

**MINUTES  
TRI-COUNTY MEETING  
EMBASSY SUITES – DAPPER II ROOM  
12520 WESTPORT PARKWAY – LAVISTA, NE  
THURSDAY, NOVEMBER 5, 2009  
9:00 A.M.**

**Lancaster County**

Bernie Heier, Commissioner  
Larry Hudkins, Commissioner  
Deb Schorr, Commissioner  
Ray Stevens, Commissioner  
Bob Workman, Commissioner  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Gordon Kissel, Lobbyist

**Douglas County**

Mary Ann Borgeson, Commissioner  
Mike Boyle, Commissioner  
Clare Duda, Commissioner  
Kyle Hutchings, Commissioner  
Marc Kraft, Commissioner  
Chris Rodgers, Commissioner  
Pam Tusa, Commissioner  
Kathleen Kelley, Chief Administrative Officer  
Patrick Bloomingdale, Deputy Chief Administrative Officer  
Rick Kubat, Assistant County Manager  
Ellen Sechser, County Clerk's Office  
Steve Walker, Fiscal Administrator  
Mike Kelley, Lobbyist  
Joe Kohout, Lobbyist

**Sarpy County**

Inez Boyd, Commissioner  
Paul Cook, Commissioner  
Mike Smith, Commissioner  
Mark Wayne, County Administrator  
Deb Houghtaling, County Clerk  
Fred Uhe, Deputy County Clerk/Lobbyist  
Brian Hansen, Fiscal Administrator  
Larry Lavelle, Emergency Management Director

**Others Present**

Larry Dix, NACO  
Jon Edwards, NACO

The meeting convened at 8:56 a.m. and was called to order by Sarpy County Commissioner Joni Jones. Jones stated that a copy of the open meetings act was located on the meeting table in the room.

Joni Jones called for introductions and Mark Wayne gave welcoming remarks.

The first item discussed was the review of legislative agendas. Addressing the issue for Lancaster County were Kerry Eagan and Ray Stevens (see Exhibit A). Speaking on behalf of Douglas County were Kathleen Kelley and Rick Kubat. Fred Uhe and Larry Dix provided brief overviews of Sarpy County's and NACO's priorities (see Exhibit B), respectively.

A break was taken from 10:40 a.m. to 11:06 a.m.

Speaking on Item 5.1, (funding for sex offender treatment programs)(see Exhibit C), were Kerry Eagan, Kathleen Kelly, Patrick Bloomingdale, Deb Schorr, Mary Ann Borgeson and Mike Boyle.

Speaking on item 5.2, (pandemic flu policies/procedures), were Mark Wayne, Mary Ann Borgeson and Kerry Eagan.

Speaking on item 5.3, (employee benefits), were Mark Wayne, Patrick Bloomingdale, Kathleen Kelley, Mary Ann Borgeson, Clare Duda, Kerry Eagan and Mike Boyle. Specific issues discussed included increasing health insurance premiums, self-funding, wellness programs and the post employment health program (PEHP).

Speaking on item 5.4, (community corrections)(see Exhibit D), were Kerry Eagan, Chris Rodgers, Mary Ann Borgeson and Bernie Heier.

Speaking on item 5.5, (metro area wide interoperable dispatching), was Larry Lavelle.

Lunch was taken from 12:15 p.m. to 12:54 p.m.

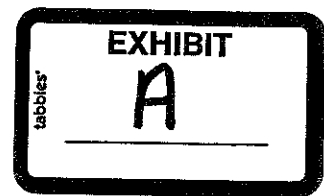
Speaking to item 5.6, (out of home placement costs for juveniles), was Kathleen Kelley.

Speaking to item 5.7, (discussion of County responsibility to provide long term care, outpatient psychiatric care) were Kathleen Kelley, Larry Hudkins, Mary Ann Borgeson, Kerry Eagan, Clare Duda, Patrick Bloomingdale, Bob Workman, Marc Kraft and Mike Boyle.

Speaking to item 5.8, (cost shifting concerns), were Kathleen Kelly, Kerry Eagan, Larry Dix, Larry Hudkins, Deb Schorr, Mike Boyle and Mark Wayne.

Speaking to item 5.9, (stadium update), were Mark Wayne, Joni Jones and Mary Ann Borgeson.

The meeting adjourned at 1:52 p.m. No motions were made and no votes were taken.



**LANCASTER COUNTY LEGISLATIVE PROPOSALS  
2010 SESSION**

**INTRODUCTION**

Lancaster County accomplished two long-standing legislative objectives during the 2009 session:

- LB 294, amending Neb. Rev. Stat. §23-120(3)(b) to allow building projects to be financed over twenty (20) years; and
- LB 288, allowing correctional facilities to return unused prescription drugs for credit or re-dispensing.

Both of these Bills were on the County's priority list for many legislative sessions, and both Bills will have a positive fiscal impact on future County budgets.

