

**FALL LEGISLATIVE RETREAT  
THURSDAY, SEPTEMBER 21, 2017  
CORNHUSKER BANK  
8310 "O" STREET – LINCOLN, NE  
8:30 A.M.**

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

**State Senators Present:** Matt Hansen, District 26; Roy Baker, District 30; Suzanne Geist, District 25; and Patty Pansing Brooks, District 28

**Others Present:** Chris Triebisch, Chief of Staff for Senator Patty Pansing Brooks; Tami Soper, Legislative Aide for Senator Kate Bolz; Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dennis Meyer, Budget & Fiscal Officer; Minette Genuchi, Administrative Assistant to the County Board; Dan Nolte, Lancaster County Clerk; Cori Beattie, Deputy Lancaster County Clerk; Joe Kelly, County Attorney; Pat Condon, Chief Deputy County Attorney; Joe Nigro, Public Defender; Terry Wagner, County Sheriff; Troy Hawk, Clerk of the District Court; Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds; Candace Meredith, Chief Deputy County Treasurer; Brad Johnson, Corrections Director; Sheli Schindler, Youth Services Center (YSC) Director; Sara Hoyle, Human Services Director; Kim Etherton, Community Corrections Director; Scott Etherton, Mental Health Crisis Center Director; Rick Ringlein, Veteran Services Officer; Brent Meyer, Weed Control Superintendent; Brian Pillard, Records & Information Manager; Karen Wobig, County Extension Educator; Jeff Curry, Chief Probation Officer, Adult Probation; Shavonna Lausterer, Director, Lincoln-Lancaster County Health Department (LLCHD); Randy Jones, Director, Aging Partners; Steve Henderson, Chief Information Officer, Information Services (IS); Bob Walla, Purchasing Agent; Dave Shively, Election Commissioner; Kerin Peterson, Facilities and Properties Director; Gordon Kissel, Joe Kohout and Jonathan Bradford, Kissel/E&S Associates (Legislative Consultants); Beth Ferrell, Legal Counsel, Nebraska Association of County Officials (NACO); and Abby Stenek, Lincoln Independent Business Association (LIBA)

*Advance public notice of the Fall Legislative Retreat was posted on the County-City Building bulletin board and the Lancaster County, Nebraska website and provided to the media on September 19, 2017.*

**AGENDA ITEM**

**1. CONTINENTAL BREAKFAST**

A continental breakfast was served prior to the start of the meeting.

**2. WELCOME AND INTRODUCTIONS**

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:47 a.m.

John Dittman, CEO and Chairman, Cornhusker Bank, welcomed those in attendance to the facility.

**3. DISCUSSION WITH LANCASTER COUNTY STATE SENATORS AND COUNTY LEGISLATIVE AGENDA**

Senators Roy Baker, Patty Pansing Brooks and Suzanne Geist discussed their impressions of the 2017 Legislative Session and their areas of focus for the coming year.

Tami Soper, Legislative Aide for Senator Kate Bolz, gave an overview of some of the issues Senator Bolz worked on last session and her areas of focus for the coming year.

Beth Ferrell, Legal Counsel, Nebraska Association of County Officials (NACO), said NACO will be discussing priorities at its legislative workshop on October 13, 2017.

With regard to the 2017 Legislative Session, Kerry Eagan, Chief Administrative Officer, noted that Legislative Bill (LB) 333 originally proposed to eliminate the State's disability program and could have cost the County nearly \$1,000,000 through an increase in general assistance. After strong opposition from the County, NACO and others the final version of the bill did not include such language. Wiltgen added that there will likely be more attempts to eliminate the State's disability program in the future.

Eagan then provided an overview of Bills that passed in 2017 which may benefit Lancaster County, as well as those carried over (see agenda packet).

With regard to LB 68 (Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities and villages as prescribed and create firearm offenses), Terry Wagner, County Sheriff, noted it would have eliminated the ability to restrict firearms in any government building.

While the County took a neutral position on LB 434 (Change videoconferencing provisions relating to certain hearings), Public Defender Joe Nigro said he is opposed to videoconferencing for evidentiary hearings as he feels it is important for juveniles to be in court with their attorneys.

Candace Meredith, Chief Deputy County Treasurer, clarified that 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) was amended to raise the fee to \$25.00 per title.

Eagan emphasized that property and income tax relief is still a priority for Lancaster County. He then reviewed new proposals for the coming legislative session (see agenda packet).

Brad Johnson, Corrections Director, provided information on the number of inmates awaiting transfer to the Regional Center for treatment and competency reinstatement. Currently there are seven inmates in jail who have spent an average of 42 days waiting to be transferred. Johnson said many have severe mental illness and jail is not an appropriate environment for them. Nigro agreed and added that with the limited number of beds at the Regional Center and limited community providers, more mentally ill people are arrested and face criminal charges. If more community services were provided, this population would be better served and jail numbers would decrease.

Wiltgen commented on a recent discussion with representatives from the Nebraska Department of Health and Human Services (HHS) – Behavioral Health Division. He said the State is planning to add 10-12 beds at the Regional Center and intends to restructure services whereby the more severe cases will be sent to the Norfolk facility. Hopefully this will help eliminate some of the backlog at the jail. Wiltgen added that the Governor and HHS Director continue to monitor the over-reliance on the Regional Center.

