

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, FEBRUARY 26, 2009  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Acting Chair  
Bob Workman  
Deb Schorr

Commissioners Absent: Bernie Heier, Chair  
Ray Stevens, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer and  
Interim Lancaster Manor Administrator  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Melissa Koci, County Clerk's Office

The Acting Chair opened the meeting at 8:32 a.m., and gave the location announcement of the Nebraska Open Meetings Act.

**LEGISLATIVE UPDATE**

Gordon Kissel and Joe Kohout, Legislative Consultants, appeared and provided a legislative update (**See Exhibit A**).

With regard to LB 320, Kissel said the revenues collected from the 26¢ tax would be distributed as follows: 73% to the Nebraska Department of Roads; 13.5% to counties and 13.5% to cities. He indicated this bill will probably not advance.

Kissel noted his staff is working with Senator Cornett to get LB218 (County Aid) prioritized. Larry Dix of the Nebraska Association of County Officials (NACO) is also involved with this bill. Kissel remained optimistic that it would be prioritized with an additional \$2,000,000 being designated in State Aid to counties. It was noted this would help offset State reimbursement for prisoners.

Schorr said the County Board received a report from Russ Shultz, County Weed Superintendent, regarding how his expenses are over budget due to an increasing number of foreclosures. By law, a notice must be advertised before weeds can be cut. She said there is a bill before the Legislature (LB338) which would allow the notice to simply be posted on the property. Amendment 192 would add the specific language recommended by Shultz. Kissel noted the Agriculture Committee is also trying to merge LB338 and LB98.

Workman voiced his opposition to the bill which would allow alcohol in State parks. Hudkins agreed. Kissel felt this bill will not advance.

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
FEBRUARY 19, 2009 AND THE MID-YEAR BUDGET REVIEW MINUTES  
OF TUESDAY, FEBRUARY 11, 2009**

**MOTION:** Schorr moved and Workman seconded approval of both sets of minutes. Workman, Hudkins and Schorr voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. Legacy Dairy

**MOTION:** Workman moved and Schorr seconded approval of the addition to the agenda. Workman, Schorr and Hudkins voted aye. Motion carried.

**3 LEGISLATIVE UPDATE** - Gordon Kissel, Joe Kohout and Kristin Crawford, Kissel/E & S Associates

Item moved forward on the agenda.

**ADMINISTRATIVE OFFICER REPORT**

A. Waverly Flood Plain Study

Eagan said the request was originally sent to Commissioner Workman. Workman said he spoke with Paul Zillig of the Lower Platte South Natural Resources District (LPSNRD) about the request.

Eagan said he has a fundamental question about the statutory authority of a county to fund a city project.

Workman noted the flood plain study is a very serious issue for the City of Waverly and they do not have the funds to pick up the remaining cost of the study. It appeared from his discussion with Mr. Zillig that the LPSNRD would not be willing to fund more than 50% of the study as not to set a funding precedent. Workman said once an official answer is received from the LPSNRD, he would bring the issue back to the County Board for further consideration.

Eagan said he will request a legal opinion regarding whether the County can contribute. He added he will also move forward with drafting a letter to the LPSNRD asking them to fund the study in full.

B. Agenda Items for Common Meeting (Tuesday, March 3, 2009)

Eagan indicated Russ Shultz, Noxious Weed Superintendent, and County Board/City Council joint staffing are scheduled. Minette Genuchi, County Board Administrative Aide, noted Commissioner Heier also requested discussion on the Comprehensive Plan process, if time allows. She added no other items have been forwarded by the City Council. It was the consensus of the Board to proceed with the meeting.

C. Department Budget Hearing Schedule

Dennis Meyer, County Budget & Fiscal Officer, noted a conflict with Conference Room 113 on Thursday, June 4, 2009. It was decided to move these hearings to the afternoon of Tuesday, May 19, 2009. The other hearing dates remained unchanged - May 14, May 21 and May 28.

D. Correspondence from Beverly Neth, Department of Motor Vehicles Director, Regarding Facility Changes

Eagan said someone needs to be appointed as a contact for the Department of Motor Vehicles as they move forward with a remodeling project at the West "O" Street Driver's Testing Station. He noted Terry Adams, Chief Deputy County Treasurer, has been working with the State and Don Killeen, County Property Manager, on this project. Meyer clarified the County would be responsible for associated costs but would be reimbursed by the State.

**MOTION:** Schorr moved and Workman seconded to appoint Terry Adams as the County contact person for the Motor Vehicles alteration project and to authorize Commissioner Hudkins, as Acting Chair, to sign the County Contact Form (copy on file in the Clerk's Office). Schorr, Hudkins and Workman voted aye. Motion carried.

E. Keno Prevention Fund Recommendations (Round 29)

Schorr provided a brief overview of the funding requests. The recommendations will be forwarded to a Tuesday County Board Meeting for formal approval.

**4 BALLOT PRINTING CONTRACT** - Dave Shively, Election Commissioner and Tom Fox, Deputy County Attorney

Dave Shively, Election Commissioner, distributed a handout regarding ballot printing (**See Exhibit B**). He said the previous ballot printer went out of business. He asked the company who currently programs the ballot counting machines to provide a quote on printing ballots. After reviewing the quote, he decided he would like to contract with Election Systems and Software, Inc., for three years which will lock in a per ballot printing cost of 23¢ for single sided ballots and 25¢ for double sided ballots. He noted the vendor also offered discounts on other products.

In making his decision on a vendor, Shively stressed the importance and specificity of ballot printing. He added timing was also a consideration. Printed ballots will now be returned to the Election Office in 3-5 days versus 2 ½ weeks.

With regard to the contract verbiage, Fox said the vendor would not remove the "limit of liability" clause which limits liability to the amount of the contract.

In response to Workman's inquiry regarding previous ballot costs, Shively said it depended on the election. Prices ranged anywhere from 24¢-25¢ on a double-sided ballot and 19¢ on single-sided ballot. He added savings will also be realized on coding costs with the new vendor. Coding charges incur by the number of races on a ballot so coding costs will increase in 2010 due to all the state and county elections.

Hudkins noted the contract will be scheduled at a Tuesday County Board Meeting for formal approval.

## **DISCUSSION OF BOARD MEMBER MEETINGS**

### **A. Visitors Promotional Committee - Schorr**

Schorr said the Convention and Visitors Bureau (CVB) is instituting a program entitled, "Lincoln 101." This half-day training session educates frontline hotel or attraction staff on how to promote Lincoln to visitors. An update was provided on the Special Olympics which Lincoln will be hosting in July, 2010. The United States Rollerskating Championships will also return in 2010. A new focus of the CVB is geared toward agri-tourism and ag-business. Bids for Lincoln to host the High School Basketball and Volleyball Championships will be submitted. Schorr noted attendance at religious conventions has remain stable in this economy, however, attendance at sports and educational conferences is down. She said the CVB will be making a future presentation to the City-County Common.

### **B. LIBA Monthly Meeting - Workman, Heier**

Workman said the jail construction schedule was discussed. The County budget was also discussed, including the possibility of the County implementing a hiring freeze. He did inform the group that the County was asking all departments to reduce budgets.

### **C. Downtown Lincoln Association - Heier**

No report was given.

### **D. Joint Budget Committee - Stevens**

Eagan noted keno recommendations were discussed, as was the check lending legislation. Schorr said Kit Boesch, County Human Services Director, and numerous human services providers are very opposed to payday lenders. Lincoln has an extremely large number in

operation and they charge 350% interest. It becomes difficult for families to break the cycle of usage and then they end up on general assistance or seeking other community services. She added it is a problem across the country, although, Lincoln has 30 times the number of these businesses per capita than other cities.

## **5        LANCASTER MANOR REQUEST FOR QUALIFICATIONS - Vince Mejer, Purchasing Agent; Gwen Thorpe, Interim Lancaster Manor Administrator**

Vince Mejer, Purchasing Agent, outlined the major components of the draft Request for Qualifications (RFQ). He said it asks for a licensed nursing home operator, assisted living provider or other healthcare provider or real estate or economic development group in a partnership with previously identified providers to submit proposals for purchase of the facility, lease of the facility, private management of the facility or other possible options not mentioned. Thorpe added the language does include that no priority is to be inferred on any of the options.

In response to Hudkins' inquiry regarding the difference between an RFQ and a Request for Proposal (RFP), Mejer said with an RFP, the proposer states what they are going to do at what cost and then negotiations can commence. An RFQ asks for different options, whereby, the County can review all the scenarios and decide which is in the best interest of the residents, as well as the taxpayers. With an RFQ, once an option has been selected the County can then issue an RFP or begin direct negotiations. The County can also reject all options.

Schorr said her preference would be to release the RFQ as soon as possible.

With regard to RFQ evaluation committee members, Mejer asked the Board for suggestions. In addition to Vince Mejer, Gwen Thorpe, Deb Schorr and Dennis Meyer, Hudkins said he would like to see representation from the Lancaster Manor Foundation, the Lancaster Manor Advisory Board and AFSCME (the labor union representing the majority of Manor employees). Mejer said it was his opinion that open-minded members are needed who can look at this issue objectively.

Schorr questioned the number of members. Mejer said seven would be ideal; nine would be the maximum.

Schorr said the Lancaster Manor management team also expressed an interest in participating.

Workman said it might also be appropriate to have a resident family member involved.

Hudkins added the Manor has two ombudsmen who might also be good candidates.

Mejer said in having all these groups represented, he would be concerned about the fairness in the evaluation process. Hudkins said the general public would be concerned if this is not done in an open fashion.

Mejer said another option would be to solicit community members to serve on the panel. Schorr indicated the Chamber of Commerce or Lincoln Independent Business Association (LIBA) may be interested in having representation on the committee.

Thorpe also wondered whether an outside nursing home professional would be available. She recommended the item be forwarded to a future staff meeting agenda for further discussion.

Thorpe noted she is still working to obtain contract information for Purchasing to include with the RFQ. This information should be finalized by the end of the week. She added some of the contracts do not include ending dates nor were they signed by the County Board.

With regard to the RFQ procedure, Mejer said he must give the newspaper four days notice to post the ad after which he must wait a minimum of 14 days before opening the RFQ. He recommended that those interested do a walk-through of the Manor. After that time, there will be a question and answer period. He said the entire process will take at least two months.

Other than the newspaper, Workman asked how the RFQ will be advertised. Mejer said it will be on the Purchasing Department's web site, as well as in any related association magazines. Hudkins asked that Pat Snyder with the Nebraska Nursing Home Association be notified. Mejer asked Board Members to notify him of other mailing requests.

Going back to the opening verbiage of the RFQ, Hudkins felt "licensed administrator" should also be an option. Workman and Schorr agreed. Workman asked if the sequence of the options could also be rearranged. He suggested "licensed administrator" be first, followed by private manager, lease, purchase and other options. Hudkins and Schorr concurred.

Hudkins felt as calls, e-mails and/or letters come in from those wanting to be involved, they should be forwarded to a central location. Mejer said once the RFQ is released, it is imperative that all contact information be directed to the Purchasing Department.

