

TRI-COUNTY MEETING
Mahoney State Park
Red Oak Conference Room

November 14, 2003

AGENDA

- 8:30 - 9:00 AM - Continental Breakfast
9:00 AM - Introductions
11:30 AM - Lunch

TOPICS FOR DISCUSSION

1. Criminal Justice Costs
2. Legislation:
 - Ordinance authority for Counties
 - 50¢ additional E911 surcharge for wireless cell phones for Counties
 - LB32 - Storm water runoff
 - Mental health
 - CIR - ability to pay
3. Health Insurance Costs
4. Insurance Requirements for Contractors Doing Business with County
5. Mergers
6. County Fair
7. High Speed Internet Access
8. Open Discussion
 - Paperless Board Meetings

Minutes
Tri-County Retreat
Mahoney State Park-Red Oak Conference Room
Friday, November 14, 2003
9:00 A.M.

In Attendance:

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
Bruce Medcalf, County Clerk
Patricia Owen, Chief Deputy County Clerk
Gordon Kissel, Lobbyist
Amy Prenda, Lobbyist
Dave Kroeker, Budget & Fiscal Director

Douglas County

Mike Boyle, Commissioner
Clare Duda, Commissioner
Carole Woods Harris, Commissioner
Carol McBride Pirsch, Commissioner
Kathleen Kelly, Chief Administrative Officer
Patrick Bloomingdale, Assistant Administrator
Tom Cavanaugh, County Clerk
Sherri Larsen, County Clerk's Office
Kristin Lynch, Administrative Specialist
Joe Kohout, Lobbyist

Sarpy County

Inez Boyd, Commissioner
Jack Postlewiatt, Commissioner
Aldona Doyle, Commissioner
Tim Gay, Commissioner
Mark Wayne, Chief Administrative Officer
Fred Uhe, Deputy County Clerk/Lobbyist
Brian Hanson, Fiscal Administrator
Deb Houghtaling, County Clerk

Tom Shaw-Omaha World Herald Reporter

(1). Criminal Justice Costs

Mark Wayne, Chief Administrative Officer for Sarpy County distributed agenda packets with information on Sarpy County's cost for their Juvenile Justice programs. He indicated their increased costs seem directly proportional to their increase in programs offered.

Kerry Eagan, Lancaster County Chief Administrative Officer discussed the F3 program, warning of hidden costs associated with handling these programs on a County level.

Kathy Kelly, Chief Administrative Officer for Douglas County discussed Region 6 handling their ICCU program. She additionally informed the group that their Juvenile Assessment Center had been operational for the last month.

Kristin Lynch, Administrative Specialist for Douglas County discussed the model Douglas County is using and the three funding streams they are taking advantage of.

Dave Kroeker, Lancaster County Budget and Fiscal Director, distributed a handout of Lancaster County's costs for their criminal justice programs.

(2). Legislative Issues

Fred Uhe, Sarpy County Lobbyist, Gordon Kissel and Amy Prenda, Lancaster County Lobbyists and Joe Kohout, Douglas County Lobbyist discussed some of the upcoming legislative issues. Discussion was held on the short session and what could realistically be accomplished. Consensus was that this would be a 'defensive' year with regard to protection of funding streams.

General discussion about potential storm water runoff legislation was held with Sarpy indicating this legislation could result in over a million dollars in increased costs.

Eagan indicated that Lancaster County was concerned with what the new mental health system would look like.

Douglas County discussed that they had their 'go-live' for the 800 MHz radio system a couple of months ago.

General discussion was held on ordinance authority, road funding protection and the proposed fifty cent additional E911 surcharge for wireless cell phones for Counties.

The CIR was discussed and Eagan discussed the State of Iowa's program which includes the provision of 'ability to pay' and arbitration procedures. Douglas County indicated they were not aware of Iowa's CIR policies and they would investigate the program further.

(3). Health Insurance Costs

General discussion was held on the issue of increasing health insurance costs. Mark Wayne, Sarpy County, indicated that Sarpy does offer a supplemental policy but the total costs are borne by the employee.

Discussion was held on the concept of a combined risk pool between Douglas, Sarpy and Lancaster Counties. The issue of a joint consultant to study the feasibility of this idea was discussed.

General discussion on the impact of rising pharmaceuticals was held.

(4). Insurance Requirements for Contractors

General discussion was held on each counties philosophies on contractor insurance requirements. Sarpy indicated that generally they require a \$2,000,000 general aggregate, but are flexible with regard to the type of contract entered into. Eagan commented that if they are truly independent contractors the counties would incur no tort liability so meeting the \$5,000,000 tort exposure would not necessarily be necessary.

(5). Mergers

Mark Wayne, Sarpy County, discussed the proposed merger of the Sarpy and Douglas Counties Register of Deeds offices. Wayne indicated that at first blush there did not appear to be any real efficiencies in doing so, but the study was on-going. Larry Hudkins, Lancaster County Commissioner, discussed Lancaster County's merger of their Register of Deeds and Assessor offices. Hudkins indicated that while some efficiencies may have been gained, the cost savings they were hoping for have not yet materialized. General discussion was also held on the benefits of interlocal agreements as opposed to mergers.

(6). County Fair

Douglas County indicated they would not be holding a separate county fair this year. General discussion was held on associated costs with holding county fairs. Discussion was also held on the issue of the State Fair.

(7). High Speed Internet Access

General discussion was held on the issue of providing high speed internet access to County Commissioners. Douglas County indicated they do not have computers for their Commissioners in their offices. Lancaster indicated they did, but they were not state of the art systems. General discussion about provision of high speed internet services to rural areas was held. Eagan discussed LB485 indicating that this was poor legislation which greatly restricted government use of telecom infrastructure.

(8). Open Discussion

General discussion was held on 'paperless' board meetings. Lancaster County Commissioners indicated that due to the amount of materials for each meeting they still preferred hard copies of the back up meeting documentation.

With no further items on the agenda the Tri-County meeting for 2003 was adjourned.



Bruce Medcalf
Lancaster County Clerk



**LANCASTER COUNTY
JUSTICE SYSTEM FISCAL DATA
FY04 BUDGET COMPARISON WITH FY03**

| | FY04 | | | FY03 | CHANGE | |
|---------------------------|-------------------|------------------|-------------------|-------------------|------------------|--------------|
| | TOTAL BUDGET | OTHER REVENUES | TAX FUNDED | TAX FUNDED | AMOUNT | % |
| CLK OF DIST CT | 1,281,452 | 355,000 | 926,452 | 723,897 | 202,555 | 27.98% |
| COUNTY COURT | 665,987 | 78,858 | 587,129 | 601,543 | (14,414) | -2.40% |
| JUV CT | 997,827 | 0 | 997,827 | 1,026,352 | (28,525) | -2.78% |
| JUV PROBATION | 194,262 | 0 | 194,262 | 179,997 | 14,265 | 7.93% |
| DIST CT | 1,910,389 | 158,500 | 1,751,889 | 1,662,553 | 89,336 | 5.37% |
| PUB DEFENDER | 2,444,253 | 127,455 | 2,316,798 | 2,193,726 | 123,072 | 5.61% |
| INDIGENT DEFENSE SCREENER | 31,747 | | 31,747 | 53,209 | (21,462) | -40.34% |
| JURY COMMISSIONER | 85,702 | | 85,702 | 84,883 | 819 | 0.96% |
| SHERIFF | 7,046,276 | 1,181,250 | 5,865,026 | 5,492,702 | 372,324 | 6.78% |
| ATTORNEY | 5,195,986 | 1,083,971 | 4,112,015 | 3,850,682 | 261,333 | 6.79% |
| CORRECTIONS | 9,281,100 | 2,248,000 | 7,033,100 | 5,647,636 | 1,385,464 | 24.53% |
| ADULT PROB | 251,355 | | 251,355 | 266,055 | (14,700) | -5.53% |
| JUSTICE SYSTEM MISC | 1,900,151 | 0 | 1,900,151 | 1,942,633 | (42,482) | -2.19% |
| JUVENILE DETENTION | 4,537,049 | 1,987,427 | 2,549,622 | 2,878,849 | (329,227) | -11.44% |
| COMMUNITY CORRECTIONS | 400,000 | 0 | 400,000 | 0 | 400,000 | 0.00% |
| DP CJIS | 21,105 | | 21,105 | 50,151 | (29,046) | -57.92% |
| EMERGENCY MANAGEMENT | 324,560 | 201,380 | 123,180 | 115,034 | 8,146 | 7.08% |
| DEBT SERVICE | 1,692,850 | | 1,692,850 | 1,690,578 | 2,272 | 0.13% |
| MENTAL HEALTH BOARD | 146,802 | | 146,802 | 145,966 | 836 | 0.57% |
| TOTAL | 38,408,853 | 7,421,841 | 30,987,012 | 28,606,446 | 2,380,566 | 8.32% |

| | | INCREASE | | | |
|----------------|------|------------|-----------|---------|--|
| | | | AMOUNT | PERCENT | |
| (1) TAX FUNDED | FY04 | 30,987,012 | 2,380,566 | 8.32% | |
| (1) TAX FUNDED | FY03 | 28,606,446 | 1,733,086 | 6.45% | |
| (1) TAX FUNDED | FY02 | 26,873,360 | 3,575,272 | 15.35% | |
| (1) TAX FUNDED | FY01 | 23,298,088 | 2,522,747 | 12.14% | |
| (1) TAX FUNDED | FY00 | 20,775,341 | 1,494,665 | 7.75% | |
| TAX FUNDED | FY99 | 19,280,676 | 1,925,733 | 11.10% | |
| TAX FUNDED | FY98 | 17,354,943 | 1,541,002 | 9.74% | |

(1) CORRECTIONS REVENUE INCLUDED 250,000 IN FY00, 600,000 IN FY01, 750,000 IN FY02, 700,000 IN FY03 AND 500,000 FOR FY04 FOR STATE PRISONER REIMBURSEMENT. THIS LOWERED THE INCREASE IN THE TAX FUNDED PORTION OF THE BUDGET.

BUDGETS FOR MAJOR CAPITAL IMPROVEMENTS SUCH AS THE NEW JUVENILE DETENTION FACILITY ARE NOT REFLECTED IN THIS SCHEDULE.

No human services costs included in this

LANCASTER COUNTY
HEALTH AND DENTAL INSURANCE MONTHLY RATES
EFFECTIVE JANUARY 1, 2004 THROUGH DECEMBER 31, 2004
FOR *AFSCME/*NON-REPRESENTED/UNCLASSIFIED

UNITED HEALTHCARE SELECTPLUS VALUE POS

| | <u>SINGLE</u> | <u>2/4 PARTY</u> | <u>FAMILY</u> |
|-----------------|-----------------|------------------|--------------------|
| FULL PREMIUM | \$408.84 | \$919.92 | \$1,226.52 |
| COUNTY SHARE | <u>\$408.84</u> | <u>\$781.94</u> | <u>\$ 1,042.54</u> |
| *EMPLOYEE SHARE | \$ 0.00 | \$137.98 | \$ 183.98 |

AMERITAS DENTAL

| | <u>SINGLE</u> | <u>2/4 PARTY</u> | <u>FAMILY</u> |
|-----------------|-----------------|------------------|-----------------|
| FULL PREMIUM | \$ 23.46 | \$ 52.98 | \$ 82.49 |
| COUNTY SHARE | <u>\$ 17.60</u> | <u>\$ 39.74</u> | <u>\$ 61.87</u> |
| *EMPLOYEE SHARE | \$ 5.86 | \$ 13.24 | \$ 20.62 |

EYEMED VISION CARE

| | <u>SINGLE</u> | <u>2-PARTY</u> | <u>4-PARTY</u> | <u>FAMILY</u> |
|----------------|---------------|----------------|----------------|---------------|
| EMPLOYEE SHARE | \$ 7.98 | \$ 15.16 | \$ 15.96 | \$ 23.94 |

There are four enrollment options available for health/dental/vision coverage. They are:

Single. Provides coverage for employee only.

Two-Party. Provides coverage for employee and spouse. This option does not provide coverage for children.

Four-Party. Provides coverage for employee and any number of eligible dependent children. This option does not provide coverage for a spouse.

Family. Provides coverage for employee, spouse, and any number of eligible dependent children.

* Must complete 90 days of employment before employee is eligible for County contribution.

UnitedHealthcare Plan 017

Pharmacy Management Program

UnitedHealthcare's pharmacy management program provides clinical pharmacy services that promote choice, accessibility and value. The program offers a broad network of pharmacies (more than 50,000 nationwide) to provide convenient access to medications.

While most pharmacies participate in our network, you should check first. Call your pharmacist or visit our online pharmacy service at www.myuhc.com. The online service offers you home delivery of prescriptions, ability to view personal benefit coverage, access health and well being information, and even location of network retail neighborhood pharmacies by zip code.

Copayment per Prescription Order or Refill

For a single Copayment, you may receive a Prescription Drug Product up to the stated supply limit. Some products are subject to additional supply limits. You are responsible for paying the lower of the applicable Copayment or the retail Network Pharmacy's Usual and Customary Charge, or the lower of the applicable Copayment or the mail order Pharmacy's Prescription Drug Cost.

Also note that some Prescription Drug Products require that you notify us in advance to determine whether the Prescription Drug Product meets the definition of a Covered Health Service and is not Experimental, Investigational or Unproven

| | Generic Prescription Drug Product | Brand-name Prescription Drug Product on the Preferred Drug List* | Brand-name Prescription Drug Product not on the Preferred Drug List |
|------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------|
| Retail Network Pharmacy For up to a 31 day supply | \$10 | \$25 | \$40 |
| Mail Service Network Pharmacy For up to a 90 day supply | \$25 | \$62.50 | \$100 |
| Retail Non-Network Pharmacy For up to a 31 day supply | \$10 | \$25 | \$40 |

*Our Preferred Drug List includes those drugs available to you at the most affordable cost. It is one of the best ways to maximize your prescription drug benefits. The drug list, developed by physicians and pharmacists on our national Pharmacy and Therapeutics committee, includes a wide selection of generic and brand name prescription medications commonly prescribed by physicians. The Preferred Drug List is updated throughout the year. The most current version is available at our online pharmacy at www.myuhc.com

Choice Plus *Benefits Summary*

Types of Coverage

This Benefit Summary is intended only to highlight your Benefits and should not be relied upon to fully determine coverage. This benefit plan may not cover all of your health care expenses. More complete descriptions of Benefits and the terms under which they are provided are contained in the Certificate of Coverage that you will receive upon enrolling in the Plan.

If this Benefit Summary conflicts in any way with the Policy issued to your employer, the Policy shall prevail.

Terms that are capitalized in the Benefit Summary are defined in the Certificate of Coverage.

Where Benefits are subject to day, visit and/or dollar limits, such limits apply to the combined use of Benefits whether in-Network or out-of-Network, except where mandated by state law.

Network health care services under this benefit plan are covered only when provided, arranged, or authorized by a Network Physician:

*Prior Notification is required for certain services received from non-Network providers.

Network Benefits / Copayment Amounts

Annual Deductible: \$250 per Covered Person per calendar year, not to exceed \$500 for all Covered Persons in a family.

Out-of-Pocket Maximum: \$500 per Covered Person per calendar year, not to exceed \$1,000 for all Covered Persons in a family. The Out-of-Pocket Maximum does not include the Annual Deductible. Copayments for some Covered Health Services will never apply to the Out-of-Pocket Maximum as specified in Section 1 of the COC.

Maximum Policy Benefit: No Maximum Policy Benefit

Non-Network Benefits / Copayment Amounts

Annual Deductible: \$250 per Covered Person per calendar year, not to exceed \$500 for all Covered Persons in a family.

Out-of-Pocket Maximum: \$1,250 per Covered Person per calendar year, not to exceed \$2,500 for all Covered Persons in a family. The Out-of-Pocket Maximum does not include the Annual Deductible. Copayments for some Covered Health Services will never apply to the Out-of-Pocket Maximum as specified in Section 1 of the COC.

