From: Kopsa, Ryan
To: Kopsa, Ryan
Cc: Pinkerman, Justin
Subject: Governor"s Office Daily Update - 8-12-20
Date: Wednesday, August 12, 2020 8:29:54 AM
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Ag Valley Co-op
Eustis, NE

Commodity	Delivery	Price	Basis	Date (as of)
Corn	Aug 2020	2.88	-23.00	07:44
Corn	Dec 2020	2.82	-41.00	07:44
Milo	Aug 2020	3.06	-5.00	07:44
Milo	Dec 2020	3.18	-5.00	07:44
Soybeans	Aug 2020	7.83	-90.00	07:44
Soybeans	Dec 2020	7.93	-80.00	07:44
Wheat	Aug 2020	3.69	-44.00	07:44
Wheat	Jul 2021	3.71	-80.00	06:03

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WNAX: Nebraska Governor Pete Ricketts Supports Legislative “Grand Compromise”
NET: Tax, Abortion Bills One Vote Away From Passage; Urban Housing Advances
NTV: CDHD cites testing trouble and contact tracing for raising risk dial
KSNB: Adams County receives inadequate shipment of masks from state
NET: Starting Classes With A “New Normal” In Mullen

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OWH: Questions of constitutionality linger as Nebraska Legislature advances ban of abortion method

LJS: Lincoln senator's anti-abortion bill advances to final reading

AP: Property tax, abortion bills set for final votes in Nebraska

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LJS: Committee endorses meatpacking worker protections, but time runs out

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OWH: Big Ten commissioner: Nebraska can't remain Big Ten member if it plays football this fall

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Scottsbluff SH: Camping World bringing 150-200 new jobs to Sidney

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OWH Midlands Voices: Let's move toward this rapid, inexpensive testing for the virus

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LJS Local View: Center is an investment

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San Francisco Chronicle: Mask study separates the worthy from the worthless
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Norfolk DN: State, private college officials announce additional guidelines for fall semester

Along with adopting a condensed academic calendar and in-person classes, Nebraska state and private colleges are encouraging students to follow countless protocols to limit the spread of COVID-19 this fall.

During a Monday press conference, Gov. Pete Ricketts and several higher education officials discussed additional guidelines, which include information on testing, leaving campus, wearing masks and more.

“(These schools) all have been working on plans for how to bring students back,” Ricketts said. “They are looking at what they can do to create more space, provide PPE (personal protection equipment), doing screening; all the things that will help so we can bring students back into classrooms this fall to continue academic progression.”

Paul Turman, chancellor of the Nebraska State College System, and Darrin Good, president of Wesleyan University, said state and private colleges are acquiring TestNebraska kits to administer COVID-19 tests to students.

"We will have students almost certainly test positive," Ricketts said.

Specific people on campus will be trained to administer tests and schools will be using a courier system to hand-deliver them to a local testing site by 6 p.m. the same day, Good said.

Turman said he encourages students to get tested before leaving campus, heading to either a large event or visiting at-risk family members. He said students also should get tested before they come back to campus after visiting large groups.

Both Turman and Ricketts advised against students attending bars or large parties off-campus.

“A number of institutions are enforcing and encouraging students not to facilitate those types of behaviors,” Turman said. “One of the reasons why the (NSCS) pledge is a good strategy is to reinforce this isn’t just what happens on campus, but it’s important when you leave campus as well.”

Wayne State College, which is part of NSCS, recently announced its pledge recommending students, staff and faculty to practice good hygiene, social distance themselves, self-screen for symptoms and wear a mask indoors.

Turman and Good said Nebraska’s state and private colleges would be asking students to wear masks on campus, especially in classrooms. Even though students will have to wear them in classes, faculty can waive this rule if social distancing is possible, Turman said.

When asked how administration will enforce this rule, Turman said professors could ask students to leave if they refuse to wear a mask. He hopes this won’t cause suspensions, he said.

“Right now we do have a particular framework for what’s required,” Turman said. “Faculty gets to decide what those are. But you can’t go to a chemistry lab and decide not to wear safety goggles.”

Turman said NSCS professors are also being required to take attendance this semester, even if they didn’t in previous years. This tracks which students come to class, and those who are absent will be checked on.

Students also won’t be penalized for not attending class. This ensures students feel comfortable not coming to class if they are experiencing any symptoms of COVID-19.

College protocols like these are implemented to ensure hospital capacity for COVID-19 patients, Ricketts said.

Nebraska has 41% of its hospital beds, 38% of its ICU beds and 82% of its ventilators still available,

Ricketts said. Less than 4% of ventilators and hospital beds are being used by coronavirus patients right now.
Turman said he hopes colleges don't jump to completely closing in case of an outbreak.
"Our entire system (shutting down) would only come from the governor, so at this time we will monitor each location and determine the spread needed to shift to remote learning," Turman said. "That might be asking students to leave campus, but it is the best place to contain them."
By Lauren Wagner

OWH: 'Grand compromise' on taxes, business incentives advances to final round in Legislature

LINCOLN — The owner of a $200,000 home in the Omaha school district would be looking at a $142 income tax credit under a "grand compromise" on tax and economic development proposals advanced to final-round debate Tuesday.
Legislative Bill 1107 was portrayed by supporters as imperfect, but passable, progress in reducing the state's traditionally high property taxes. Detractors said it would only "decrease the increase" in property tax payments.
"Is LB 1107 perfect? No. Does it do enough for property taxes? I wish it would do more. Does it put us in a (fiscal) squeeze? Yes. But it's something we can get done," said State Sen. Mike Moser of Columbus.
The bill, which also includes a handful of measures aimed at encouraging job and business growth, was advanced from second-round debate on a 41-4 vote. That gives LB 1107 more than enough support to gain final approval. Gov. Pete Ricketts, who has already applauded state lawmakers for their compromise, is expected to sign the bill into law.
Gering Sen. John Stinner, who helped craft the compromise, said it was critical to send "a positive statement" about economic development during this trying time.
"This tells businesses we're open for business," Stinner said.
But detractors said the economic incentives would go mainly to urban areas. And Bayard Sen. Steve Erdman said the overall property tax relief in the bill is minuscule — about 3% for the OPS homeowner in the example above — and is based on growth in state tax receipts that might not happen.
"This is just a decrease in the increase (in property taxes)," he said. "If the revenues don't come in, you're not going to get any so-called property tax relief."
The new tax credit — which would be delivered as a state income tax credit or refund — would be on top of the current state property tax credit, which shows up on your annual property tax statement. That credit amounted to $204 for the owner of that $200,000 home this year.
LB 1107 was the work of a group of seven state senators, dubbed the "super seven," who hammered out a handful of bills that had lacked the votes to pass. It is a less ambitious property tax relief act than was proposed a year ago; it was pared back because of the economic downturn caused by the pandemic. The elements include:

- The new income tax credit, which provides about a 6% credit against the property taxes paid to support K-12 schools. Initially, about $125 million a year in credits would be provided, with the program rising to $375 million after five years. Additional funding for the new refundable income tax credit program would rise faster than that if growth in state tax receipts exceeds 3.5% a year, and the balance in the state's cash reserve fund — the "rainy day" fund — exceeds $500 million. That fund is projected to contain $442 million by next July.

Some senators questioned how the state, amid the financial uncertainty of COVID-19, would be able to afford the extra tax credit. But Stinner, who heads the Appropriations Committee, said LB 1107 was

based on achievable estimates of revenue growth that have averaged above 3.5% in recent years.
"I think we're really conservative in this," Stinner said. He added that if the state hits a financial rough patch, the credit can be adjusted.

- A requirement that $275 million a year be set aside for the property tax credits already given by the state. Currently, funding for that credit is at the discretion of state lawmakers. LB 1107 also requires that if voters approve casino gambling, any profits from that devoted to property tax relief would be on top of the $275 million.
- The business incentive program, the ImagiNE Act, is an updating of the Advantage Act, which expires at the end of the year. The
- ImagiNE Act is portrayed as an improvement over past economic incentive programs by requiring companies to pay higher wages and to provide health insurance and other benefits to qualify for tax credits.

Spending on ImagiNE Act credits is capped at $25 million a year in the first two years, ramping up to $150 million after five years. Critics of such "corporate welfare" had sought some controls on spending, like the caps included. But the limits in LB 1107 provide that companies can obtain their tax credits in subsequent years if incentive payouts hit the cap.

- Pledging $300 million toward the proposed NExT Project at the University of Nebraska Medical Center if, and only if, the federal government and private donors first pledge $1.3 billion. The state would not provide its portion until the 2025-26 fiscal year.

University officials and some lawmakers have called the Nebraska Transformational Projects Act, or NExT, a "game-changer" for Omaha and the state because it would lead to more than 8,000 high-paying medical jobs.
The project, which has a projected cost of $2.6 billion, would create a national center for training and response to pandemics, bioterrorism and natural disasters in Omaha. It would build on UNMC's research and treatment of contagious diseases like Ebola and COVID-19, and be another public-private partnership, like the one that made possible a major expansion of the veterans hospital in Omaha.
Critics of LB 1107, besides questioning whether it was significant property tax relief, also had concerns about the process that crafted the compromise. It involved only seven senators and was unveiled just a week ago, with only five working days left in the 2020 session.
"This is not the way to make laws," Erdman said. "You throw three bills together, and senators are all going to be painted into a corner to vote for this because there's something (in there) they like."
Elkhorn Sen. Lou Ann Linehan, one of the super seven and the chair of the Revenue Committee, said that the bill wasn't put together haphazardly and that members of her committee had spent hours and hours, over the last two years, discussing how best to reduce property taxes.
A last-minute amendment to the bill includes language that the Legislature intends to fully fund the state's aid program for K-12 schools.
Education groups have questioned whether LB 1107 would siphon money away from the Tax Equity and Educational Opportunities Support Act (TEOSA) — the state aid to local education law — and hurt funding for schools. The state's inability to fully fund TEOSA every year has been a major gripe of education groups, including the powerful Nebraska State Education Association, the state teachers union.
On Tuesday, the NSEA took to Twitter to call on lawmakers to oppose LB 1107.
By Paul Hammel

OWH: Nebraska anti-bias agency applies high court ruling on LGBT worker rights to housing

On the heels of the recent U.S. Supreme Court decision that banned workplace discrimination based on sexual orientation or gender identity, LGBT Nebraskans have scored another civil rights victory.

Nebraska's anti-bias agency says it will now investigate and resolve cases alleging such discrimination not only in employment, but also in the sale and rental of housing.

The reason: the language regarding sex in Nebraska's housing discrimination law is the same as in its workplace discrimination law — language the nation's highest court has already interpreted to apply not just to people's biological sex, but also to their sexual orientation or gender identity.

"We will now be investigating housing claims on the basis of sexual orientation and gender identity," said Marna Munn, executive director of the Nebraska Equal Opportunity Commission. "We will investigate on that basis, and we will create a disposition on that basis."

Munn said it will ultimately be up to a court to affirm whether the high court's recent decision also extends to housing cases here. But she said it would be a stretch to think the U.S. Supreme Court would use a different definition of sex for workplace discrimination as it would for housing discrimination. All the language is part of the same federal civil rights act, and Nebraska's statutes mirror the language of the federal law.

A national expert on gay rights law said Nebraska appears to be the first state since the court's groundbreaking decision to extend the same legal protections to housing. But Christy Mallory, legal director of the Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA, said she thinks other state anti-bias agencies are sure to follow.

"I think this is going to kind of have a snowball effect," Mallory said. "Nebraska is out there ahead a little bit, but other states will catch up soon."

Sara Rips, the newly appointed LGBTQIA+ legal and policy counsel for ACLU Nebraska, agreed with and applauded the NEOC's legal interpretation.

"We are ready to roll up our sleeves and protect the rights of Nebraskans so all can be treated according to our state motto: Equality Before the Law," she said.

Before the Supreme Court ruling, Nebraska was among 25 states that had not enacted employment discrimination protections for LGBT workers. And at least 27 states had not barred such discrimination in housing.

