From: Gage, John
Subject: Governor"s Office Daily Update - 1-17-23
Date: Tuesday, January 17, 2023 9:56:35 AM

Governor Jim Pillen

TV and Radio

NCN: Nebraska Gov. Jim Pillen to speak at Ag Expo in Beatrice

KLKN: Gov. Pillen reveals his plans for the future of education in Nebraska on Tuesday

KLKN: Nebraska Gov. Jim Pillen declares Monday as Religious Freedom Day

KNOP: Getting to know new Nebraska Attorney General Mike Hilgers

WOWT: Nebraska, Iowa leaders pay tribute to Martin Luther King Jr.

Newsmax: New Sen. Ricketts to Newsmax: Pay-to-Play Accusation Invalid

NPM: Senators propose banning guns in Capitol; youth at drag shows

Governor

LJS: Sports betting in Nebraska inches closer as state reports $2.8M in tax revenue from slots in 2022

LJS: Governor seeking applicants for Lancaster County Election Commissioner

LJS: Don Walton: The Legislature reflects a conservative Republican state

LJS: Hilgers moves to Nebraska attorney general job with water rights, Biden policy challenge ahead

LJS: Health Matters: Fewer COVID cases, but Nebraska hospitals are still 'bursting at the seams'

Agency

OWH: Nebraska State Board of Education casts wide net for commissioner applicants

Legislature

LJS: State senators appear poised to ask Nebraska voters to extend legislative term limits

OWH: Nebraska lawmaker introduces legislation to eliminate State Board of Education

Nebraska Examiner: Constitutional amendment would eliminate State Board of Education

OWH: Housing needs assessment influences multiple incoming bills in Nebraska Legislature

Nebraska Examiner: Bill would require local mask mandates to get city council or county board approval

Nebraska Examiner: With threats against politicians rising, group says it's time to ban guns at Nebraska State Capitol

State, Local and Regional

OWH: Nearly 20-mile ice jam on Missouri River poses risks through winter

LJS: Wind and hail, drought conditions added up to big losses in Nebraska in 2022

LJS: Nursing homes plead for financial help as closures, staffing shortages endanger care

OWH: New health care collaborative in Nebraska to step up focus on building workforce

LJS: A legal desert - Attorneys are scarce in Nebraska's rural areas

OWH: OPPD to build metro area's first solar farm on shuttered landfill northwest of Omaha

OWH: Nebraska Public Power District to study sites for new nuclear plant in Nebraska

OWH: COVID cases, hospitalizations remain low in Nebraska, but boosters urged

Opinion

OWH Editorial: Ronnie Green has served UNL, Nebraskans well

OWH Column: Blackshirts go to the best players, but they have to be earned

OWH Public Pulse

1. One person, one vote
2. Injection of civility
3. Cronyism
4. Mail-in ballots

5. On voting rights
6. Sacred day
7. Biggest supporter

LJS Editorial, 1/15: King's words hold key to healing division

LJS Letters

1. Workers need amnesty
2. Perfect time to make point
3. GOP isn't getting the message

National/Federal

AP: Border pressures migrate north as Venezuelans head to Denver

LJS: Sports betting in Nebraska inches closer as state reports $2.8M in tax revenue from slots in 2022

As revenue from slot machine players continues to roll in, Nebraskans are a small step closer to placing the first legal sports wagers in the state.

Tom Sage, executive director of the state's Racing and Gaming Commission, said the framework of rules for sports betting approved by commissioners in October has cleared review by the Attorney General's office.

Sage said the rules will now go to the governor's office for review beginning next week. Once Gov. Jim Pillen signs off, a process that could take several weeks, they will be submitted to the Secretary of State's Office and become official approximately a week after that.

Given all of the steps needed, it's unlikely sports betting will be legal in Nebraska by the time the Super Bowl kicks off in February. And while March Madness could be the state's introduction to legal betting, the better odds are on wagers being legal by the time college football begins and the NFL resumes in the fall.

In setting up the rules, the Legislature required that all sports wagers be made at casinos operating at the state's licensed horse racing tracks, which for now includes only the temporary spaces at WarHorse Lincoln and Grand Island's Fonner Park.

Those casinos generated a little more than $2.8 million in tax revenue from slot machine wagers last year, most of that coming from WarHorse Lincoln, which opened in September. The casino at Fonner Park generated just more than $97,000 in gaming taxes in its first five days of operation.

The Grand Island casino opened Dec. 27 with approximately 260 slot machines.

Sage on Friday provided updated numbers that show the Grand Island casino produced an additional $127,000 in gaming taxes in the first week of January.

“I am not surprised that the emergence of a casino on our concourse level has gone so smoothly. I have had great faith in our casino partner, Elite Casino Resorts,” Fonner Park CEO Chris Kotulak said in an email. “I’m also delighted that the first report of revenue numbers has been so good, but I’ll be overjoyed when I can start routing money into purses for our races to become more attractive to regional horsemen.”

The opening of the casino in Grand Island did seem to draw some business from WarHorse Lincoln, which saw revenue drop for the third month in a row.

According to Racing and Gaming Commission data, the Lincoln casino generated just less than $759,000 in gaming taxes last month. That was down from $810,000 in November and $854,000 in October.

However, gambling dollars dropped into slot machines in Lincoln appeared to rebound in the first week of January, when the casino generated more than $228,000 in taxes.

The two casinos combined turned over $856,000 in December, making it the best month so far for gaming taxes, slightly better than October, the first full month of casino operations in Lincoln.

Casinos pay a 20% tax on their gross revenue, with 70% of the taxes paid designated for property tax relief.

With just three-plus months of operations in Lincoln and a few days in Grand Island, the state’s property tax relief fund still grew by $1.96 million thanks to slot machine players in 2022.

“I think those are huge numbers,” Sage said during the commission’s monthly meeting.

The two casinos will have the racetrack casino market to themselves for at least a couple more months until a temporary casino opens in Columbus sometime this spring.

The commission last month approved a provisional gaming license for Caesar’s Entertainment to start work on a Harrah’s Casino in Columbus, but because the casino and horse track are being built at a new location, Caesar’s needed assurance that it can open a temporary casino in the existing horse racing facility at Ag Park and then transfer that license to its new casino resort proposed for across town.

That assurance came Friday in the form of an Attorney General’s opinion that essentially says the Racing and Gaming Commission has wide latitude to make a decision on whether a license can be transferred.

Caesar’s and its racing partner, Columbus Exposition and Racing, have said they hope to have the temporary casino open sometime in March. A temporary casino at WarHorse Omaha could also open later this year.

The work to open the temporary casinos, which took away from existing horse racing simulcast wagering space in Omaha and Lincoln, appeared to put a drag on parimutuel betting in the state.

Parimutuel wagers on live and simulcast horse races set an all-time low of $55 million in 2022, off 3% from 2021 and essentially flat with 2020, a year when some coronavirus restrictions were in place.

By Matt Olberding

LJS: Governor seeking applicants for Lancaster County Election Commissioner

Gov. Jim Pillen is seeking applicants for Lancaster County Election Commissioner, a vacancy created with the retirement of Dave Shively on Jan. 20.

Shively has been Lancaster County's election commissioner for 23 years.

State law requires the governor to appoint election commissioners for Douglas, Sarpy and Lancaster counties to four-year terms.

Pillen's appointment will finish out the current term, which ends Sept. 6. Applicants must be registered voters and have lived in Lancaster County for at least a year.

Pillen, who said Shively has served the county admirably and has ensured the integrity of the election process, said he plans to fill the position quickly. The deadline to apply is Jan. 23.

Those interested can apply through the Governor's Boards and Commissions portal or in writing to the Office of the Governor. Additional information is available at governor.nebraska.gov/board-comm-req.

By Margaret Reist

LJS: Don Walton: The Legislature reflects a conservative Republican state

Although the proof is in the pudding, whatever that means, the 2023 Legislature appears organized to deliver a largely conservative outcome following its early organizational gnashing of teeth.

Not surprising in a conservative Republican state.

And just what might be expected in a system of representative government that reflects the views of Nebraskans as expressed at the ballot box. That's how it's supposed to work.

No surprise when Gov. Jim Pillen said none of the nine persons that were interviewed to fill the Senate seat vacated by Ben Sasse was a Democrat.

"I don't believe in where this administration is going," Pillen said. "It's big government socialism."

Pillen has won praise for being open, engaging and accessible, and he appears to have a talented and mostly experienced team at his side. There's a learning curve ahead — along with a comfort curve — but he appears to be well on his way.

Pillen is authentic.

He wore a customary pair of boots to his inauguration ceremony and appointed Pete Ricketts to the Senate at a big event in the Governor's Hearing Room without wearing a tie.

A couple of days earlier, he walked across the room following his first news conference, introducing himself to new faces.

Authentic: "true to your own personality, values and spirit."

* * *

Finishing up:

* Although the Legislature is in conservative Republican hands, Democrats in the nonpartisan legislative body have power, too. A couple of important committee chairmanships and filibusters on parade.

* It's Sen. Pete Ricketts now, just a week after he completed his eight-year gubernatorial run. That's upward mobility on steroids, but he probably will discover — and probably already knows — that the governorship was better. Former Nebraska governors who went to the Senate agreed on that.

* A Washington outcome: Adrian Smith finished third among the Republican congressmen who sought the coveted chairmanship of the House Ways and Means Committee after finishing third in the race among them to raise money for the party.

* Sen. Terrell McKinney of Omaha has introduced extensive police reform legislation along with a proposed constitutional amendment to end the death penalty in Nebraska. That District 11 seat in North Omaha is still to be reckoned with.

* Rep. Mike Flood was among a handful of Republican congressmen who joined House Speaker Kevin McCarthy on the set when Fox News commentator Sean Hannity interviewed McCarthy last week. Flood spokesman Taylor Gage said, "Fox reached out to members to include them."

* Gov. Jim Pillen, Columbus pork producer, wants you to help name the bronze pig that has moved into the governor's reception room with the advent of his administration.

* Ben Sasse left behind some choice Senate committee assignments, including Judiciary, where he helped gain Senate confirmation of Donald Trump's judicial nominees, and Intelligence, his favorite committee. Wonder what Sen. Pete Ricketts will get as the newest kid on the block.

* The news conference at which Pillen named Ricketts to a seat in the Senate attracted a large news media contingent, including seven TV cameras. That's getting closer to your typical Husker football news conference.

* The entire news conference, complete with questions and answers from the media, was later aired on CSPAN.

* News conferences that are held in the Capitol Rotunda — in contrast to those held

in the Governor's Hearing Room — sure could use a small sound system when the Legislature isn't in session.

* New bills provide growing evidence that public education is under surveillance in this legislative session. And often under attack.

* Are changes in college football transfer decisions related to the new NIL era that has turned the game into a semi-pro marketplace?

* One of the more interesting aspects of Gov. Pillen's appointment of Pete Ricketts to the Senate was a pledge that he wouldn't leave that seat to accept any offer to be vice president or a cabinet officer. His pledge to seek election to the final two years of the current Senate term in 2024 and to a full six-year term in 2026 effectively locks him in for at least 10 years, assuming voters agree.

* Norfolk Mayor Josh Moenning has been reelected to the National League of Cities board of directors. That organization advocates for city priorities in Washington.

* As Republican heavyweights appear to begin to drift away from Donald Trump, Democrats may be approaching the question of if not Joe Biden, who?

* Forty days until spring training.

By Don Walton

LJS: Hilgers moves to Nebraska attorney general job with water rights, Biden policy challenge ahead

There's a new attorney general in town.

But Mike Hilgers is no stranger to the Capitol or state government after serving six years in the Legislature as a Lincoln senator, including two years in the challenging role of leading 48 fellow senators as speaker.

There's a lot on his new desk now, including Nebraska water rights and the continuing challenge of human trafficking in the state, along with the approaching Feb. 28 U.S. Supreme Court hearing of arguments in Biden v. Nebraska, a case that will determine whether to allow the Biden administration's 2022 student loan debt relief plan to go into effect.

Hilgers will be in Washington for those arguments.

Nebraska is one of the lead states in challenging the Biden administration's executive action plan that would forgive up to $10,000 in federal student loan debt for borrowers earning less than $125,000 a year.

Former Nebraska Attorney General Doug Peterson, along with attorneys general from five other states — Missouri, Arkansas, Iowa, Kansas and South Carolina — filed the case, arguing that the administration exceeded its executive branch authority.

"Congress didn't authorize it," Hilgers said during an interview eight days after he was sworn into office, vacating Lincoln's District 21 legislative seat with two years to go in

his second term.

Beau Ballard, Hilgers' former legislative aide, was chosen to fill the vacancy.

Now, Hilgers is "getting to know people" in the attorney general's office, building relationships and getting up to speed on pending cases and investigations.

