

# Nebraska Association of County Officials Legislative Report



March 11, 2011

## County Board Authority Over Officials' Budgets Signed by Governor

After two days of debate on an amendment that would have required mediation when a county board's budget decision is challenged by a county official, the Legislature adopted [LB 62](#) on March 7. Governor Heineman signed the bill yesterday.

LB 62 prohibits county boards from eliminating an office or unduly hindering a county officer in the conduct of his or her statutory duties. If a county officer challenges the board's decision in court, the official would have the burden of proving such elimination or hindrance by clear and convincing evidence.

During debate, senators again mentioned the number of contacts from county officials regarding LB 62. Several senators noted that the questions raised by LB 62 about who controls the budgets of county officials indicates a need for a county manager form of government as proposed by [LR2CA](#). The proposed constitutional amendment remains in the Government, Military and Veterans Affairs Committee and did not receive a priority designation. If it is not addressed this year, LR 2CA will carry over to the 2012 session.

## Senator and Committee Priority Bills Designated

Monday, March 14 marks the 45<sup>th</sup> day of the 90-day 2011 legislative session. During the first half of the session, senators have introduced bills, conducted floor debate in the morning, and held public committee hearings during the afternoon. Committee hearings will conclude on March 17 and full days of debate will begin on March 22.

The Legislature's rules allow each senator to choose a personal priority bill and most standing committees are allowed to designate two bills. The Speaker may designate 25 priority bills. Although a priority designation does not guarantee debate, bills with a priority status are the most likely to be debated before the end of the legislative session. Yesterday was the deadline for senator and committee priority bill designations. Speaker Flood will announce Speaker priority bills on Monday. Among the

priority bills of interest to counties are: [LB 84](#), which would divert a half-cent of sales tax for highway projects and authorize the issuance of state highway bonds; [LB 106](#), which would authorize a county sales tax for public safety and transportation infrastructure; [LB 251](#), which would increase court fees; and [LB 384](#), which would eliminate one member of the Tax Equalization and Review Commission and allow for hearings by a single commissioner. Three priority bills would revise the Commission on Industrial Relations.

Typically priority bills are debated until the budget discussion begins in late April. The Appropriations Committee's budget bills must be placed on General File by the 70th day and passed by the 80th day, which falls on May 17 this year. The session is tentatively scheduled to adjourn on June 8.

## Snapshots of County Issues

### Hearings Held This Week

- On Monday, the Transportation and Telecommunications Committee heard testimony on bills reducing the number of license plates ([LB 182](#), [LB 185](#), and [LB 216](#)) and reducing fees for specialty license plates ([LB 661](#)). The bills remain in committee.
- County residents could vote to require counties, rather than landowners, to mow drainage ditches pursuant to [LB 87](#), which was heard by the Transportation and Telecommunication Committee on Tuesday. Senator Mark Christensen offered an

amendment to correct a drafting oversight so that ballot language proposed by the bill would mirror existing requirements to mow to the middle of the road and drainage ditches. The bill was introduced because some counties which have traditionally mowed the ditches have chosen to discontinue that practice due to the cost. The committee also heard [LB 589](#), which would provide clarification and consistency in the process for obtaining permits for obstructing state highways for special events such as marathons and bike races.

# Snapshots of County Issues, continued

## General File

- Surplus or obsolete mobile equipment valued at less than \$5,000 could be sold without competitive bidding under committee amendments offered by the Government, Military and Veterans Affairs Committee to [LB 139](#). The bill increases the dollar amount of other types of surplus property that can be sold without bidding from \$500 to \$2,500. All sales would be subject to approval of the county board. The bill was reported out of committee on March 9.
- Documents filed in the register of deeds offices would need to comply with formatting standards under [LB 254](#), which was advanced by the Government Committee this week. The bill was introduced for NACO by Senator Kathy Campbell. [LB 14](#),

a bill to increase filing fees, remains in committee and is likely to be vetoed if advanced by the committee and passed by the Legislature.

- The time and location of drainage district elections would be provided on the notice of election under [LB 342](#). Senator Lydia Brasch introduced the bill at NACO's request to change election hours to reflect the normal hours that the county clerk's office is open. A Natural Resources Committee amendment replaced references to a specific time with the requirement to provide election information in the notice of the election. Drainage district elections are not subject to the state's Election Act. The bill was advanced from General File to Select File.

## Passed by Legislature

- A number of bills passed on Final Reading on Thursday and were sent to Governor Heineman. [LB 278](#) grants specific authority to county boards to make payments, including payroll, by direct deposit. [LB 556](#) statutorily defines the boundary between Hamilton and Merrick Counties. [LB 159](#) implements Amendment 1, which was approved by voters at the 2010 primary election, to authorize the use of revenue bonds issued by counties and municipalities to assist in the development of property for use by non-profit enterprises. Projects must be

located within the county or municipality and a reasonable relationship must exist between the governmental entity and the project or borrower. [LB 368](#) limits when political parties can nominate a candidate if the party did not nominate a candidate in the primary election. [LB 164](#) requires notification to local authorities and electric utilities when an oversized building or object is moved on a county or township road. [LB 210](#) is the Department of Revenue's annual clean-up bill.

## Signed by Governor Heineman

- State aid to counties, cities and natural resources districts will be eliminated effective July 1, 2011. Governor Dave Heineman signed [LB 383](#) on March 10. The bill would eliminate \$22 million in state aid each year.
- Governor Heineman signed a number of other bills, including [LB 98](#), which authorizes the Department of Roads to implement a program to buy back federal-aid transportation funds from counties. [LB 396](#) was introduced by Senator Rich Pahls at

NACO's request to allow non-negotiable receipts issued to counties as pledged collateral for excess bank deposits to be held in the office of the county treasurer, rather than the county clerk. [LB 160](#) was introduced for NACO by Senator Kathy Campbell to eliminate an antiquated report of trusts owning agricultural land. [LB 146](#) requires second-class cities and villages located in zoned counties to obtain planning commission and county board approval for planned unit developments.

## Selected Committee Hearing Schedule

The following is a list of some of the bills with county impact that have been scheduled for public hearing next week. Hearings will conclude on March 17. Please check the Legislature's website for a full listing.

### Monday, March 14

*Business and Labor Committee*

Room 2102 1:30 p.m.

- LB 141 - Provide for public records that may be withheld

### Wednesday, March 16

*Redistricting Committee*

Room 1525 12:00 p.m.

- LR 102 - Adopt criteria for the 2011 redistricting process

### Wednesday, March 16, continued

*Judiciary Committee*

Room 1113 1:30 p.m.

- LB 609 - Adopt the Correctional Facility Reimbursement Act
- LB 545 - Establish a copay for medical services provided at a correctional facility
- LB 508 - Authorize certain residency restrictions near parks for sexual predators
- LB 460 - Change the Sex Offender Registration Act