

2022 LANCASTER COUNTY LEGISLATIVE PRIORITIES

I. LEGISLATIVE PRIORITIES FOR 2022 SESSION

1. **Priority for Placement at State Hospitals for the Mentally Ill and Recovery of Costs for Lodging Mentally Incompetent Criminal Defendants in County Jails Pending Transfer to DHHS for Restoration of Competency to Stand Trial.**

Neb. Rev. Stat. § 83-338 sets priorities for admission to state hospitals for the mentally ill. The priorities do not necessarily reflect the public health and safety concerns related to clients awaiting placement at the Regional Center. These wait times adversely impact available capacity at the Mental Health Crisis Center, among others.

In addition, Neb. Rev. Stat. § 29-1823 (Supp. 2019, as amended by LB881(2020) § 18) provides that when a trial court determines that a criminal defendant is mentally incompetent to stand trial and that there is a substantial probability the defendant will become competent in the reasonably foreseeable future, the trial court shall order the defendant to be restored to competency to stand trial by committing the defendant to the care of the Nebraska Department of Health and Human Services (“DHHS”). Despite a commitment, DHHS does not immediately accept transfer of these defendants from county jails. Instead, while these defendants await transfer to DHHS, county jails continue to lodge these defendants at the cost of counties. An amendment is sought to require DHHS to accept transfer of these defendants within thirty days of the judicial order of commitment to DHHS and to allow counties to recover from DHHS the costs of lodging these defendants in the interim.

2. **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.

3. Court Technology.

As circumstances have changed in the last 24 months and technological changes have become necessary in the county courthouse for the benefit of both the criminal and civil systems, Lancaster County continues to face costs associated with updating court rooms. The Board of Commissioners encourages review of existing, unexpended dollars in the Nebraska State budget that could be repurposed to assist counties with technology costs.

4. State ARPA Appropriations.

The Board of Commissioners encourages utilization of State-level ARPA appropriations to make meaningful impacts in areas including, but not limited to, investments in behavioral and mental health, increased Medicaid provider reimbursement levels, and investments in public health departments.

5. LB242 (Brandt) Provide for county bridges under the Political Subdivisions Construction Alternatives Act.

This bill would allow for a longer payment period and for design-build for bridges. As noted in reports throughout the session, we sent over a re-worked version of the amendment that incorporated some of the language from LB414 this year. Senator Brandt indicated that he wanted this bill to be held over for the 2022 session. The bill is currently 14th in worksheet order to come up during the 2022 session. The bill remains alive for re-prioritization and debate in 2022.

II. 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. 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.