"The train is going," he said, and decisions are being made.

Hilgers said he will be focused on Nebraska water rights, as that becomes an increasingly important concern.

Nebraska currently is preparing to exercise its rights under a century-old interstate compact that guaranteed access to South Platte River water flowing into the state from Colorado by already funding and preparing to build a $500 million canal system that would capture water from the river in Colorado.

With storm clouds forming between the two states, a spokesperson in the Colorado governor's office has described the so-called Perkins County Canal proposal as "this canal to nowhere."

Hilgers said he assumes his new role with "a good relationship" with the Legislature, although there are new members now that he needs to get to know.

Some senators are "among my closest friends in life, a second family," he said.

Hilgers said he "worked closely" with former Gov. Pete Ricketts as the speaker and expects to have "an outstanding working relationship" with Gov. Jim Pillen.

Ricketts and he have "very similar principles," the attorney general said. "We agreed on a lot — but not everything."

Pillen, he said, is "a very authentic, good person" who puts his family first.

Hilgers said he plans to stay alert to efforts by the Biden administration that may "try to take more power" than is granted by the Constitution.

"This administration sometimes goes outside its lanes. We have to keep a close eye on the administration. It will be a primary focus in this office."

Hilgers said he expects Sen. John Arch of La Vista to be a successful speaker as he begins the challenging task of managing 49 senators.

"It's all about knowing the body," Hilgers said. "It's his body now."

By Don Walton

LJS: Health Matters: Fewer COVID cases, but Nebraska hospitals are still 'bursting at the seams'

Patients with COVID-19 are filling only half the number of beds that they were at this time last year, which is good news for Nebraska's hospital systems and the health care workers who are nearing the end of their third year dealing with the pandemic.

What's not good news is that even with fewer COVID patients, hospitals in Lincoln and throughout Nebraska are still overflowing.

Bryan Health set an all-time high for inpatients at its two Lincoln hospitals on Nov. 16, with 588, and has continued to see patient counts in the 570s and 580s on most days.

"We're as full as we've ever been, even at the peak of COVID," said Dr. John Trapp, Bryan's chief medical officer. Trapp said that when the hospital has 580 or more patients, it means emergency departments at both hospitals are full with patients waiting on a permanent bed.

CHI St. Elizabeth in December had its most patient admissions in 18 months, while the CHI Health system as a whole cared for more patients than in any month in almost three years.

"It's been very busy," said Dr. Jason Kruger, the chief medical officer of St. Elizabeth in Lincoln.

At the Methodist Health System in Omaha, patient numbers so far in January are essentially the same as they were at this time last year, even though there are only about one-third as many COVID patients.

While patient surges linked to the pandemic have at times caused acute issues with hospital capacity, wider industry and structural issues have exacerbated a more chronic problem that existed before COVID hit.

Among them: an ongoing labor shortage, more demand for health care services by an aging population and an inability to discharge some patients who need after-hospital care.

It's no secret that the nursing shortage that was already a problem before the pandemic has gotten much worse over the past three years as older nurses have chosen to retire and younger nurses have left due to burnout.

A Nebraska Hospital Association report last year predicted the state will be short nearly 5,500 nurses by 2025. There's also a shortage of other critical health care workers, such as respiratory therapists and lab technicians, experts say.

"You see a mass exodus of nurses and nurse assistants across the country. It's not just our state or our region," said Dr. Michael Ash, chief operations officer at Nebraska Medicine in Omaha.

Ash said surveys show that many nurses leave because they can get paid more working elsewhere, either as a traveling nurse or in another health care setting.

To combat that, he said Nebraska Medicine is spending $20 million on pay raises, shift differentials, sign-on bonuses and student loan forgiveness to help to recruit and retain staff.

The nursing shortage is an issue not just at hospitals, but also at many of the skilled nursing and rehabilitation facilities that take in patients who need longer-term care after a hospital stay for an illness or injury.

Staffing issues at those facilities mean fewer beds are available for patients to be discharged to, which is leading to further capacity issues at Nebraska's hospitals.

Ash said Nebraska Medicine averages about 60 patients a day that it struggles to discharge to a skilled nursing or rehab facility.

Trapp said that, on a daily basis, about 10% of the patients at Bryan's two Lincoln hospitals, "don't need to be in the hospital, but for whatever reason they can't be discharged."

At CHI Health, Chief Medical Officer Dr. Cary Ward said that 10%-15% of its inpatients at any time are people awaiting a discharge to another health care facility. Earlier this month, those patients were collectively filling 300 beds.

But while the nursing shortage is a major factor in the difficulty in discharging patients to those post-acute facilities, it's far from the only one.

"I think it's important to note that there's more to the story than just the nursing shortage," Ward said.

Some patients can't be discharged to another facility because they are COVID-positive. Others might be waiting for approval from an insurance provider. And some have issues the nursing facilities don't want to deal with, such as mental illness.

Another issue driving hospital capacity is the increased use of health care services. Even though there are fewer patients in the hospital linked to COVID, there are more people in the hospital for other reasons.

This fall hospitals were hit with an early surge in cases of flu and respiratory syncytial virus, which spiked early and hit numbers not seen in several years.

RSV cases began to climb in September, cresting in early November. That led to a surge of visits to emergency rooms.

The illness, which tends to hit very young children the hardest, led to spikes in hospitalizations at many of the state's hospitals, including Children's Hospital and Medical Center in Omaha.

Dr. Stephen Dolter said the hospital set an all-time record for patient admissions in October and then beat that mark by 10% in November.

Hospitals that deal more with adult patients saw big surges in November when flu cases peaked.

But it's not just surges due to seasonal illnesses that are taxing hospitals. There has been a sustained increase in patient numbers across the board.

For example, Bryan had more than 96,000 people come to the emergency departments at its two hospitals in 2022. That was 15,000 more than in 2021 and the most the health system has ever recorded.

Chelsea Russell, a nurse manager in the Bryan West Campus emergency department, said that even as the pandemic has cooled, there has been no slowdown in visits to the ER, which is, "bursting at the seams."

"We continue to see very high volumes every day in both of our emergency departments," Russell said.

During the pandemic, Bryan added a dozen bed spaces in the hallways at each of its emergency departments to handle the overflow of patients, and those beds are routinely full, with patients who need to be admitted often waiting 24 hours or more to get a bed in a regular hospital room.

Bryan also is in the process of constructing a new holding area at its East Campus emergency department. The "results pending unit," which is scheduled to open sometime next month, will have six bays for emergency department patients waiting on test results before discharge.

Spurring hospitals to make investments in innovative solutions to ease crowding may be one of the few positives of the pandemic.

Ward said CHI Health has been turning to its smaller critical-access hospitals in places like Schuyler and Nebraska City to take patients who can't be discharged to a skilled nursing or rehab facility but no longer need hospital care. Moving the patients to the smaller hospitals frees up beds at hospitals in Omaha and Lincoln.

He said the hospital-to-hospital transfers have exceeded expectations and most patients are accepting of being transferred to a smaller hospital.

"They often find that they are extremely satisfied with the care," Ward said.

Nebraska Methodist Health System has utilized similar procedures, sometimes moving patients from Methodist Hospital in Omaha to its locations in either Fremont or Council Bluffs, Iowa, to free up space, said Josie Abboud, president and CEO of Methodist Hospital and Methodist Women's Hospital.

CHI Health also formed its own internal traveling nurse program to help deal with staff shortages and retain staff members who might otherwise leave.

And CHI, Bryan and other hospital systems have dedicated more resources to their transfer operations to try to help ensure they can find beds for patients who need to move from smaller hospitals to larger ones.

Other changes hospitals have made to alleviate overcrowding include the increased use of telemedicine and doing more surgeries on an outpatient basis.

Those innovations and others, along with the continued hard work of administrators, doctors and other staff, have helped to make sure hospitals over the past year have not had to take the same extreme measures as they did earlier in the pandemic, such as suspending elective surgeries.

There also have been investments made by the Legislature, drawing from federal COVID relief money the state received, including $10 million toward scholarships and student loan relief, $60 million for a rural health complex at the University of Nebraska at Kearney and another $60 million for workforce-related capital projects at the state's community colleges.

But there is still more that needs to be done to provide a long-term solution.

"Hospital leaders feel that we're going to be in this capacity challenge due to workforce issues for quite awhile," said Jeremy Nordquist, president of the Nebraska Hospital Association.

On Thursday, the state's hospitals along with the Nebraska Rural Health Association announced plans for the Nebraska Healthcare Workforce Collaborative, a group of industry organizations, hospital systems, and colleges and universities.

The group said its aim is to gather current data about the health care workforce, identify gaps and then align educational programs to meet the workforce needs for both the short and long term.

Nordquist said it's going to be an important year in the Legislature when it comes to health care.

"We need a significant legislative effort this year on workforce," he said.

There are other issues, too, that Nordquist believes the Legislature needs to tackle, such as increased Medicaid reimbursement.

Hospitals already are absorbing huge cost increases related to recruiting and retaining workers, as well as dealing with overall inflation. At the same time, more and more people are using public health insurance options, through either Medicaid or Medicare, that often don't pay enough to allow hospitals to break even on the cost of the care they provide, he said.

Nordquist said that with the state sitting on a significant budget surplus -- estimates show projected state revenues topping expenses by $1.9 billion for the two budget years that end June 30, 2025 -- it's "now or never" to spend the money necessary to solve Nebraska's hospital capacity crisis.

"I think the state has enough resources to address Gov. Pillen's priorities ... as well as taking care of some of these other urgent health care priorities that we're seeing in hospitals and nursing homes," he said.

"This is our one bite at the apple with the revenues that we have right now, so it's really the time to ask."

By Matt Olberding

OWH: Nebraska State Board of Education casts wide net for commissioner applicants

Superintendent experience is not among the qualifications listed Friday in an advertisement seeking applicants for the job of Nebraska commissioner of education.

But it’s easy to see how someone with such experience might check the boxes on the qualifications list assembled by the Nebraska State Board of Education.

The advertisement calls for applicants with experience “as a visionary educational leader within complex organizations and among varied school districts and settings.”

Members of the board are casting a wide net with the broadly written qualifications posted on the website of the search firm McPherson and Jacobson.

The firm is assisting the board in identifying and screening the candidates.

Steve Joel, one of the consultants, had cautioned the board about narrowing the qualifications so much that qualified candidates without superintendent experience, such as assistant commissioners in other states, would not apply.

Board members are looking for someone to replace Matt Blomstedt, who resigned Jan. 3.

Under the heading of salary range, the advertisement says, “Competitive salary and comprehensive benefits commensurate with experience.”

The listed characteristics sought by the board include the following:

A track record of successfully building teams and consensus as a servant leader who models high character, honesty, respect and trustworthiness in all interactions.

Effective written, oral and interpersonal communication skills, and a commitment to actively engaging stakeholders at all levels.

A critical thinker and creative problem-solver with a history of successful data-informed decision-making, including policy development and academic achievement.

The demonstrated ability to make difficult decisions and effectively manage the people and multiple priorities of a large organization.

An energetic and hard worker who is committed to continuous professional learning focusing on best practices.

The closing date for applications is March 2. Finalists will be selected the week of March 13, and interviews will take place the week of March 27.

Board members will select the new commissioner the week of April 3. Their intention is to have someone in the job by July 1.

By Joe Dejka

LJS: State senators appear poised to ask Nebraska voters to extend legislative term limits

Forty state senators have signed on to a proposed constitutional amendment that would allow lawmakers to serve a third consecutive four-year term in the Legislature.

The proposal (LR22CA) from Sen. Robert Dover of Norfolk, which has the support of senators from both sides of the political aisle, carries more than enough support to appear on the 2024 general election ballot.

Dover, who was appointed to fill the District 19 legislative seat vacated by Rep. Mike Flood last summer, said the idea emerged from discussions with legislative staff, lobbyists and current and former senators.

"To a person, they said (term limits) took away from the consistency at the Capitol and that it wasn't a good thing," Dover said in a phone interview. "That's why I brought it forward — to fix something that needs to be fixed."

If approved by voters, the measure would extend the time a senator could serve consecutively from eight years to 12 years — an extension several lawmakers have said would result in better legislative outcomes over time.

Dover said new senators find themselves "drinking from a fire hose" as they seek to learn how the unicameral system works, get acquainted with other lawmakers and dive into the subject areas they will be wrestling with on legislative committees.

Other senators have said that eight years is not enough time to get some pieces of legislation across the finish line. Bills can get crowded out in busy legislative sessions and need to come back the next year.

Sometimes, it can take several years for support to build behind some issues. Or, it takes the right relationships between senators or interest groups to strike compromise on language that can be supported.

Dover said he understands term limits "are very popular" among the electorate, particularly in Nebraska, but said he believes there's a case to be made for lengthening the time senators can represent their constituents in Lincoln.

