

Nebraska Association of County Officials Legislative Report



Final 2010

Summary of 2010 Legislation

The following is a summary of some of the 196 bills adopted by the 2010 Legislature. Attention has been focused primarily on those bills of possible interest and impact to counties. These bill summaries are intended to provide a brief synopsis only and to highlight particular provisions of interest within each of the bills. For a more thorough understanding of any of these measures, please review the actual legislative bills. Bills can be requested from the Legislature's Bill Room at (402)471-0617. The full text of the final version of the bill, called the slip law, can be viewed at the Unicameral's website at www.nebraskalegislature.gov. A link to this site can be found on NACO's website at www.nacone.org. Also, consider contacting your county attorney with questions regarding the implementation of a particular bill related to your county.

More than 430 bills and constitutional amendments were

introduced this year. Bills that were not adopted are considered killed will not carry over to the 2011 session. Because provisions from one bill were often amended into another, original and final bill numbers are noted within the summaries.

Most bills take effect at 12:01 a.m. on July 15, 2010, which is three calendar months after the Legislature's adjournment. Bills passed with an emergency clause become effective either upon receiving the signature of Governor Dave Heineman or on a specified date less than three calendar months after adjournment.

Please contact the NACO office if you have questions about this summary or suggestions for possible legislation for 2011. NACO's 2011 legislative priorities will be selected at NACO's annual legislative conference on Oct. 14 in Kearney.

County Operations

LB 731 revises the Noxious Weed Control Act to allow counties without separate noxious weed control authority funds to be in compliance with the law. Existing law provides for the placement of certain collections in this fund, but many counties have streamlined their budgets to eliminate the separate fund and instead use a general fund line item to record receipts. LB 731 specifically authorizes placing these dollars in the general fund if no separate noxious weed control fund is available.

Supervisor counties are given a mechanism to access funds held by inactive townships by **LB 768**. NACO requested introduction of the bill to provide an option to counties that are unable to fill vacancies on township boards. Following six months of township board vacancies that cannot be filled, county boards can hold a hearing and terminate the individual township. If more than half of the townships in a county are terminated by this process, the question of whether to change to a commissioner form of government must appear on the ballot.

LB 475 removes auditing duties from county comptrollers in counties with a city of the metropolitan class. Instead, the county will provide for a separate internal auditor. The bill takes effect on Jan. 1, 2011.

LB 742 requires public entities to maintain a public written or electronic record of all settled claims. Settled claims in excess

of \$50,000 or one percent of the total annual budget of the entity, whichever is less, must include a written executed settlement agreement which contains a brief description of the claim, the parties, and the amount of financial compensation paid by the entity or on its behalf. Discussion of the settlement must be included as an agenda item at the next regularly scheduled meeting of the public entity. The bill was introduced in response to a \$200,000 sexual harassment claim settled by the city of Papillion that was not made public.

LB 780 provides workers' compensation coverage for mental injuries suffered by first responders. The injuries cannot be related to normal employer and employee relations and cannot be accompanied by a physical injury. First responders are identified as a sheriff, deputy sheriff, police officer, State Patrol officer, volunteer or paid firefighter, or volunteer or paid immediate medical care provider. The bill terminates on June 30, 2014.

LB 861 allows cities and counties to extend on-site alcohol sales for on-premises consumption from 1 a.m. to 2 a.m., with a two-thirds vote of the governing body. The bill contains concepts from seven other bills that revise liquor laws and increase membership on the State Racing Commission.

County Operations, continued

LB 552 enacts the Nebraska Construction Prompt Pay Act. Assuming all conditions are met, the bill requires owners to pay contractors within 30 days and contractors to pay subcontractors within 10 days. Liquidated and unliquidated claims against political subdivisions arising from construction projects must be filed within 180 days after the date of substantial completion of the project. The political subdivision must make a decision on the claim within 90 days after receipt. If no decision is made, it is treated as having been denied and an action may commence in district court. The bill takes effect on Oct. 1, 2010.

LB 563 creates the Employee Classification Act to help assure that contractors properly classify workers as employees or independent contractors. Contracts between a political subdivision or the state and a contractor must require that contractors submit an affidavit attesting to the proper

classification of workers, including completion of a federal I-9 form and other verification. A violation of the Act by a contractor is grounds for rescission of the contract by the state or political subdivision. Contractors providing false affidavits are subject to prosecution for perjury and are barred from governmental contracts for a period of three years for subsequent offenses.

LB 884 requires employers to provide employees with an itemized statement listing wages earned and deductions. The statement may be in print or electronic format and must be provided within 10 working days after a written request for the information.

