues that occurred during the 2019 flood and identify cost-effective mitigation strategies to reduce disruptions to lives and livelihoods and prioritize making Nebraska communities more resilient;
- Identify opportunities to implement flood hazard mitigation strategies;

- Improve knowledge and understanding of available recovery resources and identify gaps in disaster program delivery;
- Identify potential funding sources for flood mitigation and post-flood disaster recovery;
- Compile a centralized list of critical infrastructure and state-owned facilities, identifying those most vulnerable to flooding;
- Evaluate state laws, rules, regulations, policies, and programs related to flood hazard mitigation and development in flood prone areas to support the state’s administration of Federal Emergency Management Agency programs;
- Examine existing state law and recommend any changes necessary to ensure collaboration and coordination between state and local entities in statewide flood mitigation planning; and
- Hold two public hearings, one prior to the first state flood mitigation plan development meeting and the other prior to completing the plan; notice of each hearing must be published at least 30 days prior to the hearing date.

The state flood mitigation plan must be completed and reported to the Governor and the Legislature by December 31, 2021.

Another provision of the bill limits the fees utilities charge for shutting off services. Utilities cannot charge fees for discontinuing or reconnecting utility services that exceed the reasonable costs of providing the services. Additionally, the bill requires utilities to postpone shutoffs for at least 30 days upon receiving a statement by a physician, physician assistant, or advanced practice registered nurse certifying that a member of the household has an illness or handicap that would be worsened by disconnection.

Finally, LB 632 requires members of the Nebraska Natural Resources Commission to be residents of Nebraska.

LB 632 passed 46-0 and was approved by the Governor on August 17, 2020.



LB 770—Provide for State Park Permits for Disabled Veterans and Change Nonresident Fees for State Park Permits (*Gragert, Brewer, Erdman, Kolterman, Hunt, Blood, and Wayne*)

Disabled veterans who are Nebraska residents can apply for free lifetime state park permits under the provisions of LB 770.

To qualify for the disabled veteran resident permits, individuals must have been honorably discharged and (1) rated by the U.S. Department of Veterans Affairs as 50 percent or more disabled as a result of service in the armed forces or (2) receiving a pension from the department as a result of total and permanent

disability unrelated to military service. The disabled veteran permit is voided only if the veteran no longer meets the eligibility requirements.

This is the same class of disabled Nebraska veterans who already qualify for a Disabled Veteran’s Lifetime Annual Small Game Hunt/ Fish/Fur Harvest Permit at no fee.

To help offset the cost of providing the free permits, LB 770 further increases the maximum fee for the annual

nonresident motor vehicle permit from \$55 to \$65 and the maximum fee for the temporary nonresident motor vehicle permit from \$10 to \$12. (**LB 287**, introduced in 2019 and enacted February 19, 2020, raised maximum fees for the nonresident motor vehicle permit from \$45 to \$55 and the temporary nonresident motor vehicle permit from \$8 to \$10.)

LB 770 passed 48-0 and was approved by the Governor on July 24, 2020.

LB 858—Change the Municipal Cooperative Financing Act, the Petroleum Release Remedial Action Act, the Niobrara Scenic River Act, and the Nebraska Litter Reduction and Recycling Act (*Hughes*)

LB 858 updates the Municipal Cooperative Financing Act as it relates to the Municipal Energy Agency of Nebraska (MEAN).

Created by the Legislature in 1981, MEAN is a political subdivision authorized to generate, transmit, and distribute wholesale electric energy. In the nearly 40 years MEAN has operated, the agency has grown from serving 13 communities in Nebraska to serving 69 communities in four states: Nebraska, Colorado, Iowa, and Wyoming. Yet, the act that serves as its governing document has not been significantly updated during that time.

The changes in LB 858 are intended to modernize MEAN’s governance model, bringing it in line with how MEAN operates. LB 858 changes provisions relating to the qualification, removal, terms, and voting rights of MEAN’s governing 70-member board of directors and authorizes future changes to be made via its bylaws. Additionally, LB 858 authorizes other joint action agencies comprised of municipalities from another state to join MEAN, and be governed by Nebraska law. An agency representing several small communities in eastern Colorado has expressed such an interest, according to testimony at the bill’s hearing.

Another provision clarifies that construction, maintenance, or remodeling of the agency’s headquarters does not constitute a “power project” and removes the requirement for a certain type of security bond. Finally, LB 858 permits

MEAN to sell assets to other public entities, such as power districts, power plants, municipalities, and electric generation plants.

As enacted, LB 858 also contains provisions originally found in **LB 367**, **LB 855**, and **LB 856**.

Under these provisions, LB 858 eliminates legislative confirmation for gubernatorial appointees to the Niobrara Council. The affected members of the 17-member council are representative landowners from Brown, Cherry, Keya Paha, and Rock counties; a representative from a recreational business operating in the Niobrara scenic river corridor; a timber industry representative operating in the corridor; and a representative of a recognized, nonprofit environmental, conservation, or wildlife organization.

Proponents of the change hope it will make serving on the council more attractive to potential members who must either come to the Legislature to testify or arrange remote testimony for their confirmation hearings.

Finally, LB 858 extends the sunset dates for the Nebraska Litter Reduction and Recycling Act from October 30, 2020, to September 30, 2025, and for the Petroleum Release Remediation Act from June 30, 2020 to June 30, 2024.

LB 858 passed with the emergency clause 47-0 and was approved by the Governor on August 6, 2020.



LB 899—Provide Certain Powers for Public Power Districts Relating to Fuels and Fuel Byproducts (Hughes, Albrecht, Brandt, Gragert, Quick, and Kolterman)

LB 899 authorizes public power districts to develop, manufacture, use, purchase, or sell advanced biofuels and biofuel products that help reduce greenhouse gas emissions. The fuels must offset greenhouse gases and can only be sold at wholesale.

Advanced biofuels come from nonedible food-based agricultural sources, such as manure and corn stover (the leaves, stalks, and

cobs of corn plants left in a field after harvest). Advanced biofuels, therefore, exclude corn-based ethanol. Since 1986, public power companies in Nebraska have been allowed to sell ethanol. However, the bill's proponents testified their intent was not to allow public power districts to compete with ethanol producers. Additionally, LB 899 does not alter the statutory prohibition against allowing public power districts to own or

operate natural gas services.

According to the bill's sponsor, the legislation is intended to encourage the state's public power districts to explore new technology and biofuels that promise financial benefits, while reducing the utilities' carbon footprint.

LB 899 passed 45-0 and was approved by the Governor on August 6, 2020.

LR 288—Urge Congress and the United States Corps of Engineers to Prioritize Flood Control as a Top Priority for the Management of Water Systems under their Authority in the Missouri River Mainstem Reservoir System Water Control Manual (Slama, Albrecht, Clements, Crawford, Dorn, Gragert, B. Hansen, and Wayne)

Responding to the catastrophic flooding experienced by Nebraska in the spring of 2019, with its economic fallout and loss of human and animal life, LR 288 urges Congress and the U.S. Army Corps of Engineers (Corps) to prioritize flood control over fish and wildlife protection when creating a future Missouri River Mainstem Reservoir System Master Water Control Manual.

Under federal law, the Corps manages many of the levees, dams, dikes, and other flood control structures on the nation's primary waterways, including the Missouri River.

According to the resolution, Nebraska's preliminary assessment of damage to bridges, roads, and other infrastructure caused by the 2019 flooding was \$450 million. Yet, the Corps has prioritized protecting fish and wildlife over flood



control as the result of a lawsuit that ordered the Corps to address a U.S. Fish and Wildlife Service biological opinion outlining steps the Corps needed to take to comply with the Endangered Species Act. The steps included scheduled releases from the Gavins Point Dam, which many blame for the severity of the 2019 floods.

