

City of Scottsbluff, Nebraska

Tuesday, February 16, 2021

Regular Meeting

Item Reports3

Council to receive an update, to include questions and comments, regarding items of interest concerning Municipalities in State Legislation.

Staff Contact: Starr Lehl, Economic Development Director

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

106th Legislature, Second Session

Feb. 5, 2021 - Bulletin 6



ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 83:** Hearing held on League-supported bill to amend the Open Meetings Act
- **LBs 345, 303:** Government Committee hears bills on exceptions to budget limitations
- **LB 405:** Urban Affairs Committee hears bill on village compensation
- **LBs 520, 455:** Transportation Committee to hear bills taking away municipal infrastructure siting authority
- **LBs 398, 338, 460, 660, 656, 498:** Transportation Committee to hear broadband bills
- **LB 339:** Bill would require additional planning for construction projects
- **LB 148:** Natural Resources Committee advances bill to finalize merger of drinking water regulation into Department of Environment and Energy
- **LB 51:** League strongly opposes bill to double the hours of training for law enforcement officers and mandate additional requirements for certification; the League will try to negotiate acceptable amendments
- **Check the Legislature's web site** for more information about your state Senators ad the session. The web site address is <http://nebraskalegislature.gov/web/public/home>.

LBs 345, 303: Government Committee hears bills on exceptions to budget limitations

On Feb. 4, 2021, the Government, Military and Veterans Affairs Committee heard two bills that exempted certain items from the budget limitations.

LB 345, introduced by **Sen. Curt Friesen** of Henderson, exempts restricted funds pledged to retire debt associated with direct borrowing from the budgeted restricted funds. LB 345 is a League-supported bill.

Direct borrowing for municipalities was put into statute in 2015 and has been amended twice to broaden and clarify that authority. Direct borrowing has been used by municipalities in many cases because it was less expensive than bonding. Funds pledged to retire bonds are already an exception from the budgeted restricted funds. A **League representative** testified in strong support for LB 345. There were no opponents to the bill.

LB 303, introduced by **Sen. Matt**



Sen. Curt Friesen



Sen. Matt Hansen

Hansen of Lincoln, exempts restricted funds budgeted for law enforcement, fire protection, or emergency services from the budgeted restricted funds.

Sen. Hansen argued that public safety needs expand when municipalities are growing and LB 303 gives municipalities added flexibility

to add police officers or firefighters if needed. **The League**, along with the City of **Lincoln** and the **Nebraska Association of County Officials** testified in favor of the bill. There were no opponents.

The League will continue to update you on these bills throughout the *Legislative Bulletin*.

Questions about hearings, bill status

How do I find out when a bill is scheduled for a public hearing?

The weekly schedule of committee hearings is prepared for publication each Friday during session. The schedule is not available until after the Legislature adjourns for the day. The schedule is available in the

Clerk of the Legislature's office and is published in the Sunday *Lincoln Journal Star*, the Sunday *Omaha World-Herald* and the *Unicameral Update*, the Legislature's weekly newsletter produced during session. The schedule also is included in the League's *Legislative Bulletin*.

How do I contact my Senator?

To write your senator, you need

only to include on the envelope: Senator's name, District number, State Capitol, PO Box 94604, Lincoln, NE 68509-4614.

Most Senators also have email addresses, which are listed on the Legislature's website at <http://nebraskalegislature.gov/web/public/home>.

LB 405: Urban Affairs Committee hears bill on village compensation

Thanks to Sen. Lowe for introducing this legislation

On Feb. 4, **Sen. John Lowe** of Kearney introduced **LB 405** at the request of the League. The purpose of this bill is to clarify when members of the village board may be compensated by the village for seasonal and emergency work.

LB 405 clarifies the provisions of Section 17-209.02 to provide that members of the village board may receive compensation to perform seasonal or emergency work for the village upon approval by the village board.

LB 405 also cleans-up and simplifies the provisions of Section 17-209.02 by creating one subsection that outlines the provisions relating to when village offices and employ-

ments may be combined or merged and one subsection outlining the provisions about when a village board member can be compensated for performing work for the village. Finally, the bill replaces the phrase “volunteer firefighters and ambulance drivers” with the phrase “volunteer firefighters and volunteer rescue squad personnel,” which is more frequently found in statute.

As background, League staff started having conversations about clarifying the language allowing village board members to receive compensation for seasonal or emergency work over a year ago. League staff met with Frank Daley from the Nebraska Accountability and Disclosure Commission to discuss how the current language may need to be modified and clarified. After several conversations with Mr. Daley,



Sen. John Lowe

as well as the League’s Legislative Committee and the League’s Attorneys Subcommittee, LB 405 was drafted and introduced.

Thanks to Sen. Lowe for introducing this important piece of legislation for the League.

LBs 520, 455: Transportation Committee to hear bills taking away municipal infrastructure siting authority

On Feb. 8, the Legislature’s Transportation and Telecommunications Committee will be taking testimony on two bills related to taking away municipal authority to control the siting of telecommunications and wireless facilities.

Please contact your Senator(s) to oppose the following bills:

LB 520, was introduced by **Sen. Curt Friesen**. This bill is similar to the small cell measure that the League opposed a few years

ago. Among other things, the bill would:

1. Expand the privileges given to private companies through the small cell bill from poles to other sites such as buildings.
2. Limit the ability of a municipality to use a consultant to help review small cell applications.
3. Reduce the shot clock for automatic permit granting to 60 days.

