

**LANCASTER COUNTY BOARD OF COUNTY COMMISSIONERS
LEGISLATIVE RETREAT
THURSDAY, AUGUST 17, 2023
COUNTY-CITY BUILDING
ROOM 113 – BILL LUXFORD STUDIO
8:30 A.M.**

LEGISLATIVE PROPOSALS FOR 2024 SESSION

I. NEW PROPOSALS

1. **Expansion of County Veterans Aid.** Neb. Rev. Stat. § 80-102 provides that County Veterans Aid is available only to veterans who served during a period of war, excluding veterans who served in certain time periods and who meet certain state and county residency requirements. In addition, Neb. Rev. Stat. § 80-401.03 defines a qualified veteran for purposes of Nebraska Veterans Aid as veterans who served on active duty, other than active duty for training.

Unfortunately, these two inconsistent definitions fail to cover all Nebraska veterans, and the County Veterans Service Office experiences situations in which veterans are ineligible for either County or Nebraska Veterans Aid. For example, the County Veterans Service Office regularly encounters certain veterans who are eligible for Nebraska Veterans Aid but are ineligible for County Veterans Aid, making it challenging to identify assistance for past-due bills.

To ensure coverage for all Nebraska veterans, the County Veterans Service Office recommends adopting a single standard for eligibility for both County Veterans Aid and Nebraska Veterans Aid and reevaluating active duty versus active duty for training, wartime service, and length of residency requirements.

2. **Radios for Rural Fire Departments.** Portions of LB511 (2023) were amended into LB814 (2023) by AM915, ultimately appropriating \$5,000,000.00 to the Revolving Fund to establish interoperability amongst state agencies and volunteer fire departments by providing portable and mobile radios, programming, and installation of all radios and equipment; and providing training for interoperability with the Statewide Radio System to connect volunteer departments and agencies to the Statewide Radio System through a grant program.

Separately, out of a total of \$500,000.00 in ARPA funding set aside for Rural Fire Radios, the County Board funded a study to explore interagency interoperability of rural fire departments that respond within Lancaster County, and a briefing will be provided to the Board once the study is complete.

Given the scope of the interoperability problems both locally and statewide, more funding is needed to ensure that our volunteer firefighters have the radio equipment and training they need to protect our rural residents from the increasing threat of fire.

3. **Section 42 Valuations.** Neb. Rev. Stat. § 77-1333 sets forth the procedures governing valuation of rent-restricted housing projects for property tax purposes. A rebalancing of the valuation formula is necessary to ensure that county-wide equalization can be achieved while also ensuring the continued expansion of much-needed rent-restricted housing projects in this era of historically low affordable housing stock.
4. **Special Agricultural and Horticultural Valuation.** LB727 (2023) amended Neb. Rev. Stat. § 77-1344 by, among other things, removing eligibility for special valuation for agricultural or horticultural land that “consists of five contiguous acres or less”, and instead providing that qualifying agricultural or horticultural land “must consist of five acres or more.” The Office of the County Assessor/Register of Deeds has identified two hundred fifty-six smaller pieces of farm ground in Lancaster County that have been granted special valuation for many years under the prior standard but that no longer would qualify for special valuation under the amended language.
5. **Modernizing Amusement License Provisions.** Pursuant to Neb. Rev. Stat. §§ 23-813 et seq., the County issues amusement licenses to places of public amusement. The County Clerk’s Office proposes modernizing these provisions by removing outdated references, revising the definition of “place of public amusement,” expressly providing authority for the creation of an application, updating notice provisions, and updating the current fee for the license from \$10.00 to \$25.00.

II. PENDING LEGISLATION AND INTERIM STUDIES

1. **LB721 (Ballard) Appropriate funds to the Department of Transportation for the East Beltway project in Lancaster County; and LR130 (Ballard)** Transportation issues are vital to keeping Nebraska economically competitive, and physical transportation infrastructure is an integral component of the supply chain that supports our continued local, region,

and statewide growth in a competitive global economy. Now that the City of Lincoln's South Beltway is nearly complete in record time due to State of Nebraska leadership combined with significant local support, the East Beltway remains the final uncompleted portion of the expressway system around the City of Lincoln. In anticipation of completing this project, the City of Lincoln and the County of Lancaster have invested millions of dollars in securing the East Beltway corridor for future development. To ensure the State of Nebraska's continued economic growth, state investment is critical to realize the completion of the expressway system serving the City of Lincoln and Lancaster County.

