

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, JANUARY 26, 2017
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Chair
Bill Avery, Vice Chair
Deb Schorr
Roma Amundson
Jennifer Brinkman

Others Present: Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on January 25, 2017.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE JANUARY 19, 2017 STAFF MEETING

MOTION: Avery moved and Schorr seconded approval of the January 19, 2017 Staff Meeting minutes.

Schorr requested that the following statement by Alison Lotto, Records Administrator, be stricken from Item 8 (Electronic Records Update) on Page 9 of the minutes, at the request of the Youth Services Center (YSC): *She said it has taken YSC staff hundreds of hours to re-enter their records and the records now are not of the same quality as those before in terms of the metadata.* She said Sheli Schindler, YSC Director, felt that was an incorrect statement and indicated it was very easy for her staff to re-enter those records and the quality is of the same data type.

The maker of the motion accepted the revision.

Brinkman requested the following correction: Change the word *ex-official* to *ex-officio* in Item 11D on Page 11 of the minutes.

The maker of the motion and the seconder accepted the revision.

ROLL CALL: Avery, Amundson, Schorr, Brinkman and Wiltgen voted to approve the minutes with those revisions. Motion carried 5-0.

2 LEGISLATIVE UPDATE - Gordon Kissel and Jonathan Bradford, Kissel/E&S Associates (Legislative Consultants)

Jonathan Bradford, Kissel/E&S Associates, presented a legislative update and committee hearing reports (Exhibit A). He noted the Appropriations Committee moved the Governor's budget bills forward yesterday, restoring money to the Nebraska Supreme Court and the University of Nebraska and adding money to the Health and Human Services budget for residential providers of aid for developmentally disabled clients. Bradford said the Governor hopes to "wrap up" all budget issues in the next three weeks. Bradford noted Senator Bill Kintner's resignation opens up a seat on the Appropriations Committee.

Bradford also reviewed bills related to Lancaster County's legislative priorities (see Exhibit A). He noted his firm was asked to work with the City's lobbyist on LB 68 (Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed) but said the City has not finalized their position. Bradford noted Kerry Eagan, Chief Administrative Officer, testified at a hearing before the Judiciary Committee last week on LB 47 (Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons). He said Eagan was questioned in depth by Senators Bob Krist and Ernie Chambers and members of the public but "held his ground." Bradford said he and Eagan were under the impression that Senator Krist had received an email stating Lancaster County has agreed to accept a per diem rate of \$276 for youth who are the responsibility of Juvenile Probation (see January 19th Staff Meeting minutes) and were slightly taken back by his demeanor. **NOTE:** Senator Krist has been involved in discussions regarding the per diem rate and transportation issues. In a follow up conversation, Senator Krist indicated he had not seen the email. Bradford said Eagan forwarded him the email showing the date and time it was sent and said Senator Krist later acknowledged that he had received the email prior to the hearing on LB 47.

Pam Dingman, County Engineer, appeared and discussed LB 310 (Change provisions relating to bridge carrying capacities and weight limits). She expressed concerns that the language would require her department to perform load calculations for every new vehicle type and include that information on bridges that are already posted. Dingman

said she contacted the lobbyists about the bill and was informed that it had the support of the Nebraska Association of County Officials (NACO). She said she will work to try to amend the language and asked that, in the future, she be contacted if bills come before NACO that concern her department. Schorr, who serves on the NACO Board of Director, asked Dingman to attend NACO's Legislative Meeting on Friday to provide input on the bill.

Andy Stebbing, County Treasurer, appeared and requested support of LB 357 (Increase original certificate of title fees for vehicles transferred to Nebraska from another state and provide for voluntary contributions to brain injury programs). He said the bill would increase the fee from \$10 to \$25. Stebbing said the County Treasurer's Association and NACO support the bill.

Avery asked how Nebraska's fee compares to other states. Stebbing said fees range from \$10 to \$120, with an average of \$75.

MOTION: Amundson moved and Avery seconded to support Legislative Bill (LB) 357. Schorr, Brinkman, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

Avery suggested they see an increase to \$50, rather than \$25. Bradford concurred, stating the proposed increase will likely be reduced. He suggested the Treasurer's Office have an amendment prepared, adding Kissel/E&S will contact Senator Kate Bolz's Office to see what her office might be willing to do. **NOTE:** Senator Bolz introduced the bill. Candace Meredith, Chief Deputy Treasurer, appeared and noted, that the bill as written, provides that the first original certificate of title will be \$10 and the secondary certificates will be \$25. She said they have agreed to testify in support indicating that the increase is specific to importers that do not reside in Nebraska.

Judy Halstead, Lincoln-Lancaster County Health Department (LLCHD) Director, appeared and said there are 18 comprehensive health departments in Nebraska and said all are members of a group called Friends of Public Health, a Section 501(c)(6) affiliated organization. She said the group is recommending action on three bills: LB 327 (Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2010); LB 438 (Increase cigarette and tobacco taxes as prescribed and provide for the distribution of funds); LB 441 (Change eligibility provisions under the Medical Assistance Act). Halstead said information regarding the bills will be presented at the NACO Legislative Meeting. With regard to LB 438, she said it is anticipated that LLCHD would receive \$1,300,000 in revenue for public health, tobacco control and home visitation. Halstead said the group has concerns regarding LB 327, the Governor's budget bill, because it proposes to reduce state general fund dollars, funds for Medicaid providers, and the adult dentistry cap. **NOTE:** LLCHD provides dental services.

Amundson gave an overview of LB 434 (Change videoconferencing provisions relating to certain juvenile hearings) and urged support of the bill.

Eagan discussed LB 658 (Provide for expert witness appointment as prescribed in certain juvenile proceedings) and LB 544 (Provide for elimination of the office of clerk of the district court as prescribed).

The Chair recessed the Staff Meeting at 9:01 a.m.

- 3 A) BOARD OF CORRECTIONS QUARTERLY MEETING; AND
 B) LEGISLATIVE BILL (LB) 605 JUSTICE RE-INVESTMENT GRANT**
 - Brad Johnson, Corrections Director, Ken Prey, Jail Administrator; Brenda Fisher, Programs Manager, Corrections Department; Kim Etherton, Community Corrections Director

A) Board of Corrections Meeting

Separate minutes.

Avery exited the meeting at 9:23 a.m.

The Chair reconvened the Staff Meeting at 9:25 a.m.

B) Legislative Bill (LB) 605 Justice Reinvestment Grant

Brad Johnson, Corrections Director, and Kim Etherton, Community Corrections Director, discussed their intent to apply for a grant under the County Justice Reinvestment Grant Program (Exhibits B & C). **NOTE:** Funds appropriated by the Legislature to the Grant Program (a total of \$480,000) are to be used exclusively to assist counties in the event their average daily jail population increases after August 30, 2015 as a result of the implementation of 2015's LB 605. Funds shall be granted to counties which have an increase in population compared to the average daily jail population of the preceding three fiscal years. In calculating the average daily jail population, counties shall only include post-adjudication inmates who are serving sentences or inmates serving custodial sanctions due to probation violations. No funds appropriated or distributed under the Grant Program shall be used for the construction of secure detention facilities, secure treatment facilities, secure confinement facilities, or county jails. Johnson said it is his understanding the Nebraska Crime Commission will look at the average daily population for the State and break-out the funding based on percentages of that total number. The funds are to be used to develop programming to reduce the jail population or training. He felt the County will be able to present a strong case that the legislation had an affect on its jail population.

Schorr said she thought there was initially a proposal to hire someone to manage the Grant Program and that it was removed from the Governor's budget.

