

# NACO Legislative Report



March 15, 2024

[Video Report](#)

## Debate This Week

After a recess day on Monday, the Legislature began this week with a motion to override Governor Pillen's veto of [LB307](#). The bill would allow counties and cities to authorize syringe services programs. These programs would provide a needs assessment to program participants, access to sterile syringes and needles to reduce the risk of disease transmission, and referrals to educational materials and services. LB307 had advanced from General File 37-2 but votes gradually dropped off and the motion did not receive the necessary 30 votes to override the veto.

Mid-biennium budget revisions proposed by the Governor and further adjustments by the Appropriations Committee were debated on Monday afternoon, Tuesday and Wednesday. The bills, [LB1412](#) and [LB1413](#), would reflect a 3.1 percent increase in state spending. Committee amendments to LB1412 incorporate provisions from other bills, including ARPA funds for workforce housing ([LB850](#)), increased Medicaid reimbursement for assisted-living facilities ([LB941](#)), and nurse visitation programs ([LB1125](#)), as well as funding for interoperable radios and training for volunteer departments ([LB1275](#), [LB1378](#)).

LB1413 would sweep agency cash funds into the state's general fund to help provide funding for Governor Pillen's proposed property tax relief package. Opponents argued that some of these funds, including the Nebraska Universal Service Fund, are already obligated for other projects. Others, such as the State Unemployment Insurance Trust, were collected for a particular purpose and should be returned to contributing businesses rather than used for property tax relief. Senators also discussed funding for court interpreter pay and tourism. These issues will be debated further on Select File next week. Mid-biennium budget adjustments must be passed by the 50th legislative day, which is March 26.

The repeal of inheritance taxes did not appear on the agenda this week. Although [LB1067](#) has not been scheduled for further General File debate, it could appear any time during the remaining 15 days of the session. We need to remain alert to this possibility and be prepared to respond.

Beginning on March 18, debate will continue into the evening. Speaker John Arch asked senators to reserve the first three working days of the week for extended debate that could continue until 8:30 or 9:00 pm or later, if necessary. Adjournment is planned for April 18.

## Notice Publication Bill Given Second-Round Approval

Counties and other public bodies would be required to publish notice of public meetings, post notice on the newspaper's website, and post notice on a statewide website established as a repository for such notices under [LB287](#). The bill, which was advanced from Select File, would allow public bodies to post notices on the paper's

website and the state repository website if a paper is not finalized for printing prior to the time and date of the meeting. This language was taken from [LB513](#).

Other provisions that were incorporated from other bills would clean up election laws ([LB1152](#)) and revise the process for persons who signed a petition to remove their signatures ([LB861](#)). Language from [LB302](#) that was adopted on General File would revise terminology in the Nebraska Political Accountability and Disclosure Act so that certain employees of political subdivisions whose annual salary and benefits exceed \$150,000 must report potential conflicts of interest.

An amendment was offered based on [LB951](#) that would treat meetings of private entities with a majority public officials or employees serving on their board as public meetings. NACO was cited as an example of a body whose meetings would be published and open to the public under this proposal. The amendment was withdrawn before a vote.

The Legislature also gave second-round approval to the Department of Motor Vehicles annual clean-up bill, [LB1200](#). On General File, it was amended to include provisions from other bills including [LB900](#) that would extend the maximum length of straight truck from 40 to 45 feet.

## Bills Advanced by Consent Calendar

On Thursday, the Legislature advanced short lists of bills from General File and Select File using a consent calendar process.

[LB1167](#), as introduced, would require accused persons who are arrested without a warrant to be arraigned within 14 days. A Judiciary Committee [amendment](#) was adopted that would require such persons to be brought before the court no later than seven days after their arrest. The appearance could be in person or by videoconference. The person would have the right to appear in person but would have to agree to waive the seven-day deadline if an in-person appearance is not reasonably practicable. LB1167 was advanced from General File.

[LB1162](#) would update the authority for county sheriffs to collect mileage fees when using a county vehicle to reflect current practice. It would require fees to be reported when they are collected, rather than when they are earned. Senator John Lowe introduced the bill on behalf of NACO.

[LB877](#) would address the unintended consequences of last year's legislation on special valuation for small parcels. The bill would restore language requiring parcels eligible for special valuation to consist of five contiguous acres or more. For smaller parcels, the owner or lessee would need to provide a tax document reporting a profit or loss from farming for two out of the last three years. An amendment was adopted on General File to strike retroactivity provisions due to constitutional concerns. LB877 was advanced from Select File.

