

Nebraska Association of County Officials Legislative Report



March 5, 2010

Inactive Township Termination Advanced from Second Round

County boards would be given a mechanism to gain access to funds held by inactive townships pursuant to **LB 768**. The bill was advanced from the second round of debate this week. Sen. Arnie Stuthman, a former county supervisor, introduced the bill at NACO's request to address a situation that occurs when vacancies on township boards cannot be filled. The county assumes responsibility for the township roads or other township functions, but without the benefit of the tax dollars allocated to the township for road purposes.

LB 768 would allow county boards to hold a hearing on termination of the individual township if two or more township

board vacancies had remained unfilled for six or more months. If no township resident indicates that he or she will serve on the township board, the county board could then adopt a resolution terminating the township board on the following June 30. Until the termination is complete, tax distributions would be held by the county board in a fund designated for the outstanding obligations of the township. After the effective date, remaining township funds would be disbursed to pay for outstanding obligations of the township and the remainder would be credited to the county road fund.

Governor Signs County Bills

On Wednesday, Governor Heineman signed four bills requested by counties. County treasurers will not be required to send a second half notice of delinquent personal property taxes pursuant to **LB 873**. The bill was introduced by Sen. Bob Giese at NACO's request to help personal property tax notices mirror the notice process used for real property taxes.

LB 806 was introduced by Sen. Kathy Campbell to eliminate language that has become obsolete due to the elimination of recapture on special valuation. The bill eliminates two references to conditions under which cancellation of special valuation treatment of agricultural land can take place. These conditions are sale to an exempt owner, or sale to a governmental subdivision.

Senator Arnie Stuthman carried **LB 708** on NACO's behalf. The bill moves the deadline for making application for a property tax exemption from Aug. 1 to July 1. The change will give county boards more time to publish notice and make a decision on the exemption by Aug. 15. The bill takes effect on Jan. 1, 2011.

Counties without a separate noxious weed fund in their budget can legally place the money into a line item weed fund within the county's general fund by **LB 731**. Sen. Dennis Utter introduced the bill on behalf of NACO to clean up a situation that is sometimes noted in annual county audits. While counties are not required to have a separate noxious weed fund, existing law provides only for the placement of collections into such a fund.

Among some of the other bills signed by the governor are **LB 650**, which provides for the operation of minitrucks and utility-type vehicles on Nebraska roads and **LB 798**, which extends the termination deadline for a recycling program to 2015.

LB 512 requires political subdivisions that have adopted a comprehensive plan and zoning regulations to adopt airport zoning regulations if there is an airport hazard area within their zoning jurisdiction.

LB 643 requires counties and townships to give notice to utility companies at least 90 days prior to road construction or repair projects that will compromise the structural integrity of an electrical line or come within ten feet of the line. Existing law requires 30 days notice for the relocation of poles or work within six feet of electrical lines.

LB 705 removes a limitation on the number of vehicles or trailers owned by a single individual that could carry Pearl Harbor, prisoner-of-war or disabled veteran license plates.

LB 725 provides an exemption from brakes, brake lights and turn signals for fertilizer and ag chemical application equipment. The bill allows the registration documents for such vehicles to be kept at the primary place of business of the owner, rather than with the vehicle.

LB 749 designates roads giving direct access to state veterans cemeteries as state recreation roads for purposes of accessing funding.

Election Bills Amended and Advanced

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 and drafted in consultation with the Secretary of State. Pursuant to federal requirements, the state would develop a process for these voters to check the status of their ballot. The \$80,000 needed to develop the on-line process will come from a cash fund in the Secretary of State's office. The money is part of the federal Help America Vote Act (HAVA) funds received by the state. The costs could be reduced by working with other states to develop the website.

During Select File debate, Sen. Bill Avery offered an amendment to make a technical revision to provisional ballot language adopted earlier this year in **LB 325**, and to include provisions from **LB 716** and **LB 850**. **LB 716** would prohibit members of the community college board of governors from serving in another high elective office. **LB 850** would require public postsecondary educational institutions provide information to certain students about early voting. Federal law already requires such schools to distribute voter registration material. An amendment has been filed by Sen. Scott Lautenbaugh to strike the **LB 850** provisions from the amendment. Due to scheduling, debate on the amendments and bill were not completed this week, but the bill appears on Tuesday's agenda.

The committee sent several election bills to the floor for possible debate or amendment into other bills. **LB 410** would allow any candidate who failed to be nominated or elected to request a manual recount of ballots at his or her expense. **LB 852** would provide for write-in spaces on primary or general election ballots for certain officials, including members of county weed district boards and directors of natural resources districts. **LR 300CA** and **LR301CA** would change petition signature requirements. **LR 300CA** has been prioritized by Senator John Nelson.

The committee indefinitely postponed **LB 777**, which would

have eliminated the presidential elector system in Nebraska, and **LB 1015**, which would have created an interstate compact to elect the president by national popular vote. **LB 1059**, which would have allowed digital or electronic signatures on initiative and referendum petitions via the Internet, and **LR 279CA**, which would have decreased the number of signatures on petitions, were also indefinitely postponed.

In other action, the committee advanced a bill revising the process to appeal certain planning commission decisions regarding conditional uses or special exceptions. A committee amendment to **LB 970**, which would replace the bill, provides for such appeals to be made to the county board only in counties with a city of the primary class. The current appeals process would continue to apply to all other counties. The bill was designated as a Speaker priority.

LB 767, which would require county ordinances to include provisions requiring notice by the county to the last registered owner and any lienholders before selling an abandoned vehicle, was advanced to the floor. **LB 688**, which would expand the definition of abandoned vehicles to include vehicles without valid license plates left on private property for more than six hours, remains in committee.

LB 742, a bill to make certain settlements public record, was sent to General File with a Government Committee amendment to require settlements over \$50,000 or in excess of one percent of the total annual budget of an entity to be included as an agenda item at a public meeting. Senator Beau McCoy has selected **LB 742** as his priority bill.

LB 948 would require life-cycle costs to be considered by the state and included by bidders when purchasing heavy equipment. The bill was prioritized by Sen. Scott Price and appears on Tuesday's agenda.

LB 1009 was indefinitely postponed. The bill would have required county boards to set salaries for upcoming terms "on or before" Jan. 15. Existing law requires salaries to be set "prior to" Jan. 15.

Senators Debate Priority Bills Before Budget Work

The Legislature began full days of debate on priority bills this week. At this point in the session, debate usually begins at 9:00 a.m. and concludes mid- to late-afternoon. Beginning March 23, Speaker Flood has scheduled ten possible "late nights" during which debate will conclude around 8:30 p.m. and could go much later.

Debate on priority bills will continue until the budget, which is due by the 40th legislative day in short sessions, is presented. This year, the 40th day is March 11. Based on late February revenue projections, more than \$30 million must be cut this year and more than \$635 million will have to be cut in outlying years.

A link to the complete list of senator, committee and speaker

priority bills is located on the front page of the Legislature's website at www.nebraskalegislature.gov. Unless a consent calendar process is used, it is unlikely that a bill without a priority designation will advance unless it can be amended into a priority bill. Some priority bills continue to be held by committees. A rules change was proposed, but not adopted, that would have required all priority bills to be advanced to the floor for General File debate.

Depending on the bills that are debated, a *Legislative Report* may not be issued next week.

The Legislature will be in recess on March 5 and 8, and again on March 19 and 22.