

Nebraska Association of County Officials Legislative Report



March 18, 2011

Revision Proposed to County Sales Tax Bill

A proposal to allow counties to implement a local option sales tax for infrastructure purposes may be revised by a Revenue Committee amendment to limit the use of such tax to crime prevention, offender detention, and police services. Under existing law, counties can impose a local option sales tax on areas outside of municipalities having a city sales tax. The tax can be used to finance public safety services provided by a public safety commission, which is composed of representatives of the county and participating municipalities and fire protection

districts.

As introduced, [LB 106](#) would expand existing county sales tax laws to include expenditures for transportation infrastructure projects and financing capital improvements for public safety. The committee amendment would eliminate participation by fire protection districts and redefine public safety services.

LB 106 was introduced by Senator Ken Schilz and prioritized by Senator LeRoy Louden. The bill was placed on General File on Monday.

Priority Bill Debate Begins

Elections, taxes, low-speed vehicles, and criminal offenses are some of the issues that are likely to be debated during this session due to their designation of Speaker priority bills. During each session, every senator can designate one priority bill, standing committees can designate two bills, and the Speaker can designate 25 priority bills. While a priority designation does not guarantee debate, bills with a priority status are the most likely to be debated before the end of the legislative session. The complete [list of priority bills](#) is available on the Legislature's

website.

Among the bills of interest to counties that appear on Tuesday's agenda and are likely to be debated this week are [LB 84](#), which would authorize bonds for road funding, and [LB 35](#), which would provide for additional renewal of overdimensional permits for vehicles transporting sugar beets, grain, or other seasonally harvested crops.

After recess days on the 18th and 21st, full days of debate begin on March 22.

Voter ID Requirement Sent to Floor

Voters would be required to present identification prior to receiving a ballot under [LB 239](#), which was advanced by the Government, Military and Veterans Affairs Committee. A committee amendment would strike original provisions of the bill that would have required presentation of a government-issued photo ID before voting and provided similar identification cards at no cost to certain indigent voters. Under the original language of the bill, provisional ballots would be available to voters not presenting identification at the polls. Provisional ballots would be counted if the voter provides the ID to the county clerk or election commissioner within ten days.

The committee amendment would require the Secretary of State to notify each election commissioner and county clerk of every registered voter in the county who does not have a motor vehicle operator's license or state identification card. The notice

would be provided prior to the statewide primary and general election in every even-numbered year. Election commissioners or county clerks would mail an acknowledgment of registration to every registered voter on the list. The acknowledgment would serve as identification at the polls for persons without government-issued identification.

Although LB 239 did not receive a priority designation, it could be amended onto [LB 449](#), a Speaker priority, or [LB 499](#), a Government Committee priority. LB 449, which is on General File, makes numerous changes to the Election Act, such as setting December 15 before the primary election as the earliest a candidate can file for office. LB 499 is on General File and appears on Tuesday's agenda. It also contains numerous sections addressing petitions, early voting requirements, and other issues.

Snapshots of County Issues

Hearings Held This Week

- County jail inmates would be required to help pay for the costs of their care under two bills heard by the Judiciary Committee on Wednesday. As introduced, [LB 609](#) would require an examination of the prisoner's assets to see if they could be used to help reimburse the county for costs. An amendment was offered by Senator Pete Pirsch, the bill's introducer, that would clarify that juveniles are not included and would allow counties to opt out of the investigation. [LB 545](#) would require persons

who are arrested, detained, taken into custody or incarcerated to pay a co-pay for medical services if they had available funds.

- The Redistricting Committee held a hearing on [LR 102](#), which prescribes the substantive criteria to be used by the Legislature for redrawing boundaries of state and federal entities in the 2011 redistricting process. The criterion mirrors that used during the 2001 redistricting and reflects holdings from several U.S. Supreme Court cases.

Advanced from Committee

- Counties could adopt a management plan to control black-tailed prairie dogs under [LB 473](#). Landowners in counties with a management plan would be responsible for preventing the spread of prairie dogs to neighboring property if the owner of the neighboring property objected. Notices and enforcement provisions of [LB 473](#) are similar to those used for noxious weeds. The Agriculture Committee advanced the bill with an amendment to include a finding of necessity and a list of methods of management.

- A grant program for Court Appointed Special Advocate (CASA) programs would be funded with a transfer of \$100,000 from the Commission on Public Advocacy Operations Cash Fund by a Judiciary Committee amendment to [LB 463](#). The

amendment is based on [LB 79](#), which would have increased court fees to pay for CASA grants. Other sections of [LB 463](#) address truancy, probation and other issues related to juveniles. The Judiciary Committee advanced the bill and committee amendment on March 14. Another bill to increase court fees, [LB 251](#), has been prioritized by the Judiciary Committee but remains in committee.

- The repayment period for bonds issued through a tax increment financing (TIF) project would begin on the date when a municipality enters into a redevelopment contract pursuant to [LB 54](#). Existing law provides for the 15-year repayment period to begin when the redevelopment plan goes into effect. The bill was advanced to General File by the Urban Affairs Committee.

Debated on General File

- Certain public utility infrastructure specifications and designs could be withheld from public records requests if public disclosure would create a substantial likelihood of endangering public safety or property. [LB 230](#) was advanced from General File on Tuesday. Public utilities would continue to be subject to other aspects of the open meetings laws, such as providing notice of public meetings and making decisions during open

sessions.

- Specific instruction on the duties of citizenship would be part of the civics curriculum for high school students pursuant to [LB 544](#), which was debated on General File this week. Before advancing the bill to Select File, several senators spoke about County Government Day and NACO's role in promoting civic involvement by young people.

Signed by Governor Heineman

- Governor Heineman signed a number of bills with county impact on March 16. [LB 278](#) grants specific authority to county boards to make payments, including payroll, by direct deposit. [LB 556](#) statutorily defines the boundary between Hamilton and Merrick Counties. [LB 159](#) implements Amendment 1, which was approved by voters at the 2010 primary election, to authorize the use of revenue bonds issued by counties and municipalities to assist in the development of property for use by nonprofit enterprises. Projects must be located within the

county or municipality and a reasonable relationship must exist between the governmental entity and the project or borrower. [LB 368](#) limits when political parties can nominate a candidate if the party did not nominate a candidate in the primary election. [LB 164](#) requires notification to local authorities and electric utilities when an oversized building or object is moved on a county or township road. [LB 210](#) is the Department of Revenue's annual cleanup bill.

Register now for NACO's Legislative Day on April 7