

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, MARCH 15, 2018
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Chair; Deb Schorr; Roma Amundson; and Bill Avery

Commissioners Absent: Jennifer Brinkman, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; and Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on March 14, 2018.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

1. APPROVAL OF STAFF MEETING MINUTES FOR MARCH 8, 2018

MOTION: Schorr moved and Avery seconded approval of the March 8, 2018 Staff Meeting minutes. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

2. LEGISLATIVE UPDATE – Joe Kohout, Brennen Miller, and Gordon Kissel, Kissel, Kohout, ES Associates, LLC (Legislative Consultants)

Joe Kohout, Kissel, Kohout, ES Associates, LLC, provided a legislative update, legislative bill summaries and Amendment (AM)1809 to Legislative Bill (LB)158 (Change provisions relating to appointment of counsel for juveniles) (Exhibits A-D).

Kohout discussed the fiscal note and AM2092 to LB841, the Judiciary Committee's omnibus corrections bill (Exhibits E & F). He cited language in Section 20 of AM2092 that deals with individuals who commit assaults of protected individuals, such as correctional officers and health care workers, inside correctional facilities operated by the Department of Correctional Services. It states the person alleged to have committed the assault will be arrested by the Nebraska State Patrol and transported to the county correctional facility in the county that will have jurisdiction over the alleged assault. There is an exception for persons currently serving a sentence for a Class I or Class IA felony because those individuals cannot leave the State facility. Kohout said concerns have been raised by Brad Johnson, Lancaster County Corrections Director; Pat Condon, acting Lancaster County Attorney; and the Nebraska Association of County Officials (NACO) that it could incentivize bad behavior and create classification issues.

Johnson appeared and said these individuals will need to be placed in special management, the highest security level, for which there are a limited number of beds.

Wiltgen said Tim Hruza, Judiciary Committee Legal Counsel, informed him the language was included at the request of Senator Bob Krist on behalf of the Department of Correctional Services union. He added compensation is not being considered because counties are considered an extension of the State.

MOTION: Schorr moved and Amundson seconded to oppose Amendment (AM)2092. Schorr, Avery, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

Brennen Miller, Kissel, Kohout, ES Associates, LLC, gave an update on LB870 (Provide for room confinement for juveniles as prescribed). He said Boys Town has raised concerns about the bill and it was not advanced.

Kohout said Senators John McCollister and Mike Groene continue to have discussions on LB776 (Provide requirements for inmate access to telephone or videoconferencing systems in county and city jails). He noted both senators have amendments pending and said it will be up to them which version to pursue. Kerry Eagan, Chief Administrative Officer, asked whether language was included that any excess must be used for inmate programs. Kohout said no, although that issue has been raised with both senators.

Kohout also reported that Nebraska Appleseed and others have launched a petition drive on the issue of Medicaid expansion.

3. COURTHOUSE PLAZA FURNITURE – Bob Walla, Purchasing Agent; Dennis Meyer, Budget and Fiscal Officer

Discussion took place on funding the purchase of furniture for Courthouse Plaza which was recently renovated for use by the Public Defender's Office. Dennis Meyer, Budget and Fiscal Officer, said the Building Fund is typically used to fund furniture purchases and said the purchase would come out of this year's budget.

Bob Walla, Purchasing Agent, said his department solicited bids for office furniture and chairs for the training room. He said the lowest office furniture bid was rejected because it did not meet specifications. The next lowest bid came in at \$18,867. Walla said the chair bid came in at \$8,456 and said he is waiting on recommendations from Joe Nigro, Public Defender, and the consultant that is assisting with furniture selection.

Nigro appeared and said he is not sure the bid for the chairs was correct and said he and the consultant will need to review it further. Walla said the Purchasing Department will need to issue a new bid if the bid was not correct.

Wiltgen asked whether there is surplus furniture that could be used. Walla said there is not.

Schorr asked whether the training room will be available for other county agencies to use. Nigro indicated that it will.

DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Accessory Dwelling Units (ADU) Discussion

Ann Ames, Deputy Chief Administrative Officer, asked how the Board would like to proceed with forming a working group to look at accessory dwelling units (ADU) issues and options. She said Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department, has suggested the Board consider appointing Christy Joy, Lincoln/Lancaster County Planning Commissioner; a homebuilder, a realtor, a representative of the agricultural community; and an acreage owner.

Wiltgen said he talked to representatives of the Home Builders Association of Lincoln and Realtors Association of Lincoln and suggested they identify individuals within their organizations who may want to serve.

It was noted Schorr had previously suggested appointment of Bernie Heier, former Lancaster County Commissioner, and she said she will contact him to see if he is interested in serving.

There was consensus to have Ames issue a press release regarding formation of the working group indicating interested parties should send their resumes to Cajka. A 10-day period for resume submission was established.

4. RETURN ON SALE OF TRABERT HALL – Kerin Peterson, Facilities & Properties Director; Jason Pickerel, Great Plains Appraisal, Inc.

Kerin Peterson, Facilities & Properties Director, reported the highest bid received at the sale of County property at 2202 South 11th Street (Trabert Hall) conducted on March 8th was \$800,000. Seven groups of individuals toured the building prior to the sale and most of those groups were represented at the sale. She said several individuals, including the top two bidders, disagreed on the highest and best use of the building, which was listed as office use in the appraisal. They felt some type of residential application was the best use which makes a difference in the price.

Schorr asked Jason Pickerel, Great Plains Appraisal, Inc., who performed the appraisal, if he has an explanation for discrepancy between the bid amount and the value he placed on the property (\$2,025,000). Pickerel said it appeared that most of attendees were residential developers and said in his appraisal report he anticipated that there would be a demand for office finish and office investors would be part of the auction. He said they are apparently looking at it as a shell structure and felt that was the reason for the discrepancy.

Wiltgen noted that the County had the property re-zoned with a historical designation which was intended to achieve the highest and best use. Peterson said one group, which was not awarded the sale, was looking at it from a historic preservation perspective with tax credits to be used as part of a residential development.

Eagan explained the Board can either accept the bid or reject all bids because they are substantially below fair market value. The Board would then be free to proceed in selling the building in the best interest of the County.

Amundson and Avery indicated they favor a use that would be for the public good. Amundson said CenterPointe, Inc., a local non-profit agency specializing in co-occurring mental health and addiction treatment for low income and homeless people, has come up with a proposal for the building's use that would benefit the County immensely and felt the County should enter into negotiations with them.

Eagan said, if the Board rejects the bid and negotiates with a buyer, it would have some leverage in how the property is developed, such as for human services purposes. Wiltgen pointed out the Board could also list the property with a real estate agent and market it as a commercial space.

Dennis Meyer, Budget and Fiscal Officer, appeared and reminded the Board of the intent to use some of the proceeds from the sale to fund the building costs (\$1,100,000) of the Emergency Operations Center (EOC) and said there could be cash flow issues.

The Board scheduled action on the March 20th County Board of Commissioners Meeting agenda to reject all bids received during the public sale of the property and further discussion of the process going forward on the March 22nd County Board Staff Meeting.

NOTE: Topher Hansen, President and Chief Executive Officer (CEO), CenterPointe, Inc., was also present for the discussion.

DISCUSSION OF BOARD MEMBER MEETINGS

B. Parks & Recreation Advisory Board – Schorr

Schorr said they approved recommendations regarding adoption of the Pioneers Park Bridle Path Action Plan and amending the master plan for Jensen Park to include the opportunity for outdoor pickleball courts.

5. UPDATE ON PAYMENT CLEARINGHOUSE CONTRACT FOR NEW SOFTWARE – Scott Etherton, Mental Health Crisis Center Director

Scott Etherton, Mental Health Crisis Center Director, said he was notified this morning that TriZetto, the proposed payment clearinghouse for the Crisis Center's new software, has assigned the issues raised by the County Attorney's Office regarding the proposed agreement to their attorneys.

Etherton said he contacted the State to ask how they utilize payment clearinghouses and was told they do not submit claims through commercial payment clearinghouses as they are one of the payors. Schorr suggested Etherton also check with Douglas County to see how they process claims. Etherton said he also checked with other payment clearinghouses and learned not all process both outpatient and inpatient claims. Some also require submission of a minimum number of claims each month.

Etherton noted the Crisis Center was scheduled to "go live" with the Credible electronic health records (EHR) software the beginning of March but was unable to do so because the payment issue wasn't resolved and the upload of information to the State's system isn't in place yet. He pointed out the County is paying Heartland Community Health Network, Inc. \$4,800 a month to maintain the

existing NextGen EHR software and said that contract will need to be extended if delays extend into April.

Wiltgen stressed the need to get the issues resolved quickly and indicated plans to meet with Etherton and the County Attorney's Office early next week to work on it.

6. LANCASTER COUNTY ENGINEER REPORT

A. Bridge Postings – Pam Dingman, County Engineer; Chad Packard, Bridge Engineer, County Engineering

Pam Dingman, County Engineer, and Chad Packard, Bridge Engineer, discussed new bridge posting regulations. Packard said the standard signs are no longer representative of all the trucks on the road. Dingman said this is the "first wave" of new ratings and said County Engineering will have to re-rate all the bridge structures that are posted. She said the bridge posting will now become what is the lowest tolerable axle weight and estimated that 30-40 signs will need to be changed out.

Dingman said there will also be a new sign: Emergency Vehicle Axle Weight Limit. She said she recently met with Lancaster County Mutual Aid to discuss bridge load ratings and offered to help the volunteer fire departments calculate their axle weights so they know what bridges their vehicles can go on. She said grain and cattle trucks are also an issue because of their weight and said if the public has questions about load ratings they can contact County Engineering.

In response to a question from Wiltgen, Packard said the Nebraska State Patrol Carrier Enforcement Division is responsible for enforcement. They are also responsible for education.

Additional information regarding changes to bridge posting signs and load rating of specialized hauling vehicles was disseminated (Exhibit G).

B. County Engineering Shop in Hickman, Nebraska – Pam Dingman, County Engineer; Jim Shotkoski, Right-of-Way Manager, County Engineering

Dingman noted the Board has asked her to look into surplusizing the County Engineering Shop in Hickman and said she and Commissioner Schorr met with City of Hickman representatives earlier in the week to discuss the issue. She said Hickman feels the building is an eyesore and has asked the County to consider giving them the building.

Jim Shotkoski, Right-of-Way Manager, County Engineering, said he has appraised the building at \$55,000. He said the building is a nominal improvement and said it is basically a land value appraisal.

Wiltgen reported that he, Dingman and Eagan met with City of Waverly officials yesterday to discuss the Waverly Engineering Shop and said Waverly also requested a donation of that building.

Dingman said the Village of Bennet has also expressed concerns about the Engineering Shop in its community. She said all three buildings were built during the Works Progress Administration (WPA) era. Wiltgen stressed the need for consistency in how these buildings are addressed.

Schorr noted there has been discussion about trying to preserve the stone that was used to build these structures and moving it to the County's rock quarry.

Amundson said the County may need to address soil contaminates which could impact the value. Dingman said County Engineering reports and documents any spills.

Wiltgen felt consideration should also be given to whether to replace the buildings. Dingman said a study of whether County Engineering shops in the outlying communities should be relocated has not been conducted yet. Wiltgen questioned whether the Board should wait for the results of the study before proceeding. Dingman said the Hickman Engineering Shop is only being used for storage and said she is willing to go forward with surplusing it.

Avery questioned whether the buildings have any historic value. Wiltgen felt it was doubtful, noting there are hundreds of similar buildings across the State.

Wiltgen questioned whether the County should just remove the stone, demolish the buildings and market them as land. Amundson felt that could make them more valuable. Schorr pointed out there may be entities interested in converting the buildings to another use.

There was consensus to proceed with surplusing the Hickman County Shop, with stipulations regarding removal of the stone.

ACTION ITEM

- A. Resolution No. R-18-0019 In the Matter of Approval of Official Bond of Patrick Condon, Lancaster County Attorney

Eagan noted there has been a revision to the date of the bond in the resolution (see Exhibit H for revised document).

MOTION: Amundson moved and Avery seconded to approve the resolution. Avery, Amundson, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

NOTE: Pat Condon will be sworn into office as the Lancaster County Attorney later in the day.

7. BREAK

No break was taken.

DISCUSSION OF BOARD MEMBER MEETINGS

- C. Human Services Joint Budget Committee (JBC) – Schorr

Schorr said they discussed the application process and on-going issues involving The Bridge Behavioral Health (alcoholism and drug treatment program).

Amundson exited the meeting at 10:25 a.m.

8. FISCAL YEAR (FY) 2016-2017 AUDIT – Andi Willems, Manager, Allen, Gibbs & Houlik (AGH), LLC

Andi Willems, Manager, Allen, Gibbs & Houlik (AGH), LLC, presented the audit of the County's basic financial statements for the fiscal year that ended June 30, 2017 and a required communications letter. She noted adoption of a new accounting standard in the current year, Governmental Accounting Standards Board (GASB) 77 for tax abatement disclosures, and said it did not affect the financial statements but increased reporting transparency. Willems said there were three accounting estimates this year but no changes from the prior year in the number or the amounts. There was one uncorrected misstatement on the fund level for a receivable that went beyond the 60-day period. She said it was a timing issue and there are no concerns. Willems said it is an unmodified opinion, which is the highest level of that the financial statements prepared and audited are free of any material misstatements.

Amundson returned to the meeting at 10:29 a.m.

Willems said there was also an unmodified opinion in the audit of the grant funds the County receives. The grants tested this year were Child Support Enforcement and the Equitable Sharing Program.

Avery inquired about a reference to management judgements and accounting estimates at the Mental Health Crisis Center. Willems explained it is the allowance for doubtful accounts.

9. ACTION ITEM

- A. Resolution No. R-18-0019 In the Matter of Approval of Official Bond of Patrick Condon, Lancaster County Attorney

Item was moved forward on the agenda.

10. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

- A. Accessory Dwelling Units (ADU) Discussion

Item was moved forward on the agenda.

11. DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee (ISPC) – Brinkman

Meeting was cancelled.

- B. Parks & Recreation Advisory Board – Schorr
- C. Human Services Joint Budget Committee (JBC) – Schorr

Items B and C were moved forward on the agenda.

D. Region V Meetings – Wiltgen

Wiltgen indicated he was unable to attend the meetings.

E. Public Building Commission (PBC) Chair Meeting with Mayor – Amundson

Amundson said they discussed several topics including the security system plan for the Justice and Law Enforcement Center and temporary space for implementation of the new payroll system.

F. County Board Chair/Vice Chair Meeting with Mayor – Wiltgen

Wiltgen said discussion focused on issues related to The Bridge Behavioral Health and the future of Wilderness Park.

G. General Assistance (GA) Monitoring Committee – Wiltgen

Wiltgen said they received updates on the Health 360 Integrated Care Clinic and Bluestem Health, formerly known as People's Health Center.

H. Lancaster County Mental Health Crisis Center Advisory Board – Avery

Avery said lock issues are still unresolved. He said they also discussed the Credible Behavioral Health (electronic health records) contract and an upcoming audit.

12. SCHEDULE OF BOARD MEMBER MEETINGS

Informational only.

13. EMERGENCY ITEMS

There were no emergency items.

14. ADJOURNMENT

MOTION: Schorr moved and Amundson seconded to adjourn the meeting at 10:49 a.m. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





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LEGISLATIVE MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Joseph D. Kohout
Brennen L. Miller

DATE: March 15, 2018

RE: Weekly Update

Please accept this as your weekly report for the aforementioned date. Today is the 44th day of the 2018 Legislature. When they adjourn today, they will have four-day weekend and re-convene next Tuesday.

Tuesday was the first “late night” of the session with the body meeting until 11:35pm and adjourning only after invoking cloture on the mainline budget adjustment bill at 930pm and discussing the claims bill for another 2 hours. The focus of the mainline was on Title X funding; amendments relating to the University of Nebraska were not taken up before the motion to invoke cloture was filed. We speculate that these bills are likely to come up on Tuesday or Wednesday of next week.

Yesterday, the Legislature spent much of the afternoon debating LB158, a bill that would expand the appointment of counsel for youth to the other 90 counties statewide. The bill, introduced by Senator Pansing-Brooks, is being opposed by Senator Mike Groene of North Platte and other out-state senators. Their primary opposition is on cost of providing counsel to counties. In an effort to make the bill more palatable, the bill includes an increase of \$1 on court fees that go to the Commission on Public Advocacy. This does not seem to be picking up the support of many of these Senators. We have attached the amendment with this report.

The Speaker has made a final decision on Consent Calendar. Letters asking that bills be placed on the same were due by 5pm on Tuesday of this week.

LANCASTER COUNTY LEGISLATIVE PRIORITIES

Purchasing Thresholds. Senator Mike Hilgers introduced LB1098 at the County’s request. The hearing on this bill occurred Friday February 2nd and Bob Walla testified on behalf of Lancaster County. In addition NACO testified in support, as did Commissioner Brian Zuger of Sarpy County. He did offer testimony that indicated Douglas County supported the bill as well but Sean Kelley was sick and unable to testify.

LB1098 was advanced to General File on a 5-1-1 vote with Senators Murante, Lowe, Thibodeau, Hilgers, Brewer and Briese voting yes. Senator Wayne voted no and Senator Blood abstained. We can expect the bill to be debated in the coming weeks.

Competency Restoration. Senator Matt Hansen introduced LB1010 at the County's request. Last week, Mr. Eagan and Brennen Miller met with Senator Hansen, his Legislative Aide, and Linda Wittmuss of the Division of Behavioral Health regarding the bill's requirement that the costs of the program fall to the county. This meeting did not result in a change to that language, with Senator Hansen indicating the hearing would be held on the introduced language, with more conversations to take place in the future. These meetings will work towards a new bill being introduced next year. The hearing took place on Wednesday the 21st, with Mr. Eagan and County Defender Mr. Nigro testifying in support. The Division of Behavioral Health sent a letter in opposition, based on the introduced copy, however they did indicate they are willing to continue work on this topic. Support from the committee was strong, with the majority of those Senators present voicing their interest in assisting in future conversations, and any bill introduced next year.

LANCASTER COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS PRIORITIES

LB93 (Hansen) Adopt the Automatic License Plate Reader Privacy Act. SHERIFF WAGNER OPPOSE. LB93 adopts the Automatic License Plate Reader Privacy Act. The act provides that an automatic license plate reader system may only be used by a law enforcement agency as an alert for the purpose of identification, by a parking enforcement entity for regulating the use of a parking facility, for the purposes of controlling access to a secured area, for the purpose of electronic toll collection, and to assist weighing stations in performing their duties. The data captured from an automatic license plate reader system may not be retained except for situations specified in section 4 of the act. Any government entity that does use an automatic license plate reader must adopt a use policy and display that policy on their website, adopt a privacy policy to ensure that the captured information is not shared in violation of this act, and report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its automatic license plate reader practices and usage. The report should follow the specifications outlined in subsection (3)(a) of section 6 of this act. Plate data that is capture and evidence derived therefrom ay not be received into evidence in any trial, hearing, or other proceeding, and any person who violates this act will be subject to damages.

The bill was signed by the Governor on February 14, 2018. Please note that an amendment was adopted that addressed Sheriff Wagner's concerns.

LB672 (Krist) Provide for medical release for committed offenders. NEUTRAL. LB672 allows for an offender who has been committed because of a medial or physical condition to be considered for medial release if they are determined to be terminally ill or permanently incapacitated. Prior to granting release, the department must review the medial, institutional, and criminal records of the offender and any additional medial evidence. To qualify for medial release, the offender must agree to placement for medical treatment. If, during medial release, the offender's condition improves such that they are no longer eligible for release, the department may direct that they be returned to custody pending a hearing. The offender will receive credit for time served on medial release toward the balance of their sentence.

There is a potential cost that could be incurred if the recently released go onto the County's General Assistance program. The hearing on this bill was held on January 17, 2018 before the

Judiciary Committee. Sara Hoyle testified in a neutral capacity on behalf of Lancaster County. The bill remains held in committee.

In a previous report, we noted that LB852 as amended by AM2090, by Senator Bolz, that would provide for medical release of and additional rehabilitative options for committed offenders and allow the use of certain funds for peer and family support programs, has been included in the Judiciary Committee's omnibus corrections bill (LB841).

Subsequent to a previous staff meeting, we forwarded a copy of the amendment to Sara Hoyle for her review. She has reviewed it and recommends that a provision be included in the new language that directs the Department of Corrections to work with the individual to get them on Medicaid prior to discharge. Last week, we received the board's blessing to work on this point.

We did receive a copy of a fiscal note that was prepared by LT William McGlothlin that was filed on this bill that would be utilized if the Committee Amendment is adopted. That fiscal note indicates that the potential that the release of these individuals could cost Lancaster County \$450,000.

LB677 (Krist) Change appropriations for certain health and human services programs.

SUPPORT LB677 increases the funding for behavioral health aid programs from 96,447,841 to 97,634,504. The additional funding is to be taken from the General Fund. LB677 also increased the funding for medical assistance programs to 2,034,850,498 for FY2017-18 and 2,085,328,775 for FY2018-19. The additional funding is to be taken from the General Fund. The funding for Child Welfare Aid is increased to 198,794,731 in both FY2017-18 and FY2018-19. The additional funding is to be taken from the general fund. The funding for Developmental Disability Aid is increased to 158,764,372 in FY2017-18 and 157,627,794 in FY2018-19. The additional funding is to be taken from the general fund

This bill was heard before the Appropriations Committee on February 12, 2018 and remains in committee. It is likely that if the Committee decides favorably on this measure, that it will be included in any budget adjustment legislation advanced from the Committee.

LB715 (Howard) State intent relating to appropriations to local public health departments.

SUPPORT LB715 states the intent to appropriate to the Department of Health and Human Services \$900,000 from the General Fund for FY2018-19. The Department shall distribute \$50,000 to each of the local public health departments for the purpose of improving preventative health and promoting worksite wellness.

This bill has been referred to the Appropriations had a public hearing on February 12, 2018. It remains in committee. It is likely that if the Committee decides favorably on this measure, that it will be included in any budget adjustment legislation advanced from the Committee.

LB776 (McCollister) Provide requirements for inmate access to telephone or videoconferencing systems in county and city jails. OPPOSE IN PRESENT FORM/PREFER FCC

GUIDELINES. LB776 requires each county and city jail to make available either a prepaid telephone call system or collect telephone calls system for telephone services for inmates. The Jail Standards Board is required to ensure that county and city jails are providing inmates with affordable and meaningful means to communicate by telephone or videoconferencing with inmates' families, loved ones, and counsel.

There is some concern about what the term “reasonable” means in this legislation. The hearing on this measure was on Thursday, January 18, 2018. Kerry Eagan testified on behalf of Lancaster County in opposition to this measure.

The bill was advanced to General File by the Judiciary Committee with an amendment attached which clarifies that calls may be made to attorney or attorneys. The bill has reached General File debate agenda with the debate on the measure commencing yesterday. The Legislature debated the measure but did not take a final vote on the measure before adjourning for lunch on Wednesday, February 21, 2018.

The bill reappeared on the agenda for Tuesday, March 5, 2018 and was discussed for close to two hours before Senator McCollister requested that the bill be placed on a “Speakers Hold” meaning that the bill would be pulled from the agenda so a potential compromise could be worked out. Senator Groene remains opposed to the bill but has signaled some willingness to work with Senator McCollister on potential compromise language.

Subsequent to last weeks’ meeting we did meet with Senator Groene’s office. Furthermore, we did also discuss this with Senator McCollister. The two senators continue to discuss which version of their amendments should be agreed-to. On Tuesday, Senator Groene filed an amendment that incorporates the language we presented last week. We do not expect Senator McCollister to agree to this.

LB831 (Wayne) Provide annual salary limitations for elected officials of political subdivisions.
OPPOSE. LB831 prohibits political subdivisions from paying any elected member of their legislative body an annual salary that is more than two times the annual salary of the member of the Legislature. The hearing on this bill occurred on January 25, 2018 before the Government, Military & Veterans Affairs Committee, where it remains in committee.

LB841 (Pansing-Brooks) Provide duties relating to correctional overcrowding emergencies.
This bill was advanced as the Judiciary Committee’s omnibus “prison overcrowding” legislation. There are two provisions that are problematic, the first was noted above as the amended version of LB852. There is another provision that was raised as a concern by Brad Johnson and Pat Condon. It is in section 20 of that amendment which reads as follows:

13 (2)(a) The officer of the Nebraska State Patrol shall immediately
14 respond to the correctional facility where the alleged assault occurred.
15 (b) The officer shall arrest the person alleged to have committed
16 the assault if probable cause exists that there has been a violation of
17 section 28-929, 28-930, 28-931, or 28-931.01. The officer shall
18 immediately remove the person from the correctional facility and
19 transport him or her to the county correctional facility in the county
20 that will have jurisdiction over the alleged assault.

What this language fundamentally says is that if an individual in a state correctional facility and assaults any officer, that the NSP shall transport them to a county correctional facility and be charged by the County Attorney in the county in which the state facility is located. Clearly, those counties which have state facilities in them would be most directly impacted – including Lancaster. It would not only create classification issues but it also provides an incentive to individuals incarcerated in state facilities to assault correctional officers. It is our understanding that the state corrections officers pushed to get this language into the amendment.

LB861 (Watermeier) Require that certain prosecution costs be paid by the state. SUPPORT
LB861 requires the costs of prosecution in excess of the threshold amount be paid by the State if the county's costs of prosecution relating to a single correctional institution incident exceed the threshold amount

This bill was referred to the Appropriations Committee and had a public hearing on February 13, 2018. The bill was prioritized by the Appropriations Committee and advanced by the Committee.

The bill was advanced to Select File on Wednesday, March 7, 2018.

LB870 (Pansing-Brooks) Provide for room confinement for juveniles as prescribed.
MONITOR. LB870 requires documentation of room confinement of a juvenile for longer than one hour over a twenty-four-hour period. LB870 prohibits room confinement of a juvenile as punishment, due to a staffing shortage, or for the purpose of retaliation by staff. LB870 also prohibits room confinement of a juvenile unless all other less-restrictive alternatives have been exhausted, and the juvenile poses an immediate and substantial risk of harm to self or others.

LB870 prohibits holding a juvenile in room confinement longer than necessary to eliminate the substantial and immediate risk of harm to self or others, and requires that room confinement only be done for a period that does not compromise or harm the mental or physical health of the juvenile. LB870 outlines various other requirements of room confinement of juveniles.

Commissioner Schorr, Commissioner Brinkman, Kerry Eagan and Joe Kohout met with Senator Pansing-Brooks and her legislative aid Chris Tribsch on Tuesday. The meeting was very fruitful with good, open conversation. Senator Pansing-Brooks is preparing an amendment that will address our key concerns.

As noted above, the Judiciary Committee held its hearing on LB870. The hearing brought numerous proponent testifiers, many of whom had at one point been youth subject to confinement in a facility. Their testimony, while very emotional, brought forward the issue of time youth can spend in solitary, which in the stories presented could be several hours, to several days.

Opponent testimony was presented by staff from Lancaster, Douglas, Sarpy, and Kearney facilities, as well as the Director of Facilities for the Department of Health and Human Services. These positions consistently addressed the proposed three-hour limit to confinement, noting that centers are using this as a last resort when needed to protect other youth, or staff. Given the mental health and behavioral needs of some youth, there are times that the three-hour limit is not enough. Senator Pansing-Brooks noted that everyone has agreed that there should be a time limit, due to that limit being crucial on the overall effects it has on those in confinement.

Senator Pansing-Brooks, in both her opening and closing statements on the hearing praised Lancaster County for coming forward with suggestions to address concerns presented by county staff members.

We received an amendment from Senator Pansing-Brooks' office which was forwarded for review. We did receive some comment asking for clarification on the "continuous monitoring" requirements.

The Judiciary Committee did advance its omnibus juvenile justice legislation. The bill, at this point, does not contain LB870.

As promised in previous reports, we indicated that we would monitor for any developments in this area. Last week, we followed up with Senator Pansing-Brooks – apparently concerns have been raised by Boys Town about this legislation and the bill will not go anywhere this year.

LB884 (Harr) Change and eliminate provisions relating to county sales and use taxes.
MONITOR. LB884 allows for the imposed sales and use taxes to be used for economic development or manufacturing/industrial site development. LB884 also eliminates applicability to municipalities in certain sections. The hearing on this measure was January 18, 2018 before Revenue Committee. Commissioner Schorr testified on behalf of NACO. The hearing was very balanced and committee members asked good questions. We do not expect the measure to advance from committee. The bill remains held in committee.

LB885 (Harr) Change provisions relating to property tax protests. **OPPOSE.** LB885 requires property tax protests to indicate whether the person signing the protest is the owner of the property. If the person signing the protest is not the owner of the property, the county clerk must mail a copy of the protest to the owner.

This legislation was introduced by Senator Harr at the request of NACO. Dan Nolte sent a letter with the permission of the Board. There was support from NACO and others at the hearing.

The bill was advanced to General File with AM1626 attached. The bill was not prioritized thus weakening its chance for passage this session unless amended into something else.

LB899 (Erdman) Provide for an adjustment to the assessed value of destroyed real property.
MONITOR. LB899 defines destroyed real property as real property that is destroyed by fire or other natural disaster after January 1 and before October 1 or any year. LB898 also makes it the duty of the county assessor to report to the county board of equalization all real property in their county that becomes destroyed real property during any year. After receipt of this report, the county board of equalization must adjust the assessed value of the destroyed real property as prescribed in LB899. The hearing on this bill was on January 25, 2018 before the Revenue Committee. Several testifiers appeared in support and several in opposition. Most indicated that a provision in LB1089, a bill by Senator Jim Smith, represented a better way to address this issue.

The hearing on LB889 was January 25th. LB1089 was heard on February 7. At that hearing, only one person appeared in opposition – the Nebraska Assessors.

LB1089 did advance from the Revenue Committee on February 23, 2018 with a committee amendment (AM2049) attached. We attached that amendment with the March 1, 2018 report. Upon review, Scott Gaines advised the board that the provisions regarding destroyed real property were not included in the committee amendment. We will continue to monitor for developments in this area.

LB905 (Kuehn) Change the burden of proof for certain protests of real property valuations.
OPPOSE. LB905 places the burden of proof on the county assessor to show that their assessed value is equitable and in accordance with the law at any hearing on a protest regarding real property. The hearing on this bill occurred on January 19, 2018 before Revenue Committee.

The bill had no proponents and several opponents. We do not expect the measure to advance from the Revenue Committee.

The bill remains held in committee.

LB943 (Wishart) Redefine a term relating to budget limitations. SUPPORT. LB943 changes the definition of allowable growth to mean, for governmental units other than community colleges, the percentage increase in taxable valuation. For community colleges, allowable growth is the percentage increase in excess of the base limitation established in section 77-3446. The hearing on this bill was on January 31, 2018 before the Government, Military & Veterans Affairs Committee.

Proponents of the bill included Lancaster County, the City of Lincoln through the Finance Director and Chief of Police, the League of Nebraska Municipalities, Four Lanes for Nebraska, and the City of Norfolk. Opposition came only from LIBA.

The bill remains held in committee.

LB963 (Smith) Change how often real property is inspected and reviewed for property tax purposes. OPPOSE. LB963 requires that real property be inspected and reviewed for property tax purposes no less frequently than every three years.

The hearing on this bill occurred on February 7, 2018 before the Revenue Committee. It was taken with LB961 and LB962. At the hearing, no one appeared in support of any of the bills and no one appeared in opposition; only letters of opposition were read into the record. The bill remains held in committee.

LB964 (McDonnell) Authorize mental health professionals to take a person into emergency protective custody under the Nebraska Mental Health Commitment Act. OPPOSE IN CURRENT FORM. LB964 allows for mental health professionals, who have probable cause to believe that a person is mentally ill and dangerous or a danger sex offender, to take such person into emergency protective custody.

Following the board's decision to oppose the bill, we had a series of conversations. What we were able to determine is that the intent of the bill was to include the definition of "mental health professional" that is located at 71-906 which defines a mental health professional as "a person licensed to practice medicine and surgery or psychology in this state under the Uniform Credentialing Act or an advanced practice registered nurse licensed under the Advanced Practice Registered Nurse Practice Act who has proof of current certification in a psychiatric or mental health specialty." While the language is more limiting, however, both Kim and Scott Etherton continue to have concerns with the language. To be fair, they remain nervous about practitioners not understanding imminent dangerousness, which is required to take someone's civil rights from them. The concerns remain that emergency room doctors could be loading up the crisis center. The question is whether the system is broken and what is trying to be fixed.

In further conversations, it appears that this may be a solution for the Omaha metropolitan area with police needing to be called to emergency rooms to conduct an EPC.

The hearing was held February 14, 2018 before the Judiciary Committee. The bill remains held in committee and is not likely to advance.

LB977 Make post-release supervision optional for Class IV felonies. **SUPPORT.** LB977 allows for post-release supervision to be imposed for Class IV felonies at the discretion of the judge.

The hearing on this bill occurred before the Judiciary Committee on Friday February 23rd. Support for the bill was registered by the Nebraska Criminal Defense Attorneys Association and Lancaster County via letter.

LB997 (Murante) Provide limits on salaries of administrative employees of political subdivisions. **OPPOSE.** LB997 prohibits political subdivisions from spending more than five percent of its budgets for salaries and benefits for administrative employees whose primary responsibilities are supervisory or supportive in nature. The hearing on this bill was on January 25, 2018 before the Government, Military & Veterans Affairs Committee. No one appeared in support of the measure and many, many organizations appeared in opposition. The bill remains in committee.

LB1075 (Friesen) impose a fee on transfers of real estate. **MONITOR.** Imposes a fee on the grantor executing a deed upon the transfer of a beneficial interest in or legal tile to real estate.

The hearing on the bill occurred before the Revenue Committee on Thursday, February 22, 2018 and only the Nebraska Farmers Union appeared in support. The Realtors and the Nebraska Bankers Association appeared in opposition. We do not expect the bill to advance.

LB1076 (Friesen) Increase the documentary stamp tax and provide for the use of the revenue. **MONITOR.** The documentary stamp tax would be increased to two dollars and seventy-five centers for every one thousand dollars in value. Fifty cents of such amount shall be appropriated to the Property Tax Credit Cash Fund

The hearing on this bill occurred before the Revenue Committee on February 22nd. No one appeared in support, opposition or neutral. We do not expect the bill to advance.

LB1102 (Friesen) Change provisions relating to distribution of taxes collected, license renewals and fees, and the tax on gross proceeds for county and city lotteries. **OPPOSE.** LB1102 allows for lottery licenses to be renewed annually. LB1102 requires counties, cities, and villages who conduct a lottery to submit to the department on a quarterly basis a tax of four percent of the gross proceeds. Such tax will be remitted by the Department to the State Treasurer for credit as follows: (1) two percent to the Charitable Gaming Operations fund; and (2) Two percent to the Property Tax Credit Cash Fund.

This bill was referred to the General Affairs Committee and had a public hearing on February 12th. The bill had no supporters testify, and had 4 opponents. We do not expect it to be prioritized or advanced, but continued monitoring will take place

LB1104 (Friesen) Change provisions relating to the special valuation of agricultural or horticultural land. LB1104 adds a new qualification in order for agricultural or horticultural land to receive a special valuation. For land that is located in a county with a population of 100,000 inhabitants or more and that consists of no more than five contiguous acres, the owner or lessee of the land must prove that either: (1) they derived at least 15% of their gross income from agricultural or horticultural activities in the preceding year; or (2) they land produced at least one thousand dollars of gross revenue from agricultural or horticultural activities in the preceding year.

The hearing on this bill occurred before the Revenue Committee on Friday February 23rd. Indications are that Senator Friesen would be willing to make the bill applicable statewide no matter the size of county.

LB1112 (Vargas) Change provisions relating to placement and detention of juveniles and permit an additional use of funds under the Community-based Juvenile Services Aid Program.

SUPPORT. LB1112 prohibits juveniles from being placed at a youth rehabilitation and treatment center unless such placement is a matter of immediate and urgent necessity. LB1112 also prohibits juveniles under the age of fourteen from being placed in such centers. LB1112 also prohibits juveniles from being detained unless the physical safety of persons in the community would be seriously threatened or detention is necessary to secure the presence of the juvenile at the next hearing. Children twelve years or younger may not be placed in detention under any circumstances. Juveniles may not be placed into detention: (1) to allow a parent or guardian to avoid legal responsibility; (2) to punish, treat, or rehabilitate; (3) to permit more convenient administrative access; (4) to facilitate further interrogation or investigation; or (5) due to lack of more appropriate facilities.

LB1112 also allows for funds received under the Community-based Juvenile Services Aid Program to be used one time by an aid recipient: (1) to convert an existing juvenile detention facility or the existing structure for use as an alternative to detention as defined; (2) to invest in capital construction, including both new construction and renovations, for a facility for use as an alternative to detention; or (3) for the initial lease of a facility for use as an alternative to detention.

According to Senator Vargas, the bill is his "JDAI Bill" and would move the state further in that direction.

This bill was heard before the Judiciary Committee on February 22, 2018. A letter of support was submitted for the hearing. Those who appeared in support of the bill at the hearing included Juliet Summers (a juvenile law lawyer from Omaha), Christine Henningsen (Director Nebraska Youth Advocates at UNL- Center for Children, Families and the Law), Rico Zavala, Elaine Menzel for NACO, Anne Hobbs (JJI at UNO). No one appeared in opposition and Shakil Malk (Deputy County Attorney, Douglas County).

LR281CA (Morfeld) Constitutional amendment to state that affordable health care is a right and to expand eligibility under the medical assistance program. **SUPPORT** The provisions are an amendment to the Nebraska constitution that would state as follows: "Affordable health care is a right forever preserved for the people of Nebraska subject to reasonable restrictions as prescribed by law." It then goes on to state that "The Legislature shall provide health insurance under the medical assistance program to adults under the age of sixty-five years with incomes under one hundred thirty-three percent of the federal poverty level in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII)." This is Medicaid expansion in the form of a constitutional amendment.

This bill was referred to the Health and Human Services Committee and the hearing was held on February 21, 2018. A letter was submitted in support under Vice-Chairwoman Brinkman's signature. At the hearing, the LR saw a significant level of support – as well as opposition from the administration. We do not believe it will advance from Committee.

There was an announcement last week by Senators Morfeld, Pansing-Brooks and others announcing a petition drive to obtain enough signatures to put the providing Medicaid expansion as possible law enacted by the people of Nebraska at the ballot.

LANCASTER COUNTY SPREADSHEET AND PRIORITY SPREADSHEET

Attached, please find two documents: the first is the weekly spreadsheet that we update on a daily basis during session. This is provided to you each Thursday and again over the weekend.

The second is a list of the bills prioritized by individual senators, committees and the speaker.

This concludes our report for the week.

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Exhibit B

Document	Senator	Position	Committee	Status	Description
LB7	Krist	Monitor	Judiciary 01/18/2017	In Committee 01/09/2017	Provide for suspension of medical assistance under the medical assistance program for detainees in public institutions <i>LB7, relating to jail and correctional facilities, would suspend medical assistance under the medical assistance program for detainees in a public institution. Currently, section 47-706 only suspends medical assistance to inmates of a public institution. LB7 would amend this section to cover detainees as well as inmates.</i>
LB8	Krist		Judiciary 01/18/2017	Approved by Governor 03/29/2017	Change and eliminate provisions relating to juvenile detention and probation and provide for graduated response sanctions and incentives <i>LB8 acts to change, eliminate, and harmonize provisions of the Nebraska Juvenile Code. LB8 also provides for a graduated response program, to replace the current administrative sanctions program, designed to utilize a series of sanctions, incentives, and services to facilitate a juvenile's continued progress toward changing behavior and successful completion of the probationary period. A state-wide standardized graduated response program may be developed by the Office of Probation Administration with the help of interested parties, such as judges, probations officers, county attorneys, defense attorneys, juveniles, and parents. Graduated response incentives should be designed to provide positive reinforcement as well as encourage and support positive behavior change and successful completion of the probationary period, including the possible reduction or elimination of imposed conditions. Sanctions should be immediate, certain, consistent, and fair in regards to the behavior that needs to be addressed.</i>
LB10	Krist		Judiciary 01/18/2017	Approved by Governor (E- Clause) 05/23/2017	Increase number of judges of the separate juvenile court as prescribed <i>LB10 would increase, from five to six, the number of juvenile court judges in counties having four hundred thousand inhabitants or more.</i>
LB22	Scheer	Oppose	Appropriations 01/17/2017	Approved by Governor (E- Clause) 02/15/2017	To provide, change, and eliminate provisions relating to appropriations and to reduce appropriations <i>LB22 is the Governor's budget reduction bill for the remainder of FY2016-17.</i>
LB26	Murante		Judiciary 01/19/2017	In Committee 01/09/2017	Change service requirements for harassment protection orders <i>LB26 changes the requirement of service of notice for harassment protection orders. Service would not be required for prosecuting a violation of a protection order if the respondent has actual knowledge of the harassment protection order.</i>
LB27	Murante		Government, Military and Veterans Affairs 01/19/2017	In Committee 01/09/2017	Change requirements for state agency contracts and powers and duties of the Auditor of Public Accounts as prescribed <i>LB27 requires that all information requested by the auditor be received by September 20. Information not received by this date shall be deemed delinquent, and the auditor may assess the political subdivision a late fee of twenty dollars per day. Political subdivisions that fail to provide the requested information by September 20 will also be subject to an audit, based on the auditor's discretion. LB27 also adds a restriction that state agency contracts may not be amended to extend the duration of the contract for a period of more than fifty percent of the initial contract term. Purchasing or lease contracts entered into by the state purchasing bureau may also not be amended to extend the duration of the contract for a period of more than fifty percent of the initial contract term. LB27 also creates a duty of the Auditor of Public Accounts to assess a fourteen percent interest rate on delinquent payments of any fees for audits and services owed to the Auditor of Public Accounts. LB27 also allowed the Auditor of Public Accounts to share working papers with certain agencies during either an ongoing audit or after the completion of an audit.</i>
LB36	Harr		Government, Military and Veterans Affairs 01/20/2017	In Committee 01/09/2017	Provide for review by state agencies of occupational credentials and provide for a critical assessment document <i>LB36 makes additions to the Administrative Procedure Act. The purpose of LB36 is to require state agencies to review rules and regulations pertaining to the issuance of occupational credentials and complete and release a critical assessment document.</i> <i>Beginning January 1, 2018, The Department of Health and Human Services must review its rules and regulations pertaining to the issuance of occupational credentials. Beginning January 1, 2023, and every five years thereafter, the department must review those rules and regulations.</i> <i>Beginning January 1, 2019, the Department of Labor shall review its rules and regulations pertaining to the issuance of occupational credentials. Beginning January 1, 2014, and every five years thereafter, the department must review those rules and regulations.</i>

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Document	Senator	Position	Committee	Status	Description
<p><i>Beginning January 1, 2020, every other agency must review its rules and regulations pertaining to the issuance of occupational credentials. Beginning January 1, 2025, and every five years thereafter, all agencies must review those rules and regulations.</i></p> <p><i>Section six of LB36 provides guidelines for agencies that are conducting a review of their rules and regulations and what things they should be looking for and addressing. A requirement of a public hearing is also included.</i></p>					
LB43	Hilkemann		Transportation and Telecommunications 02/21/2017	In Committee 01/09/2017	Change provisions relating to surcharges for 911 service
<p><i>LB43 limits the monthly surcharge that a governing body may impose on telephone numbers within the service area to one dollar per month. Wireless carriers may collect a surcharge of up to seventy cents.</i></p>					
LB47	Watermeier	Support	Judiciary 01/19/2017	In Committee 01/09/2017	Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons
<p><i>LB47 allows for all costs of an autopsy or grand jury to be paid by the county in which the person died, unless the person died in a state correctional facility. Compensation to those serving on a grand jury will also be paid by the county, unless the case involves an inmate who died while serving a sentence a state correctional facility.</i></p>					
LB51	Schumacher	Neutral	Revenue 01/19/2017	General File 03/15/2017	Change provisions relating to sales of real property for nonpayment of taxes
<p><i>LB51 allows land banks to offer to pay the amount of taxes, interest, and costs due on the real property that is for sale, and bid an interest rate as described in section 77-1807. Automatically accepted bids from a land bank must include an offer to pay and an interest rate bid. LB51 eliminates provisions that have expired and a provision permitting a round robin format for the sale of real estate. LB51 prohibits bidders at public auctions from colluding with each other to obtain an unfair interest rate. Sales that are the product of collusion are voidable by the county board. LB51 further stipulates how interest will be allocated upon the sale of real estate.</i></p>					
LB53	Schumacher		Judiciary 02/08/2017	In Committee 01/09/2017	Change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals
<p><i>LB53 allows sentencing judges, when they feel that imposition of a mandatory minimum sentence to be improper, to order a three-judge panel to determine whether are not the mandatory minimum is proper and what the proper sentence should be. Sentencing judges would also be allowed to conduct hearings that will aid their determination whether the mandatory minimum sentence is proper. Arguments may be presented by each attorney during the determination of a proper sentence.</i></p>					
LB55	Schumacher		Transportation and Telecommunications 01/30/2017	In Committee 01/09/2017	Change a duty of landowners relating to the frequency of mowing roadside weeds
<p><i>LB55 requires landowners to mow to the middle of all public roads and drainage ditches along their lands at least three times each year. The first before June 5, the second before July 10, and the third before August 15.</i></p>					
LB66	Hansen		Banking, Commerce and Insurance 02/28/2017	In Committee 01/09/2017	Change provisions relating to stacking of coverage under the Uninsured and Underinsured Motorist Insurance Coverage Act
<p><i>LB66 permits the stacking of separate policies for individuals living together when determining the limit of insurance coverage available to an injured person for any one accident.</i></p>					
LB68	Hilgers	Monitor	Government, Military and Veterans Affairs 02/10/2017	Select File 04/18/2017 Hilgers Priority Bill	Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed
<p><i>LB68 prohibits cities of the primary class from prohibiting carrying of concealed weapons. Except as prohibited, Cities, but not counties, do have the power to regulate the ownership, possession, transportation, carrying, registration, transfer, or storage of firearms, ammunition, or firearm accessories.</i></p>					
LB71	Pansing Brooks		Appropriations 02/27/2017	In Committee 01/09/2017	Change appropriations relating to the Nebraska Tree Recovery Program
<p><i>LB71 changes the appropriation from two hundred fifty thousand to three million dollars from the general fund in order to fund tree removal, disposal, and replacement.</i></p>					

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Document	Senator	Position	Committee	Status	Description
LB72	Schumacher		Banking, Commerce and Insurance 02/13/2017	Approved by Governor 05/23/2017 Banking, Commerce and Insurance Priority Bill	Provide for governmental unit bond priority under the Nebraska Governmental Unit Security Interest Act and rename the act <i>LB72 renames the Nebraska Governmental Unity Security Interest Act to the Nebraska Governmental Unit Security Interest and Pledge Act. The NGUSIPA governs the perfection, priority, and enforcement of all security interests created governmental units. LB72 makes the pledge of any bond-pledged revenue source by a governmental unit to the payment of the principle, premium, and interest on bonds valid and binding and deemed continuously perfected from the time of the bonds or notes or other financing obligations are issued. Specific terms for different types of bonds are set forth in Section 5 of LB72.</i>
LB75	Wayne		Government, Military and Veterans Affairs 03/01/2017	Governor Vetoed 05/02/2017 Wayne Priority Bill	Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony (Motion made by Sen Wayne, found on Journal Page 1282) <i>LB75 restores voting rights to felons immediately after completion of their sentence or probation.</i>
LB76	Wayne		Government, Military and Veterans Affairs 03/01/2017	In Committee 01/09/2017	Require notice for Secretary of State regarding completion of felony sentence for purposes of voting rights <i>After completion of a probationary period, LB76 requires a copy of the order that releases the felon from his probation to be provided to the Secretary of State no later than ten days after the order is given. The Secretary of State will then make not of the completion of the felony sentence upon receipt of an abstract from the Department of Corrections. The clerk of any court in which a person was convicted must also complete an abstract detailing who has completed their felony sentence and who is not included in the order to restore civil rights after completion of their probationary period. The department is also to prepare an abstract each month reflecting which person have completed their probationary period and deliver it to the Secretary of State. The parol administrator must also prepare an abstract each month that reflects each person which a felony conviction who has completed their parole term.</i>
LB78	Crawford		Transportation and Telecommunications 01/30/2017	Approved by Governor 02/28/2018	Change provisions relating to relinquishment or abandonment of any portion of a state highway system <i>LB78 allows for department, political, and governmental subdivisions to negotiate the terms or conditions of any relinquishment of a public highway that the state has decided to abandon. This petition and a written memorandum of understanding will be filed as a public record. After the filing of the petition and memorandum, the section of the highway becomes the responsibility of the subdivision. If there is an unforeseen economic change, the subdivision is allowed to request a renegotiation of the terms and conditions of the relinquishment.</i>
LB80	Blood		Government, Military and Veterans Affairs 01/18/2017	Approved by Governor 03/08/2017	Provide for unclassified service under the County Civil Service Act <i>LB80 includes Law clerks and students employed by the country attorney or public defender as unclassified service under the County Civil Service Act.</i>
LB81	Blood	Support	Judiciary 02/02/2017	IPP (Killed) 01/09/2018	Change the application fee for handgun certificates <i>LB81 changes the fee charged for each application for a handgun certification from five dollars to twenty-five dollars.</i>
LB86	Blood		Transportation and Telecommunications 01/23/2017	Approved by Governor 05/15/2017	Change provisions relating to opening bids <i>LB86 eliminates the requirement that bridge bids be opened in the presence of the county board.</i>

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Document	Senator	Position	Committee	Status	Description
LB89	Hughes		Government, Military and Veterans Affairs 01/19/2017	IPP (Killed) 05/23/2017	Change published notice of hearing requirements under the Nebraska Budget Act as prescribed <i>LB89 changes the requirement for notice of a public hearing from five days to four calendar days. Four calendar days will include the date of publication but not the day of the hearing.</i>
LB90	Hughes		Government, Military and Veterans Affairs 01/19/2017	In Committee 01/09/2017	Require public entity provide accommodations where Auditor of Public Accounts employee conducts audit or examination <i>LB90 requires public entities to provide suitable accommodations when any employee of the Auditor of Public Accounts conducts an audit or examination of them.</i>
LB93	Hansen	Monitor	Judiciary 01/19/2017	Approved by Governor 02/15/2018	Adopt the Automatic License Plate Reader Privacy Act <i>LB93 adopts the Automatic License Plate Reader Privacy Act. The act provides that an automatic license plate reader system may only be used by a law enforcement agency as an alert for the purpose of identification, by a parking enforcement entity for regulating the use of a parking facility, for the purposes of controlling access to a secured area, for the purpose of electronic toll collection, and to assist weighing stations in performing their duties. The data captured from an automatic license plate reader system may not be retained except for situations specified in section 4 of the act. Any government entity that does use an automatic license plate reader must adopt a use policy and display that policy on their website, adopt a privacy policy to ensure that the captured information is not shared in violation of this act, and report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its automatic license plate reader practices and usage. The report should follow the specifications outlined in subsection (3)(a) of section 6 of this act. Plate data that is capture and evidence derived therefrom ay not be received into evidence in any trial, hearing, or other proceeding, and any person who violates this act will be subject to damages.</i>
LB95	Crawford		Urban Affairs 02/28/2017	IPP (Killed) 02/15/2018	Change provisions relating to the Community Development Law and tax-increment financing <i>LB95 requires that each city which has approved one or more redevelopment plans which are financed in whole or in part through the use of tax-increment financing to establish an auditing plan to provide for regular review of each such redevelopment plan. The Auditor of Public Accounts has the power to audit, or cause to be audited, any authority established when the Auditor determines such an audit is necessary or when requested by the governing body.</i> <i>LB95 also requires that, prior to declaring an area in need of development, the governing body must conduct a study or analysis on whether the area is substandard and blighted. A public hearing will also be conducted on this question, with proper notice given to the community. Each neighborhood association that desires to receive such notice must register with their city's planning department the area they would wish to be notified on.</i> <i>LB95 requires that redevelopment plans that include the use of tax-increment financing shall not provide for the reimbursement of costs incurred prior to the approval of the redevelopment plan, except those costs related to the preparation of the redevelopment plan, the substandard and blighted study, or the cost-benefit analysis.</i> <i>Redevelopment plans which include the use of tax-increment financing must, after five years and every five years thereafter, conduct a review and update of a cost-benefit analysis. This report should include tax shifts, public infrastructure and community public service needs impacts, impacts on employers and employees, impacts on student populations of school districts, and other impacts determined to be relevant. Each city approving such a redevelopment plan must retain copies of all such redevelopment plans and supporting documents associated with that plan for a period of time required under applicable records retention schedules.</i> <i>LB95 also allows for redevelopment contracts for plans that include the use of tax-increment financing to include a provision requiring that all ad valorem taxes levied upon real property in a redevelopment project be paid on time in order for such redevelopment project to received tax-increment financing. To the extent that a redevelopment plan divides the ad valorem taxes levied upon only a portion of the real property in a redevelopment project, such portion shall be clearly related to the redevelopment plan.</i>
LB98	Friesen		Revenue 02/02/2017	General File 03/15/2017 Speaker Priority Bill	Extend certain levy authority for natural resources districts <i>LB98 extends tax levy authority for natural resources districts to FY2025-26 instead of fiscal year 2017-2018.</i>

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Document	Senator	Position	Committee	Status	Description
LB102	Hilkemann		Judiciary 01/19/2017	In Committee 01/10/2017	Change a penalty relating to tampering with witnesses or informants <i>LB102 makes tampering with a witness, informant, or jury a Class IV felony, unless the tampering occurs as an attempt to change the outcome of a felony charge, in which case it is a Class II felony.</i>
LB107	Crawford		Judiciary 02/08/2017	In Committee 01/10/2017	Prohibit sexual assault of a patient, client, or student as prescribed <i>LB107 establishes that a health professional commits the offense of sexual abuse of a patient or client if the professional subjects a patient or client who is at least sixteen years of age but less than nineteen years of age to sexual penetration or sexual contact. A health profession to subjects such a patient to sexual penetration is guilty of sexual abuse of a patient or client in the first degree, which is a Class IIA felony. A health professional who subjects such patient or client to sexual contact is guilty of sexual abuse of a patient or client in the second degree, which is a Class IIIA felony.</i> <i>LB107 establishes that a volunteer or employee of a school who subjects a student who is at least sixteen but less than nineteen years of age to sexual penetration is guilty of sexual abuse of a student in the first degree, which is a Class IIA felony. If such volunteer subjects such student to sexual contact, they are guilty of sexual abuse of a minor in the second degree, which is a Class IIIA felony.</i> <i>LB107 establishes that a person who is a volunteer or an employee of a youth center who subjects a patient or client who is at least sixteen but less than nineteen to sexual penetration is guilty of sexual abuse of a patient or client in the first degree, which is a Class IIA felony. If such volunteer subjects such client or patient to sexual contact, they are guilty of sexual abuse of a minor in the second degree, which is a Class IIIA felony.</i> <i>LB107 establishes that a person who occupies a special position of trust who subjects a child who is at least sixteen but less than nineteen years of age to sexual penetration is guilty of sexual abuse of a child in the first degree, which is a Class IIA felony. If such person subjects such child to sexual contact, they are guilty of sexual abuse of a child in the second degree, which is a Class IIIA felony. Consent is not a defense under any section of LB107.</i>
LB108	Crawford		Judiciary 02/08/2017	In Committee 01/10/2017	Require guidelines to ensure safety of minor or dependent whose parent or guardian is arrested <i>LB108 requires that, beginning July 1, 2018, each police department, sheriff's office, and state patrol must establish guidelines for officer to ensure child safety upon the arrest of a parent or guardian. If, upon questing during the booking process, the arrested person is identified as a custodial parent or guardian, they are to be given two phone calls at no cost to a relative or other person for the purpose of arranging for the care of a minor.</i>
LB110	Kolterman		Nebraska Retirement Systems 01/24/2017	IPP (Killed) 05/23/2017	Change duties and requirements relating to certain retirement plan reporting and change duties of the Auditor of Public Accounts and the Public Employees Retirement Board <i>LB110 creates and end date for reporting requirements of December 31, 2017. After December 31, 2017 providers of defined benefit pension plans are required to prepare and electronically file an annual report with the Auditor of Public Accounts. This report should include the level of benefits of participants in the plan, number of members who are eligible, total present value of benefits, funding sources, and a copy of a full actuarial analysis of each such defined benefit plan. If such a report is not submitted within six months after the end of the year, the Auditor may audit the provider.</i>
LB111	Hansen		Government, Military and Veterans Affairs 03/17/2017	In Committee 01/10/2017	Provide for nonpartisan election of county officers <i>LB111 requires that county officers be elected on a nonpartisan ballot.</i>
LB112	Hansen		Government, Military and Veterans Affairs 03/15/2017	In Committee 01/10/2017	Permit registered voters moving within Nebraska without reregistering to vote provisionally <i>LB112 requires the Secretary of State to adopt and promulgate rules and regulations that establish procedures for election commissioners and county clerks to ensure that there is no fraud in provisional voting. LB112 allows for individuals who have moved but still reside in Nebraska to utilize provisional ballots.</i> <i>LB112 also adds twelve months' post-release supervision as a punishment for election falsification.</i>
LB113	Hansen		Urban Affairs 01/17/2017	Approved by Governor 03/29/2017	Change population threshold provisions relating to municipalities and eliminate obsolete provisions <i>LB113 makes changes that would place the following language into all sections regarding city population thresholds: "as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census"</i>

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Document	Senator	Position	Committee	Status	Description
LB127	Groene	Oppose	Government, Military and Veterans Affairs 02/02/2017	General File 03/17/2017	Change notice requirements under Open Meetings Act <i>LB 127 provides for a change in the open meetings law, in Sec. 84-1411 of the statute. It strikes language for political subdivisions to publicize meeting designated by each political body and requires them to publish such notice in a newspaper of general circulation in each county within the public entities jurisdiction as well as any other method designated by the public body. The newspaper notice does not have to be published in every county but must have a general circulation within the county. This proposal is also not intended to apply to state agencies but just political subdivision.</i>
LB139	Crawford		Government, Military and Veterans Affairs 03/17/2017	In Committee 01/10/2017	Authorize change to nonpartisan election of county officers <i>LB139 allows for county boards to adopt resolutions that submits a question to voters on whether they would like the election of county officers to be a nonpartisan ballot. If the voters answer the question in favor of nonpartisan ballots, then the county must utilize nonpartisan ballots for the election of officers.</i>
LB144	Friesen		Education 02/06/2017	In Committee 01/10/2017 Bostelman Priority Bill	Change agricultural and horticultural adjusted valuations for calculating state aid to schools <i>LB144 changes agricultural and horticultural adjusted valuations for calculating state aid to schools.</i>
LB145	Hansen	Monitor	Judiciary 03/16/2017	IPP (Killed) 05/23/2017	Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service <i>LB145 allows for a sentencing judge or magistrate to conduct a post-hearing sentence to determine if the offender has the financial ability to pay the fines or costs associated with their infraction. If the magistrate or judge determines that the offender is able to pay the fine, but the offender refuses, the magistrate or judge may sentence the offender to imprisonment or community service. If the offender is found unable to pay the fine, the magistrate or judge may impose the sentence without costs and fines, discharge the costs and fines from the offender, or order community service as part of the sentence. If the offender is found able to pay the costs or fines in installments, the magistrate or judge may enter an order specifying the terms of a payment arrangement.</i> <i>LB145 also allows for individuals who are arrested for failure to pay costs and fines to be provided a hearing in which their financial ability to pay those fines and costs can be assessed. A person who believes themselves to be financially unable to pay court costs and fines may request a hearing after an order has been issued against them.</i>
LB146	Hansen		Judiciary 01/25/2017	Approved by Governor 02/15/2018	Provide for set-asides of convictions for infractions <i>LB146 allows for convictions of infractions to be set aside after completion of the sentence imposed.</i>
LB151	Stinner		Government, Military and Veterans Affairs 01/19/2017	Approved by Governor (E-Clause) 05/02/2017 Speaker Priority Bill	Change and provide for duties of the Auditor of Public Accounts and certain audited entities <i>LB151 requires any entity that is audited or examined to provide to the Auditor of Public Accounts a detailed written description of any corrective action to be taken in response to the audit on or before six months after the issuance of a report by the Auditor of Public Accounts. The Auditor of Public accounts must then electronically submit a report of any findings of such investigation to the Governor, the appropriate standing committee, and the Appropriations of the Committee. LB151 also eliminates the duty of Auditor of Public Accounts to conduct all audits and examinations in a timely manner and in accordance with the standards for audits of government organizations, program, activities, and functions published by the Comptroller General of the United States.</i>

Amended Bills: LB27, LB89, LB90

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LB152	Thibodeau	Support	Government, Military and Veterans Affairs 02/03/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Change and eliminate provisions relating to the fees for recording and filing certain documents <i>LB152 eliminates sunset dates of January 1, 2018 for provisions relating to the fees for recording and filing certain documents. LB152 also eliminates the six-dollar uniform fee, payable to the Secretary of State, for presenting and filing and indexing and filing and indexing each notice of lien or certification of notice affecting lien on a property.</i>
LB156	Friesen		Transportation and Telecommunications 02/21/2017	In Committee 01/10/2017	Eliminate a termination date under the 911 Service System Act <i>LB156 eliminates Section 86-1030 from the 911 Service System Act.</i>
LB158	Pansing Brooks		Judiciary 01/26/2017	General File 02/06/2017 Pansing Brooks Priority Bill	Change provisions relating to appointment of counsel for juveniles <i>LB158 eliminates certain provisions and stipulates that counsel be appointed for a juvenile in all cases in which a court petition is filed alleging jurisdiction of a juvenile. The juvenile and their parent or guardian will be told of the juvenile's right to counsel if they cannot afford to appoint their own. If a juvenile waives their right to counsel, they may at any time rescind such waiver and the court shall reappoint counsel for the juvenile.</i>
LB159	McCollister		Urban Affairs 01/24/2017	Approved by Governor (E- Clause) 05/10/2017	Change provisions relating to when special assessments are payable for cities of the metropolitan class <i>LB159 allows for the creation of a payment schedule of at least ten years but less than twenty when the total cost of a special improvement exceed five thousand dollars.</i>
LB162	Krist		Judiciary 01/27/2017	In Committee 01/10/2017	Change provisions relating to criminal mischief and change and provide additional penalties for bribing or tampering with witnesses, informants, or jurors <i>LB162 changes "felony criminal mischief" to "felony criminal damage to property." LB162 also makes it a Class III felony to bribe or tamper with a witness or juror except when the bribery or tampering of a witness or juror occurs during a proceeding or investigation for a violation of any statute punishable as a Class IIA felony or higher, in which it will be a Class IIA felony.</i>
LB163	Vargas	Support	Government, Military and Veterans Affairs 03/16/2017	In Committee 01/10/2017	Require additional polling places prior to elections in certain counties <i>LB163 requires election commissioners in counties with populations of more than one hundred thousand to establish at least three voting locations.</i>
LB164	Geist		Transportation and Telecommunications 01/24/2017	IPP (Killed) 05/23/2017	Change provisions relating to trailers, commercial motor vehicle disqualification provisions, accident reports, and motor vehicle records disclosure and authorize the Department of Motor Vehicles to keep and sell certain registration and certificate of title records <i>LB164 eliminates the term "cabin trailer" from provisions. LB164 also provides a more exhaustive list of the types of registration and certificates of title records the department can sell.</i>
LB166	Kolterman		Health and Human Services 01/27/2017	Approved by Governor (E- Clause) 05/02/2017 Speaker Priority Bill	Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act <i>LB166 requires all pharmacies to complete a controlled-substance inventory whenever there is a change in the pharmacist-in-charge. LB166 also includes a definition for an emergency situation in which Schedule II controlled substances may be administered. Other regulations are also included for when pharmacies deal in controlled substances. Other provisions deal with the conduct of pharmacists and provisions for reporting unethical conduct.</i>

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LB176	Bostelman		Natural Resources 01/26/2017	Approved by Governor 05/10/2017	Eliminate obsolete provisions related to milldams <i>LB176 repeals sections 56-101, 56-115, 56-124, 56-125, 56-126, and 56-127, Reissue Revised Statutes of Nebraska. Section 56-101 has to deal with and acquisition and procedure for acquiring dam sights using eminent domain. Section 56-115 has to deal with the procedure for determining damages from stagnant or overflow water. Section 56-124 has to deal with the right of entry on adjoining lands for the repairs of milldams. Section 56-125 has to deal with recovery for damages arising from the repair of a milldam on adjoining lands. Section 56-126 has to deal with recovery of a mill owner for damages regarding injury to their property. Section 56-127 has to deal with when a municipal corporation is allowed to acquire a milldam site.</i>
LB178	Bolz	Support	Judiciary 02/23/2017	IPP (Killed) 05/23/2017	Provide for sexual assault protection order <i>LB178 allows for any victim of sexual assault o file a petition and affidavit for a sexual assault protection order. This protective order shall be effective for two years unless renewed. Any knowing violation of such protective order will be a Class I Misdemeanor. LB178 also affords full faith and credit to sexual assault protection orders issued in other states or jurisdictions.</i>
LB179	Bolz		Health and Human Services 02/23/2017	In Committee 01/12/2017	Change provisions relating to transition of young adults to independence <i>LB179 requires any child who is in a court-ordered out-of-home placement in the six months prior to attaining nineteen years of age to receive information regarding the Young Adult Bridge to Independence Act. The Office of Probation is required to identify such individuals and provide the information. LB179 also provides factors for a court to consider when deciding whether it is necessary for the juvenile to remain in the court-ordered out-of-home placement. LB179 also provides for medical care under the medical assistance program for young adults for such juveniles.</i>
LB180	Bolz		Judiciary 01/26/2017	Approved by Governor 05/02/2017 Speaker Priority Bill	Provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court <i>LB180 provides criteria for granting a bridge order which terminates the juvenile court's jurisdiction over the juvenile's custody, physical care, and visitation and grants it to a district court.</i>
LB183	Hughes		Government, Military and Veterans Affairs 03/17/2017	In Committee 01/12/2017	Authorize change of nomination and election provisions for county officers <i>LB183 allows for the county boards in counties with a population of fifteen thousand or fewer to adopt a resolution requiring a submission of a question to the voters regarding whether or not the election of county officers should be partisan or not. If the voters answer the question in favor of nonpartisan elections, all subsequent elections shall be as such until another question is submitted to the voters. Such question may not be submitted to the voters more than once every three years.</i>
LB189	Howard		Appropriations 03/14/2017	In Committee 01/12/2017	Appropriate funds to the Department of Health and Human Services for recruitment and retention of caseworkers <i>LB189 appropriates \$500,000 from the General Fund for FY2017-18 and \$500,000 from the General Fund for FY2018-19 to the Department of Health and Human Services for Program 33 to be used specifically for the recruitment and retention of caseworkers for child welfare.</i>
LB191	Pansing Brooks		Judiciary 02/23/2017	IPP (Killed) 05/23/2017	Provide for renewals of domestic violence protection orders <i>LB191 allows for victims of domestic abuse to file a petition and affidavit to renew a protection order thirty days before the expiration of the previous protection order. The renewal period shall be effective for one year beginning the day of expiration of the previous order.</i>
LB192	Pansing Brooks		Judiciary 02/22/2017	General File 03/20/2017	Change and modernize provisions relating to the qualifying and summoning of jurors <i>The purpose of LB192 is to provide adequate compensation of the jury commissioner and to permit a change in such salary as soon as the change may become operative under the Constitution of Nebraska. The salary of the jury commissioner is to be fixed by the district judges in an amount not to exceed three thousand dollars. LB192 also eliminates a provision excusing nursing mothers from serving on juries. LB192 contains duties of a jury commissioner designed to ensure adequate selection of qualified potential jurors.</i>

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LB193	Pansing Brooks		Judiciary 02/10/2017	Approved by Governor 02/15/2018	Change provisions relating to courts

LB193 changes terminology of statutes dealing with courts. The term "docket" is replaced with "file." The term "trial docket" is used to reference the lower court's schedule. LB193 requires clerks to enter judgements in the judgment index instead of the judgment record or journal.

