From: Gage, John
Subject: Governor"s Office Daily Update - 1-20-23
Date: Friday, January 20, 2023 9:25:08 AM

TV and Radio

WNAX: Nebraska Governor Jim Pillen Pushing for Major Tax Cuts

CNN: Activists preparing for 'an absolutely crazy year' in first full statehouse sessions since Supreme Court overturned Roe

NBC News: The federal government is investigating the possible human trafficking of children who cleaned slaughterhouses

Governor

OWH: Nebraska state employees union negotiates highest salary increases in more than 35 years

Flatwater Free Press: An Aging Breed: Nebraska's farmers are getting older. Who will replace them?

Legislature

LJS: Nebraska lawmakers adopt uncontroversial rule changes after brief debate

OWH: No drama as Nebraska Legislature adopts rules for the session

Nebraska Examiner: Senator says bill luring semiconductor plant to Nebraska would have biggest economic impact 'since corn'

Kearney Hub: Buffalo County Sen. Briese submits state government efficiency review bill

Flatwater Free Press: Omaha senator who drove grant process has ties to potential $40 million recipient

Nebraska Examiner: Watchdog group says State Capitol Bible study leader should register as lobbyist

State, Local and Regional

OWH: Snow and rain that fell across Nebraska is good news for the drought, but more is needed

AP: Death penalty sought for man charged in Nebraska killings

Opinion

OWH Public Pulse

1. No on LB77
2. Voting restrictions
3. Will there be props?
4. Just bad government
5. Omaha streets
6. Forget the streetcar
7. South Omaha streetcar
8. Childhood obesity
9. Nursing staff shortage
10. Walk the walk

LJS Editorial, 1/20: Third term for legislators is good option

LJS Letters

1. How about funding lunches?
2. Abortion bill won't work
3. Only one hope for nation

National/Federal

AP: State laws vary widely on whether felons can run for office

AP: Railroad's plan to test idea to cut train crews put on hold

OWH: Nebraska state employees union negotiates highest salary increases in more than 35 years

LINCOLN — More than 8,000 Nebraska state employees would see the highest salary increases in more than 35 years under a tentative two-year contract agreement negotiated through their union.

Under the agreement, union members would receive raises ranging from 10% to 27%, according to a press release from the Nebraska Association of Public Employees (NAPE). NAPE Executive Director

Justin Hubly said these are the highest salary increases state employees have received since the State Employees Collective Bargaining Act passed in 1987, establishing the union's right to negotiate contracts with the state.

The contract will not be finalized until a majority of union members vote to ratify it. Hubly said ratification meetings will be held through Jan. 26. If ratified, the contracts would take effect from July 1, 2023, through June 30, 2025.

Further details about the new contracts will not be revealed until they have been ratified, Hubly said. There were other benefits NAPE was aiming to secure in the contracts, but even before negotiations officially began, members made it clear that their biggest focus was pushing for wages that exceeded inflation.

"Wages were always going to be our top priority," Hubly said.

Other benefits listed as priorities for the new contracts were paid parental leave, access to remote work assignments, retirement insurance incentives, sick leave payout, bilingual premium pay and limits on mandatory overtime.

The negotiations came down to the wire. NAPE announced that a tentative agreement had been reached on Dec. 30, just one day before the deadline.

In mid-December, Hubly said at a union press conference that the negotiations were progressing slowly. He said incoming Gov. Jim Pillen entered the negotiations proposing that minimum salaries would be frozen for the entirety of the contracts. Pillen spokesman John Gage denied this.

Despite this, Hubly said he wasn't nervous about negotiations surpassing the Dec. 31 deadline. Only once in 35 years have contract negotiations surpassed their initial deadline, and both the union and Pillen's team expressed commitment to reach an agreement before that.

Pillen has promoted himself as a fiscal conservative and previously promised to limit government spending. However, in addition to the salary increases, he has recently proposed other major expenditures, such as establishing a $1 billion education fund that would eventually grow to $2.5 billion.

Pillen's office did not respond to a request for comment Thursday. Pillen previously defended the education funding by describing it as an "investment" rather than "spending." Hubly said he saw the raises as an investment as well.

State government departments, like many other organizations across Nebraska, have been struggling to deal with staffing shortages for well over a year. Hubly said the shortages have affected multiple services, including snow removal on state roads. Higher wages will help the state retain employees and hire more, he said.

By Erin Bamer

Flatwater Free Press: An Aging Breed: Nebraska's farmers are getting older. Who will replace them?

As the combine gobbled soybean plants in a Buffalo County field north of Amherst on a summer-like October afternoon, beans went into its bin and dry pods, stems and leaves scattered out the back.

“I’m not farming to get rich,” said the combine’s driver, Justin Taubenheim. “I’m farming to maintain a legacy, a way of life. Faith, family and farming, in that order. The farm is kinda like the icing on the cake.”

Taubenheim, 31, sports far fewer gray hairs than your normal Nebraska farmer.

The average age of a principal Nebraska farm or ranch operator: 56.4 years old, according to a 2017 United States Department of Agriculture census report. The rising worry: There won’t be a next generation to carry on family farms – even in an era where large machinery and new technologies have reduced the manpower needed to plant and harvest.

The challenge goes beyond farming. Who will fill vital jobs in transportation, processing, marketing, machinery? Who will teach at rural schools, provide health care and run Main Street businesses?

That worry makes it critical to get more younger farmers like Justin Taubenheim and his brother Tanner, 28, interested in living and working in rural Nebraska.

Younger Nebraska farmers and ranchers like the brothers who spoke to the Flatwater Free Press talked about their love of land and livestock. They stressed the importance of family ties – carrying on legacies often stretch back generations and now stretch forward as their own kids have the same childhood experiences they once enjoyed.

But there are also barriers. Can the farming business provide income for an additional family? Can their spouse find an off-farm job with a regular paycheck and health insurance? Are there nearby schools, hospitals, grocery stores and services for young farm families like theirs?

The Taubenheim brothers, both married with young children, are the fourth generation involved in a family business best known for their purebred Gelbvieh beef cattle.

They also have what many young farmers covet: Land. The brothers and their parents Mike and Renee have each owned half of Taubenheim Farms since Justin and Tanner Taubenheim, after earning animal science degrees from the University of Nebraska-Lincoln, bought their grandparents’ half a few years ago.

“I have what others don’t. I had a place to go,” Justin said of returning to the family farm after college.

Living near Kearney, where his wife Janelle works for USDA’s Natural Resources Conservation Service, is another plus, the young farmer said. “I’m within 20 minutes of being able to get anything I need.”

“I get to coach my son’s flag football team and help with the (high school) wrestling team,” he said. “I think there’s value in raising a kid in a small class where they get individual attention and know everybody and their families.”

It isn’t easy. Start-up costs are big hurdles for young producers, even those with strong family ties. There’s equipment – $500,000 for a new combine and $100,000 or more for a new tractor – and high seed, feed, fertilizer and fuel bills.