A resolution is expected to be debated in the Nebraska Legislature as soon as today that would symbolically affirm the recent Supreme Court decision regarding employment and declare that Nebraska is "welcoming and inclusive for all." A majority of state lawmakers have signed on in support of the resolution.

Standing at the center of the LGBT rights debate is the federal Civil Rights Act, the 1960s-era legislation which barred discrimination based on race, color, religion, sex or national origin.

Two months ago, the U.S. Supreme Court's 6-3 ruling in Bostock v. Clayton County held that Title VII of that act, which bars workplace discrimination, protects employees from discrimination based on sexual orientation or gender identity. The court ruled that discrimination based on sexual orientation and gender identity are forms of already prohibited sex discrimination.

The decision had immediate impact in Nebraska, where the Legislature had rejected such a law despite strong support from the state's business community.

But while the Bostock decision covered only discrimination in an employment context, it was understood at the time that the court's reasoning could extend to discrimination in other settings, including housing.

Housing is covered under the next section of the federal civil rights law, Title VIII, and uses the same language regarding sex as Title VII. Nebraska's law is substantially similar.

Munn, as executive director of the NEOC, concluded the commission should now accept and resolve both employment and housing complaints based on sexual orientation and gender identity.

"Using that exact same language, under the same civil rights legislation, how could you reach a

different result?" Munn said.
She said she shared her legal conclusions with the commission at its June meeting.
The seven commission members are appointed by the governor, but the NEOC was established by the Legislature as an independent agency. Its director is not under the direct control of the governor.
A spokesman for Gov. Pete Ricketts, who has staunchly fought gay rights bills in the Legislature, declined to comment on the NEOC stance.
Nebraska Attorney General Doug Peterson had filed a brief in the high court case and encouraged the justices to take it up, arguing the definition of sex in the federal discrimination law did not extend to gender identity. Through a spokesperson he declined to comment on the agency's interpretation, saying the issue has not been brought before his office.
The state already has received its first cases since the Bostock decision that allege LGBT employment discrimination. It has yet to receive a case based on housing, likely because the word has not yet gotten out, Munn said.
Munn said she has since likewise concluded that Nebraska law now bars LGBT discrimination in public accommodations, too. But she said the commission has not yet discussed that in detail.
That question is somewhat murkier, Munn said, because the federal civil rights act does not bar discrimination in public accommodations based on sex. But Nebraska law does.
UCLA's Mallory said she thinks Nebraska's commission is on solid ground in its legal interpretations. She also said the commission's decision could be legally significant. If a court were to ultimately review the decision, it might give deference to the bias agency's interpretation.
"They are the experts," she said.
Abbi Swatsworth of the Lincoln-based gay rights organization OutNebraska said she was heartened to hear about the NEOC's plans regarding housing discrimination. She had thought it might take a court case before that right could be extended.
Swatsworth, the ACLU's Rips and several state lawmakers and business leaders were among speakers scheduled at a 12:30 p.m. rally Wednesday on the north steps of the State Capitol. The gathering is intended to be a celebration of the recent court victory as well as a launching point of what comes next in the fight for LGBT rights.
"Marriage was not the end of the road, it was only the beginning," Swatsworth said, "This case stands much the same way."
By Henry J. Cordes

LJS: Ricketts: Three cabinet members have recovered from COVID-19

Gov. Pete Ricketts said Monday three members of his cabinet have recovered from the coronavirus. Ricketts did not identify which state officials had contracted COVID-19.
Twenty-eight state officials, ranging from the heads of agencies like the departments of Corrections, Labor, and Health and Human Services, to the Nebraska State Patrol, Fire Marshal, to political advisers make up the cabinet.
"Just like all the rest of our teammates, we encouraged them to stay home and follow the CDC guidelines with regards to recovery," Ricketts said.
Ricketts' spokesman Taylor Gage said Tuesday that none of the officials were in close contact and they all were positive at different times over two months.
The Nebraska Department of Health and Human Services reported 334 new cases of COVID-19 on Tuesday, bringing the total to 29,030 confirmed diagnoses and 351 deaths.
By Shelly Kulhanek and John Schreier

Sioux City Journal: CDC: Some Dakota City Tyson workers with virus had close contact at work with ill people

DAKOTA CITY – A new CDC report sheds new light on the COVID-19 outbreak among workers at the Tyson Foods plant in Dakota City this spring.

The Centers for Disease Control and Prevention's Morbidity and Mortality Weekly Report, released Friday, does not specifically name Tyson or its flagship beef plant just across the Missouri River from Sioux City. But a footnote in the report references the Dakota County Health Department.

The plant, metro Sioux City's largest employer with about 4,500 employees and contractors, was temporarily shut down in early May for mass testing of workers and a deep cleaning of the facility.

According to the CDC report, the plant, working with the Nebraska Department of Health and Human Services, started offering free onsite tests in late April. Among the 1,216 Nebraska residents tested at that time, 375, or 31 percent, had positive results, the report said.

From May 8 to 25, CDC investigators attempted to contact the workers who tested positive and ultimately was able to interview 241.

"That nearly half of the interviewed workers worked in close proximity to others highlights the need for physical barriers between workers, physical distancing throughout the facility (especially locations prone to crowding, such as production areas and cafeterias or break areas), and consistent and correct use of masks to reduce transmission in the workplace in this critical industry," the report said.

In a statement late Monday, Tyson said the CDC report is a "partial snapshot of an ever-changing, ever-evolving situation and confirms we're taking the right steps to protect the safety and health of our team members."

"One of the first steps we took to protect team members was requiring anyone experiencing symptoms to stay home and we encouraged that by relaxing our attendance policy," the company said in a statement. "Anyone having close contact with team members testing positive are also notified. We started taking workers' temperatures at Dakota City in March, required face coverings and installed workstation dividers in April and implemented additional symptom screening and social distance monitors in May."

Of the 241 COVID-19 positive workers interviewed by investigators in May, 57 percent were male and 46 percent were Hispanic, with a median age of 41, according to the report.

About one-third of those who tested positive had no symptoms, the report said.

The workers were asked about the 14 days before their symptoms began or prior to the testing, if they were asymptomatic.

Seventy workers reported having "close contact" at work with a person diagnosed with COVID-19 or a "visibly ill" person. In comparison, 30 had close contact with a sick or infected person outside of work.

"Despite broad availability of a flexible medical leave policy and fever screening, approximately one-third of workers included in this investigation reported close contact with an ill person at work, which supports the need for symptom screening in addition to fever screening and ongoing access to testing," the CDC said. "Fewer workers reported contact with an ill person outside work; risk factors such as crowded living conditions and shared transportation were reported infrequently."

Eighty-eight reported driving to work in a private vehicle, according to the report. About half the respondents reported living in a single-family home, with a median household size of three people.

The findings from the CDC survey are in contrast to earlier suggestions by top government and company officials as to how plant workers might have became exposed.

Asked about a link to spikes in COVID-19 cases in Dakota County and other Nebraska counties with large meatpacking plants in late April, Gov. Pete Ricketts refused to blame the plants, saying instead the

outbreaks were a “community problem."
Ricketts noted employees only spend part of their days at work, and many are immigrants who often live in close quarters with multiple generations in the same household.
"I think we have to focus not only on just what the worksite is doing, but also what is going on at home," Ricketts said at an April 23 news conference.
In an April 20 interview with The Journal, Tyson group president Steve Stouffer said that while some workers may have been exposed to the virus at the Dakota City plant, the company believes "it is predominantly from the outside."
In its statement Monday, Tyson noted there are currently "very few active COVID-19 cases involving team members employed at the Dakota City plant."
"We also continue to use testing as a tool, which is important given the number of people testing positive for the virus who have no symptoms," the statement said.
In late July, Tyson announced it would begin testing thousands of workers weekly at its 140 facilities. The company already had tested around 40,000 workers, or nearly a third of its workforce. Of its 122,000 employees, less than 1 percent are active COVID-19 cases, according to the company.
As part of its expanded monitoring program, Tyson also is hiring nearly 200 nurses and administrative support personnel to support the 400 people that are now part of the company's health services team. The company also will create a chief medical officer position at the corporate level.
By Dave Dreeszen

OWH: Get used to wearing a mask, Omahans — after 4-hour hearing, council unanimously passes mandate

Omaha has a mask mandate.
Starting immediately, Omahans have to wear masks or face coverings inside schools, businesses, churches and other indoor settings open to the public.
During a debate that stretched on for four hours Tuesday, the City Council — all wearing masks in council chambers — voted unanimously, 7-0, to institute an emergency mask ordinance to help slow the spread of the coronavirus in Omaha. The measure needed six votes to go into effect.
Mayor Jean Stothert has said she won’t veto a mask requirement.
The vote comes nearly two weeks after Douglas County Health Director Adi Pour backed away from implementing a countywide mask requirement due to an anticipated legal challenge from Gov. Pete Ricketts and the Nebraska Attorney General’s Office.
Omaha will now join cities like Lincoln, Kansas City and Denver that have implemented similar mask orders — with varying degrees of strictness and enforcement — in an attempt to get a handle on growing coronavirus case counts. Until the ordinance’s approval, Omaha was the largest city in the United States without a local- or state-imposed mask mandate.
Adults and children 5 and older will have to wear a mask or face covering over their nose and mouth in many indoor settings, including schools, places of worship, workplaces, private businesses and public transportation.
There are a number of exceptions to the ordinance — mask use wouldn’t be mandatory while eating or drinking in bars or restaurants; exercising in gyms or visiting government offices; or if someone has a disability or medical condition that would be affected by wearing a mask. During the workday, people with plastic barriers around their cubicle wouldn’t have to wear masks at their desk.
On Tuesday, a parade of doctors and leaders from Omaha’s biggest health care systems and health centers — the University of Nebraska Medical Center, CHI Health, Methodist Health System and

OneWorld Community Health Centers — urged the council to enact a mask requirement. Masks are not the only tool needed to battle the coronavirus, they said, but proper use can help decrease transmission of the virus.

"Wearing a mask is such a small ask," a minor inconvenience compared to the consequences of unchecked coronavirus spread, said Dr. Mark Rupp, chief of the Division of Infectious Diseases at UNMC.

Dr. Renuga Vivekanandan, an infectious disease doctor at CHI Health, said universal masking in her health care setting has resulted in only a handful of COVID-19 cases for health care workers over the past five months.

"If you look in our backyard, Lincoln is doing a really great job of reducing its numbers," she said. The city-county Health Department there instituted a mask requirement July 20. It's too soon to draw neat conclusions, but the numbers in Lancaster County have been trending downward.

David Begley, speaking against the ordinance, called it "meaningless virtue-signaling" by Democrats. Douglas County cases spiked at the end of April and in early May, when nearly 24% of coronavirus tests came back positive. Last week, the positivity rate stood at 10%, he said.

"If this is such a crisis, why didn't the City Council president introduce the ordinance in April instead of August?" Begley said.

More than 20 residents voiced their opposition: reaction to the pandemic was overblown, they preferred personal responsibility and freedom to government interference and they worried about wasting police resources to enforce mask use.

One woman was escorted out of council chambers by Douglas County sheriff's deputies after not giving her name and refusing to leave the podium during the public hearing portion of the meeting.

"You are violating our unalienable rights!" she yelled at the council as she left.

Omaha police officials did not immediately respond to questions about how and if officers will enforce the ordinance, but violations could result in a $25 fine. Lincoln police have said they will not ticket individuals or respond to calls about someone not wearing a mask at a grocery store, but the Lincoln-Lancaster County Health Department has cited businesses, including bars and a bowling alley, for not enforcing the mask rules.

The ordinance approved Tuesday incorporated several amendments that council members Aimee Melton and Brinker Harding said the measure needed to gain their support, including a smaller fine and an end date of Sept. 15, after which the council would reevaluate whether it was still needed.

Harding and Melton also pushed to waive the mask requirement when people are able to keep at least 6 feet of distance from one another, similar to Lincoln's mask order. The two council members said last week that the provision would at least give students a break from wearing masks in school when social distancing is possible.