LB193 requires sheriffs to file a notice on the record whenever the levy of attachment or execution on real estate is to be used as notice. LB193 also allows offers for settlements for the recovery of money to be served on the parties' attorneys as well as the parties themselves.

LB193 requires clerks to send a the final order after the entry of any final judgment either through the United States mail or by service through the court's electronic case management system. LB193 requires that sureties for stays of execution be recorded on the register of actions and entered by the clerk on the judgment index.

LB193 requires every clerk to maintain and preserve a file and record of all papers delivered to them in every action or special proceedings. Retention and disposition of the records shall be determined by the State Records Administrator pursuant to the Records Management Act. The clerk of the district court is required to maintain records on the court's electronic case management system. Retention and disposition of the records shall be determined by the State Records Administrator pursuant to the Records Management Act. The case file is required to be in chronological order and contain the pleadings, orders, court actions, judgement, verdicts, postjudgement actions, and other documents in the case file. The case file may be maintained as an electronic document through the court's electronic case management system. The file may also be maintained in a paper volume and disposed of when determined by the State Records Administrator pursuant to the Records Management Act.

LB193 requires the trial docket be available for the court on the first day of each month. The docket must set forth each case pending in the order of the filing of the complaint to be called for trial.

LB193 adds new definitions that apply to clerk of other courts of record. Definitions for Fee Record, General Index, Judge's Notes, Judgment Index, Register of Actions, and Trial Docket are added.

LB193 requires, whenever there is a transfer order from county court to district court, the county court must file the Certification of the proceedings, all original documents of the action, certification of the transcript of the register of actions, and the certification of the court costs within ten days.

LB193 requires that, when there is a change of venue, the clerk of the original court must file all original documents and a certification of the transcript of the register of actions, certification of the proceedings, and certification of the court costs to the clerk of the new court.

LB193 requires that the stenography notes of a court reporter be preserved and sealed.

LB193 requires the clerks of the district court to use the court's electronic case management system provided by the state as the record of receipts and reimbursements.

LB193 eliminates the requirement that the foreman and secretary of volunteer fire departments file in the office of the clerk of the district court a certified copy of the rolls of their respective companies on the first day of April and October in each year.

LB193 requires juvenile court judges to keep a record of all proceeding of the court in every case. These case files will contain the pleadings, order, court actions, judgments, postjudgment actions, and other documents. The case file may be maintained as an electronic document through the court's electronic case management system. The case file may also be maintained in a paper volume and disposed of when determined by the State Records Administrator pursuant to the Records Management Act.

LB193 requires the State Court Administrator to make available petitions for pregnant women who want to get abortions without parental consent on a website maintained by the Supreme Court.

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LB194	Vargas		Banking, Commerce and Insurance 02/21/2017	In Committee 01/12/2017 Vargas Priority Bill	Change provisions of the Credit Services Organization Act, Delayed Deposit Services Licensing Act, and Nebraska Installment Loan Act <i>LB194 prohibits Credit Services Organizations from charging any brokerage or other fees or charges in connection with a loan governed by the Nebraska Installment Loan Act. LB194 also adds definitions for the Delayed Deposit Services Licensing Act. LB194 provides that any delayed deposit loan that is made by a person who is not licensed as required is void and the person making the deposit has no right to collect, receive, or retain any principle, interest, fees, or other charges associated with such loan. LB194 also changes the nonrefundable application fee from five hundred dollars to one thousand dollars. LB194 also raises the asset requirement of an applicant from twenty-five thousand dollars available for operating the delayed deposit service business to fifty thousand dollars. LB194 raises the fee required for requesting a change of location a branch or designated principle place of business from one hundred fifty dollars to five hundred dollars.</i> <i>LB194 stipulates the documentation requirement for each delayed deposit loan transaction and what information should be contained in the written agreement. Licensee are also required to openly display a schedule of all finance charges, fees, interest, other charges, and penalties for all services provided.</i> <i>LB194 creates various restrictions on Delayed Deposit Loans. LB194 makes Delayed Deposit Loans precomputed loans that are payable in substantially equal instalments of principle, fees, interest, and charges combined. The total monthly payment may not exceed the greater of either five percent of the borrower's verified gross post-tax monthly income or six percent of the borrower's verified net post-tax monthly income. Before initiating any transaction, the licensee must make a reasonable determination of the borrower's verified income. The only fees a licensee may receive are interest of no more than thirty-six percent per annum, a month maintenance fee of either five percent of the loan amount or twenty dollars, and other charges permitted for the presentation of nonnegotiable instruments. All fees collected may not exceed fifty percent of the original loan amount. In the event of a default, the licensee may exercise all civil means authorized by law to collect the face value of the loan. The licensee may not collect fees as a result of the default. Licensees are not allowed to charge a fee associated with prepayment of a loan. Licensees are not allowed to lend any amount greater than \$500, plus allowable fees and interest, to any borrower. Borrowers will have the right to rescind a loan on or before 5 p.m. the next business day following the transaction. Licensees are not allowed to enter into more than one delayed deposit loan with the same borrower at any one time. The written loan agreement for a delayed deposit loan may provide that the entire unpaid loan balance be due and payable if the loan has been in default for ten days.</i> <i>LB194 also creates a duty of licensees to report, on an annual basis, certain information regarding their operations to the director.</i>
LB197	Kolowski		Government, Military and Veterans Affairs 03/15/2017	In Committee 01/12/2017	Provide for electronic application for an early voting ballot <i>LB197 allows for the creation of an early voting application process in which applicants with a valid Nebraska motor vehicle license or state identification card may electronically apply for a ballot for early voting after the ballots become available.</i>
LB199	McCullister		Judiciary 01/27/2017	General File 01/22/2018	Eliminate certain state aid to counties for law enforcement and jail operations <i>LB199 repeals sections 23-362 and 23-362.01, Reissue Revised Statutes of Nebraska. Both these sections that provide funds for counties in which Indian Reservations are located for the purpose of law enforcement and jail operations.</i>
LB200	Lowe		Government, Military and Veterans Affairs 01/27/2017	Approved by Governor 05/15/2017	Change provisions relating to county engineers, county surveyors, and county highway superintendents in certain counties as prescribed <i>LB200 requires a county surveyor in counties with a population of seventy-five thousand but less than one hundred fifty thousand inhabitants to perform all the duties and possess all the powers and functions of the county highway superintendent.</i>
LB201	Lowe		Judiciary 03/02/2017	In Committee 01/12/2017	Change provisions relating to perjury and the issuance of search warrants <i>LB201 allows for law enforcement officers to request the assistance of any other law enforcement officer in executing a search warrant if the person or place to be searched is not within the named officer's jurisdiction. LB201 also allows for unsworn statements to be made under the penalty of perjury and subject to the same punishments as perjury.</i>
LB202	Lowe		Judiciary 02/03/2017	In Committee 01/12/2017	Create the offense of obstructing government operations by refusing to submit to a chemical test authorized by search warrant <i>LB202 creates the offense of obstructing government operations if a person intentionally and willfully refuses to submit to a chemical test authorized by a search warrant.</i>

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LB207	Krist		Executive Board 01/20/2017	Approved by Governor 05/02/2017 Executive Board Priority Bill	Change provisions relating to powers and duties of the Office of Inspector General of Nebraska Child Welfare <i>LB207 requires the Office of Inspector General of Nebraska Child Welfare to investigate death or serious injury in foster homes when the officer, upon review, determines the death or serious injury did not occur by chance. LB207 also prohibits personnel action from being taken against an employee because of a disclosure of information by the employee which the employee reasonably believes evidences wrongdoing.</i>
Amended Bills: LB6					
LB212	Hansen		Business and Labor 01/23/2017	In Committee 01/12/2017	Adopt the In the Line of Duty Compensation Act <i>LB212 requires compensation to be paid if a law enforcement officer or firefighter is killed in the line of duty. For deaths occurring during 2018, compensation shall be fifty thousand dollars. For deaths occurring 2019 and each subsequent year, compensation shall be the compensation of the previous year increased by the Consumer Price Index.</i>
LB216	Harr		Executive Board 01/30/2017	In Committee 01/12/2017	Adopt the Redistricting Act <i>LB216 creates an Independent Redistricting Citizen's Advisory Commission for the purpose of assisting the Legislature in the process of redistricting in 2021 and thereafter. LB216 also creates The Redistricting Fund for the purpose of assisting the commission for travel and actual expenses of the members of the commission. Principles are provided for the commission to follow in the course of their duties in sections 28 and 29.</i>
LB217	Harr		Revenue 02/02/2017	Approved by Governor (E- Clause) 05/02/2017 Revenue Priority Bill	Change revenue, taxation, economic development, and tax incentive provisions <i>LB217 allows for interest to accrue on the amount of tax due thirty days after the county assessor receives approval from the county board to remove or reduce a homestead exemption from the tax rolls of the county. Portions of LB49, LB228, LB238, LB288, LB387 & LB233 have been amended into LB217 via AM634.</i>
Amended Bills: LB49, LB228, LB233, LB238, LB251, LB288, LB387					
LB219			Nebraska Retirement Systems 01/31/2017	IPP (Killed) 05/23/2017	Change retirement system provisions relating to authorized benefit elections and actuarial assumptions <i>LB219 requires that, for county employees hired on or after January 1, 2018, the mortality assumption used for purposes of converting the member cash balance account must be a mortality table using a unisex rate that is fifty percent male and fifty percent female that is recommended by the actuary and approved by the board.</i> <i>LB219 requires that, for judges hired after July 1, 2017, the determinations will be based on a mortality table using seventy-five percent of the male table and twenty-five percent of the female table and an annuity rate specified by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.</i> <i>LB219 requires that, for school employees hired after July 1, 2017, the determinations will be based on a mortality table using twenty-five percent of the male table and seventy-five percent of the female table and an annuity rate specified by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.</i> <i>LB219 requires that, for State Patrol Officers hired after July 1, 2017, the determinations will be based on a mortality table using seventy-five percent of the male table and twenty-five percent of the female table and an annuity rate specific by the board. Both the mortality table and the annuity rate must be recommended by the actuary and approved by the board.</i> <i>LB219 requires that, for state employees hired on or after January 1, 2018, the mortality assumption used for purposes of converting the member cash balance account must be a mortality table using a unisex rate that is fifty percent male and fifty percent female that is recommended by the actuary and approved by the board.</i>

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LB225	Crawford	Monitor	Health and Human Services 02/01/2017	Approved by Governor (E- Clause) 05/02/2017 Crawford Priority Bill	Change provisions of the Child Protection and Family Safety Act, the Nebraska Juvenile Code, the Foster Care Review Act, and the Nebraska Strengthening Families Act as prescribed <i>LB225 allows the department to begin using alternative response statewide on the effective date of the act until December 31, 2020. LB225 also requires the department to provide to the Nebraska Children's Commission updates on an analysis that will examine the challenges, barriers, and opportunities that may occur if the alternative response implementation plan is made permanent.</i> <i>Portions of LB297 have been amended into LB225 via AM611. Portions of LB298 have been amended into LB225 via AM537. Portions of LB336 have been amended into LB225 via AM462</i> Amended Bills: LB297, LB298, LB336
LB228	Harr		Revenue 03/03/2017	In Committee 01/12/2017	Change provisions relating to rent-restricted housing projects <i>LB228 allows the Department of Revenue, on behalf of the committee, to forward income and expense statements from owners of rent-restricted housing projects to the county assessor of each county in which the housing project is located.</i>
LB230	Watermeier		Executive Board 01/26/2017	IPP (Killed) 05/23/2017	Create the Nebraska Economic Development Advisory Committee <i>LB230 creates the Nebraska Economic Development Advisory Committee with the purpose to gather input on issues pertaining to economic development and discuss proactive approaches on economic development.</i>
LB232	Kolterman		Revenue 02/23/2017	In Committee 01/13/2017	Provide a property tax exemption for property leased to the state or a governmental subdivision <i>LB232 includes property leased to the state or to a governmental subdivision by the person or entity holding legal title to the property within the definition of property of the state and its governmental subdivisions. Therefore, this leased property is exempt from property taxes.</i>
LB233	Smith		Revenue 03/28/2017	General File 02/02/2017 Stinner Priority Bill	Change revenue and taxation provisions <i>LB233 eliminates a provision prohibiting licensed organizations from conducting lotteries or raffles within the boundaries of any Class 6 or Class 7 county without specific authorization through ordinance or resolution. LB233 also allocates the Nebraska affordable housing tax credit among some or all of the qualified partners, members or shareholders if it is a partnership, LLC or corporation that owes the qualified project. If such a qualified partner decides to transfer, sell, or assign all or part of their ownership interest, including their interest in the authorized tax credits, they must notify the Department of Revenue of the transfer, sale, or assignment and provide the tax identification number of the new owner prior to the end of the tax year for which the credits are to be used.</i> <i>LB 233 requires that, for any funds returned under the homestead exemption, the county treasure must electronically file a report with the Property Tax Administrator, that indicated the amount of funds distributed to each taxing unit in the county in the year the funds were returned, any collection fee retained by the county in such year, and the amount of unused credits returned.</i> <i>LB233 also changes the date under which a large data project or tier 4 or 6 project receives their exemption under the Nebraska Advantage act to the first January 1 after the property was placed in service. Additionally, those who file an application that described a large data center or tier 5 project that is sequential to a tier 2 large data center project for which the entitlement period has expired shall receive the exemption of all property, such as computer systems, beginning any January 1 after the date the property was placed into service.</i>
LB236	Erdman		Revenue 02/23/2017	In Committee 01/13/2017	Change provisions relating to the inclusion of multiple lots in one parcel <i>LB236 allows for two or more vacant lots, if owned by the same person, to be considered one parcel for the purpose of property taxes unless such lots have any property taxes or special assessments that are certified but not yet due, are due, or are delinquent if property taxes or special assessments on such lots have been sold at a tax sale.</i>

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LB238	Erdman		Revenue 02/23/2017	In Committee 01/13/2017	Change provisions of the Nebraska Budget Act relating to certifying taxable values <i>LB238 allows the certification of taxable values to be provided to the governing body or board either by mail, electronically, or by notifying such governing body or board of the place on the county assessor's website where the current taxable values are located.</i>
LB243	Bolz		Judiciary 02/16/2017	General File 03/01/2017	Require reporting of certain information concerning assaults that occur in state institutions <i>If a person is assaulted in a secure state institution by another person housed or held in such institution, LB243 requires the administrators of secure state institutions to inform the victim of the assault of all disciplinary actions that are being taken and their results, as well as inform the appropriate county attorney of such assault.</i>
LB244	Bolz		Business and Labor 02/27/2017	IPP (Killed) 05/23/2017	Change provisions relating to mental injury and mental illness for workers' compensation <i>LB244 allows frontline state employees to receive workers' compensation for mental injuries if they can establish, by preponderance of the evidence, that their employment conditions causing the mental injury or illness were extraordinary and unusual and that the medial causation between the mental injury or illness and the employment. A frontline employee means an employee of the Department of Corrections or the Department of Health and Human Services whose duties involve regular and direct interaction with high-risk individuals.</i>
LB245	Bolz		Judiciary 02/16/2017	In Committee 01/13/2017	Provide for a corrections-related emergency and overtime as prescribed <i>LB245 requires that employees of the Department of Corrections must have at least eight consecutive hours off work before a shift. Overtime of such employees is also limited to thirty-two hours during a period of two consecutive weeks. However, in the event of a serious disturbance at a correctional facility, the director may declare an emergency and the overtime restrictions may be suspended for up to two weeks or until the director rescinds the declaration.</i>
LB249	Harr		Revenue 02/23/2017	In Committee 01/13/2017	Expand business inventory property tax exemption <i>LB249 expands business inventory property tax exemptions to personal property that is equipment useable for construction, agriculture, or manufacturing.</i>
LB250	Harr		Judiciary 02/16/2017	In Committee 01/13/2017	Change provisions relating to probationers' rights <i>LB250 takes away a probationer's right to a prompt consideration of a motion or information to revoke probation when the probationer has failed or refused to report to their probation officer as ordered by the court.</i>
LB251	Harr		Revenue 02/16/2017	In Committee 01/13/2017	Redefine agricultural or horticultural purposes for revenue and taxation purposes <i>LB251 requires that, when determining whether a parcel of land is primarily used for agricultural or horticultural purposes, no regard may be given to whether some or all of the parcel is platted and subdivided into separate lots or developed with improvements such as streets, sidewalks, curbs, gutters, sewer lines, water lines, or utility lines.</i>
LB253	Crawford		Revenue 02/24/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Authorize intergovernmental service agreements under the County Industrial Sewer Construction Act and provide for a special tax levy <i>LB253 allows for any county, city, village, or sanitary and improvement district to enter into a service agreement with any joint entity or joint public agency which owns or operates or proposes to own or operate any sewerage disposal system and plant. LB253 also grants any county, city, village, or sanitary and improvement district to levy a special tax to ensure payment of the service agreement.</i>
LB256	Briese		Urban Affairs 01/31/2017	Final Reading 02/27/2018	Adopt the Vacant Property Registration Act <i>LB256 adopts the Vacant Property Registration Act. The purpose of this act is to promote the health, safety, and welfare of Nebraska residents by providing authority for municipalities to enact vacant property registration ordinances. These ordinances should allow communities to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties. These registration ordinances may apply to either residential or commercial buildings, but not to property owned by the federal government, the State of Nebraska, or any political subdivision.</i>

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LB258	Hansen		Judiciary 02/16/2017	Final Reading 02/12/2018	Provide opportunity for inmates to obtain state identification card or renew driver's license before discharge <i>LB258 provides for inmates the opportunity to obtain a state identification card or a motor vehicle operator's license prior to release.</i>
LB259	Hansen		Judiciary 03/02/2017	Approved by Governor 05/15/2017 Hansen Priority Bill	Adopt and change competency and financial ability provisions relating to court proceedings as prescribed <i>LB259 provides for competency determinations in cases pending before county courts.</i> Amended Bills: LB145, LB395, LB526
LB261	Hansen		Business and Labor 02/13/2017	In Committee 01/13/2017	Adopt the Nebraska Worker Adjustment and Retraining Notification Act <i>LB261 adopts the Nebraska Worker Adjustment and Retraining Notification Act. The purpose of this act is to protect workers and communities by requiring advance notification of large-scale employment loss. The act requires an employer, before ordering a mass layoff, to provide notice to possibly affected parties at least sixty days in advance. For actions that will result in employment loss for two hundred fifty or more employees, such notice must give one hundred twenty days in advance. This notice must include the number of employees who will be terminated, a statement of the reasons for the mass layoff, a statement of any employment that may be available at other establishments, a statement of employee rights, and a statement concerning information about public programs available to the employee. LB261 also allows for an employee, the Attorney General, the commissioner, or an affected city, village, or county who has been aggrieved by an employer's failure to comply with the notice requirement to proceed with a civil action against the employer.</i>
LB262	Groene		Urban Affairs 02/21/2017	IPP (Killed) 02/15/2018	Change provisions relating to undeveloped vacant land under the Community Development Law <i>LB262 prohibits tax-increment financing from being used for the acquisition, planning, and preparation for development or disposal of undeveloped vacant land. LB262 also prohibits undeveloped vacant land from being declared or designated blighted and substandard in order to qualify for the use of tax-increment financing unless such land meets the definition of a blighted area.</i>
LB263			Transportation and Telecommunications 02/07/2017	Approved by Governor (E-Clause) 05/02/2017 Transportation and Telecommunications Priority Bill	Change provisions relating to motor vehicles, the Public Service Commission, motor carriers, and the statewide one-call notification center <i>LB263 requires the Department of Motor Vehicles to implement an electronic dealer services system. A licensed dealer may voluntarily participate in the system and provide titling and registration services. Any licensed dealer who chooses to participate may collect from a purchaser of a vehicle all appropriate certification of title fees, notation of lien fees, registration fees, motor vehicle taxes and fees, and sales taxes. All fees collected must be remitted to the appropriate authorities. Any licensed dealer who chooses to participate shall use this system to electronically submit title, registration, and lien information to the Vehicle Title and Registration System. License plates, registration certificates, and certificates of title will be delivered as provided under the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act.</i> <i>LB263 limits a political subdivisions liability for any claim based on negligent issuances of a certificate of title under the Motor Vehicle Certification of Title Act and the State Boat Act when such title is issued upon an application filed electronically by an approved licensed dealer participating in the electronic dealer services system.</i> <i>LB263 also provides that, if a certificate of title is an electronic certificate of title record, the name of the owner may be changed electronically without the need to print a new certificate of title.</i> Amended Bills: LB54, LB70, LB143, LB164, LB294, LB355, LB418, LB459, LB460, LB483
LB266	Friesen	Monitor	Revenue 02/16/2017	In Committee 01/13/2017	Change the valuation of agricultural land and horticultural land <i>LB266 requires that, for the purposes of school district taxation, agricultural and horticultural land be taxed at a percentage of its actual value. For the 2018 tax year, the percentage will be fifty. For the 2019 tax year, the percentage will be forty. For the 2020 tax year and years after, the percentage will be thirty.</i>

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					<p><i>LB266 also allows for the commission to increase or decrease the value of real property. For the purpose of school district taxation, agricultural and horticultural tax ranges may be: 44 to 50 for tax year 2018; 34-40 for tax year 2019; and 24-30 for tax years 2020 and after.</i></p> <p><i>State aid means, for agricultural and horticultural land, a percentage of the actual value of the land. For tax year 2018, 47%, for tax year 2019, 37%, and for tax years 2020 and after, 27%.</i></p>
LB268	Schumacher		Judiciary 02/01/2017	Approved by Governor 05/23/2017 Schumacher Priority Bill	<p>Change court and other provisions relating to medical assistance reimbursement</p> <p><i>LB268 gives county courts concurrent original jurisdiction with the district court to determine contribution rights under section 68-919. LB268 changes the fee schedule for recording certificates of foreclosure.</i></p> <p><i>LB268 requires notice of appointment of personal representatives to be provided to DHHS if the decedent was 55 years or older. The notice must be provided to the department in a delivery manner and at an address designated by the department. Any notice that fails to conform with such manner is void and constitutes neither notice to the department nor a waiver application.</i></p> <p><i>LB268 changes the term "Medicaid" to "medical assistance" for purposes of reimbursement of claims after a trustor has died. If no medical assistance payment is due, DHHS may waive this restriction after receipt of the trustee's request.</i></p> <p><i>LB268 allows for part of a deed filing fee to be used for preserving and maintaining public records of a register of deeds office that has been consolidated with another county officer and for the modernization and technology needs relating to those records.</i></p> <p><i>LB268 eliminates the uniform fee, payable to the Secretary of State, for presenting for filing and indexing and for filing and indexing each notice of lien or certificate or notice affecting the lien pursuant to the Uniform Federal Lien Registration Act.</i></p> <p><i>LB268 also changes the Medical Assistance Act. LB268 requires any applicant for medical assistance to disclose their interests in any real estate, trust, corporation, LLC, or other entity. Applicants must also disclose any income derived from such interests and whether the income is generated directly or indirectly. Any assistance obtained after a willful failure to disclose will be deemed unlawfully obtained and recovery may be sought. If, during the transferor's lifetime, an interest in real estate is irrevocably transfers to a related transferee for less than full consideration, the related transferee will be subject to a lien in favor of the State of Nebraska for medical assistance reimbursement to the extent necessary to secure payment subject to stipulated restrictions. LB268 also states that a medical provider shall have the authority of a guardian and conservator for the limited purpose of making application for medical assistance on behalf of a person whom the provider is treating if the person is unconscious or otherwise unable to apply for medical assistance and does not have an existing power of attorney or a court-appointed official to apply on their behalf. When DHHS provides medical assistance to a person because of third party's wrongful act or negligence, the department has the right to recover the medical assistance costs from that third party.</i></p>
LB271	Hilgers		Transportation and Telecommunications 01/23/2017	Approved by Governor 05/02/2017 Geist Priority Bill	<p>Authorize the Department of Roads to assume certain responsibilities under federal environmental laws and provide for limited waiver of the state's sovereign immunity</p> <p><i>LB271 allows the Department of Roads to assume all or part of the responsibilities of the United States Department of Transportation concerning environmental assessment and review. LB271 also waives the State of Nebraska's immunity from civil liability solely for the compliance, discharge, or enforcement of the assumed responsibilities.</i></p>
LB275	Hughes		Transportation and Telecommunications 02/06/2017	Approved by Governor 02/28/2018	<p>Provide duties for law enforcement agencies and private towing services and rights and duties for private property owners regarding abandoned vehicles</p> <p><i>LB275 allows for law enforcement officers and private property owners to remove or cause removal of an abandoned vehicle from private property upon request of the private property owner whose property the vehicle is abandoned on.</i></p>
LB277	Wayne		Government, Military and Veterans Affairs 03/09/2017	In Committee 01/13/2017	<p>Change population requirements for election precincts</p> <p><i>LB277 lowers the population requirements for election precincts from one thousand seven hundred fifty registered voters to one thousand registered voters.</i></p>

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LB278	Kolterman		Nebraska Retirement Systems 02/03/2017	IPP (Killed) 05/23/2017	Redefine disability and change disability retirement application and medical examination provisions for various retirement acts <i>LB278 requires, in order for disability retirement applications, that the member of the state, county or school retirement plan be initially diagnosed with a physical or mental impairment, or become disabled while the member was an active participant in the plan. LB278 also requires a medical examination prior to a member being retired as a result of disability and the expense of the board. LB278 also allows for the board to require any disability beneficiary under the age of fifty-five to undergo annual medical examinations.</i>
LB280	Crawford		Government, Military and Veterans Affairs 02/09/2017	Approved by Governor (E- Clause) 05/15/2017	Change provisions relating to the Address Confidentiality Act <i>LB280 allows victims of trafficking to apply to the Secretary of State to have a different address, other than their real one, designated as their address. LB280 also requires the State Treasurer to transfer XX dollars from the Records Management Cash Fund to the Secretary of State Administration Cash Fund to defray the costs of implementing these changes on July 1, 2017.</i>
LB286	Thibodeau		Banking, Commerce and Insurance 02/21/2017	In Committee 01/13/2017	Adopt the Nebraska Flexible Loan Act and change provisions of the Delayed Deposit Services Licensing Act <i>LB286 adopts the Nebraska Flexible Loan Act. This act prohibits a person, unless they are exempted, from engaging in the business of making a flexible credit loan to a resident without first obtaining a license as a flexible credit lender. The director must issue a license to an applicant within sixty days after receiving a complete application unless the applicant is insolvent, fails to demonstrate financial responsibility, failed to pay the required fee of \$500, or fails to maintain at least twenty-five thousand dollars in readily available assets. All advertisements of a licensee must comply with the federal Truth in Lending Act. Licensees are prohibited from providing a flexible credit loan to a consumer with more than one outstanding flexible credit loan. LB286 also includes interest rate caps for certain categories of consumers. LB286 stipulates that, for closed-end credit, the term of the flexible credit loan may not exceed twenty-four months.</i>
LB288	Harr		Revenue 02/24/2017	In Committee 01/13/2017	Change provisions relating to service of notice when applying for a tax deed and the laws governing tax sale certificates <i>LB288 permits the use of certified mail and designated delivery in order to serve notice upon every person in actual possession or occupancy of real property that qualifies as an owner-occupant. If certified mail or designated delivery service is used, the certified mail return receipt of a copy of the signed delivery receipt must be filed with and accompany the return of service. Since an emergency exists, this act takes effect when passed and approved according to law.</i>
LB289	Pansing Brooks		Judiciary 02/23/2017	Approved by Governor 05/23/2017 Judiciary Priority Bill	Change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking and prohibit solicitation of a trafficking victim <i>LB289 makes pandering a Class II felony. LB289 also includes services under the definition of Labor for the purpose of defining "Labor Trafficking." LB289 also eliminates the "knowing" requirement for sex trafficking of a minor, and includes solicitation in the offense. LB289 makes labor or sex trafficking of a minor a Class IC Felony, unless the actor uses or threatens force on a victim under the age of sixteen, in such case the charge would be a Class IB Felony. LB289 also makes solicitation of a trafficking victim a Class II Felony. LB289 exempts trafficking victims from being charged if they benefit from or participate in the trafficking venture. Portions of LB188, LB178 & LB394 have been amended into LB289.</i> Amended Bills: LB178, LB188, LB191, LB394
LB290	Vargas	Monitor	Government, Military and Veterans Affairs 03/15/2017	In Committee 01/13/2017	Provide for voter registration upon application for driver's license, state identification card, or certain benefits <i>LB290 requires the Department of Motor Vehicles, with assistance from the Secretary of State, to prescribe a voter registration application with may be used to register to vote or change address for voting purposes at the same time a person is applying for a driver's license or state identification card. This application must be designed in such a way so that the elector's information can be transmitted to the election commission or county clerk, unless the elector specifies on the form that they do not want to register to vote.</i> <i>LB290 also allows for the Secretary of State to enter into agreements with the Commissioner of Education and the chief executive officer of the Department of Health and Human Services to prescribe an electronic voter registration application</i>

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LB291	Larson		Revenue 03/01/2017	Select File 04/10/2017 Larson Priority Bill	Adopt the Special Economic Impact Zone Act <i>LB291 adopts the Special Economic Impact Zone Act. The purpose of this act is to utilize the tax incentives provided in the act to encourage the formation and expansion of businesses on reservations in Nebraska. This act designates each reservation in the state as a special economic impact zone. For taxable years beginning on or after January 1, 2018, a qualified business located in a special economic impact zone may exclude any income derived from sources within a special economic impact zone when calculating its income tax liability to the state. Beginning January 1, 2018, such businesses are also exempt from the sales and use taxes due for the first ten million dollars of eligible purchases made each year.</i> <i>LB291 also requires that, when allocating any federal low-income housing tax credits, the authority must give a bonus to any project located in a special economic impact zone.</i> <i>LB291 also allows for the governing bodies of federally recognized Indian Tribes to enter into revenue sharing agreement with the Department of Revenue.</i>
LB294	Smith		Transportation and Telecommunications 02/07/2017	In Committee 01/13/2017	Provide for a reciprocity agreement with a foreign country for mutual recognition of motor vehicle operator licenses <i>LB294 allows for the Department of Motor Vehicles to enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and reciprocal exchange of a valid operator's license issued by this state or the foreign country if the department determines that the licensing standards of the foreign country are comparable to those of the state. Commercial driver's licenses may not be included in such agreement</i>
LB297	McCollister		Health and Human Services 02/23/2017	IPP (Killed) 05/23/2017	Create Children and Juveniles Data Pilot Project <i>LB297 creates the Children and Juveniles Data Pilot Project. The purpose of this project is to identify how existing state agency data systems currently used to account for the use of all services, programs, and facilities by children and juveniles in the State can be used to establish an independent, external data warehouse. The Children and Juveniles Data Pilot Project Advisory Group is also created to oversee the pilot project. The advisory group will consist of the Inspector General of Nebraska Child Welfare, the State Court Administrator, the probation administrator of the Office of Probation Administration, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the Commissioner of Education, the executive director of the Foster Care Review Office, the director of the University of Nebraska at Omaha Juvenile Justice Institute, the Chief Information Officer of the Officer of Chief Information Officer, the Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services, the Director of Developmental Disabilities of the Division of Developmental Disabilities of the Department of Health and Human Services, the Director of Behavioral Health of the Division of Behavioral Health of the Department of Health and Human Services, and the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services.</i>
LB298	Baker		Health and Human Services 02/23/2017	IPP (Killed) 05/23/2017	Change provisions relating to the Nebraska Strengthening Families Act and a task force <i>LB298 clarifies that the immediate and public dissemination of a current picture and information about a child who is missing from a foster or out-of-home placement is not restricted by certain confidentiality requirements. However, the disseminated information may not include the fact that the child is in the care, custody, or control of the Department of Health and Human Services or the Officer of Probation Administration. LB298, beginning July 1, 2017, makes the Normalcy Task Force the Nebraska Strengthening Families Act Committee. This committee shall monitor and make recommendations regarding the implementation in Nebraska of the federal Preventing Sex Trafficking and Strengthening Families Act. LB298 also clarifies the Legislatures intent to recognize the importance of parental rights and the different rights that exists dependent on a variety of factors.</i> <i>LB298 also requires the department or officer to ensure the presence of a written normalcy plan describing how the department or office will ensure all children have access to age or developmentally appropriate activities.</i>

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LB299	Ebke		Government, Military and Veterans Affairs 02/24/2017	General File 01/30/2018 Ebke Priority Bill	Adopt the Occupational Board Reform Act and change procedures for rules and regulations <i>LB299 adopts the Occupational Board Reform Act. The purpose of this act is to require occupational boards to respect the fundamental right of an individual to pursue an occupation and to ensure that occupational boards and individual members of occupational boards avoid liability under federal antitrust laws. The act allows for individuals with criminal history to petition the relevant occupational board to determine if such criminal history would disqualify them from certification. An individual's criminal history will only disqualify them for a felony conviction, that felony conviction is expressly listed as a disqualifying offense, and the occupational board concludes that the state has an important interest in protecting public safety.</i> <i>LB299 also creates the Office of Supervision of Occupational Boards. The purpose of this board is to monitor occupational boards and ensure compliance with the act.</i> <i>LB299 also creates the Legislative Office of Occupational Regulations. The duties and responsibilities of the Office as specified in Section 23 of the act.</i>
LB300	Krist		Judiciary 02/24/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Eliminate the statute of limitations on civil actions for sexual assault of a child <i>LB300 eliminates the statute of limitations for civil actions arising from sexual assault of a child.</i>
LB304	Crawford		Urban Affairs 01/31/2017	Approved by Governor 02/15/2018	Change provisions relating to the Nebraska Housing Agency Act <i>LB304 eliminates the provisions limiting more than three members of a housing agency from being residents of the same incorporated community within a county. LB304 also changes the amount of time housing agencies must wait before disposing of abandoned personal property from forty-five days to fourteen days. LB304 also eliminates a provision requiring each local housing agency to file with the governing body of the city or country a copy of the five-year plan and annual plan.</i>
LB305	Crawford		Business and Labor 02/06/2017	In Committee 01/17/2017	Adopt the Paid Family Medical Leave Insurance Act <i>LB305 adopts the Paid Family Medical Leave Insurance Act. The act allows for covered individuals to take paid family medical leave to care for a new child, because the covered individual has a serious health condition, to care for a family member, to care for a covered service member, or for other qualifying exigencies. The weekly benefits to be paid, for a covered individual whose individual average weekly wage is not more than 20% of the state average, an amount equal to 95% of the individuals average weekly wage. For individuals, whose weekly wage is more than 20% of the state average, the weekly benefits will be equal to 90% of such individuals average weekly wage. Claims for family medical leave benefits must be filed with the commissioner.</i> <i>LB305 also creates the Paid Family Medical Leave Insurance Fund. On the operative date of this act, the State Treasurer shall transfer four million dollars from the Nebraska Health Care Cash Fund to this fund to pay the upfront administrative costs. The four million dollars will be paid back from the Fund according to the outlined payment schedule. Every year on December 31, from 2021 to 2024, \$800,000 will be paid back from the Fund.</i> <i>LB305 also allows for covered individuals to take intermittent leave, and mandates that covered employees returning from leave be restored to the position held prior to the leave.</i>
LB307	Brasch		Judiciary 02/09/2017	Approved by Governor 05/15/2017	Provide for mediation, child abuse prevention, and civil legal services fees in certain proceedings <i>LB307 requires the clerk of the court to collect an additional fifty-dollar mediation fee and a twenty-five-dollar child-abuse prevention fee for each complaint filed. For each paternity determination or parental support proceeding, a civil legal service fee of fifteen dollars will be collected.</i>
LB310	Friesen	Monitor	Transportation and Telecommunications 02/06/2017	Approved by Governor 02/28/2018	Change provisions relating to bridge carrying capacities and weight limits and operation restrictions for implements of husbandry <i>LB310 requires counties to firmly post or attach to a bridge a notice if the bridges carrying capacity is less than the limits of twenty thousand points per axel. Any person who drives across such posted bridge that weighs greater than the limit may not recover from the county any damages associated with any injury or damage arising therein. They are also guilty of a Class III misdemeanor.</i>

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LB312	Briese	Oppose	Revenue 02/22/2017	In Committee 01/17/2017	Change and eliminate revenue and taxation provisions
<p><i>LB312 eliminates Motor vehicles, motorboat trade-ins, newspapers, laundromats, and telefloral deliveries from being included under "consumer goods" for the purpose of a report created by the department for the purpose of reviewing the major tax exemptions for which state general funds are used to reduce the impact of revenue lost due to a tax expenditure. From the same report, under "nonprofits, governments, and exempt entities" the Nebraska lottery, admissions to school events, and fine art purchases by a museum are eliminated. From the same report, all provisions are eliminated under "services purchased for nonbusiness use" and replaced with only household professional services. Prepaid calling arrangements are also eliminated from "telecommunications."</i></p> <p><i>LB312 also removes the exemptions under gross income received for animal specialty services for the purpose of determining gross receipts for providing a service. Other sources of gross are added to the definition of gross receipts for providing a service are added in section 2.</i></p> <p><i>LB312 allows the credit from trading in motor vehicles, motorboats, all-terrain vehicles and utility-type vehicles to be used when computing the Sales price.</i></p> <p><i>LB312 removes prepared food, food, and food ingredients served by public or private schools from sales tax exemption. Fees and admissions charged by a public or private school are also removed from sales tax exemption. Fees and admissions charged for participants in any activity provided by a nonprofit are also removed from sales tax exemption.</i></p> <p><i>LB312 removes from the definition of "food and food ingredients" soft drinks, candy, and bottled water.</i></p> <p><i>LB312 allows for a refundable credit against the income tax up to ten percent of the allowed federal credit for taxable years beginning or deemed to be before January 1, 2018 and seventeen percent for taxable years beginning or deemed to begin on or after January 1, 2018.</i></p> <p><i>LB312 requires the Tax Commissioner, from the amounts collected under the Nebraska Revenue Act of 1967, credit to the Excess Revenue Property Tax Credit Fund an amount equal to the net increase in state tax revenue received as a result of the changes made by this legislative bill.</i></p> <p><i>LB312 creates the Excess Revenue Property Tax Credit Fund. This fund will be used to provide a property tax credit to owners of real property. To determine the amount of this credit, the county treasurer shall multiply the amount disbursed to the county by the ratio of the real property valuation of the parcel to the total real property valuation in the county. The amount dispersed to each county will be equal to the amount in the Excess Revenue Property Tax Credit Fund multiplied by the ratio of the real property valuation in the county to the real property valuation in the state.</i></p>					
LB313	Briese		Revenue 02/22/2017	In Committee 01/17/2017	Change the sales tax rate and the earned income tax credit and provide property tax credits
<p><i>LB313 changes the sales tax rate to six and one-half percent on the operative date of this act. LB313 also allows for a refundable tax credit of 17% of the federal credit allowed for taxable years beginning or deemed to begin on or after January 1, 2018. LB313 also creates the Excess Revenue Property Tax Credit Fund. This fund shall be used to provide a property tax credit to owners of real property.</i></p>					
LB314	Murante		Government, Military and Veterans Affairs 03/01/2017	In Committee 01/17/2017	Change state and municipal election provisions to conform to prior legislation
<p><i>LB314 requires cities to file a certified copy of the economic development program with the election commissioner or county clerk no later than fifty days prior to a special election or not later than March 1 prior to a primary or general election. LB314 also eliminates a provision prohibiting the use of General Funds being appropriated for the purpose of a voter registration list. LB314 also makes the penalty for a Class IV felony up to two years' imprisonment and twelve months of post-release supervision.</i></p>					
LB316	Murante		Government, Military and Veterans Affairs 03/09/2017	In Committee 01/17/2017	Change election provisions relating to technology and funding
<p><i>LB316 allows for election signatures to be written in ink or affixed electronically. LB316 also creates the Election Technology Fund. The primary purpose of this fund is to ensure the longevity of the state's election technology. The Secretary of State must make periodic requests for appropriation for the fund in order to ensure the ability to purchase new technology on a statewide basis as necessary. LB316 allows for electronic aspects authorized under the Election Act to be used to tabulate ballots. LB316 also allows eliminates a provision allowing for the consolidation of precincts and polling places into fewer and larger for the use of electronic voting systems.</i></p>					

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LB317	Hughes		Urban Affairs 01/24/2017	Approved by Governor 05/02/2017 Speaker Priority Bill	Provide for a relevy or reassessment of a special assessment for cities of the second class or villages as prescribed
<p><i>LB317 allows special assessments to be relevied or reassessed whenever the special assessment is found to be invalid and uncollectable. Portions of LB133 have been amended into LB317 via AM19.</i></p> <p>Amended Bills: LB133</p>					
LB327	Scheer	Oppose	Appropriations 02/21/2017	Approved by Governor (E- Clause) 05/15/2017	Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2019
LB333	Scheer	Oppose	Health and Human Services 01/25/2017	Approved by Governor (E- Clause) 05/23/2017 Health and Human Services Priority Bill	Eliminate an independent review of denial of aid to the disabled
<p><i>LB333 requires that a disability persist for more than a year before a person can be considered disabled. LB333 also eliminates the requirement that the Department of Health and Human Services conduct an independent medical review when Social Security denies benefits to an individual on the basis of the duration of the individual's disability.</i></p> <p>Amended Bills: LB417, LB495</p>					
LB334	Scheer		Health and Human Services 01/25/2017	IPP (Killed) 03/13/2017	Change Department of Health and Human Services provisions relating to families
<p><i>LB334 eliminates a provision that creates a pilot project of the process of locating and engaging family members in the life of a child who is a ward of the state. LB334 also eliminates provisions requiring contracted providers of family finding services and family members of the children which were part of the pilot project to participate in family finding.</i></p>					
LB337	Smith		Revenue 02/08/2017	In Committee 01/17/2017 Lindstrom Priority Bill	Change income tax rates and provide for deferrals of the rate changes
<p><i>Beginning November 2019 and every November thereafter, LB337 requires the Tax Rate Review Committee to examine the expected rate of growth in net General Fund receipts from the Current Fiscal year to the upcoming fiscal year. If the expected rate of growth does not exceed three and one-half percent, the Committee shall declare that the income tax rate reduction under section 77-2715.03 be deferred. If such a deferral is declared, the highest individual income tax rate under 77-2715.03 for the current year will remain in place. For 2020 through 2026, this deferral will remain in effect until the Committee finds that the expected rate of growth exceeds four and two-tenths percent for the upcoming fiscal year. For 2027 and thereafter, and deferrals will remain in effect until the Committee finds that the expected rate of growth exceeds three and one-half percent for the upcoming fiscal year.</i></p> <p><i>LB337 also adds additional tax bracket tables.</i></p>					
LB338	Brasch		Revenue 02/08/2017	In Committee 01/17/2017 Brasch Priority Bill	Adopt the Agricultural Valuation Fairness Act
<p><i>LB338 adopts the Agricultural Valuation Fairness Act. Agricultural and horticultural land will be valued at its agricultural use value as determined by the Act regardless of any value which such land might have for other purposes. In order for land to receive agricultural use value, it must be located outside the corporate boundaries any district, city, or village and be used for agricultural or horticultural purposes. LB338 requires the county assessor to use an income-approach calculation to determine the agricultural use value for each year.</i></p>					

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					<i>LB338 also requires the Property Tax Administration to establish capitalization rates to be applied to each class or subclass of agricultural and horticultural land in each county.</i>
LB339	Friesen		Transportation and Telecommunications 01/30/2017	Approved by Governor (E- Clause) 05/02/2017 Transportation and Telecommunications Priority Bill	Merge the Department of Aeronautics into the Department of Roads and rename as the Department of Transportation
LB344	Albrecht		Health and Human Services 03/01/2017	In Committee 01/17/2017	Change credentialing and regulation of mental health substance abuse centers <i>LB344 allows the board to issue a license to those who hold a license or certification that is current in another jurisdiction that authorized the applicant to provide alcohol and drug counseling, has at least two hundred seventy hours of counseling education, has at least three years of full-time counseling practice and has passed a counseling examination.</i> <i>LB344 also includes provisions regarding approved educational programs. These programs are accredited by the Commission on Accreditation for Marriage and Family Therapy Education, the Counsel for Accreditation of Counseling and Related Educational Program, the Counsel on Rehabilitation Education, the Council on Social Work Education, or The American Psychological Association for a doctoral degree program enrolled in by a person who has a master's degree or its equivalent in psychology.</i> <i>LB344 allows those who have received a doctoral degree of the equivalent of a master's degree to be qualified to be a licensed mental health practitioner. LB344 also allows those who have been in active practice in the appropriate discipline for at least five years following initial licensure or certification in another jurisdiction and has passed the Nebraska jurisprudence examination to be issued a license by the board.</i> <i>LB344 makes ineligible for SNAP those with one or two felony convictions for possession or use of a controlled substance unless they are participating in, since the date of conviction, a substance abuse program that is nationally accredited or provided in a mental health substance use treatment center licensed under the Health Care Facility Licensure Act.</i> <i>LB344 requires health care facilities applying for a license as a mental health substance use treatment center to designate whether the license is to be issued to provide services for mental health disorders only, for substance use disorders only, or for both mental health and substance use disorders.</i>
LB345	Thibodeau		Banking, Commerce and Insurance 03/06/2017	Approved by Governor 02/28/2018	Eliminate an experience requirement for abstracters <i>LB345 eliminates a provision requiring at least one year of verified land title-related experience satisfactory to the board for individuals desiring to become a registered abstracter.</i>
LB349	Hilkemann		Judiciary 01/27/2017	General File 02/06/2017	Change provisions relating to the maintenance and administration of the State DNA Sample and Data Base Fund <i>LB349 makes the State DNA Sample and Data Base Fund maintained and administered by the Nebraska State Patrol.</i>
LB353	Baker		Judiciary 02/01/2017	In Committee 01/17/2017	Change claim, award, and judgment payment provisions under the Political Subdivisions Tort Claims Act <i>LB353 requires that any claim, award, or judgment pursuant to the Political Subdivisions Tort Claims Act be paid in the same manner as other claims, awards, or judgments against the political subdivision.</i>

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LB354	Kolowski		Business and Labor 02/27/2017	In Committee 01/17/2017	Adopt the Wage Disclosure Act <i>LB354 adopts the Wage Disclosure Act. This act makes it unlawful for an employer to screen job applicants based on their current or prior wages, request or require that a job applicant disclose his or her current or prior wages, or seek information regarding an applicant's current or prior wages. Violations of this act will be a Class IV misdemeanor.</i>
LB357	Bolz	Support	Transportation and Telecommunications 02/28/2017	In Committee 01/17/2017	Increase original certificate of title fees for vehicles transferred to Nebraska from another state and provide for voluntary contributions to brain injury programs <i>LB357 places a fee of twenty-five dollars for each original certificate of title issued to a person by a county for a vehicle or trailer being titled in Nebraska from another state after the first original title is issued. LB357 also allows for voluntary contributions of \$2 to be made as a donation to programs for persons suffering from brain injury.</i>
LB359	Kolterman		Judiciary 02/15/2017	In Committee 01/17/2017	Authorize damages for property taxes and special assessments paid on property lost through adverse possession <i>LB359 allows persons who have lost title to real property due to a successful claim of adverse possession to recover damages for all taxes and special assessments paid during the period of adverse possession.</i>
LB365	Blood		Government, Military and Veterans Affairs 02/02/2017	General File 03/15/2017	Change provisions relating to access to public records and provide for fees <i>LB365 makes, for nonresidents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records include a charge for the existing salary or pay obligation to the public officers or employees, including a charge for the services of an attorney to review the requested public records.</i>
LB367	Krist	Oppose	Judiciary 02/24/2017	In Committee 01/17/2017	Change provisions relating to payment of costs in juvenile matters <i>LB367 requires the county to pay the costs associated with transportation when a peace officer takes a juvenile into temporary custody and a probation officer determines the need for detention or an alternative placement. LB367 requires the Office of Probation Administration to pay for costs that are related to treatment or service provisions.</i>
LB369	Lowe		Government, Military and Veterans Affairs 02/16/2017	In Committee 01/17/2017	Change provisions relating to fees charged by the register of deeds <i>LB369 eliminates the provision that ended the ten-dollar fee received by the register of deeds and the county clerk for recording a deed, mortgage, or release, recording and indexing of a will, recording and indexing of a decree in a testate estate, recording proof of publications, or recording any other instrument. LB369 allocates two dollars and fifty cents of this fee to the preservation and maintenance of public records.</i> <i>LB369 eliminates the uniform fee for presenting for filing and indexing and for filing and indexing each notice of lien or certificate of notice affecting the lien. LB369 also eliminates the provision that ended the uniform fee for presenting for filing, releasing, continuing, or subordinating or for filing, releasing, continuing, or subordinating each tax lien.</i>
LB370	Lowe		Judiciary	In Committee 01/17/2017	Eliminate requirement to obtain certificate or complete background check to receive or transfer a handgun <i>LB370 eliminates the requirement to obtain a certificate to purchase, lease, rent, or receive transfer of a handgun from the chief of police or sheriff. LB370 also makes the Nebraska State Patrol, for purposes of background checks for handguns, unable to access patient records from institutions associated with the Department of Health and Human Services.</i>
LB371	Crawford		Judiciary 02/01/2017	Approved by Governor 05/15/2017	Eliminate condemnation authority of the State Fire Marshal <i>LB371 eliminates the requirement that the county attorney of any county assist the State Fire Marshal in condemnation proceedings.</i>
LB373	Schumacher	Oppose	Revenue 03/22/2017	In Committee 01/17/2017	Change and eliminate revenue and taxation provisions <i>SUMMARY ON SEPARATE DOCUMENT</i>

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LB378	McCollister		Appropriations 03/06/2017	In Committee 01/17/2017	Appropriate funds to the Department of Correctional Services <i>LB378 appropriates \$5,000,000 from the General Fund for FY2016-17 to the Department of Correctional Services, for Program XXX. The appropriation shall only be used to house prison inmates at county jails where such inmates have been classified as community corrections inmates and are housed at county jails in the general area where the inmates on parole or release will be located</i>
LB381	Harr		Judiciary 02/01/2017	In Committee 01/17/2017	Change provisions relating to jury sequestration <i>LB381 allows the court to order a jury sequestered during trial or after a case is finally submitted to the jury on the court's own motion or on motion by a party for good cause shown. LB381 also prohibits jurors that are sequestered from reading, listening, or viewing any reports of the case in the media.</i>
LB382	Erdman		Government, Military and Veterans Affairs 02/16/2017	Approved by Governor (E- Clause) 05/15/2017	Change provisions relating to budget limitations for counties <i>LB382 makes, for FY2017-18, the last prior year's total of restricted funds for counties equal to the last prior year's total of restricted funds minus the last prior year's restricted funds budgeted by counties plus the last prior year's amount of restricted funds budgeted by counties for capital improvements.</i>
LB383	Quick		Urban Affairs 01/31/2017	Approved by Governor 05/10/2017	Change membership provisions for certain municipal community redevelopment authorities, citizen advisory review committees, and planning commissions <i>LB383 prohibits members of planning commissions from also being members of a community redevelopment authority. LB383 also prohibits members of planning commissions from being members of a citizen advisory review committee.</i>
LB384	Lindstrom		Banking, Commerce and Insurance 02/06/2017	IPP (Killed) 01/10/2018	Change the rate of interest to be charged on installment loans under the Nebraska Installment Loan Act <i>LB384 changes the interest rate charged on installment loans under the Nebraska Installment Loan Act to twenty-nine percent per annum.</i>
LB385	Lindstrom	Monitor	Revenue 03/01/2017	In Committee 01/17/2017	Change provisions relating to the burden of proof and who may appeal under the Tax Equalization and Review Commission Act <i>LB385 allows those with a relationship to the taxpayer to execute an appeal on behalf of the taxpayer. The specific relationships are: A person or entity with a contract executed by the taxpayer, a person with the power of attorney, a person with a durable power of attorney, and a person who is a trustee of an estate. LB385 requires the county board of equalization, in appeals regarding the assessed value of the property that has been increased by more than 5%, to prove by a preponderance of the evidence that the assessed value reflects the property's actual value.</i>
LB386	Lindstrom		Banking, Commerce and Insurance 02/21/2017	In Committee 01/17/2017	Change time period a licensee under the Delayed Deposit Services Licensing Act may hold a check <i>LB386 prohibits licensees from holding or agreeing to hold a check for more than forty days.</i>
LB389	Friesen		Transportation and Telecommunications 02/21/2017	General File 02/23/2018 Low Priority Bill	Adopt the Small Wireless Facilities Act <i>LB389 adopts the Small Wireless Facilities Act. The purposes of this Act are to secure public access to advanced wireless technology and information, promote the public benefits from such wireless technology, and confirm that communications service providers and facilities have a right to occupy and utilize public rights-of-way. The Act allows communications service providers and facilities providers to place poles and wireless facilities in an authority right-of-way. An authority may require an application for a permit for such placement. The authority must approve the application unless it does not meet the applicable industry construction standards. Approved permits shall remain valid for at least ten years and be approved automatically for at least three five-year periods. Small wireless facilities shall be permitted use in all zoning districts other than areas outside the authority right-of-way that are zoned and used for single family residential use.</i>
LB392	Larson		Natural Resources 02/09/2017	In Committee 01/17/2017	Adopt the Wind Friendly Counties Act <i>LB392 adopts the Wind Friendly Counties Act. The Act requires the Director of Agriculture to establish a process to recognize and assist efforts of the counties to create, maintain, or expand winder energy opportunities.</i>

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LB394	Morfeld		Judiciary 02/23/2017	General File 03/13/2017	Change provisions relating to possession of a deadly weapon by person subject to a domestic violence protection order <i>LB394 makes subjects of a current and validly issued harassment protection order who are in possession of a firearm, knife, or brass knuckles guilty of the offense of possession of a deadly weapon by a prohibited person.</i>
LB395	Morfeld	Monitor	Judiciary 03/16/2017	IPP (Killed) 05/23/2017	Change provisions relating to conditions of and ability to post bail <i>LB395 requires a court to consider all methods of bond and conditions of release to avoid pretrial incarceration. If an appearance bond is required, the court shall appoint counsel to indigent defendants. To determine if a defendant is indigent, the judge must consider the defendant's financial ability to pay a bond. The court may also order a defendant to be supervised by an approved person or organization or a pretrial services program.</i>
LB399	Wayne		Urban Affairs 01/31/2017	Approved by Governor 02/15/2018	Change provisions relating to housing commissions <i>LB399 allows the chief elected official of cities of the metropolitan class to appoint seven adult persons to an established local housing agency. LB399 also requires any commissioner of a local housing agency to attain a commissioner's certification from the National Associate on Housing and Redevelopment Officials at their own expense.</i>
LB400	Hilkemann		Revenue 03/02/2017	General File 04/04/2017	Change provisions relating to motor vehicle fees and taxes <i>LB400 makes all refunds for motor vehicle registrations based upon the number of unexpired time remaining from the date of the event, not the date of presentation to the county treasurer.</i>
LB405	Baker		Judiciary 03/15/2017	In Committee 01/17/2017	Change provisions relating to DNA samples, DNA records, and thumbprints under the DNA Identification Information Act <i>LB405 allows for the detention, arrest, adjudication, and conviction of a person based upon a DNA record, DNA sample, or thumb or fingerprint even if the DNA sample, DNA records, or thumb or fingerprint was obtained for inclusion or was placed in the State DNA Data Base, Combined DNA Index System, or State DNA Sample Bank by mistake. Law enforcement agencies or their employee that mistakenly submit the information for inclusion shall not be criminally or civilly liable if mistake was made in good faith.</i>
LB413	Kolterman		Nebraska Retirement Systems 02/03/2017	IPP (Killed) 05/23/2017	Change a retirement application timeframe for judges and Nebraska State Patrol officers as prescribed and change supplemental lump-sum cost-of-living adjustments under the Judges Retirement Act <i>LB413 requires a judge's application for retirement to be filed no more than one hundred twenty days in advance of qualifying for retirement. LB413 also changes the word "adjustment" to "payment" in terms of lump-sum cost of living. LB413 also changes the definition of Officer to exempt law enforcement officers who have been granted an appointment conditioned on satisfactory completion of a training program approved by the Nebraska Police Standards Advisory Council.</i>
LB415	Kolterman		Nebraska Retirement Systems 02/27/2017	Approved by Governor (E- Clause) 05/23/2017 Nebraska Retirement Systems Priority Bill	Change provisions relating to certain retirement plans as prescribed <i>Under LB415, termination of employment for county employees does not occur if: an employee enters into an employer-employee relationship in any capacity with the same or another county which participates in the Retirement System for Nebraska Counties; if the employee provides services to an employer participating in a retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.</i>

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On or after July 1, 2017, a retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the County Employees Retirement Act.

Under LB415, termination of employment for School employees does not occur if: an employee enters into an employer-employee relationship in any capacity within 180 days with the same or another county which participates in the School Employees Retirement Act; if the employee provides services to an employer participating in an retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.

A retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the School Employees Retirement Act.

An employer is required to notify the board and the State Department of Education of the date upon which the termination of employment has occurred and provide such information as the board deems necessary. A member hired on or after July 1, 2017, or a member who has taken a refund or retirement and is rehired may retire if the member is at least 60 years of age and the sum of the member's attained age and creditable service totals ninety, or if the member is at least 65 and has completed at least five years of credible service. If the annuity of such a member begins at a time when the sum of the member's attained age and credible service totals ninety and the member is at least 60, the annuity will not be reduced. However, this only applies to members who have acquired the equivalent of five years of service or more as a school employee under the retirement system.

Under LB415, termination of employment for Nebraska State Patrol members does not occur if: an employee enters into an employer-employee relationship in any capacity within 180 days with the same or another county which participates in the School Employees Retirement Act; if the employee provides services to an employer participating in an retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems. The employer involved in the termination of the employment and the officer shall certify that, prior to retirement, there was no prearranged agreement to return to work in any capacity. A retired officer of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired officer that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the Nebraska State Patrol Retirement Act.