Maximum Policy Benefit: \$1,000,000 per Covered Person

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Ambulance Services – Emergency only | Ground Transportation: 10% of Eligible Expenses Air Transportation: 10% of Eligible Expenses | Same as Network Benefit |
| 2. Dental Services – Accident only | *10% of Eligible Expenses *Prior notification is required before follow-up treatment begins. | Same as Network Benefit |
| 3. Durable Medical Equipment Network and Non-Network Benefits for Durable Medical Equipment are limited to \$2,500 per calendar year. | 10% of Eligible Expenses | *20% of Eligible Expenses *Prior notification is required when the cost is more than \$1,000 |
| 4. Emergency Health Services | \$100 per visit | Same as Network Benefit *Notification is required if results in an Inpatient Stay. |
| 5. Eye Examinations Refractive eye examinations are limited to one every other calendar year from a Network Provider. | \$15 per visit | 20% of Eligible Expenses Eye Examinations for refractive errors are not covered. |
| 6. Home Health Care Network and Non-Network Benefits are limited to 60 visits for skilled care services per calendar year. | 10% of Eligible Expenses | *20% of Eligible Expenses |
| 7. Hospice Care Network and Non-Network Benefits are limited to 360 days during the entire period of time a Covered Person is covered under the Policy. | 10% of Eligible Expenses | *20% of Eligible Expenses |
| 8. Hospital – Inpatient Stay | 10% of Eligible Expenses | *20% of Eligible Expenses |
| 9. Injections Received in a Physician's Office | \$15 per visit | 20% per injection |
| 10. Maternity Services | Same as 8, 11, 12 and 13 No Copayment applies to Physician office visits for prenatal care after the first visit. | Same as 8, 11, 12 and 13 *Notification is required if Inpatient Stay exceeds 48 hours following a normal vaginal delivery or 96 hours following a cesarean section delivery. |
| 11. Outpatient Surgery, Diagnostic and Therapeutic Services | 10% of Eligible Expenses (except as covered under Physician Office Services). | 20% of Eligible Expenses |
| 12. Physician's Office Services | \$15 per visit. No Copayment applies when a Physician charge is not assessed. | 20% of Eligible Expenses |

YOUR BENEFITS

Types of Coverage

| Types of Coverage | Network Benefits / Copayment Amounts | Non-Network Benefits / Copayment Amounts |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------------------|
| 13. Professional Fees for Surgical and Medical Services | 10% of Eligible Expenses | 20% of Eligible Expenses |
| 14. Prosthetic Devices Network and Non-Network Benefits for prosthetic devices are limited to \$2,500 per calendar year. | 10% of Eligible Expenses | 20% of Eligible Expenses |
| 15. Reconstructive Procedures | Same as 8, 11, 12, 13 and 14 | *Same as 8, 11, 12, 13 and 14 |
| 16. Rehabilitation Services - Outpatient Therapy Network and Non-Network Benefits are limited as follows: 20 visits of physical therapy; 20 visits of occupational therapy; 20 visits of speech therapy; 20 visits of pulmonary rehabilitation; and 36 visits of cardiac rehabilitation per calendar year. | \$15 per visit | 20% of Eligible Expenses |
| 17. Skilled Nursing Facility/Inpatient Rehabilitation Facility Services Network and Non-Network Benefits are limited to 60 days per calendar year. | 10% of Eligible Expenses | *20% of Eligible Expenses |
| 18. Transplantation Services | 10% of Eligible Expenses | *20% of Eligible Expenses |
| 19. Urgent Care Center Services | \$35 per visit | Benefits are limited to \$30,000 per transplant 20% of Eligible Expenses |

Additional Benefits

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dental Services - Hospital/Medical | Same as 11 and 13 | Same as 11 and 13 |
| Diabetes Treatment | 10% for equipment and supplies; \$15 per visit for diabetes self-management training | 20% for equipment and supplies; \$30 per visit for diabetes self-management training *Prior notification is required when the cost is more than \$1,000. |
| Mental Health and Substance Abuse Services - Outpatient Must receive prior authorization through the Mental Health/Substance Abuse Designee. Network and Non-Network Benefits are limited to 20 visits per calendar year. | \$15 per individual visit; \$10 per group visit. | 20% of Eligible Expenses |
| Mental Health and Substance Abuse Services - Inpatient and Intermediate Must receive prior authorization through the Mental Health/Substance Abuse Designee. Network and Non-Network Benefits are limited to 30 days per calendar year. | 10% of Eligible Expenses | 20% of Eligible Expenses |
| Mental Health Services - Serious Mental Illness (Outpatient) | Same as 11, 12 and 13 | Same as 11, 12 and 13 |
| Mental Health Services - Serious Mental Illness (Inpatient) | Same as 8 and 13 | Same as 8 and 13 |
| Spinal Treatment Benefits include diagnosis and related services and are limited to one visit and treatment per day. Network and Non-Network Benefits are limited to 24 visits per calendar year. | \$15 per visit | 20% of Eligible Expenses |
| Temporomandibular Joint Disorder (TMJ) Benefits are subject to a Maximum Policy Benefit of \$2,500. | Same as 8, 11, 12, 13, 14, and 15 | Same as 8, 11, 12, 13, 14, and 15 |

**LANCASTER COUNTY LEGISLATIVE PROPOSALS
2004 LEGISLATIVE SESSION**

INTRODUCTION

The 2003 Legislative Session was dominated by budget cuts and revenue shortfalls. Lancaster County suffered reductions in State aid of \$81,900.00, prisoner reimbursement in the amount of \$200,000.00 and most significantly, a reduction of \$1,000,000.00 in Medicaid funding for Lancaster Manor.

In spite of these funding setbacks, the County did experience some success on its legislative agenda:

1. The County Purchasing Act was amended to allow waiver of competitive bidding requirements when the price of goods or services is established pursuant to a cooperative purchasing agreement with other governmental entities (LB41);

2. The office of jury commissioner can now be located with either the election commission or the clerk of the District Court (LB19);

3. The Nebraska Visitors Development Act was amended to allow three hotel representatives if the Visitors Promotion Committee is expanded to seven members (LB726);

4. Neb. Rev. Stat. §23-135 was amended to allow counties to prepay for services rendered by the State (LB331).

The upcoming legislative session is the second year of the State's biennial budget cycle. Unfortunately, the State is projecting a \$200,000,000.00 revenue shortfall based on collections through September 30, 2003. Thus budget concerns will once again dominate County's legislative strategy for the 2004 Session. Moreover, the short session will make it difficult to introduce new proposals or vigorously pursue existing proposals of importance to the County. On the other hand, pursuit of our legislative agenda is a multi-year process, and the County should not only continue to work on old priorities but should also develop new proposals.

EXISTING PRIORITIES

Budget Concerns

With State revenue collection lagging behind projections by approximately \$200,000,000.00, the protection of existing revenue streams is a key legislative priority for Lancaster County. Defensively, the County will seek to protect existing jail reimbursement and State aid dollars. Strong opposition to the elimination or modification of the County inheritance tax will also be an important

part of the County's defensive strategy.

Part of the County's strategy involves tying State funding for County operations to the concept of property tax relief. This direct correlation is evidenced by the large declines in State aid over the last two legislative sessions and the corresponding pressure on our tax levy. Ironically, this shift to the property tax is now creating pressure on the legislature to tighten local budget lids. The County will need to monitor any such legislation and oppose it accordingly.

The budget strategy of the County also has an offensive component. We need to work affirmatively to restore Medicaid cuts for Lancaster Manor. Although the Manor can draw on reserves to cover the loss this budget year, an infusion of property tax will be necessary the following budget year unless the Medicaid funding is restored. Another offensive strategy involves working to change the formulas for the distribution of State aid and the gas tax to give Lancaster County a more equitable share of these funds.

Mental Health System

For many years Lancaster County has sought a legislative solution to the problem of post commitment patients being held at the Crisis Center because the State refuses to accept them. During the 2003 session, the legislature passed LB724, which calls for a complete reorganization of the mental health system in the State of Nebraska. Thus the County's approach to solving this problem will change dramatically. The County will need to work with the State to increase community-based services, while at the same time oppose the shifting of costs for behavioral health from the State to local property tax payers.

Juvenile Justice

Another important priority for the County is maintaining adequate funding for community-based juvenile services. The upcoming year will provide challenges in this area. The federal grant supporting Families First and Foremost (F3) draws to a close at the end of this budget year. Maintaining the system of care developed by F3 is of critical importance to the County's juvenile justice system. The same system of care has been utilized effectively by the County in its contract with Health and Human Services to provide wrap around services to State wards through the Integrated Care Coordination Unit (ICCU). The contract is funded with State child welfare funds. The opportunity exists to expand our contractual relationship with HHS to provide preventative services for youth who are in danger of becoming State wards. Interestingly, this would directly affect the population presently served by F3. Other untapped financial resources include Medicaid and funding through the Office of Juvenile Services.

Another important revenue source for community-based juvenile programs is LB640, passed by the Legislature in 2001. Although LB640 funds were reduced by the Legislature in 2002, no reductions were made during the 2003 legislative session. Preservation of funding under LB640 should continue to be a major priority for the County in its efforts to sustain the F3 system of care.

Legislation which could affect how community-based juvenile services are delivered is LB724 (reorganization of the mental health system). A proposal within LB724 calls for changes to the regional governing boards. In turn, this could affect the County's position on moving the ICCU and

F3 to Region V.

Other Priorities

Other county priorities were acted upon during the legislative session. LB80, calling for a one year delay in the sale of real estate for delinquent taxes, was indefinitely postponed. LB661, giving counties the right to determine whether building permits should be required for residences located on farmsteads, was also indefinitely postponed. However, the Government, Military and Veterans Affairs Committee intends to conduct a private study regarding this bill. In LB448, the County sought to give the board of equalization an additional week to hear protests by changing the protest filing date to June 25. Although this bill was summarily killed by the committee, the County may want to submit another proposal which gives the board of equalization until August 10 to decide protests.

Another County priority addressed by the Legislature was LB567, authorizing counties to enact ordinances. This bill was incorporated into LR91 for further study. One of the questions being examined is whether counties should be given broad ordinance powers or whether specific topics for regulation by ordinance should be enumerated. The County's objective of regulating nudity in bars should be addressed in the review of LB567.

Finally, LB377 incorporated the County's proposal to mandate payment of inmate medical expenses at the Medicaid rate. This bill generated a lively debate at the hearing and it remains in the Judiciary Committee.

NEW PROPOSALS

1. **Institute a Registration Fee for Public Defender Services**

This fee has been proposed as a funding mechanism for programs such as the indigency screener. This concept is similar to a proposal requiring defendants represented by the public defender to help defray some of the costs of their representation, depending on their ability to pay.

2. **Payment of Candidate Filing Fees**

Currently, individuals filing with the election commissioner to run for local office must first pay a filing fee to the county treasurer. Candidates should be allowed to pay the filing fee to the election commissioner at the time of filing, who will then forward the filing fee to the treasurer.

3. **Administrative Approval of Final Plats**

The County Board is looking for ways to streamline the process for subdividing land. One possibility is to delegate authority to approve final plats to either the Planning Commission or Planning Director. The Board would retain its authority with regard to approval of preliminary plats. Thus final plats could be administratively approved so long as the conditions set forth in the preliminary plat have been met. First, however, it may be necessary to amend Neb. Rev. Stat. §23-174.03 (Reissue 1997) to give the Board the authority to delegate approval of final plats.

4. **Engine Brakes**

Technically, a county has power to prohibit engine braking only on interstate highways within its jurisdiction. See Neb. Rev. Stat §60-680 (Cum.Supp 2002). Responding to an increase in the number of complaints regarding engine braking on local roads, the County Board recently passed a resolution prohibiting engine braking on public roads within Lancaster County's jurisdiction. The board relied on §68-680 (1)(x), which authorizes local authorities to, "Adopt other traffic regulations except as prohibited by state law or contrary to state law." A possible legal challenge could be made against the resolution because State statute specifically mentions the interstate system as the only type of road where counties can prohibit the use of engine brakes. This problem could be removed by amending §60-680 to give counties the power to prohibit the use of engine brakes on all county roads.

5. **Costs of Collecting Delinquent Taxes**

Under existing law, counties are required to bear the entire cost of collecting delinquent taxes; yet other levying entities share in the revenue collected. It would be more equitable to distribute the financial burden of collecting delinquent taxes among all the political entities which share in the revenue.

6. **Economic Development**

Lancaster County is interested in examining legislative incentives for economic development, including the possibility of establishing property tax benefits or State rebates.

7. **General Assistance for Nonresidents Receiving Long-Term Treatment**

Counties have a statutory obligation to provide temporary economic or medical assistance to nonresidents who fall within the General Assistance guidelines of the county. During the past year, Lancaster County has received claims for General Assistance from nonresidents who are participating in long-term alcohol and treatment programs. A strict application of statutory guidelines would require the County to pay the claims and then request the county of residence to immediately remove the person from our jurisdiction. From a public policy point of view, it makes more sense to require the nonresident to apply for assistance from their home county, while at the same time allowing them to remain in treatment.

8. **Complete Record Fee**

The Nebraska Association of County Officials (NACO) is sponsoring a proposal to amend Neb. Rev. Stat §33-106 (Reissue 1998) to remove language which allows the \$15 complete record fee to be waived by the parties. It has been suggested by the Clerk of the District Court that the complete record fee should also be increased. The additional funds could be used to help defray the District Court Clerk's increasing costs of records management.

EXISTING PROPOSALS

1. Amend Neb. Rev. Stat. §48-818 to Include Ability to Pay

The terms, conditions and wages of governmental service are subject to review and modification by the Commission of Industrial Relations in accordance with the provisions of the Industrial Relations Act, Neb. Rev. Stat. §48-801 through 842 (Reissue 1998). Pursuant to §48-818, "...the Commission of Industrial Relations shall establish rates of pay and conditions of employment which are comparable to the prevalent wage rates paid and conditions of employment maintained for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions..."

Conspicuously missing from this statutory formula is the ability to pay. In other words, the County may be required to fund large increases in wages and benefits, regardless of the impact on the budget. This problem is exacerbated by reductions in State funding and budget lids. Moreover, strict adherence to comparability can lead to large increases in wages and benefits for the government sector while wages in the community remain steady or decline due to recession.

2. Ultimate Fighting

In recent years ultimate fighting has made its way into Lincoln bars. Local authorities have attempted to block it with existing criminal statutes and ordinances. A legal action was filed seeking to enjoin the City's efforts to prohibit the activity. The Honorable Paul Merritt issued an opinion in that case holding that ultimate fighting is subject to regulation by the State Athletic Commission. This decision was reversed on appeal and remanded to the trial court.

During the 2002 session Senator Hartnett introduced LB 1034 to prohibit ultimate fighting. Due to conflicting schedules, key City and County personnel were unable to attend the hearing and voice support. The Bill was indefinitely postponed. However, it remains a high priority for local law enforcement agencies and the County Attorney.

3. Civil Liability for Dishonored Checks

The Lancaster County Attorney devotes a staff attorney to the prosecution of dishonored checks. If budget shortfalls continue, this position may be eliminated. Unfortunately, the high costs of collection preclude private collection of bad checks through civil court. Other states have statutes which allow holders of dishonored checks to recoup these costs, including attorneys fees. Such legislation would provide a remedy for businesses and individuals who are victimized by bad check writers, as well as free up resources in the County Attorneys Office.

4. Eliminate Responsibility of Counties to Pay HHS Rent

When the State assumed responsibility for welfare, a legislative provision was added requiring counties to maintain facilities for HHS as they existed on April 1, 1983. Counties should be relieved of this responsibility. The fiscal impact on the State could be softened by either phasing in the change or delaying the effective date.

5. **Amend Neb. Rev. Stat. §77-1507(4)**

In 1999 this statute was amended by LB 194 to prohibit counties from adding omitted property to the tax rolls which was properly reported to the assessor after June 25 of the year or years in which the property was omitted. The intent of LB 194 was to end the practice of some county assessors of equalizing values beyond the deadline of June 25 by use of omitted value provisions. The restriction is written so broadly that counties are prohibited from capturing omitted value on properties for previous years. The County believes this amounts to an unconstitutional commutation of taxes.

A possible solution to this problem is to amend §77-1507(4) to limit the ability of counties to collect interest and penalties on property which was properly reported but inadvertently left off the tax rolls.

6. **Tax Exemption Status for Assisted Living Facilities**

In the case of Bethesda Foundation v. Buffalo County Board of Equalization, 263 Neb. 454 (2002), the Nebraska Supreme Court expanded Nebraska law to grant tax exempt status to a nonprofit assisted living facility. The ramifications of this decision could result in a large number of properties being taken off the tax rolls in Lancaster County. Many assisted living facilities are presently operating for profit. By simply changing their status to nonprofit they will now be able to claim exemption from property taxes. The County Attorney's Office believes legislation is needed to prevent this reduction of the property tax base.

7. **Repeal Neb. Rev. Stat. §23-346.01**

This statute requires county clerks to estimate annual supplies for the operation of county government. The Clerk in Lancaster County has not performed this function for many years and §23-346.01 should be repealed.

8. **Emergency Protective Custody Powers for Juvenile Detention**

Juvenile Detention Director Dennis Banks has identified a serious problem with regard to the inability of juvenile detention facilities to place youth in emergency protective custody (EPC). He is proposing an amendment to Neb. Rev. Stat. §83-1020 to allow personnel in youth detention facilities to authorize EPC of juveniles in their facilities.

9. **Civil Protective Custody**

A law enforcement officer has the power to place an intoxicated person in civil protective custody (CPC) pursuant to Neb. Rev. Stat. §53-1,121. Cornhusker Place, which provides CPC services to Lancaster County, has expressed its concern that the CPC statute applies only to alcohol and not to drugs. Thus the authority of a law enforcement officer to place a person into CPC should be expanded to include drugs.

10. **Avoidance of Motor Vehicle Sales Tax**

The Lancaster County Treasurer's Office has expressed concern regarding the practice of avoiding sales tax on new vehicle purchases by having a nominee purchase the car and then make a

gift to the intended purchaser. Although this practice is illegal, State officials have been reluctant to enforce it. The Treasurer is seeking the right to directly impose sales tax on the fraudulent gift.

