

Nebraska Association of County Officials Legislative Report



April 17, 2009

County Officials View Legislative Process

More than 100 county officials from across the state met with senators and state agency officials during NACO's Counties' Legislative Day on April 16. Governor Dave Heineman welcomed the group and discussed the distribution of federal stimulus funds. Speaker Mike Flood noted four issues that will be addressed during the remainder of the session: the state budget, safe haven issues, developmental disabilities and the Beatrice State Developmental Center, and the death penalty. Senator Arnie Stuthman spoke about several bills impacting counties including measures to grant county ordinance authority (**LB 532**), natural resource district bonding authority (**LB 160**), and trapping in county right-of-ways (**LB 5**). Transportation and Telecommunications Committee Chair Deb Fischer addressed motor vehicle bills dealing with specialty

license plates (**LB 110**), cancelling motor vehicle registrations if insufficient funds checks are issued (**LB 129**), and highway funding (**LB 264**), among other bills. Senator Kathy Campbell discussed the dynamics of the Legislature and two bills she introduced on behalf of counties, **LB 302** (transfer of homestead exemptions) and **LB 294** (extending county bonding authority). Senators Stuthman and Campbell encouraged county officials to consider running for the Legislature, noting the experience of county officials on a wide variety of issues.

Following lunch at the Cornhusker Marriott Hotel with 21 senators in attendance, county officials visited state agencies, viewed consent calendar floor debate, and toured the Capitol and Governor's Mansion.

“Rockefeller Center” Christmas Tree Advances with Sheriff’s Fee Amendment

A bill that came out of the Judiciary Committee with an amendment containing 14 other bills was dubbed the “Rockefeller Center” Christmas tree bill by the introducer of the original bill. Sen. Brad Ashford, who also chairs the Judiciary Committee, spoke in response to concerns about the number of bills that were proposed for amendment onto **LB 35**. Bills which are amended by other bills are often referred to as “Christmas trees.”

Among the bills amended into **LB 35** are **LB 305**, which would provide for state identification card holders to be included in initial jury pools, and **LB 669**, which would create a new district judgeship in Lancaster County. The accompanying appropriations bill noted a cost to the state of more than \$230,000 for the new seat.

The committee amendment also included **LB 33**, which proposed an increase in court automation fees to cover the costs of converting Douglas County District and Juvenile Court documents to the statewide JUSTICE system and upgrading the

system. Proponents argued that the fee increase was justified by the time savings for attorneys who would be able to file documents electronically and access court records online, rather than traveling to another county for the documents. The fee, which is currently six dollars, would increase to eight dollars under **LB 35** as advanced.

Sen. Dave Pankonin offered and withdrew an amendment to increase court fees earmarked for judges' retirement. The issue will be addressed on Select File after further negotiations about increasing judges' contributions.

In addition, Sen. Scott Lautenbaugh offered an amendment that contained the provisions of a Government, Military and Veterans Affairs Committee amendment to **LB 273**, a bill to increase fees charged by sheriffs for service of process. The original bill proposed increases to 28 different types of fees but the adopted amendment limited the increase to five areas. The amendment also addresses situations in which costs are awarded.

NRD Bonding Bill Debated

After a full day of first-round debate on April 15, two amendments are still pending on **LB 160**, a bill introduced to give bonding authority to natural resources districts (NRDs) for

flood protection and water quality enhancement. Senators debated the rate of NRD levy authority, county board authority to deny certain projects, and voting for bonding authority.

Bills Advanced from General File

On April 16, senators used a consent calendar process to advance 55 noncontroversial bills from General File. According to the consent calendar rules, upon completion of debate on the bills or 15 minutes, whichever comes first, a vote is taken to advance the bill and any pending amendments. Amendments that add new subject matter, other than the committee amendments, are prohibited.