Etherton noted she submitted a grant application to the Bureau of Justice Assistance (BJA) in 2015 with a focus on re-entry but said she wasn't successful because the focus of the grant was more on the "smart sentencing" concept. She said they intended to apply that concept to this grant application but since the funding level would likely only be in the \$60,000 to \$80,000 range, they decided to try to implement things that could change the culture and the way populations are managed which might have an effect over the long run. Etherton said she has funds remaining from a Motivational Interviewing grant that could be used to provide training for all the jail staff. Johnson pointed out that the funding is only for one year and felt hiring additional staff to do activities with inmates likely wouldn't be sustainable. He also suggested the need to develop a comprehensive plan for the jail. Etherton said they are also recommending reactivation of the Justice Council, noting prosecutorial and judicial decisions, which impact the jail population, are out of their control. Etherton noted Community Corrections screened over 700 individuals for pre-trial release last year but said the average number of individuals on pre-trial release is 30-35. Etherton felt that number could easily be doubled. She said the individuals they screen are high-risk and high-needs and said the County Court is less comfortable than the District Court in placing them on pre-trial release.

Avery returned to the meeting at 9:37 a.m.

NOTE: The following individuals or their designees within the City and County were represented on the Justice Council (see County Contract No. C-88-2450 for interlocal agreement establishing the body): Lancaster County Sheriff, Lincoln Chief of Police, Lancaster County Attorney, Lincoln City Attorney, Lancaster County Public Defender, a Lancaster County District Court Judge, a Lancaster County Court Judge, a Lancaster County Separate Juvenile Court Judge, Director of University of Nebraska-Lincoln (UNL) Police, Lancaster County Department of Corrections Administrator, and Director of Jennie B. Harrel Juvenile Attention Center (now known as the Youth Services Center). The primary purpose of the Justice Council was to serve as a vehicle for coordinating planning efforts within the criminal justice system in Lincoln/Lancaster County and to serve in an advisory capacity to elected officials regarding the best utilization of the criminal justice system that would accord best with the geographic, economic population and other factors influencing the needs and development of the community.

MOTION: Schorr moved and Amundson seconded to request that the Chair call a meeting of the Justice Council.

Etherton said an issue came up yesterday that makes reactivating the Justice Council so important. Johnson said he is looking at ordering portable beds for the jail because the jail is nearing operational capacity.

Schorr asked if they are continuing to explore other grant options. Etherton said she is working on a re-entry grant application that is due February 5th.

ROLL CALL: Schorr, Brinkman, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

MOTION: Schorr moved and Amundson seconded to authorize Brad Johnson, Corrections Director, to apply for the Legislative Bill (LB) 605 Justice Reinvestment Grant. Brinkman, Amundson, Avery, Schorr and Wiltgen voted yes. Motion carried 5-0.

4 COUNTY BOARD POLICIES - Kerry Eagan, Chief Administrative Officer

Eagan gave an overview of the policies which are included in the draft of the Lancaster County Director's Manual (see agenda packet).

Schorr exited the meeting at 9:56 a.m. and returned to the meeting at 10:03 a.m.

In response to a question from Amundson, Eagan said all policies must be approved by the Board. He said he will bring back the ones he feels should be updated.

Brinkman exited the meeting at 10:06 a.m.

Eagan said he plans to include a brief description of what every county official and director does and departments created by interlocal agreement or joint public agencies (JPA's).

Amundson suggested a target date of September, 2017 for completion of the manual.

5 POTENTIAL LITIGATION - Kayla Hathcote, Deputy County Attorney

MOTION: Schorr moved and Avery seconded to enter Executive Session at 10:10 a.m. for the purpose of protecting the public interest with regards to potential litigation.

The Chair said it has been moved and seconded that the Board enter into Executive Session.

ROLL CALL: Amundson, Avery, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

Brinkman returned to the meeting.

The Chair restated the purpose for the Board entering into Executive Session.

MOTION: Amundson moved and Schorr seconded to exit Executive Session at 10:15 a.m. Avery, Schorr, Brinkman, Amundson and Wiltgen voted yes. Motion carried 5-0.

6 PENSION REVIEW COMMITTEE RECOMMENDATIONS: A) REPLACEMENT FUNDS FOR ALLIANZGI NJF DIVIDEND VALUE INSTL AND ALLIANZEGI NJF SMALL CAP VALUE INSTL; AND B) REPLACEMENT FUND FOR FIDELITY ADVISOR LEVERAGED CO. STKL; AND C) OAKMARK EQUITY INCOME I; REPLACE OR MAINTAIN - Pension Review Committee (PRC)

Eagan said the Pension Review Committee (PRC), on which he serves, has not finalized its recommendations because it has additional questions regarding the large cap value replacement.

7 MID-YEAR BUDGET AGENDA - Dennis Meyer, Budget and Fiscal Officer

Item was held until later in the meeting.

8 ACTION ITEMS

There were no action items.

9 ADMINISTRATIVE OFFICER REPORT

A. February Management Team Meeting

There was consensus to cancel the February Management Team Meeting.

B. Request for Extension of Visitors Improvement Fund Grant Contracts with Lincoln Parks Foundation from December 31, 2016 to June 30, 2017 (Roper Disc Golf Course and Woods Park Tennis Center)

The item was moved to the January 31, 2017 County Board of Commissioners Meeting agenda.

C. Director Evaluation Questions/Process

Eagan said he will seek input from the directors on the proposed evaluation questionnaire (see agenda packet).

D. National Association of County Officials (NACo) Legislative Conference (February 24 - March 1, 2017 in Washington, D.C.)

Amundson indicated she will be attending the conference on behalf of the Nebraska Association of County Officials (NACO).

E. Facilities and Properties Director

Eagan said he learned last Tuesday that the Public Building Commission (PBC) was moving ahead with hiring a replacement for Don Killeen, Facilities and Properties Director, who is planning to retire. He said the interlocal agreement with the City of Lincoln and PBC (County Contract No. C-06-0445) states: *The Commission shall select an individual experienced in the field of building management to serve as the Building Administrator, which selection shall be subject to approval by the County Board.*

F. County Board Training (Interlocal Agreements)

Schorr suggested the Board concentrate on the key interlocal agreements and to ask the directors of the joint departments to give a brief presentation on their department and discuss how it is funded.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Park and Recreation Advisory Board - Schorr

Schorr said Heather Keele, The Clark Enersen Partners (architectural firm), gave a presentation on what Parks and Recreation's new space in the Lincoln-Lancaster County Health Department (LLCHD) Building. She said it is a biophilic design which will make it feel like outdoor space. Schorr also reported on plans to discuss a management plan for Wilderness Park in February.

B. Lancaster County Fairgrounds Joint Public Agency (JPA) - Wiltgen, Amundson

Wiltgen said they received an update on the Lancaster Event Center's bid to host the National High School Finals Rodeo (NHSFR) in 2020 and 2021. Amundson said they also discussed the activities planned for this year's Lancaster County Super Fair.

11 DISCUSSION OF OTHER MEETINGS ATTENDED

A. 605 Building Furniture Bid and Move

Schorr said a meeting will be scheduled with the departments that will be moving into the 605 Building and Don Killeen, Facilities and Properties Director, and Bob Walla, Purchasing Agent, will discuss the process. She said Board members who would like to hear about that process are welcome to attend.

Wiltgen said a furniture contract will be coming before the Board. Schorr said furniture will be re-utilized whenever possible. Some furniture from the Parks and Recreation Department will also be utilized.

MID-YEAR BUDGET AGENDA - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, presented the draft Mid-Year Budget Meeting agenda (Exhibit D).

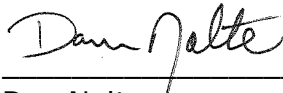
There was consensus to ask Pam Dingman, County Engineer, to address Rural to Urban Transition Street (RUTS) Program funding at the meeting.

12 EMERGENCY ITEMS

There were no emergency items.

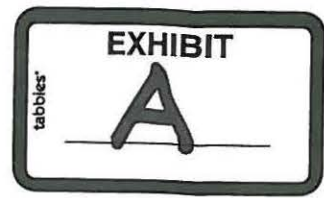
13 ADJOURNMENT

MOTION: Amundson moved and Schorr seconded to adjourn the meeting at 10:58 a.m. Avery, Schorr, Brinkman, Amundson and Wiltgen voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





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LEGISLATIVE MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Gordon E. Kissel
Joseph D. Kohout
Jonathan G. Bradford

DATE: January 26, 2017

RE: Weekly Update

Good morning. Today is day 16 of the 2017 Legislature. The Legislature continues its process of engaging in morning debate and conducting committee hearings in the afternoons.

