From: Shelburn, Andrew
To: Shelburn, Andrew
Subject: Governor"s Office Daily Update - 9-12-22
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Commodity	Delivery	Price	Basis	Date (as of)
Corn	Sep 2022	7.12	39.00	08:18
Corn	Oct 2022	6.78	5.00	08:18
Milo	Sep 2022	6.38	-35.00	08:18
Milo	Oct 2022	6.13	-60.00	08:18
Soybeans	Sep 2022	13.42	-60.00	08:11
Soybeans	Oct 2022	13.42	-60.00	08:11
Wheat	Sep 2022	8.31	-75.00	08:14
Wheat	Jul 2023	8.14	-80.00	07:59

TV and Radio

NPM: Ricketts "Windshield Survey" of Canal Dips into Colorado (no video)
KFOR: Governor Blasts Feds Title IX Proposals — Asks Public To Comment Also (no audio)
KLKN: Health care industry in Nebraska 'thankful' after licensing backlog averted
WOWT: Nebraska, Iowa lawmakers remember 9/11 (no video)
Fox News: Nearly two dozen GOP governors pen letter to Biden, criticize him for taxpayer-funded student loan handouts

Governor

Nebraska Examiner: Ricketts makes unannounced visit to possible routes for controversial Perkins County Canal
Nebraska Examiner: Gov. Ricketts takes aim at Title IX changes sought by federal officials
NP Telegraph: Volkmer gets nod from Ricketts to fill vacancy on Judicial District bench
Fremont Tribune: WATCH NOW; Ribbon cutting takes place at new Care Corps' LifeHouse units
Kearney Hub: Central Community College partners with Western Governors University
LJS: License plate readers remain subject of controversy, confusion in Nebraska despite law
LJS: Lancaster County election commissioner to retire in January
LJS: Don Walton: Nebraska Legislature rules change could impact its nonpartisan nature
OWH: Availability, focus on COVID numbers shifted over time in Nebraska
GII: Hall County gets funding for new juvenile diversion coordinator position

State, Local and Regional

OWH: $20 million project will turn methane into renewable energy at Omaha wastewater plant
LJS: As overdoses plateau in Lincoln, will officials look to harm reduction efforts touted elsewhere?

OWH: With dodgeball and burgers, the race for Nebraska's 2nd Congressional District heats up
Nebraska Examiner: Lone Nebraska official on Oath Keepers' membership list 'very surprised'

Opinion

OWH Public Pulse

1. Jewell Jazz Club
2. Money better spent
3. OPS stipends
4. Human sexuality
5. Broadband internet
6. Humbling experience

LJS Editorial, 9/11: Students suffer amid tenor, topics getting attention

LJS Letters

1. Pillen not accessible to all
2. Meat processing story missed mark

National/Federal

AP: Unions blast rail move to delay shipments before deadline

Nebraska Examiner: Ricketts makes unannounced visit to possible routes for controversial Perkins County Canal

LINCOLN — Gov. Pete Ricketts made an unannounced visit to possible routes of the proposed Perkins County Canal this week and said drought conditions in Nebraska make it even more essential that the controversial project be built.

"This visit reinforced the need for us to protect every drop of South Platte River water we can," Ricketts said in a press release. "The Perkins County Canal is essential for this purpose."

This spring, Ricketts proposed resurrecting the long-dormant Perkins County Canal project, estimated to cost $500 million, saying it was the only way Nebraska could claim non-irrigation period flows from the South Platte River guaranteed in a river compact with Colorado.

Compact gives right to water

The governor also said Nebraska needs to claim its rightful share of the river's flows before Colorado, and its fast-growing Front Range, capture it instead.

The project promises to expand irrigated cropland areas in southwest Nebraska, which is experiencing drought conditions this year. At one location visited on the South Platte River, east of Ogallala, there was zero flow in the river.

Colorado officials have condemned the proposal, calling it a "canal to nowhere" and a waste of taxpayer money.

Some Nebraska lawmakers have questioned how the canal project, which had been abandoned a century ago as too costly, had suddenly become a priority. And environmental groups have raised concerns about affecting flows that sustain fish and wildlife on the Platte River system.

On Thursday, it was revealed that Ricketts had toured portions of the South Platte River Basin two days' earlier.

A press release from the governor's office said the visit, which wasn't announced on the governor's weekly public schedule, offered "a first-hand look at drought conditions and included a windshield survey of possible routes and reservoir locations for the Perkins County Canal."

Report due in December

Also on the trip were Nebraska Attorney General Doug Peterson, Speaker of the Legislature Sen. Mike Hilgers and Tom Riley, the director of the Nebraska Department of Natural Resources.

A spokeswoman for the governor's office said Friday that the trip wasn't listed on the public schedule because the tour wasn't open to the public or media.

An independent report on the cost, benefits and water supply for the proposal is expected to be completed in December.

The canal would begin in northeast Colorado and cross into Nebraska somewhere south of the South Platte, either into Perkins or Deuel Counties, before rejoining the river. A series of reservoirs would be part of the project, officials have said.

Riley said his department is "following the path laid out by the (Nebraska) Legislature" in working toward a fully functional canal and reservoir system within a few years.

Pursuing options on land

"This includes a study of the project, as well as preliminary design and building plans," Riley said. "In the meantime, we are actively pursuing option agreements for properties along the general canal corridor."

Nebraska would have the power of eminent domain, even in Colorado, to legally obtain land for the canal if a landowner refused to sell. Use of eminent domain often becomes controversial in rural areas and spawned lawsuits over its use for the now-abandoned Keystone XL pipeline.

Riley added that Nebraska officials continue to "dialog regularly" with their Colorado counterparts about the project.

By Paul Hammel

Nebraska Examiner: Gov. Ricketts takes aim at Title IX changes sought by federal officials

Gov. Pete Ricketts is criticizing the U.S. Department of Education's proposed revisions to Title IX, and on Friday he called on other Nebraskans to weigh in as well.

Federal education officials have stated that a review of current regulations, and of public and stakeholder meetings, suggest that the existing rules do not best fulfill the requirement of Title IX of the Education Amendments of 1972. That is, that schools and institutions receiving federal financial assistance eliminate discrimination on the basis of sex in their programs or activities.

The department has proposed changes to clarify that recipients do not discriminate based on sex stereotypes, sex characteristics, pregnancy, sexual orientation and gender identity.

In a letter to Education Secretary Miguel Cardona, Ricketts said the proposed changes "purposely misinterpret and misapply" Supreme Court opinion to expand the definition of sex discrimination to include gender identity, sexual orientation and sexual characteristics.

The governor said that would end separation of restrooms, locker rooms and other facilities based on biological sex in schools and instead separate based on gender identity.

"Federal efforts to dictate how schools respond to the transgender issue is blatant overreach," Ricketts wrote. "States have a right to determine how schools operate."
Federal officials have estimated that the proposed changes would save recipients $9.8 million to $28.2 million over a decade.
A posting by the department went on to say: "Although the department cannot quantify, in monetary terms, the benefits of the proposed regulations to those who have been subjected to sex discrimination, the department recognizes that sex discrimination, including sex-based harassment, can have profound and long-lasting economic costs for students, employees, and other members of a recipient's surrounding community."
Comments can be submitted through Monday via the Federal eRulemaking Portal at http://www.regulations.gov.
By Cindy Gonzalez

NP Telegraph: Volkmer gets nod from Ricketts to fill vacancy on Judicial District bench

Gov. Pete Ricketts appointed Cindy R. Volkmer on Friday afternoon to fill a vacancy on the 11th Judicial District bench.
Volkmer and attorney Chawnta Durham were the finalists forwarded by the judicial commission in the mid-August for consideration to fill the judgeship that became vacant with Richard Birch's retirement at the end of May.
The two were selected from an initial group of five candidates who interviewed for the position.
The judgeship will be based out of Lincoln County and the 11th Judicial District also consists of Arthur, Chase, Dawson, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Hooker, Keith, Logan, McPherson, Perkins, Red Willow and Thomas counties.
Volkmer, 37, has practiced law at Kelley, Scritsmier & Byrne in North Platte since 2015, becoming a partner in '20. Her focus has been on civil litigation.
Her husband, Tyler, is a deputy Lincoln County attorney and serves as the county board's legal counsel.
Volkmer's areas of experience include family law, paternity, trust disputes, contract disputes, employment disputes, agricultural matters, collection matters, and creditor rights in bankruptcies.
Before she made the switch to the legal field, Volkmer taught secondary math at Omaha Benson High School from 2007 to '12.
Volkmer holds a Bachelor of Science degree in secondary math education from the University of Nebraska-Lincoln and a juris doctor from the University of Nebraska College of Law.
Also on Friday, Robin Cobaugh was selected as the clerk magistrate for Keith and Arthur Counties.
Cobaugh, an assistant clerk in Keith County, will begin the position on Sept. 30, according to a Nebraska Judicial Branch media release.
Cobaugh will replace Lori Hill, who is stepping down from the clerk magistrate position after two decades.
"Robin has been an assistant clerk for the Keith County Court for 12 years and has experience in multiple case types," Sheryl Connolly, the trial court services director, said in the release. "She will

continue to provide exceptional service to the court and the public in her new role."
By Tim Johnson