Additionally, the resolution faults the Corps for its management of levees, particularly the standards in place for levee design, construction, and maintenance, which have not been updated in more than 20 years.

LR 288 passed 43-1 on February 27, 2020.



NEBRASKA RETIREMENT SYSTEMS COMMITTEE

Senator Mark Kolterman
Chairperson



ENACTED LEGISLATION

LB 1054—Define the Required Beginning Date and Change Deferment of Payment Provisions under Certain Retirement Plans *(Nebraska Retirement Systems Committee)*

People are living longer and retirement plans should reflect this demographic fact.

Therefore, LB 1054 shifts the age, from 70½ to 72, at which retirees in state-administered retirement plans must begin taking the required minimum distribution (RMD) from their retirement accounts.

The RMD is the minimum amount that must be withdrawn from such accounts annually after reaching the set age. The amount of the RMD for any year is derived from the account balance at the end of the immediately preceding calendar year divided by a distribution period from the Internal Revenue Service’s “Uniform Lifetime Table.” Since income taxes are paid when the retirement funds are withdrawn, the RMD assures that taxes are not deferred indefinitely.

The change complies with new Internal Revenue Code provisions under the federal Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 and only affects persons who turned 70½ on or after January 1, 2020. The RMD remains at 70½ for persons who turned that age on or before December 31, 2019.

Retirees can choose to defer when they begin receiving benefits from their retirement accounts. However, federal law precludes allowing retirement funds to go untouched indefinitely. LB 1054 applies the change to public employees in the state, county, judges, State Patrol, and school retirement plans.

LB 1054 passed with the emergency clause 48-0 and was approved by the Governor on July 24, 2020.



REVENUE COMMITTEE

Senator Lou Ann Linehan
Chairperson



ENACTED LEGISLATION

LB 153—Change Provisions Relating to the Taxation of Military Retirement Benefits (*Brewer, Blood, Bostelman, Clements, Crawford, Gragert, Linehan, Lowe, Pansing Brooks, Arch, Lindstrom, B. Hansen, La Grone, Wayne, Erdman, Murman, Hunt, Slama, Halloran, McCollister, Quick, Hilgers, and Walz, at the request of the Governor*)

LB 153 benefits the more than 13,000 military retirees living in Nebraska and filing income tax returns.

Under the bill, half of the federal adjusted gross income of a military retiree's benefits are exempt from Nebraska state income taxes. The bill is intended to attract military retirees to Nebraska. Several neighboring states, including Iowa and Missouri, do not impose any taxes on military retirement benefits. According to the bill's introducer, the tax breaks in the other states have been successful in enticing retirees from Nebraska's Offutt Air Force Base to reside in those other states.

The bill was set to take effect in July 2021 but was amended to apply to 2022 taxes. LB 153 is expected to have a \$5.5 million impact in 2021-2022 and up to a \$14 million impact over the next two years.

LB 153 passed 46-0 and was approved by the Governor on August 17, 2020.



LB 266—Change the School Readiness Tax Credit Act (*Lindstrom*)

LB 266 allows self-employed child care providers to apply for a state income tax credit under the School Readiness Tax Credit Act (act).

The bill adds self-employed individuals providing services for eligible child care and early childhood education programs to the act’s definition of “eligible staff member.” Enacted in 2016, the act provides that eligible staff members who are employees of child care and early childhood education programs participating in the Step

Up to Quality child care program can apply to the state Department of Revenue for a refundable state income tax credit of up to \$1,500.

The bill also allows credits awarded to pass-through entities to be distributed in the same manner and proportion as income.

LB 266 passed 47-0 and was approved by the Governor on August 17, 2020.

LB 1107—Adopt the ImagiNE Nebraska Act, Key Employer and Jobs Retention Act, Renewable Chemical Production Tax Credit Act, Customized Job Training Act, Nebraska Transformational Projects Act, and Nebraska Property Tax Incentive Act and Change and Provide Other Related Provisions (*Scheer and Slama*)

LB 1107 was the vehicle for the “grand compromise” on property tax relief during the 2020 session.

Two other property tax relief bills—**LB 974** and **LB 1106**—stalled on General File. LB 1107 succeeded where other proposals failed, partly because the bill packaged three key proposals: property tax relief, a new business tax incentive program, and a proposal to help an eligible Nebraska postsecondary institution draw federal funds for a major medical project.

As originally introduced, LB 1107 would have made a technical change to state law pertaining to the assessment of real property. As amended and enacted, LB 1107 contains the Nebraska Property Tax Incentive Act, the ImagiNE Nebraska Act (from provisions originally introduced in **LB 720**), and the Nebraska Transformational Projects Act (originally proposed in **LB 1084**).

Nebraska Property Tax Incentive Act

LB 1107 provides a refundable income tax credit or credit against franchise tax to eligible taxpayers who paid property tax to their school districts during the tax year,

excluding property taxes levied for bonded indebtedness or as a levy override approved by voters.

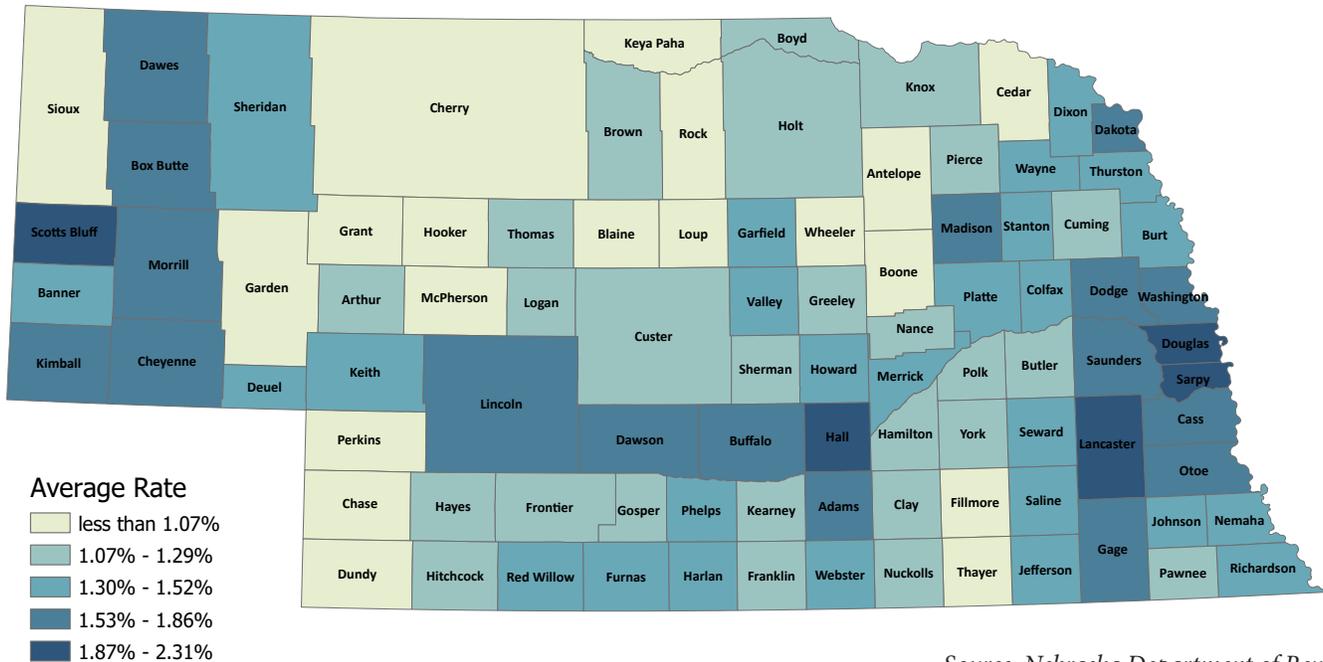
The credit is equal to the credit percentage determined by the Department of Revenue (DOR) multiplied by the amount of school district taxes paid during the tax year. The bill also contains provisions that allow credits to go to pass-through entities and eligible taxpayers who are not subject to Nebraska income taxes.

