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Nebraska Association of County Officials

Legislative Report

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Truancy Reforms and School Property Tax Caps Debated

Senators spent most of this week debating truancy reforms and property tax caps. A cloture motion on the truancy bill, [LB568](#), was unsuccessful and the bill did not advance. A cloture vote on [LB986](#), the property tax bill, is expected on February 8 when senators return after an extended weekend break. It will be followed by debate on [LB906](#), a bill to require employers to provide vaccine exemptions.

Cloture motions are used to end debate on a bill when it is determined that there has been full and fair debate. Under the Speaker's rules, this point occurs after eight hours of debate for bills on General File, four hours for bills on Select File, and generally two hours for bills on Final Reading. If a cloture motion is unsuccessful, debate on the bill ends for the rest of the session unless the bill is later designated as a priority bill. LB568 was a 2021 Judiciary Committee priority bill but has not been selected as a [priority bill](#) for 2022.

As introduced, LB568 would have removed truancy as a juvenile status offense but allowed the court to continue to address excessive absenteeism as a part of the disposition hearings. It would have doubled the amount appropriated to the Community-based Juvenile Services Aid Program. An amendment adopted before the bill advanced from the first round of debate in 2021 would have set the appropriation at \$8.5 million annually. Amendments were offered and withdrawn near the end of second-round debate this week but none were adopted before the cloture vote.

The bill to cap property taxes on schools, LB986, would use a growth factor, enrollment, or other measures as the first step in a calculation of the amount of property taxes a school district could request. It brought out many of the arguments that were presented during last year's debate on [LB408](#) that would have capped property taxes for counties and other political subdivisions.

Hearings Held This Week

Ten-Year License Plates

License plates would be reissued every ten years, rather than every six years, under [LB1259](#) which was heard by the Transportation and Telecommunications Committee on Tuesday. In addition, the bill would increase the amount that could be charged to cover the cost of producing the plates from \$3.50 to \$5.00. The fees have not changed for three plate cycles, or 18 years. The bill was brought on behalf of the Department of Motor Vehicles and supported by the Department of Corrections. Committee members discussed the process and production costs for issuing flat license plates, as well as the rate of wages paid to inmates through Cornhusker State Industries for manufacturing the plates. NACO testified with practical concerns that the current plate materials are not durable enough to last an extra four years. Worn or damaged plates could become a safety issue if law enforcement cannot determine the number. Because replacement plates cannot be issued with the same number during the same plate cycle, purchasers of replacement plates would get a new number for the remainder of the plate cycle.

The committee also heard [LB1022](#), a bill to correct the disposition of a fee charged for 24/7 sobriety programs. Counties can adopt a 24/7 sobriety program as an alternative to incarceration for persons accused of certain alcohol and drug offenses. A typical program would require twice-daily testing, random drug screening, and immediate sanctions for violations. When authority for these programs was enacted last year in [LB271](#), the fees were inadvertently assigned to be remitted to the county of the participant's residence. LB1022 would distribute the fees to the county where the permit was issued.

Limits on Jail Commissary Prices and Phone Calls

Any goods sold in a commissary within a county or city jail or Department of Corrections (DCS) facility could not be marked up more than 10 percent over the cost to purchase such goods under [LB880](#). Proponents claimed that jails and Corrections facilities overcharge for some commissary items and make a profit off of inmates. NACO, DCS Director Scott Frakes, and others testified that many facilities use vendors to provide commissary items for sale to inmates. As written, the bill isn't clear whether the markup is prohibited at the time of the vendor's purchase or at the time of resale by counties. LB880 was heard by the Judiciary Committee on Wednesday but no action was taken.

A bill that would cap the fees county jails can charge for inmate phone calls, [LB1031](#), was heard on Thursday. Senator John McCollister offered amendments suggested by NACO that would change the rates to mirror federal limits on charges per minute.

Ballot Drop-Box Standards

The Government, Military and Veterans Affairs Committee heard a bill on Wednesday that would propose standards for ballot drop-boxes. When the pandemic forced election officials to develop new procedures to protect the health of voters and election workers, the Secretary of State provided a secure ballot drop-box to each county that that didn't already have one. These boxes meet the standards in [LB1263](#), such as being securely fastened to the ground, secured by a key available only to the election commissioner, county clerk or designee, and compliant with the federal Americans with Disabilities Act. In addition, the bill would require collection of the ballots from drop-boxes at least once a day and set out timelines for opening the boxes prior to primary, general or special elections.