4. Expand the footprint of facilities that receive small cell laws privileges.

LB 520 is scheduled for hearing Feb. 8 at 1:30 p.m.

LB 455, introduced by **Sen. Friesen** takes away much of the ability of an electric utility to regulate access to electric poles and electric utility right of way by telecommunications carriers. LB 455 is scheduled for hearing Feb. 8 at 1:30 p.m.

Continued on page 4

LBs 398, 338, 460, 600, 660, 656, 498: Transportation Committee to hear broadband bills

On Feb 8 and Feb. 9, the Nebraska's Legislature's Transportation and Telecommunications Committee will be taking testimony on a number of bills related to broadband service in Nebraska.

The League of Nebraska Municipalities Broadband Legislative Subcommittee, composed of municipal officials from across the state, established four principles that are necessary to move broadband development forward across the state.

Principles established by the committee to develop positions are as follows:

- Broadband development is vital to the economic development of municipalities and the quality-of-life issues for Nebraskans.
- Municipal officials in Nebraska must be part of the policy decisions that lead to broadband

infrastructure development in their respective municipality.

- Barriers must be removed to allow public/private partnerships to develop and utilize publicly owned broadband infrastructure.
- Speeds of 25 megabits per second download and 3 megabits per second upload are inadequate to meet the broadband needs of most municipalities, which need to have the tools and authority to ensure that adequate speeds are available.

Based on these principles the League will support the following bills:

LB 398, introduced by Brainard **Sen. Bruce Bostelman**, changes the speed standard that the Public Service Commission uses for funding from 25 megabits per second download and 3 megabits per second upload to 100 megabits per second download and 100 megabits per second upload. This also would have the effect of making large portions of the state unserved and underserved and would thus allow public dark fiber installation and leasing without some of the barriers in current law. LB 398 is scheduled for hearing Feb. 9 at 1:30 p.m.

LB 338, introduced by **Sen. Bostelman**, allows the PSC to redirect funds to companies that are building higher speed fiber infrastructure, in part, based on local community input. LB 338 is scheduled for hearing Feb. 9 at 1:30 p.m.

LB 600, introduced by Plymouth

Sen. Tom Brandt, would allow for additional bonding authority for municipalities and some power districts to develop fiber infrastructure. LB 600 is scheduled for hearing Feb. 9 at 9:30 a.m.

LB 460, introduced by **Sen. Brandt**, would eliminate many of the barriers and impediments to public development of dark fiber infrastructure. LB 460 is scheduled for hearing Feb. 9 at 9:30 a.m.

LB 656, introduced by **Omaha Sen. Justin Wayne**, would allow a municipality to sell internet services at retail. LB 656 is scheduled for hearing Feb. 9 at 1:30 p.m.

LB 498, introduced by Bennington **Sen. Wendy DeBoer**, would require the Public Service Commission to produce enhanced maps that show the availability of broadband infrastructure. LB 498 is scheduled for hearing Feb. 9 at 9:30 a.m.

Please write letters to support these measures. Letters should be addressed to:

Senator Curt Friesen

Chairperson – Transportation and Telecommunications Committee

Room 1110

P.O. Box 94604

Lincoln, NE 68509

Letters should be emailed to tntpl@leg.ne.gov.

On Monday and Tuesday, the Legislature's Transportation and Telecommunications Committee will be taking testimony on the following bills:

LB 388, was introduced by **Sen.**

Continued on page 5

Transportation Committee

Continued from page 3

Please contact your Senator(s) and please write letters to oppose these measures. Letters should be addressed to:

Senator Curt Friesen

Chairperson – Transportation and Telecommunications Committee

Room 1110

P.O. Box 94604

Lincoln, NE 68509

Letters should be emailed to tntpl@leg.ne.gov.

LBs 398, 338, 460, 656, 498: Transportation Committee to hear broadband bills

Continued from page 4

Friesen at request of the Governor. LB 388 would adopt the Nebraska Broadband Bridge Act, which would do a number of things including creating a \$20 million fund to enhance rural broadband development. LB 388 is scheduled for Feb. 8 at 9:30 a.m.

LB 456, introduced by **Sen. Friesen**, would adopt the Nebraska Enhancing Broadband Act, which would do a number of things,

including creating a \$10 million fund to enhance rural broadband development. LB 456 is similar to LB 388, but gives the Nebraska Department of Economic Development a larger role in determining where the funds will be distributed. LB 456 is scheduled for hearing Feb. 8 at 9:30 a.m.

LB 604, introduced by Lincoln **Sen. Suzanne Geist**, adopts the Nebraska Accelerated Broadband Deployment Grant Program Act and

would change a number of Public Service Commission requirements to hopefully enhance broadband development. LB 604 is scheduled for hearing Feb. 8 at 1:30 p.m.

There also are some bills, which would take away municipal authority over siting of broadband infrastructure that the League will oppose. Those bills are covered in a different article in this *Legislative Bulletin*.

LB 339: Bill would require additional planning for construction projects

LB 339, introduced by Brainard **Sen. Bruce Bostelman**, is scheduled for hearing Feb. 16 before the Transportation Committee. LB 339 would require that cities of the metropolitan class, cities of the primary class and cities of the first class provide a utility coordination plan as part of a street project costing over \$50,000. Also, the city would be required to compensate a contractor for any damages associated with a deviation from the plan.

