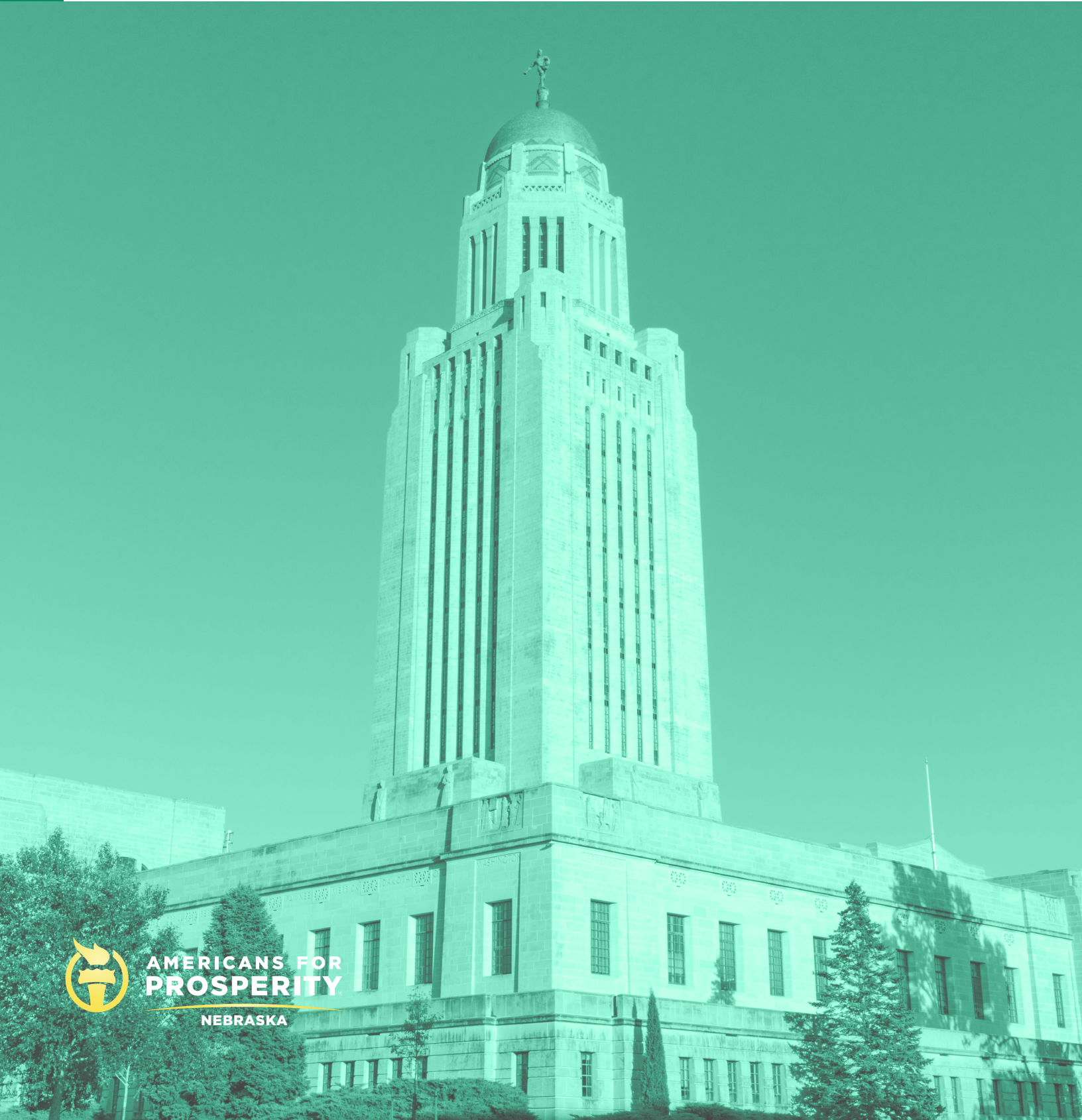


# 2019 LEGISLATIVE PROGRESS REPORT



AMERICANS FOR  
PROSPERITY

NEBRASKA









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## OUR MISSION

Through broad-based grassroots outreach, Americans for Prosperity is driving long-term solutions to the country's biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites Nebraskans behind a common goal of advancing policies that will help people improve their lives.



## **DEAR NEBRASKA RESIDENT,**

Americans For Prosperity-Nebraska is pleased to present our 2019 Legislative Progress Report. This will be the foundation for the one hundredth and sixth legislature.

