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Nebraska Association of County Officials

Legislative Report

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Public Hearings End, Full Days of Debate Begin

The final public hearings on new bills were held this week. When the Legislature reconvenes on Tuesday, it will be to full days of floor debate. With 24 legislative days remaining in this session, [Speaker Mike Hilgers](#) told senators to plan to work until 7:30 or 8:00 p.m. on most of those days. At least eight of those days will focus on the expenditure of ARPA funds and the state's budget, which got a boost this week when the Nebraska Economic Forecasting Advisory Board increased revenue projections. Due to the large number of priority bills that have not been debated on General File, he cautioned senators that not all priority bills will be addressed during this session.

Next week's [agenda](#) will begin with consent calendar bills at all three stages of debate. On Tuesday afternoon, the body will take up a motion by Senator Tom Brewer to pull [LB773](#) from the Judiciary Committee to the floor for debate by the full Legislature. The bill would allow concealed carry of weapons without a permit. If the motion is successful, the bill will be debated on Thursday. Several amendments have been offered.

Bills Advanced Through Consent Calendar

On Monday, the Legislature advanced bills at three stages of debate through a consent calendar process. [LB75](#), a bill to clarify the process for township libraries when a county changes from a township form of government to a commissioner form, was advanced from General File. Senator Tim Gragert introduced the bill on behalf of NACO. It would require the county board to hold a public hearing to determine if the township library should be disposed of, merge with another library, or continue operation. The hearing would have to occur within one year after voters have approved the discontinuance of township organization. After the hearing, the county board would have to adopt a resolution stating the disposition of the library and the effective date. As introduced, the county could have continued to collect taxes for the library within the township as it existed at the time of the discontinuance. Due to constitutional concerns, this language was removed from the bill by an

amendment that was adopted before the bill advanced. The [amendment](#) would also require notice of the hearing to be provided to the Nebraska Library Commission and the regional library system.

[LB1178](#), which would protect judges' addresses from disclosure, was also advanced from General File. Legislation was adopted in 2017 to allow [law enforcement officers](#) to request that their residential address be withheld from the public in records of the county assessor and register of deeds. The address can be disclosed if a request is made in writing. The bill would grant the same protection to judges serving in the county court, district court, Court of Appeals, Workers' Compensation Court, any separate juvenile court, the Supreme Court, and any federal court.

Bills advanced from Select File by a voice vote include bills 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.

Bills passed by the Legislature on consent calendar include clarifying copyright requirements for Nebraska statutes ([LB708](#)) and changing provisions of the Nebraska Real Estate License Act ([LB892](#)). These bills were signed by Governor Ricketts on March 3.

Riparian Weed Control Funding Advanced

[LB805](#), which would appropriate \$3 million for grants for riparian noxious weed management, was advanced from General File with little debate on Thursday. In 2007, the Legislature began appropriating funds to help remove unwanted invasive vegetation and open river channels for water to flow freely. The benefits were evident during the 2019 floods when water flowed through stream channels, lessening the damage in the flood plain. In addition, increased river flows reduced the state's obligation in a lawsuit filed by the state of Kansas from \$72 million to \$5 million. LB805 would expand the coverage area from 100 feet of the bank of a stream channel to include the flood plain. Senator Dan Hughes introduced the bill on behalf of county weed superintendents.

Two other bills were incorporated into LB805 through an Agriculture Committee amendment. [LB802](#) would change the powers and duties of the Wheat Board in commercializing new varieties. [LB712](#) would revise the Black-Tailed Prairie Dog Management Act to remove notice provisions that may be constitutionally suspect. The Act was enacted in 2012 to allow counties to carry out a coordinated program that can require landowners to control prairie dog colonies on their land to prevent the expansion to adjacent properties. As amended into LB805, counties would be required provide individual notices by certified mail to landowners of the county's plan to take action to control prairie dogs on their land. Adjacent landowners could make a written waiver of objection to the expansion of the colonies on their property. To date, only Sheridan County has adopted a prairie dog management plan.