Other Bills passed during the 2009 session which will benefit Lancaster County include LB 532, creating limited ordinance authority for counties, and LB 218, providing an updated formula for state financial aid to counties. LB 532 gives counties authority to regulate lewd behavior or public nudity, which will be helpful in controlling such conduct at alcoholic establishments as well as juice bars. Although LB 218 eliminates the jail reimbursement program for housing state prisoners, Lancaster County will see an overall increase in state aid of approximately \$1 million. However, LB 218 does not take effect until July 1, 2011. Another Bill of interest to the County is LB 5, allowing counties to choose whether to allow trapping in county right-of-ways. The County Board has already exercised its authority under LB 5 to ban trapping in Lancaster County road right-of-ways.

Unfortunately, LB 33 (transfer of development rights) failed to advance out of committee. There appears to be a great deal of misunderstanding about the types of development rights which can be transferred and how the Bill would operate. The County will continue to pursue LB 33, and hopefully the opposition will be overcome as the Legislature gets more information about the benefits of this legislation.

The 2010 session is the second year of the Legislature's fiscal biennium. While this may limit the ability of the County to successfully pursue new legislative concepts, at the same time we understand it often takes more than one session to obtain passage of good bills.

**NEW PROPOSALS**

**1. Mandate Payment of Medical Expenses for Inmates and Emergency Protective Custody Patients at Medicaid Rate**

Counties are obligated to pay the unreimbursed medical expenses of county inmates and emergency protective custody (EPC) patients. See Neb. Rev. Stat. §47-703, §71-919, and other related statutes. These statutes should be amended to provide counties will pay these medical

expenses at the Medicaid rate set forth under Neb. Rev Stat. §§68-1018 to 1025. Medical expenses for inmates and EPC patients are unpredictable and can be fiscally devastating to counties. In 2005 this proposal was introduced in LB 204. Due to strong opposition from the health care industry, LB 204 failed to advance out of the Health and Human Services Committee. It should be noted counties have a shared interest on this issue with the State Department of Corrections, and a coordinated effort between NACO and the Department of Corrections will be needed to advance this legislation.

## **2. Reduce County Employee Pension Match**

Under the County Employees Retirement Act (Neb. Rev. Stat. §§23-2301 et seq.) and Neb. Rev. Stat. §23-1118 the employer (county) contributes an amount equal to one hundred and fifty percent (150%) of the employee's contribution. An employer match of 150% is considerably more generous than what is offered in the private sector. Reducing the match to one hundred percent (100%) would be more equitable for the majority of tax payers who work in the private sector and would help counties stay within budget lids.

## **3. Behavioral Health Funding Issues**

The Lancaster County Community Mental Health Center has identified several legislative funding priorities for the upcoming session and future sessions:

- a. Maintain current state rates and establish a mechanism for annual review to guarantee rates remain adequate;
- b. Expand funding for mental health jail diversion services;
- c. Adequate funding for community-based sex offender management; and
- d. Maintain adequate state funding for the Community Mental Health Center.

For a more complete discussion of these issues see Attachment A

## **4. County Corrections Legislative Concerns**

The Lancaster County Corrections Department is requesting a review and update of several state statutes affecting the administration of county jails. See Attachment B. These issues include clarification of responsibility for the cost of medical services when an arrested person is found to be unfit for confinement (arresting agency versus the jail), Medicaid rates for inmate medical expenses (See Proposal 1 above), additional legislation with regard to unused prescription medications, harmonize calculation of state and county good time credits, and eliminate the practice of sitting out fines.

## **5. Amend Neb. Rev. Stat. §29-2022 to Give Trial Courts Discretion with Regard to Sequestered Juries in Criminal Cases**

Defendants in criminal cases have the right to keep a jury sequestered until a verdict is reached, regardless of the severity of the case or the actual risk the jury members may be influenced by improper contact or communications. Neb. Rev. Stat. §29-2022. When a jury is sequestered

counties are responsible for paying all the costs of housing and feeding the jury members, as well as the costs of providing security. These expenses can be significant. Additionally, sequestration can result in a substantial hardship to the members of the jury. This statute should be amended to give the trial court discretion in deciding whether a jury in a criminal case should be sequestered until a verdict is reached, based on the actual potential of the jury being improperly influenced and thereby undermining the fairness of the trial.

**6. Provide Statutory Guidance on Enforcement of Insurance Subrogation Clauses**

In the case of Blue Cross and Blue Shield of Nebraska, Inc. v. Dailey, 268 Neb. 733 (2004), the Nebraska Supreme Court held a subrogation clause in the insurance contract could not be enforced against the insured under the equitable made whole doctrine. The Dailey case involved an employee covered under an insurance contract between his employer, the Nebraska Association of County Officials, and Blue Cross. The employee was injured as a result of the negligence of a third party, and subsequently recovered a one-time payment of \$1,225,000 and monthly payments of \$10,000 for life against the third party. Even though the contract clearly provided Blue Cross would be entitled to recover approximately \$794,000 it had paid on behalf of the insured for injuries caused by a third party, the Supreme Court held Blue Cross was not entitled to recover these funds because the insured had not yet been made whole for the injuries. A statutory solution is needed to provide for the enforcement of reasonable subrogation clauses to help control health insurance costs.

