

## Veto override of ex-felon voting bill falls short

An attempt to override the governor's veto of a bill to immediately reinstate an individual's voting rights upon completion of a felony sentence or probation fell short May 8.

LB75, sponsored by Omaha Sen. Justin Wayne, would have removed a current two-year waiting period in state law before former felons can vote. Senators passed the bill April 24 on a 27-13 vote.

In his April 27 veto letter, Gov. Pete Ricketts said that requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions. Studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates, he said.

In addition, the governor expressed concern that restoring the right to vote via state law would contradict a process set out in the state constitution. The sole power to restore civil rights lost by someone who is convicted of a felony is granted to the state Board of Pardons, he said.

Wayne said the bill is not unconstitutional. A pardon restores all civil rights, he said, while LB75 is more



Sen. Justin Wayne said voting rights are an important part of reintegration to society for ex-felons.

limited in scope.

"We are not restoring all civil rights as defined by our Nebraska Supreme Court," he said. "We are restoring one political right and that is the right to vote."

Crete Sen. Laura Ebke supported the override motion, saying revocation of the waiting period would demonstrate the Legislature's commitment to criminal justice reform. She noted that lawmakers passed another bill this session allowing ex-felons to carry deadly weapons for recreational and hunting purposes. Senators should be equally willing to trust former felons with a pencil and paper at the ballot

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## Budget bills approved

Lawmakers gave final approval May 9 to the state's \$8.9 billion, two-year budget package.

Among the measures passed was LB331, which creates funds, makes fund transfers and lowers the minimum cash reserve requirement from 3 to 2.5 percent for the current biennium.

The bill initially failed to pass with the emergency clause on a 31-12 vote, meaning that no funds could be created or transferred immediately. Thirty-three votes were needed.

Gering Sen. John Stinner, chairperson of the Appropriations Committee, offered a motion to reconsider that vote. Without an emergency clause, he said, the bill would not become law until Sept. 2, 2017, when bills passed this session normally take effect. The current fiscal year ends June 30.

Stinner said lawmakers were "on dangerous ground" – and urged his colleagues to pass the budget package with enough votes to avoid a government shutdown during that two-month gap.

The reconsideration motion was adopted 36-5 and LB331 passed on a vote of 36-12.

LB327, the state's mainline budget bill, also passed on a vote of 36-12 after several amendments and motions were offered and withdrawn. Finally, LB332, a bill that makes transfers to and from the Cash Reserve Fund, passed 35-10.

Additional budget measures approved May 8 were:

- LB328, which provides salaries

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box, she said.

"It's good policy not to take civil rights away from people if they've paid their debt to society," Ebke said, noting that the state attorney general declined her request to issue an opinion on the constitutionality of LB75.

Sen. Ernie Chambers of Omaha said the Legislature has the plenary authority to legislate on any issue not expressly forbidden by the state constitution. If members of the executive branch of government wish to challenge that authority, he said, they are free to do so in a court of law.

Lincoln Sen. Adam Morfeld also supported the override motion. If removing the current two-year ban is unconstitutional, he said, then moving from the previous lifetime ban to current law also should have been deemed unconstitutional – but no one has challenged the current law.

"It makes absolutely no sense," Morfeld said.

Sen. Lydia Brasch of Bancroft said she would not vote for the override motion because newly released felons should spend the two-year waiting period becoming reacquainted with their communities and the issues that they will be encountering on the ballot.

"Two years is nothing," she said. "Two years goes by so quickly."

But Wayne said that many Nebraskans with felony convictions never set foot inside a jail and spend their time on probation in their communities.

"Our state's felon disenfranchisement laws are at best outdated and at worst rooted in racism, fear and exclusion," he said.

Senators voted 23-23 on the override motion and the governor's veto was sustained. Thirty votes were required. ■

# Budget bills approved

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for Nebraska state senators, passed 44-2;

- LB329, which provides salaries for state constitutional officers, passed 45-2;
- LB330, which appropriates funds for capital construction and property acquisition, passed 41-6;
- LB149, which contains adjustments to the state budget for the current fiscal year, passed 37-9; and
- LB171, which provides for payment of claims against the state, passed 44-1.

The governor has five calendar days, excluding Sunday, to sign, veto in total or line-item veto appropriations within the budget bills.