The bill requires that any contract exceeding \$50,000 for the construction, reconstruction, improvement, maintenance, or repair of a road, street, highway, bridge, or other related structure to which the Department of Transportation or any city of the metropolitan class, any city of the primary class, any city of the first class ... require a utility

coordination plan.

Such plan would need to identify **any utility operator, its facilities, and the location and elevation of such facilities within the project work area or which are otherwise affected by any construction, reconstruction, improvement, maintenance, or repair project conducted under such contract and the date or dates such facilities will be relocated or removed.**

The bill goes on to require that a contractor performing services under the contract may rely on such plan and **shall be compensated by the Department of Transportation or such city or county for any costs or damages associated with any deviation or failure by the department or such city or county to follow the plan.**

Letters of opposition to LB 339

2021 LEGISLATIVE SESSION



should be addressed to:

Curt Friesen, Chair
Transportation and Telecommunications Committee
Room 1110
P.O. Box 94604
Lincoln, NE 68509

Letters should be emailed to tnt-pl@leg.ne.gov.

LB 83: Hearing held on League-supported bill to amend the Open Meetings Act

Thanks to **Sen. Mike Flood** of Norfolk for introducing **LB 83**, which modernizes the way public bodies hold public meetings as well as allows public bodies to hold virtual emergency meetings when there is a declared emergency as defined in the Nebraska Emergency Management Act.

As noted in *League Legislative Bulletin #2*, the bill is the result of months of work by the “**Open Meetings Act Coalition**” comprised of the following statewide organizations and individuals:

- **City of Lincoln** – Tim Sieh, Eric Gerrard
- **City of Omaha** – Jack Cheloha
- **Educational Service Unit Coordinating Council** – Curt Bromm, Jason Bromm
- **League of Nebraska Municipalities** – Lynn Rex, Christy Abraham, Lash Chaffin
- **Lincoln Electric System** – Shelly Sahling-Zart
- **Metropolitan Utilities District** – Rick Kubat
- **Nebraska Association of County Officials** – Jon Cannon
- **Nebraska Association of Regional Administrators (Behavioral Health Districts)** – Joe Kohout, Brennen Miller
- **Nebraska Association of Resources Districts** – Dean Edson, Larry Ruth (*Chair, Lower Platte South NRD*)
- **Nebraska Association of School Boards** – John Spatz, Colby Coash
- **Nebraska Community College Association** – Greg Adams
- **Nebraska Municipal Power Pool/Municipal Energy Agency of Nebraska (MEAN)** – Chris Dibbern, Robin Spady



Sen. Mike Flood

- **Nebraska Public Power District** – John McClure, Shirley Higgins
- **Nebraska Rural Electric Association** – James Dukesherer, Kristin Gottschalk
- **Omaha Public Power District** – Seth Voyles
- **Panhandle Public Health District (*Friends of Public Health in Nebraska*)** – Kim Engel
- **University of Nebraska** – Heath Mello

The Government, Military and Veterans Affairs Committee held a hearing on LB 83 on Jan. 27. Sen. Flood indicated in his opening statement that he asked members of the “**Open Meetings Act Coalition**” to limit the number of testifiers due to COVID-19 and in deference to the committee’s time. **Larry Ruth**, Chair of the Lower Platte South NRD, testified on behalf of the “**Open Meetings Act Coalition**” and the **Nebraska Association of Resources Districts**. **Shelly Sahling-Zart**, Vice President and General Counsel of the **Lincoln Electric System**, also presented excellent testimony outlining reasons for the bill. **Mike Rogers**, Bond Counsel with **Gilmore Bell**, testified in support

Continued on page 7

LB 83: Hearing held on League-supported bill to amend the Open Meetings Act

Continued from page 6

of LB 83 stating the need to clarify in state law whether the Governor has authority to issue Executive Orders waiving any provisions of the Open Meetings Act.

A **League representative** testified in strong support of LB 83 along with the following individuals and organizations: **Sean Kelley**, lobbyist for the **Regional Metropolitan Transit Authority**; **Danielle Conrad**, Executive Director of the **ACLU**; and an individual representing the **Nebraska Statewide Independent Living Council**.

Pursuant to new COVID-19 protocols, as an alternative to “in-person” testimony, individuals and organizations are allowed to submit “written testimony” which will be listed on the “Committee Statement” if a bill advances out of committee. **Thanks to the following individuals and organizations who submitted “written testimony” in strong support of LB 83:** Jerry Stilmock, representing the **Nebraska State Volunteer Firefighter’s Association** and the **Nebraska Fire Chiefs Association**; Seth Voyles, representing the **Omaha Public Power District (OPPD)**; Nathan Beacom, Senior Policy Associate of the **Center for Rural Affairs**; Colby Coash, Associate Executive Director/Director of Government Relations of the **Nebraska Association of School Boards**; Jon Cannon, Deputy Director of the **Nebraska Association of County Officials (NACO)**; Kraig J. Lofquist, Executive Director of the **Educational Service Unit Coordinating Council**; Eric Gerrard, representing **Friends of Public Health in Nebraska**; Kathy Hoell, Executive Director of the **Nebraska Statewide Independent Living Council**; Heath Mello, Vice President for External Relations of the **University of Nebraska**; Joseph D. Kohout, registered lobbyist for the **Nebraska Association of Regional Administrators**; and Monika Gross, Executive Director of the **Foster Care Review Office**.