"I think extending it one term would help resolve it," he said.

Thirty-nine other senators co-signed the constitutional amendment, well above the number needed to evade a filibuster and put the measure before voters.

Dover said he wasn't surprised to find the support this year.

"I was actually surprised I didn't have a few more people sign on," he said. "There was not anyone who said term limits were good."

Nebraskans long tried to put term limits in place for state and federal officeholders, but weren't successful until 2000, when Initiative 415, which specifically targeted the Legislature, was approved by voters on a 56% to 44% split.

The first class of 20 state senators forced out because of term limits left office in 2006, with 16 more following in 2008. More and more have been pushed out of office every two years since, including 13 at the end of 2022.

While the provision for term limits in the state constitution prohibits senators from serving more than two consecutive terms, a handful of legislators have returned to the Capitol after sitting out one or more terms.

Omaha Sen. Ernie Chambers won two more terms in the Legislature beginning in 2013 before he was term-limited a second time. He was followed by Sen. Steve Lathrop in 2019.

Beginning in 2021, more senators returned to the body: Sens. Ray Aguilar of Grand Island and Mike Flood of Norfolk, and the late Rich Pahls of Omaha.

Lincoln Sen. Danielle Conrad became the first senator from the Capital City to return

to the Legislature after first being term-limited in 2012. She won a four-year term last year to represent District 46.

Omaha Sen. Justin Wayne sponsored a similar constitutional amendment extending the consecutive terms a senator could serve from two to three, but that measure failed to advance.

Dover said he thinks more senators will join the effort as it works its way through the legislative process this year, and as the matter goes to the public for approval.

"I think the representation will be more effective and when you're effective, you get things taken care of for your district and make the process work more efficiently," he said.

By Chris Dunker

OWH: Nebraska lawmaker introduces legislation to eliminate State Board of Education

LINCOLN — A constitutional amendment introduced Friday in the Nebraska Legislature would give voters the opportunity to eliminate the State Board of Education.

State Sen. Joni Albrecht of Thurston introduced Legislative Resolution 24CA, which would eliminate the board and give the governor the power to appoint an education commissioner. If passed by the Legislature, the proposed constitutional amendment would then go onto the 2024 ballot.

There was some confusion regarding the amendment's language on Friday. At first, Albrecht claimed that her intent was not to dissolve the board, and that language included in the resolution was incorrect. An hour later, she clarified that the resolution was correct, and said she was interpreting the amendment incorrectly.

Currently, the State Board of Education has eight elected members, who appoint the education commissioner and department employees and carry out other duties determined by the Legislature.

The board has come under fire in recent years, centered on a department decision to develop health education standards that included sex education in a way that was both comprehensive in scope and inclusive of diverse genders and sexual orientations.

Following public backlash, the department halted progress on the standards in 2021, but the department and the board still receive criticism to this day.

A similar proposal was introduced last year by State Sen. Lou Ann Linehan of Elkhorn but was held in committee.

Albrecht said the issue was the main motivator behind her constitutional amendment.

"They have to answer to (the Legislature)," Albrecht said. "But they're not answering

to us.”

Under Albrecht’s amendment, the governor would have the authority to appoint an education commissioner, who would oversee the entire department. The duties of the board would be distributed among the rest of the department, she said.

The measure was among 44 bills and four proposed constitutional amendments introduced Friday. Among the others:

Directed health measures. Local health departments could no longer issue directed health measures under LB 421, introduced by Sen. Kathleen Kauth of Omaha. The measure would require that such measures be adopted by city councils or county boards instead. She said the bill would apply to all health departments, including the Lincoln-Lancaster County Health Department.

Controversy arose during the COVID-19 pandemic over who had the authority to mandate health measures such as mask-wearing and business closures. Last January, the state sued the City of Omaha and Douglas County Health Director Lindsey Huse after she issued a temporary mask mandate. The suit was withdrawn after the City Council passed an ordinance requiring that directed health measures be approved by the mayor and City Council.

Medical advice. LB 422 would protect doctors from professional disciplinary action for expressing opinions or giving medical advice that disagrees with the general medical consensus. Kauth, who introduced the bill, said doctors should not be told what to say or not say as long as they are doing what is in the best interest of their patients.

Monitoring voting. Nebraska ballots would have to have serial numbers and at least three anti-counterfeiting features, such as watermarks, holographs and taggants, which are chemical or physical markers used to track and identify items, under LB 457. The bill, introduced by Sen. Rick Holdcroft of Bellevue, also would require video surveillance of polling places to track ballots from the time they are handed to voters until they are sealed in boxes to be taken to the local election office for counting.

Inheritance taxes. LR 23CA, introduced by Sen. Merv Riepe of Ralston, would eliminate inheritance taxes in Nebraska. If approved by voters, the proposed constitutional amendment would do away with a tax that provides revenue to county governments.

Wildlife damage. The Nebraska Game and Parks Commission would be required to pay for property damaged by mountain lions or elks under LB 456, introduced by Sens. Tom Brewer of Gordon and Steve Erdman of Bayard. The bill also would allow counties to hire wildlife services agents to take “any action necessary” to control wild or feral elk and mountain lion populations.

Highway 81. LB 454, introduced by Sen. Barry DeKay of Niobrara, calls for the Nebraska Department of Transportation to proceed with planning, designing and purchasing rights of way to complete the transformation of U.S. Highway 81 into a four-lane expressway. The bill spells out legislative intent to appropriate money for the stretch between Norfolk and the South Dakota border, as well as the stretch between York and Columbus.

By Erin Bamer and Martha Stoddard

Nebraska Examiner: Constitutional amendment would eliminate State Board of Education

LINCOLN — State Sen. Joni Albrecht of Thurston on Friday proposed letting voters weigh in on a constitutional amendment that would eliminate the Nebraska State Board of Education and give the governor control over the state Department of Education.

This is at least the sixth time since the late 1980s that a similar measure has been brought forward. This year's proposal would let the governor hire the education commissioner, who would assume the role currently filled by the state board.

If passed by both the Legislature and the state's voters, the new language would essentially erase the State Board of Education's role in setting or guiding K-12 education policy. Today, the board sets state academic standards in math, language arts, science and social studies.

Albrecht said she considers Legislative Resolution 24CA a "conversation starter" for lingering conservative frustrations about the Board of Education's efforts in 2021 to consider new health education standards, including sex education. The board shelved consideration of the standards after public pushback.

Nebraska and Ohio are the only states without state health education standards.

Albrecht said she thinks the State Department of Education would be more responsive to lawmakers if its employees were under the governor's purview. Currently, Nebraska voters in eight geographic districts select state board members.

"We are the Legislature," Albrecht said. "We guide whether they can do what they did with … the health standards, and it's absurd that it's gone this far. But it only has because they didn't have to answer to anybody. They have to answer to us, but they're not answering us."

The proposed health standards, which would have been optional for schools, drew the ire of some conservatives because the language offered public schools guidance about topics including how and when to address issues facing LGBTQ students.

Critics argued that the sex ed portion of the proposed standards offered too much information too soon. Defenders said they offered facts at age-appropriate times.

Conservative lawmakers have been discussing what changes they would like to see at the Department of Education. Some want the governor to appoint the board. Some want the board scrapped. Others want to cut the Department of Education's budget.

The department had no immediate comment Friday about Albrecht's proposal.

Education Commissioner Matt Blomstedt, who resigned this month, testified against a similar proposal in 2021 sponsored by State Sen. Lou Ann Linehan of Omaha. The board is in the process of hiring a new commissioner.

Blomstedt said dividing authority between an elected board and a commissioner hired by the board is more “stable” than relying on a governor to appoint the commissioner or the board.

“The state board overall is designed to provide for citizen voice in the work of the agency,” Blomstedt testified. “The board hires and evaluates the commissioner — me — allowing a regional and statewide perspective on the complexities of a state education agency.”

Linehan testified last year that most Nebraskans don’t know who represents them on the state board and that they would know how to contact the governor if they had problems with department proposals.

She said Friday that most states put their education departments under the governor’s control, and there’s no reason Nebraska shouldn’t do the same.

Kirk Penner of Aurora, elected to the board in November after former Gov. Pete Ricketts appointed him in December 2021, said he was traveling and would need time to review the proposal.

“There are many different ways that states appoint or elect state boards of education and their commissioner,” he said. “A hybrid approach is used by many. I am open to listen to any of the bills being introduced, and then I can form my opinion on that specific bill.”

Deb Neary of Omaha, a Democrat who won the board’s most contentious race in November, said people should pay attention “any time political leaders want to take away accountability, transparency, representation and parental input.”

She said Nebraska’s unique educational structure has allowed for a strong education system. She said the board system, with members elected to represent different parts of the state, helps address the challenges facing students no matter where or how they live.

“The size of our state brings unique challenges that require elected representatives from all areas of the state to ensure student success for every youth,” she said.

Neary’s race was at the heart of the public pushback against the board in last year’s elections, which saw six-figure fundraising by each candidate. Neary faced criticism from conservative Marni Hodgen about her public statements and emails about the proposed standards.

Neary has said she did not write the standards or vote to approve them, but she did send an email expressing disappointment that the new standards, if adopted, would be voluntary. She has said she would not apologize for wanting to treat all students with respect.

Hodgen said Neary was more supportive of the standards than she said publicly.

Karen Kilgarin, spokeswoman for the Nebraska State Education Association, said the teachers union supported an elected board. She said nonpartisan elections help shield schools from partisan politics and let board members act independently.

“The elective process is more democratic and prompts citizens to take a greater interest in their schools,” she said, adding that board members eventually build expertise that a governor would lack.

By Aaron Sanderford

OWH: Housing needs assessment influences multiple incoming bills in Nebraska Legislature

LINCOLN — Multiple bills are in the works in the Nebraska Legislature that were influenced by a 63-page report released last week detailing the state’s top housing needs.

All state lawmakers were sent a copy of “Nebraska’s 2022 Strategic Housing Framework,” which calls for 35,000 affordable housing units to be built by 2028, among other big goals. One bill has already been introduced that was influenced by the report, and at least three more are on their way.

State Sens. Tony Vargas and Tom Briese led a briefing on the report last week. Though Vargas and Briese hold different party affiliations and represent two totally different parts of Nebraska — hailing from Omaha and Albion, respectively — Vargas said housing is a broad and urgent enough issue to warrant everyone’s attention.

“I think that the lack of available housing across Nebraska … is curtailing economic growth in our state more than we realize,” Briese said.

Nebraska has not been immune to the decades-long national housing shortage. Vargas said research estimates the state needs to build at least 5,000 new housing units every year to keep up with demand.

The 2022 report refers to issues for both renters and owners, and cites multiple contributors behind Nebraska’s housing needs, including rising costs of housing and loans, and a lack of available land and diverse housing options.

Dave Rippe, who contributed to the report through Queen City Development Company, said more than 175,000 Nebraska households are what he called “housing burdened,” which means more than 30% of the residents’ income goes toward paying for the home itself.

Along with the goal of building 35,000 affordable housing units, the report also sets a goal of reducing the percentage of housing burdened homes in the state from 44% to 33% by 2028. This would amount to about 44,000 homes.

While Nebraska’s housing needs in metropolitan areas are intense and well-documented, Rippe noted that rural areas have their own set of unique needs due to their overall decline in population over the last few decades. He said in some rural counties, about 17% of the housing units are vacant.

Much of the vacant property is old and uninhabitable, but Rippe said there aren’t enough construction crews based in rural areas to keep up with the necessary improvements. He estimated rural Nebraska needs at least 5,000 additional

construction workers to meet demand.

Briese introduced Legislative Bill 249 last week, to amend the Rural Workforce Housing Investment Act. The bill would increase the limit in workforce housing grant funding a nonprofit development organization can apply for from $1 million to $5 million over a two-year period.

Vargas said there are at least three other bills influenced by the report that have yet to be introduced, which will focus on removing regulations that slow housing development and help distribute more funding for housing at a faster pace. Vargas said he does not have specific goals in mind for each legislative session.

“We’re trying to make as much of a dent as we possibly can,” Vargas said.

Several housing bills that have been introduced were not influenced by the report. One of them, LB 424, was introduced by Sen. Wendy DeBoer of Bennington and would establish the Department of Housing and Urban Development.

DeBoer said LB 424 has been in the works since last year, so the draft was not influenced by the report’s research. However, she said the report likely will play a role in the bill’s progress through the Legislature this session.

Another bill expected to come from the Urban Affairs Committee will suggest millions of federal dollars be used on several low- and middle-income housing projects in underserved areas of Omaha. The bill is linked to an independent report from engineering firm Olsson that was also released last week as part of a multiyear economic recovery effort.

