

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

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ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 1014:** ARP Act budget bill advances to Select File with \$47.7 million for COVID-related infrastructure improvements at the NLETC
- **LB 1241:** Thanks to Sen. Lathrop and law enforcement organizations statewide, League-supported bill to expedite reciprocity process for law enforcement officers advanced to Final Reading March 23 on a voice vote
- **LB 344:** Legislature debates and holds second hearing on one-call bill
- **Check the Legislature's web site** for more information about your state Senators and the session. The web site address is <http://nebraskalegislature.gov/web/public/home>.

NOT ALL ITEMS OF INTEREST ARE INCLUDED ON THIS LIST.
ALSO SEE THE REMAINDER OF THE LEGISLATIVE BULLETIN.

LB 1014:ARP Act budget bill advances to Select File with \$47.7 million for COVID-related infrastructure improvements at the NLETC

On March 23, the Legislature considered LB 1014 on General File; the Appropriations Committee advanced **LB 1014** to General File on March 23 outlining the distribution of American Rescue Plan (ARP) Act funds, including the **\$47.7 million allocated for the Nebraska Law Enforcement Training Center (NLETC)** in Grand Island which the Governor included in LB 1014 as originally introduced by Speaker Hilgers on his behalf.

On March 23, the Legislature debated numerous amendments to LB 1014, including **AM2446**, filed by Sen. Hunt, to reduce funding for COVID-related infrastructure improvements at the NLETC from \$47.7 million to \$27.7 million. The Police Chiefs Association of Nebraska (**PCAN**), Nebraska Sheriffs Association (**NSA**), Police Officers Association of Nebraska (**POAN**), **NACO** and the **League strongly opposed AM2446**; the League and these statewide organizations will continue opposing any other amendments to reduce funding for the NLETC when the bill is considered on Select File and Final Reading.

Thanks to these Senators who gave compelling speeches during floor debate in opposition to AM2446 in the following order: Sens. **Aguiar, Flood, Blood, Lowe, Brandt, Erdman, Brewer, Pansing Brooks** and **Jacobson**. [Click here](#) to listen to the reasons why these Senators



Gov. Pete Ricketts



Speaker Mike Hilgers

strongly opposed AM2446. No one other than Sen. Hunt spoke in favor of AM2446; Sen. Wayne questioned Sen. Stinner, Chair of the Appropriations Committee, about whether this funding for the NLETC would comply with ARP Act requirements. It should be noted that **Speaker Hilgers** and **Sen. Stinner** were prepared to speak in opposition to AM2446, if necessary. Before a vote could be taken on AM2446, Sen. Hunt withdrew the amendment.

After eight hours of debate on various amendments to LB 1014, Sen. Stinner moved to invoke cloture pursuant to legislative rules to end the debate and vote to advance the bill to Select File; the cloture motion received 46 ayes, 1 no (Sen. Friesen) and 2 excused and not voting (Sens. Pahls and Pansing Brooks). After adoption of AM2330, the Appropriations Committee amendment



Sen. John Stinner

(as amended), LB 1014 was advanced to Select File with 41 ayes, 1 no (Sen. Friesen), 5 present and not voting (Sens. M. Cavanaugh, M. Hansen, Hughes, Sanders and Wayne) and 2 excused and not voting (Sens. Pahls and Pansing Brooks).

As Gov. Ricketts noted on Thurs-

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LB 1241: Thanks to Sen. Lathrop and law enforcement organizations statewide, League-supported bill to expedite reciprocity process for law enforcement officers advanced to Final Reading March 23 on a voice vote

Thanks to Omaha **Sen. Steve Lathrop**, Chair of the Judiciary Committee, for again doing a great job explaining the provisions of **LB 1241** when the bill was considered on Select File on March 23. Sen. Lathrop stated during General File debate on Feb. 25 that Elmwood Sen. Robert Clements would offer his incentive pay bill (LB 1270) as an amendment (AM2485) to LB 1241 on Select File.