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SARPY COUNTY, NEBRASKA
JUVENILE NON-DETENTION COSTS
1990 FY THROUGH 2004 FY

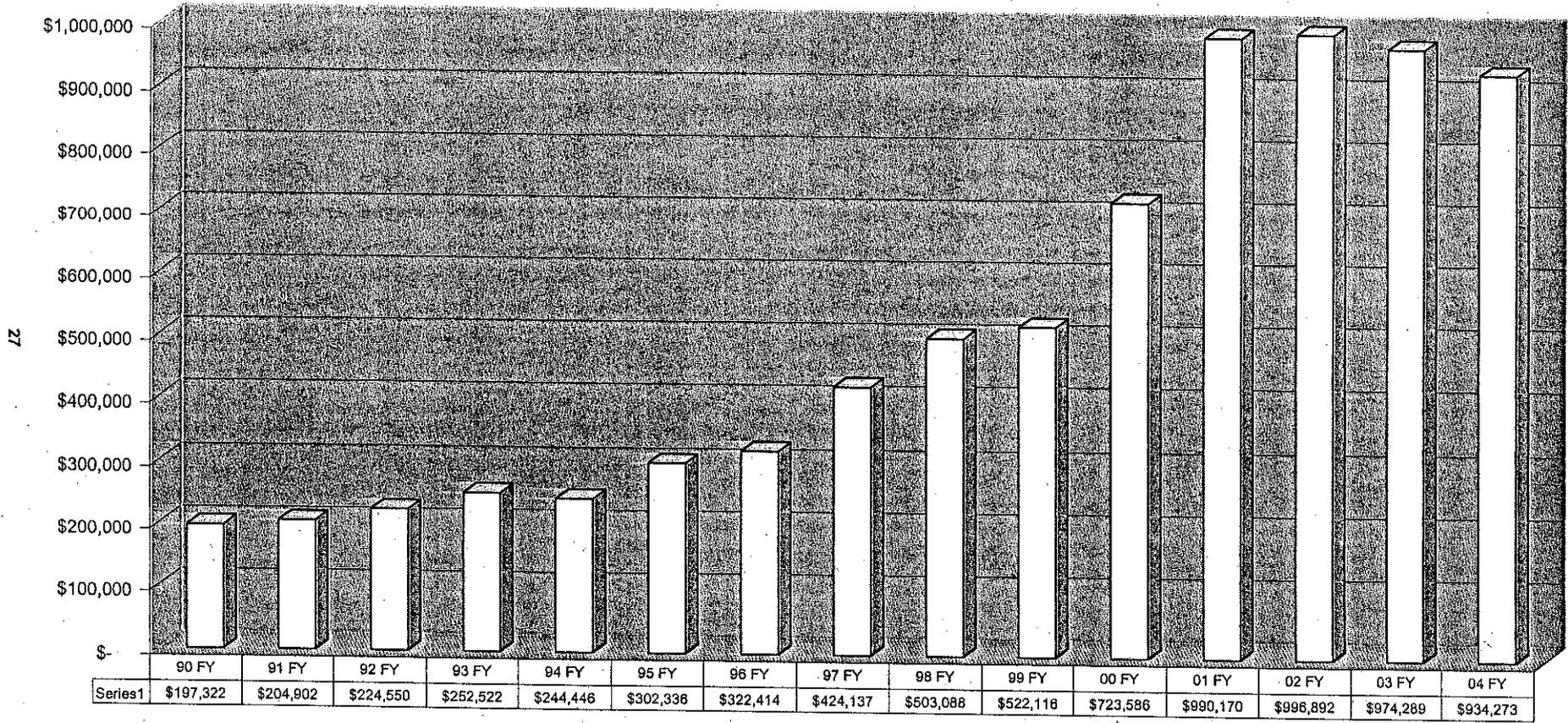
| | | 90 FY | 91 FY | 92 FY | 93 FY | 94 FY | 95 FY | 96 FY | 97 FY | 98 FY | 99 FY | 00 FY | 01 FY | 02 FY | 03 FY | 04 FY Budgeted |
|-------|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-------------------|
| 0100 | | | | | | | | | | | | | | | | |
| 62300 | Juvenile Probation | | | | 37,430 | 9,801 | 11,179 | 15,642 | 19,637 | 18,453 | 22,151 | 16,785 | 24,403 | 39,399 | 27,984 | 33,625 |
| 0100 | | | | | | | | | | | | | | | | |
| 62350 | Juvenile Judge | 96,807 | 103,168 | 114,319 | 99,903 | 116,697 | 167,749 | 165,987 | 208,141 | 244,001 | 251,837 | 276,684 | 327,148 | 302,987 | 308,435 | 365,665 |
| 0100 | | | | | | | | | | | | | | | | |
| 65900 | Juvenile Intake | 76,665 | 77,813 | 85,387 | 88,644 | 88,450 | 91,192 | 81,966 | 105,893 | 114,574 | 116,448 | 82,451 | 76,697 | 113,360 | 123,288 | 161,300 |
| 0100 | | | | | | | | | | | | | | | | |
| 63000 | CASA | 23,850 | 23,921 | 24,844 | 26,545 | 29,498 | 32,216 | 36,350 | 21,503 | 27,149 | 27,764 | 27,606 | 30,513 | 31,646 | 40,908 | 52,778 |
| 2551 | | | | | | | | | | | | | | | | |
| 65201 | CCP-Diversion | | | | | | | 22,469 | 43,374 | 31,653 | 35,578 | 31,685 | 63,886 | 26,641 | 31,318 | 4,000 |
| 2554 | | | | | | | | | | | | | | | | |
| 65207 | FG-GREAT | | | | | | | | 25,589 | 67,258 | 38,112 | 148,890 | 133,476 | 92,955 | 172,731 | 114,199 |
| 2370 | | | | | | | | | | | | | | | | |
| 65201 | FG-Drug Court | | | | | | | | | | | 20,226 | 9,317 | 460 | 399 | 22,600 |
| 2371 | | | | | | | | | | | | | | | | |
| 66800 | FG-JAIBG | | | | | | | | | | | 61,806 | 151,122 | 153,960 | 77,029 | 88,314 |
| 2372 | | | | | | | | | | | | | | | | |
| 66950 | FG-Title 1D | | | | | | | | | | | 21,524 | 40,570 | 44,750 | 34,278 | 43,007 |
| 2555 | | | | | | | | | | | | | | | | |
| 65208 | FG-Youth Diversion | | | | | | | | | | | 35,816 | 27,770 | 2,984 | - | - |
| 2556 | | | | | | | | | | | | | | | | |
| 91700 | FG-Juv. Pretrial Diversion | | | | | | | | | | | 11,022 | 10,051 | 5,127 | - | - |
| 2547 | | | | | | | | | | | | | | | | |
| 65203 | FG-Cops in School | | | | | | | | | | | | 104,074 | 114,644 | 62,899 | - |
| 2558 | | | | | | | | | | | | | | | | |
| 65209 | FG-Youth Project | | | | | | | | | | | | | 31,830 | 49,989 | 14,398 |
| 2559 | | | | | | | | | | | | | | | | |
| 65210 | FG-Tobacco Free | | | | | | | | | | | | | | 36,210 | 45,430 |
| | | | | | | | | | | | | | | | | |
| | TOTAL | 197,322 | 204,902 | 224,550 | 252,522 | 244,446 | 302,336 | 322,414 | 424,137 | 503,088 | 522,116 | 723,586 | 990,170 | 996,892 | 974,289 | 934,273 |

Note: The County Attorney, Public Defender, Sheriff, and Community Service have had increased costs attributable to Juveniles, but the Juvenile costs are not segregated.

SARPY COUNTY, NEBRASKA
JUVENILE DETENTION COSTS
1990 FY THROUGH 2004 FY

| Detention Facility Costs | Actual 90 FY | Actual 91 FY | Actual 92 FY | Actual 93 FY | Actual 94 FY | Actual 95 FY | Actual 96 FY | Actual 97 FY | Actual 98 FY | Actual 99 FY | Actual 00 FY | Actual 01 FY | Actual 02 FY | Actual 03 FY | Budgeted 04 FY |
|---------------------------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Boys Town/Flannigan | | | | | \$ 4,005 | \$ 21,740 | \$ 25,407 | | | | | | | | |
| Wayne | \$ 8,392 | | | | \$ 7,900 | \$ 48,600 | \$ 66,516 | | | | | | | | |
| Douglas County | \$ 48,978 | \$ 73,456 | \$ 71,593 | \$ 70,722 | \$ 76,793 | \$ 87,420 | \$ 115,600 | \$ 120,000 | \$ 105,700 | \$ 218,400 | \$ 315,120 | \$ 436,352 | \$ 332,731 | \$ 320,124 | |
| Attention Center | \$ 1,364 | | \$ 50 | | | \$ 90 | | | | | | | | | |
| South West Iowa | | | | | \$ 3,600 | | | | | | | | | | |
| Midlands | | | | | \$ 15,750 | \$ 67,030 | \$ 82,850 | \$ 3,242 | \$ 800 | | | | | | |
| YES | | | | | \$ 19,828 | \$ 69,800 | \$ 126,378 | \$ 163,400 | \$ 151,430 | \$ 133,000 | \$ 159,125 | \$ 136,800 | \$ 125,210 | \$ 102,600 | |
| CARE Homes | | | \$ 2,625 | \$ 16,030 | \$ 17,250 | \$ 25,790 | \$ 10,546 | | | | | | | | |
| Scottsbluff | | | | | | \$ 500 | | | | | | | | | |
| Uta Halea | | | | | | \$ 520 | | | | | | | | | |
| Harbinger Home | | | | | | \$ 28,880 | \$ 285,820 | \$ 201,345 | \$ 63,080 | \$ 22,800 | | | | | |
| BI, Inc. | | | | | | \$ 4,300 | \$ 2,801 | | | | | | | | |
| St. Joseph Ctr for Mental Health | | | | | | | \$ 4,875 | | | | | | | | |
| Methodist Richard Young | | | | | | | | \$ 120 | | | | | | | |
| Dept of Correctional Services | | | | | | | | \$ 1,031 | | | | | | | |
| Harvest Haven | | | | | | | | | | | | | \$ 4,180 | | |
| Northeast Nebraska Juv. Serv. | | | | | | | | | | | | | \$ 2,190 | | |
| Total Detention Facility Costs | \$ 58,734 | \$ 73,456 | \$ 74,268 | \$ 86,752 | \$ 145,126 | \$ 355,670 | \$ 720,793 | \$ 489,138 | \$ 321,010 | \$ 374,200 | \$ 474,245 | \$ 573,152 | \$ 464,311 | \$ 422,724 | \$ 350,000 |
| Other Juvenile Program Costs: | | | | | | | | | | | | | | | |
| Gen Fund-Juvenile Services | | | | | | \$ 64,378 | \$ 177,118 | \$ 330,273 | \$ 489,019 | \$ 627,836 | \$ 621,345 | \$ 635,357 | \$ 822,372 | \$ 1,177,887 | \$ 1,181,351 |
| State Grant-Juvenile Justice | | | \$ 55,403 | \$ 74,590 | \$ 86,091 | \$ 42,813 | \$ 630 | \$ 72,679 | \$ 75,805 | \$ 93,555 | \$ 78,185 | \$ 130,284 | \$ 61,304 | \$ 114,845 | \$ 47,121 |
| CCP Grant-Juvenile Detention | | | | | | \$ 92,868 | \$ 67,884 | \$ 33,496 | \$ 6,763 | | | | | | |
| Gen Fund-Jail | | \$ 20,474 | | | | | | | | | | | | | |
| Juv Services LB 640 | | | | | | | | | | | | | | | |
| Total Juvenile Detention Costs | \$ 58,734 | \$ 93,930 | \$ 129,671 | \$ 161,342 | \$ 231,217 | \$ 462,861 | \$ 991,409 | \$ 959,974 | \$ 899,330 | \$ 1,102,354 | \$ 1,173,775 | \$ 1,338,793 | \$ 1,347,987 | \$ 1,750,281 | \$ 1,759,677 |

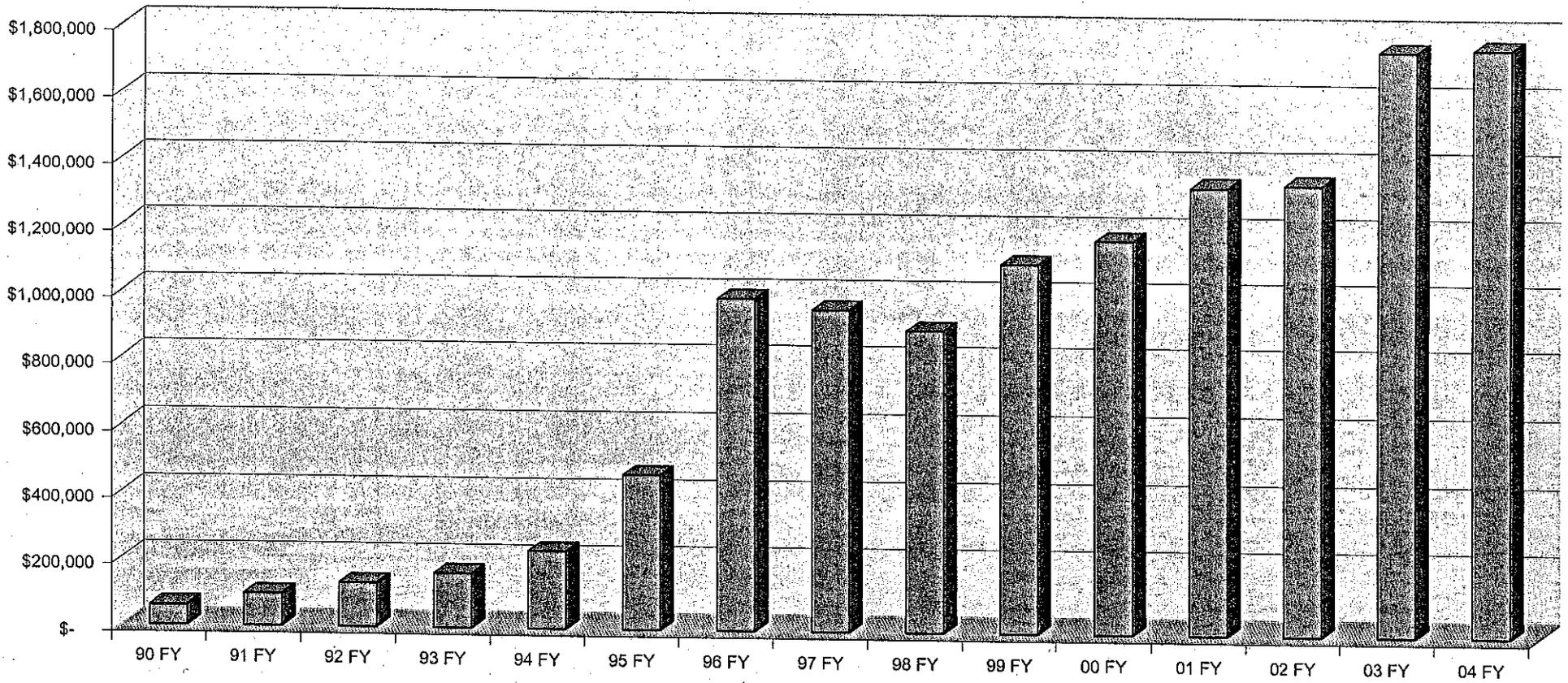
SARPY COUNTY, NEBRASKA
 JUVENILE NON-DETENTION COSTS
 1990 FY THRU 2003 FY



Juvenile Non-detention costs thru 2004 fy CHART

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SARPY COUNTY, NEBRASKA
JUVENILE DETENTION COSTS
1990 FY THRU 2004 FY



28

Juvenile Detention Costs thru 2004 FY Chart

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1-4

Sarpy County, Nebraska
 Juvenile Evaluation Treatment Costs - by Vendor
 2003 FY

0100 62350

Juvenile Court Judge

| | | |
|-------------------------------------------------------|----|-----------------|
| Rainbow of Hope | | |
| Building Heroes Within - Substance Abusers Program | \$ | 2,150.00 |
| Building Heroes Within - Adolescent Treatment Program | \$ | 23,600.00 |
| Chemical Dependency Evaluation | \$ | <u>1,400.00</u> |
| | \$ | 27,150.00 |
| | | |
| Great Plains Counseling Center | | |
| Diagnostic Interview | \$ | 647.40 |
| Individual Session | \$ | <u>1,328.16</u> |
| | \$ | 1,975.56 |
| | | |
| Lutheran Family Service | | |
| Psychological Evaluation | \$ | 169.08 |
| Substance Abuse Evaluation | \$ | <u>96.10</u> |
| | \$ | 265.18 |
| | | |
| The Discovery Center | | |
| Outpatient Treatment | \$ | <u>1,230.00</u> |
| | \$ | 1,230.00 |
| | | |
| Sarpy County Juvenile Intake | | |
| Anti-Smoking Program | \$ | <u>150.00</u> |
| | \$ | 150.00 |
| | | |
| Richard Young Center | | |
| Addictions Assessment | \$ | <u>110.00</u> |
| | \$ | 110.00 |
| | | |
| Safety & Health Council of Omaha | | |
| Step Forward | \$ | <u>50.00</u> |
| | \$ | 50.00 |
| | | |
| Glenda Cottam | | |
| Insurance Claim Form - Treatment not specified | \$ | <u>324.87</u> |
| | \$ | 324.87 |
| | | |
| Creighton Medical Laboratories | | |
| Drug confirmation | \$ | <u>18.13</u> |
| | \$ | 18.13 |
| | | |
| William Chervinka | | |
| Court ordered evaluation | \$ | <u>500.00</u> |
| | \$ | 500.00 |
| | | |
| Mary Ivancovich | | |
| Court ordered reimbursement for counseling | \$ | <u>450.00</u> |
| | \$ | 450.00 |

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Sarpy County, Nebraska
 Juvenile Evaluation Treatment Costs - by Vendor
 2003 FY

| | | |
|-------------------------------------------------|-------------------------|--------------------------|
| Family Services | | |
| Insurance Claim Forms - Treatment not specified | \$ | 525.52 |
| | \$ | <u>525.52</u> |
| Transitions Recovery Program | | |
| Treatment not specified | \$ | 80.00 |
| | \$ | <u>80.00</u> |
| Total Juvenile Court Judge | \$ | <u>32,829.26</u> |
| | | |
| 2558 65209 | FG-Youth Project | |
| Rainbow of Hope | | |
| Lifeskills Development Class | \$ | 8,353.00 |
| Mary Nelson | | |
| Character Counts Class | \$ | 1,000.00 |
| Visinet | | |
| Transportation | \$ | 4,735.00 |
| Kevin Covi | | |
| Mentoring Program | \$ | 492.50 |
| Andy Jashinske | | |
| Mentoring Program | \$ | <u>678.43</u> |
| Total FG-Youth Project | \$ | <u>15,258.93</u> |
| | | |
| 2371 66800 | FG-JAIBG | |
| State Probation - Drug Coordinator Salary | \$ | 55,252.25 |
| Youth Attendant salary & benefits | \$ | <u>21,776.41</u> |
| Total FG-JAIBG | \$ | <u>77,028.66</u> |
| | | |
| 0100 65900 | Juvenile Intake | |
| State Probation - Testing | \$ | 3,750.00 |
| Salary & benefits | \$ | <u>114,525.71</u> |
| Total Juvenile Intake | \$ | <u>118,275.71</u> |
| | | |
| 0100 63000 | CASA | |
| Salary & benefits | \$ | 35,145.82 |
| CASA Volunteer mileage reimbursements | \$ | <u>1,913.27</u> |
| Total CASA | \$ | <u>37,059.09</u> |
| | | |
| 2551 65201 | CCP-Diversion | |

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Sarpy County, Nebraska
 Juvenile Evaluation Treatment Costs - by Vendor
 2003 FY

| | | |
|-------------------|----------------------------------|-----------------------------|
| | Salary & benefits | \$ <u>30,821.70</u> |
| | Total CCP-Diversion | \$ <u>30,821.70</u> |
| 2372 66950 | SG-Juvenile Justice | |
| | Salary & benefits | \$ <u>31,159.83</u> |
| | Total SG-Juvenile Justice | \$ <u>31,159.83</u> |
| 2559 65210 | FG-Tobacco Free | |
| | Compliance Checks | \$ 839.93 |
| | Salary & Benefits | \$ <u>22,520.61</u> |
| | Total FG-Tobacco Free | \$ <u>23,360.54</u> |
| 0100 66900 | CARE | |
| | Salary & Benefits | \$ <u>576,419.74</u> |
| | Total CARE | \$ <u>576,419.74</u> |
| 0100 66950 | Holdover | |
| | Salary & Benefits | \$ <u>426,948.88</u> |
| | Total Holdover | \$ 426,948.88 |
| | Grand Total | \$ 1,369,162.34 |