**MOTION:** Schorr moved and Workman seconded to appoint nine people to the Lancaster Manor RFQ Evaluation Committee. Workman, Hudkins and Schorr voted aye. Motion carried.

Eagan said he will schedule further discussion of this item at the March 12, 2009, staff meeting.

Hudkins noted members of the public have expressed interest today in speaking on this issue, although, it is not a public hearing and testimony is typically not taken during staff meetings. He encouraged the public to contact the individual County Commissioners. Schorr also pointed out that time is designated at Tuesday morning meetings for the public to address the Board.

**6 CRISIS CENTER MAINTENANCE** - Don Killeen, County Property Manager; Dean Settle, Community Mental Health Center Director; Scott Etherton, Crisis Center Program Manager

Dean Settle, Community Mental Health Center Director, noted that he and Don Killeen have been discussing Crisis Center maintenance for over a year. He said this clientele is very hard on doors, walls, windows, etc., and he felt maintenance is needed in a more timely manner. On any given day, two to three dozen work orders are outstanding.

Killeen noted some repairs are required to be done off hours. He added his staff has been allocating more hours to the Crisis Center and this should probably be reflected in next year's budget.

Settle said he hoped to have this work completed by the next accreditation review in August-September. He would like to see a half-time person dedicated solely to the Crisis Center.

In response to Hudkins' inquiry regarding moving the Crisis Center to the Corrections building once the new jail is built, Settle said the current location makes logical, programmatic sense, although, there is an increasing demand for forensic holds - people coming out of jail who cannot be integrated with the vulnerable population. He thought Douglas and Sarpy Counties may have the same need but could not justify each doing something singularly. It might be worth investigating whether a collaborative effort could be made in this area. Schorr asked that this issue be discussed at the next Tri-County Meeting.

Settle said his preference would be to have a 2/3's (.66) employee until the accreditation is complete and then reduce the position to half-time (.50).

In response to Hudkins' inquiry, Settle noted neither budget can cover the expense. He said he would first appeal to Region V to see if they have any additional funding available for the Crisis Center. Settle was also asked to put together a detailed cost proposal for the County Board in case Region V funding was denied.

**7 SELF-INSURANCE STUDY** - Sue Eckley, County Risk Manager; Tom Champoux, UNICO

Sue Eckley, County Risk Manager, distributed a copy of the County's insurance policy register (**See Exhibit C**). She noted Milliman proposed charging \$5,000 per coverage line to review whether the County should self-insure more risk. The cost to review General Liability and Worker's Compensation would be \$2,000.

Tom Champoux , UNICO, said with regard to General Liability, the County could look at higher deductibles as a cost-savings measure.

Eckley said she is comfortable with the County's current self-insurance levels. She added the one area the County could look to self-insure is auto coverage but that comes with

ramifications. Champoux noted the problem with self-insuring auto coverage is that the liability side can be a big unknown.

With regard to Worker's Compensation and General Liability, Eckley noted Milliman does the County's annual actuary study and has a twelve-year claim history. They would review claims and premiums and then make a recommendation accordingly. She felt this information could be determined in-house.

**8 PENDING LITIGATION** - Sue Eckley, County Risk Manager; Kari Wiegert, Risk Management Specialist

**MOTION:** Schorr moved and Workman seconded to enter into Executive Session at 10:15 a.m. for the purpose of discussing pending litigation. Schorr, Hudkins and Workman voted aye. Motion carried.

**MOTION:** Schorr moved and Workman seconded to exit Executive Session at 10:32 a.m. Schorr, Hudkins and Workman voted aye. Motion carried.

**ADDITIONS TO THE AGENDA** - Doug Cyr, Chief Deputy County Attorney; Mike Lang, Mayor's Aide to Economic Development; John Bergmeyer, Attorney with Harding & Shultz Law Firm, representing First State Bank; and Jerry Lenford, Executive Vice President, First State Bank

A. Legacy Dairy

John Bergmeyer, Attorney for First State Bank (FSB), indicated the County issued a block grant to RRJ , L.L.C., dba Legacy Dairy and Creamery to help create jobs in the County but since that time the business has failed. FSB is trying to find a way to bring that business back to Hallam. He said Prairieland Dairy would like to purchase the business and has entered into an Asset Purchase Agreement with RRJ for that purpose.

Bergmeyer said the County has a Deed of Trust on the property to secure the obligation to repay the Community Development Block Grant (CDBG). Under the Agreement, RRJ needs to provide clear title to the property. Bergmeyer said the only way to do this is for the County to release the Deed of Trust and the obligations outlined in the Memorandum of Understanding.

In previously discussing this matter with the County Attorney's Office, Bergmeyer said Doug Cyr had indicated the document was in signature-ready form and ready to bring forward to the County Board. Earlier this week he heard the County wanted Prairieland Dairy to assume the old obligation and provide designated job creation for a particular period of time, after which time the old obligation would be released. He said Prairieland Dairy will not agree to assume the old obligation, although, they would likely be agreeable to job creation.

Eagan felt the Board would be willing to give credit for job creation to date and, at the same time, be willing to release RRJ, the trust deed and any other liens. He added the County just

wanted some assurance from the new owner that there would be job creation and that they would assume the CDBG in some altered form for a period of time, after which there would be complete and total forgiveness and the deed would be reconveyed.

Cyr said the problem with assuming the CDBG is this money is already gone. The Deed of Trust secures the \$300,000 loan which is behind the first mortgage lien of FSB in the amount of \$516,000. The property is worth roughly \$150,000. He added Prairieland Dairy is willing to enter into an informal contract or Memorandum of Understanding with the County that jobs will be created and maintained for a period of a year but will not assume a \$300,000 obligation which was not originally theirs. The deal will fall through if that is the case.

Workman said the loan was granted to RRJ with the understanding that a business and jobs would be created in the County - some of which was done. He added while releasing the Deed would forgive RRJ of the obligation, the gain would be the possibility of the business carrying on successfully under new ownership.

Cyr said the question now is what type of obligation would Prairieland Dairy assume as far as any type of past security for RRJs debts. Bergmeyer said the answer realistically is nothing in terms of what Prairieland Dairy is willing to do. Any loss they have from this point forward will be their responsibility. He reiterated that Prairieland Dairy is only asking for the County to release the obligation of RRJ and the Deed of Trust. If this does not happen, the deal cannot move forward because clear title to the assets cannot be transferred. He added that while Prairieland Dairy is not willing to assume RRJs prior obligation, they are willing to do their very best to create and sustain jobs by investing their dollars in a defunct Hallam business.

It was noted a Deed of Reconveyance, as well as a Memorandum of Understanding relating to job creation, will be placed on next Tuesday's County Board agenda for formal action.

## **9 ACTION ITEMS**

- A. Nursing Home Licensure Renewal Application for Lancaster Manor

**MOTION:** Schorr moved and Workman seconded to authorize Larry Hudkins as Acting Chair to sign the Nursing Home Licensure Renewal Application for Lancaster Manor (copy on file in the Clerk's Office). Workman, Hudkins and Schorr voted aye. Motion carried.

## **10 CONSENT ITEMS**

There were no consent items.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Waverly Flood Plain Study
- B. Agenda Items for Common Meeting (Tuesday, March 3, 2009)

- C. Department Budget Hearing Schedule
- D. Correspondence from Beverly Neth, Department of Motor Vehicles Director, Regarding Facility Changes
- E. Keno Prevention Fund (Round 29 Recommendations)

Items 11A, B, C, D and E were moved forward on the agenda.

## **12 PENDING**

There were no pending items.

## **13 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Visitors Promotional Committee - Schorr
- B. LIBA Monthly Meeting - Workman, Heier
- C. Downtown Lincoln Association - Heier
- D. Joint Budget Committee - Stevens

Items 13A, B, C and D were moved forward on the agenda.

## **14 SCHEDULE OF BOARD MEMBER MEETINGS**

Informational only.

## **15 INVITATIONS TO BOARD MEMBERS**

Informational only.

## **16 CORRESPONDENCE TO THE COUNTY BOARD**

## **17 CORRESPONDENCE FROM THE COUNTY BOARD**

## **18 AGENDA ITEMS FOR COUNTY BOARD MEETING OF TUESDAY, MARCH 5, 2009**

## **19 EMERGENCY ITEMS AND OTHER BUSINESS**

## **ADJOURNMENT**

**MOTION:** Schorr moved and Workman seconded to adjourn the meeting at 10:57 a.m. Schorr, Workman and Hudkins voted aye. Motion carried.



Dan Nolte  
Lancaster County Clerk

## Lancaster County Board of Commissioners

## Legislative Update

Today is the 34<sup>th</sup> day of the ninety-day session.

The Transportation Committee heard several bills this week regarding funding of roads. LB 320 would have drivers pay a fixed fuel tax under the bill. Senator Friend offered the bill that would fix the motor fuel tax at 26 cents per gallon whereas the current motor fuel tax provides for a 12.5 cent fixed tax and a variable gas tax set by the state Department of Roads, which is presently at 13.9. Under the bill, revenues collected from the 26-cent tax would be distributed as follows: 73 percent to the department; 13.5 percent to counties; and 13.5 percent to cities. The state chamber is opposed to this bill as is the Farm Bureau.

We are working with Senator Cornett to get LB 218 prioritized. She has indicated that once the revenue projections come out in about a week she will schedule the bill for discussion in executive session with the Revenue Committee. She has several options. The first, is to have her designate it as her personal priority, the second is to have the Revenue Committee designate it as a committee priority bill, the third is to have someone else prioritize it as a personal priority. The final option is to have the Speaker prioritize it as a Speaker priority. We are working very closely with Larry Dix of NACO on this and we remain very optimistic that the bill will be prioritized with an additional \$2 million of state aid to counties.

