

June 15, 2023

At the beginning of the 108th Nebraska Legislature's long session, the League of Women Voters of Nebraska's six volunteer action teams—Education Policy, Health Care, Government, Mental and Behavioral Health, Natural Resources and Energy, and Social Policy—identified areas of focus to select specific bills for action through letters and in-person testimony.

LWVNE members met the challenging legislative session with determined involvement. The 49 volunteers serving on the six action teams—led by the 10 directors and co-directors in these policy areas—wrote an impressive 70 letters, testifying in person on 27, hand delivering 2 to state senators, and submitting 41 via the Legislature's online portal for committee hearings. More than 140 people signed up for LWVNE "Action Alerts," which were sent 22 times to encourage action on over 40 bills. Individually, LWVNE members showed up to testify as citizens, participated in coalition rallies, monitored debate, and contacted their legislators with an impressive sense of persistence.

Now, with the Legislature adjourned sine die until next January, we can analyze the outcome of the areas and bills we set out to influence. Unlike previous years, the Legislature used an unprecedented number of "omnibus bills" that added several (sometimes up to 30 bills) into one bill. Below is the summary of the LWVNE's original list of bills grouped by their final outcome with the League's stance marked in parentheses. A detailed list is included at the end of this document.

- 4 signed into law (1 support; 3 oppose)
- 15 amended in some form into another bill
  - 8 signed into law (6 support, 2 oppose)
  - 7 passed the Legislature but were line item vetoed by the governor (7 support)
- 34 hearing completed and still in committee (21 support, 13 oppose)
- 7 on general file carrying over to the 2024 short session (4 support, 3 oppose)
- 2 indefinitely postponed with no further action possible (2 support)

Broadly, the legislative outcomes of this session do not reflect the amount of effort put in by the Nebraskans advocating for or against these bills considering the fact that a large number supported by the LWVNE did not pass or even advance out of committee. Additionally, most of the handful of bills opposed by the LWVNE were signed into law. Here are some key summary points:

- The initially proposed 6-week abortion ban (LB626) was stopped, but through some questionable maneuvering of the rules, a 12-week abortion ban was eventually passed as an amendment on an unrelated bill (LB574).
- Two bills interfering with patient privacy and health care providers scope of practice—the prohibition of gender-affirming care for minors (LB574) and a 12-week abortion ban (LB626)—were amended to be slightly less extreme than their initial introduction but ultimately remained severe and were passed.

- Several of the bills that streamlined and added funds to housing programs, specifically the Rural Workforce Housing Investment Act and the Middle Income Workforce Housing Investment Fund, passed the Legislature as part of the budget but were ultimately line-item vetoed by the governor.
- Similar to the housing bills, a collection of bills that would fund improving drinking water infrastructure were passed as part of the budget but then line-item vetoed by the governor.
- Education bills taken up were primarily related to funding with none of the curriculum or parental involvement bills opposed by the LWWNE making it to the floor for debate.
- What passed as part of education funding was a mixed bag with increased funds being provided for special education, but also the passage of the Opportunity Scholarship Act (LB753) and a handful of restrictions on districts' ability to raise and manage their own funds.
- Although the LWWNE strongly opposes voter photo ID, the bill (LB514) passed in response to the initiative approved by voters in the November 2022 election to implement it could have been much worse. The final version made more types of photo IDs acceptable, retained mail-in ballot options, and provided funds for both IDs and education about the new rules.
- Gun law was relaxed even further through the passage of LB77, which implemented permit less concealed carry and removal of safety training requirements with no carve outs for metro areas.
- A watered down criminal justice reform bill passed, but included none of the provisions advocated for by the LWWNE.
- As this session pushed the rules of the Unicameral to its limits, many of the most contentious rule adjustments and changes to the formal institution itself were not taken up, including bills that would have changed from a unicameral to a bicameral Legislature, making state legislative district races partisan, and changing to a "winner-take-all" congressional district model for presidential elections.
- Finally, one of four bills supported by the LWWNE (LB254) that passed this session took an important step forward in regard to access and transparency by creating a publicly available internet archive of all committee and floor debate video recordings.