Brian:

Here is the breakdown of the Rainbow of Hope Costs since July 2003

| | | | |
|---------------------|---------------------------------------------------|------------|---------------------------|
| July 22, 2003 | Building Heroes (Aftercare)- | \$ 750.00 | |
| | Adolescent Treatment Program | \$1,000.00 | |
| | Aftercare Services - | \$ 450.00 | \$2,200.00 |
| August 19, 2003 | Chemical Dependency Evaluation - | \$ 95.00 | |
| | Relapse Prevention program - | \$ 750.00 | |
| | Building Heroes -(20 Wk Program) | \$1,600.00 | \$2,445.00 |
| Sept. 30, 2003 | Building Heroes- (20 wk Program) | \$1,800.00 | \$1,800.00 |
| October 28, 2003 | Building Heroes (Treatment/Aftercare Program - | \$3,200.00 | |
| | Building Heroes (Aftercare) | \$1,500.00 | |
| | Chemical Evaluation | \$ 95.00 | |
| | Chemical Evaluation (No sheet) | \$ 95.00 | \$4,890.00 |
| Total Costs. | | | <u>\$11,335.00</u> |

| FUND INVOICE NO. | FUNC | OBJ & | SOBJ DATE | CLAIM NUMBER | CLAIM AMOUNT | DATE APPROVED | VENDOR NUMBER & VENDOR NAME | CLAIM DESCRIPTION & WARRANT NUMBER | |
|------------------|-------|-------|---------------|--------------|--------------|---------------|-------------------------------------|-----------------------------------------|-------------|
| 0100 | 65200 | 2 | 2915 05/31/03 | 03-12220 | \$3,072.00 | 07/01/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING FOR MAY 2003 04-00033 | CLEARED |
| 0100 | 65200 | 2 | 2915 06/30/03 | 04-00369 | \$7,895.50 | 07/22/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING JUNE 04-00354 | CLEARED |
| 0100 | 65200 | 2 | 2915 07/31/03 | 04-01169 | \$4,591.00 | 08/19/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING JULY 2003 04-00896 | CLEARED |
| 0100 | 65200 | 2 | 2915 08/31/03 | 04-03145 | \$6,738.00 | 09/16/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING 8-2003 04-01315 | CLEARED |
| 0100 | 65200 | 2 | 2915 09/30/03 | 04-04104 | \$7,141.00 | 10/14/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING SEPTEMBER 2003 04-01797 | APPROVED |
| 0100 | 65200 | 2 | 2915 10/31/03 | 04-05074 | \$6,267.00 | 11/18/03 | 00419 EASTERN NEB FORENSIC LAB, INC | DRUG TESTING OCTOBER 2003 00- | OUTSTANDING |

There are total of 6 claims for \$ 35,704.50

△ $32.632 \div 5 \times 12 = \underline{\underline{\$78,316}}$

2003FY Exp = \$51,479

Legislative Handouts
November 4, 2003

1. NACO Legislative Proposals
 - a. Potential Legislative Proposals
 - b. Exhibits-Potential Legislative Issues
 - c. 2004 Carryover Bills and NACO Positions
2. LB32 Stormwater Runoff Bill
 - a. Minutes October 23 Stormwater Legislative Kick-Off Meeting
 - b. Attendees October 23 Meeting
 - c. Public Forum on Municipal Stormwater Management Funding Needs
October 29
 - d. List of Supporters to be Developed
 - e. Next Meeting: December 4, 2003, 2-4 p.m., Mahoney State Park
3. State Budget
 - a. "State's Revenue Forecast Full of Tricks, Not Treats", Omaha World-Herald, October 31, 2003
 - b. "Budget May Need More Cuts", Omaha World-Herald, November 1, 2003
4. Separate Mental Health Handout, October 6, 2003 (*BONDS ONLY*)

Potential 2004 Legislative Issues

County Operations

1. **Loosen budget and levy limits for counties.** In addition to statutory levy and budget restrictions, counties are constitutionally limited to a levy of fifty cents per one hundred dollars of valuation. As fixed county expenses continue to soar and more costs are pushed to counties from the state and federal governments, counties need more flexibility in budgeting and taxing authority. This could be achieved in part by exempting big-ticket items from county budgets. For example, appraisal costs could be excluded from levy and budget limits or some type of credit provided for these costs.
2. **Counties should be given the same right of initiative and referendum as cities and villages.** Currently counties have no authority to place items on the ballot, except bonds and similar issues. This issue has been introduced several times in recent years but has not been debated by the full Legislature. Historically, counties may have had this authority but it was repealed in 1974 following a series of recodifications.
3. **Strengthen and clarify statutes regarding road right of way and the clearance and removal of trees and brush.** State law requires mowing of rights of way twice each year (§39-1811) but landowners often fail to mow and counties cannot afford to assume this responsibility despite safety concerns for the traveling public. If a county resident complains, the county board must cause the weeds to be mowed, ascertain the costs, and file a statement with the county clerk. The mowing costs may be assessed upon the abutting land at the time of the annual tax levy. Trees, undergrowth and hedge fences must be trimmed at least once a year to a specified level from the ground. §39-1812. If such maintenance is not performed, it is the duty of the person in charge of road maintenance for the area to report in writing to the county attorney and county board and to declare the growth to be a public nuisance. The county attorney serves written notice on the landowner and if the growth is not trimmed, a hearing before the county board is set. The board may declare the growth a public nuisance and order immediate trimming of the growth. If compliance is not made within 30 days, the county board shall cause it to be done, with the costs included on the county tax list as an assessment against the land. These processes should be simplified to procedures similar to weed control measures.
4. **Give counties authority to regulate the placement of utility lines within the right of way.** The federal telecommunications act of 1996 limited county authority to regulate utility line placement and LB 496 (1999) imposed further reductions. Counties should be given greater authority to charge a fee and regulate the placement of lines in county rights of way.
5. **Create income standards for indigent defendants.** Many defendants seek court-appointed attorneys even though they are employed and could, by all appearances, pay their own attorney fees. If a defendant asserts that he or she is indigent, the court must make a reasonable inquiry to determine his or her financial condition and may require the execution of an affidavit of indigency. §29-2903. In order to be eligible for free civil legal services, a person's income level must be less than 125 percent of the federal poverty level and the case

must fall within the guidelines set by the Commission on Public Advocacy, §25-3001. Some counties have created specific criteria for the court to consider.

6. **Create consistent general assistance guidelines or require consultation before approving claim for other county.** Because legal settlement cannot be obtained until a person has resided continuously within a county for six months without public assistance (§68-115), one county often makes decisions for another regarding the amount of general assistance provided to an individual who has changed their residence. Under existing statutes, if a resident of County A moves to County B, but continues to request general assistance or other aid, County B determines how much assistance to provide and bills County A. County B becomes responsible for providing general assistance only after the person has obtained legal settlement in County B by residing there for six months without requesting assistance.
7. **Impose an extraction or tonnage tax on stone quarries and other mining.** Recent Supreme Court cases have held that the assessment of mineral interests only on properties owned or under lease to mining companies violates the uniformity clause of the constitution. Because mining equipment and transporting gravel and other mined materials takes a toll on county roads, counties should be allowed to impose a tax or fee on mining or mined materials.

Revenue - Taxation and Assessment

8. **Counties should be given more authority to determine the tax-exempt status of nonprofit entities.** Counties are asked to give exemptions to low income housing, youth homes, and other facilities, in addition to churches and similar entities. These entities must make application to the county assessor for an exemption that is decided by the county board of equalization based on the assessor's recommendation. Five statutory criteria must be met to qualify for an exemption. Rules and regulations interpreting these statutes are developed by the Property Tax Administrator. §77-202.06 Entities that are denied an exemption can appeal to the TERC. §77-202.04. Because the county tax base is diluted by each exemption granted, counties should be given more discretion to determine which entities deserve an exemption.
9. **Eliminate the interest on omitted personal property.** Personal property that was omitted and later added to the tax list is subject to a penalty of ten percent or twenty-five percent, depending upon the time the omitted property was added. The tax and penalty is subject to the statutory rate of interest, currently 14 percent, from the time the tax is delinquent until it is paid. §77-1233.04.
10. **Give NACO a voice in reviewing the values of centrally-assessed properties.** These valuations, which are determined by the Property Tax Administrator, have not increased proportionately in recent years. Because local governments are the recipients of these funds, counties should be given a role in determining the values.
11. **Change record owner date for notice of valuation increases.** Under a law enacted in 2002, notices of valuation changes must be sent to the owner of record by May 20 (§77-

1315). If the owner of record has changed near this date, it is often too late for the assessor to send timely notice so that the new owner can protest to the county board of equalization. This date should be moved to May 1.

12. **Create separate values for land that uses water from reservoirs.** Due to low water levels in many reservoirs, water is not available to meet the needs of ag land or recreational users. These entities should be given a decreased valuation to reflect the changed usage.

Judiciary - Courts

13. **Refresh master jury list every other year.** Pursuant to a recommendation of the Minority and Justice Task Force, LB 19 (2003) requires annually refreshing the master jury list. Annually refreshing the jury list is cost-prohibitive for counties with a small number of jury trials. Of 70 counties responding to a survey from the Clerks of the District Court, fourteen counties refresh the jury list every year, but most refresh the jury list every two years. Of the 70 counties, 22 did not have a jury trial in the past year.
14. **Clarify complete record fee waiver language.** LB 760 (2003) provided for a waiver of the complete record fee in Title IV-D cases, in forma pauperis filings, and cases filed by county attorneys. In other types of cases, the parties could expressly provide for a waiver. An amendment was proposed last year but not offered before the bill was adopted that would eliminate the latter waiver and eliminate the advance payment of fees in Title IV-D cases or those filed by the county attorney or in forma pauperis.
15. **Eliminate the mailing of judgement postcards or require the prevailing party to provide notice.** Within three days after the entry of a civil judgement, the clerk of the district court must send a postcard to each party or his or her attorney to advise them that a judgement has been entered and the date of entry. A Supreme Court decision held that the failure of a bailiff to send such notice on a summary judgement resulted in a new trial. In South Dakota, the party or his or her attorney provides notice of the judgement to the clerk of the district court and mails copies to the judgement debtor, the present owner of the judgement as shown by the docket, and to their attorneys of record, if any.

Transportation - Motor Vehicles

16. **Personalized license plates for larger trucks.** Personalized plates are only available for trucks up to 10 tons (§60-311.10). A treasurer received a request for personalized plates for a 16 ton truck. The Department of Motor Vehicles has indicated that they would not oppose an increase.
17. **Increase title, duplicate title and lien fees.** Total fees for motor vehicle titles were last increased by \$4.00 twenty years ago. The \$3.25 portion retained by counties was not changed at that time. Instead, the entire increase was earmarked for the Department of Motor Vehicles' county computerization project. Similarly, total fees for noting liens last increased from \$3.00 to \$7.00 in 1993. The county portion increased by \$1.00, from \$2.00 to \$3.00,

while the state's share increased from \$1.00 to \$4.00. §60-110. Counties retain all of the \$14 fee on duplicate titles. Under this proposal, title fees would increase from \$10 to \$15, fees for lien notations would increase from \$7 to \$10, and duplicate title fees would increase from \$14 to \$20.

Miscellaneous

18. **Clean up outdated roads statutes, particularly 39-2123.** This section requires all county boards to develop a numbering system for its arterial and collector roads within two years after the Board of Public Roads Classifications and Standards prescribed rules and regulations. According to the Department of Roads, the statute was never implemented and should be eliminated. This section was adopted when the functional classification system for all highways was developed in 1969 (LB 1302). As originally introduced, the bill required implementation of a numbering system "for its prime roads as funds are available." This language was eliminated in a committee amendment. In addition, a committee could be formed to review and revise Chapter 39.
19. **Increase fees for tax sales certificates.** A \$10 fee is charged for the issuance of a tax sales certificate on parcels with delinquent property taxes. Because many certificates are purchased by out of state investors or firms, increasing the fee would raise county revenue without cost to most Nebraska taxpayers. When legislation was introduced in 2000 to increase the fee from \$10 to \$25, Lancaster County estimated \$20,000 in additional revenue and \$156,000 in receipts was anticipated statewide. 77-1823. The fee was increased from fifty cents to two dollars in 1989 and increased to ten dollars in 1995. The fifty-cent rate had been in statute since 1903.
20. **Impose a bottle tax to help reduce roadside littering.** Some land owners/farmers are resistant to mowing because cans and bottles clog their mowers and chippers. A bottle deposit would discourage littering and make right of way maintenance easier.

Potential 2004 Legislative Issues – Exhibits

County Operations

1. *Loosen budget and levy limits for counties.*

XVIII-5 County taxes; limitation.

County authorities shall never assess taxes the aggregate of which shall exceed *fifty cents per one hundred dollars of taxable value* as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.

Source: Neb. Const. art. IX, sec. 5 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 28; Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 5; Amended 1992, Laws 1992, LR 219CA, sec. 1.

2. *Counties should be given the same right of initiative and referendum as cities and villages.*

3. *Strengthen and clarify statutes regarding road right of way and the clearance and removal of trees and brush.*

39-1811 Weeds; mowing; duty of landowner; neglect of duty; obligation of county board; cost; assessment and collection.

(1) *It shall be the duty of the landowners in this state to mow all weeds that can be mowed with the ordinary farm mower to the middle of all public roads and drainage ditches running along their lands at least twice each year, namely, before July 15, for the first time and sometime in August for the second time.*

(2) Whenever a landowner, referred to in subsections (1) and (3) of this section, neglects to mow the weeds as provided in this section, it shall be the duty of the county board on complaint of any resident of the county to cause the weed to be mowed or otherwise destroyed on neglected portions of roads or ditches complained of.

(3) The county board shall cause to be ascertained and recorded an accurate account of the cost of mowing or destroying such weeds, as referred to in subsections (1) and (2) of this section, in such places, specifying, in such statement or account of costs, the description of the land abutting upon each side of the highway of the lands abutting on each side of the road where such expenses were incurred, and the county board, at the time of the annual tax levy made upon lands and property of the county, may, if it desires, assess such cost upon such abutting land, giving such landowner due notice of such proposed assessment and reasonable opportunity to be heard concerning the proposed assessment before the same is finally made.

Source: Laws 1957, c. 155, art. V, §§ 11, p. 555.

4. *Give counties authority to regulate the placement of utility lines within the right of way.*

86-704 Telecommunications companies; right-of-way; wires; municipalities; powers and duties.

(1) *Any telecommunications company, incorporated or qualified to do business in this state, is granted the right to construct, operate, and maintain telecommunications lines and related facilities along, upon, across, and under the public highways of this state, and upon and under lands in this state, whether state or privately owned, except that (a) such lines and related facilities shall be so constructed and maintained as not to interfere with the ordinary use of such lands or of such highways by the public and (b) all aerial wires and cables shall be placed at a height of not less than eighteen feet above all highway crossings.*

(2) Sections 86-701 to 86-707 shall not transfer the rights now vested in municipalities in relation to the regulation of the poles, wires, cables, and other appliances or authorize a telecommunications company to

erect any poles or construct any conduit, cable, or other facilities along, upon, across, or under a public highway within a municipality without first obtaining the consent of the governing body of the municipality. The municipality shall not exercise any authority over any rights the telecommunications company may have to deliver telecommunications services as authorized by the Public Service Commission or the Federal Communications Commission.

(3) Consent from a governing body for the use of a public highway within a municipality shall be based upon a lawful exercise of its statutory and constitutional authority. Such consent shall not be unreasonably withheld, and a preference or disadvantage shall not be created through the granting or withholding of such consent. A municipality shall not adopt an ordinance that prohibits or has the effect of prohibiting the ability of a telecommunications company to provide telecommunications service.

(4) (a) A municipality shall not levy a tax, fee, or charge for any right or privilege of engaging in a telecommunications business or for the use by a telecommunications company of a public highway other than:

(i) An occupation tax authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525; and

(ii) A public highway construction permit fee or charge to the extent that the fee or charge applies to all persons seeking use of the public highway in a substantially similar manner. All public highway construction permit fees or charges shall be directly related to the costs incurred by the municipality in providing services relating to the granting or administration of permits. Any highway construction permit fee or charge shall also be reasonably related in time to the occurrence of such costs.

(b) Any tax, fee, or charge imposed by a municipality shall be competitively neutral.

(5) The changes made by Laws 1999, LB 496, shall not be construed to affect the terms or conditions of any franchise, license, or permit issued by a municipality prior to August 28, 1999, or to release any party from any obligations thereunder. Such franchises, licenses, or permits shall remain fully enforceable in accordance with their terms. A municipality may lawfully enter into agreements with franchise holders, licensees, or permittees to modify or terminate an existing franchise, license, or agreement.

(6) Taxes or fees shall not be collected by a municipality through the provision of in-kind services by a telecommunications company, and a municipality shall not require the provision of in-kind services as a condition of consent to the use of a public highway.

(7) The terms of any agreement between a municipality and a telecommunications company regarding use of public highways shall be matters of public record and shall be made available to any member of the public upon request, except that information submitted to a municipality by a telecommunications company which such telecommunications company determines to be proprietary shall be deemed to be a trade secret pursuant to subdivision (3) of section 84-712.05 and shall be accorded full protection from disclosure to third parties in a manner consistent with state law.

Source: Laws 1887, c. 87, §§ 1, p. 634; R.S.1913, §§ 7418; C.S.1922, §§ 7097; C.S.1929, §§ 86-301; Laws 1931, c. 158, §§ 1, p. 419; Laws 1941, c. 193, §§ 1, p. 762; C.S.Supp., 1941, §§ 86-301; Laws 1943, c. 231, §§ 1, p. 778; R.S.1943, §§ 86-301; Laws 1999, LB 496, §§ 1; R.S.1943, (1999), §§ 86-301; Laws 2002, LB 1105, §§ 409.

5. *Create income standards for indigent defendants.*

29-3902 Indigent defendant; right to counsel.

At a felony defendant's first appearance before a court, the court shall advise him or her of the right to court-appointed counsel if he or she is indigent.