For calendar year 2020, the credit percentage is set so the total amount of credits equals \$125 million. Growth in the state’s net tax receipts and level of the Cash Reserve Fund determine the amount of credit available in tax years 2021 to 2023. In 2024, the credit cap is set at \$375 million. Beginning in 2025, the amount of the credit is the maximum amount of the credit in the prior year plus an allowable growth percentage. The allowable growth percentage is defined as the percentage increase, if any, in total assessed value of all real property from the prior year to the current year, not to exceed five percent.

LB 1107 disallows any transfer from the state’s Cash Reserve Fund for purposes of funding the new property tax incentive program, unless the balance in the Cash



Average Property Tax Rate by County (2018)



Source: Nebraska Department of Revenue
Map by Tim Erickson

Reserve Fund remains above \$500 million after the transfer occurs.

ImagiNE Nebraska Act

The business tax proposals in LB 1107 replace the business tax incentives in the Nebraska Advantage Act, which sunsets at the end of 2020. The bill provides tax benefits for new investment and employment at qualified locations for entities which enter into agreements with the Department of Economic Development (DED).

In addition, the bill creates several different acts and establishes a fund to support the economic development needs of the state, including:

- The ImagiNE Nebraska Revolving Loan Fund provides \$5 million a year to assist businesses with workforce training and infrastructure development and is administered by the DED.
- The Key Employer and Jobs Retention Act provides a wage retention credit for key employers with at least 1,000 employees. Eligible employers must offer insurance and benefits, enforce a policy against discrimination, and electronically verify work

eligibility. Additionally, eligible employers must have gone through a change of ownership in the previous 24 months, are at risk of moving out of state, are a qualified business, and retain 90 percent of base-year employment. The credit must not exceed \$4 million a year. This could be up to \$40 million over 10 years and is subject to an agreement with the DED that provides assurances and recapture of funds.

- The Renewable Chemical Production Tax Credit Act (from provisions originally introduced in **LB 605**) creates a refundable tax credit equal to 7.5 cents per pound of chemical produced for eligible renewable chemical businesses. Businesses must produce at least one million pounds of renewable chemicals in the state in the year the tax credit is sought and must meet location and application requirements to be eligible. The maximum credit is \$1.5 million and is not available for chemicals produced prior to 2022. The DOR and DED oversee the program and can promulgate rules and regulations
- The Customized Job Training Act (from provisions originally introduced in **LB 527**) provides grants through DED, as the administrating agency, to



employers for assistance in creating new jobs or a net increase in wages, and provides standards for job training reimbursement investments. DED is tasked with approving applications, authorizing grant amounts, and submitting a report of activities to the Legislature.

Nebraska Transformational Projects Act

The act provides that a Nebraska postsecondary institution with a college of medicine (institution) can apply for \$300 million in state matching funds, provided the applicant has received a commitment of at least \$1 billion in federal and \$300 million in private funds for a project under the auspices of the federal National Disaster Medical System.

The University of Nebraska Medical Center (UNMC) has signaled its intent to apply for the funding for its proposed NExT Project, which includes a state-of-the-art academic medical facility and an all-hazard disaster

response medical and civilian partnership with the federal government.

Under LB 1107, applications are due December 31, 2023, and the institution must enter into an agreement with DED. The institution must make an investment of \$1.6 billion, of which \$1 billion must be federal funding, before the end of the transformational period (10th year after the application year). By the end of the continuation period (five years after the transformational period), the institution must obtain \$300 million in private donations.

The institution is entitled to state matching funds provided: (1) the commitments of investment of \$1.3 billion have been secured; (2) the institution is selected to participate in the required federal program; and (3) the total amount of credits under the Nebraska Property Tax Refund Act reaches \$375 million. LB 1107 creates the Nebraska Transformational Projects Fund. Transfers to the fund of the matching funds are allowed beginning in fiscal year 2025-2026, subject to appropriation of the Legislature.

Provisions of the following bills are also included in LB 1107:

LB 1179 creates a small business tax incentive program providing small businesses opportunities to create jobs and invest in development of extremely blighted areas in Nebraska. The program utilizes tax credits to grow small businesses and create additional economic opportunities through the revitalization of blighted areas.

LB 930 puts a statutory minimum of \$275 million in the Property Tax Credit Cash Fund, beginning in Fiscal Year 2020. Any money credited to the fund by other state law would be in addition to the minimum of \$275 million.

LB 1107 also contains several mechanisms that cap the amount of money available to ensure the state does not exceed its ability to pay for the programs.

LB 1107 passed with the emergency clause 41-4 and was approved by the Governor on August 17, 2020.





LEGISLATION NOT ENACTED

LB 242—Adopt the Infrastructure Improvement and Replacement Assistance Act and Provide for a Turnback of State Sales Tax Revenue (*Lindstrom*)

LB 242 would have created the Infrastructure Improvement and Replacement Assistance Act, which would have provided for a turnback of state sales tax revenue to utilities or political subdivisions to assist in paying for future sewer and water infrastructure improvements.

A pending Revenue Committee amendment would have provided that, of the 5.5 percent state sales tax imposed

on each water and sewer utility, the state would have turned back 36.36 percent in fiscal year 2020-2021; 54.54 percent in fiscal years 2021-2022 and 2022-2023; and for sales taxes imposed on and after July 1, 2023, 72.72 percent.

LB 242 failed to advance from General File and died at the end of the session.

LR 284CA—Constitutional Amendment to Eliminate the State Income Tax Over a Four-Year Period (*La Grone*)

LR 284CA would have amended Article VIII, section 1, and Article VIII, section 1B, of the Nebraska Constitution. The resolution would have proposed a constitutional amendment that, if approved by voters, would have eliminated the income tax after January 1, 2024. The intent of this proposal was to make Nebraska's tax code more competitive with other states.

LR 284CA did not advance from committee and died at the end of the session.

LR 300CA—Constitutional Amendment to Prohibit All Forms of Taxation Other Than a Consumption Tax (*Erdman, Brewer, Clements, Friesen, Gragert, Halloran, Hilkemann, McDonnell, Murman, and Wayne*)

LR 300CA would have amended Article VIII, sections 1 and 12, and Article XIII, sections 2 and 4, and repealed Article VIII, sections 1A, 2, 3, 10, and 13 of the Nebraska Constitution. The resolution would have proposed a constitutional amendment that, if approved by the voters, would have eliminated the state income tax, sales tax, property tax, and inheritance tax in favor of a single rate consumption tax. A consumption tax is a tax levied on consumption spending on goods and services. Consumption taxes are usually indirect, such as a sales tax or a value-added tax.

LR 300CA did not advance from committee and died at the end of the session.



