

# Nebraska Association of County Officials Legislative Report



February 20, 2009

## Trapping in Right-of-Way Sent to Final Reading

Counties could adopt regulations having the force and effect of law to prohibit trapping in the county road right-of-way or certain sections of the right-of-way under amendments adopted to **LB 5**. The bill was advanced from Select File on Thursday. In counties that allow trapping, no traps larger than those currently approved for use on Game and Parks Commission land could be used in the right-of-way.

Senators spent more than two mornings this week debating the bill. Numerous amendments were debated, including

proposals to require trappers or counties to post signs in areas where traps are located, to require trappers to request permission from the adjacent landowner, and to impose civil liability on trappers for injuries to people or domestic animals.

Supporters of the ban on trapping cited the danger to workers, children and pets who enter public rights-of-way without knowledge of possible traps. Opponents of the ban noted the need to control populations of burrowing rodents that destroy roads and ditches.

## Snapshots of County Issues

• **One-Stop motor vehicles:** On Feb. 12, Governor Heineman signed **LB 49**, a bill consolidating motor vehicle functions in the office of the county treasurer. In nearly 50 counties, the treasurer already performs titling functions. The governor also signed **LB 180**, which would allow certain waste reduction and tire fees to be distributed as grants for reimbursement of costs to small cities and counties of fewer than 5,000 for the recovery and processing of recyclable materials in the deconstruction of abandoned buildings. The funds would also continue to be used for recycling grants, composting grants, and similar programs.

• **Audiovisual court appearances: LB 90**, which would remove the current requirement for written consent and waiver of a physical personal appearance when an audiovisual court appearance is made in nonevidentiary criminal proceedings, was advanced from General File. An amendment was adopted to eliminate waiver requirements if the prisoner and his or her counsel are in different locations but can communicate confidentially.

• **Change township ballot language:** The Government, Military and Veterans Affairs Committee sent **LB 434** to the floor on Tuesday. The bill, which was introduced by Sen. Charlie Janssen at NACO's request, would clarify ballot

language when the issue of changing from a township form of government to a commissioner form is presented to voters. Under existing law, the ballot question is posed as "For continuance of a township form of government" and "For discontinuance of a township form of government". The bill would change the ballot language to a more standard positive/negative format of "For discontinuance" and "Against changing".

The committee also advanced **LB 348**, a bill to make real estate transfer statements (Form 521's) available at register of deeds offices. Language requiring free copies of these documents for legal newspapers was stricken by a committee amendment.

• **County attorney requirements:** Candidates for the office of county attorney would have to be admitted to practice law in Nebraska under **LB 55**. The bill was advanced from Select File with an amendment eliminating similar requirements for the office of Attorney General.

• **Clerks of the district court residency:** On a voice vote, senators advanced residency requirements for clerks of the district court from second-round debate. **LB 7** was introduced by Sen. John Wightman at NACO's request to harmonize these residency requirements with those of other county officials.

## NACO Scholarship Applications Due by March 2

Children and step-children of Nebraska county officials who are planning to graduate from high school this spring and further their education in-state are eligible for one of twelve

\$1,000 NACO scholarships. See the NACO website ([www.nacone.org](http://www.nacone.org)) for details. Go to the Services tab and click on Scholarship for the application form.

## Selected Hearing Schedule

The following is a list of some of the bills with county impact that have been scheduled for public hearing during the coming weeks. A full listing of hearings each day is available by clicking on the Calendar tab on the Legislature's website. A block at the bottom of each day indicates the number of hearings and can be clicked for the daily list.

### Monday, February 23

*Transportation and Telecommunications Committee*

Room 1113 1:30 p.m.

- LB 320 - Change highway funding provisions and motor fuel taxes
- LB 323 - Change distribution of motor vehicle tax proceeds
- LB 401 - Adopt the High Priority Surface Transportation Development Act and the Surface Transportation Revolving Fund Act

### Tuesday, February 24

*Agriculture Committee*

Room 2102 1:30 p.m.

- LB 646 - Adopt the Livestock Growth Act

*Transportation and Telecommunications Committee*

Room 1113 1:30 p.m.

- LB 109 - Authorize the operation of low-speed vehicles on highways
- LB 114 and LB 650 - Operation of minitrucks on public highways

### Wednesday, February 25

*Government, Military and Veterans Affairs Committee*

Room 1507 1:30 p.m.

- LB 662 - Change provisions relating to nomination for certain offices
- LB 362 - Change requirements for candidate filing forms
- LB 410 - Change provisions relating to recounts of elections
- LB 501 - Change provisions relating to submission of ballot issues and elections by mail

*Natural Resources Committee*

Room 1525 1:30 p.m.

- LB 666 - Change provisions relating to the Niobrara Council

*Judiciary Committee*

Room 1113 1:30 p.m.

- LB 253 - Adopt a new Nebraska Juvenile Code and change child abuse reporting and registry, child relinquishment, and Foster Care Review Act provisions
- LB 356 - Provide behavioral health services for children without parental relinquishment of custody
- LB 596 - Change a legal services fee

*Health and Human Services Committee*

Room 1510 1:30 p.m.

- LB 291 - Require rules and regulations regarding safety, care, and habilitation of persons receiving developmental disabilities services

*(Wednesday, Feb. 25 con't.)*

*Revenue Committee*

Room 1524 1:30 p.m.

- LB 536 - Authorize creation of transportation development districts and imposition of a local sales tax
- LB 264 - Change motor fuel tax calculations

### Thursday, February 26

*Government, Military and Veterans Affairs Committee*

Room 1507 1:30 p.m.

- LB 402 - Change the Convention Center Facility Financing Assistance Act
- LB 422 - Define veteran of the Global War on Terror
- LB 488 - Change provisions relating to veterans' homes

*Health and Human Services Committee*

Room 1510 1:30 p.m.

- LB 515 - Change provisions relating to emergency medical responders

*Judiciary Committee*

Room 1113 1:30 p.m.

- LB 144 - Allow accessibility to certain disciplinary records regarding police officers and school district personnel

*Revenue Committee*

Room 1524 1:30 p.m.

- LB 212 - Authorize single commissioner hearings before the Tax Equalization and Review Commission
- LB 213 - Change Tax Equalization and Review Commission provisions
- LB 553 - Change certain property tax valuation protest procedures
- LB 580 - Change the standard of review by the Tax Equalization and Review Commission

### Wednesday, March 4

*Government, Military and Veterans Affairs Committee*

Room 1507 1:30 p.m.

- LB 574 - Change reporting requirements under the Nebraska Political Accountability and Disclosure Act
- LB 626 - Change prohibited activities for public officials and public employees use of public resources

### Wednesday, March 18

*Nebraska Retirement Systems*

Room 1525 12:10 p.m.

- LB 426 - Name and change provisions relating to the Police Officers Retirement Act
- LB 427 - Adopt the County Law Enforcement Officer Retirement Act