If budget bills are returned to the Legislature with line-item vetoes, the Appropriations Committee must report on the fiscal impact of the vetoes within one day and may offer a motion to override any or all of them. Thirty votes are required to override a veto. ■

## UNICAMERAL UPDATE

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# MEET THE SENATOR

## Wayne suits up for legislative session

For the past 16 years, Sen. Justin Wayne has coached basketball for a youth sports program in Omaha and serves as its president. In 2008, a few of his players noticed his grouching about Omaha's public schools, so they encouraged Wayne to follow the same advice he gave them: if you are going to complain, be a part of the solution.

"If I've got things that I'm complaining about, I can't sit on the sidelines," he said. "I've got to get in the game."

With two players as campaign managers, he ran for and won a seat on the Learning Community Coordinating Council. In 2010, he was elected to the Omaha Public Schools board and later served a year as its president before leaving to take his seat in the Nebraska Legislature.

In high school, Wayne had intended to walk on to the University of Kansas basketball team, but he was hit by a drunk driver his senior year. The resulting back injury forced Wayne to give up that dream, and he transferred to Creighton University, closer to home.

"I was in a funk," Wayne said.

Judge Darryl Lowe, a Douglas County district court judge who coached Wayne as a young basketball player, called him to his office and told him he should attend Creighton's law school. Wayne, who is biracial, said the first day in class was a shock.

"I was the darkest person in the room," he said, "and I'm not that dark."

Wayne felt out of place, but the judge encouraged him to stick with it. Wayne later became president of Creighton's Black Law Students Association and its Student Bar Association.

When making decisions as a senator, Wayne said, he is guided by loyalty to the people in his district, the ones who have known him his whole life and who are the resident experts on what is happening in their community.

"This is the district I was born and raised in," he said. "From Hartman Elementary down to Florence Boulevard, that's been the core of the district since I was little."

In Wayne's district, the most pressing problems are a lack of good jobs, high property taxes and education. Investing in education would

boost the state's economy and prevent more children from ending up in the juvenile justice system, he said.

"We as a state have got to narrow our focus on our children," Wayne said. "If we don't figure out juvenile justice and education, Nebraska will get left behind."

Wayne said his variety of experience — he owns a construction company in addition to his law practice and spent much of his childhood on his mother's family farm — will help him find common ground with rural and urban senators alike to address those problems.

"People generally want to help out Nebraska," he said. "How we get there is what differs."

In his free time, Wayne enjoys spending time with his wife Katie and daughter Mya. He also spends at least six hours a week doing what he loves most: coaching basketball.

If University of Nebraska athletic director Shawn Eichorst ever needs a basketball consultant willing to work pro bono, Wayne said, he need look no farther than District 13.

"Just get me on the floor," Wayne said. "No charge — I will get it done." ■



Coach Justin Wayne (right) poses with his third grade team to celebrate winning first place in a 2014 tournament.

## EDUCATION

### Retention, intervention considered for struggling early readers

Third-grade students who struggle with reading would repeat the grade and receive extra instruction under a bill debated by the Legislature May 11.

Elkhorn Sen. Lou Ann Linehan filed a motion to place the bill on general file, even though the Education Committee had taken no action to advance it. This unusual maneuver requires a majority vote of the Legislature. Senators voted May 2 to adopt the motion 30-13.



Sen. Lou Ann Linehan

LB651 would require school districts to offer an accelerated reading intervention program to students in kindergarten through third grade who are identified as having a reading deficiency based on local or statewide assessments.

Linehan said many school districts already have implemented some of the provisions in LB651, leading to a 10 percent increase in the number of students who met statewide reading standards from 2011 and 2016. In some schools, however, 70 percent of students are not reading at grade level, she said.

“Too many school districts still have a large percentage of students not reading at grade level when they are promoted to the fourth grade,” Linehan said. “There is little evidence that a child who leaves third grade unable to read will ever catch up.”

Under the bill, a student with a reading deficiency would receive an individual reading improvement plan

developed by the teacher, principal, other school staff and the student’s parents.

Beginning with school year 2019-20, if the student scores below grade level on the third-grade statewide reading assessment, the student would be retained in third grade unless he or she qualifies for an exemption.

Additionally, schools would be required to provide summer reading camps offering at least 70 hours of instruction to students scoring below grade level on the third-grade statewide reading assessment.

