

Nebraska Association of County Officials Legislative Report



February 19, 2010

2010 Session Nears Mid-Point

February 22 will mark the halfway point of this 60-day legislative session. The final public hearings on this year's 429 bills will conclude at the end of next week. Senators and committees have designated priority bills and Speaker priority bills will be announced next week. Because a number of priority bills do not impact counties, a *Legislative Report* will not be published every week during the remainder of the session. The session is tentatively scheduled to conclude on April 14.

All but two incumbent senators who are up for re-election this year have filed to run again. Former Sarpy County Commissioner Tim Gay, who represents Papillion, and Omaha Senator Tom White have chosen not to run for re-election. Senator Arnie Stuthman, who is not eligible to run again due to

term limits, has filed for a seat on the Platte County board. He served as a Platte County Supervisor prior to his service in the Legislature. Senator Bob Giese, who is in the second year of a four-year term, has filed for the office of Dakota County treasurer.

NACO would like to thank all of the county officials who came to Lincoln to attend and testify at hearings. County officials from all corners of the state provided input to senators at committee hearings and through phone calls, letters and emails. This personal contact is essential to help senators learn the impact on counties of proposed legislation and existing laws. Please thank your senator for their consideration of county viewpoints and the work they do on behalf of the state.

Filing Fee Fails to Advance

Despite designation as a Government, Military and Veterans Affairs Committee priority bill and compromises by opponents from prior years, a bill to increase fees on documents filed in register of deeds offices failed to advance on Thursday. **LB 686**, which was introduced by Sen. John Wightman, would have increased the filing fee from five dollars per page to ten dollars for the first page and six dollars for each additional page. Under adopted committee amendments, the fee increase would have

been used for preserving and maintaining public records in the office of the register of deeds and for modernization and technology needs. The funds could not replace current allocations for such purposes.

During debate, some senators questioned the timing of a fee increase and increased county budgets, as well as the authority to earmark the filing fee increase. The rate, uses and distribution of filing fees were compared to documentary stamp taxes.

Snapshots of County Issues

On General File

- The Tax Commissioner or Property Tax Administrator could appeal final decisions of county boards on real or personal property **tax exemptions**, as well as final orders of the Tax Equalization and Review Commission under **LB 877**, which was sent to the floor by the Revenue Committee on Thursday. The Tax Commissioner would also be given more authority to review information submitted for homestead exemption applications. The bill carries an emergency clause.
- Persons serving in the armed forces and other overseas citizens could indicate a preference for **delivery of ballots** electronically or by fax under **LB 951**. The bill was developed in part due to

the federal Military and Overseas Voter Empowerment (MOVE) Act. The bill was drafted in consultation with the Secretary of State. It was advanced by the Government, Military and Veterans Affairs Committee and designated as a priority bill.

- **LB 1026**, NACO's bill to provide a process for **transferring civil actions** from one district court to another, was sent to the floor by the Judiciary Committee.
- Local governments would have an extra ten days to file their **budget statements** with the State Auditor's office and county clerks under **LB 972**. The bill would move the filing deadline from Sept. 20 to Sept. 30.

On Final Reading

• Purchasers of **minitrucks** and utility-type vehicles would have to obtain a certificate of title under **LB 650**. Minitrucks could not be operated on the interstate, highways or freeways. The bill was sent to Final Reading on Feb. 10. Two other bills dealing with low-speed vehicles, **LB 1004** and **LB 1100**, will be heard by

the Transportation and Telecommunications Committee on Feb. 22. The committee will also hear **LB 1024**, a bill to create a snow removal advisory committee to recommend the best practices to prevent snow from gathering on state and county roads.

Indefinitely Postponed

• The Revenue Committee this week indefinitely postponed two proposed constitutional amendments and one bill. **LR 271CA** would have provided a six-year exemption of increased property value due to home improvements. **LR 276CA** would have exempted the value of real property donated to the state or a

political subdivision. **LB 893** would have created a mechanism to refund unconstitutional taxes, assessments and penalties. It was introduced to provide a method to **refund property taxes** collected by natural resources districts in the Republican River valley.

Scholarship Applications Due March 1

Graduating high school seniors who plan to continue their education in Nebraska may be eligible to apply for one of twelve NACO scholarships. Students must be the children, stepchildren, or under the legal guardianship of a county official or employee.

Applications must be received by March 1. A new editable application form has been added to the NACO website at www.nacone.org. Go to the Services tab, then Scholarship for the application form.

Selected Hearing Schedule

The following is a list of some of the bills with potential county impact that have been scheduled for public hearing next week. Please check the Legislature's website (www.nebraskalegislature.gov) for a full listing. Hearings will conclude on Feb. 25.

Monday, Feb. 22

Business and Labor Committee

Room 1524 1:30 p.m.

- LB 1040 - Adopt the Nebraska Municipal Comparability Act for use in industrial disputes involving public employees
- LB 1041 and LB 1042 - Change provisions relating to findings and orders of the Commission of Industrial Relations

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 1024 - Create the Snow Removal Advisory Committee
- LB 1004 - Allow operation of golf car vehicles and low-speed vehicles on highways as prescribed
- LB 1100 - Allow operation of low-speed vehicles on highways as prescribed

Tuesday, Feb. 23

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 1092 - Provide restrictions on fees for towing services
- LB 998 - Provide regional service centers for the issuance of drivers' licenses and state identification cards

Education Committee

Room 1525 1:30 p.m.

- LB 920 - Provide for school transportation safety committees

Wednesday, Feb. 24

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 1048 - Provide for approval and taxation of certain power generating facilities using wind as a fuel source

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 852 - Provide for write-in space on official ballots for certain offices
- LB 1003 - Provide for provisional ballots for change of residence in Nebraska

Health and Human Services Committee

Room 1510 1:30 p.m.

- LB 953 - Provide a rate of payment for certain medical services in emergency protective custody situations

Judiciary Committee

Room 1113 1:30 p.m.

- LB 1105 - Require an audit of death penalty costs
- LB 988 - Change provisions relating to credit for imprisonment for fines and costs
- LB 990 - Change reduction of sentence provisions for a person sentenced to a city or county jail