

# Nebraska Association of County Officials Legislative Report



January 19, 2007

## Bill Introductions End, Public Hearings Begin

When bill introductions ended on Jan. 17, the tenth day of the "long" 2007 session, more than 700 bills and constitutional amendments had been brought forward. Although this number is nearly 100 bills less than are typically introduced during a 90-day session, numerous issues impact counties. Changes to county inheritance taxes, the highway trust fund formula and

contribution rates, and open meetings laws have been proposed, as well as many revisions to tax policy and election procedures. Public hearings on some of these bills began this week and will continue through mid-March. A schedule of next week's hearings on bills with county impact follows.

## Revenue Committee Hears Tax Lien and Homestead Bills

A bill that would eliminate county authority to levy against certificates of deposit and certain bank accounts for delinquent personal property taxes was heard by the Revenue Committee on Wednesday. **LB 155** was introduced on behalf of banks in response to a Douglas County district court case that affirmed the sheriff's access to an out-of-state company's bank accounts in order to collect on a distress warrant. NACO historically opposes measures such as **LB 155** that limit the amount of taxes that can be collected.

The committee also heard testimony on **LB 145**, a measure to require assessors to send annual reminder notices to homestead exemption recipients. Many counties already send courtesy notices or information prepared by the Department of Revenue. The Property Tax Administrator testified that the Department is not required to send this data to counties and suggested that such reports should be made mandatory if the bill is advanced so that counties would continue to receive this information.

Three bills were introduced by the committee to address technical and policy changes as recommended by the Department of Property Assessment and Taxation (DPAT) and the Tax Equalization and Review Commission (TERC). **LB 166**, which introduced on behalf of DPAT, would clarify last year's legislation phasing out recapture of special valuation and change a filing deadline when property is transferred from one exempt entity to another. The bill would limit the ability to file property

tax protests to persons on or behalf of the record owner or person responsible for paying the tax. While this proposal was drafted narrowly to initiate discussion, it also pointed to a flaw in existing law that does not provide a property owner with notice if someone else protests his or her valuation.

The Department proposed two amendments to the bill. One amendment would eliminate the seats on the Greenbelt Advisory Board that are currently held by zoning administrators and county attorneys. It would also remove a requirement for county board representatives to have experience serving on an agricultural and horticultural land valuation board. Those boards were eliminated several years ago. Another amendment would eliminate statutory requirements for multicolor, multi-copy mobile home transfer statements and instead allow the Property Tax Administrator to develop the forms. This is intended to allow flexibility to create forms that provide information needed by counties and eventually make these and other forms available online.

**LB 167** and **LB 168** were proposed by TERC. **LB 167** is primarily administrative and technical. **LB 168** would make the TERC more like a court by addressing remand and evidence issues.

Although these bills have been discussed by the Revenue Committee in executive session, none have officially been reported as advanced.

## 2007 NACO Scholarship Applications Available

The NACO Board of Directors has again approved the issuance of scholarships to the children and stepchildren of county officials and employees. Applicants must be graduating seniors who plan to attend an in-state educational institution. The

application deadline is March 1. See the NACO website for details or contact the NACO office at (402)434-5660 or [beth@nacone.org](mailto:beth@nacone.org).

## Government Committee Hears Open Meetings Proposal

Public bodies would be allowed to address issues raised by members of the public who comment on items not listed on the agenda under a proposal heard by the Government, Military and Veterans Affairs Committee on Thursday. Public bodies could not require that members of the public be placed on the agenda prior to meetings in order to speak to the body about agenda items or new business. **LB 7** was introduced by Sen. Don Preister as a continuation of last year's open meetings law revisions. Several members of the public testified in support of the bill and detailed personal experiences with public meetings. Representatives of public bodies testified to concerns about conflicts between **LB 7** and last year's legislation.

An open meetings and public records bill introduced by Sen.

Mick Mines, **LB 391**, also addresses public participation at meetings. Under the bill, members of the public could comment to the degree allowed by the individual presiding over the meeting. The bill, which has not been scheduled for public hearing, would require public bodies to have a form on which citizens could suggest subjects for possible agenda items at future meetings. The governing body or its representative would have to respond within 10 days of receipt about the status of the request. The bill would also state that custodians of public records would not have to produce records under a request for all records created within a certain time frame without requesting a specific subject matter.

## Selected Hearing Schedule for the Week of Jan. 22

The following is a list of some of the bills with county impact that have been scheduled for public hearing next week. Not all committees had completed next week's schedule at the time this newsletter went to print. Please check the Legislature's website ([www.nebraskalegislature.gov](http://www.nebraskalegislature.gov)) for a full listing.

### Monday, January 22

*Transportation and Telecommunications Committee, 1:30 p.m., Room 1113*

- **LB 59** - Require education of motor vehicle dealers, agents, and salespersons
- **LB 148** - Provide an exception to weight and load limits for trucks hauling seasonally harvested products

### Tuesday, January 23

*Transportation and Telecommunications Committee, 1:30 p.m., Room 1113*

- **LB 239** - Update references to federal law in certain state motor vehicle statutes
- **LB 286** - Change the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act
- **LB 287** - Change vehicle titling and registration provisions

*Urban Affairs Committee, 1:30 p.m., Room 1510*

- **LB 206** - Change provisions regarding the city treasurer and the county treasurer serving as ex officio city treasurer in cities of the metropolitan class
- **LR5CA** - Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises. This issue appeared as Amendment 1 on the Nov.

2006 ballot.

### Wednesday, January 24

*Revenue Committee, 1:30 p.m., Room 1524*

- **LB 344** Change the termination date of the Tax Policy Reform Commission to 2008
- **LB 305** Change distribution of motor vehicle sales tax revenue
- **LB 359** Change use of motor vehicle sales tax proceeds
- **LB 41** Change motor fuel tax rates and allocation of the revenue

### Thursday, January 25

*Government, Military and Veterans Affairs Committee, 1:30 p.m., Room 1507*

- **LB 248** - Provide for road improvement district elections to be conducted by mail
- **LB 298** - Change the number of signatures required on nominating petitions
- **LB 311** - Change provisions relating to petition signature verification to eliminate exact match requirements
- **LR 8CA** - Constitutional amendment to change signature requirements for initiative petitions. Percentages required for constitutional amendments would be increased and percentages

required for statutory revisions would be decreased.

*Judiciary Committee, 1:30 p.m., Room 1113*

- **LB 335** - Change provisions relating to civil protective custody to allow repeat offenders to be held for 72 hours, rather than 24 hours
- **LB 201** - Increase the penalty for false information relating to motor vehicle registration. NACO helped develop this bill to discourage Nebraska residents from registering vehicles in other states.

## **Friday, January 26**

*Government, Military and Veterans Affairs Committee, 1:30 p.m., Room 1507*

- **LB 172** - Provide for the adoption of ordinances and resolutions by counties
- **LB 208** - Change bond requirements for certain public b u i l d i n g projects
- **LB 212** - Authorize counties to enact ordinances as prescribed

**Register online at [www.nacone.org](http://www.nacone.org) for the County Board Workshop on Feb. 7-9 in Kearney**