Fremont Tribune: WATCH NOW; Ribbon cutting takes place at new Care Corps' LifeHouse units

Despite a flood and worldwide pandemic, Tera Kucera stood at the fulfilment of a dream on Thursday afternoon.
Kucera is executive director for Care Corps' LifeHouse, which just completed 10, two-bedroom, and five, three-bedroom units designed to provide safe, affordable housing for very low-income families.
Nebraska Gov. Pete Ricketts, State Sen. Lynne Walz, Dodge County Supervisor Doug Backens and Fremont Mayor Joey Spellerberg were among those on hand when the local nonprofit had a ribbon-cutting at units just a couple blocks away from Linden Elementary School.
During the event, Marty Krohn, president of the LifeHouse board, also announced that the nonprofit is entering the public phase of a capital campaign to remodel its food pantry and renovate and expand its 16-year-old emergency homeless shelter.
Care Corps information states the new project is estimated to cost $2.6 million. Krohn said the nonprofit has secured more than half of these funds, but is seeking help to raise additional monies.
The nonprofit now has a 60-bed emergency shelter, open 24 hours a day, seven days a week. It has a homeless prevention program, various housing programs, a food pantry and clothing store.
In 2021 alone, it provided more than 11,200 nights of stay at its shelter and distributed 357 tons of food through its pantry, impacting more than 7,500 individuals.
On Thursday, an estimated 30 people were at one of the new housing units on K Street as state and city officials lauded the nonprofit's service to the community.
The governor commended the nonprofit for its services.
"Care Corps LifeHouse is doing wonderful work in the community – whether it's the food pantry, the emergency shelter and now these beautiful housing units, they're really working to make sure they're taking care of the folks here in Fremont," Ricketts told the Tribune. "It's a great mission and I'm very excited to be here to see all their great work."
Care Corps applied for a National Housing Trust Fund grant in 2018.
In February 2019, the Nebraska Department of Economic Development awarded more than $3 million in NHTF funds to provide the housing.
Grant requirements stipulated Care Corps had two years to complete its project.
But the next month, Fremont was impacted by historic flooding.
"That really changed our vision," Kucera said.
Originally, the grant funds were to be used to rehabilitate about 15 units. But those properties no longer qualified for the grant, because many became part of the flood zone, she said.
Then Fremont Presbyterian Church approached Care Corps, offering nearby land, which the nonprofit was able to buy.
But it faced more obstacles.
"What should have been a two-year project, became a 3-and-a-half year project, because following the flood, we had the pandemic," Kucera said.

The COVID-19 pandemic slowed production, which also affected Care Corp's construction projects.
"It took a really long time for our contractor to get electric panels and other construction items," Kucera said.
Yet the units were built.
Twelve units – consisting of two triplexes on K Street and two on L Street – were constructed. One of the K Street units is 100% Americans with Disabilities Act (ADA) compliant. A duplex and a three-bedroom home were built on Somers Avenue.
The units will serve households at or below 30% of the area median income, which Kucera estimated for a family of three would be an annual income of $23,300 or someone making just a little over $11 an hour.
Kucera said the first tenant moved into a unit in the spring.
"What I'm most excited about is this housing provides wrap-around case management services," Kucera said.
Besides serving as property owner, it also provides case management, which includes budgeting, parenting and life skills classes and connections to mental health and other resources to help tenants overcome barriers.
Kucera calls it a holistic approach to get families on their feet and sustainable, increase their income and, eventually, become homeowners.
She's also excited about the K and L street locations, because they are close to Linden Elementary School.
One barriers families have is transportation. Now, they can walk kids to school, attend parent-teacher conferences and be more engaged in their children's education, Kucera said.
Before the ribbon-cutting, Kucera expressed appreciation for those who supported the building endeavor, referencing the "It takes a village…" saying, meaning it takes a community to help a child.
"We are so blessed that we have that amazing village that has come together to help us to see this project through to completion and to help us in all the work we do," Kucera said.
Spellerberg complimented Care Corps' LifeHouse for the work it does it each day to help people needing food, clothing and housing.
"This is a very historic day in my mind for the City of Fremont," Spellerberg said. "As mayor, it makes me really proud to see what is being accomplished by our great nonprofits."
Ricketts, who was able to see various facilities, said it's clear that Care Corps' LifeHouse is well-respected in the community. He talked about partnerships with the nonprofit and different local businesses and the state and the difference he see that Care Corps' LifeHouse makes.
He shared the story of a man, who'd just gotten out of jail when the flood hit and his most valuable possession – his car – was destroyed.
"But that didn't stop him," Ricketts said. "He got involved in the emergency shelter here, got into classes, Narcotics Anonymous, worked with a case manager here and is right now in his own home."
Ricketts talked about the more than 124,000 meals and more than 11,000 emergency shelter nights Care Corps' LifeHouse provided during the pandemic.
He said it's organizations like Care Corps' LifeHouse that was one of the reasons why Politico magazine ranked Nebraska as having the top state pandemic response. In April, the magazine ranked states on a combination of health, economic, social and educational factors with Nebraska having the best average.
Dignitaries held the red ribbon as Kucera cut it.
Krohn also talked about Care Corps' LifeHouse's capital campaign, saying that for more than 25 years

it has analyzed the causes of hunger, homelessness and near homelessness. It's developed programs to help relieve suffering, enhanced ways to prevent homelessness and encouraged self-sufficiency. He attributed the success to the great staff and board.

Krohn also talked about the importance of facilities, including the shelter, a kitchen to provide meals, thrift store and food pantry.

He said a project is underway to remodel the pantry to make it into more of a grocery store, where clients can shop. Care Corps' LifeHouse data also said the project will include a teaching kitchen with six stations where families can learn how to use food offered at the pantry, such as how to prepare a whole chicken.

Krohn said as client numbers increase, more staff and case managers are needed.

At this point, Care Corps has 20 employees operating out of a shelter building originally designed for eight staffers.

"We have people working in an onsite apartment that we're not able to use as an apartment right now," he said.

Care Corps' LifeHouse is looking to remodel and expand the shelter, which has had approximately 18,000 people go through it.

"It's starting to show a little bit of wear and tear," Krohn said, citing the need for painting, new flooring and cabinets. "The building has been used well."

He encouraged attendees to spread the word about the campaign.

"While we have successfully secured well over half of the funds we need to do the improvements, we still have a way to go," Krohn said. "We need your help in raising additional funds for our capital campaign."

By Tammy Real-McKeighan

Kearney Hub: Central Community College partners with Western Governors University

GRAND ISLAND — Western Governors University, a nonprofit, fully online university, and Central Community College recently announced a new joint partnership that will provide students graduating from CCC with their associate degrees with an affordable pathway to earning their bachelor's or master's degrees from WGU.

Together, the two institutions will seek to create a seamless transfer of credits for CCC students transitioning to WGU to further their education.

The partnership between CCC and WGU was first announced earlier this week when Gov. Pete Ricketts signed a Memorandum of Understanding with WGU to expand access to affordable, high-quality degree programs for the estimated 306,000 Nebraskans who have some college credits but no bachelor's degree. According to the MOU, the State of Nebraska will commit to supporting the partnership by enlisting relevant agencies to collaborate with and promote WGU in hopes of targeting underserved populations that include dislocated workers, veterans and rural residents. Additionally, WGU will join forces with local employers and employer organizations to meet workforce needs throughout the state.

"Flexible transfer agreements with WGU will provide yet another high-quality option for our CCC

students and for the state of Nebraska to reach our goal of having at least 70 percent of 25- to 34-year-old Nebraskans to have a degree, certificate, diploma or other postsecondary or industry-recognized credential by 2030," said CCC President Dr. Matt Gotschall.

With three main campuses located in Columbus, Grand Island and Hastings, CCC serves nearly 19,000 students across a 25-county area in central Nebraska. WGU offers students graduating from CCC more than 60 undergraduate and graduate degree programs in the fields of business, K-12 teacher education, information technology and health professions, including nursing. The university pioneered online, competency-based education, a model that allows individuals to further their education and careers on their own timeline, no matter where they live. This approach allows students in Nebraska to take advantage of prior learning and work-based experience to move through courses at their own pace and graduate quicker. Students study, complete coursework and take tests on schedules that fit their lives, advancing as soon as they demonstrate they have mastered the subject matter. Like all students at WGU, CCC graduates who enroll will be paired with a program mentor who has expertise in their chosen degree program and supports students in learning and navigating their educational journeys from enrollment through graduation.