2. **LB449 (Brandt) Provide an additional use for the County Bridge Match Program. County Bridge Match Program.** The 2016 Transportation Innovation Act created the County Bridge Match Program. Pursuant to Section 39-2805:
 - a. The Program was authorized to expend up to \$40 million to promote innovative solutions and provide additional funding to accelerate the repair and replacement of deficient bridges on the county road system.
 - b. LB124 (2023) (Moser), via LB683 AM1142 extended the Program until June 30, 2029. AM1623 to LB818 (2023) created a \$40 Million floor for the Program.

In order to continue to meet today's infrastructure needs, this successful Program should be updated to reflect the current inflationary environment that is taking a toll on the ability of local funding to meet soaring construction costs.

3. **LB190 (Brandt) Authorize scheduled extension of county bridge project payments.** This bill mirrors successful legislation adopted within the context of construction of the South Beltway, namely LB616 from 2019, by authorizing political subdivisions to pay for bridge repair projects over a period of time that extends beyond the completion of the project. This bill provides an innovative solution to our infrastructure needs that does not seek to increase property taxes.
4. **LB420 (Raybould) Require the state to pay counties for the cost of office and service facilities used for the administration of public assistance programs.** Pursuant to Neb. Rev. Stat. § 68-130, counties currently pay the cost of maintaining office and service facilities for the Department of Health and Human Service ("DHHS") to administer Medicaid. A bill

is sought to appropriate adequate funds to pay the cost of maintaining DHHS' Medicaid office and service facilities.

5. **LB316 (Fredrickson) Change and eliminate provisions relating to marriage.** Pursuant to Neb. Rev. Stat. § 42-101 et seq., the County Clerk's Office processes and issues marriage licenses. The County Clerk's Office proposes continuing to work with Senator Fredricksen on the provisions of LB316 (2023), including making language gender neutral, clarifying that individuals cannot be their own officiant and that witnesses shall be competent, and adopting other modernizing and cleanup language.

III. PRIOR PROPOSALS

1. **Medication Assisted Treatment (MAT) in Problem-Solving Courts.** Medication-assisted treatment (MAT) is the use of medications approved by the Food and Drug Administration, in combination with counseling and behavioral therapies, to provide a "whole-patient" approach to the treatment of substance use disorders. Research shows that a combination of medication and therapy successfully can treat these disorders, and for some people struggling with addiction, MAT can help sustain recovery. MAT is used primarily for the treatment of addiction to opioids.

The intent of this legislation is to utilize Nebraska's Opioid Settlement dollars to ensure participants in, and graduates of, Problem-Solving Courts have access to a diagnostic interview, and when indicated by the diagnostic interview, MAT, including on-going medication management with the prescribing medical provider. Any Problem-Solving Court Coordinator may file an affidavit with the Department of Health and Human Services (Department) requesting payment for a diagnostic interview for MAT for any program participant who presents with a history of opioid use. When a recommendation for MAT is made by the medical provider, the Problem-Solving Court Coordinator may file an affidavit with the Department requesting payment for the MAT prescribed by the medical provider.

To ensure sustained recovery, graduates of a Problem-Solving Court who successfully have completed all program requirements may file with the Department an affidavit (i) requesting that MAT necessary for the graduate's opioid addiction treatment be provided and (ii) affirming that such MAT has been prescribed by the graduate's medical provider as necessary for the graduate's opioid maintenance treatment. The

Department shall provide the graduate MAT so long as the graduate's treating physician continues to prescribe and certify that MAT is necessary for the graduate's opioid maintenance treatment.

2. **Authorize a Reasonable Fee for the Filing of a Petition to Vacate or Abandon a County Public Road under Neb. Rev. Stat. § 39-1723.** Counties are not authorized to charge a fee for a petition filed under Neb. Rev. Stat. § 39-1723 requesting the vacation or abandonment of a county road. When a petition is filed the county is obligated to perform a study as defined under Neb. Rev. Stat. § 39-1722. The vacation study required to be conducted can be costly, and counties should be allowed to charge a reasonable filing fee for the petition to help cover the cost of the study.
3. **Broaden Enforcement Remedies for Special Permit Violations to Include Financial Sanctions to Cover Damages Caused by the Violation.** Neb. Rev. Stat. § 23-114.05 sets forth a county's enforcement authority when the terms, conditions and requirements of a special permit have been violated by the permit holder. Sanctions may include criminal charges, injunctive relief, or termination of the special permit. Special permit violations could be enforced more effectively and economically if counties are given the authority to impose financial sanctions for damages caused by the violation and to help cover the cost of enforcement.
4. **Automatic Expungement of Criminal Records.** A criminal conviction for even a minor offense can have a devastating impact on a person's life by affecting opportunities for education, employment, housing, etc. For this reason, most states have procedures for the expungement or sealing of criminal records, including convictions for most misdemeanors. However, petitioning for a clean record can be confusing and expensive. Research shows that most people who could expunge their criminal record never do so. Two states, Pennsylvania and Utah, have addressed this issue by adopting legislation for the automatic expungement of criminal records. In Nebraska expungement is available on a limited basis under Neb. Rev. Stat. § 29-3523. Automatic expungement could be an important component of criminal justice reform in Nebraska.
5. **House Arrest for Work Release Inmates.** Administering work release for inmates is time-consuming and costly. If these inmates qualify for work release, then they should be considered trustworthy enough for house arrest rather than serving their time at the jail, reducing the jail