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB4	Christensen		Change the rate of jury compensation to minimum wage	Judiciary			X	
LB5	Christensen		Eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way	Natural Resources	1.22.09	Final Reading	X	Oppose; Support with Opt-out
LB8	Wightman		Change fees received by clerks and registers of deeds	Government, Military and Veterans Affairs	1.23.09	IPP'd 1.29.09	X	
LB10	Langemeier		Provide for specialty license plates	Transportation and Telecommunications	2.2.09	IPP'd 2.4.09	X	
LB13	White		Change and rename the Property Tax Credit Act	Revenue	2.20.09		X	
LB16	White		Adopt the Taxpayer Transparency Act	Executive Board of the Legislative Council	2.20.09		X	
LB19	Christensen		Change marriage license fee provisions and provide for marriage education	Judiciary	1.23.09		X	
LB25	Friend		Provide for licensure of and medicaid payments to children's day health services	Health and Human Services	1.21.09		X	
LB26	Friend		Change the priority of liens for special assessments	Revenue	1.28.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB28	Pahls		Authorize the issuance of undercover license plates and driver's licenses to federal law enforcement agencies	Transportation and Telecommunications	1.27.09	Final Reading	X	
LB33	Fulton		Change county zoning provisions with respect to density of population	Government, Military and Veterans Affairs	1.23.09		X	Support
LB34	Ashford		Require employment verification of employees by employers and by contractors who want to be awarded a public contract	Judiciary	2.18.09		X	
LB35	Ashford		Adopt the Violence Prevention Act, prohibit certain gang activity, and change certain firearm provisions	Judiciary	2.20.09		X	
LB38	Flood		Change assault, assault on an officer, and offenses by a confined person provisions	Judiciary			X	
LB41	Flood		Clarify references to the county sheriff	Judiciary	1.22.09	Select File	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB44	Flood		Correct a definition and eliminate obsolete statutory references in revenue provisions	Revenue	1.23.09	Select File	X	
LB46	Wightman		Provide for costs and expenses of estate administration	Judiciary	2.5.09		X	
LB47	Wightman		Change the amount of the intestate share of the surviving spouse	Judiciary	2.5.09	General File with AM240	X	
LB49	Fischer		Require titling and registration of motor vehicles and motorboats be performed by county treasurers	Transportation and Telecommunications	1.20.09	Final Reading 45-0-3 2.6.09	X	
LB50	Fischer		Change provisions relating to motor vehicle manufacturers	Transportation and Telecommunications	1.20.09	Final Reading 46-0-3 2.6.09	X	
LB51	Fulton		Provide for confidentiality of Nebraska Workers' Compensation Court documents and information	Business and Labor	2.9.09		X	
LB52	Fischer		Change employment qualifications relating to county veterans service offices	Government, Military and Veterans Affairs	1.22.09	Select File with AM109	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB55	Fischer		Change qualifications for office for county attorneys and the Attorney General	Government, Military and Veterans Affairs	1.23.09	Final Reading	X	
LB63	Friend		Change provisions relating to assault, firearms, graffiti, gang affiliation, juveniles, and jailhouse informers	Judiciary	2.20.09		X	
LB76	Pirsch		Authorize the aggregation of amounts under forgery in the second degree and criminal possession of a forged instrument	Judiciary	1.21.09		X	
LB78	Gay		Provide for deposit of inmate wages into the Victim's Compensation Fund	Judiciary	1.22.09		X	
LB80	Nelson		Change the Uniform Principal and Income Act	Banking, Commerce and Insurance	1.26.09	Final Reading 43-0-6	X	
LB82	Howard		Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code	Judiciary	2.20.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB83	McGill		Provide for the care of domestic animals in protection orders	Judiciary	1.22.09	General File with AM96 Stuthman offered AM419	X	
LB85	McGill		Authorize urban growth districts and provide bond authority	Urban Affair	1.20.09	Final Reading 33-10-6 2.20.09	X	
LB90	Heidemann		Remove a requirement of consent and waiver of physical appearance relating to audiovisual court appearances	Judiciary	1.23.09	Select File, Lathrop AM290 Pending	X	
LB91	Howard		Provide for a subsidized adoption of a child who was under a subsidized guardianship prior thereto	Health and Human Services	1.21.09	Final Reading	X	
LB92	Howard		Require vehicles to move over upon approach of stopped emergency vehicles	Transportation and Telecommunications	1.20.09	General File with AM305	X	
LB93	Howard		Prohibit smoking in a motor vehicle with an occupant under sixteen years of age	Transportation and Telecommunications			X	
LB94	Howard		Authorize late homestead exemption applications for medical reasons	Revenue	1.29.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB97	Lautenbaugh		Change provisions relating to foreign corporations and provisions and penalties relating to certain sex offenders	Judiciary			X	
LB98	Carlson		Change noxious weed grant programs and the Riparian Vegetation Management Task Force	Agriculture	2.17.09		X	
LB107	Haar		Require an employer to provide an employee a reason for termination	Business and Labor	1.26.09		X	
LB108	Carlson		Exempt certain all-terrain vehicles from identification inspection requirements	Transportation and Telecommunications	1.20.09	IPP'd 1.28.09	X	
LB109	Rogert		Authorize the operation of low-speed vehicles on highways	Transportation and Telecommunications	2.24.09		X	
LB110	Fischer		Change motor vehicle registration fees and fee distribution and provide for specialty license plates	Transportation and Telecommunications	2.2.09	General File with AM181	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB111	Fischer		Change provisions relating to fines for speeding in a construction zone	Transportation and Telecommunications	3.2.09		X	
LB114	Louden		Provide for operation of minitrucks on highways without registration	Transportation and Telecommunications	2.24.09		X	
LB118	Wightman		Change decedents' estates provisions relating to collection of personal property by affidavit and succession to real property by affidavit	Judiciary	2.5.09		X	
LB119	Wightman		Change inheritance tax provisions	Revenue	1.22.09		X	
LB120	Wightman		Change inheritance tax provisions	Revenue	1.22.09	Final Reading Second	X	
LB121	Wightman		Provide for reassumption of property tax assessment functions by certain counties	Revenue	2.18.09		X	
LB125	Avery		Provide for voter registration on election day	Government, Military and Veterans Affairs	2.18.09		X	
LB126	Avery		Require financial disclosure statements from constitutional officers and candidates	Government, Military and Veterans Affairs	1.29.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB129	Dubas		Authorize actions and procedures for invalid financial transactions when registering a vehicle	Transportation and Telecommunications	2.3.09	General File with AM485	X	
LB133	Heidemann		Change location requirements for county postprimary conventions	Government, Military and Veterans Affairs	2.4.09	General File	X	
LB143	Langemeier		Adopt the Nebraska Shooting Range Protection Act	Judiciary		Langemeier Motion to Withdraw Bill Filed	X	
LB144	Avery		Allow accessibility to certain disciplinary records regarding police officers and school district personnel	Judiciary	2.26.09		X	
LB147	Pirsch		Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders	Judiciary			X	
LB153	Lautenbaugh		Adopt the Tourism Liability Act	Judiciary	3.4.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB154	Government, Military and Veterans Affairs Committee		Eliminate certain boards, commissions, committees, councils, task forces, working groups, and related statutory provisions	Judiciary	1.21.09	Final Reading 45-0-2 2.6.09	X	
LB156	Lautenbaugh		Eliminate the strict liability requirement for pursuits by law enforcement officers	Judiciary	1.30.09		X	
LB158	White		Adopt the Peace Officer Discipline Procedures Act	Business and Labor	1.26.09	Select File AM48	X	
LB166	Cornett		Change provisions relating to property tax	Revenue	1.21.09	Final Reading With E-Clause 44-0-5 2.20.09	X	
LB173	Gay		Provide for relabeling and redispatching of prescription drugs at certain correctional facilities	Health and Human Services	1.21.09		X	Support
LB175	Lathrop		Change provisions for replacing lost license plates	Transportation and Telecommunications	2.3.09	General File	X	
LB180	Natural Resources Committee		Change provisions relating to solid waste management	Natural Resources	1.21.09	Final Reading 45-2-2 2.6.09	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB183	Fischer		Provide requirements for the sale of an exchange under the Nebraska Telecommunications Regulation Act	Transportation and Telecommunications	2.10.09	General File with AM324	X	
LB190	Avery		Provide for collection of DNA samples from individuals convicted of a felony	Judiciary	1.22.09		X	
LB194	Nantkes		Change workers' compensation provisions on lump-sum settlements	Business and Labor	2.9.09		X	
LB200	Janssen		Change motorcycle and moped helmet requirements	Transportation and Telecommunications	3.3.09		X	
LB206	Nantkes		Adopt the In the Line of Duty Dependent Education Act	Education	1.26.09		X	
LB208	Lautenbaugh		Add false information about employees to the crime of fraudulent insurance act and to the Insurance Fraud Act	Judiciary	2.26.09		X	
LB211	Pirsch		Provide for issuance of certain license plates to spouses of veterans	Transportation and Telecommunications	2.2.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB212	Cornett		Authorize single commissioner hearings before the Tax Equalization and Review Commission	Revenue	2.26.09		X	
LB213	Cornett		Change Tax Equalization and Review Commission provisions	Revenue	2.26.09		X	
LB218	Cornett		Change, eliminate, and provide state aid to various political subdivisions	Revenue	1.28.09		X	Support with adequate funding
LB220	Gloor		Change provisions relating to pharmacy practice and pharmaceuticals	Health and Human Services	1.30.09	General File with AM217	X	
LB222	Giese		Restrict issuance of learner's permits	Transportation and Telecommunications	1.26.09		X	
LB224	Carlson		Change Nebraska State Fair and Nebraska State Fair Board provisions	Agriculture	3.3.09		X	
LB225	Haar		Provide for volunteer firefighter license plates	Transportation and Telecommunications	2.2.09		X	
LB229	Fischer		Adopt federal regulations and change operator's license and state identification card provisions	Transportation and Telecommunications	1.26.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB237	Lathrop		Adopt the Interstate Compact for Juveniles	Judiciary			X	
LB239	Lathrop		Provide a homestead property tax exemption for certain disabled veterans	Revenue	1.29.09		X	
LB243	Nantkes		Provide for annual adjustment for workers' compensation total disability income benefits	Business and Labor	2.9.09		X	
LB245	Dubas		Change provisions governing unlawful obstruction of railroad crossings	Transportation and Telecommunications	2.9.09		X	
LB252	Cornett		Prohibit possession of animal fighting paraphernalia	Judiciary	2.11.09		X	
LB259	Utter		Clarify Federal Deposit Insurance Corporation coverage with respect to public funds	Banking, Commerce and Insurance	1.27.09	Final Reading	X	
LB260	Rogert		Adopt the Nebraska Claims for Wrongful Conviction and Imprisonment Act	Judiciary	2.19.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB261	Rogert		Provide for use of machine-readable information encoded on drivers' licenses and state identification cards	Transportation and Telecommunications	1.26.09	General File with AM182	X	
LB265	Giese		Change the Sexual Predator Residency Restriction Act	Judiciary			X	
LB267	Lathrop		Prohibit mandatory overtime for state employees providing services to individuals in residential care	Business and Labor			X	
LB270	Haar		Create a homestead property tax exemption	Revenue	2.20.09		X	
LB271	Haar		Adopt the Car Tax Reduction Act	Revenue	2.20.09		X	
LB272	Friend		Redefine underground facility for purposes of the one-call notification system	Transportation and Telecommunications	2.10.09	IPP'd 2.25.09	X	
LB273	Ashford		Change sheriff's fees and handgun certificate fees	Government, Military and Veterans Affairs	2.4.09		X	
LB275	McGill		Require crisis, information, and referral services relating to behavioral health	Health and Human Services	2.5.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB276	Nordquist		Change criminal mischief provisions and prohibit defacement	Judiciary	1.28.09		X	
LB277	Mello		Prohibit the purchase of spray paint and industrial-strength marking pens by minors	Judiciary	1.28.09		X	
LB284	Fulton		Authorize employment restrictions for sexual predators	Judiciary			X	
LB285	Pirsch		Change Sex Offender Registration Act provisions	Judiciary			X	
LB290	Stuthman		Require criminal history background checks on individuals who transport vulnerable adults and children under contracts with the Department of Health and Human Services	Health and Human Services	1.28.09	General File with AM293	X	
LB294	Campbell		Change the length of time for county building levies	Revenue	3.25.09		X	Support
LB295	Campbell		Provide and change recording requirements for filings with the register of deeds	Government, Military and Veterans Affairs	2.5.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB296	Dubas		Change a reciprocal sales and use tax exemption	Revenue	3.11.09		X	
LB302	Campbell		Change provisions relating to transfer of a homestead exemption	Revenue	1.29.09	General File	X	
LB304	Council		Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Judiciary	2.4.09		X	
LB308	Heidemann		Change levy provisions for rural and suburban fire protection districts	Revenue	3.25.09		X	
LB310	Haar		Change provisions relating to deaf and hard of hearing persons	Health and Human Services	1.30.09		X	
LB311	Speaker Flood		Provide for deficit appropriations	Appropriations	2.23.09		X	
LB312	Speaker Flood		Appropriate funds for salaries of members of the Legislature	Appropriations	2.23.09		X	
LB313	Speaker Flood		Appropriate funds for salaries of constitutional officers	Appropriations	2.23.09		X	
LB314	Speaker Flood		Appropriate funds for capital construction	Appropriations	2.23.09		X	
LB315	Speaker Flood		Appropriate funds for state government expenses	Appropriations	2.23.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB316	Speaker Flood		Change provisions relating to certain funds and provide for transfers of funds	Appropriations	2.23.09		X	
LB317	Speaker Flood		Provide for transfers from the Cash Reserve Fund	Appropriations	2.23.09		X	
LB318	Speaker Flood		Change provisions governing depreciation charges for capital improvement projects	Appropriations	2.23.09		X	
LB323	Fulton		Change distribution of motor vehicle tax proceeds	Transportation and Telecommunications	2.23.09		X	
LB324	Nelson		Provide for designation of voting entrances and change restrictions on electioneering	Government, Military and Veterans Affairs	2.11.09		X	
LB325	Nelson		Change provisions relating to elections	Government, Military and Veterans Affairs	2.11.09	General File with AM474 AM 169 Filed	X	
LB329	Cornett		Provide for firefighter license plates and training for emergency response personnel	Transportation and Telecommunications	2.2.09		X	
LB348	Janssen		Change access and fee provisions relating to real estate tax statements	Government, Military and Veterans Affairs	2.6.09	General File with AM191	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB349	Lautenbaugh		Change provisions relating to recall of elected officials	Government, Military and Veterans Affairs	2.18.09		X	
LB360	Cook		Authorize creation of a land reutilization authority by a city of the metropolitan class	Urban Affair	2.17.09		X	
LB362	Avery		Change requirements for candidate filing forms	Government, Military and Veterans Affairs	2.25.09		X	
LB367	Gloor		Change health care certificate of need provisions	Health and Human Services	2.12.09		X	
LB368	Mello		Change point system violation regarding reckless driving and willful reckless driving	Transportation and Telecommunications	3.3.09		X	
LB371	Campbell		Change Medicaid Reform Plan and Medicaid Reform Council provisions	Health and Human Services	2.11.09		X	
LB372	Campbell		Change provisions relating to the release of driver's license digital images or digital signatures	Transportation and Telecommunications			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB373	Lautenbaugh		Change death and disability-related provisions pertaining to emergency response personnel	Judiciary	2.26.09		X	
LB377	Pankonin		Adopt the Nebraska Governmental Unit Credit Facility Act	Banking, Commerce and Insurance	2.2.09	General File	X	
LB379	Haar		Extend a scrap tire grant program	Natural Resources	1.29.09	Select File	X	
LB384	Pahls		Authorize release to federal civil authorities of certain information under the Motor Vehicle Operator's License Act	Transportation and Telecommunications			X	
LB390	Coash		State intent regarding reimbursement rates for assisted services for persons with developmental disabilities	Health and Human Services	2.25.09		X	
LB398	Nordquist		Provide for collegiate spirit license plates for private colleges and universities	Transportation and Telecommunications	2.2.09		X	
LB403	Karpisek		Require verification of lawful presence in the United States to receive public benefits as prescribed	Judiciary	2.18.09 AM435 3.5.09 AM491 3.5.09	Select File with AM413 AM435 Offered	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB412	Giese		Change provisions relating to sanitary and improvement district elections	Urban Affairs	2.3.09	General File with AM134	X	
LB427	Pankonin		Adopt the County Law Enforcement Officer Retirement Act	Nebraska Retirement Systems	3.18.09		X	
LB429	Christensen		Change employment provisions of persons committed to the Department of Correctional Services	Judiciary	2.19.09	General File	X	
LB433	Lathrop		Change provisions relating to interchange of court judges and court jurisdiction	Judiciary	2.4.09		X	
LB434	Janssen		Change ballot questions regarding township organization	Government, Military and Veterans Affairs	2.11.09	General File	X	
LB439	Fischer		Adopt the Home Energy Alternatives Act	Natural Resources	3.11.09		X	
LB443	Christensen		Provide for the regulation of adult and sexually oriented businesses	General Affairs	3.9.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB450	Campbell		Change Nebraska State Capitol Environs District height restriction provisions	Government, Military and Veterans Affairs	2.12.09	General File	X	
LB453	Rogert		Change provisions relating to an employer notice that employees are not covered by workers' compensation insurance	Business and Labor	2.23.09		X	
LB469	Karpisek		Create the Agricultural Land Valuation Task Force	Revenue	3.26.09		X	
LB474	Stuthman		Change provisions relating to property exempt from property taxes	Revenue	3.25.09		X	
LB475	Stuthman		Eliminate the position of county comptroller	Government, Military and Veterans Affairs	3.12.09		X	
LB501	Sullivan		Change provisions relating to submission of ballot issues and elections by mail	Government, Military and Veterans Affairs	2.25.09		X	
LB503	Langemeier		Adopt the Nebraska Shooting Range Protection Act	Government, Military and Veterans Affairs	2.20.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB506	Pirsch		Change penalties related to the duty to stop at a motor vehicle accident	Judiciary	3.4.09		X	
LB507	Pirsch		Change provisions and penalties regarding domestic assault in the third degree	Judiciary			X	
LB508	Pirsch		Prohibit certain gang-related initiations	Judiciary	2.20.09		X	
LB509	Pirsch		Redefine election period for the Campaign Finance Limitation Act	Government, Military and Veterans Affairs	3.5.09		X	
LB510	Pirsch		Require the deposit and distribution of certain surcharges and inmate wages for the benefit of victims of crime	Judiciary			X	
LB512	Lautenbaugh		Change airport zoning provisions relating to the regulation of airport hazards	Government, Military and Veterans Affairs	2.12.09	General File	X	
LB513	Lautenbaugh		Eliminate subrogation and contribution rights against a political subdivision or the state for property damage related to vehicular pursuit	Judiciary			X	