- **Homestead Exemptions:** Homestead exemption recipients who purchase and move to a new residence but have not sold their prior homestead by August 15 would be allowed to transfer the exemption to the new property under **LB 302**. The bill was introduced by Sen. Kathy Campbell at NACO's request to address recipients who downsize or move to accessible homes but cannot sell their prior residence.

Persons with a medical condition that has impaired their ability to file a timely homestead exemption application would be given an extended deadline by **LB 94**. An adopted Revenue Committee amendment defines the types of medical conditions that would qualify for the late deadline and limits the filing to the current tax year.

- **Election Issues:** The ballot question of whether a county should change from a township form of government to a commissioner form of government would be reworded for clarity by **LB 434**. Existing ballot language uses the phrases "For continuance of township organization" and "For discontinuance of township organization". **LB 434** would revise the question to "For"/"Against" phrasing. The bill was introduced by Sen. Charlie Janssen at NACO's request in response to questions when the issue appeared on the ballot in several counties last fall.

Ballots cast in sanitary and improvement district elections would have to be returned no later than 5 p.m. on the date set for the election under the committee amendment to **LB 412**. Sen. Bob Giese introduced the bill on behalf of NACO to harmonize this deadline with others in the Election Act.

Counties with less than 10,000 inhabitants could conduct elections by mail under **LB 501**. The bill also changes time frames for special elections for local option sales taxes and elections to exceed allowable growth percentages. A committee amendment would add language from **LB 362** which sets out the information needed on candidate filing forms.

LB 133 would require the county postprimary convention of a political party to be held in the county at any time during the first ten days of June. Existing law limits the location of the convention to the courthouse or other suitable place at the county seat.

- **County Building Levies:** Additional levy authority for bonds for certain building projects would be extended to 20 years by

LB 294. Nebraska statute §23-120 authorizes counties to levy limited amounts for jails and courthouses without a vote of the people but limits those bonds to a 10-year period.

- **Real Estate Transfer Statements:** Real estate transfer statements (521's) would have to be available in register of deeds offices under **LB 348**. Currently the statements are available in the office of the county assessor or Tax Commissioner. The bill was introduced to address concerns that the filings were not forwarded to those offices on a daily basis. Provisions of the bill that would waive copying fees for local newspapers were eliminated by the Government, Military and Veterans Affairs Committee amendment.

- **County Boundaries:** **LB 131** would clarify the boundaries between Polk and Merrick counties using global positioning coordinates instead of the Platte River.

- **Motor Vehicle Registrations:** County treasurers could cancel a motor vehicle registration if an insufficient funds check or stop-payment is issued. **LB 129** requires written notice to the vehicle owner and provides for an administrative fee of up to \$25 for reinstatement. If the owner does not pay or return their license plates and registration to the county treasurer, the sheriff may recover the license plates.

Registration refunds for lost license plate charges would be eliminated if the vehicle has been reported stolen. No duplicate registration or plate fee will be charged if **LB 175** is adopted.

- **Admission to Veterans' Homes:** **LB 488** and Government Committee amendments would allow all veterans who served on active duty in the armed forces of the United States, other than active duty for training, to be eligible for admission to a Nebraska veterans' home. Currently only wartime veterans are eligible for residency in the homes.

- **Liability for Dogs:** Governmental units using dogs for law enforcement or military purposes would be exempted from liability for injuries caused by such dogs under **LB 347** and Judiciary Committee amendments. Among other limitations, the injury would have to occur when the law enforcement officer was complying with the agency's written policy on the necessary and appropriate use of a dog.

No Legislative Newsletter Next Week

Because debate next week will focus on **LB 545**, which would revise the school financing formula (TEEOSA), no Legislative Report will be published next week.

Monday, April 20 marks the 64th day of this 90-day session. The Nebraska Economic Forecasting Advisory Board will meet

on April 23 to revise its February predictions. The Appropriations Committee must have its budget to the full Legislature by the 70th day, April 29. Adjournment is tentatively scheduled for June 4.