The most significant event of the last few days was the amount of time that the Legislature spent debating the future of Senator Bill Kintner of Sarpy County's continuation in the Legislature. Much of the debate focused on a re-tweet over last weekend. Yesterday, Senator Kintner resigned from the Legislature effective at 12:02 AM on Monday, January 30, 2017. Governor Ricketts will be able to select an appointment to that seat.

Significantly, his resignation opens up a seat on the Appropriations Committee from the 1st Caucus. It is too early to determine who might take this seat but it will be important to the balance on that committee and what is likely to be contained in the budget package.

More significant, perhaps, is that a committee has been seated by the Executive Board of the Legislative Council to examine the residency of Senator Ernie Chambers of Omaha. Allegations were made early in the session about whether or not Senator Chambers is actually residing in his Omaha District. There will likely be more on this in the coming weeks.

LANCASTER COUNTY LEGISLATIVE PRIORITIES

LB508 (Hilgers) *Change the population threshold for the county civil service system.* The bill was introduced on January 18th, and has now officially been referred to the Government, Military and Veterans Affairs Committee. There has not yet been an assigned date for public hearing.

POSITION: SUPPORT

LB567 (*Bolz*) *Change funding for county public assistance offices.* The bill was introduced on January 18th, and has now officially been referred to the Government, Military and Veterans Affairs Committee. There has not yet been an assigned date for public hearing.
POSITION: SUPPORT

LB441 (*Morfeld*) *Change eligibility provisions under the Medical Assistance Act.* This years' Medicaid Expansion Bill. LB441 makes those persons described under section 1902 (a)(10)(A)(i)(VIII) of the federal Social Security Act eligible under the Medical Assistance Act. The department must submit a state plan amendment to cover newly eligible individuals, and such amendment must request as the alternative benefit plan a benchmark benefit package as defined in section 1937(b)(1) 18 (D) of the federal Social Security Act, as amended, 42 U.S.C. 1396u-7(b)(1)(D), as such act and section existed on January 1, 2017, for Secretary-approved coverage that shall include full Medicaid benefit coverage, including mandatory and optional coverage, under section 68-911 22 in the amount, duration, and scope in effect on January 1, 2017, and any additional wraparound benefits required under federal law.

POSITION: RECOMMEND SUPPORT

LANCASTER COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS PRIORITIES

LB310 (*Friesen*) *Change provisions relating to bridge carrying capacities and weight limits.* This bill has been referred to the Transportation and Telecommunications Committee for public hearing. There has not yet been an assigned date for public hearing. Engineer Dingman asked a question of us regarding the bills origin. In checking with Senator Friesen's office, the bill was brought to them by NACO through the Roads Superintendents subgroup.

Last week, there was some correspondence between Larry Dix, Joe Kohout, Pam Dingman and others to get her in touch with the folks who had prepared LB310. As of this report, no hearing has been scheduled yet.

LB51 (*Schumacher*) *Change provisions relating to sales of real property for nonpayment of taxes.* This bill was heard by the Revenue Committee last Thursday. The Lancaster County Treasurers Office testified in a neutral capacity after a meeting that morning between representatives of NACO, Larry Dix and Senator Schumacher. Senator Schumacher offered an amendment at the hearing that would alleviate the concerns raised by the Treasurer's Office. The bill remains in Committee. We have attached our notes on said hearing for your review.

LB47 (*Watermeier*) *Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons.* The hearing on this bill was held last Thursday before the Judiciary Committee. Mr. Eagan testified on behalf of Lancaster County. The notes for said hearing are attached.

LB68 (*Hilgers*) *Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed.* We were asked at the last staff meeting to work with Eric Gerard, Lincoln City Lobbyist, on this. Lincoln has not yet finalized their position as of that conversation earlier this week.

HEARINGS BEFORE THE NEXT STAFF MEETING

Today: LB158 (*Pansing Brooks*) *Change provisions relating to appointment of counsel for juveniles - Judiciary*

LB158 eliminates certain provisions and stipulates that counsel be appointed for a juvenile in all cases in which a court petition is filed alleging jurisdiction of a juvenile. The juvenile and their parent or guardian will be told of the juvenile's right to counsel if they cannot afford to appoint their own. If a juvenile waives their right to counsel, they may at any time rescind such waiver and the court shall reappoint counsel for the juvenile.

RECOMMEND: MONITOR

LB176 (Bostelman) Eliminate obsolete provisions related to milldams – Natural Resources

LB176 repeals sections 56-101, 56-115, 56-124, 56-125, 56-126, and 56-127, Reissue Revised Statutes of Nebraska. Section 56-101 has to deal with and acquisition and procedure for acquiring dam sights using eminent domain. Section 56-115 has to deal with the procedure for determining damages from stagnant or overflow water. Section 56-124 has to deal with the right of entry on adjoining lands for the repairs of milldams. Section 56-125 has to deal with recovery for damages arising from the repair of a milldam on adjoining lands. Section 56-126 has to deal with recovery of a mill owner for damages regarding injury to their property. Section 56-127 has to deal with when a municipal corporation is allowed to acquire a milldam site.

RECOMMEND: MONITOR

LB180 (Bolz) provide for bridge orders transferring juvenile court jurisdictions to a district court – Judiciary

LB180 provides criteria for granting a bridge order which terminates the juvenile court's jurisdiction over the juvenile's custody, physical care, and visitation and grants it to a district court.

RECOMMEND: MONITOR

LB230 (Watermeier) Create the Nebraska Economic Development Advisory Committee – Executive Board

LB230 creates the Nebraska Economic Development Advisory Committee with the purpose to gather input on issues pertaining to economic development and discuss proactive approaches on economic development.

RECOMMEND: MONITOR

LB431 (Erdman) Change provisions relating to cash reserves under the Nebraska Budget Act – Government, Military and Veterans Affairs

LB431 prohibits governing bodies from referencing cash reserves in their actual and estimated revenue that exceed fifty percent of the total amount received from personal and real property taxation. Since an emergency exists, this act takes effect when passed and approved according to law.

RECOMMEND: MONITOR or OPPOSE

LB432 (Erdman) Eliminate provisions of the Nebraska Budget Act relating to allowances for delinquent taxes and anticipated litigation - Government, Military and Veterans Affairs

LB432 eliminates provisions that allowed governing bodies, when certifying the amount needed for a budget, to make allowances for delinquent taxes not exceeding five percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for any estimated tax loss from any pending or anticipated litigation which involves taxation. Since an emergency exists, this act takes effect when passed and approved according to law.

RECOMMEND: MONITOR

LB479 (Groene) Change public hearing provisions and redefine a term under the Nebraska Budget Act - Government, Military and Veterans Affairs
LB479 adds joint entity created pursuant to the Interlocal Cooperation Act that receives tax funds to the definition of Governing Body for the Nebraska Budget Act. LB479 also requires governing bodies to hold public hearings on proposed budgets on a separate day from any regularly scheduled meeting. At such hearing, the governing body must make a detailed presentation and make available a written copy of the budget.

An amendment will be offered by Senator Groene today during the hearing that, effectively will allow governing bodies to return to their previous time tables but we are spelling out the minimum transparency they have to have at the budget hearings. The changes will be made on page 4. In line 9 they will strike "on a separate day" and replace it with "separately." In line 22, they are striking "No earlier than thirty days after" and reinserting "After" at the beginning of the sentence.

RECOMMEND: MONITOR (if amendment is offered) or OPPOSE (if amendment is not)

Friday:

LB162 (Krist) Change provisions relating to criminal mischief and change and provide additional penalties for bribing or tampering with witnesses, informants, or jurors – Judiciary

LB162 changes "felony criminal mischief" to "felony criminal damage to property." LB162 also makes it a Class III felony to bribe or tamper with a witness or juror except when the bribery or tampering of a witness or juror occurs during a proceeding or investigation for a violation of any statute punishable as a Class IIA felony or higher, in which it will be a Class IIA felony.