Omaha Sen. Justin Wayne supported the bill, saying it would apply pressure to school districts to ensure that all students can read once they reach the fourth grade. Despite recent improvements, that is not true of many children in Omaha Public Schools, he said.

“If we aren’t teaching them the basic reading skills to move to the next level, that’s on us,” Wayne said.

Sen. Ernie Chambers of Omaha opposed the bill and filed several motions to delay a vote on it. He said the bill represents a one-size-fits-all approach to education that would punish students who have difficulty reading.

“The aim is good, but the means of getting there is what upsets me,” Chambers said.

Sen. Patty Pansing Brooks of Lincoln said the bill’s early intervention measures are needed but that the proposed retention of students makes it too difficult for many senators to support. Many studies have found that retention does not improve reading scores, she said, but many others have found that promoting a student who cannot read to the next grade also harms that student.

Pansing Brooks said a planned interim study of dyslexia and reading literacy across the state will give the

Legislature a better idea of how to address the problem next session.

“I think we can more clearly and precisely address the issues and the needs,” she said.

The Legislature adjourned for the week before voting on the bill.

## GENERAL AFFAIRS

### Craft brew practices amended, omnibus liquor law changes advanced

A bill that would make numerous changes to Nebraska’s liquor laws was amended and advanced from general file May 10.

As introduced by O’Neill Sen. Tyson Larson, LB632 would make a number of changes to the Nebraska Liquor Control Act, including several impacting craft brewers. A provision that would require all alcoholic



Sen. Tyson Larson

beverages purchased for resale in the state to be “at rest” at a licensed wholesale warehouse prior to distribution was the focus of debate.

Larson said the provisions would clarify that – except for the ability to transport to and sell at their own retail locations – craft brewers must go through a distributor. The language would codify in state law existing rules and regulations created by the state Liquor Control Commission, he said, and is important so it can audit and regulate shipments.

“To allow in-state craft brewery beer not to come at rest in the wholesaler’s warehouse, but to require out-of-state beer to do so, also raises a constitutional issue,” Larson said,



which he said likely would result in expensive litigation.

Lincoln Sen. Mike Hilgers disagreed, saying that the test in the relevant court cases centers on whether the different rules for in-state and out-of-state producers results in a system that is “rigged” to favor in-state interests. A system in which rural Nebraska craft brewers are allowed to have their beer come to rest in a distribution truck, while others would be required to come to rest in a warehouse, would not necessarily be unconstitutional, he said.

“What I’ve seen so far here is that this type of change does not rig the game in favor of in-state sellers,” Hilgers said.

Bellevue Sen. Carol Blood offered an amendment that would remove the requirement that beer be unloaded into and distributed from a licensed wholesaler’s warehouse located in Nebraska.

Distributors still would be required to take possession of beer, she said, which would preserve the state’s three-tiered liquor control system that separates producers, distributors and retailers. She said the change simply would mean that distributors would not have to transport beer produced outside of Lincoln and Omaha hundreds of miles to a warehouse before delivering it to retailers.

“The bottom line is that we should be embracing these entrepreneurs,” Blood said, “not making it harder or more expensive for them to run their businesses.”

Sen. Tom Brewer of Gordon supported the amendment, saying it would support the many craft brewers operating in rural Nebraska.

“They all speak with the same voice and the same concerns,” he said. “The ag economy is in peril now. These towns are struggling to survive and [without the Blood amendment] we’re going to do something that will make

their lives nearly impossible as far as survival in their capacity as a small-town brewery.”

The amendment was adopted 35-0.

As introduced, LB632 would have limited to 12 the number of Special Designated Licenses (SDLs) that a retail licensee could be issued in any calendar year. The bill also would have required a showing of “substantial need and undue hardship” in order for the Liquor Control Commission (LCC) to waive rules relating to issuing an SDL.

A General Affairs Committee amendment, adopted 40-0, removed the SDL limitation and the requirement to show substantial need or undue hardship. Among other provisions, the amendment also would:

- create a definition for a bottle club;
- clarify that the “at rest” requirement for distribution does not apply to farm wineries;
- remove a proposed limit on off-site retail expansion for craft brewery licensees and a requirement that retail locations engage in production;
- increase from 32 to 64 ounces the container size under a limited bottling endorsement;
- require the LCC to keep track of delinquent wine and spirit retailers;
- allow the LCC to waive the requirement that alcohol be purchased through a wholesaler when issuing SDLs to nonprofits, churches, municipalities and other entities;
- require a third-party shipper to report to the LCC when delivering out-of-state alcohol directly to a purchaser in Nebraska; and
- grant the LCC authority to suspend a license for up to 48 hours for a first violation and

up to 15 days for a third or subsequent violation in the same time period.

