

Nebraska Association of County Officials Legislative Report



January 21, 2011

Bill Introduction Concludes, Debate Begins

State budget concerns, road funding, labor and union issues, property tax appeals, and nonpartisan elections are among the issues facing the Legislature this year. When bill introductions ended on Jan. 19, 698 bills and 11 constitutional amendments were pending.

Public hearings on introduced bills began on Tuesday and

several committees have advanced bills to the full Legislature for General File debate. Six bills appear on the agenda for floor debate today, including [LB 135](#), which would change the date that motor vehicle title funds are remitted from the fifth of the month to the fifteenth of the month. Senator Jim Smith introduced the bill at NACO's request.

Bill Eliminating County Aid Hearing Rescheduled

A public hearing on [LB 96](#), a bill to reduce a factor in a formula providing state aid to counties, has been rescheduled for Jan. 27. The hearing had originally been set for this week. Because LB 96 would reduce to zero the bottom factor of a range determining the amount of funding and eliminate the required minimum distribution, the bill would, in effect, eliminate funding for counties. The state aid plan, which was adopted in 2009 but set to take effect in 2011, replaced state aid to counties, County Property Tax Relief, and jail reimbursement.

During the hearing on the 27th, the Revenue Committee will also hear [LB 106](#), which would authorize a county sales tax for

transportation infrastructure. Existing law authorizes counties to enact a sales tax for certain public safety services.

A second bill on county aid, [LB 383](#), will be heard on Jan. 26. LB 383 outright repeals statutory authority references for state aid to counties, cities and natural resources districts and the combined state aid to counties program that would be amended by LB 96.

Both hearings will be held in Room 1524 and will begin at 1:30 each day. The hearings can be viewed through live video streaming of the Legislature.

County Budget Clarification Heard by Government Committee

Four county officials testified in person and others submitted comments to the Government, Military and Veterans Affairs Committee on a bill that would prohibit county boards from budgeting an office out of existence and set a statutory standard of review for budget decisions made by county boards. [LB 62](#) was introduced to provide guidance in the ongoing issue of how much authority county boards have over the budgets of other elected officials. County board members testified that a recent Supreme Court case, *Wetovick v. County of Nance*, placed the responsibility on county boards to justify decisions on county officials' budgets. A county attorney and a county board

member testified about the conflict between two existing statutes that address the balance of responsibilities between county boards and other elected officials in setting budgets. Proponents and opponents agreed that it is preferable to work out budget disputes without involving the court system, but offered different ideas about how to reach a resolution between boards and elected officials. All testifiers noted that the proposed elimination of state aid to counties will have significant budgetary impacts on counties.

The committee has not taken action on the bill.

NACO Scholarships Available

The NACO Board of Directors voted in December to make 12 scholarships of \$1,000 available to children, stepchildren and grandchildren under the legal guardianship of county officials and employees. Students must be seniors attending a Nebraska

high school and plan to further their education within the state. The deadline for applications is March 1. Application forms are available on the NACO website under the Services tab or by calling the NACO office at 402-434-5660.

Selected Hearing Schedule for the Week of Jan. 24

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 for a full listing. Click on Calendar, then choose the hearing date.

Tuesday, Jan. 25

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 241 - Redefine parts vehicle and require a bill of sale for transfer of a parts vehicle

Urban Affairs Committee

Room 1510 1:30 p.m.

- LB 54 - Change provisions relating to the Community Development Law
- LB 309 - Provide for reapportionment of special assessments made by a city of the first class, city of the second class, or village as prescribed

Wednesday, Jan. 26

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 139 - Change surplus property sale provisions of the County Purchasing Act
- LB 444 - Provide methods for notice under the Open Meetings Act
- LB 230 - Change access to public records
- LB 266 - Change the Open Meetings Act relating to closed sessions

Judiciary Committee

Room 1113 1:30 p.m.

- LB 167 - Change the Relocation Assistance Act
- LB 310 - Change provisions relating to protection orders
- LB 251 - Change court fees

Revenue Committee

Room 1524 1:30 p.m.

- LB 383 - Eliminate state aid for municipalities, counties, and natural resources districts

Thursday, Jan. 27

Judiciary Committee

Room 113 1:30 p.m.

- LB 129 - Eliminate the statute of limitation for certain felonies
- LB 390 - Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice
- LB 202 - Authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment

Revenue Committee

Room 1524 1:30 p.m.

- LB 96 - Change state aid to counties
- LB 106 - Authorize a county sales tax for capital improvements for public safety services and transportation infrastructure

Friday, Jan. 28

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 187 - Change the number of required recall petition signatures
- LB 188 - Change requirements for recall petition signatures
- LB 224 - Change provisions relating to recall of certain political subdivision officials

Judiciary Committee

Room 1113 1:30 p.m.

- LB 15 - Change district court execution of judgment provisions
- LB 17 - Change civil procedure complete court record provisions
- LB 302 - Provide for a restructuring plan for the court system
- LB 452 - Provide for lottery winnings and tax refund intercept for debts owed to courts
- LB 398 - Change provisions relating to notaries public

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 342 - Change election hours for drainage districts