Under the terms of the agreement, students transferring from CCC to WGU will also be eligible to take advantage of scholarships to make tuition even more affordable. The Community College Partner Scholarship is valued at up to $2,500 each and will be applied to WGU's already-low, flat-rate tuition of about $3,800 per six-month term. Students will also be able to apply for the Nebraska Partnership Scholarship, which is valued at up to $4,000 and is designed for students living in Nebraska who want to further their education at WGU. Additionally, Nebraskans attending WGU who qualify are eligible to apply for the Nebraska Opportunity Grant, a needs-based grant offered by the State for students who meet certain residency, enrollment and financial need qualifications.

"We are thrilled to provide continuing education options to graduating students of Central Community College," said Dr. Terrance Hopson, Regional Vice President of Western Governors University. "WGU values the important role community colleges play in upskilling the workforce and is pleased to offer an affordable and flexible pathway for thousands of Nebraskans who need postsecondary education and training to advance their careers and, in turn, their lives."

For more information on the partnership between WGU and CCC, visit www.wgu.edu.

LJS: License plate readers remain subject of controversy, confusion in Nebraska despite law

Lancaster County Sheriff's deputies patrolling Interstate 80 on Sept. 1 pulled over a GMC Acadia that was linked to a Grand Island fraud case earlier in the day — occupied by four Los Angeles residents who had allegedly used a stolen credit card and ran up a five-figure bill at a Best Buy in the central Nebraska city.

When the four people left the store, they headed east on Interstate 80, passing through Hamilton, York and Seward counties before they reached Lancaster County, where deputies — who had their eyes peeled for the SUV after a heads-up from Grand Island police — stopped the GMC for an alleged traffic violation, Chief Deputy Ben Houchin said.

The four suspects were taken to the county jail. Investigators recovered thousands in cash and

fraudulently purchased merchandise. And Houchin touted the arrests at a media briefing the next morning.

"It was a very good catch," he said then. "I know Grand Island's very happy because it would've been very difficult, if we hadn't got them at that time, for them to identify everybody and figure out who it was."

What Houchin did not say is that deputies used automatic license plate readers to track the GMC, which passed a Seward County cruiser equipped with a plate reader not long before it neared mile marker 395, where Lancaster County deputies stopped the vehicle.

A Best Buy employee had noted the GMC's plate number before the four suspects left the Grand Island store and passed it along to local police, who entered it into a lookout system for the interstate, said Nick Swicord, the Federal Homeland Security Task Force Commander who oversees I-80 interdictions in Seward County.

A plate reader attached to a Seward County cruiser pinged the GMC as it drove along the interstate, Swicord said. The deputy in the cruiser called the sheriff's office in Lancaster County, where authorities found and stopped the SUV.

"That absolutely would not have happened if the tag readers were not in operational use," Swicord said.

Houchin did not mention the use of automatic plate readers in that case because he believes he cannot mention the use of plate readers in any case, according to the sheriff's office's interpretation of the Automatic License Plate Reader Privacy Act, the law that governs law enforcement's use of the controversial devices.

Championed by Sen. Matt Hansen of Lincoln and the ACLU of Nebraska, and signed into law by Gov. Pete Ricketts in February 2018, the privacy act limits how long law enforcement can retain images captured by the plate readers, which take photos of passing license plates, store the data for up to six months and have been touted by law enforcement and tech developers as a game-changing crime-solving tool.

The readers only capture still images of license plates, which are then stored by a third-party contractor — Motorola, in Lancaster County — for six months under Nebraska law. Police can flag images of specific plates as investigatory to prevent them from being erased after the 180-day time frame.

But the law — and the license plate readers themselves — are subjects of controversy and confusion in Nebraska, where an attempt to install automatic plate readers in Omaha last month was rebuffed over privacy concerns. Six law enforcement agencies in the state already use the technology.

"It's the second-worst (plate reader) bill for public safety in the United States," said Jason Mayo, a criminal interdiction task force sergeant at the Lancaster County Sheriff's Office, which first deployed readers in 2018 after the bill became law.

"That's because the ACLU drafted that bill. One hundred percent, it was drafted by them, through Sen. Matt Hansen," he added. "I've read through it and I've ran this (plate reader system) for five years, and I still don't know what it means. I've had attorneys from the state, from federal entities, from our office — everyone look at it and go, 'This is nonsensical. We don't know what it means.'"

Among the sheriff office's qualms with the bill, introduced as LB93, is language it says prohibits officers from disclosing the use of the plate readers in criminal investigations or in court settings, both Mayo and Houchin said.

That interpretation — contested by the ACLU — has kept deputies from mentioning the use of plate

readers in arrest affidavits to be used in prosecutions, leaving no public record linking the use of plate readers to specific arrests.

"The idea that Mayo says, 'Well, we're not gonna put it in a probable cause affidavit because we can't' is nonsense," said Spike Eickholt, the ACLU of Nebraska's lobbyist who also disputed Mayo's claim that ACLU of Nebraska drafted the privacy act.

"If they're using this as a part of a criminal investigation, the law allows it," he said. "This was a thoughtful bill that did strike that balance. And, thankfully, we have it. Because, otherwise, it'd be anything goes. I mean, the cities could do whatever they wanted to do and there wouldn't be (a limit) at all."

The law's language surrounding disclosure is muddled.

The act dictates that no captured plate data or evidence derived from the data can be disclosed as evidence in a court setting, "if the disclosure of that information would be in violation of the Automatic License Plate Reader Privacy Act." But it's unclear when such a disclosure would violate the law, or if the act actually prohibits law enforcement from noting the use of license plate readers in public records.

The secrecy surrounding law enforcement's use of plate readers only adds to the inherent angst that opponents of the devices have expressed since their introduction in Nebraska.

When the initial draft of the privacy act was first heard before a legislative committee in January 2016, Hansen warned that the readers could be used to "compile an extensive list of where citizens go, and that could be used to re-create their day-to-day habits," pointing to cases in Boston and Canada where police had either abused the technology or mishandled the data collected.

Both Houchin and Mayo dismissed such concerns, pointing to the "checks and balances" instituted by both internal policies and the 2018 law while touting the crime-solving benefits the technology provides.

"I know a lot of people believe that you get all this information when they (drive) by, that, 'Oh, you'll know who I am, where I live and what I'm doing and all this stuff,' but it's just not true," Houchin said.

The privacy act placed broad restrictions on when law enforcement can search for a specific license plate, allowing police to seek plates connected to outstanding traffic or parking violations, vehicle registration violations, stolen vehicles, missing or endangered people, people with outstanding warrants or "a vehicle that is relevant ... to an ongoing criminal investigation."

Despite those wide statutory limitations, Houchin and Mayo — and Swicord in Seward County — all insisted their agencies used the systems sparingly and responsibly, pointing to the arrests of suspects in sex-trafficking cases, homicides and other felonies.

None of the four people arrested in the Grand Island fraud case were charged with felonies in Lancaster County, though Houchin said he expected they would be when he announced their arrest.

"You need a doggone good reason why you need to be on it," Houchin said of the plate reader system, which can be accessed by about a dozen of the sheriff office's 84 sworn deputies.

Though he acknowledged the public safety value of plate readers and said the state's law enforcement officials were largely well-intended, Eickholt is not convinced of the technology's worth, nor of law enforcement's ardent defense of its use.

"The idea that the public should just trust law enforcement to do what's right is somewhat troubling, right?" Eickholt said.

"We should be concerned because this information can allow law enforcement officials to find out a lot of stuff about certain people," he added. "All they need is a plate number."

Already, at least two of the six Nebraska law enforcement agencies deploying plate readers have strayed from the reporting requirements outlined in the privacy act, which requires they submit an annual report to the Nebraska Commission on Law Enforcement and Justice summarizing their practices and use of the plate readers.

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State law requires law enforcement agencies that deploy plate readers to submit an annual reports to summarizing their practices and use of the plate readers. In Lancaster County, the sheriff's office has not submitted a report since June 2019. Lancaster County Sheriff's Office

In Lancaster County, the sheriff's office has not submitted a report since June 2019. The Seward County Sheriff's Office — which began using plate readers in early 2019 — has never submitted an annual report to the crime commission.

"(The privacy act) gives agencies the responsibility to send them in, but there is no stated penalty for not submitting the reports," said Don Arp, the executive director of the crime commission, which did not have a webpage dedicated to publishing the existing reports until after the Journal Star inquired about the requirement in late August.

"There are penalties for violating other portions of the act, but not reporting," Arp said in an email.

York County's sheriff's office and the Omaha Airport Authority police have each so far been compliant with the reporting requirement. The police departments in Bellevue and Kearney each began a plate reader pilot program in July. Their annual reports won't be due until next summer.