[LB1143](#) would repeal outdated statutes related to health districts. Health districts were created in 1939 and have been replaced with county health departments, district health departments formed through interlocal agreements, and city/county health departments. LB1143 was advanced from Select File.

## Bills Passed This Week

The Legislature passed nine bills on Friday, including a measure to increase the dollar amounts triggering competitive bidding under the County Purchasing Act. The Act currently requires competitive bidding on purchases in excess of \$50,000. Beginning January 1, 2025, this amount would increase to \$70,000. The triggering amount would increase to \$90,000 in 2029, and further increase to \$110,000 in 2034. The bill would make corresponding changes to amounts requiring informal bidding and the disposal of surplus or obsolete property and mobile equipment. Other provisions of [LB938](#) would replace the process for making special purchases with language specific to auctions and revise the publication process.

[LB61](#) would allow utilities to lease or license their dark fiber and related infrastructure to help facilitate the expansion of broadband in the state. Such leases and licenses would be limited to areas that are unserved,

which is defined as areas where broadband is not available by fiber-optics, cable modems, or hybrid technology with speed of at least 100 megabits per second (Mbps) for downloading and at least 20 Mbps for uploading and no internet service providers have enforceable commitments to serve the area. Revenue from the lease or license of dark fiber would have to be used for billing, construction, operation and maintenance costs associated with dark fiber and related infrastructure.

[LB198](#) would update all of the state-administered retirement plans to correct the use of the term “qualified alien” in response to an Attorney General’s [opinion](#). In the county section, the term would be replaced with a list of 10 identification documents that indicate U.S. citizenship or lawful presence in the United States at the time of hire. Some of these include a state-issued driver’s license or identification card, certified copy of a birth certificate, passport, or tribal certificate. Because the bill has an emergency clause, it will take effect upon the Governor’s signature.

[LB304](#) would require counties and other units of local government to publicly disclose on their websites the membership dues paid annually to each association or organization and the fees paid to any individual lobbyist or lobbying firm that are separate from the membership dues. Political subdivisions without a website must make this information available upon request at the office of the political subdivision.

[LB771](#) would provide \$200,000 in grant funding to postsecondary educational institutions that assist in the accounting of servicemembers and civilians who are missing from past conflicts.

[LB895](#) would expand the authority of the Adjutant General to provide incentive payments to commissioned officers to encourage enlistment or reenlistment in the Nebraska National Guard.

## **Bills Signed by Governor Pillen**

Governor Pillen signed more than a dozen bills on March 11 and 12. Unless a bill has an emergency clause or a specified operative date, it will take effect three calendar months after the session adjourns. Because the Legislature is scheduled to [adjourn](#) on April 18, the effective date would be July 19.

[LB936](#) eliminates county-issued amusement licenses. Existing law requires these permits for pool halls, bowling alleys, roadhouses and other places of amusement located outside of the incorporated limits of a city or village. Few of these permits are issued and the activities are typically regulated through liquor licenses and other processes.

[LB940](#) allows counties to enter into agreements to help fund entities that assist survivors of domestic violence or sexual assault. Last summer an audit questioned the authority of a county to provide such funding without adequate documentation of how the funding was used.

[LB569](#) requires county boards to conduct a public meeting to announce the consideration of proposed projects to construct new electric generation facilities within the county. The bill sets out disclosure requirements if any official, their spouse, child residing in their household, or another dependent on their federal income tax form holds a direct or indirect financial interest in the project or property where the project would be located. They would need to publish notice of the official’s financial interest and whether the official has indicated an intent to vote to select the project site or approve the contract and hold a hearing within 90 days. The bill took effect on March 12.

[LB139](#) increases the dollar amount over which the Small Claims Court has jurisdiction from \$3,500 to \$7,500, beginning July 1, 2024.

[LB257](#) allows cemetery lots to be revested in the county, city or village when no interment has been made in the lot for at least 30 years and the owner or their heirs have not asserted a right in the lot.

[LB716](#) updates references to the state electrical code and sets fees for state electrical inspections and exams.

[LB847](#) removes references to the obsolete Interstate Civil Defense and Disaster Compact and replaces them with references to the current agreement, the Emergency Management Assistance Compact.

[LB989](#) and [LB992](#) updates the Real Property Appraiser Act to reflect changes to the uniform national standards. LB992 took effect on March 12.

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