The committee also heard bills to require candidate filing forms to contain an email address ([LB861](#)) and to allow National Guard members and other first responders to request early voting ballots in the same manner as military personnel ([LB841](#)). The committee did not report any action on these bills.

Auctioneer Licensing

The Banking, Commerce, and Insurance Committee heard testimony on [LB811](#), a bill to remove reciprocal licensing for out-of-state auctioneers, on Monday. Existing law provides that when an auctioneer from another state wants to conduct an auction of personal property in Nebraska, they must secure a Nebraska license from the county clerk upon the same terms and fees as a license from their home state. The law offers no guidance about what to do with the licensing information, which includes the applicant's social security number. Auctioneers selling real property would continue to be subject to the requirements of the Nebraska Real Estate License Act. The bill advanced from the committee on an 8-0 vote.

Upcoming Hearings

Public Records and Open Meetings Bills

Several bills proposing changes to open meetings and public records will be heard by the Government, Military and Veterans Affairs Committee on Wednesday, February 9 at 1:30 p.m. in Room 1507 of the Capitol. These and other hearings and floor debate will be livestreamed through [Nebraska Public Media](#).

Public bodies, including county boards, would have the option of maintaining meeting minutes in an electronic format under [LB742](#). Existing law authorizes school boards and educational service units to keep minutes electronically. NACO supports this proposal.

[LB743](#) would state that subcommittees are allowed to hold closed sessions. It would limit the reason for closed sessions to those enumerated in statute. Under existing law, the listed reasons include, but are not limited to, strategy sessions for litigation, deployment of safety personnel, investigations into allegations of criminal misconduct and other issues.

[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.

Law Enforcement Training, Recruitment and Retention

Last year's comprehensive changes to law enforcement certification and training requirements will be revisited during a Judiciary Committee hearing on [LB942](#). The bill would authorize noncertified conditional officers in low-population counties of less than 15,000 to be employed as law enforcement officers for a period of one year before certification. In high-population counties, these officers could serve for 16 weeks. Last years' limitations on the powers of reserve officers would be removed.

At the same hearing, committee members will hear three proposals to recruit and retain law enforcement officers. [LB1241](#) would facilitate hiring officers from other states without completing a complete recertification. Instead, such officers would take reciprocity and physical fitness tests and provide proof of certification or service as a law enforcement officer in the last four years. [LB1270](#) would provide incentive payments and hiring bonuses to attract and retain officers. [LB1271](#) would appropriate \$1 million to the Police Standards Advisory Council to market and promote law enforcement job opportunities in Nebraska to officers from other states.

These bills will be heard by the Judiciary Committee on Thursday, February 10 at 1:30 p.m.

Conservation and Preservation Easements

Procedures for adopting and appealing conservation easements would be revised by [LB1135](#), which will be heard by the Judiciary Committee on Friday, February 11. Existing law requires proposed acquisitions for conservation or preservation easements to be referred to the local planning commission, which must provide comments within 60 days regarding the plan's conformity with the comprehensive plan for the area. If comments aren't received within 60 days, the acquisition is deemed approved. LB1135 would extend the comment period to 90 days. If no comments are received, the proposed acquisition would be deemed denied by the local planning commission. The county board would give final approval or denial of the proposal. Conservation or preservation easements could not be recorded unless approved. Property owners could protest the denial of a conservation or preservation easement to the county board of equalization and then to the Tax Equalization and Review Commission.

Conservation and preservation easements could not exceed 99 years under the bill. At the transfer of ownership or within six months of the stated end of the easement, the landowner or holder of the easement could extend the easement for a period stated in the instrument to be recorded. The instrument would have to be approved by the county board. Under existing law, conservation and

preservation easements run with the land and are perpetual unless otherwise stated in the instrument creating it.

Early this summer Governor Ricketts issued [Executive Order 21-08](#) that required the Property Assessment Division to work to identify existing conservation easements and maintain an inventory of such easements to assist assessors in determining land values.