From 2018 to 2019, the year that encompasses the agency's only submitted report, deputies in Lancaster County scanned zero plates that matched cars flagged in the National Crime Information Center database, a system that allows law enforcement agencies nationwide to share information. In the same year, the agency manually searched 45 plate numbers, according to the report. It came up with zero matches.

There are also discrepancies between the agencies — and their third-party contractors — in how the data is stored and can be accessed.

In Seward County, Swicord said that if his office searched for a specific license plate number, authorities would only be alerted for future matches on that specific plate and would not be able to review any prior images of the plate in their database or any database without a court order.

But in Lancaster County, Mayo said, every manual search of a plate number would also reveal six months' worth of local match data for that plate, if such data existed.

And the deputies have access to data from "several hundred" agencies across the country that either openly share their data or have signed mutual operating agreements with the sheriff's office, Houchin said. Nebraska deputies can access data from some out-of-state agencies — or private data collectors — longer than the six-month limit placed on Nebraska law enforcement, since out-of-state data isn't subject to the state's privacy act.

Agencies with a signed agreement with the sheriff's office also have access to the data collected here, though the images are still purged 180 days after they are collected.

Houchin said the sheriff's office can only share data with agencies or private collectors, such as car repo companies, that use Vigilant Solutions, the software developer owned by Motorola that provides the plate readers to the sheriff's offices in Lancaster and Seward counties and owns the data once law enforcement collects it, according to Lancaster County's contract with the company.

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"I'm not trying to be paranoid, but this is Big Tech," Eickholt said. "These companies have nationwide service, sometimes worldwide service. ... That's got to have some sort of utility for various

commercial purposes, and that's separate from the law enforcement and government interests that people might think is there when they agree to install these cameras."
Lancaster County's contract with Vigilant expressly mentions the privacy act, and as a part of the contract, Vigilant agrees to delete collected data in accordance with the law or even earlier at the written request of the sheriff's office.
The law does not place any constraints on the private collection or use of license plate data — which can be accessed by law enforcement indefinitely if private collectors utilize the same data host, such as Vigilant or Flock Safety, the contractor that operates cameras in Bellevue and Kearney.
Houchin said Lancaster County authorities had used private data collected in other states to make multiple arrests in homicide cases in recent years.
Mayo estimated that repo companies collect images of "billions" of plates across the country.
Oversight laws nationwide, like in Nebraska, often don't constrain law enforcement's access to privately collected data.
That loophole has prompted somewhat of a reversal in tenor from Nebraska's ACLU, which twice testified at the Legislature's Judiciary Committee hearings in support of the bill that now governs the use of plate readers in Nebraska — saying the law's measures were "appropriate safeguards" — but last month publicly rebuked the readers as Omaha leaders weighed introducing them.
"I mean, we supported that because it was, at least, something, and before that we had nothing," Eickholt said. "Ideally, we probably wanted LB93 to be tighter, to have maybe a lower number of days that law enforcement could retain the data, for instance.
"Looking back, although it might be difficult to legislate, (we'd like) to have some kind of control over what these companies do with the data they collect, to at least maybe have people whose vehicles are captured regularly to have some sort of say. Because right now, those people are left out of the equation completely."
Houchin and Mayo said they would like to see the data retention period extended and the restrictions loosened. They also hope the public would view the technology in the same light they do: a tool that helps law enforcement keep the public safe.
"The average citizen has no concern about passing a license plate reader, because we're not even going to pay one little bit of attention to it," Houchin said. "And I think the average citizen would want us to catch a young gal who's being sex trafficked ... this is a good tool to do it."
By Andrew Wegley

LJS: Lancaster County election commissioner to retire in January

Dave Shively, the longest-serving Lancaster County election commissioner in the history of the office, said Friday he will retire in January.
The governor elected in November will be responsible for appointing Shively's successor.
Shively has served as the county's top election official since Aug. 18, 1999, when he was first appointed by former Gov. Mike Johanns.
Shively has since been reappointed by Johanns, former Gov. Dave Heineman and Gov. Pete Ricketts to five additional terms. Shively has served longer than any other Lancaster County election

commissioner since the office was established in 1947.
Shively said he turned 62 a few weeks ago.
"Sometimes you just feel when the time is right, and I just feel the time is right. I know there is still time to do some other things," he said in a phone interview, although he said he doesn't have any specific plans.
He said the timing gets him through post-election duties and allows the new governor to appoint someone they choose.
By state law, election commissioners in counties with populations of more than 100,000 are appointed by the governor. In Nebraska those counties are Douglas, Sarpy and Lancaster. In some other larger counties, county boards appoint election commissioners, but in most of Nebraska's 93 counties, commissioners are elected as office holders also performing other duties.
Before he was appointed election commissioner, Shively worked eight years in former 1st District Congressman Doug Bereuter's office, including on his campaigns.
Shively said he looks forward to conducting the general election in November.
“I can’t say thank you enough to my permanent staff and to the large number of seasonal staff that have worked with us to make democracy work here in Lancaster County. Nothing that I have accomplished during my tenure in office would be possible without their commitment and hard work,” he said in a news release.
Shively also expressed his gratitude to the thousands of poll workers who have served during the last 23 years.
“We have outstanding poll workers here in Lancaster County and are very fortunate to have so many volunteer their time and talents each election day,” Shively said.
When Shively leaves office Jan. 20 he will be retiring with approximately eight months remaining in his current term, which is scheduled to end Sept. 6, 2023.
By Shelly Kulhanek

LJS: Don Walton: Nebraska Legislature rules change could impact its nonpartisan nature

Nebraska's nonpartisan, one-house Legislature is a gift from George Norris and Nebraska voters who approved the unique legislative system in 1934.
Yes, political parties do engage in recruiting and supporting legislative candidates based on partisan affiliation and how they are likely to vote on issues, but once senators are elected in Nebraska they are free from party or partisan control unlike members of Congress, who are organized, led and separated along party lines.
Charles Herbster has formed a new political action committee whose announced initial goal is to abolish the use of secret ballots to elect legislative leadership and committee chairpersons.
"A recorded vote for legislative leaders would cripple nonpartisanship and severely damage senators' independence," Nathan Leach, founder and executive director of Nonpartisan Nebraska, has written in letters sent to members of the Legislature.
"The eventual result would be a de facto partisan body," he says.
A legislature organized along party lines.

* * *

Declining enrollment at the University of Nebraska is attributed to a number of factors, including fallout from the pandemic that juggled all our lives.

But it is not a good sign — despite some odd, politically edged celebration on Twitter.

A university education is not necessary for a successful and fulfilling life, but it enriches the journey.

And declining university enrollment is not good news for Nebraska.

With the state's growing economic challenge of an undersized workforce, community colleges have become the favorite child extolled by political leaders, who themselves hold university degrees.

An almost unimaginable 50,000 job openings wait to be filled in Nebraska and that's a workforce crisis.

While that understandably prompts support for community college programs that can swiftly educate, train and prepare a growing workforce, a strong, well-funded and politically valued university system is also needed to build Nebraska's future while also educating and attracting a skilled workforce.

In Lincoln, UNL enrollment experienced a 2.6% decline, down to 23,805 students, the lowest figure since 2008.

That's not good for Nebraska — and certainly not good news for Lincoln.

* * *

Milo Mumgaard is headed to Little Rock to lead legal aid services in Arkansas.

It's the next big challenge for Mumgaard, who has left the post of executive director of Legal Aid of Nebraska to spearhead legal aid assistance in a state that has twice the poverty population that lives in the Cornhusker state.

Mumgaard was the founder of Nebraska Appleseed, which he launched as a one-man show in the basement of his Lincoln home at Sixth and Washington streets 25 years ago.

It's a nonprofit powerhouse today, advocating for immigrants, low-income workers and families in need with a strong presence in the legislative, policy and regulatory arena along with high-profile civic engagement.

Its online self-description is "a nonprofit organization that fights for justice and opportunity for all Nebraskans."

A gift from Mumgaard, who has given Nebraska more than one.

* * *

Question from a reader: If Nebraskans adopt a constitutional amendment in November requiring "valid photo identification" in order to cast votes in future elections, how could they continue to vote by mail?

The briefly worded ballot proposal states that photo identification would be provided by voters "in a manner specified by the Legislature."

So voters this November would not know precisely how that might be achieved, although a driver's license is almost certain to be the photo of choice presented at the polls.

The rest is to be determined by a Legislature that is yet to be fully selected.

Finishing up

* From a distance an ocean away, Queen Elizabeth II appeared to be a genuinely decent, kind and caring person who gave royalty a good name in modern times. We've had a royal pretender or two here who had none of those qualities.