Harding said the optimist in him thought people could be persuaded to embrace mask-wearing without a government order.

"I understand that's not a reality at this point, either," he said.

He lamented that nearly two weeks had been wasted — other officials, presumably Pour, could have instituted a mask requirement sooner, he said, in spite of legal threats.

Councilman Vinny Palermo echoed that disappointment, saying the council had to step in because Douglas County punted.

"Why are we here? Why is the City Council making this decision?" he said. "Douglas County deals with health."

Melton and Harding both said people don't need to turn into the mask police at the gas station or grocery store.

“Be sensible. Be respectful. If there’s someone that doesn’t have a mask on, don’t bully them” — they may have a legitimate reason for not wearing a mask, Harding said.
While being asked or forced to wear a mask has become a political flashpoint for some during the pandemic, a number of medical professionals and the leaders of some of Omaha’s biggest companies and institutions — First National Bank, Mutual of Omaha, Union Pacific Railroad, Creighton University and Nebraska Medicine — have said they support a mask mandate, especially as many anxious parents are sending children back to school.
David G. Brown, president and CEO of the Greater Omaha Chamber, praised council members for taking on the issue.
“Thank you, Omaha City Council, for your decision to help reduce negative outcomes from COVID-19 through a mask requirement,” he said in a statement after the vote. “For months now, we have joined our civic and business leaders in sharing the importance of wearing a mask to protect each other — and ourselves — during this evolving health situation. A mask mandate will help us all.”
Several council members said the desire to keep schools open to in-person instruction — without too many students, teachers or families catching the virus — drove their support.
The push gained new urgency last week when Dr. Deborah Birx, the coronavirus response coordinator for the White House Coronavirus Task Force, called Omaha one of the 10 areas of the country with troubling coronavirus numbers. Ricketts later said the White House had bad data when it declared Nebraska a “red zone” state for coronavirus spread.
Ricketts has said he encourages Nebraskans to wear masks but thinks mandates are an example of government overreach. His spokesman, Taylor Gage, noted Tuesday afternoon that the number of coronavirus tests coming back positive in Douglas County has been declining, “even without a mask mandate.”
Ricketts previously said Omaha council members were free to pass an ordinance on masks, “as long as they follow the law.”
Douglas County’s positivity rate was 11% for the week ending Aug. 1 and 9.9% last week. Over the last few days, 7.2% of tests have come back positive, but the week is not over.
Speaking in support of the ordinance, Bryce Shirley, a member of Creighton University’s cross country team, said people who don’t like wearing masks should try wearing one while trying to hit a 5-minute mile pace during a 10K run. But the team recognizes the effectiveness of masks.
“We’re willing to do whatever it takes to protect our city,” he said.
He asked the council to do the same.
By Reece Ristau and Erin Duffy

Kearney Hub: Buffalo County continues to top COVID-19 list; 24 new cases in region

KEARNEY – Buffalo County again topped the list of new cases of COVID-19 Tuesday, according to figures provided by the Nebraska Department of Health and Human Services for the Two Rivers Public Health Department.
That is about two-third the number of new cases (32) announced Monday.
Buffalo County had 18 new cases, followed by Kearney County with three cases, Dawson County with two and Franklin County with one. No new cases were reported Tuesday in Gosper, Harlan or Phelps counties.
Two Rivers has now had 1,553 cases since March 20. County-wide, they are:
- Dawson - 967
- Buffalo - 455

- Kearney - 58
- Phelps - 40
- Gosper - 19
- Franklin - 13
- Harlan - 1

Statewide, there were 344 new cases of COVID-19 Tuesday, higher than recent days. Nebraska has reported 29,030 confirmed cases since March 20, with 351 deaths. Three patients died Tuesday.
For more information about COVID-19, visit dhhs.ne.gov or call 402-552-6645.
By Mary Jane Skala

KSNB: Risk Dial moves up in South Heartland district

HASTINGS, Neb. (KSNB) - The South Heartland District Health Department's COVID-19 Risk Dial has moved from moderate (yellow) into the 'elevated' (orange) risk level.
The dial provides a summary of current COVID-19 conditions in the South Heartland District.
"The needle on the risk dial moved to 2.2 this week, up from 1.8 the previous week," said SHDHD executive director Michele Bever.
Bever reported that several factors included in the risk dial calculations had worsened:

- The positivity rate for last week increased to 7.5% up from 4.5% the previous week.
- The number of cases increased (net increase of 26%) compared to the previous week, even though two counties, Nuckolls and Webster, had zero cases for the second week in a row.
- Intensive care unit (ICU) bed availability decreased
- Hospital staff capacity decreased – more staff were absent from work last week for reasons related to COVID-19.
- Testing availability remained low – only 32% of test results were returned within 2 days and not all residents have easy or timely access to free testing.

In addition, Bever said that inability to complete all contact investigations within 24 hours, new exposures/cases in individuals associated with schools and colleges, social gatherings with limited attention to social distancing, and low mask use in public are all factors that influenced the risk level.
"We encourage residents to view the level-specific recommendations that go along with the four risk levels," Bever said.
At the 'elevated' (orange) level, recommendations for at-risk individuals (adults over age 65 and anyone with underlying health conditions) include staying home as much as possible, relying on help for needs outside the home (groceries, medications, etc.) and staying distanced from individuals who work outside of the home.

LJS: Lancaster County reports two new COVID-19 deaths

Two more Lancaster County residents have died after contracting COVID-19, Lincoln Mayor Leirion Gaylor Baird said Tuesday.
The deaths raised the local COVID-19 toll to 19 since the pandemic began, she said. The residents were a man in his 70s and a woman in her 80s, and both had been hospitalized.
Overall, Lincoln-Lancaster County Health Department confirmed 24 new cases for a total of 3,361 so far.
Of those total cases, health officials have documented more than 1,400 recoveries.
By Riley Johnson

LJS: Madsen's reopens its doors after Health Department OKs its compliance plan

Local health officials Tuesday authorized the reopening of Madsen's Bowling & Billiards after determining the previously defiant business owner's operations plan would comply with local coronavirus restrictions.
"I think the matter is, by and large, over," Madsen's attorney, J.L. Spray, said of the highest-profile dispute over Lincoln's mask mandate.
Madsen's was closed by the Lincoln-Lancaster County Health Department on Saturday over ownership's refusal to abide by the mandate.
To date, the health department has issued four closure orders all within city limits, and Madsen's was the only business to challenge that order.
The business reopened its doors at its usual time Tuesday morning.
At 11 a.m., roughly a dozen patrons entered the business. A sign on the door encouraged guests to "please follow the mandate set forth by (the Health Department)" but also said "we respect your privacy" if you "cannot wear a mask."
Few, if any, of those who initially entered the building were seen wearing masks.
However, shortly thereafter, two people who tried to walk into the building saw the sign, returned to their vehicle to get masks and then entered Madsen's while wearing them.
On Friday night, the city of Lincoln charged the business with violating a closure order, a crime punishable by a $500 fine and six months in jail.
Police officers enforced the closure Saturday and blocked all the entrances of the building, which is just south of 48th and Holdrege streets.
Madsen's planned to ask at an administrative hearing Tuesday afternoon that Health Department Interim Director Pat Lopez throw out her previous closure order, but the compliance plan the business submitted made the meeting moot.
Lopez said the new compliance plan the business submitted included stipulations that patrons and employees would wear masks while inside, along with other provisions to allow bowling in every other lane and certain safety rules for billiards.
Her staff will continue to monitor Madsen's and other businesses for compliance with the directed health measure, she said.
"We need to remember this is about protecting the health and safety of the workers and the patrons coming in and preventing the spread of the disease," Lopez said.
By Tuesday evening, the misdemeanor charge against the business remained pending and set for a hearing in Lancaster County Court later this month, but Spray said he expects the city will dismiss the charge.
Lincoln City Attorney Yohance Christie didn't immediately return a call seeking comment.
By Riley Johnson and Sofia Saric

AP: Omaha officials approve mask requirement in indoor spaces

OMAHA, Neb. (AP) — Omaha's city council on Tuesday approved an emergency mask mandate in indoor public places to prevent the coronavirus from spreading.
The measure passed 7-0 after four hours of testimony from a divided public. The proposal had received support from many of the city's biggest companies, including Union Pacific, TD Ameritrade, Mutual of Omaha and First National Bank.
The proposed ordinance would require masks in places such as schools, businesses and churches. Eating and drinking in restaurants and bars, exercising in gyms and visiting government offices would be

excluded.
Douglas County, which includes Omaha, has confirmed 11,449 coronavirus cases and 138 deaths since the pandemic began, according to the county's online tracking portal. The number of new daily cases has trended down over the last week.
The number of cases in Lincoln has trended downward since the city began requiring masks on July 20.
Statewide, Nebraska officials have confirmed 28,696 coronavirus cases and 348 deaths, although the actual number is likely higher because some people haven't been tested. A total of 306,023 people have been tested so far, and state officials confirmed 264 new cases on Monday.
For most people, the coronavirus causes mild or moderate symptoms that clear up in two to three weeks. For some, especially older adults and people with existing health problems, it can cause more severe illness.
The state's online tracking portal says 39% of hospital beds in Nebraska are available and 80% of its ventilators.

LJS: Don't require tests for employees to return to work, Bryan doctor says

A Bryan Health doctor said Tuesday that businesses should not require employees with COVID-19 to have a negative test before returning to work.
Dr. Jim Nora, medical director of infection prevention for Bryan Medical Center, said most people with a positive test result should be able to return to work within 10 days of their onset of symptoms or 10 days of their test result and not be at risk of passing on the virus.
Nora said that while employers who want their employees tested before returning to work are "well intentioned," the "testing to return to work" strategy is not recommended by the Centers for Disease Control and Prevention.
There are a couple of reasons for that, he said. One is that testing uses up supplies that sometimes are not readily available. While Bryan currently has adequate testing supplies, they become harder to get when cases surge in other parts of the country.
The other is that tests aren't always that reliable, Nora said, because they detect both live and dead virus. That means someone can continue to test positive two or three months after their symptoms have resolved and at a point at which they pose no infectious risk to others.
He said the CDC recommendation is that after 10 days, if people have been without a fever for at least 24 hours and their symptoms are better — they do not have to be gone — "then you are good to go and you don't need to worry about posing a risk to others."
That being said, Nora said, it's still a good idea to have employees in the workplace wear masks, which he called "a tremendous way to mitigate risk."
By Matt Olberding

OWH: White prison inmate accused of hate crime for assaulting Black guard

A prison inmate has been charged with second-degree assault, enhanced as a hate crime, for allegedly using a racial slur before hitting a Black guard.
Lancaster County Attorney's Officer charged Devon J. Keezer this week. He is set to make his first appearance Friday on the charge by video from the Tecumseh State Correctional Institution, where he's now being held.
On June 23, Keezer, who is white, was at the Nebraska State Penitentiary when he allegedly verbally confronted a Black corporal, first using a racial slur and then by striking him in the face and head

causing him injury, Chief Deputy Bruce Prenda said.
Keezer, 31, is in prison on a York County sentence on a gun charge.
By Lori Pilger

OWH: Eastern Nebraska Veterans' Home to expand

The Eastern Nebraska Veterans' Home will undergo expansion to accommodate more veterans in the metro area.

Holden Armstrong, the communications director for the Nebraska Department of Veterans' Affairs, said the home, which is currently at a 120 resident capacity, will expand with 30 additional skilled nursing beds, additional private area beds and will also include an adult daycare program for those not living in the home.

The adult day care program will serve 12 clients a day.

"We're always looking forward to serving veterans and their families in new ways," Armstrong said.

Armstrong said the home is currently in the preliminary phases of completion, so there isn't a tentative completion date; however, he said the Nebraska Department of Veterans' Affairs will keep the community up-to-date with any new information as it comes.

Armstrong said it was important to expand on the Eastern Nebraska Veterans' Home, considering there is a higher population of veterans in the metro area, compared to the other three homes in Norfolk, Scottsbluff and Kearney.