Younger farmers and ranchers may have to rent crop and pasture land for years, until – or if – they inherit it.

“We just didn’t have the deposit needed to start by owning our own cattle or farm ground,” said Shelby Loeffelholz, 30, a beef producer who works with her Phelps County family. “We purchased a feed truck and loader, but that basically was our start up.”

Most of Leoffholz’s time is spent operating her 8,000-head feedlot on rented land north of Bertrand. She also partners on a cow-calf herd with her parents and brother and helps with family farm crops. Loeffelholz, her husband Logan and their two young boys live on a property rented from her parents. Logan works at an implement dealership in Lexington.

“I don’t think I would have done this without having family close by for support and to help with the kids,” Loeffelholz said. She and Logan would like to own a feedlot someday and might be more involved in the family farm after her parents retire.

Like Loeffelholz, many Nebraska farm kids now in their 20s and 30s sought higher education and worked other jobs before coming home.

Mark McHargue understands this journey. He returned to Central City in 1986 after a year in college to farm with his brother and marry his high school sweetheart, Judi, long before he became president of the Nebraska Farm Bureau.

He grows popcorn, feed corn and soybeans and custom-raises pigs. His sons Andrew, 32, and Jordan, 28, are home now, but own and manage their own businesses.

“Neither of the boys really liked the hogs that much,” McHargue said. Instead, they turned their own interests into their careers.

Andrew worked seven years for a neighbor and then bought that farm. Jordan runs a company he and his dad co-own, a construction business that has built more than 70 houses in the Aurora-Central City area in the past six years.

All three men have created rural Nebraska jobs: A combined 18 full-time construction and farm jobs, and several other part-time jobs, by McHargue’s count. He said other economic benefits include more work for area construction subcontractors.

Young farmers don’t always return immediately. Alec Ibach’s journey back to his family’s Sumner farm and ranch took eight years: Four to complete a UNL degree; four more working at Farm Credit Services of America.

He and a co-worker, Nate Hartman, eventually launched Apache Ag, a company that sells seed and other crop products from a new office and warehouse near Miller.

Alec’s parents Greg, a longtime state ag director, and Teresa, a new state senator, wanted their triplets to work away from home before deciding whether to return. “They wanted us to do something else, to see other things and have other experiences,” Alec said.

Alec, his wife Meredith and their 2-year-old daughter now live in Kearney where Omaha native Meredith is a kindergarten teacher.

The timing of Alec’s return to the family business – corn, soybeans, and calves from a Black Angus-

based herd – fit a need after Greg Ibach was appointed in fall 2017 as a USDA undersecretary in Washington, D.C.

Greg has now returned to managing his family's beef production since he left government in 2021 and took a role at UNL's Institute of Agriculture and Natural Resources. Alec still focuses on the farm's commodity marketing, but spends most of his time with Apache Ag customers.

The path back to their family farm northeast of Lexington is less certain for the Batie sisters, Juliana Loudon, 32, and Cicely Wardyn, 29, who already have ag-related careers.

"Julie and I have said we don't want to just give up the farm," said Wardyn, so they're doing succession planning with parents Don and Barb Batie.

Loudon, the ag teacher and FFA adviser at Overton, lives with her husband Doug and 2-year-old son on a small acreage between Elm Creek and Overton. She previously taught at Wood River and in North Dakota when Doug was completing civil engineer certification requirements.

Starting a family influenced the decision to return to Dawson County. "It was being home," Loudon said. "That's the way I was raised and I want my kid to have that, too."

She helps farm on weekends and summers now, but wants to run the business full-time after her parents retire. Her sister's family farm role is more complicated.

Wardyn was a legislative aide to Sen. Deb Fischer before returning to Lincoln to get a UNL graduate degree. She was hired in 2021 as assistant state ag director, and is now an agriculture and natural resources specialist in Gov. Jim Pillen's Policy Research Office.

Wardyn said it will take time to figure out the details of her new role. She's similarly uncertain about her family farm future.

"If Julie takes over the farm full time, what is my role going to be? I don't know, yet," she said.

Other young Nebraskans who aren't tied to a family farm or ranch need other incentives to live and work in rural communities. They need child care, Wardyn said, places to gather, ways to get involved in the community.

Loudon said the many "unsung jobs" available must be better promoted at high schools and in hometowns.

"I have a list of 300-plus careers directly related to agriculture and only two are farming and ranching," said Matt Kreifels, a UNL associate professor of agriculture leadership, education and communication.

There are now 209 different ag education and FFA programs in Nebraska, nearly double the number that existed a dozen years ago. Kreifels said most new programs started in 2010 and 2011 after it became clear that the strong ag economy had helped Nebraska fare better than most states during the Great Recession.

Nebraska has beginning farmer programs and incentives to help link young people with older landowners who don't have children returning to family farmers.

"Keeping farming in the family is important," the Farm Bureau's McHargue said, "but you have to have someone to farm it … not everyone is able to or wants to do that."

How to get future generations to live and work in rural areas is “the million-dollar question, not only in rural Nebraska, but also in rural America,” he said.

One vital need is broadband service required for ag production and marketing technologies, websites to promote businesses and links to work remotely. Loudon described dependable Internet service as “the great equalizer” for rural Nebraska.

Many ag producers also need their spouse’s full-time job for health insurance. Loeffelholz, for example, says her family depends on the health insurance her husband gets from his company.

Loudon reminds her Overton students that many good jobs don’t require a four-year degree or the related debt. The best match might be a trade school or on-the-job training.

The McHargue sons graduated from community college. Now they’re both running multi-million dollar businesses, Mark McHargue said.

Although Justin Taubenheim worries about rural Nebraska’s shrinking population, especially in isolated areas, he knows a career in agriculture or any industry “is not something you can force on somebody.”

“The ones who do come back are the ones who are successful, who will grow, expand and be more productive,” Alec Ibach said. “Farming is not a job. It’s a lifestyle.”

By Lori Potter

LJS: Nebraska lawmakers adopt uncontroversial rule changes after brief debate

A total of 58 changes to the permanent rules were proposed to the Legislature this year, which led to more than 100 speakers testifying during a marathon nine-hour Rules Committee hearing last week.

The process was one several lawmakers described as unprecedented, both in the number of rules changes offered and the recommendations for changes, as well as the feedback received from Nebraskans.

But in the end, the Legislature adopted eight changes Thursday in a floor debate that lasted a little more than two hours and avoided the rules proposals considered more controversial that were put forward this year.

A proposal spearheaded by former GOP gubernatorial candidate Charles Herbster and signed by more than two dozen senators to change the selection of committee chairs from a secret ballot to a recorded vote did not advance to the floor.

Neither did a proposal to close committee executive sessions to members of the media, who have been able to cover the discussions of senators behind closed doors for nearly 90 years.

Sen. Steve Erdman of Bayard, the chair of the Rules Committee, said those measures may be brought back for consideration later in the session.