Written testimony in OPPOSITION to LB 83 was submitted by Matt Miltenberger, Gov. Ricketts’ Chief of Staff. [Click here](#) for his letter outlining the

Governor’s concerns which will be addressed in the Standing Committee Amendment to LB 83. Lance Molina, an **individual from Gretna**, testified in person to oppose LB 83.

Written testimony in a NEUTRAL capacity to LB 83 was submitted by Walt Radcliffe on behalf of **Media of Nebraska**. Tim Texel, Executive Director for the **Nebraska Power Review Board** testified in person in a neutral capacity requesting a few technical changes.

Thanks to the following organizations which emailed letters in support of LB 83 to be included as part of the legislative record but not listed on the Committee Statement when the bill is advanced to General File: Platte Institute, Metropolitan Utilities District, Nebraska Interfaith Power & Light, League of Women Voters, Nebraska Power Association, NMPP Energy, Civic Nebraska, MAPA, Sierra Club, Nebraska Community College Association, Nebraska Children’s Commission, Nebraska Accountability and Disclosure Commission, Omaha Public Schools, LES, Education Rights Counsel, State Board of Health, Omaha City Council, Nebraska Children’s Home Society and Arc of Nebraska. **No letters were emailed in opposition to LB 83; the only neutral email was from the Nebraska Rural Electric Association.**

BACKGROUND:

LB 83 would amend the Open Meetings Act in Chapter 84, Article 14, to: 1) modernize the way public bodies hold virtual meetings; and 2) create the statutory framework for public bodies to hold virtual meetings during a declared emergency by the Governor, Mayor, Village Board Chair or County Board Chair. Section 15 of LB 83 has the emergency clause so the bill would take effect when passed and approved according to law, except for subsection 7 of section 84-1413 which has an effective date of July 31, 2022.

1) Modernizing the way public bodies hold virtual meetings

Continued on page 8

LB 83: Hearing held on League-supported bill to amend the Open Meetings Act

Continued from page 7

- **“Virtual conferencing” is defined as “conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412”** which allows the public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking, and recording at the virtual meeting.
 - The provisions of the Open Meetings Act relating to videoconferencing and telephone conference calls are combined into one section. Instead of using the terms videoconferencing and telephone conference calls, “virtual conferencing” is used to encompass both.
 - The same public bodies currently allowed to conduct meetings by videoconferencing and/or telephone conference calls are allowed to hold meetings by “virtual conferencing” with two additional entities included: local public health departments and natural resources districts.
 - Public meetings held by “virtual conferencing” are subject to similar requirements as those which now apply to videoconferencing and telephone conference calls, including: reasonable advance publicized notice, including access to a dial-in number or link to the virtual conference; in addition to participating virtually in the meeting, arrangements for at least one public site in a building open to the public for the public to participate; copies of all documents for the meeting available at the physical site; links to an electronic copy of the agenda, documents being considered at the meeting and the current version of the Open Meetings Act; and except for certain entities, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by “virtual conferencing” in a calendar year.
 - The bill removes a provision in section 84-1411(6) that a member of the public body is not allowed to appear before the public body by means of “virtual conferencing.” The intent of this change is to allow a member of the public body to appear by “virtual conferencing” but does not allow that member to be counted toward the quorum or participate as a member of the public body.
 - Section 84-1412(3) now will require any member of the public desiring to address the public body to identify himself or herself, including an address and the name of any organization represented by such person.
 - Beginning July 31, 2022, new subsection (7) of section 84-1413 requires certain cities, certain counties, all NRDs, and all school districts to place minutes and agendas for the governing body’s meetings on their public web site. The agenda needs to be placed on the web site at least twenty-four hours before the meeting. Minutes are placed on the website when they are available for inspection. This information will be available on the web site for at least six months.
- 2) Creating the statutory framework to have virtual meetings during a declared emergency as defined in section 81-829.39: New subsection (7) of section 84-1411**
- If an emergency as defined in section 81-829.39 is declared by the Governor or a principal executive officer of a local government, any public body, whose territorial jurisdiction, in whole or in part, is included in the emergency declaration may hold a meeting by “virtual conferencing” after giving reasonable advance publicized notice, including information regarding access for the public and

Continued on page 9

LB 83: Hearing held on League-supported bill to amend the Open Meetings Act

Continued from page 8

news media. (Principal executive officer is defined in section 81-829.39(9) as the Mayor, Village Board Chair or County Board Chair.)

- At these emergency meetings, in addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. (Provisions in current law in section 84-1411(5) allowing emergency meetings without reasonable advance publicized notice also may be held by “virtual conferencing” but any formal action taken in such meeting shall pertain ONLY to the emergency.)
- The public body is required to provide access by providing a dial-in number or link to the virtual conference, links to an electronic copy of the agenda, all documents being considered at the meeting and the current version of the Open Meetings Act.
- As required in current law for other public meetings, meetings held by “virtual conferencing” also shall make reasonable arrangements to accommodate the public’s right to hear and speak at the meeting and record the meeting; the public body shall make all reasonable efforts to provide advance notification to a maintained list of news media of the time and place of each meeting and the subjects to be discussed; the nature of the emergency shall be stated in the minutes and the complete minutes of the meeting will be made available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, with a limited exception for cities of the second class and villages.
- Section 84-1411(2) relating to public entities allowed to have half of their meetings by “virtual

conferencing” does not apply to the current emergency meeting provisions in section 84-1411(5) when reasonable advance publicized notice cannot be given or to the new subsection (7) of section 84-1411 regarding meetings when an emergency is declared by the Governor, Mayor, Village Board Chair or County Board Chair.