AFP-NE hopes that this Progress Report will aid you in your efforts to remain well informed regarding some of the key legislative activity that took place in Lincoln over this past year and its impact in lowering or increasing barriers to success and enhancing society of mutual benefit, where people improve lives and find fulfillment by helping others do the same.

AFP-NE does not score every vote in the Legislature. Rather, the focus of this Progress Report is to consider the most important votes cast in priority issue areas that impact our society, such as taxes and spending, health care, educational opportunity, worker freedom, regulation, free speech, and property rights.

We are including “present not voting votes” in this Progress Report. Our elected officials were sent to Lincoln to represent Nebraskans and help make our state a better place to work and live. “Present not voting” has become an easy way to avoid taking a position on issues that impact the everyday life of Nebraskans.

In 2019, the Legislature had the opportunity to vote on important issues in these areas, which are laid out in the vote descriptions. There were several bills that were held up in committees that we hope will be advanced to the full Legislature in 2020.

Within this Progress Report you will find these votes that are essential to removing barriers to opportunity. We hope this helps you see a clear picture of how legislators performed in these important areas.

**JESSICA SHELburn**  
*State Director, Nebraska*





# LOOKING BACK AT 2019

## BILL DESCRIPTIONS

### CHANGE PROVISIONS RELATING TO PROPERTY TAX REQUESTS | LB103

*Senator Linehan*

This bill would automatically reduce levies of taxing entities as valuations increase. In other words, if valuations increase 20 percent, the corresponding levies would decrease by 20 percent. The elected board of any taxing entity can vote to raise the levy, but they must vote. Consequently, they cannot take more money without voting to do so.

**POSITION:** Support. LB103 represents a considerable improvement in the structure of our state's tax code. The bill provides that any increase in overall property tax valuations be offset by a corresponding reduction in the tax levy rate. For example, if overall property tax valuations were to increase 20 percent, there would be a corresponding 20 percent decrease in the tax levy rate. Such automatic rate reductions would prevent homeowners from being gouged by unreasonable increases in their property values.

**STATUS:** Signed by the Governor 3/12/19

### APPROPRIATE FUNDS FOR THE EXPENSES OF THE NEBRASKA STATE GOVERNMENT FOR THE BIENNIUM ENDING JUNE 30, 2021 | LB294

*Senator Scheer at the request of the Governor*

This bill is the mainline appropriations bill for the biennium that begins July 1, 2019 and ends on June 30, 2021. The measure includes the budget recommendations for all State operations and aid programs. The bill includes the appropriate transfers from cash funds to the General Fund as well as between specified cash funds. Finally, it provides the necessary definitions for the proper administration of appropriations and personal service limitations. This bill contains the emergency clause and becomes operative on July 1, 2019.

**POSITION:** Support. This was the mainline budget bill that limited government spending.

**STATUS:** Signed by Governor 5/27/19





### EXEMPT CERTAIN OPERATIONS FROM THE DEFINITION OF A FOOD ESTABLISHMENT UNDER THE NEBRASKA PURE FOOD ACT | LB304

*Senator Crawford*

LB304 amends the Nebraska Pure Food Act to allow individuals to sell the same non- potentially hazardous foods already authorized for sale at farmers' markets directly to consumers at the producer's home, a fair, festival, craft show, or other public event or for pick up or delivery. LB304 requires that all products be properly labeled and that producers follow the food safety and handling guidelines for food sales at a farmer's market required by the county where the food is sold.

**POSITION:** Support. LB304 would offer consumers more food choices in the marketplace by expanding cottage food operations. Consumers should have more freedom to decide for themselves whether to purchase unregulated items.

**STATUS:** Signed by Governor 5/1/19

### ADOPT THE REGIONAL METROPOLITAN TRANSIT AUTHORITY ACT | LB492

*Senator Wayne*

LB492 would adopt the Regional Metropolitan Transit Authority Act. Under the Act, a municipality or group of municipalities within a metropolitan statistical area may create a regional metropolitan transit authority (RMTA). The Act also provides a process by which an existing transit authority created under the Transit Authority Law could convert into a RMTA. Each RMTA created under the Act would be governed by a seven-member elected board.