* After recently, and belatedly, reading "1776," the fast-moving history of the American Revolutionary War written by David McCullough, it's really hard to understand how that ragtag

colonial army managed to win the war against a professional army assisted by hired German Hessian troops when the colonial soldiers kept coming and going.
* Gov. Pete Ricketts toured portions of the South Platte River Basin last week with other state officials to consider possible routes and reservoir locations for his proposed Perkins County Canal. Ricketts has said water rights guaranteed under a century-old compact between the two states are a vital issue confronting Nebraska's future as Colorado's aggressive Front Range development captures more and more water before the South Platte flows into our state.
Gov. Jared Polis of Colorado responded to Ricketts' concerns in a newspaper column in July in which he said Nebraska's governor is "stirring up fear," suggesting that he is engaging in a "publicity stunt" and using water as "a weapon for political games."
* Here comes Oklahoma, bringing a huge challenge and opportunity for Husker football to enter into a new era as if on cue.
By Don Walton

OWH: Availability, focus on COVID numbers shifted over time in Nebraska

Doug Rose has checked COVID-19 case counts and other data off and on during the pandemic, but he says he was never obsessed with it.
He has reviewed case counts for his destination when he planned to travel. Last year, the retired Omaha schoolteacher went to Galveston, Texas, instead of his usual spot in the Rio Grand Valley because of concerns about a potential for increased COVID cases there.
But now that he's vaccinated and boosted, he doesn't worry much about the virus. "You read the data when it's put out and decide what you're going to do," he said.
Just like the public's interest, the data reported by public health agencies has ebbed and flowed over the course of the COVID-19 pandemic.
While the CDC continues to operate a beefed-up dashboard, the Nebraska Department of Health and Human Services has replaced its COVID dashboard with a respiratory illness dashboard that includes data on COVID, influenza and respiratory syncytial virus, or RSV. Some school districts and colleges also have mothballed their dashboards, with some exceptions being the Lincoln Public Schools and the University of Nebraska-Lincoln.
But during the early days of the outbreak in 2020, the nation was dealing with an unknown opponent. The first case in Nebraska was announced March 6 of that year. A month later, the count had reached 255. Interest in the numbers intensified as cases mounted and schools and businesses closed.
Initially, data was hard to come by. People who were monitoring the numbers had to tap multiple sources. Individuals, academic institutions and news organizations such as Covid Act Now, Johns Hopkins University and the New York Times stepped in to provide data that the public could easily access and digest.
Public health agencies had to quickly ramp up systems for gathering, verifying and displaying data. The federal Centers for Disease Control and Prevention noted on its website that only a handful of health care facilities and states were capable of using electronic case reporting in early 2020.

Reporting was slow and often relied on paper-based systems and fax machines.
By August 2021, all 50 states and some other jurisdictions had electronic reporting capabilities.
Justin Frederick, division chief of epidemiology and preparedness with the Douglas County Health Department, said counting cases seems like a simple process. But it's a complex endeavor to collect, verify and store it.
"Public health infrastructure, including our disease surveillance systems, were not set up for a pandemic," he said.
As a health care hub, the Omaha metro area attracts a lot of people for testing and treatment. The test results of out-of-towners who were tested in Omaha for COVID had to be reported to their home counties, and rectifying numbers based on patients' residences is challenging, particularly in real time, Frederick said. When test results mounted to thousands a day, health officials had to sort positives and negatives to calculate positivity rates and break down results demographically by age, ethnicity and ZIP code.
Initially, test results coming in from laboratories had to be entered manually every day into the health department's surveillance system. Later, labs began reporting electronically, but new labs kept popping up and had to be added to the system. The health department eventually was able to funnel those results directly into its system.
The health department, like those across the state, was trying to keep up with contact tracing, which was important in identifying the risk the virus posed to the population. That risk, in turn, drives public health mitigation efforts, such as closing bars and requiring masking. At one point, Frederick said, the county was receiving thousands of new cases a day. Frederick was overseeing nearly 50 of the county's own contact tracers, and the department had a contract with a firm in Omaha that could supply between 200 and 400 contact tracers at a time.
In the middle of that, the department put up an online dashboard because health officials wanted a way to communicate with the public. Douglas-Omaha GIS (for Geographic Information Systems) developed the dashboard, but the health department supplied the data and worked closely with the office to determine how to display it.
"I can't stress enough the importance of us reporting daily data," Frederick said. "There was a lot of demand from the public."
Lindsay Huse, the health department's director, said the next challenge was interpreting the data and boiling it down in a way that people could understand it and use it to make decisions.
People stepped in to help with that, too.
On March 8, 2020, Dr. Bob Rauner, president of Partnership for a Healthy Lincoln, began posting short YouTube videos sharing and explaining available COVID data. He also walked through coronavirus research and trends as they emerged and included links to his sources.
More than two years later, on July 13, Rauner posted his 115th Community Coronavirus Update. One of his updates got as many as 28,000 views. He stopped counting when the series surpassed half a million views. Rauner also explored the impact of the pandemic, tallying COVID-related deaths in Nebraska and surrounding states.
"I think the reason they took off is because I just said, 'Here's what the data shows.' And if you wanted to look, you could go to the links and find it all," Rauner said.
Partnership for a Health Lincoln also began posting its own COVID case charts, with county-by-county data, after Ted Fraser, its health data analyst, figured out how to retrieve it from CDC.
The Nebraska Department of Health and Human Services also launched a dashboard early in the pandemic. The dashboard, which changed nearly every month as conditions shifted, was a key piece

of the agency's strategy for communicating with the public, said Ashley Newmyer, the agency's chief data strategist.
Dr. Gary Anthone, the state's chief medical officer, said another piece of that strategy were the public briefings he and Nebraska Gov. Pete Ricketts held during the pandemic. They were held often during the early days of the pandemic and later when cases and hospitalizations spiked.
Early on, Anthone said, people mostly wanted to know why they couldn't get tested for COVID. Initially, all tests had to go through the CDC, and criteria for getting tested were stringent.
After the state launched TestNebraska and Nebraskans could get tests whenever they wanted, positivity rates became a less important metric, he said. The state began looking to the number of people hospitalized with COVID as its "north star" in measuring the stress COVID-19 patients were placing on the state's hospitals. The state therefore added a variety of hospital capacity metrics to the dashboard.
Both the Lincoln-Lancaster County and Sarpy/Cass Health Departments continue to operate detailed dashboards. Lincoln's Bryan Health reports on patients hospitalized with COVID by age and vaccination status as well as where they're from and whether they require intensive care or ventilators.
But much of the county-level reporting at the state level ended when the state retired its more detailed COVID-19 dashboard on June 30, 2021, after Ricketts ended the state's COVID-19 state of emergency. At that point, Anthone said, 27 Nebraskans were hospitalized with COVID, down from a peak of 987 in November 2020.
The pandemic emergency had suspended some restrictions in state law on the release of communicable disease data, state officials said at the time, permitting them to release more information than otherwise would be allowed.
The expiration of an executive order at that time also prevented Nebraska's health districts from publicly reporting COVID-19 statistics, such as case numbers and vaccinations, for counties with fewer than 20,000 people.
At the time, Nebraska health care providers and a group of lawmakers called for Ricketts to reinstate the dashboard. The state, which had continued to post weekly summaries, redeployed the dashboard in August 2021, this time focusing on hospital data.
Newmyer said the public also faced a learning curve in figuring out what data the state collected and what it could make available to the public. In addition to trying to meet the public's demand for information, the agency also sought to provide enough background information so users could understand the limits and nuances of that data.
Dr. James Lawler, a co-executive director with the University of Nebraska Medical Center's Global Center for Health Security, said getting good data into the systems remains his concern. The CDC's pediatric COVID death data, for instance, has changed multiple times, he said.
Lawler said he doesn't think most people understand the difficulty of getting accurate health data, much of which is stored in systems that can't talk to each other. Health agencies, for instance, can't pull data from hospitals' electronic medical records, as they can in some European nations. Most health care in the U.S. is delivered by the private sector, where there's little incentive for competing systems to share information.
"These are all challenges we still need to grapple with, because it's impossible to effectively respond if you don't have good situational awareness," Lawler said.
Some new types of data also emerged during the pandemic. After establishing a wastewater-monitoring network, the state began posting weekly reports with those results. It also added a

weekly report with the results of genomic sequencing. (Wastewater testing can provide an early warning about trends in cases, while genomic sequencing provides insights into what variants are circulating.)

Other health data also is getting a more public airing.

Newmyer said the state agency continues to evaluate whether other diseases or data should be added to the respiratory illness dashboard, which the agency plans to continue to update weekly.

The agency also has launched a dashboard to display data from the Behavioral Risk Factor Surveillance System, a telephone health survey of adults 18 and older that is conducted in all U.S. states and territories. Covering topics ranging from physical activity to alcohol use, the survey is used to identify new and emerging health issues, establish and track health objectives and evaluate disease- prevention activities in the state.

Newmyer said the agency also is working on a data initiative around drug overdoses and is looking at making annual reports across its departments available in dashboard forms that are more accessible to the public.

Partnership for a Healthy Lincoln already has begun charting maternal child health data for the state, some of it by county, sourced from the CDC.

