

From: [Dan F. Nolte](#)
To: [Cori R. Beattie](#); [Commish](#); [David A. Derbin](#); [Kristy R. Bauer](#)
Subject: FW: LR 396 - Public Advocacy Commission funding needs
Date: Tuesday, September 27, 2022 10:39:41 AM
Attachments: [image001.png](#)

From: Elaine Menzel <Elaine.Menzel@NebraskaCounties.org>
Sent: Tuesday, September 27, 2022 9:05 AM
Subject: LR 396 - Public Advocacy Commission funding needs

County Board Chairpersons (and County Clerks),

Senator John Cavanaugh introduced [LR396](#) as a legislative interim study to examine the funding needs of the Public Advocacy Commission (Commission) and to find a long-term funding solution. The hearing will be held Friday, October 7, 2022. The Commission plays an important role for the county and the State as a whole, providing services in 72 of Nebraska's counties and having defended murder cases in 53 counties. Counties that have used the Commission's services paid nothing for them, an effective form of property tax relief. The Commission has represented or is currently representing 174 indigent defendants in murder cases. Many of those defendants were represented in multiple proceedings. Services of the Commission may be used by any Nebraska County, even those with elected or appointed public defenders such as in cases where there may be multiple defendants or the public defender has a conflict.

Please consider submitting comments to the Appropriations Committee via Tamara Hunt, the Appropriations' Committee Clerk, at thunt@leg.ne.gov by **Wednesday, October 5, 2022**. Below my signature block is contact information for Senator John Cavanaugh, LR396's introducer, and members of the Appropriations Committee . Please also send a copy to any senator(s with whom you have developed a relationship.

You may explain how your county has benefitted from the Commission providing services in your county in the ways described by the legislative findings of [Neb. Rev. Stat. § 29-3920](#):

1. Property tax relief from the obligation of providing mandated indigent defense services which in most instances are required because of state laws establishing crimes and penalties;
2. Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services also increases accountability by the state;
3. Property tax relief in providing for indigent defense services will also improve inconsistent and inadequate funding of indigent defense services by the counties;
4. Property tax relief which lessens the impact on county property taxpayers of the cost of a high profile death penalty case which can significantly affect the finances of the counties; and

Please do not comment specifically about any case on appeal or that has the potential to be appealed. Also describe the number of attorneys within your county and options available to your county in the event a murder case occurs for using a "local" attorney for defending an indigent client. For example, in counties with a small number of attorneys, you would likely be required to pay for travel, lodging, and other expenses of an attorney if the Public Advocacy Commission was not an option. Additionally, if you have ideas for a long-term funding source for the Commission, you could incorporate that information. Examples include: current funding source of court fees (however, court fees have reduced significantly since the creation of the Commission); general appropriations; or other ideas.

Thank you for your consideration of submitting comments to the Appropriations Committee. Again,

the date for submission is by **Wednesday, October 5, 2022** to Tamara Hunt, the Appropriations' Committee Clerk, at thunt@leg.ne.gov. Please forward a copy to me as well.

Please feel free to contact me with any questions you may have.

Elaine R. Menzel
Legal Counsel
Nebraska Association of County Officials (NACO)
1335 H Street
Lincoln, NE 68508
Phone – 402.434.5660, ext. 225
Fax – 402.434.5673
Website – www.nebraskacounties.org

NACO-logo



Appropriations' Committee Members

- Sen. John Stinner, Chairperson – 402.471.2802 – jstinner@leg.ne.gov
- Sen. Robert Clements – 402.471.2613 – rclements@leg.ne.gov
- Sen. Myron Dorn – 402.471.2620 – mdorn@leg.ne.gov
- Sen. Steve Erdman – 402.471.2616 – serdman@leg.ne.gov
- Sen. Robert Hilkemann – 402.471.2621 – rhilkemann@leg.ne.gov
- Sen. Mark Kolterman – 402.471.2756 – mkolterman@leg.ne.gov
- Sen. Mike McDonnell – 402.471.2710 – mmcdonnell@leg.ne.gov
- Sen. Tony Vargas – 402.471.2721 – tvargas@leg.ne.gov
- Sen. Anna Wishart – 402.471.2632 – awishart@leg.ne.gov
- Listing of Nebraska State Senators' Names and Contact Information – <https://nebraskalegislature.gov/senators/senator.list.php>