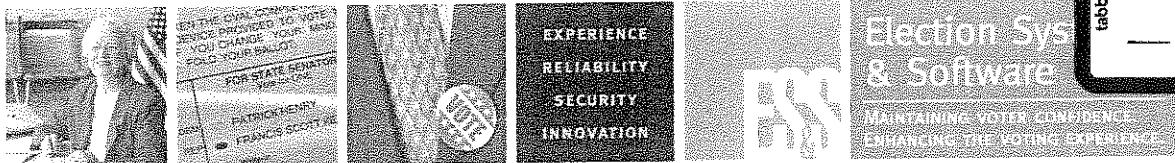
LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB514	Lautenbaugh		Change workers' compensation disability compensation provisions	Business and Labor	2.23.09		X	
LB520	Hadley		Provide for an income tax credit for perpetual conservation easement donations	Revenue	2.6.09		X	
LB525	Friend		Change tax levy and economic development programs of cities and villages	Urban Affairs	2.24.09		X	
LB529	Pahls		Transfer ownership of certain computer equipment from the Secretary of State to county clerks	Government, Military and Veterans Affairs	2.20.09		X	
LB532	Price		Provide for the adoption of ordinances by counties	Government, Military and Veterans Affairs	2.20.09		X	
LB538	Giese		Exempt government employee retirement benefits from income tax	Revenue	2.4.09		X	
LB543	Campbell		Provide an exemption from motor vehicle industry licensing requirements	Transportation and Telecommunications			X	Support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB544	Giese		Require the Secretary of State to publish guidelines for election workers	Government, Military and Veterans Affairs	2.11.09	General File	X	
LB552	White		Adopt the Nebraska Construction Prompt Pay Act	Business and Labor	3.2.09		X	
LB553	White		Change certain property tax valuation protest procedures	Revenue	2.26.09		X	LC Assessor Concerns
LB554	White		Prohibit certain employers from requiring use of paid leave under certain circumstances	Business and Labor	2.2.09		X	Monitor
LB556	White		Change workers' compensation third-party claims provisions	Business and Labor	2.23.09		X	
LB580	Cornett		Change the standard of review by the Tax Equalization and Review Commission	Revenue	2.26.09		X	
LB581	Carlson		Change disposition of funds from Pesticide Act fees and weed book sales	Agriculture	2.10.09		X	
LB582	Dierks		Create the Nebraska Invasive Species Council	Natural Resources	3.4.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB595	Karpisek		Change coroner's examination provisions in motor vehicle accident cases	Judiciary			X	
LB598	Ashford		Change the Nebraska Crime Victim's Reparations Act and authorize a Community Trust to assist with tragedies of violence or natural disaster	Judiciary			X	
LB600	Karpisek		Authorize pool halls under the Nebraska Liquor Control Act and provide duties for owners of pool halls	Health and Human Services	2.9.09		X	Oppose
LB611	Karpisek		To amend the Nebraska Clean Indoor Air Act to provide cities, villages, and counties the authority to regulate smoking	Health and Human Services	2.6.09	IPP'd 2.18.09	X	
LB624	Haar		Provide for energy efficiency loans for public buildings	Natural Resources	2.4.09		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB625	Pirsch		Prohibit intentional exposure to another of a life-threatening communicable disease	Judiciary			X	
LB626	Karpisek		Change prohibited activities for public officials and public employees use of public resources	Government, Military and Veterans Affairs	3.4.09		X	
LB632	Mello		Adopt the Nebraska Green Building Advantage Act and authorize a sales tax refund	Revenue	3.5.09		X	
LB634	Mello		Redefine household income for homestead exemption purposes	Revenue	2.11.09		X	
LB639	Karpisek		Change provisions relating to telephone conferencing for public meetings	Government, Military and Veterans Affairs	2.19.09		X	
LB642	Schilz		Provide for Nebraska agriculture license plates	Transportation and Telecommunications	2.2.09		X	
LB645	Mello		Change provisions relating to public contracts for services	Government, Military and Veterans Affairs	3.11.09		X	
LB659	Fulton		Provide for data collection relating to persons released from incarceration	Judiciary			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB662	Janssen		Change provisions relating to nomination for certain offices	Government, Military and Veterans Affairs	2.25.09		X	
LB669	Coash		Change the number of district, county, and separate juvenile court judges	Judiciary	2.6.09	General File	X	
LB670	Pirsch		Change funding for the Property Tax Credit Act	Revenue	2.18.09		X	
LB672	Pirsch		Change provisions and penalties for certain firearms crimes	Judiciary		Motion Filed, MO5 to withdraw bill	X	
LB678	Haar		Change provisions relating to minutes of public meetings	Government, Military and Veterans Affairs	2.19.09		X	