This session was incredibly difficult and at first glance the results may look disheartening. However, digging into the details shows the importance and impact of the informed, thoughtful and long-term advocacy by the League of Women Voters of Nebraska. Some extreme bills were kept from ever reaching the floor; some extreme bills were softened ever so slightly; and the highly visible lack of transparency, communication and true representation has created an environment where we can keep moving forward. Whatever the challenges, we will not give up in our efforts to educate, advocate and work toward a better Nebraska for all who live here.

On behalf of members of the LWWNE,

Rachel M. Gibson, Action Vice President, LWWNE  
 MaryLee Mouton, Co-President, LWWNE  
 Janelle Stevenson, Co-President, LWWNE

## Detailed Outcomes

Below are the broad goals each Action Team penned for the LWVNE's Legislative Day and given to each senator on Feb. 14. Throughout the session, teams decided to either write or not write on bills they had initially designated (listed at the end of this document). Similarly, teams opted to write on some bills that they had not initially designated (marked in italics). The color code is as follows:

- Signed into law
- Amended in some form into another bill and signed into law
- Passed the Legislature but were line item vetoed by the governor
- Hearing completed and still in committee
- On general file carrying over to the 2024 short session
- Indefinitely postponed with no further action possible

## Education Policy

Since 1974, the League of Women Voters U.S. has advocated for “equal access to quality education,” noting that “equality” and “quality” are inseparable. When assessing this goal in the context of the current climate around education in Nebraska, we identified three main focus areas:

- 1) Continuing and expanding student support programs and services that are responsive to current challenges in education;
- 2) Protecting the funding, access and support for Nebraska public schools; and
- 3) Maintaining a structure that recognizes the expertise of Nebraska teachers with guidance from electable boards.

### Support

- LB153 (DeBoer) Adopt the Extraordinary Increase in Special Education Expenditures Act

### Oppose

- LB753 (Linehan) Adopt the Opportunity Scholarship Act
- LB374 (Murman) Adopt the Parents' Bill of Rights
- LB71 (Sanders) Change provisions relating to parental involvement

## Government

Our organization was founded in an effort to expand the right to vote to women. We have continued to advocate for policy that “protects and enhances voting rights for all Americans, assures opportunities for citizen participation, and works for open, accountable, representative and responsible government at every level.” Much of our advocacy work is done in this area and our primary focuses will be:

- 1) Protecting the ability for all eligible voters to exercise their right within the context of the voter ID ballot measure that voters approved in the November 2022 election;
- 2) Balancing jurisdiction among different levels of government, all with structures, rules and guidelines that are inclusive, representative and accessible to the public; and
- 3) Defending the unique nonpartisan unicameral system in Nebraska that has allowed for efficient and effective government for the past 90 years.

## Support

- LB254 (Brewer) Require Legislative Council to maintain a publicly accessible digital archive of video
- LB70 (M. Cavanaugh) Eliminate the fee for certain state identification cards and certified copies of birth certificates for voting purposes
- LB675 (Day) Change provisions relating to elections and identification documents
- LB9 (Blood) Change independent expenditure reporting requirements and electioneering reporting
- LB313 (Lowe) Change provisions relating to special elections and filling vacancies in the U.S. Senate and House of Representatives
- LB364 (Hunt) Provide for election of election commissioners and eliminate certain deputy positions
- LB365 (Hunt) Permit counties to conduct elections by mail
- LB408 (M. Cavanaugh) Change provisions relating to conflicts of interest under the Nebraska Political Accountability and Disclosure Act
- LB409 (M. Cavanaugh) Change provisions relating to individuals required to file a statement of financial interests under the Nebraska Political Accountability and Disclosure Act
- LB410 (M. Cavanaugh) Change provisions relating to conflicts of interest under the Nebraska Political Accountability and Disclosure Act
- LB604 (Raybould) Change provisions relating to voting early under the Election Act
- LB737 (Raybould) Provide a contribution limit for candidate committees under the Nebraska Political Accountability and Disclosure Act.
- LR3CA (J. Cavanaugh) Provide for nonpartisan nomination and election of governor, lieutenant governor, attorney general, secretary of state, auditor of public accounts and state treasurer
- LB513 (Brewer) Change proof of publication requirements for legal notices and published notice and virtual conferencing requirements under the Open Meetings Act
- LB20 (Wayne) Provide restoration of voting rights upon completion of felony sentence or probation
- LB304 (Linehan) Require political subdivisions to disclose membership dues and lobbying fees
- LR22CA (Dover) Constitutional amendment to change legislative term limits to 3 consecutive terms