Counties that impose a one dollar license fee on certain dog and cat breeders may retain three cents pursuant to **LB 910**.

Taxes

LB 708 was introduced at NACO's request by Sen. Arnie Stuthman to expand the time frame for county boards to take action on permissive property tax exemptions. Existing law requires action to be taken prior to August 1, but it is difficult for counties with a weekly newspaper to comply with publication requirements. LB 708 moves the deadline to July 1, effective Jan. 1, 2011.

LB 806 eliminates language that is not needed because recapture of taxes on land given special valuation was eliminated several years ago. Senator Kathy Campbell introduced the bill on behalf of NACO to eliminate references to the sale of greenbelted ag land to an exempt owner or sale to a governmental subdivision.

LB 873 eliminates a second tax notice that is sent to owners of personal property who have not paid the first half of taxes. Senator Bob Giese introduced the bill on behalf of NACO to harmonize real and personal property tax notice procedures.

LB 877 authorizes the county assessor, Tax Commissioner, or Property Tax Administrator to appeal the grant of permissive exemptions by the county board of equalization. Final copies of board of equalization opinions must be delivered electronically to the Tax Commissioner and Property Tax Administrator within seven days after the board's decision. Within seven days after issuing decisions and orders, the Tax Equalization and Review Commission (TERC) must publish the full text on a website. The Property Tax Administrator is given authority to determine how county assessors will use soil surveys. Property

owners filing protests with the county board of equalization must provide a description of the property that is adequate to identify each parcel. The county's report on each protest must include either a description adequate to identify the property or a physical description of tangible personal property. The Tax Commissioner is given broadened authority to examine information on homestead exemption applications to determine approval or noncompliance.

LB 1079, which would have placed a heavier burden on counties by changing the standard of review in cases appealed to TERC, did not advance this year.

LB 879 requires the Department of Revenue and Department of Labor to publish a list of delinquent taxpayers on one of their websites. The bill includes provisions from **LB 1078** updating references to the Internal Revenue Code and **LB 878** requiring electronic funds transfers of taxes.

LB 1071 is a technical bill that revises the school aid formula. It eliminates a requirement for county assessors to certify the taxable value of all real and personal property to the State Department of Education by Aug. 20. This information is also certified to the Property Tax Administrator by Aug. 25. Because the Department of Education receives the data from the Property Tax Administrator, the certification is unnecessary.

LB 1070 alters the levy authority for learning communities. The bill clarifies the distribution of property tax refunds based upon school district and learning community levies.

Roads

LB 643 revises notice requirements when county, township or natural resources district (NRD) road work will occur within ten feet of electrical transmission or distribution lines. Existing law requires at least 30 days notice if county or township work will occur within six feet of such lines and require their relocation. LB 643 extends the time frame for notice to 90 days, and adds road ditch improvement projects, as well as NRD road work, to

the list of triggering events.

LB 749 authorizes the designation of roads, except state highways, that give immediate access to a state veterans cemetery as state recreational roads. Such a designation opens the door to funding from the state's recreational road fund.

LB 821 sets out preservation of the existing state highway system as the primary priority of the Department of Roads.

Elections

Election commissioners and county clerks are responsible for implementing a policy regarding whether a voter whose name does not appear on a precinct list of registered voters due to a clerical error or different address within the precinct should receive a regular ballot or a provisional ballot under **LB 325**. The bill is intended to address concerns that poll workers, rather than county clerks or election commissioners, make decisions about who receives provisional or regular ballots. Candidates for city and village offices must file in the county clerk or election commissioner's office, rather than with the city or village clerk. Provisional ballots with certain minor errors may be counted.

LB 852 expands the use of write-in space in elections for

directors of natural resources districts, public power districts, reclamation districts, county weed district boards, and education service unit boards. The bill takes effect on Jan. 1, 2011.

LB 951 codifies requirements of the federal MOVE Act to provide timely ballots to members of the military and other Americans living overseas. **LB 850** was amended into the bill to require the University of Nebraska, state colleges and community colleges to provide instructions on early voting and an application to request an early voting ballot to certain students. Language from **LB 716** clarifies multiple office holding limitations for members of a community college board of governors.

Planning and Zoning

LB 997 provides that when counties or cities develop a new comprehensive plan or a full update of an existing plan, an energy element must be included. The plan must assess energy infrastructure and energy use by sector, evaluate utilization of renewable energy resources, and promote energy conservation measures that benefit the community. The energy element must be developed no later than Jan. 1, 2015.

