

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 923**

Introduced by Fischer, 43; Bourne, 8; Byars, 30; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Friend, 10; Hudkins, 21; Janssen, 15; Kremer, 34; Kruse, 13; Louden, 49; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Smith, 48; Stuhr, 24; Stuthman, 22

Read first time January 5, 2006

Committee: Appropriations

A BILL

1 FOR AN ACT relating to counties; to amend sections 47-119.01  
2 and 77-3618, Reissue Revised Statutes of Nebraska; to  
3 eliminate provisions relating to proration of certain  
4 payments to counties; and to repeal the original  
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 47-119.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           47-119.01 (1) The county in which a prisoner committed an  
4 offense or is alleged to have committed an offense is responsible  
5 for the cost of keeping and maintaining the prisoner in a criminal  
6 detention facility located within the state which is not reimbursed  
7 by a city, the state, or the federal government.

8           (2) Subject to the appropriation limitations and claims  
9 filing deadlines established in this section for county jail  
10 reimbursement assistance, after sentencing if a prisoner is a state  
11 prisoner, the state shall reimburse the county where the state  
12 prisoner was or is maintained in a criminal detention facility at  
13 the rate of thirty-five dollars per day for each day the state  
14 prisoner was maintained in the criminal detention facility for  
15 such offense until the day the state prisoner is transferred to a  
16 Department of Correctional Services facility, placed on probation  
17 for such offense, or released from custody at the request of the  
18 department. ~~\_\_\_, except that during any quarterly fiscal period if~~  
19 ~~state appropriations are not sufficient to satisfy all of the~~  
20 ~~eligible county jail reimbursement claims filed, then the state~~  
21 ~~shall prorate each county's total reimbursement for that quarterly~~  
22 ~~fiscal period in proportion to the remaining appropriation.~~

23           (3) Any county jail reimbursement claims not timely filed  
24 by any county and any county jail reimbursement claims paid by the  
25 state on a prorated basis shall not be filed or refiled, and no

1 such claims shall be reimbursed by the state.

2 (4) ~~Subject to available appropriations,~~ the The  
3 department shall reimburse all counties on a quarterly basis  
4 for all eligible county jail reimbursement claims as soon as  
5 practicable after the end of each quarterly filing period.

6 (5) The county board or county board of corrections  
7 shall request reimbursement as provided in section 47-121. If  
8 the department has been notified under section 83-4,133 that the  
9 criminal detention facility which is requesting reimbursement does  
10 not qualify for reimbursement under this section, the department  
11 shall deny the reimbursement request for the days the facility was  
12 not qualified.

13 (6) If a conviction on which reimbursement for prisoner  
14 costs was based is reversed and the case dismissed, the amount of  
15 such reimbursement shall be refunded as provided in section 47-121.  
16 The county attorney shall notify the sheriff or county board of  
17 corrections of the dismissal of any such case.

18 (7) The Department of Correctional Services shall  
19 reimburse counties for eligible county jail reimbursement claims  
20 subject to the ~~appropriation limitations~~ and claims filing  
21 deadlines in this section. ~~For fiscal year 2002-03,~~ the total  
22 annual appropriations approved by the Legislature for the  
23 department for county jail reimbursement assistance shall not  
24 exceed three million nine hundred ten thousand dollars, plus the  
25 amount of necessary deficit funding required to fulfill unpaid

1 statutory obligations from fiscal year 2000-01 and fiscal year  
2 2001-02, as certified by each county, and such claims shall be  
3 received in the office of the accounting section of the department  
4 by September 15, 2002. Beginning with fiscal year 2003-04 and each  
5 fiscal year thereafter, the total annual appropriations approved by  
6 the Legislature for the department for county jail reimbursement  
7 assistance shall not exceed three million nine hundred ten thousand  
8 dollars. County jail reimbursement claims filed for any fiscal year  
9 shall only be paid out of the same fiscal year's appropriation,  
10 including any amounts reappropriated or certified as encumbrances  
11 for county jail reimbursement assistance, but no previous fiscal  
12 year claims shall be paid or filed by counties to be paid from a  
13 subsequent fiscal year's new appropriation established for county  
14 jail reimbursement assistance. County jail reimbursement claims, as  
15 certified by each county, shall be received in the office of the  
16 accounting section of the department within forty-five days after  
17 the end of any quarterly fiscal period ending on March 31, June  
18 30, September 30, and December 31. Any claims not meeting these  
19 deadlines shall be determined ineligible for future filing and  
20 shall not be reimbursed by the state.

21           Sec. 2. Section 77-3618, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           77-3618 (1) The County Property Tax Relief Program is  
24 created. The program shall be used to distribute money to county  
25 governments to provide property tax relief and equalize county

1 capacity to pay for public services from property taxes. Funds  
2 shall be distributed on or before September 1 each year by the  
3 Department of Revenue according to the formula created in this  
4 section.

5 (2) The department shall calculate the amount to be  
6 distributed to each county as follows:

7 (a) The county capacity shall be determined for each  
8 county. This amount is the assessed value of the county for the  
9 prior year multiplied by the county local effort rate, which is  
10 a tax rate of one and seven-tenths cents per one hundred dollars  
11 valuation, divided by the number of road miles maintained by the  
12 county;

13 (b) The statewide county capacity shall be determined.  
14 This amount is the statewide assessed value for the prior year  
15 multiplied by the county local effort rate, which is a tax rate  
16 of one and seven-tenths cents per one hundred dollars valuation,  
17 divided by the number of road miles maintained by all counties;

18 (c) The amount of aid due a county shall be determined by  
19 subtracting the county capacity from the statewide county capacity,  
20 if the result is a positive number, this amount multiplied by the  
21 number of county road miles is the amount to be distributed to the  
22 county subject to subdivision (d) of this subsection; and

23 (d) The amount distributed to a county shall not exceed  
24 an amount equal to the result of a tax rate of five cents per one  
25 hundred dollars on the assessed value of the county.

1           (3) A minimum levy adjustment shall be made for any  
2 county that would otherwise receive aid under subsections (1) and  
3 (2) of this section that has a levy for all purposes except bonded  
4 indebtedness for the prior year that is less than forty cents per  
5 one hundred dollars of valuation. The Department of Revenue shall  
6 reduce the amount to be distributed by a minimum levy adjustment  
7 which shall be calculated by subtracting the nonbond levy of the  
8 county for the prior year from forty cents and multiplying the  
9 result by the valuation of the county divided by one hundred.  
10 If the resulting aid amount after subtracting the minimum levy  
11 adjustment from the aid calculated under subsections (1) and (2) of  
12 this section is zero or less, the county shall receive no aid.

13           (4) The Department of Roads shall provide the county  
14 road-mile information for all counties each year to the Department  
15 of Revenue. The information provided shall be the same as  
16 determined under section 39-2507.

17           ~~(5) If sufficient funds are not appropriated to fully  
18 fund the provisions of this section, the Department of Revenue  
19 shall make a proportionate reduction in each distribution made  
20 pursuant to this section. There shall be no funds appropriated to  
21 the County Property Tax Relief Program for fiscal years 2003-04 and  
22 2004-05. Distributions under the program will resume in fiscal year  
23 2005-06.~~

24           Sec. 3. Original sections 47-119.01 and 77-3618, Reissue  
25 Revised Statutes of Nebraska, are repealed.