Erdman said the Rules Committee wanted to put forward a package that would allow the Legislature

to get on with its work and avoid a prolonged fight, referring to a 2017 debate that lasted months.

Most of the tweaks accepted this year were technical: allowing the Clerk of Legislature to note that charts or graphs were included in legislation rather than print them in the daily journal, clarifying the dates when priority bills could be designated, and adding a link to an appendix outlining the committee process to the online version of the rule book.

One rule change, sponsored by Omaha Sen. Megan Hunt, eliminated language prohibiting “the use of any mobile, portable, or wireless communication device that emits an audible signal” from being used in the legislative chamber while business was being conducted.

Hunt said the rule was adopted in the 1990s during the advent of the beeper. It's become obsolete and isn't observed by most state senators who carry cellphones into the chamber.

The most-debated proposal came from Sen. Teresa Ibach of Sumner, who proposed eliminating the ability to move to indefinitely postpone a bill before it comes up for first-round debate.

Commonly known as an IPP or kill motion, the Rules Committee instead advanced a rule that changed the order in which the motion would be considered during floor debate that would allow the bill’s sponsor to speak before the kill motion is taken up by the Legislature.

Omaha Sen. Machaela Cavanaugh opposed the rule change and introduced a motion to return it to the Rules Committee for further consideration, saying any change to the kill motion undermined the toolkit available to all 49 senators.

Sen. Ben Hansen of Blair, a member of the Rules Committee, said changing the speaking order made sense, however, because it would allow any amendments to be added to the bill first, which could change how a senator voted on the bill as well as the motion to kill it.

Other senators, often those in the political minority in the officially nonpartisan Legislature, said while they weren’t thrilled with the change of how a kill motion would be taken up during debate they understood the proposal before them was a compromise.

Lincoln Sen. Danielle Conrad said it was part of the “compromise, consensus and common ground” Nebraskans expect their lawmakers to find at the Capitol.

She and Hunt also said senators should expect that there will be debate on any controversial bills, and that an opponent using a kill motion was using one tool in order to look for more changes to legislation.

“I don’t think utilization of the rules is rude, I don’t think it’s out of bounds,” Conrad said. “It’s what we are here to do, it is what we ran to do — to debate the issues great and small.”

Cavanaugh later withdrew her motion to return the rule change to committee, and the rule was adopted on a 46-2 vote.

The second-term Omaha senator later introduced a rule on the floor prohibiting deadly weapons from being carried in the Capitol or on the grounds, saying it would allow the Nebraska State Patrol to better ensure the security of everyone in the building.

The proposal originated from a 2021 incident in which testifiers carried guns into a Judiciary Committee hearing room to support a bill they said clarified a person’s right to defend themselves in

their homes, workplaces or vehicles.

The proposal drew opposition from Sen. Julie Slama of Dunbar, who said she was worried about the scope of what could be considered a deadly weapon, and Sen. John Lowe of Kearney, who said a pen or a comb could be deemed a weapon.

Lincoln Sen. Jane Raybould said courthouses, schools and other public buildings across the state don't allow Nebraskans to bring weapons inside, and said the appearance of guns could make testifiers or legislative staff members feel unsafe at the Capitol.

But Sen. Tom Brewer of Gordon said any measure to ban guns from the Capitol would be met by anger from many Nebraskans, adding many of the individuals who back his bill (LB77) to remove requirements that gun owners obtain a permit would be in the building next week during the bill hearing.

Cavanaugh's proposal ultimately failed 32-7. She has introduced a bill (LB749) this year that would do the same thing.

The only other change made by the Legislature, on a 44-0 vote, was in support of a proposal by Omaha Sen. Mike McDonnell to allow military service members to lead the Pledge of Allegiance at the invitation of individual senators.

With no other proposals brought forward, the Legislature unanimously adopted the permanent rules — what several lawmakers described as an anticlimactic end to what was expected to be an explosive debate.

After the debate, Conrad said she was hopeful that many of the rules proposing to inject partisanship and erode norms were not considered, calling it a good sign for the strength of the institution and the session to come.

Lawmakers will check in on Friday, Day 12 of the 90-day session, but will not hold debate or committee hearings.

By Chris Dunker

OWH: No drama as Nebraska Legislature adopts rules for the session

LINCOLN — Nebraska lawmakers took barely two hours to adopt permanent rules Thursday, after approving a handful of noncontroversial rules changes.

The vote on permanent rules represented a quiet end to a process that drew record public interest, including from former GOP gubernatorial candidate Charles W. Herbster.

In the end, the Legislature heeded the advice of State Sen. Steve Erdman of Bayard, the Rules Committee chairman. He said Thursday that he wanted to get the rules adopted quickly so lawmakers could move on to deal with other issues this session.

The public focus on legislative rules began well before the November election, when the Nebraska First PAC, founded by Herbster, sought pledges from senators and candidates that they would vote for a rules change to do away with secret ballots for electing legislative leaders.

That idea was among more than 55 rules changes proposed in the early days of the session. The number of proposals resulted in a public hearing that lasted close to nine hours and drew more than 100 people.

But the Rules Committee decided against advancing any hot-button proposals, such as getting rid of secret ballots or closing committee deliberations to the press. They also left out proposals to eliminate the prayers that start each legislative day, revamp the redistricting process, set minimum hours of debate before a filibuster-ending cloture motion could be considered or allow pets in the Capitol.

Erdman said he expects to bring up the secret ballot issue later in the session. If so, the proposal would have to have a new public hearing and go through committee deliberation again.

Sen. Machaela Cavanaugh of Omaha sought approval of one controversial proposal that had not made the Rules Committee package. Her rules change would have barred firearms and other deadly weapons from legislative areas of the Capitol, except those carried by military and law enforcement officials.

Currently, concealed weapons are banned in the Capitol but there are no restrictions on carrying firearms otherwise.

Sen. Jane Raybould of Lincoln supported the change, arguing that deadly weapons are banned in many local government buildings. She raised concerns about the safety and security of the public and staff members.

But Sen. Tom Brewer of Gordon argued against it, saying the proposal would take away people's constitutional rights to bear arms based on someone's feelings. Erdman also cited the Second Amendment in his opposition. He said he thought the Legislature was fine as is.

While Cavanaugh's proposal failed, lawmakers adopted one rules change that was not part of the Rules Committee package. The proposal, by Sen. Mike McDonnell of Omaha, allows veterans or active members of the military to lead lawmakers in the daily recitation of the Pledge of Allegiance.

By Martha Stoddard

Nebraska Examiner: Senator says bill luring semiconductor plant to Nebraska would have biggest economic impact 'since corn'

LINCOLN — Nebraska needs to tap into the federal push to increase domestic manufacturing of semiconductors, an effort that could create more than 4,700 jobs paying an average of $84,500 per year, State Sen. Mike McDonnell of Omaha said Thursday.

This week, McDonnell introduced Legislative Bill 616, which would authorize the state to match any federal funds that semiconductor manufacturers locating in Nebraska obtain under the federal CHIPS for America Act.

