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## Nebraska Association of County Officials

# Legislative Report

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### Hearings Replace Morning Floor Debate

On Monday, the Legislature's standing committees began holding public hearings on [introduced legislation](#). The Legislature convenes briefly each day at 9:00 a.m. and adjourns in time to begin committee hearings at 9:30.

Committees receive in-person testimony, as well as written testimony, on the bills. Written testimony submitted as a position letter must be received by the committee by noon on the last working day prior to the hearing. Emails must be submitted to the committee's email address, which can be found [here](#). Testimony intended to be part of the transcript must be submitted in person between 8:30 a.m. and 9:30 a.m. on the day of the hearing. The complete procedures are available [here](#), on the Legislature's [website](#).

### Revenue Committee Hears Cap on Tax Asking

Led by testimony from Governor Pete Ricketts, the Revenue Committee heard testimony on two proposals intended to provide property tax relief by capping tax askings at three percent. [LR22CA](#), a constitutional amendment introduced by Revenue Committee Chair Lou Ann Linehan on behalf of Governor Ricketts, would only allow an increase over three percent for real growth or if approved by voters. Taxes needed to pay for the principal or interest on bonded debt would be excluded from the cap.

[LB408](#), the Property Tax Request Act, would enact a similar cap in statute. County officials, NACO, and representatives of other taxing entities testified in opposition to LB408. Senator Tom Briesse introduced the bill.

Next Wednesday, February 3, the Revenue Committee will hear [LB133](#), a bill introduced by Senator Steve Erdman to eliminate property, sales, income, and other taxes. Instead, a consumption tax would be applied to purchases of services and consumer goods. If entities are not able to operate on

the revenue raised by the consumption tax, they could request an additional allocation from the Legislature's Appropriations Committee. The new tax structure would be called the Nebraska Epic Consumption Tax Act, which would stand for the elimination of property, income and corporate taxes. The committee will also hear [LR11CA](#), a proposed constitutional amendment to enact a consumption tax.

## Summaries of This Week's Committee Hearings

### Open Meetings

County boards could hold emergency meetings virtually as part of [LB83](#), a bill intended to modernize public meeting statutes. During the pandemic, Governor Ricketts issued executive orders to allow public bodies to meet virtually to facilitate the functions of government when meeting in person was not an option. A coalition of public bodies developed the bill to continue virtual options. The bill would also require counties over 25,000 to post meeting agendas on their websites at least 24 hours prior to any meeting of the public body.

Public testimony would be allowed at all public meetings under [LB112](#). NACO and cities opposed the bill, citing concerns about the responsibility of public bodies when speakers veer off of the agenda, especially during open comment periods, and meetings that are intended for listening to a consultant or other invited speaker. Existing law states that a public body is not required to allow citizens to speak at each meeting but cannot forbid public participation at all meetings.

### Locksmith Licensing

County clerks would no longer issue locksmith registrations under [LB169](#), which was heard by the Business and Labor Committee on Monday. Locksmith licenses were the subject of an occupational licensing study by the committee over the interim. NACO testified in support of the bill, citing the lack of clarity in existing law. There were no opponents.

### Township Libraries

The General Affairs Committee heard a bill requested by NACO to give direction about the disposition of township libraries when a county discontinues the township form of government. [LB75](#) would require the county board to hold a public hearing within one year and issue a resolution stating the disposition, continuance or merger of the library. Counties could continue to tax the area within the township to pay for the library. Senator Tim Gragert, the introducer, offered an amendment on behalf of the Nebraska Library Commission to require the county board to give notice of the meeting to the Commission and any regional library board. The Commission supported the bill.

### Motor Vehicle Taxes

Counties would lose an estimated \$15 million per year in motor vehicle taxes under [LB82](#), a bill proposed by Senator Robert Hilkemann in response to complaints that motor vehicles taxes are too high. The proposal would change motor vehicle tax schedules by reducing rates on newer vehicles and imposing a small tax on vehicles 14 years or older. NACO testified in opposition to the loss of revenue and resulting increase in property taxes.

### Election Commissioners

NACO testified in opposition to a bill that would require the election of all election commissioners. [LB43](#) is a placeholder to address a lawsuit that was recently decided in Lancaster County district court. The case is on appeal to the Nebraska Supreme Court. The bill will be held by the committee and used to implement any legislation needed after the court decides the case.

Other bills have been introduced to transfer ex officio clerks of the district court to the state by 2024 ([LB102](#)) and make the office of county assessor an appointive one in counties of more than 3,500 and 1,200 tax returns. In smaller counties, county clerks would serve as assessors in [LB179](#). Neither bill has been scheduled for hearing.

### Surveyors

Existing law requires county boards in counties of less than 150,000 without an elected county surveyor to appoint a surveyor "from any other county in the State of Nebraska". Senator Ray Aguilar introduced [LB224](#) on behalf of NACO and the Nebraska Association of County Highway Superintendents, Surveyors and Engineers to strike this requirement so that counties could appoint a surveyor from their own county if he or she was deemed the most qualified candidate.

At the hearing, Hall County officials testified in support of LB224 and suggested an amendment to increase a 60,000 population threshold triggering a change in the duties of county surveyors. Hall County will exceed this threshold in the next census and be forced to restructure the offices of county engineer and surveyor.