**7. Create the Position of Magistrate**

In 2009 the Legislature passed LR 183 to examine the creation of a specialized magistrate for the State's largest courts. The magistrate would have authority to issue search warrants, subpoenas, arrest warrants, summonses, and set bail. The purpose for creating this position is to help reduce jail populations, as well as reduce the need for new judges.

**8. Provide State Funding for the Nebraska Behavioral Health Information Network**

Lancaster County is presently involved in the development and implementation of an integrated information and data management system to support behavioral health services in southeast Nebraska. The project is being developed with grant funds, but eventually county tax dollars will be required to maintain and expand the system. A comprehensive electronic behavioral health information management system would benefit the entire State, and therefore should be funded by the State. This argument is strengthened by the fact behavioral health is the responsibility of the State.

**9. Clarify City Responsibility for Defense Costs on Violations of City Criminal Ordinances**

Pursuant to an interlocal agreement, the Lancaster County Public Defender provides criminal defense services to the City of Lincoln for violations of City ordinances which carry jail time. While

the statutory responsibility of counties to provide legal representation to indigent defendants for offenses which may lead to incarceration is clear, there is no statutory guidance regarding whether this duty extends to violations of city ordinances. State law is also silent on whether cities are responsible for bearing the cost of providing representation for violations of their criminal ordinances. Clarifying these issues would help guarantee the County is being fully reimbursed for the legal services it provides to the City of Lincoln.

**10. County Input in the Approval of Tax Increment Finance Districts Which Affect the County Tax Base**

The Nebraska Redevelopment Act, Neb. Rev. Stat. §58-501 et seq. is intended to encourage economic growth through redevelopment of blighted and substandard areas within cities. The Act generates funds for redevelopment projects by creating tax increment financing (TIF) districts. Essentially, property tax increases within a TIF district attributable to valuation increases from redevelopment projects are deposited into a special fund and used to pay the cost of financing the projects for up to fifteen (15) years. Consequently, other taxing entities in the county where the TIF district is located lose the benefit of the property valuation increase for the entire district during the period the project is financed. In recent years there has been a sharp increase in the number of TIF districts created by the City of Lincoln. TIF districts often encompass a large area, regardless of the size or number of the individual projects within the TIF, and regardless of whether the entire district is blighted or substandard. Since the other taxing entities, including counties, are being denied essential tax revenue, they should have direct input into the establishment of TIF districts. This would help guarantee TIF districts are actually targeted to blighted or substandard areas and do not unnecessarily remove growth from the assessed valuation for other taxing entities.

**11. Occupation Tax on Wineries**

Neb. Rev. Stat. §53-132(4) gives authority to cities, villages and counties to charge an occupation tax on retail, craft brewery, and microdistillery licenses. However, no such authority exists for farm winery licenses. Given the growing number of farm wineries, it may be advisable to authorize an occupation tax on farm winery licenses.

**12. Amend Neb. Rev. Stat. § 83-1,103.04 to Provide for the Appointment of a Private Attorney Rather than the Public Defender**

When the Office of Parole Administration determines an amendment of the conditions of community supervision is necessary for an individual subject to lifetime supervision, if the person requests legal counsel and is indigent, an attorney from the public defender office is appointed. Since this proceeding is civil in nature, appointment of the public defender is not appropriate. Also, the cost of appointing a private attorney should be borne by the State.

**13. Amend Neb. Rev. Stat. § 25-1628(1) to Require the Division of Motor Vehicles (DMV) to Provide Driver's License Numbers to the Jury Commissioner**

Presently, the DMV is required to provide the jury commissioner with the names, dates of

birth, and addresses of all licensed motor vehicle operators nineteen years or older residing in the county. Although the DMV is required to provide driver's license numbers to the election commissioner, they are not required to do so to the jury commissioner. Having driver's license numbers for potential jurors would assist in removing duplicates between the two lists.

#### **14. Allow Planning Commission to Approve Land Use Permits With Appeal to the County Board**

The Lancaster County Board is interested in streamlining land use applications. One area this can be accomplished is the approval of conditional permits and special exceptions (referred to as special permits in the Lancaster County Zoning Resolution). Neb. Rev. Stat. §23-114.01(4)(Reissue 2007) allows a county board to give the county's planning commission power to approve conditional use permits and special exceptions. However, pursuant to §23-114.01(5) any appeal by an applicant from the action of a planning commission would be to the district court. The Lancaster County Board is willing to delegate this authority but believes applicants should be able to appeal to the Board if not satisfied with the Planning Commission's decision. §23-114.01(5) needs to be amended to allow an appeal to a county board.

#### **15. Human Services Legislation**

Lancaster County has discretionary statutory authority to provide human services to various vulnerable classes within our community. Providing these services can help reduce the cost of services which the County is mandated to provide, such as general assistance. The Lancaster County Human Services Department has identified several areas of concern which should be legislatively addressed:

- a. Payday lending regulation;
- b. Establish standards for medical interpreters; and
- c. Maintain adequate Medicaid reimbursement rates for behavioral health services.