"There's a need for additional veterans, and a waiting list," he said. "The care people get is really above and beyond what you could expect, so it's a testimony for us that people want to be in our homes."
Cheyenne Alexis

OWH: Higher smoking age, infant screening, African American commission bills passed

African American Affairs Commission
Nebraska would get a Commission on African American Affairs under a bill passed 39-2 Tuesday.
Legislative Bill 918, introduced by State Sen. Justin Wayne of Omaha, would model the new state agency after Nebraska's long-standing Commission on Indian Affairs and Commission on Latino-Americans, originally the Commission on Mexican-Americans. The first was created in 1971, the second in 1972.
The new commission would be charged with working "to enhance the cause of African American rights and to develop solutions to problems common to all Nebraska African Americans."
As introduced, the bill would have required the three commissions to study disparities in government contracting. The requirement was dropped to save money.
Indigenous Peoples' Day
The second Monday in October would be designated as both Indigenous Peoples' Day and Columbus Day under LB 848, passed 35-10 on Tuesday.
Under the measure, introduced by Sen. Patty Pansing Brooks of Lincoln, the day would recognize the historic, cultural, and contemporary significance of people indigenous to America and Nebraska. It also

would recognize the contributions of those people.
Having a joint holiday was a compromise reached after Italian Americans objected. The original proposal called for replacing Columbus Day.

Infant screening

Newborns would be tested for a potentially fatal genetic condition called spinal muscular atrophy under LB 755, passed 47-0 Tuesday.
The bill, which includes several health-related measures, would add the test to the heel-prick blood test all Nebraska babies are given at birth. The panel of tests now screens for 32 conditions that can be prevented or reduced in severity if caught early and treated.
An Omaha couple, Chris Arnold and Paula Lavigne, pushed for the bill after losing their firstborn son to the condition at 5 months old. New treatments are now making a difference for children.
Spinal muscular atrophy, while rare, is the leading genetic, or inherited, killer of children younger than 2. On average, two babies are born in Nebraska each year with SMA.

Job discrimination

Laws barring job discrimination based on race would specifically protect people who wear their hair in natural styles under a bill passed 27-12 on Tuesday.
LB 1060, introduced by Sen. Machaela Cavanaugh of Omaha, aims to help African Americans who leave their hair natural or adopt hairstyles that protect their hair. Such styles include braids, locs and twists. Supporters reported being forced by employers to straighten their hair, cut it short or cut off braids and dreadlocks. Treatments used to straighten African Americans' hair are costly, potentially cancer-causing and can damage the hair.
At least six other states have adopted similar laws.

Raising the smoking age

Nebraskans would have to be 21 to legally buy or use cigarettes, cigars, vaping devices or any form of tobacco under LB 1064.
The bill, passed 48-0, brings state law in line with federal law. Sen. Tom Briese of Albion introduced the bill, which should eliminate confusion over what is allowed in the state. Current state law sets the age limit for buying and using tobacco products and vaping devices at 19.

American Sign Language

Nebraska would officially recognize American Sign Language and allow it to be taught in schools as a world language course under a bill passed 48-0 Tuesday.
LB 965, introduced by Sen. Mike McDonnell of Omaha, also would require the Commission for the Deaf and Hard of Hearing to work with the Department of Education in assessing language development of children who are deaf or hard of hearing from birth through 5 years old.

Plastic bags and local control

Sen. Megan Hunt of Omaha mounted an unsuccessful, last-minute effort Tuesday to derail a bill what would bar local communities, like Omaha, from enacting bans on the use of plastic shopping bags.
LB 632, according to its prime sponsor, Sen. Dan Hughes of Venango, is needed to provide "uniformity" across the state for such ordinances.
But Hunt portrayed it as unreasonable and a usurping of local control that was sought only by the plastics industry, and opposed by Omaha and Lincoln officials. Local government officials, Hunt said, know what's best for their communities.
"This bill is trying to solve a problem that isn't there," she added, noting that no city in the state currently has a plastic bag ordinance. The Omaha City Council narrowly passed one in 2019, but it was quickly vetoed by Mayor Jean Stothert.
Hunt's amendment gained only 15 of the 25 votes needed.

The bill, which got second-round approval, also includes a requirement that the state devise a statewide flood mitigation study. The 2019 flood raised several questions about the adequacy of levees across the state.

Execution witnesses

State senators sent a bill seeking to increase transparency for executions to final-round consideration. Lincoln Sen. Patty Pansing Brooks introduced LB 238 after a curtain was pulled, and the view of witnesses blocked, for 14 minutes during the 2018 execution of double-murderer Carey Dean Moore. Official witnesses, she said, deserve to see "the state's most powerful act," an execution, from start to finish, to ensure that it isn't botched, as has happened in Ohio, Arizona and Oklahoma in recent years. Originally, LB 238 would have added two state senators as witnesses. Pansing Brooks said she removed that requirement at the request of fellow lawmakers who said they didn't want to view an execution.

Hastings Regional Center

Hastings Sen. Steve Halloran complained Tuesday that the state was proceeding with plans to move a boys chemical dependency treatment program out of the old Hastings Regional Center despite passage of a bill blocking plans to replace the program with a state institution for female juvenile offenders. Nebraska Department of Health and Human Services officials announced plans to make the switch last month. Halloran said neither he nor Hastings Mayor Corey Stutte were given advance warning of those plans.

Following the announcement, lawmakers passed LB 1040, which requires HHS to hold off on moving any juvenile offenders until a long-term plan can be developed. The bill was signed into law last week and took effect immediately.

Halloran said he was "deeply troubled" by the lack of communication, and questioned how the state would pay for the extensive renovations needed to make the newly constructed treatment program buildings into a secure facility for troubled girls.

By Martha Stoddard and Paul Hammel

OWH: Questions of constitutionality linger as Nebraska Legislature advances ban of abortion method

LINCOLN — Nebraska lawmakers moved one step closer to banning a type of second-trimester abortion Tuesday, amid debate about the ban's constitutionality.

Legislative Bill 814 advanced to the final stage of consideration on a voice vote, after senators voted 34-8 to cut off a filibuster.

The bill, introduced by State Sen. Suzanne Geist of Lincoln, would prohibit an abortion method known medically as dilation and evacuation. The procedure involves dilating a woman's cervix and removing the fetus in pieces. Opponents call the procedure dismemberment abortion.

Most of the morning's debate over the bill centered on whether it could pass constitutional muster. Attorney General Doug Peterson weighed in later in the day in response to a request by Sen. Ernie Chambers of Omaha for an opinion on the issue.

In his request, Chambers cited a U.S. Supreme Court ruling in a case involving Nebraska's "partial-birth abortion" ban, known medically as intact dilation and extraction.

In that case, the court said it was unconstitutional to interfere with women's access to dilation and evacuation procedures before a fetus is viable. The ruling noted that Nebraska had conceded during oral argument that prohibiting such procedures would impose an unconstitutional "undue burden" on a woman's right to get an abortion.

"Your task of defending LB 814 when it is challenged, as it surely shall be if enacted into law, will be virtually impossible," Chambers said.

But the attorney general's opinion, written by Solicitor General James Campbell, concluded that LB 814 is "likely constitutional" and would not impose a "substantial obstacle" on access to abortion in the state.
The opinion pointed out that the majority of second-trimester abortions in Nebraska are done using methods other than dilation and evacuation.
That contrasts with the case nationally, and in states where similar laws have been overturned. Courts have blocked bans in all but three of the dozen states that have passed them. Two states where the bans have taken effect have no abortion providers that perform second-trimester abortions.
"Requiring Nebraska abortion providers to alter the way in which those infrequent procedures are performed does not impose a substantial obstacle on abortion," it said.
In addition, the opinion said that where federal courts have blocked similar bans, those decisions came before a U.S. Supreme Court ruling this summer. On Friday, the 8th U.S. Circuit Court of Appeals lifted an injunction against an Arkansas ban and sent the case back to the district court, instructing the court to reconsider its previous ruling in light of that high court ruling.
The attorney general's opinion also disputed the idea that LB 814 would ban dilation and evacuation abortions. It said the bill would ban the method only if used when a fetus is alive.
But some attorneys in the Legislature disputed such arguments.
Sen. Adam Morfeld of Lincoln said it is not unusual for lower courts to reconsider cases in light of new high court rulings. He said the Arkansas case does not alter any prior standards for judging abortion laws.
He also said the constitutionality of the proposed ban does not depend on the percentage of women who have abortions using the method but whether it creates an obstacle for those women.
The abortion procedure banned by LB 814 is used from weeks 13 through 24 of a woman's pregnancy. The bill would apply when clamps, forceps or similar instruments are used to remove pieces of a viable fetus. The ban would not apply if suction is used to remove pieces of a fetus. It also would not apply if the fetus was dead before being removed.
Under the bill, it would be a Class IV felony, punishable by up to two years in prison and a $10,000 fine, for a doctor to perform such an abortion. The bill also would allow a doctor to be sued for performing the procedure. The woman having such an abortion could not be charged.
By Martha Stoddard

LJS: Lincoln senator's anti-abortion bill advances to final reading

The 90 minutes of debate Speaker of the Legislature Jim Scheer allowed on second round of Lincoln Sen. Suzanne Geist's anti-abortion bill Tuesday was mostly on the bill's constitutionality.
While senators on both sides argued the constitutionality, Sen. Steve Erdman of Bayard said: What difference does it make anyway?
Senators have passed bills that were eventually ruled unconstitutional by a court, but regardless, it was the law until some court said it was not, he said.
"So this whining about it's unconstitutional is a stall tactic."
Omaha Sen. Ernie Chambers asked Attorney General Doug Peterson on Monday for a legal opinion on the constitutionality of the bill. Chambers said the U.S. Supreme Court explicitly upheld the D&E abortion method in a Nebraska case, Stenberg v. Carhart, in 2000. And former Nebraska Attorney General Don Stenberg agreed it could not be banned without placing an undue burden on a woman's right to obtain an abortion.
Peterson posted his opinion Tuesday afternoon, concluding LB814 is likely constitutional because it

does not appear to impose a substantial obstacle on access to abortion in Nebraska.
Peterson's opinion said LB814 permits abortion providers to use the D&E process so long as a doctor doesn't perform it on a "living unborn child."
Omaha Sen. Megan Hunt on Tuesday then requested another legal opinion from Peterson on the consequence of a messy debate last week that failed to include formally reading and introducing the bill on general file, the first step of a legislative debate.
That first-round debate on LB814 last week was a mixture of motions on rules and points of order for an unrelated bill, and a frozen queue that was supposed to be the order of speakers for the anti-abortion bill but was never used. There was also confusion from the presiding officer about whether debate time was being counted for the bill.
She asked if the oversight in compliance with fundamental legislative rules and policy affected the validity of LB814 and made it vulnerable to court challenge.
During debate Tuesday, Lincoln Sen. Mike Hilgers said neither the U.S. Constitution nor the state Constitution puts a restriction on this bill or the procedure that would be prohibited. And there is no Supreme Court or 8th Circuit Court of Appeals decision that is binding on it.
Hilgers argued the legal standard has changed on abortion-related court cases that other constitutionality decisions rely on.
But Lincoln Sen. Adam Morfeld said the basis of Hilgers' arguments is not the final word on whether or not D&E bans are sound law or policy.
Geist had to invoke cloture after the 90 minutes to force a vote on the bill, which prevailed. The bill then advanced on a voice vote to final reading.
By JoAnne Young