If he or she asserts indigency, the court shall make a reasonable inquiry to determine his or her financial condition and may require him or her to execute an affidavit of indigency. If the court determines him or her to be indigent, it shall formally appoint the public defender to represent him or her in all proceedings before the court and shall make a notation of such appointment and appearances of the public defender upon the felony complaint. The same procedure shall be followed by the court in misdemeanor cases

punishable by imprisonment.

Source: Laws 1972, LB 1463, §§ 4; Laws 1975, LB 285, §§ 2; Laws 1984, LB 189, §§ 3; R.S.1943, (1989), §§ 29-1804.05; Laws 1990, LB 822, §§ 20.

6. *Create consistent general assistance guidelines or require consultation before approving claim for other county.*

68-115 Legal settlement, defined; exclusions; minors; termination.

(1) The term legal settlement for all public assistance programs shall be taken and considered to mean as follows:

Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a legal settlement in such county.

Every person who has resided one year continuously within the state, but not in any one county shall have a legal settlement in the county in which he or she has resided six months continuously.

(2) The time during which a person has been an inmate of any public or private charitable or penal institution, or has received care at public expense in any type of care home, nursing home, or board and room facility licensed as such and caring for more than one patient or guest, and *each month during which he or she has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence* hereunder, as referred to in subsection (1) of this section.

(3) Every minor who is not emancipated and settled in his or her own right shall have the same legal settlement as the parent with whom he or she has resided.

(4) A legal settlement in this state shall be terminated and lost by (a) acquiring a new one in another state or by (b) voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

Source: R.S.1866, c. 40, §§ 15, p. 277; R.S.1913, §§ 5809; C.S.1922, §§ 5154; C.S.1929, §§ 68-115; Laws 1933, c. 118, §§ 9, p. 483; C.S.Supp.,1941, §§ 68-115; R.S.1943, §§ 68-115; Laws 1953, c. 229, §§ 1, p. 800; Laws 1961, c. 327, §§ 1, p. 1034; Laws 1975, LB 165, §§ 1; Laws 1982, LB 522, §§ 24; Laws 1982, LB 602, §§ 3; Laws 1983, LB 604, §§ 20.

7. *Impose an extraction or tonnage tax on stone quarries and other mining.*

Revenue - Taxation and Assessment

8. *Counties should be given more authority to determine the tax-exempt status of nonprofit entities.*

77-202 Property taxable; exemptions enumerated.

(1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions to the extent used or being developed for use by the state or governmental subdivision for a public purpose. For purposes of this subdivision, public purpose means use of the property (i) to provide public services with or without cost to the recipient, including the general operation of government, public education, public safety, transportation, public works, civil and criminal justice, public health and welfare, developments by a public housing authority, parks, culture, recreation, community development, and cemetery purposes, or (ii) to carry out the duties and responsibilities conferred by law with or without consideration. Public purpose does not include leasing of property to a private party unless the lease of the property is at fair market value for a public purpose. Leases of property by a public housing authority to low-income individuals as a place of residence are for the authority's public purpose;

(b) Unleased property of the state or its governmental subdivisions which is not being used or developed for use for a public purpose but upon which a payment in lieu of taxes is paid for public safety, rescue, and emergency services and road or street construction or maintenance services to all governmental units providing such services to the property. Except as provided in Article VIII, section 11, of the Constitution of Nebraska, the payment in lieu of taxes shall be based on the proportionate share of the cost of providing public safety, rescue, or emergency services and road or street construction or maintenance services unless a general policy is adopted by the governing body of the governmental subdivision providing such services which provides for a different method of determining the amount of the payment in lieu of taxes. The governing body may adopt a general policy by ordinance or resolution for determining the amount of payment in lieu of taxes by majority vote after a hearing on the ordinance or resolution. Such ordinance or resolution shall nevertheless result in an equitable contribution for the cost of providing such services to the exempt property;

(c) Property owned by and used exclusively for agricultural and horticultural societies;

(d) *Property owned by educational, religious, charitable, or cemetery organizations, or any organization for the exclusive benefit of any such educational, religious, charitable, or cemetery organization, and used exclusively for educational, religious, charitable, or cemetery purposes*, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization means (A) an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or assisting students through services relating to the origination, processing, or guarantying of federally reinsured student loans for higher education or (B) a museum or historical society operated exclusively for the benefit and education of the public.

For purposes of this subdivision, charitable organization means an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons; and

(e) Household goods and personal effects not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the valuation of land.

(3) Tangible personal property which is not depreciable tangible personal property as defined in section 77-119 shall be exempt from property tax.

(4) Motor vehicles required to be registered for operation on the highways of this state shall be exempt from payment of property taxes.

(5) Business and agricultural inventory shall be exempt from the personal property tax. For purposes of this subsection, business inventory includes personal property owned for purposes of leasing or renting such property to others for financial gain only if the personal property is of a type which in the ordinary course of business is leased or rented thirty days or less and may be returned at the option of the lessee or renter at any time and the personal property is of a type which would be considered household goods or personal effects if owned by an individual. All other personal property owned for purposes of leasing or renting such property to others for financial gain shall not be considered business inventory.

(6) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.

(7) Livestock shall be exempt from the personal property tax.

Source: Laws 1903, c. 73, §§ 13, p. 390; R.S.1913, §§ 6301; Laws 1921, c. 133, art. II, §§ 2, p. 547; C.S.1922, §§ 5821; C.S.1929, §§ 77-202; R.S.1943, §§ 77-202; Laws 1955, c. 290, §§ 1, p. 921; Laws 1965, c. 468, §§ 1, p. 1514; Laws 1965, c. 469, §§ 1, p. 1516; Laws 1967, c. 494, §§ 1, p. 1685; Laws 1967, c. 495, §§ 1, p. 1686; Laws 1971, LB

945, §§ 2; Laws 1975, LB 530, §§ 3; Laws 1980, LB 882, §§ 1; Laws 1980, LB 913, §§ 1; Laws 1982, LB 383, §§ 5; Laws 1984, LB 891, §§ 1; Laws 1985, LB 268, §§ 1; Laws 1986, LB 732, §§ 1; Laws 1987, LB 775, §§ 13; Laws 1988, LB 855, §§ 3; Laws 1989, Spec. Sess., LB 7, §§ 2; Laws 1991, LB 829, §§ 7; Laws 1992, LB 1063, §§ 53; Laws 1992, Second Spec. Sess., LB 1, §§ 51; Laws 1994, LB 961, §§ 7; Laws 1997, LB 271, §§ 39; Laws 1999, LB 271, §§ 4; Laws 2002, LB 994, §§ 10. Effective date April 20, 2002.

9. *Eliminate the interest on omitted personal property.*

77-1233.04 Tangible personal property tax returns; change in value; omitted property; procedure; penalty; county assessor; duties.

(1) The county assessor shall list and value at net book value any item of tangible personal property omitted from a personal property return of any taxpayer and change the reported valuation of any item of tangible personal property listed on the return to conform the valuation to net book value. If a taxpayer fails or refuses to file a personal property return, the assessor shall, on behalf of the taxpayer, file a personal property return which shall list and value all of the taxpayer's taxable personal property at net book value. The county assessor shall list or change the valuation of any item of tangible personal property for the current taxing period and the three previous taxing periods or any taxing period included therein.

(2) The tangible personal property so listed and valued shall be taxed at the same rate as would have been imposed upon the property in the tax district in which the property should have been returned for taxation.

(3) Any valuation added to a personal property return or added through the filing of a personal property return, after May 1 and on or before July 31 of the year the property is required to be reported, shall be subject to a penalty of ten percent of the tax due on the value added.

(4) Any valuation added to a personal property return or added through the filing of a personal property return, on or after August 1 of the year the property is required to be reported, shall be subject to a penalty of twenty-five percent of the tax due on the value added.

(5) *Interest shall be assessed upon both the tax and the penalty at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid.*

(6) Whenever valuation changes are made to a personal property return or a personal property return is filed pursuant to this section, the county assessor shall correct the assessment roll and tax list, if necessary, to reflect such changes. Such corrections shall be made for the current taxing period and the three previous taxing periods or any taxing period included therein. If the change results in a decreased taxable valuation on the personal property return and the personal property tax has been paid prior to a correction pursuant to this section, the taxpayer may request a refund or credit of the tax in the same manner prescribed in section 77-1734.01, except that such request shall be made within three years after the date the tax was due.

Source: Laws 1947, c. 250, §§ 42, p. 805; Laws 1965, c. 474, §§ 1, p. 1526; Laws 1965, c. 475, §§ 2, p. 1530; Laws 1967, c. 499, §§ 1, p. 1692; Laws 1980, LB 834, §§ 59; Laws 1981, LB 167, §§ 39; Laws 1984, LB 835, §§ 4; Laws 1987, LB 508, §§ 11; R.S. Supp., 1988, §§ 77-412; Laws 1990, LB 821, §§ 47; Laws 1992, LB 1063, §§ 102; Laws 1992, Second Spec. Sess., LB 1, §§ 75; Laws 1995, LB 490, §§ 93; Laws 1997, LB 270, §§ 53; Laws 1999, LB 194, §§ 12; Laws 2000, LB 968, §§ 44.

10. *Give NACO a voice in reviewing the values of centrally-assessed properties.*

77-601 Railroad operating property; assessment.

The Property Tax Administrator shall assess all operating property of the railroads and railroad corporations in the State of Nebraska as defined in section 77-602.

Source: Laws 1903, c. 73, §§ 85, p. 413; Laws 1909, c. 111, §§ 1, p. 441; R.S.1913, §§ 6375; Laws 1921, c. 133, art. VI, §§ 1, p. 554; C.S.1922, §§ 5839; C.S.1929, §§ 77-501; R.S.1943, §§ 77-601; Laws 1969, c. 645, §§ 3, p. 2559; Laws 1969, c. 658, §§ 1, p. 2575; Laws 1979, LB 105, §§ 1; Laws 1985, LB 268, §§ 3; Laws 1995, LB 490, §§ 60.

11. *Change record owner date for notice of valuation increases.*

77-1315 Adjustment to real property assessment roll; county assessor; duties; publication.

(1) The county assessor shall, after March 20 and on or before June 1, implement adjustments to the real property assessment roll for actions of the agricultural and horticultural land valuation board and the Tax Equalization and Review Commission.

(2) *On or before June 1, the county assessor shall notify the owner of record as of May 20 of every item of real property which has been assessed at a value different than in the previous year.* Such notice shall be given by first-class mail addressed to such owner's last-known address. It shall identify the item of real property and state the old and new valuation, the date of convening of the county board of equalization, the dates for filing a protest, and the average level of value of all classes and subclasses of real property in the county as determined by the Tax Equalization and Review Commission.

(3) Immediately upon completion of the assessment roll, the county assessor shall cause to be published in a newspaper of general circulation in the county a certification that the assessment roll is complete and notices of valuation changes have been mailed and provide the final date for filing valuation protests with the county board of equalization.

(4) The county assessor shall annually, on or before June 6, post in his or her office and, as designated by the county board, mail to a newspaper of general circulation and to licensed broadcast media in the county the assessment ratios as found in his or her county as determined by the Tax Equalization and Review Commission and any other statistical measures, including, but not limited to, the assessment-to-sales ratio, the coefficient of dispersion, and the price-related differential.

Source: Laws 1903, c. 73, §§ 116, p. 427; Laws 1909, c. 111, §§ 1, p. 444; R.S.1913, §§ 6431; C.S.1922, §§ 5966; Laws 1927, c. 179, §§ 1, p. 519; C.S.1929, §§ 77-1612; R.S.1943, §§ 77-1315; Laws 1947, c. 250, §§ 26, p. 798; Laws 1947, c. 251, §§ 34, p. 825; Laws 1953, c. 271, §§ 1, p. 896; Laws 1953, c. 270, §§ 4, p. 894; Laws 1953, c. 272, §§ 1, p. 897; Laws 1959, c. 355, §§ 22, p. 1266; Laws 1959, c. 370, §§ 4, p. 1305; Laws 1971, LB 209, §§ 1; Laws 1979, LB 187, §§ 206; Laws 1984, LB 660, §§ 1; Laws 1992, LB 1063, §§ 120; Laws 1992, Second Spec. Sess., LB 1, §§ 93; Laws 1994, LB 902, §§ 16; Laws 1995, LB 452, §§ 18; Laws 1997, LB 270, §§ 68; Laws 1999, LB 194, §§ 17; Laws 2001, LB 156, §§ 1; Laws 2001, LB 170, §§ 6; Laws 2002, LB 994, §§ 12. Effective date April 20, 2002.

12. *Create separate values for land that uses water from reservoirs.*

Judiciary - Courts

13. *Refresh master jury list every other year.*

25-1628 Jury list; how made up.

At least once each calendar year, the officer having charge of the election records shall furnish to the jury commissioner a complete list of the names, dates of birth, and addresses of all registered electors nineteen years of age or older in the county. The Department of Motor Vehicles shall make available to each jury commissioner each December a list in magnetic, optical, digital, or other electronic format mutually agreed to by the jury commissioner and the department containing the names, dates of birth, and addresses of all licensed motor vehicle operators nineteen years of age or older in the county. The jury commissioner may request such a list of licensed motor vehicle operators from the county treasurer if the county treasurer has an automated procedure for developing such lists. If a jury commissioner requests similar lists at other times from

the department, the cost of processing such lists shall be paid by the county which the requesting jury commissioner serves.

At least once each calendar year upon receipt of both lists, the jury commissioner shall combine the separate lists and attempt to reduce duplication to the best of his or her ability to produce a master list. The proposed juror list shall be derived by selecting from the master list the name of the person whose numerical order on such list corresponds with the key number and each successive tenth name thereafter. The jury commissioner shall certify that the proposed juror list has been made in accordance with sections 25-1625 to 251637.

Any duplication of names on a master list shall not be grounds for quashing any panel pursuant to section 25-1637 or for the disqualification of any juror.

Source: Laws 1915, c. 248, §§ 4, p. 569; C.S.1922, §§ 9098; C.S.1929, §§ 20-1628; R.S.1943, §§ 25-1628; Laws 1957, c. 88, §§ 1, p. 337; Laws 1971, LB 11, §§ 1; Laws 1985, LB 113, §§ 2; Laws 1988, LB 111, §§ 1; Laws 1989, LB 82, §§ 1; Laws 2003, LB 19, §§ 5. Effective date August 31, 2003.

14. *Clarify complete record fee waiver language.*

33-106 Clerk of the district court; fees; enumerated.

(1) In addition to the judges retirement fund fee and the fee provided in section 33-106.03 and except as otherwise provided by law, the fees of the clerk of the district court shall be as follows: There shall be a docket fee of forty dollars for each civil and criminal case except (a) a case commenced by filing a transcript of judgment as hereinafter provided, (b) proceedings under the Nebraska Workers' Compensation Act and the Employment Security Law, when provision is made for the fees that may be charged, and (c) a criminal case appealed to the district court from any court inferior thereto as hereinafter provided. There shall be a docket fee of twenty-five dollars for each case commenced by filing a transcript of judgment from another court in this state for the purpose of obtaining a lien. There shall be a docket fee of twenty-five dollars for each criminal case appealed to the district court from any court inferior thereto.

(2) In all cases, other than those appealed from an inferior court or original filings which are within jurisdictional limits of an inferior court and when a jury is demanded in district court, the docket fee shall cover all fees of the clerk, except that the clerk shall be paid for each copy or transcript ordered of any pleading, record, or other paper and that the clerk shall be entitled to a fee of fifteen dollars for making a complete record of a case.

(3) *The fee for making a complete record of a case shall be taxed as a part of the costs of the case, except when expressly waived by the parties to the action. In a Title IV-D case, in a case filed pursuant to sections 25-2301 to 25-2310, or in a case filed by a county attorney, the fee for making a complete record of a case shall be waived. In all civil cases, except habeas corpus cases in which a poverty affidavit is filed and approved by the court, and for all other services, the docket fee or other fee shall be paid by the party filing the case or requesting the service at the time the case is filed or the service requested.*

(4) For any other service which may be rendered or performed by the clerk but which is not required in the discharge of his or her official duties, the fee shall be the same as that of a notary public but in no case less than one dollar.

Source: R.S.1866, c. 19, §§ 3, p. 157; Laws 1877, §§ 5, p. 217; Laws 1899, c. 31, §§ 1, p. 164; Laws 1905, c. 68, §§ 1, p. 363; Laws 1909, c. 55, §§ 1, p. 280; R.S.1913, §§§§ 2421, 2429; Laws 1917, c. 40, §§ 1, p. 119; Laws 1919, c. 82, §§ 1, p. 204; C.S.1922, §§§§ 2362, 2369; Laws 1925, c. 81, §§ 1, p. 255; Laws 1927, c. 118, §§ 1, p. 328; C.S.1929, §§§§ 33-101, 33-108; R.S.1943, §§ 33-106; Laws 1947, c. 120, §§ 1, p. 353; Laws 1949, c. 94, §§ 1(1), p. 252; Laws 1951, c. 106, §§ 2, p. 512; Laws 1959, c. 140, §§ 4, p. 546; Laws 1961, c. 157, §§ 1, p. 480; Laws 1965, c. 125, §§ 3, p. 463; Laws 1977, LB 126, §§ 2; Laws 1981, LB 84, §§ 1; Laws 1983, LB 617, §§ 4; Laws 1986, LB 811, §§ 14; Laws 1986, LB 333, §§ 8; Laws 2003, LB 760, §§ 13. Effective date May 24, 2003.

15. *Eliminate the mailing of judgement postcards or require the prevailing party to provide notice.*

25-1301.01 Civil judgment; mailing of copy; duty of clerk; exception.

Within three working days after the entry of any civil judgment, except judgments by default when service has been obtained by publication or an appearance of the defaulting party has been made, *the clerk of the court shall send a postcard* or notice by United States mail to each party whose address appears in the records of the action, or to the party's attorney or attorneys of record, advising that a judgment has been entered and the date of entry.

Source: Laws 1961, c. 111, §§ 2, p. 350; Laws 1969, c. 186, §§ 1, p. 778; Laws 1977, LB 124, §§ 1; Laws 1999, LB 43, §§ 4.

Transportation - Motor Vehicles

16. *Personalized license plates for larger trucks.*

60-311.10 Message plates; issuance; requirements.