"This legislation has the potential to have the biggest economic impact to the State of Nebraska since corn," McDonnell said.

That would be a big impact — Nebraska is traditionally the third-largest corn-producing state in the union, generating an estimated $10 billion from corn production in 2021.

The federal CHIPS act, signed into law by President Joe Biden in August, allocated $54.2 billion to help build chip plants in the U.S., to rebuild an industry that had fled overseas.

Already, some plants are in the works, including a $40 billion facility in upstate New York planned by Micron Technologies, a company pursued by Nebraska in the mid-1990s until it decided to locate in Utah.

In response, several states, including Michigan, Tennessee and Ohio, have passed, or are in the process of passing, financial incentives to lure factories to their states.

Passing incentives here, McDonnell said, would position Nebraska as a potential site for a semiconductor plant and related businesses.

The University of Nebraska at Omaha College of Business Administration estimated that such a facility would generate up to 4,735 high-paying jobs.

UNO projected that nine companies would locate in the state, investing $5.5 billion in new facilities and in the production and operation of semiconductor manufacturing. The ongoing impact of such manufacturing would add $2.7 billion to Nebraska's gross domestic product, the university estimated.

LB 617, dubbed the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Act, calls for the allocation of $20 million in state funds to help train workers for the semiconductor industry in a collaboration between Metro Community College and UNO.

McDonnell has been working with a Woburn, Massachusetts, company, Nantero Inc., that is interested in situating a plant in Nebraska. That company's director has ties to Nebraska but was not immediately available for comment Thursday evening.

By Paul Hammel

Kearney Hub: Buffalo County Sen. Briese submits state government efficiency review bill

BUFFALO COUNTY – State Sen. Tom Briese has submitted a bill in the Nebraska Legislature to carry out an efficiency review of the state government.

Briese, who represents District 41, which includes Buffalo County, excluding Kearney, and Hall County, excluding Grand Island, told Kearney Hub such a review is needed.

"When we're dealing with taxpayer dollars, we have a solemn obligation to ensure those dollars are utilized in the most efficient manner possible," he said Wednesday. "The status quo should never be acceptable."

Per LB-684, the Department of Administrative Services would "contract with an entity to assist the state with significantly improving government services of state agencies."

The review would start July 2023 and conclude in June 2025.

The aim is to “reduce costs while improving quality,” with a target of “25% improvement” overall.

Among the 194 state agencies that would be reviewed are: Department of Agriculture, Department of Banking & Finance, Department of Correctional Services, Department of Economic Development, Department of Health & Human Services, Department of Justice, Department of Labor, Department of Motor Vehicles, Department of Natural Resources, Department of Revenue, Department of Transportation, State Department of Education, and the Nebraska Accountability & Disclosure Commission.

Even the Board of Barber Examiners would be reviewed.

There are many benefits that come with fostering greater efficiency, said Briese.

“We can save money and hopefully provide services in a better means and more efficient manner,” he said. “It’s about delivery of services and saving taxpayer money.”

Briese has submitted similar legislation in the past. For example, in 2021 he introduced LB-213, a bill to audit the state government.

Such efforts are a passion for Briese, he said, “because of the obligation we have to the taxpayers and all Nebraska to make sure their dollars are spent wisely.”

There are no specific inefficiencies that are causing Briese alarm, he said.

“I’m simply trying to locate those inefficiencies,” he said. “We’re looking for ways for government to do a better job in every arena.”

Briese has heard concerns from his constituents about such inefficiencies, he said.

“I had a conversation with a constituent some time ago complaining about the operation of a department within state government,” he said. “It really reinforced my opinion that, yes, we need to try to root out any inefficiency and make sure we run state government in as efficient a manner as possible.”

Briese is “cautiously optimistic” the bill will receive support from fellow legislators.

“We have a responsibility as stewards of taxpayer dollars, as stewards of state government, that Nebraskans get the most bang for their buck, that we’re utilizing their taxpayer dollars in as efficient a manner as possible, and ensuring that we’re delivering services in the best way possible,” he said, “for the benefit of all Nebraskans.”

By Brandon Summers

Flatwater Free Press: Omaha senator who drove grant process has ties to potential $40 million recipient

Sen. Justin Wayne introduced and has been the driving force behind a bill that will soon deliver hundreds of millions of dollars to North Omaha and other low-income neighborhoods in the city and state – an unprecedented infusion of cash.

A few months before introducing the bill, Wayne filed paperwork for a nonprofit, Sankofa Development Corporation, which morphed last year into the Sankofa Innovation District, now led in part by Wayne's friend and fraternity brother.

Sankofa Innovation District would receive $40 million – the single largest grant awarded – if the Legislature approves a plan drafted by an outside consultant.

In a series of interviews over the past week, Wayne, an Omaha Democrat, has said he has no current involvement with or financial interest in the company that applied for grant funding. He confirmed that he incorporated the original version of Sankofa but also said he did that work pro bono. He and others, including Sen. Terrell McKinney, who along with Wayne represents most of North Omaha in the Legislature, argued that Wayne's connection to Sankofa isn't a conflict of interest.

"The organization that applied is not the organization that I incorporated," Wayne said.

Former lawmaker John Stinner, who chaired the Legislature's Appropriations Committee when Legislative Bill 1024 passed, and a political science professor both told the Flatwater Free Press that Wayne disclosing his relationship upfront would have been a good idea.

When funds enter a senator's district, it's common for that senator to have a relationship with someone involved, said Stinner, a Republican from Gering.

"That should not take away from the fact that they may be best served to execute the plan, as long as it's fully disclosed and everybody understood going in that that was the relationship that you're having to deal with," Stinner said.

The bill, called the Economic Recovery Act, passed the Legislature almost unanimously in 2022, sending $335 million in Federal American Rescue Plan Act and state dollars to areas like North Omaha, South Omaha and other areas hit hard by the pandemic.

Much of that money was set aside for a grant program overseen by a special committee. The law specifies that the committee be led by the senator who chairs the Legislature's Urban Affairs committee – last year, that was Wayne. Now, it's McKinney.

The special committee recommended the Legislature hire Nebraska engineering and design firm Olsson to create a plan for using the money, which involved workshops with stakeholders and public hearings.

In August 2021, Wayne, a lawyer, signed incorporating documents for "Sankofa Development Corporation." Then, in January 2022 – the same month he introduced the bill – Wayne signed incorporating documents for a nonprofit with a slightly different name: "Sankofa Economic Development Corporation."

Wayne said he had the original idea for a concept using the word Sankofa but was busy. He told friend and fraternity brother Victor Beanum about it, which Beanum confirmed with Flatwater Free Press. Beanum loved the name and asked Wayne to incorporate it for him, he said – work Wayne said he did for free.

When it became clear Beanum and others involved with Sankofa were interested in grant funding, Wayne said he told them he wanted nothing to do with it and they should start their own, new company.

