

# Nebraska Association of County Officials Legislative Report



May 22, 2009

## 2009 Session Scheduled for Early Adjournment

When senators returned to work this week, Speaker Flood confirmed speculation about the possibility of an early adjournment by announcing plans to conclude the 2009 legislative session on May 29, the 87<sup>th</sup> day of the session. Adjournment was originally scheduled for June 4, the 90<sup>th</sup> day of the session. Bills not passed or killed during this session will carry over to the 2010 session.

Although controversial issues such as lethal injection, abortion and safe haven were subject of extended debate, senators adopted this year's budget package with few revisions from the Appropriations Committee's proposals. Governor Heineman signed the budget package into law on May 19 with

a message noting a projected \$477 million deficit for FY12 and 13.

Senators completed the introduction of interim study resolutions this week. The resolutions have been assigned to committees and prioritized for research during the summer. A complete list of study resolutions is posted on the Legislature's website at [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov) and a hearing schedule will be made available later this summer.

Due to the early adjournment, no newsletter will be published next week. A summary of legislation and interim studies with county impact will be published in late June.

## Bills Advanced from Second Round

- **Jail reimbursement:** A plan to combine three programs providing state funds to counties was advanced to Final Reading on May 18. **LB 218** would combine jail reimbursement, state aid to counties, and county property tax relief into a single formula based upon valuation. The exact amount of the appropriation would be set by the Legislature within a percentage range. The bill was amended to delay implementation until July 1, 2011. Sen. Bob Giese offered a General File amendment to revise the formula by lowering the minimum aid calculation and leaving jail reimbursement as a stand-alone program. A proposed Select File amendment would have created a process for counties to file with the State Claims Board if the Legislature did not appropriate the minimum amount required by the new formula. Both amendments failed. The bill is scheduled for Final Reading on Tuesday.

An accompanying appropriations bill, **LB 218A**, was indefinitely postponed after it was clear that no funding would be needed this year due to the delayed implementation date and the bill was not needed for other purposes.

- **Sheriffs fees:** Fees for serving a summons would be increased from \$10 to \$12, among other provisions of **LB 35** as advanced to Final Reading. The fee increase had originally been

introduced as part a larger sheriffs' fee proposal in **LB 273**. Among numerous other bills amended into **LB 35** are **LB 305**, which would provide for state identification card holders to be included in initial jury pools, and concepts from **LB 669**, which would create a new district judgeship in Lancaster County. Due to the threat of a veto, **LB 35** was pulled back from Final Reading for an amendment to eliminate the new judgeship. A compromise amendment was adopted that would delay the new position for two years. Senators compared the roles of the legislature and the judiciary in determining the location of judgeships and the likelihood of moving a judgeship from a rural area after the next census.

- **Transparency website:** The state treasurer would be charged with maintaining a searchable website with information on state tax receipts and expenditures by **LB 16**. Expenditures of state dollars for state aid to political subdivisions, grants, contracts, and tax credits given through economic development programs are some of the items that would be posted. In response to debate about which government agency or official should maintain the site, amendments were adopted to prohibit the state treasurer's name, image, seal or welcome message from appearing on the website. The bill is scheduled for Final Reading on Tuesday.

## Public Resources, Homestead, Election Bills Sent to Governor

Senators took final action this week on a list of noncontroversial bills that have been advanced through a consent calendar process, as well as a number of other pending measures. Governor Heineman has five days, excluding Sundays, to take action on bills passed by the Legislature. If the governor signs a bill or declines to act on it, the bill becomes law. The governor may veto an entire bill or line-item veto a specific budget appropriation. The Legislature can override a veto with 30 votes. Bills without specific effective dates take effect three calendar months after adjournment.

- **County ordinance authority:** Graffiti, false security alarms, public nudity, parking related to snow removal and emergency vehicles, and abandoned motor vehicles could be regulated by county ordinance under **LB 532**. To enact ordinances, counties would follow publication and hearing procedures similar to those required for cities.

- **Use of public resources:** Incidental and de minimis uses of public resources by public officials and employees would be acceptable under **LB 626**. The bill also clarifies the role of public officials and employees relative to ballot questions.

- **Homestead exemptions:** Recipients of a homestead exemption who purchase a different residence but have not sold the original location by Aug. 15 would be able to transfer the exemption to the new property under **LB 302**. Sen. Kathy Campbell introduced the bill at NACO's request to provide flexibility for persons who downsize or move to an accessible home but are not able to sell their original home.

Homestead exemption applicants who are unable to file in a timely fashion due to impairment from a medical condition are given an opportunity for late filing by **LB 94**. The late application would have to be filed with the county assessor on or before the date on which the first half of the real estate taxes for the current year become delinquent and would require a medical certification.

- **Elections:** **LB 434** would revise ballot language when the question of changing from a township form of government to a commissioner form is presented to voters. **LB 412** would require ballots for sanitary and improvement district elections to be returned no later than 5 p.m. on the date set for the election. NACO requested the introduction of both bills.

**LB 501** would allow counties with less than 10,000 inhabitants to conduct elections by mail. The bill also changes time frames for special elections for local option sales taxes and elections to exceed allowable growth percentages.

- **Motor Vehicle Registrations:** County treasurers could cancel a motor vehicle registration if an insufficient funds check is issued as payment. **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 and registration and return them to the treasurer.

- **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.

- **Regulation of shooting ranges:** Counties, cities and other political subdivisions would be allowed to regulate the location and construction of shooting ranges and limit their hours of operation under **LB 503**. A grandfather clause would allow existing shooting ranges to continue operation. Shooting preserves or areas used for law enforcement or military training are exempted.

- **Admission to Veterans' Homes:** **LB 488** 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.

- **Natural resources district bonds:** Natural resources districts encompassing a city of the metropolitan class could issue limited negotiable and refunding bonds under **LB 160**. County boards could prohibit flood-control projects of 20 acres or larger.

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

- **County coroners:** The Nebraska County Attorney Standards Advisory Council would be expanded and charged with creating standardized procedures for death investigations, including a checklist of best practices, by **LB 671**. Elected and appointed county coroners would be required to complete continuing education related to death investigations.

- **Criminal penalties:** **LB 63** would increase penalties for a number of gang and firearm offenses by adults and juveniles. It would create an Office of Violence Prevention to work with state and local law enforcement agencies to implement programs to reduce violence. The bill would give judges and prosecutors flexibility in determining charges and sentences for related offenses.