Interlocal Agreements

Only members of the governing bodies of public agencies participating in an interlocal agreement could serve on a separate entity created by the agreement under [LB1146](#). Such joint entities could only be created after voters in each participating public agency approved its creation. Bonds would be subject to the same election requirement. The Government, Military and Veterans Affairs Committee will hear LB1146 on Friday, February 11.

Unfunded Mandates Prohibition Advanced from Committee

A proposed constitutional amendment to prohibit the Legislature from imposing unfunded mandates on counties and other political subdivisions was placed on General File by the Government, Military and Veterans Affairs Committee this week. [LR263CA](#) was introduced by Senator Carol Blood. The measure would apply to programs created after 2022 or those requiring an increased level of service after that date. Reimbursement by the state would be in the form of a specific appropriation or an increase in the distribution of state revenue to the political subdivision. If the Legislature approves it, the question would be placed before voters on the November 2022 general election ballot.

The committee also advanced [LB791](#), a bill to 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.

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.

Monday, February 7, 2022 – Recess Day

Tuesday February 8, 2022

Transportation and Telecommunications Committee

Room 1113 - 1:30 PM

[LB914](#) (Bostelman) Require the Public Service Commission to create and maintain a broadband map and data repository

[LB1101](#) (Bostelman) Change provisions relating to the Nebraska Telecommunications Universal Service Fund and the Nebraska Broadband Bridge Act

[LB1214](#) (Geist) Change provisions of the Nebraska Broadband Bridge Act

[LB1021](#) (Friesen) Provide for regulation of certain telecommunications companies by the Public Service Commission

[LB1144](#) (Friesen) Change provisions relating to the Nebraska Telecommunications Regulation Act and the Nebraska Broadband Bridge Act

Urban Affairs Committee

Room 1510 - 1:30 PM

[LB713](#) (Flood) Prohibit the use of tax-increment financing for certain purposes

[LB1065](#) (Groene) Change provisions of the Community Development Law relating to redevelopment plans receiving an expedited review

[LB1060](#) (Briese) Change provisions relating to certain findings and the validity of certain agreements under the Community Development Law

[LB836](#) (Hunt) Require the review of substandard and blighted area designations and extremely blighted area designations

[LB725](#) (Hansen, M.) Authorize guidelines for approval of certain redevelopment projects under the Community Development Law

Wednesday February 9, 2022

Appropriations Committee

Room 1003 - 1:30 PM

[LB970](#) (Halloran) Appropriate federal funds to the Department of Agriculture for catastrophic livestock mortality and disposal events

[LB1277](#) (Clements) Appropriate federal funds to the Department of Economic Development to provide funds to a county agricultural society with facilities within a city of the primary class

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB787](#) (Groene) Redefine a term and change applicability provisions under the Nebraska Budget Act

[LB742](#) (Erdman) Provide for minutes to be kept in an electronic record under the Open Meetings Act

[LB743](#) (Erdman) Change provisions relating to when closed sessions may be held under the Open Meetings Act

[LB691](#) (Blood) Include kidnapping victims under the Address Confidentiality Act

[LB1178](#) (McCollister) Provide for the withholding of the residential address of a judge from the public in county records

Judiciary Committee

Room 1113 - 1:30 PM

[LB882](#) (McKinney) Change requirements regarding law enforcement records and require maintenance of Brady and Giglio lists

[LB1003](#) (McDonnell) Include parole officers in the protective service bargaining unit under the State Employees Collective Bargaining Act

[LB1200](#) (Halloran) Adopt the State and Political Subdivisions Child Sexual Abuse Liability Act and exempt actions from the State Tort Claims Act and Political Subdivisions Tort Claims Act

[LB1213](#) (Albrecht) Provide requirements regarding access to digital and online resources provided by school districts, schools, and the Nebraska Library Commission for students

[LB1276](#) (McKinney) Provide for civil actions against law enforcement officers who commit misconduct and exempt such actions from the Political Subdivisions Tort Claims Act and the State Tort Claims Act

Thursday February 10, 2022

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB1096](#) (Halloran) Provide for participation in trusts and investment pools by certain governmental entities

[LB1165](#) (Sanders) Change provisions of the Nebraska Budget Act

Judiciary Committee

Room 1113 - 1:30 PM

[LB942](#) (Slama) Change powers, duties, and training requirements for noncertified conditional officers and law enforcement reserve officers and provide for notice of expiration of certification as a qualified firearm instructor