See Attachment C for additional information on these proposals.

Kerry P. Eagan

ATTACHMENT A

**From:** Geraldine (Jery) L. Walker  
**Sent:** Friday, October 16, 2009 12:40 PM  
**To:** Kerry P. Eagan  
**Cc:** Dean B. Settle; Travis W. Parker  
**Subject:** MEMO - Legislative Proposals and Issues in the next year  
**Attachments:** 10-15 MEMO-Commissioner.wpd

## MEMORANDUM

**TO:** Lancaster County Board Commissioners  
**FROM:** Dean B. Settle, Executive Director, CMHCLC  
**DATE:** October 15, 2009  
**RE:** Legislative Proposals and Issues in the next year

The County's Community Mental Health Center's number one issue is the maintenance of our current rates to make certain they are not eroded. We also want the Unicameral to establish an annual mechanism to review rates and to reflect cost of operation and our ability to maintain qualified licensed professional mental health staff.

We remain concerned about any invasion of the Tobacco Settlement Endowment. That was put in place in 2001; the endowment generates \$19,000,000 a year, that is earmarked for mental health programs in Nebraska.

As the Unicameral begins to look at alternatives to incarceration; we want to leverage funding and additional program expansion monies for Mental Health Jail Diversion services. Also it's an opportunity to again look at the amount of monies being allocated for Sex Offender Treatment in an inpatient facility. At Norfolk; 120 beds are available, they have yet to have 70 people in that facility and yet they get a full annual allocation for the Regional Center. Community based sex offender management and treatment is in the best interest of Lancaster County. CMHC has a SAMHSA Grant that expires June 2010 and we need to be able to continue to provide Sex Offender Management, which is important to public safety. It's the State's responsibility, clearly and it is important for this County because of the dis-appropriate number of sex offenders released into Lancaster County to manage and provide community based treatment when they stay in our County.

Last, based on this special session's agenda and the upcoming legislative season we are most concerned that local aid be maintained, it's important for the County and for the Lancaster County Mental Health Center to maintain our services, and maximize State funding for Lancaster County.

DBS;jlw

attachment: MEMO, 09/24/09, Kerry P. Eagan, CAO  
cc: Kerry P. Eagan, Chief Administrative Officer  
Travis Parker, Deputy Director, CMHCLC



ATTACHMENT B

LANCASTER COUNTY  
CORRECTIONS DEPARTMENT

605 SOUTH TENTH STREET  
LINCOLN, NE 68508  
(402) 441-7530  
FAX: 441-8946

MICHAEL THURBER, DIRECTOR

TO: Kerry Eagan, Chief Administrative Officer

FROM: Lt. Barry Heinbigner, Transport/Population Lt.  
Michael Thurber, Corrections Director

DATE: October 8, 2009

RE: 2010 Legislative Agenda

1. Eliminate confusion between Sec. 47-703 and Fitness for Confinement

In discussing who is the appropriate agency to pay for medical services provided to people arrested and lodged in jail, Sec. 47-703 states the following:

*“In the case of medical services necessitated by injuries or wounds suffered during the course of apprehension or arrest, the appropriate governmental agency shall be the arresting agency. In all other cases, the appropriate governmental agency shall be the agency responsible for the operation of the institution or facility in which the recipient of the services is lodged . . . ”*

The intent of this language is clear enough. However, some law enforcement agencies are using this language to avoid paying medical bills for persons whom jails refused to admit due to Fitness for Confinement issues.

Fitness for confinement means jails will not accept into their custody inmates who suffer from an illness, injury or other medical condition that may require urgent medical treatment. This practice is in place to insure the health and well-being of the arrestee, so those detainees are able to be physically accepted into an Adult Detention Facility.

In a recent example, a state law enforcement agency arrested a person with a serious medical issue. The local county jail refused to accept custody of the person because the detainee was in need of medical attention. The law enforcement agency obtained the needed treatment, after which the person was accepted by the jail. The law enforcement agency then refused to pay for the treatment because the medical condition did not occur during “the course of apprehension or arrest,” citing Sec. 47-703.

We believe this was a misapplication of the law. The arrestee was not in the legal custody of the jail at the time the necessary treatment was provided, and Sec. 47-703 was never intended to require jails to pay medical bills for persons not in their custody. We can see where this could lead to law enforcement agencies obtaining treatment for arrestees prior to lodging which would not have qualified as a Fitness for Confinement issue, thus creating unnecessary expense for the affected jail.

Language should be inserted into 47-703 which would explicitly exclude jails from the liability for medical expenses for persons not in their custody.

2. Require providers to charge only Medicaid rates for county jail inmates

Inmate medical care usually represents a disproportionately large percentage of jail operating expenses. In the face of the increasing costs of medical care and rising hospital rates, it would be wise to create an appropriate system for counties who have the responsibility for medical care of jail inmates in their custody. Insuring that counties can pay at Medicaid rates for these indigent detainees.

