

# THE LEAGUE OF WOMEN VOTERS OF NEBRASKA PROGRAM 2019–2020

## GOVERNMENT

**THE NEBRASKA CONSTITUTION:** Members of the League of Women Voters of Nebraska support measures to improve the Nebraska Constitution through comprehensive coordinated revision. The League is not committed to any specific method of constitutional change, but will accept any practical method of change. Members of the League believe a good constitution should contain only fundamental provisions for a framework of government and should define its powers and organization.—Adopted 1969, amended 2011.

Specifically, the League supports:

- 1) A concise Bill of Rights;
- 2) Additional means to amend the Constitution;
- 3) An executive branch with authority adequate to carry out responsibilities assigned to it by the Constitution;
- 4) Provisions for initiative and referendum;
- 5) A nonpartisan unicameral Legislature;
- 6) Four-year terms with no term limits for Legislators;
- 7) A merit plan for judges;
- 8) Public hearings on legislative bills;
- 9) Mandatory legislative reapportionment after each federal census;
- 10) Salaries set by statute;
- 11) An appointed parole board consisting of specialists in penal and related matters; and
- 12) Opposition to state aid to non-public schools.

**REDISTRICTING:** The League of Women Voters of Nebraska has found that redistricting is an exceptionally important issue for good government, and is a complex issue. The LWVNE supports creating a redistricting process that is fair and unbiased. —Adopted 2015.

Specifically, the League supports:

- 1) A redistricting process that is either patterned after the 2014 Iowa model (with the Legislative Research Office preparing the maps without Legislative input) or on a model that creates a nonpartisan Citizen Redistricting Commission (composed of an equal number of Republicans and Democrats plus a mutually agreed upon registered nonpartisan chairperson) to create maps that are submitted to the Legislature for its approval or rejection.
- 2) A redistricting process that includes the criteria for drawing redistricting that are historical best practices adopted by most states, namely:
  - Comply with the U.S. Constitution (federal mandate)
  - Comply with the Voting Rights Act (federal mandate)
  - Equal population (federal mandate)
  - Compact and contiguous
  - Respect of communities of interest
  - Where possible, district lines shall follow permanent and easily recognized features, such as toll ways, expressways, highways, streets, rivers, and clear geographical features, and when practical, shall coincide with census tract boundaries
  - Maintain, as much as feasible, city, town & county boundaries, & undivided census tracts
  - Create competitive districts with no significant detriment to other goals.
  - Ignore incumbent officials addresses
  - Cannot intentionally favor or disfavor a political party, incumbent, or candidate

- No city block shall be subdivided, since a city block is the smallest parcel for which census data are available.
- 3) Consideration of two possible amendments to the Nebraska Constitution to facilitate the redistricting process:
- To provide for two-year elections in the districts where no legislators or two legislators are residents in new districts;
  - To provide for the Nebraska Supreme Court to take responsibility for redistricting if the Legislature rejects three sets of plans submitted to them.

**MERIT PLAN FOR SELECTION OF JUDGES:** The League of Women Voters of Nebraska supports the nominative, appointive and elective features of the Merit Plan for the judges of the Supreme Court, the district courts, the juvenile courts, the county courts and the Workmen’s Compensation Court, and recommends that it be retained in the Constitution.—Adopted 1967, amended 1985 and 1987.

Specifically, the League supports:

- 1) The Commission on Judicial Qualifications as the appointed body to confidentially receive and process complaints from any citizen concerning the discipline or removal of any judge;
- 2) The right of appeal and removal power remaining with the Supreme Court; and
- 3) The right of the electorate to reject judges by election under the Merit Plan, and the Legislature to retain the impeachment power.

**COUNTY GOVERNMENT:** Members of the League of Women Voters of Nebraska advocate a county government structure that is representative, responsive and responsible, flexible and accountable, that permits the separation of legislative and administrative functions and allows efficient and economical delivery of services with adequate funding. Major structural changes in each county government must be approved by a majority vote of the people in that county.—Adopted 1977, 1991.