AP: Property tax, abortion bills set for final votes in Nebraska

LINCOLN, Neb. (AP) — Nebraska lawmakers advanced a property tax and business incentives package and new abortion restrictions through a key procedural vote on Tuesday, despite fervent opposition from some senators in the final days of this year's session.
Each measure won second-round approval in the Legislature, just ahead of the end-of-Tuesday deadline for bills to survive this year. They now head to a final, third vote on Thursday, the session's final day, and will then go to Gov. Pete Ricketts, who is expected to sign them.
The property tax and business incentives package was merged into one bill because neither measure had enough support to pass by itself. Rural lawmakers who want lower local property taxes initially threatened to block the business incentives bill, but politically powerful business groups argued that Nebraska can't be the only state without major tax incentives. The state's current business incentive program, the Nebraska Advantage Act, expires this year.
"We need to make a positive statement to the people of Nebraska, and I think the biggest risk is not to act," said Sen. John Stinner, of Gering, who helped negotiate the compromise package.
Still, the package drew criticism from some rural, conservative lawmakers, who said it didn't do enough for property owners. The property tax portion would offer a state tax credit to reimburse property owners for a part of what they pay to local schools. But in most cases, homeowners and farmers would still see an increase over the previous year because of rising property values.
"This is a decrease in the increase, call it what it is," said Sen. Steve Erdman, of Bayard.
Sen. Patty Pansing Brooks, of Lincoln, said lawmakers focused too much on the needs of higher-income homeowners, farmers and businesses, and not enough on people who are struggling financially because of the coronavirus. She lamented that lawmakers didn't help renters facing evictions,

meatpacking workers who are at higher risk of catching the virus, or workers who are still unemployed.
“When we are tone deaf to the needs of individual Nebraskans, we are not doing our jobs,” Pansing Brooks said. “I am not proud of this session.”
The business incentives package would offer tax credits to businesses that set up shop in Nebraska and create a certain number of high-paying jobs. The credits would vary based on how much money a company invests, the number of employees hired and the average salary paid.
Lawmakers also advanced a bill that would restrict a second-trimester abortion procedure known as a dilation and evacuation abortion. The bill would outlaw the use of clamps, forceps, tongs or scissors to perform the abortion. Opponents refer to it as a dismemberment abortion because it often requires doctors to remove a fetus in pieces.
“We are simply discontinuing a procedure which is inhumane,” said Sen. Suzanne Geist, of Lincoln, the bill’s sponsor.
Abortion-rights supporters said the bill is certain to face a court challenge and will likely get struck down as unconstitutional. Sen. Megan Hunt, of Omaha, said the abortion and property tax bills are “beneath the dignity of the work we are called here to do,” given the economic damage wrought by the pandemic.
By Grant Schulte

LJS: Legislature's tax and growth bargain heads toward finish line

The Legislature's grand bargain on property tax relief, business incentives and a super-project proposal at the University of Nebraska Medical Center cleared its second floor hurdle Tuesday on a 41-4 vote and steamed ahead toward final enactment.
Sens. Steve Erdman of Bayard, Mike Groene of North Platte, Steve Halloran of Hastings and Megan Hunt of Omaha voted no.
Erdman argued that the bill (LB1107) does not truly provide property tax relief, but rather only "a decrease in the increase of property taxes" that will continue to occur.
Groene, who had been a leader in helping craft an earlier Revenue Committee proposal to build property tax relief around school funding reform that would have increased state aid to schools while reducing property tax valuations, said he was "blindsided" by the movement to a new plan.
"I will never throw money at a problem and claim I did something," he said.
Sen. Tom Briese of Albion, who has been a leader in pushing the Legislature to provide additional property tax relief beyond the state's current property tax credit fund, said "this is a compromise that can move our state forward."
"We can work on adjustments next year," he said.
The breakthrough bill creates a new property tax relief plan, enacts a new business development tax incentives program and provides a pledge of $300 million in future state appropriations to help fund a proposed $2.6 billion mega-project at the UNMC campus in Omaha.
That project is built around the Medical Center's effort to win federal designation of UNMC as the site for development of a new national pandemic and all-hazard disaster response center that would serve both civilian and military needs.
Property tax relief under provisions of the compromise bill would begin with $125 million in state funding rising to $375 million in five years, all in addition to the $275 million already provided through the state's property tax credit fund.
The new tax relief would be tied to a system of state income tax credits.
"This moves us nowhere," Erdman argued.

"This is peanuts," Groene said in terms of additional property tax relief.
"The biggest risk is not to act ... at a critical time," on the package of provisions designed to move the state forward, said Sen. John Stinner, chairman of the Appropriations Committee.
"We're going to fund this through growth," he said, with some early and tentative assistance from the state's cash reserve fund.
Failure to adopt a new business tax incentives program this session would leave the state without a competitive business attraction and development plan since the current Nebraska Advantage Act expires at the end of the year.
While acting on the big tax and economic growth package, the Legislature has failed to respond to the needs of Nebraskans impacted by COVID-19 during its final days in session, Sen. Patty Pansing Brooks of Lincoln said.
"We're not reacting to the needs created by the pandemic," Sen. Machaela Cavanaugh of Omaha argued.
"Take the grand bargain and move forward," Sen. Matt Hansen of Lincoln urged his colleagues just before they cast their votes.
By Don Walton

LJS: Committee endorses meatpacking worker protections, but time runs out

Sen. Tony Vargas of Omaha on Tuesday won legislative committee support for an amended bill to provide more protections for meat processing workers from COVID-19 infection on meatpacking production lines.
The Business and Labor Committee rushed the proposal to the floor of the Legislature, but once it arrived there, the bill faced the reality of no path forward toward an opportunity for enactment by a legislative session that will adjourn for the year Thursday.
The chief safety element in the bill would require 6 feet of distancing between workers on fast-moving production lines where they work shoulder-to-shoulder and often across from one another.
Voting to advance the proposal were Sens. Ernie Chambers of Omaha, Sue Crawford of Bellevue, Matt Hansen of Lincoln and Steve Lathrop of Omaha.
Opposing advancement of the amended bill (LB667) were Sens. Steve Halloran of Hastings and Julie Slama of Peru.
Vargas saw one of his education bills ambushed Tuesday afternoon when Sen. Mike Groene of North Platte put an unfriendly amendment onto the Omaha senator's version of a school discipline bill (LB515).
Groene was seeking to get a vote on his bill (LB147) to allow physical intervention by teachers and school personnel to manage student behavior. He had already used an unorthodox way last year to get it to the floor for debate, pulling it out of the Education Committee he chairs when the committee wouldn't send it to the floor.
Then, after more than seven hours of filibustering in late July, the bill fell one vote short of a cloture motion to stop the filibuster, and that usually means the bill is dead for the session.
But that didn't deter Groene. He resurrected it once again Tuesday in a surprise move, attaching it to the Vargas bill as an amendment, with Vargas making it clear it was a bad faith move on Groene's part. The amendment failed on a 21-20 vote.
Sen. Patty Pansing Brooks had one of the few bills in the afternoon that slid through without controversy. Her bill (LB238) advanced to final reading, and would make executions more transparent to witnesses. It would allow witnesses to continuously observe the process from the moment the

condemned prisoner enters the execution chamber until the person is declared dead or the execution is halted.
She removed a section from the bill that would require two members of the Legislature to serve as witnesses.
By Don Walton and JoAnne Young

LJS: Big Ten postponing football, other fall sports; NU leaders say they are 'very disappointed' in decision

Nebraska football coach Scott Frost said Monday he thinks his team could be ready to play in a week. The Huskers and the rest of the Big Ten Conference are going to have to wait a lot longer than that.
In an historic move, the Big Ten postponed all fall sports, including football, announcing the move Tuesday afternoon in the face of the coronavirus pandemic. The league said in a statement that competing in the spring remains "a possibility."
"When you look at this decision, we just believe collectively that there's too much uncertainty at this point in time in our country to encourage our student-athletes to participate in fall sports," Big Ten Commissioner Kevin Warren said during a Big Ten Network interview after the announcement.
The Big Ten Council of Presidents and Chancellors met Tuesday morning, which appears to have led to the final decision.
Nebraska's other fall sports are women's volleyball, women's soccer, and men's and women's cross country.
“The mental and physical health and welfare of our student-athletes has been at the center of every decision we have made regarding the ability to proceed forward,” Warren said in a statement.
“As time progressed and after hours of discussion with our Big Ten Task Force for Emerging Infectious Diseases and the Big Ten Sports Medicine Committee, it became abundantly clear that there was too much uncertainty regarding potential medical risks to allow our student-athletes to compete this fall.
“We know how significant the student-athlete experience can be in shaping the future of the talented young women and men who compete in the Big Ten Conference. Although that knowledge made this a painstaking decision, it did not make it difficult.
"While I know our decision today will be disappointing in many ways for our thousands of student-athletes and their families, I am heartened and inspired by their resilience, their insightful and discerning thoughts, and their participation through our conversations to this point. Everyone associated with the Big Ten Conference and its member institutions is committed to getting everyone back to competition as soon as it is safe to do so.”
Nebraska leadership took a strong stance against the decision in a statement on behalf of Frost, UNL Chancellor Ronnie Green, athletic director Bill Moos and NU President Ted Carter.
“We are very disappointed in the decision by the Big Ten Conference to postpone the fall football season, as we have been and continue to be ready to play. Safety comes first. Based on the conversations with our medical experts, we continue to strongly believe the absolute safest place for our student-athletes is within the rigorous safety protocols, testing procedures, and the structure and support provided by Husker Athletics.
"We will continue to consult with medical experts and evaluate the situation as it emerges. We hope it may be possible for our student-athletes to have the opportunity to compete.”
The school said it would have no further comment Tuesday.
The decision comes one day after Frost and three other Big Ten coaches went public with their desire to play football this fall and less than a week after the conference announced its 10-game, conference-

only fall schedule.
Scott Frost says the university is committed to playing a season even if the league cancels.
Green was Nebraska's representative on the President's Council and was on the call Tuesday.
Frost on Monday made it clear that the Nebraska leadership group was unanimously in favor of moving forward with a season this fall.
"To make a commitment to play like we want to and are doing here at Nebraska, you have to have everybody aligned," Frost said. "I think all the people that I talk to, that are involved in making this decision, believe the same thing I do. The best thing for our state, the best thing for our community, our university, our Athletic Department, football team and the health and well-being of our student-athletes is to play and keep an environment where we can protect."
On BTN, Purdue coach Jeff Brohm said he first heard that the league might be moving toward a decision like this Saturday.
"I got some information that the medical experts and our commissioner got together and discussed, in detail, moving forward and that's where things went south," Brohm said. "I don't know what was said exactly, I don't know all the details, I was not on that meeting, but I think it was a long meeting from what I heard of information that was shared and their opinions on how to go forward and what to do and I think from there things turned south and that's how we got to this end result."
Frost said the coaches' calls he's been on have been unanimous in support of playing.
"Every coach says that they want to play. I think every school is in a little bit of a different situation, from political environment to the shape of their student-athletes, how quickly they got them back," he said. "But people need to understand the carnage and aftermath of what college athletics looks like if we don't play. This isn't as simple as canceling a Little League game and picking up and playing next Saturday."
Indeed, the Big Ten now has myriad issues to sort out and little time to do so. What are the eligibility ramifications? Wisconsin athletic director Barry Alvarez told local reporters there's a Wednesday meeting scheduled to discuss that.
Meanwhile, Alvarez said Big Ten teams are allowed to continue training on a 20-hour-per-week schedule that is similar to the recently completed "mini-camp" setup, which allows for walk-throughs, weight lifting and film work, but no padded practices.
Also, will NU or any other teams be allowed to pursue other games this fall? What might a spring season look like? Is that even feasible?
Alvarez said perhaps six or eight games in the spring might be doable, but that might mean shortening the 2021 fall season, too.
Former Ohio State coach Urban Meyer had a simpler answer on BTN when asked if he thought games will be played in the spring: "No chance."
About an hour after the Big Ten's announcement, the Pac-12 called a news conference to say its season would be postponed until the spring. Meanwhile, SEC Commissioner Greg Sankey said on the "Dan Patrick Show" on Tuesday morning, "Our medical advisory group has said, 'Yes, we can continue to go forward.' Should that advice change, that would certainly be a stopping point."
By Parker Gabriel

OWH: Big Ten commissioner: Nebraska can't remain Big Ten member if it plays football this fall

