

Nebraska Association of County Officials Legislative Report



April 1, 2011

Changes Proposed for Equalization Proceedings

Appeals to the Tax Equalization and Review Commission (TERC) could be decided by a single commissioner under a bill advanced out of the Revenue Committee on Monday. The proposed committee amendment to [LB 384](#) contains concepts from four other bills dealing with property valuation, protest and TERC issues.

Single-commissioner TERC hearings would be limited to parcels valued at \$1 million or less and would be conducted informally. The property owner could request a hearing by the full TERC panel prior to the hearing and a TERC member could make such a decision at any time. This concept was supported by the TERC as introduced in [LB 405](#).

The at-large member of the TERC would be eliminated, reducing the panel to three members. The terms of all TERC

members would expire on Oct. 1, 2011 and the Governor would appoint three commissioners for staggered six-year terms.

Counties greater than 150,000 would have to send preliminary notices of valuation to taxpayers by January 15 each year and provide them with an opportunity for an in-person meeting with the county assessor and county board of equalization. This issue was proposed in [LB 457](#).

The bill, which is a Revenue Committee priority bill, appears on the Legislature's agenda for debate on April 5, along with more than 20 other General File bills. The Legislature is in recess on April 1 and 4. Debate will begin on Wednesday, April 6 on LB 235's changes to school funding formula. Final Reading is tentatively planned for April 8.

Commission on Industrial Relations Revisions Sent to Floor

A bill proposing changes to the Commission on Industrial Relations (CIR) was sent to the floor for debate by the Business and Labor Committee on March 30. [LB 397](#) is tentatively set for debate during the week of April 11, but second-round debate on [LB 84's](#) road funding mechanism may take precedence.

The bill would make major revisions to the collective bargaining process used by government employers and employees. Under existing law, in exchange for a prohibition against striking, public employees' unions must bargain with governmental employers for wages and benefits. Disputes are settled by the CIR. Among other things, LB 397 would require the CIR to first attempt to make comparisons with Nebraska

public and private sector employees before looking at comparisons from other states. Other sections separate comparisons in counties with populations greater or less than 50,000.

The bill generally categorizes public employees into three types: state employees; school and community college certificated employees; and counties, cities, utilities and non-certificated school and community college employees.

LB 397 was selected as a Business and Labor Committee priority bill. Three senators prioritized other CIR bills: LB 564 (Senator Fulton), LB 664 (Senator Nelson), and LB 482 (Senator Utter).

NACO's Legislative Day Set for April 7

County officials are invited to watch the Legislature in action during Counties' Legislative Day on April 7. Registration begins at the NACO office at 8:30 a.m. and moves to the Warner Chamber of the State Capitol at 9:15. Governor Heineman will welcome attendees and several senators, including Speaker of the Legislature Mike Flood are scheduled to address county

officials. Following a lunch with senators, county officials can visit state offices, tour the Capitol and governor's mansion, and watch legislative debate. On-line registration is available through 5:00 p.m. on Friday on the NACO website at www.nacone.org.

Snapshots of County Issues

Advanced from Committee

Many of the legislature's standing committees met this week to move noncontroversial bills out of committee so that they have the opportunity to be advanced through a consent calendar process. April 1 is the deadline for making requests to place a bill on the consent calendar.

- NACO's bill to eliminate the filing of abstracts of assessment of personal property was advanced by the Revenue Committee and a request was made to place the bill on consent calendar. [LB 162](#) was introduced by Senator Kathy Campbell to eliminate an unnecessary report.
- The Judiciary Committee reported two bills introduced on behalf of NACO to the floor on Wednesday. [LB 15](#) provides a process and authority for collecting a judgement in another county. [LB 17](#) provides for the maintenance of case records when the JUSTICE system is used by the court.

Advanced from General File

- Sales of surplus mobile equipment and other personal property would be easier under a Government Committee amendment to [LB 628](#), a Speaker priority bill. Language originally introduced in LB 628 would allow political subdivisions to donate motor vehicles that have reached the end of their useful life to certain charitable organizations. An amendment has been offered for Select File debate that would require the governing body of the donor subdivision to publish notice of the donation and the value of the donated vehicle. A second amendment would prohibit donations if the charitable entity or proposed recipient from the charitable entity is an immediate family member of the donor governing board. An amendment may be offered to clarify that such donations would not result in any liability to the donor subdivision.

The committee amendment was based upon [LB 139](#), which was introduced to increase the dollar amount of surplus mobile equipment that can be sold by counties. Under existing law, most personal property which is obsolete or not usable by the county and valued at less than \$500 can be sold by county officials, subject to approval of the county board. Property valued in excess of \$2,500 must be sold by competitive bidding. As amended onto LB 628, requirements for the sale of mobile equipment are placed in a new subsection of law and the value of mobile equipment that can be sold without competitive bidding is increased to \$5,000. For other types of personal property, \$2,500 is the amount triggering competitive bidding.

Advanced from Select File

- Senators advanced a number of bills from Select File on a voice vote on March 29. [LB 544](#) would require citizenship education in high school civics classes. [LB 230](#) would exclude

- Counties, cities and villages could use state highways for special events, such as road races, if they indemnify the state and provide 30-days advance written notice of the event. [LB 589](#) is intended to address inconsistencies in the current process for using state highways for special events.

- County boards may request a review of office and service facilities provided to the Department of Health and Human Services to determine if such space could be reduced or eliminated within the county. Pursuant to statutes enacted in 1983 when the state assumed responsibility for what was then called "county welfare," counties must provide the same amount of space to the state as was used by the county program. [LB 234](#) would require a written response by the state within 30 days after the request.

- Vehicles transporting sugar beets and other seasonally harvested crops would have a longer time to request an oversize permit under [LB 35](#). Current law provides for such permits to be issued and renewed for a maximum of 120 days. LB 35 would extend that period to 210 days. Senator Harms, the introducer, noted the benefits of sugar beet production for many Panhandle counties, including Chase, Cheyenne, Deuel, Keith, Perkins, Scotts Bluff and others. He introduced the bill to reflect an extended growing and harvest season for sugar beets. Senators discussed whether the increased weight would cause increased damage to roads. Senator Dubas noted that she had introduced similar legislation to expand oversize limits for tractors and grain wagons and that she plans to examine the issue further during the interim.

- Filing restrictions, petition signatures, and domestic military voters would be impacted by [LB 499](#), a Government, Military and Veterans Affairs Committee priority bill. Among other provisions, the bill would prohibit "log-rolling," the practice of filing for an office if a person already holds the office but the term expires on a different schedule. For example, an official elected at large who was in the second year of his or her term would be prohibited from filing at that time for another four-year at-large position on the same board but for a different staggered term. The bill is likely to be amended on Select File to clarify that process.

- public utility infrastructure specifications and designs from disclosure as public records. [LB 509](#) makes technical changes to retirement laws.