LB 148: Natural Resources Committee advances bill to finalize merger of drinking water regulation into Department of Environment and Energy

The Natural Resources Committee recently advanced to general file LB 148, introduced by Brainard Sen. Bruce Bostelman, which finalizes the merger of the drinking water division of Nebraska Health and Human Services into the Nebraska Department of Environment and Energy (NDEE). In addition to drinking water regulation, the bill moves swimming pool regulation, recreational camp regulation, mobile home park regulation, and private water supply and/or private sewage regulation to NDEE. The Nebraska Safe Drinking Water Act also is moved to NDEE.

LB 148 was supported by Nebraska Health and Human Services System, the Department of Environment and Energy, and the Nebraska Well Drillers Association. The Nebraska Rural Water Association provided neutral testimony.

LB 51: League strongly opposes bill to double the hours of training for law enforcement officers and mandate additional requirements for certification; the League will try to negotiate acceptable amendments

On Feb. 3, the Judiciary Committee held a joint hearing on **LB 51**, introduced by Ralston **Sen. Steve Lathrop**, Chair of the Judiciary Committee, and on **LB 472**, introduced by Bennington **Sen. Wendy DeBoer**.

Although LB 51 has important provisions and addresses several legitimate concerns, the League testified in opposition to the bill, primarily since it would double the number of hours of training for law enforcement officers and mandate additional requirements for certification. The League looks forward to meeting with Sen. Lathrop and key stakeholders to try to negotiate acceptable amendments. It should be noted that section 22 of LB 51 would create the "Nebraska Police Improvement and Professionalism Fund" to provide grants to law enforcement agencies and law enforcement officers to pay for costs of accreditation.

In his opening remarks, Sen. Lathrop stated the Judiciary Committee held two full days of hearings after the death of George Floyd; over 185 people testified before the committee and outlined their concerns challenging law enforcement actions and procedures used during the "Black Lives Matter" protests in Lincoln and Omaha. In addition, Sen. Lathrop noted the committee held an interim study hearing in

October 2020 to hear testimony from law enforcement officials, mayors, protestors and others.

The Statement of Intent provides as follows: "*LB 51 seeks to improve standards of policing statewide, especially regarding the use of force, thereby improving public safety and the effectiveness of law enforcement. It does this by increasing standards relating to the certification of law enforcement officers, streamlining the certification process, requiring psychological evaluation for certification, requiring training in de-escalation techniques, requiring accreditation of law enforcement agencies, prohibiting chokeholds, and requiring law enforcement agencies to adopt policies relating to the use of excessive force and the duty to intervene. Furthermore, this bill requires all officers acting in the field to be certified, doing away with reserve force and conditional employment status. It also makes it easier to address officer misconduct by clarifying the definition of serious misconduct.*"

The following individuals and organizations testified in SUPPORT of LB 51: Papillion Police Chief Bob Lausten, who also represented the **United Cities of Sarpy County**; **Jim Maguire**, President of the **Fraternal Order of Police**; **Wahoo Police Chief Bruce Ferrell**, who also represented the **Police Chiefs Association of Nebraska (PCAN)**;

2021 LEGISLATIVE SESSION



Aaron Hanson, Omaha Police Officers Association; Omaha Police Captain Steve Cerveney; and Spike Eickholt, ACLU.

Brian Jackson, Lincoln's Acting Chief of Police, and Jason Stille, Acting Assistant Chief, submitted a letter stating a **NEUTRAL** position. [Click here](#) for their letter.

A **League representative** testified with the following individuals and organizations in **OPPOSITION** to LB 51: Saunders County Sheriff **Kevin Stukenholtz**, also representing the **Nebraska Sheriffs Association**; and **Don Wesley, Greater Cities of Nebraska**.

A more extensive report on hearings relating to various law enforcement bills will be provided in next week's *Bulletin* when a full list of individuals providing "written testimony" is available.

**NEBRASKA UNICAMERAL LEGISLATURE
107th LEGISLATURE, FIRST SESSION**

SCHEDULE OF COMMITTEE HEARINGS

The order of the bills listed may not be the order in which they are heard that day in committee.

**All submitted, written testimony will be accepted between 8:30 a.m. and 9:30 a.m.
in the respective hearing room where the bill will be heard later that day.**

To view the requirements for submitted, written testimony, visit:
<http://nebraskalegislature.gov/committees/public-input.php>

Monday, February 8, 2021

**Appropriations
Room 1507 - 9:30 a.m.**

Agency 24		Motor Vehicles, Department of
Agency 27		Transportation, Department of
Agency 40		Motor Vehicle Licensing Board, Nebraska
LB579	Moser	Change provisions relating to Department of Transportation reports regarding highway construction and state intent regarding appropriations

**Appropriations
Room 1507 - 1:30 p.m.**

Agency 16		Revenue, Department of
Agency 36		Racing Commission, Nebraska State
Agency 93		Tax Equalization and Review Commission
Agency XX		Nebraska Gaming Commission
LB365	Briese	Appropriate funds to the State Racing Commission
LB629	Morfeld	Create a grant program to provide financial assistance to entities affected by event cancellations