In addition, the bill would create the Music Licensing Agency Act. The act would require a music licensing agency to register with the state Department of Revenue and file an annual electronic copy of each performing rights agreement that provides for payment of royalties made available from the music licensing agency to any Nebraska proprietor.

Following adoption of the committee amendment, the bill advanced to select file 43-0.



### Election administration clarifications adopted

The Legislature passed a bill May 8 that changes how legislative vacancies are filled.

Currently, when a legislative seat is vacated, the governor appoints a person to serve in that seat. If the vacancy occurs more than 60 days prior to any general election, then that seat would be filled permanently by the candidate who wins the election, which could include the appointee. If the general election occurs in less than 60 days from the vacancy, the appointee serves the rest of the term.

LB451, introduced by Gretna Sen. John Murante, creates a graduated system of deadlines for filling such vacancies. As amended, if a vacancy is created:



Sen. John Murante

- on or before Feb. 1, the appointee is subject to election in that year’s primary and general elections;

- between Feb. 2 and May 1, the appointee is required to file a petition to appear on the general election ballot; or
- after May 1, the appointee will serve the remainder of the legislative term before being subject to election.

The provisions for filling legislative vacancies also apply to the University of Nebraska’s Board of Regents.

Candidates filing for political office are required to file a statement of financial interest before March 1 of the year in which the election will be held, or before filing for election, if the filing deadline is after March 1. Failure to do so will result in the candidate not appearing on the ballot.

The bill also changes from July 1 to June 15 the date in even-numbered years that certain political subdivisions must certify the political offices to be filled in an upcoming election. The provision applies to each reclamation district, county weed district, village, county under township organization, educational service unit and public power district with an annual gross revenue of less than \$40 million.

Finally, the bill makes several technical changes to the delivery and returning of early voting ballots.

The bill includes provisions of LB314, also introduced by Murante, which lengthen the time before an election during which a city must file a proposed economic development plan with the election commissioner or county clerk. The plan must be filed no later than 50 days prior to a special election, no later than March 1 prior to a primary election and no later than Sept. 1 prior to a general election.

The number of days prior to an election that an election notice must appear in the relevant newspaper also is increased from 40 to 42.

The bill passed on a 48-0 vote.

**Law enforcement officer addresses may be withheld**

A law enforcement officer may apply to have his or her home address withheld from the public under a bill passed by the Legislature May 8.

Introduced by Sen. Anna Wishart of Lincoln, LB624 directs county assessors and registers of deeds to withhold from the public the residential address of a law enforcement officer who applies unless a member of the public requests the address in writing.

Officers are required to renew their applications every five years.

The bill passed 47-0.



Sen. Anna Wishart

**Cloture attempt on voter ID constitutional amendment fails**

Senators rejected a cloture motion May 9 during first-round debate on a measure that would ask Nebraskans to decide whether voters must show identification at the polls.

LR1CA, introduced by Gretna Sen. John Murante, would place a proposed constitutional amendment on the November 2018 general election ballot. If approved, the amendment would require voters in Nebraska to present an ID containing a photograph or digital image prior to casting a ballot.

The Legislature would be tasked with determining the specifics of the voter ID requirement through enabling legislation. Murante said it would be possible to craft enabling legislation that would not suppress the state’s minority vote, while acknowl-



Sen. John Murante

edging that voter ID requirements historically have been enacted with the intention of targeting minority groups.

“It is an objective reality,” he said. “And to deny that these sorts of election laws have been used in the past to suppress minority votes would be to deny history.”

However, he said, America currently has a crisis of voter confidence and needs to demonstrate that steps are being taken to ensure that only those who are qualified to vote are casting ballots.

Lincoln Sen. Mike Hilgers supported the measure. Voter ID laws are not inherently discriminatory, he said, and in-person voter fraud needs to be guarded against. When barriers are low and incentives are high, he said, there is reason to believe that fraud has happened.