TRANSPORTATION and TELECOMMUNICATIONS COMMITTEE

Senator Curt Friesen
Chairperson



ENACTED LEGISLATION

LB 461—Eliminate Certificates of Public Convenience and Necessity and Permits for Movers of Household Goods and Carriers of Railroad Employees, Provide a Licensing Process for Such Regulated Motor Carriers, and Exempt Motor Carriers Engaged in Transportation Related to Agritourism from Certain Requirements (*Friesen*)

Prior law required that both movers of household goods and motor carriers of passengers (with the exception of ridesharing services such as Uber) obtain a certificate of public convenience and necessity from the Public Service Commission (PSC). Before the PSC issues a certificate, it must determine that existing businesses are not meeting the demand in a particular geographic area.

LB 461 replaces the certification requirement for

household goods movers and motor carriers who transport railroad employees to or from their work locations.

Beginning July 1, 2021, upon payment of a \$250 annual fee, the PSC will issue a license that allows household goods movers statewide carriage. The company must agree to abide by all statutes and the PSC’s rules and regulations relating to household goods movers. Failure to comply could lead to suspension or revocation of the license. The



PSC will not regulate charges for services.

Under the bill's provisions, motor carriers who transport railroad employees to or from their work locations are also subject to the same licensing and annual fee requirements and must follow all statutes and PSC rules and regulations.

The bill exempts motor carriers who transport passengers for agritourism activities if the passenger destination is

outside an incorporated city or village and the point of origination and termination of service is outside a county that includes a city of the metropolitan or primary class. Agritourism activities encompass a wide range of activities, including hunting, canoeing, horseback riding, vineyard tours, and viewing historical or scenic sites.

LB 461 passed 48-0 and was approved by the Governor on August 6, 2020.

LB 931—Change a Harvested Products Maximum Weight Overload Exception under the Nebraska Rules of the Road (*Halloran, Clements, Dorn, Erdman, Gragert, Hughes, Moser, Murman, Slama, and Brewer*)

LB 931 amends two sections of the Nebraska Rules of the Road relating to vehicle weights and lengths when transporting grain or other seasonally harvested products.

Farmers are allowed to exceed vehicle weight limits by 15 percent when transporting seasonally harvested products from the field where they are harvested to storage, market, or to a stockpile in the field, or from a stockpile to market or factory when "failure to move the products in abundant quantities would cause an economic loss to the person whose products are being transported, or when failure to move the products in as large quantities as possible would not be in the best interests of the national defense or general welfare."

The statute omits a provision to haul from storage to market or factory. The terms "storage" and "stockpile" are not defined and while some interpret them as meaning the same thing, carrier enforcement has, at times, interpreted them as different, resulting in fines.

Adding the language "or farm storage" clarifies the statute and prevents someone hauling seasonally harvested products from being penalized for being unintentionally overweight.

LB 931 passed 46-0 and was approved by the Governor on August 6, 2020.





LB 944—Change and Provide Provisions for REAL ID, Motor Vehicle Fees, Handicapped Parking Permits, Junked Vehicles, Odometers, Destroyed Vehicles, the International Registration Plan, License Plates, Electronic Delivery of Operator’s Licenses and ID Cards, CDL’s, Point System, Vehicle Length and Weight Limits, ATV’s and UTV’s, the International Tax Agreement Act, the Unified Carrier Registration Plan and Agreement, and Civil Penalties (*Geist and Friesen*)

LB 944 is the Transportation and Telecommunications Committee’s omnibus bill. In addition to the original provisions of LB 944, it includes provisions from 12 other bills.

LB 944 makes changes to 19 existing sections of the motor vehicle statutes. Among its many provisions the bill accomplishes the following:

- Requires municipalities that implement a wheel tax to use the plate types and weight categories contained in the Motor Vehicle Registration Act and notify the Department of Motor Vehicles (DMV) of a new fee or change to an existing fee;
- Allows refunds of motor vehicle registration fees, fleet vehicle registration fees, and snowmobile registration fees for vehicles lost due to natural disasters; and
- Allows DMV to take advantage of digital technology to deliver operator’s licenses and state identification cards by secure electronic delivery and conduct the knowledge portion of the driver’s licensing exam by remote means.

In addition, the bill creates a new statute authorizing the DMV director to suspend, revoke, cancel, or refuse to issue or renew a registration under the Uniform Carrier Registration Plan and Agreement in certain circumstances.

Provisions of the following bills are also included in LB 944:

- **LB 768** updates references to federal regulations in multiple areas and authorizes new provisions needed to conform to changes in federal law.
- **LB 785** amends the Nebraska Rules of the Road relating to the weight, length, and load limits for certain types of vehicles and their operation on the Interstate highway system.
- **LB 831** allows the DMV director to issue a salvage title for a vehicle manufactured prior to 1940 if the previous title was a junk title, no major component part has been replaced, the vehicle has been inspected, and the vehicle has been restored to its

original specifications. The salvage title can only be issued by the DMV director and not a county treasurer.

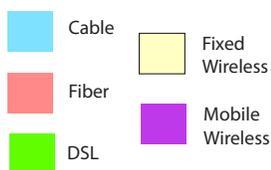
- **LB 843, LB 903, LB 921, LB 942, and LB 1139** establish five new license plates: (1) “Donate Life” with a portion of the proceeds going to the Organ and Tissue Donor Awareness Education Fund administered by the Department of Health and Human Services; (2) “Down Syndrome Awareness” with a portion of the funds going to the University of Nebraska Medical Center for the Down Syndrome Clinic; (3) “The Good Life is Outside” with a portion of the funds going to the State Park Improvement and Maintenance Fund administered by the Nebraska Game and Parks Commission; (4) “Support the Arts” with a portion of the proceeds going to the Support the Arts Cash Fund administered by the Nebraska Arts Council; and (5) “Pets for Vets” with a portion of the funds going to the Pets for Vets Cash Fund administered by the Department of Veterans Affairs. **LB 1088**, another license plate bill, allows the DMV to issue personalized message plates to holders of organizational specialty plates. Previously, only alphanumeric plates were allowed for this type of plate.
- **LB 976** amends Nebraska’s handicapped parking statutes by adding neurological impairment to the definition of handicapped or disabled person. This bill was originally heard by the Urban Affairs Committee.
- **LB 983** eliminates the one point deduction for speeding violations of up to five miles per hour over the speed limit.
- **LB 1067** allows all-terrain (ATV) and utility-type (UTV) vehicles to cross controlled-access highways of more than two marked lanes if the vehicle is being used for agricultural purposes.

LB 944 passed with the emergency clause 48-0 and was approved by the Governor on August 6, 2020.

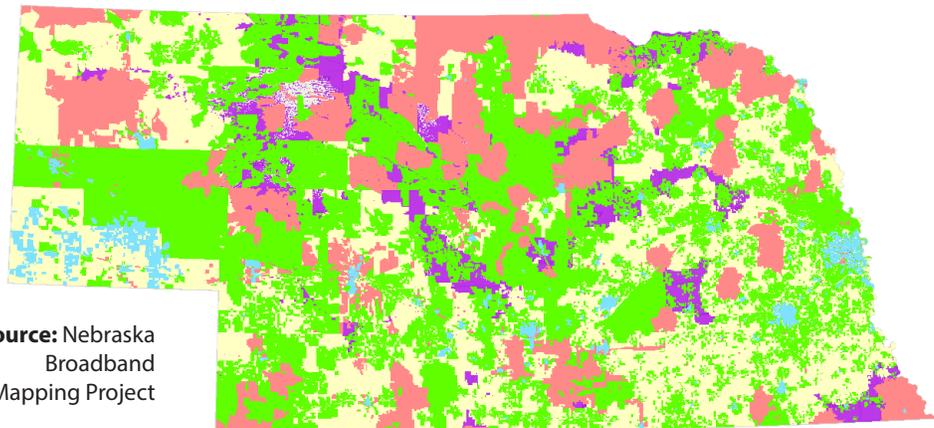


LB 992—Adopt the Broadband Internet Service Infrastructure Act and Provide for Certain Broadband and Internet-Related Services (*Friesen, Bostelman, and Brewer*)

Most Common Broadband Tech



Source: Nebraska Broadband Mapping Project



LB 992 codifies the recommendations of the Rural Broadband Task Force. The task force was created in 2018 by LB 994 to review issues relating to the availability, adoption, and affordability of broadband service in rural areas.