**Business and Labor
Room 1524 - 9:30 a.m.**

LB451	McKinney	Include characteristics associated with race, culture, and personhood within definition of race, including hair texture and protective hairstyles under the Nebraska Fair Employment Practice Act, and change provisions relating to unlawful employment practices
LB420	Pahls	Change provisions relating to presumptions regarding causes of death or disability of firefighters and firefighter-paramedics
LB598	Wishart	Adopt the Small Business Stabilization Grant Program Act
LB440	Hansen, M.	Change provisions of the Nebraska Fair Employment Practice Act

**Business and Labor
Room 1524 - 1:30 p.m.**

LB684	Clements	Allow public school employees to join or terminate membership in a labor organization as prescribed
LB171	Hansen, M.	Change provisions of the Employment Security Law relating to weekly benefit amounts and maximum annual amounts
LB290	Cavanaugh, M.	Adopt the Paid Family and Medical Leave Insurance Act
LB258	Vargas	Adopt the Healthy and Safe Families and Workplaces Act

Monday, February 8, 2021 (cont.)

**Education
Room 1525 - 9:30 a.m.**

Appointment		Kime, Duane L. - Board of Educational Lands and Funds
LB473	DeBoer	Adopt the Extraordinary Increase in Special Education Cost Act
LR13CA	Brewer	Constitutional amendment to limit the percentage of funding for schools that comes from property taxes

**Education
Room 1525 - 1:30 p.m.**

LB623	Vargas	Adopt the Remote Instruction Act
LB558	Vargas	Adopt the Alternative Certification for Quality Teachers Act
LB389	Sanders	Require the issuance of teaching certificates and permits to military spouses

**General Affairs
Room 1510 - 9:30 a.m.**

LB511	Lindstrom	Change provisions relating to cigarette tax stamps
LB72	Geist	Provide for sale of alcoholic liquor not in its original package
LB578	Vargas	Impose a tax on ready-to-drink cocktails
LB80	Briese	Change shipping license fees under the Nebraska Liquor Control Act

**General Affairs
Room 1510 - 1:30 p.m.**

LB274	Lowe	Provide for a promotional farmers market special designated license under the Nebraska Liquor Control Act
LB295	Wishart	Repeal prohibition on sale of alcoholic liquor to a person within a motor vehicle
LB415	Groene	Change provisions relating to microdistilleries under the Nebraska Liquor Control Act
LB311	Vargas	Change provisions relating to microdistilleries under the Nebraska Liquor Control Act

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

LB388	Friesen	Adopt the Nebraska Broadband Bridge Act
LB456	Friesen	Adopt the Nebraska Enhancing Broadband Act

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

LB455	Friesen	Adopt the Broadband Pole Attachment Act
LB520	Friesen	Provide for applications for the collocation of certain wireless facilities
LB604	Geist	Adopt the Nebraska Accelerated Broadband Deployment Grant Program Act and change telecommunications provisions

Tuesday, February 9, 2021

**Agriculture
Room 1524 - 1:30 p.m.**

LB572	Halloran	Change provisions of the Livestock Brand Act
LB571	Halloran	Provide for backgrounder lot registration under the Livestock Brand Act
LB614	Erdman	Eliminate registered feedlot provisions under the Livestock Brand Act

Tuesday, February 9, 2021 (cont.)

**Appropriations
Room 1507 - 9:30 a.m.**

Agency 23		Labor, Department of
Agency 37		Workers' Compensation Court
Agency 75		Investment Council, Nebraska
Agency 77		Industrial Relations, Commission of
Agency 85		Public Employees Retirement Board, Nebraska
LB438	Hansen, M.	Appropriate funds to the Department of Labor

**Appropriations
Room 1507 - 1:30 p.m.**

Agency 21		State Fire Marshal
Agency 31		Military Department
Agency 35		Liquor Control Commission, Nebraska

**Education
Room 1525 - 9:30 a.m.**

LB154	Wayne	Require tracking of student discipline as prescribed
LB322	Williams	Adopt the School Safety and Security Reporting System Act
LB673	Murman	Adopt the Education Behavioral Awareness and Support Act and change the determination and certification of state aid to schools

**Education
Room 1525 - 1:30 p.m.**

Appointment		Kelly, Gene - Coordinating Commission for Postsecondary Education
LB198	Vargas	Change provisions relating to the Student Discipline Act
LB136	Vargas	Change procedures regarding short-term suspension of students
LB518	Morfeld	Change provisions relating to long-term suspension, expulsion, or mandatory reassignment under the Student Discipline Act
LB642	Day	Provide for reimbursements to school districts and educational service units for mental health expenditures

**Nebraska Retirement Systems
Room 1525 - 12:00 p.m.**

LB16	Kolterman	Provide for state contributions to the Nebraska Retirement Fund for Judges
LB24	Kolterman	Change fee, remittance, and distribution provisions relating to the Nebraska Retirement Fund for Judges

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

LB460	Brandt	Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission
LB600	Brandt	Provide powers and duties for political subdivisions regarding broadband facilities and infrastructure
LB498	DeBoer	Require the Public Service Commission to implement a broadband service testing and mapping program

Tuesday, February 9, 2021 (cont.)