**POSITION:** Oppose. LB492 would restructure the Omaha Transit Authority as the Regional Metropolitan (RMTA). The RMTA would gain the new authority to levy up to \$17 million in property taxes. Creating another new taxing authority will only further complicate the property tax code and make it more difficult for Nebraskans to ever have real property tax relief.

**STATUS:** Passed notwithstanding the objections of the Governor





# LOOKING AHEAD TO 2020

## BILL DESCRIPTIONS

### CONSTITUTIONAL AMENDMENT TO LIMIT THE TOTAL AMOUNT OF PROPERTY TAX REVENUE THAT MAY BE RAISED BY POLITICAL SUBDIVISIONS | LR8CA

*Senator Linehan at the request of the Governor*

LR8CA would cap the property tax revenue of a political subdivision at 3 percent of the amount raised in the prior fiscal year. A political subdivision may exceed the 3 percent cap by a specific amount at a special election. The amount must be approved by a majority of the legal voters. The increased property tax request would be for one fiscal year. The 3 percent cap will not apply to the property tax request to retire bonded indebtedness that has been approved according to law.

**POSITION:** Support. We supported this because it is a step in the right direction towards limiting government spending.

**STATUS:** Held in the Revenue Committee

### REQUIRE VOTER APPROVAL OF PUBLIC BUILDING COMMISSION BONDS | LB20

*Senator Briese*

Elected city and county officials ordinarily must obtain the consent of their constituents in order to issue a bond. A loophole in state statute allows those same officials to issue bonds, the balance of which will be paid by taxpayers, without a vote of the people via Public Building Commissions. LB20 would close that

loophole and ensure that those responsible for paying bonds through their property taxes are given a say in the approval of those bonds.

**POSITION:** Support. We supported because it closes a loophole allowing public building commissions to incur indebtedness by the issuance of bonds. Prevents public building commissions from issuing bonds without voter approval on a statewide primary or general election ballot. Giving the taxpayer more control.

**STATUS:** Held in the Government, Military, Veterans Affairs Committee

### REQUIRE AN ELECTION REGARDING CREATION OF A JOINT PUBLIC AGENCY | LB412

*Senator Linehan at the request of the Governor*

Requires that before the forming of a joint public agency a vote is required either in a statewide primary or statewide general election.

**POSITION:** Support. It is a step towards accountability and transparency—letting the voters decide if there is truly a need for the creation of another government entity. Requiring a vote of the people at a statewide primary or general election to form a JPA gives Nebraskans a voice that they have not had, without the additional cost of a special election.

**STATUS:** Held in the Government, Military, Veterans Affairs Committee

## ADOPT THE OPPORTUNITY SCHOLARSHIPS ACT AND PROVIDE TAX CREDITS | LB670

*Senator Linehan*

LB670 would allow for the adoption of the Opportunity Scholarships Act. Under the Act, individual and corporate taxpayers would qualify for a non-refundable tax credit equal to the amount the taxpayer contributed to a scholarship-granting organization. No taxpayer may receive tax credits in an amount exceeding 50% of their state income tax liability. Each nonprofit, scholarship-granting organization certified by the Nebraska Department of Revenue shall provide education scholarships to assist eligible students to attend a qualified, nonprofit, private elementary or secondary school. The Act defines an eligible student as a dependent member of a household that has a gross income the does not exceed two times the required level for the federal reduced-price lunch program. For calendar year 2019, the total amount of credits granted shall not exceed ten million dollars. The annual limit will increase incrementally each year thereafter.

**POSITION:** Support. LB670 would increase choice in education for Nebraska families by enacting a tax credit for donations to nonprofit scholarship granting institutions. In turn, these organizations would give low-income students a scholarship to attend a school that best fits their unique educational needs, interests, and abilities—providing each student with the best foundation for an enriched life.

**STATUS:** On General File

## PROVIDE RESTRICTIONS ON OCCUPATION TAXES, LICENSE FEES, AND REGULATION BY COUNTIES AND MUNICIPALITIES | LB736

*Senator Murman*

LB736 creates a local licensing preemption that prohibits cities and towns from creating additional licenses beyond what is required by the state to ensure consistent work environments across the state. It does not repeal any current fees or licensing but caps them at \$25.

**POSITION:** Support. LB736, is a bill that would significantly restrict the ability of local governments to add an extra layer of occupational licensing fees and requirements in the state of Nebraska.

