

Nebraska Association of County Officials Legislative Report



February 18, 2011

Budget Approval Bill Advanced to Second Round

County officials would be responsible for proving that the budget set by the county board for their office is unreasonable under a bill advanced from the first round of debate on Monday. LB 62 was introduced in response to a Nebraska Supreme Court decision last year that placed the burden on the county board to show that budget decisions are not arbitrary, capricious and unreasonable. Senators discussed policy issues surrounding county budget decisions and the existing remedies for county officials who feel their budgets have been reduced to such a

degree that they are hindered in conducting their duties. Some senators questioned whether a district judge should serve as a "super county board" in reviewing policy decisions made by county boards and what the appropriate standard of review should be in such a case.

The bill advanced on a 32-0 vote, but several senators plan to meet with NACO and the Attorney General before Select File debate to discuss standards and judicial appeals.

Revenue Committee Hears Property Tax Bills

Counties over 150,000 would have to provide preliminary valuation notices to taxpayers under an amendment offered during the Revenue Committee's hearing on LB 457 and other property tax bills. As originally written, the bill would require all counties to provide notice beginning in 2012. Real property owners would be given an opportunity to meet with the county assessor and resolve valuation disputes before filing an appeal with the county board of equalization and possibly the Tax Equalization and Review Commission (TERC).

Residential taxpayers could have their appeals heard by a single member of the TERC if LB 405 is enacted. A similar measure, LB 384, was heard two weeks ago.

The cost to file a case with the TERC would increase from \$25 to \$50 under LB 363. The bill would also revise statutes to

clarify the parties eligible to appeal cases to TERC in response to a recent Nebraska Supreme Court case.

Municipal special assessments would be given parity with general property taxes by LB 519. Since a 2006 Supreme Court decision held that such special assessments are extinguished when a tax sales certificate is foreclosed, the City of Omaha has brought legislation nearly every year to expand authority to collect such assessments.

LB 162 would eliminate the filing of abstracts of assessment by county assessors. Sen. Kathy Campbell introduced the bill on behalf of county assessors to eliminate an unnecessary report. Another bill to eliminate a reporting requirement, LB 160, was advanced from General File this week. LB 160 would eliminate submission of a list of trusts holding ag land in counties.

County Manager Form of Government Proposed

Counties could adopt a county manager form of government if a constitutional amendment pending before the Government, Military and Veterans Affairs Committee is adopted by voters. Under LR 2CA, the Legislature would provide for a county manager form of government in which county officers may be appointed. The form of government would be optional for each county and require a majority vote of the people of the county. If passed by the Legislature, the constitutional amendment would appear on the November 2012 general election ballot. Implementing legislation would be necessary to provide specifics of the process.

LB 597 would provide for the consolidation of county offices in counties of 25,000 or less so that no more than five individuals occupy the offices at any time. The bill would take effect in 2015.

LB 344 would require development of a plan to merge Omaha and Douglas County governments.

The bills will be heard by the Government, Military and Veterans Affairs Committee on Feb. 25. The hearing begins at 1:30 in Room 1507 of the State Capitol. You can watch the hearing through live video streaming on the Legislature's website at www.nebraskalegislature.gov.

Snapshots of County Issues

Hearings Held This Week

- Property could be transferred to a beneficiary through a transfer on death (TOD) deed and bypass probate court under a bill that was heard by the Judiciary Committee yesterday. Inheritance taxes would be due and subject to a delinquent interest rate of 14 percent, plus a 5 percent per month penalty. The bill is based upon uniform language proposed nationwide. Proponents argued that a TOD deed is an inexpensive estate planning tool that is particularly effective when a joint tenancy deed is inappropriate. NACO questioned whether adequate notice would be provided to county officials of the change in ownership and inheritance taxes due. The Judiciary Committee has not reported any action on LB 536.
- The Judiciary Committee also heard LB 676, which would require law enforcement officers to retain custody of persons held in emergency protective custody until medical personnel

determine that it is safe to release them to the medical facility. Several county sheriffs testified in opposition to the proposal, citing the lack of beds in appropriate mental health facilities and unanswered questions in the bill. Earlier in the week, the committee heard LB 677, which addressed the risks health care workers face when treating some persons who are a danger to themselves or others.

- The Retirement Systems Committee was asked to hold a bill that would prohibit elected officials from receiving retirement benefits related to their service. LB 688 was introduced to begin the discussion of public retirement plans, particularly in light of several CIR (Commission on Industrial Relations) and collective bargaining bills pending before the Legislature. An interim study will be introduced to examine the issue further.