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

LB398	Bostelman	Change provisions relating to broadband speeds and services
LB338	Bostelman	Provide powers and duties for the Public Service Commission regarding redirection of funding for broadband services
LB656	Wayne	Authorize municipalities to provide broadband and Internet services

**Urban Affairs
Room 1510 - 9:30 a.m.**

LB9	Blood	Change annexation requirements and property tax special valuation provisions
LB161	Urban Affairs	Provide for the applicability of state and local construction codes
LB218	Wayne	Adopt 2018 Uniform Plumbing Code standards
LB221	Wayne	Adopt 2021 Uniform Plumbing Code standards

**Urban Affairs
Room 1510 - 1:30 p.m.**

LB467	Bostar	Adopt updated electrical standards
LB220	Wayne	Change applicability provisions for building codes
LB553	Wayne	Adopt the Bed Bug Detection and Treatment Act for cities of the metropolitan class

Wednesday, February 10, 2021

**Executive Board
Room 1525 - 12:00 p.m.**

LR29	Cavanaugh, M.	Provide for appointment by the Executive Board of a special committee to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature
------	---------------	---

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

LB65	Williams	Change contractual conflict of interest provisions under the Nebraska Political Accountability and Disclosure Act
LB482	Cavanaugh, J.	Change provisions relating to use of public resources by public officials and public employees

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

LR14	Halloran	Resolution to Congress for convention of the states to propose amendments to the United States Constitution
LB195	Halloran	Adopt the Faithful Delegate to Federal Article V Convention Act

**Health and Human Services
Room 1510 - 9:30 a.m.**

LB677	Linehan	Change provisions relating to eligibility for transitional child care assistance
LB485	DeBoer	Change provisions relating to child care assistance
LB68	Day	Change provisions relating to reimbursement for services provided by the federal Child Care Subsidy program

Wednesday, February 10, 2021 (cont.)

**Health and Human Services
Room 1510 - 1:30 p.m.**

LB86	Bostelman	Require registration for the prescription drug monitoring system
LB411	Lathrop	Require sharing of information with the designated health information exchange
LB238	McDonnell	Change provisions of the Ground Emergency Medical Transport Act
LB418	Murman	Adopt the Solemn Covenant of the States to Award Prizes for Curing Diseases compact

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

LB334	Wayne	Adopt the Community Work Release and Treatment Centers Act and change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration
LB335	Flood	Require announcement of the average cost of incarceration at sentencing for sentences served at the Department of Correctional Services
LB525	Wishart	Provide duties and requirements for transitional housing facilities and change powers of the Office of Inspector General of the Nebraska Correctional System

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

LB444	Hansen, M.	Change provisions relating to credit against jail terms
LB559	Vargas	Change provisions relating to restrictive housing under the Nebraska Treatment and Corrections Act
LB620	Vargas	Limit use of restrictive housing and solitary confinement
LB624	McCollister	Provide for earned time credit reductions to the minimum terms of sentences of offenders at facilities of the Department of Correctional Services

**Natural Resources
Room 1525 - 9:30 a.m.**

LB591	Groene	Require a permit for any natural resources district water augmentation project
LB683	Wayne	Change provisions relating to net metering

**Natural Resources
Room 1525 - 1:30 p.m.**

Appointment		Clouse, Stanley A. - Nebraska Natural Resources Commission
LB506	Cavanaugh, J.	Change provisions relating to net metering provided by local distribution utilities
LB573	Bostar	Change the definition of qualified facility for purposes of net metering

**Revenue
Room 1524 - 9:30 a.m.**

LB2	Briese	Change the valuation of agricultural land and horticultural land for certain school district taxes
LB98	Walz	Change provisions relating to agricultural or horticultural land receiving special valuation
LB189	Halloran	Change provisions relating to property tax refunds
LB644	Hansen, B.	Adopt the Property Tax Request Act

Wednesday, February 10, 2021 (cont.)

Revenue

Room 1524 - 1:30 p.m.

LB63	Lindstrom	Change certain deadlines relating to property tax exemptions
LB79	Briese	Change the minimum amount of relief provided under the Property Tax Credit Act
LB165	Erdman	Change provisions relating to the assessment of real property that suffers significant property damage

Thursday, February 11, 2021

Government, Military and Veterans Affairs

Room 1507 - 9:30 a.m.

LB631	Bostar	Prohibit counties from prohibiting the use of residential property as short-term rentals
LB664	Groene	Change distributions from the Mutual Finance Assistance Fund
LB261	Linehan	Change provisions regarding grave markers for certain veterans

Government, Military and Veterans Affairs

Room 1507 - 1:30 p.m.

Appointment		Sullivan, Kate - Nebraska Accountability and Disclosure Commission
Appointment		Bond, Erin - State Personnel Board

Health and Human Services

Room 1510 - 9:30 a.m.

LB202	Pansing Brooks	Change provisions relating to transition of young adults to independence
LB262	Vargas	Provide for participation in the bridge to independence program by young adults not lawfully present in the United States

Health and Human Services

Room 1510 - 1:30 p.m.

LB609	Hilgers	Change provisions relating to the Uniform Credentialing Act
LB436	Hansen, B.	Change provisions of the Athletic Training Practice Act
LB390	Murman	Provide for credentials based on reciprocity and change requirements for credentials under the Uniform Credentialing Act

Judiciary

Room 1113 - 9:30 a.m.

LB130	McCollister	Change membership provisions for the Board of Parole
LB269	McCollister	Change provisions regarding review of a committed offender's record by the Board of Parole
LB499	DeBoer	Require an annual report on active cases by the Department of Correctional Services, Office of Probation Administration, and Division of Parole Supervision
LB563	McDonnell	Provide caseload limits for high-risk offenders supervised by probation officers and parole officers

Thursday, February 11, 2021 (cont.)

