

SHARE:

[Join Our Email List](#)



Nebraska Association of County Officials

Legislative Report

February 18, 2022 [Legislative Report Archive](#) View the video Legislative Report [here](#)

Consent Calendar Begins Week

The Legislature began floor debate on Monday morning by advancing bills from the first and second rounds of debate using a consent calendar process.

Among the bills advanced from General File, the first round of debate, were measures to change county surveyor population references ([LB791](#)) and to revise out of state vehicle inspections ([LB749](#)). LB791 would increase the population threshold at which county surveyors serve as highway superintendents from 60,000 to 100,000. Hall County's population exceeded 60,000 in the most recent census and would be forced to restructure the county surveyor's office unless the change is adopted.

LB749 would revise laws allowing motor vehicle dealers to compile information to submit to sheriffs for inspections of out of state vehicles. Amendments in 2021 that expanded eligibility to all licensed motor vehicle dealers unintentionally made the law apply to vehicles after they are sold, rather than when they are part of the inventory. The bill corrects this oversight.

These bills appear on the agenda for the second round of debate when the Legislature reconvenes on Tuesday, February 22. In addition, a new group of consent calendar bills will be considered on General File that includes [LB75](#), a bill to outline procedures for township libraries when the township form of government is discontinued.

Each bill on the consent calendar is allotted 15 minutes for debate. At the end of 15 minutes or when debate ends, whichever is sooner, a vote is taken to advance the bill and any pending amendments. Bills must be noncontroversial and cannot have had opposition at the hearing unless a committee amendment resolves the opponents' concerns.

Debate during the rest of the week focused on COVID-19 vaccine exemption forms ([LB906](#)) and income tax changes ([LB939](#)). Both bills were filibustered. LB906 advanced from the second round of debate and LB939 appears on next week's agenda for continued first-round debate.

Senators and committees continued to designate priority bills this week. Senator Carol Blood selected [LR263CA](#), constitutional amendment to prohibit unfunded and underfunded mandates on counties and other political subdivisions. The Agriculture Committee selected [LB805](#) that would increase funding for riparian vegetation management and extend the eligible area to the floodplain. The deadline to submit priority designations is February 22. Speaker priority bills will be announced on February 23.

Hearings Held This Week

Increased Legal Publication Rates

Newspaper publication rates for legal notices would be increased to account for inflation under a bill that was heard by the General Affairs Committee. [LB840](#) would also require all legal publications and notices that are required to be published for a certain number of days or weeks to be posted on a statewide website established and maintained as a repository for such notices. Such a [website](#) has already been established by the Nebraska Press Association. NACO testified in a neutral capacity, noting that the last rate increase was in 1995 but that taxpayers would foot the bill for increased costs. The committee advanced the bill with an [amendment](#) to clarify that failure to post on the website does not affect the validity of the publication or notice.

County Minimum Wage

Counties could set a minimum wage at a rate higher than the state minimum under [LB935](#), a bill proposed by Senator Eliot Bostar. The county minimum wage, which would be enacted by an ordinance, would apply throughout the county, including within the boundaries of cities and villages. The bill was modeled on legislation adopted in Colorado. NACO and business groups opposed the bill, explaining that counties should not regulate what businesses should pay their employees. Instead, pay should be a function of the open market.

Tax Deeds on Vacant Property

Holders of tax sales certificates on vacant or abandoned property could seek ownership of the property a year earlier under a bill heard by the Revenue Committee. NACO and other stakeholders worked with Senator Justin Wayne, the introducer of [LB1226](#), on amendments that were offered at the hearing to clarify that the purchaser, not the county treasurer, would determine whether the property is deemed vacant and abandoned. The amendment will be revised further to require the purchaser to submit an affidavit to that effect with the application for a tax deed. This would be added to the statutory checklist of tax deed application documentation that was created when tax deed laws were rewritten in 2019. The goal is to bring vacant and abandoned properties back on the tax rolls sooner.

Meth Lab Cleanup

The Health and Human Services Committee heard a bill to update clandestine drug lab laws to address the contamination of property used in the manufacture of methamphetamine. Legislation enacted in 2006 prohibits human habitation of contaminated property used for clandestine drug labs until the property has been rehabilitated under standards developed by the Department of Health and Human Services. Local public health departments must monitor the rehabilitation and may charge fees to cover costs. [LB756](#) would make local public health departments responsible for supervising and enforcing the property owner's rehabilitation of the property to a habitable state. It would also change law enforcement reporting procedures. NACO, county officials, and others testified in support of LB756.

Registration of All-Terrain and Utility-Type Vehicles

On Monday, the Transportation and Telecommunications Committee heard a proposal to register all-terrain vehicles (ATVs) and utility-type vehicles (UTVs) for use on state highways. Such vehicles used for agricultural purposes would not need to be registered. ATV and UTV enthusiasts testified that newer ATVs and UTVs are equipped with safety features and can travel at highway speed limits. They talked about registration laws in other states that allow ATVs and UTVs to travel on the highway.

from trail head to trail head. The Nebraska Department of Transportation testified in opposition to the bill, citing safety concerns. NACO testified in a neutral capacity on [LB1110](#).