General File

- Counties would be given authority to use direct deposit for employee paychecks under LB 278. Although many counties currently use electronic transfers for payroll, this bill would specifically authorize the process. In Lancaster County, using direct deposit would decrease processing costs from approximately \$2.50 per item to less than five cents apiece. LB 278 was debated and advanced from General File.

- LB 368 would prevent political parties from nominating a candidate for office if they did not have one on the ballot in the primary election. The bill was advanced from General File.
- The accuracy of manual recounts of election ballots compared to machine recounts was debated on Thursday. With two amendments pending, LB 161 was bracketed until June 8, 2011, the final day of the legislative session.

Select File

- LB 396, bill to allow county treasurers, rather than county clerks, to hold pledged collateral in their offices, was advanced from Select File on a voice vote. The bill would reflect existing

banking practices of issuing a non-negotiable receipt as security for county deposits.

Selected Committee Hearing Schedule

The following is a list of some of the bills with county impact that have been scheduled for public hearing in the coming weeks. Not all committees had completed next week's schedule at the time this newsletter went to print. Please check the Legislature's website for a full listing. Click on Calendar, then choose the hearing date or enter the bill number in the Search Current Bills function on the Legislature's home page.

The Legislature is in recess on February 18 and 21.

Tuesday, Feb. 22

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 104 - Change certain vehicle weight provisions
- LB 102 - Change provisions relating to vehicle loads

- LB 35 - Change provisions relating to oversize vehicle permits
- LB 420 - Provide an exception for farm tractor-farm wagon combinations from vehicle load limits

Selected Committee Hearing Schedule, continued

Wednesday, Feb. 23

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 21 - Change provisions relating to ballots cast by presidential electors
- LB 367 - Change balloting and vacancy provisions for presidential electors
- LB 501 - Change ballot status procedures for Presidential and vice-presidential candidates
- LB 583 - Adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote

Thursday, Feb. 24

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 239 - Require presentation of government-issued photographic identification to vote in elections
- LB 365 - Change access provisions for voter information and voter registration registers
- LB 605 - Provide for voter registration on election day and require identification to vote
- LB 169 - Authorize provisional ballots for registered voters changing residence within Nebraska
- LB 631 - Provide for a permanent early voting request list

Judiciary Committee

Room 1113 1:30 p.m.

- LB 669 - Change provisions relating to sealing of juvenile court records
- LB 670 - Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code
- LB 301 - Change provisions for sealing records under the Nebraska Juvenile Code
- LB 463 - Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions

Friday, Feb. 25

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LR2CA - Constitutional amendment to authorize county manager form of county government
- LB 597 - Require consolidation of county offices
- LB 344 - Change provisions relating to municipal counties and merger of governmental services

Judiciary Committee

Room 1113 1:30 p.m.

- LB 296 - Eliminate oath requirements for filing of a criminal complaint and for verifying information
- LB 349 - Change demand for trial by jury provisions
- LB 447 - Change provisions relating to vehicular pursuit

Monday, Feb. 28

Education Committee

Room 1525 1:30 p.m.

- LB 145 - Provide for school transportation safety committees

Tuesday, March 1

Agriculture Committee

Room 2102 1:30 p.m.

- LB 459 - Limit the adoption of any law by a political subdivision regarding the ownership of an animal

Wednesday, March 2

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 566 - Provide for online petition signatures for recall, initiative, and referendum petitions

Judiciary Committee

Room 1113 1:30 p.m.

- LR 28 - Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012

Thursday, March 3

Revenue Committee

Room 1524 1:30 p.m.

- LB 439 - Change valuation of agricultural and horticultural land for school tax purposes
- LR 9CA - Constitutional amendment to change agricultural and horticultural land valuation
- LB 441 - Change levy provisions for rural and suburban fire protection districts

Friday, March 4

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 550 - Clarify incumbent filing deadline provisions
- LR19CA - Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment
- LB 610 - Provide procedures for recall of state elective officers
- LR 45CA - Constitutional amendment authorizing recall of state elective officers

Monday, March 7

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 182 - Change provisions relating to the issuance of one license plate
- LB 185 - Provide for one vehicle license plate
- LB 216 - Provide for special interest motor vehicle plates
- LB 661 - Change specialty license plate fees