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					<p><i>Under LB415, termination of employment for State employees does not occur if: an employee enters into an employer-employee relationship in any capacity with the same or another county which participates in the Retirement System for Nebraska Counties; if the employee provides services to an employer participating in a retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.</i></p> <p><i>On or after July 1, 2017, a retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the State Employees Retirement Act.</i></p> <p>Amended Bills: LB31, LB32, LB110, LB219, LB278, LB413, LB532</p>
LB417	Riepe		Health and Human Services 02/01/2017	Approved by Governor 05/02/2017 Riepe Priority Bill	<p>Change and eliminate provisions relating to public health and welfare</p> <p><i>LB417 eliminates provisions concerning the alternative response implementation plan. LB417 also eliminates a provision requiring associations that receive juveniles under the Nebraska Juvenile Code to report to the department its condition, management, and competency. LB417 also eliminates a provision requiring the department to submit an annual summary and analysis of the medical assistance program to the Medicaid Reform Council. LB417 eliminates a provision requiring the department to report to the Governor, the Legislature, and the Medicaid Reform Council on the implementation of rules and regulations, Medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and their effects.</i></p> <p><i>LB417 eliminates provisions requiring the divisions to notify the Governor and Legislature when the occupancy of the licensed psychiatric hospital beds of any regional center reaches twenty percent or less of its capacity. LB417 also eliminates provision that have been outdated.</i></p> <p><i>LB417 allows senior volunteers to receive transportation expenses, one free meal, and an annual physical examination. LB417 eliminates provisions that provided senior volunteers with an hourly stipend.</i></p> <p><i>LB417 requires the department to make annual grants in an amount not to exceed twenty-five thousand dollars. As a condition to receiving a grant, an application must obtain at least ten percent matching funds from local sources. LB417 also requires the department to develop a quality assurance plan to promote and monitor quality relating to services for persons with developmental disabilities.</i></p>
LB418	Briese		Transportation and Telecommunications 01/31/2017	IPP (Killed) 05/23/2017	<p>Update certain references to federal regulations regarding motor vehicles and motor carriers</p> <p><i>LB418 changes the date from "2016" to "2017." LB418 also adopts the rules of practice for FMCSA. LB418 also updates civil penalty amounts to match federal regulations for commercial carriers.</i></p>
LB420	McCullister		Business and Labor 03/13/2017	General File 03/21/2017	<p>Adopt the Fair Chance Hiring Act</p> <p><i>LB420 adopts the Fair Chance Hiring Act. This act prohibits employers and employment agencies from asking an applicant to disclose information concerning the applicants criminal record or history unless such disclosure it needed to determine if the applicant meets the minimum employment qualifications of the position. Such positions include those in which a criminal history record information check is required by law or federal or state law specifically disqualifies an applicant with a criminal background even if such law allows for a waiver that would allow such applicant to be employed.</i></p>

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LB422	Murante		Government, Military and Veterans Affairs 03/23/2017	In Committee 01/17/2017	Change provisions of the Election Act <i>LB422 changes the meaning of "registered voter" to mean an elector who has a valid voter registration record on file with the election administrator in the county of their residence.</i>
LB423	Murante		Government, Military and Veterans Affairs 03/23/2017	In Committee 01/17/2017	Change provisions relating to counties <i>LB423 changes the language from "all counties having" to "each county that has."</i>
LB424	Ebke		Judiciary 03/17/2017	In Committee 01/17/2017	Provide for earned time and discontinue use of good time in the Department of Correctional Services <i>LB424 provides for an earned time credit and discontinues the use of good time. For sentences imposed on or after the operative date of this act, the department may apply earned time only to eligibility for parole or mandatory supervision. If a committed offender commits an offense or violates a rule of the department during the actual term of imprisonment, the department may forfeit all or any part of the committed offender's accrued earned time, or place all or part of the accrued time under suspension. If parole or mandatory supervision of a committed offender is revoked, the committed offender shall forfeit all earned time previously accrued. LB424 requires the department to establish a policy regarding the suspension of earned time. This policy should provide that the department will consider the severity of an offense or violation when determining if earned time should be suspended and during any period that earned time is suspended, it may not be used for purposes of granting privileges or to compute eligibility for parole.</i>
LB426	Murante		Government, Military and Veterans Affairs 03/23/2017	General File 02/23/2018	Change expense reimbursement provisions for state officers and agencies
LB427	Vargas		Education 01/30/2017	Approved by Governor 05/09/2017 Vargas Priority Bill	Authorize schools and the State Department of Education to adopt policies relating to pregnant and parenting students, authorize training regarding such policies, and authorize breastfeeding accommodations for student-parents <i>LB427 requires schools to provide private or appropriate facilities for accommodation for milk expression and storage for breast feeding student-mothers.</i> Amended Bills: LB428
LB431	Erdman		Government, Military and Veterans Affairs 01/26/2017	In Committee 01/19/2017	Change provisions relating to cash reserves under the Nebraska Budget Act <i>LB431 prohibits governing bodies from referencing cash reserves in their actual and estimated revenue that exceed fifty percent of the total amount received from personal and real property taxation. Since an emergency exists, this act takes effect when passed and approved according to law</i>
LB432	Erdman		Government, Military and Veterans Affairs 01/26/2017	Approved by Governor (E-Clause) 05/02/2017 Erdman Priority Bill	Change provisions of the Nebraska Budget Act relating to allowances for delinquent taxes and anticipated litigation <i>LB432 eliminates provisions that allowed governing bodies, when certifying the amount needed for a budget, to make allowances for delinquent taxes not exceeding five percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for any estimated tax loss from any pending or anticipated litigation which involves taxation. Since an emergency exists, this act takes effect when passed and approved according to law.</i>
LB434	Ebke	Neutral	Judiciary 03/09/2017	In Committee 01/19/2017	Change videoconferencing provisions relating to certain juvenile hearings <i>LB434 requires any telephone or videoconference juvenile evidentiary hearings to ensure the preservation of due process or rights of all parties.</i>

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LB435	Ebke		Judiciary 03/15/2017	In Committee 01/19/2017	Change provisions relating to escape <i>LB435 makes escape a Class IIA felony.</i>
LB437	Thibodeau		Government, Military and Veterans Affairs 03/08/2017	In Committee 01/19/2017	Change requirements for independent instrumentalities under the Taxpayer Transparency Act <i>LB437 includes a definition for independent instrumentalities. Independent instrumentality means a body created by the laws of this state which may sue and be sued and with respect to which the state, by law, does not provide indemnification. LB437 allows, in lieu of providing copies of each active contract, an independent instrumentality may provide a link to copies of such contracts that are stored on a severed owned or managed by it. LB437 also allows independent instrumentalities to provide information that is necessary to accomplish the purposes of the Taxpayer Transparency Act by providing the State Treasurer with a link to a web site or document containing such information that is stored on a server owned or managed by the independent instrumentality. Since an emergency exists, this act takes effect when passed and approved according to law.</i>
LB438	Howard		Revenue 03/17/2017	In Committee 01/19/2017	Increase cigarette and tobacco taxes as prescribed and provide for the distribution of funds <i>LB438 creates the Behavioral Health Provider Rate Stabilization Fund. This fund shall be used to support reimbursement of behavioral health services providers through provider rates within the Children's Health Insurance Program, the Medical Assistance Act, the Nebraska Behavioral Health Services Act, and the Nebraska Community Aging Services Act. LB438 provides specific distribution guidelines for the Nebraska Health Care Cash Fund. LB438 also increases the tax on each package of cigarettes containing not more than twenty cigarettes to two dollars and fourteen cents per package. Beginning July 1, 2017, the State Treasurer shall place one dollar and twenty-four cents of such tax in the General Fund. Beginning July 1, 2016, and each FY thereafter, the State Treasurer shall place sixty-one million two hundred fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund. Since an emergency exists, this act takes effect when passed and approved according to law.</i>
LB441	Morfeld	Support	Health and Human Services 03/08/2017	In Committee 01/19/2017	Change eligibility provisions under the Medical Assistance Act <i>LB441 makes those persons described under section 1902 (a)(10)(A)(i)(VIII) of the federal Social Security Act eligible under the Medical Assistance Act. The department must submit a state plan amendment to cover newly eligible individuals, and such amendment must request as the alternative benefit plan a benchmark benefit package as defined in section 1937(b)(1) 18 (D) of the federal Social Security Act, as amended, 42 U.S.C. 1396u-7(b)(1)(D), as such act and section existed on January 1, 2017, for Secretary-approved coverage that shall include full Medicaid benefit coverage, including mandatory and optional coverage, under section 68-911 22 in the amount, duration, and scope in effect on January 1, 2017, and any additional wraparound benefits required under federal law.</i>
LB444	Walz		Judiciary 03/03/2017	Approved by Governor 05/02/2017 Walz Priority Bill	Prohibit cities and counties from canceling health insurance coverage for injured first responders as prescribed <i>LB444 prohibits cities and counties from canceling health insurance for law enforcement officers who suffered serious bodily injury while in the line of duty.</i> Amended Bills: LB244
LB445	Chambers		Executive Board 02/02/2017	IPP (Killed) 04/05/2017	Prohibit lobbyist-provided meals and beverages for legislators during session in the State Capitol <i>LB445 prohibits meals and beverage from being provided anywhere in the State Capitol building to members of the Legislature by any lobbyist while the Legislature is in session.</i>
LB447	Chambers		Judiciary 02/08/2017	Select File 03/09/2017 Chambers Priority Bill	Eliminate certain mandatory minimum penalties <i>LB447 eliminates mandatory minimum sentences for Class ID and Class IC felonies.</i>

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LB451	Murante		Government, Military and Veterans Affairs 03/01/2017	Approved by Governor 05/15/2017 Government, Military and Veterans Affairs Priority Bill	Change various provisions relating to elections as prescribed <i>LB451 eliminates a provision prohibiting the election commissioner from becoming a candidate for an elected officer during their term of office or within thirty days of leaving office. LB451 also changes provision relating to the appointment for vacant legislative seats. LB451 also provides that any person using an early voting or absentee ballot must sign a voter oath to be contained with the ballot.</i> <i>LB451 requires that, if the filing deadline for the elective officer is after March 1 of the year in which the election is held, the candidate must file supplementary statements on or before the filing deadline. If the candidate files to appear on the ballot for election during the calendar year in which the election is held, the candidate must file a statement of financial interests of the preceding calendar year with the commission on or before March 1 of the year. A statement of financial interest must be preserved for a period of no less than five years.</i>
Amended Bills: LB314					
LB458	Harr		Government, Military and Veterans Affairs 01/27/2017	Approved by Governor 05/15/2017	Change provisions relating to the County Purchasing Act <i>LB458 excludes any purchase or lease of personal property or services by or on behalf of a county from the definition of purchasing or purchase for purposes of the County Purchasing Act.</i>
LB463	Watermeier		General Affairs 01/30/2017	Approved by Governor 05/15/2017	Change a provision relating to appointment to certain cemetery boards <i>LB463 allows a mayor of a city with fewer than twenty-five thousand residents to appoint members to a cemetery board from among citizens at large from the county in which the village is located.</i>
LB468	Krist	Oppose	Revenue 02/15/2017	In Committee 01/19/2017	Change revenue and taxation provisions <i>LB468 eliminates the Personal Property Tax Relief Act exemption and compensating exemption factor for tax years 2018 and 2019. LB468 also eliminates an exemption from taxation for the first ten thousand dollars of valuation on tangible property for tax years 2018 and 2019. LB468 also eliminates the reduction in the value of tangible personal property owned by each railroad, care line company, public service entity, and air carrier for tax years 2018 and 2019. LB468 ends reimbursement to taxing subdivisions for tax revenue that will be lost because of personal property tax exemptions for tax years 2018 and 2019.</i> <i>LB468 allows resident individuals from electing to subtract from federal gross adjusted income the extraordinary dividends paid on and the capital gain from sale or exchange of capital stock for taxable years beginning before January 1, 2018 and taxable years beginning on or after January 1, 2020. LB468 ends the credit to the Game and Parks Commission Capital Maintenance Fund on July 1, 2017, and ends the credit to the Highway Trust Fund on or after July 1, 2017 and before July 1, 2019. Since an emergency exists, this act takes effect when passed and approved into law.</i>
LB470	Larson		General Affairs 02/06/2017	IPP (Killed) 02/24/2017 General Affairs Priority Bill	Change provisions of the Nebraska County and City Lottery Act relating to the manner of play of keno, use of electronic tickets, and authorized methods of payment <i>LB470 allows the use of electronic tickets when playing keno. A lottery operator that does use electronic tickets must take reasonable measure to prevent participation in the keno lottery by a person outside the licensed premises. LB470 also prohibits the use of credit cards to pay for keno beginning January 1, 2018.</i>
LB472	Bostelman		Transportation and Telecommunications 02/21/2017	Approved by Governor 02/28/2018	Change provisions relating to signs and advertising on highways <i>LB472 only allows the Department of Roads to require permits for advertising signs, displays, and devices placed along or upon the Highway Beautification Control System</i>

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Document	Senator	Position	Committee	Status	Description
LB473	Walz		Business and Labor 03/13/2017	In Committee 01/19/2017	Require rest periods for employees <i>LB473 prohibits employers from requiring any employee to work without a rest period of at least fifteen minutes for every four hours worked. No reduction in compensation may be made for such rest period.</i>
LB479	Groene		Government, Military and Veterans Affairs 01/26/2017	General File 03/17/2017	Change public hearing provisions and redefine a term under the Nebraska Budget Act <i>LB479 adds joint entity created pursuant to the Interlocal Cooperation Act that receives tax funds to the definition of Governing Body for the Nebraska Budget Act. LB479 also requires governing bodies to hold public hearings on proposed budgets on a separate day from any regularly scheduled meeting. At such hearing, the governing body must make a detailed presentation and make available a written copy of the budget.</i>
LB480	McCollister		Banking, Commerce and Insurance 02/13/2017	Approved by Governor 02/28/2018	Provide requirements relating to health insurance policies and coverage for insureds in temporary jail custody <i>LB480 prohibits an insurer offering a health benefit plan from denying reimbursement for any service or supply covered by the plan or cancel the plan if the insured is in the custody of a jail pending disposition of charge, the insured receives publicly funded medical care while in such custody, and the care was provided by an employee or contractor who meets the credentialing requirements of the plan. LB480 requires health benefit plans to reimburse the political subdivision for the costs of covered services provided to the insured who is in custody.</i>
LB481	Kuehn		Health and Human Services 02/02/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Provide for drug product selection for interchangeable biological products <i>LB481 allows for drug product selection concerning interchangeable biological products. LB481 also adjusts definitions under the Nebraska Drug Product Selection Act.</i>
LB482	Smith		Government, Military and Veterans Affairs 02/24/2017	General File 05/15/2017	Adopt the Government Neutrality in Contracting Act <i>LB482 adopts the Government Neutrality in Contracting Act. The purpose of this act is to provide for the efficient procurement of goods and services by governmental units and to promote the economical, nondiscriminatory, and efficient administration and completion of construction projects funded, assisted, or awarded by a governmental entity. The Act requires that a governmental unit ensure that any requests for proposals or bid specification for a public contract do not contain a term that requires, prohibits, encourages, or discourages bidders, contractors, or subcontractors from entering into a collective-bargaining agreement or a term that discriminates based on status as a party or nonparty to, or the willingness or refusal to enter into, a collective-bargaining agreement relating to construction under a public contract.</i>
LB487	Morfeld		Judiciary 02/23/2017	Approved by Governor 05/02/2017 Judiciary Priority Bill	Provide and change immunity provisions relating to naloxone and asthma and allergic reactions and change provisions of the Uniform Controlled Substances Act <i>LB487 exempts a person from violating the Uniform Controlled Substance Act if: such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another; such person was the first person to make a request for medical assistance as soon as the drug overdose was apparent; the evidence for the violation of the UCSA was obtained as the result of the drug overdose and request for medical assistance; such requesting person remained on the scene until medical assistance arrived; and such requesting person cooperated with medical assistance or law enforcement.</i> <i>LB487 also prohibits administrative action, criminal prosecution, and civil liability against an emergency responder or peace officer who, in good faith, administers naloxone to a person who is apparently experiencing an opioid-related overdose.</i> <i>Portions of LB167, LB293, and LB296, as amended by AM276, have been amended into LB487 via AM568.</i>
Amended Bills: LB167, LB293, LB296					

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LB488	Groene		Natural Resources 02/15/2017	IPP (Killed) 03/08/2017	Adopt the Water Conservation Grant Act <i>LB488 adopts the Water Conservation Grant Act. The act allows for the department to being accepting applications for water conservation grants if they determine that the states that are subject to a multi-state compact have agreed to count any reduction in water usages in determining Nebraska's compliance with the multi-state compact. LB488 requires that ground water that is not used for irrigation purposes be considered used when a natural resources district calculates irrigation caps under an integrated management plan created pursuant to the Act.</i> <i>LB488 also creates the Water Conservation Grant Fund. The Fund shall be used to fund water conservation grants awarded under the Act.</i>
LB489	Groene		Urban Affairs 02/21/2017	IPP (Killed) 02/15/2018	Redefine development project under the Community Development Law <i>LB489 removes other improvements in accordance with the development plan from the definition of development project under the Community Development Law.</i>
LB492	Harr		Judiciary 02/15/2017	Approved by Governor 05/15/2017	Adopt the Self-Service Storage Facilities Act and authorize certain liens <i>LB492 adopts the Self-Service Storage Facilities Act. LB492 prohibits an operator from knowingly permitting a leased space at a self-service storage facility to be used for residential purposes. LB492 requires an occupant, upon reasonable request from the operator, to allow the operator to enter a leased space for purposes of inspection or repair. LB492 establishes that, upon the date in which personal property is placed in a leased space, the operator shall have a lien upon the occupant's personal property for delinquent rent, late fees, labor, or other charges incurred pursuant to a rental agreement. This lien is enforceable once the occupant is in default for forty-five days. The operator may then, after providing the appropriate notice, hold a public sale. LB492 also grants the operator the right to deny the occupant access for any default rent or charges.</i>
LB496	Stinner		Urban Affairs 02/28/2017	Select File 05/16/2017 Williams Priority Bill	Define and redefine terms under the Community Development Law <i>LB496 includes the construction of workforce housing, in cities of the first and second class and villages, into the definition of redevelopment project under the Community Development Law. LB496 also includes a definition for workforce housing. Workforce housing means single-family or multi-family housing for which the municipality receives a housing study that is current, prepares an incentive plan for construction targeted to house existing or new workers, holds a public hearing on such incentive plan with notice, and after the public hearing finds that such incentive plan is necessary to prevent the spread of blight and substandard conditions within the municipality.</i>
LB498	Brewer		Revenue 02/24/2017	In Committee 01/20/2017	Change provisions relating to transfer of homestead exemptions <i>LB498 stipulates that, for purposes of such determination, the January 1 through August 15 ownership and occupancy requirement shall not apply.</i>
LB500	Brewer		Judiciary 03/01/2017	In Committee 01/20/2017	Authorize the carrying of concealed handguns by qualified active and retired law enforcement officers <i>LB500 allows an individual who is a qualified law enforcement officer or qualified retired law enforcement officer and who is carrying the required identification may carry a concealed handgun anywhere in the State of Nebraska. For law enforcement officers, such identification shall be photogenic and issued by the employing governmental entity. For retired officers, the identification shall be either a photographic identification issued from the agency from which the individual separated in good standing or a photographic identification issued and a certificate issued by the individual's state of residence.</i>
LB501	Brewer		Judiciary 03/08/2017	In Committee 01/20/2017	Change prohibition on locations where permitholder may carry a concealed weapon <i>LB501 requires that, in order for a permit holder to violate the section, there must be a posted conspicuous notice that carrying a concealed handgun is prohibited and the property owner must make a request that the permitholder leave, which the permitholder defies. LB501 also makes this violation a Class II misdemeanor.</i>
LB502	Brewer		Judiciary 03/23/2017	In Committee 01/20/2017	Adopt the Permitless Concealed Carry Act <i>LB502 adopts the Permitless Concealed Carry Act. To be eligible to carry a concealed handgun under this act, the person shall be at least twenty-one years of age, be a citizen or legal resident of the United States, not be prohibited from possessing a handgun, and not be prohibited from purchasing or possessing a handgun under 18 U.S.C. 992. This Act does not change the current restrictions on the carrying of weapons onto private property and other provisions. Any violation of this Act is a Class II misdemeanor for the first violation and a Class I misdemeanor for any subsequent violation.</i>

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LB503	Brewer		Business and Labor 03/20/2017	In Committee 01/20/2017	Prohibit certain provisions in collective-bargaining agreements <i>LB503 prohibits the deduction of wages of a public employee, either directly or indirectly, on behalf of a collective-bargaining organization except as required by a collective-bargaining agreement entered into between a public employer and a representative of its employees prior to the effective date of this act.</i>
LB508	Hilgers	Support	Government, Military and Veterans Affairs 02/22/2017	Approved by Governor 05/15/2017	Change population threshold for the county civil service system and change provisions relating to personnel policy boards and boards of county commissioners <i>LB508 changes the threshold requiring the formation of a Civil Service Commission from three hundred thousand inhabitants of a county to four hundred inhabitants.</i>
LB510	Ebke	Oppose	Government, Military and Veterans Affairs 03/08/2017	In Committee 01/20/2017	Provide a restriction on installment contracts for the purchase of real or personal property by political subdivisions <i>LB510 prohibits political subdivisions from entering into installment contracts for the purchase of real or personal property that require a total outstanding obligation exceeding twenty-five million dollars.</i>
LB511			Education 02/28/2017	In Committee 01/20/2017	Change provisions for payment of educational costs for state wards and students in residential settings <i>LB511 requires the resident school district to pay the cost of education and any required transportation associated with education for any student who is a ward of the state or resident in certain residential settings except as provided. DHHS shall pay the costs of education and transportation for a student who is a ward of the state, does not reside in a foster family home, and is placed in a school district other than the school district in which they resided at the time they became a ward of the state. DHHS shall pay the costs of education and transportation for any student that is a ward of the state and is placed in an institution which maintains an approved special education program. DHHS shall pay the costs of education and transportation for a student who is a ward of the state, is eighteen years of age or younger, and is placed in a county detention home.</i> <i>LB511 also requires that, except as provided in the Nebraska Indian Child Welfare Act, a child shall continue to attend the same school as prior to placement outside their home unless a determination is made that continued attendance at such school would not be in the best interests of the child.</i>
LB514	Bolz		Appropriations 02/27/2017	In Committee 01/20/2017	State intent to appropriate funds for a Justice Reinvestment Initiative Coordinator <i>LB514 states the intent of the Legislature to appropriate one hundred thousand dollars to the University of Nebraska at Omaha for fiscal year 2017-18 to fund the position of Justice Reinvestment Initiative Coordinator at the University of Nebraska at Omaha College of Public Affairs and Community Service Nebraska Center for Justice Research.</i>
LB516	Pansing Brooks		Judiciary 03/09/2017	General File 04/04/2017	Change provisions relating to a report on juvenile facilities <i>LB516 requires juvenile facilities to redact all personal identifying information from their quarterly report. LB516 also make intentional or knowingly failure to comply with this section a Class V misdemeanor.</i>
LB517	Pansing Brooks		Judiciary 02/10/2017	Approved by Governor 05/15/2017	Change provisions regarding transfer of property upon death <i>LB517 makes divorce or annulment of a marriage, except as provided by the express terms of a governing instrument made between the divorced individuals, revokes any revocable disposition or appointment of property, provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced individual's spouse or relative of the spouse, or nomination of the divorced spouse to serve in any fiduciary or representative capacity. The divorce or annulment also severs the interests of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship, transforming the interests of the former spouses to equal tenancies in common.</i>
LB520	Hansen		Judiciary 03/08/2017	In Committee 01/20/2017	Require notification when persons prohibited by state or federal law obtain a handgun or concealed carry permit <i>LB520, if a prohibited person files an application to obtain a handgun or concealed carry permit, requires the forwarding of the denied application to the Nebraska Commission on Law Enforcement and Criminal Justice. The commission is then required to evaluate whether local law enforcement should be alerted based on the application. Law enforcement agencies are also required to report certain statistics related to rejected applications and noticed received from the commission.</i>

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LB529	Harr		Judiciary 03/16/2017	In Committee 01/20/2017	Authorize county courts sitting as probate courts in cases of guardianship to authorize abortions in judicial by-pass cases <i>LB529 allows county courts sitting as a probate court in the case of a pregnant woman for whom a guardian has been appointed to authorize abortions in judicial by-pass cases.</i>
LB530	Harr		Executive Board 02/08/2017	IPP (Killed) 04/05/2017	Change requirements for providing information to the Legislative Fiscal Analyst and provide for withholding appropriations <i>LB530 requires the Legislative Fiscal Analyst, beginning July 1, 2017, to notify the State Treasurer and the Director of Administrative Services to withhold the appropriations for any officer, board, commission, or department which does not furnish the required information until such information is received.</i>
LB531	Harr		Revenue 03/02/2017	In Committee 01/20/2017	Change sales tax collection fees for motor vehicles <i>LB531 allows the county treasurer to deduct and withhold for the use of the county general fund an additional one-half of one percent of all amount in excess of three thousand dollars remitted each month.</i>
LB532	Kolterman		Nebraska Retirement Systems 02/13/2017	In Committee 01/20/2017	Change provisions relating to a military service credit for certain retirement plans as prescribed <i>LB532, for military service rendered on or after January 1, 2018, requires that county employees, school employees, State Patrol Officers and judges who are reemployed pursuant to 38 U.S.C. 4301 be treated as not having incurred a break in service by reason of their period of military service. Such service will be credited for purposes of determining the nonforfeitability of the member's accrued benefits and the accrual of benefits under the plan. LB532 makes the county employing the member liable for funding any obligation of the plan to provide the benefits based upon such period of service. The state will be liable to fund the obligation of the plan for judges and State Patrol Officers. The employer shall be liable for funding any obligations for the school employee.</i>
LB539	Krist		Executive Board 02/08/2017	Approved by Governor (E- Clause) 05/02/2017 Executive Board Priority Bill	Change the Office of Inspector General of the Nebraska Correctional System Act <i>LB539 requires the department of corrections to report all cases of death or serious injury of an employee when acting in their capacity as an employee as soon as reasonably possible. The department must also report all cases where an employ is hospitalized in response to an injury received when acting in their capacity as an employee. LB539 prohibits the Inspector General from interviewing any person who has already been interviewed by a law enforcement agency in connection with a relevant ongoing investigation of a law enforcement agency without consent of the prosecuting attorney.</i>
LB544	Watermeier	Monitor	Judiciary 02/15/2017	In Committee 01/20/2017	Provide for elimination of the office of clerk of the district court as prescribed <i>LB544 allows, in any county that does not have an elected clerk of the district court, for the duties of the clerk of the district court to be performed pursuant to an agreement between the State Court Administrator and the county board. LB544 also allows for a county to vote to eliminate the office of the clerk of the district court when a vacancy occurs.</i>
LB545	Watermeier		Appropriations 03/03/2017	In Committee 01/20/2017	Provide for fund transfers relating to the Property Tax Credit Cash Fund <i>LB545 requires the State Treasurer to transfer from the General Fund to the Property Tax Credit Cash Fund: Four hundred twenty-four million dollars for tax year 2018; Six hundred twenty-four million dollars for tax year 2019; Eight hundred twenty-four million dollars for tax year 2020.</i>
LB555	Smith		Revenue 03/01/2017	In Committee 01/20/2017	Change and eliminate provisions of the Tax Equalization and Review Commission Act <i>LB555 allows commissioners who live within fifty miles of the state office building to be reimbursed for mileage for actual round trip travel. Commissioners who live more than fifty miles may be reimbursed for mileage for one round trip per week and shall be paid a per diem at the federal per diem rate for each day worked at the state office building. LB555 also makes the filing fee for each appeal or petition filed with the commission fifty dollars if the taxable value of each parcel involved in the appeal is one million dollars or less, and a fee of one hundred dollars if the taxable value of each parcel involved is more than one million dollars.</i>

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LB556	Halloran		Judiciary 03/08/2017	General File 03/20/2017	Change provisions relating to firearms and create the offenses of use of a facsimile or nonfunctioning firearm to commit a felony and possession of a firearm by a prohibited juvenile offender <i>LB556 creates the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony. This offense is a Class IIA felony, and shall be treated as separate and distinct from the felony being committed.</i> <i>LB556 also creates the offense of possession of a firearm by a prohibited juvenile offender. This offense applies to those under the age of 25, who have previously been adjudged as a juvenile who commit certain specified offenses. It is a Class III felony.</i>
LB559	Schumacher		Banking, Commerce and Insurance 03/07/2017	In Committee 01/20/2017	Prohibit the collection of interchange fees on specified taxes and fees relating to electronic payment transactions <i>LB559 excludes the from the amount of an interchange fee charged for an electronic payment transaction the amount of any tax or fee imposed by state or local government that is calculated as a percentage of an electronic payment transaction amount and listed separately on the payment invoice. This act will apply to electronic payment transactions processed on or after October 1, 2017.</i>
LB560	Schumacher		Judiciary 03/22/2017	In Committee 01/20/2017	Change restrictive housing and inmate discipline provisions <i>LB560 changes the status of solitary confinement to mean confinement in an isolated cell, alone or with a cell mate, for an average of twenty-two or more hours per day, with limited human interaction or constructive activity, and in an environments that ensures maximum control. LB560 allows inmates to have been confined in restrictive housing for more than nineteen days to seek review of the decision to place them in restrictive housing. The review shall be conducted by the district court of the county in which the correctional facility is located.</i> <i>LB560 requires that any inmate placed in restrictive housing be done so in the least restrictive manner consistent with maintaining order in the facility and pursuant to the rules and regulations. LB560 also prohibits any member of a vulnerable population from being placed in restrictive housing.</i>
LB562	McCollister		Judiciary 03/17/2017	General File 04/04/2017	Require a monthly report from the Department of Correctional Services as prescribed <i>LB562 requires the Department of Correctional Services to prepare a monthly report including the number of committed offenders at or past their parole eligibility dates who have not received appropriate programming, the number and type of vacant position for behavioral health staff, and the number of inmates who have achieved community-custody status but are not in community-custody facilities.</i>
LB563	McCollister		Revenue 02/22/2017	In Committee 01/20/2017	Impose sales tax on certain services and eliminate certain sales tax exemptions <i>LB563 eliminates sales and use tax exemptions for newspapers, laundromats, telefloral deliveries, the Nebraska Lottery, maintenance and repair services, personal care services, lawn care, gardening, storage and moving services, and taxi, limousine and other transportation services. LB563 also includes new provisions under the definition for gross receipts for receiving a service.</i>
LB567	Bolz	Support	Government, Military and Veterans Affairs 02/22/2017	In Committee 01/20/2017	Change funding for county public assistance offices <i>LB567 requires the state to pay the cost for the office and service facilities used for the administration of the public assistance programs.</i>
LB570	Friesen		Revenue 03/09/2017	In Committee 01/20/2017	Provide a property tax exemption for all tangible personal property <i>LB570 exempts all tangible personal property from property tax beginning January 1, 2019.</i>
LB576	Brewer		Revenue 03/09/2017	In Committee 01/20/2017	Limit increases in property tax bills <i>LB576 prohibits an owner's property tax bill for 2017 and 2018 from exceeding their property tax bill for 2016.</i>

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LB577	Hilgers		Judiciary 03/03/2017	In Committee 01/20/2017	Create offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush <i>A person commits the offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush if they knowingly and intentionally attack such a person while they are engaged in the performance of their official duties and the attacker either attacks without warning from a concealed position or approaches an unsuspecting officer and intentionally or knowingly causes serious bodily injury. This offense is a Class IB Felony and required a minimum sentence of forty years and possibly a fine up to one hundred thousand dollars.</i>
LB578	McDonnell		Health and Human Services 03/15/2017	Approved by Governor 05/23/2017 McDonnell Priority Bill	Adopt the Ground Emergency Medical Transport Act <i>LB578 allows eligible providers to receive, in addition to the rate of payment, supplemental Medicaid reimbursement pursuant to a specified pay schedule. Participation in the supplemental reimbursement program by an eligible provider is voluntary. If a government entity elects to seek supplemental reimbursement on behalf of an eligible providers, they must clarify that the claimed expenditures for are eligible for federal financial participation, provide evidence supporting the certification as specified by the division, submit data as specified to determine the appropriate amounts of qualifying expenditures, and maintain any specified records.</i> <i>LB578 also requires the department to design and implement an intergovernmental transfer program relating to Medicaid managed ground emergency medical transportation services to be implemented on the date federal approval is obtained. Participation in intergovernmental transfers is voluntary on the party of the transferring entity. The intergovernmental transfer program shall also be implemented without any additional expenditure from the General Fund. Each eligible provider or governmental entity must agree to reimburse the department for any costs associated with implementing such a program.</i>
LB581	McDonnell		Government, Military and Veterans Affairs 03/22/2017	In Committee 01/20/2017	Require lobbyists to disclose conflicts of interest to principals and provide for cancellation of contracts <i>LB581 requires every lobbyist to present a disclosure statement to their principle including: the name, permanent residence address, and office address of the lobbyist; a description of the business activity of the lobbyist; the name of every other principle represented by such lobbyists, the nature of the business of such principle, the amounts or sums given or to be given to the lobbyists as compensation and an identification of such matters on which the lobbyists expects to lobby; a description of any business association of the lobbyist; any information which the lobbyist possess that might constitute a conflict of interest; and a notice that a principle has the right to cancel the contract by mailing a written notice before midnight of the third business day after receipt. Any person violating these requirements will be guilty of a Class III misdemeanor.</i> <i>LB581 also provides principles with the right to cancel a lobbying contract until midnight of the third business day after the lobbyist has presented a disclosure statement.</i>
LB584	Friesen		Transportation and Telecommunications 01/30/2017	Approved by Governor 05/15/2017	Change provisions relating to mowing of weeds along roads <i>LB584 prohibits those employed by or under contract with a county or township from mowing roadside ditches before July 1 of any year.</i> Amended Bills: LB55
LB585	Linehan		Judiciary 03/17/2017	In Committee 01/20/2017	Change provisions relating to dangerous dogs, seizure of animals, and animal control authorities <i>LB585 requires the county attorney where an animal is seized to file an application for a hearing to determine the disposition and the cost for the care of the animal within thirty days after seizure. LB585 also changes the definition of dangerous dog. The requirement of animal control authority records has been eliminated, and a dog can be considered dangerous if it has conflicted serious bodily injury on a domestic animal without provocation that required medical treatment. LB585 prohibits any person knowingly, recklessly, or negligently owning, keeping, or harboring a dangerous dog without complying with specific laws.</i>
LB589	Crawford		Judiciary 03/02/2017	General File 03/13/2017 Crawford Priority Bill	Provide for depositions of a child victim or child witness <i>LB589 prohibits depositions of a child being taken when the child has undergone a video-recorded forensic interview at a child advocacy center, except by agreement of the parties or by approval of the court. If a request to depose a child is granted, the court must make any protective order that justice requires to protect the child from emotional harm, distress, harassment, undue influence, or intimidation.</i>

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LB591	Crawford		Urban Affairs 02/07/2017	In Committee 01/20/2017	Provide for enforcement of building codes under the Contractor Registration Act <i>LB591 requires each contractor who files an application with the department to include, if applicable, any previous revocation from the registry for failure to comply with applicable state and local business codes.</i> <i>LB591 allows the commissioner to issue a notice of revocation to a contractor when an investigation reveals that the contractor has willfully failed to take corrective action to bring one or more buildings into compliance with applicable building codes. The registration may temporarily be reinstated pending a hearing on the revocation if the contractor can make a showing of corrective action. In order for the commissioner to initiate an investigation, there must be a written complaint that includes signed substantiation of a potential code violation from an inspector, code official, State Energy Office, or a certified building official and the complainant must have taken reasonable steps to obtain compliance with building codes through local code officials. If the commissioner decides to issue a citation for failure to comply, they must provide the contract with a proposed timeframe for taking corrective action.</i>
LB597	Groene		Urban Affairs 02/21/2017	IPP (Killed) 03/09/2017	Provide for application process through county assessor and Tax Commissioner prior to using tax-increment financing <i>LB597 requires any governing body that seeks to use tax-increment financing to submit an application to the county assessor. This application must include the information reasonably required to determine the eligibility of the governing body, the redevelopment plan, and the parcel or parcels for such tax-increment financing. This application will be forward by the county assessor to the Tax Commissioner if the county assessor determines that the certain requirements of the application have been met. The Tax Commissioner will then review the application to ensure all provision of the Constitution of Nebraska, the Community Development Law, and tax-increment financing have been satisfied.</i>
LB599	Groene		Revenue 03/09/2017	In Committee 01/20/2017	Exempt certain improvements on land from taxes as prescribed <i>LB599 exempts from personal property tax any improvements on land of infrastructure, redevelopment, or new construction intended for business or housing purposes until occupied, sold, or leased.</i>
LB602	Erdman		Revenue 02/24/2017	In Committee 01/20/2017	Change and eliminate provisions relating to the valuation of agricultural land <i>LB602 states that the actual value of agricultural and horticultural land for purposes of taxation means the capitalized net earning capacity that the land produced without regard to any value that the land might have for other purposes or uses.</i> <i>LB602 requires that agricultural and horticultural land used primarily for those purposes will constitute a separate and distinct class of property for purposes of property taxation. LB600 prohibits the following from being classified as agricultural or horticultural land: farm home sites and land used for grazing of animals kept primarily for personal use. LB602 requires that any agricultural and horticultural land that qualifies for valuation using the capitalized net income approach be valued upon the basis of the agricultural income. Any agricultural or horticultural land assessment values will be based upon an eight-year Olympic average of crop income derived from the reported income from each county's productivity information chart.</i>
LB607	Clements		Revenue	IPP (Killed) 02/21/2017	Provide a homestead exemption for certain first responders <i>LB607 provides homestead exemptions for first responders who are drawing compensation from the state or a political subdivision or is receiving workers' compensation benefits because of a one hundred percent disability received in the line of duty.</i>
LB613	Wayne		Revenue 03/16/2017	In Committee 01/20/2017	Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act <i>LB613 requires any housing agency or controlled affiliate provide notice of a property tax exemption to the county assessor on or before December 31 of the year preceding the year for which the exemption is sought.</i>
LB619	Wayne		Government, Military and Veterans Affairs 03/09/2017	In Committee 01/20/2017	Permit certain counties to conduct elections by mail <i>LB619 allows the election commissioner to apply to the Secretary of State to mail ballots for elections.</i>
LB623	Wishart		Judiciary 03/03/2017	In Committee 01/20/2017	Change and eliminate provisions and penalties relating to assault on an officer, certain employees, or a health care professional <i>LB623 eliminates provisions that specify assaults on officials and replaces them with the term "public officer."</i>

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LB624	Wishart		Government, Military and Veterans Affairs 02/03/2017	Approved by Governor 05/15/2017	Provide procedure to withhold from the public law enforcement officers' residential addresses in county records <i>LB624 requires the county assessor and register of deeds to withhold from the public the residential address of a law enforcement officers who applies and pays a \$25 fee.</i>
LB625	Larson	Monitor	Urban Affairs 02/14/2017	Approved by Governor (E- Clause) 05/02/2017 Urban Affairs Priority Bill	Change the Property Assessed Clean Energy Act <i>LB625 allows a municipality to create a clean energy assessment district anywhere within the municipality, except a district may not be created that includes any area within the corporate boundaries of any city or village located in whole or in part within such county.</i>
LB628	Larson		Government, Military and Veterans Affairs 02/10/2017	General File 03/15/2017 Speaker Priority Bill	Prohibit ordinances and resolutions prohibiting certain short-term rentals of residential property <i>LB628 prohibits cities, villages, and counties from adopting or enforcing an ordinance or result ions that prohibits the use of property as a short-term rental. Short-term rental means a residential property that is rented wholly or partly for a fee for a period not longer than thirty days. However, LB628 allows the regulations of short-term rentals by cities, villages, and counties.</i>
LB644		Oppose	Government, Military and Veterans Affairs 02/23/2017	Approved by Governor 05/23/2017 Government, Military and Veterans Affairs Priority Bill	Provide, change, and eliminate provisions governing boards, commissions, and similar entities <i>LB644 eliminates the state noxious weed advisory committee and the Nebraska Potato Development Committee. LB644 also prohibits a quorum of the Commission on Judicial Qualifications from being present unless all members appointed by the Governor are present. All citizen members of this commission must be affiliated with the political party of the Governor. LB644 also eliminates a requirement that lawyer members of this commission be members of the Nebraska bar and reside in the judicial district served by the commission.</i> <i>LB644 requires the State Treasurer to transfer any funds in the Carbon Sequestration Assessment Cash Fund to the Election Administration Fund.</i> <i>LB644 also eliminates the Board of Emergency Medical Services and gives its power to the department and the Division of Public Health.</i> <i>LB644 eliminates the Perfusionst Committee.</i> <i>LB644 gives a licensee who had their motor vehicle operator license revoked because of a mental, medical, or vision problem the right to an immediate appeal to the director. Whenever a director reviews the denial or cancellation of a license because of mental, medical, or vision problems, the director may consider records and reports from a qualified physician. LB644 also eliminates the Health Advisory Board's role in the making of this decision.</i>
LB649	Pansing Brooks	Monitor	Health and Human Services 03/17/2017	Introduced 01/18/2017	Prohibit additional services or populations under the medicaid managed care program <i>LB649 prohibits the department from adding any additional service or population to the Medicaid managed care program in effect on January 1, 2017 until at least January 1, 2018 or until a critical evaluation is performed of the at-risk capitated managed care program and the success of such managed care program is proven.</i>

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LB656	Baker		Judiciary 03/09/2017	In Committee 01/20/2017	Provide for claims against the state by persons wrongfully incarcerated <i>LB656 makes a successful claimant one who had a claim against a political subdivision arising from their wrongful incarceration or conviction, which claim was precluded by the provisions of the State Tort Claims Act or the Political Subdivisions Tort Claims Act and who obtained a final judgment against such political subdivision from a federal court under 42 U.S.C. 1983 for a violation of their rights protected by the Constitution and arising out of such wrongful incarceration. A successful claimant and the political subdivision against which the claimant obtained final judgment may file a claim with the State Claims Board for full payment of such judgment, or any part of such judgment, which exceeds the available financial resources and revenue of the political subdivision required for its ordinary purpose.</i>
LB658	Wayne	Oppose	Judiciary 03/09/2017	In Committee 01/20/2017	Provide for expert witness appointment as prescribed in certain juvenile proceedings <i>LB658 grants the right to one appointed expert witness during any adjudication or disposition proceeding to the parent, guardian, or custodian of the juvenile who is the subject of the proceeding. If the parent, guardian, or custodian is indigent, the reasonable fees and expenses of such expert witness will be paid by the county.</i>
LB663	Kuehn		Government, Military and Veterans Affairs 03/22/2017	In Committee 01/20/2017	Require a copy of a lobbying contract for lobbyist registration as prescribed <i>LB663 requires a copy of the lobbying contract for lobbyist registration if the principle receives public funds including taxes, fees, and grants.</i>
LB664	Kuehn		Government, Military and Veterans Affairs 03/22/2017	In Committee 01/20/2017	Prohibit a political subdivision from using taxes or fees to employ a lobbyist <i>LB664 prohibits a political subdivision from using revenue from any tax or free to employ or contract with a lobbyist.</i>
LB665	Kuehn		Government, Military and Veterans Affairs 03/22/2017	In Committee 01/20/2017	Require a statement of activity regarding certain lobbying activity <i>LB665 requires every lobbyist who is registered or required to be registered file with the Clerk of the Legislature a statement activity within 24 hours after the lobbyist's initial contact with an official in the executive branch of an official in the legislative branch regarding a legislative bill. The statement must indicate the legislative bill number, the name of the lobbyist, and the principle for whom the contact was made.</i>
LB670	Krist		Judiciary 01/24/2018	General File 02/28/2018 Judiciary Priority Bill	Change membership, powers, and duties of the Nebraska Coalition for Juvenile Justice <i>LB 670 requires that the coalition be comprised of no less than 15 and no more than 33 members. Additionally, LB 670 prohibits a majority of the coalition members, including the chairperson, from being full-time employees of federal, state, or local government. At least one-fifth of the members must be under the age of twenty-four on the date of their appointment. LB 670 also lists required members of the coalition that must be appointed one or after June 15, 2018.</i>
LB672	Krist	Neutral	Judiciary 01/17/2018	In Committee 01/08/2018	Provide for medical release for committed offenders <i>LB672 allows for an offender who has been committed because of a medial or physical condition to be considered for medial release if they are determined to be terminally ill or permanently incapacitated. Prior to granting release, the department must review the medial, institutional, and criminal records of the offender and any additional medial evidence. To qualify for medial release, the offender must agree to placement for medical treatment. If, during medial release, the offender's condition improves such that they are no longer eligible for release, the department may direct that they be returned to custody pending a hearing. The offender will receive credit for time served on medial release toward the balance of their sentence.</i>
LB673	Krist		Judiciary 01/24/2018	In Committee 01/08/2018	Change procedures for certain hearings for juveniles <i>LB673 eliminates the requires that the preliminary hearing be held before an impartial person other than the juvenile's probation officer or any other person directly involved in the case.</i>
LB675	Krist		Judiciary 01/17/2018	In Committee 01/08/2018	Change provisions relating to correctional overcrowding emergencies <i>LB675 requires the Director to certify a list of the inmates who are presently parole eligible anytime an overcrowding emergency is declared.</i>

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LB676	Krist		Judiciary 01/17/2018	In Committee 01/08/2018	Allow certain committed persons to participate in substance abuse or rehabilitative treatment, seek residency or employment, and participate in structured programming <i>LB676 allows for certain committed persons to participate in substance abuse or rehabilitative treatment, seek residency or employment, and participate in structured programming</i>
LB677	Krist	Support	Appropriations 02/12/2018	In Committee 01/08/2018	Change appropriations for certain health and human services programs <i>LB677 increases the funding for behavioral health aid programs from 96,447,841 to 97,634,504. The additional funding is to be taken from the General Fund. LB677 also increased the funding for medical assistance programs to 2,034,850,498 for FY2017-18 and 2,085,328,775 for FY2018-19. The additional funding is to be taken from the General Fund. The funding for Child Welfare Aid is increased to 198,794,731 in both FY2017-18 and FY2018-19. The additional funding is to be taken from the general fund. The funding for Developmental Disability Aid is increased to 158,764,372 in FY2017-18 and 157,627,794 in FY2018-19. The additional funding is to be taken from the general fund.</i>
LB680	Krist		Judiciary 02/27/2018	In Committee 01/08/2018	Adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act <i>LB680 adopts the Interstate Placement for Involuntary Admitted Patients Agreement Act. Under this Act, a health care facility in Nebraska may contract to provide behavioral health services to residents of other authorized states. Such a contract may be entered into for persons who are servicing a sentence after conviction of a criminal offense, are on probation or parole, are the subject of a presentence investigation, or have been committed involuntary in Nebraska under the Mental Health Commitment Act.</i> <i>LB680 also outlines the requirements for each contract to treat those residing in another state.</i>
LB688	Blood		Judiciary 01/25/2018	In Committee 01/08/2018	Provide for the possession, use, and application of sunscreen for children and students and provide immunity <i>LB688 allows for any child attending recreation facility, center, or program operated by a political or governmental subdivision to possess and use a broad spectrum topical sunscreen while attending. Such recreational facility, center, or program may also allow an employee or volunteer to assist in the application of sunscreen in possession of the child with the written consent of such child's parent or guardian.</i> <i>LB688 also provides immunity-except in cases of gross negligence, willful misconduct, or intentional wrongdoing-for any decision made or action taken that is based on a good faith implementation.</i>
LB691	Blood		Judiciary 02/07/2018	In Committee 01/08/2018	Adopt the Nebraska Virtual Currency Money Laundering Act and define and redefine terms under the Nebraska Money Transmitters Act <i>LB691 adopts the Nebraska Virtual Currency Money Laundering Act. The Act makes it unlawful for any person who knows the property involved in a financial transaction represents the proceeds of an unlawful activity to conduct such financial transaction. Any person who violates this act is guilty of a felony ranging from a Class II misdemeanor to a Class IV felony. Any person who violates this act will also be liable for a civil penalty not to exceed the value of the financial transaction involved or \$25,000, whichever is greater.</i> <i>The Act also permits authorities to seek injunctions against virtual currency they believe to be involved in the violation of the Act. The Act also requires that any person who receives more than \$10,000 in a single or multiple related transactions file certain information with the Department of Revenue.</i>
LB693	Blood		Judiciary 02/23/2018	In Committee 01/08/2018	Regulate and create criminal offenses regarding the use of unmanned aircraft systems <i>LB693 makes it a criminal offense to use an unmanned aircraft to enter the property of another to secretly peep or spy into or through a window, door, or other aperture of a dwelling. A violation of this provision is a Class I misdemeanor.</i> <i>LB693 also prohibits the use of an unmanned aircraft to violate a protective order. LB693 also prohibits the use of unmanned aircraft at height less than 300 feet above a critical infrastructure facility, penal institution or a school without permission.</i> <i>LB693 also allows law enforcement to disclose and use information acquired through operation of an unmanned aircraft with restrictions.</i>
LB694	Blood		Government, Military and Veterans Affairs	General File 03/13/2018	Prohibit cities and villages and counties from taxing or regulating distributed ledger technology <i>LB694 prohibits cities, villages, and counties from taxing or regulating distribution ledger technology.</i>

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LB695	Blood		Judiciary 02/07/2018	General File 02/26/2018	Authorize and define smart contracts and authorize use of distributed ledger technology as prescribed <i>LB695 allows for smart contracts to be used in commerce. A smart contract will not be denied legal effect, validity, or enforceability solely because such a contract is a smart contract or contains a smart contract provision.</i>
LB696	Ebke		Judiciary 01/19/2018	In Committee 01/08/2018	Increase the number of district court judges in Douglas County <i>LB696 increases the number of district court judges in Douglas County to seventeen.</i>
LB697	Ebke		Judiciary 01/19/2018	Select File 03/08/2018 Speaker Priority Bill	Change certain district court judicial district boundaries <i>LB697 moves Clay and Nuckolls counties to District No. 10, and moves Otoe county to District No. 1.</i>
LB708	Bolz		Judiciary 01/24/2018	General File 02/05/2018	Change provisions relating to juvenile court bridge orders <i>LB708 requires juvenile courts, when necessary and feasible, to obtain child custody determinations from foreign jurisdictions pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. LB708 also prohibits filing fees and other court costs when transferring jurisdiction from a juvenile court to a district court.</i>
LB715	Howard	Support	Appropriations 02/12/2018	In Committee 01/08/2018	State intent relating to appropriations to local public health departments <i>LB715 states the intent to appropriate to the Department of Health and Human Services \$900,000 from the General Fund for FY2018-19. The Department shall distribute \$50,000 to each of the local public health departments for the purpose of improving preventative health and promoting worksite wellness.</i>
LB720	Wayne		Urban Affairs 02/13/2018	In Committee 01/08/2018	Change applicability provisions for building codes <i>LB720 requires all state agencies to comply with local building and construction codes to the extent that such codes meet or exceed the standards of the state building code.</i>
LB729	Wayne	Monitor	Judiciary 01/25/2018	General File 02/28/2018 Speaker Priority Bill	Allow claims arising out of misrepresentation or deceit under the Political Subdivisions Tort Claims Act and State Tort Claims Act <i>LB729 allows for claims arising out of misrepresentation and deceit under the Political Subdivision Tort Claims Act and State Tort Claims Act.</i>
LB730	Wayne		Revenue 01/24/2018	In Committee 01/08/2018	Adopt the Ammunition Excise Tax Act <i>LB730 adopts the Ammunition Excise Tax Act. The Act imposes a tax upon the sale of ammunition by a retail dealer equal to 10% of the sales price of the ammunition sold. Fifty percent of the proceeds will be credited to the Wildlife Conservation Fund and Fifty percent will be credited to the Violence Prevention Case Fund. The tax will not apply to ammunition that is sold to federal or state agencies, or if the ammunition is blank ammunition.</i>
LB733	Thibodeau		Transportation and Telecommunications 01/16/2018	General File 01/25/2018	Change provisions relating to licenses of county highway and city street superintendents <i>LB733 allows for the holder of a Class B county highway or city street superintendent license who also hold a Class A license to extend the renewal date of their Class B license to coincide with the three-year renewal cycle of their Class A license.</i>
LB735	Blood		Urban Affairs 02/06/2018	General File 02/15/2018	Provide for interlocal agreements regarding nuisances <i>LB735 allows for cities and villages to enter into interlocal agreements under the Interlocal Cooperation Act with a county to provide for joint and cooperative action regarding nuisances within the city's extraterritorial zoning jurisdiction. Such agreement must be approved by the governing body of such city or village and the county board of such county.</i>

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LB741	Lindstrom		Banking, Commerce and Insurance 01/22/2018	General File 01/25/2018 Speaker Priority Bill	Change provisions relating to real property appraisers <i>LB741 changes the meaning of assignment to only the valuation service performed by an appraiser as a consequence of an agreement with a client. LB741 also states that an assignment result is the opinion or conclusions developed by an appraiser with performing valuation services. LB741 also eliminates real property associates as credential holders for purposes of section 76-2207.10.</i> <i>LB741 allows for assessment reports to be transmitted to a party authorized by the client. Lb741 also eliminates appointment requirements for the Real Property Appraiser Board. LB741 allows for reciprocal credentialing if the applicants jurisdiction of practice meets or exceeds the minimum requirements of the Real Property Appraiser Qualification Criteria as adopted and promulgated by the Appraiser Qualifications Board of the Appraisal Foundation. LB741 also eliminates some credentialing requirements relating to classroom work and continuing education.</i>
LB745	Watermeier		Revenue 02/01/2018	General File 02/14/2018 Speaker Priority Bill	Require notice relating to certain refunds of local sales and use taxes <i>LB745 requires the Tax Commissioner to notify the affected city, village, county, or municipal county of a refund claim of at least \$5,000 within 20 days after receiving the claim. If the refund is granted, the Tax Commissioner must give the city, village, county, or municipal county the option of having such refund deducted from its tax proceeds in either one lump sum or twelve equal monthly installments.</i>
LB748	Hansen		Urban Affairs 01/16/2018	General File 01/17/2018	Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies <i>LB748 allows for population thresholds to be determined by the most revised certified count by the United States Bureau of the Census.</i>
LB752	Brewer		Judiciary 02/08/2018	In Committee 01/08/2018	Limit the authority of certain political subdivisions to acquire rights-of-way <i>LB752 prohibits authorization of rights-of-way acquired on behalf of a third-party accessing the infrastructure to sell electric energy.</i>
LB758	Hughes		Natural Resources 01/17/2018	Approved by Governor (E- Clause) 02/28/2018 Natural Resources Priority Bill	Provide for voluntary payments in lieu of taxes on water augmentation project lands as prescribed <i>LB758 requires natural resource districts that acquire private land to develop and operate water augmentation projects for streamflow enhancement to collaborate with representatives of the county in which such land is located. The purpose of this collaboration is to lessen any impacts to such county's property tax base while also ensuring the objectives of the project are met.</i>
LB760	Hughes		Revenue 01/17/2018	General File 02/14/2018 Speaker Priority Bill	Change the Volunteer Emergency Responders Incentive Act <i>LB760 provides that a volunteer member's service and activities during 2016 and 2017 shall count toward qualification as an active emergency responder, active rescue squad member, or active volunteer firefighter for each respective year if certain steps are taken.</i>
LB770	McCollister	Support	Health and Human Services 02/07/2018	In Committee 01/08/2018	Change provisions relating to the Supplemental Nutrition Assistance Program <i>LB770 states the intent of the Legislature that hard work be rewarded and no disincentives to work exists for SNAP participants and that SNAP participants be enabled to advance in employment. It is also the intent of the Legislature that participants in employment and training pilot programs be able to maintain SNAP benefits while seeking employment with higher wages.</i>

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LB772	Walz		Revenue 01/19/2018	In Committee 01/08/2018	Change provisions relating to agricultural land that receives special valuation <i>LB772 creates separate requirements for special valuation based on the population of the county. If the county has a population of one hundred thousand or more, the land must be located outside the corporate boundaries of any sanitary and improvement district, city, or village and the land must be agricultural or horticultural. In counties with a population of less than one hundred thousand, the land must be located outside the corporate boundaries of any sanitary or improvement district and the land must be agricultural or horticultural.</i>
LB774	Pansing Brooks		Judiciary 01/24/2018	General File 01/30/2018	Change peace officers' duties regarding encounters with certain juveniles <i>LB774 eliminates expired provisions concerning peace officers' taking certain juveniles into temporary custody.</i>
LB776	McCollister	Oppose	Judiciary 01/18/2018	General File 01/30/2018 McCollister Priority Bill	Provide requirements for inmate access to telephone or videoconferencing systems in county and city jails <i>LB776 requires each county and city jail to make available either a prepaid telephone call system or collect telephone calls system for telephone services for inmates. The Jail Standards Board is required to ensure that county and city jails are providing inmates with affordable and meaningful means to communicate by telephone or videoconferencing with inmates' families, loved ones, and counsel.</i>
LB781	Pansing Brooks		Judiciary 02/09/2018	In Committee 01/08/2018	Change penalties for certain felonies committed by persons under nineteen years of age <i>LB781 prohibits mandatory minimum sentencing for any person convicted of a Class IC or Class ID felony when such person was under nineteen years of age.</i>
LB784	Vargas		Business and Labor 01/22/2018	In Committee 01/08/2018	Change the Employee Classification Act to prohibit contractors with unpaid fines from contracting with the state or political subdivisions <i>LB784 prohibits any contractor with unpaid fines for a violation of the Employee Classification Act from contracting with the state or any political subdivision until such fines are paid.</i>
LB786	Vargas		Government, Military and Veterans Affairs 01/17/2018	General File 03/13/2018	Change terminology related to county government <i>LB786 changes references to "he" to the title of the position.</i>
LB789	Ebke		Revenue 01/24/2018	In Committee 01/08/2018	Eliminate the marijuana and controlled substances tax <i>LB789 eliminates the marijuana and controlled substances tax.</i>
LB796	McDonnell		Transportation and Telecommunications 01/16/2018	In Committee 01/08/2018	Change allocation of the fee for an ignition interlock permit as prescribed <i>LB796 allocates \$25 of the fee to the State Treasurer for credit to the Violence Prevention Fund and \$15 to the Department of Motor Vehicles Ignition Interlock Fund.</i>
LB797	McDonnell		Judiciary 02/21/2018	In Committee 01/08/2018	Change penalties for second and third degree arson <i>LB797 makes Arson in the second degree a Class IIA felony. LB797 also makes arson in the third degree, if the damages are one thousand dollars or more, a Class IIIA felony. If the damage is between five hundred and one thousand dollars, it is a Class IV felony. For damages less than five hundred, a Class I Misdemeanor.</i>
LB810	Harr		Judiciary	Withdrawn 01/19/2018	Change provisions of State Tort Claims Act relating to certain claims arising out of misrepresentation or deceit by the Department of Health and Human Services (Motion made by Sen. Harr, found on Journal Page 318.) <i>LB810 exempts from the State Tort Claims Act any claim arising out of a misrepresentation or deceit. This exemption will not apply to claims arising out of misrepresentation or deceit by the Department of Health and Human Services for failing to warn, notify, or inform of a ward's history as a victim or perpetrator of sexual abuse in cases of adoption or placement.</i>

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LB818	Chambers		Judiciary 01/18/2018	General File 02/20/2018	Change powers and duties relating to the Jail Standards Board <i>LB818 eliminates a provision restricting the powers of the Jail Standards Board and gives the Board the authority over and responsibility for correctional facilities that are accredited by a nationally recognized correctional association.</i>
LB825	Brewer		Government, Military and Veterans Affairs 01/17/2018	General File 03/12/2018	Change provisions relating to budgets and public hearing notice for certain governmental entities <i>LB825 eliminates the definition of qualified sinking fund. LB825 also exempts from the limitations in section 13-520 restricted funds pledged to retire bonds as defined in subdivision (1) of section 10-134 and approved according to law and restricted funds. LB825 also changes the notice requirement for special public hearings associated with property taxes. Under LB825, notice must be published in a newspaper of general circulation at least four calendar days prior to the hearing. Those four calendar days include the day of publication, but not the day of the hearing.</i>
LB829	Erdman		Revenue 01/25/2018	In Committee 01/08/2018 Erdman Priority Bill	Adopt the Property Tax Relief Act <i>LB829 adopts the Property Tax Relief Act. Under this Act, each taxpayer is allowed a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 in the amount of 50% of the school district taxes levied on the taxpayer's property.</i>
LB831	Wayne	Oppose	Government, Military and Veterans Affairs 01/25/2018	In Committee 01/08/2018	Provide annual salary limitations for elected officials of political subdivisions <i>LB831 prohibits political subdivisions from paying any elected member of their legislative body an annual salary that is more than two times the annual salary of the member of the Legislature.</i>
LB834	Howard		Health and Human Services 01/24/2018	In Committee 01/08/2018	Provide for waiver of certain occupational and licensing fees as prescribed <i>LB834 waives all initial occupational fees and fees from licensing requirements for low-income individuals, military families, and young workers.</i>
LB841	Pansing Brooks		Judiciary 01/17/2018	General File 02/28/2018 Judiciary Priority Bill	Provide duties relating to correctional overcrowding emergencies <i>LB841 requires the Board of Parole to submit a proposed plan before December 1, 2018 describing the process of implementing the accelerated parole review process.</i>
LB842	Pansing Brooks		Judiciary 02/01/2018	In Committee 01/08/2018	Change provisions relating to certain minimum sentences <i>LB842 requires that the minimum sentence for any class of felony other than Class III, IIIA, or IV not be less than the minimum or mandatory minimum provided and not greater than one-third of the maximum term.</i>
LB846	Briese		Urban Affairs 01/30/2018	IPP (Killed) 02/15/2018	Change provisions relating to findings and the enforceability of certain agreements under the Community Development Law <i>LB846 requires the findings of a governing body regarding redevelopment plans be supported by clear and convincing evidence and documented in writing. The governing body's reasons for making such findings must also be documented, include an analysis of the redevelopment project's return on investment, and supported by at least two affidavits from experts in the field of public finance.</i> <i>LB846 also provides that in any suit, action, or proceeding against the validity of an agreement for a redevelopment project, the agreement will be valid and enforceable only if the city, village, or authority proves, by clear and convincing evidence, that the redevelopment plan is not economically feasible without the use of tax-increment financing and the project would not occur in the community redevelopment area without the use of tax-increment financing.</i>
LB848	Ebke		Judiciary 01/19/2018	General File 01/30/2018	Correct a provision relating to possession of a deadly weapon by a prohibited person <i>LB848 makes a provision relating to possession of a deadly weapon by a prohibited person grammatically correct.</i>

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LB850	Linehan		Government, Military and Veterans Affairs 01/31/2018	In Committee 01/08/2018	Require disclosure of the anticipated cost to a political subdivision to pay off its bonds <i>LB850 requires a subdivision that issues bonds on or after August 1, 2018 to disclose the anticipated cost to the political subdivision of paying off the bonds according to their terms.</i>
LB852	Bolz		Judiciary 02/01/2018	In Committee 01/08/2018	Provide for medical release of and additional rehabilitative options for committed offenders and allow the use of certain funds for peer and family support programs <i>LB852 allows for offenders who, because of a medial or physical condition, are determined to be terminally ill or permanently incapacitated to be considered for medical release. Medical release may only be granted after a review of the offender's relevant records and any such additional medical evidence determined to be necessary. The department must require the offender to agree to placement for medical treatment for a definite or indefinite period of time. If the condition of the offender improves, the department may direct that they return to the custody of the department to await a hearing to determine whether the medical release should be terminated.</i>
LB853	Bolz		Judiciary 02/01/2018	In Committee 01/08/2018	To authorize certain Department of Correctional Services contracts <i>LB853 allows for the Department of Correctional Services to continue to contract with county jail facilities to house certain inmates on a temporary basis.</i>
LB854	Quick		Urban Affairs 01/23/2018	General File 01/26/2018	Expand the number of municipalities which why create a land bank and change land bank powers and board requirements <i>LB854 eliminates restrictions on the definitions of municipalities for purposes of the Nebraska Municipal Land Bank Act. LB854 allows for persons designated by a village board of trustees to sit on the boards of created land banks.</i>
LB855	Lindstrom		Judiciary 02/07/2018	General File 02/12/2018	Change Security, Privacy, and Dissemination of Criminal History Information Act provisions to provide for charges or offenses that have been pardoned <i>LB855 allows for persons who have received a pardon to petition with the county or district court for an order to seal the criminal history information related to such charges and conviction.</i>
LB861	Watermeier	Support	Appropriations 02/13/2018	Select File 03/09/2018 Appropriations Priority Bill	Require that certain prosecution costs be paid by the state <i>LB861 requires the costs of prosecution in excess of the threshold amount be paid by the State if the county's costs of prosecution relating to a single correctional institution incident exceed the threshold amount.</i>
LB862	Howard		Health and Human Services 02/22/2018	In Committee 01/08/2018	Adopt the Prescription Drug Cost Transparency Act <i>LB862 adopts the Prescription Drug Cost Transparency Act. The Act applies to the manufacturer of a prescription drug that is purchased or the price of which is reimbursed by either a state purchaser in Nebraska, a health maintenance organization producer, a health insurer authorized to transact sickness and accident insurance benefits, a fraternal benefit society, or a pharmacy benefit manager. The Act requires manufacturers of prescription drugs with ah wholesale acquisition costs of more than forty dollars to provide notice if the increase in the acquisition costs is more than 16%. The notice must be issued at least sixty days prior to the increase. Pharmacy benefit managers who receive notice of an increase must provide notice to contracting public and private purchases which provide coverage for more than five hundred lives. The Act also requires manufacturers to provide, each quarter, specific information to the Department for each prescription drug for which they were required to give notice of an acquisition cost increase. <i>The Act also requires manufacturers to notify the department in writing if they introduce a new prescription drug to market at a wholesale acquisition cost that exceed the threshold set for a specialty drug under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 at least three days after the release.</i></i>