LB 970 provides that appeals of county planning commission decisions regarding conditional uses or special exceptions will be made to the county board in counties with a city of the primary class. Appeals of county board decisions must be made

to the district court. In all other counties, both types of appeals are made to the district court.

LB 799 adopts the International Existing Building Code. The code provisions apply to all buildings owned by the state and all political subdivisions that elect to adopt the state building code or any of its components.

LB 512 requires all political subdivisions that have adopted a comprehensive plan and zoning regulations that have an airport hazard area to adopt minimum requirements prescribed by the Department of Aeronautics.

Motor Vehicles

LB 650 provides for the operation of minitrucks and utility-type vehicles (UTVs) on public roads. Minitrucks have a top speed of 55 miles per hour, have an enclosed passenger cab, and are equipped with headlights, taillights, turn signals, windshield wipers, rearview mirror, and seat belts. Minitrucks must be titled, registered, insured and licensed. Utility-type vehicles travel on four low-pressure tires and are equipped with a steering wheel and bench or bucket-type seats designed for side-by-side seating. New UTVs sold after Jan. 1, 2011 must be titled. Like all-terrain vehicles, UTVs may be operated for agricultural uses outside of city limits, within city or village limits if authorized by ordinance, or within unincorporated villages if authorized by the county board. Operators must have a valid driver's license and obtain liability insurance. Bills to regulate the use of golf cars (**LB 1004**) and low-speed vehicles (**LB 1100**) failed to advance.

LB 705 eliminates the restriction on a single individual using more than one set of Pearl Harbor, prisoner-of-war or disabled veterans license plates.

LB 725 defines fertilizer and agricultural chemical application and distribution equipment for purposes of motor vehicle laws. Registration documents for fertilizer trailers must be kept at the principal place of business of the owner, rather than carried on the trailer.

LB 820 clarifies the amount of weight that may be carried on the tandem axle when emergency vehicles are being transported for purposes of sale, demonstration, exhibit or delivery. The bill addresses an issue presented in **LB 991** by allowing loads of hay to exceed height limitations on roads.

LB 933 provides a process for obtaining a title for a manufactured home or mobile home that is already affixed to real estate or is sought by a security interest holder who wishes to note the lien on the face of the title. A manufacturer's or importer's certificate, title from another state, assessment records, or other documents may be used to provide proof of ownership.

LB 805 is an annual update of Nebraska motor vehicle laws to comply with federal laws and contains provisions from four other bills: **LB 761**, **LB 808**, **LB 819** and **LB 841**. Certified law enforcement officers employed by local law enforcement agencies are added to the list of officials who can have access to digital images and digital signatures from drivers' licenses. Employment driving permits can only be issued to persons who have not had an administrative license revocation within the previous 12 years or first-time DUI offenders. If a traffic control signal at an intersection is not operating due to a power failure or other cause and no other traffic control is provided, the intersection is treated as a multi-way stop.

Natural Resources

LB 1048 creates a new process for the regulation and taxation of wind energy in Nebraska. In addition to installation and decommissioning provisions, a nameplate capacity tax based upon the wind turbine's ability to generate megawatts of power replaces property taxes that spike in the early years of a wind energy project but are quickly reduced by depreciation. The nameplate capacity tax is distributed by the county treasurer in the same proportion as other property taxes. The accompanying appropriations bill called for a \$30,000 transfer from the state's General Fund to implement the program but was vetoed by Governor Heineman.

LB 235 regulates leases involving wind or solar energy on lands under the control of the Board of Educational Lands and Funds. Leases authorized by the Board must be filed in the register of deeds office in the county in which the real property subject to the lease is located. Such leases run with the land.

LB 1014 generates funding for teacher performance pay from solar or wind energy leases on school lands.

LB 862 expands the use of river-flow enhancement bonds to NRDs with integrated management plans explicitly stating an intent to use the bonds for qualified projects. The bill expands the authority to impose an occupation tax for the payment of

such qualified projects. Existing law only allows these bonds to be used in rivers subject to a compact among three or more states.

LB 1057 creates the Republican River Basin Water Sustainability Task Force. Each county in the basin has one representative in the 22-member body. The task force will define water sustainability in the basin, develop a plan to help reach water sustainability, and develop a plan to help avoid a water-short year in the basin.

LB 764 authorizes NRDs to develop integrated water management plans in conjunction with the Department of Natural Resources in areas not declared fully or overappropriated. The plan is intended to manage river basins, subbasins, or reaches to achieve and sustain a balance between water uses and water supplies for the long term.