Specifically, the League supports:

- 1) The right of a county to choose its own structure, including elective and appointive options;
- 2) Structural and/or functional consolidations of counties and of a city with a county;
- 3) The option of county home rule;
- 4) Permission for counties to possess all powers not prohibited by state laws;
- 5) Alternative methods for initiating change in a county structure by legislative action of the state or the county and/or by a petition of the county voters;
- 6) A variety of means of financing county government;
- 7) Permission to allow county governments to create or dissolve special purpose districts; excluding school districts, lying wholly within the county, to approve their budgets and to supervise their long-range plans;
- 8) The right of counties to appoint a county administrator; and
- 9) The right of counties to appoint row officers.

**FINANCING STATE AND LOCAL GOVERNMENT:** The League of Women Voters of Nebraska supports a state fiscal policy that reflects the goal of adequate revenues in order to meet the budgeted expenditures of all levels of government to meet state and local services. In order to allow the aforementioned levels of government to fulfill their governmental responsibilities, a tax structure which is progressive, efficient and flexible is necessary.—Adopted 1987, amended 2011.

Specifically, the League supports the following:

- 1) The state’s primary sources of revenue should continue to be derived from a combination of sales and personal income taxes. Additional revenues can be achieved through an increase in tax rates, by extending the sales tax to services with exemptions for medical, legal, child-care and educational services, and increases in tobacco products and liquor taxes.

- 2) The League is opposed to the state operating, or sanctioning the operation of any state or regional lottery.
- 3) The state should utilize the federal income tax form as a progressive, economic and efficient vehicle for taxpayers to determine their tax obligations.
- 4) The state's primary responsibility is in providing adequate funding, in priority order, for: all levels of education, human services programs, aid to local governments, government services and economic development.
- 5) The state legislature when considering budget reductions should carefully evaluate each program and use line item reductions, not across-the-board reductions. The League does not support the imposition of fixed percentage "lids" on state expenditures as a proper method of budget reduction or the use of deficit spending in times of inadequate revenue.
- 6) We believe there should not be any sales tax on food.

## NATURAL RESOURCES

**WATER:** The League of Women Voters of Nebraska supports a water policy, which promotes wise use and care of water resources guided by the principle that water be managed in the public interest.— Updated 1978, amended 1993, updated 1995, amended 1999, updated and amended 2018.

**WATER QUALITY:** The League supports clean drinking water for all Nebraskans and believes that measures should be in place to protect water from contamination and pollution.

Specifically, the League supports:

- 1) Legislative action that outlines a process for Nebraska Department of Health and Human Services (NDHHS), Nebraska Department of Natural Resources (NeDNR), and Nebraska Department of Environmental Quality (NDEQ) to proactively identify and manage emerging threats to human health including, but not limited to, chemicals, pathogens, steroids, antibiotics, hormones and nutrient contaminants in drinking water;
- 2) Exclusion of pipeline siting in areas covered by the State Wellhead Protection Program, areas around municipal and private household wells without Wellhead Protection designation and in areas where the water table is at a level that rises near to the subsurface pipeline or to the surface beneath elevated pipelines. We encourage all municipalities to protect their wellhead protection areas through local ordinances;
- 3) A Legislative Task Force for further study on the management of both point source and non-point source contamination to both surface and groundwater sources to assure that Nebraska's current regulations are appropriate and adequate to protect water quality. The task force should include both agricultural and municipal representatives and consider specifically nutrients such as nitrates, as well as herbicides, pesticides, human and veterinary pharmaceuticals, hormones and particulate pollutants including mercury;
- 4) Funding of NDHHS, NeDNR, NRDs (Natural Resource Districts) and NDEQ at a level that adequately allows for staffing and programming to monitor water quality, investigate complaints, thoroughly assess permitting requests and follow-up on violations to protect Nebraskans from contamination of both surface and groundwater. Budget shortfalls should not reduce essential water quality monitoring programs. Nebraska should assure that EPA regulations are implemented immediately with staffing levels adequate to assure compliance; and
- 5) A robust educational program for private household drinking well owners in Nebraska and expansion of testing for contaminants which is currently limited to bacteria and nitrates. Local Health Departments should actively seek out property owners with private wells and provide both education and assistance with testing.