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LB869	Pansing Brooks		Judiciary 02/09/2018	In Committee 01/08/2018	Change provisions relating to sealing of juvenile records <i>LB869 requires county and city attorneys to inform juveniles that their record will be automatically sealed if the criminal petition is dismissed, if the juvenile has completed a diversion program, or if the juvenile has completed their imposed sentence. The notice must also inform the juvenile that, if the record is not sealed, the juvenile's parent or guardian may file a motion to seal with the court when the juvenile reaches the age of majority or six months have passed since the case was closed. LB869 also creates new authorized persons that may inspect records that have been ordered sealed.</i>
LB870	Pansing Brooks	Monitor	Judiciary 01/24/2018	In Committee 01/08/2018	Provide for room confinement for juveniles as prescribed <i>LB870 requires documentation of room confinement of a juvenile for longer than one hour over a twenty-four-hour period. LB970 prohibits room confinement of a juvenile as punishment, due to a staffing shortage, or for the purpose of retaliation by staff. LB970 also prohibits room confinement of a juvenile unless all other less-restrictive alternatives have been exhausted, and the juvenile poses an immediate and substantial risk of harm to self or others.</i> <i>LB870 prohibits holding a juvenile in room confinement longer than necessary to eliminate the substantial and immediate risk of harm to self or others, and requires that room confinement only be done for a period that does not compromise or harm the mental or physical health of the juvenile. LB970 outlines various other requirements of room confinement of juveniles.</i>
LB871	Wishart		Appropriations 02/13/2018	In Committee 01/08/2018	Appropriate funds to the Department of Correctional Services <i>LB871 appropriates \$XXX from the General Fund for FY2018-19 to the Department of Correctional Services for Program 200. This appropriation must be used to fund a longevity pay plan for all employees of the department who are employed beginning no later than January 1, 2019.</i>
LB872	Harr		Judiciary 02/21/2018	In Committee 01/08/2018	Change provisions relating to appeals by prosecutors <i>LB872 allows the prosecuting attorney to take exception to any ruling or decision of the court made during the prosecution of a cause by filing with the clerk of the district court a notice of intention to prosecute an appeal within thirty days after the entry of a judgment, decree, or final order. LB872 prohibits any judgment of the court being reversed in any manner when doing so would violate the Double Jeopardy Clause of the Constitution. LB872 allows for prosecutors to appeal the sentence of misdemeanors when they have a reasonable belief that the sentence is excessively lenient.</i>
LB874			Urban Affairs 01/30/2018	Final Reading 03/08/2018 Urban Affairs Priority Bill	Change the Community Development Law <i>LB874 requires each city that has created a community development authority or limited community development authority to give to governing body of each county and school district the opportunity to appoint a nonvoting member of the authority or limited authority.</i> <i>LB874 also allows the Auditor of Public Accounts to audit, or cause to be audited, any authority established or any redevelopment plan of such authority when the Auditor determines such audit is necessary or when requested by the governing body. LB874 also includes in the definition of Redevelopment project work undertaken to clear structures in the redevelopment project area which exceed minimum building and design standards in the community and prevent the recurrence of substandard and blighted conditions. LB874 also adds and eliminates other definitions associated with the Community Development Law.</i> <i>LB874 requires that any loan made for the purpose of financing a redevelopment project that includes the division of taxes only be used for such purpose, and any proceeds form repayment of the loan must be deposited in the city's general fund and may not be used to establish a revolving loan fund.</i> <i>LB874 also requires the governing body of a city, prior to declaring an area substandard or blighted, to conduct a study or an analysis on whether the area is actual substandard and blighted. The planning commission must then hold a public hearing on the question after giving reasonable notice at least once a week for two consecutive weeks prior to the hearing. After such hearing, the planning commission must submit their recommendations to the governing body. The governing body must then hold a public hearing on those recommendations.</i> <i>Under LB874, governing authorities must include impacts on the student population of school districts in their cost-benefit model analysis of the redevelopment project. LB874 requires that copies of the cost-benefit analysis be posted on the city's website or made available for public inspection. LB874 prohibits a reimbursement of costs incurred prior to the approval of the redevelopment project for projects that include the division of taxes, with exceptions.</i>

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					<i>LB874 requires each city that as approved one or more redevelopment plans include in their report to the Property Tax Administrator a list of all projects that have been audited since the last report and a list of all projects to be audited in the next twelve months. LB874 also includes new reporting requirements for planning commissions and governing bodies of cities.</i>
					<i>LB874 requires any contract for a redevelopment plan or project that includes the divisions of taxes include a provision requiring the redevelopment to retain copies of all supporting documents associated with the plan or project for three years.</i>
LB875	Bolz		Judiciary 02/09/2018	In Committee 01/08/2018	Change sentencing provisions for crimes committed by persons under the age of eighteen <i>LB875 prohibits the death penalty or life imprisonment from being imposed upon any person for an offense committed with such person was under the age of eighteen. LB875 also sets the penalty for any person conceited of a Class IB felony for an offense committed while under the age of eighteen. The maximum of such sentence shall be no greater than life imprisonment and the minimum sentence must be twenty years.</i>
LB878	Ebke	Monitor	Judiciary 01/18/2018	General File 01/30/2018	Provide requirements for testimony by jailhouse informants <i>LB878 presumes that the testimony of a jailhouse informant is unreliable. LB878 applies to any case in which a suspect or defendant is charged with any offense. LB878 requires prosecutors to keep a record of the use of testimony or information provided by a jailhouse informant against a suspect or defendant's interest while the informant was imprisoned or confined, and any benefits offered or provided to the informant in exchange for such testimony.</i> <i>Under LB878, if a prosecutor intends to use the testimony of a jailhouse informant, they must disclose to the defense any information in their possession, custody, or control including the criminal history of the informant, any benefit or deal made with the informant, the specific statements allegedly made by the defendant against which the informant will testify, any previous testimony by the informant, and any occasion in which the informant had previously recanted testimony. This information must be disclosed as soon as practicable, and no later than thirty days before trial.</i> <i>LB878 requires the court to conduct a hearing to determine whether testimony from the jailhouse informant is reliable, unless waived by the defendant. The prosecutor must demonstrate reliability by clear and convincing evidence. LB878 also provides a standard cautionary instruction to be delivered by the court to the jury anytime the testimony of a jailhouse informant is used.</i>
LB881	Schumacher		Revenue 01/18/2018	General File 01/24/2018	Change inheritance tax provisions relating to life insurance proceeds <i>LB881 exempts from the inheritance tax proceeds of life insurances receivable by a trustee or either an inter vivos trust or a testamentary truest unless the beneficiary of the trust is the decedent's estate.</i>
LB882	Schumacher		Revenue 01/18/2018	General File 01/24/2018	Change provisions relating to certain inheritance tax proceedings <i>LB882 updates some language concerning certain inheritance tax proceedings.</i>
LB884	Harr	Monitor	Revenue 01/18/2018	In Committee 01/09/2018	Change and eliminate provisions relating to county sales and use taxes <i>LB884 allows for the imposed sales and use taxes to be used for economic development or manufacturing/industrial site development. LB884 also eliminates applicability to municipalities in certain sections.</i>
LB885	Harr	Oppose	Revenue 01/19/2018	General File 02/07/2018	Change provisions relating to property tax protests <i>LB885 requires property tax protests to indicate whether the person signing the protest is the owner of the property. If the person signing the protest is not the owner of the property, the county clerk must mail a copy of the protest to the owner.</i>
LB887	Murante		Government, Military and Veterans Affairs 01/18/2018	General File 02/23/2018	Clarify requirements for exceeding budget limitations under the Nebraska Budget Act <i>LB887 clarifies that an affirmative vote of at least 75% of all members of the governing body are required before a governmental unit may exceed the provided limit by up to an additional one percent.</i>

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LB896	Geist		Transportation and Telecommunications 01/22/2018	General File 01/25/2018	Change provisions relating to electronic certificates of title, salvage vehicles, and the electronic dealer services system and Vehicle Title and Registration System maintained by the Department of Motor Vehicles <i>LB896 contains new provisions concerning the issuance of title regarding the transfer of ownership of a motorboat or vehicle by either inheritance, sold to satisfy storage or repair charges, or repossession. LB896 also requires a wrecker or salvage dealer to report electronically to the DMV using an electronic reporting system beginning on the implementation date designated by the Director. LB896 also requires electronic reporting by insurance companies regarding salvaged vehicles.</i> <i>LB896 also requires assignments of identification numbers for trailers which are not required to have a certificate of title.</i> <i>LB896 states the intent of the Legislature that the DMV maintain and further improve the Vehicle Title and Registration System and provide for technological updates to electronic certificates of title. The DMV is also required to provide for an electronic reporting system for salvage and junked motorboats and vehicles.</i>
LB899	Erdman	Monitor	Revenue 01/25/2018	In Committee 01/09/2018	Provide for an adjustment to the assessed value of destroyed real property <i>LB899 defines destroyed real property as real property that is destroyed by fire or other natural disaster after January 1 and before October 1 or any year. LB899 also makes it the duty of the county assessor to report to the county board of equalization all real property in their county that becomes destroyed real property during any year. After receipt of this report, the county board of equalization must adjust the assessed value of the destroyed real property as prescribed in LB899.</i>
LB900	Bostelman		Transportation and Telecommunications 01/23/2018	General File 02/07/2018	Adopt and update references to federal law relating to transportation and increase fines for violations of certain motor carrier statutes and regulations <i>LB900 updates references to federal law. LB900 exempts from the hazardous materials endorsement Class A commercial driver's license holders if the driver is operating with the state and acting within the scope of their employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder. The driver must also be operating a service vehicle that is transporting diesel in a quantity of one thousand gallons or less that is clearly marked with a flammable or combustible placard.</i> <i>LB900 also provides that the maximum gross weight for any vehicle operated by an engine fueled primarily by natural gas may exceed the gross vehicle weight limitations provided in subsection (3) in an amount equal to the difference between the weight of the natural gas tank and fueling system carried and the weight of a comparable diesel tank and fueling system as long as the gross weight does not exceed 82,000 pounds.</i> <i>LB900 allows the superintendent to impose a civil penalty up to \$15,727 against a motor carrier transporting persons or property in interstate commerce for violation of subdivision (2)(e) of section 60-4,162. LB900 also allows the superintendent to impose a civil penalty against a driver operating a commercial motor vehicle in violation of an out-of-service order of at least \$3,034 for a first violation and at least \$6,068 for subsequent violations.</i>
LB902	Bostelman		Government, Military and Veterans Affairs 01/18/2018	General File 03/12/2018 Bostelman Priority Bill	Authorize the withholding from the public of information regarding firearm registration, possession, sale, or use <i>LB902 authorizes the withholding of records concerning information obtained by any government entity regarding firearm registration, possession, sale, or use that is obtained for the purpose of an application permitted or required by law.</i>
LB904	Vargas		Banking, Commerce and Insurance 01/23/2018	In Committee 01/09/2018	Prohibit the charging of certain fees under the Credit Services Organization Act <i>LB904 prohibits a credit services organization from charging any brokerage fees or any other fees in connection with a loan governed by the Nebraska Installment Loan Act.</i>
LB905	Kuehn	Oppose	Revenue 01/19/2018	In Committee 01/09/2018	Change the burden of proof for certain protests of real property valuations <i>LB905 places the burden of proof on the county assessor to show that their assessed value is equitable and in accordance with the law at any hearing on a protest regarding real property.</i>

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LB906	Williams		Judiciary 01/26/2018	General File 02/05/2018 Speaker Priority Bill	Change provisions relating to Schedule I controlled substances <i>LB906 provides exemptions for substances on the list of exempted products of the Drug Enforcement Administration of the United States Department of Justice as the list existed on November 9, 2017.</i>
LB907	Baker		Revenue 02/01/2018	In Committee 01/09/2018	Change provisions relating to a sales and use tax exemption for agricultural machinery and equipment <i>LB907 includes a definition for agricultural machinery and equipment in the exemption from sales and use tax on gross receipts from the sale, lease, or rental or depreciable agricultural machinery and equipment for use in commercial agriculture. Agricultural machinery and equipment means tangible personal property that is used directly in cultivating or harvesting a crop, raising or caring for animal life, protecting the health and welfare of animal life, or collecting or processing an agricultural product on a farm or ranch.</i>
LB910	Bolz		Revenue 02/23/2018	In Committee 01/09/2018	Adopt the Property Tax Circuit Breaker Act and change the funding of the Property Tax Credit Act <i>LB910 adopts the Property Tax Circuit Breaker Act. The purpose of the Act is to provide tax relief though a refundable income tax credit for taxpayers with limited income available to pay property taxes. The Act allows for qualifying agricultural taxpayers to apply to the department for a refundable income tax credit from Jan 1 to April 15. If the department determines that the taxpayer qualifies for the tax credit under the Act, the taxpayer will be granted a tax credit in an amount equal to the amount of property taxes paid on agricultural and horticultural land during the most recent tax year minus seven percent of the taxpayer's federal adjusted gross income. The department is prohibited from certifying tax credits in excess of one hundred five million dollars for each taxable year.</i> <i>The Act also allows for qualifying residential taxpayer to apply to the department for a refundable income tax credit from Jan 1 to April 15 of each year. If the department determines that the taxpayer resided at the property described on the application for at least six months of the most recent taxable year, the department must grant the taxpayer a tax credit calculated pursuant to the Act. The Act provides the computations tax credits concerning residential taxpayers. The department is prohibited from certifying tax credits in excess of one hundred nineteen million dollars for each taxable year.</i>
LB911	Bolz		Revenue 02/14/2018	In Committee 01/09/2018	Adopt the School District Local Option Income Surtax Act <i>LB911 adopts the School District Local Option Income Surtax Act. The Act allows the school board of any school district to impose a local option income surtax for property tax reduction or building construction, remodeling, and site acquisition. This surtax will be imposed upon individuals who reside in the school district. The surtax must be equal to the individual's state income tax liability, less any amount of nonrefundable credits allowed under state law, multiplied by a rate determined by the school board, not to exceed twenty percent. The Act also allows a school board, by majority vote, to pass a resolution to place the issue of enacting a local option surtax before the registered voters of the school district at any primary, general, or special election. The surtax will be collected at the same time and in the same manner as the state individual income tax. The Tax Commissioner will then determine the total local option income surtax owed to each school district and distribute such amounts accordingly.</i>
LB913	McDonnell		Judiciary 01/31/2018	Select File 03/06/2018 McDonnell Priority Bill	Change provisions relating to assault with a bodily fluid against a public safety officer <i>LB913 includes health care professionals in the definition of public safety officers for purposes of assault with a bodily fluid against a public safety officer.</i>
LB922	Vargas		Health and Human Services 02/15/2018	In Committee 01/10/2018	Adopt the All Kids Health Care Program Act <i>LB922 adopts the All Kids Health Care Program Act. The Act creates the All Kids Health Care Program. Children under 19 with a family income equal to or less than two hundred percent of the OMB income poverty guidelines who meet all eligibility requirements under the Medical Assistance Act but for their immigration status will be eligible for the All Kids Health Care Program. Eligible children will not be considered nonresidents of Nebraska based solely upon their immigration status. The Program will provide eligible children with the same benefits and services provided under the medical assistance program. The Program will be separate from the medical assistance program, but will be administered by DHHS in the same manner to the greatest extent possible.</i>

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LB923	Morfeld		Judiciary 01/31/2018	General File 02/05/2018 Speaker Priority Bill	Provide immunity for certain law enforcement employees administering naloxone and change provisions relating to immunity for persons reporting or experiencing alcohol overdoses
<p><i>LB923 includes a definition for law enforcement employees. Law enforcement employee means an employee of a law enforcement agency, a contractor of a law enforcement agency, or an employee of such contractor who regularly, as part of their duties, handles, processes, or is likely to come into contact with any evidence or property which may include or contain opioids.</i></p> <p><i>LB923 also requires that any request for emergency medial assistance in response to a possible alcohol overdose be made in good faith in order for immunity to apply.</i></p>					
LB924	Riepe		Health and Human Services 01/24/2018	In Committee 01/10/2018	Change provisions of the Emergency Medical Services Practice Act, the Occupational Therapy Practice Act, and the Uniform Credentialing Act
<p><i>LB924 eliminates references to "out-of-hospital emergency care providers" and adds a definition for Emergency Care Provider. LB924 subjects those who are applying for an initial license to practice as a registered nurse or a licensed practical nurse to a criminal background check. LB924 also adds definitions for advanced emergency medical technician, emergency medical responders, emergency medical technician-intermediate, and paramedic.</i></p> <p><i>LB924 also requires at one of the three physician members of the board be specialized in pediatrics. LB924 also requires the board to adopt rules and regulations necessary to create licensure requirements for advanced emergency medical technicians, critical care paramedics, emergency medical responders, emergency medical technicians, and paramedics. LB924 also limits temporary licenses so that they only allow a person to practice in association with a</i></p> <p><i>licensed emergency care provider under physician medical direction. A provision that required the board to establish requirements for orientation of registered nurses, physician's assistances, and physicians involved in the supervision of emergency medical personal and establish supervisory and training requirements of the physician medical director or other person in charge of the medical staff is eliminated. A provision that adopted the United States Department of Transportation National Emergency Medical Services Education Standards and the National Emergency Medical Services Scope of Practice is eliminated.</i></p> <p><i>LB924 requires the department to adopt and promulgate rules and regulations that provide for the inspection, review, and termination of basic life support emergency medical services and advanced life support emergency medical services.</i></p> <p><i>LB924 also eliminates the references to licensure requirements from nationally recognized medial associations and makes all licensure requirements subject to board approval.</i></p>					
LB925	Pansing Brooks		Judiciary 02/09/2018	Introduced 01/09/2018	Change provisions relating to certain sex crimes and crimes against children
<p><i>LB925 makes child abuse a Class IIA felony if the offense is committed negligently and results in serious bodily harm. LB925 also makes child abuse a Class II felony if the offense is committed negligently and results in the death of such child. LB925 also exempts from prosecution for labor trafficking or sex trafficking unless the indictment is found by the grand jury within seven years after the offense has been committed or within seven years next after the victim's 16th birthday.</i></p>					
LB926	Crawford		Revenue 02/15/2018	In Committee 01/10/2018	Exempt members of the armed forces on active duty and their spouses from motor vehicle taxes
<p><i>LB926 exempts from motor vehicle taxes members of the armed forces on active duty and their spouses.</i></p>					
LB927	Howard		Judiciary 02/22/2018	In Committee 01/10/2018	Change provisions relating to juveniles' out-of-home placement, care, and custody
<p><i>LB927 gives responsibility for juvenile placement and care with the Division of Children and Family Services within DHHS after July 1, 2019.</i></p>					
LB930	Hansen		Judiciary 02/09/2018	In Committee 01/10/2018	Prohibit use of juveniles' statements made as a result of custodial interrogation
<p><i>LB930 prohibits use of a juvenile's statement made as a result of custodial interrogation unless the juvenile's parents, guardian, or custodian was present, and the juvenile was advised of his right to counsel and right to remain silent and a knowing, intelligent, and voluntary waiver of those rights was made.</i></p>					

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LB931	Howard		Judiciary 01/26/2018	Select File 02/28/2018 Howard Priority Bill	Provide requirements for opiate prescriptions <i>LB931 prohibits practitioners from prescribing more than a seven-day supply of opiates to a patient younger than nineteen years of age for outpatient use. The practitioner may only prescribe more than a seven-day supply if, in the professional medical judgment of the practitioner, more than a seven-day supply is necessary for the treatment of chronic pain management or pain associated with a cancer diagnosis or for palliative care.</i>
LB932	Howard		Judiciary 02/01/2018	Introduced 01/09/2018	Provide discharge planning duties for the medical director of the Department of Correctional Services <i>LB932 requires the medical director of the Department of Correctional Services to development a system of general discharge planning, including a protocol to determine whether or not an inmate soon to be released should be prescribed and dispensed a medication-assisted treatment that could assist in reducing or eliminating the inmate's use of opiates.</i>
LB933	Lindstrom		Judiciary 01/26/2018	General File 02/12/2018	Provide prescription requirements for certain controlled substances <i>LB933 requires medical practitioners to discuss enumerated topics with patients eighteen years or younger prior to prescribing a controlled substance listed in Schedule II or any other opiate not listed in Schedule II.</i>
LB934	Kuehn		Judiciary 01/26/2018	General File 02/12/2018	Require identification prior to receipt of dispensed opiates <i>LB934 requires a customer to display a valid identification prior to receiving dispensed opiates listed in Schedule II, III, or IV.</i>
LB937	Stinner		Revenue 02/23/2018	In Committee 01/10/2018	Change filing fees for appeals to the Tax Equalization and Review Commission <i>LB937 establishes that, for each appeal or petition regarding the taxable value of a parcel of real property, the filing fee will be: (1) forty dollars if the taxable value of the parcel is less than two hundred fifty thousand dollars; (2) fifty dollars if the taxable value of the parcel is at least two hundred fifty thousand dollars but less than five hundred thousand dollars; (3) sixty dollars if the taxable value is at least five hundred thousand dollars but less than one million dollars; or (4) one hundred dollars if the taxable value of the parcel is at least one million dollars. For any other appeal or petition filed with the commission, the filing fee will be forty dollars.</i>
LB938	Stinner		Appropriations 02/08/2018	In Committee 01/10/2018	Change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund <i>LB938 requires the tax commissioner to determine, within 15 days after the end of each fiscal year: actual General Fund net receipts minus estimated General Fund new receipts; and fifty percent of the product of actual General Fund net receipts for the most recently completed fiscal year times the difference between the annual percentage increase in the actual General Fund net receipts and the average annual percentage increase in the actual General Fund new receipts of the ten previous fiscal years.</i> <i>IF one or both of the numbers determined are positive, the greater of the two numbers must be certified by the Commissioner and transferred to the Cash Reserve Fund. If such transfer causes the balance in the Cash Reserve Fund to exceed sixteen percent of the total budget General Fund expenditures for the current fiscal year, such transfer must be reduced so that the balance of the Cash Reserve Fund does not exceed such amount.</i>
LB941	Wayne		Revenue 02/27/2018	In Committee 01/10/2018	Change the calculation of the tax on the average wholesale price of gasoline <i>LB941 establishes that the minimum average wholesale price of gasoline to be used to calculate the tax be two dollars and forty-for cents beginning on and after July 1, 2018.</i>
LB943	Wishart	Support	Government, Military and Veterans Affairs 01/31/2018	In Committee 01/10/2018	Redefine a term relating to budget limitations <i>LB943 changes the definition of allowable growth to mean, for governmental units other than community colleges, the percentage increase in taxable valuation. For community colleges, allowable growth is the percentage increase in excess of the base limitation established in section 77-3446. The provisions of LB943 do not affect school district budgets or TEOSSA.</i>

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LB947	Smith		Revenue 01/31/2018	In Committee 01/11/2018 Smith Priority Bill	Adopt the Nebraska Property Tax Cuts and Opportunities Act, change income tax rates, and eliminate certain exemptions and credits <i>LB947 adopts the Nebraska Property Tax Cuts and Opportunities Act. The Act allows to each resident individual who is an owner of a homestead a refundable income tax credit equal to a percentage of the property taxes paid on such homestead, not to exceed the prescribed limitations. For taxable year 2018, the refundable credit will be 10%, and the percentage will increase as prescribed by the Act but may not exceed 30%. If the property taxes on a homestead are paid by a corporation, partnership, LLC, a trust, or an estate, the amount of property taxes paid will be allocated to the shareholders, partners, members, or beneficiaries in the same proportion that the income is distributed.</i> <i>The Act also allows for a refundable income tax credit for each resident individual equal to the percentage of property taxes paid during the taxable year on agricultural and horticultural land, farm sites, and improvements on farm sites. LB947 eliminates the exemption provided in the Personal Property Tax Relief Act after 2019. LB947 also eliminates reductions in value of tangible personal property owned by railroads after 2019. Exemptions for air carriers are also eliminated after 2019. LB947 also creates new tax brackets and rates for taxable years after 2019 for both individuals and corporations.</i> <i>LB947 also requires the State Treasurer to transfer the unobligated balance from the Property Tax Credit Cash Fund to the General Fund on or before September 2018. LB947 also discontinues relief under the Property Tax Credit Act for tax year 2018 and every tax year after. LB947 requires, beginning July 2019, the State Treasurer to transfer excess amounts from the General Fund to the Cash Reserve fund if the excess amount is less than one percent of the estimated General Fund new receipts for the fiscal year. If the excess amount is one percent or more, the State Treasurer must transfer the amount by which the excess exceeds one percent from the General Fund to the Cash Reserve Fund.</i> <i>The State Treasurer must transfer \$5,000,000 from the General Fund to the Job Training Cash Fund on or before July 15, 2018 and another \$5,000,000 on or before July 15, 2019.</i>
LB963	Smith	Oppose	Revenue 02/07/2018	In Committee 01/11/2018	Change how often real property is inspected and reviewed for property tax purposes <i>LB963 requires that real property be inspected and reviewed for property tax purposes no less frequently than every three years.</i>
LB964	McDonnell	Oppose	Judiciary 02/14/2018	In Committee 01/11/2018	Authorize mental health professionals to take a person into emergency protective custody under the Nebraska Mental Health Commitment Act <i>LB964 allows for mental health professionals, who have probable cause to believe that a person is mentally ill and dangerous or a danger sex offender, to take such person into emergency protective custody.</i>
LB971	Wayne	Monitor	Judiciary 01/26/2018	General File 02/12/2018	Change a penalty for possession under the Uniform Controlled Substances Act <i>LB971 makes possession of a controlled substance in an amount up to and including one gram or fewer than ten pills a Class I misdemeanor. For amounts weighing more than one gram or more than ten pills, a Class IV felony.</i>
LB977	Wayne	Support	Judiciary 02/23/2018	General File 03/08/2018	Make post-release supervision optional for Class IV felonies <i>LB977 allows for post-release supervision to be imposed for Class IV felonies at the discretion of the judge.</i>
LB982	Morfeld		Judiciary 02/14/2018	General File 03/08/2018	Provide for persons eighteen years of age or older to consent to certain behavioral health services <i>LB982 allows for individuals eighteen years of age or older to consent to mental health services for themselves without the consent of their parent or guardian.</i>
LB985	Howard		Appropriations 02/12/2018	In Committee 01/17/2018	Provide for state funding of prenatal care under the medical assistance program <i>LB985 requires the Legislature to ensure that sufficient funds are appropriated to cover the costs of prenatal care if federal funding is no longer available.</i>

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LB989	Wishart		Transportation and Telecommunications 02/13/2018	In Committee 01/17/2018 Wishart Priority Bill	Authorize testing of autonomous vehicles by a city of the primary class on its roadways <i>LB989 allows a city of the primary class or a partnership of such city and a private entity to conduct pilot projects involving the testing of autonomous vehicles without a driver, a driver's seat, a steering wheel, a brake pedal, or an accelerator pedal. The testing must be limited to a specific area designed by the city, the autonomous vehicle may only operate at speeds less than 35 mph, and the city must obtain insurance and submit a description of the testing to the Department of Transportation.</i>
LB990	Wayne		Judiciary 02/08/2018	General File 03/08/2018 Wayne Priority Bill	Create the offense of possession of a firearm by a prohibited juvenile offender <i>LB990 states that a person under the age of twenty-five who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if they: have previously been adjudicated as offender for an act that would constitute a felony or a misdemeanor crime of domestic violence; are a fugitive from justice; or the subject of a current and validly issued domestic violence protection order. Possession of a firearm by a prohibited juvenile offender is a Class IIIA felony for a first offense and a Class III felony for a second or subsequent offense. LB990 also allows for juveniles who are prohibited to petition the court for exemption from such prohibition and provides guidelines for the court to consider when considering such petition.</i>
LB992	Bolz		Judiciary 02/15/2018	In Committee 01/17/2018	Provide for release from a residential lease for a victim of domestic violence and eviction of a perpetrator of domestic violence <i>LB992 prohibits a landlord from taking action against a tenant or household member if such person is a victim of domestic violence that seeks assistance from a qualified third party. If a landlord terminates a lease because of the perpetration of domestic violence on the property, the landlord may elect to terminate the rental agreement as to the perpetrator alone. Even if the perpetrator is evicted, they are still liable for all amounts due under the terms and condition of the rental agreement. LB992 also allows for victims of domestic violence to obtain a release from a rental agreement if they have obtained a protective order or sought assistance form a qualified third party.</i>
LB993	Friesen		Transportation and Telecommunications 02/05/2018	Select File 03/12/2018 Geist Priority Bill	Create the 911 Service System Advisory Committee and change the 911 Service System Act and eliminate the act's termination date <i>LB993 creates the 911 Service System Advisory Committee. The committee will advise the commission concerning the implementation, coordination, operation, management, maintenance, and funding of the 911 service system and provide input on technical training and quality assurance. LB993 also eliminates a responsibility of the commission to consult with and seek advice and assistance from stakeholders. LB993 also adds new responsibilities of the commission. LB993 allows the commission to apply for any federal or other funds available for next-generation 911 service and distribution such funds consistent with their applicable directives. LB993 provides immunity for any person involved in the provision of next-generation 911 services in certain situations.</i>
LB997	Murante	Oppose	Government, Military and Veterans Affairs 01/25/2018	In Committee 01/17/2018	Provide limits on salaries of administrative employees of political subdivisions <i>LB997 prohibits political subdivisions from spending more than five percent of its budgets for salaries and benefits for administrative employees whose primary responsibilities are supervisory or supportive in nature.</i>

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LB999	Vargas		Education 02/13/2018	In Committee 01/17/2018	Change provisions relating to the Student Discipline Act
<p><i>LB999 requires principals to send written statements to students after a suspension describing the student's conduct or violation within forty-eight hours. LB999 also requires suspended students to be given an opportunity to complete any classwork and homework missed during the suspension. The opportunity to complete missed classwork and homework shall not require the student to attend the district's alternative program for expelled students. LB999 also requires districts to accept nonduplicative and grade-appropriate credits earned by an expelled student during the term of their expulsion at any accredited institution. LB999 states that a personal injury will be considered caused by accident when the damage or consequences of the act that caused the injury were unintentional, unforeseen, or unexpected. LB999 also requires that, in order for possession of a controlled substance to be grounds for discipline, the possession must be done knowingly. LB999 requires that any decision to recommend discipline must be made within two school days after the alleged student misconduct. LB999 allows for students to request designation of a hearing officer other than that selected by the superintendent. LB999 requires that school districts make available witnesses who have knowledge or were involved in the alleged misconduct and subsequent discipline and who are under contract with the school district if requested by the student or student's parent, guardian, or representative. Superintendents must notify the student or student's parent or guardian of their determination within five days after receipt of the hearing examiner's report. LB999 requires that, if the misconduct occurred prior to the last ten school days of the first semester, and the expulsion takes effect in the second semester because the recommendation for expulsion was appealed to a hearing officer or board, the length of the expulsion may not exceed the number of days it would have been in effect had the appeal not been made.</i></p>					
LB1000	Briese	Monitor	Government, Military and Veterans Affairs 02/01/2018	General File 02/23/2018	Require a bond election under the Public Facilities Construction and Finance Act
<p><i>LB1000 requires that any bonds issued by a qualified public agency, for purposes of the Public Facilities Construction and Finance Act, be subjected to a vote prior to issuance. A majority of all the qualified electors must vote in favor of issuance before any bond can be issued. The question of issuing bonds may be submitted at a special election or at an election held in conjunction with the statewide primary or general election. A defeated bond question may not be resubmitted in substance for a period of six months following defeat. A special notice of the bond question in the election must be published in a newspaper of general circulation within the jurisdiction of the qualified public agency at least twenty days prior to the election. LB1000 also outlines requirements that a submitted bond question must comply with for both special and general elections. Prior to the issuance of bonds under the Public Facilities Construction and Finance Act, the qualified public agencies participating must make a written statement of all the proceedings relative to the vote upon issuance of the bond.</i></p>					
LB1005	Kolterman		Nebraska Retirement Systems 02/02/2018	General File 03/06/2018 Nebraska Retirement Systems Priority Bill	Change county and school retirement provisions
<p><i>LB1005 states that, in the event that the board determines that a governmental entity currently participating in the retirements system no longer qualifies under Section 414(d) of the I.R.C. as a participating employer in a governmental plan, the entity will be liable for: (1) funding any obligation of the retirement system to provide benefits for the affected plan members; (2) the cost of any actuarial study necessary to aid the board in determining the amount of such obligation; and (3) any administrative costs incurred by the board or the Nebraska Public Employees Retirement System in connection with the entity's removal from the retirement system.</i></p> <p><i>Any governmental entity contemplating a business transaction that may result in loss of qualifying status under section 414(d) must notify the board in writing as soon as reasonably practicable, but no later than one hundred eighty days before the transaction is to occur. Upon notification, the board must make several prescribed determinations designed to assist the entity with the decision.</i></p> <p><i>LB1005 also requires that, prior to January 1, 2019, any governmental entity with specific statutory authority to elect or discontinue participation in the retirement system must make an election regarding whether to participate. On or after January 1, 2019, no governmental entity may elect or discontinue participation in the retirement system and the board will make determinations whether a governmental entity qualifies for participation. These changes will apply to both county and school retirement systems.</i></p>					
LB1006	McCullister		Revenue 02/23/2018	In Committee 01/18/2018	Change provisions relating to rehearings under the Tax Equalization and Review Commission Act
<p><i>LB1006 requires that, for rehearing applications involving an order issued pursuant to section 77-5028, the full commission to grant a rehearing if relevant evidence is discovered after the date of the order.</i></p>					

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LB1009	Murante		Transportation and Telecommunications 02/06/2018	General File 02/28/2018 Hughes Priority Bill	Provide a super-two rural highway classification and change maximum highway speed limits as prescribed <i>LB1009 creates a classification for super-two rural highways. A super-two consists of two-lane highways designated primarily for through traffic with passing lanes spaced intermittently and on alternating sides of the highways to provide predictable opportunities to pass slower moving vehicles. The speed limit on a super-two will be sixty-five miles per hour. LB1009 also allows for the maximum speed limit to be increased up to five miles per hour over seventy-five miles per hour upon the National System of Interstate and Defense Highways as authorized by the Department of Transportation based on an engineering and traffic investigation.</i>
LB1010	Hansen		Judiciary 02/21/2018	In Committee 01/18/2018	Change procedures for determining competency to stand trial in counties containing a city of the primary class <i>LB1010 establishes a new procedure for determining competency to stand trial in counties containing a city of the primary class. LB1010 gives the judge of the district or county court the authority to determine whether or not the defendant is competent to stand trial. The judge may also order a medical, psychiatric, or psychological examination of the defendant if the judge believes it to be necessary. The cost of examination will be the expense of the county. If a defendant is committed for treatment to a provider other than DHHS and such provider determines that the defendant should be committed to a different treatment alternative, the provider must submit a report to the department. If the department agrees, it must file the report with the court. If the department disagrees, it must file the report with the court and state a reason why. If a defendant is committed for treatment to DHHS and DHHS believes that the defendant should be committed to a different treatment alternative, they must file a report with the court. Within 21 days after the filing of such report, the court must hold a hearing to determine whether the defendant should be placed in a different treatment alternative. Within six months after commencement of the treatment ordered by the court, and every six months thereafter, the court must hold a hearing to determine whether the defendant is competent to stand trial or whether or not there is a substantial probability that the defendant will become competent in the foreseeable future. If it is determined that there is not a substantial probability that the defendant will become competent in the foreseeable future, the court must either commence the applicable civil commitment proceeding or release the defendant. The state must pay the cost of maintenance and care of the defendant during the period of time ordered by the court for treatment to remove the disability. The defendant will not be eligible for outpatient treatment if they are charged with an offense for which bail is prohibited or denied.</i>
LB1011	Harr		Transportation and Telecommunications 02/12/2018	General File 03/12/2018	Provide a duty for drivers approaching certain stopped vehicles on a roadway as prescribed under the Nebraska Rules of the Road <i>LB1011 requires drivers who are approaching a vehicle operated by a towing or vehicles recovery service, a publicly or privately owned utility maintenance vehicle, a highway maintenance vehicles, or vehicle operated by a solid waste and recycling collection service which is stopped and displaying flashing red, yellow, or amber lights to proceed with due care and caution and either: (1) move into another lane that is at least one moving lane apart from the stopped vehicles if possible under existing traffic and safety conditions; or (2) if such lane change is impossible, unsafe, or prohibited, reduce their speed to a reasonable speed below the posted limit and be prepared to stop.</i>
LB1013	Pansing Brooks		Judiciary 02/09/2018	In Committee 01/18/2018	Limit the habitual criminal enhancement to violent felonies <i>LB1013 limits habitual criminal enhancement to multiple convictions of violent felonies.</i>
LB1014	Pansing Brooks		Business and Labor 02/12/2018	In Committee 01/18/2018	Name the Discriminatory Wage Practices Act, change provisions relating to wage discrimination on the basis of sex, and provide protections for employees relating to wage disclosure <i>LB1014 renames sections 48-1219 to 48-1227.01 "The Discriminatory Wage Practices Act." LB1014 adds a definition of "comparable work" to the Act. Comparable work means work that is substantially similar in that it requires substantially similar skill, effort, and responsibility and is performed under similar working conditions. Employers are prohibited from discriminating between employees on the basis of sex by paying wages to any employee at a wage rate less than that the employer pays other employees of the opposite sex for comparable work. LB1014 also allows the commission to issue regulations to develop a standard model for self-evaluation of pay practices for employers to implement in eliminating wage differentials for comparable work based on sex. LB1014 also allows the Attorney General to bring legal action against employers who are in violation of the Act. If legal action is brought against an employer, it is an affirmative defense if the employer has completed a self-evaluation of its pay practices in good faith within three years and can demonstrate reasonable progress has been made toward the elimination of any wage differentials for comparable work based on sex. This affirmative defense will not be available to employers who cannot demonstrate that the evaluation was reasonable in detail and scope. Employers who have not completed a self-evaluation will not be subject to any negative or adverse inference as a result of not having completed a self-evaluation. LB1014 makes it a Class III misdemeanor for any person to discharge employees who has made a complaint concerning violation of the Act, instituted any proceeding related to the Act, or who has testified in any proceeding relating to the Act. An employer will be guilty of a Class V misdemeanor if they fail to keep the records required by the Act, fail to furnish such records upon request, falsifies such records, interferes with the enforcement of the Act, or refuses the commission entry into any place of employment which the commission is authorized to inspect. LB1014 also prohibits employers from requiring nondisclosure of wages or waiver of an employee's right to discuss their wages. Employers also may not threaten to take or take any adverse action against an employee in retaliation for such employee disclosing their wages.</i>

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LB1017	Krist		Natural Resources	Withdrawn 01/24/2018	Change and eliminate pipeline siting provisions and eminent domain provisions <i>LB1017 only allows for companies, corporations, or associations requiring a right-of- way associated with the transportation of crude oil to use eminent domain if there is a showing by a preponderance of the evidence that the pipeline is for a public use and just compensation is provided. "Just Compensation" includes compensation that takes into consideration whether the taking of the property provides economic benefit to a for-profit entity and, if so, the amount of such economic benefit in comparison to the potential benefits and liabilities to the property owner, affected political subdivision, and members of the public. "Public use" means the provision of services directly to members of the public and the transportation of a commodity with direct benefits to members of the public. LB1017 also limits a provision that expired rights if condemnation procedures have not been commenced within two years after the Governor's approval is granted or receipt of an order approving an application under the Major Oil Pipeline Siting Act. LB1017 states the Legislative findings that the right to own property is fundamental to the fabric of American Law and justice and both the Constitution of Nebraska and the Constitution of the United States provide that private property cannot be taken without due process and that such taking must be for the public use with just compensation. LB1017 eliminates a legislative finding that the construction of major oil pipelines in Nebraska is in the public interest of Nebraska and the nation to meet the increasing need for energy. LB1017 creates new requirements for approval of applications for the construction of a pipeline. The applicant must present proof of a construction and performance bond of at least one hundred million dollars and provide a plan for periodic payments to landowners for the use of their land to cover the term the pipeline is being used. The applicant must also provide a decommissioning plan that provide for removal of the pipeline at the end of its useful life and restoration of the property to its original state upon removal.</i>
LB1022	Schumacher		Revenue 02/21/2018	In Committee 01/18/2018	Adopt the Irrigation Tax Act and change the valuation of agricultural land for property tax purposes <i>LB1022 adopts the Irrigation Tax Act. The Act imposes a tax upon the use of water to irrigate agricultural land and horticultural land. The tax will be equal to one cent for every ten gallons of water pumped from a covered water well and will be paid by the owner of the land being irrigated. All taxes paid under the Act will be remitted to the State Treasurer for credit to the School Aid Fund to be used as provided. LB1022 also disregards the added value associated with irrigated land for purposes of determining land's taxable value. LB1022 also creates the School Aid Fund. The fund will consist of irrigation tax revenue credited to the fund and will be administered by the State Board of Education. The fund will be used to provide payments to school districts that did not receive equalization aid under the Tax Equity and Educational Opportunities Support Act.</i>
LB1025	Wayne		Urban Affairs 02/13/2018	In Committee 01/18/2018	Create the Building Codes Advisory Committee and change building code provisions <i>LB1025 creates the Building Codes Advisory Committee. The committee must review new editions of the state building code and make recommendations to the Legislature on whether such new edition should be adopted as a component of the state building code. LB1025 also makes the state building code applicable to each county, city, or village that has not adopted a local building or construction code.</i>
LB1026	Wayne		Revenue 02/27/2018	In Committee 01/18/2018	Authorize issuance of highway bonds, create a fund, and change existing highway funding provisions <i>LB1026 states the Legislative findings that safe and modern infrastructure is of great importance to Nebraska's residents, agricultural economy, business economy, and future economic growth. LB1026 allows for the commission acting for or on behalf of the state to issue bonds under the Nebraska Highway Bond Act in such principle amounts as determined by the commission for the purpose of accelerating completion of the highway construction projects identified and to be identified for funding under the Build Nebraska Act. The Highway Cash Fund may be pledged for repayment of such bonds. The proceeds from the sale of any bonds issued, net of costs, capitalized interest, and necessary or appropriate reserve funds, must be deposited in the Build Nebraska Bond Fund for use as provided in the Build Nebraska Act. Bonds issued will be a special obligation of the state payable from any lawfully available funds of the states and any other funds specifically pledged by the commission for such purpose. LB1026 creates the Build Nebraska Bond Fund. The Fund will consist of money credited to the fund as described and any other money determined by the Legislature. At least twenty-five percent of the proceeds of bonds must be used for construction of the expressway system and federally designated high priority corridors. The remaining proceeds must be used to pay for surface transportation projects of the highest priority.</i>
LB1028	Wayne		Urban Affairs 02/06/2018	In Committee 01/18/2018	Adopt the Abandoned and Dilapidated Housing Act <i>LB1028 adopts the Abandoned and Dilapidated Housing Act. The Act requires that any person entitled to redeem real property under sections 77-1801 to 77-1863 must paid the reasonable and necessary costs paid by the holder of the tax sale certificate, including materials and labor of all preservation improvements made on the property, within interest. The tax sale certificate holder must provide notice at least thirty days prior to making any improvements on the property to the person to whom the property is assessed. The notice must set forth the identification number of the parcel, the proposed improvements, the estimated costs, and the name and address of the holder. Prior to redeeming the property, the person entitled to redeem must contact the county treasurer to determine if a notice concerning preservation improvements has been filed. If such notice has been filed, the person must make written demand upon the holder of the tax sale certificate for an itemized statement of the amount claimed as the costs for all preservation improvements. The maximum amount of costs for preservation improvements that a holder of a tax sale certificate may be entitled to recover may not exceed twenty-five percent of the tax assessed value of the property as of the date the tax sale certificate was issued.</i>

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LB1036	Kolowski	Monitor	Government, Military and Veterans Affairs	General File 03/12/2018	Change the expenditure limit for a recognition dinner under the Local Government Miscellaneous Expenditure Act <i>LB1036 increases the expenditure limit for one recognition dinner to a maximum cost of \$50 per person.</i>
LB1038	Thibodeau		Government, Military and Veterans Affairs 02/02/2018	General File 03/12/2018	Provide a deadline for electronic voter registration <i>LB1038 requires that completed electronic voter applications be completed prior to midnight on the third Friday before the election.</i>
LB1060	Wayne		Health and Human Services 02/15/2018	In Committee 01/19/2018	Adopt the Healthy Kids Act and require tests for lead-based hazards in housing <i>LB1060 adopts the Healthy Kids Act.</i> <i>The following requirements of the Act apply to the sale of residential real property located in Nebraska when the seller is required to provide the written disclosure provided for in section 7602, 120 and the sale includes any dwelling unit constructed prior to 1978. The Act requires that, prior to completing a sale, the seller must cause to be performed a lead dust wipe assessment of the residential real property. The assessment must be conducted no earlier than ninety days prior to the sale and will be performed at the seller's expense. The following requirements of the Act apply to any rental of a dwelling unit that is subject to the Uniform Residential Landlord and Tenant Act and that is, or is within, a premise constructed prior to 1978. Before entering into a rental agreement, the landlord must cause to be performed a lead dust wipe assessment on the premises. The assessment must be done no earlier than ninety days prior to entering in to the rental agreement and must be performed at the landlord's expense. The results of the assessment must be disclosed prior to entering into a rental agreement.</i> <i>The Act also requires DHHS to develop a safe housing registry containing a list of all residential real properties and premises for which the department has issues a lead-free certification.</i>
LB1062	McDonnell		Appropriations 02/15/2018	In Committee 01/19/2018	State intent relating to appropriations for the Tobacco Prevention and Control Program <i>LB1062 states the intent of the Legislature to include in the appropriation to Agency No. 25, Program No. 39, for FY2018-19 an additional two million four hundred thousand dollars for the Tobacco Prevention and Control Program from the Nebraska Health Care Cash Fund.</i>
LB1064	Murante		Government, Military and Veterans Affairs 02/08/2018	In Committee 01/19/2018	Require election officials to check voter records for deceased individuals and require the Secretary of State to check the citizenship status of all registered voters and applicants to register to vote <i>LB1064 allows for election commissioners and county clerks to check to determine whether a voter is deceased if a notice is sent to the voter and not returned within thirty days. LB1064 also requires election officials to check the citizenship status of individuals who register to vote if such individual is not currently registered to vote in Nebraska. LB1064 requires the Secretary of State, prior to August 6, 2018, to check the citizenship status of each registered voter and remove those who are not citizens from the registry. If the Secretary of State checks the citizenship status of an applicant and determines that the individual is ineligible to vote but has either attempt to register to vote or successfully registered to vote, the Secretary must provide that information to the Attorney General.</i>
LB1065	Murante		Government, Military and Veterans Affairs 02/14/2018	In Committee 01/19/2018	Permit use of electronic poll books and use of digital images for confirmation of the voter's identity <i>LB1065 states the intent of the Legislature to permit the use of electronic poll books for purposes of deterring and detecting voter fraud, improving and modernizing election procedures, and safeguarding voter confidence. Each electronic poll book for a precinct must contain the list of registered voters and the sign-in register for the precinct combined in one data base and shall include the registration information, the digital image, and the digital signature of the registered voters of the precinct.</i>
LB1066	Murante		Government, Military and Veterans Affairs 02/08/2018	In Committee 01/19/2018	Require photographic identification for purposes of voting <i>LB1066 lists the documents that qualify as photographic identification if the document is current and valid at the time of the election for which it is displayed, if it displays a photograph or digital image of an individual, and if it displays the name of the individual depicted in the photograph or digital license.</i> <i>LB1066 requires the Secretary of State to provide any elector who applies a photographic identification without fee.</i> <i>LB1066 requires voters to present a photographic identification card which meets the outlines requirements prior to being handed a ballot. LB1066 also contains new rules for the use of provisional ballots and photographic identification.</i>

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LB1068	Murante		Government, Military and Veterans Affairs 02/14/2018	In Committee 01/19/2018	Provide for seventeen-year olds to vote in special elections, provide requirements for adjusting political subdivision boundaries, and change voter registration, special election, recall, and initiative and referendum provisions <i>LB1068 requires that a recall petition filing form be signed and filed prior to the issuance of petitioner papers for a recall. LB1068 also provides that lists of registered voters and information on those voters must be made available, but not for purchase. The information on these voter sheets is also limited by LB1068. LB1068 requires governing boards of political subdivisions who wish to adjust election district boundaries to provide the election commissioner or county clerk a revised election district boundary map that has been approved by the governing board and subjected to all public review and challenge ordinances of the political subdivision. LB1068 allows for seventeen-year- old residents of Nebraska, who attain the age of eighteen on or before the day of the special election but after the second Friday preceding the special election may appear in person at the polling place and vote a provisional ballot if the election occurs in the month of January in any even-numbered year or in the month of January, November, or December of an odd-numbered year. LB1068 requires sponsors of initiatives, at the time of filing the signed petitions, to sign an affidavit certifying that the petitioners have at least the number of signatures necessary to place the issue on the ballot if each signature were found to be valid. If the total number of signatures on the filed petitions is not at least the required number of signatures, the sponsors will be jointly and severally liable for the cost to the state and the counties of the signature verification process. LB1068 allows the Secretary of State to instruct the election commissioners and county clerks to stop verifying signatures on petitions if the Secretary receives reports that signatures in excess of one hundred ten percent of the number necessary have been successfully verified.</i>
LB1071	Lindstrom		Revenue 02/02/2018	In Committee 01/19/2018	Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turn back of state sales tax revenue <i>LB1071 adopts the Infrastructure Improvement and Replacement Assistance Act. The Act requires the State to assist municipalities and sewer and water utilities by turning back XXX percent of the state sales tax revenue collected on sewer and potable water fees by the state to the municipalities and sewer and water utilities. This turnback will be used to assist in infrastructure replacement costs and construct, upgrade, redevelop, and replace sewer and water infrastructure facilities on a per capita percentage directly to each participating political subdivision or utility based on state sales tax paid.</i>
LB1072	Linehan		Government, Military and Veterans Affairs 02/15/2018	In Committee 01/19/2018	Change a preference in awarding public contracts and eliminate reciprocal preference provisions <i>LB1072 requires that, when a public contract is awarded to the lower bidder, preference must be given to purchasing Nebraska products and good and services from a resident bidder over a nonresident bidder if the bid submitted by the resident bidder is comparable in price to the bid submitted by a nonresident bidder and otherwise meets the required specifications.</i>
LB1075	Friesen	Monitor	Revenue 02/22/2018	In Committee 01/19/2018	Impose a fee on transfers of real estate <i>LB1075 imposes a fee on the grantor executing a deed upon the transfer of a beneficial interest in or legal title to real estate. This fee will be equal to one percent of the value of the real estate. This fee does not apply to any instrument that is exempt from the documentary stamp tax under section 76-902. The fee will be determined once the deed is offered for recordation. A refund may be claimed if the payment was either the result of a misunderstanding or honest mistake of the person paying the fee; the result of a clerical error on the part of the register of deeds or the person paying the fee; or invalid for any reason.</i>
LB1076	Friesen	Monitor	Revenue 02/22/2018	In Committee 01/19/2018	Increase the documentary stamp tax and provide for the use of the revenue <i>LB1076 increases the documentary stamp tax to two dollars and seventy-five cents for every one thousand dollars value. LB1076 appropriates fifty cents of such amount to the Property Tax Credit Cash Fund.</i>
LB1078	Crawford		Executive Board 02/12/2018	Select File 02/28/2018 Executive Board Priority Bill	Require reporting of sexual abuse allegations as prescribed <i>LB1078 requires the department, the juvenile services division, each juvenile detention facility, and each staff secure juvenile facility to report to the office all allegations of sexual abuse of a state ward, juvenile on probation, juvenile in a detention facility, and juvenile in a residential child-caring agency. LB1078 also requires the department to report to the Health and Human Services Committee the number of sexual abuse allegations that occurred for children being served by the Division of Children and Family Services of DHHS and placed at a residential child-caring agency and the number of corresponding screening decision occurrences by category, open investigations by category, and agency substantiations, court substantiations, and court-pending status cases.</i>

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LB1082	Vargas	Monitor	Judiciary 02/14/2018	General File 03/08/2018	Require jails, law enforcement agencies, and the Nebraska State Patrol to provide public notice before entering into agreements to enforce federal immigration law and to allow audits of noncomplying entities

LB1082 requires jails and law enforcement agencies to notify governing bodies of any overseeing political subdivision prior to entering into any agreement with any other public agency to enforce or investigation immigration laws. If such agency fails to provide notice, the Auditor of Public Accounts may conduct an audit of such agency.

LB1083	Hansen		Judiciary 02/07/2018	In Committee 01/19/2018	Provide for discovery of telephone numbers and email addresses of witnesses in criminal cases
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LB1083 allows for the telephone number and email addresses of witnesses in criminal cases to be inspected by a defendant.

LB1084	Briese		Revenue 02/08/2018	In Committee 01/22/2018 Briese Priority Bill	Adopt the Property Tax Request Limitation Act, provide sunset dates for certain tax exemptions and incentives, and change other revenue and taxation provisions
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LB1084 adopts the Property Tax Request Limitation Act. The Act prohibits, with exceptions, a school district's property tax request for any year from exceeding the school district's property tax request authority, except for requests that are needed to pay the principle and interest on approved bonds. LB1084 provides the method that each school board of each school district must use to calculate the district's property tax request authority each year. This determined amount must be reported to the State Department of Education. If the department determines that such amount was correctly calculated, it must approve and certify the amount. This certified amount will then be the district's property tax request authority.

The district may exceed its property tax request authority by an amount approved by a majority of the legal voters voting on the issue at a special election called for such purpose. The property tax request amount may also exceed its authority by a percentage approved by an affirmative vote of at least 75% of the school board, with specified limitations.

School districts are not required to increase its property tax request by the full amount allowed in a particular year. If the district elects to not increase to the full amount, they may carry over to future years the amount of unused property tax request authority.

LB1084 provides sunset dates of January 1, 2019 for certain tax exemptions and incentives.

LB1084 imposes a surtax after January 1, 2019 upon an individual who is subject to state income tax under the Nebraska Revenue Act of 1967 and who has federal adjusted gross income for the taxable year of five hundred thousand dollars or more. This surtax will be in addition to any other taxes owed and will be equal to the individual's state income tax liability multiplied by a rate of either: (1) 2.5% if the individual's federal adjusted gross income is at least \$500,000 but less than one million; or (2) five percent if the individual's federal adjusted gross income is at least one million.

LB1084 sets the state tax levied pursuant to section 77-2703 at six percent starting October 1, 2018. LB1084 also includes more services under the definition for "gross receipts for services."

LB1084 requires persons who lack physical presence in the state and who make retail sales of property to purchasers in the state to have the duties and responsibilities of a seller for the purpose of sales and use taxes if such person either: (1) made retail sales of property totaling one hundred thousand dollars or more; or (2) make retail sales of property in two hundred or more separate transactions.

LB1084 eliminates an exception against sales and use taxes for prepared food and food ingredients serviced by schools, admissions fees charged for political events charged by ballot question committees, admissions fees charged by schools, admissions fees charged for participants in any activity provided by a nonprofit sporting event, and admissions fees charged for participation in an activity provided by a nonprofit youth development and healthy living event.

LB1084 provides a new way to calculate individual income tax for taxable years beginning after January 1, 2019. The tax will be a percentage of each individual's federal adjusted gross income as modified, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions for qualified retirement plans. The additional taxes will be recomputed by (i) substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the act, shall be allowed as a reduction in the income tax due. LB1084 also provides a new way to compute the taxes imposed on all resident estates and trusts for taxable years beginning or deemed to begin on or after January 1, 2019. The tax will be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans.

These additional taxes will be recomputed by (A) substituting Nebraska taxable income for federal taxable income, (B) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (C) applying Nebraska rates to the result.

LB1084 requires residents of Nebraska who are shareholders of a small business corporation to included in their Nebraska taxable income, to the extent includable in federal gross income, their proportionate share of such corporation's or LLC's federal income without any adjustments.

LB1084 requires the tax commissioner to credit to the Property Tax Credit Cash fund an amount equal to the net increase in state sales and use tax revenue and state income tax revenue as a result of the changes made by LB1084m minus the increase in funds paid to school districts under the Tax Equity and Educational Opportunities Support Act and two hundred thousand dollars to account for money spend on an education study.