“We know that people will go to great ends to win elections legitimately or illegitimately,” Hilgers said, noting the hundreds of millions spent on elections in the U.S.

Lincoln Sen. Adam Morfeld spoke in opposition, saying voter ID laws place an unnecessary burden on the elderly, veterans, low-income individuals and others. The secretary of state has stated that Nebraska’s elections are secure, he said, so there is no need to change the state’s constitution.

“We should spend our time focusing on problems that actually exist,” Morfeld said. “We should spend our resources on problems that actually exist.”

Sen. Justin Wayne of Omaha offered a motion to indefinitely postpone the measure, saying the cost of implementing voter ID in Nebraska is not known – in part because the proposed constitutional amendment contains no specifics on what form it would take if approved.

Wayne said that a conservative esti-

mate would put the cost of providing ID to approximately 160,000 people at \$3.7 million. In addition, he said, the proposal would be caught up in court challenges because voters would not know what type of ID requirement they were authorizing.

“Any definition we come up with [in enabling legislation] will be litigated because voters will think that it’s just a driver license,” he said.

The motion failed on an 18-25 vote.

Murante then offered a motion to invoke cloture, or cease debate and vote on the measure. He said he would work over the interim to try and develop voter ID legislation that everyone in the state could support.

“I’m going to continue fighting to make sure our election systems are something that the people of Nebraska can be proud of and have confidence in,” Murante said.

The cloture motion failed on a vote of 26-17. A failed cloture motion results in debate on a proposal ceasing for the day. LRICA is unlikely to be placed on the agenda again this session.

## HEALTH & HUMAN SERVICES

### Delay in child care rate adjustment amended, approved

A bill that delays rate changes for child care subsidy providers was given final approval May 11.

The Child Care and Development Fund Market Rate Survey is required by the federal government. Current state law requires the state Department of Health and Human Services to adjust the rates paid to child care subsidy providers every other year based on the survey.

LB335, introduced by Ralston Sen.

Merv Riepe at the request of the governor, eliminates implementation of any rate changes in 2017. Riepe said the proposal is an important part of



Sen. Merv Riepe

the state’s budget modification package to address a projected revenue shortfall.

As amended on general file, for the next two fiscal years the provider rate cannot fall below the 50th percentile, or the rate for the immediately preceding fiscal year. Currently, the rate that child care subsidy providers receive must be between 60 and 75 percent of the market rate.

Omaha Sen. Sara Howard offered an amendment May 8 on select file, adopted 45-0, that requires rates for the fiscal year beginning July 1, 2018, to be at least the 60th percentile of the last three quarters of the prior fiscal year or the rate for the fiscal year beginning on July 1, 2016.

Howard said the change will ensure that Nebraska is in compliance with federal regulations that require the state to be making a good faith effort to reach the 60th percentile by Oct. 1, 2018. If not, the state could be required to return approximately \$30 million in federal funds, she said.

“This has been a really tough bill for me because I hate the idea that child care providers might be suffering and therefore that children might be suffering,” she said.

Riepe supported the amendment, saying LB335 needs to pass this year in order to achieve a \$1.8 million cost avoidance for the program in FY2018-19.

Following adoption of the amendment, the bill advanced to final reading by voice vote on May 8 and was given final approval May 11 on a vote of 42-0.

## JUDICIARY

### County courts authorized to determine competency

A bill that expands the authority of county courts to determine a person’s competency to stand trial was passed May 8.

Currently, if a party files a motion to determine a defendant’s competency to stand trial in county court, a separate civil motion is filed in district court. The criminal case is put on hold while the competency determination is made by a district court judge.

Judges who hear a criminal case in district court, however, have the authority to consider a competency challenge similar to any other motion.

LB259, introduced by Lincoln Sen. Matt Hansen, allows county court judges to determine competency without filing a separate civil motion in district court. It also allows city attorneys to question a defendant’s competency.



Sen. Matt Hansen

The bill includes provisions of three related bills.

Those from LB145, also introduced by Hansen, require a court to determine a defendant’s ability to pay a fine before imposing a jail sentence for nonpayment. If the defendant is found to be unable to pay the fine, that court can authorize an installment payment plan or community service as an alternative to payment of the fine.