## Oppose

- LB535 (Slama) Require valid photo ID under the Election Act
- LB228 (Erdman) Create state holidays for statewide primary and general election days, require in-person voting, photographic identification to vote, counting of ballots on election day, etc.
- LB230 (Erdman) Require qualifying identification for voter registration and voting, require in-person voting, etc.
- LB457 (Holdcroft) Require video surveillance of voting and provide requirements for paper ballots, vote scanning devices, and vote tabulating equipment
- LB808 (Halloran) Provide for counting and recounting ballots under the Election Act by hand count
- LR2CA (Erdman) Change to a bicameral, partisan legislature, etc.
- LR31 (Halloran) Resolution to rescind a prior resolution and apply to Congress for a convention of the states to propose amendments to the United States Constitution
- LB195 (Halloran) Adopt the Faithful Delegates to the Federal Article V Convention Act

## Health Care

With the guiding philosophy that “a basic level of quality health care at an affordable cost should be available to all U.S. residents,” the LWVNE’s primary focus this session is to protect the right to privacy and access, particularly as it pertains to reproductive health but also to other areas involving the patient-provider relationship. Based on this focus, the Health Care Action Team followed this legislation:

### **Support**

- LB306 (Hunt) Create the Nebraska Youth in Care Bill of Rights

### **Oppose**

- LB626 (Albrecht) Adopt the Heartbeat Act

## Mental and Behavioral Health

With the drastically increasing need for mental and behavioral health for all Americans, the LWVNE is optimistic about the ability to advocate for “access for all people to affordable, quality in-patient and out-patient behavioral (and mental) health care” this session. In an effort to support this expansion, we support the following efforts:

- 1) Expanding access to not only providers but also training opportunities for those who may encounter mental and behavioral health needs; and
- 2) Providing the funding and support needed by individuals with disabilities, particularly related to reimbursement rates for care providers.

### **Support:**

- LB526 (Fredrickson) State intent to appropriate funds to the Department of Health and Human Services for Developmental Disability Aid
- LB585 (Hughes) Behavioral and mental health training for certain school personnel
- LB381 (M. Cavanaugh) Adopt the Mental Health Wellness Act
- LB601 (Dungan) State intent regarding increase provider rates of developmental disability services
- LB748 (M. Cavanaugh) Adopt Persons with Intellectual and Developmental Disabilities Assistance Act

## Natural Resources and Energy

In considering resource and energy policy this session, we utilized the lens of the League’s stance to support “protection and wise management of natural resources in the public interest.” From this vantage point, we identified two areas of attention:

- 1) Protecting the public’s ability to participate and shape energy policy, particularly in the area of renewable energy; and
- 2) Addressing the alarming increase in threats to our water quality, especially nitrate levels.

### **Support**

- LB506 (Bostar) Appropriate funds for water systems
- LB534 (Slama) Appropriate funds for community water systems
- LB766 (DeKay) Appropriate funds for reverse osmosis systems
- LB49 (Dungan) Change provisions relating to solar energy and wind energy, declare certain instruments void and unenforceable, and provide for a civil cause of action

## Oppose

- LB120 (Bostelman) State intent to appropriate federal funds to the DNR and the DEE
- LB255 (Brewer) Change eminent domain and renewable energy generation provisions relating to certain power suppliers

## Social Policy

The area that encompasses the most policies, the LWVNE Social Policy Action Team focuses heavily on the current needs and challenges specific to our state. As we considered policy that would “secure equal rights and equal opportunity for all,” we honed in on these five policy areas as most pressing for our state:

- 1) Expanding access to safe, affordable housing by increasing funding and strengthening tenant protection laws;
- 2) Defending all Nebraskans from discrimination in work, school, housing and other aspects of everyday life, particularly as it relates to sexual orientation and gender identity;
- 3) Supporting families in relation to accessing affordable quality childcare;
- 4) Protecting system-involved youth at all levels including judicial, institutional and personal; and
- 5) Reducing gun violence through reasonable legislation.