By Erin Bamer

Nebraska Examiner: Bill would require local mask mandates to get city council or county board approval

LINCOLN — Nebraska’s local health directors, under a new legislative proposal, could no longer enact a directed health measure, such as a mask mandate, without the approval of their city council or county board and sign-off from state health officials.

State Sen. Kathleen Kauth, a Republican initially appointed in June by former Gov. Pete Ricketts, said she offered Legislative Bill 421 to make sure that people don’t panic and give up their rights as easily the next time there is a public health emergency in Nebraska.

“Masks were the big one,” she said. “When you have someone who’s imposing those, that’s not acceptable because you can’t do anything about that. If the public is upset with an elected official, the first chance they take, there is a remedy for that.”

Her bill would require city or county health directors recommending an action to seek approval from their local health board, which would codify requiring the approval of the Nebraska Department of Health and Human Services.

The bill also would require any directed health measure to be approved by the pertinent city council or county board.

Much of Kauth's frustration stems from the actions of Lindsay Huse, acting as health director for the City of Omaha, who enacted a COVID-19-related mask mandate in January 2022 without seeking the approval of the Omaha City Council. Huse ended the mandate a month later.

Then-Nebraska Attorney General Doug Peterson sued the City of Omaha and Huse, arguing that she lacked the authority under state law to enact a mask mandate without state approval. He dropped the lawsuit after the council passed an ordinance giving elected city officials veto power on mandates.

State Sen. Machaela Cavanaugh of Omaha, a Democrat, said LB 421 attacks the local control that helped Nebraska weather the pandemic better than most states. Nebraska needs flexibility, she said, not "one-size-fits-all" solutions.

"The approach to handling emergencies like this is not helpful," Cavanaugh said. "I don't think we should be doing the same thing in Omaha that we are doing in the rural areas. It's short-sighted to take away that local control."

Officials at the Nebraska Association of Health Directors had no immediate comment, nor did the Douglas County Health Department, the Nebraska Association of County Officials or the Nebraska League of Municipalities.

Kauth said her aim is to get more people to understand that they have a voice in local government.

"We've got things going on, but reach out and just start establishing a dialogue so that you have some way of saying, 'Hey, I don't understand this or I'm against this or I'm for this,' because there are going to be plenty of people who want to have those things done," Kauth said.

By Aaron Sanderford

Nebraska Examiner: With threats against politicians rising, group says it's time to ban guns at Nebraska State Capitol

LINCOLN — With threats against politicians on the increase, a Nebraska group is calling for approval of a ban on the open carrying of guns at the Nebraska State Capitol.

Nebraskans Against Gun Violence was among those testifying last week at a legislative hearing in support of a rule change that would ban the open carry of firearms and other weapons at the Nebraska Capitol.

"In a time of increased political violence, including threats and actions, we are asking the Legislature to protect the state government of Nebraska from harm," said Melody Vaccaro, executive director of the group. "Weapons, including guns, do not belong in political making bodies."

State Sen. Machaela Cavanaugh of Omaha proposed the change, telling the Legislature's Rules Committee that she was "terrified" in 2020 when two men openly carried semi-automatic assault rifles in the Capitol.

The incident occurrred as a legislative committee that included Cavanaugh was holding a public hearing on a bill designed to reduce suicides involving guns.

Carrying concealed weapons in the State Capitol is prohibited because the State Supreme Court and Appeals Court have courtrooms in the building (carrying concealed weapons in a courthouse is banned).

But the open carry of firearms is permitted for anyone in Nebraska age 18 and older, unless prohibited by local government. Some areas, such as schools, are off-limits for open carry, according to the U.S. Concealed Carry Association.

Ricketts opposed ban in Capitol

Following the 2020 incident, there were calls to ban the open carrying of guns, but nothing happened.

At the time, then-Gov. Pete Ricketts, a gun rights advocate, said he opposed any limit on the carrying of guns, citing the 2nd Amendment. Ricketts, in a Facebook post, also thanked the throng of gun-rights advocates who filled the hallways of the Capitol to oppose the suicide prevention bill.

Under Cavanaugh's proposed rule change, only law enforcement and military personnel would be allowed to openly carry guns in the State Capitol. During the Rules Committee meeting Thursday, she pointed out that carrying signs into legislative hearings is banned, so why not guns?

But others at the hearing opposed the gun ban, saying it was a violation of the U.S. Constitution.

One man, who said he was openly carrying a handgun when he testified Thursday, said some mass shootings have been thwarted by armed citizens.

Vaccaro said threats and intimidation aimed at policymakers is on the rise in the United States.

Threats investigated by U.S. Capitol Police went from about 900 in 2016 to nearly 10,000 in 2020, according to The Guardian. A recent study at the University of California-Davis found that 20% of those polled believe that political violence is "sometimes" justifiable.

34 states ban guns at capitols

In addition, a recent poll conducted by the Brennan Center for Justice found that one in six election officials who responded have received threats because of their job. More than three-fourths of respondents said they believe threats against politicians have increased in recent years.

A 2021 report from the Council of State Governments said that 34 states and the District of Columbia ban the possession of firearms on state capitol grounds.

Nebraska and Louisiana, the report stated, are the only states that allow open carry

while prohibiting concealed carry of firearms.

Bayard Sen. Steve Erdman, who chairs the Rules Committee, said the committee will meet Tuesday afternoon in executive session to decide which of the more than 50 proposed rule changes will be advanced for debate by the full Legislature.

By Paul Hammel

OWH: Nearly 20-mile ice jam on Missouri River poses risks through winter

From satellite images, the surprisingly long ice jam on the Missouri River looks like a sinewy white snake separating Nebraska and Iowa, poised over those downstream.

The serpentine ribbon forms among farm fields near Blencoe, Iowa, curves west toward Blair, Nebraska, loops east around DeSoto National Wildlife Refuge and comes to an end near Omaha's N.P. Dodge Park and the Interstate 680 bridge.

Stretching some 20 miles with intermittent gaps, the ice poses a rare low-water threat to downstream communities because it can lead to sharply lower river levels that jeopardize access to water. Should it break up too quickly, it could release a surge of ice that damages infrastructure in its path.

The ice has been stuck in place since late December. It is thought to be the worst such ice jam in the Missouri River since February 1989, when a blockage south of Omaha caused St. Joseph, Missouri, to mandate water restrictions.

Utilities serving the Omaha metro area had a scare around Christmastime when the ice jam formed. It held back water upstream, leading to about an 8-foot difference in river level above and below.

That sent the Missouri River to a record low at Omaha on Dec. 24, provisionally determined to be 4.17 feet, according to the National Weather Service. (Its record high is 40.2 feet set in 1952.)

Water levels dropped so low, the Omaha Public Power District took its coal-fired stations in North Omaha offline Dec. 24, and the Metropolitan Utilities District took steps to flush out ice that was blocking its intake pipes at the Florence Water Treatment Plant.

Access to water became such a concern that Douglas County Board Chair Mary Ann Borgeson, at the request of local utilities and other officials, submitted a disaster proclamation to the Nebraska Emergency Management Agency.

Conditions began improving, and on Dec. 27, OPPD resumed generating power from its coal plants.

MUD spokeswoman Tracey Christensen said the agency sought the emergency declaration so that it could get expert assessment of the severity of the jam, including through aerial photography and satellite imagery, the impact of the coming weather and suggestions for potential solutions.

OPPD spokeswoman Jodi Baker said the utility wanted to have help in place in case

it was needed.

“Protecting North Omaha Station was and remains of utmost importance due to the role it provides in generating reliable energy,” she said.

Both OPPD and MUD say the Omaha metro area wasn’t at risk of curtailed electric power or drinking water because the utilities have supplies elsewhere.

However, the 11,000 residents of a riverside town in Kansas weren’t as lucky. Atchison, some 150 miles south of Omaha, had to mandate water restrictions in late December when water dropped too low for its main intake pipe.

For now, conditions on the river have improved. Instead, the concern is long term: What will the rest of winter bring?

“It’s going nowhere fast,” said David Pearson, hydrologist with the National Weather Service office in Valley. “There’s good news in that we’re slowly melting, but it’s a slow process to undo something like this.”

The near-term forecast calls for ideal melt conditions, Pearson said. Daytime highs generally in the 40s are expected. But he said the long-term outlook hints at colder weather toward the end of January. And February has a history of bringing a harsh end to winter in this part of the country.

“Melting in place is what we want,” Pearson said. “There is nothing you can do right now but monitor it.”

But with conditions appearing dire in late December, the involved agencies, including the weather service, OPPD, MUD, the U.S. Army Corps of Engineers, the Papio-Missouri River Natural Resources District and the Douglas County and Nebraska Emergency Management Agencies, discussed potential actions.

The Papio NRD has experience over the years with the more ice jam-prone Platte River, where it has dynamited the ice, dusted it with dark coal ash (to speed melting) and dropped heavy weights on it.

John Winkler, general manager for the Papio NRD, said the district deployed helicopter-borne vibrating weights on the Missouri River ice jam. It also put an explosives contractor on standby.

The weights didn’t get the job done, and it’s not clear how serious discussions became in terms of explosives or coal ash. Both can pose problems and raise regulatory or liability concerns. Explosives can cause collateral damage, and coal ash contains pollutants.

Once it was decided not to use explosives on the Missouri, the NRD’s involvement ended, Winkler said.

Noting that this ice jam is more expansive and challenging than ones seen in the Platte River, Christensen said MUD would support the use of coal ash. She noted that the utility has been advised that coal ash is most effective beginning in mid-February, when the sun is higher in the sky.

“Use of coal ash would not impact water quality because treatment systems already

in place would remove any contaminants," she said.

For now, warmer weather has melted enough ice that water has again begun moving through the jam. OPPD says water levels are now 3½ feet higher than what triggered the closure of the North Omaha power plant.

However, the jam continues to slow the flow of water. Pearson said a difference of about 6 feet remains in the river above and below the ice jam.

Another action that isn't considered viable is having the Corps of Engineers send a surge of water downstream from upstream dams.

Eileen Williamson, spokeswoman for the Corps of Engineers, said a large release of water from Gavins Point Dam, on the Nebraska-South Dakota border, could cause lake ice to collapse and create a jam above the dam. And while releasing water from the dam might dislodge the ice, she said, it also could send it surging downstream in a damaging fashion.

The corps did try to get ahead of the freeze-up by increasing the amount of water being released from Gavins Point Dam, Williamson said. On Dec. 17, a week before the river dropped at Omaha, releases were increased to 14,000 cubic feet per second, up from 12,000 cfs.

With conditions now improved along the river, Williamson said, the corps this week began dropping releases back to 12,000 cfs.

In late December, the Nebraska State Patrol and Omaha Police Department flew over the river to obtain images of the jam. Recently, a polar orbiting satellite from the European Space Agency captured images of it. And on Tuesday, the parent agency of the weather service, the National Oceanic and Atmospheric Administration, directed a snow plane headed to the Twin Cities to travel the length of the ice jam to capture images. The plane also carries sensors that the agency can use to analyze the ice.

Unlike ice jams on the Platte River, this one isn't considered a flood threat because there is plenty of room in the river, Pearson said. Heavy runoff in the weeks ahead likely would dislodge the ice, allowing the river to flow more freely, he said.

The one thing that isn't wanted, Pearson said, is widespread winter rain in the Sioux City area. That could flush enough water into the river that flows would lift the jam and send it on a damaging path downstream.

Reduced reservoir releases aren't to blame for the jam, Pearson said. Instead, the main reason the river is so low is the intensity of the drought below the dams, notably in eastern Nebraska and western Iowa.

More than 60% of the Missouri River basin is in drought, and the Corps of Engineers has gone from regulating reservoir releases based on flood worries to holding back water due to concerns about drought.

Streams simply aren't feeding the normal amount of water into the river. Pearson said tributaries below Gavins Point Dam are running 10% to 50% of normal.

OPPD, MUD and partner agencies continue to collaborate and monitor the river.

“Conditions have improved, and we are in guarded status,” Christensen said. “There is still a significant amount of ice cover, which remains a potential threat.”

By Nancy Gaarder

LJS: Wind and hail, drought conditions added up to big losses in Nebraska in 2022

Last year may not have seemed like a big year for weather disasters in Nebraska.

There were no major floods like in 2019, nor was there a December tornado outbreak like in 2021.

But, according to a couple of different sources, 2022 may have been one of the worst years in history in terms of the number of major weather events and the economic damage done.

The National Centers for Environmental Information released a report this month showing that there were 18 weather disasters in the U.S. last year that each caused at least $1 billion in damage.

Five of those disasters affected Nebraska, and they caused $4.6 billion in damage, according to the report, the most ever in raw dollars and second-most when adjusted for inflation. And that amount doesn't even include damage caused by the extreme cold and snow that hit much of the state the week before Christmas.