LB 993 expands the uses of the Water Resources Cash Fund to include enhancing streamflows or ground water recharge in overappropriated basins. The funds can currently be used only to reduce consumptive uses of water by retiring irrigated land.

LB 210 revises the state aid formula for NRDs to distinguish between bond and non-bond property taxes. The bill takes effect on July 1, 2010.

State Budget

LB 935 is the mainline budget bill. It reduces the same state programs that were cut during the special session, including jail reimbursement, county property tax relief, and state aid to counties. The budget package includes **LB 317**, which transfers

\$3 million from the cash reserves, **LB 1090**, which provides for the payment of claims against the state, and **LB 1091**, which disapproves of claims against the state.

Law Enforcement and Courts

As originally introduced, **LB 712** raised dollar thresholds for the sale of property left by former tenants. As the bill advanced, provisions from 15 other bills were amended into the initial measure. **LB 824**, which was introduced at NACO's request, decreases the frequency of creating a master jury list so that counties of less than 3,000 must refresh the jury pool at least once every five calendar years. Counties of 3,000 to 7,000 must produce the list every two years. **LB 915** requires motor vehicle operator license numbers or state identification card numbers to be provided to jury commissioners. **LB 1026** sets out a process for transferring civil actions between district courts. **LB 1045** strikes a requirement to transfer jury commissioner duties to the county clerk when a county reaches 150,000 residents. Under the bill, a transfer will occur when the population hits 200,000. **LB 847** changes default judgment provisions related to small claims court. **LB 1046** provides that defendants who obtain a continuance for an indefinite period are deemed to have waived their right to a speedy trial. **LB 939** changes child support enforcement provisions to reflect federal requirements related to the collection of other monetary judgments, mandatory reporting of account balances and review and modification of child support orders. **LB 1084** creates a procedure for a county to obtain regular payments for the maintenance, care and

disposition of any pet animals or equines seized by a sheriff while a case is pending against a defendant for the mistreatment of the animals. Several counties have incurred significant costs recently to provide care for mistreated animals. **LB 840** changes provisions relating to criminal attempt. **LB 843** changes provisions relating to arson to include property contained within a building. **LB 988** increases the amount of credit for imprisonment for nonpayment of fines or costs from \$60 to \$90 per day. **LB 990** makes the calculation of "good time" served in city and county jails consistent with that of state facilities. **LB 687** changes amounts of homestead allowance, exempt personal property and family allowance for decedents' estates. **LB 703** changes powers of attorney provisions to allow creation or alteration of rights of survivorship and/or beneficiary designations. **LB 757** provides for non-probate transfer on death of motor vehicle certificates of title.

LB 147 requires the clerk of the district court to deliver a copy of any name change order to the Department of Health and Human Services for possible placement on the Adult Protective Services Central Registry and child protective services registry and to the Nebraska State Patrol for placement on the sex offender registry. The bill takes effect on Jan. 1, 2012.

Law Enforcement and Courts, continued

LB 510 imposes a one dollar court fee on misdemeanor and felony convictions in county or district court and on each affirmation on appeal. Counties are not liable for the fee. Seventy-five percent of the collections go to the Victims Compensation Fund and 25 percent go to the Reentry Cash Fund for costs associated with reentry and reintegration programs offered to offenders placed in the incarceration work camp in McCook. The bill also authorizes withholding of up to 5 percent of wages earned by inmates to be placed in the Crime Victims Reparations Fund.

LB 695 increases the jurisdictional amount for small claims court to \$3,500 on July 1, 2010 and provides for a rate adjustment every five years.

LB 800 is a major revision of juvenile justice laws that involves parents and schools, as well as the justice system. The bill codifies the authority of probation officers to impose additional administrative sanctions on juveniles who violate the terms of their probation. A juvenile offender civil citation pilot program is enacted for Omaha juveniles accused of committing non-violent misdemeanor offenses. School officials must develop truancy policies and students absent more than 20 days in one year are reported to the county attorney's office. Parents can be fined up to \$500 for each offense and ordered to complete community service. Language taken from **LB 923** enacts a process for sealing juvenile records if pretrial diversion or mediation has been successfully completed. Other amendments would make penalties for minor in possession of marijuana consistent with those of minor in possession of alcohol.

LB 261 authorizes retailers to scan the machine-readable information encoded on a driver's license or state identification card for purchases of alcohol, lottery tickets, and tobacco products. Only the age and identification number may be stored and used by a law enforcement agency to enforce the restrictions on purchases of these products.

