

Nebraska Association of County Officials Legislative Report



January 16, 2009

Legislature Convenes on January 7, 2009

The 101st Legislature, First Session convened last week for a "long" 90-day session. Bills that were not adopted during the 2008 session were killed. Senators have 10 days to introduce new bills. By the end of the seventh day, 355 new bills and three constitutional amendments had been introduced. Adjournment is tentatively scheduled for June 4.

Senator Mike Flood was re-elected speaker. The following senators were elected to chair standing committees: Sen. Tom Carlson – Agriculture; Sen. Lavon Heidemann – Appropriations; Sen. Rich Pahls – Banking, Commerce and Insurance; Sen. Steve Lathrop – Business and Labor; Sen. Greg Adams – Education; Sen. Russ Karpisek – General Affairs; Sen. Bill Avery – Government, Military and Veterans Affairs; Sen. Tim Gay – Health and Human Services; Sen. Brad Ashford – Judiciary; Sen. Chris Langemeier – Natural Resources; Sen. Dave Pankonin – Nebraska Retirement Systems; Sen. Abbie Cornett – Revenue; Sen. Deb Fischer – Transportation and

Telecommunications; Sen. Mike Friend – Urban Affairs

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 newly-revised website at www.nebraskalegislature.gov. Live streaming video of floor debate and public hearings is provided by Nebraska Educational Television.

Following a recess day in recognition of Martin Luther King, Jr. Day, committee hearings are scheduled to begin on the afternoon of Jan. 20. A list of selected hearings of interest to counties is listed on the reverse. All bills must have a public hearing before a standing committee. 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 are adopted on Final Reading are sent to Governor Heineman for a signature or veto.

NACO Offers Jail Reimbursement Replacement

After several years of struggling to retain partial reimbursement for counties holding state prisoners, a bill has been introduced on NACO's behalf to replace jail reimbursement, state aid to counties, and the County Property Tax Relief Program with a single aid computation. Under **LB 218**, the Legislature would appropriate funds in an amount equal to a percentage of the total real and personal property valuation of all counties. The percentage would be capped at .0125 percent and could not be less than .0075 percent of total valuation. Each county would receive \$30,000 and the rest of the funds would be distributed on a ratio of each county's valuation compared to the total state valuation. The calculation would be made by the Tax Commissioner and distributed to counties in nine equal monthly payments beginning in September each year.

County jail reimbursement was developed by NACO and adopted in 1998. Counties are reimbursed \$35 per day for

holding state prisoners. Although the initial funding was much greater, the current \$3.9 million annual Legislative appropriation is typically depleted during the third quarter, so counties holding state prisoners in the final months of the year are not reimbursed. When the plan was enacted, the County Property Tax Relief Program was added to provide funds to smaller counties that hold fewer state prisoners. Funding was eliminated during a downturn in the state budget several years ago and reinstated in 2007 under a revised formula that included need.

State aid to counties, while statutorily set at \$13.5 million, has been appropriated at a level of slightly less than \$5 million since FY 03-04.

No hearing date has been set for LB 218, which was introduced by Sen. Abbie Cornett, chair of the Revenue Committee, and co-signed by Sen. Lavon Heidemann, chair of the Appropriations Committee.

Inheritance Tax Changes Proposed

Inheritance taxes are back on the table under a proposal that will be heard by the Revenue Committee on January 22. **LB 119** would decrease the tax rate for Class 2 beneficiaries, including uncles, aunts, nieces, nephews and their spouses, from 13 percent to 10 percent. The tax is imposed on amounts in excess of \$15,000. The change would apply to all property which passes

from a decedent dying on or after Jan. 1, 2009. As in past years, NACO is collecting data on the total amount of inheritance taxes collected by each county in the past year and how it was used in order to emphasize the importance of inheritance taxes to counties.

NACO Board Approves 2009 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 2, 2009. Application forms are available under the Services tab on the NACO website www.nacone.org or by calling the NACO office at 402-434-5660.

Selected Hearing Schedule for the Week of Jan. 20

The following is a list of some of the bills with county impact that have been scheduled for public hearing next week. A full listing of hearing each day is available by clicking on the Calendar tab on the Legislature's website. A block at the bottom of each day lists the number of hearings and can be clicked for the daily list.

Tuesday, Jan. 20

Transportation and Telecommunications Committee

Room 1113 1:30 p.m.

- LB 49 - Require titling and registration of motor vehicles and motorboats be performed by county treasurers (One-stop)
- LB 108 - Exempt certain all-terrain vehicles from identification inspection requirements

Wednesday, Jan. 21

Government, Military and Veterans Affairs Committee

Room 1507 2:00 p.m.

- LB 115 - Eliminate the Nebraska Veterans Cemetery Advisory Board

Health and Human Services Committee

Room 1510 1:30 p.m.

- LB 173 – Provide for relabeling and redispensing of prescription drugs at certain correctional facilities

Revenue Committee

Room 1524 1:30 p.m.

- LB 166 - Change provisions relating to property tax. Sets a deadline of Aug. 1 for purposes of considering annexed property as part of the value of the annexing subdivision

Thursday, Jan. 22

Government, Military and Veterans Affairs Committee

Room 1507 2:00 p.m.

- LB 17 - Provide for a tuition waiver for combat-injured veterans
- LB 52 - Change employment qualifications relating to county veterans service offices

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Health and Human Services Committee

Room 1510 1:30 p.m.

- LB 68 - Provide procedures for closure of state residential facilities for persons with developmental disabilities

Judiciary Committee

Room 1113 1:30 p.m.

- LB 83 - Provide for the care of domestic animals in protection orders
- LB 41 - Clarify references to the county sheriff

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 5 - Eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way

Revenue Committee

Room 1524 1:30 p.m.

- LB 119 - Change inheritance tax provisions.

Friday, Jan. 23

Natural Resources Committee

Room 1525 1:30 p.m.

- LB 134 - Change natural resources districts eminent domain powers
- LB 160 - Authorize issuance of flood protection and water quality enhancement bonds by natural resources districts

Government, Military and Veterans Affairs Committee

Room 1507 1:30 p.m.

- LB 7 - Provide a residency requirement for clerks of the district court
- LB 8 - Change fees received by clerks and registers of deeds

2009 Legislature Alphabetical Listing

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