Voter ID, Ballot Counting Bills Heard by Government Committee

Public hearings on bills about voter identification when voting by mail, delayed deadlines to begin counting ballots, and mandatory inspection of voting equipment filled the Government, Military and Veterans Affairs Committee hearing room on Wednesday.

Under [LB1181](#), persons voting by mail would have to submit copies of identification documents, such as a driver's license or utility bill, in a separate sealable pocket attached to identification envelope. An

election commissioner and NACO testified about the inability to obtain specialty envelopes before the primary election and the additional cost to purchase and mail such envelopes. Other opponents spoke against voter ID provisions and questioned whether mailed identification documents would prove who actually cast the ballot. The bill was originally introduced by Senator Mike Groene and was carried by co-sponsor Senator John Lowe after Groene resigned.

[LB1123](#) would prohibit counting any ballots until after the polls close on the day of the election. Under existing law, election commissioners or county clerks can begin counting early voting ballots no earlier than 24 hours prior to the opening of the polls on the day of the election. In some counties, ballots cast at polling places are counted at specific points during the day of the election. This preliminary work speeds the release of the unofficial counts when the polls close. The counts are later finalized after canvassing. An election commissioner and NACO testified that there is an expectation that results will be available on election night. Most testifiers spoke about election security and the process for counting ballots.

[LB1121](#) would require the Secretary of State to inspect all voting devices prior to any primary, general or special election to ensure that they did not have any technology that would allow them to be connected to Wi-Fi or otherwise be hacked. The fiscal note prepared by the Secretary of State estimates that six full-time cybersecurity and infrastructure professionals would need to be hired to inspect the 160 vote tabulators in the state. The Secretary of State spoke about the military-grade encryption and multi-factor identification in the machines. Other testifiers suggested that hand counts at the precinct level could resolve concerns about voting machines. A legislative resolution will be offered to study election security issues over the interim.

Some of the same testifiers appeared in the Judiciary Committee to give testimony on [LB828](#), a bill that would make it a Class II felony to manipulate elections.

Earlier in the week, the Government Committee advanced [LB843](#), an election omnibus bill and committee priority. As introduced, the bill would require persons distributing voter registration or early voting applications to use prescribed language and clearly identify that the material is not coming from the Secretary of State or an election commissioner. Among other provisions, the bill would harmonize laws referencing poll closing times, require certain buildings to be available for election worker training, and allow pollworkers from counties that have all-mail elections to assist in other counties.

A committee amendment would incorporate six other bills heard by the committee: [LB1263](#) would set out requirements for secure ballot drop boxes. [LB841](#) would allow emergency response providers who are responding to an emergency declaration by the President or Governor to simultaneously register to vote and request ballots for all elections in the calendar year. [LB858](#) would prohibit using funds from any sources except the federal government, state or Nebraska political subdivisions in elections. [LB849](#) would establish a penalty for members of a governing body who willfully disregard their duties to order a recall election. [LB881](#) would include an optional email address on candidate filing forms. [LB928](#) would require candidates for Governor and other high-level offices to include closed captioning or a transcript of advertisements on their website.

Priority Bills Advanced From General File

The Legislature advanced a number of committee and speaker priority bills from General File on Tuesday and Wednesday. Many of them are scheduled for Select File debate next week. They include the following:

[LB840](#) would increase the maximum amount that could be charged for legal publications in newspapers. The rate has not increased since 1995. The bill would also require legal notices that must be published for a specified number of days or weeks to be posted by the newspaper on a statewide website established for such purposes by a majority of Nebraska newspapers.

[LB1273](#) would create an income tax deduction for retired law enforcement officers for health insurance premiums. A committee amendment based on [LB1272](#) was adopted to increase tuition waivers for law enforcement officers from 30 percent to 100 percent of resident tuition charges at state universities, state colleges, and community colleges.