The committee also heard testimony on [LB1166](#) that would change provisions for liability for excavators who damage underground telecommunications lines on residential property. The bill is a follow-up to last year's [LB619](#) that would set minimum burial depths for underground utilities.

Municipal Authority to Provide Broadband

Cities of the first and second class and villages would be allowed to provide broadband or internet services on a wholesale or retail basis under [LB916](#). Senator Justin Wayne introduced a similar concept last year to help provide service in unserved and underserved areas. Like last year, NACO suggested extending this authority to counties. Proponents compared broadband to other public utilities provided by municipalities. The Transportation and Telecommunications Committee did not take action on the bill.

The committee also heard [LB1208](#) that would allocate \$15 million of ARPA funds to a grant program to help replace utility poles that are unable to accommodate broadband attachments.

Virtual Open Meetings

Public bodies could use virtual conferencing for pre-board meetings and other informational sessions under [LB908](#). The bill was introduced on behalf of Douglas County which uses committees of the full board and staff meetings to receive information and manage the length of their board meetings. LB908 would allow virtual meetings if the meeting only involves a discussion item and no action is taken on that topic until the board meets in person. An amendment was offered at the hearing to further clarify the intent of the bill. Representatives from Douglas County and NACO testified in support of LB908 and the amendment.

Income Tax Benefits for Law Enforcement Officers

Law enforcement officers would be eligible for state income tax deductions or credits in two bills heard by the Revenue Committee. [LB1265](#) and [LB1272](#) would provide the tax breaks as incentives to help attract or retain officers. Law enforcement officers and NACO testified in support of the bills, citing struggles to maintain a workforce. Committee members discussed whether increased pay or increased benefits would be more attractive to potential hires and the challenges of consolidating or regionalizing forces. The committee also heard [LB1273](#), which would provide an income tax deduction for health insurance premiums paid by retired officers with more than 20 years of service.

The Judiciary Committee heard similar workforce concerns during hearings last week. The committee advanced [LB1241](#) and Senator Wendy DeBoer selected it as her priority bill. It would ease reciprocity requirements to facilitate hiring officers from other states.

Disability Stakeholders in Emergency Management Plans

[LB1104](#), which was heard by the Government, Military and Veterans Affairs Committee on Thursday, would change provisions of the Nebraska Emergency Management Act to encourage agencies to seek the advice of organizations providing advocacy or services to persons with disabilities when planning for disasters and emergencies. Under the existing Act, the Nebraska Emergency Management Agency (NEMA) invites private and non-profit stakeholders, including disability organizations, as well as partners at all levels of government, faith-based groups, health departments, and other entities to participate as the state develops its plan for state emergency operations. NEMA advises counties on the development of local plans and encourages them to seek advice from these and other sources.

Senator Jen Day introduced the bill on behalf of disability rights advocates who want to continue to improve disability awareness and inclusion. They discussed the challenges faced by persons with disabilities or functional needs during COVID-19, hurricane Katrina, and Nebraska's 2019 floods. They encouraged development of a model plan to improve disaster planning to include persons with disabilities.

Bills Advanced by Committees

As the session nears its midpoint, committees continue to send bills to the full Legislature for debate. Following are some of the bills that were advanced:

[LB102](#) would establish a process to transfer clerk of the district court responsibilities to the state when there is a vacancy in the elected office or the incumbent does not file for reelection. The duties of ex officio clerk of the district court would be transferred to the clerk magistrate in each county according to a schedule set out in the bill.

[LB742](#) would clarify that all public bodies, including county boards, would have the option of maintaining meeting minutes in an electronic format. Existing law authorizes school boards and educational service units to keep minutes electronically.

[LB1178](#) would allow judges' residential addresses to be protected from disclosure in records of the county assessor and register of deeds in the same manner as law enforcement officers' addresses. This bill appears on the General File consent calendar agenda on Tuesday.

[LB983](#) would change the process for counties to remove industrial tract designations from parcels. If a property owner fails to attend a hearing on removal of the designation, the designation would automatically be removed.

[LB787](#) would provide that joint entities created through interlocal agreements between natural resources districts and funded by occupation taxes would be subject to the Nebraska Budget Act.

[LB765](#) would allow facilities that serve as the site of the state fair or district or county agricultural society fairs to use county visitor improvement funds to improve facilities where parimutuel wagering occurs.

Upcoming Hearings

Next Wednesday, February 23, the Appropriations Committee will hear [LB1194](#), a bill to appropriate \$55 million in ARPA funds to the state's 67 public safety answering points. The committee will also hear [LB1199](#) that would appropriate funds for radios for volunteer fire departments and rescue squads.

On February 23, the Revenue Committee will hear a bill that would eliminate inheritance taxes. [LB1264](#) proposes a broad tax reform plan that also includes changes to sales and use taxes and income taxes. [LB310](#), which increases exemption amounts and decreases inheritance tax rates, was signed by Governor Ricketts on Thursday and will take effect for decedents dying in 2023 and after.