RECOMMEND: MONITOR

LB166 (Kolterman) Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act – Health and Human Services

LB166 requires all pharmacies to complete a controlled-substance inventory whenever there is a change in the pharmacist-in-charge. LB166 also includes a definition for an emergency situation in which Schedule II controlled substances may be administered. Other regulations are also included for when pharmacies deal in controlled substances. Other provisions deal with the conduct of pharmacists and provisions for reporting unethical conduct.

RECOMMEND: MONITOR

LB199 (McCollister) Eliminate certain state aid to counties for law enforcement and jail operations – Judiciary

LB199 repeals sections 23-362 and 23-362.01, Reissue Revised Statutes of Nebraska. Both these sections that provide funds for counties in which Indian Reservations are located for the purpose of law enforcement and jail operations.

RECOMMEND: MONITOR

LB200 (Lowe) Provide that the county surveyor shall perform the duties of county highway superintendent in certain counties as prescribed – Government Military and Veterans Affairs.

LB200 requires a county surveyor in counties with a population of seventy-five thousand but less than one hundred fifty thousand inhabitants to perform all the duties and possess all the powers and functions of the county highway superintendent.

RECOMMEND: MONITOR

LB458 (Harr) Change provisions relating to the County Purchasing Act - Government Military and Veterans Affairs.

LB458 excludes any purchase or lease of personal property or services by or on behalf of a county from the definition of purchasing or purchase for purposes of the County Purchasing Act.

RECOMMEND: MONITOR

Monday:

LB55 (Schumacher) - Change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals - Judiciary

LB53 allows sentencing judges, when they feel that imposition of a mandatory minimum sentence to be improper, to order a three-judge panel to determine whether or not the mandatory minimum is proper and what the proper sentence should be. Sentencing judges would also be allowed to conduct hearings that will aid their determination whether the mandatory minimum sentence is proper. Arguments may be presented by each attorney during the determination of a proper sentence.

RECOMMEND: MONITOR

LB76 (Wayne) Require notice for Secretary of State regarding completion of felony sentence for purposes of voting rights – Government, Military, and Veterans Affairs.

After completion of a probationary period, LB76 requires a copy of the order that releases the felon from his probation to be provided to the Secretary of State no later than ten days after the order is given. The Secretary of State will then make not of the completion of the felony sentence upon receipt of an abstract from the Department of Corrections. The clerk of any court in which a person was convicted must also complete an abstract detailing who has completed their felony sentence and who is not included in the order to restore civil rights after completion of their probationary period. The department is also to prepare an abstract each month reflecting which person have completed their probationary period and deliver it to the Secretary of State. The parole administrator must also prepare an abstract each month that reflects each person which a felony conviction who has completed their parole term.

RECOMMEND: MONITOR

LB216 (Harr) Adopt the Redistricting Act – Executive Board

LB216 creates an Independent Redistricting Citizen's Advisory Commission for the purpose of assisting the Legislature in the process of redistricting in 2021 and thereafter. LB216 also creates The Redistricting Fund for the purpose of assisting the commission for travel and actual expenses of the members of the commission. Principles are provided for the commission to follow in the course of their duties in sections 28 and 29.

RECOMMEND: MONITOR

LB339 (Friesen) Merge the Department of Aeronautics into the Department of Roads and rename as the Department of Transportation – Transportation and Telecommunications

RECOMMEND: MONITOR

LB463 (Watermeier) Change a provision relating to appointment to certain cemetery boards – General Affairs

LB463 allows a mayor of a city with fewer than twenty-five thousand residents to appoint members to a cemetery board from among citizens at large from the county in which the village is located.

RECOMMEND: MONITOR

LB584 (Friesen) Change provisions relating to mowing of weeds – Transportation and Telecommunications

LB584 prohibits those employed by or under contract with a county or township from mowing roadside ditches before July 1 of any year.

RECOMMEND: MONITOR

Tuesday:

LB219 (Nebraska Retirement Systems Committee) Change retirement system provisions relating to authorized benefit elections and actuarial assumptions - Nebraska Retirement Systems

LB219 requires that, for county employees hired on or after January 1, 2018, the mortality assumption used for purposes of converting the member cash balance account must be a mortality table using a unisex rate that is fifty percent male and fifty percent female that is recommended by the actuary and approved by the board.

LB219 requires that, for judges hired after July 1, 2017, the determinations will be based on a mortality table using seventy-five percent of the male table and twenty-five percent of the female table and an annuity rate specified by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.

LB219 requires that, for school employees hired after July 1, 2017, the determinations will be based on a mortality table using twenty-five percent of the male table and seventy-five percent of the female table and an annuity rate specified by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.

LB219 requires that, for State Patrol Officers hired after July 1, 2017, the determinations will be based on a mortality table using seventy-five percent of the male table and twenty-five percent of the female table and an annuity rate specific by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.

LB219 requires that, for state employees hired on or after January 1, 2018, the mortality assumption used for purposes of converting the member cash balance account must be a mortality table using a unisex rate that is fifty percent male and fifty percent female that is recommended by the actuary and approved by the board.

RECOMMEND: MONITOR

LB256 (Briese) Adopt the Vacant Property Registration Act – Urban Affairs

LB256 adopts the Vacant Property Registration Act. The purpose of this act is to promote the health, safety, and welfare of Nebraska residents by providing authority for municipalities to enact vacant property registration ordinances. These ordinances should allow communities to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of

vacant properties. These registration ordinances may apply to either residential or commercial buildings, but not to property owned by the federal government, the State of Nebraska, or any political subdivision.

RECOMMEND: MONITOR

LB304 (Crawford) Change provisions relating to the Nebraska Housing Agency Act – Urban Affairs

LB304 eliminates the provisions limiting more than three members of a housing agency from being residents of the same incorporated community within a county. LB304 also changes the amount of time housing agencies must wait before disposing of abandoned personal property from forty-five days to fourteen days. LB304 also eliminates a provision requiring each local housing agency to file with the governing body of the city or country a copy of the five-year plan and annual plan.

RECOMMEND: MONITOR

LB383 (Quick) Change membership provisions for certain community redevelopment authorities, citizen advisory review committees, and planning commissions – Urban Affairs

LB383 prohibits members of planning commissions from also being members of a community redevelopment authority. LB383 also prohibits members of planning commissions from being members of a citizen advisory review committee.

RECOMMEND: MONITOR

LB399 (Wayne) Change provisions relating to housing commissions – Urban Affairs

LB399 allows the chief elected official of cities of the metropolitan class to appoint seven adult persons to an established local housing agency. LB399 also requires any commissioner of a local housing agency to attain a commissioner's certification from the National Associate on Housing and Redevelopment Officials at their own expense.

RECOMMEND: MONITOR

LB418 (Briese) Update certain references to federal regulations regarding motor vehicles and motor carriers – Transportation and Telecommunications

LB418 changes the date from "2016" to "2017." LB418 also adopts the rules of practice for. LB418 also updates civil penalty amounts to match federal regulations for commercial carriers.

RECOMMEND: MONITOR

Wednesday: LB353 (Baker) Change claim, award, and judgment payment provisions under the Political Subdivisions Tort Claims Act – Judiciary
LB353 requires that any claim, award, or judgment pursuant to the Political Subdivisions Tort Claims Act be paid in the same manner as other claims, awards, or judgments against the political subdivision.

RECOMMEND: MONITOR

LB371 (Crawford) - Eliminate condemnation authority of the State Fire Marshal – Crawford

LB370 eliminates the requirement to obtain a certificate to purchase, lease, rent, or receive transfer of a handgun from the chief of police or sheriff. LB370 also makes the Nebraska State

Patrol, for purposes of background checks for handguns, unable to access patient records from institutions associated with the Department of Health and Human Services.

RECOMMEND: MONITOR

LB417 (Riepe) Change and eliminate provisions relating to public health and welfare – Health and Human Services

LB417 eliminates provisions concerning the alternative response implementation plan. LB417 also eliminates a provision requiring associations that receive juveniles under the Nebraska Juvenile Code to report to the department its condition, management, and competency. LB417 also eliminates a provision requiring the department to submit an annual summary and analysis of the medical assistance program to the Medicaid Reform Council. LB417 eliminates a provision requiring the department to report to the Governor, the Legislature, and the Medicaid Reform Council on the implementation of rules and regulations, Medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and their effects.

