

Nebraska Association of County Officials Legislative Report



February 27, 2011

State Aid Elimination Advanced from Second Round

Several amendments to provide funds to counties were offered and defeated before a bill eliminating state aid to counties, cities and natural resources districts advanced from Select File this week. [LB 383](#) would eliminate \$22 million in state aid to local governments as part of Governor Heineman's budget proposal.

Senator Brenda Council offered an amendment to reinstate jail reimbursement, arguing that county governments are enforcing state laws and should be paid like a business for providing that service. Opponents argued it would be more appropriate to pursue the funding mechanism enacted two years ago to replace jail reimbursement and other state aid programs than to seek reinstatement of a repealed program.

Senator Council also introduced an amendment to deduct \$22 million from \$115 million earmarked for continuation of a

property tax credit and use that money to replace the reductions proposed by [LB 383](#). Senators debated the merits of piecemeal budget cuts through single bills before the entire budget proposal is discussed. Some senators questioned whether local governments have conducted thorough strategic planning and whether the cuts in [LB 383](#) are in response to budget issues or a larger policy decision about state aid.

Senator Health Mello offered an amendment to reinstate the mechanism for funding aid to counties, but leave funding optional for fiscal years beginning after 2013. Senator Steve Lathrop offered a floor amendment to require funding for the program. Senator Lathrop withdrew his amendment and the Mello amendment was defeated.

[LB 383](#) advanced on a 34-9 vote.

Budget and Staffing Bill Sent to Final Reading

A bill setting out the process for budget decisions related to county offices was advanced from the second round of debate by a voice vote on Thursday. Prior to advancement, an amendment was adopted that rewrote the bill to eliminate a judicial standard of review for budget decisions at the county level. Instead, a county board would not be able to eliminate an office or unduly

hinder a county officer in the conduct of his or her statutory duties. If a county officer challenges the county board's decision in court, the official would have the burden to provide such elimination or hindrance by clear and convincing evidence. [LB 62](#) would not change existing statutes related to deputies.

Snapshots of County Issues

Hearings Held This Week

- The Transportation and Telecommunications Committee heard four bills this week dealing with vehicle size and weight provisions. [LB 104](#) would address inconsistencies in weight limits on loads hauled from other states. [LB 102](#) would allow seasonally harvested products from farm storage to market or factory to exceed limits. [LB 35](#) would extend the number of

days for oversize permits. An amendment was proposed to limit the extension to sugar beets due to the extended harvest season. [LB 420](#) would exempt certain tractor-farm wagon combinations carrying harvest products from the field to market from overweight limitations. The committee has not taken action on these bills.

General File

- Counties, cities, and public utilities could donate a motor vehicle that has reached the end of its useful life to a non-profit entity under [LB 628](#), which was sent to General File by the Government, Military and Veterans Affairs Committee this week. The recipient entity would have to be a 501(c)(3) organization. The committee also advanced [LB 230](#), which would allow public utility infrastructure specifications to be withheld from public records requests, and [LB 343](#) which would revise requirements for land surveyors and surveyors-in-training.
- A bill making several changes to the Election Act has been advanced to General File by the Government, Military and

Veterans Affairs Committee. [LB 499](#) would prohibit elected officials from running for the same office while they are in the middle of a term, among other things. The committee heard a number of election bills on Wednesday and Thursday but no action has been reported.

- Counties could regulate low-speed vehicles through ordinances under [LB 289](#), which was advanced by the Transportation and Telecommunications Committee. The bill would harmonize title requirements with federal definitions and require low-speed vehicles sold after Jan. 1, 2012 to have a certificate of title.

Select File

- NACO's bill to eliminate the filing of a report of the trusts holding ag land in Nebraska was advanced from Select File on Thursday. [LB 160](#) was introduced by Senator Kathy Campbell

at the request of county assessors to eliminate an antiquated, unnecessary report.

Signed into Law

- On Feb. 22, Governor Heineman signed a number of bills. [LB 111](#) replaces the category of social workers that can serve on a mental health board. [LB 163](#) authorizes the Department of Motor Vehicles to create an electronic application process for

handicapped permits and provides for additional duplicates. [LB 241](#) creates a new definition of "parts vehicle" and requires delivery of a bill of sale to the purchaser.

Selected Committee Hearing Schedule

The following is a list of some of the bills with county impact that have been scheduled for public hearing in the coming weeks. Please check the Legislature's website for a full listing. Click on Calendar, then choose the hearing date or enter the bill number in the Search Current Bills function on the Legislature's home page.

Monday, Feb. 28

Education Committee

Room 1525 1:30 p.m.

- LB 145 - Provide for school transportation safety committees

General Affairs Committee

Room 1510 1:30 p.m.

- LB 470 - Provide requirements for approval of library personnel policies and procedures

Tuesday, March 1

Agriculture Committee

Room 2102 1:30 p.m.

- LB 459 - Limit the adoption of any law by a political subdivision regarding the ownership of an animal

Wednesday, March 2

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 566 - Provide for online petition signatures for recall, initiative, and referendum petitions

Judiciary Committee

Room 1113 1:30 p.m.

- LB 48 - Adopt the Illegal Immigration Enforcement Act
- LR 28 - Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012

Thursday, March 3

Executive Board

Room 2101 12:00 p.m.

- LB 270 - Eliminate duties and positions in the Public Counsel's office

Thursday, March 3, continued

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 655 - Change provisions relating to an occupation tax imposed by natural resources districts

Revenue Committee

Room 1524 1:30 p.m.

- LB 439 - Change valuation of agricultural and horticultural land for school tax purposes
- LR 9CA - Constitutional amendment to change agricultural and horticultural land valuation
- LB 441 - Change levy provisions for rural and suburban fire protection districts

Friday, March 4

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 550 - Clarify incumbent filing deadline provisions
- LR19CA - Constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment
- LB 610 - Provide procedures for recall of state elective officers
- LR 45CA - Constitutional amendment authorizing recall of state elective officers

Monday, March 7

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 182 - Change provisions relating to the issuance of one license plate
- LB 185 - Provide for one vehicle license plate
- LB 216 - Provide for special interest motor vehicle plates
- LB 661 - Change specialty license plate fees

Tuesday, March 8

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 87 - Change provisions relating to mowing weeds in ditches
- LB 589 - Allow for encroachments on state highways for special events as prescribed

Wednesday, March 9

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 277 - Change the Nebraska Visitors Development Act to provide for the advice of a visitors committee to a county board
- LB 685 - Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees
- LB 523 - Require identification for petition circulators

Thursday, March 10

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 643 - Provide additional public records that may be withheld

Wednesday, March 16

Judiciary Committee

Room 1113 1:30 p.m.

- LB609 - Adopt the Correctional Facility Reimbursement Act
- LB545 - Establish a copay for medical services provided at a correctional facility
- LB671 - Prohibit a sex offender from changing his or her name
- LB508 - Authorize certain residency restrictions near parks for sexual predators
- LB460 - Change the Sex Offender Registration Act