Beanum, now a board member of Sankofa, said Wayne is not involved. He and Wayne said the "Development Corporation" and "Innovation District" are completely separate efforts. The corporation was focused on real estate use, Beanum said, while the Sankofa Innovation District is "a virtual hub for small business, entrepreneurship, and innovation."

But state paperwork suggests that the two ideas are linked.

Amended documents for Sankofa Economic Development Corporation were filed Sept. 29, 2022, without Wayne's name associated. On Oct. 21, the same four people that signed that documentation signed articles of incorporation for "Sankofa Innovation District."

State paperwork for both entities lists the same primary function: "to restore value to the community by directly and indirectly acquiring, developing, and selling vacant and abandoned properties in cooperation with stakeholders and residents for the benefit of the community."

The state received 367 applications for funding. Each was given a unique ID number and evaluated using a rubric approved by the special committee that Wayne chaired, according to Olsson's report. The applications were reviewed three times and also scored according to economic impact.

According to its grant application, Sankofa Innovation District plans to create a centralized hub "for innovation, entrepreneurship, and high paying jobs" at 16th and Locust Street. The wide-ranging set of efforts and partnerships estimated a total budget of nearly $458 million and requested almost $139 million in grant funding.

"More than just 'a building' or 'a campus' the Sankofa Innovation District ('Sankofa') will be the mecca of entrepreneurship and innovation (E&I) in the Midwest," the application reads. "… At Sankofa, we're building and championing a place and an idea that, hundreds of years from now, history will celebrate as changing the world and forever improving human conditions both in North Omaha and around the world."

Martin Williams, the Innovation District's incorporator and president of its board, could not be reached for comment. Michael Piernicky with Olsson said the contractor was told by the special committee to direct all media requests to McKinney's office.

Sankofa was recommended to receive far more funding than any other proposal in North Omaha. The next-biggest North Omaha recommendation was a $20 million project submitted by the Omaha Economic Development Corporation, one of two projects from that organization that Olsson recommended funding. In South Omaha, Olsson recommended that Southside Redevelopment Corporation receive $39 million for a project.

Wayne said he has been no more involved with the current Sankofa organization than he has with other groups interested in funding. He confirmed that he has spoken to Sankofa Innovation District board members and other entities involved with the idea – Creighton University, for example – and encouraged them to come together, he said.

He and McKinney did the same thing with South Omaha leaders, Wayne said.

In an interview this week, Wayne initially said he would declare a conflict of interest and not vote on a bill if it's specific to LB 1024, to avoid any perception of a conflict.

Later the same day, he said he didn't see why he would declare a conflict, given he has no financial

stake in the company and it's a separate entity from the one he helped. McKinney agreed that there's no conflict.

"If people in the community feel like I shouldn't, I won't vote on it," Wayne said. "But I don't know why."

The proposed $40 million to Sankofa and other projects are still several steps from actually being funded. The funding recommendations will become a bill that goes through the typical lawmaking process, including deliberation by a committee, any potential changes to the bill, and finally votes by the full Legislature. Wayne is no longer the chair of that committee, but was recently appointed as a member.

Both Wayne and Ja Keen Fox, a community advocate, suggested that Wayne himself and the funding effort are receiving extra scrutiny. Fox emphasized that it's because much of the funding is flowing to North Omaha, a historically Black area.

Fox said he has heard North Omaha community members raise questions about the grant process similar to the questions Flatwater Free Press asked for this story. Fox did not directly apply for funding, but has helped groups who did apply and is in touch with Wayne and McKinney.

"There's always an elevated need to be pristine and perfect in the way that Black people operate in America, specifically in conservative states like Nebraska," he said, referring to the level of scrutiny on Wayne's relationship to Sankofa and also the selection process, generally.

"This is a symptom of that larger, systemic paternalism kind of thing," Fox said. "That we need to be removed from our own processes for it to somehow be fair."

Stinner said he would be "shocked" if there was an actual conflict of interest. There was ample discussion about such conflicts last year during debate, he said.

"I would think that Justin Wayne would be particularly careful – along with any other senators sitting on that oversight (committee) – be particularly careful not to have some kind of self-dealing," Stinner said.

Ari Kohen, a political science professor at the University of Nebraska-Lincoln, said that Wayne's explanation – that he incorporated the documents for a friend – makes sense on its face. But, in politics, appearances matter.

"It's very hard on the first blush to know whether it's a serious problem or the appearance of a problem," Kohen said, and it's further complicated by the fact that Wayne had a hand in setting the parameters that led to the selection of the group.

"I would want to see a statement from him as they went into that committee's work saying, 'Full disclosure, I've been involved in the incorporation of an organization that might want to do this,'" Kohen said.

Fox said he believes Wayne and McKinney have handled this expertly, but also sees opportunities for transparency to address community anxiety around the funding.

One question in the community: Who or what is Sankofa?

Fox said even he hadn't heard of the effort before it was recommended to receive the $40 million

grant.

He said he's talking to Wayne and McKinney about organizing an informational meeting where organizations with recommended projects present their proposals to people in North Omaha.

"I think for it to be so new to get this amount of investment is a scary thing," he said. "… I think the community is rightfully wary, and that's whose anxieties we should be prioritizing, especially in this moment."

By Sara Gentzler

Nebraska Examiner: Watchdog group says State Capitol Bible study leader should register as lobbyist

LINCOLN — Every Wednesday morning during Nebraska legislative sessions, a group of about a dozen state senators gather over breakfast for a Bible study led by a former pastor who used to be a county Republican Party chairman.

Later in the day, over a provided lunch, Arin Hess, the chaplain and president of Capitol Studies, holds a Bible study for legislative staff at the State Capitol or a nearby state building.

But while Hess maintains that he's merely maintaining a four-decade-long tradition of "serving civil servants with Scripture" at the State Capitol, some watchdogs of the Legislature, along with at least one state senator, contend that what happens at those studies amounts to lobbying and that Hess should register as one.

On Thursday, Common Cause Nebraska called on Hess to "immediately" register as a lobbyist, saying his teachings have led to the introduction of bills. The government watchdog group also said Hess' work fits the definition of a lobbyist, which is one "who attempts to affect matters before the Nebraska Legislature on behalf of another."

"While Hess and Capitol Studies are within their rights to advocate for policy related to their faith, lobbyists and their principals should not escape regulation," said Gavin Geis, the executive director of Common Cause Nebraska.

Hess, during interviews last fall with the Nebraska Examiner and again on Thursday, said he doesn't see a reason to register.

'Lobbying for Jesus'

"About the only thing I can be guilty of is lobbying for Jesus," said Hess, who is a former minister at Community Bible Church in Norfolk, where he once served as a county GOP chairman.

The call to register comes as concern is rising about the growing influence of "Christian nationalism" on state and federal policies. Christian nationalism is a belief that the United States is a "Christian nation" and for Christians alone.

