

Nebraska Association of County Officials Legislative Report



January 18, 2008

Legislature Convenes on January 9, 2008

The 100th Legislature, Second Session convened last week for a "short" 60-day session. Bills that were not advanced or killed in 2007 were carried over to the 2008 session. Adjournment is tentatively scheduled for April 17. By the end of the seventh day, 336 new bills had been introduced.

The calendar, text of bills and amendments, daily agendas, hearing schedules, senator contact information, state laws and more can be viewed on the Legislature's website at www.nebraskalegislature.gov. A new QuickSearch feature on the home page offers links to introduced bills, amendments, state laws and past legislation. A BillTracker feature enables users to receive regular updates on up to 15 bills. 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

Full days of floor debate on carryover bills began on Jan. 14. Following a recess day in recognition of Martin Luther King, Jr. Day, committee hearings are scheduled to begin on the afternoon of Jan. 22. 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.

Resignation and Recall Bill Advances to Second Round

Public officials, including county officials, who resign from office must do so in writing under **LB 312**. For county officials, the resignation must be submitted to the county board or county clerk. The bill, which was introduced last year at NACO's request by Sen. Ray Aguilar, was advanced to Select File on Wednesday. Similar language was introduced in 2006 by Sen. Vickie McDonald, who co-signed LB 312.

The bill also provides for cancellation of a recall election if the official who is the subject of a recall petition resigns at least sixteen days prior to the scheduled election. Under existing law,

an election must be held if the official does not resign within five days after receiving notice of sufficient signatures on the recall petition.

The bill stems from circumstances surrounding the recall and subsequent resignation of the Howard County sheriff in 2005. Although he resigned before the election was held, the county was not able to cancel the election. Earlier that year the Nebraska Supreme Court decided a case addressing the submission and withdrawal of a resignation letter by a county board member.

Ombudsman Could Investigate County and City Jail Complaints

The state ombudsman's office would address the complaints of inmates at correctional facilities, including county and city jails, under **LB 467**. The bill, which was advanced from the first round of debate on Thursday, would expand the role of the Office of the Public Counsel, commonly called the ombudsman. The office currently handles some county complaints, but is only given specific authority to investigate complaints about state

agencies and officials. An amendment was adopted to give the ombudsman authority to investigate complaints about any community based mental health services provider that contracts with any Behavioral Health Region to provide services for any individual that was a patient of a state owned and operated Regional Center within the prior twelve months.

Cleanup of Township Laws Advanced From First Round

A bill to eliminate inconsistencies in statutes relating to discontinuance of the township form of government has been amended into **LB 269**, a measure to harmonize the number of signatures needed on petitions to create or discontinue township government or change the number of county commissioners. **LB 269**, which was prioritized by Sen. Carroll Burling, and **LB 348** do not eliminate the township form of government, but are

intended to address some of the questions that have arisen when supervisor counties have investigated the option of becoming a commissioner form of government. **LB 348** clarifies procedures for determining the number of commissioners and district boundary lines, should voters change the form of government in their county. **LB 269** was advanced from General File this week.

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 for a full listing.

Tuesday, Jan. 22

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- **LB755** - Change Public Service Commission powers and duties
- **LB815** - Allow Geographic Information System data to be withheld from the public
- **LB829** - Provide powers and duties to the Public Service Commission regarding telecommunications rates

Wednesday, Jan. 23

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- **LB750** - Designate the Secretary of State's Office as a voter registration agency
- **LB856** - Provide for special congressional elections in case of multiple vacancies
- **LB857** - Change certification provisions for candidates for President and Vice President

Judiciary Committee

Room 1113 1:30 p.m.

- **LB772** - Provide for state payment for county and district court courtroom security
- **LB773** - Change unclassified county service position provisions relating to bailiffs

- **LB775** - Change deputy court clerks provisions
- **LB804** - Permit jurors to take notes

Revenue Committee

Room 1524 1:30 p.m.

- **LB914** - Change provisions relating to taxes and funds

Thursday, Jan. 24

Health and Human Services Committee

Room 1510 1:30 p.m.

- **LB782** - Allow disclosure of child abuse and neglect information
- **LB793** - Change which county pays for costs of emergency protective custody and proceedings

Revenue Committee

Room 1524 1:30 p.m.

- **LB710** - Require notice of sale of real property by a land reutilization authority
- **LB814** - Change delinquent property tax notification and collection provisions
- **LB893** - Change provisions relating to tax deeds and foreclosures
- **LB985** - Change provisions relating to tangible personal property tax returns
- **LB965** - Change property tax provisions
- **LB964** - Change provisions relating to the Tax Equalization and Review Commission

NACO Board Approves 2008 Scholarship Program

The NACO Board of Directors has again voted to make twelve \$1,000 scholarships available to the children and stepchildren 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 3, 2008. Application forms are available on the NACO website www.nacone.org or by calling the NACO office at 402-434-5660.

2008 Legislature Alphabetical Listing

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