The biggest and most documented disaster to hit Nebraska last year was the ongoing drought that has affected most of the state. The worst areas of drought have subsided some in the past few weeks, but overall, nearly the entire state is still in a drought, with northeast Nebraska in the worst shape.

The state as a whole had its fourth-driest year on record in 2022, while some areas were the driest they've ever been, including Norfolk, which got less than half of its normal annual rainfall. Wayne and Stanton counties also had their driest years ever, while it was the third driest in Platte County.

It also was the ninth-driest year ever in Lancaster County, even though it was only the 15th driest in the city of Lincoln.

The drought also was in large part responsible for one of the most-active wildfire seasons in Nebraska history. More than 200,000 acres burned last year, the second-most ever behind 2012, and the amount of damage was estimated at $6 million, which is by far the most ever.

While drought was the event that captured headlines throughout the year, there were some storm-related events that caused major damage.

A May 12 severe weather outbreak that included a long-lived windstorm known as a derecho caused $2.8 billion in damage nationwide, including a significant amount of damage in Nebraska, where at least 20 counties were included in the federal disaster declaration, including Garfield County, where the Burwell fairgrounds sustained about

$1.5 million in damage.

On June 7, severe weather that included hail and high winds caused severe damage in Nebraska, much of it concentrated in the Omaha metro area. Damage to homes, cars and agricultural property also was reported in other areas of the state. Nationwide, that storm did $1.9 billion in damage.

Those two storms weren't the only ones that caused significant damage to areas of the state.

According to the National Weather Service, significant storms producing large hail hit eastern Nebraska on April 12-13, April 28, June 11 and June 14. The June 11 storm produced 5-inch diameter hail in Gage County, the largest ever reported to the weather service's Omaha office.

All of these storms helped contribute to the largest economic loss in the state's history from wind and hail, according to insurance company Farmers Mutual.

The insurer, which is based in Lincoln, said wind and hail damage in Nebraska in 2022 caused nearly $2 billion in insured property losses.

"The amount of storm-related activity in 2022 is like nothing we've ever seen before, and that's taking the devastating storm year of 2014 into account," said Mark Walz, Farmers Mutual's chairman, president and CEO.

Through November, the company had sustained $500 million in storm-related losses in Nebraska, Walz said, nearly four times the 10-year average combined annual loss for all the states it operates in. It also processed more than 31,000 claims last year, nearly double its 10-year annual average of 16,000.

He said Farmers Mutual, which is the largest insurer of farm property in Nebraska and South Dakota and the second-largest insurer of homes in Nebraska, is facing a $125 million underwriting loss for 2022. Its previous largest loss in its 131-year history was $25 million.

"We simply have not seen non-tornadic wind and hail perils this severe in recent memory," Walz said.

Last year continued a trend of more and bigger weather disasters hitting the state. According to the National Oceanic and Atmospheric Administration, Nebraska has now been affected by 58 weather events since 1980 that have caused at least $1 billion in damage. However, 49 of the 58 have occurred since 2000, and 34 have occurred since 2010.

By Matt Olberding

LJS: Nursing homes plead for financial help as closures, staffing shortages endanger care

Editor's note: *This story is part of Care in Crisis, an investigative series that observes the current state of the nursing home system in the West. The project*

focuses on four states that have struggled more than most with staffing shortages, high turnover rates and other obstacles: Montana, Oklahoma, Texas and Nebraska.

After Carol Dietrich suffered a concussion in a fall and then spinal fractures from lifting too much, her husband had to face that he was unable to take care of her at his age.

Rudi and Carol spent down her assets on assisted living until she qualified for Medicaid to receive long-term care in a nursing home. Near enough for Rudi to walk for regular visits.

But “long-term” holds less meaning these days in Montana. On average, nearly one nursing community announced closures there per month in 2022 — a 15% drop in the overall number of facilities.

Carol’s nursing home in Bozeman shuttered at the pandemic’s outset. Carol, who has dementia, ended up 100 miles away from Rudi and their two grown daughters in Columbus, Montana for a few months after a second closure in summer 2022.

Her family didn’t know what they would do only a few months later when a third closure was announced in early November. Then around Thanksgiving, Bozeman’s only remaining nursing home had a placement for Carol and her roommate, which staff and space shortages had prevented months earlier.

Carol called it “very meaningful” to be near her family, especially after enduring the “scary” unknowns of being shuffled about.

“The other day when (Rudi) came here — me in my bed and him on the chair — we held hands for a long time,” Carol said. “That was wonderful.”

The COVID-19 pandemic, wage restructuring and inflation have shrunk options for seniors as nursing homes are pushed to the brink across the country. Many nursing homes are limiting new residents. Some have shuttered entirely, displacing residents from their homes.

The sector is asking with urgency in some states for their governments to boost Medicaid reimbursement rates — drawing mixed reactions — to close widening cost gaps and pay competitive wages to provide quality care as baby boomers are set to inundate nursing homes.

Staff have left difficult — albeit rewarding — jobs to secure superior salaries or better work-life balance in retail and service industries. Some have transitioned to higher-paying hospitals or lucrative temporary nursing contracts to job hop across the country.

Marc Cohen, co-director of LeadingAge LTSS Center at UMass Boston, says the nursing home sector is broken, with its many longtime struggles and weaknesses laid bare by COVID-19.

In Cohen’s view, the most critical reform needed is the creation of a rational and robust financing system.

LeadingAge, an advocacy group for nonprofit aging services, and UMass Boston are

conducting federally financed research into the degree nursing home Medicaid rates cover costs reported at an individual facility level in each state.

“Most of the industry reports — and I’m not saying that I doubt them, but I think it’s important to have things independently verified — make the argument that reimbursements are just terrible given the level of requirements they have for compliance and quality,” Cohen said.

Medicaid is a state-federal partnership that brings health insurance to low-income Americans and covers many long-term care services.

Each state invests money into its own Medicaid program. The feds provide matching funds through varying rates that generally offer higher rate matches to poorer states.

Medicaid is the primary payer in long-term care. Medicare covers short-term rehabilitation in nursing homes but not long-term care.

To improve quality of care, President Joe Biden’s administration is exploring mandatory staffing minimums for nursing homes, which the American Health Care Association says could cost $10 billion more annually or displace an estimated 18% of nursing home residents.

AARP is calling for greater transparency and accountability of nursing home finances to ensure dollars are used appropriately — quality staffing and resident care — and aren’t siphoned off in complex ownership structures.

Cohen says there is enough blame to go around for the broken state of nursing homes, including the existing reimbursement and regulatory framework, some for-profit owners, and the difficulty of infection control in congregate settings.

Nursing home finances are opaque and difficult to parse, according to Cohen, but facilities have suffered from decades of under-investment. He likened reforms to a game of whack-a-mole unless the system is adequately funded to ensure meaningful improvements.

“During this transition period, we see people are terrified to go to nursing homes,” Cohen said. “And the nursing homes themselves — between the perceived sense that Medicaid underpays or doesn’t pay enough for quality — people don’t want to go.

“And what really exacerbates this is you have tremendous staffing shortages. They can’t pay staff enough to give the care. It’s a tough situation.”

The American Health Care Association reported in April that 327 nursing homes had closed during the pandemic, with almost half rated four or five stars by the federal government. AHCA projected more than 400 would close in 2022.

A federal database shows 123 nursing home closures for 2022, but its data lags behind.

For example, it lists only one closure in Montana despite eight that have shut down, two in the process of shuttering and one that transitioned to assisted living.

Lee Enterprises’ Public Service Journalism team looked at four states in its west

region — Montana, Oklahoma, Nebraska and Texas — in which nursing homes are asking for more Medicaid funding and rank poorly in certain metrics nationally, such as federal quality ratings, staff shortages or staff turnover rates.

Family matters and funding priorities

Rudi and Carol Dietrich each harbored anxiety and stress from physical separation.

At any age, 100 miles apart for loved ones is much different than a 10-block walk or four-mile drive. But at ages 89 and 83, respectively, a hundred miles can be insurmountable alone.

Rudi could go see Carol in Columbus only if someone had time to drive him. So visits were sporadic and brief. Maybe twice a month instead of twice a week.

He feels lucky to have his wife back in Bozeman at Gallatin Rest Home, but he said society needs to learn to look at humans as humans and not profit margins.

“(Nursing homes are) not a luxury,” Rudi said. “We’re all human beings, and we’ve all served the country and society over the time we’ve been living.”

Visitation restrictions during the pandemic demonstrated the crucial roles family and friends play in their loved one’s quality of life, according to a 2022 report on the state of nursing homes published by the National Academies of Sciences, Engineering and Medicine.

Research points to family involvement — such as helping with care, making decisions, providing social interaction and emotional support — as a “strong predictor of perceived resident quality of life,” according to the NASEM report. Family caregivers are even described as an invisible but essential component of the nursing home workforce.

As a social worker, Julie Kelly is ideally suited to play those roles for her mother.

After Carol was far away in Columbus, Kelly saw her mother twice during visits on her way back from her son’s football games. She noted that Carol wasn’t able to see her regular nurse practitioner — a crucial relationship and vital for continuity of care.

Kelly recalled how an administrator left Columbus to go to Bozeman for personal reasons once and volunteered to take Carol and her roommate for a visit.

“She brought them herself in her own personal vehicle,” Kelly said. “That really epitomizes what this is — this is people’s lives. ... That’s the kind of people that we’re talking about who are doing this work – and this is what’s still happening. It’s just not right.”

Montana is down to 60 nursing homes after 11 either closed or announced closures in 2022, with one transitioning to assisted living instead.

In November, a state-funded study recommended a base rate $70 higher than the current $207 per resident per day — or an additional $54.2 million annually combined from the state and feds.

But Montana’s public health department then proposed covering just 58% of that funding gap in the next state fiscal year and 36% in the second year of the biennium

budget offered by Republican Gov. Greg Gianforte.

The back-and-forth in Montana isn't atypical of various disagreements or debates on nursing home Medicaid funding elsewhere. And it is a microcosm of a broader issue of balancing funds for institutionalized care versus home- and community-based services.

States must provide reasonable community-based treatment options for persons with disabilities and not unjustifiably segregate them in institutions, according to a landmark U.S. Supreme Court decision in 1999.

The Montana Department of Public Health and Human Services acknowledged the aforementioned Olmstead case as a key federal driver for the state and country to shift focus toward supports that help keep seniors in their own homes.

In an interview with Lee Enterprises, DPHHS Director Charles Brereton called Carol's circumstance "unusual" and "extremely unfortunate" — traumatic to her and her family.

Brereton said the state's priority is to keep individuals as close to home and their families as possible. The state has limited financial resources and is choosing to fund where demand exists, which Brereton said is "soaring" demand for home- and community-based services rather than nursing home care.

"A nursing facility that is operating at an extremely low census due to a variety of challenges and factors — that we do not discount — may not be financially sound," Brereton said. "The state does have concerns with continuing to fund facilities that are such a low census. It's very difficult for a skilled nursing facility, a nursing home, to keep its doors open when 30, 40% of their beds are full and Medicaid is their predominant payer."

The Montana Health Care Association says the state's occupancy argument deflects from the abysmally low Medicaid reimbursement rates.

Rose Hughes, the nonprofit's executive director, in an email said some nursing homes are modernizing by transitioning to private rooms. So occupancy rates are lower because buildings are licensed for two-person rooms.

Additionally, Hughes said the two latest closures were attributable to licensed nurses retiring or leaving for higher paying jobs. Contract staff were too expensive to replace them.

"Whatever our actual occupancy rate is, it would be higher if we didn't have to turn people away because we don't have the financial resources to hire staff to care for the people who are needing care and asking to be admitted," Hughes wrote. "Some of our facilities have waiting lists."

Staff woes and building investments

To Stephanie Skaggs, three teaspoons of honey can make all the difference in caring for an aging person.

Skaggs, a nurse administrator, shouldered more and more direct care duties as staff dwindled in her rural Oklahoma nursing home until it closed in mid-2021.

Servant Living Center's ownership dangled bonuses for nurses to drive over from other buildings. Hotel tabs were picked up if they agreed to work the weekend.

Unlike temporary or rotating workers, Skaggs said core staff remained great at anticipating and meeting residents' personal preferences despite increasing strains.

A chocolate chip cookie will entice Mr. Jackson to go shower. Mrs. Johnson always wants three teaspoons of honey in her tea. Help Mrs. Jones out of her blue dress and into her red one after she changes her mind.

"That's what they live for — little things like that — especially when they have no family coming to see them," Skaggs said.

The NASEM report points to high turnover among many types of staff and high use of temporary or traveling workers as factors associated with lower quality of care.

Nurses say a subtle change in a resident's behavior might signal a medical concern that goes unnoticed amid a revolving door of caregivers. And a staff shortage can lead to delays in or inadequate routine care of residents, from toileting and eating to responding to calls for assistance and medical needs.