It has led to concerns about how people with other religious beliefs and atheists are treated, the treatment of the LGBTQ+ community and how it is influencing the introduction of some bills.

For instance, State Sen. Steve Erdman of Bayard, who has praised Hess as “great encouragement” and someone “sent by God,” has introduced a bill the past two years calling for the posting of the national motto, “In God We Trust,” in prominent places in each school building.

Bills promoted by WallBuilders

Such proposals have been among the national initiatives of WallBuilders, a Texas-based group that emphasizes “the moral, religious, and constitutional foundation on which America was built.”

Two other bills introduced in the past two years, involving medical ethics and the protection of religious rights, appear to be inspired by WallBuilders, according to Geis. The purpose of that group, he said, is clearly to influence legislation.

Hess said that his Bible studies do utilize WallBuilders videos and that he and some state senators attended a recent WallBuilders convention, but he said his group is not affiliated with WallBuilders.

“They’re just another reference for us,” he said.

Hess said he does not help draft legislation, as WallBuilders does. “That’s not my place.”

Erdman and Glenvil Sen. Dave Murman, another regular attendee at Capital Studies meetings, rejected the idea that Hess was engaged in lobbying and needed to register as one.

Murman said the country would fall apart without a moral code to live by.

“They provide Christian morals and values. I guess if you call that influencing legislation, that’s a good thing,” he said.

But others have concerns.

Bellevue Sen. Carol Blood said she is uncomfortable with the Bible study group’s use of state facilities for meetings, the use of state email to promote the meetings and the access to legislative offices by Hess during the pandemic.

Would other religious groups, she asked, get the same accommodation?

Patrick O’Donnell, the recently retired Clerk of the Legislature, said he was careful about the appearance of “a religious organization doing business in a public building.”

Because of that, the Bible studies had been held in the Capitol’s cafeteria, which was considered publicly available space because the food service there had been closed.

More recently, after the cafeteria reopened, Capitol Studies has been meeting outside the State Capitol, in a meeting room in a state office building across the street. At other times, Bible studies have been held in a senator’s office. O’Donnell said lawmakers are free to choose what meetings they have in their own offices.

Hess, who served 40 years as a pastor in Norfolk, took over as chaplain and president of Capital Studies in May 2021 after the death of the previous director, Perry Gauthier. It is funded by donations and billed as nondenominational and nonpartisan.

Up to 900 people a day visit the State Capitol, Hess said, and his job is to “serve the officials and their staff members by providing prayer, Bible study and spiritual support in their daily lives.”

An 'under shepherd'

"I'm coming in as an under shepherd for Jesus Christ to pastor for these people," he said.

The Bible studies focus on topics such as "Christian Ancestry" and "Select Psalms for Civil Servants."

Hess said if the Bible study topic touches on legislation that is being being debated, he will make reference to it, though he feels he is only pointing out what the Gospels say.

"I am not going to change their viewpoint," he said. Rather, it's "Let's look at what the Bible has to say."

"When the Bible doesn't speak specifically on an issue, I pray that God will clearly show the path they should take," Hess added.

He said he doesn't feel that Capitol Studies gets any preferential treatment because other religious group could set up similar meetings if they chose to.

Geis, of Common Cause, said what is taught at the Bible studies is not the point, it's that what is taught is influencing senators and leading to legislation, which means that lobbying is occurring.

Kate High, a Common Cause board member from Lincoln, first raised concerns about Capitol Studies.

She said that, on her own behalf, she filed a complaint with the Internal Revenue Service this fall about the group's 501(C)(3) status, arguing that Capitol Studies violates the prohibition of excessive lobbying.

High said she thinks Hess needs to register as a lobbyist.

"I do believe that people have a right to their own religious ideas," High said. "But you just need to touch the bases and follow the rules like everyone else."

By Paul Hammel

OWH: Snow and rain that fell across Nebraska is good news for the drought, but more is needed

From border to border, Nebraska set records this week for precipitation — the latest in a wave of storms that are expected to help the state's drought conditions.

Still, significantly more moisture is needed to dig the state — and the region — out of its deep hole. The same generally holds true for the Omaha metro area.

"There's nothing but upside with this (storm)," said Corey Mead, a meteorologist with the National Weather Service office in Valley. The Wednesday storm brought a mess of freezing rain and some snow to the Omaha area but heavy snowfall to other areas.

Significantly more precipitation is needed, Mead said, to end the drought.

Scottsbluff, Hastings, Grand Island, Lincoln, Norfolk and Omaha set daily records Wednesday for

precipitation, according to the National Weather Service. A daily record is based on a calendar date and is not an all-time record.

In Omaha, 0.52 inches of precipitation fell, breaking the previous daily record for Jan. 18 of 0.40 inches, set in 1979.

The storm was able to produce significant precipitation because it pulled warm, moist air northward from the Gulf of Mexico.

In the metro area, the ground is just warm enough that it likely is absorbing some of this storm's precipitation, said Scott Evans, a horticulturist with the University of Nebraska-Lincoln Extension in Douglas and Sarpy Counties.

Based on sensors at the extension office near 80th Street and West Center Road, he said, the soil temperature is a degree or two above freezing.

"(That) would imply that there is some patchy frost in the ground that could impede some moisture moving into the soil," Evans said. "However, we do think this weather event will help ease some of the moisture deficit — how much, not sure."

Virtually all of Nebraska remains classified as in drought, based on the U.S. Drought Monitor, a map that is updated weekly. That map is based on conditions as of Tuesday, before the latest storm hit.

A fraction of a percentage of Nebraska, located on the Kansas border, is considered in near-drought status.

On Thursday, the U.S. Climate Prediction Center released the long-term national outlook for drought. While seasonal forecasts are difficult and things could change, the update indicates there's no sign of improvement for Nebraska in the months ahead.

Thus far, northeast and southwest Nebraska is where the state has seen improvements in drought intensity in recent weeks.

Looking back further, to the start of the "water year," the state remains in worse shape. The water year begins each fall after plants stop pulling moisture from the ground.

Below are the percentages of Nebraska considered to be in extreme drought or worse as of:

Tuesday: 45.24%

Jan. 1: 56.71%

Start of water year (fall 2022): 30.52%

According to the National Drought Mitigation Center, which is housed at the University of Nebraska-Lincoln and which publishes the national drought map, the benefits of these winter storms will be better understood after the spring melt. When that happens, scientists will get a better sense of whether rains and snows have replenished soil moisture and aquifer levels.

By Nancy Gaarder

AP: Death penalty sought for man charged in Nebraska killings

Prosecutors in northeastern Nebraska will seek the death penalty for a man charged in the killings of four people last summer in the small town of Laurel.

Assistant Nebraska Attorney General Corey O'Brien filed notice on Tuesday of aggravating circumstances that would justify a death sentence for Jason Jones, 42, if he's convicted.

Jones is charged with arson, weapons counts and four counts of first-degree murder in the August killings of Gene Twiford, 86, and his wife, Janet Twiford, 85; their daughter, Dana Twiford, 55; and Michele Ebeling, 53.