LB 842 eliminates a special prosecutor and team of three investigators that are required to examine deaths that occur during apprehension or in the custody of law enforcement.

LB 735 provides a waiver of liability for wireless carriers that provide call location identification to law enforcement in an emergency situation that involves the risk or threat of death or serious physical harm. This is referred to as the Kelsey Smith Act.

LB 844 removes a requirement for the Law Enforcement Training Center to charge tuition for mandated training beginning Jan. 1, 2011. Legislation adopted in 2000 provided for community colleges to offer core training courses to students who would later attend the training center at their own cost.

Because very few potential officers attended, the Legislature delayed implementation of the tuition-based system several times. Because an increase in court fees in 2009 generated enough funding to operate the training center, the tuition-based system was eliminated by **LB 844**.

LB 817 authorizes NRDs to enter into interlocal agreements or contract with private security services to patrol recreation areas. Concepts from **LB 905**, **LB 795** and **LB 860** were amended into the bill to provide that city ordinances cannot require registration of concealed handguns. The discharge of a firearm from a vehicle in the direction of a person, house or motor vehicle is a Class IC felony. The State Patrol must notify each concealed handgun permit holder that lost or stolen firearms should be reported to the county sheriff or local police department. Persons with certain misdemeanor convictions 10 years ago or longer can receive concealed handgun permits.

LB 550 provides that under certain circumstances, members of the National Guard are considered peace officers with the power to prevent crime, arrest persons, and execute process.

LB 864 requires the Community Corrections Council to develop a plan for adding new reporting centers. As state funding allows, the number of reporting centers will be increased until each judicial district has at least one reporting center.

LB 746 revises the membership of the Racial Profiling Advisory Committee and extends reporting requirements until Jan. 1, 2014. Reporting of data on law enforcement stops had been scheduled to terminate on Jan. 1, 2010.

LB 190 requires felons who are subject to the collection of their DNA as a condition for probation to pay for the costs of collecting the sample prior to their release from probation. Certain misdemeanor offenders are required to provide a DNA sample, as are persons currently imprisoned for a felony who do not have a sample on file.

LB 226 allows persons age 18 or older who are not wards of the state to enter into binding contracts and leases. Parents or guardians of such minors who are not wards of the state can delegate their power to consent to the minor's health care and medical treatment to the minor. For other purposes, the age of majority remains at 19.

LB 901 revises best interest of the child provisions related to child custody.

LB 732 authorizes sheriffs holding a mortgage foreclosure or trust sale to postpone part or all of the sale. Notice of the new sale must be given at the original sale location and date. If the sale is postponed more than 45 days, notice must be given in the same manner as the original notice.

Crimes and Offenses

LB 945 creates the offense of using a handheld wireless communication device to read, type or send a written communication while driving. Enforcement will occur as a secondary offense and the offender will be charged with a traffic

offense. The prohibition against texting does not apply to law enforcement officers, firefighters, ambulance drivers or emergency technicians in the performance of their duties or persons operating motor vehicles in emergency situations.

Crimes and Offenses, continued

LB 252 prohibits the possession of animal fighting paraphernalia with the intent to engage in dogfighting, cockfighting, bearbaiting or pitting an animal against another. Violations are a Class I misdemeanor.

LB 865 prohibits animal cruelty to livestock. Any law enforcement officer who has reason to believe that a livestock animal has been abandoned, cruelly neglected or cruelly mistreated can obtain a warrant to enter on private property to inspect, care for or impound such animals. The officer may issue a citation to the owner of the livestock. Employees of governmental agencies dealing with livestock animal control or animal abuse are charged with reporting suspected abuse. The bill prohibits cow tipping and tripping of cattle and horses not related to rodeos, races, or pulling contests.

LB 836 authorizes extended deer hunting seasons as directed by the Game and Parks Commission. It takes concepts from **LB 747** that allow landowners limited permission to kill mountain lions preying on livestock or poultry.

LB 258 creates penalties for persons age 18 and younger who are found in possession of alcohol. For the first offense, the minor's driver's license will be impounded for 30 days and the

offender can be required to attend an alcohol education class. Subsequent offenses provide for longer impoundment and community service.

LB 924 provides for the use of an ignition interlock in some instances when a driver has lost their license.

LB 914 gives judges flexibility in determining whether to order defendants not to drive for up to one year for violations of the duty to stop and provide information after an accident. It also authorizes the revocation of a driver's license for the same period the defendant is ordered not to drive.

LB 507 uses prior convictions to enhance penalties for the crime of domestic assault and changes penalties for child abuse. The bill also allows pregnant women who are victims of domestic violence to receive Medicaid services.