LB417 eliminates provisions requiring the divisions to notify the Governor and Legislature when the occupancy of the licensed psychiatric hospital beds of any regional center reaches twenty percent or less of its capacity. LB417 also eliminates provision that have been outdated. LB417 allows senior volunteers to receive transportation expenses, one free meal, and an annual physical examination. LB417 eliminates provisions that provided senior volunteers with an hourly stipend.

LB417 requires the department to make annual grants in an amount not to exceed twenty-five thousand dollars. As a condition to receiving a grant, an application must obtain at least ten percent matching funds from local sources. LB417 also requires the department to develop a quality assurance plan to promote and monitor quality relating to services for persons with developmental disabilities.

RECOMMEND: MONITOR

Kissel/E&S Associates
2017 Legislature
Committee Hearing Reports

Date: 1/19/2017

Committee: Judiciary

Senators: Holloran, Hansen, Pansing Books, Ebke, Chambers, Krist, Baker, Morfeld

Bill: LB47

Reported By: Colin Hill

LB47 (Watermeier) - Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons

Currently, counties are financially responsible for the costs of an autopsy, grand jury payments, and witness compensation when there is a death of an incarcerated person. LB 47 seeks to transfer these costs from the county to the state, if the inmate died while serving a sentence in a state correctional institution.

These costs resulted in over \$150,000 for Johnson County (Watermeier's district).
Brought up mother's day riot expenses

Sen Chambers, county wanted the prison, prison brings considerable jobs as well.

Proponents

- Richard Smith, Johnson County Attorney. Johnson County had to pay for inmates dying even when inmates were brought from the state penitentiary then died days later in Johnson County. It's an unfair burden to make a Johnson county have to pay for these inmates many of which are transferred from the state penitentiary.

*Sen Chambers, how much do prisoner's presence boost Johnson County's economy?
Unsure. Does prison employ many people in Johnson County?*

Sen Chambers, didn't Johnson county bid to have the jail there? Doesn't it provide a large economic benefit?

- Chief of Lancaster County Board of Commissioners. Lancaster averages about \$29,000 of fees per an inmate's death. These can be inmates from all over the state that have to be paid for by Lancaster County.

Sen Chambers, has Lancaster ever objected to presence of prisons in it? Not sure but probably not.

Sen Chambers, asks about advocacy commission? Brought up benefit counties were receiving from that without having to pay for it.

Sen Chambers, if the bill hadn't been put in by Johnson County Lancaster wouldn't have proposed it. Unfunded mandates aren't a philosophy, you are just trying to avoid carrying out the duty of the state.

Sen Chambers, "Counties take any sugar and benefits greedily and hungrily" then they don't want to pay the price for getting the prisons in their counties.

Sen Chambers, did you do research on how many autopsies and grand juries had to be hired because of this law?

Sen Krist, "How much does it cost to hold a youth in your juvenile facility?"

- Elaine Menzil, Nebraska association of county officials (NACO). We're in support of the bill, however doesn't actually represent NACO's official position on the bill.

Sen Krist, Would like witness to submit the official position of NACO to legal counsel.

Sen Chambers, "I will never kill the messenger". Were you advised by a member to come?

Sen Chambers, Talking about unfunded state mandates, and how counties misrepresent the relationship between counties and state.

-

Opponents

- Ellen Hansen, (didn't say an organization). Believes this bill will encourage the imprisonment of nonviolent criminals.

Neutral

- Letter from Scott Franks, director of Nebraska Corrections.

LB 271 (Hilgers) – To authorize the Department of Roads to assume certain responsibilities under federal environmental laws and provide for limited waiver of the state’s sovereign immunity.

Sen. Hilgers introduces LB 271 by explaining that this bill would give the Nebraska Department of Road necessary statutory authority to administrate certain federal environmental laws. He argued that this law would save the state millions of dollars in construction costs by saving time and providing for more efficient environmental review. Sen. Hilgers stated that 5 states have passed similar laws and testified that productivity has increased and many tax dollars have been saved in those states. With LB 271 giving the Department of Roads the proper statutory authorization, it will then be free to negotiate a Memorandum of Understanding with the Federal Highway Administration. He also explained that the state’s waiver of sovereign immunity would only apply to the processes outlined within this specific bill. Further, he argued that there is a very small likelihood that Nebraska would be sued in the first place.

- *Sen. Friesen asked which other states have implemented similar laws.*
 - *Sen. Hilgers responded that at least 5 have. He stated that Ohio has the most published data.*

Proponent Testimony

- Kyle Schneweis, Director of the Nebraska Department of Roads. Mr. Schneweis explained that procedures that must precede building projects often stretch from three months to three years. He argued that this bill would yield considerable time and cost savings for Nebraska. Mr. Schneweis assured the committee that his department is ready for the changes that would come with the passage of LB 271. He also mentioned the diversity of the five states that have passed similar bills: California, Utah, Ohio, Texas, and Alaska. Mr. Schneweis argued that data from these states demonstrate the benefits that LB 271 can bring to Nebraska. He explained to the committee that there are currently 183 roads projects that could see shortened construction times with the passage of LB 271. The limited waiver of sovereign immunity only opens Nebraska up to a law suit in a federal court if it fails to fulfill federal environmental laws.
 - *Sen. Briese asked whether the proposed language in this bill reflects that of the other states that have implemented similar bills.*
 - *Mr. Schneweis stated that he understood that this bill was written with the best practices of each of the five states in mind.*
 - *Sen. Friesen asked how a memorandum of understanding would further define the Department of Roads relationship with the Federal Highway Administration.*
 - *Mr. Schneweis explained that one possibility is that the Federal Highway Administration remain responsible for the environmental review of particularly complex projects.*
- Greg Youell, the Executive Director of the Omaha Area and Council Bluffs Planning Committee. Mr. Youell explained that the flexibility that LB 271 brings would allow

cities and counties to better utilize federal dollars. He also submitted a letter of support for LB 271 in representation of the city of Omaha.

- Josh Moenning, Executive Director of 4 Lanes 4 Nebraska. Mr. Moenning gave his general support of the bill and argued that local administration of such regulations is usually a good idea. He also argued the economic benefits of modern infrastructure.
- Dick Ludwig, representing the Associated General Contractors of Nebraska. Mr. Ludwig explained that allowing the Department of Roads to take over the responsibilities of some federal agencies would streamline the construction process and benefit contractors.
- Lisa Richardson, the Chair of the Transportation Committee of Engineers in Nebraska. Ms. Richardson gave her general support of LB 271.
- Bruce Bohrer. Mr. Bohrer gave his general support of LB 271. He emphasized that this bill would help Nebraska to stretch federal dollars.

Opponent Testimony

- **No Testimony**

Neutral Testimony

- **No Testimony**

Sen. Hilgers waived his opportunity to close the hearing on LB 271.

**Kissel/E&S Associates
2017 Legislature
Committee Hearing Reports**

Date: January 19, 2017

Committee: Revenue

**Senators: Smith, Friesen, Brasch, Groene, Harr (Absent), Larson (Absent),
Lindstrom, Schumacher**

Bill: 51

Reported by: Grant H. Sorrell for Kissel/E&S Associates

LB 51 (Schumacher) – Changes provisions relating to the sales of real property for nonpayment of taxes

Legislative bill 51 states that a sale of real property for the nonpayment of taxes allows for a land bank to offer to pay the amount of taxes, interest, and costs due on the property and bid a competitive in interest rate as an incentive.

If the land bank's bid is accepted, it shall play the county treasurer and be entitled to a tax sale certificate for real property. The land bank may also purchase sale tax sale certificate from the county by paying the amount expressed on the face of the certificate and the interest at a specified rate.

If the land bank gives an automatically accepted bid for real property, the land bank shall be the purchaser and no there will be no public or private auction of the property.

Proponent Testimony

- No proponent testimony, besides Senator Paul Schumacher's introduction of the bill.