## **WATER QUANTITY**

Specifically, the League supports:

- 1) Conservation of water through efficient irrigation practices, improved farming techniques and continued research and education;
- 2) Legislative support for beneficial use of water to include water for domestic use including livestock watering, agricultural and manufacturing, including power production uses, and for the following instream uses: fish and wildlife, ground water recharge recreation, and dilution of wastes. Highest priority shall be given to domestic use; and
- 3) Legislative action to resolve the issues of ground water ownership, interrelationship of ground and surface water, and the administrative structure of water management.

The League acknowledges that there is a physical relationship between surface and groundwater, which is recognized by hydrogeologists. Since geological conditions vary from region to region across the state, laws should be sufficiently flexible to acknowledge this fact.

The League believes that a method for resolving conflicts between competing interests should be established. This method should include tested mediation procedures, and the parties to a dispute should be encouraged to settle the matter between themselves. If arbitrary decisions are made, they should recognize statewide and local interests, should balance public and private interests, and should recognize the differences between the various areas of the state.

Specifically, the League:

- 1) Supports existing water law, which recognizes the relationship between ground and surface water;
- 2) Recognizes the respective roles of the Department of Natural Resources and the Natural Resources Districts;
- 3) Recommends the creation of an institutional framework for resolving water conflicts which is flexible and expedient and which reflects publicly established criteria; and
- 4) Proposes that water problems be resolved by statute instead of abdicating decision-making authority to the courts.

The League supports state regulated water marketing (which includes leasing) as a means of allocating ground and surface water, with consideration given to protection of the public interest, environmental factors, effect on third parties, property tax implications and future water requirements.

Specifically, water marketing administration should include:

- 1) Quantification of water available for sale;
- 2) Terms of sale; and
- 3) A framework for resolving unintended consequences.

The League supports the sale (or leasing) of ground surface water between preference classes with the understanding that the preference system should be preserved.

Since the U.S. Supreme Court has determined ground water to be “publicly owned” and the Nebraska Constitution states that use of surface water is “dedicated to the people of the state” the League believes that the state should derive revenue from the marketing of water.

**LAND USE:** Members of the League of Women Voters of Nebraska support a state land use program based on goals and strategies which encourage local control, while at the same time identifying and providing statutory mechanisms for managing areas of statewide concern. Preservation of unique and prime agricultural land should be a primary goal and programs should be developed to implement that goal. The League of Women Voters of Nebraska supports green belt (buffer zone) type legislation and recognizes the inter-relationship of taxation and land use.—Adopted 1979, amended 1985, 1987, 1991.

Specifically, a state land use program should incorporate the following:

- 1) Requirement that local government exercises at least a minimum level of planning and control over land use;
- 2) Provision of state technical assistance to local governments;
- 3) Requirement that state agencies and political subdivisions abide by comprehensive planning of local government with provision for appeal to the state if conflicts occur;
- 4) Encouragement of coordination between governmental agencies, commissions, and boards, which are planning for the same area, and coordination between areas;
- 5) Identification of areas of statewide concern;
- 6) Recognition of the interrelationship of urban and rural concerns in land use;
- 7) Adoption of goals and implementation of policies to preserve unique and prime agricultural land;
- 8) Coordination of the state land use planning process by the Policy Research Office;
- 9) Establishment of a capital improvements process with long and short-range goals;
- 10) Involvement of the public; and
- 11) Insurance that policies and procedures are understandable and simple to follow for those who need to work with and under them.

**ENERGY:** The League of Women Voters of Nebraska believes that energy conservation must be a part of any national or state energy policy. Public understanding and cooperation are essential to the success of any program of energy conservation. Citizens should be involved in the difficult choices that must be made.