The bill furthers expansion of broadband Internet service in underserved and unserved areas. It establishes the Broadband Internet Service Act, and allows an electric utility and a commercial broadband supplier to enter into a broadband facility agreement (a) allowing a commercial broadband supplier to use an electric utility's infrastructure or utility easement to install, maintain, or own a broadband facility or network to provide commercial broadband service; and (b) to lease or otherwise provide any excess capacity to provide commercial broadband service to a commercial broadband supplier.

An electric utility cannot discriminate among commercial broadband suppliers when offering or granting rights to use its infrastructure or utility easement. In addition, the fees charged for similar leases for the use of the electric utility's facilities cannot be discriminatory.

The act does not apply to railroad right-of-way or electric utility easements on railroad right-of-way property.

The bill creates the position of state broadband coordinator to be housed in the Office of the Chief Information Officer. The broadband coordinator's duties include encouraging counties or regions to appoint a local broadband coordinator to assist them in determining available broadband assets and exploring creation of broadband cooperatives. The position is to begin July 1, 2022.

Public libraries benefit from the provisions of LB 992. The Public Service Commission (PSC) is to establish the Nebraska E-Rate Special Construction Matching Fund Program to support installation of fiber-optic cable at public libraries. The money comes from the Nebraska Telecommunications Universal Service Fund (USF).

LB 992 changes terms relating to provision of telecommunications services by public entities. It sets out the conditions under which a state agency or political subdivision can lease its dark fiber to certain telecommunications carriers. Dark fiber is unused optical fiber available for use in providing fiber-optic communications.

The PSC must establish a safe harbor range of competitive market rates for all dark fiber leases. If a lease uses rates within the safe harbor range, the lease is deemed approved and no hearing is required.

The bill terminates the Nebraska Internet Enhancement Fund (NIEF) on June 30, 2021, and transfers any unencumbered money to the USF. The NIEF was created by state statute in 2001 to provide financial assistance to install and deliver broadband or other advanced telecommunications infrastructure and service throughout the state.

Finally, LB 922 provides that Nebraska Rural Broadband Task Force members appointed by the Governor serve two-year terms and can be reappointed.

LB 992 passed 47-0 and was approved by the Governor on August 15, 2020.



LB 996—Provide for a Government Internet Network Use Policy for the Legislature and Create the Broadband Data Improvement Program (*Brandt, Hunt, and Blood*)

LB 996 amends the Nebraska Telecommunications Regulation Act and creates the Broadband Data Improvement Program to take advantage of the Federal Communication Commission’s (FCC’s) Digital Opportunity Data Collection initiative to improve the state’s broadband availability map and better position Nebraska to receive federal broadband grant dollars.

The FCC relies on data submitted by service providers to map the availability of broadband resources in the country, to establish areas of need based on the map, and prioritize how funds are distributed. Currently, data is gathered at the census block level and if one person in a census block has broadband service, the FCC considers the entire block served and ineligible for assistance. Census blocks work well in urban areas, but in rural areas a census block can encompass hundreds of square miles. Consequently, broadband availability in rural areas is often overstated.

Recognizing the inadequacy of its data, the FCC authorized states to begin using public input, sometimes known as

crowdsourcing, to gather data on the accuracy of the broadband deployment data submitted by providers.

LB 996 allows Nebraska to create a statewide crowdsourcing program to collect broadband availability data to supplement the federal data being collected by service providers. The Nebraska Public Service Commission (PSC) is responsible for administering the program. The PSC is to develop a statewide outreach plan to promote public participation in the program, use the data generated to better allocate resources where FCC data is found to be inaccurate, and to prioritize data improvement in rural areas.

LB 996 also includes a provision establishing a government Internet network use policy for the Legislature. The bill allows a member of the Legislature to use a government Internet network for essential personal business when the member is serving in his or her official capacity.

LB 996 passed with the emergency clause 47-0 and was approved by the Governor on July 24, 2020.



LB 961—Adopt the Peer-to-Peer Vehicle Sharing Program Act (*Friesen*)

LB 961 would have adopted the Peer-to-Peer Vehicle Sharing Program Act. Peer-to-peer car sharing is essentially Airbnb for cars. It allows an individual to rent another person’s vehicle for a short period of time when the owner is not using it. A digital business platform connects vehicle owners with drivers to enable the sharing of vehicles. Turo and Getaround are the best known companies.

The bill would have clarified liability and financial responsibility. The peer-to-peer vehicle sharing program (program) would have assumed the liability of an owner for bodily injury or property damages as well as personal injury protection against losses that happened while the vehicle was being rented. Financial responsibility would have been satisfied by insurance or other means, voluntarily maintained by the owner, driver, program, or combination of those entities.

Information on sharing periods, fees paid by a driver, and revenues received by an owner would have been collected by the program. The program would have been responsible for verifying the driver was licensed in the state for the class of vehicle being rented or, if the driver is a nonresident, that the license was issued by the state or country of the driver’s residence and that the driver is of at least the same age required of a Nebraska resident to lawfully drive.

LB 961 failed to advance from General File and died with the end of the session.



URBAN AFFAIRS COMMITTEE

Senator Justin Wayne
Chairperson



ENACTED LEGISLATION

LB 424—Change the Nebraska Municipal Land Bank Act (*Quick, Blood, Bolz, Brandt, Cavanaugh, Chambers, Crawford, Dorn, M. Hansen, Hilkemann, Howard, Hunt, Kolowski, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, Pansing Brooks, Stinner, Vargas, Walz, Williams, Wishart, Morfeld, Gragert, and DeBoer*)

Land bank legislation was first adopted in 2013 as a way for municipalities in Douglas and Sarpy counties to deal with vacant, abandoned, and foreclosed properties.

With the adoption of LB 424, land bank authority is extended to municipalities across the state with the following guidance:

- A city of the metropolitan or primary class can adopt an ordinance to form its own land bank;
- Two or more cities or villages can enter into an agreement per the Interlocal Cooperation Act and form a single land bank, which acts on behalf of all municipalities who sign the agreement;
- A city or village can join an existing land bank formed by a city of the metropolitan or primary class by entering into an agreement per the Interlocal Cooperation Act; or
- A city or village can enter into an agreement to join an existing land bank formed under the Interlocal Cooperation Act.



Cities of the metropolitan or primary class forming a land bank by ordinance must establish the name of the land bank, identify the initial board members and their terms, and establish qualifications and terms of office for future board members. The land bank must consist of seven voting resident members, appointed by the chief executive officer— mayor, city administrator, or village board chairperson— and be confirmed by the city council or village board.

A land bank board formed by an interlocal agreement and representing more than one municipality must consist of an odd number of voting resident members of at least seven people. These members are appointed by the chief executive officer and confirmed by the governing body of each municipality.

Land bank boards must also contain the following nonvoting members: (1) the municipal planning director, his or her designee, or a person designated by the governing body in the absence of a planning director; (2) one member of the governing body; and (3) any additional members as appointed by the chief executive officer and approved by the governing body.

LB 424 provides for a method of removal of any land bank board member for neglect of duties, misconduct in office, conviction of a felony, or other good cause. Removal of a board member is done by the chief executive officer, with approval of the governing board of the municipality the board member resides in. The board member being removed has the opportunity to request a hearing before the governing body.