Rauner said making such data easily accessible allows people to see how their community is doing on various health measures. It's also important in planning for health.

"The data transparency needs to be out there," he said. "You can't provide good governance without good data."

Huse said she plans to keep the Douglas County dashboard up at least through fall and winter, depending on whether new COVID variants emerge and how well the new boosters work. The department likely will keep providing some data until the virus settles into a more predictable pattern, like influenza.

"That transparency is so important," she said.

Huse said she hopes to put additional county health metrics, such as elements of the community health needs assessment that the agency conducts every few years, in a dashboard format.

"I hope people have more of an interest in the data," she said, "because it helps them understand a little bit more where our priorities are ... and what's happening in the community they live in."

By Julie Anderson

GII: Hall County gets funding for new juvenile diversion coordinator position

Hall County is being awarded $43,203 to partly provide for a newly-created juvenile diversion alternative initiative coordinator position.

The position is expected to cost roughly $75,000 per year total.

Hall County Board of Commissioners approved creating the new position in June.

The award is significant, said Commissioner Karen Bredthauer.

It is the first time the Office of Violence Prevention has awarded grant funds outside of Omaha or Lincoln, she said.

The position is needed.

District Judges Arthur Wetzel and Alfred Corey have 560 juvenile cases per year, and in one day heard 93 juvenile cases, where most juvenile court judges have about 250 per year, explained Bredthauer.
Bredthauer was appointed to the OVP board by Gov. Pete Ricketts in August 2021.
She brought the OVP grant opportunity to the attention of County Attorney Marty Klein and the grant was completed by Diversion Director Randy See.
The OVP grant was approved by the Nebraska Crime Commission.
The priority for funding is given to "projects that appear to have the greatest benefit to the state and have goals to reduce street and gang violence, homicides and injuries by firearms," said Bredthauer.
The JDAI program looks for alternatives for detaining juveniles.
The program is beneficial, Hall County Attorney Marty Klein told Commissioners in June.
"There's significant research out there that tells us that juveniles, when taken out of their home, have a worse outcome than when they are able to be maintained in their home," he said. "It's almost as bad or worst when juveniles are taken out of their school setting."
In the short-term, the coordinator will "develop relationships that will, in the long-term, have better outcomes for juveniles," said Klein.
The juvenile court system aims to help such youths achieve better outcomes so they can "learn from the mistakes they make," be rehabilitated, and become productive members of society, said Klein.
"I believe that translates to less pressure on our system, less detention costs, and an overall benefit to Hall County both for the juveniles and every part of the system that these juveniles would otherwise be touching if they were involved in the court system," he said.
Klein told Commissioners on Aug. 30 that the county's juvenile cases are not only growing in number, but becoming more complex.
This is time-consuming for an office that is currently short-staffed.
"I believe this is a need based on the amount of work my folks are doing," he told the board.
Bredthauer told The Independent she plans to pursue full funding for the position with OVP's upcoming grant cycle in March.
"If we can continue to get this from the Legislature, we can fund other projects in Hall County," she said, "but only if we can get people to write the grants."
By Brandon Summers

OWH: $20 million project will turn methane into renewable energy at Omaha wastewater plant

The City of Omaha is moving forward with a plan to turn human waste into green energy, and make millions of dollars in the process.
With a $20 million investment approved last month, one of the city's wastewater treatment plants will increase its ability to turn the waste into renewable natural gas, also known as biogas.
The project will allow the city to profit off its biogas production and contribute to the renewable energy market.
"It's a big step for Omaha on climate initiatives and moving toward net zero emissions," said David Sykora, plant manager.

Since 1977, Omaha's Papillion Creek Water Resource Recovery Facility has operated in Sarpy County just north of where the Platte River meets the Missouri River.
Simply put, the plant's purpose is to take dirty water and make it clean, Sykora said.
All day, every day, wastewater from thousands of homes is treated at the facility. The amount of "dirty water" that flows to the plant each day could fill up to 100 Olympic-size swimming pools.
Water comes into the facility through a collection system and is separated by solids and liquids. Both are stabilized and refined to state and federal standards before waste is turned into fertilizer for farm fields and water is pumped to the Missouri River.
Jim Theiler, assistant public works director, compares the process to a "big human digestive system."
"There are liquids and solids the plant disposes of, just like a human," Theiler said.
And there are large amounts of methane, a powerful greenhouse gas.
For years, the facility has used the gas internally to heat the plant. Now, with the $20 million project, the facility aims to capture more gas, refine it and sell it to Black Hills Energy.
In 2021, the plant produced enough electricity to power about 1,000 homes. Through the biogas project, officials estimate that the renewable natural gas produced by the plant each year will be enough to meet the yearly heating needs of 4,000 Nebraska households.
The City of Omaha has approved a nearly $20.2 million contract with All Purpose Construction to build the infrastructure needed for the project, including an expansion and updates to the gas pipeline and a biogas building. Sewer revenue bonds will be issued to help finance the project.
Facility leaders hope to have the project up and running by spring 2024.
Once in operation, the Public Works Department expects to see a profit of $4 million to $5 million annually from the project — making the city's investment back within five years.
The use of biogas as a sellable energy source by water treatment plants has gained popularity in recent years, Theiler said.
The City of Lincoln in early 2021 completed its own biogas project in partnership with Black Hills Energy and has since used the gas to produce vehicle fuel.
Lincoln's project is estimated to generate $2.6 million each year, recouping the city's project costs in just over three years, according to Black Hills Energy.
Lincoln's successful project is an example of what is possible in Omaha, Sykora said.
"To be one of the first places in Nebraska to take this step I think is pretty exciting," Sykora said.
"There's a lot of different options that this will provide the city of Omaha. We want to be a utility of the future."
By Jessica Wade

LJS: As overdoses plateau in Lincoln, will officials look to harm reduction efforts touted elsewhere?

As overdose deaths have risen sharply across the United States in the past decade — rising exponentially between 2015 and 2021, when the country topped 100,000 overdose deaths in a 12-month period for the first time — state and local leaders have increasingly turned to harm reduction efforts that have saved lives in other countries.
In Philadelphia, a nonprofit kicked off efforts in 2018 to open a safe-injection site — where people

would be allowed to use illegal opioids under medical supervision to prevent fatal overdoses.
In Rhode Island, lawmakers greenlit a safe consumption pilot program last summer, becoming the first state to legalize such institutions.
And across the county, syringe service programs — which allow access to and disposal of sterile syringes — have been used to varying degrees for more than 30 years, debuting in the wake of the HIV epidemic of the 1980s.
"Those are illegal in Nebraska," said Patrick Habecker, an assistant professor at the University of Nebraska-Lincoln whose research focuses broadly on rural drug use.
There is an exception to the state statute that governs the delivery of drug paraphernalia — a phrase that encompasses syringes, pipes and the like — that prohibits the prosecution of pharmacists who sell needles for the prevention of the spread of infectious diseases. That exception could allow for pharmacies to operate a syringe program but does not expressly allow needles intended for drug use to be exchanged.
The statute's existence is among initial roadblocks in bringing efforts such as consumption sites or exchange programs to Lincoln, where 45 people died of drug overdoses in 2021, which followed 40 such deaths in 2020, according to police department data.
Last July, at the height of Lincoln's overdose crisis, local officials launched an awareness campaign, warning of a local drug supply poisoned by fentanyl and touting the availability of Narcan, an opioid overdose reversal drug that is now available for free at eight local pharmacies.
"We're always looking at avenues for harm reduction and what are best practices," said Pat Lopez, the Lincoln-Lancaster County health director. "And we're gonna look at everything that's available based on the data about what's happening in our community."
But as local overdoses have plateaued near last year's record numbers so far this year, Lopez said Lincoln's overdose prevention coalition — an informal group of 20 agencies, care providers and stakeholders — has focused on "systematic" early overdose education and prevention in a partnership with local schools.
And though developments like the local Narcan rollout and the state's so-called "Good Samaritan" law represent progress in Nebraska's larger conversation on harm reduction efforts, it's unclear if state or city leaders are exploring the often controversial but effective steps being taken elsewhere around the U.S.
"I wouldn't say that we're considering doing any of those things, but I wouldn't say that we would not consider any of that, based on what we're seeing in the community," Lopez said. "I think it's our responsibility to make the community aware of what's happening and what measures can be taken to address that.
"These are health issues, and we don't want to see them turned into political issues. We want to be able to address the health needs of our community."
Habecker, though, said the issues are inherently political, pointing to the statutory obstacles — moveable only with political will — that stand between Nebraska and harm reduction.
"That's pretty much what all of these (programs) are aiming to do," Habecker said of harm reduction efforts in play elsewhere. "They're not necessarily saying, 'How do we stop drug use?' They're saying, 'How do we stop people from dying from drug use?'
"And when you change that perspective, that's when people start looking at these options."
Habecker, who said he is not an advocate but would like to see fewer human lives lost as a result of drug use, pointed to individual drug testing strips and community drug supply tests as less controversial methods of harm reduction that are nonetheless not widely implemented in Nebraska.