In lieu of the number plates provided for by section 60-311, the Department of Motor Vehicles shall issue personalized message license plates for passenger vehicles, farm trucks, commercial trucks registered for *ten tons gross weight or less*, motorcycles, self-propelled mobile homes, and cabin trailers to all applicants who meet the requirements of sections 60-305.08, 60-311, and 60-311.10 to 60-311.13.

Source: Laws 1971, LB 376, §§ 3; Laws 1977, LB 419, §§ 1; Laws 1979, LB 81, §§ 1; Laws 1982, LB 579, §§ 1; Laws 1989, LB 79, §§ 1; Laws 1993, LB 491, §§ 4; Laws 1995, LB 696, §§ 2.

17. *Increase title, duplicate title and lien fees.*

60-115 Fees; disposition; consolidation of services; effect.

(1) The county clerks or the Department of Motor Vehicles shall charge a fee of *ten dollars for each replacement or duplicate copy of a certificate of title*, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refileing a certificate of title pursuant to section 60-107.01. The fees shall be retained by the county or the department.

(2) In addition to the fees prescribed in subsection (1) of this section, the county clerks or the department shall charge a *fee of six dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The county clerks shall retain for the county three dollars and twenty-five cents of the six dollars charged for each certificate of title and two dollars for each notation of lien.* Two dollars charged for the certificate of title and the remaining one dollar charged for notation of any lien on a certificate of title shall be remitted to the State Treasurer for credit to the General Fund. Twenty cents of the fee for a certificate of title shall be remitted to the State Treasurer for credit to a fund to be administered by the Consumer Protection Division of the Attorney General's office at the direction of the Attorney General for the purposes of the investigation and prosecution of (a) odometer and motor vehicle fraud and (b) motor vehicle licensing violations, which may be referred by the Nebraska Motor Vehicle Industry Licensing Board.

Forty-five cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund. The remaining ten cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud.

(3) In addition to the fees prescribed in subsections (1) and (2) of this section, the county clerks or the department shall charge a fee of *four dollars for each certificate of title*, each replacement or duplicate

copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The county clerks or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4) The county clerks shall remit all funds due the State Treasurer under sections 60-102 to 60-117 monthly and not later than the fifth day of the month following collection. The county clerks shall remit fees not due the State of Nebraska to their respective county treasurers who shall credit the fees to the county general fund. All fees not otherwise provided for in this section received by the department pursuant to this section shall be deposited in the Motor Carrier Division Cash Fund.

(5) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the designated county official shall charge, retain, and remit the fees prescribed in this section.

Source: Laws 1939, c. 81, §§ 14, p. 347; Laws 1941, c. 127, §§ 1, p. 484; C.S. Supp., 1941, §§ 60-1014; Laws 1943, c. 134, §§ 7, p. 462; R.S. 1943, §§ 60-115; Laws 1949, c. 93, §§ 11, p. 249; Laws 1957, c. 366, §§ 30, p. 1264; Laws 1961, c. 308, §§ 1, p. 979; Laws 1963, c. 347, §§ 1, p. 1116; Laws 1963, c. 346, §§ 4, p. 1115; Laws 1975, LB 572, §§ 1; Laws 1982, LB 928, §§ 44; Laws 1983, LB 234, §§ 13; Laws 1984, LB 825, §§ 3; Laws 1986, LB 851, §§ 6; Laws 1988, LB 305, §§ 6; Laws 1989, LB 115, §§ 1; Laws 1993, LB 112, §§ 13; Laws 1993, LB 491, §§ 2; Laws 1995, LB 467, §§ 2; Laws 1996, LB 1218, §§ 8.

Miscellaneous

18. *Clean up outdated roads statutes, particularly §39-2123.*

39-2123 County board; develop numbering system for its principal roads; arterial and collector roads; time.

The county board of each county shall develop a numbering system for its principal roads classified as other arterial and collector roads within two years after the Board of Public Roads Classifications and Standards has prescribed rules and regulations to achieve the maximum practicable uniformity of such numbering systems throughout the state and coordination between adjacent counties. Provisions shall be made for the placing of suitable signs along roads covered by such system, in such numbers and at such locations as the rules and regulations shall provide, and to give adequate notice of such numbering system.

Source: Laws 1969, c. 312, §§ 23, p. 1128; Laws 1971, LB 100, §§ 12.

19. *Increase fees for tax sales certificates.*

77-1823 Real property taxes; tax certificates and deeds; fees of treasurer; entry on books of issuance of deed.

The treasurer shall charge a *ten-dollar issuance fee* for each deed or certificate made by him or her for a sale of real property for taxes together with the fee of the notary public or other officer acknowledging the deed, but any number of items of real property bought by any one person may be included in one deed as desired by the purchaser. The issuance fee shall not be required if the tax sale certificate is issued in the name of the county, but the issuance fee is due from the purchaser when the county assigns the certificate to another person. Whenever the treasurer makes a deed to any real property sold for taxes, he or she shall enter an account thereof in the sale book opposite the description of the real property conveyed.

Source: Laws 1903, c. 73, §§ 211, p. 466; R.S. 1913, §§ 6539; C.S. 1922, §§ 6067; C.S. 1929, §§ 77-2019; R.S. 1943, §§ 77-1823; Laws 1989, LB 324, §§ 2; Laws 1992, LB 1063, §§ 151; Laws 1992, Second Spec. Sess., LB 1, §§ 124; Laws 1995, LB 202, §§ 3.

20. *Impose a bottle tax to help reduce roadside littering.*

2004 Carryover Bills

Bill - Position-Status Introducer/Description

Inheritance Tax

- LB 25 W C *(Brashear)* Limit access to inheritance tax records
 LB 507 O C *(Raikes)* Change inheritance tax distribution

Highway Trust Fund

- LB 639 O C *(Schrock)* Transfer funds from the Highway Trust Fund to the Nebraska Environmental Trust Fund
 LB 640 O C *(Schrock)* Transfer funds from the Highway Trust Fund to the Nebraska Resources Development Fund
 LB 780 O C *(Beutler)* Transfer funds from the Highway Cash Fund to the General Fund

Inmate Reimbursement/Jail Issues

- LB 377 S C *(Thompson)* Change provisions relating to payment of county jail inmates' medical costs
 LB 454 S SF *(Aguilar, Baker, Bourne, et al.)* Authorize drug court programs (Aguilar priority)
 LB 460 S C *(Synowiecki, Aguilar, Erdman, et al.)* Require the Dept. of Correctional Services to collect health care service copayments
 LB 656 O GF *(Aguilar)* Change provisions relating to contracts by county boards of corrections (Speaker priority)
 LB 768* S C *(Aguilar)* Provide for medical services copayment by county jail inmates

Zoning

- LB 549 S GF *(Hartnett)* Change provisions relating to actions to contest annexation

Health and Human Services

- LB 468 W C *(Jensen, Byars)* Provide appropriations from the Nebraska Health Care Cash Fund
 LB 469 W C *(Jensen, Byars)* Change and eliminate provisions relating to health care funding
 LB 511 W GF *(Bromm)* Change provisions of the Political Subdivisions Self-Funding Benefits Act
 LB 709 S C *(Maxwell)* Provide duties relating to health care mandates
 LB 710 O C *(Jensen)* Revise the Nebraska Mental Health Commitment Act

Assessment Transfer

- LB 322 O C *(Wehrbein)* Authorize the resumption of property tax assessment duties in certain counties and restrict such duties to certain count

Property Tax Issues

- LB 223 O C *(Wehrbein)* Change tax protest procedures
 LB 448 S C *(Raikes)* Change the protest filing date with the county board of equalization
 LB 496 O GF *(Raikes, at the request of the Governor)* Change provisions for property tax assessment
 LB 516 W C *(Synowiecki, Aguilar, Baker, et al.)* Provide a homestead exemption for disabled veterans
 LB 539 W GF *(Raikes)* Change the assessment definition of agricultural and horticultural land (Speaker priority)
 LB 644 W GF *(Hartnett)* Require reports by county assessors relating to property tax
 LB 689 W GF *(Redfield)* Require valuation of tax-exempt property by tax-exempt organizations
 LR18CA W GF *(Redfield, Connealy, Hartnett, et al.)* Authorize an exemption from part of a levy on a homestead

County Board Issues

- LB 323* S GF *(Stuthman)* Change meeting requirements for certain county boards
 LB 529 W GF *(Baker)* Change residency requirements for county commissioners and filing requirements

County Purchasing

- LB 763 W C *(Brashear)* Provide a preference for Nebraska products, businesses, and taxpayers in certain bidding procedures

9/17/03

C- Committee GF - General File SF - Select File FR -Final Reading P- Passed
 K - Killed/Withdrawn G- Governor Signed 1 W - Watch S - Support O - Oppose *NACO bills

Tort Claims/Worker's Compensation

- LB 104 W C (Hudkins) Change tort claim provisions relating to innocent third parties and vehicular pursuits
LB 347 O C (Quandahl) Increase the statute of limitations under the Political Subdivisions Tort Claims Act
LB 386 W C (Hudkins, Wehrbein) Change risk management pool provisions
LB 664 O C (Beutler) Change and provide limits on tort claims against the state and political subdivisions

Motor Vehicles

- LB 188 O C (Bourne) Increase motor vehicle registration fees for enforcement of drug offenses and violent crimes
LB 279* S GF (Jones, Baker, Cudaback, et al.) Change provisions for the issuance of license plates and motor vehicle recordkeeping
LB 348 W GF (Erdman, Byars, Foley, et al.) Change funding, registration, and operation provisions under the State Boat Act
LB 452 O GF (Smith, McDonald) Change penalties and provide late fees for failure to register a motor vehicle (Transportation and Telecommunications priority)
LB 497 O C (Raikes) Change provisions relating to the issuance of size, weight, and load permits
LB 741*S C (Baker) Provide for cancellation of motor vehicle certificates of title and registration certificates

Railroad Crossings

- LB 296 O GF (Baker) Change railroad crossing safety provisions
LB 675 S C (Erdman, Jones, Redfield, et al.) Change provisions relating to eminent domain by railroads

Gambling

- LB 538 W C (Schimek) change provisions for tribal-state gaming compacts
LR11CA W SF (Janssen, Byars, Connealy et al.) Constitutional amendment to authorize games of chance (Janssen priority)
LR14CA W GF (Schimek, Beutler, Cunningham et al.) Provide for gaming on Indian lands and an interdiction gaming zone (Schimek priority)

Sales Tax

- LB 287 W SF (Landis) Require sales tax for repair services and change a fuel sales tax exemption for fuel for certain industries and hospitals
LB 368 W C (Baker, Burling, Jones) Eliminate the sale tax exemption for food
LB 397 W C (Redfield, Mines) Change the sales tax rate and tax certain services
LB 447 W GF (Stuhr, Redfield) Provide notice for sickness and accident insurance premium increases
LB 453 W C (Aguilar) Impose sales tax on engineering, architectural, legal, and accounting services levy limit changes for other subdivisions
LB 581 W C (Bourne) Change sales tax provisions relating to services and exemptions
LB 587 W C (Bourne) Change sales tax provisions relating to services
LB 744 W C (Bromm) Change provisions relating to sales and use tax for the retail sale of property annexed to real estate

2003 Miscellaneous Bills

Support

- LB 32 GF (Schrock) Authorize storm water management programs for certain political subdivisions as prescribed (Natural Resources priority)
LB 75 GF (Hudkins) Change eligibility requirements for county sheriff
LB 99 GF (Hartnett, Aguilar) Change provisions relating to the Nebraska Visitors Development Act

9/17/03

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K - Killed/Withdrawn G - Governor Signed 2 W - Watch S - Support O - Oppose *NACO bills

- LB 232 GF (Smith) Authorize a county records improvement filing fee (Speaker priority)
- LB 268* C (Tyson, Kremer) Require payment of county and district court security costs by the Supreme Court
- LB 363 C (Smith, Baker, Burling, et al.) Authorize counties to eradicate destructive rodents
- LB 465 C (Wehrbein) Change provisions relating to sheriff's fees

Oppose

- LB 515 C (Synowiecki, Combs, Cunningham, et al.) Change enforcement of victim restitution orders
- LB 565 GF (Brown) Authorize interlocal agreements relating to duties of county and municipal officials
- LB 697 C (Beutler) Provide for an excise tax and change funding provisions for the Public Service Commission
- LB 722 C (Landis, D. Pederson, Wehrbein) Change provisions relating to court fees

Watch Bills that have Advanced

- LB 37 GF (Price) Adopt the Wage Replacement Savings Plan Act which allows eligible employees to put away money into a trust to withdraw for future otherwise unpaid leaves of absence
- LB 226 GF (Redfield) Require a nonunion employee to reimburse a union for legal services requested by such employee
- LB 236 GF (Maxwell) Change provisions for withholding personal information on students in public records
- LB 301 GF (Preister) Adopt the Electronic Equipment Recycling Act (Speaker priority)
- LB 304 GF (Synowiecki, Connealy, Friend, et al.) Adopt the Peace Officer Employer-Employee Relations Act (Synowiecki priority)
- LB 435 SF (Beuter) Increase the minimum wage (Beutler priority)
- LB 512 GF (Dw. Pedersen) Restrict or prohibit the use of human fetal tissue as prescribed
- LB 546 GF (Thompson, Aguilar, Brown, et al.) Prohibit smoking in indoor restaurants
- LB 678 GF (Beutler) Create the Office of Homeland Security (Speaker priority)
- LB 745 GF (Connealy, Aguilar, Synowiecki) Adopt a policy toward newcomers to the state
- LB 784 GF (Janssen) Adopt the Public Facilities Construction and Finance Act (Government, Military and Veterans Affairs priority)
- LR16CA GF (McDonald, Schimek) Constitutional amendment to exclude certain political subdivision employees from being considered executive officers

Watch Bills held in Committee

- LB 26 C (Preister) Change membership and classification duties of the Environmental Quality Council
- LB 58 C (Byars) Allow government employees to bring discrimination actions under the Federal Americans with Disabilities Act of 1990
- LB 151 C (Cunningham, Engel, Kremer, et al.) Change portion of appropriations to be used for acquisition of art work
- LB 309 C (Bourne, Mossey, Synowiecki) Change gambling provisions and authorize electronic pickle card devices and lottery equipment
- LB 314 C (Brashear) Change limitation of action provisions relating to certain political subdivisions
- LB 369 C (Baker) Redefine terms relating to estate taxes and generation-skipping transfer taxes
- LB 378 C (Bromm, Jensen) Provide immunity in actions against a person who provides a job reference
- LB 395 C (Brown) Exclude political subdivisions as owners of recreational land for liability purposes
- LB 527 C (Louden, Baker, Combs, et al.) Provide for a water transfer fee
- LB 535 C (Thompson, Mossey) Change pretrial diversion driver's safety training program requirements
- LB 583 C (Bourne) Change provisions relating to notice and objections to proposed rules and regulations
- LB 595 C (Janssen, Jones, Landis, et al.) Authorize a county income tax
- LB 599 C (Tyson, Jensen) Change and eliminate requirements for use of engineers and architects
- LB 612 C (Bourne, Johnson, Kremer) Change factors considered in developing the state road plan
- LB 614 C (Bourne) Require electronic recording of custodial interrogations
- LB 624 C (Brown) Establish requirements relating to free disposal of general household solid waste
- LB 657 C (Beutler) Provide for an electricity surcharge
- LB 686 C (Raikes) Change provisions relating to disbursement of administrative fines

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LB 696 C (Thompson, Hartnett) Change the collection commission for motor fuel taxes
 LB 717 C (Urban Affairs Committee) Provide procedures for villages relating to population decreases
 LB 718 C (Urban Affairs Committee) Change provisions relating to the incorporation of villages
 LB 744 C (Bromm) Change provisions relating to sales and use tax for the retail sale of property annexed to real estate
 LB 751 C (Beutler) Change provisions and funding of court clerks and employees and magistrates
 LB 765 C (Bourne) Require legislative approval of road projects
 LB 793 C (Bromm, Baker) Authorize political subdivisions to provide telecommunications service
 LR21CA C (Stuhr) Constitutional amendment to define and classify persons pertaining to future retirement benefits
 LR24CA C (Smith, Combs, Erdman, et al.) Constitutional amendment to authorize municipalities and counties to exercise greater powers and eliminate home rule charters

Status of NACO Bills

LB 191 G (Vrtiska) Change county tax levy provisions relating to correction of clerical errors
 LB 192 G (Vrtiska) Change homestead exemption dates
 LB 268 C (Tyson, Kremer) Require payment of county and district court security costs by the Supreme Court
 LB 279 GF (Jones, Baker, Cudaback, et al.) Change provisions for the issuance of license plates and motor vehicle recordkeeping
 LB 295 G (Baker) Change valuation of farm sites
 LB 323 GF (Stuthman) Change meeting requirements for certain county boards
 LB 489 K (Cudaback, Byars) Change provisions relating to waivers of certain district court fees (amended into LB 760)
 LB 500 G (Smith) Adopt the County Highway and City Street Superintendents Act (Speaker priority)
 LB 592 K (Stuhr) Change effective date for taxation purposes of political subdivision annexation and mergers
 LB 713 K (Stuthman, Hudkins) Change provisions for tax receipts issued by the county treasurer (amended into LB 292)
 LB 741 C (Baker) Provide for cancellation of motor vehicle certificates of title and registration certificates
 LB 768 C (Aguiar) Provide for medical services copayment by county jail inmates

9/17/03

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 K - Killed/Withdrawn G- Governor Signed 4 W - Watch S - Support O - Oppose *NACO bills

**STORMWATER UTILITY LEGISLATIVE
KICK-OFF MEETING
MINUTES**

Meeting Date: 10/23/03

Minutes Date: 10/27/03

Attendance: (see attached sheet)

Handouts: Agenda, summary of 3/31/03 meeting, Gross & Welch letter, draft stormwater utility fact sheet, annotated question and answer fact brochure, legislator list, opponent list, LB32, Natural Resources Committee Statement from 1/29/03 hearing, City of Lincoln Fiscal Note on LB32

Item 1: Introductions

Item 2: Updates

- Omaha provided an update on the administrative fee Omaha passed for stormwater administration and some NPDES requirements. It is projected to bring in approximately \$680K and doesn't cover O&M or Capital projects.
- Jack Moors, Lincoln Lobbyist stated that the upcoming legislative session would be a short session and it is projected that LB32 will be early in the session. He also stated that the speaker wanted bills coming forward that have been resolved and have the necessary votes (25). Jack Cheloha, Omaha Lobbyist noted that there is only 60 days with a short session, and with the \$100-\$200M deficit and other problems, and that LB32 needs to be introduced soon in the session.
- The Papiro discussed a previous meeting with Mr. Ruth (lobbyists for opponent), the Needs Assessment proposal, discussions with ACEC to gather support for LB32, and the recent ICE meeting.
- Omaha discussed the upcoming public forums to engage community discussion on stormwater management and the need for funding. The initial public forum is 10/29/03 (see attached sheet).
- NDEQ involvement was discussed and it was determined that the senators should hear NPDES requirements directly from NDEQ, but that NDEQ would probably take an information only stance similar to previous years.

