

Nebraska Association of County Officials 2021 Legislative Platform

The Nebraska Association of County Officials Platform is NACO's permanent policy document. When necessary, it is amended at the annual legislative conference. The platform reflects the philosophy and broad objectives of Nebraska's counties.

Budget/Taxes

1. Oppose elimination or reduction of county's share of inheritance taxes

Inheritance taxes are a critical source of county revenue. Counties oppose the elimination or reduction of inheritance taxes without guaranteed, equivalent, ongoing replacement revenue.

2. Oppose state unfunded mandates

When budget cuts are made at the state level, the responsibility to provide services is often passed down to counties. In most cases, necessary funding does not accompany the new responsibilities and no new options for county-level funding are provided. Counties support the examination of state and local partnerships in the performance of governmental functions and appropriate funding mechanisms for both parties. Counties oppose state unfunded mandates without new state or local funding sources.

3. Support periodic reviews of the property tax system to reduce erosions of the tax base

Because county operations are funded primarily by property taxes, a broad tax base and equitable valuations are essential. Acquisitions and transfers of property that remove privately-held land from tax rolls shift the property tax burden to a smaller number of taxpayers. Because all properties, including tax-exempt properties, use local government infrastructure and other county services such as law enforcement and public health, reductions to the tax base should be mitigated. In addition, counties support county regulatory authority over conservation easements for wetlands or other mechanisms that could remove property from tax rolls or otherwise reduce the local tax base.

Government Operations

4. Support flexibility in the Open Meetings Act and related statutes to balance the needs of county officials' safety and security with the public's expectations of access and transparency through current and future technological innovations

During the 2020 pandemic, limitations on sizes of social gatherings led to the issuance of an Executive Order by the Governor granting public bodies a limited waiver to conduct public meetings and other functions virtually. Counties support flexibility in the Open Meetings Act to allow county boards and other public bodies to meet virtually in the case of a statewide health crisis or declared emergency and similar situations.

5. Support local control of local issues, including cooperative undertakings and compensation

Because county government is the governing structure closest to the citizenry, it is best situated to respond to the concerns of local residents. Any alteration in the form of local government should be undertaken only after a vote of the affected citizens. Because forced combinations do not necessarily result in efficiencies or cost savings, counties should receive encouragement and incentives for joint efforts and should not be penalized if



the citizens determine that consolidation or merger of functions or services is not in the best interest of the county. Furthermore, county officials, not state or federal agencies, should determine minimum levels of county employee compensation.

6. Support reviews of state statutes pertaining to county offices

Rapidly changing technology and shifting work flows require counties to develop and support new methods for serving constituents. Periodic reviews of state statutes to remove antiquated language and enact authority for best practices are necessary to allow county government to function efficiently and effectively.

7. Oppose increasing the financial exposure of counties under the Political Subdivisions Tort Claims Act

Legislation is introduced regularly that would increase the dollar amounts of county liability for tort claims. Compared to other states, Nebraska law already provides for the recovery of exceptionally generous amounts from local governments. Counties oppose increasing the financial exposure of counties through modifications to the Political Subdivisions Tort Claims Act.

8. Support consideration of county interests in water resources

State and local policies for ground and surface water need to provide flexibility for continued development of appropriate water resource programs taking into consideration hydrology, existing water rights, potential development, interstate compact obligations and the public interest. Before significant actions are taken, a review of all the relevant scientific and socioeconomic implications of such action should be made and affected counties consulted.

Roads/Highway Trust

9. Support continued or increased county road funding

Quality roads are essential to Nebraska. Recent legislative actions have created the Transportation Infrastructure Bank to provide matching funds to accelerate the repair and replacement of deficient bridges on the county road system by using innovations such as bundling similar projects. Additional funds for roads and bridges are being generated by a phased-in fuel tax increase and the Build Nebraska Act's sales tax. Counties support the allocation of these funds through the Highway Trust Fund formula and other mechanisms specific to the funding source. Counties encourage continued examination of alternative road funding sources.

10. Support retention of full county authority over county roads and county rights-of-way including the local determination of best public uses

Counties own and hold easements on substantial amounts of rights-of-way. These are valuable county real estate assets that are held in trust by counties to benefit the local community. State law should recognize the authority of counties to protect the public investment, to balance competing demands on this public resource, and to require fair and reasonable compensation from users of the public right-of-way. Because disruption to roads, businesses, and agriculture can have a negative impact on public safety and industry, counties should have control over allocation of the county rights-of-way and be able to ensure that there is neither disruption to other "tenants" or transportation nor any diminution of the useful life of the right-of-way. Counties should have the right to analyze the legal, financial, and technical qualifications of any provider wanting to use the county right-of-way and should have the right to regulate access to rights-of-way.