"So there's a lot of things that can be done and people are trying," he said. "Not a lot of it here."
Testing strips, he said, would allow drug users to individually check samples of their supply — be it of cocaine, heroin, methamphetamine or otherwise — for substances such as fentanyl, which contributed to five fatal overdoses in Lincoln last year.
And community supply tests would require organizations or government agencies to take samples of seized or volunteered drugs, test them and release summary reports to the public indicating what is and isn't present in the local drug supply, Habecker said.
The process — not currently practiced in Lincoln — used to be, said Topher Hansen, the CEO of CenterPointe, an addiction and mental health treatment nonprofit.
"Ages and ages and ages ago, we would go out and test drugs through the state labs and then try and tell people that gave us those (drugs) what it was so they could know about it," he said. "And if was like, 'Oh, my God, that's PCP not LSD,' then they would avoid eating that, or something. That's a harm reduction effort."
Hansen, who mentioned syringe exchange programs and safe consumption sites that have yielded positive results abroad, said leaders in Nebraska's addiction and substance use circles are beginning to have conversations about how to bring harm reduction initiatives to the state.
"But then we've got to change the laws in Nebraska to allow that," he said.
CenterPointe has applied for grant funding to bring a syringe and testing strip vending machine to Lincoln, he said. The nonprofit did not receive the grant.
Even if the grant had been awarded to CenterPointe, its existence would have violated state statute — a fact that Hansen said doesn't frustrate him, in part because he's used to it.
"It's sort of par for the course," he said. "When you're on the front edge of changing things, there often are hurdles, and sometimes there is an old way of thinking about this that generated laws or regulations or things like that.
"So it's not unusual that when you're in a changing environment that you run into some of that, and you have to modify the environment to then allow that change to occur."
By Andrew Wegley

OWH: With dodgeball and burgers, the race for Nebraska's 2nd Congressional District heats up

Rep. Don Bacon is cooking and serving up small “Biden burgers.”
State Sen. Tony Vargas is walking through a children’s dodgeball game and warning things “are about to get ugly.”
The candidates for Nebraska’s 2nd Congressional District have started airing their commercials on local TV stations. Labor Day traditionally marks the start of a political season where campaigns work to excite voters for Election Day and the 2nd District is no exception.
In recent days national Republican and Democratic groups have also started airing commercials taking shots at Vargas and Bacon.
Bacon, the Republican incumbent, is seeking his fourth term in Congress. Vargas, his Democratic opponent, has been elected to the Nebraska Legislature twice and served on the Omaha Public Schools board.

The two men are vying to represent the 2nd District, which after redistricting was done last year now includes Saunders County, western Sarpy County and all of Douglas County, including Omaha. It is the state's most competitive congressional district, with the latest voter registration figures showing that Republicans outnumber Democrats by less than 9,000 voters. Registered voters who aren't affiliated with a party total more than 99,000.

Earlier this year, political observers said Bacon had many factors working in his favor. In the modern era, the party that holds the White House has lost congressional seats in virtually every first-term president's first midterm election.

As recently as a few months ago, Republicans appeared poised for a dominant performance come November. While still possible, local and national political observers said the landscape and momentum have shifted.

"Things have been changing," said Richard Witmer, a Creighton University political science professor. Gas prices have dropped, President Joe Biden had a string of legislative victories on climate, health care and gun violence and the Supreme Court decided in June to end abortion protections, which has energized and motivated some voters.

"Big picture, I don't think there's a red wave coming, but I still think it looks like Republicans could pick up some House seats," said Randall Adkins, a political science professor at the University of Nebraska at Omaha. "And I'd say the Senate is 50/50."

The shifting momentum also has some national observers changing their predictions about Nebraska's 2nd District race, which has a long history of competitive contests.

Last month the Cook Political Report, which rates congressional races, moved its ranking of the 2nd District race from "likely Republican" to "toss up." In explaining the change, Cook's report cited Bacon's close elections in 2018 and 2020 and that his opponent in those races, Kara Eastman, may have had "limited appeal" in the district compared to a more moderate Vargas.

Other outlets are still predicting a Bacon victory. Sabato's Crystal Ball at the University of Virginia Center for Politics, which also handicaps congressional races, lists the race as "leans Republican."

Kyle Kondik, an analyst at the University of Virginia Center for Politics, said Democrats — some of whom believe they could have flipped the 2nd District in 2018 if they had a different nominee — are excited about Vargas.

Kondik said he thinks the 2nd District race is among a few dozen of the most competitive races for the House.

Adkins said he doesn't think the 2nd District race is among the country's 20 most competitive races but it could be just outside that. Adkins said Bacon and Vargas will have the resources, money and national level support to run effective campaigns.

Already national figures have come to Omaha to support their candidates.

Last month House Minority Whip Steve Scalise visited Bacon and House Majority Leader Steny Hoyer made an appearance for Vargas.

Bacon and Vargas have agreed to two debates in October, but arguments over legislative records are already underway.

The Vargas campaign put out a press release claiming Bacon lied to voters in his first TV commercial. In the ad, Bacon's wife, Angie, said she was especially proud that her husband "capped insulin prices at $35 a month."

Bacon was one of 12 Republicans to vote for a bill in the House that would've capped insulin prices, but the measure was blocked by Senate Republicans.

Under the Inflation Reduction Act, which President Biden signed into law last month, the cost of

insulin for patients on Medicare will be capped at $35 a month starting in January. Bacon voted against the Inflation Reduction Act.
In a statement after the vote, Bacon took issue with several aspects of the bill, including the $80 billion investment in the IRS over the next 10 years.
“This reckless and partisan bill is bad for Nebraska families, bad for Nebraska businesses, and bad for America’s energy sector,” Bacon said.
Witmer and Adkins said they expect the Supreme Court decision on abortion will play a big role in the race.
Bacon has said he “will always fight to defend the right to life.” In the past he has not supported abortion except to save the life of the mother and has sought federal restrictions.
Vargas has said he believes decisions a woman makes about her body are personal and “politicians have no place telling her what she can and cannot do.” Vargas voted against a bill in the Legislature that would have primed Nebraska to ban all abortions when the Supreme Court struck down Roe v. Wade.
Adkins said for the average voter the 2nd District race hasn’t really started yet, but voters will start to see things heat up.
“This is the thing about the 2nd District, it leans Republican just a little bit, and the Republican, doesn’t matter who the Republican is, they’re never going to be able to take this district lightly,” Adkins said. “This is one of the more competitive districts in the country.”
By Emily Nitcher

Nebraska Examiner: Lone Nebraska official on Oath Keepers’ membership list ‘very surprised’

LINCOLN — The lone Nebraska official named as part of a deep dive into the leaked membership lists of the far-right Oath Keepers militia group said Friday he was “very surprised” to be the only person named from the state.
Larry Langer, who is a member of the village board in Alvo, a small village midway between Omaha and Lincoln, said he quit the organization six or seven years ago because of some egotistical leaders, but he said he remains committed to the mission of the organization.
The mission, according to Langer, is to remind police officers and military members that their first obligation is to defend the U.S. Constitution.
“I used to belong to them, and damned proud to do it,” he said. “It appears that the Oath Keepers have veered off their mission, at least some of them. That’s the reason we got out of it.”
Langer rejected descriptions of the Oath Keepers as “anti-government,” “extremist” or a “terrorist group.”
‘No radicalism,’ former member says
“These were good people, and people who cared about their community,” he said. “There was no radicalism. If you were radical, you were kicked out.”
The Nebraska Examiner reached out to Langer after the Anti-Defamation League Center on Extremism, a Jewish organization that opposes anti-Semitism and other forms of bias, issued a report that hundreds of people named on Oath Keepers membership lists nationwide were current

or former elected officials, military members and law enforcement officers.
The ADL described the Oath Keepers as an "an anti-government extremist group associated with the militia movement." The Southern Law Poverty Center, which tracks extremist groups, calls the Oath Keepers "one of the largest far-right antigovernment groups in the U.S. today."