After twice evading the question on the Big Ten Network, Big Ten commissioner Kevin Warren, in an interview with Yahoo! Sports, said Nebraska is not allowed to pursue a fall football schedule after the

league chose to postpone its season until spring 2021.
"No," Warren said to Yahoo! “Not and be a member of the Big Ten Conference.”
In a brief statement released after the Big Ten announced its decision to postpone, all of NU's leaders — from Frost to NU President Ted Carter — announced Nebraska was still looking to play this fall.
"We will continue to consult with medical experts and evaluate the situation as it emerges," the statement concluded. "We hope it may be possible for our student athletes to have the opportunity to compete.”
Earlier Tuesday, Warren twice told the Big Ten Network that discussing Nebraska's interest was a different issue for a different day.
“I know what was said,” Warren said on Big Ten Network, referring to Monday comments from NU coach Scott Frost related to the Huskers pursuing their own schedule. “These are things that I’m sure there will be a lot of issues that arise and be raised that we’ll address at the appropriate time. Today’s not the appropriate time on some issues.”
On Monday, Frost said NU would look into scheduling its own opponents if the Big Ten decided to postpone the fall season.
“We want to play a Big Ten schedule, I hope that’s what happens,” Frost said. “Our university’s committed no matter what that looks like and how that looks. We want to play no matter who it is or where it is, so we’ll see how those chips fall.
“We certainly hope it’s in the Big Ten. If it isn’t, then I think we’re prepared to look for other options.
Senior offensive lineman Matt Farniok — a captain on the 2019 team — agreed.
“We would love to be able to play in the Big Ten — that’s where we are, that’s our conference, that’s our home — and we want to be able to represent the Big Ten, but if the Big Ten chooses to cancel, we’re 100% open to playing whoever wants to play,” Farniok said. “If, at the end of the day, we get to play in the Big Ten, perfect, that’s our home, that’s our conference, that’s our place. If, for whatever reason, they decide to cancel and shift somewhere else, so be it.”
By Sam McKewon

LJS: Crowd of protesters outside LPS district office and illustration that it won't be a normal school year

On the eve of a new school year, the scene outside the Lincoln Public Schools district office Tuesday evening was a stark reminder that what would soon unfold would be wildly different than anyone has experienced.
Music blared, bottled water sat on tables, and parents, teachers and community members — nearly all of them wearing face masks — gathered outside the district office to protest the district’s decision to reopen schools.
More than 30 speakers argued that the district wasn’t ready, didn’t have all the necessary sanitizing equipment in place, that teachers were fearful and overwhelmed by the task of readying for a school year that will put them at risk and require them to put themselves, their families and students at risk.
“Safeguards are not in place and we as a district are not ready,” said a tearful Carrie Brison, a special-education teacher at Lincoln High School who said three of her students had mask exemptions and she didn't get to have a face shield. “We can be better and we should be better. Delay the start of school or start remotely.”
Liz Wysong Hoffart, a teacher at Kahoa Elementary School and daughter of longtime school board member Sally Wysong, for whom an elementary school is named, implored the board to delay the start of school.

“If she (her mom) was still alive she would choose to be courageous and think about students in our district. She would have chosen to wait until the (virus) numbers were at a safe level.”
Several early childhood teachers, including Lorrin Adams, who said she was pregnant and advised against doing home visits by her doctor, said LPS denied their request to do home visits remotely because of the increased danger of going into someone’s home.
During the public comment section of Tuesday's Board of Education meeting, which went on for more than three hours, two LPS officials addressed some of the concerns: Associate Superintendent of Instruction Matt Larson told the board that state education officials told them they had to offer home visits, but LPS is allowing teachers to do Zoom meetings if families agree, not do them if families don't pass pre-screening questions and leave if they get there and don’t feel safe.
Liz Standish, associate superintendent of business affairs, said each classroom should have bottles of hand sanitizer and disinfectant, and LPS has ordered more face shields to handle additional requests by teachers.
Because, despite the bulk of public comment, which also included a few parents and a grandparent who said they were happy that school was starting, LPS officials were ready to go ahead with what they said was a fluid plan that would undoubtedly change in an unprecedented situation.
“We’re staying true to what the community wants us to do,” said Superintendent Steve Joel. “It’s going to look different and it’s not going to be perfect and it’s a plan that will have to be fluid.”
As of Tuesday evening, about 20% of students will work remotely — more than 8,000 of them, and high school students will come to school on staggered schedules, so only half of students will be in the building at one time.
The foundation of the LPS plan is a mask requirement for staff and students, pre-screening for symptoms, frequent hand-washing and sanitizing, and social distancing when possible.
In response to teacher concerns, LPS officials won’t start remote learning until Monday, giving teachers more time to prepare for teaching remote learners and in-person students simultaneously.
Tuesday evening, Joel said the district would delay appraisals and many of the district assessments to reduce responsibilities on teachers and will look for other ways to lighten their loads.
Board member Bob Rauner said LPS is in a different situation than Omaha Public Schools, which shifted to all remote learning. There, unlike Lincoln, positive COVID-19 cases are increasing, not decreasing, he said.
Joel stressed that it’s up to the community to comply with directed health measures, including wearing masks, and reiterated a reality of the pandemic: plans would undoubtedly change.
“We’ve got a pretty good sense that tomorrow will be a good day for the beginning of school,” he said. “We don’t know what Monday will look like.”
By Margaret Reist

OWH: Superintendents encouraged by mask compliance as Papillion La Vista, Ralston districts reopen

Two more metro area school districts reopened to students Tuesday, and district officials reported no major problems.
Superintendents in the Papillion La Vista and Ralston districts both expressed optimism after touring buildings and observing classes.
Students and teachers appeared to be complying with district mask mandates, they said.
Ralston Superintendent Mark Adler said he toured six of the district’s eight schools and liked what he saw.

“I don’t know that I’ve ever been more proud in 29 years of being an educator as I am today,” Adler said.
“I felt great vibes. I felt like we had a very healthy and safe environment everywhere I went. It’s just a great day.”
Ralston opened with slightly less than half of students in attendance. The district is in the yellow level of its reopening plan, which means students will attend school part of the time and have independent learning from home part of the time.
Ralston students are divided into two groups attending school on alternate days.
When the students taking full remote learning are subtracted, that leaves about 45% of the total enrollment in school on any given day, he said.
He said the mask requirement that caused so much public debate wasn’t a problem at the schools he visited.
“Not one issue with a mask,” he said. “Not one.”
He said social distancing wasn’t a problem because the number of students in each classroom was reduced.
“The ones that I visited today, which was quite a few, the top number I saw was 11. And there were a lot less than that.”
Adler said staff members “have purpose again.”
“I was convinced from the start, if we get our students back in the building, and we get our excellent teachers working with them, getting those processes under control, taught, we’re going to be OK. That was reinforced with me 1,000%.”
District spokesman Jim Frederick said elementary school teachers spent time reinforcing with students the importance of maintaining personal space and teaching kids how to wash their hands.
He said there were some students who were mixed up on whether it was their day for in-person learning.
In the upper grades, teachers were going over with students procedures and how they’ll use technology.
Papillion La Vista Superintendent Andy Rikli said the mood was “very positive” at the middle and high schools he visited.
People seemed excited to be back, he said.
He said he was encouraged by the masking.
“After visiting five different buildings, three middle schools and two high schools, I didn’t have to remind a single student or staff member to put a mask on. They were all wearing masks, and from my vantage point, they were all wearing them correctly.”
One principal told him that a student had to be told to bring the mask up over the nose as well as the mouth, he said. That was the only incident he heard about, he said.
Rikli said that with nearly all students returning under the district’s plan, masking will be important because students won’t always be able to social distance.
“We know that social distancing won’t be possible in all situations, including some classroom arrangements. If you’ve got 25 kids in a class, there’s a high likelihood you’re not going to be able to have 6 feet of distance between every one of our students.”
Rikli said the district will be “extremely diligent” about requiring masks in those situations.
In Papillion La Vista, only the students in kindergarten through sixth grades, seventh graders and ninth graders reported for school on Tuesday, for a half day.
The district’s plan calls for all students — except about 10% who chose full remote learning — to attend school every day, starting Wednesday.

Rikli said he understands the concerns of some of the district's teachers, who demonstrated outside the administration building Monday evening citing safety concerns.
He said that having kids in school is critically important and that the district will do it as long as it can.
"If it's not successful, if we're starting to see staff drop out, if we're starting to see students get sick, then we'll certainly go to Plan B," Rikli said. "But I think our community really does believe the best place for our kids right now is in a school setting."
By Joe Dejka

LJS: Ouster of local health director Lopez sought by county attorney

Interim Lincoln-Lancaster County Health Director Pat Lopez illegally occupies her post and should be ousted, Lancaster County Attorney Pat Condon wrote in a letter to the County Board.
Lopez has led the Health Department since May 2019, when then-Director Shavonna Lausterer took medical leave before dying of breast cancer.
In his letter, Condon said he was preparing a legal challenge under Nebraska law called a quo warranto action, which would remove and exclude Lopez from her office.
Lopez, he wrote, has not been appointed by the Lincoln City Council, Lancaster County Board and the local Board of Health as required under state law.
Instead, Lopez has continued operating on a consultant agreement, and Condon said he felt compelled to seek her removal from office based on the length of time she has been in the job without being appointed in accordance with law and because her recent actions toward business owners put county residents at risk of a court injunction, civil proceeding or even arrest and criminal prosecution.
He didn't return a call seeking comment Tuesday.
Condon's letter disputing Lopez's authority marks the second challenge to the career public health professional's legal ability to issue directed health measures, but this challenges seems unlikely to effectively remove her, as Lopez remains popular with the three governing bodies who can permanently confirm her.
"I couldn't be more pleased with how she has led this community through the pandemic," said County Commissioner Deb Schorr, who like Condon is a Republican.
If the County Board needs to go back and permanently install her into that position, it would be "more than willing to go through that formality," Schorr said.
The board is expected to vote to appoint Lopez at its next meeting. The City Council and Board of Health are expected to also call votes to formally appoint her as well.
"This basically all goes away, and the county attorney will not file this if she's appointed officially," County Board Chairman Sean Flowerday said.
In court last week, attorney J.L. Spray asked a judge to invalidate the order to close Madsen's Bowling & Billiards because Lopez had not been duly appointed to her position and was only a consultant.
City attorneys countered Spray's contention by arguing Lopez's order remained valid because ultimately the mayor was the acting public health director.
In his letter, Condon called out inaction by the city Law Department to make Lopez a permanent director, saying he had communicated with the department in March 2020 about the issue.
The search for a permanent health director failed to find a consensus candidate in December 2019, and Lopez agreed to stay in her post on the consultant's agreement, which pays her $14,000 a month. The former health director earned $122,000 annually.
Lopez has provided consulting to other Nebraska health departments and helped them with accreditation, and Lincoln Mayor Leirion Gaylor Baird agreed to allow her to continue that work if she

remained in the job.
Flowerday said Lopez was better than all the other candidates who applied for the permanent job, and he was glad she stayed on.
Then came the pandemic, Flowerday said, and "it just didn't make any sense to change horses midstream."
City Councilwoman Jane Raybould said Lopez seems to be the most trusted official in all of Lincoln city government, "just like our own Dr. Tony Fauci."
She believes the council would stand prepared to vote to appoint Lopez immediately if needed.
News of Condon's letter came Tuesday as a showdown between Madsen's and the Health Department seemed to conclude with both parties reaching an agreement to reopen the bowling alley/pool hall and keep it in compliance with the local mask mandate.
Raybould said she wished people wouldn't politicize sound health practices, and that she believes Omaha officials were kicking themselves they didn't implement a mask mandate earlier like Lincoln did.
"We are in a much better shape because Pat Lopez has been here to guide us through these really troubled waters," Flowerday said.
Gaylor Baird initially laughed when she heard of Condon's challenge, because Lopez's authority is unquestioned in the mayor's mind.
"But we will go ahead and make this official and acknowledge that all of her previous decisions are official as well, if that's what it takes to satisfy this concern, because, you know what, we need to stop talking about this and keep focused on fighting this virus," Gaylor Baird said.
By Riley Johnson

Scottsbluff SH: Camping World bringing 150-200 new jobs to Sidney

A major RV and camping equipment dealership has announced plans to locate in Sidney.
Camping World CEO Marcus Lemonis met with community leaders Monday and announced on Facebook that his company would be adding dealership and distribution locations in Sidney and Lincoln.
Expectations are that the business would bring 150-200 jobs to Sidney. Approximately 50-60 of those jobs would be in the retail dealership and offices. Sidney and Lincoln will be the first Nebraska locations for a nationwide dealership that already has more than 130 locations. Lemonis did not give a specific time frame, but the dealership is likely to open in 2021. In addition to Camping World, the company partners with Gander Outdoors, Overton's, The House and Good Sam.
Lemonis, who also serves as host of "The Profit" on CNBC, praised Sidney on a Facebook video as a town that helped build the country. He said as the home of Cabela's, Sidney helped found and explore the great outdoors, making it a great fit for his company.
"We're proud to be bringing our colors to this town," Lemonis said. "I'm a big believer that American towns built this country, and that while there's lots of great American towns in this country, I needed to be in this one."
As a native of Florida and a fan of the Miami Hurricanes, Lemonis said it was tough for him to become a Cornhusker, but he was overwhelmed by the welcoming and the hospitality he found in the state.
"I am proud to be welcomed by amazing Cornhuskers right here in this state," he said.
In addition to the RV operation, Lemonis said he is partnering with a local group to open up a 3PL specifically dedicated to small businesses.
"There are hundreds of thousands of square feet of distribution centers here that have been a part of Cabela's for years that are no longer occupied," he said. "For a lot of people, unfortunately, those jobs moved somewhere else. But I believe that Sidney, Nebraska, is a great center point on the U.S. map to

allow small businesses who have e-commerce businesses to have a 3PL here in Sidney, Nebraska. "Great labor. Great know how. Great location, and it allows you to tackle the west coast of the United States with a very low cost of operating and a low cost of distribution."