LB 771 revises provisions related to criminal offenses against a pregnant woman, criminal attempt, assault, assault on an officer and other offenses.

LB 792 revises the state's controlled substances schedule to match the federal Controlled Substances Act.

LB 894 creates a penalty for persons possessing any security device countermeasure in a store.

Constitutional Amendments

LR 284CA proposes elimination of the elected office of State Treasurer, effective Jan. 8, 2015. The issue will appear on the Nov. 2010 general election ballot.

LR 295CA will appear as Amendment 1 on the May primary ballot. If adopted by voters, cities, counties and villages could acquire, own, develop and lease real and personal property for

use by charitable nonprofit enterprises and issue revenue bonds to defray costs related to such property. The bonds would not become an obligation of the issuing governmental entity and would be repaid through revenue from the projects, rather than tax dollars. The same issue was presented to voters in 2002 and 2006.

Miscellaneous

LB 1010 is the result of an interim study examining the eminent domain authority of NRDs for purposes of acquiring property for trails. The bill sets out a process of public hearings and landowner negotiations before a taking supermajority vote of the NRD board to proceed with eminent domain. If a trail divides private property, the owner must be given reasonable access to the parcel at a mutually-agreed upon location.

The Legislature adopted three bills revising funding mechanisms for convention centers. **LB 779** revises the Convention Center Facility Financing Assistance Act to provide funding for sports arenas seating 3,000 to 7,000 and racetracks initially occupied on or after July 1, 2010. Seventy percent of sales taxes generated by a qualifying facility would be "turned back" to help pay down debt incurred in the development of the facility. Thirty percent would be allocated to the Local Civic, Cultural and Convention Center Financing Fund, which provides grants for rural community improvement projects. **LB 789** increases the dollar amount of grants that can be provided to cities under the Local Civic, Cultural, and Convention Center Financing Act. The fund amounts are tiered according to population. **LB 975** permits funding for projects in areas of high poverty or in close geographic proximity to such areas.

LB 1018 adopts the Nebraska Advantage Transformational Tourism and Redevelopment Act. It authorizes cities to issue refunds of local option sales tax within a geographic area for tourism and redevelopment.

LB 1002 is a mechanism to provide assistance for economic development, health care and law enforcement needs near Indian reservations. The state will provide \$25,000 for this purpose. The program will terminate on June 30, 2018.

LB 696 imposes a disposal fee for waste transported for disposal outside of Nebraska by solid waste processing facilities. Under existing law, transfer stations hauling waste to another state circumvent the fee, which is otherwise rebated to counties and cities.

LB 798 extends the Nebraska Litter Reduction and Recycling Act for five years. Litter fees imposed on manufacturers and others are used for litter and recycling grants.

LB 999 imposes a moratorium on new hospital licenses through Sept. 15, 2011. The Legislature's Health and Human Services Committee will study health care in the state and seek input from resources including public health agencies, physicians, hospitals and others.

Miscellaneous, continued

LB 950 revises the five state-administered retirement plans to reflect laws passed last year limiting government benefits to citizens and makes other technical changes.

LB 522 clarifies legislation adopted last year to direct the usage of funds and fees collected by volunteer emergency response services. Such funds may be used for the support of the emergency services, charges directly related to the collection of the funds, fees or charges, or for the support of a service award benefit.

LB 373 changes the time frame for rebuttable presumptions for firefighters and firefighter-paramedics for purposes of determining death and disability benefits. The bill provides a look-back period to determine whether certain injuries or health conditions occurred during the time of duty.

LB 934 provides that volunteer members of the Nebraska

Wing of the Civil Air Patrol are considered volunteer emergency responders for purposes of the Volunteer Emergency Responders Job Protection Act. The Act, which was adopted in 2008, prohibits employers from terminating or taking other disciplinary action against volunteer emergency responders who are absent or late due to an emergency.

LB 736 provides for homeowners' association liens on a member's real estate to be recorded in the register of deeds office. Such liens are secondary to real estate tax liens and other governmental assessments.

LB 751 eliminates changes to the Uniform Commercial Code adopted last year that would have allowed minor errors or omissions in financing statements. The bill took effect on March 3.

INTERIM STUDIES

What follows is a partial listing of interim study resolutions that were introduced for examination during the summer and fall months. This listing represents only those studies determined to be of significant interest and importance to county government. Listed here are the resolution numbers, introducer(s), the committee that will conduct the study, and a brief description of the issue. The public hearing schedule for selected interim studies will be posted on the Legislature's website as it becomes available.

