

Nebraska Association of County Officials Legislative Report



February 4, 2011

State Aid Elimination Bill Advances to the Floor

Counties, cities, and natural resources districts would lose \$22 million in state aid under one of the first pieces of the Governor's budget proposal to appear before the full Legislature. On Tuesday, the Revenue Committee voted 7-1 to advance LB 383 to the full body for debate and prioritized the bill. Debate on the bill will begin on Tuesday.

The vote on LB 383 may be indicative of the Legislature's desire to follow the proposed budget. Failure to adopt LB 383

would result in restructuring the entire proposal to close the state's \$986 million, two-year budget gap.

If you have not already done so, please contact your senator and ask them to oppose LB 383. If he or she cannot oppose LB 383, ask him or her to support an amendment that would leave the state aid formula in statute, but reduce it to zero. Such an amendment, which would be similar in concept to LB 96, would provide a mechanism for state aid when the economy improves.

Court Restructuring Proposal Under Consideration

The Nebraska Supreme Court would be encouraged to analyze the structure of the court system by LB 302, which appears on the Legislature's General File agenda for debate. LB 302 was heard by the Judiciary Committee last Friday and advanced to the floor this week. Because the courts are a separate branch of government, a study and administrative restructuring can be done without Legislative authority, but statutory revisions would be necessary to reflect such changes within state laws. Although the study has not been completed, a representative of the Nebraska Reengineering Committee testified that the group has been meeting for about six months. Using a "what if" process,

a panel of judges, representatives of the Bar, and State Court Administrator's office has been examining issues such as hearing cases by audiovisual methods. NACO asked to be included in the study.

Clerks of the district court and clerk magistrates would have to assist each other in certain circumstances if LB 451 is adopted. The bill will be heard by the Judiciary Committee on Feb. 11 in Room 1113 of the State Capitol. The bill would allow the Supreme Court to appoint a judicial hearing officer to hear misdemeanor cases, uncontested divorces, and other cases.

Natural Resources Committee Considers Conservation Easements

Conservation groups turned out in force to oppose a bill introduced to keep counties whole when conservation easements held by charitable corporations or trusts take property off tax rolls or skew the valuation of other agland in the county. LB 529 was introduced by Sen. Tom Carlson to address the situation experienced by counties in the Rainwater Basin, which stretches across south-central Nebraska, and other areas of the state. Particularly in Clay County, conservation groups have outbid local landowners to purchase ag land acres which are then taken out of production, returned to wetlands, and sometimes surrounded by prairie, thereby reducing their valuation.

LB 529 would limit such easements to 10 years, after which the county board would hold a public hearing and determine whether to continue or deny the easement. The bill would limit contributions from the Nebraska Environmental Trust for land purchases and easements and would prohibit the Trust from holding title to land.

Earlier in the week, the committee heard testimony on LB 51CA, which would eliminate funding for the Environmental Trust. Instead, those dollars would be directed to the University of Nebraska's Innovation Campus until 2038, then transferred to the state's General Fund.

Snapshots of County Issues

Hearings

- The Commission on Industrial Relations would be altered by nine bills that will be heard by the Business and Labor Committee on Feb. 7. Proposals range from technical changes

General File

- The Government, Military and Veterans Affairs Committee sent LB 62 to the floor with an amendment. The bill would provide that a county board cannot eliminate an officer or unduly hinder a county officer in the conduct of their duties. It places the burden on county officials to prove that their office or department would be negatively affected by a budget revision. The amendment removes language referencing the best interest of the county when overturning the board's decision.
- NACO's bill to allow pledged collateral to be held in the office of the county treasurer, rather than the county clerk, LB 396, has been sent to the floor by the Banking, Commerce and Insurance Committee. Treasurers asked for the change to reflect the use of a non-negotiable receipt as collateral.
- Counties could sell federal-aid transportation funds to the state

Select File

- Registered voters residing in the extraterritorial zoning jurisdiction of a city of the metropolitan class would be allowed to vote on issues and for officers at city elections under a

to a constitutional amendment that would prohibit government agencies, including the state, political subdivisions, and higher educational institutions from engaging in collective bargaining.

at a discount rate and be relieved of federal requirements if LB 98 is passed. The bill was heard on Tuesday and advanced from the Transportation and Telecommunications Committee. The funds obtained from the sale could be used for road and bridge construction and maintenance. The concept has been used successfully in other states.