Don Blose, CEO of Spanish Cove Retirement Village, told a House committee in September that 1 in 4 people in the U.S. will be age 65 or older by 2050.

The country has never been this old, Blose said, and if any health care sector has been set up for failure, it's aging services.

"We are so not ready for what is coming," he said. "In my assessment, an aging crisis is coming, and it will likely be the next public health emergency outside of another pandemic."

Spanish Cove, in a small suburb of Oklahoma City, finished constructing two wings in COVID-19's early months. Neither opened for two years because of staffing constraints that still prevent full occupancy.

There is a direct correlation between staffing ratios and quality of care, Blose said, and the old adage "you get what you pay for" unfortunately has come to pass in Oklahoma.

"Some facilities across the state have closed. Others — many others — are on the verge of peril and financial ruin," Blose said. "There's not a facility out there, including non-Medicaid facilities like mine, which can sustain the pace of what we've been experiencing."

One such nursing home closure was Ranch Terrace this past summer in a small Tulsa suburb.

It qualified to provide ventilator care — a complex care need specifically addressed by an Oklahoma Long-Term Care Services and Supports Advisory Committee Report in November 2019.

The report states many long-term care facilities in the state are archaic in design, such as small rooms and community showers, that won't be suitable nor practical for a growing aging population. That includes ventilator care and other specialized

services.

Ranch Terrace co-owner Scott Rogers said they had been remodeling: a new roof; new floors; and two renovated hallways.

But Rogers said Ranch Terrace came up far short of recruiting and retaining enough staff to stay open. There were only 15 employees at the closure announcement when ideally 50 skilled nursing professionals would be on board.

“The staff of the long-term care facilities often become a second family to residents,” Rogers said. “So to see the process of the closure of the facility and the emotions that were there, it was very difficult. Our seniors are the ones suffering from this staffing crisis.”

Hospital backups and nursing home deserts

Ill-equipped, short-staffed or shuttered nursing homes can create problems elsewhere in the health-care continuum.

Hospital patients ready for discharge to a lower level of care can clog up hospitals if they have nowhere appropriate to go, which delays and threatens patient care in multiple ways.

In Nebraska, a Senate committee learned in late October that hospitals statewide are unable to discharge an increasing number of “difficult-to-place” patients — about a third of whom are on Medicaid.

So their recoveries might be hampered or delayed as they await discharge because hospitals aren’t equipped to provide long-term rehabilitation. And emergency room wait times increase.

Worse, a smaller or rural hospital unable to treat a patient will have to hold the person until a bed opens at a hospital that can provide the necessary higher level of care.

“When you have to sit on that patient because there isn’t a bed available where they can actually be cared for, it’s terrifying,” Adrienne Olson, chief nursing officer and vice president of patient care services at Bryan Medical Center in Lincoln, told the committee.

Olson said her hospital averages 20 to 40 patients at a given time who can’t access appropriate post-acute care.

Henry Sakowski is the medical director for CHI Health Partners, which has 11 hospitals in Nebraska. His hospitals in the past year recorded more than 29,000 patient days attributed to avoidable delays — half of which stemmed from insufficient placement options.

Sakowski said patients who have baseline complex medical or behavioral issues often require ongoing skilled nursing or rehabilitation after hospital treatment.

“Skilled nursing facilities, however, are often unable or ill-equipped to safely manage these patients with complex conditions, and their previous caregivers are not able to provide the skilled care or rehabilitation that they now require,” Sakowski said.

At least six nursing homes in Nebraska closed in the first eight months of 2022,

exacerbating the problem, according to the Nebraska Health Care Association.

“Facilities that did close did serve these particular type of patients,” Jalene Carpenter, NHCA’s president and CEO, told the committee.

In an interview with Lee Enterprises, Carpenter said she is concerned that nursing home deserts are beginning to materialize.

Twenty of Nebraska’s 93 counties don’t have a nursing home. Another 26 counties only have one each.

Carpenter said demographic data show that Nebraska’s rural residents ages 65 and older are growing at a rate faster than the younger demographic. So there isn’t a workforce in place to support the state’s increasingly aging population.

Rural nursing homes especially experience difficulties attracting employees for any positions, not just nurses.

While no doubt that nurses are important, Carpenter said, the bulk of caregivers are certified nurses aides who provide the daily hands-on care, as well as staff who coordinate activities, perform housekeeping and meet dietary needs.

“You’re talking about very small communities,” Carpenter said. “Team members potentially have to drive an hour to get to work every day — transportation can sometimes be a struggle — so it is definitely a demographics problem that has only been heightened by the pandemic.”

Regulations and perceptions

Insufficient staffing and onerous regulations are driving employee burnout and exits, a Texas Senate committee heard from multiple nursing home representatives in August 2022.

The committee received a bleak snapshot from a survey of nursing homes by Texas Health Care Association:

■ 70% had limited admissions in the past 120 days because of staffing shortages;

■ 66% were closing wings or consolidating residents in rooms to maintain fiscal solvency; and

■ 50% expected to be unable to meet payroll and cover other vital expenses within three to six months of expiration of the temporary pandemic supplemental payments.

A long-time nurse administrator in the Dallas-Fort Worth area told Lee Enterprises that she has seriously contemplated leaving long-term care because of staff shortages and over-regulation.

More than a dozen of her best nurse colleagues have already done so during the pandemic.

Perhaps ironically, she has stayed because she worries leaving would further erode processes and create an unsafe environment.

“It’s not enjoyable anymore,” the nurse administrator said on condition of anonymity. “Really the only reason I stay is I feel an obligation to the industry and to my peers.”

She said she worked 365 days straight during some of the worst of COVID-19 and still averages about 60 hours per week. Nursing administrators used to spend about a fifth of their time on recruitment and retention, she said, but now it's almost a full-time job on its own.

Adding to the burden, the nurse administrator said the sector is over-regulated to the point of paperwork taking time away from patient care — especially with staff shortages.

Nursing communities must navigate threats of sanctions for issues that hospitals are allowed to handle internally and without fuss from government regulators, she said.

The NASEM report notes federal oversight of nursing homes is uniform across states but that "considerable variation exists" in how it is carried out. And there is only modest evidence for its effectiveness despite such a prominent role.

"The regulatory model needs significant improvement, particularly in relation to uneven enforcement, but there is little consensus (or evidence) to suggest which approaches would ultimately lead to improvement in the quality of care for nursing home residents," the NASEM report states.

Kevin Warren, president and CEO of Texas Health Care Association, told the Senate committee that an unheralded aspect to address is negative perceptions of the profession itself.

the pandemic until they became vilified and blamed in media for spreading COVID among residents.

Warren referenced a Deloitte white paper that reported about a quarter of America's population is Gen Z — born between 1995 and 2012. The white paper says Gen Z doesn't form opinions of a company solely on the quality of its products or services but instead keys in on ethics, practices and social impact.

"So if 25% of our potential workforce is led to believe that they are negatively impacting our social community even though we know they're not — we are blessed to have them in these communities, in these facilities — it makes it very difficult to recruit them," Warren said.

ABOUT THIS SERIES:

The COVID-19 pandemic worsened nursing home staff shortages – causing capacity limits and closures – and exposed systemic shortcomings.

Lee Enterprises west region Public Service Journalism team examined the "Care Crisis" and its implications. The team explored the nursing home sectors in Montana, Nebraska, Oklahoma and Texas. Each state ranks poorly in federal quality ratings, staff shortages or turnover rates.

Nursing communities and advocates in those states are urging lawmakers to help improve care for America's growing health-assisted population by boosting Medicaid reimbursement rates and paying competitive wages to close historic cost gaps.

Reconvening state legislators armed with committee hearings testimony and data

could start reshaping the future of nursing homes in 2023.

By Corey Jones

OWH: New health care collaborative in Nebraska to step up focus on building workforce

Twenty Nebraska health care and educational organizations have formed a collaborative with the goal of digging deeper to address the state's health care workforce shortage.

The Nebraska Health Care Workforce Collaborative was initiated by the Nebraska Hospital Association and the Nebraska Rural Health Association. Other members include many of the state's medical professional organizations and the colleges and universities that educate those professionals, as well as the Nebraska Chamber of Commerce and Industry.

"Nebraska is facing a serious health care workforce crisis, and there is no way to overcome the crisis without collaboration and investment," Jeremy Nordquist, the hospital association's president, said in a statement. "This challenge is too big for one organization or one school to solve on their own."

The collaborative's goal, said Nordquist, who is co-chair of the group, is to develop long-term health care workforce solutions by sharing information about current and future workforce needs and strengthening the health care education pipeline in the state.

The Nebraska Center for Nursing and the University of Nebraska Medical Center's workforce report already provide good snapshots of the gap between supply and demand of health care workers, Nordquist said in an interview. The nursing center, for instance, projects that the state will be short more than 5,400 nurses by 2025.

"Now we need to come together and really start aligning as much as possible the supply and demand," he said.

To gather that data, the hospital association and member groups representing nursing homes, federally qualified health centers, health care providers and higher education will survey their members. The aim will be to gauge the number of health professionals that colleges expect to graduate against anticipated demand. Nursing will be the first focus.

Nordquist said the state is not investing enough in its nursing programs to fill the gap, whether at community colleges, universities or private colleges. Additional data from all corners of the state is needed to determine what is needed to narrow the gap, which varies from place to place. That data also will help the group plan where to make investments, particularly when it's seeking state funding or philanthropic contributions.

Conversations among collaborative members and meetings with nursing college deans throughout the state indicate that schools are getting enough qualified nursing

applicants, he said.

However, some community colleges and other programs have difficulty accessing enough clinical sites for students to train, limiting the number of students they can accept.

Drawing from those conversations, the hospital association and other partners will seek the introduction of a legislative bill next week that would provide money to the Nebraska Center for Nursing to work with hospitals and nursing schools to open more clinical training sites for nurses, particularly in areas of greatest shortage.

The bill also tasks the center with developing programs that incentivize increasing clinical sites. The measure would authorize the Nebraska Legislature to appropriate $3 million for such efforts in fiscal year 2023-24 and $7 million in 2024-25.

One issue, Nordquist said, is that nursing faculty, who have to have master's degrees or be working toward them, generally are paid less to teach than they would earn at the bedside.

In addition, hospitals sometimes can take more nursing students, he said, but training slots are full during the day. One option might be to find ways to incentivize training opportunities at night and on weekends.

In the future, Nordquist said, the collaborative will focus on the behavioral health and physician workforces.

By Julie Anderson

LJS: A legal desert - Attorneys are scarce in Nebraska's rural areas

Here's a little known fact: A dozen counties in Nebraska currently have no practicing attorneys.

Zip from the towns of Bartlett, Hyannis or Stapleton. Zero from Arthur, Springview or Spencer. Zilch from Harrisburg or Hayes Center.

And by 2027, four more counties are projected to join them, according to the Nebraska State Bar Association.

In fact, by then half of the state's counties are expected to have three or fewer attorneys unless something changes.

At the Judicial Resources Commission's annual meeting in December, Nebraska Supreme Court Justice Stephanie Stacy went over the current numbers and the projections, illustrated by brightly colored maps.

A stripe of 16 counties crossed the center of the state, mostly north of the Platte River and hugging South Dakota's border. Another 32 counties in pockets across the state were highlighted in a lighter shade.

A visual legal desert.

"This trend, if you will, will probably make courtroom technology and remote

appearances a more critical need in our county courts," Stacy said, speaking in a hearing room at the Capitol with members across the state watching by video.

Of the 5,547 attorneys with active law licenses living in Nebraska, the vast majority (83%) live in large urban areas, with 11% in small urban communities.

"And only 7% of Nebraska's lawyers live in the rural communities," she said.

Unlike the Lincoln and Omaha areas, where millennials (those born in the early ’80s to mid-’90s) now account for the largest category of practicing attorneys, in rural areas most are baby boomers getting closer to retirement.

Stacy said there are several programs actively working to retain and recruit lawyers to the state's rural communities.

In 2013, the Nebraska State Bar Association started a rural practice initiative to connect law firms that were hiring with law students or new associates looking for jobs in Greater Nebraska.

"We hope to see a difference from that," Stacy said.

And the state's law colleges have partnered with Chadron State College, the University of Nebraska at Kearney and Wayne State College to create a Rural Law Opportunities Program to encourage the practice of law in the state's rural areas.

"So there's work being done," Stacy told the group. "But it is a phenomenon that I wanted the resources commission to be aware of, because it impacts our courts."

Last week, Liz Neeley, executive director of the Nebraska State Bar Association, said they did the forecast to take a closer look at attorneys reaching retirement age and what the map could look like if they aren't replaced.

"It's, I think, eye-opening," she said. "A lot of the lawyers in rural Nebraska are older, and so we're hoping to kind of cast a light on the importance of this issue for our state."

