

# Nebraska Association of County Officials Legislative Report



February 29, 2008

## Session Passes Midpoint, Full-Day Debate Begins

The final public hearings on this year's 471 bills concluded on Thursday, the 33<sup>rd</sup> day of the session. After recess days on Feb. 29 and March 3, the Legislature will begin full days of debate on March 4. Although the Legislature typically adjourns about 5 p.m., debate will periodically be scheduled later into the evening beginning on March 25. The session is tentatively scheduled to conclude on April 17.

Of 102 senator, committee and Speaker priority bills, 54 are on General File and 29 remain in committee. Counties have an interest in or need to monitor nearly one-third of the priority bills. The agenda for Tuesday groups priority bills into divisions named after senators for ease of reference.

In addition to priority bills, the full Legislature must address

the budget package after the Appropriations Committee completes its work. The Appropriations and Revenue Committees have met jointly to discuss possible solutions to the shortfall in state revenues that was predicted by the Forecasting Board last week.

NACO would like to thank all of the county officials who came to Lincoln to attend and testify at hearings. County officials from all corners of the state provided input to senators at committee hearings and through phone calls, letters and emails. This personal contact is essential to help senators learn the impact on counties of proposed legislation and existing laws. Please thank your senator for their consideration of county viewpoints and the work they do on behalf of the state.

## New Law Enforcement Retirement Plan Prioritized

Current county and city law enforcement officers could choose to participate in a new retirement plan under the terms of a committee amendment to **LB 371**. Participation in the new plan would be mandatory for new hires after Jan. 1, 2009. Officers in cities of the metropolitan or primary class or in counties with a city of the metropolitan class would not be eligible for the new plan. The bill was selected as a committee priority bill by the Retirement Systems Committee.

**LB 371** was one of three bills introduced last year to address retirement benefits for local law enforcement officers. **LB 370**, which proposed an actuarial study of all law enforcement retirement plans in the state, was amended into **LB 328** last year. The study was completed during the summer and was the subject of an interim hearing in December. Much of the discussion focused on the length of law enforcement officers' careers and the lack of retirement plans for many city police officers. **LB 372**, which remains in committee, would create a new cash balance plan for law enforcement. Original provisions of **LB 371** that would have created a defined benefit plan with a DROP (deferred retirement option plan) element are replaced by the committee amendment.

The proposed plan provides for the creation of the Nebraska

Peace Officer Retirement System. An amount equal to 9.25 percent of salary would be contributed to the plan, plus any appropriations made by the Legislature. An actuarial calculation would be made each year to determine the unfunded actual accrued liability as amortized over thirty years and supplemental contributions by political subdivisions could be required. Officers who become disabled or unfit for duty could be eligible to receive an annuity after all vacation and sick leave are exhausted. Officers with an appropriate amount of service could retire with an annuity at age 55 and would be required to retire at age 62. The amount of the annuity would be calculated based upon years of service and wages. City levy limits would not apply to retirement contributions for new participants in the retirement plan in FY08-09.

The committee amended **LB 937** and **LB 938** into **LB 1147**, the second Retirement Systems committee priority bill. **LB 1147**, which would clean up cost-of-living provisions in the school, State Patrol and judges plan, was advanced from General File on Thursday. **LB 937** and **LB 938** would make technical changes to county retirement laws. After being amended into **LB 1147**, the original bills were indefinitely postponed.

## Snapshots of County Issues

- The Government, Military and Veterans Affairs Committee sent two **election bills** to the floor. **LB 838** was introduced by Sen. Russ Karpisek at NACO's request. It would eliminate the use of an extra secrecy envelope when elections are conducted by mail. An additional envelope is not required for absentee ballots returned by mail. A committee amendment makes a technical change to reflect election terminology. **LB 1067** would set a minimum \$50 reimbursement to counties for the costs of conducting elections for other entities.
- The Government Committee also advanced **LB 889**, a bill to allow counties and other political subdivisions to use a **design-build** or construction management at risk method for building projects. A committee amendment would prohibit the use of these methods for building roads and public works projects. Counties currently use a design-bid-build method of construction. Speaker Flood has selected LB 889 as his personal priority bill.
- County treasurers would accept payments for **REAL ID** cards and issue receipts indicating driving privileges under Transportation Committee amendments to **LB 911**. Cards would be produced at a central location and mailed to the address provided by the applicant. Many of the details would be determined by the Department of Motor Vehicles. The bill has been designated as a Speaker priority.
- The Natural Resources Committee killed **LB 1164**, a bill to allow certain participating farmers to seek reimbursement from counties for their efforts to protect crops from damage done by deer, geese, turkeys and elk.
- Rural senators voiced concerns that **judges** in sparsely populated areas could be shifted to more urban locations if **LB 1014** is adopted. The Supreme Court, rather than the Legislature, would have authority to evaluate and reallocate 124 district and county court judges when a vacancy occurs. The bill was advanced from the first round of debate but Sen. Brad Ashford, introducer and chair of the Judiciary Committee, noted that further discussion is appropriate before the bill is finalized. A motion has been filed to bracket the bill until April 1. The committee amendment includes provisions from eight other court-related bills.

- County assessors could not consider the **farm home site** or farm site in determining whether the primary use of a parcel is agricultural or horticultural in nature under a committee amendment to **LB 777**. As originally drafted, the bill would have created a category of multiple-use parcels. Senator Carol Hudkins has prioritized the bill.
- The time frame for landowners to mow ditches adjacent to public roads would be moved back under **LB 1051**. Landowners would also be required to trim overhanging trees to at least 15 feet. The bill came out of the Transportation Committee with an amendment to reduce that height to 12 feet. Existing law requires trees to be trimmed to eight feet, but modern farm equipment and school buses exceed that height. The bill has not been prioritized. Unless it appears on a consent calendar, the bill would need to be reintroduced next year.
- Bodies holding **public meetings** could not require persons who wish to speak to submit their names in advance, but could still enact reasonable rules for public participation under **LB 962**. Senator Don Preister introduced the bill to address policies of some public bodies that restrict public input until after a decision has been made on an issue. He commended counties for making open meetings law posters available. The bill, which is a Speaker priority, advanced to Select File.
- A new classification of "**remote residential road**" would be created by **LB 1068**. Currently roads are assigned to one of eight functional classifications to determine design, construction and maintenance standards. The new designation would provide for limited maintenance of one-lane rural roads in areas that fall within population and geographical boundaries. The bill, which was prioritized by Sen. Leroy Loudon, was sent to General File by the Transportation and Telecommunications Committee.
- **LB 1069**, a bill to increase fines for trains blocking certain roads was killed by the Transportation Committee. **LB 837**, a bill that would have repealed railroad crossing closure laws enacted last year, was designated as a Speaker priority and has been sent to General File with a committee amendment. A committee amendment would retain existing language but exempt crossings from closure if a written request from a professional engineer is submitted.

## Thanks to Outgoing County Board Members

As the deadline for incumbents to file for county board seats passed, NACO learned of a number of county board members who have elected not to run again. On behalf of all counties, we

would like to thank you for your service. We appreciate your dedication to local government.

## Register for NACO's 2008 Budget Seminar

County officials can hear from the State Auditor's office about lid computations, budget forms and audits, as well as learning about the interacting roles of county board members, clerks and treasurers, at NACO's first biennial budget seminar on May 29

in Kearney. Online registration is available on the NACO website at [www.nacone.org](http://www.nacone.org). The registration fee is \$60 and a block of rooms at the Holiday Inn are available at a reduced rate for seminar participants.