LB526, introduced by Lincoln Sen. Adam Morfeld, prohibits the



Sen. Adam Morfeld

detention of a debtor unless he or she is found to be willfully in contempt of court. It also requires court appointed counsel for indigent debtors in the event of a contempt hearing that could result in imprisonment.

Also introduced by Morfeld and incorporated in the bill is LB395, which requires judges to consider a defendant's ability to pay as a factor in setting bond.

LB259 passed on a 41-3 vote.

### Self-storage lien practices updated

A bill that allows self-storage facility owners to impose liens on personal property was passed May 8.

LB492, introduced by Omaha Sen. Burke Harr, allows an operator of a self-storage facility to impose a lien on all of an occupant's personal property located at the facility to recover delinquent rent, late fees and other charges related to the preservation, sale or disposition of the personal property.



Sen. Burke Harr

Under the bill, self-storage rental agreements will include language notifying a renter of the lien and its enforcement if a renter is found to be in default for more than 45 days. The facility operator is required to give written notice to the renter of default and allow the renter an additional 45 days to pay all delinquent charges.

If the charges are not satisfied within that time frame, the facility operator may conduct a commercially reasonable sale of the personal property.

The bill passed on a 47-0 vote.



### Teacher retirement changes removed, omnibus retirement bill advanced

Lawmakers advanced an omnibus retirement bill to final reading May 10 after amending out proposed changes to the state's school employee retirement plans.

Seward Sen. Mark Kolterman, chairperson of the Nebraska Retirement Systems Committee, said he introduced LB415 in an attempt to eliminate or reduce the practice of teachers returning to work after initial retirement.



Sen. Mark Kolterman

As amended by the Nebraska Retirement Systems Committee on general file, the bill would have eliminated exemptions that allow intermittent voluntary or substitute service during the 180-day separation of service after termination. It also would have required a three-year break in service if a school employee received an early retirement incentive.

Several senators raised concerns that these provisions would compound the state's substitute teacher shortage, especially in rural areas.

Kolterman offered an amendment on select file that removed the provisions, which he said would leave current law intact regarding separation of service for school employees. He said he would conduct an interim study on the issue and continue to work with stakeholders.

"As we move forward, I will continue to work and negotiate in good faith," Kolterman said. "My primary concern is to protect the plan and maintain the

fiscal health of these plans."

The amendment was adopted on a 41-0 vote.

A provision that creates a new "Rule of 85" with a minimum retirement age of 60 for new school employees was retained in the bill. The change would apply only to employees hired on or after July 1, 2018. Under the rule, an employee could retire at age 60 if their age plus their years of creditable service equal 85 or higher.

Also included are provisions of six additional measures introduced by Kolterman that would make changes to the various state retirement plans, including:

- LB31, which would make changes in the school employees retirement plan related to creditable service;
- LB32, which would change the frequency and method of calculation of county prior service annuity payments in the County Employees Retirement Act;
- LB110, which would eliminate the obligation of political subdivisions to file annual reports on defined contribution plans after Dec. 31, 2017, and delete the requirement for the Public Employees Retirement Board to design and provide the annual reporting form;
- LB278, which would clarify the definition of disability in the county, state and school plans;
- LB413, which would make technical and clean-up changes to the judges and state patrol retirement plans; and
- LB532, which would make changes regarding military service in the judges and state patrol plans.

Also included are provisions of LB219, introduced by the Nebraska Retirement Systems Committee,



which would change provisions related to authorized benefit elections and actuarial assumptions.

Following adoption of a technical amendment offered by Kolterman, the bill advanced to final reading by voice vote.

## TRANSPORTATION & TELECOMMUNICATIONS

### New mowing restriction approved

A bill that helps encourage wildlife habitat growth and fight soil erosion was passed by the Legislature May 8.

LB584, introduced by Henderson Sen. Curt Friesen, prohibits counties and townships from mowing ditches before July 1 each year.



Sen. Curt Friesen

The bill does not prohibit private landowners from mowing roadside vegetation on road shoulders, intersections or entrances. Landowners will be required to mow roads and drainage ditches at least twice annually, in July and September of each year.

The bill passed on a 48-0 vote.

## URBAN AFFAIRS

### Tax incentive for workforce housing construction considered

Lawmakers debated a bill May 10 that would allow certain cities to use tax increment financing (TIF) to support the construction of workforce housing.