This issue was last addressed legislatively in 2003, with the introduction of LB377. This bill proposed to add the following language to Sec. 47-703:

“...the cost of medical services shall be paid, at the same rate as the rate paid pursuant to the medical assistance program established under sections 69-1018 to 68-1025 . . .”

That bill failed to pass, but we recommend that a similar bill be introduced again this year.

3. Allow Jails to Return Unused Prescription Drugs

Current law does not allow correctional facilities to return unused prescriptions to the pharmacy to be reissued. This results in increased costs for county jails in cases where inmates are released before using all of the medications obtained for them, and those medications must be destroyed. It would be beneficial to allow jails to return these medications to be relabeled and reissued, as community health centers are presently permitted to do.

LB173, introduced in the last legislature, attempted to revise applicable state law to allow jails to return unused prescription medications when the drug has been in the control of the correctional facility at all times, and it is still in its original, unopened, labeled container. The contracting pharmacist could then relabel the drug for reissue to another inmate. The bill made it to the general file and was indefinitely postponed when the session ended.

An amendment to LB 173 was filed, but not voted on, which would require the Jail Standards Board and the Pharmacy Board to jointly create a formulary for county jails. It seems to us that such a formulary would have nothing to do with what drugs may be returned. The department is requesting a system for the return or reuse of medications for inmates that have been released from custody.

We recommend that LB 173, without the provision for a statewide formulary, be reintroduced this year.

4. Change County good time law to allow for day-for-day good time.

Presently, Sec. 47-502 specifies that inmates serving sentences in county jails receive good time at a rate of “*seven days for each fourteen consecutive days during which he or she hasn’t committed any breach of discipline or other violation.*” In other words, on a sentence of one year (365 days) an inmate would serve 246 days in jail.

The state law governing good time for state inmates (Sec 83-1,107) provides “*The department shall reduce the term of a committed offender by six months for each year of the offender’s term . . .*” A one year sentence can be served in 180 days in prison.

This may be encouraging some judges to sentence an individual to one year county time rather than a year of state time, because they know the individual will spend more time incarcerated if confined in a county facility. Apart from this possibility, it is clear that the longer stays in jail only increase the size of adult inmate population, as well as increase costs.

We recommend that Sec. 47-502 be changed to make it consistent with the good time law for state inmates.

5. Eliminate the practice of sitting out fines

It is the current practice of the Lancaster County Court to allow many persons who have been sanctioned with fines to sit those fines out in jail at the rate of \$60.00 per day rather than paying them.

Sec. 29-2412 provides that persons who fail to pay a fine, or those who default on a time payment, may sit the fine out at a rate of \$60.00 per day. This is significantly different from the current practice, which is to impose a fine and then allow the defendant to sit the fine out, without first requiring payment.

We believe that the practice of allowing individuals to sit out fines rather than paying them essentially makes County Government (tax payers) to “pay for” these person’s fines. Once, by housing them in jail for credit, and secondly, not receiving revenue from their court ordered fines and fees.

Sec. 29-2412 should delete any mention of credit for time served as it relates to fines or fees.

**Kerry P. Eagan**

**ATTACHMENT C**

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**From:** Kit M. Boesch  
**Sent:** Friday, October 16, 2009 10:45 AM  
**To:** Kerry P. Eagan  
**Subject:** Legislation

**1. Payday Lending regulation**

I am hoping Sen. Council will introduce a bill to the Banking and Commerce committee to better regulate this industry. I understand there is also a bill mandating financial literacy classes in schools. Both are important although the first is essential if we are going to impact the escalation of payday lenders.

**2. Appleseed is working with several senators on a proposed bill to**

- a) prohibit the use of children under age 16 from interpreting in medical setting except in life/death situations
- b) requiring certification of interpreters
- c) developing a listing of certified interpreters

It is our hope one or more of these might get serious consideration.

**3. Medicaide changes are about to significantly impact our Behavioral Health System. This will impact Lancaster Co.**

When they change the eligibility and refuse to pay for services for people, those people will then be at our CMHC door, our jail, our detox or in our shelters.

So far that's all I have - Kit

## Human Services

### Issue #1:

#### Food Stamps:

1. We have the longest food stamp application in the country – 24 pages!
2. The Center for Budget & Policy Priorities says 65% of the eligible Nebraskans have applied, leaving an estimated 67,000 households struggling.
3. The Center for People in Need found over 50% of the their clientele getting food do not get food stamps.
4. The current on-line application – assuming you are computer literate – takes roughly 2 hours to complete.
5. If we increased the number of households on food stamps by 5% we would add 9,000 families and bring \$4.2 million into Nebraska's local economy.
6. Examples: # of Pages: Missouri 4 + directions; Kansas 6; South Dakota 8; Washington, D.C. 4; New York State 7; Maine 4; Alabama 3; Wyoming 5; California 5; and Nebraska 24!
7. Why do we care? With the hit to the economy requests on food have skyrocketed at Matt Talbot Kitchen, the Food Bank, Center for People in Need, Peoples City Mission, the Gathering Place, Food Net, WICS programs, and the Good Neighbor Center.