### **Marriage Licenses**

An obsolete monthly report of marriage licenses would be eliminated by [LB93](#), which was heard by the Government, Military and Veterans Affairs Committee on Friday. The unnecessary report was not eliminated when counties began reporting marriage licenses to the state electronically. NACO testified in support of the bill.

## **Committee Hearings Scheduled**

Legislative standing committees have begun scheduling public hearings on bills. Please note that some hearings will begin at 9:30 a.m. and others will begin at 1:30 p.m.

### **Monday, February 1**

*General Affairs Committee* – Room 1510, 9:30 a.m.

[LB73](#) (Geist) Direct a portion of the proceeds from the Nebraska Racetrack Gaming Act to county agricultural societies

*Transportation and Telecommunications Committee* -- Room 1113, 9:30 a.m.

[LB226](#) (Hilkemann) Change motor vehicle tax exemptions as prescribed under the Motor Vehicle Registration Act

*Transportation and Telecommunications Committee* -- Room 1113, 1:30 p.m.

[LB619](#) (Sanders) Change excavation requirements under the One-Call Notification System Act

[LB344](#) (Friesen) Change provisions of the One-Call Notification System Act and create the Underground Excavation Safety Committee

### **Tuesday, February 2**

*Transportation and Telecommunications Committee* -- Room 1113, 9:30 a.m.

[LB343](#) (Friesen) Change identification inspection provisions under the Motor Vehicle Certificate of Title Act

*Transportation and Telecommunications Committee* -- Room 1113, 1:30 p.m.

[LB574](#) (Bostar) Change motor vehicle identification inspection requirements

[LB508](#) (Bostelman) Provide motor vehicle tax exemptions for certain veterans and spouses

[LB616](#) (Hughes) Change abandoned motor vehicle provisions

### **Wednesday, February 3**

*Executive Board* -- Room 1524, 12:00 p.m.

[LB409](#) (Brewer) Provide a moratorium on construction of electric transmission lines and create the Electric Transmission Line Study Committee of the Legislature

*Judiciary Committee* -- Room 1113, 9:30 a.m.

[LB138](#) (Vargas) Require jails and law enforcement agencies to provide public notice before entering into agreements to enforce federal immigration law

[LB151](#) (Morfeld) Adopt the Prosecutorial Transparency Act

[LB663](#) (Geist) Require the Nebraska Commission on Law Enforcement and Criminal Justice to create a mental health indicator in a criminal justice information system to alert emergency dispatch

operators

*Judiciary Committee* -- Room 1113, 1:30 p.m.

[LB51](#) (Lathrop) Change and provide qualifications for and duties relating to certification of law enforcement officers, require accreditation of law enforcement agencies, prohibit chokeholds in law enforcement, and require policies on excessive force

[LB551](#) (Wayne) Change and provide qualifications for and duties relating to certification of law enforcement officers, require accreditation of law enforcement agencies, prohibit chokeholds in law enforcement, require policies on excessive force, and create a public data base of law enforcement officer misconduct

[LB601](#) (McKinney) Require law enforcement agencies to maintain records regarding officer discipline and create a public data base of law enforcement officer misconduct

*Revenue Committee* -- Room 1524, 1:30 p.m.

[LB133](#) (Erdman) Adopt the Nebraska EPIC Consumption Tax Act and eliminate certain other taxes

[LR11CA](#) (Erdman) Constitutional amendment to require enactment of a consumption tax and prohibit certain other forms of taxation

#### **Thursday, February 4**

*Government, Military and Veterans Affairs Committee* -- Room 1507, 9:30 a.m.

[LB414](#) (Wishart) Change provisions of the Political Subdivisions Construction Alternatives Act

[LB242](#) (Brandt) Provide for county bridges under the Political Subdivisions Construction Alternatives Act

[LB105](#) (Friesen) Change certification dates for unpaid county claims

*Government, Military and Veterans Affairs Committee* -- Room 1507, 1:30 p.m.

[LB41](#) (Dorn) Change provisions relating to certain payments of funds to townships

[LB267](#) (McCollister) Change provisions relating to municipal counties

[LB345](#) (Friesen) Provide a budget limitation exception as prescribed

[LB303](#) (Hansen, M.) Provide a budget limitation exception as prescribed

*Judiciary Committee* -- Room 1113, 1:30 p.m.

[LB394](#) (Morfeld) Adopt the Public Health Emergency Housing Protection Act and change deadlines for trials in actions for possession and forcible entry and detainer

[LB419](#) (Cavanaugh, J.) Require appointment of counsel in eviction proceedings and provide for a filing fee

#### **Friday, February 5**

*Government, Military and Veterans Affairs Committee* -- Room 1507, 9:30 a.m.

[LB435](#) (Hansen, B.) Require an official watermark on certain ballots under the Election Act

[LB285](#) (Brewer) Change provisions relating to elections conducted pursuant to the Election Act

[LB514](#) (Brewer) Change procedures for forming a new political party under the Election Act

*Government, Military and Veterans Affairs Committee* -- Room 1507, 1:30 p.m.

[LB362](#) (Halloran) Change provisions relating to ballots for early voting under the Election Act

[LB11](#) (Blood) Change provisions regarding voter registration and requests for ballots for early voting

*Judiciary Committee* -- Room 1113, 1:30 p.m.

[LB568](#) (Pansing Brooks) Change provisions relating to truancy, juvenile courts, the Community-based Juvenile Services Aid Program, the Commission Grant Program, and compulsory education