[LB1184](#) (Geist) Change provisions relating to duties of the Attorney General to defend the Nebraska State Patrol

[LB1241](#) (Lathrop) Change provisions relating to law enforcement officer training and certification

[LB1270](#) (Clements) Adopt the Law Enforcement Attraction and Retention Act

[LB1271](#) (Lindstrom) Adopt the Law Enforcement Marketing Act

Friday February 11, 2022

Government, Military and Veterans Affairs Committee

Room 1507 - 1:30 PM

[LB1122](#) (Erdman) Change provisions relating to the Land Surveyors Regulation Act

[LB1008](#) (Albrecht) Prohibit a county, city, or village from restricting energy utility service

[LB1146](#) (Friesen) Change provisions relating to the Interlocal Cooperation Act

[LB983](#) (Moser) Change provisions relating to industrial development powers of counties, cities, and villages

Judiciary Committee

Room 1113 - 1:30 PM

[LB1026](#) (Cavanaugh, J.) Adopt the Unlawful Restrictive Covenant Modification Act

[LB1038](#) (Hansen, M.) Prohibit a cleaning and damage charge requirement in a rental agreement

[LB1135](#) (Murman) Change provisions relating to conservation or preservation easements and property tax exemptions relating to such easements

[LB1222](#) (Hansen, M.) Change provisions of the Mobile Home Landlord and Tenant Act and provide for certificates of title and liens for abandoned mobile homes

Revenue Committee

Room 1524 - 1:30 PM

[LB735](#) (Bostar) Change an interest rate relating to property tax refunds

[LB850](#) (Bostar) Change provisions relating to the cancellation and extinguishment of certain delinquent property taxes

[LB949](#) (Friesen) Change provisions relating to property tax statements

[LB1030](#) (Friesen) Exempt all tangible personal property from property tax

Monday February 14, 2022

Appropriations Committee

Room 1524 - 1:30 PM

[LB1120](#) (Wayne) Disqualify entities receiving federal funds from a high-population county or city of the metropolitan class from receiving such funds from the state

Business and Labor Committee

Room 1003 - 1:30 PM

[LB935](#) (Bostar) Adopt the County Minimum Wage Option Act

[LB1040](#) (McDonnell) Redefine a term under the In the Line of Duty Compensation Act

General Affairs Committee

Room 1510 - 1:30 PM

[LB840](#) (Brewer) Change provisions relating to publication and rates for legal notices

Transportation and Telecommunications Committee

Room 1113 - 1:30 PM

[LB1166](#) (Sanders) Change provisions of the One-Call Notification System Act

[LB1145](#) (Friesen) Change provisions relating to public information on motor vehicle accident reports

[LB1110](#) (Slama) Change provisions relating to the regulation and operation of all-terrain vehicles and utility-type vehicles

Tuesday February 15, 2022

Transportation and Telecommunications Committee

Room 1113 - 1:30 PM

[LB1208](#) (Friesen) Adopt the Broadband Pole Replacement Fund Act and appropriate federal funds

[LB916](#) (Wayne) Adopt the Rural Municipal Broadband Access Act

Wednesday February 16, 2022

Judiciary Committee

Room 1113 - 1:30 PM

[LB745](#) (Cavanaugh, M.) Change and eliminate provisions relating to marriage
[LB947](#) (Wayne) End child support payments upon the death of a custodial parent

Thursday February 17, 2022

Health and Human Services Committee

Room 1510 - 1:30 PM

[LB756](#) (Brandt) Change provisions relating to properties contaminated by methamphetamine

[LB954](#) (Wayne) Preempt certain county and municipality resolutions or ordinances relating to electronic smoking devices under the Nebraska Clean Indoor Air Act

Judiciary Committee

Room 1113 - 1:30 PM

[LB922](#) (Lathrop) Increase the number of district court judges in the fourth judicial district

[LB1053](#) (Lathrop) Authorize courts to conduct proceedings using virtual conferencing

[LB1124](#) (Erdman) Change provisions relating to small estate affidavits under the Nebraska Probate Code

[LB1132](#) (Morfeld) Change provisions relating to insurance under the Nebraska Uniform Real Property Transfer on Death Act

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