Opponent Testimony

- *Deana Walocha* testified against LB 51 on behalf of her company, *US Assets LLC from Omaha, Nebraska*. Ms. Walocha suggests that the bill does nothing to help investors prevent against losses on investments. Ms. Walocha also stated that lowering the 14 percent interest rate would bring in competition from outside the state and taking the local value out of investing.

Senator Groene asked Ms Walocha how investors lose money on investments. Ms. Walocha responded that there are additional fees you have to pay to attend sale, in addition to other fees for investing.

- *Lilly Richardson-Severn of Guardian Tax Partners, Inc.*, testified against LB 51 and stated that her primary concern is the impact on municipalities and tax payers Ms. Richardson-Severn claimed that lower interest rates will bring in out of state

Kissel/E&S Associates
2017 Legislature
Committee Hearing Reports

investors, which makes it harder for local investors to compete. Ms. Richardson-Severn suggests that local investors are able to take a local approach.

Senator Groene asked Ms. Richardson-Severn if you do not own the property, how can you take care of it? Ms. Richardson-Severn acknowledged these concerns and responded by saying that there are very few rights that you have until three years after the process is complete.

- *Marty Barnhart, Executive Director of the Omaha Municipal Land Bank, testified against LB 51 because he suggests that reducing the interest rates will bring outside bidders to the table, which inevitably gets rid of local ownership of properties.*
- *Ryan Handzlick testified in opposition to LB, stating that there will be additional costs for county attorneys when taking in to consideration the amount of foreclosures that are bound to happen. Mr. Handzlick stated that you lose money mostly over the fees that come with the purchase and the bidding. Mr. Handzlick states that if the interest rate is lowered, the local aspect of the process will be forced out all together.*
- *Terry Gessen, accountant in Scottsbluff, Nebraska, testified in opposition to LB 51 because he believes it will cost small counties more money to keep track of interest rates. Mr. Gessen continued by adding that counties would have to hire additional help to keep track of additional documents and rates. Mr. Gessen believes that counties and investors would lose money and not make any profits. Mr. Gessen believe that lower interest rates would tilt investments from locals to those who are out of state. Mr. Gessen concludes by stating that before trying to change something that is not broken, get through to the understanding of the problems and then try to fix them accordingly.*

Senator Braasch asked Mr. Gessen with events that may happen, are you able to get home insurance on acquired property to cover total losses? Mr. Gessen responded that if that happens before taking ownership, the property cannot be insured.

Senator Groene asked Mr. Gessen how is it decided who gets certain property? Mr. Gessen responded that it is a round robin - you get an assigned number and when it is your turn, you can either say "yes" or "no" to the property up for auction.

Neutral Testimony

- *Candance Meredith, Chief Deputy Treasurer for Lancaster County, stated that she appreciates LB 51 but says to keep structured tax it is important to include round robin sales. Ms. Meredith suggested to keep the process uniform and wait to have it be affected until March 2019 so they can budget accordingly.*

Kissel/E&S Associates
2017 Legislature
Committee Hearing Reports

Senator Schumacher asked Ms. Meredith how much money is involved? Ms. Meredith responded that interest income is roughly 270,000 dollars, so half of that if the interest rate is at 7 percent across the board.

Senator Groene asked Ms. Meredith how she would know how to conduct auction? Ms. Meredith replied by stating she did not have the answer.

Kissel/E&S Associates

2017 Legislature

Committee Hearing Reports

Date: 1/23/2017

Committee: Transportation and Telecommunications

Senators: Friesen, Bostelman, Briese, Geist, Hilgers, Hughes, Murante, Smith

Bills: LB 86, LB 271, LB 114

Reported by: Jon Latka for Kissel/E&S Associates

LB 86 (Blood) – To eliminate a requirement regarding open bridge bids.

Sen. Blood opened the hearing on her bill by explaining that LB 86 does not affect transparency for the public. She gave a brief overview of the current process of opening bids for public works projects on the county level. The only part of that process that this bill would change would be that the opening of bids would not need to be presented to the county board at the very opening of the bid. She also explained that she would be introducing an amendment that would waive this new change for counties that have less than 150,000 people.

Proponent Testimony

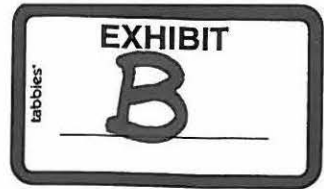
- Fred Uhe, registered lobbyist representing Sarpy County. Mr. Uhe explained how cumbersome present procedures can be for more densely populated counties like Sarpy County.
- Beth Bazyn Ferrell. Ms. Ferrell explained that this bill would allow county governments much needed flexibility.

Opponent Testimony

- **No Testimony**

Neutral Testimony

- **No Testimony**



1. County Name		2. County Federal Tax ID #	
3. Name and Title of Person Applying			
4. Address			
5. Phone Number		Office:	Fax:
6. Email Address			
7. Director of County Jail, if other than person applying			
8. Total capacity of your County Jail		9. Current Population of your County Jail	
10. Current number of post-adjudicated inmates held in your county jail from other counties, if applicable:		11. Current number of post adjudicated inmates held in other county jails, from your county, if applicable:	
<p>12. Provide data and documentation with this application which shows the following:</p> <ul style="list-style-type: none"> a. Average daily jail population for last fiscal year, FY 15-16; b. Average daily jail population for 3 prior fiscal years, FY 12-13, FY 13-14, and FY 14-15; In calculating average daily jail population, only include post-adjudicated inmates who are serving sentences or inmates serving custodial sanctions due to probation violations. c. Prioritization of funds for programs, services, and approaches (new or existing), that reduce jail populations and costs; d. Please reference Title 74, Chapter 1 for definitions to assist in calculating the above data and documentation submissions. 			
Please submit the above documentation and data on separate pages.			
Please return this application and all supporting documentation to:			
<p>Linda Krutz/Laurie Holman Nebraska Crime Commission 301 Centennial Mall South P.O. Box 94946 Lincoln, NE 68509-4946 laurie.holman@nebraska.gov 402-471-2259</p>			

Signature of Authorized Official	Date
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81-1426.01.

County Justice Reinvestment Grant Program; created; grant recipient; duties; report.

(1) There is created a separate and distinct budgetary program within the commission to be known as the County Justice Reinvestment Grant Program. Funding shall be used to provide grants to counties to help offset jail costs. It is the intent of the Legislature to appropriate five hundred thousand dollars to the County Justice Reinvestment Grant Program.

(2) The annual General Fund appropriation to the County Justice Reinvestment Grant Program shall be apportioned to the counties as grants in accordance with a formula established in rules and regulations adopted and promulgated by the commission. The formula shall be based on the total number per county of individuals incarcerated in jails and the total capacity of jails.

(3) Funds provided to counties under the County Justice Reinvestment Grant Program shall be used exclusively to assist counties in the event that their average daily jail population increases after August 30, 2015. In distributing funds provided under the County Justice Reinvestment Grant Program, counties shall demonstrate to the commission that their average daily jail population increased, using data to pinpoint the contributing factors, as a result of the implementation of Laws 2015, LB605. The commission shall grant funds to counties which have an increase in population compared to the average daily jail population of the preceding three fiscal years. In calculating the average daily jail population, counties shall only include post-adjudication inmates who are serving sentences or inmates serving custodial sanctions due to probation violations. Counties may apply for grants one year after August 30, 2015.

(4) No funds appropriated or distributed under the County Justice Reinvestment Grant Program shall be used for the construction of secure detention facilities, secure treatment facilities, secure confinement facilities, or county jails. Grants received under this section shall not be used for capital construction or the lease or acquisition of facilities. Any funds appropriated to the County Justice Reinvestment Grant Program to be distributed to counties under this section shall be retained by the commission to be distributed in the form of grants in the following fiscal year.

(5) In distributing funds provided under the County Justice Reinvestment Grant Program, recipients shall prioritize use of the funds for programs, services, and approaches that reduce jail populations and costs.

(6) Any county receiving grants under the County Justice Reinvestment Grant Program shall submit annual information electronically to the commission as required by rules and regulations adopted and promulgated by the commission. The information shall include, but not be limited to, the objective sought for the grant and estimated savings and reduction in jail inmates.