[LR283CA](#) would allow the state, counties, cities and other political subdivisions that own or operate an airport to expend revenue to develop or expand regularly scheduled commercial passenger air service at the airport. Senator Eliot Bostar offered the proposed constitutional amendment after Delta Airlines dropped service to Lincoln. If passed by the Legislature, the issue would appear on the November 2022 ballot.

[LB998](#) would allow non-profit economic development corporations to apply directly to the Department of Economic Development for the designation of an inland port authority if a city or county has not taken steps to create one. The Municipal Inland Port Authority Act was adopted last year as an economic tool to allow cities of the metropolitan, primary or first class, and counties larger than 20,000 to develop shovel-ready commercial and industrial sites or transportation hubs.

Hearings Held This Week

Health Department Funding

Local public health departments would receive \$16 million of ARPA funds under [LB1138](#) that was heard by the Appropriations Committee on Tuesday. The first \$10 million would be used for one-time infrastructure needs and other costs and the remaining \$6 million would be distributed to local public health departments to be used as premium pay for their employees. In addition to the local health director and others who testified in person in support of the bill, 25 letters of support were submitted.

On Wednesday, the Health and Human Services Committee heard [LB859](#) that would require city-county health department to obtain approval from the Department of Health and Human Services before issuing directed health measures (DHMs). The bill is directed at the Lincoln-Lancaster Health Department, which is the only city-county health department that can issue a DHM without approval from the state's Department of Health and Human Services. The health department was already in place before 1997 legislation required establishment of health departments elsewhere in the state. Neither bill received a priority designation.

Postcard Bill Revisions

The Revenue Committee heard [LB1250](#), a bill to make clarifications and technical amendments to last year's bill requiring personalized postcards to be sent to property owners when tax askings change. Under the bill, the county clerk or a designee would organize a joint hearing of the county, cities, schools, and community colleges. Costs for printing the postcard would be paid initially from the county general fund, with each entity charged proportionately based on the total number of parcels in the participating subdivision. An [amendment](#) was offered to clarify the timing of the budget filing. NACO worked with Senator Ben Hansen on the bill and amendment and testified in support of the bill.

The committee also heard [LB972](#) that would permit special valuation to apply to subdivided ag land that is located within city limits and [LB1115](#) that would require under-utilized tax exempt property to show evidence of development within three years.

Increased Availability of Beds for Competency Restoration

On March 3, the Judiciary Committee heard [LB1223](#) that would require the state to reimburse counties that hold defendants for more than 30 days after they have been ordered to a state facility to restore their competence. The bill would require state hospitals for the mentally ill to include 200 beds for differing levels of commitments and require an annual report to the Legislature. County officials, NACO, hospitals, the Nebraska State Bar Association, and the ACLU testified in support of the bill. They explained that jails are not designed or equipped to hold individuals who are awaiting a transfer to a state facility to restore competency. In Lancaster County, the average wait is 145 days but one

inmate has been waiting for a transfer for 365 days. The Department of Health and Human Services testified that they are facing staffing shortages and supply chain delays as they remodel some of the buildings at the Lincoln Regional Center for patient safety.

Bills Signed Into Law

Governor Pete Ricketts signed several bills that were passed last week. [LB906](#) requires the Department of Health and Human Services to develop a vaccine exemption form for an individual to claim an exemption from receiving a COVID-19 vaccine. The form must include either a declaration by the individual that a health care provider states that the vaccine is contraindicated or should be delayed or the individual's assertion that receiving the vaccine would conflict with their sincerely held religious belief, practice, or observance. If an employee is granted an exemption, their employer can require periodic testing at the employer's expense and the use of personal protective equipment.

[LB700](#) makes technical changes to the five state-administered retirement plans. In the county plan, the bill eliminates obsolete provisions related to investment accounts. Because LB700 and LB906 both carried an emergency clause, they are already in effect.

Some of the other bills signed into law would extend a commercial air filter pilot project in schools ([LB754](#)) and expand Farm-to-School programs to early childhood education programs ([LB758](#)).

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