•**LR334** *Cornett* (Banking, Commerce and Insurance) Interim study to determine whether Nebraska's insurance laws should be amended to provide requirements relating to health benefit plan prescription drug coverage

•**LR372** *Gloor* (Health and Human Services) Interim study to examine the potential effect of national health care reform proposals on Nebraska

•**LR384** *Krist* (Urban Affairs) Interim study to examine the fire sprinkler mandate contained in 2009 building codes

•**LR406** *Cornett* (Banking, Commerce and Insurance) Interim study to determine whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act

•**LR419** *Pankonin* (Transportation and Telecommunications) Interim study to determine the need to create a licensing process for boat dealers in Nebraska

•**LR421** *Nebraska Retirement Systems Committee* (Nebraska Retirement Systems) Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board

•**LR422** *Nebraska Retirement Systems Committee* (Nebraska Retirement Systems) Interim study to review and update the General Principles of Sound Retirement Planning

•**LR423** *McCoy* (Government, Military and Veterans Affairs) Interim study to examine the way Nebraska awards electoral votes in presidential elections

•**LR424** *Pahls* (Banking, Commerce and Insurance) Interim study to examine whether Nebraska should update the Uniform Commercial Code, Article 9, relating to secured transactions

•**LR427** *Gloor* (Health and Human Services) Interim study to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly

licensed hospitals affect the cost of health care

•**LR430** *Christensen* (Judiciary) Interim study to examine Nebraska's laws regarding a person's right to self-defense by the use of force and to review the Castle Doctrine laws in other states

•**LR431** *Haar* (Government, Military and Veterans Affairs) Interim study to examine how private sources of money given to public institutions should be disclosed

•**LR432** *Haar* (Judiciary) Interim study to examine Nebraska's child support collection methods

•**LR434** *Nordquist* (Health and Human Services) Interim study to examine the factors contributing to childhood obesity, as well as its consequences

•**LR435** *Dubas* (Natural Resources) Interim study to examine issues relating to oil and natural gas pipelines in the State of Nebraska

•**LR437** *Pankonin* (Revenue) Interim study relating to levy exceptions and budget exceptions as they are used with interlocal agreements

•**LR439** *Pahls* (Banking, Commerce and Insurance) Interim study to review recent changes in federal law regarding health care insurance and to identify administrative and legislative responses which Nebraska will need to make

•**LR440** *Giese* (Health and Human Services) Interim study to examine issues relating to mobile home parks

•**LR442** *Fischer* (Transportation and Telecommunications) Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee

•**LR443** *Fischer* (Transportation and Telecommunications) Interim study to review and monitor the progress of the National Broadband Plan proposed by the Federal Communications Commission