## Support

- LB84 (Day) Change provisions relating to the Supplemental Nutrition Assistance Program
- LB249 (Briese) Change provisions of Rural Workforce Housing Investment Act
- LB629 (McKinney) Change Middle Income Workforce Housing Investment
- LB741 (Vargas) State intent to transfer money and appropriate funds relating to housing
- LB801 (Vargas) Transfer money to Middle Income Workforce Housing Investments
- LB169 (Hunt) Prohibit discrimination based upon sexual orientation and gender identity
- LB179 (Fredrickson) Prohibit conversion therapy
- LB233 (J. Cavanaugh) Provide for child support payment disregard under aid to dependent children program and eliminate child support income in determining eligibility
- LB294 (Conrad) Adopt the Child Tax Credit Act
- LB316 (Fredrickson) Change and eliminate provisions relating to marriage
- LB348 (Wayne) Adopt the Community Work Release and Treatment Centers Act and change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration
- LB504 (Aguilar) State intent to transfer and appropriate funds for housing
- LR26CA (Day) Constitutional amendment to remove provisions regarding marriage from the Nebraska Constitution
- LB14 (Dungan) Young Adult Bridge to Independence Act
- LB35 (DeBoer) Change provisions relating to childcare assistance

## Oppose

- LB77 (Brewer) Provide for permit less concealed carry of handguns
- LB574 (Kauth) Adopt the Let Them Grow Act
- LB371 (Murman) Prohibit an individual under 19 years of age or under 21 years of age from being present at a drag show as prescribed
- LB575 (Kauth) Adopt the Sports and Spaces Act
- LB810 (Murman) Adopt the Medical Ethics and Diversity Act
- LB 194 (Halloran) Adopt the Second Amendment Preservation Act

## Bills Initially Identified for Action Letters but Ultimately Not Written

### Support

- LB99 (M. Cavanaugh) Adopt the Hunger-Free Schools Act
- LB487 (Hunt) Prohibit any school receiving public funds from discriminating as prescribed
- LB527 (Fredrickson) Provide reimbursement to districts for mental health expenditures
- LB8 (Blood) Change provisions of the Mobile Home Landlord and Tenant Act and provide for certificates of title and liens for abandoned mobile homes
- LB42 (Hansen) Change provisions relating to child abuse and neglect under the Child Protection and Family Safety Act and the Nebraska Juvenile Code
- LB60 (J. Cavanaugh) Change provisions relating to room confinement of juveniles
- LB175 (Dungan) Residential Tenant Clean State Act
- LB187 (J. Cavanaugh) Require appointment of counsel for tenants in eviction proceedings
- LB248 (Vargas) Prohibit discrimination based on lawful source of income
- LB270 (McKinney) Change provisions in Uniform Residential Landlord and Tenant Act
- LB338 (McKinney) Changes under License Suspension Act
- LB424 (DeBoer) Create the Department of Housing and Urban Development
- LB670 (Hunt) Prohibit employment discrimination on the basis of gender identity or sexual orientation regardless of employer size
- LB75 (Vargas) Provide for review of incidents of severe maternal morbidity
- LB200 (Briese) Adopt the Canadian Prescription Drug Importation Act
- LB333 (Conrad) Require a state plan amendment for coverage of family planning services under the Medical Assistance Act
- LB488 (Hunt) Adopt the Sexual Assault Emergency Care Act
- LB123 (Fredrickson) Adopt the Behavior Analyst Practice Act

### Oppose

- LR24CA (Albrecht) Eliminate the State Board of Education and provide for the governor to appoint the Commissioner of Education
- LR28CA (Linehan) Change membership of the State Board of Education
- LB764 (Lippincott) Change provisions relating to selection of and ballots cast by presidential electors