This bill also restricts land banks from investing money in any instrument, obligation, security, or property in which (1) a member of the board, (2) a board member’s immediate family member, (3) an employee of the board, or (4) a business with which a board member or employee has an interest. Land banks are also prohibited

from issuing bonds, levying property taxes, or receiving property tax revenue pursuant to an agreement under the Joint Public Agency Act.

LB 424 restricts the amount of property for which a land bank can hold title to. The restrictions are:

- No more than seven percent of the total number of parcels in a city of the metropolitan class, no more than 10 percent of which can be zoned for commercial use;
- No more than three percent of the total number of parcels in a city of the primary class, no more than five percent of which can be zoned as commercial property;
- No more than five percent of the total parcels in a city of the first class, no more than five percent of which can be zoned for commercial use; and
- No more than 10 percent of the total parcels in a city of the second class or village, no more than five percent of which can be zoned as commercial property.

Under LB 424, a land bank cannot purchase or acquire commercial property unless it has been vacant for at least three years. Additionally, a land bank cannot enter into an agreement with a nonprofit corporation or private entity for the purpose of temporarily holding real property on behalf of the corporation or entity, unless this agreement is entered into for the purpose of providing clear title to the real property for a period not to exceed one year.

As adopted, LB 424 contains provisions of **LB 1178**.

LB 424 passed 31-12 and was approved by the Governor on August 15, 2020.





LB 866—Adopt the Municipal Density and Missing Middle Housing Act and Middle Income Workforce Housing Investment Act (*Wayne, Hunt, M. Hansen, and Vargas*)

LB 866 addresses the lack of workforce and affordable housing in Nebraska by creating two new housing acts and appropriating funds to carry out their purposes. As enacted, the bill contains provisions of **LB 794** and **LB 1155**.

The Municipal Density and Missing Middle Housing Act seeks to expand available housing stock, provide greater availability of affordable housing, increase residential density, and promote more efficient and effective land use across Nebraska by examining and updating municipal zoning codes. For purposes of this act, middle housing includes duplexes, triplexes, quadplexes, cottage clusters, or townhouses.

On or before January 1, 2021, and by no later than January 1 every two years thereafter, each city with a population of at least 20,000 must electronically submit a report to the Legislature's Urban Affairs Committee detailing the efforts taken to address the availability of and incentives for affordable housing.

The report must include:

- An overview of current residential zoning requirements;

- The percentage of areas zoned for residential use that permits multi-family and middle housing;
- An accounting of new residential construction over the last five years, broken down by the percentage of units that were single-family, multi-family, and middle housing;
- The number of residential units annexed over the last five years, broken down by the percentage of units that were single-family, multi-family, and middle housing;
- An estimate of the per unit cost of housing;
- Analysis of whether zoning codes, ordinances, or other regulations allow for density bonuses or incentives that encourage residential density;
- The frequency with which density bonuses or incentives are used;
- Analysis of whether zoning codes, ordinances, and other regulations allow for the construction of accessory dwelling buildings;





- A list of direct incentives or regulatory relief used to encourage the development of affordable housing;
- Demographic analysis of trends and estimates of housing needs classified by type and price range; and
- Efforts taken to adopt an affordable housing action plan.

An affordable housing action plan is required for cities with a population of 50,000 or more by January 1, 2023, and by January 1, 2024, for cities with a population of less than 50,000. Affordable action plans must include:

- Goals for the construction of new affordable housing units;
- Goals for a percentage of areas zoned for residential use that permit multi-family and middle housing;
- Plans for the use of federal, state, and local incentives to encourage affordable housing, middle housing, and workforce housing; and
- Updates to the city’s zoning codes, ordinances, and other regulations to incentivize affordable housing.

A city that fails to adopt an affordable housing action plan is required to permit the development of (1) middle housing in all areas zoned for residential use that allows for detached single-family dwellings, and (2) a duplex on each lot or parcel zoned for residential use that allows for detached single-family dwellings.

The Middle Income Workforce Housing Investment Act is

intended to address low home ownership rates and the shortage of quality housing in Nebraska’s older urban communities and predominantly minority communities. The intent of this act is to develop attractive housing, recruit a strong workforce, and support the creation of workforce housing investment funds.

LB 866 requires the Director of Economic Development to establish and administer a workforce housing investment grant program.

The grant program is available to nonprofit development organizations. Grants are awarded on a competitive basis, not to exceed \$1 million over a two-year period and not to exceed \$2.5 million through fiscal year 2022-2023.

Funds are awarded to a community or neighborhood based upon:

- Demonstrated need for additional owner-occupied housing;
- An unemployment rate higher than the statewide average;
- Demonstrated commitment to growing its housing stock;
- Projects are ready for occupancy in 24 months; and
- Demonstrated ability to grow and manage a workforce housing investment fund.

LB 866 passed 31-7 and was approved by the Governor on August 17, 2020.

LB 870—Change Provisions Relating to Direct Borrowing by Cities and Villages (*Crawford and Walz*)

LB 870 expands the authority of municipalities to borrow directly from financial institutions when traditional bond financing is impractical or cannot be completed within a reasonable timeframe, or when direct financing results in taxpayer savings over traditional bond financing.

Previously, cities and villages could only use direct financing for the purchase of real or personal

property, the construction of improvements, or to refinance existing indebtedness.

Under the provisions of LB 870, cities and villages have the ability to directly borrow funds for (1) repairing or reconstructing real or personal property, improvements, or infrastructure damaged as a result of calamity or (2) public services temporarily disrupted or suspended as a result of calamity.

A qualifying calamity is defined as a fire, earthquake, flood, tornado, or other natural event which damages real or personal property, improvements, or infrastructure of a city or village resulting in the temporary disruption or suspension of public services provided by the municipality.

LB 870 passed with the emergency clause 48-0 and was approved by the Governor on July 24, 2020.



LB 1003—Change Provisions Relating to Cities and Villages *(Walz, Hunt, Wayne, M. Hansen, and Vargas)*

LB 1003 allows a city of the second class or a village to annex noncontiguous land for purposes of relocating due to catastrophic flooding. A catastrophic flooding event must (1) result in total property damage exceeding 45 percent of the total assessed value of the city or village’s improvements and (2) be declared a major disaster by the President of the United States or the Governor of Nebraska.

Annexation of noncontiguous land requires a two-thirds vote of the city council or village board of trustees. The annexing municipality is prohibited from exercising extraterritorial zoning jurisdiction authority over the surrounding area of the newly annexed land without the approval of the city, village, or county currently exercising zoning jurisdiction.

Additionally, LB 1003:

- Amends the Enterprise Zone Act and designates unemployment eligibility for an enterprise zone be based on an average rate of unemployment determined by the most recent decennial census or the American Community Survey 5-Year Estimate;
- Clarifies language in the Community Development Law that annual tax increment financing (TIF) reports are only required for active TIF projects;
- Allows the chairperson of a city or village planning commission to cancel a quarterly meeting due to a lack of pending business. However, no more than three

quarterly meetings can be canceled in a single year;

- Changes grant requirements under the Civic and Community Center Financing Act for preservation, restoration, conversion, rehabilitation, or reuse of a historic building or district. In order to be eligible for grant funds, applications must include approval from the State Historic Preservation Officer and indicate that the proposal conforms to U.S. Department of the Interior Standards for the Treatment of Historic Properties;
- Permits the mayor of a city of the first or second class to be recognized as a council member for purposes of establishing a quorum of a four-member council;
- Requires vacancies on airport authority boards, metropolitan transit authority boards, land bank boards, riverfront development authority boards, and housing authority boards be filled within six months; and
- Allows for a city under the City Manager Plan of Government Act with a population between 10,000 and 25,000 to expand the size of the city council with an ordinance to increase from five to seven members.