Introduced by Gering Sen. John

Stinner, LB496 would authorize cities of the first and second class and villages to include the construction of single-family or multi-family housing as part of a redevelopment project eligible for tax increment financing.



Sen. John Stinner

Stinner said workforce housing shortages are a persistent problem across the state, especially in rural areas. A recent study found that Scottsbluff, Morrill and Kimball counties need approximately 800 new housing units to meet estimated population growth, he said.

“Expanding availability of TIF for the construction of workforce housing will make these homes more affordable for middle income workers wishing to locate to rural communities,” he said.

The bill would require a municipality to receive a housing study, prepare an incentive plan for the construction of housing meant for new or existing workers and hold a public hearing on the plan.

After the hearing, the municipality would be required to determine that the plan is necessary to prevent the spread of blight and substandard conditions within the municipality, will promote additional safe and suitable housing for people employed there and will not result in the unjust enrichment of any individual or company.

Sen. Matt Williams of Gothenburg supported the bill, saying that a lack of housing is the largest obstacle to economic growth in rural Nebraska. Lincoln County had more than 700 job openings in December 2016, Williams said, but only 55 houses were for sale in North Platte, the county’s largest city. Only 34 of those houses cost less than \$150,000, he added.

“One of the things that I have heard said about TIF is that many of these projects would happen anyway,” Williams said. “In the case of rural housing ... we know that’s not the case or there wouldn’t be the need that I just talked about.”

In opposition to the bill was North Platte Sen. Mike Groene, who said that TIF was intended to be used for urban renewal, not as a statewide economic development tool. He said using TIF diverts property tax revenue from local governments and public schools, requiring the state to pay more in aid to schools and increasing the burden on taxpayers who already live in those communities.

“We have a property tax problem,” Groene said. “We need more new property on the tax rolls, not less.”

Sen. Curt Friesen of Henderson said he is conflicted about the bill. TIF is one of the only tools small cities and villages can use to encourage economic development, he said, but using it to build housing projects would increase enrollment at local schools while diverting property tax revenue away from those school districts. That would force rural districts – many of which do not receive state aid – to increase their property tax levies to make up the difference, Friesen said.

“We do need housing,” he said. “I wish there was a different method of bringing it in.”

The Legislature moved to the next bill on the agenda without voting on LB496. ■



# MEET THE SENATOR

## Clements banks on a new career



Sen. Robert Clements takes the field at Memorial Stadium as members of the UNL Band Alumni Association prepare to practice with the Cornhusker Marching Band on a game day morning in 2016.

To say that newly-appointed Sen. Robert Clements has deep roots in his Legislative district would be an understatement. His great-great-grandfather John came to the area in 1868 to homestead as an immigrant from England. He went on to be one of the four men who incorporated the village of Elmwood in 1886.

The soft-spoken senator also has deep roots in the banking industry. His grandfather Guy began working in the American Exchange Bank in Elmwood in 1907, when it was owned by author Bess Streeter Aldrich's family. Members of the Clements family have been involved there ever since, including the senator's father Dwight, twin brother Richard, son Andrew and nephew Aaron.

Clements didn't get his start at American Exchange, however. After earning his degree in mathematics from the University of Nebraska-Lincoln, he moved to Kansas City.

"I wanted to find out if I had enough talent to get a job on my own, and not just based on my last name," he said.

After a successful few years, he decided to move back home. He and wife Peggy – high school sweethearts who've now been married for 44 years – had two young children and wanted to raise them in a small town. So Clements joined the family business, eventually becoming the bank's executive vice president.

The couple now has five children and 11 grandchild-

dren, and seemingly all that is important to Clements can be traced back to family. In the fifth grade his uncle taught him to play taps on the bugle. He's been playing it with the American Legion on Memorial Day ever since.

"I see it as my way of honoring those who served," he said, noting that he missed the Vietnam draft by three months. "I still appreciate those who went in my place."

But his love of the trumpet goes back even further, to a much less somber root. The theme song to his favorite childhood television show – "The Lone Ranger" – featured the instrument prominently.

"It all goes back to the "William Tell Overture" – the truth comes out," he laughed.

As a trumpeter during his undergraduate years, Clements marched in three Orange Bowl parades and became a charter member of the UNL Alumni Band Association. The alumni band plays once a year at Memorial Stadium, which Clements said continues to be thrilling.

