

February 12, 2021

The Legislature adjourned on Thursday for a long four-day weekend. When lawmakers return to action Tuesday, they will conduct the first half-day of floor debate on bills that have advanced from committee to General File.

COMMITTEE ACTIVITY

The NBA presented testimony on each of the following bills during the past week:

Transportation and Telecommunications Committee

LB 388 – Nebraska Broadband Bridge Act: Introduced by Senator Curt Friesen (Henderson), LB 388 would appropriate \$20 million annually, beginning with fiscal year 2021-22 to facilitate and fund the development of broadband networks in unserved and underserved areas. The bill would create grants to be used for development costs for a qualifying project and require matching funds from political subdivisions making application for a grant, equal to 50 percent of the total development costs. **(NBA Position – Support)**

LB 455 – Broadband Pole Attachment Act: Introduced by Senator Friesen, LB 455 would require electric utilities to (a) charge rates and fees for attachments to utility poles by communications service providers that are just, reasonable, and nondiscriminatory regardless of the services furnished; (b) make the electric utility's easements available to a communications suit service provider and, where necessary, obtain expansions of such easements to accommodate the communications service providers attachments on a nondiscriminatory and competitively neutral basis; (c) establish terms and conditions for attachments to utility poles by any communication service provider that are nondiscriminatory, competitively neutral, commercially reasonable, and consistent with federal laws and regulations; and (d) if consistent with the National Capital and Electrical Safety Code, rearrange, expand, replace, or otherwise reengineer any utility pole upon the request of the communications service provider if necessary to accommodate the communications service provider's new attachment. **(NBA Position – Support)**

Business and Labor Committee

LB 258 – The Healthy and Safe Families and Workplaces Act: Introduced by Senator Tony Vargas (Omaha), LB 258 would allow employees to accrue a minimum of one hour of paid sick time for every 30 hours worked, with a maximum of 40 hours of paid sick time accrued in a calendar year. Under the measure, employees would be entitled to use accrued paid sick time beginning on the 60th calendar day following commencement of employment. Paid sick leave would be authorized for (a) an employee's mental or physical illness, injury, or health condition; (b)

an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; (c) an employee's need for preventative medical care; (d) care of a family member with a mental or physical illness, injury, or health condition; (e) care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; (f) care of a family member who needs preventative medical care; or (g) absence necessary due to domestic abuse, domestic assault, sexual assault, or stalking. **(NBA Position – Oppose)**

LB 290 – Paid Family and Medical Leave Insurance Act: Senator Machaela Cavanaugh (Omaha) introduced legislation that would establish a statewide paid family medical leave insurance program similar to Nebraska's unemployment insurance system, managed by the state Department of Labor. The legislation would apply to all employers' subject to the Employment Security Act (one or more employees), with self-employed individuals eligible to participate funding would be provided for the program through a payroll tax of up to 1 percent of payroll as determined by the Commissioner of Labor.

The bill would allow 12 weeks, or 60 workdays of paid leave if taken intermittently, and would base the paid leave upon 90 percent of an individual's average weekly wage that is at or below 50 percent of the state average weekly wage and 50 percent of the individual's average weekly wage that is above 50 percent of the state average weekly wage, not to exceed 66 percent of the state average weekly wage.

The bill would also require employers to pay all other benefits that are due to the employee that would have been paid in the absence of leave, as well as all other benefits offered to the employee (vacation, sick leave, etc.) and would require employers to allow employees to return to their jobs after exercising their right to family medical leave. **(NBA Position – Oppose)**

LB 598 – Small Business Stabilization Grant Program Act: LB 598, introduced by Senator Anna Wishart (Lincoln) would create a Small Business Stabilization Grant Program. Under the measure, grant funds would be provided to eligible businesses (for-profit business in the state of Nebraska that has no more than \$1 million in gross revenue in the most recently completed calendar year) that are experiencing a significant loss of revenue because of a qualifying event (any natural disaster, pandemic, or other event for which a state of emergency proclamation issued by the Governor). The bill would authorize grants up to \$12,000 and would appropriate \$20 million to carry out the Act. **(NBA Position – Support)**

Revenue Committee

LB 79 – Property Tax Credit Act: Senator Tom Brise (Albion) introduced LB 79 which would provide for a minimum amount of relief under the Property Tax Credit Act of \$275 million through 2023 and for tax year 2024 and each year thereafter, the minimum amount of relief shall be the minimum amount from the prior tax year increased by the allowable growth percentage provided under law. **(NBA Position – Support)**

LB 644 – Property Tax Request Act: Under LB 644, introduced by Senator Ben Hansen (Blair), political subdivisions would be required to explain how much a property taxpayer's bill would increase if the proposed tax increase were approved and hold a hearing on these tax increases after 6:00 p.m. to allow citizens to better participate in the process. The measure would require political

subdivisions (counties, cities, villages, school districts, learning communities, sanitary and improvement districts, Natural Resources Districts, educational service units, and community colleges) to comply with certain notice and hearing requirements prior to setting the property tax request an amount that exceeds the property tax request for the prior year, accounting for allowable growth (growth and assessed value of property from the prior assessment year to the current assessment year) resulting from (1) annexation of property; or (2) development of property. **(NBA Position – Support)**

UPCOMING HEARINGS

LB 139 – COVID-19 Liability Protection Act: Senator Briese has also introduced a measure (LB 139) which would prevent a person from bringing or maintaining a civil action seeking recovery for any injuries or damages sustained from exposure or potential exposure to COVID-19 unless the plaintiff can prove, by clear and convincing evidence, that the civil action relates to a minimum medical condition (a diagnosis of COVID-19 that requires inpatient hospitalization or results in death) resulting from gross negligence or willful misconduct. The bill would also prohibit a civil action seeking recovery for any injuries or damages sustained from exposure or potential exposure to COVID-19 from being brought or maintained if the act or omission alleged violated duty of care was prevented by, in substantial compliance with, or consistent with any federal or state statute, regulation, or order or public health guidance related to COVID-19 that was applicable to the person or activity an issue at the time of the alleged exposure or potential exposure. **(NBA Position – Support)**