**STATUS:** Held in the Government, Military, and Veterans Affairs Committee





# LOOKING AHEAD TO 2020

## BILL DESCRIPTIONS

### CHANGE THE VALUATION OF AGRICULTURAL LAND AND HORTICULTURAL LAND FOR PURPOSES OF CERTAIN SCHOOL DISTRICT TAXES | LB183

*Senator Briese*

LB183 would reduce the valuation of agricultural and horticultural land solely for the purposes of educational bonds. The intent of this bill is to bring the potential financial liability in the event of the issuance of a bond more closely into line with the proportional approval authority by means of a bond election.

**POSITION:** Oppose. This bill was opposed because of the amendments that were filed on the bill during Select File debate.

**STATUS:** On Select File

### CHANGE INDEPENDENT EXPENDITURE REPORTING REQUIREMENTS AND REQUIRE ELECTIONEERING REPORTING | LB210

*Senator Crawford*

LB210 would require the reporting and disclosure of electioneering communications in an amount of more than \$1000 that are publicly distributed 30 days immediately preceding an election, refer to a clearly identified candidate or ballot question, and are directed at the electorate of the office sought by that candidate or voting on the ballot question.

**POSITION:** Oppose. It would create new and

burdensome reporting requirements for organizations and enable harassment of citizens based on their beliefs. Transparency is good for government accountability and oversight, but individuals have a right to privacy. Just as Americans have the right to cast ballots in private, we have the right to support causes, join groups and make donations without being monitored by the government.

**STATUS:** Held in Government, Military and Veterans Affairs Committee

### CHANGE PROVISIONS RELATING TO COUNTY ASSESSOR INSPECTIONS OF REAL PROPERTY FOR PROPERTY TAX PURPOSES | LB289

*Senator Linehan*

This bill was introduced, is a placeholder bill. It was amended and removed several sales tax exemptions, increased various taxes, increased the sales tax rate, included funding for the Property Tax Credit Cash Fund, made changes to TEEOSA, included foundation aid.

**POSITION:** Oppose. The proposed amendment to this bill (becoming the bill) was picking winners and losers regarding what sales tax exemptions were being removed and it was increasing our state sales tax rate with the purpose of generating revenue. While TEEOSA and our tax code need to be addressed this proposal was not an option that kept the taxpayer at the forefront.

**STATUS:** On General File

**ADOPT THE REMOTE SELLER SALES TAX  
COLLECTION ACT AND CHANGE REVENUE AND  
TAXATION PROVISIONS | LB314**

*Senator Bries*

LB314 would provide comprehensive, revenue-neutral property tax relief in several ways. It would generate revenue from a wide range of sources, including by closing several exemptions in Nebraska sales tax; raising the state sales tax rate by one-half of one percent; ending an exemption on out-of-state earnings through certain companies which are not subject to any state tax elsewhere; adding a 7.84% surtax on income over two hundred and fifty thousand dollars per year for individuals, and five hundred thousand dollars for married couple filing jointly; end a tax exemption on tangible personal property; repeal an exclusion on extraordinary dividends and special capital gains realized; and reinstate an alternative minimum tax in Nebraska. It would also increase excise taxes on cigarettes and eliminate state-level itemized deductions, other than medical, in addition to other methods to generate revenue. All revenue generated as a result of this bill would be directed to tax relief. LB314 would direct all revenue generated which is not otherwise directed into the Property Tax Credit Cash Fund. Other revenue would be specifically directed to restoring the Allocated Income Tax rate for schools to the 20% included in the original introduction of the Tax Equity and Educational Opportunities Support Act (TEEOSA) in 1990, a key provision of property tax relief which has been omitted from Nebraska's state aid system for decades. It would also raise the reimbursement rate for special education from 51% to 80%, credit renters for

their share of property tax relief, increase the Earned Income Tax Credit, and would direct a study of school funding in Nebraska in order to develop a long-term, economically and educationally responsible plan for Nebraska.

**POSITION:** Oppose.

**STATUS:** Held in the Revenue Committee

**CHANGE THE NEBRASKA MUNICIPAL LAND  
BANK ACT | LB424**

*Senator Quick*

LB424 would allow any municipality to create or join a land bank pursuant to the Interlocal Cooperation Act. Currently, only municipalities located in Douglas or Sarpy County are authorized to create a land bank. LB424 would also make a series of changes to update the Nebraska Municipal Land Bank Act.