January 15, 2009

David Shively  
Election Commissioner  
Lancaster County  
601 N. 46th Street  
Lincoln, NE 68503

Dear Dave:

ES&S is pleased for the opportunity to submit a bid for Lancaster County's ballot printing business. Some of ES&S' highlights from the 2008 General Election were as follows:

- Turnaround time for finalized printed ballots was 3.8 days
- Ballot reprints were less than 1%
- 100% of original orders were delivered on time with zero errors

If you were to agree to a 3-year ballot agreement, the cost for your current election services (Layout, Coding, and Voice File Base Charge) will decrease dramatically. I took the liberty to review your coding and layout invoices for the 2008 Primary and General Elections. Your total charges for coding and layout for these elections totaled \$88,586.08. After applying the discount to the different components I found that your adjusted charges would have totaled \$63,146.17 or a 29% discount. I also took those numbers and calculated a per registered voter\* cost which came to \$0.49 and \$0.35 respectively. That is a savings of \$0.14 per registered voter on coding and layout alone! In the attached bid you will also notice the reduction on the base charge, backside charge, packaging, and delivery. I think you will be very pleased with the final pricing.

ES&S has agreed as a company that if you were to switch your printing business to us, we will do everything that we have to do to ensure that Lancaster receives priority treatment. I want to again thank you for including us in your process of choosing a printing partner. I will follow up with you on Monday to review the proposal with you and answer any questions you might have.

Sincerely,

Jennifer Hanigan  
Regional Account Manager

(\* 178,982 registered voters statistic taken from [lancaster.ne.gov](http://lancaster.ne.gov))

**ELECTION SYSTEMS & SOFTWARE, INC.  
ELECTION SERVICES AGREEMENT**

This Agreement is made as of the date it is executed by the last of the parties named below (the "Effective Date").

**BETWEEN:** Election Systems & Software, Inc., a Delaware corporation ("ES&S");

**AND:** Lancaster County, Nebraska ("Customer")

**RECITALS:**

- A. Customer has agreed to purchase certain election-related services from ES&S for use in **Lancaster County, Nebraska** (the "Jurisdiction"). The terms and conditions under which such services shall be provided are set forth in the **GENERAL TERMS** attached hereto.
- B. The following Exhibits are incorporated into, and constitute an integral part of, this Agreement (check all that apply):

Exhibit A (Ballot Layout, Coding, and Voice File Services)

Exhibit B (Ballot Printing Services)

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each of the parties hereto:

- Agrees to the **GENERAL TERMS** and the terms and conditions set forth in each Exhibit.
- Agrees that at all times, this Agreement shall be governed by and construed in accordance with the laws of the **State of Nebraska**.
- Represents and warrants to the other party that as of its signature date indicated below it has full power and authority to enter into and perform this Agreement, and that the person signing below on its behalf has been properly authorized to execute this Agreement.
- Acknowledges that it has read this Agreement, understands it and intends to be bound by it.

ELECTION SYSTEMS & SOFTWARE, INC.

11208 John Galt Boulevard  
Omaha, NE 68137  
Fax No.: (402) 970-1291

LANCASTER COUNTY, NEBRASKA

Attn: David J Shively  
601 N. 46th Street  
Lincoln, NE 68503  
Fax No.: (402) 441-6379

Signature

Signature

Name (Printed or Typed)

Name (Printed or Typed)

Title

Title

Date

Date

## GENERAL TERMS AND CONDITIONS

1. **Consideration.** The consideration to be paid by Customer to ES&S for the services provided hereunder is set forth on the accompanying Exhibits. Such consideration will be paid by the Customer upon presentation of an invoice or statement for reimbursement and documentation that services have been provided pursuant to this Agreement. ES&S further agrees that it will make any additional information available to the Customer to support any claim for services rendered. In no event shall Customer be responsible for the direct payment of any wages, insurance or fringe benefits, including but not limited to vacation, overtime, retirement benefits, workers' compensation insurance and unemployment insurance of ES&S or its employees.

2. **Indemnification.** Each party agrees to indemnify and hold harmless to the fullest extend allowed by law, the other party and its principals, officers, and employees from and against all claims, demands, suits, actions, payments, liabilities, judgments and expenses (including court-ordered attorney's fees) arising out of or resulting from the acts or omissions of their principals, officers, employees or subcontractors in the performance of this Agreement. Nothing in this Agreement shall require either party to indemnify or hold harmless the other party from liability for the negligent or wrongful acts or omissions of said other party or its principals, officers, employees or subcontractors.

3. **Limitation of Liability.** Neither party will be liable for any indirect, incidental, punitive, exemplary, special or consequential damages of any kind whatsoever arising out of or relating to this Agreement. ES&S' total liability to Customer arising out of or relating to this Agreement will not exceed the aggregate amount to be paid to ES&S hereunder. Any action by Customer against ES&S shall be commenced within one (1) year after the cause of action has accrued. By entering into this Agreement, Customer agrees to accept responsibility for the selection of, use of and results obtained from any services not provided by ES&S.

4. **Excusable Nonperformance.** Except for a delay or failure in the payment of money, if either party is delayed or prevented from performing its obligations under this Agreement due to any cause beyond its reasonable control, including natural disaster, fire, flood, unusually severe weather, terrorism, insurrection, war, Acts of God, labor disputes and governmental regulations, the delay shall be excused during the continuance of, and to the extent of, such cause, and the period of performance shall be extended to the extent necessary to allow performance after the cause of delay has been removed. ES&S agrees to work with Customer, at Customer's request, to develop mutually agreeable alternatives in order to minimize the negative impact of any such delay.

5. **Exclusive Service Provider.** Customer hereby agrees to purchase the products and services set forth on Exhibits A and B attached hereto from ES&S for the Term of this Agreement at the pricing set forth on each applicable Exhibit. Customer's agreement to purchase all of such products and services from ES&S for the entire Term entitles Customer to receive the preferred pricing for each product or service as provided herein. In the event that Customer terminates its purchase commitment for one or more of the products and services set forth on Exhibits A and B prior to expiration of the Term of this Agreement for any reason other than for cause pursuant to Section 5 of this Agreement, or purchases any such products or services from a provider other than ES&S during the Term, or fails to pay for such products or services provided by ES&S pursuant to the payment terms in Exhibit A and B, during the Term, Customer shall no longer be entitled to receive the pricing set forth on Exhibits A and B, as applicable, and shall pay ES&S its then current rates for such product and services.

6. **Term; Termination.** This Agreement shall be in effect for a three year period beginning on the date of the first covered election, which the parties agree shall be February 2009 (the "Term"). This Agreement may be terminated, in writing, at any time by either party if the other party breaches any material provision hereof and does not cure such breach within thirty (30) days after it receives written notification thereof from the non-breaching party. In addition, this Agreement may be terminated at any time by either party giving thirty (30) days written notice to the other party, before the effective date of termination. In the event of termination, ES&S shall be entitled to receive payment in full for all services provided and delivered to the Customer up to the effective date of termination, as the case may be, plus such other charges as may be agreed upon by the parties.

7. **Assignment.** Except in the case of a sale, transfer or assignment of all or substantially all of the assets of ES&S to a successor who has asserted its intent to continue the business of ES&S, neither party may assign or transfer this Agreement or assign any of its rights hereunder without the prior written consent of the other party hereto, such consent not to be unreasonably withheld.

8. **Entire Agreement.** This Agreement, including all Exhibits hereto (all of which are incorporated herein by this reference), contains the entire agreement of the parties with respect to the subject matter hereof and shall supersede and replace any and all other prior or contemporaneous discussions, negotiations, agreements or understandings between the parties, whether written or oral, regarding the subject matter hereof. Any provision of any purchase order, form or other agreement which conflicts with or is in addition to the provisions of this Agreement shall be of no force or effect. In the event of any conflict between a provision contained in an Exhibit to this Agreement and these General Terms, the provision contained in the Exhibit shall control. No waiver, amendment or modification of any provision of this Agreement shall be effective unless in writing and signed by the party against whom such waiver, amendment or modification is sought to be enforced. No consent by either party to, or waiver of, a breach by either party shall constitute a consent to or waiver of any other different or subsequent breach by either party.

9. **Notice.** Any notice or other communication required or permitted hereunder shall be in writing, and will be deemed given when delivered personally, sent by confirmed fax, sent by commercial overnight courier (with written verification of receipt) or sent by registered or certified mail, return receipt requested, postage prepaid, when the return receipt is received. All communications shall be sent to the attention of the persons listed on the signature page to this Agreement and at the addresses or fax numbers set forth on such signature page unless other names, addresses or fax numbers are provided by either or both parties.

10. **Disputes.**

**Remedies for Past Due Payments.** If any payment to ES&S is past due more than thirty (30) days, ES&S may suspend performance under this Agreement until such amount is paid.

**Dispute Resolution Process.** Time is of the essence in resolving disputes. The initiating party shall notify the responding party of any dispute, including all relevant information (e.g., the nature of the dispute, dates, times, persons involved). The responding party shall respond to the notification within five (5) business days. Thereafter, the parties shall use their good faith efforts to resolve the dispute within a

reasonable period of time. Notwithstanding anything in this Section 9 to the contrary, either party may apply to any court having jurisdiction over the subject matter of the dispute for a temporary restraining order, preliminary injunction, or other appropriate legal remedy at any time.

11. **Independent Contractor Status.** It is the express intent of the parties that this Agreement shall not create an employer-employee relationship. Employees of ES&S shall not be deemed to be employees of the Customer and employees of the Customer shall not be deemed to be employees of ES&S. ES&S and the Customer shall be responsible to their respective employees for all salaries and benefits. Neither ES&S' employees nor the Customer's employees shall be entitled to any salary or wages from the other party or to any benefits made to their employees, including but not limited to, overtime, vacation, retirement benefits, workers compensation, sick leave or injury leave. ES&S and the Customer shall be responsible for maintaining Workers' Compensation Insurance and Unemployment Insurance for its employees, and for payment of all Federal, State, local and any other payroll taxes with respect to its employee's compensation.

12. **Non-Discrimination.** ES&S agrees that in providing services pursuant to this Agreement, it shall not discriminate against any employee, applicant for employment, or any other person on the basis of race, color, religion, sex, disability, national origin, age, marital status, receipt of public assistance, or any other basis prohibited by applicable state or federal law.