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					<i>LB1084 calculates each local school system's allocated income tax funds by multiplying the local system's income tax liability by twenty percent. LB1084 requires the State Department of Education to oversee and in-depth review of the financing of the public elementary and secondary schools.</i>
LB1085	Wayne		Urban Affairs 01/30/2018	IPP (Killed) 02/15/2018	Change the Community Development Law and provisions relating to tax-increment financing <i>LB1085 changes the definitions under the Community Development Law. LB1085 prohibits an authority from preparing a redevelopment plan for a redevelopment project which includes an extremely blighted area unless the governing body of the city in which such redevelopment project area is located has declared more than fifty percent of the property in the area to be an extremely blighted area in need of redevelopment. LB1085 also provides the maximum term for dividing ad valorem taxes for redevelopment projects. The maximum term for dividing will be either (1) twenty years after the identified effective date in the project development contract if more than fifty percent of the property in the redevelopment area has been declared extremely blighted, or (2) fifteen years after the identified effective date if no such declaration has occurred.</i>
LB1087	Wayne		Revenue 02/15/2018	In Committee 01/22/2018	Change tax provisions for cigars, cheroots, or stogies <i>LB1087 stipulates that the tax on cigars, cheroots, or stogies will be twenty percent of either the purchase price paid by the first owner or the price at which the manufacturer sells the items. The maximum tax allowable will be fifty cents for each cigar, cheroot, or stogie.</i>
LB1089	Smith	Monitor	Revenue 02/07/2018	General File 02/23/2018 Revenue Priority Bill	Change provisions relating to confidential tax information, refundable income tax credits, and homestead exemptions <i>LB1089 states that the audit and examination of selection criteria and standards, the discovery techniques, the design of technological systems to detect fraud and inconsistencies, and all other techniques utilized by the Department of Revenue to discover fraud, misstatements, inconsistencies, underreporting, and tax avoidance are to be considered confidential information. LB1089 allows for property owners whose property was destroyed or damages by a major calamity between the assessment date and July 15 to petition the county assessor for a reassessment of the property's value for that year. LB1089 also provides a homestead exemption for unmarries surviving spouses of servicemen or service women who died while on active duty or a surviving spouse of such servicemen or servicewoman who remarries after attaining the age of 57. LB1089 eliminates a requirement that each claimant who wants a homestead exemption file an application with the county assessor on or before June 30 of each year.</i>
LB1095	Hilgers		Revenue 02/22/2018	In Committee 01/22/2018	Change the information included in certain tax notices and receipts <i>LB1095 requires the county treasurer to include in tax notices, for local taxes levied against real property, the office mailing address, telephone number, and e-mail address for the governing board of each political subdivision; and the website or mailing address where the budget of each political subdivision can be obtained.</i>
LB1097	Hilgers		Revenue 02/22/2018	In Committee 01/22/2018	Change provisions relating to treasurer's tax deeds <i>LB1097 allows for purchasers of real estate that has not been redeemed to apply to the county treasurer for a tax deed.</i>
LB1098	Hilgers		Government, Military and Veterans Affairs 02/02/2018	General File 02/23/2018 Speaker Priority Bill	Change dollar threshold for certain purchasing requirements under the County Purchasing Act <i>LB1098 changes the dollar thresholds for purchases of personal property or services by a county board or purchasing agents. Property or Services for an estimated value of fifty thousand dollars or more must be made through a competitive sealed bidding process. Property or Services for an estimated value of less than fifty thousand dollars, but more than ten thousand, may be made by securing and recording at least three informal bids. Property or Services worth less than ten thousand dollars can be purchased in the open market.</i>
LB1100	Erdman		Revenue 02/23/2018	In Committee 01/22/2018	Change the valuation of agricultural land and horticultural land <i>For tax years 2019 and after, the actual value of agricultural and horticultural land will be determined based upon the land's capitalized net earning capacity. Capitalized net earning capacity will be determined by using an agricultural land valuation manual developed and updated by the Agricultural Land Valuation Board. Except for wastelands, the actual value of agricultural and horticultural land will be determined by: (1) dividing agricultural and horticultural land into the major use categories and dividing such categories into subclasses based on soil productivity classifications; (2) computing a gross revenue based on a three-year average of annual gross incomes; and dividing the gross revenue by a discount rate determined by the Agricultural Land Valuation Board. The actual value for wasteland will be computed base don five percent of the assessed value of all agricultural and horticultural land in the crop reporting district.</i>

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					<i>Agricultural land and horticultural land will be separated into five major categories: (1) sprinkler irrigated cropland; (2) gravity irrigated cropland; (3) dryland cropland; (4) grassland; and (5) wasteland. Intensive agricultural uses such as nurseries, feedlots, and orchards will be categorized as sprinkler irrigated cropland, gravity irrigated cropland, or dryland cropland. LB1100 also creates the Agricultural Land Valuation Board. The membership and responsibilities of the Board are outlined in LB1100.</i>
LB1101	Vargas		Appropriations 02/12/2018	In Committee 01/22/2018	State intent relating to appropriations to behavioral health services providers <i>LB1101 includes in the appropriation to Agency No. 25, for program No. 348, \$XX General Funds for FY2018-19 to provide for a provider rate increase of five percent for providers of short-term residential treatment services, intensive outpatient treatment services, and substance use assessment services. LB1101 also includes in the appropriation to Agency No. 25, for Program No. 67, \$XX General Funds for FY2018-19 to provide for a provider rate increase of five percent for providers of short-term residential treatment services, intensive outpatient treatment services, and substance use assessment services. LB1101 includes in the appropriation for Agency No. 25, for Program No. 28, \$XX General Funds for FY2018-19 for a provider rate increase of five percent for providers of short-term residential treatment services, intensive outpatient services, treatment services, and substance use assessment services.</i>
LB1102	Friesen	Oppose	General Affairs 02/12/2018	In Committee 01/22/2018	Change provisions relating to distribution of taxes collected, license renewals and fees, and the tax on gross proceeds for county and city lotteries <i>LB1102 allows for lottery licenses to be renewed annually. LB1102 requires counties, cities, and villages who conduct a lottery to submit to the department on a quarterly basis a tax of four percent of the gross proceeds. Such tax will be remitted by the Department to the State Treasurer for credit as follows: (1) two percent to the Charitable Gaming Operations fund; and (2) Two percent to the Property Tax Credit Cash Fund.</i>
LB1104	Friesen		Revenue 02/23/2018	In Committee 01/22/2018	Change provisions relating to the special valuation of agricultural or horticultural land <i>LB1104 adds a new qualification in order for agricultural or horticultural land to receive a special valuation. For land that is located in a county with a population of 100,000 inhabitants or more and that consists of no more than five contiguous acres, the owner or lessee of the land must prove that either: (1) they derived at least 15% of their gross income from agricultural or horticultural activities in the preceding year; or (2) they land produced at least one thousand dollars of gross revenue from agricultural or horticultural activities in the preceding year.</i>
LB1105	Vargas		Banking, Commerce and Insurance 02/05/2018	In Committee 01/22/2018	Change the transaction loan period under the Delayed Deposit Services Licensing Act <i>LB1105 prohibits licensees from holding or agreeing to hold a check for less than 34 days.</i>
LB1106	Linehan		Revenue 02/14/2018	In Committee 01/22/2018	Change requirements for overriding property tax limits <i>LB1106 requires ballot questions for exceeding property tax limits be placed on a ballot as provided. The ballot question may include any terms and conditions set forth in the resolution or petition and must include a required statement regarding the amount of property tax proposed. If the ballot question is placed on the ballot at a state wide primary or general election and a majority of the voters cast are in favor of such tax, the ballot question will be considered approved. If the ballot question is placed on the ballot for a special election and a majority of the voters are in favor of such tax, and if the number favorable votes is at least equal to one-half of registered voters voting at the immediately preceding statewide primary election in the political subdivision plus one, the ballot question will be approved.</i>
LB1111	Stinner	Monitor	Government, Military and Veterans Affairs 02/07/2018	In Committee 01/22/2018	Adopt the Fiscal Stress Management Act <i>LB1111 adopts the Fiscal Stress Management Act. The Intent of the Legislature in enacting the Act is to encourage the fiscal integrity of villages, cities, or counties. Under the Act, the auditor must review annually or biennially the financial indicators of taxing authorities to determine if the conditions for a fiscal watch have been met. Beginning in FY2020-21, the auditor must declare a taxing authority as being under the status of a fiscal watch by the occurrence of one or more of the following financial indicators: (1) the FY-end unencumbered cash balances of the village, city, or county have decreased over the past three years; (2) the outstanding bonded indebtedness at FY-end has reached a ratio equal to or more than 20% of revenue; (3) if a comprehensive annual financial report has been completed and all liabilities as reported on the comprehensive annual financial report at FY-end have reached a ratio equal to or ore than 20% of revenue; (4) the village, city, or county is at a maximum levy rate over the past three years; or (5) the unused restricted funds authority has decreased over the past three years.</i>

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LB1112	Vargas	Support	Judiciary 02/22/2018	General File 03/08/2018	Change provisions relating to placement and detention of juveniles and permit an additional use of funds under the Community-based Juvenile Services Aid Program <i>LB1112 prohibits juveniles from being placed at a youth rehabilitation and treatment center unless such placement is a matter of immediate and urgent necessity. LB1112 also prohibits juveniles under the age of fourteen from being placed in such centers. LB1112 also prohibits juveniles from being detained unless the physical safety of persons in the community would be seriously threatened or detention is necessary to secure the presence of the juvenile at the next hearing. Children twelve years or younger may not be placed in detention under any circumstances. Juveniles may not be placed into detention: (1) to allow a parent or guardian to avoid legal responsibility; (2) to punish, treat, or rehabilitate; (3) to permit more convenient administrative access; (4) to facilitate further interrogation or investigation; or (5) due to lack of more appropriate facilities. LB1112 also allows for funds received under the Community-based Juvenile Services Aid Program to be used one time by an aid recipient: (1) to convert an existing juvenile detention facility or the existing structure for use as an alternative to detention as defined; (2) to invest in capital construction, including both new construction and renovations, for a facility for use as an alternative to detention; or (3) for the initial lease of a facility for use as an alternative to detention.</i>
LB1117	Crawford		Revenue 02/15/2018	In Committee 01/22/2018	Change certain cigarette and tobacco products tax rates <i>LB1117 increases the tax on cigarette packages to two dollars and fourteen cents per package. Beginning July 1, 2018, the State Treasurer will place on dollar and ninety-nine cents of such tax in the General Fund. The tax on snuff is increased to one dollar per ounce, and the tax on other tobacco products is increased to forty-five percent of the purchase price.</i>
LB1118	Krist		Judiciary 02/14/2018	In Committee 01/22/2018	Create the Coordinated Reentry Council <i>LB1118 creates the Coordinated Reentry Council. The purpose of this Council is to establish a comprehensive and successful system of correctional reentry programs and to include an array of interests in the establishment and growth of such system. The Council must: (1) advise the Department of Correctional Services on the utilization of funds administered by the Vocational and Life Skills Programming Fund; (2) develop and implement a plan to establish the statewide operation and use of a continuum of reentry programs; (3) review efforts by individuals and organizations that provide reentry services; (4) review best practices regarding reentry policies and programs in other states; and (5) make recommendations to the Legislature and Governor.</i>
LB1128	Wayne		Government, Military and Veterans Affairs 01/31/2018	In Committee 01/22/2018	Prohibit counties, local governments, and certain state entities from spending legislative appropriations under certain conditions <i>LB1128 prohibits any county or other local government which engages in adjudicative functions not subject to the Administrative Procedure Act from spending funds appropriated by the Legislature if such entity conducts a program that is in any way funded by a nongovernmental source.</i>
LR11	Riepe		Health and Human Services	In Committee 05/15/2017	Interim study to assess the Nebraska medical assistance program and the options for health care reform for Nebraska <i>Priority 3/30</i>
LR28	McDonnell		Judiciary	In Committee 05/15/2017	Interim study to research how the state and each of the counties handle, process, and test sexual assault evidence collection kits <i>Priority 8/15</i>
LR60			Urban Affairs	In Committee 05/15/2017	Interim study to examine issues related to the use of tax-increment financing <i>Priority 1/8</i>
LR81	Wayne		Urban Affairs	In Committee 05/15/2017	Interim study to examine the adoption and enforcement of state fire codes <i>Priority 4/8</i>
LR92	Kolterman		Nebraska Retirement Systems	In Committee 05/15/2017	Interim study to examine the requirement that the Nebraska Retirement Systems Committee of the Legislature monitor underfunded defined benefit plans administered by political subdivisions <i>Priority 3/3</i>
LR109	Larson		Urban Affairs	In Committee 05/15/2017	Interim study to examine the collection of annual assessments under the Property Assessed Clean Energy Act <i>Priority 5/8</i>

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LR114			Judiciary	In Committee 05/15/2017	Interim study to examine Nebraska's statutes relating to geriatric or compassionate release laws for elderly inmates
		<i>Priority 6/15</i>			
LR132	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine elections conducted by and on behalf of political subdivisions
		<i>Priority 2/6</i>			
LR138	Crawford		Urban Affairs	In Committee 05/15/2017	Interim study to examine the tools, mechanisms, and funding sources available to municipalities to provide for condemnation or demolition of vacant and abandoned buildings
		<i>Priority 3/8</i>			
LR139	Bolz		Appropriations	In Committee 05/15/2017	Interim study to analyze the best use of the state's child welfare resources in line with its goals
		<i>Priority 2/8</i>			
LR146	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee
		<i>Priority 5/6</i>			
LR147	Crawford		Health and Human Services	In Committee 05/15/2017	Interim study to conduct a comprehensive review of the Nebraska State Immunization Information System and to examine opportunities to increase the rate of immunizations reported to the system across the state
		<i>Priority 19/30</i>			
LR158	Williams		Banking, Commerce and Insurance	In Committee 05/15/2017	Interim study to examine whether the unclaimed property laws of Nebraska should be updated
		<i>Priority 1/2</i>			
LR163	Smith		Revenue	In Committee 05/15/2017	Interim study to examine the structure and administration of, and compliance with, real and personal property taxes
		<i>Priority 1/6</i>			
LR164	Quick		Appropriations	In Committee 05/15/2017	Interim study to examine the need for restoration, development, and capital improvement of sites that attract tourists to and within Nebraska
		<i>Priority 6/8</i>			
LR172	Wishart		Judiciary	In Committee 05/15/2017	Interim study to review recruitment and retention efforts that are currently or could potentially be undertaken by the Dept. of Correctional Services
		<i>Priority 3/15</i>			
LR173	Wishart		Judiciary	In Committee 05/15/2017	Interim study to review the work detail and work release efforts at the community corrections centers
		<i>Priority 7/15</i>			
LR174	Friesen		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to review the implementation of the 911 Service System Act
		<i>Priority 2/9</i>			
LR182	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine the extent of voter fraud in Nebraska
		<i>Priority 1/6</i>			

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LR184	Walz		Banking, Commerce and Insurance	In Committee 05/15/2017	Interim study to examine whether the Real Property Appraiser Act should be amended
		<i>Priority 2/2</i>			
LR187	Howard		Health and Human Services	In Committee 05/15/2017	Interim study to determine the strengths and weaknesses of the five primary service areas of the Division of Children and Family Services of the Dept. of Health and Human Services
		<i>Priority 6/30</i>			
LR188	Howard		Health and Human Services	In Committee 05/15/2017	Interim study to review policies and procedures relating to sustainability, organization, and best practices for data collection by the Division of Public Health relating to public health, epidemiology, and syndromic surveillance
		<i>Priority 9/30</i>			
LR189	Morfeld		Health and Human Services	In Committee 05/15/2017	Interim study to examine ways in which Nebraska could increase access to health insurance, including medicaid
		<i>Priority 18/30</i>			
LR191	Ebke		Judiciary	In Committee 05/15/2017	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws
		<i>Priority 4/15</i>			
LR194	Hilkemann		Health and Human Services	In Committee 05/15/2017	Interim study to examine the 407 process as it relates to scope of practice changes for health professions
		<i>Priority 7/30</i>			
LR195	Hilkemann		Revenue	In Committee 05/15/2017	Interim study to examine the system of valuing automobiles for calculation of the motor vehicle tax
		<i>Priority 3/6</i>			
LR196	Ebke		Judiciary	In Committee 05/15/2017	Interim study to track the progress of the Dept. of Correctional Services and to ensure the intentions set forth by the Legislature are being complied with and carried out
		<i>Priority 1/15</i>			
LR197	Pansing Brooks		Natural Resources	In Committee 05/15/2017	Interim study to examine issues surrounding the utilization of wood generated from the emerald ash borer infestation
		<i>Priority 7/9</i>			
LR198	Pansing Brooks		Judiciary	In Committee 05/15/2017	Interim study to examine the impact of incarceration on children in Nebraska
		<i>Priority 2/15</i>			
LR201	Linehan		Business and Labor	In Committee 05/15/2017	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska
		<i>Priority 3/7</i>			
LR202	Kolterman		Nebraska Retirement Systems	In Committee 05/15/2017	Interim study to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401 (a) qualified defined benefit retirement plans
		<i>Priority 1/3</i>			
LR206	Wayne		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries
		<i>Priority 3/6</i>			

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LR208	McCollister		Judiciary	In Committee 05/15/2017	Interim study to examine the cost of telephone calls made by people housed in county jails in Nebraska
		Priority 15/15			
LR209	Stinner		Appropriations	In Committee 05/15/2017	Interim study to examine the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund
		Priority 4/8			
LR210	Stinner		Appropriations	In Committee 05/15/2017	Interim study to examine fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress
		Priority 5/8			
LR214	Wayne		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to examine contracting and procurement by the Dept. of Roads
		Priority 4/9			
LR215	Hilgers		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class
		Priority 7/9			
LR216	Pansing Brooks		Judiciary	In Committee 05/15/2017	Interim study to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records
		Priority 10/15			
LR217	Riepe		Education	In Committee 05/15/2017	Interim study to examine the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses
		Priority 8/13			
LR218	Riepe		Education	In Committee 05/15/2017	Interim study to examine the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska at Omaha to create a single University of Nebraska institution in Omaha
		Priority 7/13			
LR219	Hansen		Judiciary	In Committee 05/15/2017	Interim study to examine the effectiveness of section 29-901, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs
		Priority 9/15			
LR220	Hansen		Judiciary	In Committee 05/15/2017	Interim study to investigate the purpose and benefits of creating conviction integrity units in Nebraska
		Priority 13/15			
LR221	Hansen		Judiciary	In Committee 05/15/2017	Interim study to examine possible reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation
		Priority 5/15			
LR223	Blood		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine Nebraska statutes governing the use of personally identifiable information
		Priority 6/6			
LR224	Blood		Revenue	In Committee 05/15/2017	Interim study to examine cross-county assessment and collection of ad valorem taxes
		Priority 6/6			
LR241	Vargas		Judiciary	In Committee 05/23/2017	Interim study to examine the distribution and use of funds from the Federal Title X program
		Priority 14/15			

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LR281CA	Morfeld	Support	Health and Human Services 02/21/2018	In Committee 01/17/2018	Constitutional amendment to state that affordable health care is a right and to expand eligibility under the medical assistance program <i>The provisions are an amendment to the Nebraska constitution that would state as follows: "Affordable health care is a right forever preserved for the people of Nebraska subject to reasonable restrictions as prescribed by law." It then goes on to state that "The Legislature shall provide health insurance under the medical assistance program to adults under the age of sixty-five years with incomes under one hundred thirty-three percent of the federal poverty level in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII)." This is medicaid expansion in the form of a constitutional amendment.</i>
LR290CA	Kuehn		Revenue 02/14/2018	In Committee 01/22/2018	Constitutional amendment authorizing the Legislature to value real property for property tax purposes at its market value on date of acquisition
LR295CA	Vargas		Executive Board 02/21/2018	In Committee 01/22/2018	Constitutional amendment to change the annual legislative salary to fifty percent of the median household income

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LB68	Hilgers	Monitor	Government, Military and Veterans Affairs 02/10/2017	Select File 04/18/2017 Hilgers Priority Bill	Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed <i>LB68 prohibits cities of the primary class from prohibiting carrying of concealed weapons. Except as prohibited, Cities, but not counties, do have the power to regulate the ownership, possession, transportation, carrying, registration, transfer, or storage of firearms, ammunition, or firearm accessories.</i>
LB72	Schumacher		Banking, Commerce and Insurance 02/13/2017	Approved by Governor 05/23/2017 Banking, Commerce and Insurance Priority Bill	Provide for governmental unit bond priority under the Nebraska Governmental Unit Security Interest Act and rename the act <i>LB72 renames the Nebraska Governmental Unity Security Interest Act to the Nebraska Governmental Unit Security Interest and Pledge Act. The NGUSIPA governs the perfection, priority, and enforcement of all security interests created governmental units. LB72 makes the pledge of any bond-pledged revenue source by a governmental unit to the payment of the principle, premium, and interest on bonds valid and binding and deemed continuously perfected from the time of the bonds or notes or other financing obligations are issued. Specific terms for different types of bonds are set forth in Section 5 of LB72.</i>
LB75	Wayne		Government, Military and Veterans Affairs 03/01/2017	Governor Vetoed 05/02/2017 Wayne Priority Bill	Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony (Motion made by Sen Wayne, found on Journal Page 1282) <i>LB75 restores voting rights to felons immediately after completion of their sentence or probation.</i>
LB98	Friesen		Revenue 02/02/2017	General File 03/15/2017 Speaker Priority Bill	Extend certain levy authority for natural resources districts <i>LB98 extends tax levy authority for natural resources districts to FY2025-26 instead of fiscal year 2017-2018.</i>
LB144	Friesen		Education 02/06/2017	In Committee 01/10/2017 Bostelman Priority Bill	Change agricultural and horticultural adjusted valuations for calculating state aid to schools <i>LB144 changes agricultural and horticultural adjusted valuations for calculating state aid to schools.</i>
LB151	Stinner		Government, Military and Veterans Affairs 01/19/2017	Approved by Governor (E- Clause) 05/02/2017 Speaker Priority Bill	Change and provide for duties of the Auditor of Public Accounts and certain audited entities <i>LB151 requires any entity that is audited or examined to provide to the Auditor of Public Accounts a detailed written description of any corrective action to be taken in response to the audit on or before six months after the issuance of a report by the Auditor of Public Accounts. The Auditor of Public accounts must then electronically submit a report of any findings of such investigation to the Governor, the appropriate standing committee, and the Appropriations of the Committee. LB151 also eliminates the duty of Auditor of Public Accounts to conduct all audits and examinations in a timely manner and in accordance with the standards for audits of government organizations, program, activities, and functions published by the Comptroller General of the United States.</i> Amended Bills: LB27, LB89, LB90

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LB152	Thibodeau	Support	Government, Military and Veterans Affairs 02/03/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Change and eliminate provisions relating to the fees for recording and filing certain documents
<i>LB152 eliminates sunset dates of January 1, 2018 for provisions relating to the fees for recording and filing certain documents. LB152 also eliminates the six-dollar uniform fee, payable to the Secretary of State, for presenting and filing and indexing and filing and indexing each notice of lien or certification of notice affecting lien on a property.</i>					
LB158	Pansing Brooks		Judiciary 01/26/2017	General File 02/06/2017 Pansing Brooks Priority Bill	Change provisions relating to appointment of counsel for juveniles
<i>LB158 eliminates certain provisions and stipulates that counsel be appointed for a juvenile in all cases in which a court petition is filed alleging jurisdiction of a juvenile. The juvenile and their parent or guardian will be told of the juvenile's right to counsel if they cannot afford to appoint their own. If a juvenile waives their right to counsel, they may at any time rescind such waiver and the court shall reappoint counsel for the juvenile.</i>					
LB166	Kolterman		Health and Human Services 01/27/2017	Approved by Governor (E- Clause) 05/02/2017 Speaker Priority Bill	Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act
<i>LB166 requires all pharmacies to complete a controlled-substance inventory whenever there is a change in the pharmacist-in-charge. LB166 also includes a definition for an emergency situation in which Schedule II controlled substances may be administered. Other regulations are also included for when pharmacies deal in controlled substances. Other provisions deal with the conduct of pharmacists and provisions for reporting unethical conduct.</i>					
LB180	Bolz		Judiciary 01/26/2017	Approved by Governor 05/02/2017 Speaker Priority Bill	Provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court
<i>LB180 provides criteria for granting a bridge order which terminates the juvenile court's jurisdiction over the juvenile's custody, physical care, and visitation and grants it to a district court.</i>					
LB194	Vargas		Banking, Commerce and Insurance 02/21/2017	In Committee 01/12/2017 Vargas Priority Bill	Change provisions of the Credit Services Organization Act, Delayed Deposit Services Licensing Act, and Nebraska Installment Loan Act
<i>LB194 prohibits Credit Services Organizations from charging any brokerage or other fees or charges in connection with a loan governed by the Nebraska Installment Loan Act. LB194 also adds definitions for the Delayed Deposit Services Licensing Act. LB194 provides that any delayed deposit loan that is made by a person who is not licensed as required is void and the person making the deposit has no right to collect, receive, or retain any principle, interest, fees, or other charges associated with such loan. LB194 also changes the nonrefundable application fee from five hundred dollars to one thousand dollars. LB194 also raises the asset requirement of an applicant from twenty-five thousand dollars available for operating the delayed deposit service business to fifty thousand dollars. LB194 raises the fee required for requesting a change of location a branch or designated principle place of business from one hundred fifty dollars to five hundred dollars.</i>					
<i>LB194 stipulates the documentation requirement for each delayed deposit loan transaction and what information should be contained in the written agreement. Licensee are also required to openly display a schedule of all finance charges, fees, interest, other charges, and penalties for all services provided.</i>					

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					<p><i>LB194 creates various restrictions on Delayed Deposit Loans. LB194 makes Delayed Deposit Loans precomputed loans that are payable in substantially equal instalments of principle, fees, interest, and charges combined. The total monthly payment may not exceed the greater of either five percent of the borrower's verified gross post-tax monthly income or six percent of the borrower's verified net post-tax monthly income. Before initiating any transaction, the licensee must make a reasonable determination of the borrower's verified income. The only fees a licensee may receive are interest of no more than thirty-six percent per annum, a month maintenance fee of either five percent of the loan amount or twenty dollars, and other charges permitted for the presentation of nonnegotiable instruments. All fees collected may not exceed fifty percent of the original loan amount. In the event of a default, the licensee may exercise all civil means authorized by law to collect the face value of the loan. The licensee may not collect fees as a result of the default. Licensees are not allowed to charge a fee associated with prepayment of a loan. Licensees are not allowed to lend any amount greater than \$500, plus allowable fees and interest, to any borrower. Borrowers will have the right to rescind a loan on or before 5 p.m. the next business day following the transaction. Licensees are not allowed to enter into more than one delayed deposit loan with the same borrower at any one time. The written loan agreement for a delayed deposit loan may provide that the entire unpaid loan balance be due and payable if the loan has been in default for ten days.</i></p> <p><i>LB194 also creates a duty of licensees to report, on an annual basis, certain information regarding their operations to the director.</i></p>
LB207	Krist		Executive Board 01/20/2017	Approved by Governor 05/02/2017 Executive Board Priority Bill	Change provisions relating to powers and duties of the Office of Inspector General of Nebraska Child Welfare
					<p><i>LB207 requires the Office of Inspector General of Nebraska Child Welfare to investigate death or serious injury in foster homes when the officer, upon review, determines the death or serious injury did not occur by chance. LB207 also prohibits personnel action from being taken against an employee because of a disclosure of information by the employee which the employee reasonably believes evidences wrongdoing.</i></p> <p>Amended Bills: LB6</p>
LB217	Harr		Revenue 02/02/2017	Approved by Governor (E- Clause) 05/02/2017 Revenue Priority Bill	Change revenue, taxation, economic development, and tax incentive provisions
					<p><i>LB217 allows for interest to accrue on the amount of tax due thirty days after the county assessor receives approval from the county board to remove or reduce a homestead exemption from the tax rolls of the county.</i></p> <p><i>Portions of LB49, LB228, LB238, LB288, LB387 & LB233 have been amended into LB217 via AM634.</i></p> <p>Amended Bills: LB49, LB228, LB233, LB238, LB251, LB288, LB387</p>
LB225	Crawford	Monitor	Health and Human Services 02/01/2017	Approved by Governor (E- Clause) 05/02/2017 Crawford Priority Bill	Change provisions of the Child Protection and Family Safety Act, the Nebraska Juvenile Code, the Foster Care Review Act, and the Nebraska Strengthening Families Act as prescribed
					<p><i>LB225 allows the department to begin using alternative response statewide on the effective date of the act until December 31, 2020. LB225 also requires the department to provide to the Nebraska Children's Commission updates on an analysis that will examine the challenges, barriers, and opportunities that may occur if the alternative response implementation plan is made permanent.</i></p> <p><i>Portions of LB297 have been amended into LB225 via AM611. Portions of LB298 have been amended into LB225 via AM537. Portions of LB336 have been amended into LB225 via AM462</i></p> <p>Amended Bills: LB297, LB298, LB336</p>

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LB233	Smith		Revenue 03/28/2017	General File 02/02/2017 Stinner Priority Bill	Change revenue and taxation provisions
<p><i>LB233 eliminates a provision prohibiting licensed organizations from conducting lotteries or raffles within the boundaries of any Class 6 or Class 7 county without specific authorization through ordinance or resolution. LB233 also allocates the Nebraska affordable housing tax credit among some or all of the qualified partners, members or shareholders if it is a partnership, LLC or corporation that owes the qualified project. If such a qualified partner decides to transfer, sell, or assign all or part of their ownership interest, including their interest in the authorized tax credits, they must notify the Department of Revenue of the transfer, sale, or assignment and provide the tax identification number of the new owner prior to the end of the tax year for which the credits are to be used.</i></p> <p><i>LB 233 requires that, for any funds returned under the homestead exemption, the county treasure must electronically file a report with the Property Tax Administrator, that indicated the amount of funds distributed to each taxing unit in the county in the year the funds were returned, any collection fee retained by the county in such year, and the amount of unused credits returned.</i></p> <p><i>LB233 also changes the date under which a large data project or tier 4 or 6 project receives their exemption under the Nebraska Advantage act to the first January 1 after the property was placed in service. Additionally, those who file an application that described a large data center or tier 5 project that is sequential to a tier 2 large data center project for which the entitlement period has expired shall receive the exemption of all property, such as computer systems, beginning any January 1 after the date the property was placed into service.</i></p>					
LB253	Crawford		Revenue 02/24/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Authorize intergovernmental service agreements under the County Industrial Sewer Construction Act and provide for a special tax levy
<p><i>LB253 allows for any county, city, village, or sanitary and improvement district to enter into a service agreement with any joint entity or joint public agency which owns or operates or proposes to own or operate any sewerage disposal system and plant. LB253 also grants any county, city, village, or sanitary and improvement district to levy a special tax to ensure payment of the service agreement.</i></p>					
LB259	Hansen		Judiciary 03/02/2017	Approved by Governor 05/15/2017 Hansen Priority Bill	Adopt and change competency and financial ability provisions relating to court proceedings as prescribed
<p><i>LB259 provides for competency determinations in cases pending before county courts.</i></p> <p>Amended Bills: LB145, LB395, LB526</p>					
LB263			Transportation and Telecommunications 02/07/2017	Approved by Governor (E- Clause) 05/02/2017 Transportation and Telecommunicati ons Priority Bill	Change provisions relating to motor vehicles, the Public Service Commission, motor carriers, and the statewide one-call notification center
<p><i>LB263 requires the Department of Motor Vehicles to implement an electronic dealer services system. A licensed dealer may voluntarily participate in the system and provide titling and registration services. Any licensed dealer who chooses to participate may collect from a purchaser of a vehicle all appropriate certification of title fees, notation of lien fees, registration fees, motor vehicle taxes and fees, and sales taxes. All fees collected must be remitted to the appropriate authorities. Any licensed dealer who chooses to participate shall use this system to electronically submit title, registration, and lien information to the Vehicle Title and Registration System. License plates, registration certificates, and certificates of title will be delivered as provided under the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act.</i></p> <p><i>LB263 limits a political subdivisions liability for any claim based on negligent issuances of a certificate of title under the Motor Vehicle Certification of Title Act and the State Boat Act when such title is issued upon an application filed electronically by an approved licensed dealer participating in the electronic dealer services system.</i></p>					

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					<i>LB263 also provides that, if a certificate of title is an electronic certificate of title record, the name of the owner may be changed electronically without the need to print a new certificate of title.</i> Amended Bills: LB54, LB70, LB143, LB164, LB294, LB355, LB418, LB459, LB460, LB483
LB268	Schumacher		Judiciary 02/01/2017	Approved by Governor 05/23/2017 Schumacher Priority Bill	Change court and other provisions relating to medical assistance reimbursement <i>LB268 gives county courts concurrent original jurisdiction with the district court to determine contribution rights under section 68-919. LB268 changes the fee schedule for recording certificates of foreclosure.</i> <i>LB268 requires notice of appointment of personal representatives to be provided to DHHS if the decedent was 55 years or older. The notice must be provided to the department in a delivery manner and at an address designated by the department. Any notice that fails to conform with such manner is void and constitutes neither notice to the department nor a waiver application.</i> <i>LB268 changes the term "Medicaid" to "medical assistance" for purposes of reimbursement of claims after a trustor has died. If no medical assistance payment is due, DHHS may waive this restriction after receipt of the trustee's request.</i> <i>LB268 allows for part of a deed filing fee to be used for preserving and maintaining public records of a register of deeds office that has been consolidated with another county officer and for the modernization and technology needs relating to those records.</i> <i>LB268 eliminates the uniform fee, payable to the Secretary of State, for presenting for filing and indexing and for filing and indexing each notice of lien or certificate or notice affecting the lien pursuant to the Uniform Federal Lien Registration Act.</i> <i>LB268 also changes the Medical Assistance Act. LB268 requires any applicant for medical assistance to disclose their interests in any real estate, trust, corporation, LLC, or other entity. Applicants must also disclose any income derived from such interests and whether the income is generated directly or indirectly. Any assistance obtained after a willful failure to disclose will be deemed unlawfully obtained and recovery may be sought. If, during the transferor's lifetime, an interest in real estate is irrevocably transfers to a related transferee for less than full consideration, the related transferee will be subject to a lien in favor of the State of Nebraska for medical assistance reimbursement to the extent necessary to secure payment subject to stipulated restrictions. LB268 also states that a medical provider shall have the authority of a guardian and conservator for the limited purpose of making application for medical assistance on behalf of a person whom the provider is treating if the person is unconscious or otherwise unable to apply for medical assistance and does not have an existing power of attorney or a court-appointed official to apply on their behalf. When DHHS provides medical assistance to a person because of third party's wrongful act or negligence, the department has the right to recover the medical assistance costs from that third party.</i>
LB271	Hilgers		Transportation and Telecommunications 01/23/2017	Approved by Governor 05/02/2017 Geist Priority Bill	Authorize the Department of Roads to assume certain responsibilities under federal environmental laws and provide for limited waiver of the state's sovereign immunity <i>LB271 allows the Department of Roads to assume all or part of the responsibilities of the United States Department of Transportation concerning environmental assessment and review. LB271 also waives the State of Nebraska's immunity from civil liability solely for the compliance, discharge, or enforcement of the assumed responsibilities.</i>
LB289	Pansing Brooks		Judiciary 02/23/2017	Approved by Governor 05/23/2017 Judiciary Priority Bill	Change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking and prohibit solicitation of a trafficking victim <i>LB289 makes pandering a Class II felony. LB289 also includes services under the definition of Labor for the purpose of defining "Labor Trafficking." LB289 also eliminates the "knowing" requirement for sex trafficking of a minor, and includes solicitation in the offense. LB289 makes labor or sex trafficking of a minor a Class IC Felony, unless the actor uses or threatens force on a victim under the age of sixteen, in such case the charge would be a Class IB Felony. LB289 also makes solicitation of a trafficking victim a Class II Felony. LB289 exempts trafficking victims from being charged if they benefit from or participate in the trafficking venture.</i> <i>Portions of LB188, LB178 & LB394 have been amended into LB289.</i> Amended Bills: LB178, LB188, LB191, LB394

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LB291	Larson		Revenue 03/01/2017	Select File 04/10/2017 Larson Priority Bill	Adopt the Special Economic Impact Zone Act
<p><i>LB291 adopts the Special Economic Impact Zone Act. The purpose of this act is to utilize the tax incentives provided in the act to encourage the formation and expansion of businesses on reservations in Nebraska. This act designates each reservation in the state as a special economic impact zone. For taxable years beginning on or after January 1, 2018, a qualified business located in a special economic impact zone may exclude any income derived from sources within a special economic impact zone when calculating its income tax liability to the state. Beginning January 1, 2018, such businesses are also exempt from the sales and use taxes due for the first ten million dollars of eligible purchases made each year.</i></p> <p><i>LB291 also requires that, when allocating any federal low-income housing tax credits, the authority must give a bonus to any project located in a special economic impact zone.</i></p> <p><i>LB291 also allows for the governing bodies of federally recognized Indian Tribes to enter into revenue sharing agreement with the Department of Revenue.</i></p>					
LB299	Ebke		Government, Military and Veterans Affairs 02/24/2017	General File 01/30/2018 Ebke Priority Bill	Adopt the Occupational Board Reform Act and change procedures for rules and regulations
<p><i>LB299 adopts the Occupational Board Reform Act. The purpose of this act is to require occupational boards to respect the fundamental right of an individual to pursue an occupation and to ensure that occupational boards and individual members of occupational boards avoid liability under federal antitrust laws. The act allows for individuals with criminal history to petition the relevant occupational board to determine if such criminal history would disqualify them from certification. An individual's criminal history will only disqualify them for a felony conviction, that felony conviction is expressly listed as a disqualifying offense, and the occupational board concludes that the state has an important interest in protecting public safety.</i></p> <p><i>LB299 also creates the Office of Supervision of Occupational Boards. The purpose of this board is to monitor occupational boards and ensure compliance with the act.</i></p> <p><i>LB299 also creates the Legislative Office of Occupational Regulations. The duties and responsibilities of the Office as specified in Section 23 of the act.</i></p>					
LB300	Krist		Judiciary 02/24/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Eliminate the statute of limitations on civil actions for sexual assault of a child
<p><i>LB300 eliminates the statute of limitations for civil actions arising from sexual assault of a child.</i></p>					
LB317	Hughes		Urban Affairs 01/24/2017	Approved by Governor 05/02/2017 Speaker Priority Bill	Provide for a relevy or reassessment of a special assessment for cities of the second class or villages as prescribed
<p><i>LB317 allows special assessments to be relevied or reassessed whenever the special assessment is found to be invalid and uncollectable.</i></p> <p><i>Portions of LB133 have been amended into LB317 via AM19.</i></p> <p>Amended Bills: LB133</p>					

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LB333	Scheer	Oppose	Health and Human Services 01/25/2017	Approved by Governor (E-Clause) 05/23/2017 Health and Human Services Priority Bill	Eliminate an independent review of denial of aid to the disabled
<p><i>LB333 requires that a disability persist for more than a year before a person can be considered disabled. LB333 also eliminates the requirement that the Department of Health and Human Services conduct an independent medical review when Social Security denies benefits to an individual on the basis of the duration of the individual's disability.</i></p> <p>Amended Bills: LB417, LB495</p>					
LB337	Smith		Revenue 02/08/2017	In Committee 01/17/2017 Lindstrom Priority Bill	Change income tax rates and provide for deferrals of the rate changes
<p><i>Beginning November 2019 and every November thereafter, LB337 requires the Tax Rate Review Committee to examine the expected rate of growth in net General Fund receipts from the Current Fiscal year to the upcoming fiscal year. If the expected rate of growth does not exceed three and one-half percent, the Committee shall declare that the income tax rate reduction under section 77-2715.03 be deferred. If such a deferral is declared, the highest individual income tax rate under 77-2715.03 for the current year will remain in place. For 2020 through 2026, this deferral will remain in effect until the Committee finds that the expected rate of growth exceeds four and two-tenths percent for the upcoming fiscal year. For 2027 and thereafter, and deferrals will remain in effect until the Committee finds that the expected rate of growth exceeds three and one-half percent for the upcoming fiscal year.</i></p> <p><i>LB337 also adds additional tax bracket tables.</i></p>					
LB338	Brasch		Revenue 02/08/2017	In Committee 01/17/2017 Brasch Priority Bill	Adopt the Agricultural Valuation Fairness Act
<p><i>LB338 adopts the Agricultural Valuation Fairness Act. Agricultural and horticultural land will be valued at its agricultural use value as determined by the Act regardless of any value which such land might have for other purposes. In order for land to receive agricultural use value, it must be located outside the corporate boundaries any district, city, or village and be used for agricultural or horticultural purposes. LB338 requires the county assessor to use an income-approach calculation to determine the agricultural use value for each year.</i></p> <p><i>LB338 also requires the Property Tax Administration to establish capitalization rates to be applied to each class or subclass of agricultural and horticultural land in each county.</i></p>					
LB339	Friesen		Transportation and Telecommunications 01/30/2017	Approved by Governor (E-Clause) 05/02/2017 Transportation and Telecommunications Priority Bill	Merge the Department of Aeronautics into the Department of Roads and rename as the Department of Transportation
LB389	Friesen		Transportation and Telecommunications 02/21/2017	General File 02/23/2018 Lowe Priority Bill	Adopt the Small Wireless Facilities Act
<p><i>LB389 adopts the Small Wireless Facilities Act. The purposes of this Act are to secure public access to advanced wireless technology and information, promote the public benefits from such wireless technology, and confirm that communications service providers and facilities have a right to occupy and utilize public rights-of-way. The Act allows communications service providers and facilities providers to place poles and wireless facilities in an authority right-of-way. An authority may require an application for a permit for such placement. The authority must approve the application unless it does not meet the applicable industry construction standards. Approved permits shall remain valid for at least ten years and be approved automatically for at least three five-year periods. Small wireless facilities shall be permitted use in all zoning districts other than areas outside the authority right-of-way that are zoned and used for single family residential use.</i></p>					

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LB415	Kolterman		Nebraska Retirement Systems 02/27/2017	Approved by Governor (E- Clause) 05/23/2017 Nebraska Retirement Systems Priority Bill	Change provisions relating to certain retirement plans as prescribed

Under LB415, termination of employment for county employees does not occur if: an employee enters into an employer-employee relationship in any capacity with the same or another county which participates in the Retirement System for Nebraska Counties; if the employee provides services to an employer participating in a retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.

On or after July 1, 2017, a retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the County Employees Retirement Act.

Under LB415, termination of employment for School employees does not occur if: an employee enters into an employer-employee relationship in any capacity within 180 days with the same or another county which participates in the School Employees Retirement Act; if the employee provides services to an employer participating in a retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.

A retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as a new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and earned after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the School Employees Retirement Act.

An employer is required to notify the board and the State Department of Education of the date upon which the termination of employment has occurred and provide such information as the board deems necessary. A member hired on or after July 1, 2017, or a member who has taken a refund or retirement and is rehired may retire if the member is at least 60 years of age and the sum of the member's attained age and creditable service totals ninety, or if the member is at least 65 and has completed at least five years of credible service. If the annuity of such a member beings at a time when the sum of the member's attained age and credible service totals ninety and the member is at least 60, the annuity will not be reduced. However, this only applies to members who have acquired the equivalent of five years of service or more as a school employee under the retirement system.

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Under LB415, termination of employment for Nebraska State Patrol members does not occur if: an employee enters into an employer-employee relationship in any capacity within 180 days with the same or another county which participates in the School Employees Retirement Act; if the employee provides services to an employer participating in an retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems. The employer involved in the termination of the employment and the officer shall certify that, prior to retirement, there was no prearranged agreement to return to work in any capacity. A retired officer of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired officer that complies with these requirements will participate in the retirement system as new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and eared after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the Nebraska State Patrol Retirement Act.

Under LB415, termination of employment for State employees does not occur if: an employee enters into an employer-employee relationship in any capacity with the same or another county which participates in the Retirement System for Nebraska Counties; if the employee provides services to an employer participating in an retirement system provided for in the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, or the State Employees Retirement Act; or if the member accepted an early retirement incentive and, within three years after accepting and ceasing such employment, subsequently provides services any capacity to an employer participating in the above mentioned retirement systems.

On or after July 1, 2017, a retired member of a retirement system who is hired or rehired in any capacity by an employer participating in the above-mentioned retirement plans must: certify under oath that, prior to retirement, they did not have a prearranged agreement to work after retirement with that employer; and meet the requirements for termination of employment as defined. Any retired member that complies with these requirements will participate in the retirement system as s new member and make contributions to the retirement system commencing upon reemployment. Upon termination of such new employment, the member will receive, in addition to the retirement benefit which commenced at the time of the previous retirement: if the member has accrued ten year or more of vesting credit after their return to employment, a retirement benefit shall be calculated solely on the basis of the vesting credit accrued and eared after the member's return to employment and as adjusted to reflect any payment in other than the normal form; or if the member has not accrued ten or more years of vesting credit after their return to employment, a refund equal to the member's accumulated contributions which were credited to the member after the return to employment. A member's vesting credit which was accrued prior to a previous employment may not be considered as part of the member's vesting credit after their return to employment for any purpose of the State Employees Retirement Act.

Amended Bills: LB31, LB32, LB110, LB219, LB278, LB413, LB532

LB417	Riepe		Health and Human Services 02/01/2017	Approved by Governor 05/02/2017 Riepe Priority Bill	Change and eliminate provisions relating to public health and welfare
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LB417 eliminates provisions concerning the alternative response implementation plan. LB417 also eliminates a provision requiring associations that receive juveniles under the Nebraska Juvenile Code to report to the department its condition, management, and competency. LB417 also eliminates a provision requiring the department to submit an annual summary and analysis of the medical assistance program to the Medicaid Reform Council. LB417 eliminates a provision requiring the department to report to the Governor, the Legislation, and the Medicaid Reform Council on the implementation of rules and regulations, Medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and their effects.

LB417 eliminates provisions requiring the divisions to notify the Governor and Legislature when the occupancy of the licensed psychiatric hospital beds of any regional center reaches twenty percent or less of its capacity. LB417 also eliminates provision that have been outdated.

LB417 allows senior volunteers to receive transportation expenses, one free meal, and an annual physical examination. LB417 eliminates provisions that provided senior volunteers with an hourly stipend.

LB417 requires the department to make annual grants in an amount not to exceed twenty-five thousand dollars. As a condition to receiving a grant, an application must obtain at least ten percent matching funds from local sources. LB417 also requires the department to develop a quality assurance plan to promote and monitor quality relating to services for persons with developmental disabilities.

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LB427	Vargas		Education 01/30/2017	Approved by Governor 05/09/2017 Vargas Priority Bill	Authorize schools and the State Department of Education to adopt policies relating to pregnant and parenting students, authorize training regarding such policies, and authorize breastfeeding accommodations for student-parents <i>LB427 requires schools to provide private or appropriate facilities for accommodation for milk expression and storage for breast feeding student-mothers.</i> Amended Bills: LB428
LB432	Erdman		Government, Military and Veterans Affairs 01/26/2017	Approved by Governor (E-Clause) 05/02/2017 Erdman Priority Bill	Change provisions of the Nebraska Budget Act relating to allowances for delinquent taxes and anticipated litigation <i>LB432 eliminates provisions that allowed governing bodies, when certifying the amount needed for a budget, to make allowances for delinquent taxes not exceeding five percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for any estimated tax loss from any pending or anticipated litigation which involves taxation. Since an emergency exists, this act takes effect when passed and approved according to law.</i>
LB444	Walz		Judiciary 03/03/2017	Approved by Governor 05/02/2017 Walz Priority Bill	Prohibit cities and counties from canceling health insurance coverage for injured first responders as prescribed <i>LB444 prohibits cities and counties from canceling health insurance for law enforcement officers who suffered serious bodily injury while in the line of duty.</i> Amended Bills: LB244
LB447	Chambers		Judiciary 02/08/2017	Select File 03/09/2017 Chambers Priority Bill	Eliminate certain mandatory minimum penalties <i>LB447 eliminates mandatory minimum sentences for Class ID and Class IC felonies.</i>
LB451	Murante		Government, Military and Veterans Affairs 03/01/2017	Approved by Governor 05/15/2017 Government, Military and Veterans Affairs Priority Bill	Change various provisions relating to elections as prescribed <i>LB451 eliminates a provision prohibiting the election commissioner from becoming a candidate for an elected officer during their term of office or within thirty days of leaving office. LB451 also changes provision relating to the appointment for vacant legislative seats. LB451 also provides that any person using an early voting or absentee ballot must sign a voter oath to be contained with the ballot.</i> <i>LB451 requires that, if the filing deadline for the elective officer is after March 1 of the year in which the election is held, the candidate must file supplementary statements on or before the filing deadline. If the candidate files to appear on the ballot for election during the calendar year in which the election is held, the candidate must file a statement of financial interests of the preceding calendar year with the commission on or before March 1 of the year. A statement of financial interest must be preserved for a period of no less than five years.</i> Amended Bills: LB314
LB470	Larson		General Affairs 02/06/2017	IPP (Killed) 02/24/2017 General Affairs Priority Bill	Change provisions of the Nebraska County and City Lottery Act relating to the manner of play of keno, use of electronic tickets, and authorized methods of payment <i>LB470 allows the use of electronic tickets when playing keno. A lottery operator that does use electronic tickets must take reasonable measure to prevent participation in the keno lottery by a person outside the licensed premises. LB470 also prohibits the use of credit cards to pay for keno beginning January 1, 2018.</i>

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LB481	Kuehn		Health and Human Services 02/02/2017	Approved by Governor 05/09/2017 Speaker Priority Bill	Provide for drug product selection for interchangeable biological products <i>LB481 allows for drug product selection concerning interchangeable biological products. LB481 also adjusts definitions under the Nebraska Drug Product Selection Act.</i>
LB487	Morfeld		Judiciary 02/23/2017	Approved by Governor 05/02/2017 Judiciary Priority Bill	Provide and change immunity provisions relating to naloxone and asthma and allergic reactions and change provisions of the Uniform Controlled Substances Act <i>LB487 exempts a person from violating the Uniform Controlled Substance Act if: such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another; such person was the first person to make a request for medical assistance as soon as the drug overdose was apparent; the evidence for the violation of the UCSA was obtained as the result of the drug overdose and request for medical assistance; such requesting person remained on the scene until medical assistance arrived; and such requesting person cooperated with medical assistance or law enforcement.</i> <i>LB487 also prohibits administrative action, criminal prosecution, and civil liability against an emergency responder or peace officer who, in good faith, administers naloxone to a person who is apparently experiencing an opioid-related overdose.</i> <i>Portions of LB167, LB293, and LB296, as amended by AM276, have been amended into LB487 via AM568.</i> Amended Bills: LB167, LB293, LB296
LB496	Stinner		Urban Affairs 02/28/2017	Select File 05/16/2017 Williams Priority Bill	Define and redefine terms under the Community Development Law <i>LB496 includes the construction of workforce housing, in cities of the first and second class and villages, into the definition of redevelopment project under the Community Development Law. LB496 also includes a definition for workforce housing. Workforce housing means single-family or multi-family housing for which the municipality receives a housing study that is current, prepares an incentive plan for construction targeted to house existing or new workers, holds a public hearing on such incentive plan with notice, and after the public hearing finds that such incentive plan is necessary to prevent the spread of blight and substandard conditions within the municipality.</i>
LB539	Krist		Executive Board 02/08/2017	Approved by Governor (E- Clause) 05/02/2017 Executive Board Priority Bill	Change the Office of Inspector General of the Nebraska Correctional System Act <i>LB539 requires the department of corrections to report all cases of death or serious injury of an employee when acting in their capacity as an employee as soon as reasonably possible. The department must also report all cases where an employ is hospitalized in response to an injury received when acting in their capacity as an employee. LB539 prohibits the Inspector General from interviewing any person who has already been interviewed by a law enforcement agency in connection with a relevant ongoing investigation of a law enforcement agency without consent of the prosecuting attorney.</i>
LB578	McDonnell		Health and Human Services 03/15/2017	Approved by Governor 05/23/2017 McDonnell Priority Bill	Adopt the Ground Emergency Medical Transport Act <i>LB578 allows eligible providers to receive, in addition to the rate of payment, supplemental Medicaid reimbursement pursuant to a specified pay schedule. Participation in the supplemental reimbursement program by an eligible provider is voluntary. If a government entity elects to seek supplemental reimbursement on behalf of an eligible providers, they must clarify that the claimed expenditures for are eligible for federal financial participation, provide evidence supporting the certification as specified by the division, submit data as specified to determine the appropriate amounts of qualifying expenditures, and maintain any specified records.</i>

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					<i>LB578 also requires the department to design and implement an intergovernmental transfer program relating to Medicaid managed ground emergency medical transportation services to be implemented on the date federal approval is obtained. Participation in intergovernmental transfers is voluntary on the party of the transferring entity. The intergovernmental transfer program shall also be implemented without any additional expenditure from the General Fund. Each eligible provider or governmental entity must agree to reimburse the department for any costs associated with implementing such a program.</i>
LB589	Crawford		Judiciary 03/02/2017	General File 03/13/2017 Crawford Priority Bill	Provide for depositions of a child victim or child witness <i>LB589 prohibits depositions of a child being taken when the child has undergone a video-recorded forensic interview at a child advocacy center, except by agreement of the parties or by approval of the court. If a request to depose a child is granted, the court must make any protective order that justice requires to protect the child from emotional harm, distress, harassment, undue influence, or intimidation.</i>
LB625	Larson	Monitor	Urban Affairs 02/14/2017	Approved by Governor (E- Clause) 05/02/2017 Urban Affairs Priority Bill	Change the Property Assessed Clean Energy Act <i>LB625 allows a municipality to create a clean energy assessment district anywhere within the municipality, except a district may not be created that includes any area within the corporate boundaries of any city or village located in whole or in part within such county.</i>
LB628	Larson		Government, Military and Veterans Affairs 02/10/2017	General File 03/15/2017 Speaker Priority Bill	Prohibit ordinances and resolutions prohibiting certain short-term rentals of residential property <i>LB628 prohibits cities, villages, and counties from adopting or enforcing an ordinance or resolutions that prohibits the use of property as a short-term rental. Short-term rental means a residential property that is rented wholly or partly for a fee for a period not longer than thirty days. However, LB628 allows the regulations of short-term rentals by cities, villages, and counties.</i>
LB644		Oppose	Government, Military and Veterans Affairs 02/23/2017	Approved by Governor 05/23/2017 Government, Military and Veterans Affairs Priority Bill	Provide, change, and eliminate provisions governing boards, commissions, and similar entities <i>LB644 eliminates the state noxious weed advisory committee and the Nebraska Potato Development Committee. LB644 also prohibits a quorum of the Commission on Judicial Qualifications from being present unless all members appointed by the Governor are present. All citizen members of this commission must be affiliated with the political party of the Governor. LB644 also eliminates a requirement that lawyer members of this commission be members of the Nebraska bar and reside in the judicial district served by the commission.</i> <i>LB644 requires the State Treasurer to transfer any funds in the Carbon Sequestration Assessment Cash Fund to the Election Administration Fund.</i> <i>LB644 also eliminates the Board of Emergency Medical Services and gives its power to the department and the Division of Public Health.</i> <i>LB644 eliminates the Perfusionst Committee.</i> <i>LB644 gives a licensee who had their motor vehicle operator license revoked because of a mental, medical, or vision problem the right to an immediate appeal to the director. Whenever a director reviews the denial or cancellation of a license because of mental, medical, or vision problems, the director may consider records and reports from a qualified physician. LB644 also eliminates the Health Advisory Board's role in the making of this decision.</i>

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LB670	Krist		Judiciary 01/24/2018	General File 02/28/2018 Judiciary Priority Bill	Change membership, powers, and duties of the Nebraska Coalition for Juvenile Justice <i>LB 670 requires that the coalition be comprised of no less than 15 and no more than 33 members. Additionally, LB 670 prohibits a majority of the coalition members, including the chairperson, from being full-time employees of federal, state, or local government. At least one-fifth of the members must be under the age of twenty-four on the date of their appointment. LB 670 also lists required members of the coalition that must be appointed one or after June 15, 2018.</i>
LB697	Ebke		Judiciary 01/19/2018	Select File 03/08/2018 Speaker Priority Bill	Change certain district court judicial district boundaries <i>LB697 moves Clay and Nuckolls counties to District No. 10, and moves Otoe county to District No. 1.</i>
LB729	Wayne	Monitor	Judiciary 01/25/2018	General File 02/28/2018 Speaker Priority Bill	Allow claims arising out of misrepresentation or deceit under the Political Subdivisions Tort Claims Act and State Tort Claims Act <i>LB729 allows for claims arising out of misrepresentation and deceit under the Political Subdivision Tort Claims Act and State Tort Claims Act.</i>
LB741	Lindstrom		Banking, Commerce and Insurance 01/22/2018	General File 01/25/2018 Speaker Priority Bill	Change provisions relating to real property appraisers <i>LB741 changes the meaning of assignment to only the valuation service performed by an appraiser as a consequence of an agreement with a client. LB741 also states that an assignment result is the opinion or conclusions developed by an appraiser with performing valuation services. LB741 also eliminates real property associates as credential holders for purposes of section 76-2207.10.</i> <i>LB741 allows for assessment reports to be transmitted to a party authorized by the client. Lb741 also eliminates appointment requirements for the Real Property Appraiser Board. LB741 allows for reciprocal credentialing if the applicants jurisdiction of practice meets or exceeds the minimum requirements of the Real Property Appraiser Qualification Criteria as adopted and promulgated by the Appraiser Qualifications Board of the Appraisal Foundation. LB741 also eliminates some credentialing requirements relating to classroom work and continuing education.</i>
LB745	Watermeier		Revenue 02/01/2018	General File 02/14/2018 Speaker Priority Bill	Require notice relating to certain refunds of local sales and use taxes <i>LB745 requires the Tax Commissioner to notify the affected city, village, county, or municipal county of a refund claim of at least \$5,000 within 20 days after receiving the claim. If the refund is granted, the Tax Commissioner must give the city, village, county, or municipal county the option of having such refund deducted from its tax proceeds in either one lump sum or twelve equal monthly installments.</i>
LB758	Hughes		Natural Resources 01/17/2018	Approved by Governor (E- Clause) 02/28/2018 Natural Resources Priority Bill	Provide for voluntary payments in lieu of taxes on water augmentation project lands as prescribed <i>LB758 requires natural resource districts that acquire private land to develop and operate water augmentation projects for streamflow enhancement to collaborate with representatives of the county in which such land is located. The purpose of this collaboration is to lessen any impacts to such county's property tax base while also ensuring the objectives of the project are met.</i>

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Document	Senator	Position	Committee	Status	Description
LB760	Hughes		Revenue 01/17/2018	General File 02/14/2018 Speaker Priority Bill	Change the Volunteer Emergency Responders Incentive Act <i>LB760 provides that a volunteer member's service and activities during 2016 and 2017 shall count toward qualification as an active emergency responder, active rescue squad member, or active volunteer firefighter for each respective year if certain steps are taken.</i>
LB776	McCollister	Oppose	Judiciary 01/18/2018	General File 01/30/2018 McCollister Priority Bill	Provide requirements for inmate access to telephone or videoconferencing systems in county and city jails <i>LB776 requires each county and city jail to make available either a prepaid telephone call system or collect telephone calls system for telephone services for inmates. The Jail Standards Board is required to ensure that county and city jails are providing inmates with affordable and meaningful means to communicate by telephone or videoconferencing with inmates' families, loved ones, and counsel.</i>
LB829	Erdman		Revenue 01/25/2018	In Committee 01/08/2018 Erdman Priority Bill	Adopt the Property Tax Relief Act <i>LB829 adopts the Property Tax Relief Act. Under this Act, each taxpayer is allowed a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 in the amount of 50% of the school district taxes levied on the taxpayer's property.</i>
LB841	Pansing Brooks		Judiciary 01/17/2018	General File 02/28/2018 Judiciary Priority Bill	Provide duties relating to correctional overcrowding emergencies <i>LB841 requires the Board of Parole to submit a proposed plan before December 1, 2018 describing the process of implementing the accelerated parole review process.</i>
LB861	Watermeier	Support	Appropriations 02/13/2018	Select File 03/09/2018 Appropriations Priority Bill	Require that certain prosecution costs be paid by the state <i>LB861 requires the costs of prosecution in excess of the threshold amount be paid by the State if the county's costs of prosecution relating to a single correctional institution incident exceed the threshold amount.</i>
LB874			Urban Affairs 01/30/2018	Final Reading 03/08/2018 Urban Affairs Priority Bill	Change the Community Development Law <i>LB874 requires each city that has created a community development authority or limited community development authority to give to governing body of each county and school district the opportunity to appoint a nonvoting member of the authority or limited authority.</i> <i>LB874 also allows the Auditor of Public Accounts to audit, or cause to be audited, any authority established or any redevelopment plan of such authority when the Auditor determines such audit is necessary or when requested by the governing body. LB874 also includes in the definition of Redevelopment project work undertaken to clear structures in the redevelopment project area which exceed minimum building and design standards in the community and prevent the recurrence of substandard and blighted conditions. LB874 also adds and eliminates other definitions associated with the Community Development Law.</i> <i>LB874 requires that any loan made for the purpose of financing a redevelopment project that includes the division of taxes only be used for such purpose, and any proceeds form repayment of the loan must be deposited in the city's general fund and may not be used to establish a revolving loan fund.</i> <i>LB874 also requires the governing body of a city, prior to declaring an area substandard or blighted, to conduct a study or an analysis on whether the area is actual substandard and blighted. The planning commission must then hold a public hearing on the question after giving reasonable notice at least once a week for two consecutive weeks prior to the hearing. After such hearing, the planning commission must submit their recommendations to the governing body. The governing body must then hold a public hearing on those recommendations.</i>

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Document	Senator	Position	Committee	Status	Description
					<p><i>Under LB874, governing authorities must include impacts on the student population of school districts in their cost-benefit model analysis of the redevelopment project. LB874 requires that copies of the cost-benefit analysis be posted on the city's website or made available for public inspection. LB874 prohibits a reimbursement of costs incurred prior to the approval of the redevelopment project for projects that include the division of taxes, with exceptions.</i></p> <p><i>LB874 requires each city that as approved one or more redevelopment plans include in their report to the Property Tax Administrator a list of all projects that have been audited since the last report and a list of all projects to be audited in the next twelve months. LB874 also includes new reporting requirements for planning commissions and governing bodies of cities.</i></p> <p><i>LB874 requires any contract for a redevelopment plan or project that includes the divisions of taxes include a provision requiring the redevelopment to retain copies of all supporting documents associated with the plan or project for three years.</i></p>
LB902	Bostelman		Government, Military and Veterans Affairs	General File 03/12/2018 Bostelman Priority Bill	<p>Authorize the withholding from the public of information regarding firearm registration, possession, sale, or use</p> <p><i>LB902 authorizes the withholding of records concerning information obtained by any government entity regarding firearm registration, possession, sale, or use that is obtained for the purpose of an application permitted or required by law.</i></p>
LB906	Williams		Judiciary	General File 02/05/2018 Speaker Priority Bill	<p>Change provisions relating to Schedule I controlled substances</p> <p><i>LB906 provides exemptions for substances on the list of exempted products of the Drug Enforcement Administration of the United States Department of Justice as the list existed on November 9, 2017.</i></p>
LB913	McDonnell		Judiciary	Select File 03/06/2018 McDonnell Priority Bill	<p>Change provisions relating to assault with a bodily fluid against a public safety officer</p> <p><i>LB913 includes health care professionals in the definition of public safety officers for purposes of assault with a bodily fluid against a public safety officer.</i></p>
LB923	Morfeld		Judiciary	General File 02/05/2018 Speaker Priority Bill	<p>Provide immunity for certain law enforcement employees administering naloxone and change provisions relating to immunity for persons reporting or experiencing alcohol overdoses</p> <p><i>LB923 includes a definition for law enforcement employees. Law enforcement employee means an employee of a law enforcement agency, a contractor of a law enforcement agency, or an employee of such contractor who regularly, as part of their duties, handles, processes, or is likely to come into contact with any evidence or property which may include or contain opioids.</i></p> <p><i>LB923 also requires that any request for emergency medial assistance in response to a possible alcohol overdose be made in good faith in order for immunity to apply.</i></p>
LB931	Howard		Judiciary	Select File 02/28/2018 Howard Priority Bill	<p>Provide requirements for opiate prescriptions</p> <p><i>LB931 prohibits practitioners from prescribing more than a seven-day supply of opiates to a patient younger than nineteen years of age for outpatient use. The practitioner may only prescribe more than a seven-day supply if, in the professional medial judgment of the practitioner, more than a seven-day supply is necessary for the treatment of chronic pain management or pain associated with a cancer diagnosis or for palliative care.</i></p>

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Document	Senator	Position	Committee	Status	Description
LB947	Smith		Revenue 01/31/2018	In Committee 01/11/2018 Smith Priority Bill	Adopt the Nebraska Property Tax Cuts and Opportunities Act, change income tax rates, and eliminate certain exemptions and credits

LB947 adopts the Nebraska Property Tax Cuts and Opportunities Act. The Act allows to each resident individual who is an owner of a homestead a refundable income tax credit equal to a percentage of the property taxes paid on such homestead, not to exceed the prescribed limitations. For taxable year 2018, the refundable credit will be 10%, and the percentage will increase as prescribed by the Act but may not exceed 30%. If the property taxes on a homestead are paid by a corporation, partnership, LLC, a trust, or an estate, the amount of property taxes paid will be allocated to the shareholders, partners, members, or beneficiaries in the same proportion that the income is distributed.

The Act also allows for a refundable income tax credit for each resident individual equal to the percentage of property taxes paid during the taxable year on agricultural and horticultural land, farm sites, and improvements on farm sites. LB947 eliminates the exemption provided in the Personal Property Tax Relief Act after 2019. LB947 also eliminates reductions in value of tangible personal property owned by railroads after 2019. Exemptions for air carriers are also eliminated after 2019. LB947 also creates new tax brackets and rates for taxable years after 2019 for both individuals and corporations.

LB947 also requires the State Treasurer to transfer the unobligated balance from the Property Tax Credit Cash Fund to the General Fund on or before September 2018. LB947 also discontinues relief under the Property Tax Credit Act for tax year 2018 and every tax year after. LB947 requires, beginning July 2019, the State Treasurer to transfer excess amounts from the General Fund to the Cash Reserve fund if the excess amount is less than one percent of the estimated General Fund new receipts for the fiscal year. If the excess amount is one percent or more, the State Treasurer must transfer the amount by which the excess exceeds one percent from the General Fund to the Cash Reserve Fund.

The State Treasurer must transfer \$5,000,000 from the General Fund to the Job Training Cash Fund on or before July 15, 2018 and another \$5,000,000 on or before July 15, 2019.

LB989	Wishart		Transportation and Telecommunications 02/13/2018	In Committee 01/17/2018 Wishart Priority Bill	Authorize testing of autonomous vehicles by a city of the primary class on its roadways
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LB989 allows a city of the primary class or a partnership of such city and a private entity to conduct pilot projects involving the testing of autonomous vehicles without a driver, a driver's seat, a steering wheel, a brake pedal, or an accelerator pedal. The testing must be limited to a specific area designed by the city, the autonomous vehicle may only operate at speeds less than 35 mph, and the city must obtain insurance and submit a description of the testing to the Department of Transportation.

LB990	Wayne		Judiciary 02/08/2018	General File 03/08/2018 Wayne Priority Bill	Create the offense of possession of a firearm by a prohibited juvenile offender
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LB990 states that a person under the age of twenty-five who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if they:

have previously been adjudicated as offender for an act that would constitute a felony or a misdemeanor crime of domestic violence; are a fugitive from justice; or the subject of a current and validly issued domestic violence protection order. Possession of a firearm by a prohibited juvenile offender is a Class IIIA felony for a first offense and a Class III felony for a second or subsequent offense.

LB990 also allows for juveniles who are prohibited to petition the court for exemption from such prohibition and provides guidelines for the court to consider when considering such petition.

LB993	Friesen		Transportation and Telecommunications 02/05/2018	Select File 03/12/2018 Geist Priority Bill	Create the 911 Service System Advisory Committee and change the 911 Service System Act and eliminate the act's termination date
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LB993 creates the 911 Service System Advisory Committee. The committee will advise the commission concerning the implementation, coordination, operation, management, maintenance, and funding of the 911 service system and provide input on technical training and quality assurance. LB993 also eliminates a responsibility of the commission to consult with and seek advice and assistance from stakeholders. LB993 also adds new responsibilities of the commission. LB993 allows the commission to apply for any federal or other funds available for next-generation 911 service and distribution such funds consistent with their applicable directives. LB993 provides immunity for any person involved in the provision of next-generation 911 services in certain situations.

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Document	Senator	Position	Committee	Status	Description
LB1005	Kolterman		Nebraska Retirement Systems 02/02/2018	General File 03/06/2018 Nebraska Retirement Systems Priority Bill	Change county and school retirement provisions <i>LB1005 states that, in the event that the board determines that a governmental entity currently participating in the retirements system no longer qualifies under Section 414(d) of the I.R.C. as a participating employer in a governmental plan, the entity will be liable for: (1) funding any obligation of the retirement system to provide benefits for the affected plan members; (2) the cost of any actuarial study necessary to aid the board in determining the amount of such obligation; and (3) any administrative costs incurred by the board or the Nebraska Public Employees Retirement System in connection with the entity's removal from the retirement system.</i> <i>Any governmental entity contemplating a business transaction that may result in loss of qualifying status under section 414(d) must notify the board in writing as soon as reasonably practicable, but no later than one hundred eighty days before the transaction is to occur. Upon notification, the board must make several prescribed determinations designed to assist the entity with the decision.</i> <i>LB1005 also requires that, prior to January 1, 2019, any governmental entity with specific statutory authority to elect or discontinue participation in the retirement system must make an election regarding whether to participate. On or after January 1, 2019, no governmental entity may elect or discontinue participation in the retirement system and the board will make determinations whether a governmental entity qualifies for participation. These changes will apply to both county and school retirement systems.</i>
LB1009	Murante		Transportation and Telecommunications 02/06/2018	General File 02/28/2018 Hughes Priority Bill	Provide a super-two rural highway classification and change maximum highway speed limits as prescribed <i>LB1009 creates a classification for super-two rural highways. A super-two consists of two-lane highways designated primarily for through traffic with passing lanes spaced intermittently and on alternating sides of the highways to provide predictable opportunities to pass slower moving vehicles. The speed limit on a super-two will be sixty-five miles per hour. LB1009 also allows for the maximum speed limit to be increased up to five miles per hour over seventy-five miles per hour upon the National System of Interstate and Defense Highways as authorized by the Department of Transportation based on an engineering and traffic investigation.</i>
LB1065	Murante		Government, Military and Veterans Affairs 02/14/2018	In Committee 01/19/2018 Government, Military and Veterans Affairs Priority Bill	Permit use of electronic poll books and use of digital images for confirmation of the voter's identity <i>LB1065 states the intent of the Legislature to permit the use of electronic poll books for purposes of deterring and detecting voter fraud, improving and modernizing election procedures, and safeguarding voter confidence. Each electronic poll book for a precinct must contain the list of registered voters and the sign-in register for the precinct combined in one data base and shall include the registration information, the digital image, and the digital signature of the registered voters of the precinct.</i>
LB1078	Crawford		Executive Board 02/12/2018	Select File 02/28/2018 Executive Board Priority Bill	Require reporting of sexual abuse allegations as prescribed <i>LB1078 requires the department, the juvenile services division, each juvenile detention facility, and each staff secure juvenile facility to report to the office all allegations of sexual abuse of a state ward, juvenile on probation, juvenile in a detention facility, and juvenile in a residential child-caring agency.</i> <i>LB1078 also requires the department to report to the Health and Human Services Committee the number of sexual abuse allegations that occurred for children being served by the Division of Children and Family Services of DHHS and placed at a residential child-caring agency and the number of corresponding screening decision occurrences by category, open investigations by category, and agency substantiations, court substantiations, and court-pending status cases.</i>
LB1084	Briese		Revenue 02/08/2018	In Committee 01/22/2018 Briese Priority Bill	Adopt the Property Tax Request Limitation Act, provide sunset dates for certain tax exemptions and incentives, and change other revenue and taxation provisions <i>LB1084 adopts the Property Tax Request Limitation Act. The Act prohibits, with exceptions, a school district's property tax request for any year from exceeding the school district's property tax request authority, except for requests that are needed to pay the principle and interest on approved bonds. LB1084 provides the method that each school board of each school district must use to calculate the district's property tax request authority each year. This determined amount must be reported to the State Department of Education. If the department determines that such amount was correctly calculated, it must approve and certify the amount. This certified amount will then be the district's property tax request authority.</i>

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Document	Senator	Position	Committee	Status	Description
					<p><i>The district may exceed its property tax request authority by an amount approved by a majority of the legal voters voting on the issue at a special election called for such purpose. The property tax request amount may also exceed its authority by a percentage approved by an affirmative vote of at least 75% of the school board, with specified limitations.</i></p> <p><i>School districts are not required to increase its property tax request by the full amount allowed in a particular year. If the district elects to not increase to the full amount, they may carry over to future years the amount of unused property tax request authority.</i></p> <p><i>LB1084 provides sunset dates of January 1, 2019 for certain tax exemptions and incentives.</i></p> <p><i>LB1084 imposes a surtax after January 1, 2019 upon an individual who is subject to state income tax under the Nebraska Revenue Act of 1967 and who has federal adjusted gross income for the taxable year of five hundred thousand dollars or more. This surtax will be in addition to any other taxes owed and will be equal to the individual's state income tax liability multiplied by a rate of either: (1) 2.5% if the individual's federal adjusted gross income is at least \$500,000 but less than one million; or (2) five percent if the individual's federal adjusted gross income is at least one million.</i></p> <p><i>LB1084 sets the state tax levied pursuant to section 77-2703 at six percent starting October 1, 2018. LB1084 also includes more services under the definition for "gross receipts for services."</i></p> <p><i>LB1084 requires persons who lack physical presence in the state and who make retail sales of property to purchasers in the state to have the duties and responsibilities of a seller for the purpose of sales and use taxes if such person either: (1) made retail sales of property totaling one hundred thousand dollars or more; or (2) make retail sales of property in two hundred or more separate transactions.</i></p> <p><i>LB1084 eliminates an exception against sales and use taxes for prepared food and food ingredients serviced by schools, admissions fees charged for political events charged by ballot question committees, admissions fees charged by schools, admissions fees charged for participants in any activity provided by a nonprofit sporting event, and admissions fees charged for participation in an activity provided by a nonprofit youth development and healthy living event.</i></p> <p><i>LB1084 provides a new way to calculate individual income tax for taxable years beginning after January 1, 2019. The tax will be a percentage of each individual's federal adjusted gross income as modified, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions for qualified retirement plans. The additional taxes will be recomputed by (i) substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the act, shall be allowed as a reduction in the income tax due. LB1084 also provides a new way to compute the taxes imposed on all resident estates and trusts for taxable years beginning or deemed to begin on or after January 1, 2019. The tax will be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans.</i></p> <p><i>These additional taxes will be recomputed by (A) substituting Nebraska taxable income for federal taxable income, (B) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (C) applying Nebraska rates to the result.</i></p> <p><i>LB1084 requires residents of Nebraska who are shareholders of a small business corporation to included in their Nebraska taxable income, to the extent includable in federal gross income, their proportionate share of such corporation's or LLC's federal income without any adjustments.</i></p> <p><i>LB1084 requires the tax commissioner to credit to the Property Tax Credit Cash fund an amount equal to the net increase in state sales and use tax revenue and state income tax revenue as a result of the changes made by LB1084m minus the increase in funds paid to school districts under the Tax Equity and Educational Opportunities Support Act and two hundred thousand dollars to account for money spend on an education study.</i></p> <p><i>LB1084 calculates each local school system's allocated income tax funds by multiplying the local system's income tax liability by twenty percent.</i></p> <p><i>LB1084 requires the State Department of Education to oversee and in-depth review of the financing of the public elementary and secondary schools.</i></p>
LB1089	Smith	Monitor	Revenue 02/07/2018	General File 02/23/2018 Revenue Priority Bill	<p>Change provisions relating to confidential tax information, refundable income tax credits, and homestead exemptions</p> <p><i>LB1089 states that the audit and examination of selection criteria and standards, the discovery techniques, the design of technological systems to detect fraud and inconsistencies, and all other techniques utilized by the Department of Revenue to discover fraud, misstatements, inconsistencies, underreporting, and tax avoidance are to be considered confidential information.</i></p> <p><i>LB1089 allows for property owners whose property was destroyed or damages by a major calamity between the assessment date and July 15 to petition the county assessor for a reassessment of the property's value for that year. LB1089 also provides a homestead exemption for unmarries surviving spouses of servicemen or service women who died while on active duty or a surviving spouse of such servicemen or servicewoman who remarries after attaining the age of 57.</i></p> <p><i>LB1089 eliminates a requirement that each claimant who wants a homestead exemption file an application with the county assessor on or before June 30 of each year.</i></p>

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Document	Senator	Position	Committee	Status	Description
LB1098	Hilgers		Government, Military and Veterans Affairs 02/02/2018	General File 02/23/2018 Speaker Priority Bill	Change dollar threshold for certain purchasing requirements under the County Purchasing Act

LB1098 changes the dollar thresholds for purchases of personal property or services by a county board or purchasing agents. Property or Services for an estimated value of fifty thousand dollars or more must be made through a competitive sealed bidding process. Property or Services for an estimated value of less than fifty thousand dollars, but more than ten thousand, may be made by securing and recording at least three informal bids. Property or Services worth less than ten thousand dollars can be purchased in the open market.