**ELECTRIC UTILITY DEREGULATION/PRIVATIZATION IN NEBRASKA:** Sound government policies are supported with “condition certain.” “Condition certain” means that no changes in the regulation of electricity will take place unless and until certain conditions are in place, such as viable wholesale energy markets and viable transmission networks.

## **SOCIAL POLICY**

**CORRECTIONS:** The League of Women Voters of Nebraska supports a correctional system which provides for realistic and humane treatment of the accused and sentenced offender both juvenile and adult, as well as for the protection of the community. In order to achieve such a system, the League advocates the use of community-based alternatives to incarceration and the separation of corrections from law enforcement.—Adopted 1975, *Alternatives to Incarceration*, -updated 1984, amended 1993, 2016.

Specifically, the League supports:

- 1) Diversion of offenders from the criminal justice system to appropriate programs;
- 2) Decriminalizing certain victimless crimes when alternative programs and facilities are feasible;
- 3) Improved and increased use of a variety of pre-trial release procedures;
- 4) The principle that juveniles be heard in juvenile court and held in facilities specifically designed for juvenile offenders;
- 5) A probation system comprising an adequate professional staff as well as volunteers;
- 6) Institutional programs aimed at reintegrating the offender into the community;
- 7) A central state agency to set minimum jail standards and to coordinate local correctional administration;
- 8) Removal of payment to jailer based on number of prisoners confined; and
- 9) A system which insures the preservation of civil and human rights of pre-trial detainees and which insures basic human rights of sentenced offenders.
- 10) Abolition of the death penalty.

**EQUAL RIGHTS AMENDMENT:** The League of Women Voters of Nebraska supports bringing state laws into compliance with the goals of the Equal Rights Amendment.—Amended 1981, 1985.

Specifically, the League supports:

- 1) Elimination or amendment of those laws that have the effect of discrimination on the basis of sex;
- 2) Promotion of laws that support the goal of ERA; and
- 3) Strengthening the enforcement of such existing laws.

**NATIVE AMERICANS:** The League of Women Voters of Nebraska believes that Native Americans should participate in the formulation, development implementation and valuation of all policies and programs affecting them.—Adopted 1974, amended 1985, 1987, 1993.

Specifically, the League supports:

- 1) Equality of opportunity for employment, health care, education, and welfare benefits;
- 2) Efforts to keep Native American children within their own families. In cases in which the child must be removed from his/her family, the primary concern of welfare departments should be to place the child in willing and qualified Native American foster/adoptive homes. Non-native American foster/adoptive parents should receive cultural awareness and sensitivity training before a Native American child is placed in the home;
- 3) Multicultural education and sensitivity training which includes the customs and culture of the Native American;
- 4) Affirmative action programs as a necessity;
- 5) Education efforts as a necessity to inform Native Americans of their rights and the services available to them;
- 6) A Nebraska Commission on Indian Affairs composed entirely of Native Americans, whose objective shall be to enhance the cause of the Native American rights and to develop solutions to problems common to all Nebraska Native Americans, maintained and adequately funded; and
- 7) A review by this commission of all treaties of Midwestern Native Americans, specifically as they apply to the tribes or their branches located within the state of Nebraska. The existing responsibilities and rights outlined in the federal and Nebraska statutes should be determined and implemented.

**CHILD CARE:** The League of Women Voters of Nebraska believes that children in preschools, child care and learning centers or child care homes should be provided humane, quality care in a safe and healthy environment.—amended 1985, 1986, 1987, 1989.

Specifically, the League supports:

- 1) Establishment of uniform minimum standards by federal, state and local governments in the regulation of preschool, child-care, and learning centers and homes;
- 2) Adequate staffing to promote personal, emotional and intellectual growth;
- 3) Education of preschool and learning center teachers, parents, caregivers and others about quality care; and
- 4) An environment free from child abuse and/or neglect.