(7) The commission shall report annually to the Governor and the Legislature on the distribution and use of funds for grants appropriated under the County Justice Reinvestment Grant Program. The report shall include, but not be limited to, the information listed under subsection (6) of this section. The report submitted to the Legislature shall be submitted electronically.

(8) The commission shall adopt and promulgate rules and regulations to implement this section.

Source

- Laws 2015, LB605, § 87.

Title 74 – County Justice Reinvestment Grant Program

Chapter 1 – Distribution of County Justice Reinvestment Grant Program Funds

001 Purpose: To establish procedures governing the distribution and management of the County Justice Reinvestment Grant program funds by the Nebraska Commission on Law Enforcement and Criminal Justice. Counties may apply for grants one year after August 30, 2015.

002 Scope: Applicable to all counties within the State of Nebraska operating an adult detention facility requesting and receiving funds distributed by the Commission with the intent to offset jail costs as set out in Neb. Rev. Stat. §81-1426.01 Cumulative Supplement 2015.

003 Reference: Neb. Rev. Stat. §81-1426.01

004 Definitions: The following terms and definitions will be utilized for purposes of this chapter:

004.01 Average Daily Jail Population means the total number of individual post-adjudicated inmates days divided by 365. The total number of inmate days is a cumulative total of all days served by individual inmates during the fiscal year.

004.02 Custodial Sanctions are sanctions imposed by the court as outlined in Neb. Rev. Stat. §29-2266, consisting of up to three days in jail or up to thirty days in jail, as imposed by the court.

004.03 Post-adjudication inmates mean inmates being held in the county jail who are serving sentences or custodial sanctions.

004.04 Commission is the Nebraska Commission on Law Enforcement and Criminal Justice.

004.05 County Justice Reinvestment Grant Program Funding Formula is an apportionment based on the specific jail's percentage of the entire state jail inmate population.

004.06 Applicant is any county in the state of Nebraska that is eligible to apply for County Justice Reinvestment Grant Program Funds.

004.07 Executive Director is the individual who is responsible for the supervision of the policies as established by the Commission and has the powers and duties as outlined in Nebraska Revised Statute §81-1425.

004.08 Staff Review Team shall be made up of four employees of the Commission, to include the Community Corrections Division staff.

004.09 Request for Application is the announcement and solicitation for County Justice Reinvestment Grant Program applications that is distributed as aid by the Commission as outlined in the chapter. The Request for Application includes, but is not limited to program specifications and application procedures.

005 Funding Eligibility

005.01 All counties with adult detention facilities may apply if they are eligible to receive funds as specified in this section.

005.02 Counties are eligible to receive funds when

005.02(A) Counties show an increase in population indicated by submission of data

005.02(B) The increase in average daily jail population is a direct result of changes specified in Neb. Rev. Stat. 81-1426.01, and

005.02(C) Counties show the prioritization of funds received from the grant program for specified programs to reduce jail inmate population.

006 Apportionment Formula

006.01 Once eligibility criteria have been met, the apportionment formula will be based on the following:

006.01(A) The County's percentage of inmate population relative to the total capacity of jails in the state of Nebraska. Each county will receive the percentage of grant dollars directly proportional to that county's percentage of jail inmates of the total jail inmate population in the state.

006.01(B) Each county must identify and submit to the Commission its average daily post adjudicated inmate population for the three previous fiscal years prior to the effective date of Neb. Rev. Stat. §81-1426.01.

006.01(C) If the county shows an increase in its average daily post-adjudicated inmate population over the three previous fiscal years as determined in 006.01(B), they are eligible for an award of funds from the County Justice Reinvestment Grant Program.

007 Application Process

007.01 Notification of the availability of funds shall be announced by the Commission through a Request for Application. Such notification will include application requirements and instructions. Funding amount will be calculated by the County justice reinvestment grant program formula.

007.02 Applicants must submit an application for funds that demonstrate the applicant is eligible for County Justice Reinvestment Grants by identifying how funds will be used, the objective sought for the grant, the estimated savings and reduction in jail inmates, and how the applicant is prioritizing the use of the funds for programs, services, and approaches that reduce jail populations and costs.

007.03 Applications must be received by the Commission by the deadline specified in the request for application.

008 Review of Grant Application

008.01 All grant applications that were received by the appropriate deadline outlined in the Request for Application shall receive initial review by the Staff Review Team. Upon completion of the staff review, funding recommendations and summary comments will be sent to the Executive Director of the Commission.

008.01(A) In order to make a determination of eligibility for grant award, the staff review team will be looking for data that shows an increase in average daily jail population of post-adjudicated inmates, the county's prioritization of the use of funds for programs, services, and approaches that reduce jail populations, the objective sought for the grant, and the estimated savings and reduction in jail inmates.

008.01(B) In the event that there are questions arising from the application, the staff review team shall contact the applicant to request further information.

008.02 The Executive Director will conduct a final review of the grant application to ensure that the applicant is eligible to receive funds. The Executive Director shall take the grant proposal and recommendations from staff review under advisement and make the final funding decision.

008.03 Upon issue of the final decision, the Executive Director or his or her designee will notify applicants within ten (10) working days of the final decision.

009 Acceptance of Funds

009.01 Applicants who are approved to receive aid from the Commission will be required to accept the grant award subject to the conditions outlined in this chapter and specified by the Commission.

009.02 Applicants who are required to meet contingencies articulated by the Commission will have thirty (30) days from the notification of application approval to satisfy the requirements. Exceptions to the thirty (30) day deadline may be allowed on an individual basis, approved by the Executive Director of the Commission.

009.03 After contingencies have been approved by the Executive Director of the Commission, the applicant will be notified within ten (10) working days of the approval.

009.04 Once all the steps have been taken to award and approve all grant applications, applicants who have been awarded funds will adhere to all reporting requirements as outlined in this chapter and in Neb. Rev. Stat. 81-1426.01 Cumulative Supplement 2015.

010 Request for Further Review

010.01 Applicants may request further review of the reinvestment grant award by the Crime Commission. Review is limited to the following grounds: Partial denial of reinvestment award requested, or full denial of reinvestment award requested.

010.02 The basis for review shall be limited to one or more of the following grounds: The decision being reviewed was biased, arbitrary, or prejudiced against the applicant county, the decision being reviewed was reached without following procedures outlined in this chapter, or

the decision being reviewed was reached without adherence to statutory requirements as specified in the County Justice Reinvestment Grant Program act, (81-1426.01).

010.03 Notice of a request for review must be made in writing and submitted to the Executive Director within ten (10) working days of receipt of the denial of reinvestment award requested. Notice of a request for further review shall identify the basis of the request, and will inform the Executive Director of the intent to file a full written request for further review.

010.04 A full written request for further review will detail the basis for the review, and include an explanation of why the reinvestment grant application satisfies the requirements of this chapter. The full written request for further review will be submitted to the Crime Commission within (20) working days of the notice of request for further review.

010.05 The burden of demonstrating that the Executive Director's award decision should be reversed is on the party filing the request for further review. The burden of proof shall be by a preponderance of the evidence.

010.06 Should the applicant filing the request for further review fail to meet deadlines established in section 010 of this chapter, the request for further review will be considered waived or the reinvestment grant decision shall be final.

010.07 The hearing shall be conducted before the Commission at its next available quarterly meeting. The Commission will take into consideration the written request for further review of the appellant, all recommendations for funding made during the application review process and testimony from parties made during the further review hearing. The final request decision shall be determined by a majority vote of the Commission.

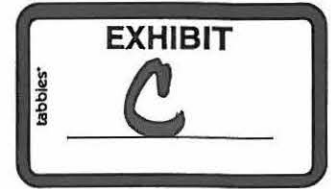
010.08 All decisions made by the Commission shall be final.

011 Reporting Requirements

011.01 Jail Data Collection: it is the responsibility of each county jail to collect data to be submitted to the commission annually. Data must be used in order to identify the contributing factors that increase the average daily jail population. In calculating average daily jail population, counties shall only include post adjudication inmates.