AMENDMENTS TO LB158

(Amendments to Standing Committee amendments, AM145)

Introduced by Pansing Brooks, 28.

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Section 1. The Juvenile Indigent Defense Fund is created. The fund
4 shall be administered by the Commission on Public Advocacy and shall only
5 be used to provide legal services to juveniles in juvenile court, to
6 provide resources to assist counties in fulfilling their obligation to
7 provide for effective assistance of legal counsel for indigent juveniles,
8 and to pay the costs of administering the Juvenile Indigent Defense Grant
9 Program. The commission shall distribute money in the fund periodically
10 in the form of grants to counties under such program as provided by the
11 commission's rules and regulations. Any money in the fund available for
12 investment shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act. Interest earned shall be credited back to the fund.

15 Sec. 2. (1) There is created a separate and distinct budgetary
16 program within the Commission on Public Advocacy to be known as the
17 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent
18 Defense Fund shall be used to provide grants to counties to help offset
19 the cost of providing legal counsel for indigent juveniles and for the
20 administrative costs of the commission.

21 (2)(a) A county may apply for a grant under the program beginning
22 September 15, 2019.

23 (b) To be eligible for a grant under the program, a county shall
24 demonstrate to the commission that, after the operative date of this act,
25 the county's per capita juvenile court costs have increased, as compared
26 to such county's per capita juvenile court costs for the preceding three

1 fiscal years. The county shall provide the commission with data showing
2 that such increase in costs was due to the implementation of this
3 legislative bill and pinpointing the factors contributing to such
4 increase.

5 (c) Funds provided to counties under the program shall be used
6 exclusively to provide legal counsel for indigent juveniles.

7 (3) Any county receiving a grant under the program shall annually
8 submit information electronically to the commission as required by the
9 commission's rules and regulations. Such information shall include, but
10 not be limited to, the number of juveniles that received legal
11 representation as a result of this legislative bill.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the
13 commission shall electronically submit a report to the Legislature
14 concerning the distribution and use of funds for grants provided under
15 the program. The report shall include, but not be limited to, the
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,
22 or juvenile cases in county court, except for those costs provided for in
23 subsection (3) of section 24-703, two dollars of the fee provided in
24 section 33-107.01, the court automation fee provided in section
25 33-107.03, the juvenile indigent defense fee provided in section 4 of
26 this act, and the uniform data analysis fee provided in section 47-633,
27 are found by a county judge to be uncollectible for any reason, including
28 the dismissal of the case, such costs shall be deemed waived unless the
29 judge, in his or her discretion, enters an order assessing such portion
30 of the costs as by law would be paid over by the court to the State
31 Treasurer as follows:

1 (1) In all cases brought by or with the consent of the county
2 attorney, all such uncollectible costs shall be certified by the clerk of
3 the court to the county clerk who shall present the bills therefor to the
4 county board. The county board shall pay from the county general fund all
5 such bills found by the board to be lawful; and

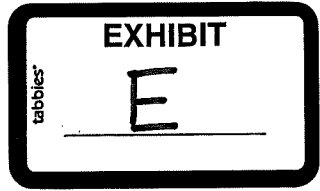
6 (2) In all cases brought under city or village ordinance, all such
7 uncollectible costs shall be certified to the appropriate city or village
8 officer authorized to receive claims who shall present the bills therefor
9 to the governing body of the city or village in the same manner as other
10 claims. Such governing body shall pay from the general fund of the city
11 or village all such bills as are found to be lawful.

12 Sec. 4. In addition to all other court costs assessed according to
13 law, a juvenile indigent defense fee of one dollar shall be assessed as
14 costs for each case filed in each county court, separate juvenile court,
15 and district court, including appeals to such courts, and for each appeal
16 and original action filed in the Court of Appeals and the Supreme Court.
17 The fees shall be remitted to the State Treasurer on forms prescribed by
18 the State Treasurer within ten days after the end of each month. The
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense
20 Fund.

21 Sec. 7. This act becomes operative on September 15, 2018.

22 4. Renumber the remaining sections and amend the repealer
23 accordingly.

24 5. Renumber the remaining amendments accordingly.



Please complete ALL (5) blanks in the first three lines.

2018

LB⁽¹⁾ 841 AM 2092

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Department of Corrections/
Lincoln/Lancaster County Human Services.

Prepared by: ⁽³⁾ LT William McGlothlin Date Prepared: ⁽⁴⁾ 3/6/2018 Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2018-19		FY 2019-20	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>\$1,201,000</u>	_____	_____	_____

Explanation of Estimate:

The Justice Reinvestment Act was passed by the Nebraska Legislature in 2015 as LB605. Lancaster County Department of Corrections has processed 304 felony sanctions totaling 7,514 days served through 2017. It costs Lancaster County on average \$100 per day to incarcerate an individual or in this case \$751,400. The frequency of these sanctions and days being served has dramatically increased since inception. Although it is difficult to estimate the number of individuals who would be paroled as a result of a declared emergency it is safe to assume that some of them would be re-incarcerated into our corrections department at \$100 per day per person.

Furthermore, LB841 establishes that committed offenders diagnosed with a terminal illness be considered for medical parole. Without medical insurance established prior to discharge, released inmates will, more than likely, end up on General Assistance, funded through the County. Due to the number of penal institutions in Lancaster County, the probability of Lancaster County tax payers paying the medical bills for out of county residents released in this nature is concerning. Based on a prior fiscal note provided by Health and Human Services for this same population, the average monthly cost for maintenance of a client can be between \$700 and \$800 and the average medical costs is \$7,000 per person. If the released inmate were to be funded through Lancaster County General Assistance for an average of 6 months (terminal illness is defined as incurable and irreversible illness that will, within the reasonable medical judgment of a qualified medical professional, result in death within six months). This ends up being over \$45,000 per person/6 months. Based on the current number of General Assistance clients who were released directly from a penal institution, it is estimated there will be up to 10 per year. This could result in a \$450,000 cost to the County.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2018-19	2019-20
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____

Travel.....	_____	_____
Capital outlay.....	_____	_____
Aid.....	_____	_____
Capital improvements.....	_____	_____
TOTAL	_____	_____

AMENDMENTS TO LB841

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-322, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-322 For purposes of sections 28-322 to 28-322.03:

6 (1) Inmate or parolee means any individual confined in a facility
7 operated by the Department of Correctional Services or a city or county
8 correctional or jail facility or under parole supervision; and

9 (2) Person means (a) an individual employed by the Department of
10 Correctional Services or by the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, including any individual working in central
12 administration of the department, any individual working under contract
13 with the department, and any individual, other than an inmate's spouse,
14 to whom the department has authorized or delegated control over an inmate
15 or an inmate's activities, (b) an individual employed by a city or county
16 correctional or jail facility, including any individual working in
17 central administration of the city or county correctional or jail
18 facility, any individual working under contract with the city or county
19 correctional or jail facility, and any individual, other than an inmate's
20 spouse, to whom the city or county correctional or jail facility has
21 authorized or delegated control over an inmate or an inmate's activities,
22 and (c) an individual employed by the Office of Probation Administration
23 who performs official duties within any facility operated by the
24 Department of Correctional Services or a city or county correctional or
25 jail facility.

26 Sec. 2. Section 29-2252, Reissue Revised Statutes of Nebraska, is
27 amended to read:

1 29-2252 The administrator shall:

2 (1) Supervise and administer the office;

3 (2) Establish and maintain policies, standards, and procedures for
4 the system, with the concurrence of the Supreme Court;

5 (3) Prescribe and furnish such forms for records and reports for the
6 system as shall be deemed necessary for uniformity, efficiency, and
7 statistical accuracy;

8 (4) Establish minimum qualifications for employment as a probation
9 officer in this state and establish and maintain such additional
10 qualifications as he or she deems appropriate for appointment to the
11 system. Qualifications for probation officers shall be established in
12 accordance with subsection (4) of section 29-2253. An ex-offender
13 released from a penal complex or a county jail may be appointed to a
14 position of deputy probation or parole officer. Such ex-offender shall
15 maintain a record free of arrests, except for minor traffic violations,
16 for one year immediately preceding his or her appointment;

17 (5) Establish and maintain advanced periodic inservice training
18 requirements for the system;

19 (6) Cooperate with all agencies, public or private, which are
20 concerned with treatment or welfare of persons on probation;

21 (7) Organize and conduct training programs for probation officers.
22 Training shall include the proper use of a risk and needs assessment,
23 risk-based supervision strategies, relationship skills, cognitive
24 behavioral interventions, community-based resources, criminal risk
25 factors, and targeting criminal risk factors to reduce recidivism and the
26 proper use of a matrix of administrative sanctions, custodial sanctions,
27 and rewards developed pursuant to subdivision (18) of this section. All
28 probation officers employed on or after August 30, 2015, shall complete
29 the training requirements set forth in this subdivision;

30 (8) Collect, develop, and maintain statistical information
31 concerning probationers, probation practices, and the operation of the

1 system and provide the Community Corrections Division of the Nebraska
2 Commission on Law Enforcement and Criminal Justice with the information
3 needed to compile the report required in section 47-624;

4 (9) Interpret the probation program to the public with a view toward
5 developing a broad base of public support;

6 (10) Conduct research for the purpose of evaluating and improving
7 the effectiveness of the system. Subject to the availability of funding,
8 the administrator shall contract with an independent contractor or
9 academic institution for evaluation of existing community corrections
10 facilities and programs operated by the office;

11 (11) Adopt and promulgate such rules and regulations as may be
12 necessary or proper for the operation of the office or system. The
13 administrator shall adopt and promulgate rules and regulations for
14 transitioning individuals on probation across levels of supervision and
15 discharging them from supervision consistent with evidence-based
16 practices. The rules and regulations shall ensure supervision resources
17 are prioritized for individuals who are high risk to reoffend, require
18 transitioning individuals down levels of supervision intensity based on
19 assessed risk and months of supervision without a reported major
20 violation, and establish incentives for earning discharge from
21 supervision based on compliance;

22 (12) Transmit a report during each even-numbered year to the Supreme
23 Court on the operation of the office for the preceding two calendar years
24 which shall include a historical analysis of probation officer workload,
25 including participation in non-probation-based programs and services. The
26 report shall be transmitted by the Supreme Court to the Governor and the
27 Clerk of the Legislature. The report submitted to the Clerk of the
28 Legislature shall be submitted electronically;

29 (13) Administer the payment by the state of all salaries, travel,
30 and actual and necessary expenses incident to the conduct and maintenance
31 of the office;

1 (14) Use the funds provided under section 29-2262.07 to augment
2 operational or personnel costs associated with the development,
3 implementation, and evaluation of enhanced probation-based programs and
4 non-probation-based programs and services in which probation personnel or
5 probation resources are utilized pursuant to an interlocal agreement
6 authorized by subdivision (16) of this section and to purchase services
7 to provide such programs aimed at enhancing adult probationer or non-
8 probation-based program participant supervision in the community and
9 treatment needs of probationers and non-probation-based program
10 participants. Enhanced probation-based programs include, but are not
11 limited to, specialized units of supervision, related equipment purchases
12 and training, and programs that address a probationer's vocational,
13 educational, mental health, behavioral, or substance abuse treatment
14 needs;

15 (15) Ensure that any risk or needs assessment instrument utilized by
16 the system be periodically validated;

17 (16) Have the authority to enter into interlocal agreements in which
18 probation resources or probation personnel may be utilized in conjunction
19 with or as part of non-probation-based programs and services. Any such
20 interlocal agreement shall comply with section 29-2255;

21 (17) Collaborate with the Community Corrections Division of the
22 Nebraska Commission on Law Enforcement and Criminal Justice and the
23 Division of Parole Supervision ~~Office of Parole Administration~~ to develop
24 rules governing the participation of parolees in community corrections
25 programs operated by the Office of Probation Administration;

26 (18) Develop a matrix of rewards for compliance and positive
27 behaviors and graduated administrative sanctions and custodial sanctions
28 for use in responding to and deterring substance abuse violations and
29 technical violations. As applicable under sections 29-2266.02 and
30 29-2266.03, custodial sanctions of up to thirty days in jail shall be
31 designated as the most severe response to a violation in lieu of

1 revocation and custodial sanctions of up to three days in jail shall be
2 designated as the second most severe response;

3 (19) Adopt and promulgate rules and regulations for the creation of
4 individualized post-release supervision plans, collaboratively with the
5 Department of Correctional Services and county jails, for probationers
6 sentenced to post-release supervision; and

7 (20) Exercise all powers and perform all duties necessary and proper
8 to carry out his or her responsibilities.

9 Each member of the Legislature shall receive an electronic copy of
10 the report required by subdivision (12) of this section by making a
11 request for it to the administrator.

12 Sec. 3. Section 29-2261, Revised Statutes Supplement, 2017, is
13 amended to read:

14 29-2261 (1) Unless it is impractical to do so, when an offender has
15 been convicted of a felony other than murder in the first degree, the
16 court shall not impose sentence without first ordering a presentence
17 investigation of the offender and according due consideration to a
18 written report of such investigation. When an offender has been convicted
19 of murder in the first degree and (a) a jury renders a verdict finding
20 the existence of one or more aggravating circumstances as provided in
21 section 29-2520 or (b)(i) the information contains a notice of
22 aggravation as provided in section 29-1603 and (ii) the offender waives
23 his or her right to a jury determination of the alleged aggravating
24 circumstances, the court shall not commence the sentencing determination
25 proceeding as provided in section 29-2521 without first ordering a
26 presentence investigation of the offender and according due consideration
27 to a written report of such investigation.

28 (2) A court may order a presentence investigation in any case,
29 except in cases in which an offender has been convicted of a Class IIIA
30 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
31 infraction, or any corresponding city or village ordinance.

1 (3) The presentence investigation and report shall include, when
2 available, an analysis of the circumstances attending the commission of
3 the crime, the offender's history of delinquency or criminality, physical
4 and mental condition, family situation and background, economic status,
5 education, occupation, and personal habits, and any other matters that
6 the probation officer deems relevant or the court directs to be included.
7 All local and state police agencies and Department of Correctional
8 Services adult correctional facilities shall furnish to the probation
9 officer copies of such criminal records, in any such case referred to the
10 probation officer by the court of proper jurisdiction, as the probation
11 officer shall require without cost to the court or the probation officer.

12 Such investigation shall also include:

13 (a) Any written statements submitted to the county attorney by a
14 victim; and

15 (b) Any written statements submitted to the probation officer by a
16 victim.

17 (4) If there are no written statements submitted to the probation
18 officer, he or she shall certify to the court that:

19 (a) He or she has attempted to contact the victim; and

20 (b) If he or she has contacted the victim, such officer offered to
21 accept the written statements of the victim or to reduce such victim's
22 oral statements to writing.

23 For purposes of subsections (3) and (4) of this section, the term
24 victim shall be as defined in section 29-119.

25 (5) Before imposing sentence, the court may order the offender to
26 submit to psychiatric observation and examination for a period of not
27 exceeding sixty days or such longer period as the court determines to be
28 necessary for that purpose. The offender may be remanded for this purpose
29 to any available clinic or mental hospital, or the court may appoint a
30 qualified psychiatrist to make the examination. The report of the
31 examination shall be submitted to the court.

1 (6) Any presentence report, substance abuse evaluation, or
2 psychiatric examination shall be privileged and shall not be disclosed
3 directly or indirectly to anyone other than a judge, probation officers
4 to whom an offender's file is duly transferred, the probation
5 administrator or his or her designee, alcohol and drug counselors, mental
6 health practitioners, psychiatrists, and psychologists licensed or
7 certified under the Uniform Credentialing Act to conduct substance abuse
8 evaluations and treatment, or others entitled by law to receive such
9 information, including personnel and mental health professionals for the
10 Nebraska State Patrol specifically assigned to sex offender registration
11 and community notification for the sole purpose of using such report,
12 evaluation, or examination for assessing risk and for community
13 notification of registered sex offenders. For purposes of this
14 subsection, mental health professional means (a) a practicing physician
15 licensed to practice medicine in this state under the Medicine and
16 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
17 the practice of psychology in this state as provided in section 38-3111,
18 or (c) a practicing mental health professional licensed or certified in
19 this state as provided in the Mental Health Practice Act.

20 (7) The court shall permit inspection of the presentence report,
21 substance abuse evaluation, or psychiatric examination or parts of the
22 report, evaluation, or examination, as determined by the court, by the
23 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
24 inspection shall be by electronic access only unless the court determines
25 such access is not available to the prosecuting attorney or defense
26 counsel. The State Court Administrator shall determine and develop the
27 means of electronic access to such presentence reports, evaluations, and
28 examinations. Upon application by the prosecuting attorney or defense
29 counsel, the court may order that addresses, telephone numbers, and other
30 contact information for victims or witnesses named in the report,
31 evaluation, or examination be redacted upon a showing by a preponderance

1 of the evidence that such redaction is warranted in the interests of
2 public safety. The court may permit inspection of the presentence report,
3 substance abuse evaluation, or psychiatric examination or examination of
4 parts of the report, evaluation, or examination by any other person
5 having a proper interest therein whenever the court finds it is in the
6 best interest of a particular offender. The court may allow fair
7 opportunity for an offender to provide additional information for the
8 court's consideration.

9 (8) If an offender is sentenced to imprisonment, a copy of the
10 report of any presentence investigation, substance abuse evaluation, or
11 psychiatric examination shall be transmitted immediately to the
12 Department of Correctional Services. Upon request, the Board of Parole or
13 the Division of Parole Supervision ~~Office of Parole Administration~~ may
14 receive a copy of the report from the department.

15 (9) Notwithstanding subsections (6) and (7) of this section, the
16 Supreme Court or an agent of the Supreme Court acting under the direction
17 and supervision of the Chief Justice shall have access to psychiatric
18 examinations, substance abuse evaluations, and presentence investigations
19 and reports for research purposes. The Supreme Court and its agent shall
20 treat such information as confidential, and nothing identifying any
21 individual shall be released.

22 Sec. 4. Section 29-2935, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-2935 For purposes of evaluating the treatment process, the
25 Division of Parole Supervision ~~Office of Parole Administration~~, the
26 Department of Correctional Services, the Board of Parole, and the
27 designated aftercare treatment programs shall allow appropriate access to
28 data and information as requested by the Department of Health and Human
29 Services.

30 Sec. 5. Section 29-4019, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-4019 (1) When sentencing a person convicted of an offense which
2 requires lifetime community supervision upon release pursuant to section
3 83-174.03, the sentencing court shall:

4 (a) Provide written notice to the defendant that he or she shall be
5 subject to lifetime community supervision by the Division of Parole
6 Supervision Office ~~of Parole Administration~~ upon release from
7 incarceration or civil commitment. The written notice shall inform the
8 defendant (i) that he or she shall be subject to lifetime community
9 supervision by the division office upon release and that the division
10 office shall conduct a risk assessment and evaluation to determine the
11 conditions of community supervision which will minimize, in the least
12 restrictive manner that is compatible with public safety, the risk of the
13 defendant committing additional offenses, (ii) that a violation of any of
14 the conditions of community supervision imposed by the division office
15 may result in the revision of existing conditions, the addition of new
16 conditions, a recommendation that civil commitment proceedings should be
17 instituted, or criminal prosecution, and (iii) of his or her right to
18 challenge the determination of the conditions of community supervision by
19 the division office and the right to a periodic review of the conditions
20 of community supervision pursuant to section 83-174.03 to determine if
21 the conditions are still necessary to protect the public;

22 (b) Require the defendant to read and sign a form stating that the
23 duty of the defendant to comply with the conditions of community
24 supervision and his or her rights to challenge the conditions of
25 community supervision imposed by the division office has been explained;
26 and

27 (c) Retain a copy of the written notification signed by the
28 defendant.

29 (2) Prior to the release of a person serving a sentence for an
30 offense requiring lifetime community supervision by the Division of
31 Parole Supervision Office ~~of Parole Administration~~ pursuant to section

1 83-174.03, the Department of Correctional Services, the Department of
2 Health and Human Services, or a city or county correctional or jail
3 facility shall:

4 (a) Provide written notice to the person that he or she shall be
5 subject to lifetime community supervision by the division ~~office~~ upon
6 release from incarceration. The written notice shall inform the person
7 (i) that he or she shall be subject to lifetime community supervision by
8 the division ~~office~~ upon release and that the division ~~office~~ shall
9 conduct a risk assessment and evaluation of the defendant to determine
10 the conditions of community supervision which will minimize, in the least
11 restrictive manner that is compatible with public safety, the risk of the
12 person committing additional offenses, (ii) that a violation of any of
13 the conditions of community supervision imposed by the division ~~office~~
14 may result in the revision of existing conditions, the addition of new
15 conditions, a recommendation that civil commitment proceedings should be
16 instituted, or criminal prosecution, and (iii) of his or her right to
17 challenge the determination of the conditions of community supervision by
18 the division ~~office~~ and the right to a periodic review of the conditions
19 of community supervision pursuant to section 83-174.03 to determine if
20 the conditions are still necessary to protect the public;

21 (b) Require the defendant to read and sign a form stating that the
22 duty of the defendant to comply with the conditions of community
23 supervision and his or her right to challenge the conditions of community
24 supervision imposed by the division ~~office~~ has been explained; and

25 (c) Retain a copy of the written notification signed by the person.

26 Sec. 6. Section 47-624, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 47-624 The division shall:

29 (1) Collaborate with the Office of Probation Administration, the
30 Division of Parole Supervision ~~Office of Parole Administration~~, and the
31 Department of Correctional Services to develop and implement a plan to

1 establish statewide operation and use of a continuum of community
2 correctional facilities and programs;

3 (2) Develop, in consultation with the probation administrator and
4 the Director of Supervision and Services of the Division of Parole
5 Supervision Parole Administrator, standards for the use of community
6 correctional facilities and programs by the Nebraska Probation System and
7 the parole system;

8 (3) Collaborate with the Office of Probation Administration, the
9 Division of Parole Supervision Office of Parole Administration, and the
10 Department of Correctional Services on the development of additional
11 reporting centers as set forth in section 47-624.01;

12 (4) Analyze and promote the consistent use of offender risk
13 assessment tools;

14 (5) Educate the courts, the Board of Parole, criminal justice system
15 stakeholders, and the general public about the availability, use, and
16 benefits of community correctional facilities and programs;

17 (6) Enter into and administer contracts, if necessary, to carry out
18 the purposes of the Community Corrections Act;

19 (7) In order to ensure adequate funding for substance abuse
20 treatment programs, consult with the probation administrator and the
21 Director of Supervision and Services of the Division of Parole
22 Supervision Parole Administrator and develop or assist with the
23 development of programs as provided in subdivision (14) of section
24 29-2252 and subdivision (8) of section 83-1,102;

25 (8) Study substance abuse and mental health treatment services in
26 and related to the criminal justice system, recommend improvements, and
27 evaluate the implementation of improvements;

28 (9) Research and evaluate existing community correctional facilities
29 and programs, within the limits of available funding;

30 (10) Develop standardized definitions of outcome measures for
31 community correctional facilities and programs, including, but not

1 limited to, recidivism, employment, and substance abuse;

2 (11) Report annually to the Legislature and the Governor on the
3 development and performance of community correctional facilities and
4 programs. The report submitted to the Legislature shall be submitted
5 electronically. The report shall include, but not be limited to, the
6 following:

7 (a) A description of community correctional facilities and programs
8 currently serving offenders in Nebraska, which includes the following
9 information:

10 (i) The target population and geographic area served by each
11 facility or program, eligibility requirements, and the total number of
12 offenders utilizing the facility or program over the past year;

13 (ii) Services, programs, assessments, case management, supervision,
14 and tools provided for offenders at the facility, in the program, or
15 under the supervision of a governmental agency in any capacity;

16 (iii) The costs of operating the facility or program and the cost
17 per offender; and

18 (iv) The funding sources for the facility or program;

19 (b) The progress made in expanding community correctional facilities
20 and programs statewide and an analysis of the need for additional
21 community corrections services;

22 (c) An analysis of the impact community correctional facilities and
23 programs have on the number of offenders incarcerated within the
24 Department of Correctional Services; and

25 (d) The recidivism rates and outcome data for probationers,
26 parolees, and problem-solving-court clients participating in community
27 corrections programs;

28 (12) Grant funds to entities including local governmental agencies,
29 nonprofit organizations, and behavioral health services which will
30 support the intent of the act;

31 (13) Manage all offender data acquired by the division in a

1 confidential manner and develop procedures to ensure that identifiable
2 information is not released;

3 (14) Establish and administer grants, projects, and programs for the
4 operation of the division; and

5 (15) Perform such other duties as may be necessary to carry out the
6 policy of the state established in the act.

7 Sec. 7. Section 47-624.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 47-624.01 (1) The division shall collaborate with the Office of
10 Probation Administration, the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, and the Department of Correctional Services in
12 developing a plan for the implementation and funding of reporting centers
13 in Nebraska.

14 (2) The plan shall include recommended locations for at least one
15 reporting center in each district court judicial district that currently
16 lacks such a center and shall prioritize the recommendations for
17 additional reporting centers based upon need.

18 (3) The plan shall also identify and prioritize the need for
19 expansion of reporting centers in those district court judicial districts
20 which currently have a reporting center but have an unmet need for
21 additional reporting center services due to capacity, distance, or
22 demographic factors.

23 Sec. 8. Section 47-627, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 47-627 The director shall develop and maintain a uniform crime data
26 analysis system in Nebraska which shall include, but need not be limited
27 to, the number of offenses, arrests, charges, probation admissions,
28 probation violations, probation discharges, participants in specialized
29 community corrections programs, admissions to and discharges from
30 problem-solving courts, admissions to and discharges from the Department
31 of Correctional Services, parole reviews, parole hearings, releases on

1 parole, parole violations, and parole discharges. The data shall be
2 categorized by statutory crime. The data shall be collected from the
3 Board of Parole, the State Court Administrator, the Department of
4 Correctional Services, the Division of Parole Supervision Office of
5 ~~Parole Administration~~, the Office of Probation Administration, the
6 Nebraska State Patrol, counties, local law enforcement, and any other
7 entity associated with criminal justice. The division and the Supreme
8 Court shall have access to such data to implement the Community
9 Corrections Act.

10 Sec. 9. Section 47-629, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 47-629 (1) The Board of Parole may parole an offender to a community
13 correctional facility or program pursuant to guidelines developed by the
14 division.

15 (2) The Department of Correctional Services and the Division of
16 Parole Supervision Office of ~~Parole Administration~~ shall utilize
17 community correctional facilities and programs as appropriate.

18 Sec. 10. Section 47-903, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 47-903 For purposes of the Office of Inspector General of the
21 Nebraska Correctional System Act, the following definitions apply:

22 (1) Administrator means a person charged with administration of a
23 program, an office, or a division of the department or administration of
24 a private agency;

25 (2) Department means the Department of Correctional Services;

26 (3) Director means the Director of Correctional Services;

27 (4) Division of Parole Supervision means the division created
28 pursuant to section 83-1,100;

29 (5) Inspector General means the Inspector General of the Nebraska
30 Correctional System appointed under section 47-904;

31 (6) ~~(5)~~ Malfeasance means a wrongful act that the actor has no legal

1 right to do or any wrongful conduct that affects, interrupts, or
2 interferes with performance of an official duty;

3 (7) (6) Management means supervision of subordinate employees;

4 (8) (7) Misfeasance means the improper performance of some act that
5 a person may lawfully do;

6 (9) (8) Obstruction means hindering an investigation, preventing an
7 investigation from progressing, stopping or delaying the progress of an
8 investigation, or making the progress of an investigation difficult or
9 slow;

10 (10) (9) Office means the office of Inspector General of the
11 Nebraska Correctional System and includes the Inspector General and other
12 employees of the office;

13 ~~(10) Office of Parole Administration means the office created~~
14 ~~pursuant to section 83-1,100;~~

15 (11) Private agency means an entity that contracts with the
16 department or contracts to provide services to another entity that
17 contracts with the department; and

18 (12) Record means any recording in written, audio, electronic
19 transmission, or computer storage form, including, but not limited to, a
20 draft, memorandum, note, report, computer printout, notation, or message,
21 and includes, but is not limited to, medical records, mental health
22 records, case files, clinical records, financial records, and
23 administrative records.

24 Sec. 11. Section 47-908, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 47-908 All employees of the department, all employees of the
27 Division of Parole Supervision ~~Office of Parole Administration~~, and all
28 owners, operators, managers, supervisors, and employees of private
29 agencies shall cooperate with the office. Cooperation includes, but is
30 not limited to, the following:

31 (1) Provision of full access to and production of records and

1 information. Providing access to and producing records and information
2 for the office is not a violation of confidentiality provisions under any
3 statute, rule, or regulation if done in good faith for purposes of an
4 investigation under the Office of Inspector General of the Nebraska
5 Correctional System Act;

6 (2) Fair and honest disclosure of records and information reasonably
7 requested by the office in the course of an investigation under the act;

8 (3) Encouraging employees to fully comply with reasonable requests
9 of the office in the course of an investigation under the act;

10 (4) Prohibition of retaliation by owners, operators, or managers
11 against employees for providing records or information or filing or
12 otherwise making a complaint to the office;

13 (5) Not requiring employees to gain supervisory approval prior to
14 filing a complaint with or providing records or information to the
15 office;

16 (6) Provision of complete and truthful answers to questions posed by
17 the office in the course of an investigation; and

18 (7) Not willfully interfering with or obstructing the investigation.

19 Sec. 12. Section 47-919, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 47-919 The Division of Parole Supervision Office ~~of Parole~~
22 ~~Administration~~ shall provide the Public Counsel and the Inspector General
23 with direct computer access to all computerized records, reports, and
24 documents maintained ~~by the office~~ in connection with administration of
25 the Nebraska parole system, except that access for the Public Counsel and
26 the Inspector General to a parolee's medical or mental health records
27 shall be subject to the parolee's consent.

28 Sec. 13. Section 60-1303, Revised Statutes Supplement, 2017, is
29 amended to read:

30 60-1303 (1) The Nebraska State Patrol is hereby designated as the
31 agency to operate the weighing stations and portable scales and to

1 perform carrier enforcement duties.

2 (2)(a) On and after July 20, 2002, officers of the Nebraska State
3 Patrol appointed to operate the weighing stations and portable scales and
4 to perform carrier enforcement duties shall be known as the carrier
5 enforcement division. The Superintendent of Law Enforcement and Public
6 Safety shall appoint officers of the Nebraska State Patrol to the carrier
7 enforcement division, including officers as prescribed in sections
8 81-2001 to 81-2009 and sections 19 and 20 of this act, and carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309.

10 (b) The employees within the Nebraska State Patrol designated to
11 operate the weighing stations and portable scales and to perform carrier
12 enforcement duties before July 20, 2002, and not authorized to act under
13 subdivisions (1) through (8) of section 81-2005 shall be known as carrier
14 enforcement officers.

15 (3) All carrier enforcement officers shall be bonded or insured as
16 required by section 11-201. Premiums shall be paid from the money
17 appropriated for the construction, maintenance, and operation of the
18 state weighing stations.

19 (4) All employees of the Nebraska State Patrol who are carrier
20 enforcement officers and who are not officers of the Nebraska State
21 Patrol with the powers and duties prescribed in sections 81-2001 to
22 81-2009 and sections 19 and 20 of this act shall be members of the State
23 Employees Retirement System of the State of Nebraska. Officers of the
24 Nebraska State Patrol who are carrier enforcement officers on July 20,
25 2002, who subsequently become officers of the Nebraska State Patrol with
26 the powers and duties prescribed in sections 81-2001 to 81-2009 and
27 sections 19 and 20 of this act, and who elect to remain members of the
28 State Employees Retirement System of the State of Nebraska shall continue
29 to participate in the State Employees Retirement System of the State of
30 Nebraska. Carrier enforcement officers shall not receive any expense
31 allowance as provided for by section 81-2002.

1 (5) The Nebraska State Patrol and the Department of Transportation
2 shall have the duty, power, and authority to contract with one another
3 for the staffing and operation of weighing stations and portable scales
4 and the performance of carrier enforcement duties to ensure that there is
5 adequate personnel in the carrier enforcement division to carry out the
6 duties specified in sections 60-1301 to 60-1309. Through June 30, 2005,
7 the number of full-time equivalent positions funded pursuant to such
8 contract shall be limited to eighty-eight officers, including carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309 and
10 officers of the Nebraska State Patrol as prescribed in sections 81-2001
11 to 81-2009 and sections 19 and 20 of this act assigned to the carrier
12 enforcement division. Pursuant to such contract, command of the personnel
13 involved in such carrier enforcement operations shall be with the
14 Nebraska State Patrol. The Department of Transportation may use any funds
15 at its disposal for its financing of such carrier enforcement activity in
16 accordance with such contract as long as such funds are used only to
17 finance those activities directly involved with the duties specified in
18 sections 60-1301 to 60-1309. The Nebraska State Patrol shall account for
19 all appropriations and expenditures related to the staffing and operation
20 of weighing stations and portable scales and the performance of carrier
21 enforcement duties in a budget program that is distinct and separate from
22 budget programs used for non-carrier-enforcement-division-related
23 activities.

24 (6) The Nebraska State Patrol may adopt, promulgate, and enforce
25 rules and regulations consistent with statutory provisions related to
26 carrier enforcement necessary for (a) the collection of fees, as outlined
27 in sections 60-3,177 and 60-3,179 to 60-3,182 and the International Fuel
28 Tax Agreement Act, (b) the inspection of licenses and permits required
29 under the motor fuel laws, and (c) weighing and inspection of buses,
30 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

31 Sec. 14. Section 60-1304, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-1304 (1) Carrier enforcement officers described in subdivision
3 (2)(b) of section 60-1303 who, on or after July 20, 2002, are transferred
4 to the Nebraska State Patrol and become officers of the Nebraska State
5 Patrol with the powers and duties prescribed in sections 81-2001 to
6 81-2009 and sections 19 and 20 of this act shall, within ninety days of
7 transfer, elect to participate in the Nebraska State Patrol Retirement
8 System or elect to remain members of the State Employees Retirement
9 System of the State of Nebraska.

10 (2) An officer who elects to become a member of the Nebraska State
11 Patrol Retirement System pursuant to this section shall (a) receive
12 eligibility and vesting credit pursuant to subsection (2) of section
13 81-2016 for his or her years of participation in the State Employees
14 Retirement System of the State of Nebraska, (b) be vested in the employer
15 account with the State Employees Retirement System of the State of
16 Nebraska regardless of his or her period of participation in the State
17 Employees Retirement System, and (c) be treated for all other purposes of
18 the Nebraska State Patrol Retirement Act as a new member of the Nebraska
19 State Patrol Retirement System.

20 (3) Transferring participation from the State Employees Retirement
21 System of the State of Nebraska to the Nebraska State Patrol Retirement
22 System pursuant to this section does not constitute a termination for
23 purposes of the State Employees Retirement Act.

24 Sec. 15. Section 71-961, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-961 (1) All records kept on any subject shall remain confidential
27 except as otherwise provided by law. Such records shall be accessible to
28 (a) the subject, except as otherwise provided in subsection (2) of this
29 section, (b) the subject's legal counsel, (c) the subject's guardian or
30 conservator, if any, (d) the mental health board having jurisdiction over
31 the subject, (e) persons authorized by an order of a judge or court, (f)

1 persons authorized by written permission of the subject, (g) agents or
2 employees of the Department of Health and Human Services upon delivery of
3 a subpoena from the department in connection with a licensing or
4 licensure investigation by the department, (h) individuals authorized to
5 receive notice of the release of a sex offender pursuant to section
6 83-174, (i) the Nebraska State Patrol or the department pursuant to
7 section 69-2409.01, or (j) the Division of Parole Supervision ~~Office of~~
8 ~~Parole Administration~~ if the subject meets the requirements for lifetime
9 community supervision pursuant to section 83-174.03.

10 (2) Upon application by the county attorney or by the administrator
11 of the treatment facility where the subject is in custody and upon a
12 showing of good cause therefor, a judge of the district court of the
13 county where the mental health board proceedings were held or of the
14 county where the treatment facility is located may order that the records
15 not be made available to the subject if, in the judgment of the court,
16 the availability of such records to the subject will adversely affect his
17 or her mental illness or personality disorder and the treatment thereof.

18 (3) When a subject is absent without authorization from a treatment
19 facility or program described in section 71-939 or 71-1223 and is
20 considered to be dangerous to others, the subject's name and description
21 and a statement that the subject is believed to be considered dangerous
22 to others may be disclosed in order to aid in the subject's apprehension
23 and to warn the public of such danger.

24 Sec. 16. Section 81-1401, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the
27 context otherwise requires:

28 (1) Commission means the Nebraska Commission on Law Enforcement and
29 Criminal Justice;

30 (2) Council means the Nebraska Police Standards Advisory Council;

31 (3) Director means the director of the Nebraska Law Enforcement

1 Training Center;

2 (4) Felony means a crime punishable by imprisonment for a term of
3 more than one year or a crime committed outside of Nebraska which would
4 be punishable by imprisonment for a term of more than one year if
5 committed in Nebraska;

6 (5) Handgun means any firearm with a barrel less than sixteen inches
7 in length or any firearm designed to be held and fired by the use of a
8 single hand;

9 (6) Incapacity means incapable of or lacking the ability to perform
10 or carry out the usual duties of a law enforcement officer in accordance
11 with the standards established by the commission due to physical, mental,
12 or emotional factors. Incapacity does not exist if a law enforcement
13 officer remains employed as a law enforcement officer, including
14 employment as a law enforcement officer in a restricted or limited-duty
15 status;

16 (7) Law enforcement agency means the police department or the town
17 marshal in incorporated municipalities, the office of sheriff in
18 unincorporated areas, and the Nebraska State Patrol;

19 (8)(a) Law enforcement officer means any person who is responsible
20 for the prevention or detection of crime or the enforcement of the penal,
21 traffic, or highway laws of the state or any political subdivision of the
22 state for more than one hundred hours per year and is authorized by law
23 to make arrests and includes, but is not limited to:

24 (i) A full-time or part-time member of the Nebraska State Patrol;

25 (ii) A county sheriff;

26 (iii) A full-time, part-time, or reserve employee of a county
27 sheriff's office;

28 (iv) A full-time, part-time, or reserve employee of a municipal or
29 village police agency;

30 (v) A full-time or part-time Game and Parks Commission conservation
31 officer;

1 (vi) A full-time or part-time deputy state sheriff; or

2 (vii) A full-time employee of an organized and paid fire department
3 of any city of the metropolitan class who is an authorized arson
4 investigator and whose duties consist of determining the cause, origin,
5 and circumstances of fires or explosions while on duty in the course of
6 an investigation;

7 (b) Law enforcement officer does not include employees of the
8 Department of Correctional Services, probation officers under the
9 Nebraska Probation System, parole officers appointed by the Director of
10 Supervision and Services of the Division of Parole Supervision ~~Parole~~
11 ~~Administrator~~, or employees of the Department of Revenue under section
12 77-366; and

13 (c) A law enforcement officer shall possess a valid law enforcement
14 officer certificate or diploma, as established by the council, in order
15 to be vested with the authority of this section, but this subdivision
16 does not prohibit an individual from receiving a conditional appointment
17 as an officer pursuant to subsection (2) of section 81-1414;

18 (9) Training academy means the training center or such other
19 council-approved law enforcement training facility operated and
20 maintained by a law enforcement agency which offers certification
21 training that meets or exceeds the certification training curriculum of
22 the training center;

23 (10) Training center means the Nebraska Law Enforcement Training
24 Center; and

25 (11) Training school means a public or private institution of higher
26 education, including the University of Nebraska, the Nebraska state
27 colleges, and the community colleges of this state, that offers training
28 in a council-approved pre-certification course.

29 Sec. 17. Section 81-2002.01, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 81-2002.01 On and after July 20, 2002, officers of the Nebraska

1 State Patrol appointed to the carrier enforcement division shall be
2 officers of the Nebraska State Patrol with the powers and duties as
3 prescribed in sections 81-2001 to 81-2009 and sections 19 and 20 of this
4 act and this section and shall receive training commensurate with such
5 powers and duties prior to appointment to the carrier enforcement
6 division.

7 Sec. 18. Section 81-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-2003 The Superintendent of Law Enforcement and Public Safety is
10 hereby authorized to adopt, promulgate, and enforce rules and
11 regulations, as may be necessary to carry out the duties of the Nebraska
12 State Patrol consistent with this act, to carry out sections 81-2001 to
13 81-2009 and sections 19 and 20 of this act, including the use, purpose,
14 and contents of warning and violation cards. The Superintendent of Law
15 Enforcement and Public Safety shall adopt an official seal for the use of
16 the Nebraska State Patrol. The Superintendent of Law Enforcement and
17 Public Safety shall maintain an office or offices for law enforcement and
18 public safety in such places in the state as he or she may deem necessary
19 to properly carry out the work and the administration of laws pertaining
20 to the Nebraska State Patrol.

21 Sec. 19. (1) The Nebraska State Patrol is authorized to conduct
22 investigations of any criminal activity that takes place within any
23 correctional facility operated by the Department of Correctional
24 Services.

25 (2) On the operative date of this act, the Nebraska State Patrol
26 shall employ and have oversight over all correctional investigators
27 employed by the Department of Correctional Services.

28 (3) The Superintendent of Law Enforcement and Public Safety shall
29 conduct a study and issue a report, no later than July 1, 2019, regarding
30 whether the positions of correctional investigators of the Department of
31 Correctional Services that were transferred to the Nebraska State Patrol

1 shall become sworn employees of the patrol. The report shall be provided
2 to the Governor and electronically to the Legislature with the
3 superintendent's findings and recommendations no later than July 1, 2019.

4 (4) When the positions of correctional investigators are transferred
5 to the Nebraska State Patrol, all funds used by the Department of
6 Correctional Services for the administration of and salaries for
7 correctional investigators shall be transferred to the patrol.

8 Sec. 20. (1) If an assault occurs under section 28-929, 28-930,
9 28-931, or 28-931.01 within any correctional facility operated by the
10 Department of Correctional Services, an on-duty supervisor with the
11 department shall immediately notify an officer of the Nebraska State
12 Patrol.

13 (2)(a) The officer of the Nebraska State Patrol shall immediately
14 respond to the correctional facility where the alleged assault occurred.

15 (b) The officer shall arrest the person alleged to have committed
16 the assault if probable cause exists that there has been a violation of
17 section 28-929, 28-930, 28-931, or 28-931.01. The officer shall
18 immediately remove the person from the correctional facility and
19 transport him or her to the county correctional facility in the county
20 that will have jurisdiction over the alleged assault.

21 (c) If the person alleged to have committed the assault is currently
22 -serving a sentence for a Class I or Class IA felony, the person shall not
23 be arrested and the officer shall complete all necessary reports and
24 submit them to the county attorney who will have jurisdiction over the
25 alleged assault for consideration for prosecution.

26 (d) On or before January 3, 2020, and on or before each January 3
27 thereafter, the Superintendent of Law Enforcement and Public Safety shall
28 electronically submit a report to the chairperson of the Judiciary
29 Committee of the Legislature detailing the number of responses by the
30 Nebraska State Patrol to each correctional facility operated by the
31 Department of Correctional Services for an alleged violation of section

1 28-929, 28-930, 28-931, or 28-931.01.

2 Sec. 21. Section 81-2014, Revised Statutes Supplement, 2017, is
3 amended to read:

4 81-2014 For purposes of the Nebraska State Patrol Retirement Act:

5 (1)(a) Actuarial equivalent means the equality in value of the
6 aggregate amounts expected to be received under different forms of
7 payment or to be received at an earlier retirement age than the normal
8 retirement age.

9 (b) For an officer hired before July 1, 2017, the determinations
10 shall be based on the 1994 Group Annuity Mortality Table reflecting sex-
11 distinct factors blended using seventy-five percent of the male table and
12 twenty-five percent of the female table. An interest rate of eight
13 percent per annum shall be reflected in making the determinations until
14 such percent is amended by the Legislature.

15 (c) For an officer hired on or after July 1, 2017, or rehired on or
16 after July 1, 2017, after termination of employment and being paid a
17 retirement benefit, the determinations shall be based on a unisex
18 mortality table and an interest rate specified by the board. Both the
19 mortality table and the interest rate shall be recommended by the actuary
20 and approved by the board following an actuarial experience study, a
21 benefit adequacy study, or a plan valuation. The mortality table,
22 interest rate, and actuarial factors in effect on the officer's
23 retirement date will be used to calculate actuarial equivalency of any
24 retirement benefit. Such interest rate may be, but is not required to be,
25 equal to the assumed rate of return;

26 (2) Board means the Public Employees Retirement Board;

27 (3)(a)(i) Compensation means gross wages or salaries payable to the
28 member for personal services performed during the plan year. Compensation
29 does not include insurance premiums converted into cash payments,
30 reimbursement for expenses incurred, fringe benefits, per diems, or
31 bonuses for services not actually rendered, including, but not limited

1 to, early retirement inducements, cash awards, and severance pay, except
2 for retroactive salary payments paid pursuant to court order,
3 arbitration, or litigation and grievance settlements. Compensation
4 includes overtime pay, member retirement contributions, and amounts
5 contributed by the member to plans under sections 125 and 457 of the
6 Internal Revenue Code as defined in section 49-801.01 or any other
7 section of the code which defers or excludes such amounts from income.

8 (ii) For any officer employed on or prior to January 4, 1979,
9 compensation includes compensation for unused sick leave or unused
10 vacation leave converted to cash payments.

11 (iii) For any officer employed after January 4, 1979, and prior to
12 July 1, 2016, compensation does not include compensation for unused sick
13 leave or unused vacation leave converted to cash payments and includes
14 compensation for unused holiday compensatory time and unused compensatory
15 time converted to cash payments.

16 (iv) For any officer employed on or after July 1, 2016, compensation
17 does not include compensation for unused sick leave, unused vacation
18 leave, unused holiday compensatory time, unused compensatory time, or any
19 other type of unused leave, compensatory time, or similar benefits,
20 converted to cash payments.

21 (b) Compensation in excess of the limitations set forth in section
22 401(a)(17) of the Internal Revenue Code as defined in section 49-801.01
23 shall be disregarded. For an employee who was a member of the retirement
24 system before the first plan year beginning after December 31, 1995, the
25 limitation on compensation shall not be less than the amount which was
26 allowed to be taken into account under the retirement system as in effect
27 on July 1, 1993;

28 (4) Creditable service means service granted pursuant to section
29 81-2034 and all service rendered while a contributing member of the
30 retirement system. Creditable service includes working days, sick days,
31 vacation days, holidays, and any other leave days for which the officer

1 is paid regular wages except as specifically provided in the Nebraska
2 State Patrol Retirement Act. Creditable service does not include
3 eligibility and vesting credit nor service years for which member
4 contributions are withdrawn and not repaid;

5 (5) Current benefit means the initial benefit increased by all
6 adjustments made pursuant to the Nebraska State Patrol Retirement Act;

7 (6) DROP means the deferred retirement option plan as provided in
8 section 81-2041;

9 (7) DROP account means an individual DROP participant's defined
10 contribution account under section 414(k) of the Internal Revenue Code;

11 (8) DROP period means the amount of time the member elects to
12 participate in DROP which shall be for a period not to exceed five years
13 from and after the date of the member's DROP election;

14 (9) Eligibility and vesting credit means credit for years, or a
15 fraction of a year, of participation in a Nebraska government plan for
16 purposes of determining eligibility for benefits under the Nebraska State
17 Patrol Retirement Act. Such credit shall be used toward the vesting
18 percentage pursuant to subsection (2) of section 81-2031 but shall not be
19 included as years of service in the benefit calculation;

20 (10) Hire date or date of hire means the first day of compensated
21 service subject to retirement contributions;

22 (11) Initial benefit means the retirement benefit calculated at the
23 time of retirement;

24 (12) Officer means law enforcement officer as defined in section
25 81-1401 and as provided for in sections 81-2001 to 81-2009 and sections
26 19 and 20 of this act, but does not include a law enforcement officer who
27 has been granted an appointment conditioned on satisfactory completion of
28 a training program approved by the Nebraska Police Standards Advisory
29 Council;

30 (13) Plan year means the twelve-month period beginning on July 1 and
31 ending on June 30 of the following year;

1 (14) Regular interest means interest fixed at a rate equal to the
2 daily treasury yield curve for one-year treasury securities, as published
3 by the Secretary of the Treasury of the United States, that applies on
4 July 1 of each year, which may be credited monthly, quarterly,
5 semiannually, or annually as the board may direct;

6 (15) Retirement application means the form approved and provided by
7 the retirement system for acceptance of a member's request for either
8 regular or disability retirement;

9 (16) Retirement date means (a) the first day of the month following
10 the date upon which a member's request for retirement is received on a
11 retirement application if the member is eligible for retirement and has
12 terminated employment or (b) the first day of the month following
13 termination of employment if the member is eligible for retirement and
14 has filed an application but has not yet terminated employment;

15 (17) Retirement system or system means the Nebraska State Patrol
16 Retirement System as provided in the act;

17 (18) Service means employment as a member of the Nebraska State
18 Patrol and shall not be deemed to be interrupted by (a) temporary or
19 seasonal suspension of service that does not terminate the employee's
20 employment, (b) leave of absence authorized by the employer for a period
21 not exceeding twelve months, (c) leave of absence because of disability,
22 or (d) military service, when properly authorized by the board. Service
23 does not include any period of disability for which disability retirement
24 benefits are received under subsection (1) of section 81-2025;

25 (19) Surviving spouse means (a) the spouse married to the member on
26 the date of the member's death if married for at least one year prior to
27 death or if married on the date of the member's retirement or (b) the
28 spouse or former spouse of the member if survivorship rights are provided
29 under a qualified domestic relations order filed with the board pursuant
30 to the Spousal Pension Rights Act. The spouse or former spouse shall
31 supersede the spouse married to the member on the date of the member's

1 death as provided under a qualified domestic relations order. If the
2 benefits payable to the spouse or former spouse under a qualified
3 domestic relations order are less than the value of benefits entitled to
4 the surviving spouse, the spouse married to the member on the date of the
5 member's death shall be the surviving spouse for the balance of the
6 benefits; and

7 (20) Termination of employment occurs on the date on which the
8 Nebraska State Patrol determines that the officer's employer-employee
9 relationship with the patrol is dissolved. The Nebraska State Patrol
10 shall notify the board of the date on which such a termination has
11 occurred. Termination of employment does not include ceasing employment
12 with the Nebraska State Patrol if the officer returns to regular
13 employment with the Nebraska State Patrol or another agency of the State
14 of Nebraska and there are less than one hundred twenty days between the
15 date when the employee's employer-employee relationship ceased and the
16 date when the employer-employee relationship commenced with the Nebraska
17 State Patrol or another state agency. Termination of employment does not
18 occur upon an officer's participation in DROP pursuant to section
19 81-2041. It is the responsibility of the employer that is involved in the
20 termination of employment to notify the board of such change in
21 employment and provide the board with such information as the board deems
22 necessary. If the board determines that termination of employment has not
23 occurred and a retirement benefit has been paid to a member of the
24 retirement system pursuant to section 81-2026, the board shall require
25 the member who has received such benefit to repay the benefit to the
26 retirement system.

27 Sec. 22. Section 83-170, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 83-170 As used in the Nebraska Treatment and Corrections Act, unless
30 the context otherwise requires:

31 ~~(1) Administrator means the Parole Administrator;~~

1 (1) ~~(2)~~ Board means the Board of Parole;

2 (2) ~~(3)~~ Committed offender means any person who, under any provision
3 of law, is sentenced or committed to a facility operated by the
4 department or is sentenced or committed to the department other than a
5 person adjudged to be as described in subdivision (1), (2), (3)(b), or
6 (4) of section 43-247 by a juvenile court;

7 (3) ~~(4)~~ Department means the Department of Correctional Services;

8 (4) ~~(5)~~ Director means the Director of Correctional Services;

9 (5) Director of Supervision and Services means the Director of
10 Supervision and Services appointed pursuant to section 83-1,101;

11 (6) Facility means any prison, reformatory, training school,
12 reception center, community guidance center, group home, or other
13 institution operated by the department;

14 (7) Good time means any reduction of sentence granted pursuant to
15 sections 83-1,107 and 83-1,108;

16 (8) Maximum term means the maximum sentence provided by law or the
17 maximum sentence imposed by a court, whichever is shorter;

18 (9) Minimum term means the minimum sentence provided by law or the
19 minimum sentence imposed by a court, whichever is longer;

20 (10) Pardon authority means the power to remit fines and forfeitures
21 and to grant respites, reprieves, pardons, or commutations;

22 (11) Parole term means the time from release on parole to the
23 completion of the maximum term, reduced by good time;

24 (12) Person committed to the department means any person sentenced
25 or committed to a facility within the department;

26 (13) Restrictive housing means conditions of confinement that
27 provide limited contact with other offenders, strictly controlled
28 movement while out of cell, and out-of-cell time of less than twenty-four
29 hours per week; and

30 (14) Solitary confinement means the status of confinement of an
31 inmate in an individual cell having solid, soundproof doors and which

1 deprives the inmate of all visual and auditory contact with other
2 persons.

3 Sec. 23. Section 83-171, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-171 There is hereby created a Department of Correctional Services
6 which shall:

7 (1) Maintain and administer facilities required for the custody,
8 control, correctional treatment, and rehabilitation of persons committed
9 to the department and for the safekeeping of such other persons as may be
10 remanded to the department in accordance with law;

11 (2) Develop policies and programs for the correctional treatment and
12 rehabilitation of persons committed to the department;

13 (3) Supervise parolees who have been committed to the department;
14 and

15 (4) Until July 1, 2016, administer parole services in the facilities
16 and in the community and, beginning July 1, 2016, cooperate with the
17 Board of Parole and Division of Parole Supervision ~~Office of Parole~~
18 ~~Administration~~ to assist with the efficient administration of parole
19 services in the facilities and in the community.

20 Sec. 24. Section 83-174.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
23 convicted of or completes a term of incarceration for a registrable
24 offense under section 29-4003 and has a previous conviction for a
25 registrable offense under such section, (b) is convicted of sexual
26 assault of a child in the first degree pursuant to section 28-319.01, or
27 (c) is convicted of or completes a term of incarceration for an
28 aggravated offense as defined in section 29-4001.01, shall, upon
29 completion of his or her term of incarceration or release from civil
30 commitment, be supervised in the community by the Division of Parole
31 Supervision ~~Office of Parole Administration~~ for the remainder of his or

1 her life.

2 (2) Notice shall be provided to the division ~~Office of Parole~~
3 ~~Administration~~ by an agency or political subdivision which has custody of
4 an individual required to be supervised in the community pursuant to
5 subsection (1) of this section at least sixty days prior to the release
6 of such individual from custody.

7 (3) Individuals required to be supervised in the community pursuant
8 to subsection (1) of this section shall undergo a risk assessment and
9 evaluation by the division ~~Office of Parole Administration~~ to determine
10 the conditions of community supervision to be imposed to best protect the
11 public from the risk that the individual will reoffend.

12 (4) Conditions of community supervision imposed on an individual by
13 the division ~~Office of Parole Administration~~ may include the following:

14 (a) Drug and alcohol testing if the conviction resulting in the
15 imposition of community supervision involved the use of drugs or alcohol;

16 (b) Restrictions on employment and leisure activities necessary to
17 minimize interaction with potential victims;

18 (c) Requirements to report regularly to the individual's community
19 supervision officer;

20 (d) Requirements to reside at a specified location and notify the
21 individual's community supervision officer of any change in address or
22 employment;

23 (e) A requirement to allow the division ~~Office of Parole~~
24 ~~Administration~~ access to medical records from the individual's current
25 and former providers of treatment;

26 (f) A requirement that the individual submit himself or herself to
27 available medical, psychological, psychiatric, or other treatment,
28 including, but not limited to, polygraph examinations; or

29 (g) Any other conditions designed to minimize the risk of
30 recidivism, including, but not limited to, the use of electronic
31 monitoring, which are not unduly restrictive.

1 Sec. 25. Section 83-174.04, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-174.04 An individual who violates one or more of the conditions
4 of community supervision established for him or her pursuant to section
5 83-174.03 shall undergo a review by the Division of Parole Supervision
6 ~~Office of Parole Administration~~ to evaluate the risk posed to the public
7 by the violation in question. The division ~~office~~ may take any of the
8 following actions in response to a violation of conditions of community
9 supervision:

10 (1) Revise or impose additional conditions of community supervision
11 in order to minimize the risk to the public from the continued presence
12 of the individual in the community;

13 (2) Forward to the Attorney General or the county attorney in the
14 county where the individual resides a request to initiate a criminal
15 prosecution for failure to comply with the terms of community
16 supervision; or

17 (3) Forward to the county attorney or Attorney General a
18 recommendation that civil commitment proceedings be instituted with
19 respect to the individual.

20 Sec. 26. Section 83-174.05, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.05 Failure to comply with the conditions of community
23 supervision imposed by the Division of Parole Supervision ~~Office of~~
24 ~~Parole Administration~~ is a Class IV felony for the first offense and a
25 Class III felony for any subsequent offense.

26 Sec. 27. Section 83-182.01, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-182.01 (1) Structured programming shall be planned for all adult
29 persons committed to the department. The structured programming shall
30 include any of the following: Work programs, vocational training,
31 behavior management and modification, money management, and substance

1 abuse awareness, counseling, or treatment. Programs and treatment
2 services shall address:

3 (a) Behavioral impairments, severe emotional disturbances, and other
4 mental health or psychiatric disorders;

5 (b) Drug and alcohol use and addiction;

6 (c) Health and medical needs;

7 (d) Education and related services;

8 (e) Counseling services for persons committed to the department who
9 have been physically or sexually abused;

10 (f) Work ethic and structured work programs;

11 (g) The development and enhancement of job acquisition skills and
12 job performance skills; and

13 (h) Cognitive behavioral intervention.

14 Structured programming may also include classes and activities
15 organized by inmate self-betterment clubs, cultural clubs, and other
16 inmate-led or volunteer-led groups.

17 (2) The goal of such structured programming is to provide the skills
18 necessary for the person committed to the department to successfully
19 return to his or her home or community or to a suitable alternative
20 community upon his or her release from the adult correctional facility.
21 The Legislature recognizes that many inmate self-betterment clubs and
22 cultural clubs help achieve this goal by providing constructive
23 opportunities for personal growth.

24 (3) If a person committed to the department refuses to participate
25 in the structured programming described in subsection (1) of this
26 section, he or she shall be subject to disciplinary action, except that a
27 person committed to the department who refuses to participate in
28 structured programming consisting of classes and activities organized by
29 inmate self-betterment clubs, cultural clubs, or other inmate-led or
30 volunteer-led groups shall not be subject to disciplinary action.

31 (4) Any person committed to the department who is qualified by

1 reason of education, training, or experience to teach academic or
2 vocational classes may be given the opportunity to teach such classes to
3 committed offenders as part of the structured programming described in
4 this section.

5 (5) The department shall evaluate the quality of programs funded by
6 the department. The evaluation shall focus on whether program
7 participation reduces recidivism. Subject to the availability of funding,
8 the department may contract with an independent contractor or academic
9 institution for each program evaluation. Each program evaluation shall be
10 standardized and shall include a site visit, interviews with key staff,
11 interviews with offenders, group observation, if applicable, and review
12 of materials used for the program. The evaluation shall include adherence
13 to concepts that are linked with program effectiveness, such as program
14 procedures, staff qualifications, and fidelity to the program model of
15 delivering offender assessment and treatment. Each program evaluation
16 shall also include feedback to the department concerning program
17 strengths and weaknesses and recommendations for better adherence to
18 evidence-based programming.

19 (6) Within thirty days after receiving written notice as required by
20 subsection (3) of section 83-1,114 from the board, deferring a committed
21 offender for release on parole, the department shall provide any
22 recommended treatment or programming recommended by the board. If the
23 committed offender denies or refuses to participate in any treatment or
24 programming, the department shall obtain a written statement from the
25 committed offender in which the committed offender expresses his or her
26 refusal to participate and any reasons relevant to his or her decision
27 and shall provide the written statement to the Office of Inspector
28 General of the Nebraska Correctional System. An annual report shall also
29 be provided by the department to the office regarding any committed
30 offender deferred by parole with information on programming received,
31 programming rejected, programming denied, and the reasons why programming

1 was not received or was denied.