population and saving taxpayer dollars while transitioning work release inmates back into the community.

IV. STANDING PRIORITIES

1. **Property Tax Relief.** Property tax relief continues to be the top legislative priority for Lancaster County. It is of utmost importance that Lancaster County preserve its ability to utilize Inheritance Tax revenue to provide significant property tax relief to Lancaster County residents.

In addition, pressure on the property tax can be reduced by eliminating unfunded mandates that primarily benefit the State, including the obligation of counties to pay rent for certain Health and Human Services facilities under Neb. Rev. Stat. § 68-130.

Finally, decreasing reliance on the property tax can be achieved by diversifying county revenue sources. Potential new revenue sources for counties could include:

- Tobacco tax increase.
- Occupation tax on wineries.
- Remove sales tax exemption on soda, energy drinks, and candy, and earmark the proceeds for property tax relief.
- Increase statutory fees to keep pace with the cost of the service being provided.
- Establish reasonable fees for services provided by the county engineers for issuance of driveway permits, right-of-way permits, subdivision reviews, load permits, and for petitions to vacate or abandon a county public road.

2. **Funding for Adult Criminal Justice System Reform.** Lancaster County's jail population and probation housing costs have increased as a direct result of 2015 Neb. Laws LB 605 and the Legislature's inability to pass comprehensive criminal justice reform over the last several sessions. Funding for the County Justice Reinvestment Grant Program created under LB 605 should be maintained or increased to help offset these additional costs. Additional property tax savings could be realized through criminal justice reforms such as no cash bail, and mandating

home arrest for inmates who qualify for work release and for persons convicted for nonsupport of their children.

3. **Funding for Juvenile Justice Reform.** Juvenile justice reform under 2013 Neb. Laws LB 561 is not being adequately funded. With the passage of 2018 Neb. Laws LB 1112, adequate funding becomes even more critical. Additional funding should be appropriated for community-based post adjudication services, and existing funding levels for the Juvenile Justice Community Based Aid Program should be maintained or increased.
4. **Public Building Commissions, Joint Public Agencies, and Interlocal Cooperation.** Public building commissions, joint public agencies, and interlocal cooperation are vital to Lancaster County's ability to provide sustainable services to a safe, healthy, and diverse community. The power to cooperate with other governmental entities to benefit our citizens through these joint entities and agreements must be preserved. Neb. Rev. Stat. §§ 13-1301 through 13-1312 allow Lancaster County and the City of Lincoln to utilize the Public Building Commission to jointly acquire, construct, remodel, renovate, and finance buildings, structures, and facilities for their joint use. Without this mechanism, our citizens would lose the benefits of economies of operation that add to the effectiveness of the City of Lincoln and Lancaster County and would have to suffer the inconvenience of separate City of Lincoln and Lancaster County buildings, structures, and facilities.

Similarly, the Interlocal Cooperation Act, Neb. Rev. Stat. §§ 13-801 to 13-827, and the Joint Public Agency Act, Neb. Rev. Stat. §§ 13-2501 to 13-2550, allow Lancaster County to make the most efficient use of its taxing authority and other powers by enabling it to cooperate with other governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that accord best with geographic, economic, population, and other factors influencing the needs and development of the local community. The sum of the cooperation between Lancaster County and other governmental units provides a greater benefit to all of our citizens than each partner could provide in isolation.

5. **Continued Support for a Second Water Supply for the City of Lincoln and surrounding communities.** It is imperative to begin planning now to ensure that the City of Lincoln and surrounding communities have the capacity to meet the water demands of our growing County. Identifying and securing a second source of water will strengthen

municipal, county, regional, and statewide economic and environmental resilience for decades to come.