**CHILD WELFARE:** The League of Women Voters of Nebraska supports policies and programs that respect the rights, promote the well-being and insure the safety of Nebraska's children. Government services for children should be comprehensive, accessible in all areas of the state, integrated/coordinated, efficient, adequately funded and should provide for accountability. These services should be staffed by professionals and volunteers who are well trained and competent in the specific area of service and should respect the rights of parents.—Adopted 1993.

Specifically, the League of Women Voters of Nebraska believes:

- 1) All reports of alleged abuse and neglect should be investigated. This may include screening by trained staff using a standard, effective protocol. An appropriate number of investigative workers should be hired and maintained to perform investigative tasks and to ensure the safety of children;

- 2) Foster families need preservice/in-service training, respite care, access to counseling (especially for behaviorally disordered children), adequate financial compensation based on the needs of the children, access to information about foster children needing placement and regular communication with Child Welfare, Juvenile & Adult Protective Services (CWJAPS) workers. Foster families should be recruited and trained to provide specialized care for children with special needs;
- 3) A range of placement options based on the needs of children should be developed in all areas of the state, including specialized treatment foster homes, specialized group homes, and long term residential treatment facilities. The Nebraska Department of Health and Human Services (DHHS) and other state agencies caring for state wards should continue to contract with out-patient mental health providers and other agencies for diagnostic, evaluative and treatment services to enable foster children to remain in existing foster homes. Contracting with out-of-state facilities for out-of-home care or treatment should be a last resort;
- 4) Permanency for children should be achieved in an expeditious manner. Standards and a protocol should be developed for county attorneys, judges and CWJAPS workers to use in determining if parents are making progress towards reunification with children or if termination of parental rights is appropriate. CWJAPS workers should be trained in collecting and documenting information necessary to make reunification or termination of parental rights decisions. County attorneys, guardians ad litem, and judges and CWJAPS workers should be trained on issues related to termination of parental rights and on the adoptability of disabled children. Adoption laws should allow and encourage open adoption in appropriate cases;
- 5) The number of juvenile courts and juvenile judges should be increased in areas of the state where there is a demonstrated need. County attorneys, guardians ad litem and judges should be provided with on-going training on child abuse and adoption issues. Court Appointed Special Advocates should be used in the juvenile court system whenever possible; and
- 6) Public awareness of abuse and neglect problems and preventive measures should be increased. Public health education about the relationship between chemical dependency and increased risk of abuse and neglect should be undertaken. Family life education classes should be available in the public schools, especially parenting classes for high school students, and home visits of high risk families with newborns should be made. Family counseling services and parent education classes should be available in all areas of the state. Family Preservation Services providing intensive casework and in-home therapy for both short-term cases and longer-term intervention should be available to at-risk families in all areas of the state.

**VIOLENCE PREVENTION:** The League of Women Voters of Nebraska supports policies and programs at all levels of the community and government that serve to prevent violence in the home and in the community. These include:

- 1) Programs and services for the prevention of child abuse and intervention;
- 2) Family support services for violence prevention and intervention;
- 3) Public and private development and coordination of programs that emphasize the prevention of violence;
- 4) The active role of government and social institutions in preventing violent behavior; and
- 5) The allocation of public monies in government programs to prevent violence.—Adopted 2000.

**HEALTH CARE:** The League of Women Voters of Nebraska bases action for primary health care strategies on the LWVUS position. —Adopted 2004.

**MENTAL HEALTH CARE:** Supports an adequately funded mental health care system which provides comprehensive and coordinated services for children and adults with mental disorders. Supports state and local policies and programs which provide the opportunity for persons with mental disorders to achieve optimal management of their illness. —Adopted 2004.

**INVESTIGATION OF EXPANDED GAMBLING IN NEBRASKA:** The intent of the effort is to look at the issue of expanded gambling in Nebraska, to collect as much available information as possible on the subject with attention to both the economic and social implications, and to present these findings to our membership. At that time, we may or may not propose a formal position. —Adopted 2003.