2 Sec. 28. Section 83-184, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude, and
5 conditions indicate that a person committed to the department and the
6 general society of the state will be benefited, and there is reason to
7 believe that the best interests of the people of the state and the person
8 committed to the department will be served thereby, in that order, and
9 upon the recommendation of the board in the case of each committed
10 offender, the director may authorize such person, under prescribed
11 conditions, to:

12 (a) Visit a specifically designated place or places and return to
13 the same or another facility. An extension of limits may be granted to
14 permit a visit to a dying relative, attendance at the funeral of a
15 relative, the obtaining of medical services, the contacting of
16 prospective employers, or for any other reason consistent with the public
17 interest;~~or~~

18 (b) Work at paid employment or participate in a training program in
19 the community on a voluntary basis whenever:

20 (i) Such paid employment will not result in the displacement of
21 employed workers, or be applied in skills, crafts, or trades in which
22 there is a surplus of available gainful labor in the locality, or impair
23 existing contracts for services; and

24 (ii) The rates of pay and other conditions of employment will not be
25 less than those paid or provided for work of similar nature in the
26 locality in which the work is to be performed; or -

27 (c) Leave the facility to participate in substance abuse evaluations
28 or treatment, attend rehabilitative programming or treatment, seek
29 residency or employment, or participate in structured programming as
30 provided in section 83-182.01 and return to the same or another facility.

31 The department shall collaborate with community-based providers to

1 enhance the availability of community-based options for such
2 participation that meet the department's requirements for rehabilitative
3 programming or treatment or structured programming.

4 (2) The wages earned by a person authorized to work at paid
5 employment in the community under the provisions of this section shall be
6 credited by the chief executive officer of the facility to such person's
7 wage fund. The director shall authorize the chief executive officer to
8 withhold up to five percent of such person's net wages. The funds
9 withheld pursuant to this subsection shall be remitted to the State
10 Treasurer for credit as provided in subsection (2) of section 33-157.

11 (3) A person authorized to work at paid employment in the community
12 ~~under the provisions of~~ this section may be required to pay, and the
13 director is authorized to collect, such costs incident to the person's
14 confinement as the director deems appropriate and reasonable. Collections
15 shall be deposited in the state treasury as miscellaneous receipts.

16 (4) A person authorized to work at paid employment in the community
17 ~~under the provisions of~~ this section may be required to pay restitution.
18 The director shall adopt and promulgate rules and regulations which will
19 protect the committed offender's rights to due process and govern the
20 collection of restitution as provided in section 83-184.01.

21 (5) The willful failure of a person to remain within the extended
22 limits of his or her confinement or to return within the time prescribed
23 to a facility designated by the director may be deemed an escape from
24 custody punishable as provided in section 28-912.

25 (6) No person employed in the community ~~under the provisions of~~ this
26 section or otherwise released shall, while working in such employment in
27 the community or going to or from such employment or during the time of
28 such release, be deemed to be an agent, employee, or servant of the
29 state.

30 Sec. 29. Section 83-191, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-191 The members of the Board of Parole shall devote full time to
2 their duties with such board and shall not engage in any other business
3 or profession or hold any other public office. No member shall, at the
4 time of his or her appointment or during his or her tenure, serve as the
5 representative of any political party or of any executive committee or
6 governing body thereof or as an executive officer or employee of any
7 political party, organization, association, or committee. A member shall
8 resign from the board upon filing as a candidate for any elective public
9 office. Each member of the board shall receive an annual salary to be
10 fixed by the Governor. ~~Such~~ ~~On and after July 1, 1993,~~ such salaries
11 shall be paid in equal monthly portions.

12 Sec. 30. Section 83-192, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 83-192 (1) The Board of Parole shall:

15 (a) Determine the time of release on parole of committed offenders
16 eligible for such release;

17 (b) Fix the conditions of parole, revoke parole, issue or authorize
18 the issuance of warrants for the arrest of parole violators, and impose
19 other sanctions short of revocation for violation of conditions of
20 parole;

21 (c) Determine the time of mandatory discharge from parole;

22 (d) Visit and inspect any facility, state or local, for the
23 detention of persons charged with or convicted of an offense and for the
24 safekeeping of such other persons as may be remanded to such facility in
25 accordance with law;

26 (e) Within two years after July 1, 2006, implement the utilization
27 of a validated risk and needs assessment in coordination with the
28 Department of Correctional Services and the Division of Parole
29 Supervision ~~Office of Parole Administration~~. The assessment shall be
30 prepared and completed by the department or the division ~~office~~ for use
31 by the board in determining release on parole;

1 (f) Review the record of every parole-eligible committed offender
2 annually when he or she is within three years of his or her earliest
3 parole eligibility date. as follows:

4 (i) ~~If a committed offender has a parole eligibility date within~~
5 ~~five years of his or her date of incarceration, his or her record shall~~
6 ~~be reviewed annually;~~

7 (ii) ~~If a committed offender has a parole eligibility date which is~~
8 ~~more than five but not more than ten years from his or her date of~~
9 ~~incarceration, his or her record shall be reviewed during the first year~~
10 ~~of incarceration, and when he or she is within three years of his or her~~
11 ~~earliest parole eligibility date, his or her record shall be reviewed~~
12 ~~annually;~~

13 (iii) ~~If a committed offender has a parole eligibility date which is~~
14 ~~more than ten but not more than thirty years from his or her date of~~
15 ~~incarceration, his or her record shall be reviewed during the first year~~
16 ~~of incarceration, every five years thereafter until he or she is within~~
17 ~~five years of his or her earliest parole eligibility date, and annually~~
18 ~~thereafter;~~

19 (iv) ~~If a committed offender has a parole eligibility date which is~~
20 ~~more than thirty years from his or her date of incarceration, his or her~~
21 ~~record shall be reviewed during his or her first, tenth, and twentieth~~
22 ~~year of incarceration, and when he or she is within five years of his or~~
23 ~~her earliest parole eligibility date, his or her record shall be reviewed~~
24 ~~annually; and~~

25 (v) ~~If a committed offender is serving a minimum life sentence, his~~
26 ~~or her record shall be reviewed during the first year of incarceration~~
27 ~~and every ten years thereafter until such time as the sentence is~~
28 ~~commuted. If such sentence is commuted, the committed offender's record~~
29 ~~shall be reviewed annually when he or she is within five years of his or~~
30 ~~her earliest parole eligibility date.~~

31 ~~Such review shall include the circumstances of the offense, the~~

1 ~~presentence investigation report, the committed offender's previous~~
2 ~~social history and criminal record, his or her conduct, employment, and~~
3 ~~attitude during commitment, and the reports of such physical and mental~~
4 ~~examinations as have been made. The board shall meet with such committed~~
5 ~~offender and counsel him or her concerning his or her progress and~~
6 ~~prospects for future parole.~~

7 The review schedule shall be based on court-imposed sentences or
8 statutory minimum sentences, whichever are greater. The board is not
9 required to review the record of a committed offender when the committed
10 offender's parole eligibility date is within one month of his or her
11 mandatory discharge date. Nothing in such schedule shall prohibit the
12 board from reviewing a committed offender's case at any time;

13 (g) Appoint and remove all employees of the board as prescribed by
14 the State Personnel System and delegate appropriate powers and duties to
15 them; ~~and~~

16 (h) Adopt and promulgate rules and regulations; and

17 (i) Exercise all powers and perform all duties necessary and proper
18 in carrying out its responsibilities of the board under the Nebraska
19 Treatment and Corrections Act.

20 (2) The chairperson of the board shall:

21 (a) Supervise the administration and operation of the board;

22 (b) Serve in an advisory capacity to the director in administering
23 parole services within any facility ~~and in the community;~~

24 (c) Interpret the parole program to the public with a view toward
25 developing a broad base of public support;

26 (d) Conduct research for the purpose of evaluating and improving the
27 effectiveness of the parole system;

28 (e) Recommend parole legislation to the Governor;

29 (f) Adopt and promulgate rules and regulations for the
30 administration and operation of the board; and

31 (g) Exercise all other powers and perform all other duties necessary

1 and proper in carrying out his or her responsibilities as chairperson.

2 (3) This section does ~~The provisions of this section shall not~~
3 prohibit a committed offender from requesting that the board review his
4 or her record, except that the board is not ~~shall not be~~ required to
5 review a committed offender's record more than once a year.

6 Sec. 31. The Board of Parole Grant Awards Cash Fund is created. All
7 funds received by virtue of public grants awarded to the Board of Parole
8 shall be remitted to the State Treasurer for credit to the fund. The fund
9 shall be utilized by the board for the purposes stated in the individual
10 grant applications and awards. Any money in the fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 Sec. 32. Section 83-198, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 83-198 A person shall be guilty of a Class IV felony if he or she
17 threatens or attempts to threaten harm to a member or an employee of the
18 Board of Parole with the purpose to influence a ~~his~~ decision, an opinion,
19 a recommendation, a vote, or any other exercise of discretion as member
20 or employee of the board or if he or she privately addresses to any
21 member or employee of the board any representation, entreaty, argument,
22 or other communication designed to influence the outcome of any matter
23 which is or may come before the board on the basis of considerations
24 other than those authorized by law, ~~and shall be guilty of a Class IV~~
25 ~~felony.~~

26 Sec. 33. Section 83-1,100, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-1,100 (1) There is hereby created the Division of Parole
29 Supervision Office of Parole Administration. Until July 1, 2016, the
30 office shall be within the Department of Correctional Services. Beginning
31 July 1, 2016, the office shall be within the Board of Parole. The

1 ~~director and the board shall jointly develop a transition implementation~~
2 ~~plan. The plan shall be presented to the Governor and to the Legislature~~
3 ~~no later than December 1, 2015. The report to the Legislature shall be~~
4 ~~delivered electronically. The employees of the division office shall~~
5 ~~consist of the Director of Supervision and Services Parole Administrator,~~
6 ~~the field parole service officers, and all other division staff. The~~
7 ~~division office staff. The office shall be responsible for the following:~~

- 8 (a) The administration of parole services in the community;
9 (b) The maintenance of all records and files associated with the
10 Board of Parole;
11 (c) The daily supervision and training of staff members of the
12 division office, including training regarding evidence-based practices in
13 supervision pursuant to section 83-1,100.02; and
14 (d) The assessment, evaluation, and supervision of individuals who
15 are subject to parole supervision, including lifetime community
16 supervision pursuant to section 83-174.03.

17 (2) Parole officers shall be compensated with salaries substantially
18 equal to other state employees who have similar responsibilities,
19 including employees of the Office of Probation Administration. This
20 subsection shall apply only to field parole service officers and support
21 staff and shall not apply to the Director of Supervision and Services
22 ~~Parole Administrator, any deputy parole administrator, or any other~~
23 ~~management-level similarly established management position.~~

24 (3) ~~This section does not prohibit the division~~ Nothing in this
25 ~~section shall be construed to prohibit the office~~ from maintaining daily
26 records and files associated with the Board of Pardons.

27 Sec. 34. Section 83-1,100.02, Revised Statutes Cumulative
28 Supplement, 2016, is amended to read:

29 83-1,100.02 (1) For purposes of this section:

30 (a) Levels of supervision means the determination of the following
31 for each person on parole:

1 (i) Supervision contact requirements, including the frequency,
2 location, methods, and nature of contact with the parole officer;

3 (ii) Substance abuse testing requirements and frequency;

4 (iii) Contact restrictions;

5 (iv) Curfew restrictions;

6 (v) Access to available programs and treatment, with priority given
7 to moderate-risk and high-risk parolees; and

8 (vi) Severity of graduated responses to violations of supervision
9 conditions; and

10 (b) Risk and needs assessment means an actuarial tool that has been
11 validated in Nebraska to determine the likelihood of the parolee engaging
12 in future criminal behavior.

13 (2) The Division of Parole Supervision ~~Office of Parole~~
14 ~~Administration~~ shall establish an evidence-based process that utilizes a
15 risk and needs assessment to measure criminal risk factors and specific
16 individual needs.

17 (3) The risk and needs assessment shall be performed at the
18 commencement of the parole term and every six months thereafter by
19 division ~~office~~ staff trained and certified in the use of the risk and
20 needs assessment.

21 (4) The ~~office shall test the~~ validity of the risk and needs
22 assessment shall be tested at least every five years.

23 (5) Based on the results of the risk and needs assessment, the
24 division ~~office~~ shall ~~determine levels of supervision to~~ target parolee
25 criminal risk and need factors by focusing sanction, program, and
26 treatment resources on moderate-risk and high-risk parolees.

27 (6) The division ~~office~~ shall provide training to its parole
28 officers on use of a risk and needs assessment, risk-based supervision
29 strategies, relationship skills, cognitive behavioral interventions,
30 community-based resources, criminal risk factors, targeting criminal risk
31 factors to reduce recidivism, and proper use of a matrix of

1 administrative sanctions, custodial sanctions, and rewards developed
2 pursuant to section 83-1,119. All parole officers employed on August 30,
3 2015, shall complete the training requirements set forth in this
4 subsection on or before January 1, 2017. Each parole officer hired on or
5 after August 30, 2015, shall complete the training requirements set forth
6 in this subsection within one year after his or her hire date.

7 (7) The division ~~office~~ shall provide training for chief parole
8 officers to become trainers so as to ensure long-term and self-sufficient
9 training capacity in the state.

10 Sec. 35. Section 83-1,101, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 83-1,101 The Board of Parole shall appoint a Director of Supervision
13 and Services ~~who Parole Administrator. The Parole Administrator~~ shall be
14 a person with appropriate experience and training, including, but not
15 limited to, familiarity with the implementation of evidence-based
16 processes for utilizing risk and needs assessments to measure criminal
17 risk factors and specific individual needs.

18 Sec. 36. Section 83-1,102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,102 The Director of Supervision and Services ~~Parole~~
21 ~~Administrator~~ shall:

22 (1) Supervise and administer the Division of Parole Supervision
23 ~~Office of Parole Administration~~;

24 (2) Establish and maintain policies, standards, and procedures for
25 the field parole service and the community supervision of sex offenders
26 pursuant to section 83-174.03;

27 (3) Divide the state into parole districts and appoint district
28 parole officers, ~~deputy parole officers, if required,~~ and such other
29 employees as may be required to carry out adequate parole supervision of
30 all parolees, prescribe their powers and duties, and obtain division
31 offices ~~office quarters~~ for staff in each district as may be necessary;

1 (4) Cooperate with the Board of Parole, the courts, the Community
2 Corrections Division of the Nebraska Commission on Law Enforcement and
3 Criminal Justice, and all other agencies, public and private, which are
4 concerned with the treatment or welfare of persons on parole;

5 (5) Provide the Board of Parole and district judges with any record
6 of a parolee which the board or such judges ~~it~~ may require;

7 (6) Make recommendations to the Board of Parole or district judge in
8 cases of violation of the conditions of parole, issue warrants for the
9 arrest of parole violators when so instructed by the board or district
10 judge, notify the Director of Correctional Services of determinations
11 made by the board, and upon instruction of the board, issue certificates
12 of parole and of parole revocation to the facilities and certificates of
13 discharge from parole to parolees;

14 (7) Organize and conduct training programs for the district parole
15 officers and other employees;

16 (8) Use the funds provided under section 83-1,107.02 to augment
17 operational or personnel costs associated with the development,
18 implementation, and evaluation of enhanced parole-based programs and
19 purchase services to provide such programs aimed at enhancing adult
20 parolee supervision in the community and treatment needs of parolees.
21 Such enhanced parole-based programs include, but are not limited to,
22 specialized units of supervision, related equipment purchases and
23 training, and programs that address a parolee's vocational, educational,
24 mental health, behavioral, or substance abuse treatment needs, including
25 evidence-based peer and family support programs;

26 (9) Ensure that any risk or needs assessment instrument utilized by
27 the system be periodically validated;

28 (10) Report annually to the Governor and electronically to the Clerk
29 of the Legislature beginning January 1, 2015, the number of parole
30 revocations and the number of technical violations of parole; and

31 (11) Exercise all powers and perform all duties necessary and proper

1 in carrying out his or her responsibilities.

2 Sec. 37. Section 83-1,103, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-1,103 The field parole service, consisting of district parole
5 officers and ~~deputy parole officers~~ working under the direction of the
6 Director of Supervision and Services ~~Parole Administrator~~ or district
7 judge, shall be responsible for the investigation, supervision, and
8 assistance of parolees, probationers, or individuals subject to community
9 supervision under section 83-174.03. The field parole service shall be
10 sufficient in size to assure that no district parole officer carries a
11 case load larger than is compatible with adequate parole investigation or
12 supervision.

13 Sec. 38. Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,103.01 A parole officer assigned by the Director of Supervision
16 and Services ~~administrator~~ to supervise individuals subject to lifetime
17 community supervision pursuant to section 83-174.03 shall:

18 (1) Make investigations, prior to an individual subject to community
19 supervision being released from incarceration, in cooperation with
20 institutional caseworkers at prisons, mental health facilities, and
21 county jails, to determine the community supervision conditions necessary
22 to protect the public and make reasonable advance preparation for release
23 into the community;

24 (2) Assist individuals subject to community supervision to comply
25 with the conditions of supervision and to make a successful adjustment in
26 the community;

27 (3) Supervise individuals subject to community supervision by
28 keeping informed of their conduct and condition;

29 (4) Make reports as required by the Director of Supervision and
30 Services ~~administrator~~ to determine the effectiveness of community
31 supervision in protecting the public or the progress of an individual

1 subject to community supervision;

2 (5) Cooperate with social welfare agencies and treatment providers
3 to ensure that individuals subject to community supervision receive any
4 necessary services or treatment;

5 (6) Inform the Director of Supervision and Services administrator
6 when, in the opinion of the community supervision officer, an individual
7 is in violation of the conditions of his or her community supervision,
8 and whenever necessary exercise the power of arrest as provided in
9 section 83-1,102;

10 (7) Conduct periodic reviews of the conditions of community
11 supervision imposed on an individual as required by the Director of
12 Supervision and Services administrator; and

13 (8) Exercise all powers and perform all duties necessary and proper
14 in carrying out his or her responsibilities.

15 Sec. 39. Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-1,103.02 (1) Prior to the release from incarceration of an
18 individual subject to lifetime community supervision pursuant to section
19 83-174.03, the Division of Parole Supervision ~~Office of Parole~~
20 ~~Administration~~ shall:

21 (a) Notify the individual in writing that he or she is subject to
22 community supervision upon completion of his or her criminal sentence;

23 (b) Inform the individual subject to community supervision of the
24 process by which conditions of community supervision are determined and
25 his or her right to submit relevant information to the division office
26 for consideration when establishing the conditions of supervision;

27 (c) Determine the individual's risk of recidivism if released into
28 the community, utilizing a validated risk assessment tool;

29 (d) After considering the information required in subdivision (e) of
30 this subsection, determine the conditions of supervision which will most
31 effectively minimize the risk of the individual committing another sex

1 offense. The conditions shall be the least restrictive conditions
2 available, in terms of the effect on the individual's personal freedom,
3 which minimize the risk of recidivism and are compatible with public
4 safety; and

5 (e) In determining the conditions of supervision to be imposed, the
6 division office shall consider the following:

7 (i) A report prepared by the institutional caseworkers relating to
8 the individual's personality, social history, and adjustment to authority
9 and including any recommendations which the staff of the facility may
10 make;

11 (ii) All official reports of the individual's prior criminal record,
12 including reports and records of earlier probation and parole
13 experiences;

14 (iii) The presentence investigation report;

15 (iv) The reports of any physical, mental, and psychiatric
16 examinations of the individual;

17 (v) Any relevant information which may be submitted by the
18 individual, his or her attorney, the victim of the crime, or other
19 persons; and

20 (vi) Such other relevant information concerning the individual as
21 may be reasonably available.

22 (2) Upon completion of the risk assessment and the determination of
23 the conditions of community supervision and no later than thirty days
24 prior to the completion of the individual's criminal sentence, the
25 division Office of Parole Administration shall issue a certificate of
26 community supervision to the individual containing the conditions of
27 community supervision he or she will be required to comply with upon the
28 completion of his or her criminal sentence. The Director of Supervision
29 and Services administrator shall include with the certificate written
30 information on how to appeal the determination of the conditions of
31 community supervision.

1 Sec. 40. Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 83-1,103.03 The Division of Parole Supervision ~~Office of Parole~~
4 ~~Administration~~ shall review the conditions of community supervision
5 imposed on an individual pursuant to section 83-174.03 on an annual basis
6 and shall provide the individual the opportunity to submit written
7 materials to the division ~~office~~ for consideration during such review.

8 If the division ~~office~~ determines, after reviewing the individual's
9 conduct while under supervision and any other relevant facts, that one or
10 more of the conditions of community supervision imposed upon the
11 individual is no longer necessary to reduce the risk of the individual
12 reoffending or is no longer the least restrictive condition compatible
13 with public safety, the division ~~office~~ shall revise the conditions of
14 community supervision so that the individual's freedom is not
15 unnecessarily restricted.

16 Sec. 41. Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 83-1,103.04 (1) Whenever a determination or revision of the
19 conditions of community supervision is made by the Division of Parole
20 Supervision ~~Office of Parole Administration~~, the individual subject to
21 the conditions shall be entitled to an appeal. The appeal shall be heard
22 by the district court in the county where the individual resides. The
23 individual shall be informed of his or her right to request counsel, and
24 if counsel is requested the court shall determine if the individual is
25 indigent. If the court finds the individual to be indigent, it shall
26 appoint counsel from the public defender's office to represent the
27 individual during the appeal.

28 (2) In an appeal contesting the determination or revision of the
29 conditions of community supervision, the burden of proof shall be on the
30 individual subject to community supervision to show by clear and
31 convincing evidence (a) that the conditions in question will not reduce

1 the risk of the individual reoffending or otherwise protect the public or
2 (b) that the condition is overly restrictive of the individual's freedom
3 and a less restrictive condition is available which is equally or more
4 effective in reducing the risk of the individual reoffending.

5 Sec. 42. Section 83-1,104, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 83-1,104 A district parole officer shall:

8 (1) Make investigations, prior to a committed offender's release on
9 parole, in cooperation with institutional caseworkers and the Board of
10 Parole to determine the adequacy of parole plans and make reasonable
11 advance preparation for release on parole;

12 (2) Assist a committed offender who requests assistance prior to
13 release or a parolee to comply with the conditions of parole and to make
14 a successful adjustment in the community, including facilitating the
15 transitional needs of housing and employment, access to and participation
16 in job training services in the community, access to mental health
17 services, assisting with applications for health care coverage or
18 ensuring that the committed offender or parolee knows how to apply for
19 and obtain health care coverage, and assisting with enrollment in the
20 medical assistance program established pursuant to the Medical Assistance
21 Act, if eligible, to ensure that the committed offender or parolee has
22 access to such program close to the time of release or soon thereafter;

23 (3) Supervise parolees by keeping informed of their conduct and
24 condition, utilizing global positioning systems and other monitoring
25 technology as needed during the period of supervision;

26 (4) Make such reports as required by the Director of Supervision and
27 Services ~~Parole Administrator~~ or district judge to determine the
28 effectiveness of the parole system or the progress of an individual
29 parolee;

30 (5) Cooperate with social welfare agencies;

31 (6) Observe the work of any ~~deputy~~ parole officer under his or her

1 supervision from time to time;

2 (7) Inform the Director of Supervision and Services Parole
3 ~~Administrator~~ when, in his or her opinion, any eligible parolee's conduct
4 and attitude warrant his or her discharge from active supervision, or
5 when any parolee's violation of the conditions of parole is of sufficient
6 seriousness to require action by the Board of Parole or district judge
7 and whenever necessary exercise the power of arrest as provided in
8 section 83-1,119;

9 (8) Delegate in his or her discretion any of the above
10 responsibilities to a ~~deputy~~ parole officer under his or her supervision
11 ~~if provided for his or her district~~; and

12 (9) Exercise all powers and perform all duties necessary and proper
13 in carrying out his or her responsibilities.

14 Sec. 43. Section 83-1,107, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 83-1,107 (1)(a) Within sixty days after initial classification and
17 assignment of any offender committed to the department, all available
18 information regarding such committed offender shall be reviewed and a
19 committed offender department-approved personalized program plan document
20 shall be drawn up. The document shall specifically describe the
21 department-approved personalized program plan and the specific goals the
22 department expects the committed offender to achieve. The document shall
23 also contain a realistic schedule for completion of the department-
24 approved personalized program plan. The department-approved personalized
25 program plan shall be developed with the active participation of the
26 committed offender. The department shall provide programs to allow
27 compliance by the committed offender with the department-approved
28 personalized program plan.

29 Programming may include, but is not limited to:

30 (i) Academic and vocational education, including teaching such
31 classes by qualified offenders;

- 1 (ii) Substance abuse treatment;
- 2 (iii) Mental health and psychiatric treatment, including criminal
- 3 personality programming;
- 4 (iv) Constructive, meaningful work programs; and
- 5 (v) Any other program deemed necessary and appropriate by the
- 6 department.

7 (b) A modification in the department-approved personalized program
8 plan may be made to account for the increased or decreased abilities of
9 the committed offender or the availability of any program. Any
10 modification shall be made only after notice is given to the committed
11 offender. The department may not impose disciplinary action upon any
12 committed offender solely because of the committed offender's failure to
13 comply with the department-approved personalized program plan, but such
14 failure may be considered by the board in its deliberations on whether or
15 not to grant parole to a committed offender.

16 (2)(a) The department shall reduce the term of a committed offender
17 by six months for each year of the offender's term and pro rata for any
18 part thereof which is less than a year.

19 (b) In addition to reductions granted in subdivision (2)(a) of this
20 section, the department shall reduce the term of a committed offender by
21 three days on the first day of each month following a twelve-month period
22 of incarceration within the department during which the offender has not
23 been found guilty of (i) a Class I or Class II offense or (ii) more than
24 three Class III offenses under the department's disciplinary code.
25 Reductions earned under this subdivision shall not be subject to forfeit
26 or withholding by the department.

27 (c) The total reductions under this subsection shall be credited
28 from the date of sentence, which shall include any term of confinement
29 prior to sentence and commitment as provided pursuant to section
30 83-1,106, and shall be deducted from the maximum term, to determine the
31 date when discharge from the custody of the state becomes mandatory.

1 (3) While the offender is in the custody of the department,
2 reductions of terms granted pursuant to subdivision (2)(a) of this
3 section may be forfeited, withheld, and restored by the chief executive
4 officer of the facility with the approval of the director after the
5 offender has been notified regarding the charges of misconduct.

6 (4) The department shall ensure that a release or reentry plan is
7 complete or near completion when the offender has served at least eighty
8 percent of his or her sentence. For purposes of this subsection, release
9 or reentry plan means a comprehensive and individualized strategic plan
10 to ensure an individual's safe and effective transition or reentry into
11 the community to which he or she resides with the primary goal of
12 reducing recidivism. At a minimum, the release or reentry plan shall
13 include, but not be limited to, consideration of the individual's housing
14 needs, medical or mental health care needs, and transportation and job
15 needs and shall address an individual's barriers to successful release or
16 reentry in order to prevent recidivism. The release or reentry plan does
17 not include an individual's programming needs included in the
18 individual's personalized program plan for use inside the prison.

19 (5)(a) The department shall make treatment programming available to
20 committed offenders as provided in section 83-1,110.01 and shall include
21 continuing participation in such programming as part of each offender's
22 parolee personalized program plan.

23 (b) Any committed offender with a mental illness shall be provided
24 with the community standard of mental health care. The mental health care
25 shall utilize evidence-based therapy models that include an evaluation
26 component to track the effectiveness of interventions.

27 (c) Any committed offender with a mental illness shall be evaluated
28 before release to ensure that adequate monitoring and treatment of the
29 committed offender will take place or, if appropriate, that a commitment
30 proceeding under the Nebraska Mental Health Commitment Act or the Sex
31 Offender Commitment Act will take place.

1 (6)(a) Within thirty days after any committed offender has been
2 paroled, all available information regarding such parolee shall be
3 reviewed and a ~~case parolee personalized program~~ plan document shall be
4 drawn up and approved by the Division of Parole Supervision ~~Office of~~
5 ~~Parole Administration~~. The document shall specifically describe the
6 approved ~~case personalized program~~ plan and the specific goals the
7 division ~~office~~ expects the parolee to achieve. The document shall also
8 contain a realistic schedule for completion of the approved ~~case~~
9 ~~personalized program~~ plan. The approved ~~case personalized program~~ plan
10 shall be developed with the active participation of the parolee. During
11 the term of parole, the parolee shall comply with the approved ~~case~~
12 ~~personalized program~~ plan and the division ~~office~~ shall provide programs
13 to allow compliance by the parolee with the approved ~~case personalized~~
14 ~~program~~ plan.

15 Programming may include, but is not limited to:

- 16 (i) Academic and vocational education;
17 (ii) Substance abuse treatment;
18 (iii) Mental health and psychiatric treatment, including criminal
19 personality programming;
20 (iv) Constructive, meaningful work programs;
21 (v) Community service programs; and
22 (vi) Any other program deemed necessary and appropriate by the
23 division ~~office~~.

24 (b) A modification in the approved ~~case personalized program~~ plan
25 may be made to account for the increased or decreased abilities of the
26 parolee or the availability of any program. Any modification shall be
27 made only after notice is given to the parolee. Intentional failure to
28 comply with the approved ~~case personalized program~~ plan by any parolee as
29 scheduled for any year, or pro rata part thereof, shall cause
30 disciplinary action to be taken by the division ~~office~~ resulting in the
31 forfeiture of up to a maximum of three months' good time for the

1 scheduled year.

2 (7) While the offender is in the custody of the board, reductions of
3 terms granted pursuant to subdivision (2)(a) of this section may be
4 forfeited, withheld, and restored by the director upon the recommendation
5 of the board administrator ~~with the approval of the director~~ after the
6 offender has been notified regarding the charges of misconduct or breach
7 of the conditions of parole. ~~In addition, the board may recommend such~~
8 ~~forfeitures of good time to the director.~~

9 (8) Good time or other reductions of sentence granted under the
10 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
11 or restored in accordance with the terms of the Nebraska Treatment and
12 Corrections Act.

13 (9) Pursuant to rules and regulations adopted by the probation
14 administrator and the director, an individualized post-release
15 supervision plan shall be collaboratively prepared by the Office of
16 Probation Administration and the department and provided to the court to
17 prepare individuals under custody of the department for post-release
18 supervision. All records created during the period of incarceration shall
19 be shared with the Office of Probation Administration and considered in
20 preparation of the post-release supervision plan.

21 Sec. 44. Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-1,107.01 (1) Unless otherwise provided by this section, whenever
24 an adult offender is paroled, the board shall require a parolee to pay a
25 monthly parole programming fee.

26 (2) Parolees under the supervision of the Division of Parole
27 Supervision ~~Office of Parole Administration~~ shall pay a monthly parole
28 programming fee of twenty-five dollars, not later than the tenth day of
29 each month, beginning the second month of parole supervision and
30 continuing for the duration of the parole.

31 (3) The board shall waive payment of the monthly parole programming

1 fee in whole or in part if after a hearing a determination is made that
2 such payment would constitute an undue hardship on the parolee due to
3 limited income, employment or school status, or physical or mental
4 handicap. Such waiver shall be in effect only during the period of time
5 that the parolee is unable to pay his or her monthly parole programming
6 fee.

7 (4) When monthly parole programming fees are waived, in whole or in
8 part, the parole officer, pursuant to rules and regulations adopted by
9 the board, may contract with the parolee to perform approved community
10 service at the rate of five dollars per hour in lieu of payment of
11 monthly parole programming fees. A parolee may be required to pay a
12 participation fee in order to take advantage of community service
13 programs. A parolee may not accumulate more than three months' advance
14 credit for community service. The use of community service alternatives
15 does not preclude the imposition of other intermediate measures.

16 (5) The division ~~Office of Parole Administration~~ with the approval
17 of the Board of Parole shall implement sanctions if a parolee defaults in
18 the payment of monthly parole programming fees or any installment thereof
19 as established by subsection (2) of this section, except that parole
20 shall not be revoked nor shall the parolee be imprisoned for such
21 nonpayment if the parolee is financially unable to make the payment.

22 (6) If the board determines that the default in payment described in
23 subsection (5) of this section was not attributable to a deliberate
24 refusal to obey the order of the board or to failure on the parolee's
25 part to make a good faith effort to obtain the funds required for
26 payment, the board may allow the parolee additional time for payment,
27 reduce the amount of each installment, or revoke the fees or the unpaid
28 portion in whole or in part.

29 (7) No parolee shall be required to pay more than one monthly parole
30 programming fee per month.

31 (8) The imposition of monthly parole programming fees in this

1 section shall be considered separate and apart from specific service
2 delivery fees.

3 (9) Any adult offender received for supervision pursuant to section
4 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
5 assessed a monthly parole programming fee during the period of time the
6 offender is actively supervised by Nebraska parole authorities.

7 (10) A parolee shall pay the fees described in this section to the
8 division. ~~The division Office of Parole Administration. The office~~ shall
9 remit all fees to the State Treasurer for credit to the Parole Program
10 Cash Fund.

11 (11) The board and the division office shall adopt and promulgate
12 rules and regulations to carry out this section.

13 Sec. 45. Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,107.02 The Parole Program Cash Fund is created. All funds
16 collected pursuant to section 83-1,107.01 shall be remitted to the State
17 Treasurer for credit to the fund. The fund shall be utilized by the
18 Division of Parole Supervision ~~Office of Parole Administration~~ for the
19 purposes stated in subdivision (8) of section 83-1,102. Any money in the
20 fund available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 Sec. 46. Section 83-1,109, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-1,109 The chief executive officer of a facility shall regularly
26 report all good time and all forfeitures, withholdings, and restorations
27 of good time to the director. On the basis of such report, the director
28 shall inform the board and the Director of Supervision and Services
29 ~~administrator~~ of all committed offenders who are expected to become
30 eligible for release on parole within the next three months.

31 Sec. 47. (1) If a committed offender is diagnosed with a terminal

1 illness, upon such diagnosis, the medical director shall, as soon as
2 practicable:

3 (a) For a committed offender who is otherwise eligible for parole,
4 complete or facilitate the completion of an application for medical
5 parole pursuant to section 83-1,110.02, for submission by the committed
6 offender to the Board of Parole; and

7 (b) For a committed offender who is not otherwise eligible for
8 parole, complete or facilitate the completion of an application for
9 commutation of sentence by the Board of Pardons pursuant to section
10 83-1,129 and an application for medical parole pursuant to section
11 83-1,110.02. The committed offender shall concurrently submit the
12 application for commutation to the Board of Pardons and the application
13 for medical parole to the Board of Parole.

14 (2)(a) For a committed offender who is not otherwise eligible for
15 parole, the Board of Parole shall nonetheless consider whether or not to
16 grant the application for medical parole in the event that the Board of
17 Pardons decides to commute the committed offender's sentence and thereby
18 render him or her eligible for parole. The Board of Parole shall not wait
19 for the Board of Pardons' decision before considering the application and
20 shall proceed with its review as provided in section 83-1,110.02 as if
21 the committed offender were eligible for parole. The Board of Parole
22 shall forward to the Board of Pardons its decision as to whether the
23 committed offender should be allowed medical parole together with its
24 recommendations regarding conditions of parole and any other information
25 it deems appropriate.

26 (3) If the Board of Parole recommends to the Board of Pardons that a
27 committed offender not be released on medical parole but the Board of
28 Pardons nonetheless decides to commute the committed offender's sentence
29 in order to render him or her eligible for medical parole, the Board of
30 Parole shall expeditiously release the committed offender on medical
31 parole pursuant to section 83-1,110.02.

1 (4) The Board of Pardons and Board of Parole shall prioritize
2 applications received under this section and review such applications
3 expeditiously and within a timeline that is reasonable considering the
4 medical condition of the committed offender.

5 (5) For purposes of this section:

6 (a) Medical director means the medical director for the department
7 appointed pursuant to section 83-4,156; and

8 (b) Terminal illness means an incurable and irreversible illness
9 that will, within the reasonable medical judgment of a qualified medical
10 professional, result in death within six months.

11 Sec. 48. Section 83-1,110.02, Revised Statutes Supplement, 2017, is
12 amended to read:

13 83-1,110.02 (1) A committed offender may be eligible for medical
14 parole by the board if:

15 (a) The committed offender who is otherwise eligible for parole,
16 including a committed offender who is eligible following a commutation of
17 his or her sentence pursuant to section 47 of this act;

18 (b) The committed offender who is not under sentence of death or of
19 life imprisonment; and

20 (c) Because who—because of an existing medical or physical
21 condition, the committed offender is determined:

22 (i) To by the department to be terminally ill pursuant to section 47
23 of this act; or

24 (ii) Is determined by the department to be permanently incapacitated
25 may be considered for medical parole by the board.

26 (2) A committed offender may be eligible for medical parole in
27 addition to any other parole.

28 (3) The department shall identify committed offenders who may be
29 eligible for medical parole due to permanent incapacity based upon their
30 medical records.

31 (4) {2} The board shall decide to grant medical parole only after a

1 review of the medical, institutional, and criminal records of the
2 committed offender and such additional medical evidence from board-
3 ordered examinations or investigations as the board in its discretion
4 determines to be necessary. The decision to grant medical parole and to
5 establish conditions of release on medical parole in addition to the
6 conditions stated in subsection (5) ~~(3)~~ of this section is within the
7 sole discretion of the board, except as provided in subsection (3) of
8 section 47 of this act.

9 (5) ~~(3)~~ As conditions of release on medical parole, the board shall
10 require that the committed offender agree to placement for medical
11 treatment and that he or she be placed for a definite or indefinite
12 period of time in a hospital, a hospice, or another housing accommodation
13 suitable to his or her medical condition, including, but not limited to,
14 his or her family's home, as specified by the board.

15 (6) ~~(4)~~ The parole term of a medical parolee shall be for the
16 remainder of his or her sentence as reduced by any adjustment for good
17 conduct pursuant to the Nebraska Treatment and Corrections Act.

18 Sec. 49. Section 83-1,111, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,111 (1) A Every committed offender serving an indeterminate
21 sentence under which he or she may become eligible for parole shall be
22 interviewed and have his or her record reviewed by two or more members of
23 the Board of Parole or a person designated by the board within sixty days
24 before the expiration of his or her minimum term less any reductions as
25 provided in section 83-1,110. If, in the opinion of the reviewers, the
26 review indicates the offender is reasonably likely to be granted parole
27 and has a potential parole term of no less than one month, the Board of
28 Parole shall schedule a public hearing before a majority of its members.
29 At such hearing the offender may present evidence, call witnesses, and be
30 represented by counsel. If, in the opinion of the reviewers, the review
31 indicates the offender should be denied parole, the offender may request

1 an additional review by a majority of the members of the board. A review
2 by the majority of the members of the board may be conducted not more
3 than once annually. Any hearing and review shall be conducted in an
4 informal manner, but a complete record of the proceedings shall be made
5 and preserved.

6 (2) The board shall render its decision regarding the committed
7 offender's release on parole within a reasonable time after the hearing
8 or review. The decision shall be by majority vote of the board. The
9 decision shall be based on the entire record before the board, which
10 shall include the opinion of the person who conducted the review. If the
11 board denies ~~shall deny~~ parole, written notification listing the reasons
12 for such denial and the recommendations for correcting deficiencies which
13 cause the denial shall be given to the committed offender within thirty
14 days following the hearing.

15 (3) If the board fixes the release date, such date shall be not more
16 than six months from the date of the committed offender's parole hearing,
17 or from the date of last reconsideration of his or her case, unless there
18 are special reasons for fixing a later release date.

19 (4) If the board defers the case for later reconsideration, the
20 committed offender shall be afforded a parole review at least once a year
21 until a release date is fixed. The board may order a reconsideration or a
22 rehearing of the case at any time.

23 (5) The release of a committed offender on parole shall not be upon
24 the application of the offender, but by the initiative of the Board of
25 Parole. No application for release on parole made by a committed offender
26 or on his or her behalf shall be entertained by the board. This
27 subsection does not ~~Nothing herein shall~~ prohibit the Director of
28 Correctional Services from recommending to the board that it consider an
29 individual offender for release on parole.

30 Sec. 50. Section 83-1,112, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,112 (1) Each committed offender eligible for parole shall, in
2 advance of his or her parole hearing, have a parole plan in accordance
3 with the rules of the Board of Parole. Whenever the board determines that
4 it will facilitate the parole hearing, it may furnish the offender with
5 any information and records to be considered by it at the hearing.

6 (2) An offender shall be permitted to advise with any person whose
7 assistance he or she desires, including his or her own legal counsel, in
8 preparing for a hearing before the Board of Parole.

9 Sec. 51. Section 83-1,112.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 83-1,112.01 The board shall require any person who is incarcerated
12 pursuant to subdivision (9) or (10) of section 60-6,197.03 to complete
13 all diagnostic evaluations provided by the department and all programming
14 required by the department prior to being considered eligible for parole.
15 If the programming required by the department cannot be completed during
16 the person's period of incarceration but can be provided in the
17 community, and the board in its discretion believes the incarcerated
18 person will participate in programming available in the community, the
19 board may waive the programming requirement of this section and, as a
20 condition of parole, require that such programming be completed by the
21 offender during his or her parole term.

22 Sec. 52. Section 83-1,114, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 83-1,114 (1) Whenever the board ~~Board of Parole~~ considers the
25 release of a committed offender who is eligible for release on parole, it
26 shall order his or her release unless it is of the opinion that his or
27 her release should be deferred because:

28 (a) There is a substantial risk that he or she will not conform to
29 the conditions of parole;

30 (b) His or her release would depreciate the seriousness of his or
31 her crime or promote disrespect for law;

1 (c) His or her release would have a substantially adverse effect on
2 institutional discipline; or

3 (d) His or her continued correctional treatment, medical care, or
4 vocational or other training in the facility will substantially enhance
5 his or her capacity to lead a law-abiding life when released at a later
6 date.

7 (2) In making its determination regarding a committed offender's
8 release on parole, the ~~board~~ Board of Parole shall give consideration to
9 its decision guidelines as set forth in its rules and regulations and
10 shall take into account each of the following factors:

11 (a) The offender's personality, including his or her maturity,
12 stability, and sense of responsibility and any apparent development in
13 his or her personality which may promote or hinder his or her conformity
14 to law;

15 (b) The adequacy of the offender's parole plan;

16 (c) The offender's ability and readiness to assume obligations and
17 undertake responsibilities;

18 (d) The offender's intelligence and training;

19 (e) The offender's family status and whether he or she has relatives
20 who display an interest in him or her or whether he or she has other
21 close and constructive associations in the community;

22 (f) The offender's employment history, his or her occupational
23 skills, and the stability of his or her past employment;

24 (g) The type of residence, neighborhood, or community in which the
25 offender plans to live;

26 (h) The offender's past use of narcotics or past habitual and
27 excessive use of alcohol;

28 (i) The offender's mental or physical makeup, including any
29 disability or handicap which may affect his or her conformity to law;

30 (j) The offender's prior criminal record, including the nature and
31 circumstances, dates ~~recency~~, and frequency of previous offenses;

1 (k) The offender's attitude toward law and authority;

2 (l) The offender's conduct in the facility, including particularly
3 whether he or she has taken advantage of the opportunities for self-
4 improvement, whether he or she has been punished for misconduct within
5 six months prior to his or her hearing or reconsideration for parole
6 release, whether any reductions of term have been forfeited, and whether
7 such reductions have been restored at the time of hearing or
8 reconsideration;

9 (m) The offender's behavior and attitude during any previous
10 experience of probation or parole and how recent the recency of such
11 experience is;

12 (n) The risk and needs assessment completed pursuant to section
13 83-192; and

14 (o) Any other factors the board determines to be relevant.

15 (3) If the board determines that the release of a committed offender
16 should be deferred, the board shall inform the department within ten
17 business days after such deferment. Such notice shall be in writing and
18 shall state the reasons for the deferment. The board shall also describe
19 or recommend any programming or treatment in which the committed offender
20 should participate or that the committed offender should complete in
21 order to enhance his or her likelihood of release upon later
22 consideration by the board. A copy of such notice shall be provided to
23 the committed offender at the time it is served to the department.

24 Sec. 53. Section 83-1,118, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-1,118 (1) If, in the opinion of the board, upon receipt of
27 information from the Director of Supervision and Services, a parolee has
28 shown suitable compliance with his or her parole programming plan, the
29 board may reduce the level of supervision for a parolee that is
30 commensurate with the best interests of the parolee and is compatible
31 with the protection of the public , a parolee does not require guidance

1 ~~or supervision, the board may dispense with and terminate such~~
2 ~~supervision.~~

3 ~~(2) The board may discharge a parolee from parole at any time if~~
4 ~~such discharge is compatible with the protection of the public and is in~~
5 ~~the best interest of the parolee.~~

6 (2) ~~(3)~~ The board shall discharge a parolee from parole when the
7 time served in the custody of the department and the time served on
8 parole equal the maximum term less good time.

9 (3) ~~(4)~~ The department shall discharge a committed offender from the
10 custody of the department when the time served in the facility equals the
11 maximum term less good time.

12 (4) ~~(5)~~ Upon completion of the lawful requirements of the sentence,
13 the department shall provide the parolee or committed offender with a
14 written notice regarding his or her civil rights. The notice shall inform
15 the parolee or committed offender that voting rights are restored two
16 years after completion of the sentence. The notice shall also include
17 information on restoring other civil rights through the pardon process,
18 including application to and hearing by the Board of Pardons.

19 (5) ~~(6)~~ The Board of Parole may discharge a parolee from parole when
20 such parolee is under the supervision of another state's correctional
21 institution and such offender has reached the expiration date of his or
22 her Nebraska parole term.

23 Sec. 54. Section 83-1,119, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 83-1,119 (1) For purposes of this section:

26 (a) Absconding parole supervision means a parolee has purposely
27 avoided supervision for a period of at least two weeks and reasonable
28 efforts by a parole officer and staff to locate the parolee in person
29 have proven unsuccessful;

30 (b) Administrative sanction means additional parole requirements
31 imposed upon a parolee by his or her parole officer, with the full

1 knowledge and consent of the parolee, designed to hold the parolee
2 accountable for substance abuse or technical violations of conditions of
3 parole, including, but not limited to:

4 (i) Counseling or reprimand by the Division of Parole Supervision
5 ~~adult parole administration of the department;~~

6 (ii) Increased supervision contact requirements;

7 (iii) Increased substance abuse testing;

8 (iv) Referral for substance abuse or mental health evaluation or
9 other specialized assessment, counseling, or treatment;

10 (v) Imposition of a designated curfew for a period to be determined
11 by the division ~~adult parole administration;~~ and

12 (vi) Travel restrictions to stay within his or her county of
13 residence or employment unless otherwise permitted by the division ~~adult~~
14 ~~parole administration;~~

15 (c) Contract facility means a county jail that contracts with the
16 department to house parolees or other offenders under the jurisdiction of
17 the department;

18 (d) Substance abuse violation means a parolee's activities or
19 behaviors associated with the use of chemical substances or related
20 treatment services resulting in a violation of an original condition of
21 parole, including:

22 (i) Positive breath test for the consumption of alcohol if the
23 parolee is required to refrain from alcohol consumption;

24 (ii) Positive urinalysis for the illegal use of drugs;

25 (iii) Failure to report for alcohol testing or drug testing; and

26 (iv) Failure to appear for or complete substance abuse or mental
27 health treatment evaluations or inpatient or outpatient treatment; and

28 (e) Technical violation means a parolee's activities or behaviors
29 which create the opportunity for re-offending or diminish the
30 effectiveness of parole supervision resulting in a violation of an
31 original condition of parole and includes:

- 1 (i) Moving traffic violations;
- 2 (ii) Failure to report to his or her parole officer;
- 3 (iii) Leaving the state without the permission of the Board of
4 Parole;
- 5 (iv) Failure to work regularly or attend training or school;
- 6 (v) Failure to notify his or her parole officer of change of address
7 or employment;
- 8 (vi) Frequenting places where controlled substances are illegally
9 sold, used, distributed, or administered; and
- 10 (vii) Failure to pay fines, court costs, restitution, or any fees
11 imposed pursuant to section 83-1,107.01 as directed.

12 Technical violation does not include absconding parole supervision.

13 (2) The division ~~Office of Parole Administration~~ shall develop a
14 matrix of rewards for compliance and positive behaviors and graduated
15 administrative sanctions and custodial sanctions for use in responding to
16 and deterring substance abuse violations and technical violations. A
17 custodial sanction of thirty days in a correctional facility or a
18 contract facility shall be designated as the most severe response to a
19 violation in lieu of revocation.

20 (3) Whenever a parole officer has reasonable cause to believe that a
21 parolee has committed or is about to commit a substance abuse violation
22 or technical violation while on parole, but that the parolee will not
23 attempt to leave the jurisdiction and will not place lives or property in
24 danger, the parole officer shall either:

25 (a) Impose one or more administrative sanctions based upon the
26 parolee's risk level, the severity of the violation, and the parolee's
27 response to the violation. If administrative sanctions are to be imposed,
28 the parolee shall acknowledge in writing the nature of the violation and
29 agree upon the administrative sanction. The parolee has the right to
30 decline to acknowledge the violation. If he or she declines to
31 acknowledge the violation, the parole officer shall take action pursuant

1 to subdivision (3)(b) of this section. A copy of the report shall be
2 submitted to the Board of Parole; or

3 (b) Submit a written report to the Board of Parole, outlining the
4 nature of the parole violation, and request the imposition of a custodial
5 sanction of up to thirty days in a correctional facility or a contract
6 facility. On the basis of the report and such further investigation as
7 the board may deem appropriate, the board shall determine whether and how
8 the parolee violated the conditions of parole and may:

9 (i) Dismiss the charge of violation; or

10 (ii) If the board finds a violation justifying a custodial sanction,
11 issue a warrant if necessary and impose a custodial sanction of up to
12 thirty days in a correctional facility or a contract facility.

13 (4) Whenever a parole officer has reasonable cause to believe that a
14 parolee has violated or is about to violate a condition of parole by a
15 violation other than a substance abuse violation or a technical violation
16 and the parole officer has reasonable cause to believe that the parolee
17 will not attempt to leave the jurisdiction and will not place lives or
18 property in danger, the parole officer shall submit a written report to
19 the Board of Parole which may, on the basis of such report and such
20 further investigation as it may deem appropriate:

21 (a) Dismiss the charge of violation;

22 (b) Determine whether the parolee violated the conditions of his or
23 her parole;

24 (c) Impose a custodial sanction of up to thirty days in a
25 correctional facility or a contract facility;

26 (d) Revoke his or her parole in accordance with the Nebraska
27 Treatment and Corrections Act; or

28 (e) Issue a warrant for the arrest of the parolee.

29 (5) Whenever a parole officer has reasonable cause to believe that a
30 parolee has violated or is about to violate a condition of parole and
31 that the parolee will attempt to leave the jurisdiction or will place

1 lives or property in danger, the parole officer shall arrest the parolee
2 without a warrant and call on any peace officer to assist him or her in
3 doing so.

4 (6) Whenever a parolee is arrested with or without a warrant, he or
5 she shall be detained in a local jail or other detention facility
6 operated by the Department of Correctional Services pending completion of
7 review of parole proceedings by the Board of Parole. Immediately after
8 such arrest and detention, the parole officer shall notify the Board of
9 Parole and submit a written report of the reason for such arrest. A
10 complete investigation shall be made by the Division of Parole
11 Supervision ~~parole administration~~ and submitted to the board. After
12 prompt consideration of such written report, the board shall order the
13 parolee's release from detention or continued confinement to await a
14 final decision on imposition of a custodial sanction or the revocation of
15 parole.

16 (7) The Board of Parole shall adopt and promulgate rules and
17 regulations necessary to carry out this section.

18 Sec. 55. Section 83-1,120, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,120 Whenever a parolee is charged with a violation of his
21 parole, he or she shall be entitled to a prompt hearing on such charge by
22 the Board of Parole, which hearing in no event shall occur more than
23 thirty days after receipt of the parole officer's written report. At such
24 hearing, the parolee shall be permitted to be present, to testify, to
25 produce witnesses, to cross-examine adverse witnesses, and to introduce
26 such other evidence as may be pertinent. The parolee shall be informed of
27 his or her right to request counsel at such hearing, and if the parolee
28 ~~he~~ thereafter makes such request, based on a timely and colorable claim

29 (1) that he or she has not committed the alleged violation of the
30 conditions upon which he or she is at liberty, or (2) that, even if the
31 violation is a matter of public record or is uncontested, there are

1 substantial reasons which justified or mitigated the violation and make
2 revocation inappropriate and that the reasons are complex or otherwise
3 difficult to develop or present, and upon consideration of whether or not
4 the parolee appears to be capable of speaking effectively for himself or
5 herself, the board in the exercise of a sound discretion may provide
6 counsel unless retained counsel is available to the parolee. In every
7 case in which ~~when~~ a request for counsel is refused, the grounds for
8 refusal shall be stated in the record.

9 Sec. 56. Section 83-1,121, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 83-1,121 A committed offender while on parole shall remain in the
12 legal custody and control of the Board of Parole. The board may at any
13 time revoke the parole of an offender or recommit him or her to the
14 custody of the Department of Correctional Services, with or without
15 cause.

16 Sec. 57. Section 83-1,122.01, Revised Statutes Cumulative
17 Supplement, 2016, is amended to read:

18 83-1,122.01 (1) The board does not have jurisdiction over a person
19 who is committed to the department in accordance with section 29-2204.02
20 for a Class III, IIIA, or IV felony committed on or after August 30,
21 2015, unless:

22 (a) The ~~the~~ person is also committed to the department in accordance
23 with section 29-2204 for:

24 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
25 felony committed prior to August 30, 2015; ~~or~~

26 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
27 II, or IIA felony; ~~or~~

28 (b) The Board of Pardons commutes the person's sentence to render
29 him or her eligible for medical parole pursuant to section 47 of this
30 act.

31 (2) The board does not have jurisdiction over a person committed to

1 the department for a misdemeanor sentence imposed consecutively or
2 concurrently with a Class III, IIIA, or IV felony sentence for an offense
3 committed on or after August 30, 2015, unless:

4 (a) ~~The~~ the person is also committed to the department in accordance
5 with section 29-2204 for:

6 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
7 felony committed prior to August 30, 2015; ~~or~~ or

8 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
9 II, or IIA felony; ~~or~~ or

10 (b) The Board of Pardons commutes the person's sentence to render
11 him or her eligible for medical parole pursuant to section 47 of this
12 act.

13 Sec. 58. Section 83-1,125, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 83-1,125 (1) If a warrant or detainer is placed against a committed
16 offender by a court, parole agency, or other authority of this or any
17 other jurisdiction, the Director of Supervision and Services
18 ~~administrator~~ shall inquire before such offender becomes eligible for
19 parole whether the authority concerned intends to execute or withdraw the
20 warrant or detainer when the offender is released.

21 (2) If the authority notifies the Director of Supervision and
22 Services administrator that it intends to execute the warrant or detainer
23 when the offender is released, the Director of Supervision and Services
24 ~~administrator~~ shall advise the authority concerned of the sentence under
25 which the offender is held, the time of parole eligibility, any decision
26 of the board relating to the offender, and the nature of the offender's
27 adjustment during imprisonment and shall give reasonable notice to such
28 authority of the offender's release date.

29 (3) The board may parole an offender who is eligible for release to
30 a warrant or detainer. If an offender is paroled to such a warrant or
31 detainer, the board may provide, as a condition of release, that if the

1 charge or charges on which the warrant or detainer is based are
2 dismissed, or are satisfied after conviction and sentence, prior to the
3 expiration of the offender's parole term, the authority to whose warrant
4 or detainer the offender is released shall return the offender to serve
5 the remainder of the parole term or such part as the board may determine.

6 (4) If a person paroled to a warrant or detainer is thereafter
7 sentenced and placed on probation, or released on parole in another
8 jurisdiction, prior to the expiration of the parole term less good time
9 in this state, the board may permit the person to serve the remainder of
10 the parole term or such part as the board may determine concurrently with
11 the person's new probation or parole term. Such concurrent terms may be
12 served in either of the two jurisdictions, and supervision shall be
13 administered in accordance with the Interstate Compact for Adult Offender
14 Supervision.

15 Sec. 59. (1) The Board of Parole and the Division of Parole
16 Supervision may maintain an individual file for each person who is under
17 the jurisdiction of the Board of Parole. Such file may be maintained
18 electronically and shall include, when available and appropriate, the
19 following information on such person:

20 (a) Admission summary;

21 (b) Presentence investigation report;

22 (c) Classification reports and recommendations;

23 (d) Official records of conviction and commitment along with any
24 earlier criminal records;

25 (e) Progress reports and admission-orientation reports;

26 (f) Reports of any disciplinary infractions and their disposition;

27 (g) Risk and needs assessments;

28 (h) Parole plan and parole placement and investigation worksheets;

29 (i) Decision guideline scores;

30 (j) Parole case plan;

31 (k) Parole progress reports and contact notes;

1 (l) Arrest and violation reports, including disposition;
2 (m) Parole proceedings orders and notices;
3 (n) Other documents related to parole supervision;
4 (o) Correspondence; and
5 (p) Other pertinent data concerning his or her background, conduct,
6 associations, and family relationships.

7 (2) Any decision concerning release on or revocation of parole or
8 imposition of sanctions shall be made only after the individual file has
9 been reviewed. The contents of the individual file shall be confidential
10 unless disclosed in connection with a public hearing and shall not be
11 subject to public inspection except by court order for good cause shown.
12 The contents of the file shall not be accessible to any person under the
13 jurisdiction of the Board of Parole. A person under the jurisdiction of
14 the board may obtain access to his or her medical records by request to
15 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
16 fact that such medical records may be a part of his or her parole file.
17 The board and the Division of Parole Supervision have the authority to
18 withhold decision guideline scores, risk and needs assessment scores, and
19 mental health and psychological records of a person under the
20 jurisdiction of the board when appropriate.

21 (3) Nothing in this section limits in any manner the authority of
22 the Public Counsel to inspect and examine the records and documents of
23 the board and the Division of Parole Supervision pursuant to sections
24 81-8,240 to 81-8,254, except that the Public Counsel's access to the
25 medical or mental health records of a person under the jurisdiction of
26 the board shall be subject to his or her consent. The office of Public
27 Counsel shall not disclose the medical or mental health records of a
28 person under the jurisdiction of the board to anyone else, including any
29 other person under the jurisdiction of the board, except as authorized by
30 law.

31 Sec. 60. Section 83-1,135, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 83-1,135 Sections 83-170 to 83-1,135.05 and sections 31, 47, and 59
3 of this act shall be known and may be cited as the Nebraska Treatment and
4 Corrections Act.

5 Sec. 61. Section 83-1,135.02, Revised Statutes Cumulative
6 Supplement, 2016, is amended to read:

7 83-1,135.02 (1) It is the intent of the Legislature that the changes
8 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
9 with respect to parole eligibility apply to all committed offenders under
10 sentence and not on parole on May 24, 2003, and to all persons sentenced
11 on and after such date.

12 (2) It is the intent of the Legislature that the changes made to
13 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
14 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
15 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
16 sentence, on parole, or on probation on August 30, 2015, and to all
17 persons sentenced on and after such date.

18 (3) It is the intent of the Legislature that the changes made to
19 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
20 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
21 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
22 apply to all committed offenders under sentence, on parole, or on
23 probation on or after April 20, 2016, and to all persons sentenced on and
24 after such date.

25 (4) It is the intent of the Legislature that the changes made to
26 sections 83-1,110.02 and 83-1,122.01 and section 47 of this act apply to
27 all committed offenders under sentence or on parole on or after the
28 operative date of this section, and to all persons sentenced on and after
29 such date.

30 Sec. 62. Section 83-4,157, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-4,157 The medical director shall:

2 (1) Coordinate all clinical services;

3 (2) Participate in the selection and supervision of all clinical
4 staff employed by or under contract with the department, including
5 medical doctors, physician assistants, pharmacists, pharmacy technicians,
6 registered nurses, licensed practical nurses, advanced practice
7 registered nurses practicing under and in accordance with their
8 respective certification acts, mental health practitioners, alcohol and
9 drug counselors, laboratory technicians, physical therapists,
10 optometrists, audiologists, dentists, dental assistants, and dental
11 hygienists;

12 (3) Maintain and preserve the medical records of health care
13 services;

14 (4) Approve the purchasing of all necessary medical supplies and
15 medical equipment for the department;

16 (5) Recommend all necessary programs for the preservice, inservice,
17 and continuing medical training and education of the health care staff
18 and other relevant staff of the department, including training
19 specifically designed to promote prompt and effective responses by all
20 staff of the department to medical emergencies;

21 (6) Develop and implement condition-specific medical treatment
22 protocols that ensure compatibility with a community standard of health
23 care, including protocols addressing the: (a) Treatment of
24 gastrointestinal bleeds; (b) detection and treatment of all communicable
25 diseases; (c) treatment of gender-specific problems; (d) treatment of
26 diabetes; (e) treatment of hypertension; (f) treatment of headaches; (g)
27 utilization of surgical procedures; (h) control of infection; (i)
28 provision of dental care; (j) provision of age-specific and gender-
29 specific routine health maintenance; (k) means by which inmates obtain
30 access to health care services; (l) use of prescribed drugs, devices, or
31 biologicals for the purpose of pain management; (m) referral of patients

1 to medical specialists not in the employ of the department; and (n)
2 initiation, observance, and termination of do not resuscitate orders
3 initiated pursuant to the Rights of the Terminally Ill Act;

4 (7) Develop and implement a system of general discharge planning for
5 the health care services to be received by inmates who are soon to be
6 released from the custody of the department and who have chronic health
7 care problems, including establishment of a protocol to determine whether
8 or not an inmate soon to be released should be prescribed and dispensed a
9 medication-assisted treatment that could assist in reducing or
10 eliminating the inmate's use of opiates;

11 (8) Develop and implement a comprehensive health care services plan;

12 (9) Develop and implement an internal credentialing program for the
13 employment and retention of the health care staff of the department based
14 on a community standard of health care; and

15 (10) Develop and implement an internal peer review and quality
16 assurance program based upon a community standard of health care.

17 Sec. 63. Section 83-933, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 83-933 ~~Until July 1, 2016, the Office of Parole Administration~~
20 ~~shall be within the Division of Community-Centered Services.~~ Beginning
21 July 1, 2016, until the operative date of this section, the Office of
22 Parole Administration shall be within the Board of Parole. Beginning on
23 the operative date of this section, the Division of Parole Supervision
24 shall be within the Board of Parole.

25 Subject to supervision, the Director of Supervision and Services
26 ~~Parole Administrator~~ shall be charged with the administration of parole
27 services in the community pursuant to the provisions of section 83-1,102,
28 implementation and administration of the Interstate Compact for Adult
29 Offender Supervision as it affects parolees, community supervision of sex
30 offenders pursuant to section 83-174.03, and supervision of parolees
31 either paroled in Nebraska and supervised in another state or paroled in

1 another state and supervised in Nebraska, pursuant to the compact.

2 Sec. 64. The Department of Correctional Services may contract with
3 county jail facilities to house Department of Correctional Services
4 facilities inmates. Department of Correctional Services facilities
5 inmates eligible for participation in the county jail housing program
6 shall include inmates within one year of parole or release eligibility,
7 inmates being transferred into state custody for safekeeping, nonviolent
8 offenders, and inmates requiring only community-based or minimum-security
9 supervision. The department shall place an inmate for housing in a county
10 jail that has the capacity and agrees to offer services to meet one or
11 more of the inmate's prerelease programming requirements when such
12 programming is needed for the inmate to become eligible for parole or
13 release. The department may place an inmate who does not have prerelease
14 programming requirements in a county jail in which such programming is
15 not offered.

16 Sec. 65. The Department of Correctional Services shall conduct a
17 department-wide staffing analysis of all positions, including a specific
18 analysis regarding behavioral health staffing, in an effort to make a
19 comprehensive determination of staffing needs. Concurrently, the
20 department shall make short-term recommendations for needed staffing,
21 including, but not limited to, facility administrative and support
22 positions in order to improve the effectiveness of staffing.

23 The staffing analysis shall be completed and a report of its
24 findings and subsequent staffing recommendations submitted electronically
25 to the Legislature no later than September 15, 2020. Subsequent updates
26 of the staffing analysis shall be completed and shall be submitted
27 electronically to the Legislature on or before September 15, 2026, and at
28 least every six years thereafter or more frequently at the discretion of
29 the department.