The Revenue Committee will also hear bills to cap homestead exemption reimbursements at \$100 million ([LB995](#)) and create a refundable income tax credit for taxpayers with limited income to pay property taxes ([LB687](#)).

The Judiciary Committee will hear [LB1171](#) that would require clerks of the district court to serve as jury commissioners in all counties. This is currently required in counties of less than 75,000. In larger counties, the district court judges determine whether the clerk of the district court or election commissioner serves as jury commissioner. In practice, Sarpy County is the only county in which the election commissioner serves as jury commissioner.

Hearing Schedule

Every bill introduced by the Legislature is the subject of a public hearing. Following is a schedule of bills that are of interest to counties.

Note that bills not appearing on this list may be heard during the same hearing. A complete list of [hearings](#) is available on the Legislature's website. Click here for [tips about testifying](#) at a hearing and this session's [procedures](#) for providing input.

Tuesday, February 22

Urban Affairs Committee

Room 1510 - 1:30 PM

[LB1108](#) (Day) Provide certain sanitary and improvement districts the power to regulate the discharge of fireworks

[LB727](#) (Hansen, M.) Change provisions relating to the board of trustees of a sanitary and improvement district

Wednesday, February 23

Appropriations Committee

Room 1003 - 1:30 PM

[LB760](#) (Dorn) Appropriate federal funds to the Department of Health and Human Services for grants to licensed emergency medical services programs

[LB1194](#) (McDonnell) Appropriate federal funds to the Public Service Commission for public safety answering points and cloud-based software services to process 911 emergency calls

[LB1199](#) (McDonnell) Appropriate federal funds to the Department of Administrative Services for the Chief Information Officer to provide radios to volunteer departments

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB793](#) (McCollister) Provide for ranked-choice voting for certain city and village offices

[LB794](#) (McCollister) Provide for nonpartisan election of the State Treasurer and Auditor of Public Accounts

Revenue Committee

Room 1524 - 1:30 PM

[LB1264](#) (McDonnell) Change provisions relating to inheritance taxes, sales and use taxes, and income taxes

[LB984](#) (Moser) Change sales and use tax collection fees

[LB1005](#) (DeBoer) Change notice provisions relating to treasurer's tax deeds

Thursday February 24, 2022

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB965](#) (Bostar) Change the day the state observes Arbor Day

Revenue Committee

Room 1524 - 1:30 PM

[LB687](#) (Blood) Adopt the Property Tax Circuit Breaker Act

[LB784](#) (Groene) Change provisions relating to a property tax exemption for hospitals

[LB1020](#) (Brewer) Change homestead exemption provisions relating to application requirements for certain veterans

[LB1080](#) (Sanders) Change homestead exemption provisions relating to qualifications, application requirements, and penalties

[LB995](#) (Linehan) Limit the total amount reimbursed by the state for homestead exemptions

Friday, February 25

Judiciary Committee

Room 1113 - 1:30 PM

[LB909](#) (McDonnell) Authorize mental health professionals and practitioners to take persons into emergency protective custody and provide for a training and certification process

[LB1171](#) (Sanders) Provide for the clerk of the district court to serve as the ex officio jury commissioner in all counties and change provisions relating to compensation

Revenue Committee

Room 1524 - 1:30 PM

[LB881](#) (McKinney) Provide a sales tax exemption for feminine hygiene products and require detention facilities to provide feminine hygiene products to prisoners free of charge

Monday, February 28

Business and Labor Committee

Room 1003 - 1:30 PM

[LB815](#) (McKinney) Adopt the Diaper Changing Accommodation Act

Tuesday, March 1

Appropriations Committee

Room 1524 - 1:30 PM

[LB1138](#) (Vargas) Appropriate federal funds to the Department of Health and Human Services for local public health departments

Wednesday, March 2

Appropriations Committee

Room 1003 - 1:30 PM

[LB1141](#) (Vargas) Appropriate federal funds to the Commission on Public Advocacy for legal representation for indigent clients

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB1181](#) (Groene) Change provisions relating to required identification documents for registering to vote and voting and procedures for early voting

[LB1123](#) (Erdman) Change procedures for counting ballots under the Election Act

[LB1121](#) (Albrecht) Require inspection of vote counting devices under the Election Act

Health and Human Services Committee

Room 1510 - 1:30 PM

[LB859](#) (Clements) Require city-county health departments to obtain approval for directed health measures

Revenue Committee

Room 1524 - 1:30 PM

[LB972](#) (Hansen, M.) Change provisions relating to agricultural or horticultural land receiving special valuation

[LB1115](#) (McKinney) Require the development of certain property in order for the property to retain its property tax exemption

[LB1250](#) (Hansen, B.) Change provisions relating to joint public hearings and postcards under the Property Tax Request Act

Thursday, March 3

Judiciary Committee

Room 1113 - 1:30 PM

[LB1223](#) (Hansen, M.) Require reimbursement for lodging certain defendants in county jails and require state hospitals to maintain beds for certain patients