Interim Studies, continued

- LR444** *Carlson* (Agriculture) Interim study to examine how the law of division fences and the law of trespass affect the ability of landowners to carry out necessary management of trees and other vegetation
- LR446** *Carlson* (Agriculture) Interim study to examine options for a long-term management framework for vegetation within streambeds and immediate riparian areas
- LR448** *Carlson* (Agriculture) Interim study to examine funding alternatives to continue the Water Resources Cash Fund
- LR450** *Mello* (Natural Resources) Interim study to examine the establishment of an electronic waste recycling program in Nebraska
- LR454** *Gay* (Health and Human Services) Interim study to conduct research and provide recommendations regarding for-profit, specialty, or physician-owned hospitals
- LR459** *Nordquist* (Health and Human Services) Interim study to examine Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children
- LR460** *Nordquist* (Health and Human Services) Interim study relating to the implementation and funding of the medicaid state plan amendment or waiver for secure residential and subacute behavioral health services
- LR461** *Cook* (Urban Affairs) Interim study to examine the federal Americans with Disabilities Act as it relates to parking accessibility for handicapped or disabled persons
- LR462** *Coash* (Health and Human Services) Interim study to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody
- LR464** *Giese* (Health and Human Services) Interim study to examine staffing requirements for nursing homes
- LR467** *Gay* (Health and Human Services) Interim study to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act
- LR470** *Avery* (Government, Military and Veterans Affairs) Interim study to examine the issue of how political subdivisions may be impacted by the 2010 United State Census
- LR471** *Avery* (Government, Military and Veterans Affairs) Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee
- LR472** *Avery* (Government, Military and Veterans Affairs) Interim study to examine the issue of using electronic and digital signatures on initiative and referendum petitions
- LR473** *Carlson* (Natural Resources) Interim study to examine the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes
- LR474** *Carlson* (Natural Resources) Interim study to examine aquifer depletions in the State of Nebraska
- LR475** *Dubas* (Agriculture) Interim study to examine issues relating to restricted use chemical application and the need to improve systems of notification of pesticide applications
- LR477** *Nebraska Retirement Systems Committee* (Nebraska Retirement Systems) Interim study to examine the issues relating to the sustainability of public retirement plans
- LR478** *Christensen* (Natural Resources) Interim study to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources
- LR479** *Ashford* (Judiciary) Interim study to review matters under the jurisdiction of the Judiciary Committee
- LR481** *Dubas* (Natural Resources) Interim study to examine the practice of prescribed burning such as controlled burns and the function of prescribed burning in managing plant and animal communities
- LR482** *Pahls* (Executive Board) Interim study to examine the amount of state and local tax revenues generated in the rural and urban areas of the state
- LR483** *Pahls* (Banking, Commerce and Insurance) Interim study to examine issues relating to motor vehicle insurance fraud
- LR487** *Mello* (Revenue) Interim study to examine the impact of adopting tax incentives for films, television shows, commercials, music, web-based content, or Internet-delivered content produced in Nebraska
- LR488** *Wightman* (Judiciary) Interim study to analyze the provisions of LB756, a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law
- LR489** *Schilz* (Health and Human Services) Interim study to examine raising revenue from misdemeanors and felonies or from other sources to help fund a grant program for rural emergency medical services
- LR495** *Giese* (Judiciary) Interim study to examine district probation offices
- LR496** *Cornett* (Revenue) Interim study to examine issues relating to state and local taxation of wind energy electrical generation facilities
- LR498** *Cornett* (Revenue) Interim study of the Tax Expenditure Reporting Act and to suggest additional duties or information to be reported under the act
- LR499** *Cornett* (Revenue) Interim study to examine tax laws, policies, and programs that address the tax burdens of low-income persons and households
- LR500** *Cornett* (Revenue) Interim study to examine the tax laws, policies, and programs of the State of Nebraska
- LR504** *Cornett* (Revenue) Interim study to examine policies and programs for addressing property tax relief, including existing and alternative policies
- LR505** *Cornett* (Revenue) Interim study to examine issues relating to making the Local Civic, Cultural, and Convention Center Financing Act applicable to county governments
- LR506** *Cornett* (Revenue) Interim study to examine state and local property tax valuation and exemption protest and appeal processes and procedures
- LR507** *Lautenbaugh* (Executive Board) Interim study to examine ways to streamline all levels of government, including, but not limited to elimination, consolidation, or reassignment
- LR510** *Pirsch* (Revenue) Interim study to examine issues relating to refunds of local option sales taxes under the Nebraska Advantage Act

Interim Studies, continued

- LR511** *Pirsch* (Revenue) Interim study to examine issues relating to expanding the Local Civic, Cultural, and Convention Center Financing Act so that incentives could be used to help employers create new jobs in small communities
- LR513** *Gay* (Health and Human Services) Interim study to review the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services
- LR516** *Fischer* (Transportation and Telecommunications) Interim study to analyze the current Vehicle and Titling Registration (VTR) System that is developed and maintained by the Department of Motor Vehicles
- LR518** *Campbell* (Transportation and Telecommunication) Interim study to review the efficiency associated with the fact that the Department of Motor Vehicles is solely responsible for issuance of drivers' licenses, permits, and state identification cards and collection of fees
- LR520** *Janssen* (Revenue) Interim study to examine the impact of illegal immigration on the state's budget
- LR522** *Janssen* (Judiciary) Interim study to examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants
- LR524** *Haar* (Natural Resources) Interim study to examine regulation of renewable energy generation in other states and in regional transmission organizations
- LR525** *Haar* (Judiciary) Interim study to examine Nebraska's laws on unlawful intrusion, stalking, and criminal trespass
- LR542** *Heidemann* (Executive Board) Provide the standing committees and Executive Board shall review programs within the agencies under their subject-matter jurisdiction to identify services, programs, and obligations that may be reduced or eliminated during the 2011 session
- LR566** *Revenue Committee* (Revenue) Interim study to examine various methods of financing interstate water compacts and agreements
- LR568** *Health and Human Services Committee* (Health and Human Services) Interim study to review implementation of reforms by the Dept. of Health and Human Services regarding how children and families are served by the child welfare and juvenile services system in Nebraska
- LR571** *Judiciary Committee* (Judiciary) Interim study to examine the implementation of LB63, 2009, with respect to creation of the Office of Violence Prevention, and to study implementation of LB800, 2010