Neeley said the bar association started to look closer at the issue 10 years ago after hearing anecdotes about pockets of the state where there used to be 15 or 20 lawyers and the numbers had dwindled.

And after hearing from members who wanted to retire but felt like they couldn't because there was no one to hand the practice to.

"At that time we really started looking at the distribution of lawyers across the state to find out if there were areas that were underserved or that we should be concerned about," she said.

Soon after that, it began rising as a national issue, Neeley said.

"Nebraska's not the only state that has this problem," she said.

There are a lot of states with what's referred to as "legal deserts," Neeley said. And there are a lot of strategies to try to help with recruiting and retaining lawyers in underserved areas.

Like the rural legal program, which was modeled after the Rural Health Opportunities

Program started years ago to encourage medical health professionals to practice in shortage areas.

Students at UNK, Chadron or Wayne State would work toward their undergraduate degree for free and automatically be admitted into the Nebraska College of Law if they meet a certain law school aptitude test score. The idea is to build the pipeline of rural lawyers in the state, Neeley said.

And they hope to see results similar to the Rural Health Opportunities Program, where around 65% of the students return to rural parts of the state to practice health professions, she said.

She said a recent survey of lawyers in rural Nebraska within the first five years of practice found that more than 70% grew up in a rural area. Which tends to show merit in the idea.

Though lawyers from urban areas sometimes go to work in rural areas of Nebraska, too, Neeley said.

On one hand, she said, the shortage is a rural economic development issue. Lawyers do a lot of things, like help families with wills and adoptions, with sales of homes and businesses.

But there's also an access-to-justice concern, she said.

As a legal profession, Neeley said, the bar association wants there to be equality before the law, and the concern is that there's becoming a geographic barrier to accessing legal services.

Technology can be used to bridge that gap and help people access legal services or the court system remotely, she said.

"I think there's progress being made on those fronts," Neeley said. "But this conversation is really a part of how do we recruit and retain legal talent across the state of Nebraska."

If the number of rural attorneys continues to decline, finding applicants for open judgeships could become a problem. Or finding lawyers to handle court appointments in criminal and juvenile cases, where travel time would cost the counties more, could be challenging.

"The pool of lawyers available for court appointments in certain areas of our state is really at a crisis level," she said. "There's just not a lot of lawyers to appoint, or you're appointing lawyers who have to drive 75 to 100 miles to get to their court appointment."

Jeff Jarecki, a partner at Jarecki Sharp & Petersen P.C. in Albion, is currently is one of five attorneys in Boone County. Wheeler County to the west has none. Greeley County has one.

He said all Nebraskans face legal issues, whether personal or business related.

"And it is vital that legal services remain accessible to all citizens of the state of Nebraska no matter their location," he said.

In an email, Jarecki and Tana Fye, who has a practice in Holdrege, said there is increasing concern regarding the need for more attorneys in rural Nebraska, especially as the baby-boom generation transitions to retirement.

Also, as the need for more attorneys grows in the urban areas, it becomes more challenging for rural areas to recruit attorneys, they said.

While these challenges will continue, they said, adjustments during the pandemic led to more conference calls and court appearances by video.

"While technology will be utilized to ensure access to legal services for all Nebraska residents, the goal of the Nebraska State Bar Association is to maintain a strong physical presence of attorneys in rural Nebraska," Jarecki said.

By Lori Pilger

OWH: OPPD to build metro area's first solar farm on shuttered landfill northwest of Omaha

The Omaha Public Power District plans to build the metro area's first utility-scale solar farm on a former landfill on the northwest edge of Omaha.

The utility will begin a feasibility study this summer, which will include how much power it could generate and when it might come online.

The 160-acre landfill is at 126th and State Streets near Davis Middle School.

Douglas County owns the landfill, and the solar farm would be a joint project of the county and OPPD.

A $3.46 million grant from the Nebraska Environmental Trust will help get the project off the ground, according to OPPD. The grant will help with the added costs of building a solar plant on a landfill, where greater environmental precautions must be taken. OPPD said it will share any lessons learned with other utilities.

In a joint statement this past week, representatives of OPPD and Douglas County celebrated the partnership.

"I hope that this project will be a model for how we can achieve dual use of other landfills and public property in the area," said OPPD President and Chief Executive Officer Javier Fernandez.

Douglas County Board Chairwoman Mary Ann Borgeson described it as an innovative, great partnership.

Kent Holm, director of Douglas County Environmental Services, said the project is a win-win given the limited opportunities to use former landfills.

The county already provides gas from the landfill to the Metropolitan Utilities District.

"Adding solar can be another positive step," he said.

OPPD says the site has good potential for generating solar power and is near an

existing OPPD substation, making it easy to connect to the grid.

OPPD is in the process of building its largest and first-ever utility-scale solar farm on 500 acres near Yutan. That site, known as Platteview, is expected to generate 81 megawatts of electricity, enough to power 14,000 homes.

OPPD currently has a small, 5-megawatt community solar farm in Washington County.

Community solar farms are those funded in part by community members, sometimes through shares in the power.

Utility-scale solar farms are those built and funded by a utility or developer for general-purpose electricity.

By Nancy Gaarder

OWH: Nebraska Public Power District to study sites for new nuclear plant in Nebraska

Nebraska is taking another step into the as-yet-uncertain future of nuclear power.

On Friday, the Nebraska Public Power District announced that it would undertake a study of potential locations for a small modular reactor, thanks to funding from the Legislature. The study will be funded through $1 million in federal dollars awarded to NPPD by the Nebraska Department of Economic Development.

Small modular reactors are the new type of nuclear reactor under consideration around the world. Utilities say these smaller reactors offer several advantages over the much larger traditional reactors by requiring less space, costing less to build and providing greater flexibility in where they can be built and how much electricity they generate.

However, critics say they remain unproven and carry the baggage of any nuclear reactor: no great solution for radioactive spent fuel, potential high costs to build and potential nefarious use of nuclear material.

Because they are so new, no such reactors have yet been built in the U.S.

Grant Otten, spokesman for NPPD, said the study will put NPPD in a better position should small modular reactors prove themselves and the district decide that nuclear power is something it wants to pursue.

Other major utilities in Nebraska and Iowa also have expressed interest in nuclear power. MidAmerican Energy has included nuclear among the options it is studying. The Omaha Public Power District has said it is monitoring developments in the industry.

The NPPD study will occur in two phases: determining the 15 best such sites within Nebraska and then whittling them down to four. The first phase is expected to be completed this spring and the second phase could take a year, according to the

utility.

Factors used in evaluating sites include access to water and transmission lines and criteria set by the Nuclear Regulatory Commission. Some models of these new reactors are less reliant on water, which means NPPD could study sites that aren't along rivers, which has been where the state's power plants have been built.

NPPD has contracted with the engineering firm Burns & McDonnell to assist with the study.

A nuclear power plant hasn't been built in Nebraska in 50-some years.

As a state, Nebraska has been taking a number of steps toward reopening doors to nuclear power. Most recently, the Nebraska Legislature set aside money from the federal government's infrastructure bill for this study. In 2021, the Legislature unanimously approved allowing nuclear power to qualify for renewable energy incentives.

Safety would be paramount with any project, Otten said.

"Small modular reactors are designed with very advanced safety features," he wrote in an email to The World-Herald. "Further, if an SMR were to be built in Nebraska, it would have to meet Nuclear Regulatory Commission regulations; and it would be operated and maintained to protect the safety of the public."

NPPD operates Nebraska's only nuclear station, Cooper Nuclear Station near Brownville. OPPD used to operate the much smaller Fort Calhoun Nuclear Station near Blair, but closed it several years ago, citing costs. Construction at both Cooper and Fort Calhoun began in the 1960s, and they came online in the early 1970s.

The utility's other major baseline plant, the Gerald Gentleman Station near Sutherland, runs on coal.

Otten said NPPD remains committed to its existing baseload plants.

"(Gerald Gentleman) and Cooper are both essential parts of NPPD's generation mix, for providing low-cost reliable power to our customers," he wrote. "NPPD does not currently have any plans to retire either GGS or Cooper."

NPPD has said it plans to continue operating Cooper until its license expires in 2034. A decision on whether to seek a 20-year license extension for Cooper will be made at a later date.

By Nancy Gaarder

OWH: COVID cases, hospitalizations remain low in Nebraska, but boosters urged

The number of cases and hospitalizations due to COVID-19 remained relatively low in Nebraska last week and declined slightly in the nation as a whole, but health officials continue to urge boosting.

Regional differences in both cases and hospitalizations continued in the U.S., with COVID cases and hospitalizations remaining elevated in parts of the East and South.

Nebraska tallied 1,486 cases for the week ending Jan. 11, close to the 1,420 cases tallied the week before, according to data from the federal Centers for Disease Control and Prevention. That was down from a peak above 3,600 in early December. The state's per-capita case count remained in the lower third among states.

A new subvariant of the coronavirus that has become dominant in the East also gained slightly in Nebraska, according to preliminary data from the Nebraska Department of Health and Human Services. XBB.1.5 made up an estimated 9% of positive samples to undergo genomic sequencing, up slightly from the week before.

Nationally, XBB.1.5, which is more transmissible than other recent versions of the virus and can more effectively infect cells, now appears to dominate in the U.S. According to CDC projections, it made up 43% of positive samples to undergo genomic sequencing last week. The subvariant topped 80% of positive samples sequenced in the Northeast.

Amid uncertainty about what kind of wave the new subvariant will produce, health officials have urged people to get up to date on vaccines. Specifically, that means getting the updated bivalent booster, which targets the original strains as well as more recent omicron subvariants.

Early findings from a study measuring the effectiveness of the bivalent boosters indicate that the shot provides vulnerable people over 65 with significant protection against the worst outcomes.

Published by the CDC in late December, the study indicated that people over age 65 who had received the updated bivalent booster were 84% less likely to be hospitalized with COVID-19 compared with unvaccinated people.

Bivalent-boosted older adults also were 73% less likely to be hospitalized with COVID than those who had received monovalent or original vaccines but not the new booster.

"This pandemic has gone on for a long time," said Dr. Nicholas Mohr, a University of Iowa professor of emergency medicine, anesthesia and epidemiology who participated in the study. "Everybody wants this to be done. But we continue to have more variants, the virus continues to evolve and immunity doesn't last forever."

"One way that we can protect not only ourselves but also our friends and family members, especially those high-risk groups, is to be boosted," he said. "And the bivalent vaccine is a really an important tool to improve outcomes in our communities."

Uptake of the updated shots has been low, even among seniors. In Nebraska, only 43% of the vulnerable 65-and-over population had received the latest booster as of early January. That was above the U.S. average of 38%. Iowa ranked in the top 10 nationally, with 51% of its 65-and-over population having received the latest booster.

Looking at all adults, only 19% in Nebraska, 22% in Iowa and 18% nationally are up to date on all their shots.

And booster shots are almost nonexistent among children. Among those 17 and under, only roughly 5% in Nebraska, Iowa or nationally have received the latest booster.

The analysis was conducted when other omicron subvariants, namely BA.5, BQ.1 and BQ.1.1, were predominant. But lab studies suggest the bivalent booster still is effective against severe disease with XBB.1.5, according to Johns Hopkins University researchers.

The CDC recommends updated bivalent boosters for everyone 5 and older, if it has been at least two months since their last dose. Children ages 6 months to 4 years who completed the Moderna primary series also can get the booster if it has been at least two months since their last dose. There is no booster recommendation for children 6 months to 4 years who got the Pfizer primary vaccine series.

In a bit of good news, both influenza and respiratory syncytial virus, or RSV, continue to decline in Nebraska as well as in the country as a whole. Nebraska's influenza-like illness activity was high last week, down from the very high category, where it had been for weeks.

Nebraska now has tallied more than 558,000 cases of COVID-19. The seven additional deaths reported last week bring the state's total count to 4,730.

By Julie Anderson

OWH Editorial: Ronnie Green has served UNL, Nebraskans well

Ronnie Green didn't grow up in Nebraska, but he has been a valuable contributor to his adopted state since 1985, when he enrolled in a doctoral program in animal breeding and genetics at the University of Nebraska-Lincoln.

Now Green, who eventually became UNL's chancellor, is planning to retire from that job at the end of June. A search firm has been hired to help find his replacement.

Green, 61, has led UNL since 2016 through difficult times, including the COVID pandemic. He deserves thanks for his commitment to the university and his efforts to boost graduation rates.

The 3,611 degrees conferred in May 2022 was a record for May graduation ceremonies. But that number alone doesn't show the improvement in graduation rates.

When Green took over as chancellor, the four-year graduation rate was 38.2%. That reflected the percentage of students who entered the university in 2012 and then graduated by May 2016.