Recommendations: Put a short, 6-8 page application on-line, in 5 different languages. Inform local areas of its availability.

Process: We have repeatedly asked the Nebraska Department of Health and Human Services to do this and they refuse. Unless the Legislature mandates this it will not happen.

### Issue #2: Medical Translation & Interpretation Bill

Currently Senator Dubas has held a 2009 Summer Interim Study on the 3 facets of this issue:

- A. Prohibiting the use of children interpreting in a medical setting unless it's a true emergency!
- B. Certifying translators.
- C. Keeping a list of Certified Translators, dates of certification, and levels of certification.

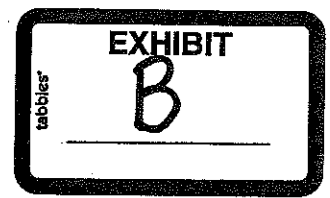
We would like to see (A) actually get passed this year. Other states have done this very successfully.

### **Issue #3: Payday Lending Regulation**

1. Last year Senators McGill and Conrad (Nantkes) each submitted a bill to the Banking Committee. McGill's – killed. Conrad's – tabled.
2. This year Senator Brenda Council (Omaha) may introduce the topic to the Labor/Commerce Committee suggesting regulatory pieces of the Payday Lending Industry be put in place. We could use more support. \$11 million came out of Omaha as a result of payday lending activities.
3. Lincoln is currently studying the effects of payday lending in our community. Currently there are 24 payday lender offices in Lincoln. Target date for completion – January 1, 2010.

**Issue #4:** We have been told the Governor's office has been sitting on Behavioral Health Stimulus money and not released it. Particular areas include: Behavioral Health, Family Violence. Do we know:

- A. Is this true?
- B. If so – why has it not been released yet?



## 2010 NACO Legislation

- **Eliminate second notice of personal property taxes.** Unlike notices for real property taxes, county treasurers must send a notice to personal property owners who have not paid the first half of taxes by May 1. This notice can be confusing to taxpayers and should be eliminated.
- **Exempt assessors from liability for trespassing during reviews of property.** County assessors are required by §77-1311.03 to conduct a systematic inspection and review of all property in the county at least every six years. In order to fulfill this requirement, assessors need the ability to enter onto property to perform exterior reviews. The proposed authority would be narrow in scope and similar to that granted to county surveyors and weed superintendents.
- **Change date for determining exempt status of transferred property.** Entities which seek a tax exemption for property acquired on or after January 1 must apply for the exemption by August 1. The county board of equalization must hold a hearing and review the application by August 15. The application deadline should be moved to July 1 to provide time for the proper 10 day notice to the applicant and publication of notice.
- **Define "mechanical aid" and examine classifications of disabilities for purposes of homestead exemptions.** Persons who have a permanent physical disability and have lost mobility so as to preclude locomotion without the regular use of a mechanical aid or prostheses are eligible for a homestead exemption. The term mechanical aid should be defined and the exemption narrowed to meet stricter standards.
- **Repeal outdated greenbelt recapture statutes.** Because greenbelt recapture was eliminated several years ago, it is no longer necessary to disqualify parcels from special valuation based upon ownership by an exempt entity.
- **Change timeline for implementing increased personal property tax penalties.** Personal property tax returns that are filed between May 1 and July 31 are subject to a 10 percent penalty. Returns filed on or after August 1 are subject to a 25 percent penalty. This deadline should be changed to July 1 to facilitate the certification of values to political subdivisions by August 20 and the filing of school values on August 25.
- **Clarify transfer of judgment process.** Existing state statutes do not provide a process for transferring judgments to a district court in another county. If a judge orders the transfer of a judgement, there is no statutory process for charging new filing fees or transferring fees if the original fees have already been distributed. A transfer procedure should be enacted to specifically provide for transfers to be listed as new cases in the receiving county with corresponding new fees.

- **Reduce frequency of jury pool refreshment.** Counties with less than 3,000 residents are required to refresh their jury pool every two years and larger counties must do so annually. Because jury trials are infrequent in many counties, the population threshold should be raised and refreshments required less frequently.
- **Require all motor vehicle remittances to state to occur on the 20th of each month.** County treasurers must remit three motor-vehicle related collections to the state each month: Title fees are remitted to the State Treasurer for credit to a number of funds on the 5<sup>th</sup>, sales taxes are remitted to the Tax Commissioner on the 15<sup>th</sup>, and motor vehicle and registration fees are remitted to the State Treasurer on the 25<sup>th</sup>. These three remittances should be consolidated into a single transaction.
- **Provide for release of township funds to county if entire township board has resigned.** Although state laws provide procedures for spending and distributing funds of townships that merge or are eliminated due to a transfer in the form of government, no statutes authorize transfers when all members of the board have resigned. Processes should be implemented to allow counties to temporarily access township funds in this situation so that outstanding bills can be paid.
- **Allow townships to elect to be absorbed into the county on an individual basis.** Existing law provides for townships to be discontinued as a whole and the form of government changed to a commissioner style. In some locations, a single township may want to dissolve but others want the form to continue. These statutes should be revised to allow a single township to be absorbed into the county.
- **Revise marriage license applicant identification requirements.** Marriage license applicants must provide “satisfactory documentary proof” of name, address and birth data and affirm that the information is correct. County clerks have no guidance to determine the types of documents that are acceptable. Section 42-104 should be revised to list the types of proof that can be provided.
- **Clarify use of noxious weed funds in county general fund.** Section 2-959 requires funds generated from the rental of weed control to be deposited into the noxious weed control fund of the county. Because many counties have consolidated this fund into the county’s general fund, this statute should be revised to reflect both methods of recordkeeping.