Some charged with seditious conspiracy

The organization has been in headlines recently after at least 26 of its members were arrested in connection with the violent Jan. 6 attack on the U.S. Capitol.
Twelves of those Oath Keepers, including its founder, Stewart Rhodes, face one of the most serious charges: seditious conspiracy, for attempting to block congressional confirmation of the 2020 presidential election.
Oath Keepers were also involved in the 2014 Bundy Ranch armed standoff against the Bureau of Land Management. Armed Oath Keepers roamed the streets during the unrest in 2014 and 2015 in Ferguson, Missouri — an action that Langer said protected businesses in Ferguson.
In 2016, a message on the Oath Keepers' website stated that there would be "outright civil war" if Hillary Clinton was elected.
The ADL issued its report after digging through leaked membership lists obtained by a journalism collective, Distributed Denial of Secrets.
The ADL said it found 234 Nebraskans on the membership lists among about 38,000 Oath Keepers members nationwide, but it emphasized that those listed may no longer be members, never were members or might have joined without knowing exactly what the organization was about.
Of those Nebraskans, the report identified one person as an elected official, one member of the military, two involved in law enforcement and four first responders.
The initial report did not name any of those eight members, and an ADL spokesman said they were not revealing names of "rank-and-file officers since they are not public/elected officials."
The lone Nebraska who fit the description of being in a position of trust, such as elective office, police chief or sheriff, was Langer.

Tire pile controversy

Langer has made headlines himself in recent months. He was part of a tire recycling operation in Alvo that was the subject of months of complaints. The operation was ordered by state environmental and fire regulators to clean up its enormous pile of tens of thousands of scrap tires because they posed both a health hazard and a fire threat. The pile had grown to more than twice the size allowed by the state.
Langer blamed the problems on a shortage of truck drivers and because he was suffering from cancer. A recall effort was launched against village board members, which Langer survived (while another board member did not).
The pile was recently deemed cleaned up, about a year after Langer sold his part of the operation to his son.
When contacted Friday about the Oath Keepers, Langer said he was surprised that he was the only person named. He said the vice president of the organization when he was a member was a Nebraskan, though that person wasn't an elected official or law enforcement executive.
Langer said he didn't know whether other members of the group, when he was involved, were elected officials or heads of police or sheriff's departments. But he said many of the members in the webinars he attended were current or former law enforcement officers and former or active duty military.
Those groups have been targets of recruiting by the Oath Keepers, according to the ADL, which says

the organization wants to assure that the military and police would resist, as unconstitutional, government orders that they fear could actually occur, such as mass confiscation of guns.

May have 'gotten radical'

Langer described the military and police as being the only chance to "preserve our country."

He said he belonged to the Oath Keepers for only four or five months and said the organization may have "gotten radical" in recent years.

Langer said that he and others quit the group because some members seemed to be involved "to bolster their own ego" instead of to focus on the group's purpose.

He added that despite leaving the Oath Keepers, he is continuing to do what that organization had done — train people on firearms use and survival techniques. The training, done at a former missile base along U.S. Highway 34 near Alvo, includes how to skin a deer, can food and purify water, Langer said.

"The electricity might not run forever," he said.

By Paul Hammel

OWH: Broadband internet

A recent article, "Nebraska plans to devote nearly $200 million to expand broadband internet access," provided an excellent example of how our representative democracy currently functions, and it is not a favorable one. Nebraska will spend $200 million to provide broadband, described by our governor as "basic infrastructure that is crucial to improving the lives of residents and the state as a whole," in the two Congressional districts whose representatives — Republicans Smith and Fortenberry — voted against the funding that makes it possible.

Can anyone explain what prompts our elected representatives and officials to feel the need to so clearly vote against the interests of their own constituents? The only one I can think of is that the people who elect them, in both cases overwhelmingly, aren't their real constituents. Does anyone have a different explanation?

James Regan, Omaha

LJS Editorial, 9/11: Students suffer amid tenor, topics getting attention

You could forgive a student for being a little confused.

In the classroom, they're still getting a healthy dose of the three Rs, but outside it swirls controversy and conflict over an alphabet soup of issues.

The headlines reflect deep divides in what children need to know about health and sex education, what books should -- and should not -- be available in school libraries, how issues like equity and diversity should be addressed.

If you were a kid going to school, it would be hard not to imagine that sex, gender and cultural

politics were the most important aspects of education. That certainly seems to what has the adults' attention.
How we educate the next generation is of vital importance. There are legitimate issues that need to be settled. But there are issues where the debate is less about problem-solving and more about political grandstanding.
Culture wars in education won't end anytime soon. There are factions which benefit by making sure of that.
For the sake of our children, though, we shouldn't focus on the loudest voices but rather on the wisest. The discourse -- from both sides of the cultural divide -- isn't exactly civil much of the time.
There are, certainly, important questions to be decided on these topics.
That will require discussion, but not to the exclusion of the real basics of education.
The squeaky wheel gets the grease, but if all your attention is focused on the squeaky wheel, pretty soon the rest of the cart is in disrepair.
The daily business of education -- teachers supporting students, administrators and school boards supporting teachers, educators and parents supporting each other and taxpayers supporting the whole system -- shouldn't be derailed by fights over a book that might be sitting on a library shelf or false perceptions of what is being taught in the classroom.
Caught in the cultural crossfire, students are watching and wondering what all this conflict has to do with chemistry or calculus, English or econ. And students are learning -- by example -- how grownups tackle important issues.
The larger community, in particular property owners who pay the lion's share of their taxes to support public schools and parents who understand that the culture war issues are only a very thin slice of educational life, needs to send a different message to students and teachers.
That message should be one of continuing support for broad efforts to prepare students educationally and socially for success. And that involves a lot more than what seems to be getting all the attention these days.

AP: Unions blast rail move to delay shipments before deadline

OMAHA, Neb. (AP) — The heads of the nation's two largest rail unions said Sunday that the freight railroads' move to begin delaying some shipments ahead of this week's looming strike deadline is only an attempt to get shippers to increase the pressure on Congress to intervene and block a work stoppage by imposing a contract on workers.
The heads of the unions that represent engineers and conductors — the Sheet Metal, Air, Rail and Transportation Workers — Transportation Division union and the Brotherhood of Locomotive Engineers and Trainmen union — issued a joint statement blasting the move, which the railroads announced late Friday. A strike or lockout won't be allowed until this coming Friday, but the railroads appear to be bracing for one by saying they would begin curtailing shipments of hazardous materials and other chemicals on Monday to ensure carloads of those dangerous products won't be stranded along the tracks if the trains stop moving.
"The railroads are using shippers, consumers, and the supply chain of our nation as pawns in an

effort to get our unions to cave into their contract demands knowing that our members would never accept them. Our unions will not cave into these scare tactics, and Congress must not cave into what can only be described as corporate terrorism," said Jeremy Fergunson with SMART-TD and Dennis Pierce with the BLET union.

Those two unions have been demanding that CSX, Union Pacific, BNSF, Norfolk Southern, Kansas City Southern and the other railroads go beyond the proposed deal recommended by a group of arbitrators President Joe Biden appointed. They want them to address concerns about strict attendance policies that they say make it hard to take any time off and increasing workloads after the railroads cut nearly one-third of their workforces in recent years.

The railroad trade group has said there's no way trucks can pick up the slack if the railroads stop moving because roughly 467,000 additional trucks a day would be needed to handle all the cargo trains haul and there is already a shortage of truck drivers.

Five of the 12 railroad unions that together represent 115,000 workers had already reached tentative agreements based on the Presidential Emergency Board's recommendations that will deliver 24% raises and $5,000 in bonuses over a five-year contract that's retroactive to 2020.

The coalition negotiating on behalf of the railroads announced three more tentative agreements Sunday, so deals covering roughly 45,000 workers have now been announced. Members of the unions with tentative deals still have to vote on them.

If the two sides can't agree on a deal by the end of the week, Congress is expected to step in to block a strike because of the dire economic consequences if a strike happens because so many businesses rely on railroads to deliver their raw materials and finished products. The Association of American Railroads trade group put out a report last week estimating that the economy would take a $2 billion a day hit if the trains stop moving and passenger traffic would be disrupted nationwide because Amtrak and many commuter railroads use tracks owned by the freight railroads.

A spokeswoman for the trade group said Sunday that railroads had to take action to prepare for the possibility of a work stoppage because the deadline is so close, but the industry remains committed to trying to negotiate agreements with its unions.

"Operational changes required to prepare for a safe, orderly suspension were delayed as long as possible. With less than a week away from a potential service interruption, carriers are obligated to take appropriate actions to prepare, which include making plans for handling HAZMAT shipments, as well as other freight that may be impacted if service must be reduced or stopped," the AAR spokeswoman said.

Already, a number of trade groups representing railroad shippers have urged lawmakers to be prepared to block a strike. A coalition of 31 agricultural groups sent a letter to Congress last week, and the Fertilizer Institute trade group joined the chorus of concerned shippers Saturday because shipments of ammonia and other fertilizers will be delayed.

"Supply chains are already strained and there is currently zero elasticity in rail transportation," TFI President and CEO Corey Rosenbusch said. "This situation will get exponentially worse every day there is no resolution."

He said more than half of all fertilizer is hauled by railroads. More than 75% of all finished vehicles are taken from factories to dealerships by train, and countless other products move by rail.

The railroad trade group said that a single railcar can carry up to 2,000 UPS packages, or enough plastic pellets to make some two million two-liter bottles.

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