011.02 Data reports submitted to the Commission must contain, but are not limited to, the prioritization of the use of funds, objectives sought for the grant, and estimated savings and reduction in jail inmates.

012 If any one section of this chapter or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.



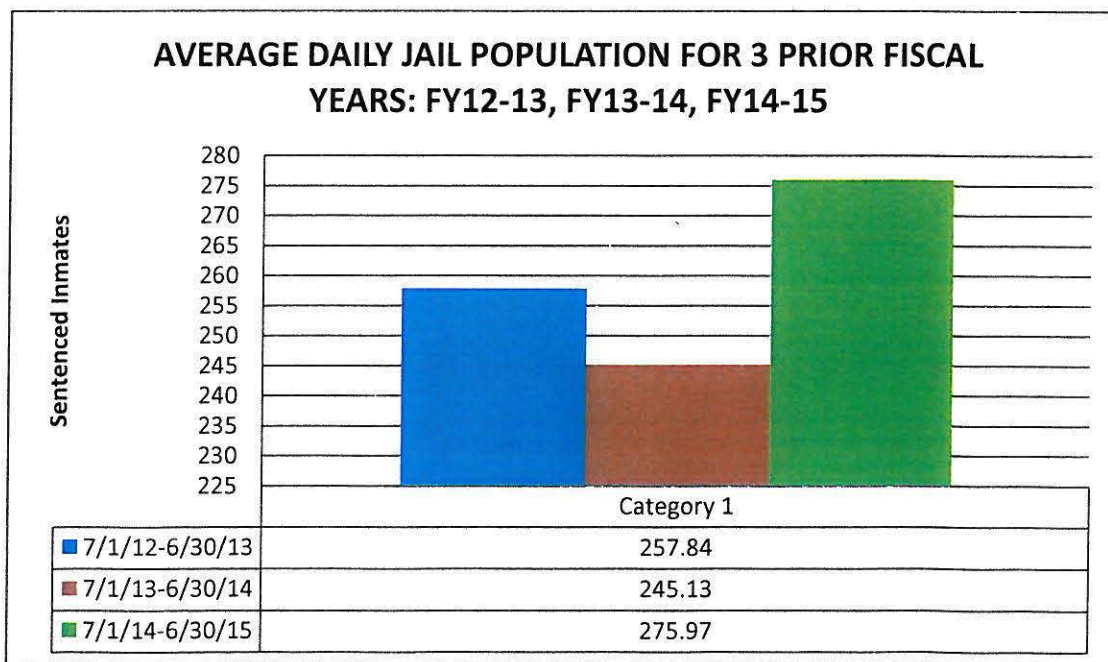
12. Average Daily Jail Population for last fiscal year,

FY 15-16:

- a) The average daily jail population for FY 15-16 was
573.1

JUSTICE REINVESTMENT

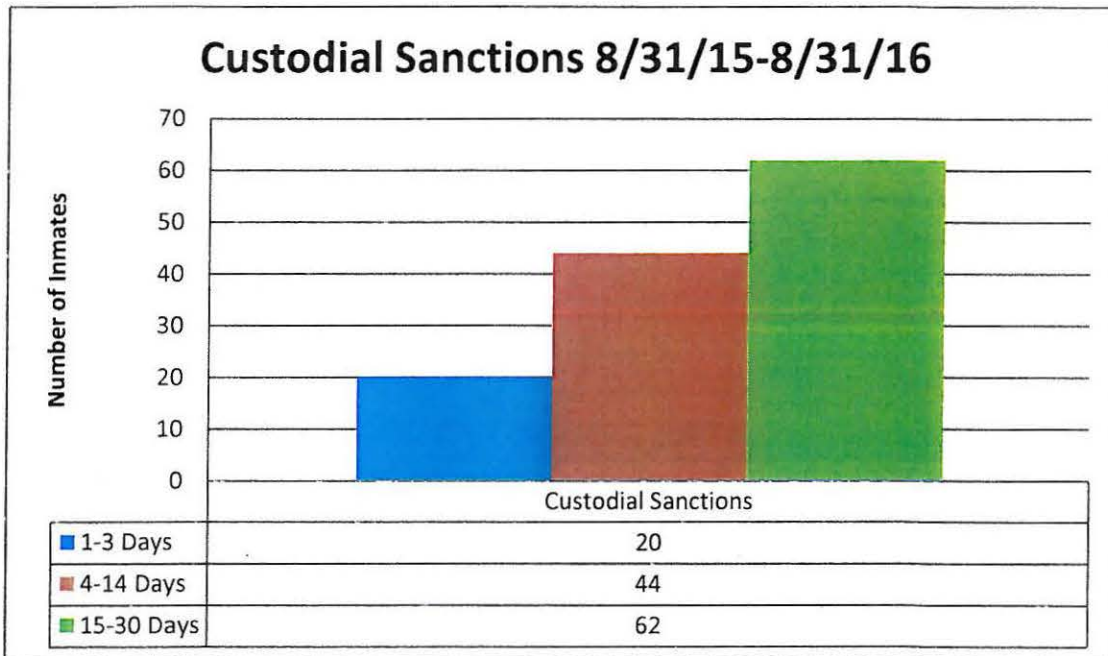
b) Average daily jail population for 3 prior fiscal years, FY 12-13, FY 13-14, and FY 14-15; In calculating average daily jail population, only include post-adjudicated inmates who are serving sentences or inmates serving custodial sanctions due to probation violations.

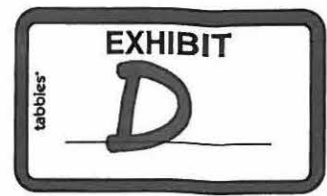


The data shows Lancaster County Department of Corrections has seen an increase in the "sentenced" inmate population.

JUSTICE REINVESTMENT

Lancaster County Department of Corrections tracked offenders who were incarcerated for a "Custodial Sanction." During the time period beginning 8/31/15 to current date there has been 126 "Custodial Sanctions." 56 Offenders were responsible for these sanctions and were booked into custody 90 times. These Offenders served a total of 1,427 days.





AGENDA

MID-YEAR BUDGET REVIEW
LANCASTER COUNTY BOARD OF COMMISSIONERS
UNICO GROUP
1128 LINCOLN MALL #200
CONFERENCE ROOM
THURSDAY, FEBRUARY 2, 2017
8:30 A.M.

1. 8:30 a.m. **LEGISLATIVE UPDATE** - Gordon Kissel, Joe Kohout, and Jonathon Bradford, Kissel/E&S Associates
2. 9:00 a.m. **MID-YEAR BUDGET REVIEW** - Dennis Meyer, Budget & Fiscal Officer
 - a. Mid-Year Status of Revenues and Expenditures
 - b. Additional Appropriations
 - c. County Funds
3. 10:30 a.m. **BRIDGE AND ROAD ISSUES** - Pam Dingman, County Engineer
4. 11:00 a.m. **ADDITIONAL STAFF** - Joe Nigro, Public Defender
5. 11:15 a.m. **ADDITIONAL STAFF** - Terry Wagner, County Sheriff
6. 11:30 a.m. **ADDITIONAL STAFF** - Brad Johnson, Corrections Director
7. 11:45 a.m. **EMERGENCY OPERATIONS CENTER AND RADIOS** - Jim Davidsaver, Emergency Management Director
8. 12:00 p.m. **LUNCH**
9. 12:30 p.m. **HPRM LICENSES** - Alison Lotto, Records Administrator
10. 12:45 p.m. **JURY SPACE** - Troy Hawk, Clerk of the District Court
11. 1:00 p.m. **GENERAL ASSISTANCE UNCOLLECTABLE DEBT** - Sara Hoyle, Human Services Director
12. 1:15 p.m. **FUTURE FUNDING ISSUES AND PROJECTIONS**
13. 1:45 p.m. **2017-18 BUDGET PROCESS**
 - a. Zero Base Budget Update
 - b. Board's Goals and Expectations
 - c. Instruction Letter
 - d. Hearing Schedule
14. 3:00 p.m. **BUDGET WRAP-UP**