Corrections/Courts

11. Support continued or increased state assistance for indigent defense and the Public Advocacy Commission

The Public Advocacy Commission was created in 1995 to provide relief to property taxpayers by providing state assistance to counties for indigent defense in first-degree murder trials and serious felonies. The role of the Commission has since expanded to include a violent crime and drug defense division and an appellate division. Counties support continued or increased state assistance for indigent defense and the functions of the Public Advocacy Commission.

12. Support funding alternatives for inmate mental health, substance abuse, and health care costs

Although Nebraska law authorizes counties and health care providers to seek reimbursement from insurance companies, federal programs and other sources, it is rare for counties to receive any outside payments for inmate medical costs. Some counties purchase specialized insurance to help cover the costs of catastrophic health care needs of inmates. Some states authorize prisoner co-payments for medical care. Regardless of the payor, the due process clause of the U.S. Constitution prohibits the denial of health care to prisoners on the grounds of cost. Counties support efforts to reduce costs to counties for inmate health care and encourages finding alternative means to help fund the costs for inmate mental health, substance abuse, and health care.

13. Support the expansion of programs for juvenile offenders and provide a continuum of services

Home detention, diversion, electronic monitoring, day reporting, drug courts, and community service programs cost substantially less than secure detention for juveniles. Additionally, programs such as these can be effective in changing delinquent behavior of juveniles. These options, as well as intervention and prevention efforts, should be expanded as community plans are developed and juvenile justice needs are identified. While secure detention is an essential aspect of a continuum of service for juvenile justice, adequately-funded community-based programs and services should be provided to divert juveniles from the juvenile justice system, reduce the population of juveniles in juvenile detention and secure confinement, and assist in transitioning juveniles from out of home placements. Placement and commitment of juvenile resources are necessary to address juvenile justice matters, including coordination for providing services and programs with other state and local stakeholders. A juvenile should not be detained in secure detention unless detention or placement is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or if it appears that the juvenile is likely to flee the jurisdiction of the court.

Zoning

14. Support objective analysis for planning and zoning

Local governments have been granted the authority to control development of land and property within their jurisdictions. Because land use changes can affect the livelihood and quality of life of county residents, county boards must sort through fact and emotion as they make decisions related to county zoning. Counties support the use of objective factors, such as scientific study and economic development analyses, in making local land use decisions.

Health and Human Services

15. Counties urge local, state and federal government agencies to be responsible partners in providing adequate and equitable health and human services



County health departments serve as a vital source of information, coordinate resources, and implement practices during public health crises. Counties support continued authority for county health departments to implement directed health measures in consultation with county boards when necessary.

Motor Vehicles

16. Support efforts to increase legal documentation of motor vehicles

For more than 25 years, counties and the Department of Motor Vehicles have been developing methods to increase motor vehicle sales tax collections, prevent uninsured and underinsured motorists, decrease the number of unlicensed drivers, and prevent title jumping. Counties support continued enforcement efforts in these areas.

Elections

17. Support federal and state reimbursement to counties for the expense of conducting federal and state elections

Cities, schools and other local entities that place issues on the ballot help pay for elections through a formula based upon their share of the cost of printing the ballots. Counties support reimbursement from the state or federal government for constitutional amendments placed on the ballot by the Nebraska Legislature or U.S. Congress. Counties support adequate state and federal funding to fulfill the requirements of the Help America Vote Act (HAVA). Counties oppose legislation that would impose specific requirements regarding equipment, procedures, and personnel responsibilities that would significantly increase the costs for counties of administering elections.

Weed Control

18. Support incentives to strengthen county weed control authorities and fully fund the state's noxious weed control and riparian invasive species programs

Cooperation between the Nebraska Department of Agriculture's noxious weed program and county weed control programs is essential to maintaining strong weed management efforts in the state. Sustainable, stable funding for invasive plant management in riparian areas is essential to increase flow conveyance, increase wildlife habitat, and increase water available for human uses. Counties support the Legislature's 2016 appropriation of funds for noxious weed control and continued joint efforts to develop ongoing funding sources to meet these needs.

Marijuana/Hemp

19. Support continued and increased distribution of drug funds to counties

Marijuana and other controlled substances are subject to taxation in Nebraska. A portion of the taxes are credited to counties for drug law enforcement and education. When marijuana was legalized in some other states, state tax revenues increased. Costs for law enforcement, jails, public health, and social programs provided by local government also increased. Nebraska counties support continued and increased funding from drug taxes or other dedicated mechanisms to offset additional costs for counties to provide law enforcement, jails, public health, and social programs. Counties do not have a position on the legalization of marijuana or growing industrial hemp.