Sen. Clements' amendment (AM2485) would create three tiers of law enforcement officer retention incentive payments based on service after July 1, 2022. Tier 1 would create an incentive for one year of service of \$750 for an officer employed by an agency with more than 75 officers and \$1,500 for officers employed by an agency with fewer than 75 officers. **Tier 2** would create an incentive of \$2,500 for three years of service at an agency with fewer than 75 officers. **Tier 3** would create an incentive of \$3,000 for five years of



Sen. Steve Lathrop



Sen. Robert Clements

service at an agency with fewer than 75 officers. The amendment would create a program for hiring bonuses at agencies with fewer than 150 officers and agencies which do not meet recommended staffing levels; these provisions would sunset June 30, 2028. **Click here for the hand-out Sen. Clements distributed to Senators before his amendment (AM2485) was adopted.**

Before LB 1241 was advanced to Final Reading on a voice vote,

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Sen. Terrell McKinney

LB 1014: ARP Act budget bill advances

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day in his monthly League Zoom call with municipal officials across the state, efforts to amend LB 1014 likely will continue on Select File and possibly even when the bill is considered on Final Reading. **Thanks to municipal officials and law enforcement representatives**

across the state who contacted Senators to oppose AM2446. Please thank your Senator for supporting this critically important funding for the NLETC, which trains all police officers except for those from Omaha, Lincoln, Bellevue, Papillion and La Vista. OPD and LPD train their officers at their

own academies. The officers of the other three cities are trained at the Sarpy Douglas Law Enforcement Academy. [Click here](#) for the hand-out Sen. Aguilar distributed to State Senators describing the important COVID-related infrastructure improvements needed at the NLETC.

LB 1241: Thanks to Sen. Lathrop and law enforcement organizations statewide, League-supported bill to expedite reciprocity process for law enforcement officers advanced to Final Reading March 23 on a voice vote

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Omaha **Sen. Terrell McKinney** successfully amended AM2485 with AM2560 which essentially precludes the following officers from receiving any of these benefits: *“A law enforcement officer shall not be eligible for a tier 1, tier 2, or tier 3 retention incentive payment under this section if: (a) Such law enforcement officer’s certification has ever been revoked; (b) Such law enforcement officer has ever been convicted of a felony or Class I misdemeanor. This subdivision shall not apply if the law enforcement officer received a pardon or set aside for such conviction; (c) Such law enforcement officer has ever been adjudicated by the council (Police Standards Advisory Council) to have engaged in serious misconduct, as such term is defined in section 81-1401; or (d) Such law enforcement officer was allowed to resign instead of being terminated from employment. This subdivision shall only apply if the law enforcement officer’s certification would have been revoked had he or she not resigned.”* Sen. McKinney’s amendment to the Clements’ amendment was adopted with 41 ayes, 0 nays, 4 present and not voting (Sens. Day, Halloran, Moser and Vargas) and 4 excused and not voting (Sens. Briese, Flood, Pahls and Pansing Brooks).

Thanks again to Sen. Lathrop for introducing LB 1241 and Speaker Mike Hilgers and Sen. Patty Pansing Brooks for co-sponsoring the bill, as originally introduced. Subsequently, the following Sena-

tors added their names as co-introducers: Blood, Bostar, DeBoer, Flood and Morfeld. We appreciate **Sen. Wendy DeBoer** for selecting **LB 1241** as her personal priority bill to assure consideration of the legislation this session.

Background Information

A special thanks to the following officers who testified with representatives of the **League** and **NACO** in strong support of **LB 1241** at the hearing on Feb. 10 before the Judiciary Committee: Scottsbluff Police **Chief Kevin Spencer**, President of Police Chiefs Association of Nebraska (PCAN); Cozad Police **Chief Mark Montgomery** on behalf of the Police Officers Association of Nebraska (POAN); Buffalo County **Sheriff Neil Miller** on behalf of the Buffalo County Sheriff’s Office and Nebraska Sheriffs Association (NSA); La Vista Police **Chief Bob Lausten**, also representing the United Cities of Sarpy County; **Jim Maguire**, President of the Fraternal Order of Police (FOP), also representing the Omaha Police Officers Association (OPOA); and Bellevue Police **Chief Ken Clary**.