**POSITION:** Oppose. LB424 would allow for the expansion of land banks to any community in Nebraska, encouraging risky big government ventures, putting taxpayers' scarce resources at risk. Giving government an unfair advantage over the private sector is not in the best interest of taxpayers. The ability of a land bank to own property and to generate revenue off that property (rent, lease or sell it) without having to pay taxes won't help the current tax situation in our state.

**STATUS:** On General File (Cloture motion failed)



# LOOKING AHEAD TO 2020

## BILL DESCRIPTIONS

### ADOPT THE SCHOOL DISTRICT PROPERTY TAX AUTHORITY ACT AND CHANGE REVENUE AND TAXATION PROVISIONS | LB497

*Senator Friesen*

LB497 is the School District Property Tax Authority Act. The bill phases in a minimum state aid guarantee over three years to equal 50% of basic funding as determined by the TEEOSA formula; phases in a reduction in value of agricultural land for school tax purposes only to 40% of actual value over three years; lowers the local effort rate in TEEOSA to .9750 beginning with school year 2020/21; establishes an annual maximum property tax authority for each school district; and increases state revenue to fund additional aid to schools. The state budget would not be impacted by additional aid until FY2020/21, and new revenues would allow a transfer of \$150 million to the Cash Reserve Fund in FY2019/2020.

**POSITION:** Oppose. This bill would essentially be a major tax swap, moving some of the burden away from local property taxes and onto statewide sales taxes. But the goal of a true “tax relief” package should not be simply to move tax revenue from one source to another, but to reduce the overall tax burden placed on Nebraskans. LB497 unfortunately does not achieve this.

**STATUS:** Held in the Revenue Committee

### ADOPT THE IMAGINE NEBRASKA ACT, RENEWABLE CHEMICAL PRODUCTION TAX CREDIT ACT, CUSTOMIZED JOB TRAINING ACT,

### AND COMMUNITY ECONOMIC OPPORTUNITIES ACT AND PROVIDE TAX INCENTIVES | LB720

*Senator Kolterman*

LB720 would adopt the ImagiNE Nebraska Act. The bill has been drafted with the following goals in mind: increase the value of the program to Nebraska taxpayers through better investments, better jobs, more robust report and more overall transparency; accelerate the value of the tax credit by simplifying the process; increase competitiveness of the program by increasing net present value of tax credits, thereby helping Nebraska to win more projects and opportunities for the state; build stronger relationships with businesses in order to encourage greater levels of current and future investment; and better understand the needs of businesses and the evolution of business thinking in real time via the Department of Economic Development (DED) application process and stronger relationships. The bill identifies qualified business activities, qualified locations and disqualified business activities.

**POSITION:** Oppose. Incentive programs like this send taxpayers the wrong message. It should not be the government’s role to redistribute taxpayer dollars to the well-connected special interests that lobby for such handouts. Instead, the role of the government must be limited to one that protects and upholds equal rights, allows for the free exchange of ideas and good, and ultimately keeps more of our hard-earned money with us to help care for our families or invest in our futures.

**STATUS:** On Select File (Cloture motion failed)

# LEGISLATIVE VOTES

<i>Senator</i>	<i>District</i>	<i>Perfect Voting Score</i>
Albrecht, Joni	17	
Arch, John	14	
Blood, Carol	3	
Bolz, Kate	29	
Bostelman, Bruce	23	
Brandt, Tom	32	
Brewer, Tom	43	
Briese, Tom	41	
Cavanaugh, Machaela	6	
Chambers, Ernie	11	
Clements, Robert	2	✓
Crawford, Sue	45	
DeBoer, Wendy	10	
Dorn, Myron	30	
Erdman, Steve	47	
Friesen, Curt	34	
Geist, Suzanne	25	✓
Gragert, Tim	40	
Groene, Mike	42	✓
Halloran, Steve	33	
Hansen, Ben	16	✓
Hansen, Matt	26	
Hilgers, Mike	21	✓
Hilkemann, Robert	4	
Howard, Sara	9	

<i>Senator</i>	<i>District</i>	<i>Perfect Voting Score</i>
Hughes, Dan	44	
Hunt, Megan	8	
Kolowski, Rick	31	
Kolterman, Mark	24	
La Grone, Andrew	49	✓
Lathrop, Steve	12	
Lindstrom, Brett	18	
Linehan, Lou Ann	39	
Lowe Sr., John	37	✓
McCollister, John	20	
McDonnell, Mike	5	
Morfeld, Adam	46	
Moser, Mike	22	
Murman, Dave	38	
Pansing Brooks, Patty	28	
Quick, Dan	35	
Scheer, Jim	19	
Slama, Julie	1	✓
Stinner, John	48	
Vargas, Tony	7	
Walz, Lynne	15	
Wayne, Justin	13	
Williams, Matt	36	
Wishart, Anna	27	