Cheyenne County and Sidney economic development director Melissa Norgard said some former Cabela's employees have found themselves working for Camping World at other locations, and some of those individuals were telling Lemonis about Sidney and the talented people of the community.

"His business, obviously, is also in the outdoor space, and he noted several times when he was speaking (Monday) that they have some areas that there is room for growth and opportunity, and he feels like some of the talent here in Sidney can help him grow his business and become better in some of those areas," Norgard said.

The locations in Lincoln and Sidney will bookend the state and provide Lemonis with the visibility and access he desires for his dealerships. The facility in Sidney will be located east of Bomgaars and south of Wal-Mart on a 14-acre piece of land that will be easily visible from Interstate 80.

"It's going to be right off of I-80," Norgard said. "He's notorious for putting up a big flagpole with big flags to draw attention and get people off of the interstate, so overall, we're really excited for the opportunity. It's going to bring new jobs, it's going to bring a new retail footprint."

Sidney city manager David Scott said similar businesses have been successful in Sidney before, and he believes Camping World has made a good decision in locating in Sidney.

"I think it's great," Scott said. "I don't know why they wouldn't choose Sidney. We've been successful at this kind of business in the past, and I think we'll be successful in the future."

Scott said Sidney has the qualities businesses are looking for.

"We have the people, we have the resources," he said. "We have everything that they need to set up shop. Sidney is a great place to be."

Norgard said Lemonis talked about helping revitalize the downtown area of Sidney.

"We've seen so many great small businesses come out of post-Cabela's," Norgard said, "and I think that will give some of those small businesses an opportunity to really grow and maybe learn from somebody like him, in addition to revitalizing our main street where we're working on an updated downtown master plan. We're hopeful he can come in with some great ideas from what he's seen as successful in other small communities."

By Mark McCarthy

OWH Editorial: Promoting greater diversity is imperative for state of Nebraska and NU

The 21st century economy makes a principle clear: To achieve their full economic potential, states must embrace and achieve greater diversity in the workplace, demonstrating their firm commitment to expanded opportunity for all.

Blueprint Nebraska, the statewide economic development initiative, underscored that point in its recent report. "In the United States, racial and ethnic diversity and better financial performance show a linear relationship," it stated.

U.S. companies in the top quartile on racial and ethnic diversity, Blueprint Nebraska reported, are 35% more likely to achieve financial returns above their national industry median. "For every 10% increase in racial and ethnic diversity on the senior executive team," it said, "earnings before interest and taxes (EBIT) rise 0.8%."

Indeed, Blueprint Nebraska stated, over the past five decades, 20-40% of per-capita growth in the nation's economy has stemmed from the reduction in labor market discrimination barriers for women and black men.

These considerations are central to Nebraska's future. It's long been clear that to grow its economy sufficiently, Nebraska must attract more workers and residents. As a key part of that effort, Nebraska must demonstrate that it offers a welcoming and supportive environment for workers from all backgrounds.

That goal mustn't be a mere aspiration. Nebraska must achieve it.

A central need is for Nebraska to close the distressingly large gap between the average educational attainment level of Black Nebraskans compared with that of white residents. Providing educational and economic opportunity is important, too, given the increasing diversity of Nebraska's children.

During 2000-10, minority groups contributed more than 50% of the population growth in 16 Nebraska counties, or two-thirds of all Nebraska counties that experienced population gains. Many Nebraska school districts, urban and rural, are home to increasingly diverse student populations. In Omaha Public Schools, some 119 languages are spoken in the homes of district students.

World-Herald reporting this week explained the University of Nebraska's challenge in recruiting and retaining faculty and students of color. The University of Nebraska at Omaha, for example, just lost a Native American faculty member, Kent Blansett, to the University of Kansas, where he will join its Indigenous Studies Department.

Yes, the recruitment competition is fierce, whether at the university level or in the economic tug of war among states. But that doesn't erase the need for Nebraska to devote far greater energy and determination to this need.

Failure on this issue — in meeting educational needs and boosting employment opportunity — will hobble Nebraska's future. Success will position our state for strong growth and prosperity.

OWH Midlands Voices: Let's move toward this rapid, inexpensive testing for the virus

The virus known as the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) causes the disease now called coronavirus disease 2019 (COVID-19). Currently, diagnostic testing of the sick or COVID-19-exposed people relies primarily on a technique known as the polymerase chain reaction (PCR), which amplifies the virus' genetic material. These tests are highly specific and sensitive, with detection accuracy approaching 100%. That accuracy is vital for decisions about treating individual patients.

But PCR tests are expensive ($100), require specialized laboratory instrumentation and reagents and typically take at least one to two days to return results. In the U.S., backlogs of samples and shortages of testing reagents and swabs have caused delays in the return of results as long as seven to 10 days. Such delays render the results of the test useless to inform isolation and contact tracing.

Many epidemiologists and public health officials are now calling for a much-needed shift in testing strategy: from just diagnosing people who have symptoms or were exposed, to an approach aimed at screening larger populations, using faster, cheaper and acceptably less accurate tests.

The gold standard PCR test is too expensive and slow for frequent screening and surveillance of large populations. This shift in SARS-CoV-2 testing strategy would benefit schools and colleges, especially residential colleges.

In a July 31 paper published in JAMA Network Open, A. David Paltiel and colleagues from Yale School of Public Health and Harvard Medical School showed with a modeling study that screening college students every two days using a rapid and even poorly sensitive (greater than 70%) test, coupled with strict behavioral interventions, would dramatically limit the number of COVID-19 infections and permit the safe return of students to campus.

This study indicates that frequent testing with faster results makes up for the lower sensitivity.

Similarly, Michael Mina, an assistant professor of epidemiology at both Harvard Medical School and the Harvard T.H. Chan School of Public Health, has recommended even more broadly that everyone should be tested, every couple of days, with $1, paper-based, at-home tests that are as easy to distribute and use as a pregnancy test. He believes that we need such rapid and easily administered tests to be widely deployed, so that infectious individuals can be readily self-identified and isolated, breaking the chain of transmission.

Rapid paper-based tests are antigen tests where immobilized antibodies on a test strip are used to detect viral proteins in saliva or a nasal swab. Such tests are typically inexpensive and give yes/no answers within minutes, like a pregnancy test, and are currently used to detect influenza, HIV and other viruses. These antigen tests don't amplify viral genetic material like a PCR test but, rather, detect viral protein in a sample; hence, they are less sensitive than PCR. They can, however, reach a sensitivity of greater than 70%, which was the accuracy level used in the modeling study from Yale.

Dr. Mina has written that such tests are feasible, as a tiny company called E25Bio and another called Sherlock Biosciences can deliver such tests. They have not made it to the marketplace, however, because their sensitivity is being compared to that of PCR tests. Food and Drug Administration requirements for clinical test sensitivity use PCR as the standard. The FDA, whose approval process is stringent because it is designed to test the efficacy of clinical diagnostics, has no jurisdiction over public health testing. Mina has suggested that since there is no alternative process for tests designed to ensure population-level wellness, such a certification program could be run through the Centers for Disease Control, the agency charged with safeguarding public health.

For population-level COVID-19 testing, cost and speed are more important than 100% sensitivity. The availability of such tests would help us keep our schools and colleges open this fall. It's time to ask our senators and representatives to work for immediate authorization and production of existing rapid tests without FDA approval.

Thomas F. Murray, Ph.D., is provost of Creighton University.

OWH Midlands Voices: Nebraska physicians urge mask wearing

This is essay is from physicians from four medical associations: the Metro Omaha Medical Society, the Nebraska Chapter of the American Academy of Pediatrics, the Nebraska Chapter of the American College of Physicians and the Nebraska Academy of Family Physicians.

Dear Patients,

Thank you for trusting us to partner with you to provide care whether in times of need or maintaining health. Every day we have the opportunity of meeting with you to have conversations ranging from congratulating you on achieving health goals to guiding you through difficult diagnoses and the associated next steps. We care deeply about our patients and always aim to provide the best advice possible to keep you healthy and safe.

During the COVID-19 pandemic, we realize there are numerous sources of information, some with seemingly differing opinions about the most basic of precautions, such as wearing a mask.

Over the course of the pandemic, our understanding has grown both about the virus itself and how to reduce its spread. We know COVID-19 is a highly contagious virus that has infected millions and killed hundreds of thousands of individuals across the globe, including hundreds here at home in Nebraska. There is a growing understanding that certain populations (e.g. older age, ethnicity, chronic diseases) are at a greater risk of infection and individuals can begin to spread the infection without or before they develop symptoms. Without a vaccine or treatments, except for in the most severe cases, our best approaches to stopping the spread are:

» Washing your hands frequently.
» Practicing social distancing and staying at least 6 feet apart from others.
» Wearing a mask.
We know there is a lot of concern with wearing a mask, but wearing one is safe and it saves lives. By the simple act of putting on a mask in public, every person you pass (as well as you) may be spared illness or death by transmitting COVID-19 to someone else. If we can reduce the spread of COVID-19, we will possibly get back to normal much faster and far fewer people will suffer and perish. All because of you. This is something we can all do to be superheroes in our community.
We love taking care of you and your family and we want you to stay healthy and well during this pandemic.
By Nebraska physicians associations

LJS Editorial, 8/12: Mask fight is about health, not freedom

There are folks who believe, in this age of COVID, that the land of the free is a little less so.
Social distancing, occupancy limits and masks – especially masks – have become flashpoints for arguments about personal liberty and the collective good.
In our pandemic fight, the state and city have enacted measures to mitigate the spread of disease, save lives and ease the burden on the health care system. Government often gets involved to ensure safety. Think speed limits, seat belt laws or restaurant inspections.
While some chafe under regulation, laws and ordinances serve purposes. With the pandemic, we have been asked to sacrifice temporarily some personal freedoms for a greater good. That tension is part of governance.
And that tension came to head recently when Madsen's Bowling & Billiards refused to abide by the city's mask order, ending up in civil court and then shut down before a seeming resolution Tuesday and approval by health officials for a reopening plan.
Questioning the constitutionality and legality of a government order can, indeed, be a patriotic action, especially when done legally and safely. Madsen's may think it's striking a blow for business, but the city-ordered precautions aren't there to hurt business. They exist to get our community, state and nation on its feet as fast as possible. No one has motive to make businesses suffer longer than necessary.
We hope that all businesses follow the spirit of the law and not just its letter. The degree to which we follow our health guidelines will dictate the speed that life can return to whatever normal will be.
Without wandering into the political minefield of the mask issue, there's widespread agreement – from President Trump, Governor Pete Ricketts, Mayor Leirion Gaylor Baird and lots of experts – that social distancing, avoiding crowds and, yes, masks, all help our cause in fighting COVID.
The Declaration of Independence lists "life" before "liberty" in its statement of inalienable rights. Our military personnel make great sacrifices – sometimes even their own lives – for ours and our freedoms. Is endangering the community by flouting health directives really an act of love for country and community?
The Constitution makes the role of government protecting freedom, not health. But this is a worthy trade of personal freedom for public safety.
There's plenty of conflict and tension within our society. It's good if the controversy over Madsen's is really behind us, and mask use is embraced. The quicker we control this virus, the quicker we all get out from behind this eight ball.