Item 3: Gross & Welch Opinion

- It was stated by the lobbyist that the amendment pertaining to agriculture in Section 13 of the bill needs to be amended. The amendment would remove the agricultural exemption and revise it to state that areas not having impervious area would not be charged. It was agreed by others that a pervious exemption would be better than an agricultural exemption. Bringing the Natural Resources Committee up to date on the amendment will be necessary.
- There was further consensus that the amendment is the response to the Gross & Welch letter

and no further legal response is needed.

- Asking or not asking for an opinion from the Attorney General on LB32 was discussed at length. An agreement one way or the other was not accomplished at this meeting {the Attorney General opinion will be on the agenda for the next meeting}. It was decided to draft up a brief legal response on the question of constitutionality of the bill.

Note on: Legislative Presentation

- It was determined that an editorial should be written by the Mayor's to appear in the respective local papers on the Sunday before the session begins.

Item 4: Fact Sheets

- The importance of stating this was an unfunded mandate was discussed and the need to connect unfunded madate with local control. It was determined to rewrite the Stormwater Utility Fact Sheet to have the main points in bullet format at the top with details following. Also to move existing Item 5 on the fact sheet to the top and emphasis more on 'unfunded mandate'.
- Other items related to the fact sheet are to mention that both Phase 1 permits for Lincoln and Omaha have been issued, state that the stormwater utility fact sheet is in support of the bill and amendment, that the legislation for stormwater is similar to what was accomplished for Waste Water systems, that exemptions are a local control, and to run the final version by Jay Ringenberger with NDEQ.
- All documentation (e.g. fact sheets, brochures, etc) need to be ready by January 6, 2004 the beginning of the short session.

Note on: Larry Ruth meeting with Papio week of 10/13/03

- Papio discussed a recent meeting with Larry Ruth, where Mr. Ruth proposed to support an increase in the NRD levee by 3 cents. There was general agreement that we would lose some existing opponents but gain more future opponents by endorsing this policy, so there was consensus on proceeding on the existing track with LB32.

Item 5: Legislative/Opponent meetings

- The lobbyist agreed to work out an action plan to meet with legislators with respective city staff. One idea was a breakfast meeting in the early part of the session.
- It was generally agreed to work on a proponent list and to work with opponents where feasible.

ACTION ITEMS

- Lobbyist: Prepare Action Plan to meet with legislators with respective city staff.
- Lobbyist: Discuss amendment with Natural Resources Committee members
- Steve Sedgwick: Send legal opinion to Ben in regard to the seven states that confirmed that there is no inequity by using impervious area as a measure for fees in

relation to water quality and water quantity. Also to include the full Virginia text in relation to the Gross & Welch information that was taken out of context. Ben to send this to Bob Hamer upon receipt. {Info sent and received 10/27/03, copied and sent FedEx to Bob Hamer 10/28/03 and interofficed to Steve Huggenberger 10/28/03}

- All: Work on proponent list, Review stormwater utility fact sheet handed out at the meeting, Review question and answer fact sheet
Return comments and revisions to Ben on the above on or by 10/31/03 (Friday).
- Attorneys: Provide brief response on the question of LB32 constitutionality.
- Omaha: Work on editorial to be in paper prior to session beginning. Work on opponent list where feasible.
- Lincoln: Work on editorial to be in paper prior to session beginning. Work on opponent list where feasible.

NEXT MEETING

December 2nd or 4th (Tuesday or Thursday) at Mahoney State Park from 2 to 4pm.
Agenda items at this time to include: updates, lobbyist action plan, legal response to LB32 constitutionality, updated fact sheets, discussion regarding AG opinion.

Prepared by: Ben Higgins

Please contact the following regarding any concerns, questions, additions, etc to the above minutes:

Ben Higgins
Lincoln Public Works and Utilities
901 N. 6th Street
Lincoln, NE 68508
phone 402-441-7589
fax 402-441-8194
bhiggins@ci.lincoln.ne.us

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STORMWATER UTILITY LEGISLATION
MEETING 10/23/03

In Attendance

| | | |
|----------------------------------------|--------------|----------------------------|
| Ben Higgins, Lincoln, PW&U | 441-7589 | bhiggins@ci.lincoln.ne.us |
| Bob Hamer, Omaha, Law | 444-5132 | bhamer@ci.omaha.ne.us |
| Bob Sink, Omaha, PW | 444-5225 | bsink@ci.omaha.ne.us |
| Corrie Kielty, Lincoln, Mayor's Office | 441-8280 | ckielty@ci.lincoln.ne.us |
| Fred Uhe, Sarpy County | 593-2106 | fred@sarpy.com |
| Gary Krumland, League of NE Muni | 476-2829 | garyk@lonm.org |
| Glenn Johnson, LPSNRD | 476-2729 | glenn@lpsnrd.org |
| Jack Cheloha, Omaha, Lobbyist | 444-5221 | jcheloha@ci.omaha.ne.us |
| Jack Moors, Lincoln, Lobbyist | 434-2390 | h20qual@aol.com |
| Joe Soucie, LaVista | 331-8297 | jsoucie@ci.la-vista.ne.us |
| Julie Erickson, Papio NRD, Lobbyist | 475-0727 | jerickson@acgusa.net |
| Kent Holm, Douglas County | 444-63632 | kholm@co.douglas.ne.us |
| Lynn Rex, League of NE Municipalities | 476-2829 | lynnr@lonm.org |
| Marlin Petermann, Papio NRD | 444-6222 | mpetermann@papiornrd.org |
| Marty Grate, Omaha, PW | 444-3908 | mgrate@ci.omaha.ne.us |
| Nicole Fleck-Tooze, Lincoln, PW&U | 441-6173 | ntooze@ci.lincoln.ne.us |
| Nina Cudahy, Omaha, PW | 444-3908 | ncudahy@ci.omaha.ne.us |
| Norm Jackman, Omaha, PW | 444-5226 | njackman@ci.omaha.ne.us |
| Paul Peters, Papio NRD, Attorney | 391-3712 | paul.peters@mindspring.com |
| Paul Woodward, Papio NRD | 444-6222 | pwoodward@papiornrd.org |
| Steve Huggenberger, Lincoln, Law | 441-7286 | huggenbe@ci.lincoln.ne.us |
| Steve Sedgwick, CDM (via phone) | 904-731-7109 | sedgwickSR@cdm.com |

**Public Forum on
Municipal Stormwater Management Funding Needs
October 29, 2003**

Locations: Afternoon Session 3:30 PM – 5:00 PM
Metropolitan Area Planning Agency (MAPA)
2222 Cuming Street – Lower level meeting room

Evening Session 6:30 PM - 8:00 PM
Papio-Missouri River Natural Resources District
8901 S 154th Street at Wehrspann Lake (154th and Giles Road)

Purpose: On October 1, 2003, the City of Omaha's new National Pollutant Discharge Elimination System (NPDES) stormwater permit went into effect. Similar permits are being developed for the surrounding urbanized communities. The purpose of the public forum is to review the permit requirements, discuss the current and future costs associated with managing stormwater in Omaha and the greater metropolitan area, and provide an overview of funding alternatives. This forum will be the starting point for several subsequent focus group meetings, involving a cross section of community stakeholders, to work toward consensus on how stormwater management should be funded in the metropolitan Omaha area.

Who Should Attend:

Residents of Omaha and surrounding communities in the Papillion Creek Watershed; elected and appointed officials; and representatives of area industry, commerce, development, neighborhood associations and non-profit organizations.

Hosted by:

The City of Omaha
For information, contact Marty Grate at 444-3915 ext. 219.

MAPA

AGENDA

P-M NRD

3:30 PM

Introductions and Overview
Presentation Covering the Following Elements:

- Federal Stormwater Management Requirements
- Local Impacts and Needs
- Stormwater Funding Alternatives

6:30 PM

4:00 PM

Questions and Discussion

7:00 PM

4:50 PM

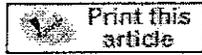
Plan for Focus Group Meetings

6:50 PM

5:00 PM

Adjourn

8:00 PM



Published Friday
October 31, 2003

State's revenue forecast full of tricks, not treats

LINCOLN (AP) - No treats, only tricks, were handed out by economic forecasters at a Friday meeting to determine how much money the state will collect in the next couple years.

A nearly \$200 million gap will have to be plugged by the Legislature next year, based on projections made at the meeting. Lawmakers can do it with either budget cuts or tax increases.

Gov. Mike Johanns reiterated his stance that budget problems should be solved with cuts and not tax increases. Johanns also said he does not believe lawmakers will be in the mood to raise taxes.

"I believe taxing an economy that is slow or in recession or just starting to come out of recession is never good fiscal policy," Johanns said.

He offered no hints as to where he would specifically look for the cuts, saying only that it would come from across all of state government.

Speaker of the Legislature Curt Bromm agreed that cuts, not tax increases, would likely be the preferred way lawmakers will look to balance the budget. Finding that amount in cuts will be a challenge, he said.

The Halloween gathering of the official economic forecasting board was its last meeting before lawmakers return to Lincoln in January to deal with more budget cuts.

The scope of the problem likely will change before the session beginning Jan. 7 is over in mid-April. The forecasting board will meet again in February to revise estimates.

Board members expressed frustration with trying to accurately predict the state's revenues. While there are signs of economic improvement, board members said, tax receipts continue to come in lower than expected.

"I'm just kind of tossing darts," said Jerome Deichert, a census specialist at the University of Nebraska at Omaha.

Board member Steve Ferris, a financial planner from Lincoln, said despite the positive signs, the economy remains volatile.

"We're not at a point where we should be overly optimistic," he said.

Johanns said the economic recovery may not translate to a turnaround in the budget until after people file their taxes next year. He said he thought the economy had hit the bottom and would only improve.

Lawmakers passed a balanced budget in 2001, but found themselves back in special session that fall after tax receipts plummeted. They made more adjustments in the 2002 regular session, but had to come back again in special session last summer to make the budget balance.

The two-year budget beginning July 1 passed over Johanns' veto. It includes \$344 million in tax increases.

The forecasting board, which meets three times a year, uses economic and other data to predict how much - or how little - tax revenue the state can expect.

The board has lowered its prediction seven times since 2001 as the national and state economies sputtered and sales and income tax revenues dropped.

Under its latest revision, it estimates the state will collect \$5.46 billion between now and June 30, 2005. That is \$198 million less than what it projected in April.

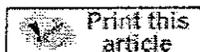
Taking advantage of the timing of the meeting, an opponent of the state's tax incentives for big business dressed as Dracula and held a news conference outside the state Capitol.

Calling himself Count 775, in reference to the LB775 tax break program, Nebraskans for Peace statewide coordinator Tim Rinne emerged from a coffin and blamed the incentives for the state's fiscal problems.

"For it is I who have sucked the state treasury dry," he said, in full vampire costume and makeup.

Nebraskans for Peace is part of a statewide coalition circulating a petition to repeal the 16-year-old program that has handed out about \$1.4 billion in sales and income tax breaks to qualifying companies.

Backers of the incentives, including Johanns, said without them the state's economy would be in even worse shape because businesses wouldn't have located or expanded here.



Published Saturday
November 1, 2003

Budget may need more cuts

BY ROBYNN TYSVER

WORLD-HERALD STAFF BUREAU

LINCOLN - The State of Nebraska appears to be headed toward a fourth straight year of budget cuts.

A state forecasting board slashed the state's revenue projection Friday by \$198 million. Unless the economy picks up, that's the amount the state's budget must be cut, or the amount taxes must be raised, during the next session of the Legislature.

With revenues sagging because of the sluggish national economy, state lawmakers over the past three years have already made hundreds of millions of dollars in budget cuts, and they've twice increased taxes over the veto of Gov. Mike Johanns.

Johanns said Friday that cuts are far more likely than tax hikes, saying lawmakers' "appetite for more tax increases" has been exhausted.

"I haven't heard anything from any lawmaker that they're going to come back to Lincoln and raise taxes again," Johanns said.

About twice a year, the Nebraska Economic Forecasting Advisory Board meets to predict the state's tax revenue. Estimates made by the nine-member board, which is composed of economic professors, bankers and businessmen - are used to build the state's budget.

With revenues continuing to sag below projections, the Legislature was expected to be facing more budget cuts next year. But Friday's meeting of the board was the first to put a solid number to the budget gap.

The board expressed puzzlement about where the economy was headed. Most said there were clear signs of recovery, including higher corporate earnings.

But they also said there were areas that gave them pause. For example, individual income taxes continue to lag. They also expected interest rates to rise after next fall's presidential election, causing a slump in construction.

"It's a really volatile economy. We don't know if it's going to keep going up or fall down," said Steven Ferris, an investment adviser from Lincoln.

The lagging income tax receipts were the big concern. Despite growth on the corporate front, individual Nebraskans are paying less than expected in taxes.

Several reasons were offered. Some workers have had to take lower-paying jobs. Investors are still spreading out the losses that they incurred earlier in their investments.

"We're still dealing with some of those issues (stock market losses)," said Mary Jane Egr, state tax commissioner.

Laurence Lanphier Jr., an Omaha accountant, said he is concerned about a growing trend of "outsourcing" jobs, or shipping jobs overseas. For example, he said he knew of one accounting firm in Omaha that was experimenting with sending some tax return work to India next year.

"I see a reduction of high-paid jobs in Omaha," Lanphier said.

Other members of the board, especially in rural Nebraska, said this was a good year for agriculture. Cattle prices were at a historic high. Rains fell and crop yields were higher than expected, said Gene Koepke, a University of Nebraska at Kearney professor.

"There are more people working, making more money," he said.

Johanns noted that the forecast board will meet again at the end of February. The budget picture could change at that time, giving lawmakers a more concrete number to tackle, he said.

"They'll get a better idea of how the economy is faring right smack dab in the middle of the legislative session," he said.

**SARPY COUNTY, NEBRASKA
ANALYSIS OF E911 SURCHARGE REVENUES AND EXPENSES
1997 FISCAL YEAR THROUGH 2003 FISCAL YEAR**

| | <u>1997 FY</u> | <u>1998 FY</u> | <u>1999 FY</u> | <u>2000 FY</u> | <u>2001 FY</u> | <u>2002 FY</u> | <u>2003 FY</u> |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| E911 Surcharge Revenues | \$ 639,531 | \$ 691,342 | \$ 721,495 | \$ 746,318 | \$ 756,404 | \$ 781,030 | \$736,516 |
| Communications Dept Expenses | \$1,391,469 | \$1,575,685 | \$1,817,413 | \$2,160,600 | \$2,383,972 | \$2,631,192 | \$2,917,197 |
| Number of Calls Received | 98,168 | 108,695 | 118,820 | 113,330 | 120,492 | 132,845 | 138,845 |

Analysis:

- From 1997 to 2003, the E911 Surcharge revenues have increased by an average of \$16,164 per year while Communications Dept expenditures increased by an average of \$254,288 per year.
- From 1997 to 2003, the E911 Surcharge revenues have increased by an average rate of 2.4% per year while Communications Dept. expenditures increased by an average rate of 13.2% per year.
- From 1997 to 2003, the calls received have increased by an estimated 8.4% per year.
- In 1997, 46.0% of the Communications Dept. expenditures were covered by E911 Surcharge revenues. By 2003, that rate decreased to only 25.2%.

Statement of Problem:

A smaller and smaller percentage of the Communications Department expenditures is being covered by E911 Surcharge revenues. As less of the Communications Department is funded by E911 surcharge revenues, more reliance is placed on property tax dollars.

In the first half of the 2003 calendar year, 51% of all E911 calls were made from wireless phones. Legislation passed in the 2001 session placed a 50 cent/month fee on wireless phones, but directed the proceeds to a grant-type fund available to all PSAP's and providers. These fees do not begin to cover the vast majority of operational costs of the E911 Communications Dept.

Recommendation:

Propose an additional 50 cent surcharge that would go directly to the PSAP's to offset the erosion of revenues needed to cover Communications Department operating expenses. This would raise the wireless rate to \$1.00, the same rate paid by wire lines.

Cell: Home phone number transfers will be allowed

Continued from Page 1

Companies living outside the top 100 markets will be able to transfer their home numbers to cell phones — and transfer numbers between cellular providers — by May 24 of next year. That deadline affects Nebraska customers outside metropolitan Omaha, including Lincoln, and in western Iowa.

"How meaningful this is will depend on how many consumers want to cut the cord and take their wire-line number with them," said David Furth, associ-

ate bureau chief of the FCC's wireless bureau.

Analysts said the rules announced Monday are a potential blow to local phone companies, which have been losing customers to mobile carriers at the rate of millions a year. Local phone companies had lobbied the FCC not to mandate home phone transfers to cell phones throughout an entire local calling area, but instead to restrict the number of customers that would be eligible for such transfers.

A person close to the FCC said the local phone industry is plan-

ning to challenge the FCC's rules in court. Any challenge would apply only to moving home numbers to cell phones, not to moving numbers between cellular companies, the person said.

There are many reasons, however, why people might stick with wired phone service.

Home telephone service is still generally more reliable than cell phones, and millions of people use their home lines for dial-up Internet access or high-speed digital subscriber line Internet service. Also, emergency 911 calls made from mobile phones

frequently can't be traced to a precise location, whereas wired phone lines automatically register the caller's location.

The FCC has made no estimates of how many people might "cut the cord" on their home phones as the result of the new rules. But analysts estimate that about 5 percent of the U.S. population — roughly 14.5 million people — have already severed their home phone connections as part of the wireless boom.

More folks might go solely wireless

■ Phone customers soon will be able to cancel their land lines and switch their old home numbers to their cell phones.