13. **Insurance.** ES&S shall maintain, at its own cost throughout the duration of this Agreement, a policy or policies of insurance or a self-insurance program sufficient in coverage and amount to fully satisfy any judgments and pay any and all liabilities, judgments and related expenses that may arise in connection with performance of this Agreement. At a minimum, such insurance shall include:

- Workers' Compensation Insurance, fully insuring its employees as required by law. Said insurance shall be obtained from an insurance company which is authorized to do business in the State of Nebraska.
- Commercial General Liability - providing the limits of not less than:
  - Bodily Injury/Property Damage \$1,000,000 each occurrence  
\$2,000,000 aggregate
  - Personal Injury Damage \$1,000,000

ES&S shall not commence work under this Agreement until it has obtained all insurance required under this section and has provided the Customer with a Certificate of Insurance showing the specific limits of insurance required by this section and showing the County as an additional insured. Such certificate shall specifically state that Insurance policies are to be endorsed to require the insurer to provide the County thirty (30) days notice of cancellation, non-renewal, or any material reduction of insurance coverage.

14. **Other.** In performing its obligations or enjoying its rights under this Agreement, each party shall comply with all applicable laws and regulations. ES&S is providing its services to Customer as an independent contractor, and shall not be deemed to be a "state actor" for purposes of 42 U.S.C. § 1983. ES&S will not be responsible for (a) user errors, (b) voter errors

or (c) problems encountered by any individual in voting. ES&S may engage subcontractors to provide certain of the services, but shall remain fully responsible for such performance. The provisions of Sections 1-6, 9 and this Section 14 shall survive the termination of this Agreement, to the extent applicable.

**[END OF GENERAL TERMS]**

**EXHIBIT A**  
**BALLOT LAYOUT, CODING, AND VOICE FILE SERVICES**

1. **Services.** The services to be provided by ES&S, a description of such services, and per unit fees are set forth below. Customer acknowledges that ES&S' fees for these services are based on (a) a commitment by Customer to subscribe to such services for a period of at least three (3) years, and (b) the descriptions listed in the table below. A change in the Customer's commitment to a period of less than three (3) years for any reason other than a termination for cause pursuant to Section 5 of this Agreement will result in a change the fees set forth below.

<b>Election Systems &amp; Software Ballot Layout, Coding, Voice File Service Pricing</b>	
<b>Effective for all elections on or after January 1, 2008</b>	
	<b>Per Unit Fee</b>
<b>Paper Ballot Layout</b>	
<b>English and Spanish (combined):</b>	
1 to 500 Faces	\$15.00
501 or more Faces	\$12.50
<b>Languages other than English/Spanish</b>	
1 to 500 Faces, per Language	\$30.00
501 or more Faces, per Language	\$25.00
<b>Base Charge for Ballot On Demand (BOD)</b>	\$422.10
<b>Electronic Screen Layout - AutoMARK and iVotronic</b>	
<b>English and Spanish (combined):</b>	
Per Ballot Style, or precinct, whichever is greater	Included
<b>Languages other than English/Spanish</b>	
Per Ballot Style, or precinct, whichever is greater	Included
<b>Programming Services</b>	
<b>Base Charge per Equipment Type</b>	\$371.88
<b>Base Charge for ERM file set-up</b>	\$371.88
<b>Ballot types</b> (open primary or multiple-page ballots)	\$53.13
<b>Precincts</b> (every precinct in the election)	\$5.31
<b>Ballot faces</b> (every unique face in the election)	\$10.63
<b>Contests / Issues</b> (total number of contests, referenda, questions / propositions in the election)	\$12.75
<b>Candidate / Responses</b> (total number of candidates &/or responses, including referenda and all write-ins for each contest/issue)	\$5.31
<b>Headers</b> (Central Tabulators)	\$1.49
<b>Re-Coding Fees</b>	\$371.88 + applicable fee for each changed element
<b>Voice Files per iVotronic and AutoMARK Equipment Type</b>	
Language Setup Charge - English	\$256.50
Language Setup Charge - Spanish	\$256.50
Language Setup Charge - All Other languages	\$387.00 per language

<b>Election Systems &amp; Software Ballot Layout, Coding, Voice File Service Pricing</b>	
<b>Effective for all elections on or after January 1, 2008</b>	
Political Parties	\$5.22
Ballot Faces	\$10.53
Contests / Issues	\$10.53
Candidates / Yes-No Responses	\$7.29
Propositions / Amendments / Instructions	\$15.48
Price per word in excess of 1200 total words (Instructions / Propositions / Amendments)	\$0.27
Resubmission	\$256.50 for English & Spanish and \$387.00 (for each additional language), plus the applicable fee for each element changed for each language
<b>Other Services (Standard Overnight Delivery Charges Will Apply and Will Be Billed Separately)</b>	
Media burn (Flash / PCMCIA Cards, Mem Packs, PEBs, and Jump Drives)	\$10.00
Electronic transfer files (one charge per county, per election)	\$125.00
SOS Media	\$50.00

**Note 1:** Any applicable state and local taxes are not included, and are the responsibility of Customer.

**Note 2:** Payment terms are 100% of invoice total due within 30 calendar days of invoice date.

**[END OF EXHIBIT A]**

**EXHIBIT B**  
**BALLOT PRINTING SERVICES**

Description	Price per Ballot
<b>14" and 17" Ballots:</b>	
Base ballot charge	\$ .23
Backside of ballot	\$ .02
Folding	\$ .02
Packaging	No charge
Color requirements – defined as a color bar on the ballot. Other designs or methods quoted separately.	\$ .02
<b>Per Ballot Fee Subtotal</b>	<b>\$ TBD</b>
Additional charges for special requests, including watermarking, unique packaging requirements and expedited delivery requirements.	\$ TBD
<b>Per Ballot Fee Total</b>	<b>\$ TBD</b>
<b>Prices are exclusive of freight, which will be billed separately.</b>	
<b>19" ballots are quoted separately.</b>	

**Note 1:** 100% of payment for Ballot Printing services due within thirty (30) calendar days from issuance of invoice.

**Note 2:** The above pricing assumes the use of ES&S partner printers. The use of a Customer requested printer may result in a change in the fees outlined above.

**Note 3:** Unexpected and material changes in costs such as paper may result in changes to the fees reflected above.

LANCASTER COUNTY  
INSURANCE POLICY REGISTER  
FY 2009

**EXHIBIT**

Tables

POLICY COVERAGE	INSURANCE CARRIER	POLICY NUMBER	POLICY EXPIRATION	BROKER	FY 2009 BUDGET
Sheriff - \$20,000 Accidental Death and Dismemberment	Hartford Insurance	ETB-200166	09-09-30	UNICO Group	771
\$1,000,000 BI, Comp \$1,000, Coll \$1,000	Continental Western Insurance	CA2375674-27	09-09-30	UNICO Group	62,196
Comp \$1,000, Collision \$1,000 Physical Damage – Sheriff's Department	Continental Western Insurance	CA2650205-23	09-09-30	UNICO Group	22,740
Insurance Consultant UNICO @ \$29,825/year	N/A	N/A	09-09-01	UNICO Group	29,825
Machinery & Equipment-\$5,000,000 Limit, \$5,000 Deductible-All Locations	Cincinnati Insurance	BEP2666826	09-09-30	UNICO Group	6,883
\$2MIL Aggregate - \$1MIL Occurrence - \$5,000 Medical Payments	Continental Western Insurance	CGL2358811-27	09-09-30	UNICO Group	13,735
\$4MIL - \$10,000 SIR	Continental Western Insurance	CU2395167-26	09-09-30	UNICO Group	4,047
\$1MIL Per Person - \$3MIL Aggregate	Midwest Medical Insurance Co.	MHP000057	09-09-30	UNICO Group	15,000
\$4MIL Excess Liability	Midwest Medical Insurance Co.	MHP000057	09-09-30	UNICO Group	12,900
\$200,000 Checks; \$50,000 Money & Securities; \$1,000,000 Emp. Dishonesty	Hartford Insurance	91FA0237056-08	09-09-30	UNICO Group	8,994
\$2MIL - \$800,000 SIR	Safety National	SP-2N55-NE	09-09-30	UNICO Group	51,642
\$88,032,741 Combined Blanket Limit-All Property, Various Deductibles	Continental Western Group (Union)	CWP2400988-28	09-09-30	UNICO Group	81,687
\$11,481,949 Bldg/\$1,257,762 Contents/\$300,000 Ex Exp – Lancaster Manor	Continental Western Group (Union)	CWP2400988-28	09-09-30	UNICO Group	Incl in Property
\$4,750,000 Each Occurrence Comprehensive G.L.; \$250,000 Retention includes Public Officials & Employee Benefits Liability	Genesis Insurance	YXB301067B	09-09-30	UNICO Group	246,554
4 Locations covered-444 Cherrycreek-\$500,000 Bldg/\$500,000 Cnts-\$5,000 Deductible	American Reliable Insurance Co.	1961534704	09-12-31	UNICO Group	1,074
443 Cherrycreek-\$500,000 Bldg/\$500,000 Cnts - \$5,000 Deductible	American Reliable Insurance Co.	1961534703	09-12-31	UNICO Group	1,074
4420 NW 41 <sup>st</sup> Street-\$500,000 Bldg/\$149,400 Cnts - \$5,000 Deductible	American Reliable Insurance Co.	1961534701	09-12-31	UNICO Group	5,593
500 West O Street-\$457,400 Bldg/\$121,600 Cnts - \$5,000 Deductible	American Reliable Insurance Co.	1961534702	09-12-31	UNICO Group	1,075
Fiduciary Liability-\$1,000,000 Aggregate Limit, \$5,000 Deductible	Federal Insurance Company	8209-2847	09-11-01	UNICO Group	4,810
NR/12-19-07					

County Name:

Lancaster

## COUNTY CONTACT FOR DMV

Please identify a contact person who will work with DMV personnel to implement driver licensing security initiatives set for implementation on June 22, 2009, as a result of the passage of LB911 in the 2008 Legislative Session.

Terry Adams

(Contact Person's Name)

(402) 441-7409

(Contact Person's Telephone #)

555 So. 10<sup>th</sup> Street

(Contact Person's Business Address)

t.adams@lancaster.ne.gov

(Contact Person's Email Address)

Lincoln NE 68508

(City, State and Zip Code)

The contact person listed above has final decision-making authority relating to room changes, after-hours and weekend access, inventory control and other issues that may need resolution.

Lea Kinnison  
(Signature of County Board Member or Clerk)

2-26-09

(Date)

Please return completed form by **February 24, 2009** to:

Lea Kinnison, Driver License Manager  
Nebraska Department of Motor Vehicles  
Driver Licensing Services  
P.O. Box 94729  
Lincoln, NE 68509

A self-addressed, return envelope has been enclosed for your convenience.



NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
Licensure Unit

Make Payment to HHSRL

Renewal Fees:

1 - 50 beds: \$1550

51 - 100 beds: \$1750

101 or more: \$1950

Expiration Date

3-31-2009

Nursing Home Licensure Renewal Application

Nursing Home Type: Please Check

Skilled Nursing Facility

Nursing Facility

Intermediate Care Facility

IDENTIFYING INFORMATION

1. NAME AND ADDRESS OF FACILITY:

Lancaster Manor  
1001 SOUTH STREET  
LINCOLN, NE 68502

2. PREFERRED MAILING ADDRESS (IF DIFFERENT FROM  
FACILITY ADDRESS) FOR THE RECEIPT OF OFFICIAL  
NOTICES FROM THE DEPARTMENT:

---



---



---

LICENSE NO: 504007

TELEPHONE NUMBER: (402) 441-7101

FAX NUMBER: (402) 441-6557

ADMINISTRATOR: GWEN THROPE THORPE

DIRECTOR OF NURSING: MARLENE WALENKA

E-Mail Address, If available: gthorpe@lancaster.ne.gov

3. FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE FACILITY: 47-6006482

4. NUMBER OF BEDS TO BE RELICENSED: 293

5. ACCREDITATION/CERTIFICATION:  JCAHO  Medicare  Medicaid  Other \_\_\_\_\_

Are you requesting deemed status? yes no

6. SPECIAL CARE AND TREATMENT SPECIFICALLY FOR THE FOLLOWING GROUPS: Please Check.

<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Alzheimers/Special Care Unit	<input type="checkbox"/> Behavioral Needs
<input type="checkbox"/> Pediatric	<input type="checkbox"/> Respiratory	<input type="checkbox"/> Other-please specify _____

OWNERSHIP INFORMATION

7. OWNERSHIP OF FACILITY: LANCASTER COUNTY

(Legal Name of individual or business organization)

MAILING ADDRESS: 555 S 10TH ST ROOM 110  
LINCOLN, NE 68508

8. BUSINESS ORGANIZATION: (Check one):

Sole Proprietorship

Partnership

Limited Partnership

Corporation

Limited Liability Company

Governmental ( \_\_\_\_\_ State, \_\_\_\_\_ District,  County, \_\_\_\_\_ City or Municipal)

Other (Please Specify) \_\_\_\_\_

(check one)

Profit  Non Profit

CERTIFICATION

I/we have read the Rules and Regulations issued by the Nebraska Department of Health and Human Services and will comply with them should a license be issued. I/we certify that to the best of my/our knowledge, all information and statements on the application are true and correct and I/we hereby apply for a renewal license.

PLEASE NOTE: Neb.Rev.Stat. Section 71-433 requires: Applications shall be signed by

- (1) the owner, if the applicant is an individual or partnership,
- (2) two of its members, if the applicant is a limited liability company,
- (3) two of its officers, if the applicant is a corporation, or
- (4) the head of the governmental unit having jurisdiction over the facility to be licensed, if the applicant is a governmental unit.

LARRY HEDKINS  
AUTHORIZED REPRESENTATIVE - TYPE OR PRINT

Larry Hedkins  
SIGNATURE

2-25-09  
DATE

AUTHORIZED REPRESENTATIVE - TYPE OR PRINT

SIGNATURE

DATE



# LANCASTER MANOR

1001 South Street Lincoln, NE 68502 (402) 441-7101

*"Building for the future, sharing the past, caring now"*

## NURSING HOME LICENSURE RENEWAL APPLICATION

LANCASTER MANOR  
1001 SOUTH STREET  
LINCOLN, NE 68502

Names and addresses of all persons in control of facility:

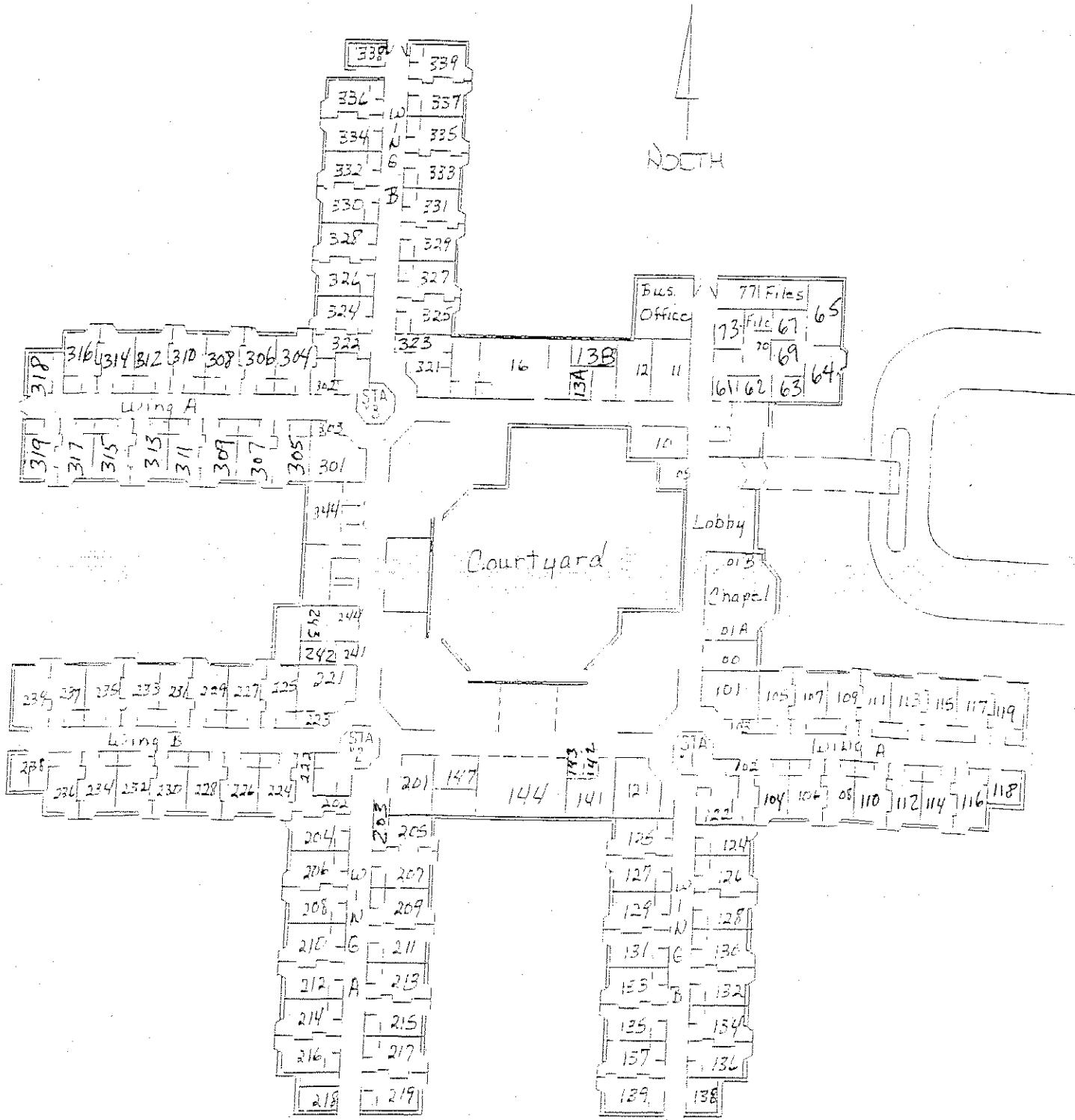
Bernie Heier, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508

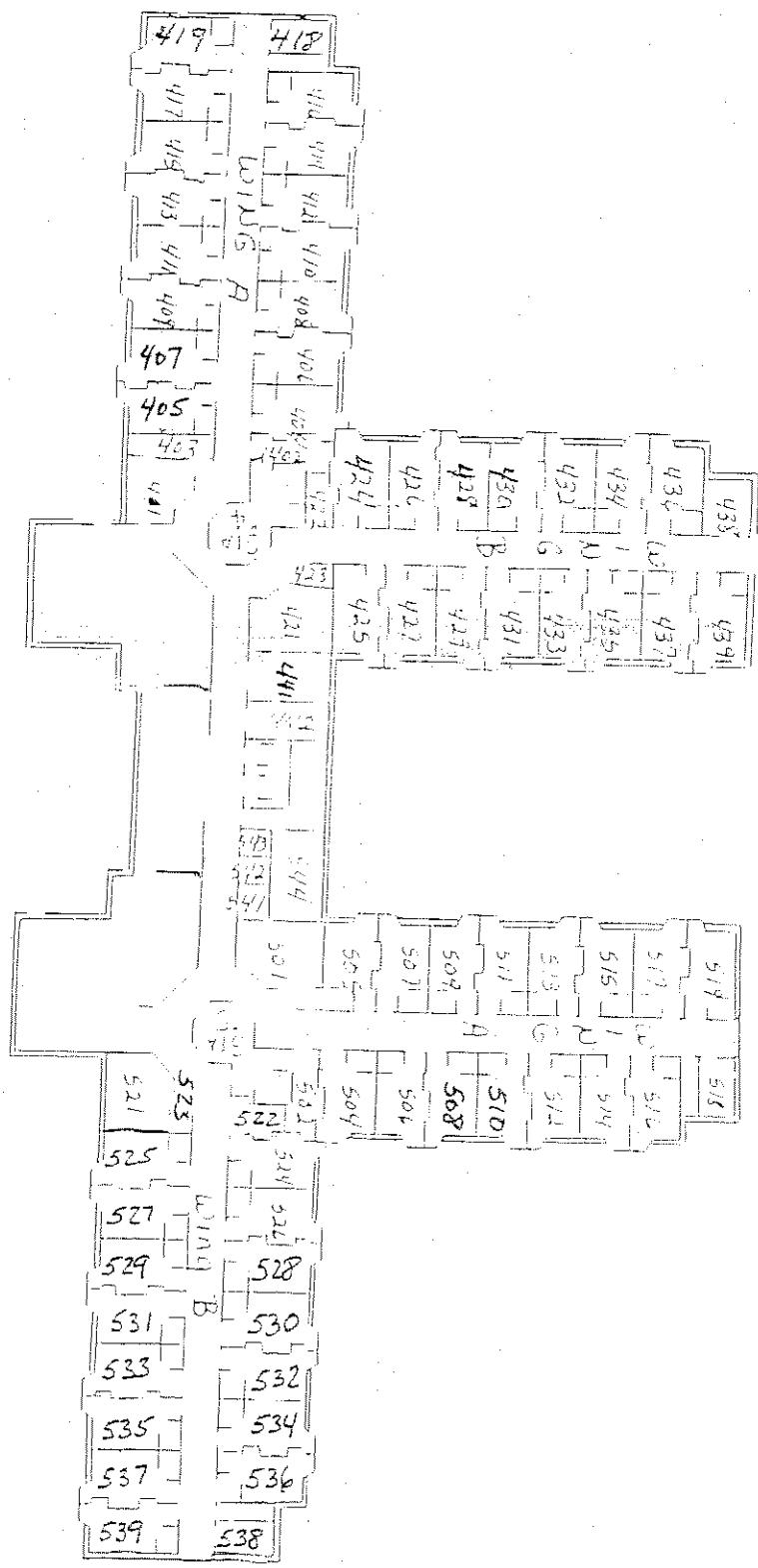
Larry Hudkins, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508