Eagan reviewed recommendations from the Lancaster County Indigent Defense Advisory Committee regarding appointed counsel costs. He noted Sarpy County is able to allow diversion for Driving Under the Influence (DUI) cases but he felt this would be politically challenging. Nigro thought the legislation would have potential as the Sarpy County Attorney can show lower rates of recidivism for those going

through the diversion program. Joe Kelly, County Attorney, said years ago pre-trial diversion for DUI didn't look too good to prosecutors but it does now. Currently, many first-time offenders take a straight sentence, including house arrest and work release, so at no time are they forced to take an evaluation or do anything else involved with probation to minimize their chance of becoming second or third-time offenders. It was confirmed that probation numbers for first-time offenders have decreased. Kelly also noted that other legislative changes may be necessary related to the house arrest/work release aspect in order to drive people back to pre-trial diversion.

Kim Etherton, Community Corrections Director, provided an overview of the County's new 24/7 program which begins on October 1<sup>st</sup>. She said it is a DUI program for first offenders with intensive supervision whereby one is required to report for testing twice a day. Violators will serve sanctions at The Bridge Behavioral Health or in jail. Etherton noted that the program has shown a substantial reduction in recidivism in other states including that associated with domestic violence. Pat Condon, Chief Deputy County Attorney, said potential legislation may need to address some aspects of the program, i.e., discontinued use of expensive interlock devices and driver's license reinstatement. It was noted that the program will cost \$2.00/day and should eventually become self-sufficient. Nigro added that the 24/7 program was started by a judge in South Dakota who was frustrated with DUIs and reoffenders. The program has a 95% success rate and has a great impact on the community at virtually no cost.

Bob Walla, Purchasing Agent, discussed his proposal to increase the minimum purchasing thresholds. He said increasing the amounts would save staff time and be more in line with the State and other jurisdictions around the country.

Amundson provided a brief overview of her proposal to remove the sales tax exemption on soda, energy drinks and candy and to use these funds for property tax relief.

Discussion followed on the restoration of Medicaid funding for civil protective custody (CPC). Currently those found to be severely intoxicated in public are taken to The Bridge Behavioral Health. It was noted that due to Medicaid coding changes, The Bridge has lost significant funding over the last few years. Schorr explained that someone entering The Bridge under CPC typically does not receive therapy and the State is looking to only provide Medicaid funding for behavioral health services. She said the State is working with The Bridge on a Medicaid service definition with the hope of restoring this funding. Wagner noted that there would likely be a huge impact on the jail if The Bridge would close its CPC unit. Nigro said it was his understanding that Region V Systems is also withholding funds to The Bridge which is problematic. Wiltgen offered to discuss this issue in more detail after the meeting. He said helpful information was received from HHS regarding the difference between social and clinical detoxification and he felt the County could work together with The Bridge to address this issue going forward.

In reference to the County Justice Reinvestment Grant Program, Johnson said the County received \$74,000. It was noted the jail population increased 12% (100 inmates per day) between fiscal years 2016 and 2017. Johnson discussed the impact of custodial sanctions to the jail related to the passage of LB 605 (Provide, change, and eliminate penalties, punishments, sentencing, restitution, probation, parole, and crime victim provisions and provide for post-release supervision, grants, and suspension of medical assistance for inmates) in 2015. From August 31, 2015 to June 30, 2017, 222 people (or an equivalent of 12 beds per day) served custodial sanctions in the jail. Johnson said he understood that the Legislature was trying to get those with lower level felonies out of prison and on supervision, but the consequence is these people are now being housed in jail. He voiced his concern that the Lancaster County facility will not survive capacity-wise if this continues. Eagan said the juvenile system has shown that community-based treatment is cheaper and more effective than incarceration and he hoped program funding would continue.

Sheli Schindler, Youth Services Center (YSC) Director, commented on the length of time post-adjudicated youth spend in secure detention awaiting placement. She noted evaluations are not always completed within 21 days and there can be difficulties with referrals and placements. As of today, one youth has waited over 200 days to go through the process. Schindler said if it was quicker, there would be better outcomes as the youth would get into treatment sooner. There could also be economic relief for the County and State as some would be covered by Medicaid. Schindler hoped someone would support a legislative study on the issue. She also noted that community aid funding is making an impact as 80-85% of youth with new law violations are not coming to the YSC.

Amundson said that Lancaster County stakeholders are interested in moving forward with the Juvenile Detention Alternatives Initiative (JDAI). She said the State's JDAI Committee will decide next week if the County's request for involvement is approved.

With regard to existing legislative proposals, Brinkman said the City has a Citizen Transportation Coalition which is reviewing Lincoln's future transportation system and how it will be funded. She felt the County needs to partner with the City on such things as infrastructure growth, bridges and other issues. She noted the County formed an Infrastructure Financing Task Force which plans to piggyback the City's current study and provide recommendations on improvements to the County Engineer's Office as well as what financing options are available to address long-term infrastructure issues.

Shavonna Lausterer, Lincoln-Lancaster County Health Department Director, strongly supported an increase in the cigarette tax referencing economic benefits and improved health outcomes. She noted that Nebraska spends \$795,000,000 on healthcare costs directly related to tobacco use and felt that this tax could help offset those costs.

Senator Matt Hansen discussed his involvement with LB 259 (Adopt and change competency and financial ability provisions relating to court proceedings as prescribed), his impressions of the 2017 Legislative Session and areas of focus for the coming year.

Eagan referenced the unfunded mandates list attached to the legislative proposals (see agenda packet) and noted its relevance to property tax relief.

#### **4. ADJOURNMENT**

There being no further business, the Chair adjourned the meeting at 10:41 a.m.

Submitted by Cori Beattie, Lancaster County Clerk's Office