Several other road funding proposals will be heard by the Revenue Committee on Feb. 10. LB 84 would serve as implementing legislation for the bonding process offered in LR 3CA. LB 429 would reduce the commission paid to sellers of motor vehicle fuel with the additional dollars credited to the Highway Trust Fund. LB 504 would increase fuel tax rates. LB 505 would increase motor vehicle fees on older vehicles and use a portion of the funding for the State Patrol Retirement Fund.

pending amendment to LB 81. The bill was introduced to prohibit Nebraska cities from imposing a wheel tax on nonresidents.

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. Not all committees had completed next week's schedule at the time this newsletter went to print. 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. 7

Appropriations Committee

Room 1003 1:30 pm.

- LB 373, LB 374, LB 375, LB 376, LB 377, LB 378, LB 379, LB 380, LB 131 – Overall budget bills. Separate hearings will be held for specific state agencies or issues

Business and Labor Committee

Room 1524 1:30 p.m.

- LB 397 - Redefine a term in the Industrial Relations Act
- LB 482 - Change provisions governing industrial disputes involving municipal corporations under the Industrial Relations Act
- LB 555 - Eliminate Special Masters and other provisions of the State Employees Collective Bargaining Act
- LB 564 - Change and eliminate provisions of the Industrial

Relations Act and the State Employees Collective Bargaining Act

- LB 623 - Change effect of Industrial Relation Act petitions and provide provisions for counties encompassing a city of the metropolitan class
- LB 624 - Change bargaining unit provisions of the State Employees Collective Bargaining Act
- LB 619 - Remove school districts, learning communities, and educational service units from the Industrial Relations Act
- LB 664 - Repeal the Industrial Relations Act and the State Employees Collective Bargaining Act and prohibit public collective bargaining and work stoppage
- LR 29CA - Constitutional amendment to prohibit government from engaging in collective bargaining

Selected Committee Hearing Schedule, continued

Tuesday, Feb. 8

Agriculture Committee

Room 1524 1:30 p.m.

- LB 306 - Require certain entities to provide care and shelter to equine animals

Nebraska Retirement Systems

Room 1525 12:10 p.m.

- LB 509 - Change provisions relating to retirement

Wednesday, Feb. 9

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 343 - Change land surveyor registration requirements

Judiciary Committee

Room 1113 1:30 p.m.

- LB 649 - Require the Judiciary Committee to develop legislative recommendations for guardians ad litem for children and youth

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 340 - Adopt the Hazardous Liquid Pipeline Notification Act
- LB 578 - Require proof of financial responsibility from persons operating pipelines
- LB 629 - Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act

Revenue Committee

Room 1524 1:30 p.m.

- LB 318 - Redefine qualified claimant for homestead exemption purposes
- LB 319 - Change reimbursement for homestead exemptions
- LB 320 - Change homestead exemption income limitations
- LB 321 - Change calculations relating to homestead exemptions

Thursday, Feb. 10

Judiciary Committee

Room 1113 1:30 p.m.

- LB 258 - Provide that entry onto land by land surveyor is not criminal trespass
- LB 415 - Change provisions relating to contraband in a detention facility or providing an inmate with contraband

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 64 - Change provisions relating to wildlife in captivity

Thursday, Feb. 10 continued

Revenue Committee

Room 1524 1:30 p.m.

- LB 84 - Adopt the Build Nebraska Act and authorize bonds for the highway system
- LB 429 - Change motor fuel tax collection commissions
- LB 504 - Change motor fuel tax rates
- LB 505 - Change motor vehicle taxes and distribution of proceeds

Friday, Feb. 11

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 352 - Provide airport hazard area dimensions under the Airport Zoning Act
- LB 628 - Authorize certain political subdivisions to donate certain motor vehicles to charitable organizations

Judiciary Committee

Room 1113 1:30 p.m.

- LB 451 - Change court fees, procedures, offices, and judgeships

Revenue Committee

Room 1524 1:30 p.m.

- LB 370 - Eliminate provisions relating to issuance of tax deeds
- LB 423 - Change tax foreclosure provisions relating to liens of sanitary and improvement districts

Monday, Feb. 14

Banking, Commerce and Insurance

Room 1507 1:30 p.m.

- LB 409 - Provide for the retention of insurance proceeds by a county or municipality to repair or demolish damaged property

Tuesday, Feb. 15

Agriculture Committee

Room 2101 1:30 p.m.

- LB 473 - Adopt the Black-Tailed Prairie Dog Management Act

Banking, Commerce and Insurance Committee

Room 1507 1:30 p.m.

- LB 371 - Provide for an unfair insurance trade practice relating to public officials

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 289 - Authorize the operation on public highways of low-speed vehicles as prescribed
- LB 573 - Authorize use of rotating or flashing amber lights on any motor vehicle operated by or for a storm spotter
- LB 353 - Change provisions relating to towing of vehicles and exemptions from size, weight, and load restrictions