

Nebraska Association of County Officials Legislative Report



January 13, 2011

Legislature Convenes on January 5, 2011

The 102nd Legislature, First Session convened last week for a "long" 90-day session. Bills that were not advanced or killed in 2009 were not carried over to the new session. Senators can introduce new bills during the first ten days of the session. Adjournment is tentatively scheduled for June 8. By the end of the seventh day, 419 new bills had been introduced.

Following a recess day in recognition of Martin Luther King, Jr. Day, committee hearings are scheduled to begin on the afternoon of Jan. 18. All bills must have a public committee hearing. If the committee advances the bill to the full legislature, it is subject to three rounds of debate: General File, Select File and Final Reading. Bills that pass are sent to Governor Heineman for a signature or veto.

The Legislature's website (www.nebraskalegislature.gov)

contains all information pertinent to legislative activities: daily and [session calendars](#), text of bills and amendments, daily agendas, hearing schedules, [senator contact information](#), transcripts of debate, state laws and more. Live video streaming of floor debate and committee hearings is provided by Nebraska Educational Television.

Other legislative information is available through the following sources:

- Clerk of the Legislature - Phone: (402)471-2271
- Legislative 24-Hour Request Line - individual copies of bills or Unicameral Update subscriptions. Phone: (402)471-2877
- Hotline - answers to questions about the status of bills or other information. Phone: (402)471-2709; Outside Lincoln (800) 742-7456

Bill Eliminating County Aid Set for Public Hearing

Eliminating funding for a new aid program for counties is one of many budget-cutting measures pending before the Legislature in 2011. The new program, which was adopted two years ago, combines funding for state aid to counties, County Property Tax Relief, and jail reimbursement into a single program with a minimum distribution to counties of \$30,000 to each county.

LB 96 would reduce the bottom factor of a range determining the amount of funding to zero and eliminate the required minimum distribution. The Revenue Committee will hold a public hearing on LB 96 on Friday, Jan. 21 at 1:30 p.m. in Room 1524 of the State Capitol. County board members are encouraged to attend the hearing to testify about the impact of a loss of state aid, especially whether services would need to be cut or how much levies would need to be increased. As an alternative, letters or emails can be sent to Revenue Committee members (Cornett, Adams, Fischer, Hadley, Loudon, Pankonin, Pirsch, and Utter). The hearing can be viewed through live video streaming of the Legislature.

Related bills to cut state aid to natural resources districts (**LB 118**) and municipalities (**LB 119**) will also be heard on Jan. 21.

A second bill to eliminate aid to counties, **LB 383**, was

introduced by Sen. Cornett on behalf of the Governor, but has not been set for hearing.

These and other ideas were proposed in studies conducted by each of the Legislature's standing committees during the summer. The [full report](#) is available on the Legislature's website.

Several proposals have been introduced to expand funding opportunities. For example, **LB 106** would authorize the use of county sales taxes for infrastructure. **LB 84** would allow the state to issue bonds to pay for state highway projects. **LB 221** would increase court fees to generate \$8 million.

The Economic Forecasting Advisory Board will meet again in February to review tax revenue projections. In October, the board issued a revised estimate of a \$1.4 billion budget gap when federal stimulus funds end. Although December tax revenues exceeded projections, the Legislature will be faced with a sizeable deficit in the next two-year budget. The [Tax Rate Review Committee report](#), which was released in November, contains more detail about the state's financial situation.

County Board Budget Clarification Proposed

Who is responsible for determining the appropriate amount for county officials' budgets? **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. The bill would codify and expand upon concepts set out in several cases, including the Nebraska Supreme Court's decision in *Wetovick v. County of Nance* last spring. The bill provides that the county board cannot eliminate an office or unduly hinder a county officer in the conduct of his or her official duties. If an office or budget will be negatively affected by a budget revision, the

office or department must prove by clear and convincing evidence that the revision is arbitrary, unreasonable and capricious. The board must consider all budget revisions and their decision must not be overturned unless there is clear and convincing evidence that the action of the board is not in the best interests of the county.

LB 62, which was introduced by Sen. Lavon Heidemann, will be heard by the Government, Military and Veterans Affairs Committee on Thurs. Jan. 20 at 1:30 p.m. in Room 1507.

Selected Hearing Schedule for the Week of Jan. 18

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. 18

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB135 - Change the date for remitting certain funds under the Motor Vehicle Certificate of Title Act

Wednesday, Jan. 19

Government, Military and Veterans Affairs Committee

Room 1507 2:00 p.m.

- LB14 - Change and eliminate fees received by registers of deeds and clerks

Health and Human Services Committee

Room 1510 1:30 p.m.

- LB 144 - Require mobile home parks to have shelter and evacuation plans
- LB 111 - Change membership on mental health boards

Judiciary Committee

Room 1113 1:30 p.m.

- LB 66 - Change provisions relating to DNA collection
- LB 128 - Change DNA collection provisions

Revenue Committee

Room 1524 1:30 p.m.

- LB 210 - Change revenue and taxation provisions

Thursday, Jan. 20

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 62 - Change budget revision and salary approval provisions for counties
- LB 101 - Eliminate daylight savings time
- LB 116 - Provide for use of Veterans' Aid Income Fund for the state veteran cemetery system

Health and Human Services Committee

Room 1510 1:30 p.m.

- LB 45 - Change the Engineers and Architects Regulation Act

Friday, Jan. 21

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 97 - Require Secretary of State to provide uniform guidelines for election workers
- LB 161 - Change provisions relating to recounting votes
- LB 117 - Change publication requirements for constitutional amendments and initiative and referendum measures
- LB 168 - Provide for voter registration on the Secretary of State's website

Revenue Committee

Room 1524 1:30 p.m.

- LB 96 - Change state aid to counties

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.

NACO Legislative Committee Meetings Set for January 14 and 21

NACO's Legislative Committee will meet on Jan. 14 and again on Jan. 21 to review and take positions on 2011 legislation and address carryover legislation, if necessary. The meetings will begin at 9:30 a.m. at the Nebraska State Education Association (NSEA) Building (605 S. 14th Street) in Lincoln. The NSEA Building is located directly north of the NACO office. All county officials are invited to attend these meetings. Because lunch will be provided, please notify the NACO office at (402)434-5660 or leslie@nacone.org if you plan to attend. Parking is not permitted behind the NSEA Building and parking behind the NACO office is very limited. Because the Legislature

is in session on both days, parking around the Capitol may be limited. Parking is available at the Cornhusker Hotel.

After brief introductory remarks, affiliate groups will meet for discussion of bills pertinent to their membership. After the groups have met, the NACO Legislative Committee will reconvene as a whole to review and take positions on the entire list of bills. All county officials are encouraged to attend or discuss areas of concern with their NACO Board representative prior to the meeting. The meeting on Jan. 21 will conclude shortly after lunch so officials can attend the afternoon's legislative hearings.