## **EDUCATION**

### **FINANCING PUBLIC SCHOOLS IN NEBRASKA**

The LWVNE believes in a public educational system financed by a combination of local and state revenues. Since state government has created the public schools by law it has a responsibility to aid local school districts in providing adequate and equitable school financing while maintaining local control. The wealth of the local school district in which a student resides should not determine what services are available. (Adopted 1981, amended 1983, 1991, 2008)

Specifically, the League supports:

- 1) Teacher salaries that are competitive with other states and that reflect upon teaching as a respected profession;
- 2) Teacher salaries for superior teachers that are comparable with administrators' salaries, to encourage those teachers to remain in the classroom;
- 3) Shifting the tax burden from heavy reliance on the local property tax to increased state support while maintaining local control of school districts and budgets;
- 4) Removal of arbitrary limitations upon budgets of local government subdivisions;
- 5) Provision of adequate revenue from sales and income taxes, both individual and corporate, to support educational services;
- 6) Accreditation standards of the minimum level of education regardless of the wealth of the local district in which a student resides; and
- 7) A free public school education through 12<sup>th</sup> grade, age not a limiting factor. Public school funds should be used to provide special education services to children with verified special needs from birth to age 21.

### **CURRICULUM IN NEBRASKA PUBLIC SCHOOLS**

The LWVNE supports policies and programs to promote a quality education for all Nebraska children from early childhood through grade 12. (Adopted May 1985, amended 1993, 2008, 2014)

Specifically, the League supports:

- 1) Teachers being endorsed in all subjects they are teaching;
- 2) Public school curriculum standards that will prepare students for citizenship, the world of work and to meet admission requirements of post-secondary educational institutions;
- 3) A strong social studies and government curriculum;
- 4) An emphasis on citizenship to include the relationship between freedom and responsibility and how to be a responsible voter;
- 5) Incorporation of critical thinking skills into all teaching. Throughout the educational process, the purpose of critical thinking is to develop patterns of active analysis of information rather than passive acceptance of information;
- 6) A minimum school year of 180 school days with a minimum of 1,032 instructional hours for elementary schools and 1,080 instructional hours for secondary schools;
- 7) The option of year-round public schools for districts that elect to do so;
- 8) Comprehensive counseling being offered to all Nebraska students;
- 9) Expanded learning options available and accessible to all students, including a higher emphasis on technology, vocational instruction, independent learning, apprenticeships, and dual enrollment in high school and post-secondary schools;



- 10) Arts, humanities, music, health, and physical education as a significant part of education that should be offered and available in every school; and
- 11) Service learning as an important style of learning that validates students as contributing members of their community.

### **STUDENT TESTING**

The LWVNE supports:

- 1) Mandatory minimum competency testing of students before graduation from high school;
- 2) Criterion-based testing of students, which means testing for mastery, allowing for different ways for students to demonstrate mastery, and testing on 100 percent of the curriculum;
- 3) A reduction in the amount of standardized testing that is norm-referenced which guarantees some students will always fail and which detracts from classroom teaching of the curriculum;
- 4) The exemption of students with special needs from mandatory standardized testing or mandatory minimum competency testing.

### **EARLY CHILDHOOD EDUCATION**

A comprehensive pre-kindergarten educational program should be available and accessible to all Nebraska children.

### **TRANSITIONS**

The LWVNE supports renewed focus on the needs of students at the key transition years (for example, 4<sup>th</sup> to 5<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade). Emphasis should be placed on individual tutoring, skill-building, extended school days, extended school years, and summer enrichment programs.

### **ACADEMIC FREEDOM**

The LWVNE supports academic freedom for all public school teachers and students in order to instill in students the value of democracy and to prepare students for informed and active civic participation.

### **SCHOOL SAFETY**

The LWVNE supports policies and programs that promote safe school environments for all students and staff to the exclusion of those zero-tolerance policies that do not allow for common sense and individual mitigating circumstances.

### **EVALUATION OF TEACHERS AND ADMINISTRATORS**

The LWVNE supports teacher tenure and Nebraska laws on teacher certification, just cause, and due process. The League supports performance-based evaluation of teachers and administrators. (Adopted 1993, amended 2008)