As enacted, LB 1003 includes provisions of **LB 795, LB 799, LB 801, LB 821, LB 885, LB 957, LB 984, and LB 993.**

LB 1003 passed with the emergency clause 42-1 and was approved by the Governor on August 6, 2020

LB 1021—Provide for an Expedited Review of Certain Development Plans under the Community Development Law *(Groene and Wayne)*

LB 1021 amends Nebraska’s Community Development Law to allow an expedited review process for certain redevelopment plans.

A municipality wishing to allow expedited reviews must first adopt a resolution. All plans must be approved within 30 days of submission. A redevelopment plan is eligible for a quicker review process if:

- The plan includes only one project;
- The project involves the repair, rehabilitation, or replacement of an existing structure in an area that has been declared blighted or

substandard; and

- The estimated value of the property when the project is completed does not exceed:
 - \$250,000 for a single-family residence;
 - \$1 million for a multi-family residence or commercial structure; or
 - \$10 million for a project involving the revitalization of a structure on the National Register of Historic Places.

Redevelopment plans that qualify

for an expedited review and use tax increment financing (TIF) will incur indebtedness in the form of a promissory note issued to the property owner of record where the structure is located.

LB 1021 requires the Department of Revenue to develop a standardized certification form to be used by county assessors when certifying the valuation of a redevelopment project.

Lastly, the bill allows municipalities to file with the Property Tax Administrator a single report for expedited redevelopment plans using TIF.

LB 1021 passed 49-0 and was approved by the Governor on August 17, 2020.



BILL INDEX

- **LB 43**—Adopt the Sexual Assault Victims’ Bill of Rights and Change Certain Rules of Procedure (page 42)
- **LB 126**—Provide for Additional Limited Landowner Deer Hunting Permits (page 49)
- **LB 147**—Provide for the Use of Physical Force, Restraint, or Removal from a Class in Response to Student Behavior (page 21)
- **LB 153**—Change Provisions Relating to the Taxation of Military Retirement Benefits (page 54)
- **LB 157**—Provide for Voluntary Registration, Duties for the Department of Agriculture, and a Cause of Action under the Nebraska Apiary Act (page 3)
- **LB 230**—Provide for Room Confinement of Juveniles as Prescribed (page 43)
- **LB 231**—Change Provisions Relating to Legal Defense of Juveniles (page 47)
- **LB 238**—Change Requirements for Witnessing Death Penalty Executions (page 47)
- **LB 242**—Adopt the Infrastructure Improvement and Replacement Assistance Act and Provide for a Turnback of State Sales Tax Revenue (page 58)
- **LB 247**—Adopt the Advance Mental Health Care Directives Act (page 43)
- **LB 266**—Change the School Readiness Tax Credit Act (page 55)
- **LB 283**—Provide for a Climate Change Study (page 24)
- **LB 344**—Adopt the Animal Health and Disease Control Act, Eliminate and Provide Duties for the Department of Agriculture, Eliminate Various Acts, Terminate and Transfer Certain Funds, Create a Fund, and Provide Penalties (page 1)
- **LB 424**—Change the Nebraska Municipal Land Bank Act (page 64)
- **LB 461**—Eliminate Certificates of Public Convenience and Necessity and Permits for Movers of Household Goods and Carriers of Railroad Employees, Provide a Licensing Process for Such Regulated Motor Carriers, and Exempt Motor Carriers Engaged in Transportation Related to Agritourism from Certain Requirements (page 59)
- **LB 515**—Change Provisions Related to the Student Discipline Act (page 21)
- **LB 534**—Require Public Postsecondary Educational Institutions to Submit Reports Regarding Sexual Harassment and Require Public Hearings as Prescribed (page 18)
- **LB 632**—Change Provisions Relating to the Nebraska Natural Resources Commission, the Integrated Solid Waste Management Act, the Regulation of Containers, and Utility Discontinuance and Reconnection and to Develop a State Flood Mitigation Plan (page 50)
- **LB 734**—Provide for Regulation of Charter Bus Services and Licensure of Special Party Buses under the Nebraska Liquor Control Act (page 26)
- **LB 755**—Change Provisions Relating to Home Services under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and Barber Act; Physician Assistants under the Medicine and Surgery Practice Act and the Podiatry Practice Act; Membership of the Board of Medicine and Surgery; Infant Screening Testing; Parkinson’s Disease Drug Reporting; and the Engineers and Architects Regulation Act (page 35)
- **LB 758**—Name the State Capitol Courtyards (page 33)
- **LB 760**—Require Health Carriers to Provide Coverage for Asynchronous Review by a Dermatologist by Way of Telehealth (page 7)
- **LB 770**—Provide for State Park Permits for Disabled Veterans and Change Nonresident Fees for State Park Permits (page 51)
- **LB 774**—Change Provisions Relating to Reinsurance, Motor Vehicle Service Contract Reimbursement, and Fees for Dental Services and Prohibit Certain Activities by Health Care Facilities (page 8)
- **LB 780** - Change Duties for the Nebraska Arts Council Regarding Creative Districts and Change Provisions Relating to the Nebraska Arts and Humanities Cash Fund (page 6)
- **LB 781**—Provide for Annual Continuing Education for Treasurers of Certain Local Governments, Change and Eliminate County Treasurer Statement Requirements, and Provide a Duty for the Auditor of Public Accounts (page 29)



BILL INDEX

- **LB 790**—Change the Political Subdivisions and Construction Alternatives Act and Certain State Bidding Requirements and Contract Approval Procedures (page 34)
- **LB 803**—Adopt the Dry Pea and Lentil Resources Act (page 2)
- **LB 808**—Change Provisions Relating to Accountants, Provide for the Ratification of Defective Corporate Actions under the Nebraska Model Business Corporation Act, Adopt the Uniform Trust Decanting Act, Change Provisions Relating to Actions on Breach of Warranty on Improvements to Real Property and Change Provisions under the Nebraska Condominium Act, Change and Eliminate Provisions Relating to the Real Property Appraiser Act, Change the Nebraska Appraisal Management Company Registration Act, Redefine the Term Security to Include Certain Student Loans under the Public Funds Deposit Security Act, and Provide an Exemption to the Nebraska Real Estate License Act as Prescribed (page 9)
- **LB 814**—Prohibit Dismemberment Abortion (page 44)
- **LB 840**—Prohibit the Use of Electronic Smoking Devices as Prescribed under the Nebraska Clean Indoor Air Act (page 37)
- **LB 848**—Rename Columbus Day as Indigenous Peoples' Day and Columbus Day, Change the Young Adult Bridge to Independence Act as it Relates to Indian Tribes, and Require the Display of Tribal Flags in the Capitol (page 30)
- **LB 850**—Authorize Placement of a Monument to the First Regiment Nebraska Volunteer Infantry at Fort Donelson National Battlefield (page 31)
- **LB 858**—Change the Municipal Cooperative Financing Act, the Petroleum Release Remedial Action Act, the Niobrara Scenic River Act, and the Nebraska Litter Reduction and Recycling Act (page 51)
- **LB 866**—Adopt the Municipal Density and Missing Middle Housing Act and Middle Income Workforce Housing Investment Act (page 66)
- **LB 870**—Change Provisions Relating to Direct Borrowing by Cities and Villages (page 67)
- **LB 880**—Change Dates Related to Certifications and Distributions of State Aid to Schools (page 19)
- **LB 881**—Change Provisions Relating to Criminal and Civil Procedure (page 45)
- **LB 899**—Provide Certain Powers for Public Power Districts Relating to Fuels and Fuel Byproducts (page 52)
- **LB 909**—Change Provisions Relating to Banking and Finance (page 11)
- **LB 910**—Provide for, Change, Eliminate, and Change Distribution of Fees and Funds of the Secretary of State (page 6)
- **LB 918**—Create the Commission on African American Affairs (page 31)
- **LB 920**—Change Provisions for the Distribution of Lottery Funds Used for Education, Transfer Powers and Duties, Create New Acts and Funds, and Change Education Provisions (page 22)
- **LB 924**—Change Provisions Relating to Racial Profiling and Require Law Enforcement Training (page 45)
- **LB 927**—Provide for Payment of Claims Against the State (pages 5 and 13)
- **LB 931**—Change a Harvested Products Maximum Weight Overload Exception under the Nebraska Rules of the Road (page 60)
- **LB 944**—Change and Provide Provisions for REAL ID, Motor Vehicle Fees, Handicapped Parking Permits, Junked Vehicles, Odometers, Destroyed Vehicles, the International Registration Plan, License Plates, Electronic Delivery of Operator's Licenses and ID Cards, CDLs, Point System, Vehicle Length and Weight Limits, ATV's and UTV's, the International Tax Agreement Act, the Unified Carrier Registration Plan and Agreement, and Civil Penalties (page 61)
- **LB 961**—Adopt the Peer-to-Peer Vehicle Sharing Program Act (page 63)
- **LB 962**—Adopt the Nebraska Fair Pay to Play Act (page 14)
- **LB 963**—Change Provisions Relating to Worker's Compensation for Injuries to First Responders and Frontline State Employees and Burial Expenses (page 15)