## Treatment Staff

### Mary Paine, Ph.D., Licensed Psychologist

- Doctorate in Psychology with Forensic Specialty Minor from UNL
- Masters in Psychology from UNL
- 19 years experience assessing and treating adults and adolescents who have sexually offended
- Member of the Association for the Treatment of Sexual Abusers

### Jason Christensen, M.A., Licensed Mental Health Practitioner

- Masters in Counseling Psychology from UNL
- 9 years experience working with adults and adolescents who have sexually offended

### Amy Turner, Psy.D., Licensed Psychologist

- Doctorate in Psychology from American School of Professional Psychology, Argosy University, Washington, D.C.

### Tim Knight, M.A., Licensed Mental Health Practitioner

- Master of Arts in Counseling, Doane College
- 20+ years experience working with adult sex offenders

Services accredited by:



2201 South 17th Street  
Lincoln, NE 68502



## S. T. O. P. Program (Sexual Trauma/Offense Prevention)

A Sex Offender Treatment Program  
offered by  
Community Mental Health Center  
of Lancaster County



### Program Description

The S.T.O.P. Program is designed to promote community safety by providing sex offender specific therapy to adult men and women who have committed a sexual offense.

### Program Philosophy

It is our philosophy to provide state-of-the-art treatment for sex offenders in a responsible, caring, and respectful manner in a community setting.



2201 South 17th Street  
Lincoln, NE 68502  
402.441.7940 / 402.441.8625 fax  
[www.ci.lincoln.ne.us/cnty/mental](http://www.ci.lincoln.ne.us/cnty/mental)

## Program Goals

The primary goal for each client is to develop insight into his or her sexual deviancy, learn to recognize high risk situations and behaviors, and acquire a range of effective coping strategies for managing sexually deviant attractions, thoughts, and urges in order to prevent sexual re-offense.

## Services Available

- Sex Offender Group
- Individual Therapy
- Aftercare/Transition Group
- Family Therapy

## Admission Requirements

- \* Offender must sign releases allowing treatment personnel to obtain mental health and legal records.
- \* Complete an assessment to determine appropriateness for outpatient treatment. This assessment includes interviews with a S.T.O.P. Program therapist and psychological testing as determined necessary.
- \* Suggested minimum Verbal IQ of 80.

## Target Population

- Individuals 19 years and older
- Individuals who have committed a sexual offense
- In most cases, the individual will be under some form of control through the legal system or mental health board (i.e., outpatient MHB commitment, probation, or parole.)
- Problems addressed in the group:
  - Sexually assaultive behavior
  - Sexually deviant arousal
  - Inadequate coping skills for managing emotions, sexually deviant thoughts and urges
  - Relationship/Social skills
  - Empathy deficits
  - Distorted beliefs and thought patterns
  - Provide factual sexual knowledge
  - Anger management
  - Assertiveness skills
  - Personality disorders

## Treatment Goals

- ✓ Eliminate denial and minimization
- ✓ Identify and challenge cognitive distortions and justifications
- ✓ Develop insight into sexually deviant and sexually assaultive behavior
- ✓ Identify dynamics underlying sexual assault and points of intervention
- ✓ Learn to use coping skills to effectively interrupt and control sexually deviant thoughts and urges
- ✓ Develop victim empathy
- ✓ Arousal reconditioning
- ✓ Relapse prevention
- ✓ Facilitate adjustment, monitor and manage risk as individuals are reintegrated into the community following incarceration

To make a referral or for additional information, contact our office at:

402/441-7940

or

visit our website at

[www.ci.lincoln.ne.us/cnty/mental](http://www.ci.lincoln.ne.us/cnty/mental)

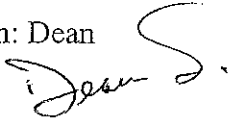
MEMO

To: Kerry

November 3, 2009

From: Dean

Re: SO Info



The latest statistics re: sex offenders to manage in our community:

The following are registered sex offenders per County according to The NE Highway Patrol on this date, **Douglas County 803, Lancaster County 573, Sarpy County 130.**

State wide NE Dept. Of Probation is supervising over 500 sex offenders.