Prosecutors say Jones started fires at the victims' homes after they were killed. A day later police found Jones in his wife's house — which sits across the street from Ebeling's home — suffering from severe burns. He was hospitalized for two months before being released and moved to a prison in Lincoln to await trial. He's being held without bond.

Some of the aggravating circumstances O'Brien laid out include the accusations that Jones committed multiple killings within a short period of time; that he did so during the commission of other felonies; that at least two of the killings were carried out in an effort to keep the victims from identifying the killer; and that the fires were set to try to conceal the killer's identity.

Jones has filed notice that he will not enter a plea at his arraignment set for Monday while his attorneys challenge the constitutionality of the state's death penalty.

Attorneys with the Nebraska Commission on Public Advocacy, which often represents defendants in death penalty cases, are representing Jones. The attorneys — Todd Lancaster and Matthew McDonald — did not immediately return messages Thursday seeking comment.

Jones' wife, 43-year-old Carrie Jones, was arrested last month and charged with first-degree murder in the death of Gene Twiford, as well as tampering with evidence and being an accessory for reportedly hiding her husband as authorities searched for him. The arrest affidavit that holds details of the accusations against her has been sealed from public view.

She is being held on $1 million bail and is set to be arraigned Tuesday. Her attorney, Doug Stratton of Norfolk, declined to comment when reached Thursday.

Laurel is a community of less than 1,000 people, about 100 miles (160 kilometers) northwest of Omaha.

By Margery A. Beck

LJS Editorial, 1/20: Third term for legislators is good option

Next year, Nebraska voters are certain to be asked to allow state senators to serve three consecutive terms in Legislature

That is because 40 of the 49 senators have signed on to LR22CA, a constitutional amendment proposed by Sen. Robert Dover of Norfolk that would increase the state's legislative term limit from two four-year terms to three.

A legislative newcomer who was appointed to fill the unexpired District 20 term after Sen. Mike Flood was elected to the U.S. House of Representatives last summer, Dover said he brought the amendment after 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 told the Journal Star. “That’s why I brought it forward – to fix something that needs to be fixed.”

That problem – the lack of continuity in addressing issues which can take years to create a passable solution, a loss of legislative knowledge and leadership and the resultant increase in the influence of the governor and executive branch – has been apparent since the first year in which term limits, approved by voters in 2000, took effect.

In 2006, 20 state senators were forced out because of term limits. An additional 16 followed in 2008, That was more than 70% of the Legislature gone in two years.

That turnover has inevitably continued following the seven elections since – with 13 senators forced out last year.

A handful of senators, including most notably former Omaha Sen. Ernie Chambers and this year, Lincoln Sen. Danielle Conrad, have sat out four years, and were again elected to the seat they previously held. But those cases have been few and far between.

Given the 40 of 49 signing on to the bill, it’s surprising that a similar constitutional amendment proposed by Omaha Sen. Justin Wayne two years ago failed to advance. Perhaps, there has been enough disruptive turnover in the Legislature that senators have, at last, recognized there is something they can do to mitigate the damage of the two-term limit.

The Journal Star editorial board has long opposed term limits for any office, believing that voters have the opportunity to “limit” the term of any incumbent at the ballot box every four years. There, however, appears to be no effort underway to eliminate entirely them for the Legislature, which also would require a constitutional amendment.

In that case, we strongly support LR22CA, which appears destined to be overwhelmingly approved by the Legislature, with no chance for a successful filibuster, and will support extending the limit to three terms when it is on the 2024 general election ballot.

LJS: How about funding lunches?

Our new governor while running for office expressed a special interest in education of our children. Studies have shown that children need proper nutrition to do well in school.

The state seems to have some extra funds available to spend on good programs. My suggestion would be to apply those funds to a school lunch program to ensure every child gets a no-charge lunch regardless of income.

John Elgin Hicks, Lincoln

LJS: Abortion bill won't work

State Sen. Joni Albrecht estimated her bill to ban abortions after six weeks would “eliminate 85% of abortions in the state.” The last word in her claim, “state,” serves as an important qualifier — well-off Nebraskans who need abortions will go to Colorado, a state which has steadfast respect for the autonomy of pregnant people. However, her central claim that abortion bans will eliminate abortions is flimsy and inaccurate.

What Albrecht’s bill, publicly supported by around 30 of her colleagues, seeks to do is put abortions in the shadows. Decades prior, when abortion was outright illegal in wide swaths of the country, images of the bloody corpse of Gerri Santoro after a self-administered abortion, sparked outrage and became a symbol of the oppression of pregnant people.

Thankfully, advancements in pharmaceuticals have created medication with less risk -- medication that the state, no matter what Joni Albrecht or Gov. Jim Pillen says, will never be able to stop Nebraskans from importing and self-administering. Nebraskans will continue to get abortions, but they will get them outside the medical/legal system.

Because this is the ultimate goal of Albrecht and the entire conservative movement — suffering. They know they cannot actually stop abortions, so they will make anyone who seeks a safe medical procedure have to risk it all. Exemptions for rape and incest mean nothing when prosecutors and police departments seldom prosecute and investigate these claims. If these bills pass, we will be further denying freedom to pregnant people to seek medical advice.

Matt Baldwin, Lincoln

AP: State laws vary widely on whether felons can run for office

WASHINGTON (AP) — The case of a defeated New Mexico candidate arrested in a politically motivated shooting spree has turned a spotlight on an issue that has been evolving in the states: whether people with criminal convictions are eligible to run for public office.

Solomon Peña overwhelmingly lost a bid for the New Mexico statehouse as a Republican and is accused of paying four men to shoot at the homes of four Democratic officials. He had denied his loss and made baseless claims that the November election was “rigged” against him, even though he received just 26% of the vote against the longtime Democratic incumbent.

While the case raises alarms over politically motivated violence in the U.S., it also highlights differences across the country in whether people with past criminal convictions can run for office. Peña spent nine years behind bars after being convicted of being part of a retail theft ring.

The states have a range of laws for reinstating rights to felons. In most states, the ability to seek state or local office coincides with the restoration of voting rights.

But even in some states where the vote is restored automatically, felons still need to get a pardon or

expungement to run for office, said Margaret Love, co-founder and director of the Collateral Consequences Resource Center, which keeps a 50-state database on restoration of rights.

Some states, including Louisiana and Nebraska, have additional time requirements on when someone's eligibility to run for office can be restored. States that require a pardon can vary on who has the pardoning authority.

Peña, 39, was arrested in April 2007, accused of stealing electronics and other goods from several retail stores as part of a burglary crew. He was released from prison in 2016, and had his voting rights restored after completing five years of probation in 2021, corrections officials said.

His opponent last year filed a lawsuit questioning Peña's eligibility to seek office, but New Mexico District Court Judge Joshua Allison said the state constitution only required that he be a qualified voter to be eligible for elected office. In a ruling that is being appealed, the judge said any attempt by the state legislature to impose additional requirements would be unconstitutional.