These officers testified that law enforcement agencies across Nebraska are facing a crisis in retaining officers, attracting applicants certified in other states and processing reciprocity applications in a timely fashion due to our current laws. It is far easier for a Nebraska law enforcement officer to become an officer in another state than it is for a certified officer in another state

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to become certified in Nebraska. Nebraska only has two five-week reciprocity courses available annually at the Nebraska Law Enforcement Training Center (NLETC) in Grand Island. **LB 1241** is based, in large part, on Utah’s reciprocity law and “waiver process” which allows applicants to apply and be tested throughout the year.

In supporting **LB 1241** at the hearing before the Judiciary Committee, La Vista Police **Chief Bob Lausten** explained the need to add the language in **LB 1241** to the definition of “training academy” on page 4 of the bill so that the Douglas Sarpy County Law Enforcement Academy would NOT be held to the exact curriculum of the NLETC. The academies that train police officers in Omaha, Lincoln and the State Patrol are not held to the same curriculum as the NLETC.

The NLETC trains all police officers except for those from Omaha, Lincoln, Bellevue, Papillion and La Vista. OPD and LPD train their officers at their own academies. The officers of the other three cities are trained at the Sarpy Douglas Law Enforcement Academy.

LB 344: Legislature debates and holds second hearing on one-call bill

On March 11, the Legislature began General File debate on **LB 344**, a speaker priority bill introduced by **Sen. Curt Friesen** of Henderson. As originally introduced and amended by the Transportation and Telecommunications Committee, LB 344 would amend the One-Call Notification System Act to create an Underground Excavation Safety Committee appointed by the Governor. The committee would review complaints submitted to the Fire Marshal alleging violations of the One-Call Notification System Act, provide notice of hearing to all parties and make recommendations on how complaints should be resolved after an opportunity to be heard is provided to the interested parties.

Before debate began, Sen. Friesen filed AM1880, an amendment that would discard the concept of a Safety Committee and substitute a concept that would take away the authority of the Attorney General to enforce one-call violations

and create a one-call enforcement mechanism within the office of the Fire Marshal.

Immediately before debate, a letter opposing AM1880, signed by **Nebraska Rural Electric Association, Central NE Public Power and Irrigation District, the Lincoln Electric System, the Nebraska Public Power District, Loup Power District, NMPP Energy, the Nebraska Power Association, the Omaha Public Power District, the Metropolitan Utilities District, Black Hills Energy** and the **League of Nebraska Municipalities** was distributed to all Senators by Seward Sen. Mark Kolterman. The letter urged Senators not to move forward on the amendment because the elimination of the Attorney General from the enforcement process was an entirely new concept that had not had a public hearing.

After some debate, Sen. Friesen agreed to hold an additional hearing on AM1880 if the body would agree

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to move LB 344 from General File to Select File. Based on this plan, the Legislature advanced LB 344 to Select File.

On March 22, the Transportation and Telecommunications Committee held a hearing on AM1880. AM1880 was supported by the **National Utility Contractors Association**, and the **Nebraska Attorney General**. AM1880 was opposed by the **Nebraska Rural Electric Association, Black Hills Energy** and others. Neutral testimony was provided by the **Nebraska Fire Marshal, the League of Nebraska Municipalities** and the **Nebraska One-Call Board**.

Legislative hot line offered during session

During the legislative session, the Clerk of the Legislature's Office offers a hot line from 8 a.m. to 5 p.m.

Hot line staff will answer questions about the status of bills or requests for information. The service also is offered to any person who is hearing impaired and/or

speech impaired. Before 8 a.m., or after 5 p.m. during the week and on weekends and state holidays, callers will hear a recorded message of the next legislative day's agenda. Legislative hot line numbers are: Lincoln - 402-471-2709; Other areas in Nebraska - 800-742-7456.

Limited copies of bills or legislative journals can be obtained in the bill room, or they may be ordered through a 24-hour request line by calling 402-471-2877. Callers are asked to provide the bill numbers of the legislation they wish to receive.