Corrections has 100 individuals in sex offender treatment.

SOs in Norfolk Regional Center Treatment 69.

Sos in Lincoln Regional Center Treatment 79.

Lancaster County Community Mental Health Center's STOP program 70.

From a public safety SO management concern, the vast majority of these individuals are living in the community unsupervised and not managed.

DEPARTMENT OF  
LANCASTER COUNTY

# Community Corrections

633 S. 9<sup>th</sup> Street, Suite 101  
Lincoln, NE 68508  
Klm Etherton, M.A., Director  
402-441-3600  
Fax: 402-441-3602

Providing Alternatives to  
Incarceration

## WHAT WE DO:

The Department of Community Corrections was created in June, 2003 to assist in addressing jail over-crowding. This department continues to expand and provide individuals with alternatives to incarceration.

### The Court Reminder Program

This program first began operation October, 2003.

- Calls are made to defendants with an upcoming court date and they are reminded of the date, time and court room where they need to appear.
- This program is much like receiving a reminder call from your doctor or your dentist.
- The goal is to reduce the number of instances when individuals fail to appear and have a warrant issued for their arrest.

### The Community Service Program

This program began operation January, 2004.

- This program is designed to provide an alternative method of paying a fine which the offender received as part of a sentence.
- Application is made to the court to convert the fine into Community Service where the offender is given \$10.00 credit for every hour of service performed.
- A judge can also sentence someone to Community Service rather than imposing a fine.
- Community Service hours are monitored by Community Corrections staff and reported to the court. When the service is completed the case is closed.
- Offenders also have the option of requesting Community Service rather than sitting out fines in jail.

## The Pretrial Release Program

This program began operation in January, 2005.

This program is designed to release felony offenders under supervision prior to the beginning of their trial.

- Targets Felony 3 & 4 offenders.
- Each offender who applies goes through a screening process where a supervision level is determined. Offenders can be placed on a very high supervision level, which includes electronic monitoring in addition to other conditions, or a lower level of supervision which does not include an electronic monitor.
- Community Corrections operates a Day Reporting Center where offenders report for the following activities:
  - Daily check in and scheduling
  - Drug testing
  - Psycho-educational groups to address thinking errors.,
  - drug and alcohol use, values and choices for change.

## The Adult Drug Court Program

This program was placed under the umbrella of Community Corrections in September, 2004.

- Originally funded in 2001 with Federal Grant dollars as well as Law Enforcement Block Grant dollars, the Lancaster County Commissioners agreed to continue the funding of this very important program.
- Drug Court is a post plea program. When offenders successfully complete this program their charges are dismissed.
- The program requires the completion of no less than intensive out patient substance abuse treatment, frequent and random drug testing, close judicial over-sight and a demonstration of a change in criminal thinking.
- This program lasts no fewer than 12 months. Most participants require 18-24 months to complete the program.

## ○ House Arrest

This program began operation August, 2007.

- District Court House Arrest Sentence Option :
  - Targeting the final months of a felony sentence of 180 days or more.
  - Offenders must serve at least half their sentence.
  - The offender requests an application from jail staff who will review and report any disciplinary history while incarcerated.
  - There is a fee of \$60.00 per month unless waived by the court.
- County Court House Arrest Sentencing Option :
  - Targeting sentences of 30 or fewer days.
  - Through their attorney, an offender can request the house arrest option.
  - Fees may or may not be applicable.

# Community Corrections Summary Report

10/1/2009 - 10/31/2009

	<u>Pretrial</u>	<u>House Arrest</u>	<u>Total</u>
<b># offenders in program</b>			
County	16	61	77
City	0	31	31
<b># of people with closed cases</b>			
City Successful	0	93	93
County Successful	4	56	60
City Unsuccessful	0	3	3
County Unsuccessful	1	4	5
			261
<b># Felonies</b>			
Attempted/Robbery	1	0	1
Assault	0	0	0
Burglary	4	1	5
Theft	2	0	2
Vandalism	0	0	0
Arson	0	0	0
Forgery	0	1	1
Fraud	0	0	0
Prostitution	0	0	0
Sex Offenses	1	0	1
Child Abuse	0	0	0
Domestic Violence	0	0	0
Violation of Protection Order	0	0	0
Driving Under the Influence	5	0	5
Driving Under Suspension	1	1	2
Drug Abuse Violations	4	1	5
Other	2	3	5
<b># Misdemeanors</b>			
Assault	1	4	5
Theft	0	5	5
Vandalism	0	0	0

	<u>Pretrial</u>	<u>House Arrest</u>	<u>Total</u>
Arson	0	0	0
Forgery	0	0	0
Fraud	0	0	0
Sex offenses	0	0	0
Drug Abuse Violations	0	4	4
Child Abuse	0	1	1
Domestic Assault	0	0	0
Violation of Protection Order	0	0	0
Driving Under the Influence	0	200	200
Driving Under Suspension	0	13	13
Disturbing the Peace	0	1	1
Other	0	13	13
			<hr/>
			269