In New Mexico, voting rights are now automatically reinstated upon completion of a sentence, Lauren Rodriguez, communications director for the state attorney general's office, said in a written response to questions.

Some states don't allow those with felony convictions to run for office, while others impose various restrictions.

Earlier this month, on the two-year anniversary of his participation in the attack on the U.S. Capitol, former West Virginia state lawmaker Derrick Evans announced he would run for a U.S. House seat in 2024. That's despite pleading guilty to a felony civil disorder charge in 2022.

With his felony conviction and a sentence that includes three years of probation, state law would prohibit Evans from voting or seeking state or local office. Under that law, even when he finishes his sentence he would be unable to run again for the legislature or for magistrate, a limited judicial post that is open to non-lawyers.

There are no such limits to run for federal office.

University of Iowa law professor Derek Muller said the Constitution's 14th Amendment spells out who would be unable to run for federal office. The list includes those who took an oath to support the U.S. Constitution and then engaged in insurrection or rebellion, or those who gave aid or comfort to the country's enemies.

"That's the only thing that expressly disqualifies you under the Constitution," he said.

Donald Kersey III, deputy secretary and general counsel for the West Virginia secretary of state's office, said Evans was not convicted of insurrection or treason and therefore appears eligible to run for Congress.

In Georgia, a person convicted of a felony involving "moral turpitude" can hold office only if the state Board of Pardons and Paroles grants a pardon or a restoration of civil and political rights. Most violent crimes and most felonies involving stealing money are crimes of moral turpitude, but some, like felony DUI, are not.

A felony conviction in Illinois bars people from holding any municipal office — for instance, as a city mayor or village board trustee — unless they receive a pardon or the state's governor restores their

rights. Illinois also bars people with a felony conviction from serving as a county sheriff, or taking on a political office overseeing a fire protection district, a public library board or a park district.

In Virginia, people convicted of felonies are automatically stripped of their civil rights. The state constitution gives the governor the sole discretion to restore them, apart from gun rights. With the restoration of voting rights comes the ability to seek public office.

Candidates with felony criminal records can hold office in New Hampshire once their sentences are finished, except for those convicted of bribery or corruption to get elected or obtain an appointment.

Louisianans approved a constitutional amendment in 1997 that barred convicted felons from seeking or holding public office for 15 years following the completion of their sentence. But a 2016 state Supreme Court ruling nullified it.

In 2018, state voters again overwhelmingly passed a constitutional amendment on the subject. This one prohibits convicted felons, unless pardoned, from seeking or holding public office until five years after completing their sentence.

In Nebraska, the law has several steps. First is a two-year wait after the completion of a sentence to have voting rights restored. That allows someone to seek office, but not hold it — which requires a pardon.

Sam Titus, 66, defeated the incumbent Democrat in his Burt County supervisor race in November. But to take office, he had to wait until his pardon was granted more than a month later by a panel that included the governor, secretary of state and attorney general.

Titus had two felony convictions from years ago, including for buying a stolen planter for his farm, which he described as a “poor decision.” He served probation and thought the convictions had been expunged. He discovered the pardon requirement after winning a race in 2020 for the local airport authority board and learning he could not be sworn in.

Titus applied for a pardon in January 2021 but did not get a hearing until December 2022. He said he told voters about his criminal record as he campaigned and explained he would need a pardon to be seated.

Titus said his situation shows how difficult it can be to deal with the legal system, but also why states should provide a pathway for felons who have done their time to serve the public.

“Our lawmakers truly need to realize how important it is to help those that have changed their lives, understand their wrongs, are good people, want to move forward, want to do the right thing and want to give back to those people that they have hurt,” he said.

By Gary Fields and Josh Funk

AP: Railroad’s plan to test idea to cut train crews put on hold

OMAHA, Neb. (AP) — Union Pacific’s latest attempt to move toward cutting its train crews down to one person remains on hold because of the longstanding safety concerns of the union that

represents conductors.

The railroad had wanted to start a pilot project this year in the western end of its home state of Nebraska to test out how quickly a conductor based in a truck could respond to train problems and compare that to how fast the conductor aboard the train could address them.

But the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers union refused to agree to the plan because it believes train conductors play a crucial safety role.

UP executives told the Federal Railroad Administration that their plan would have helped them determine how feasible it would be to reduce train crews down to just an engineer and might give the agency valuable information to consider as it weighs whether to issue a rule requiring two-person crews.

The pilot program wouldn't have actually reduced the train crew down to one because Union Pacific would have kept conductors on their trains while adding ground-based conductors to test out their response.

Union Pacific has been undaunted in pursuing one-person crews even after the FRA proposed a rule last summer that would require two people in the cab of a locomotive in most circumstances. The railroad argues that modern technology — particularly the automatic braking system railroads were required to install in recent years — makes the conductor unnecessary on a train and executives believe that moving conductors off of trains would improve their quality of life by giving them more predictable schedules and keeping them from going on the road.

UP spokeswoman Kristen South said the railroad can't move forward with its plan "without it being agreed upon through collective bargaining."

The union confirmed in a letter that no such agreement has been reached.

The SMART-TD union has long opposed moving conductors out of locomotives, arguing they help monitor track conditions and radio communications while ensuring that engineers remain alert and respond to any emergencies or mechanical problems on the train. In the case of a derailment or collision, conductors are the first ones to respond before any additional help can arrive.

SMART-TD President Jeremy Ferguson urged regulators to approve their proposed rule requiring two-person crews at a hearing last month because "conductors are observing track conditions while engineers are obligated to split their attention between monitoring the controls and the track. Having conductors on trains saves lives, and prevents disasters in ways technology cannot. Artificial intelligence absolutely has a role to play, but it cannot replace authentic human intelligence in railroading."

One of the most striking examples of the benefit of having a conductor on board came during a fiery 2013 derailment near Casselton, North Dakota, when the conductor was able to help separate undamaged tank cars filled with crude oil from the rest of the train so they could be pulled away from the fire.

Ferguson also cited an example of a time when a conductor was able to get a young boy off the tracks before the train hit him by stepping out on the front of the locomotive and waving him away.

But the railroad's spokeswoman, South, said "a conductor's job primarily consists of preparing a train for departure and addressing mechanical issues that occur on a route." And UP believes those duties could be best handled by someone based on the ground who responds to any problems within a certain territory. The railroad even created a video touting their idea.

In addition to the safety concerns, the union also raises practical questions about whether a conductor driving a truck would even be able to reach a train in remote locations where no roads are near the tracks. Plus, a conductor in a truck could easily get delayed in traffic.

In the western Nebraska location where UP wanted to start testing its idea, those concerns wouldn't come into play much because the area is rural and a major highway runs right along the tracks. The job of a ground-based conductor would get more complicated in mountainous terrain or urban areas with heavy traffic around the tracks. UP had planned to test its concept in those kind of areas later.

By Josh Funk