BILL INDEX

- **LB 965**—Recognize American Sign Language, Provide for the Teaching of American Sign Language in Schools and Postsecondary Educational Institutions, and Establish a Language Assessment Program for Children Who are Deaf or Hard of Hearing (page 19)
- **LB 992**—Adopt the Broadband Internet Service Infrastructure Act and Provide for Certain Broadband and Internet-Related Services (page 62)
- **LB 996**—Provide for a Government Internet Network Use Policy for the Legislature and Create the Broadband Data Improvement Program (page 63)
- **LB 997**—Adopt the Out-of-Network Emergency Medical Care Act (page 12)
- **LB 998**—Require Behavioral Awareness and Intervention Training and Points of Contact, Transfer Funds, and Change the Tax Equity and Educational Opportunities Support Act (page 22)
- **LB 1003**—Change Provisions Relating to Cities and Villages (page 68)
- **LB 1004**—Change Provisions Relating to Age of Majority and the Administration of and Eligibility for Parole (page 48)
- **LB 1008**—Biennial Budget Adjustment Package (page 5)
- **LB 1009**—Biennial Budget Adjustment Package (page 5)
- **LB 1014**—Change Provisions of the Multiple Employer Welfare Arrangement Act (page 12)
- **LB 1016**—Change Provisions Regarding the Worker Training Program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and Eliminate Provisions Regarding Service Letters, High Voltage Lines, and Private Employment Companies (page 16)
- **LB 1021**—Provide for an Expedited Review of Certain Development Plans under the Community Development Law (page 68)
- **LB 1053**—Change Provisions under the Medical Assistance Act, Health Care Facility Licensure Act, and Medication Aide Act and Change Receivership Provisions Relating to Health Care Facilities (page 37)
- **LB 1054**—Define the Required Beginning Date and Change Deferral of Payment Provisions under Certain Retirement Plans (page 53)
- **LB 1055**—Change Provisions Regarding Elections and the Nebraska Accountability and Disclosure Act (page 32)
- **LB 1056**—Change Provisions of the Nebraska Liquor Control Act and the Nebraska Lottery and Raffle Act (page 27)
- **LB 1060**—Include Hair Textures and Protective Hairstyles within the Definition of Race under the Nebraska Fair Employment Practice Act (page 17)
- **LB 1061**—Change the Child Protection and Family Safety Act and Eliminate a Committee (page 38)
- **LB 1064**—Change Provisions Relating to the Sale and Use of Tobacco Products (page 27)
- **LB 1080**—Require School Policies that Prohibit Sexual Conduct with Students and Former Students (page 20)
- **LB 1089**—Provide a High School Graduation Requirement Relating to Federal Student Aid (page 22)
- **LB 1107**—Adopt the ImagiNE Nebraska Act, Key Employer and Jobs Retention Act, Renewable Chemical Production Tax Credit Act, Customized Job Training Act, Nebraska Transformational Projects Act, and Nebraska Property Tax Incentive Act and Change and Provide Other Related Provisions (page 55)
- **LB 1124**—Adopt the Opioid Prevention and Treatment Act (page 39)
- **LB 1140**—Change Provisions Relating to Youth Rehabilitation and Treatment Centers and Placement of Juveniles (page 39)
- **LB 1144**—Change Provisions Relating to Youth Rehabilitation and Treatment Centers and State Institutions, Create the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature, and Provide Duties for the Public Counsel (page 23)
- **LB 1148**—Provide and Change Requirements for Reports of Abuse and Neglect and Placement and Treatment of Juveniles (page 46)
- **LB 1152**—Change Provisions Relating to Hemp (page 3)
- **LB 1160**—Adopt the Nebraska Statewide Workforce and Education Reporting System Act (page 16)



BILL INDEX

- **LB 1183**—Adopt the Population Health Information Act, Create the Health Information Technology Board, and Change Prescription Drug Monitoring Program and Statewide Health Information Exchange Provisions (page 40)
- **LB 1186**—Require Salary to be Paid to Injured School Employees as Prescribed (page 20)
- **LB 1188**—Change Provisions Relating to Youth Rehabilitation and Treatment Centers (page 41)
- **LB 1198** – Appropriate Funds for the Governor’s Emergency Program – COVID-19 (page 4)

RESOLUTION INDEX

- **LR 279CA**—Constitutional Amendment to Authorize an Increase in the Number of Members of the Legislature (page 25)
- **LR 280CA**—Constitutional Amendment to Change Legislative Term Limits to Three Consecutive Terms (page 25)
- **LR 281CA**—Constitutional Amendment to Allow the Legislature to Enact Legislation Authorizing Courts to Reduce Sentences (page 48)
- **LR 283CA**—Constitutional Amendment to Change Qualifications of Electors (page 34)
- **LR 284CA**—Constitutional Amendment to Eliminate the State Income Tax Over a Four-Year Period (page 58)
- **LR 285CA**—Constitutional Amendment to Provide for Use of Lottery Proceeds for Prison Overcrowding Prior to Use for the Nebraska Environmental Trust Act (page 28)
- **LR 286CA**—Constitutional Amendment to Remove Felonies other than Treason from Being a Disqualification of Voting (page 34)
- **LR 288**—Urge Congress and the United States Corps of Engineers to Prioritize Flood Control as a Top Priority for the Management of Water Systems under Their Authority in the Missouri River Mainstem Reservoir System Water Control Manual (page 52)
- **LR 292CA**—Constitutional Amendment to Require Verification of Identity Prior to Voting (page 34)
- **LR 295CA**—Constitutional Amendment to Allow the Legislature to Authorize, Regulate, and Tax Any Game of Chance (page 28)
- **LR 300CA**—Constitutional Amendment to Prohibit All Forms of Taxation other than a Consumption Tax (page 58)