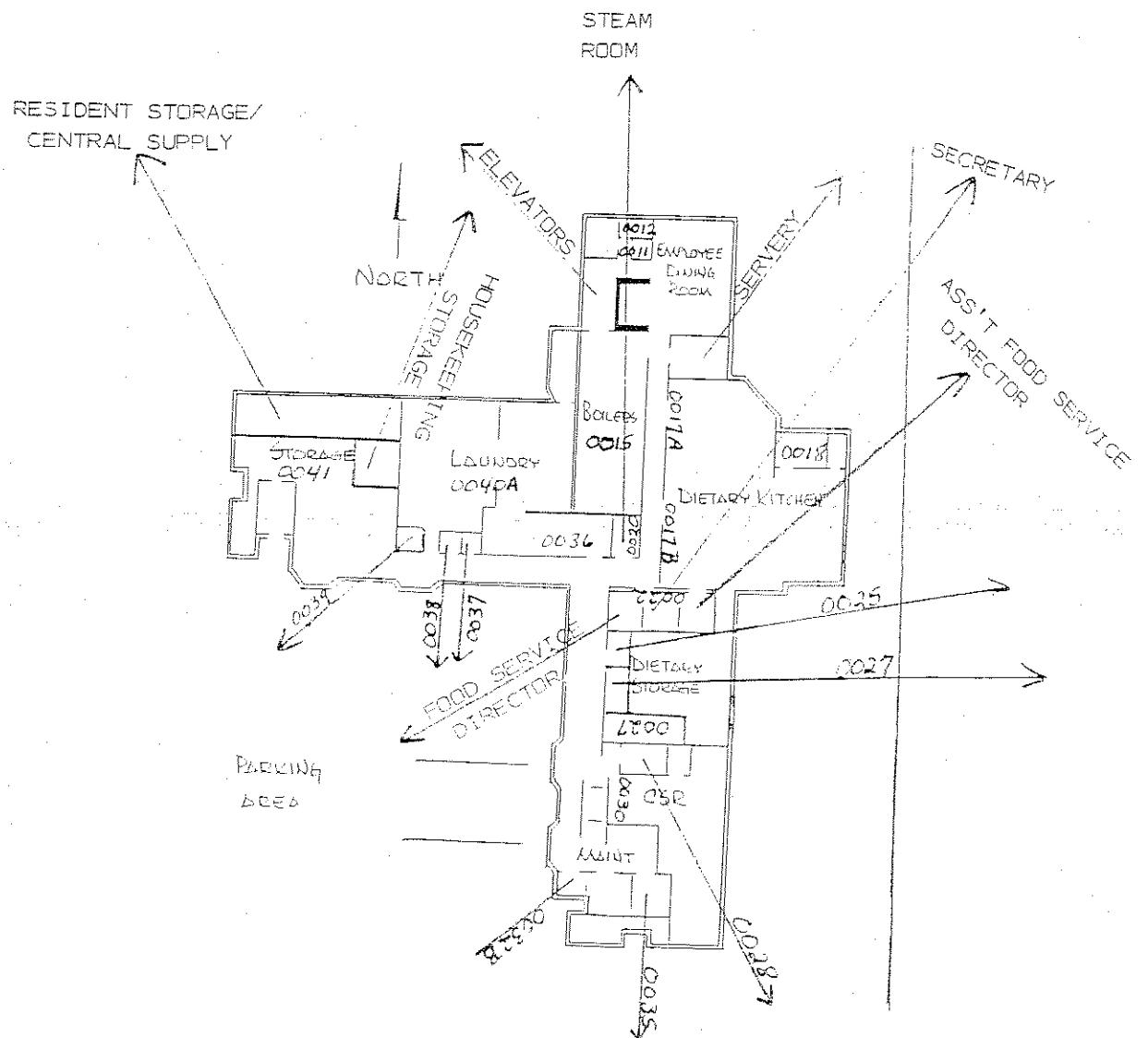
Deb Schorr, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508

Ray Stevens, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508

Bob Workman, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508









# LINCOLN BUREAU OF FIRE PREVENTION



## BUREAU OF FIRE PREVENTION CITY OF LINCOLN **CERTIFICATE OF OCCUPANCY**

Name of Facility: LANCASTER MANOR NURSING HOME

Job Address: 1001 SOUTH ST L Location:

Number: L0100076

Date Issued: 01/01/2009 Date Expires: 12/31/2009

Maximum Occupancy: 293

Inspected by: Tim Hilger -  
Fire Inspector

Bill Monk  
Chief Fire Inspector

**POST IN A PROMINENT PLACE**

*Occupancy Certificate is valid from date issued to date expired or upon any change in occupancy or ownership.*



Nebraska Department of Health  
and Human Services

Division of Public Health

Mailing Address: PO Box 94986  
Deliveries: Lincoln, NE 68509-4986  
301 Centennial Mall South, 3<sup>rd</sup> Floor, Licensure Unit

State of Nebraska

Dave Heineman, Governor

January 26, 2009

RECEIVED JAN 29 2009

Dear Nursing Home Administrator:

The license of your nursing home expires March 31, 2009. Enclosed is an application for renewal of your nursing home license. In order to expedite the renewal process and avoid delay in issuance of a renewal license, please check that all sections of the application are accurately completed and legible, and make any changes.

**Information to be submitted:**

1. Complete and Accurate Renewal Application

2. Ownership/Control

List of names and addresses of all persons in control of the facility. The list must include all individual owners, partners, limited liability company members, parent companies, if any, and members of boards of directors owning or managing the operations and any other persons with financial interests or investments in the facility. In the case of publicly held corporations, the individual owners listed must include any stockholders who own 5% or more of the company's stock.

3. Individual Ownership

List applicant's Social Security Number, if an individual owns the facility, on a separate piece of paper.

4. Occupancy Certificate

Copy of the Certificate of Occupancy issued by the State Fire Marshal or delegated authority, dated within the 18 months prior to the licensure expiration date (no older than October 1, 2007) for the nursing home. Review the certificate of occupancy to ensure the address listed matches the actual facility address or it will not be accepted.

5. Fee

Make check or money order payable to the State of Nebraska Department of Health and Human Services, Division of Public Health, Licensure Unit for the license fee as follows:

1 to 50 beds	\$1550
51 to 100 beds	\$1750
101 or more beds	\$1950

6. Bed Count

Current floor plan, indicating room numbers, number of beds in each room, and the current certified bed configuration, (i.e. Medicare and/or Medicaid).

7. Deemed Status

If you are accredited/certified by one of the following, you may request deemed status as specified in 175 NAC 12-004.09, which means you meet the Standards of Operation, Care and Treatment in 175 NAC 12-006:

1. Joint Commission;
2. Commission on Accreditation of Rehabilitation Facilities; or
3. Certified to participate in the Medicare or Medicaid program.

If you wish to request deemed status for licensure purposes, you must:

Submit a copy of the current accreditation report:

- a) if not already submitted to this office; or
- b) if your facility had an accreditation survey within the previous year (April 1, 2008 – March 31, 2009)

If you are requesting deemed status due to Medicare or Medicaid certification, it will not be necessary to submit a copy of the report.

*Helping People Live Better Lives*

*An Equal Opportunity/Affirmative Action Employer*

printed with soy ink on recycled paper

8. Services

Services currently provided by your nursing home are listed on the license renewal application. Any corrections to the services should be noted on the application. Draw a line through the service to delete or circle any services that should be added.

If Alzheimer's/Special Care Unit is checked in #6 on your application, the disclosure information required by the Alzheimer's Special Care Disclosure Act must be submitted.

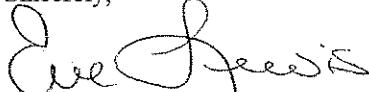
**Department Review and 2<sup>nd</sup> Notice**

The completed application and accompanying documents should be received in this office by March 6, 2009 in order to assure review by March 31<sup>st</sup>. If you fail to renew the license by March 31<sup>st</sup>, the department will send a second notice, which is the final notice and specifies that:

1. The licensee failed to pay its renewal fees or submit a complete application or both;
2. The license has expired;
3. The Department will suspend action for 30 days following the date of expiration;
4. Upon receipt of the renewal fee and completed renewal application, the Department shall issue the renewal license; and
5. Upon failure to receive the renewal fee and completed renewal application, the license will be lapsed. During this time, the facility may not operate. The license remains in lapsed status until it is reinstated.

If you have any questions, you may contact Donna Jobman at (402) 471-0309. Upon receipt, your application will be reviewed for completeness and notice will be given for any additional information needed.

Sincerely,



Eve Lewis, RNC, Administrator  
Office of Long Term Care Facilities  
Licensure Unit – Division of Public Health  
(402) 471-3324 – FAX (402) 471-0555

Enc:      Renewal Application  
              Return Envelope  
              Sales Tax Information

Note: 175 NAC 12 Regulations Governing Licensure of Skilled Nursing Facilities, Nursing Facilities, Intermediate Care Facilities is available at <http://www.dhhs.ne.gov/reg/t175.htm> for reviewing electronically.

January, 2009

## **Important Sales and Use Tax Information Regarding Nonprofit Long Term Care Facilities**

- Licensed Skilled Nursing Facilities
- Licensed Nursing Facilities
- Licensed Intermediate Care Facilities

This information is provided by the Nebraska Department of Revenue to address questions relating to the above health care facilities and any possible exemption from paying Nebraska sales and use tax.

Nebraska law only allows a sales and use tax exemption for purchases by certain specifically identified health care facilities. Pursuant to Nebraska Sales and Use Tax Regulation 1-090, any nonprofit licensed long term care facility listed above is exempt from sales and use tax.

Only those purchases for use at the licensed facility or the portion of the facility covered by the license are exempt from tax. Any purchases by the nonprofit organization for use at facilities not included in the license or for any other activities of the nonprofit organization unrelated to these specific facilities are not exempt from sales and use tax. For example, a nonprofit organization that holds a license for a skilled nursing facility and also provides independent living and/or adult day services, is ONLY exempt on purchases made for the skilled nursing facility, or the portion of the entire facility that is licensed as a skilled nursing facility, e.g., a specific wing or number of beds in a designated area within the facility. Purchases that are used jointly or shared by both exempt and taxable portions of a health care facility should be allocated based on a method approved by the Department of Revenue. We recommend you contact the Department for information related to these shared purchases.

A Nebraska Exemption Application, Form 4, must be submitted to the Department of Revenue to apply for this exemption. When approved by the Department you must begin using the Nebraska Resale or Exempt Sale Certificate, Form 13, to make qualifying purchases exempt from tax. Regulation 1-090 and other information is available at [www.revenue.ne.gov](http://www.revenue.ne.gov), or you may contact the Department at (800) 742-7474 (toll free in Nebraska or Iowa), or (402) 471-5729 if calling from outside Nebraska or Iowa.

6-462-2007 Rev. 1-2009  
Supersedes 6-462-2007 Rev. 1-2008