# LEGISLATIVE VOTES BY BILL

	Albrecht, Joni	Arch, John	Blood, Carol	Bolz, Kate	Bostelman, Bruce	Brandt, Tom	Brewer, Tom	Briese, Tom	Cavanaugh, Machaela	Chambers, Ernie	Clements, Robert	Crawford, Sue	DeBoer, Wendy	Dorn, Myron	Erdman, Steve	Friesen, Curt	Geist, Suzanne	Gragert, Tim	Groene, Mike	Halloran, Steve	Hansen, Ben
DISTRICT	17	14	3	29	23	32	43	41	6	11	2	45	10	30	47	34	25	40	42	33	16
PERCENTAGE	67%	80%	40%	50%	80%	40%	75%	60%	50%	50%	100%	40%	33%	40%	80%	40%	100%	40%	100%	75%	100%
LB103	✓	✓	✓	✓	✓	✓	✓	✓	✓	ENV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LB183	✗	✓	✗	PNV	✗	✗	✗	✗	✓	✓	PNV	✗	PNV	✗	✗	✗	✓	✗	ENV	✗	PNV
LB304	PNV	✓	✓	✓	✓	✓	✓	✓	ENV	✓	✓	✓	ENV	✓	✓	✓	✓	✓	✓	ENV	✓
LB424	PNV	✗	✗	✗	✓	✗	PNV	✗	✗	✗	✓	✗	✗	✗	✓	✗	✓	✗	✓	✓	PNV
LB492	✓	✓	✗	✗	✓	✗	✓	✓	✗	✗	✓	✗	✗	✗	✓	✗	✓	✗	✓	✓	✓



	Hansen, Matt	Hilgers, Mike	Hilkemann, Robert	Howard, Sara	Hughes, Dan	Hunt, Megan	Kolowski, Rick	Kolterman, Mark	La Grone, Andrew	Lathrop, Steve	Lindstrom, Brett	Linehan, Lou Ann	Lowe Sr., John	McCollister, John	McDonnell, Mike	Morfield, Adam	Moser, Mike	Murman, Dave	Pansing Brooks, Patty	Quick, Dan
<b>DISTRICT</b>	26	21	4	9	44	8	31	24	49	12	18	39	37	20	5	46	22	38	28	35
<b>PERCENTAGE</b>	50%	100%	60%	67%	25%	60%	33%	40%	100%	33%	25%	50%	100%	40%	50%	50%	40%	75%	67%	50%
LB103	✓	✓	✓	✓	PNV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LB183	✓	PNV	✓	PNV	✗	✓	ENV	✗	PNV	PNV	✗	✗	PNV	✗	PNV	ENV	✗	✗	PNV	PNV
LB304	ENV	✓	✓	✓	✓	✓	NA	✓	✓	PNV	ENV	✓	✓	✓	✓	✓	✓	✓	✓	✓
LB424	✗	✓	✗	ENV	✗	✗	✗	✗	✓	✗	✗	PNV	✓	✗	✗	✗	✗	PNV	ENV	✗
LB492	✗	✓	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗	✓	✗	✗

	Scheer, Jim	Slama, Julie	Stinner, John	Vargas, Tony	Walz, Lynne	Wayne, Justin	Williams, Matt	Wishart, Anna
<b>DISTRICT</b>	19	1	48	7	15	13	36	27
<b>PERCENTAGE</b>	40%	100%	40%	50%	40%	33%	40%	50%
LB103	✓	✓	✓	✓	✓	✓	✓	✓
LB183	✗	PNV	✗	PNV	✗	PNV	✗	PNV
LB304	✓	✓	✓	ENV	✓	ENV	✓	✓
LB424	✗	✓	✗	ENV	✗	✗	✗	✗
LB492	✗	✓	✗	✗	✗	✗	✗	✗

#### VOTING KEY

✓ = Voted with AFP-Nebraska's Position

✗ = Voted against AFP-Nebraska's Position

PNV = Present-Not Voting

ENV = Excused-Not Voting



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