THE WASHINGTON POST

WASHINGTON — The Federal Communications Commission on Monday issued rules allowing consumers for the first time to disconnect their home phones and move their existing numbers to their cell phones.

In a ruling that could accelerate Americans' growing reliance on mobile phones, the FCC said that starting Nov. 24, local telephone companies must allow those living in one of the top 100 markets to transfer their home numbers to a cell phone carrier operating in the same local calling area. The Omaha-Council Bluffs market, No. 74, comes under that deadline.

Under current rules, it is possible to transfer one residential phone number to another home within a limited geographic area, but it has never been possible to move home numbers to cell phone accounts. Nor has it been possible to move numbers between different cell phone providers.

Related rules also scheduled to take effect Nov. 24 will allow consumers to keep their phone numbers when switching mobile

See Cell: Page 2

GROUP HEALTH INSURANCE
United Health Care of the Midlands (UHC)

- Only ONE plan - Choice Plus CPN 401 Modified – beginning July 1, 2003. (Benefit Summary attached)
- Action required of employees during open enrollment:
 1. New enrollees – Complete an enrollment form.
 2. Currently enrolled, no changes – No action required for current HMO or PPO enrollees. Coverage will automatically move to the new plan effective 7/1/03.
 3. Currently enrolled, dependency changes – Complete a new enrollment form, making necessary changes.
 4. Currently enrolled, terminating coverage – Complete the “Waiver” section of an enrollment form. Coverage terminates effective midnight, June 30, 2003.
 5. Not currently enrolled, declining coverage – Complete the “I decline” section on the cover page.

- Health insurance premiums, monthly rates, effective July 1, 2003 through June 30, 2004. (First deduction for new rates to be taken from June 27, 2003 pay.)

| | <u>Total</u> | <u>County</u> | <u>Employee</u> |
|--------------------|----------------|---------------|-----------------|
| | <u>Premium</u> | <u>Share</u> | <u>Share</u> |
| Single | \$361.39 | \$271.04 | \$90.35 |
| Single (Local 251) | \$361.39 | \$307.18 | \$54.21 |
| Family | \$888.54 | \$666.41 | \$222.13 |
| Employee/Spouse | \$774.73 | \$581.05 | \$193.68 |
| Employee/Children | \$774.73 | \$581.05 | \$193.68 |

- **IMPORTANT** – Once selection is made during open enrollment, there can be no changes after the beginning of the new plan year (July 1, 2003) unless a “Change of Status” occurs. Change in status generally involves the birth of a child, adoption, changes in dependent eligibility, termination of employment, change in marital status, or change in spouse employment. Employees must notify Personnel or Payroll within thirty-one (31) days of any change in status or there is the possibility that coverage could be adversely affected.
- New health care identification cards, directory of network providers, and preferred drug list will be provided to enrollees.
- UHC representative(s) will be available to answer questions, provide forms, and assist employees with enrollment during the following times:

| | | |
|------------------------|-----------------------|-------------------|
| Thursday, May 29, 2003 | 1:00 PM to 5:00 PM | County Board Room |
| Friday, May 30, 2003 | 8:00 AM to 12:00 Noon | County Board Room |

- Enrollment forms are available from Personnel (593-4486), Payroll (593-2116), Jennifer Polenz (Sheriff's Dept), Dannielle Hermsen (Hwy and Fleet) and Marilyn Gable (E911).

Benefit Summary

CPN 401 Modified

UNITEDHEALTHCARE CHOICEPLUS
80/70, \$25 OFFICE VISIT,
\$250 IN-NETWORK DEDUCTIBLE

| TYPES OF COVERAGE | PREFERRED (In-Network) | STANDARD (Out-of-Network) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Listed below is a partial outline of health services covered under the Policy. See the Certificate of medical insurance for applicable limits to these health services. The dollar amount or percentage of eligible expenses listed in columns next to each health service is the amount the member is required to pay. If differences exist between this Summary of Benefits and the Certificate, the Certificate governs.</p> | <p>Services received from preferred providers. Out-Of-Pocket Limit: (Does not include deductible) \$500 per member, \$1,000 per family per calendar year. Maximum Benefit: unlimited</p> | <p>Services received from non-preferred providers. Out-Of-Pocket Limit: (Does not include deductible) \$4,000 per member, \$8,000 per family per calendar year. Maximum Benefit: \$5,000,000</p> |
| <p>Physician Office Services</p> | <p>Annual Ded: \$250 member/\$500 family</p> | <p>Annual Ded: \$500 member/\$1,000 family</p> |
| <ul style="list-style-type: none"> ◆ Physician office visit for routine physical, injury, or sickness ◆ Eye exam, routine exams limited to one every 2 years ◆ Well baby/child care including immunizations ◆ Diagnostic X-ray and laboratory ◆ Physician office visit for maternity | <p>YOU ARE RESPONSIBLE FOR:</p> <ul style="list-style-type: none"> ◆ \$25 copay per visit ◆ \$25 copay per visit ◆ \$25 copay per visit ◆ No copay ◆ \$250 copay at time of delivery | <p>YOU ARE RESPONSIBLE FOR:</p> <ul style="list-style-type: none"> ◆ 30% of eligible expenses |
| <p>Inpatient Hospital Services</p> <ul style="list-style-type: none"> ◆ Confinement in a semi-private room including room, board, related services, and supplies ◆ Surgical, medical, and related services ◆ Maternity care ◆ Special care units ◆ Physician services ◆ Routine newborn care ◆ Necessary ancillary hospital services | <p>◆ 20% of eligible expenses</p> <ul style="list-style-type: none"> ◆ 20% of eligible expenses | <p>◆ 30% of eligible expenses*</p> <ul style="list-style-type: none"> ◆ 30% of eligible expenses* |
| <p>Outpatient Hospital Services</p> <ul style="list-style-type: none"> ◆ Diagnostic X-ray and laboratory ◆ Surgical and related services | <ul style="list-style-type: none"> ◆ 20% of eligible expenses ◆ 20% of eligible expenses | <ul style="list-style-type: none"> ◆ 30% of eligible expenses ◆ 30% of eligible expenses* |
| <p>Emergency Health Services</p> <ul style="list-style-type: none"> ◆ Hospital emergency room ◆ Urgent care center ◆ Ambulance | <ul style="list-style-type: none"> ◆ \$100 copay per visit ◆ \$25 copay per visit ◆ No copay | <ul style="list-style-type: none"> ◆ Preferred benefits apply ◆ 30% of eligible expenses ◆ Preferred benefits apply |

Note: Copays do not apply to the out-of-pocket limit. Deductible must be met before percentage of eligible expenses is reimbursed. Flat dollar copays are not subject to deductible.

Note: Failure to provide pre-notification, when and as required, may result in reduced benefits and, in some instances, benefits may be denied. Out-of-pocket contributions may also be reduced or denied.

* Services where pre-notification is the covered person's responsibility.

YOUR BENEFITS

UnitedHealthcare ChoicePlus

CPN 401 Modified

UNITEDHEALTHCARE CHOICEPLUS
80/70, \$25 OFFICE VISIT,
\$250 IN-NETWORK DEDUCTIBLE

TYPES OF COVERAGE

Mental Health/Chemical Dependency Services

- ◆ Outpatient evaluation, diagnosis and short-term therapeutic service, limited to 30 visits per calendar year
- ◆ Inpatient Mental Health care/Chemical Dependency care
 - Facility and supplies
 - Physicians care
 (Limited to 30 days per calendar year)

Prescription Medication (includes contraceptives)

- ◆ Generic drug
- ◆ Brand-name drug on preferred drug list
- ◆ Brand-name drug not on preferred drug list

Other Services

- ◆ Home health care
- ◆ Skilled nursing facility, limited to 60 days per calendar year
- ◆ Outpatient rehabilitation therapy (speech, occupational, and physical), limited to 20 visits per calendar year for each type of therapy
- ◆ Prosthetic devices
- ◆ Durable medical equipment, \$50,000 lifetime maximum
- ◆ Hospice, limited to 180 days maximum
- ◆ Transplants
- ◆ Spinal treatment services, limited to 15 visits per calendar year

PREFERRED (In-Network)

YOU ARE RESPONSIBLE FOR:

- ◆ \$25 copay per visit
- ◆ 20% of eligible expenses
- ◆ 20% of eligible expenses

- ◆ \$8 copay per order or refill
- ◆ \$20 copay per order or refill
- ◆ \$35 copay per order or refill

- ◆ 20% of eligible expenses
- ◆ Same as any other Health Service
- ◆ \$25 copay per visit

STANDARD (Out-of-Network)

YOU ARE RESPONSIBLE FOR:

- ◆ 50% of eligible expenses
- ◆ 50% of eligible expenses*
- ◆ 50% of eligible expenses*

- ◆ 30% of eligible expenses
- ◆ 30% of eligible expenses
- ◆ 30% of eligible expenses

- ◆ 30% of eligible expenses*
- ◆ 30% of eligible expenses*
- ◆ 30% of eligible expenses*
- ◆ 30% of eligible expenses
- ◆ 30% of eligible expenses*
- ◆ 30% of eligible expenses*
- ◆ 50% of eligible expenses*
- ◆ 30% of eligible expenses

Note: Copays do not apply to the out-of-pocket limit. Deductible must be met before percentage of eligible expenses is reimbursed. Flat dollar copays are not subject to deductible.

Note: Failure to provide pre-notification, when and as required, may result in reduced benefits and, in some instances, benefits may be denied. Out-of-pocket contributions may also be reduced or denied.

* Services where pre-notification is the covered person's responsibility.
† Does not apply to out-of-pocket limit.

GROUP DENTAL INSURANCE
(Delta Dental Plan of Nebraska)

- Same plan as current plan. (Benefit Summary attached)

Notes:

1. The co-payments listed are with the provider network. Providers used outside of the Delta Dental network may result in greater out-of-pocket payments.
2. The "coverage year", where limits apply, is from January 1 through December 31 of each year. The "plan year" is July 1 through June 30 of the following year.
3. To avoid any misunderstanding of benefit payment amounts, ask your dentist about his or her participation status in the Delta Network prior to receiving dental care.
4. If dental treatment involves major restorative, periodontics, prosthetics or orthodontic care, it is strongly recommended that a pre-statement of costs be submitted to Delta Dental prior to treatment to avoid any misunderstandings about coverage costs.

- Action required of employees during open enrollment:

1. New enrollees – Complete an enrollment form.
2. Currently enrolled, no changes – No action required. Coverage will continue.
3. Currently enrolled, dependency changes – Complete Membership Maintenance Form.
4. Currently enrolled, terminating coverage – Complete Maintenance Membership Form. Coverage terminates effective midnight, June 30, 2003.
5. Not currently enrolled, declining coverage – Complete the "I decline" section on the cover page.

- Dental insurance premiums, monthly rates, effective July 1, 2003 through June 30, 2004. (First deduction for new rates to be taken from July 11, 2003 pay.)

| | <u>Total</u> | <u>County</u> | <u>Employee</u> |
|--------------------|----------------|---------------|-----------------|
| | <u>Premium</u> | <u>Share</u> | <u>Share</u> |
| Single | \$26.20 | \$26.20 | No Cost |
| Single (Local 251) | \$26.20 | \$26.20 | \$2.00 |
| Family | \$65.45 | \$46.45 | \$19.00 |

- **IMPORTANT** – Once selection is made during open enrollment, there can be no changes after the beginning of the new plan year (July 1, 2003) unless a "Change of Status" occurs. Change in status generally involves the birth of a child, adoption, changes in dependent eligibility, termination of employment, change in marital status, or change in spouse employment. Employees must notify Personnel or Payroll within thirty-one (31) days of any change in status or there is the possibility that coverage could be adversely affected.
- Enrollment forms and maintenance forms are available from Personnel (593-4486), Payroll (593-2116), Jennifer Polenz (Sheriff's Dept), Dannielle Hermsen (Hwy and Fleet) and Marilyn Gable (E911).

Insurance Requirements

The Contractor shall not begin work under this Agreement until all insurance certificates have been filed with the Sarpy County Clerk.

The following insurance coverages shall be kept in force during the life of the Agreement and shall be primary with respect to any insurance or self-insurance programs covering the County, its commissioners/supervisors, officials, agents, representatives and employees.

A. Worker's Compensation and Employers Liability Insurance

The minimal acceptable limits shall be the statutory limits as required by the State of Nebraska for Coverage A, Workers' Compensation and \$500,000 each accident for Coverage B, Employers Liability.

B. Commercial General Liability Insurance

Coverage should include broad form coverage written on a commercial general liability form and written on an occurrence basis. The coverage must protect against claims for damages resulting from bodily injury, including death, personal injury and property damage.

The minimum acceptable limits of liability shall be \$1,000,000 each occurrence. If the coverage contains a general aggregate, such limit shall not be less than \$2,000,000. The products/completed operations limit shall not be less than \$2,000,000.

C. Automobile Liability Insurance

Coverage shall be against claims for damages resulting from bodily injury, including death and property damage, which may arise from the operations of any owned, hired or non-owned automobile. The minimum acceptable limit of liability shall be \$1,000,000 Combined Single Limit for each accident.

D. Certificate of Insurance

The Contractor shall furnish the County with a certificate(s) of insurance evidencing the coverage required in this section. Such certificate(s) shall specifically state that the insurance company or companies underwriting these insurance coverages shall give the County at least thirty (30) days written notice in the event of cancellation of, or material change in, any of the coverages. If the certificate(s) is shown to expire prior to completion of all the terms of this Agreement, the Contractor shall furnish a certificate(s) of insurance evidencing renewal of its coverage to the County.

The Contractor shall require each and every Subcontractor performing work under this Agreement to maintain the same coverages required of the Contractor in this Section, and upon the request of the County, shall furnish the County with a certificate(s) of insurance evidencing the Subcontractor's insurance coverages required in this section.

E. Insurance Company

All insurance coverages herein required of the Contractor shall be written by an insurance company or companies transacting business as an admitted insurer in the State of Nebraska or under the Nebraska Surplus Lines Insurance Act. All insurance companies must possess a minimum A.M. Best Insurance Company rating of A-. Upon request by the County, the Contractor shall furnish evidence that the insurance company or companies being used by the Contractor meet the minimum requirements listed in this section.

Upon request by the County, the Contractor shall furnish the County with complete and accurate copies of the insurance policies required within this section. If at anytime during the life of this Contract, the Contractor's insurance coverages and limits do not meet or exceed the minimum insurance requirements presented in this section, the Contractor is required to notify the County of any deviations from the minimum requirements presented in this section.

TO BE ADDED AS D. IN A CONSTRUCTION CONTRACT

D. Property Insurance

The County's Builders' Risk coverage is an "Owners Interest Only" form. It covers only the interest of the County and the property the County owns. The policy does not cover the interest of any independent contractor involved in any construction project.

During the term of the contract all responsibility for maintenance of property insurance on the work remains solely with the contractor who shall as a minimum requirement obtain a "All Risk" Builders Risk insurance policy or an installation floater which includes off-site and transit coverage, in addition to "damage to property of other" coverage with sufficient limits to cover the value of the material, equipment and/or machinery involved under this contract.

SARPY COUNTY, NEBRASKA
BUDGET REPORT

| | 2000 - 2001 | 2001 - 2002 | 2002 - 2003 BUDGET | 2002 - 2003 Y-T-D | OFFICIAL'S REQUEST | FINAL ADOPTED |
|-------------------------------------------|-------------|-------------|-----------------------|----------------------|-----------------------|------------------|
| 0100 - GENERAL FUND | | | | | | |
| 64500 - EXTENSION AGENT | | | | | | |
| <hr/> | | | | | | |
| 1 0100 OFFICIALS SALARY | 0.00 | 0.00 | 0.00 | 1,091.12 | 0.00 | 0.00 |
| 1 0201 EXTENSION ASSISTANTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 1 0305 REGULAR TIME CLERICAL | 27,671.52 | 28,611.68 | 29,699.00 | 28,608.00 | 30,408.00 | 30,408.00 |
| 1 0326 AREA STAFF SUPPORT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 1 0450 TEMPORARY HELP | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 1 0500 OVERTIME | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 1 0901 RETIREMENT CONTRIBUTION | 1,565.43 | 1,716.68 | 1,898.00 | 1,898.31 | 2,053.00 | 2,053.00 |
| 1 0904 TIAA CREF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 1 1000 SOCIAL SECURITY | 1,959.06 | 2,015.43 | 2,272.00 | 2,083.29 | 2,326.00 | 2,326.00 |
| 1 1300 OTHER PERSONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 31,196.01 | 32,343.79 | 33,869.00 | 33,680.72 | 34,787.00 | 34,787.00 |
| <hr/> | | | | | | |
| 2 0100 POSTAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 0200 TELEPHONE SERVICE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 0500 RENTAL UTILITIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 0600 GENERAL LIABILITY INSURANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 1200 OFFICE EQUIPMENT REPAIR | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 1700 TRAVEL EXPENSES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 1708 BOARD MEMBER EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 1801 DUES,SUBSCRIPTIONS,REG.,TRNG FEES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 1815 PROFESSIONAL IMPROVEMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 2000 PRINTING AND PUBLISHING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 2500 CONSULTING FEES | 69,196.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 2505 CONTRACTUAL SERVICES | 0.00 | 63,547.25 | 67,365.00 | 67,365.00 | 62,426.00 | 62,426.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 69,196.00 | 63,547.25 | 67,365.00 | 67,365.00 | 62,426.00 | 62,426.00 |
| <hr/> | | | | | | |
| 3 0101 SUPPLIES-OFFICE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 3 0400 SUPPLIES-MISCELLANEOUS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| 4 0200 EQUIPMENT RENTAL-OFFICE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4 0500 BUILDING FACILITIES RENTAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| 5 0315 DATA PROCESSING EQUIPMENT-SOFTWARE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5 0500 OFFICE EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| 7 0210 BUDGETARY TRANSFER | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| OBJECT TOTALS : | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <hr/> | | | | | | |
| FUNCTION TOTALS: | 100,392.01 | 95,891.04 | 101,234.00 | 101,045.72 | 97,213.00 | 97,213.00 |
| INPUT TOTALS | 100,392.01 | 95,891.04 | 101,234.00 | 101,045.72 | 97,213.00 | 97,213.00 |