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

LB119	Cavanaugh, M.	Change provisions of the Healthy Pregnancies for Incarcerated Women Act
LB124	McCollister	Change provisions relating to reports of the Inspector General of the Nebraska Correctional System
LB150	Morfeld	Increase the indigent defense court filing fee
LB333	Wayne	Change provisions relating to possession of an electronic communications device in Department of Correctional Services facilities
LB352	Lathrop	Change the amounts of certain court fees
LB471	DeBoer	Change the termination date of the long-term restrictive housing work group within the Department of Correctional Services
Appointment		Cotton, Rosalyn R. - Board of Parole
Appointment		Davis, Jeffrey - Crime Victims Reparations Committee
Appointment		Ames, Ann E. - Crime Victims Reparations Committee
Appointment		Eatherton, Shawn - Crime Victims Reparations Committee

**Natural Resources
Room 1525 - 9:30 a.m.**

Appointment		Andersen, Joshua N. - Nebraska Environmental Trust Board
LB650	Flood	Adopt the Nebraska Geologic Storage of Carbon Dioxide Act
LB468	Erdman	Provide compensation by the Game and Parks Commission for property damage caused by wildlife

**Natural Resources
Room 1525 - 1:30 p.m.**

Appointment		Curry, Kendall (Ken) B. - Game and Parks Commission
LB483	Cavanaugh, J.	Provide for a climate change study and action plan
LB266	McCollister	Adopt the Renewable Energy Standards Act

**Revenue
Room 1524 - 9:30 a.m.**

LB454	Friesen	Adopt the School Property Tax Stabilization Act and change the valuation of agricultural land
LB466	Linehan	Require the proration of property taxes when real property is sold

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

LB214	Linehan	Define certain terms for purposes of property taxes
LB222	Erdman	Change provisions relating to certain in lieu of tax payments made by the Game and Parks Commission
LB313	Sanders	Change provisions relating to late applications for homestead exemptions
LB412	Cavanaugh, M.	Change a tax and assessment provision under the Nebraska Housing Agency Act

**NEBRASKA UNICAMERAL LEGISLATURE
107th LEGISLATURE, FIRST SESSION**

TENTATIVE SCHEDULE OF COMMITTEE HEARINGS

The order of the bills listed may not be the order in which they are heard that day in committee.

Tuesday, February 16, 2021

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

LB610	Hilgers	Change provisions relating to improper issuance of a certificate of registration under the Motor Vehicle Registration Act
LB339	Bostelman	Require a utility coordination plan for certain highway and bridge contracts
LB670	Murman	Authorize design and placement of highway memorial signs

Wednesday, February 17, 2021

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

LB56	Lathrop	Change provisions relating to administration of and eligibility for parole
LB109	Pansing Brooks	Provide that photographing or recording a peace officer is not obstruction of justice
LB271	Morfeld	Adopt the 24/7 Sobriety Program Act
LB500	Geist	Provide for venue for prosecution of certain offenses when committed using an electronic communication device

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

LB32	Pansing Brooks	Provide for Class ICA and IDA felony classifications and change penalties
LB33	Pansing Brooks	Change provisions relating to minimum sentences
LB34	Pansing Brooks	Change sentencing provisions for crimes committed by a person under twenty-one years of age
LB114	McCollister	Adopt the Clean Slate Act
LB484	Cavanaugh, J.	Provide for a new felony classification and change penalties for certain theft offenses
LB505	Cavanaugh, J.	Limit habitual criminal enhancement to specified felonies

Thursday, February 18, 2021

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

LB52	Lathrop	Provide for immunity for injury or death resulting from COVID-19 exposure
LB54	Lathrop	Change immunity for intentional torts under the Political Subdivisions Tort Claims Act and the State Tort Claims Act
LB71	Wayne	Change provisions relating to intentional tort claims under the Political Subdivisions Tort Claims Act and State Tort Claims Act
LB139	Briese	Adopt the COVID-19 Liability Protection Act

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

LB53	Lathrop	Provide immunity for health care providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency
LB160	Wayne	Change provisions of the Nebraska Hospital-Medical Liability Act

Thursday, February 18, 2021 (cont.)

LB259	Halloran	Authorize a civil action for damages sustained by public safety officers
LB326	Slama	Provide immunity for claims against first responders operating motor vehicles and arising from vehicular pursuits and provide for policies, training, and duties relating to vehicular pursuits

Friday, February 19, 2021

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

LB278	Wayne	Change a penalty for possession under the Uniform Controlled Substances Act
LB301	Hansen, B.	Change drug schedules and penalties and adopt federal drug provisions under the Uniform Controlled Substances Act
LB552	Wayne	Clarify definitions relating to marijuana under the Uniform Controlled Substances Act and schedule nabiximols as a Schedule III controlled substance

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

LB481	McKinney	Adopt the Marijuana Conviction Clean Slate Act, decriminalize possessory marijuana and synthetic cannabinoid offenses and drug paraphernalia offenses, and change related provisions
LB546	Wayne	Adopt the Marijuana Control Act and the Marijuana Conviction Clean Slate Act
LR2CA	Wayne	Constitutional amendment to legalize cannabis for persons twenty-one and older and to require legislation

If auxiliary aids or reasonable accommodations are needed for attendance at a hearing, please call the Clerk of the Legislature's Office at (402) 471-2271. Advance notice of ten business days is needed when requesting an interpreter.