LJS Local View: Center is an investment

A place where urban and rural come together. A place with a rich history and a promising future. A place that's unique not just in the Midwest, but across the entire country. The Lancaster Event Center fairground is these and so much more, and it needs our help.

I've snacked on popcorn walking through exhibits, eaten a corn dog at the county fair and enjoyed fancy dinners at fundraising events at the LEC.

Whether it's exhibiting 4-H displays at the Super Fair, hosting a live drive-in Garth Brooks online concert or a sit-down dinner for 200, the Event Center has the incredible capability to bring together activities and events that appeal to virtually anyone and everyone.

Just like the arena that has the flexibility to host a high school graduation, a college basketball game and a major concert for thousands of fans, our Lancaster Event Center can meet just about any need we can throw at it.

County fairs date back to the earliest history of our state, and for more than 100 years, the Lancaster County Fair was conducted at the Nebraska State Fairgrounds. We can pat ourselves on the back for getting double duty from the State Fairgrounds all those years. However, we shouldn't lose sight of the fact that the Lancaster County Ag Society, the people who run our fair, took a bold step some 20 years ago and set the stage for the future.

What's even more impressive is that they did all of this with very little tax support. Lancaster County has benefited from years of minimal support for our fair. And now we have an Event Center that is the perfect place for the National High School Finals Rodeo, a very nice sit-down dinner or a hastily put together video concert with the audience watching video screens and listening on their car radios. What else is out there that we haven't even thought of yet?

Nearly every one of Nebraska's 93 counties has a county fair. You could say the same for Iowa, Kansas, the Dakotas, Wyoming and Colorado. For that matter, nearly every one of the 3,100 counties in the United States has a county fair.

However, when you do an analysis of the availability of diverse, flexible and inventive facilities across the country that match up with the Lancaster Event Center, the list is surprisingly short. That, coupled with our location smack dab in the middle of the country, puts us is a unique position to attract an ever-growing number of regional and national events.

Our LEC was preparing to host the National High School Finals Rodeo, a motor coach international convention and so much more this summer when the Lancaster County Health Department raised concerns because of the COVID quarantine and health care capacity.

That left the center with some financial challenges brought on as they expanded and improved their facilities. We each need to step up and help bridge the gap until that rodeo comes to town next year and in 2026 and 2027.

We need to step up and help the LEC remain a bright star with the flexibility to handle hundreds of events each year. We need to step up and help the LEC continue to reach out and attract national events that bring thousands of visitors to our state, county and community.

Join me in contacting your representative on the County Board, the Lincoln City Council and others, urging them to help the Lancaster County Ag Society pay for the short-term interest on the facility improvements at the Lancaster Event Center that will pay dividends for years to come.

Randy Bretz is currently with Leadership Lincoln, Rotary 14 and Nebraska Wesleyan. He is retired from Nelnet and a former TEDxLincoln curator. In 2019 he served on the Lancaster Event Center Ad Hoc Committee that looked at recommendations for the fairgrounds.

LJS: Fortenberry's first TV ad avoids negative attack

Republican Rep. Jeff Fortenberry will launch the first television ad of the 2020 congressional campaign in Nebraska's 1st District on Wednesday and the ad will deliver a positive message rather than a negative campaign attack.

The commercial features Mark Nemec, owner of the Kolac Korner Cafe in Prague, who credits the congressman for helping his business survive and continue to support jobs during the COVID-19 pandemic through assistance from the Paycheck Protection Program.

Fortenberry is being challenged in what is regarded as a volatile election year by Democratic nominee Kate Bolz, a state senator from Lincoln who is the congressman's highest-profile opponent since he was first reelected 14 years ago.

"When our nation faced an unprecedented crisis as a result of the pandemic, I worked hard, and across party lines, for America's small businesses, positioning Nebraska as the nation's leader in the Paycheck Protection Program," Fortenberry said.

"I'm pleased to start our campaign with important messages about getting things done," he said.

Fortenberry's ad will begin airing on Lincoln broadcast and cable television.

By Don Walton

OWH: Harris pick cheered by some Nebraska Democrats, including local women of color

Several Nebraska Democrats celebrated Joe Biden's choice of California Sen. Kamala Harris as the Democratic vice presidential nominee, making her the first woman of color on either major party's presidential ticket.

Pastor Janet Goodman Banks of Christ Place Church in Lincoln said she was "ecstatic" and "elated" at Tuesday's announcement by Biden, the presumptive Democratic presidential nominee.

Banks, who is Black, said she was pleased to see a candidate recognize the work so many Black women have done to help Democratic candidates — including Biden — win elections.

"In South Carolina, it was the Black church ladies with the pretty church hats that saved his political life," she said. "It's more than appropriate for him to have picked a Black woman."

Charlene Ligon, chairwoman of the Sarpy County Democratic Party, called Tuesday "historic." She said Biden's pick reaffirmed her optimism about the value of striving for women and people of color.

"It lifts me up in a lot of ways," Ligon said. "I knew you need to keep moving, that we would move forward. Sometimes it can seem difficult, but we shouldn't give up."

Ligon, who is Black, said Harris was her top pick all along, particularly for the professional way she questions people in Senate hearings. But she said she worried Biden might not choose her.

"Those of us women of color, we were hoping it would be a woman of color," Ligon said. "She is well-qualified, and there's just no doubt she could take over as president any day."

Harris, the daughter of Black and Indian immigrants, served as California's attorney general, as San Francisco's top prosecutor and as a prosecutor in Oakland, California, before becoming a senator.

Democratic House candidate Kara Eastman, who received Harris' endorsement in recent weeks for her bid against Republican Rep. Don Bacon, said Biden's pick inspired her.

Bacon's campaign referred questions to the Nebraska Republican Party and the Republican National Committee.

Nebraska Democratic Party Chair Jane Kleeb focused on Harris' work in government oversight as a critical need for the Biden administration if Democrats succeed in ousting President Donald Trump.

Kleeb said she thinks Harris' selection will help Biden maintain the momentum necessary for him to win

the Omaha-based 2nd Congressional District.
She also pointed to recent polling for 1st District House candidate Kate Bolz suggesting that Biden was within striking distance of Trump in the district, which includes Lincoln and rural eastern Nebraska.
Ryan Hamilton, the Nebraska Republican Party's executive director, emphasized dust-ups between Biden and Harris during the primary season, and said three months was a "short time to go from Joe Biden's biggest critic to his biggest supporter."
"Senator Harris has a record typical of progressive liberals in coastal cities that is totally at odds with the values of Nebraskans," Hamilton said.
Because of that, he said, he expects Trump to win all five of Nebraska's electoral votes, including the three doled out individually based on the popular vote in each congressional district.
But for many, including Banks, the politics of the future could wait. They wanted to savor today, and, for Banks, to imagine a State of the Union address with a Black woman seated behind the president.
"I'm picturing it as I speak," she said. "I can see it."
By Aaron Sanderford

San Francisco Chronicle: Mask study separates the worthy from the worthless

That bandanna might make you look like a cool outlaw from an old Western movie, but it's largely ineffective in protecting you from the coronavirus, according to a new study.
A group of researchers at Duke University tested 14 types of common face masks to determine which ones work best to stop the transmission of respiratory droplets during regular speech — and which ones are practically useless.
Fitted N95 masks, which are usually reserved for health care professionals, came out on top of the rankings, while three-layer surgical masks and homemade cotton masks also performed well.
But the study published Aug. 7 found that folded bandannas and knitted masks did not offer much protection, while neck fleece — which is often used by runners — does more harm than good and "might be counterproductive," the study found.
People who wear the fleece masks, also called gaiter masks, are likely to release a higher number of respiratory droplets into the air than those who do not wear a face covering at all, according to the researchers, because the material appears to break down larger droplets into aerosols.
"The data make a lot of sense intuitively and seem consistent with other studies done in the past," said Dean Winslow of Stanford University.
While the results showed that fitted N95 masks are most effective in blocking droplets, there is an exception. Valved N95 respirators with a one-way vent ranked much lower on the list.
"These valves are closed when breathing in, but can open when speaking, hence letting out unfiltered air," Martin Fischer, lead researcher and molecular imaging specialist, said. "In other words, they do a great job of protecting the wearer from the outside environment, but a bad job of protecting others from the wearer, and it is the second role that is the important one to reduce COVID-19 spread."
Beyond the fitted N95s and surgical masks, the face coverings that performed best were made out of a three-layer combo of cotton and polypropylene. That was followed by a two-layer swath of polypropylene.

Bloomberg: Employers face payroll tax dilemma after Trump delays due date

President Donald Trump's order to delay collection of payroll taxes thrusts a dilemma on U.S. companies: continue withholding the money from workers expecting bigger paychecks or pass it on and

potentially put themselves or their employees at risk of a big end-of year bill from the IRS.
Trump signed an order over the weekend deferring the due date for payroll taxes, which employers deduct from paychecks and submit to the IRS on behalf of workers. The order defers the taxes from Sept. 1 to the end of the December. The bill will come due unless Congress agrees to forgive the tax debts.
Companies have just weeks to figure out what their legal responsibility is and then they may have to reprogram payroll systems to accommodate the changes, which defer the due date for those earning less than $4,000 biweekly, or about $104,000 a year.
Employers should be cautious because the IRS could go after both a company and its employees if they don't pay the taxes when the executive order expires, said Matt Foreman, an independent tax lawyer based in New York. Late payments would be subject to interest and penalties.
"My advice is keep collecting and keep remitting to the IRS. Tell your employees exactly what doing, and why you're doing it," he said.
That's the decision that One America Financial Partners Inc., an Indianapolis-based insurance holding company with 2,300 employees across the country, made unless there are further directives from Congress.
"The more I read about this, it's a holiday. Unless it gets passed by Congress or signed into law, people are going to be responsible for making up the FICA difference when they file their tax return," said Jon Schausten, director of payroll and human resources information systems at OneAmerica.
He was referring to the Federal Insurance Contributions Act, the formal name of the payroll taxes that fund Social Security and Medicare.
"I don't want to be the bad guy saying, 'Hey, you owe all this extra money' when you file your return,'" he said.
Schausten said few employers would implement the executive order in the current climate. Few large employers have said how they plan to implement the order.
"I don't think it makes sense from a liability and risk standpoint," Schausten said. "The short-term gain doesn't outweigh the burden at the end of the year."
It's also incredibly difficult for many employers to reprogram their payroll systems, said Pete Isberg, a vice president at payroll processor Automatic Data Processing Inc. A few companies may be able to have systems ready to go by Sept. 1, but it will take most longer — possibly months — to make the changes.
Companies want clarifications from the Treasury Department and IRS about how the executive order works.
"There are a lot of things that aren't clear. Is this optional? Do employers have an option? Do employees have an option? Do employees still get Social Security credit if they don't pay anything in? How do you define compensation?" said Edward Karl, vice president of taxation at the American Institute of Certified Public Accountants.
The TreasuryDepartment is working on guidance to implement the order. Employers are hoping that will clarify whether — if they pass on the tax savings to employees — they will still be on the hook for paying when the taxes come due or if the onus shifts to employees.

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