Clements' introduction to life as a senator, however, was less so. He was appointed in February to fill a seat left vacant by the resignation of Sen. Bill Kintner, and had to hit the ground running since the legislative session already had begun.

"The first week, I thought to myself, if someone else wants this job, they can have it," he joked.

As a member of the Appropriations Committee, Clements was faced with an "overwhelming" amount of information and the grave responsibility of balancing the state's budget. It was daunting at first, he said, but the willingness of fellow senators to help was a pleasant surprise.

"I truly feel like I was meant to be here, given the way it all worked out," Clements said. ■

# COMMITTEE HEARINGS

\*Current hearing schedules are always available at: [NebraskaLegislature.gov/calendar](http://NebraskaLegislature.gov/calendar)

## Monday, May 15

### Government, Military & Veterans Affairs Room 1507 - 12:00 p.m.

Appointment: Steve F. Danon - Emergency Response Commission LR95 (Craighead) Provide the Honor and Remember Flag is adopted as an official symbol of the State of Nebraska LR71 (Murante) Urge United States Secretary of Homeland Security John Kelly to remove the designation of state election systems as critical infrastructure Request to approve a gift of two memorials including materials and labor from the Norfolk Veterans Home Heroes Park Foundation Inc. for the addition of a World War II and Korean War Memorial to the Flag Plaza located in front of the Norfolk Veterans Home.

## Tuesday, May 16

### Executive Board Room 2102 - 12:00 p.m.

LR127 (Krist) Provide the Executive Board appoint a special committee of the Legislature to be known as the Nebraska Justice System Special Investigative Committee

## Wednesday, May 17

### Business & Labor Room 1525 - 1:00 p.m.

Appointment: Gerald Whitlock - Boiler Safety Code Advisory Board

### Education

#### Room 2102 - 12:20 p.m.

Appointments: Carter Peterson; Gary Bieganski - Board of Trustees of the Neb. State Colleges  
Appointment: Jerald Meyer - Board of Educational Lands and Funds  
Appointments: Marilyn Hadley; Stan Carpenter; Clay Smith - Neb. Educational Telecommunications Commission  
Appointment: Cindy Gray - Technical Advisory Committee for Statewide Assessment  
LR98 (Wayne) Support the call to action of the My Brother's Keeper Initiative and Community Challenge to address opportunity gaps faced by boys and young men of color nationwide

### General Affairs

#### Room 1524 - 12:00 p.m.

Appointment: Bruce D. Bailey - Liquor Control Commission  
Appointments: Cameron Arch; Matthew Monheiser; Robert L. Muelleman - Commission on Problem Gambling  
Appointment: Thomas Patterson - State Racing Commission

### Health & Human Services

#### Room 1510 - 1:00 p.m.

Appointment: Joel Bessmer - State Board of Health  
Appointment: Kyle Klammer - Rural Health Advisory Commission

### Judiciary

#### Room 1113 - 8:00 a.m.

LR151 (Pansing Brooks) Recognize the historic significance of the In re Gault decision by the U.S. Supreme Court, and acknowledge its importance to the juvenile justice system

### Transportation & Telecommunications

#### Room 1113 - 1:00 p.m.

Appointments: Steven Hinchcliff; Thomas Dinsdale - Motor Vehicle Industry Licensing Board

## Thursday, May 18

### Business & Labor

#### Room 2102 - 8:30 a.m.

Appointment: Dallas Jones - Commission of Industrial Relations

### Natural Resources

#### Room 1524 - 12:00 p.m.

Appointment: James A. Shields - Natural Resources Commission  
Appointments: Paul Dunn; Quinten Bowen - Environmental Trust Board  
Appointment: Chuck Hutchison - Power Review Board

### Nebraska Retirement Systems

#### Room 1525 - 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report

## Legislative Calendar: May 2017\*

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

Speaker Jim Scheer announced an adjustment this week to the session calendar. The Unicameral is now scheduled to adjourn on May 23.

### Legislative Recess Days

May 1, 12, 19, 22

### Federal & State Holidays

May 29 - Memorial Day

\*The Speaker reserves the right to revise the session calendar.



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Each year, thousands of students from across Nebraska have the opportunity to visit the State Capitol and observe the Legislature. Above: Students lie back for a better view of the domed ceiling of the Rotunda as a Capitol tour guide teaches them about the building.