Six years later, the four-year graduation rate — students who entered in 2018 and graduated by May 2022 — was up to 47.9%.

Meanwhile, UNL's research expenditures have climbed 16% during his tenure, from $295 million to $321 million. And campus construction projects have boomed.

Green's time as chancellor has also come with some controversy, including turnover in the Nebraska athletic department.

And after the murder of George Floyd by a Minneapolis police officer, Green launched UNL on a worthy effort to examine racial discrepancies and improve diversity on campus. When the university unveiled its plan in November 2021, it drew criticism from some Republican politicians, including then-Gov. Pete Ricketts.

Ricketts accused Green of believing "UNL is racist" — a charge that Green rejected.

"I do not believe that UNL is racist," Green said. "Nothing could be further from the truth."

Green defended the effort to identify and eliminate any institutional barriers affecting students or employees of color. But he acknowledged that he had erred in not briefing regents more in-depth on the plan before it was rolled out.

Green had worked in the private sector before returning to Nebraska in 2010. He served as a vice chancellor, as well as vice president of Nebraska's Institute of Agriculture and Natural Resources, before becoming chancellor.

"It has been a distinct calling, privilege, honor and our greatest pleasure to serve the university," Green said.

After leaving his position, Green said he will continue with the university for a year to help the NU system in its push to raise $3 billion to support students and faculty, academic and research programs. After that, he won't remain on the faculty or hold any other official university role.

Still, Green says he plans to remain in Lincoln with his wife, Jane, who he met when he first moved to Nebraska for graduate school.

NU President Ted Carter thanked the Greens for serving UNL over the past 13 years. "This is a well-earned decision for them and I am happy knowing they will soon get more time with each other and their growing family," he said.

We join him in wishing them well.

OWH Column: Blackshirts go to the best players, but they have to be earned

One the things I love about the holidays is catching up on news with friends and relatives. The topics can range anywhere from politics to sports, funerals to job promotions. We move effortlessly from topic to topic.

These past holidays were no different. Because I'm a former Husker football player, I usually get a few questions about the team. What started the talk this time was my cousin, Tim, commenting on former Nebraska Interim Coach Micky Joseph's remark about the defensive players' Blackshirts tradition having become a nuisance. It made me think back to when I played and how important they were to team morale and promoting competition.

Looking at me, he asked, “What do you think?” In case you’re not familiar with the term Blackshirt, it refers to the first team defensive players. The defensive players wear white practice pants and a white practice shirt. The coaches assign colored pullover jerseys to denote a player’s rank. For example, wearing a green pullover is equivalent to being on the third team. A gold pullover is for second team players. And a black shirt is for first team players.

Once the depth chart is established, a green shirt, for example, sets his sights on the gold shirt player in front of him with the goal of outplaying him. This is so he can be awarded the other player’s gold shirt and corresponding spot on the depth chart. A gold shirt player wants to outplay the person in front of him and take his black shirt.

The coaches were always evaluating players by watching practice and game films and making changes to the depth chart. It created competition, which is the key to improvement. I remember watching whoever I was competing with to evaluate their performance and see if I had a chance to move past them on the depth chart. The 1970s competition was tough, and it was hard to move past someone on the depth chart. I was a defensive tackle and I backed up John Dutton. He was a first-round draft choice and played 10 years for the Dallas Cowboys. He was part of the Fearsome Foursome. Willie Harper was a star defensive end. He played 10 years for the San Francisco 49ers. Our middle guard was Outland Trophy winner Rich Glover, who also played in the NFL. Tom Ruud and Bob Nelson were linebackers in my class. Ruud was a first-round draft choice and played for Buffalo and Cincinnati. Nelson was drafted in the second round and started at linebacker for the Oakland Raiders in two different Super Bowl games.

Back in the ’70s, if you wore a black shirt, you were potentially an NFL-caliber player. Wearing a black shirt was an honor. I remember the day I was awarded a black shirt — I was on cloud nine. Correspondingly, the day I was demoted and they took it away, I was demoralized. Which brings us back to Nebraska’s current situation. There aren’t enough NFL-caliber players on the team, which is indicative of their record the past few years.

The team with the biggest, fastest, strongest players is usually the team that wins. Anyone who has ever coached football learns that quickly. Bob Devaney and Tom Osborne were great recruiters, and the results speak for themselves.

The people leading the athletic department realize that and, with Athletic Director Trev Alberts — a former all-American linebacker — taking the lead, Nebraska is building for the future. We just hired a topflight football coach, Matt Rhule, who has hired topflight assistant coaches. And this summer, Nebraska will open a new state-of-the-art practice facility. It will have 315,000-square-feet and cost $165 million. I can just imagine some five-star recruit being impressed and asking, “where do I sign?”

So begins Nebraska’s fight to get back to the top tier of college football. We have a new coach, energetic assistants and a world-class practice facility. Should be a piece of cake. But the thing is, you never know the outcome in sports until you play the game.

George Mills is a former Douglas County Board member and Husker defensive lineman from the early 1970s who has a master’s degree in urban studies.

OWH: One person, one vote

I think that Wesley Dodge ("Partisan clown show") is wrong in calling for ranked choice voting. Ranked choice voting goes against the principle of one-person, one-vote and therefore is unconstitutional. Having a run-off election following last year's Republican gubernatorial primary would have made sense given that Jim Pillen won with only about one-third of the votes cast in that primary election. Mail-in ballots could have been sent to registered Republicans who voted in the gubernatorial primary election, saving the cost of the run-off election to choose the Republican candidate for governor of Nebraska. For all states with multiple congressional districts to follow the laws of Nebraska and Maine in how the electoral college votes are won makes sense to me. This is especially true of states where you have a Democrat majority in large cities and many other areas in those states where Republicans are in the majority. The voters in the large cities in those states cancel out the votes of the rest of the state in presidential elections.

Stephen Hillman, Omaha

OWH: Cronyism

Governor Pillen's decision to appoint Pete Ricketts, to replace Ben Sasse in the United States Senate, comes down to one word: cronyism. In my opinion, Pete Ricketts bought a United Senate Seat, and Pillen made it official. Ricketts may be qualified to hold his new position, but that doesn't mean he deserves it. Pillen should have selected someone who was qualified and espouses Nebraska conservative values, but only as a "caretaker" until the next election. There were better candidates than Ricketts, but Pillen decided to pay his "pal" back. Unethical and disgusting.

Bradley Wardell, La Vista

OWH: Biggest supporter

Supreme Court Justice Louis Brandeis once said, "We can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can't have both." Did Pillen just prove that by appointing Ricketts, his biggest campaign financial source, to the senate?

Dan Hoffman, Omaha

LJS Editorial, 1/15: King's words hold key to healing division

"History will have to record that the greatest tragedy of this period of social transition

was not the strident clamor of the bad people, but the appalling silence of the good people." -- Martin Luther King Jr. in a speech in 1959.

***

As we mark Martin Luther King Jr. Day Monday, the civil rights leader's words from more than six decades ago still hold true. There is a strident clamor from some and appalling silence from others.

Our nation was founded on dissent. It fueled our desire to break away from England and the Revolutionary War.

The essential nature of dissent to participatory government wasn't lost on our nations founders, whose First Amendment to our constitution guaranteed the rights to free expression of religion, free speech, a free press, freedom to assemble and the "right to petition Government for a redress of grievances," essentially a fancy way of saying anyone can complain.

Dissent gets new ideas and new perspectives into the spotlight and forces our nation and its communities -- however one defines "community" -- to confront our weaknesses and opportunities.

Dissent is healthy. Until it isn't.

When opinions and ideas are being shared and people are listening and being listened to good things can happen. When the point of contention isn't really about change but contention itself, when volume becomes more important than verity, problems don't get solved.

King said, "Forgiveness is not an occasional act. It is a permanent attitude," and "I know that love is ultimately the only answer to mankind's problems." At the same time, he never wavered in his call for racial equality and economic and social justice.

The way King lived a life weaving together a constant call for change and a constant call for love, understanding and forgiveness is an example for us all today.

As a people, we are divided by politics and social issues. They are no greater than political or social issues of the past. But the tone of discourse is perhaps less constructive than in any other era.

In a sense, our nation has always been self-healing. With time, concerted effort or a bigger challenge, we have overcome wide rifts.

Neither the Legislature nor Congress can write a bill to fix what ails us. Neither a gubernatorial nor presidential order will make us better.

The answer to a divided nation this Martin Luther King Jr. Day -- and every day -- begins with each of us.

Fittingly, we close with words from a 1960 speech by King, again words that ring true today: "If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to keep moving forward."

AP: Border pressures migrate north as Venezuelans head to Denver

DENVER — Javier Guillen just wanted to get to the United States as he endured a three-month trek from Venezuela, hiking through Central American jungles and spending four days clinging to the roof of a Mexican train known as “the beast” to avoid police and kidnappers.

But when he finally arrived in El Paso, Texas, earlier this month, the 32-year-old settled on a new destination, only one relatively cheap bus ride away — Denver, an additional 680 miles north of the border.

“It’s the easiest place, closest to Texas, and there are people who’ll help immigrants here,” Guillen said before making his way to one of a network of shelters the city has scrambled to set up.

Over the past month, nearly 4,000 immigrants, almost all Venezuelans, have arrived unannounced in icy Denver, with nowhere to stay and sometimes dressed in nothing more than T-shirts and flip-flops. The influx took city officials by surprise as they grappled with a spate of winter storms that plunged temperatures to record lows and disrupted transit out of the area.

When they appealed to the state to open new shelters, Gov. Jared Polis, a Democrat who had allocated $4 million to help care for the migrants, arranged for those who wanted to travel onward to go by bus to Chicago and New York. That led New York Mayor Eric Adams, also a Democrat, who had already warned his city was being overwhelmed by new migrants, to complain about the transfers from Denver.

The situation illustrates how record numbers crossing the southern border are reverberating northward to cities such as Denver, New York and Washington that have long been destinations for immigrants — but not busloads of them showing up all at once, straight from the border and with no resources.

“They are getting a taste of what border cities have been facing,” said Julia Gelatt, a senior policy analyst at the Migration Policy Institute in Washington. “The fact that people are showing up in groups with a need for basic services really is new for northern cities.”

In some instances, Republican governors — primarily Texas Gov. Greg Abbott — have tried to drive home that message by transporting immigrants straight from the border to New York or near Vice President Kamala Harris' Washington residence in the nation's capital. Last year, Florida Gov. Ron DeSantis also sent some to the resort island of Martha's Vineyard.

It's not clear precisely how Denver became a new destination for Venezuelans fleeing their country's economic and political chaos. Advocates had detected small numbers arriving from the border earlier in 2022 and warned the route was becoming increasingly popular.

Then, last fall, many traveled to the U.S.-Mexico border in hopes the Biden administration would end a pandemic regulation that lets the country automatically return asylum-seekers to Mexico. Instead, President Joe Biden added Venezuelans

to the nationalities covered by the rule in October. Venezuelan crossings dropped at the border, but then something changed in Denver.

Whatever the trigger, the number of migrants arriving in the city spiked dramatically in December to sometimes 200 a day, just as a bitter winter freeze and record low temperatures swept through. The storms snarled roads out of the city and canceled several scheduled bus trips to points east, stranding many migrants in a city already struggling to shelter its homeless population.

In response, Denver converted three recreation centers into emergency shelters for migrants and paid for families with children to stay at hotels, allocating $3 million to deal with the influx. It reassigned workers to process the new arrivals, assign them to shelters and help them get on buses. Residents donated piles of winter clothing.

“Cities and states are ill-equipped to deal with this,” Mayor Michael Hancock said in an interview. “Whether you're on the border or in Denver, Colorado, cities are not set up for this.”

Amelia Iraheta, a city public health employee reassigned to work with the migrants, said one man reported walking from the border and arrived with a broken foot. One woman, who reached Denver barefoot, still had her feet covered with cactus spines after walking through the borderland desert. Most wore just the clothes on their back — woefully insufficient for the subzero temperatures.

“Coming into Denver in the peak of winter, conditions were not exactly what I think they had been expecting,” Iraheta said.

Most weren't intending to stay long. The city and state say about 70% of the more than 3,800 migrants who've come to Denver since they began tracking on Dec. 9 planned to go elsewhere ultimately. More than 1,600, the city says, already left town.

The city has set a 14-day limit on stays in the emergency shelters and is talking to other agencies and nonprofits about opening longer-term facilities. It's unclear how Biden's new immigration policy, which opens an additional 30,000 monthly slots for asylum applicants from Venezuela and three other Latin American nations, will affect the flow into Denver.

“I really think this is not a flash in the pan,” said Jennifer Piper of the American Friends Service Committee, which has worked with the city and several nonprofits to help the migrants. “Denver is now on that route, and I don't think that will shift for at least the next 5-6 months.”

By Nicholas Riccardi