30 Sec. 66. To ensure public safety in the event a correctional system
31 overcrowding emergency is ever declared or determined to exist, the

1 Department of Correctional Services and the Board of Parole shall submit
2 to the Legislature a proposed plan, on or before December 1, 2018, which
3 describes the process of implementing the accelerated parole review
4 process required by section 83-962. The plan shall include, but not be
5 limited to:

6 (1) The process by which the Director of Correctional Services shall
7 certify that an overcrowding emergency exists;

8 (2) The process by which the department shall prepare and submit to
9 the board a listing of parole-eligible committed offenders to be
10 considered or reconsidered accelerated for parole;

11 (3) Any statutory changes required or funding necessary to
12 accommodate such process;

13 (4) The process by which the board shall examine committed offenders
14 during the accelerated parole review;

15 (5) A review of the analysis for granting parole pursuant to section
16 83-1,114 and whether this process and the factors set out in such section
17 are sufficient or adequate for the accelerated parole review process
18 required by section 83-962;

19 (6) A review of the process of supervising parolees released
20 pursuant to the accelerated review process and the necessary means to
21 ensure public safety; and

22 (7) Any statutory changes required or resources necessary to
23 accommodate the existence of an overcrowding emergency status and to
24 facilitate the potential requisite gubernatorial declaration of such
25 emergency.

26 The plan shall be submitted electronically in a report to the
27 Legislature on or before December 1, 2018.

28 Sec. 67. The Legislature finds and declares that there shall be a
29 coordinated effort (1) to establish a comprehensive and successful system
30 of correctional reentry programs throughout this state and (2) to include
31 an array of interests in the establishment and growth of this system. To

1 further such policy, the Coordinated Reentry Council is created. For
2 administrative and budgetary purposes, the council shall be within the
3 Nebraska Commission on Law Enforcement and Criminal Justice.

4 Sec. 68. (1) The Coordinated Reentry Council shall include the
5 following voting members:

6 (a) The executive director of the Nebraska Commission on Law
7 Enforcement and Criminal Justice;

8 (b) The Director of Correctional Services;

9 (c) The chairperson of the Board of Parole;

10 (d) The Director of Supervision and Services of the Division of
11 Parole Supervision;

12 (e) The Director of Behavioral Health of the Division of Behavioral
13 Health of the Department of Health and Human Services; and

14 (f) Eight members appointed by the Governor with the approval of a
15 majority of the Legislature, consisting of: An executive director of a
16 state community college association; a business owner who employs
17 formerly incarcerated individuals on a regular basis; two individuals who
18 were formerly incarcerated in a state correctional facility; one mental
19 health and substance abuse professional; one social worker; a researcher
20 in the field of criminal justice in a university or college in Nebraska;
21 and one full-time officer or employee of a law enforcement agency.

22 (2) The council shall include the following nonvoting members:

23 (a) The probation administrator;

24 (b) Two members of the Legislature, appointed by the Executive Board
25 of the Legislative Council; and

26 (c) Two judges appointed by the Chief Justice of the Supreme Court.

27 (3)(a) The terms of office for members initially appointed under
28 subdivision (1)(f) of this section shall be three years. Upon completion
29 of the initial terms of such members, the Governor shall appoint:

30 (i) A representative from law enforcement and a mental health and
31 substance abuse professional for terms of one year;

1 (ii) An executive director of a state community college association
2 and two individuals who were formerly incarcerated in a state
3 correctional facility for terms of two years; and

4 (iii) A social worker, a business owner who employs formerly
5 incarcerated individuals on a regular basis, and a researcher in the
6 field of criminal justice in a university or college in Nebraska for
7 terms of three years.

8 (b) Succeeding appointees shall be appointed for terms of three
9 years. An appointee to a vacancy occurring from an unexpired term shall
10 serve out the term of his or her predecessor. Members whose terms have
11 expired shall continue to serve until their successors have been
12 appointed and qualified.

13 (4) The council shall by majority vote elect a chairperson from
14 among the members of the council.

15 (5) The members of the council shall be reimbursed for their actual
16 and necessary expenses incurred while engaged in the performance of their
17 official duties as provided in sections 81-1174 to 81-1177.

18 Sec. 69. The Coordinated Reentry Council shall:

19 (1) Advise the Department of Correctional Services on the
20 utilization of funds administered by the Vocational and Life Skills
21 Programming Fund;

22 (2) Develop and implement a plan to establish the statewide
23 operation and use of a continuum of reentry programs;

24 (3) Review efforts by individuals and organizations that provide
25 reentry services in Nebraska;

26 (4) Review best practices regarding reentry policies and programs in
27 other states;

28 (5) Make recommendations to the Legislature and the Governor
29 regarding reentry policies and programs;

30 (6) Meet at least three times each year;

31 (7) If necessary to perform the duties of the council, hire,

1 contract for, or otherwise obtain the services of consultants,
2 researchers, aides, and other necessary support staff; and
3 (8) Perform such other duties as may be necessary to carry out the
4 purposes of section 67 of this act.

5 Sec. 70. The Coordinated Reentry Council shall terminate on
6 December 31, 2028.

7 Sec. 71. Sections 13, 14, 17, 18, 19, 20, 21, and 73 of this act
8 become operative on January 1, 2019. The other sections of this act
9 become operative three calendar months after the adjournment of this
10 legislative session.

11 Sec. 72. Original sections 28-322, 29-2252, 29-2935, 29-4019,
12 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198,
13 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04,
14 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112,
15 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, 83-1,125, and
16 83-4,157, Reissue Revised Statutes of Nebraska, sections 47-624,
17 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171,
18 83-182.01, 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119,
19 83-1,122.01, 83-1,135, 83-1,135.02, and 83-933, Revised Statutes
20 Cumulative Supplement, 2016, and sections 29-2261 and 83-1,110.02,
21 Revised Statutes Supplement, 2017, are repealed.

22 Sec. 73. Original sections 60-1304, 81-2002.01, and 81-2003,
23 Reissue Revised Statutes of Nebraska, and sections 60-1303 and 81-2014,
24 Revised Statutes Supplement, 2017, are repealed.

25 Sec. 74. The following section is outright repealed: Section
26 83-1,124, Reissue Revised Statutes of Nebraska.

AMENDMENTS TO LB841

Exhibit F

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-322, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-322 For purposes of sections 28-322 to 28-322.03:

6 (1) Inmate or parolee means any individual confined in a facility
7 operated by the Department of Correctional Services or a city or county
8 correctional or jail facility or under parole supervision; and

9 (2) Person means (a) an individual employed by the Department of
10 Correctional Services or by the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, including any individual working in central
12 administration of the department, any individual working under contract
13 with the department, and any individual, other than an inmate's spouse,
14 to whom the department has authorized or delegated control over an inmate
15 or an inmate's activities, (b) an individual employed by a city or county
16 correctional or jail facility, including any individual working in
17 central administration of the city or county correctional or jail
18 facility, any individual working under contract with the city or county
19 correctional or jail facility, and any individual, other than an inmate's
20 spouse, to whom the city or county correctional or jail facility has
21 authorized or delegated control over an inmate or an inmate's activities,
22 and (c) an individual employed by the Office of Probation Administration
23 who performs official duties within any facility operated by the
24 Department of Correctional Services or a city or county correctional or
25 jail facility.

26 Sec. 2. Section 29-2252, Reissue Revised Statutes of Nebraska, is
27 amended to read:

1 29-2252 The administrator shall:

2 (1) Supervise and administer the office;

3 (2) Establish and maintain policies, standards, and procedures for
4 the system, with the concurrence of the Supreme Court;

5 (3) Prescribe and furnish such forms for records and reports for the
6 system as shall be deemed necessary for uniformity, efficiency, and
7 statistical accuracy;

8 (4) Establish minimum qualifications for employment as a probation
9 officer in this state and establish and maintain such additional
10 qualifications as he or she deems appropriate for appointment to the
11 system. Qualifications for probation officers shall be established in
12 accordance with subsection (4) of section 29-2253. An ex-offender
13 released from a penal complex or a county jail may be appointed to a
14 position of deputy probation or parole officer. Such ex-offender shall
15 maintain a record free of arrests, except for minor traffic violations,
16 for one year immediately preceding his or her appointment;

17 (5) Establish and maintain advanced periodic inservice training
18 requirements for the system;

19 (6) Cooperate with all agencies, public or private, which are
20 concerned with treatment or welfare of persons on probation;

21 (7) Organize and conduct training programs for probation officers.
22 Training shall include the proper use of a risk and needs assessment,
23 risk-based supervision strategies, relationship skills, cognitive
24 behavioral interventions, community-based resources, criminal risk
25 factors, and targeting criminal risk factors to reduce recidivism and the
26 proper use of a matrix of administrative sanctions, custodial sanctions,
27 and rewards developed pursuant to subdivision (18) of this section. All
28 probation officers employed on or after August 30, 2015, shall complete
29 the training requirements set forth in this subdivision;

30 (8) Collect, develop, and maintain statistical information
31 concerning probationers, probation practices, and the operation of the

1 system and provide the Community Corrections Division of the Nebraska
2 Commission on Law Enforcement and Criminal Justice with the information
3 needed to compile the report required in section 47-624;

4 (9) Interpret the probation program to the public with a view toward
5 developing a broad base of public support;

6 (10) Conduct research for the purpose of evaluating and improving
7 the effectiveness of the system. Subject to the availability of funding,
8 the administrator shall contract with an independent contractor or
9 academic institution for evaluation of existing community corrections
10 facilities and programs operated by the office;

11 (11) Adopt and promulgate such rules and regulations as may be
12 necessary or proper for the operation of the office or system. The
13 administrator shall adopt and promulgate rules and regulations for
14 transitioning individuals on probation across levels of supervision and
15 discharging them from supervision consistent with evidence-based
16 practices. The rules and regulations shall ensure supervision resources
17 are prioritized for individuals who are high risk to reoffend, require
18 transitioning individuals down levels of supervision intensity based on
19 assessed risk and months of supervision without a reported major
20 violation, and establish incentives for earning discharge from
21 supervision based on compliance;

22 (12) Transmit a report during each even-numbered year to the Supreme
23 Court on the operation of the office for the preceding two calendar years
24 which shall include a historical analysis of probation officer workload,
25 including participation in non-probation-based programs and services. The
26 report shall be transmitted by the Supreme Court to the Governor and the
27 Clerk of the Legislature. The report submitted to the Clerk of the
28 Legislature shall be submitted electronically;

29 (13) Administer the payment by the state of all salaries, travel,
30 and actual and necessary expenses incident to the conduct and maintenance
31 of the office;

1 (14) Use the funds provided under section 29-2262.07 to augment
2 operational or personnel costs associated with the development,
3 implementation, and evaluation of enhanced probation-based programs and
4 non-probation-based programs and services in which probation personnel or
5 probation resources are utilized pursuant to an interlocal agreement
6 authorized by subdivision (16) of this section and to purchase services
7 to provide such programs aimed at enhancing adult probationer or non-
8 probation-based program participant supervision in the community and
9 treatment needs of probationers and non-probation-based program
10 participants. Enhanced probation-based programs include, but are not
11 limited to, specialized units of supervision, related equipment purchases
12 and training, and programs that address a probationer's vocational,
13 educational, mental health, behavioral, or substance abuse treatment
14 needs;

15 (15) Ensure that any risk or needs assessment instrument utilized by
16 the system be periodically validated;

17 (16) Have the authority to enter into interlocal agreements in which
18 probation resources or probation personnel may be utilized in conjunction
19 with or as part of non-probation-based programs and services. Any such
20 interlocal agreement shall comply with section 29-2255;

21 (17) Collaborate with the Community Corrections Division of the
22 Nebraska Commission on Law Enforcement and Criminal Justice and the
23 Division of Parole Supervision ~~Office of Parole Administration~~ to develop
24 rules governing the participation of parolees in community corrections
25 programs operated by the Office of Probation Administration;

26 (18) Develop a matrix of rewards for compliance and positive
27 behaviors and graduated administrative sanctions and custodial sanctions
28 for use in responding to and deterring substance abuse violations and
29 technical violations. As applicable under sections 29-2266.02 and
30 29-2266.03, custodial sanctions of up to thirty days in jail shall be
31 designated as the most severe response to a violation in lieu of

1 revocation and custodial sanctions of up to three days in jail shall be
2 designated as the second most severe response;

3 (19) Adopt and promulgate rules and regulations for the creation of
4 individualized post-release supervision plans, collaboratively with the
5 Department of Correctional Services and county jails, for probationers
6 sentenced to post-release supervision; and

7 (20) Exercise all powers and perform all duties necessary and proper
8 to carry out his or her responsibilities.

9 Each member of the Legislature shall receive an electronic copy of
10 the report required by subdivision (12) of this section by making a
11 request for it to the administrator.

12 Sec. 3. Section 29-2261, Revised Statutes Supplement, 2017, is
13 amended to read:

14 29-2261 (1) Unless it is impractical to do so, when an offender has
15 been convicted of a felony other than murder in the first degree, the
16 court shall not impose sentence without first ordering a presentence
17 investigation of the offender and according due consideration to a
18 written report of such investigation. When an offender has been convicted
19 of murder in the first degree and (a) a jury renders a verdict finding
20 the existence of one or more aggravating circumstances as provided in
21 section 29-2520 or (b)(i) the information contains a notice of
22 aggravation as provided in section 29-1603 and (ii) the offender waives
23 his or her right to a jury determination of the alleged aggravating
24 circumstances, the court shall not commence the sentencing determination
25 proceeding as provided in section 29-2521 without first ordering a
26 presentence investigation of the offender and according due consideration
27 to a written report of such investigation.

28 (2) A court may order a presentence investigation in any case,
29 except in cases in which an offender has been convicted of a Class IIIA
30 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
31 infraction, or any corresponding city or village ordinance.

1 (3) The presentence investigation and report shall include, when
2 available, an analysis of the circumstances attending the commission of
3 the crime, the offender's history of delinquency or criminality, physical
4 and mental condition, family situation and background, economic status,
5 education, occupation, and personal habits, and any other matters that
6 the probation officer deems relevant or the court directs to be included.
7 All local and state police agencies and Department of Correctional
8 Services adult correctional facilities shall furnish to the probation
9 officer copies of such criminal records, in any such case referred to the
10 probation officer by the court of proper jurisdiction, as the probation
11 officer shall require without cost to the court or the probation officer.

12 Such investigation shall also include:

13 (a) Any written statements submitted to the county attorney by a
14 victim; and

15 (b) Any written statements submitted to the probation officer by a
16 victim.

17 (4) If there are no written statements submitted to the probation
18 officer, he or she shall certify to the court that:

19 (a) He or she has attempted to contact the victim; and

20 (b) If he or she has contacted the victim, such officer offered to
21 accept the written statements of the victim or to reduce such victim's
22 oral statements to writing.

23 For purposes of subsections (3) and (4) of this section, the term
24 victim shall be as defined in section 29-119.

25 (5) Before imposing sentence, the court may order the offender to
26 submit to psychiatric observation and examination for a period of not
27 exceeding sixty days or such longer period as the court determines to be
28 necessary for that purpose. The offender may be remanded for this purpose
29 to any available clinic or mental hospital, or the court may appoint a
30 qualified psychiatrist to make the examination. The report of the
31 examination shall be submitted to the court.

1 (6) Any presentence report, substance abuse evaluation, or
2 psychiatric examination shall be privileged and shall not be disclosed
3 directly or indirectly to anyone other than a judge, probation officers
4 to whom an offender's file is duly transferred, the probation
5 administrator or his or her designee, alcohol and drug counselors, mental
6 health practitioners, psychiatrists, and psychologists licensed or
7 certified under the Uniform Credentialing Act to conduct substance abuse
8 evaluations and treatment, or others entitled by law to receive such
9 information, including personnel and mental health professionals for the
10 Nebraska State Patrol specifically assigned to sex offender registration
11 and community notification for the sole purpose of using such report,
12 evaluation, or examination for assessing risk and for community
13 notification of registered sex offenders. For purposes of this
14 subsection, mental health professional means (a) a practicing physician
15 licensed to practice medicine in this state under the Medicine and
16 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
17 the practice of psychology in this state as provided in section 38-3111,
18 or (c) a practicing mental health professional licensed or certified in
19 this state as provided in the Mental Health Practice Act.

20 (7) The court shall permit inspection of the presentence report,
21 substance abuse evaluation, or psychiatric examination or parts of the
22 report, evaluation, or examination, as determined by the court, by the
23 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
24 inspection shall be by electronic access only unless the court determines
25 such access is not available to the prosecuting attorney or defense
26 counsel. The State Court Administrator shall determine and develop the
27 means of electronic access to such presentence reports, evaluations, and
28 examinations. Upon application by the prosecuting attorney or defense
29 counsel, the court may order that addresses, telephone numbers, and other
30 contact information for victims or witnesses named in the report,
31 evaluation, or examination be redacted upon a showing by a preponderance

1 of the evidence that such redaction is warranted in the interests of
2 public safety. The court may permit inspection of the presentence report,
3 substance abuse evaluation, or psychiatric examination or examination of
4 parts of the report, evaluation, or examination by any other person
5 having a proper interest therein whenever the court finds it is in the
6 best interest of a particular offender. The court may allow fair
7 opportunity for an offender to provide additional information for the
8 court's consideration.

9 (8) If an offender is sentenced to imprisonment, a copy of the
10 report of any presentence investigation, substance abuse evaluation, or
11 psychiatric examination shall be transmitted immediately to the
12 Department of Correctional Services. Upon request, the Board of Parole or
13 the Division of Parole Supervision ~~Office of Parole Administration~~ may
14 receive a copy of the report from the department.

15 (9) Notwithstanding subsections (6) and (7) of this section, the
16 Supreme Court or an agent of the Supreme Court acting under the direction
17 and supervision of the Chief Justice shall have access to psychiatric
18 examinations, substance abuse evaluations, and presentence investigations
19 and reports for research purposes. The Supreme Court and its agent shall
20 treat such information as confidential, and nothing identifying any
21 individual shall be released.

22 Sec. 4. Section 29-2935, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-2935 For purposes of evaluating the treatment process, the
25 Division of Parole Supervision ~~Office of Parole Administration~~, the
26 Department of Correctional Services, the Board of Parole, and the
27 designated aftercare treatment programs shall allow appropriate access to
28 data and information as requested by the Department of Health and Human
29 Services.

30 Sec. 5. Section 29-4019, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-4019 (1) When sentencing a person convicted of an offense which
2 requires lifetime community supervision upon release pursuant to section
3 83-174.03, the sentencing court shall:

4 (a) Provide written notice to the defendant that he or she shall be
5 subject to lifetime community supervision by the Division of Parole
6 Supervision Office ~~of Parole Administration~~ upon release from
7 incarceration or civil commitment. The written notice shall inform the
8 defendant (i) that he or she shall be subject to lifetime community
9 supervision by the division office upon release and that the division
10 office shall conduct a risk assessment and evaluation to determine the
11 conditions of community supervision which will minimize, in the least
12 restrictive manner that is compatible with public safety, the risk of the
13 defendant committing additional offenses, (ii) that a violation of any of
14 the conditions of community supervision imposed by the division office
15 may result in the revision of existing conditions, the addition of new
16 conditions, a recommendation that civil commitment proceedings should be
17 instituted, or criminal prosecution, and (iii) of his or her right to
18 challenge the determination of the conditions of community supervision by
19 the division office and the right to a periodic review of the conditions
20 of community supervision pursuant to section 83-174.03 to determine if
21 the conditions are still necessary to protect the public;

22 (b) Require the defendant to read and sign a form stating that the
23 duty of the defendant to comply with the conditions of community
24 supervision and his or her rights to challenge the conditions of
25 community supervision imposed by the division office has been explained;
26 and

27 (c) Retain a copy of the written notification signed by the
28 defendant.

29 (2) Prior to the release of a person serving a sentence for an
30 offense requiring lifetime community supervision by the Division of
31 Parole Supervision Office ~~of Parole Administration~~ pursuant to section

1 83-174.03, the Department of Correctional Services, the Department of
2 Health and Human Services, or a city or county correctional or jail
3 facility shall:

4 (a) Provide written notice to the person that he or she shall be
5 subject to lifetime community supervision by the division ~~office~~ upon
6 release from incarceration. The written notice shall inform the person
7 (i) that he or she shall be subject to lifetime community supervision by
8 the division ~~office~~ upon release and that the division ~~office~~ shall
9 conduct a risk assessment and evaluation of the defendant to determine
10 the conditions of community supervision which will minimize, in the least
11 restrictive manner that is compatible with public safety, the risk of the
12 person committing additional offenses, (ii) that a violation of any of
13 the conditions of community supervision imposed by the division ~~office~~
14 may result in the revision of existing conditions, the addition of new
15 conditions, a recommendation that civil commitment proceedings should be
16 instituted, or criminal prosecution, and (iii) of his or her right to
17 challenge the determination of the conditions of community supervision by
18 the division ~~office~~ and the right to a periodic review of the conditions
19 of community supervision pursuant to section 83-174.03 to determine if
20 the conditions are still necessary to protect the public;

21 (b) Require the defendant to read and sign a form stating that the
22 duty of the defendant to comply with the conditions of community
23 supervision and his or her right to challenge the conditions of community
24 supervision imposed by the division ~~office~~ has been explained; and

25 (c) Retain a copy of the written notification signed by the person.

26 Sec. 6. Section 47-624, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 47-624 The division shall:

29 (1) Collaborate with the Office of Probation Administration, the
30 Division of Parole Supervision ~~Office of Parole Administration~~, and the
31 Department of Correctional Services to develop and implement a plan to

1 establish statewide operation and use of a continuum of community
2 correctional facilities and programs;

3 (2) Develop, in consultation with the probation administrator and
4 the Director of Supervision and Services of the Division of Parole
5 Supervision Parole Administrator, standards for the use of community
6 correctional facilities and programs by the Nebraska Probation System and
7 the parole system;

8 (3) Collaborate with the Office of Probation Administration, the
9 Division of Parole Supervision Office of Parole Administration, and the
10 Department of Correctional Services on the development of additional
11 reporting centers as set forth in section 47-624.01;

12 (4) Analyze and promote the consistent use of offender risk
13 assessment tools;

14 (5) Educate the courts, the Board of Parole, criminal justice system
15 stakeholders, and the general public about the availability, use, and
16 benefits of community correctional facilities and programs;

17 (6) Enter into and administer contracts, if necessary, to carry out
18 the purposes of the Community Corrections Act;

19 (7) In order to ensure adequate funding for substance abuse
20 treatment programs, consult with the probation administrator and the
21 Director of Supervision and Services of the Division of Parole
22 Supervision Parole Administrator and develop or assist with the
23 development of programs as provided in subdivision (14) of section
24 29-2252 and subdivision (8) of section 83-1,102;

25 (8) Study substance abuse and mental health treatment services in
26 and related to the criminal justice system, recommend improvements, and
27 evaluate the implementation of improvements;

28 (9) Research and evaluate existing community correctional facilities
29 and programs, within the limits of available funding;

30 (10) Develop standardized definitions of outcome measures for
31 community correctional facilities and programs, including, but not

1 limited to, recidivism, employment, and substance abuse;

2 (11) Report annually to the Legislature and the Governor on the
3 development and performance of community correctional facilities and
4 programs. The report submitted to the Legislature shall be submitted
5 electronically. The report shall include, but not be limited to, the
6 following:

7 (a) A description of community correctional facilities and programs
8 currently serving offenders in Nebraska, which includes the following
9 information:

10 (i) The target population and geographic area served by each
11 facility or program, eligibility requirements, and the total number of
12 offenders utilizing the facility or program over the past year;

13 (ii) Services, programs, assessments, case management, supervision,
14 and tools provided for offenders at the facility, in the program, or
15 under the supervision of a governmental agency in any capacity;

16 (iii) The costs of operating the facility or program and the cost
17 per offender; and

18 (iv) The funding sources for the facility or program;

19 (b) The progress made in expanding community correctional facilities
20 and programs statewide and an analysis of the need for additional
21 community corrections services;

22 (c) An analysis of the impact community correctional facilities and
23 programs have on the number of offenders incarcerated within the
24 Department of Correctional Services; and

25 (d) The recidivism rates and outcome data for probationers,
26 parolees, and problem-solving-court clients participating in community
27 corrections programs;

28 (12) Grant funds to entities including local governmental agencies,
29 nonprofit organizations, and behavioral health services which will
30 support the intent of the act;

31 (13) Manage all offender data acquired by the division in a

1 confidential manner and develop procedures to ensure that identifiable
2 information is not released;

3 (14) Establish and administer grants, projects, and programs for the
4 operation of the division; and

5 (15) Perform such other duties as may be necessary to carry out the
6 policy of the state established in the act.

7 Sec. 7. Section 47-624.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 47-624.01 (1) The division shall collaborate with the Office of
10 Probation Administration, the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, and the Department of Correctional Services in
12 developing a plan for the implementation and funding of reporting centers
13 in Nebraska.

14 (2) The plan shall include recommended locations for at least one
15 reporting center in each district court judicial district that currently
16 lacks such a center and shall prioritize the recommendations for
17 additional reporting centers based upon need.

18 (3) The plan shall also identify and prioritize the need for
19 expansion of reporting centers in those district court judicial districts
20 which currently have a reporting center but have an unmet need for
21 additional reporting center services due to capacity, distance, or
22 demographic factors.

23 Sec. 8. Section 47-627, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 47-627 The director shall develop and maintain a uniform crime data
26 analysis system in Nebraska which shall include, but need not be limited
27 to, the number of offenses, arrests, charges, probation admissions,
28 probation violations, probation discharges, participants in specialized
29 community corrections programs, admissions to and discharges from
30 problem-solving courts, admissions to and discharges from the Department
31 of Correctional Services, parole reviews, parole hearings, releases on

1 parole, parole violations, and parole discharges. The data shall be
2 categorized by statutory crime. The data shall be collected from the
3 Board of Parole, the State Court Administrator, the Department of
4 Correctional Services, the Division of Parole Supervision Office of
5 ~~Parole Administration~~, the Office of Probation Administration, the
6 Nebraska State Patrol, counties, local law enforcement, and any other
7 entity associated with criminal justice. The division and the Supreme
8 Court shall have access to such data to implement the Community
9 Corrections Act.

10 Sec. 9. Section 47-629, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 47-629 (1) The Board of Parole may parole an offender to a community
13 correctional facility or program pursuant to guidelines developed by the
14 division.

15 (2) The Department of Correctional Services and the Division of
16 Parole Supervision Office of ~~Parole Administration~~ shall utilize
17 community correctional facilities and programs as appropriate.

18 Sec. 10. Section 47-903, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 47-903 For purposes of the Office of Inspector General of the
21 Nebraska Correctional System Act, the following definitions apply:

22 (1) Administrator means a person charged with administration of a
23 program, an office, or a division of the department or administration of
24 a private agency;

25 (2) Department means the Department of Correctional Services;

26 (3) Director means the Director of Correctional Services;

27 (4) Division of Parole Supervision means the division created
28 pursuant to section 83-1,100;

29 (5) Inspector General means the Inspector General of the Nebraska
30 Correctional System appointed under section 47-904;

31 (6) ~~(5)~~ Malfeasance means a wrongful act that the actor has no legal

1 right to do or any wrongful conduct that affects, interrupts, or
2 interferes with performance of an official duty;

3 (7) (6) Management means supervision of subordinate employees;

4 (8) (7) Misfeasance means the improper performance of some act that
5 a person may lawfully do;

6 (9) (8) Obstruction means hindering an investigation, preventing an
7 investigation from progressing, stopping or delaying the progress of an
8 investigation, or making the progress of an investigation difficult or
9 slow;

10 (10) (9) Office means the office of Inspector General of the
11 Nebraska Correctional System and includes the Inspector General and other
12 employees of the office;

13 ~~(10) Office of Parole Administration means the office created~~
14 ~~pursuant to section 83-1,100;~~

15 (11) Private agency means an entity that contracts with the
16 department or contracts to provide services to another entity that
17 contracts with the department; and

18 (12) Record means any recording in written, audio, electronic
19 transmission, or computer storage form, including, but not limited to, a
20 draft, memorandum, note, report, computer printout, notation, or message,
21 and includes, but is not limited to, medical records, mental health
22 records, case files, clinical records, financial records, and
23 administrative records.

24 Sec. 11. Section 47-908, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 47-908 All employees of the department, all employees of the
27 Division of Parole Supervision ~~Office of Parole Administration~~, and all
28 owners, operators, managers, supervisors, and employees of private
29 agencies shall cooperate with the office. Cooperation includes, but is
30 not limited to, the following:

31 (1) Provision of full access to and production of records and

1 information. Providing access to and producing records and information
2 for the office is not a violation of confidentiality provisions under any
3 statute, rule, or regulation if done in good faith for purposes of an
4 investigation under the Office of Inspector General of the Nebraska
5 Correctional System Act;

6 (2) Fair and honest disclosure of records and information reasonably
7 requested by the office in the course of an investigation under the act;

8 (3) Encouraging employees to fully comply with reasonable requests
9 of the office in the course of an investigation under the act;

10 (4) Prohibition of retaliation by owners, operators, or managers
11 against employees for providing records or information or filing or
12 otherwise making a complaint to the office;

13 (5) Not requiring employees to gain supervisory approval prior to
14 filing a complaint with or providing records or information to the
15 office;

16 (6) Provision of complete and truthful answers to questions posed by
17 the office in the course of an investigation; and

18 (7) Not willfully interfering with or obstructing the investigation.

19 Sec. 12. Section 47-919, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 47-919 The Division of Parole Supervision Office ~~of Parole~~
22 ~~Administration~~ shall provide the Public Counsel and the Inspector General
23 with direct computer access to all computerized records, reports, and
24 documents maintained ~~by the office~~ in connection with administration of
25 the Nebraska parole system, except that access for the Public Counsel and
26 the Inspector General to a parolee's medical or mental health records
27 shall be subject to the parolee's consent.

28 Sec. 13. Section 60-1303, Revised Statutes Supplement, 2017, is
29 amended to read:

30 60-1303 (1) The Nebraska State Patrol is hereby designated as the
31 agency to operate the weighing stations and portable scales and to

1 perform carrier enforcement duties.

2 (2)(a) On and after July 20, 2002, officers of the Nebraska State
3 Patrol appointed to operate the weighing stations and portable scales and
4 to perform carrier enforcement duties shall be known as the carrier
5 enforcement division. The Superintendent of Law Enforcement and Public
6 Safety shall appoint officers of the Nebraska State Patrol to the carrier
7 enforcement division, including officers as prescribed in sections
8 81-2001 to 81-2009 and sections 19 and 20 of this act, and carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309.

10 (b) The employees within the Nebraska State Patrol designated to
11 operate the weighing stations and portable scales and to perform carrier
12 enforcement duties before July 20, 2002, and not authorized to act under
13 subdivisions (1) through (8) of section 81-2005 shall be known as carrier
14 enforcement officers.

15 (3) All carrier enforcement officers shall be bonded or insured as
16 required by section 11-201. Premiums shall be paid from the money
17 appropriated for the construction, maintenance, and operation of the
18 state weighing stations.

19 (4) All employees of the Nebraska State Patrol who are carrier
20 enforcement officers and who are not officers of the Nebraska State
21 Patrol with the powers and duties prescribed in sections 81-2001 to
22 81-2009 and sections 19 and 20 of this act shall be members of the State
23 Employees Retirement System of the State of Nebraska. Officers of the
24 Nebraska State Patrol who are carrier enforcement officers on July 20,
25 2002, who subsequently become officers of the Nebraska State Patrol with
26 the powers and duties prescribed in sections 81-2001 to 81-2009 and
27 sections 19 and 20 of this act, and who elect to remain members of the
28 State Employees Retirement System of the State of Nebraska shall continue
29 to participate in the State Employees Retirement System of the State of
30 Nebraska. Carrier enforcement officers shall not receive any expense
31 allowance as provided for by section 81-2002.

1 (5) The Nebraska State Patrol and the Department of Transportation
2 shall have the duty, power, and authority to contract with one another
3 for the staffing and operation of weighing stations and portable scales
4 and the performance of carrier enforcement duties to ensure that there is
5 adequate personnel in the carrier enforcement division to carry out the
6 duties specified in sections 60-1301 to 60-1309. Through June 30, 2005,
7 the number of full-time equivalent positions funded pursuant to such
8 contract shall be limited to eighty-eight officers, including carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309 and
10 officers of the Nebraska State Patrol as prescribed in sections 81-2001
11 to 81-2009 and sections 19 and 20 of this act assigned to the carrier
12 enforcement division. Pursuant to such contract, command of the personnel
13 involved in such carrier enforcement operations shall be with the
14 Nebraska State Patrol. The Department of Transportation may use any funds
15 at its disposal for its financing of such carrier enforcement activity in
16 accordance with such contract as long as such funds are used only to
17 finance those activities directly involved with the duties specified in
18 sections 60-1301 to 60-1309. The Nebraska State Patrol shall account for
19 all appropriations and expenditures related to the staffing and operation
20 of weighing stations and portable scales and the performance of carrier
21 enforcement duties in a budget program that is distinct and separate from
22 budget programs used for non-carrier-enforcement-division-related
23 activities.

24 (6) The Nebraska State Patrol may adopt, promulgate, and enforce
25 rules and regulations consistent with statutory provisions related to
26 carrier enforcement necessary for (a) the collection of fees, as outlined
27 in sections 60-3,177 and 60-3,179 to 60-3,182 and the International Fuel
28 Tax Agreement Act, (b) the inspection of licenses and permits required
29 under the motor fuel laws, and (c) weighing and inspection of buses,
30 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

31 Sec. 14. Section 60-1304, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-1304 (1) Carrier enforcement officers described in subdivision
3 (2)(b) of section 60-1303 who, on or after July 20, 2002, are transferred
4 to the Nebraska State Patrol and become officers of the Nebraska State
5 Patrol with the powers and duties prescribed in sections 81-2001 to
6 81-2009 and sections 19 and 20 of this act shall, within ninety days of
7 transfer, elect to participate in the Nebraska State Patrol Retirement
8 System or elect to remain members of the State Employees Retirement
9 System of the State of Nebraska.

10 (2) An officer who elects to become a member of the Nebraska State
11 Patrol Retirement System pursuant to this section shall (a) receive
12 eligibility and vesting credit pursuant to subsection (2) of section
13 81-2016 for his or her years of participation in the State Employees
14 Retirement System of the State of Nebraska, (b) be vested in the employer
15 account with the State Employees Retirement System of the State of
16 Nebraska regardless of his or her period of participation in the State
17 Employees Retirement System, and (c) be treated for all other purposes of
18 the Nebraska State Patrol Retirement Act as a new member of the Nebraska
19 State Patrol Retirement System.

20 (3) Transferring participation from the State Employees Retirement
21 System of the State of Nebraska to the Nebraska State Patrol Retirement
22 System pursuant to this section does not constitute a termination for
23 purposes of the State Employees Retirement Act.

24 Sec. 15. Section 71-961, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-961 (1) All records kept on any subject shall remain confidential
27 except as otherwise provided by law. Such records shall be accessible to
28 (a) the subject, except as otherwise provided in subsection (2) of this
29 section, (b) the subject's legal counsel, (c) the subject's guardian or
30 conservator, if any, (d) the mental health board having jurisdiction over
31 the subject, (e) persons authorized by an order of a judge or court, (f)

1 persons authorized by written permission of the subject, (g) agents or
2 employees of the Department of Health and Human Services upon delivery of
3 a subpoena from the department in connection with a licensing or
4 licensure investigation by the department, (h) individuals authorized to
5 receive notice of the release of a sex offender pursuant to section
6 83-174, (i) the Nebraska State Patrol or the department pursuant to
7 section 69-2409.01, or (j) the Division of Parole Supervision ~~Office of~~
8 ~~Parole Administration~~ if the subject meets the requirements for lifetime
9 community supervision pursuant to section 83-174.03.

10 (2) Upon application by the county attorney or by the administrator
11 of the treatment facility where the subject is in custody and upon a
12 showing of good cause therefor, a judge of the district court of the
13 county where the mental health board proceedings were held or of the
14 county where the treatment facility is located may order that the records
15 not be made available to the subject if, in the judgment of the court,
16 the availability of such records to the subject will adversely affect his
17 or her mental illness or personality disorder and the treatment thereof.

18 (3) When a subject is absent without authorization from a treatment
19 facility or program described in section 71-939 or 71-1223 and is
20 considered to be dangerous to others, the subject's name and description
21 and a statement that the subject is believed to be considered dangerous
22 to others may be disclosed in order to aid in the subject's apprehension
23 and to warn the public of such danger.

24 Sec. 16. Section 81-1401, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the
27 context otherwise requires:

28 (1) Commission means the Nebraska Commission on Law Enforcement and
29 Criminal Justice;

30 (2) Council means the Nebraska Police Standards Advisory Council;

31 (3) Director means the director of the Nebraska Law Enforcement

1 Training Center;

2 (4) Felony means a crime punishable by imprisonment for a term of
3 more than one year or a crime committed outside of Nebraska which would
4 be punishable by imprisonment for a term of more than one year if
5 committed in Nebraska;

6 (5) Handgun means any firearm with a barrel less than sixteen inches
7 in length or any firearm designed to be held and fired by the use of a
8 single hand;

9 (6) Incapacity means incapable of or lacking the ability to perform
10 or carry out the usual duties of a law enforcement officer in accordance
11 with the standards established by the commission due to physical, mental,
12 or emotional factors. Incapacity does not exist if a law enforcement
13 officer remains employed as a law enforcement officer, including
14 employment as a law enforcement officer in a restricted or limited-duty
15 status;

16 (7) Law enforcement agency means the police department or the town
17 marshal in incorporated municipalities, the office of sheriff in
18 unincorporated areas, and the Nebraska State Patrol;

19 (8)(a) Law enforcement officer means any person who is responsible
20 for the prevention or detection of crime or the enforcement of the penal,
21 traffic, or highway laws of the state or any political subdivision of the
22 state for more than one hundred hours per year and is authorized by law
23 to make arrests and includes, but is not limited to:

24 (i) A full-time or part-time member of the Nebraska State Patrol;

25 (ii) A county sheriff;

26 (iii) A full-time, part-time, or reserve employee of a county
27 sheriff's office;

28 (iv) A full-time, part-time, or reserve employee of a municipal or
29 village police agency;

30 (v) A full-time or part-time Game and Parks Commission conservation
31 officer;

1 (vi) A full-time or part-time deputy state sheriff; or

2 (vii) A full-time employee of an organized and paid fire department
3 of any city of the metropolitan class who is an authorized arson
4 investigator and whose duties consist of determining the cause, origin,
5 and circumstances of fires or explosions while on duty in the course of
6 an investigation;

7 (b) Law enforcement officer does not include employees of the
8 Department of Correctional Services, probation officers under the
9 Nebraska Probation System, parole officers appointed by the Director of
10 Supervision and Services of the Division of Parole Supervision ~~Parole~~
11 ~~Administrator~~, or employees of the Department of Revenue under section
12 77-366; and

13 (c) A law enforcement officer shall possess a valid law enforcement
14 officer certificate or diploma, as established by the council, in order
15 to be vested with the authority of this section, but this subdivision
16 does not prohibit an individual from receiving a conditional appointment
17 as an officer pursuant to subsection (2) of section 81-1414;

18 (9) Training academy means the training center or such other
19 council-approved law enforcement training facility operated and
20 maintained by a law enforcement agency which offers certification
21 training that meets or exceeds the certification training curriculum of
22 the training center;

23 (10) Training center means the Nebraska Law Enforcement Training
24 Center; and

25 (11) Training school means a public or private institution of higher
26 education, including the University of Nebraska, the Nebraska state
27 colleges, and the community colleges of this state, that offers training
28 in a council-approved pre-certification course.

29 Sec. 17. Section 81-2002.01, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 81-2002.01 On and after July 20, 2002, officers of the Nebraska

1 State Patrol appointed to the carrier enforcement division shall be
2 officers of the Nebraska State Patrol with the powers and duties as
3 prescribed in sections 81-2001 to 81-2009 and sections 19 and 20 of this
4 act and this section and shall receive training commensurate with such
5 powers and duties prior to appointment to the carrier enforcement
6 division.

7 Sec. 18. Section 81-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-2003 The Superintendent of Law Enforcement and Public Safety is
10 hereby authorized to adopt, promulgate, and enforce rules and
11 regulations, as may be necessary to carry out the duties of the Nebraska
12 State Patrol consistent with this act, to carry out sections 81-2001 to
13 81-2009 and sections 19 and 20 of this act, including the use, purpose,
14 and contents of warning and violation cards. The Superintendent of Law
15 Enforcement and Public Safety shall adopt an official seal for the use of
16 the Nebraska State Patrol. The Superintendent of Law Enforcement and
17 Public Safety shall maintain an office or offices for law enforcement and
18 public safety in such places in the state as he or she may deem necessary
19 to properly carry out the work and the administration of laws pertaining
20 to the Nebraska State Patrol.

21 Sec. 19. (1) The Nebraska State Patrol is authorized to conduct
22 investigations of any criminal activity that takes place within any
23 correctional facility operated by the Department of Correctional
24 Services.

25 (2) On the operative date of this act, the Nebraska State Patrol
26 shall employ and have oversight over all correctional investigators
27 employed by the Department of Correctional Services.

28 (3) The Superintendent of Law Enforcement and Public Safety shall
29 conduct a study and issue a report, no later than July 1, 2019, regarding
30 whether the positions of correctional investigators of the Department of
31 Correctional Services that were transferred to the Nebraska State Patrol

1 shall become sworn employees of the patrol. The report shall be provided
2 to the Governor and electronically to the Legislature with the
3 superintendent's findings and recommendations no later than July 1, 2019.

4 (4) When the positions of correctional investigators are transferred
5 to the Nebraska State Patrol, all funds used by the Department of
6 Correctional Services for the administration of and salaries for
7 correctional investigators shall be transferred to the patrol.

8 Sec. 20. (1) If an assault occurs under section 28-929, 28-930,
9 28-931, or 28-931.01 within any correctional facility operated by the
10 Department of Correctional Services, an on-duty supervisor with the
11 department shall immediately notify an officer of the Nebraska State
12 Patrol.

13 (2)(a) The officer of the Nebraska State Patrol shall immediately
14 respond to the correctional facility where the alleged assault occurred.

15 (b) The officer shall arrest the person alleged to have committed
16 the assault if probable cause exists that there has been a violation of
17 section 28-929, 28-930, 28-931, or 28-931.01. The officer shall
18 immediately remove the person from the correctional facility and
19 transport him or her to the county correctional facility in the county
20 that will have jurisdiction over the alleged assault.

21 (c) If the person alleged to have committed the assault is currently
22 serving a sentence for a Class I or Class IA felony, the person shall not
23 be arrested and the officer shall complete all necessary reports and
24 submit them to the county attorney who will have jurisdiction over the
25 alleged assault for consideration for prosecution.

26 (d) On or before January 3, 2020, and on or before each January 3
27 thereafter, the Superintendent of Law Enforcement and Public Safety shall
28 electronically submit a report to the chairperson of the Judiciary
29 Committee of the Legislature detailing the number of responses by the
30 Nebraska State Patrol to each correctional facility operated by the
31 Department of Correctional Services for an alleged violation of section

1 28-929, 28-930, 28-931, or 28-931.01.

2 Sec. 21. Section 81-2014, Revised Statutes Supplement, 2017, is
3 amended to read:

4 81-2014 For purposes of the Nebraska State Patrol Retirement Act:

5 (1)(a) Actuarial equivalent means the equality in value of the
6 aggregate amounts expected to be received under different forms of
7 payment or to be received at an earlier retirement age than the normal
8 retirement age.

9 (b) For an officer hired before July 1, 2017, the determinations
10 shall be based on the 1994 Group Annuity Mortality Table reflecting sex-
11 distinct factors blended using seventy-five percent of the male table and
12 twenty-five percent of the female table. An interest rate of eight
13 percent per annum shall be reflected in making the determinations until
14 such percent is amended by the Legislature.

15 (c) For an officer hired on or after July 1, 2017, or rehired on or
16 after July 1, 2017, after termination of employment and being paid a
17 retirement benefit, the determinations shall be based on a unisex
18 mortality table and an interest rate specified by the board. Both the
19 mortality table and the interest rate shall be recommended by the actuary
20 and approved by the board following an actuarial experience study, a
21 benefit adequacy study, or a plan valuation. The mortality table,
22 interest rate, and actuarial factors in effect on the officer's
23 retirement date will be used to calculate actuarial equivalency of any
24 retirement benefit. Such interest rate may be, but is not required to be,
25 equal to the assumed rate of return;

26 (2) Board means the Public Employees Retirement Board;

27 (3)(a)(i) Compensation means gross wages or salaries payable to the
28 member for personal services performed during the plan year. Compensation
29 does not include insurance premiums converted into cash payments,
30 reimbursement for expenses incurred, fringe benefits, per diems, or
31 bonuses for services not actually rendered, including, but not limited

1 to, early retirement inducements, cash awards, and severance pay, except
2 for retroactive salary payments paid pursuant to court order,
3 arbitration, or litigation and grievance settlements. Compensation
4 includes overtime pay, member retirement contributions, and amounts
5 contributed by the member to plans under sections 125 and 457 of the
6 Internal Revenue Code as defined in section 49-801.01 or any other
7 section of the code which defers or excludes such amounts from income.

8 (ii) For any officer employed on or prior to January 4, 1979,
9 compensation includes compensation for unused sick leave or unused
10 vacation leave converted to cash payments.

11 (iii) For any officer employed after January 4, 1979, and prior to
12 July 1, 2016, compensation does not include compensation for unused sick
13 leave or unused vacation leave converted to cash payments and includes
14 compensation for unused holiday compensatory time and unused compensatory
15 time converted to cash payments.

16 (iv) For any officer employed on or after July 1, 2016, compensation
17 does not include compensation for unused sick leave, unused vacation
18 leave, unused holiday compensatory time, unused compensatory time, or any
19 other type of unused leave, compensatory time, or similar benefits,
20 converted to cash payments.

21 (b) Compensation in excess of the limitations set forth in section
22 401(a)(17) of the Internal Revenue Code as defined in section 49-801.01
23 shall be disregarded. For an employee who was a member of the retirement
24 system before the first plan year beginning after December 31, 1995, the
25 limitation on compensation shall not be less than the amount which was
26 allowed to be taken into account under the retirement system as in effect
27 on July 1, 1993;

28 (4) Creditable service means service granted pursuant to section
29 81-2034 and all service rendered while a contributing member of the
30 retirement system. Creditable service includes working days, sick days,
31 vacation days, holidays, and any other leave days for which the officer

1 is paid regular wages except as specifically provided in the Nebraska
2 State Patrol Retirement Act. Creditable service does not include
3 eligibility and vesting credit nor service years for which member
4 contributions are withdrawn and not repaid;

5 (5) Current benefit means the initial benefit increased by all
6 adjustments made pursuant to the Nebraska State Patrol Retirement Act;

7 (6) DROP means the deferred retirement option plan as provided in
8 section 81-2041;

9 (7) DROP account means an individual DROP participant's defined
10 contribution account under section 414(k) of the Internal Revenue Code;

11 (8) DROP period means the amount of time the member elects to
12 participate in DROP which shall be for a period not to exceed five years
13 from and after the date of the member's DROP election;

14 (9) Eligibility and vesting credit means credit for years, or a
15 fraction of a year, of participation in a Nebraska government plan for
16 purposes of determining eligibility for benefits under the Nebraska State
17 Patrol Retirement Act. Such credit shall be used toward the vesting
18 percentage pursuant to subsection (2) of section 81-2031 but shall not be
19 included as years of service in the benefit calculation;

20 (10) Hire date or date of hire means the first day of compensated
21 service subject to retirement contributions;

22 (11) Initial benefit means the retirement benefit calculated at the
23 time of retirement;

24 (12) Officer means law enforcement officer as defined in section
25 81-1401 and as provided for in sections 81-2001 to 81-2009 and sections
26 19 and 20 of this act, but does not include a law enforcement officer who
27 has been granted an appointment conditioned on satisfactory completion of
28 a training program approved by the Nebraska Police Standards Advisory
29 Council;

30 (13) Plan year means the twelve-month period beginning on July 1 and
31 ending on June 30 of the following year;

1 (14) Regular interest means interest fixed at a rate equal to the
2 daily treasury yield curve for one-year treasury securities, as published
3 by the Secretary of the Treasury of the United States, that applies on
4 July 1 of each year, which may be credited monthly, quarterly,
5 semiannually, or annually as the board may direct;

6 (15) Retirement application means the form approved and provided by
7 the retirement system for acceptance of a member's request for either
8 regular or disability retirement;

9 (16) Retirement date means (a) the first day of the month following
10 the date upon which a member's request for retirement is received on a
11 retirement application if the member is eligible for retirement and has
12 terminated employment or (b) the first day of the month following
13 termination of employment if the member is eligible for retirement and
14 has filed an application but has not yet terminated employment;

15 (17) Retirement system or system means the Nebraska State Patrol
16 Retirement System as provided in the act;

17 (18) Service means employment as a member of the Nebraska State
18 Patrol and shall not be deemed to be interrupted by (a) temporary or
19 seasonal suspension of service that does not terminate the employee's
20 employment, (b) leave of absence authorized by the employer for a period
21 not exceeding twelve months, (c) leave of absence because of disability,
22 or (d) military service, when properly authorized by the board. Service
23 does not include any period of disability for which disability retirement
24 benefits are received under subsection (1) of section 81-2025;

25 (19) Surviving spouse means (a) the spouse married to the member on
26 the date of the member's death if married for at least one year prior to
27 death or if married on the date of the member's retirement or (b) the
28 spouse or former spouse of the member if survivorship rights are provided
29 under a qualified domestic relations order filed with the board pursuant
30 to the Spousal Pension Rights Act. The spouse or former spouse shall
31 supersede the spouse married to the member on the date of the member's

1 death as provided under a qualified domestic relations order. If the
2 benefits payable to the spouse or former spouse under a qualified
3 domestic relations order are less than the value of benefits entitled to
4 the surviving spouse, the spouse married to the member on the date of the
5 member's death shall be the surviving spouse for the balance of the
6 benefits; and

7 (20) Termination of employment occurs on the date on which the
8 Nebraska State Patrol determines that the officer's employer-employee
9 relationship with the patrol is dissolved. The Nebraska State Patrol
10 shall notify the board of the date on which such a termination has
11 occurred. Termination of employment does not include ceasing employment
12 with the Nebraska State Patrol if the officer returns to regular
13 employment with the Nebraska State Patrol or another agency of the State
14 of Nebraska and there are less than one hundred twenty days between the
15 date when the employee's employer-employee relationship ceased and the
16 date when the employer-employee relationship commenced with the Nebraska
17 State Patrol or another state agency. Termination of employment does not
18 occur upon an officer's participation in DROP pursuant to section
19 81-2041. It is the responsibility of the employer that is involved in the
20 termination of employment to notify the board of such change in
21 employment and provide the board with such information as the board deems
22 necessary. If the board determines that termination of employment has not
23 occurred and a retirement benefit has been paid to a member of the
24 retirement system pursuant to section 81-2026, the board shall require
25 the member who has received such benefit to repay the benefit to the
26 retirement system.

27 Sec. 22. Section 83-170, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 83-170 As used in the Nebraska Treatment and Corrections Act, unless
30 the context otherwise requires:

31 ~~(1) Administrator means the Parole Administrator;~~

1 (1) ~~(2)~~ Board means the Board of Parole;

2 (2) ~~(3)~~ Committed offender means any person who, under any provision
3 of law, is sentenced or committed to a facility operated by the
4 department or is sentenced or committed to the department other than a
5 person adjudged to be as described in subdivision (1), (2), (3)(b), or
6 (4) of section 43-247 by a juvenile court;

7 (3) ~~(4)~~ Department means the Department of Correctional Services;

8 (4) ~~(5)~~ Director means the Director of Correctional Services;

9 (5) Director of Supervision and Services means the Director of
10 Supervision and Services appointed pursuant to section 83-1,101;

11 (6) Facility means any prison, reformatory, training school,
12 reception center, community guidance center, group home, or other
13 institution operated by the department;

14 (7) Good time means any reduction of sentence granted pursuant to
15 sections 83-1,107 and 83-1,108;

16 (8) Maximum term means the maximum sentence provided by law or the
17 maximum sentence imposed by a court, whichever is shorter;

18 (9) Minimum term means the minimum sentence provided by law or the
19 minimum sentence imposed by a court, whichever is longer;

20 (10) Pardon authority means the power to remit fines and forfeitures
21 and to grant respites, reprieves, pardons, or commutations;

22 (11) Parole term means the time from release on parole to the
23 completion of the maximum term, reduced by good time;

24 (12) Person committed to the department means any person sentenced
25 or committed to a facility within the department;

26 (13) Restrictive housing means conditions of confinement that
27 provide limited contact with other offenders, strictly controlled
28 movement while out of cell, and out-of-cell time of less than twenty-four
29 hours per week; and

30 (14) Solitary confinement means the status of confinement of an
31 inmate in an individual cell having solid, soundproof doors and which

1 deprives the inmate of all visual and auditory contact with other
2 persons.

3 Sec. 23. Section 83-171, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-171 There is hereby created a Department of Correctional Services
6 which shall:

7 (1) Maintain and administer facilities required for the custody,
8 control, correctional treatment, and rehabilitation of persons committed
9 to the department and for the safekeeping of such other persons as may be
10 remanded to the department in accordance with law;

11 (2) Develop policies and programs for the correctional treatment and
12 rehabilitation of persons committed to the department;

13 (3) Supervise parolees who have been committed to the department;
14 and

15 (4) Until July 1, 2016, administer parole services in the facilities
16 and in the community and, beginning July 1, 2016, cooperate with the
17 Board of Parole and Division of Parole Supervision ~~Office of Parole~~
18 ~~Administration~~ to assist with the efficient administration of parole
19 services in the facilities and in the community.

20 Sec. 24. Section 83-174.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
23 convicted of or completes a term of incarceration for a registrable
24 offense under section 29-4003 and has a previous conviction for a
25 registrable offense under such section, (b) is convicted of sexual
26 assault of a child in the first degree pursuant to section 28-319.01, or
27 (c) is convicted of or completes a term of incarceration for an
28 aggravated offense as defined in section 29-4001.01, shall, upon
29 completion of his or her term of incarceration or release from civil
30 commitment, be supervised in the community by the Division of Parole
31 Supervision ~~Office of Parole Administration~~ for the remainder of his or

1 her life.

2 (2) Notice shall be provided to the division ~~Office of Parole~~
3 ~~Administration~~ by an agency or political subdivision which has custody of
4 an individual required to be supervised in the community pursuant to
5 subsection (1) of this section at least sixty days prior to the release
6 of such individual from custody.

7 (3) Individuals required to be supervised in the community pursuant
8 to subsection (1) of this section shall undergo a risk assessment and
9 evaluation by the division ~~Office of Parole Administration~~ to determine
10 the conditions of community supervision to be imposed to best protect the
11 public from the risk that the individual will reoffend.

12 (4) Conditions of community supervision imposed on an individual by
13 the division ~~Office of Parole Administration~~ may include the following:

14 (a) Drug and alcohol testing if the conviction resulting in the
15 imposition of community supervision involved the use of drugs or alcohol;

16 (b) Restrictions on employment and leisure activities necessary to
17 minimize interaction with potential victims;

18 (c) Requirements to report regularly to the individual's community
19 supervision officer;

20 (d) Requirements to reside at a specified location and notify the
21 individual's community supervision officer of any change in address or
22 employment;

23 (e) A requirement to allow the division ~~Office of Parole~~
24 ~~Administration~~ access to medical records from the individual's current
25 and former providers of treatment;

26 (f) A requirement that the individual submit himself or herself to
27 available medical, psychological, psychiatric, or other treatment,
28 including, but not limited to, polygraph examinations; or

29 (g) Any other conditions designed to minimize the risk of
30 recidivism, including, but not limited to, the use of electronic
31 monitoring, which are not unduly restrictive.

1 Sec. 25. Section 83-174.04, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-174.04 An individual who violates one or more of the conditions
4 of community supervision established for him or her pursuant to section
5 83-174.03 shall undergo a review by the Division of Parole Supervision
6 ~~Office of Parole Administration~~ to evaluate the risk posed to the public
7 by the violation in question. The division ~~office~~ may take any of the
8 following actions in response to a violation of conditions of community
9 supervision:

10 (1) Revise or impose additional conditions of community supervision
11 in order to minimize the risk to the public from the continued presence
12 of the individual in the community;

13 (2) Forward to the Attorney General or the county attorney in the
14 county where the individual resides a request to initiate a criminal
15 prosecution for failure to comply with the terms of community
16 supervision; or

17 (3) Forward to the county attorney or Attorney General a
18 recommendation that civil commitment proceedings be instituted with
19 respect to the individual.

20 Sec. 26. Section 83-174.05, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.05 Failure to comply with the conditions of community
23 supervision imposed by the Division of Parole Supervision ~~Office of~~
24 ~~Parole Administration~~ is a Class IV felony for the first offense and a
25 Class III felony for any subsequent offense.

26 Sec. 27. Section 83-182.01, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-182.01 (1) Structured programming shall be planned for all adult
29 persons committed to the department. The structured programming shall
30 include any of the following: Work programs, vocational training,
31 behavior management and modification, money management, and substance

1 abuse awareness, counseling, or treatment. Programs and treatment
2 services shall address:

3 (a) Behavioral impairments, severe emotional disturbances, and other
4 mental health or psychiatric disorders;

5 (b) Drug and alcohol use and addiction;

6 (c) Health and medical needs;

7 (d) Education and related services;

8 (e) Counseling services for persons committed to the department who
9 have been physically or sexually abused;

10 (f) Work ethic and structured work programs;

11 (g) The development and enhancement of job acquisition skills and
12 job performance skills; and

13 (h) Cognitive behavioral intervention.

14 Structured programming may also include classes and activities
15 organized by inmate self-betterment clubs, cultural clubs, and other
16 inmate-led or volunteer-led groups.

17 (2) The goal of such structured programming is to provide the skills
18 necessary for the person committed to the department to successfully
19 return to his or her home or community or to a suitable alternative
20 community upon his or her release from the adult correctional facility.
21 The Legislature recognizes that many inmate self-betterment clubs and
22 cultural clubs help achieve this goal by providing constructive
23 opportunities for personal growth.

24 (3) If a person committed to the department refuses to participate
25 in the structured programming described in subsection (1) of this
26 section, he or she shall be subject to disciplinary action, except that a
27 person committed to the department who refuses to participate in
28 structured programming consisting of classes and activities organized by
29 inmate self-betterment clubs, cultural clubs, or other inmate-led or
30 volunteer-led groups shall not be subject to disciplinary action.

31 (4) Any person committed to the department who is qualified by

1 reason of education, training, or experience to teach academic or
2 vocational classes may be given the opportunity to teach such classes to
3 committed offenders as part of the structured programming described in
4 this section.

5 (5) The department shall evaluate the quality of programs funded by
6 the department. The evaluation shall focus on whether program
7 participation reduces recidivism. Subject to the availability of funding,
8 the department may contract with an independent contractor or academic
9 institution for each program evaluation. Each program evaluation shall be
10 standardized and shall include a site visit, interviews with key staff,
11 interviews with offenders, group observation, if applicable, and review
12 of materials used for the program. The evaluation shall include adherence
13 to concepts that are linked with program effectiveness, such as program
14 procedures, staff qualifications, and fidelity to the program model of
15 delivering offender assessment and treatment. Each program evaluation
16 shall also include feedback to the department concerning program
17 strengths and weaknesses and recommendations for better adherence to
18 evidence-based programming.

19 (6) Within thirty days after receiving written notice as required by
20 subsection (3) of section 83-1,114 from the board, deferring a committed
21 offender for release on parole, the department shall provide any
22 recommended treatment or programming recommended by the board. If the
23 committed offender denies or refuses to participate in any treatment or
24 programming, the department shall obtain a written statement from the
25 committed offender in which the committed offender expresses his or her
26 refusal to participate and any reasons relevant to his or her decision
27 and shall provide the written statement to the Office of Inspector
28 General of the Nebraska Correctional System. An annual report shall also
29 be provided by the department to the office regarding any committed
30 offender deferred by parole with information on programming received,
31 programming rejected, programming denied, and the reasons why programming

1 was not received or was denied.

2 Sec. 28. Section 83-184, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude, and
5 conditions indicate that a person committed to the department and the
6 general society of the state will be benefited, and there is reason to
7 believe that the best interests of the people of the state and the person
8 committed to the department will be served thereby, in that order, and
9 upon the recommendation of the board in the case of each committed
10 offender, the director may authorize such person, under prescribed
11 conditions, to:

12 (a) Visit a specifically designated place or places and return to
13 the same or another facility. An extension of limits may be granted to
14 permit a visit to a dying relative, attendance at the funeral of a
15 relative, the obtaining of medical services, the contacting of
16 prospective employers, or for any other reason consistent with the public
17 interest;~~or~~

18 (b) Work at paid employment or participate in a training program in
19 the community on a voluntary basis whenever:

20 (i) Such paid employment will not result in the displacement of
21 employed workers, or be applied in skills, crafts, or trades in which
22 there is a surplus of available gainful labor in the locality, or impair
23 existing contracts for services; and

24 (ii) The rates of pay and other conditions of employment will not be
25 less than those paid or provided for work of similar nature in the
26 locality in which the work is to be performed; or -

27 (c) Leave the facility to participate in substance abuse evaluations
28 or treatment, attend rehabilitative programming or treatment, seek
29 residency or employment, or participate in structured programming as
30 provided in section 83-182.01 and return to the same or another facility.
31 The department shall collaborate with community-based providers to

1 enhance the availability of community-based options for such
2 participation that meet the department's requirements for rehabilitative
3 programming or treatment or structured programming.

4 (2) The wages earned by a person authorized to work at paid
5 employment in the community under the provisions of this section shall be
6 credited by the chief executive officer of the facility to such person's
7 wage fund. The director shall authorize the chief executive officer to
8 withhold up to five percent of such person's net wages. The funds
9 withheld pursuant to this subsection shall be remitted to the State
10 Treasurer for credit as provided in subsection (2) of section 33-157.

11 (3) A person authorized to work at paid employment in the community
12 ~~under the provisions of~~ this section may be required to pay, and the
13 director is authorized to collect, such costs incident to the person's
14 confinement as the director deems appropriate and reasonable. Collections
15 shall be deposited in the state treasury as miscellaneous receipts.

16 (4) A person authorized to work at paid employment in the community
17 ~~under the provisions of~~ this section may be required to pay restitution.
18 The director shall adopt and promulgate rules and regulations which will
19 protect the committed offender's rights to due process and govern the
20 collection of restitution as provided in section 83-184.01.

21 (5) The willful failure of a person to remain within the extended
22 limits of his or her confinement or to return within the time prescribed
23 to a facility designated by the director may be deemed an escape from
24 custody punishable as provided in section 28-912.

25 (6) No person employed in the community ~~under the provisions of~~ this
26 section or otherwise released shall, while working in such employment in
27 the community or going to or from such employment or during the time of
28 such release, be deemed to be an agent, employee, or servant of the
29 state.

30 Sec. 29. Section 83-191, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-191 The members of the Board of Parole shall devote full time to
2 their duties with such board and shall not engage in any other business
3 or profession or hold any other public office. No member shall, at the
4 time of his or her appointment or during his or her tenure, serve as the
5 representative of any political party or of any executive committee or
6 governing body thereof or as an executive officer or employee of any
7 political party, organization, association, or committee. A member shall
8 resign from the board upon filing as a candidate for any elective public
9 office. Each member of the board shall receive an annual salary to be
10 fixed by the Governor. ~~Such~~ ~~On and after July 1, 1993,~~ such salaries
11 shall be paid in equal monthly portions.

12 Sec. 30. Section 83-192, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 83-192 (1) The Board of Parole shall:

15 (a) Determine the time of release on parole of committed offenders
16 eligible for such release;

17 (b) Fix the conditions of parole, revoke parole, issue or authorize
18 the issuance of warrants for the arrest of parole violators, and impose
19 other sanctions short of revocation for violation of conditions of
20 parole;

21 (c) Determine the time of mandatory discharge from parole;

22 (d) Visit and inspect any facility, state or local, for the
23 detention of persons charged with or convicted of an offense and for the
24 safekeeping of such other persons as may be remanded to such facility in
25 accordance with law;

26 (e) Within two years after July 1, 2006, implement the utilization
27 of a validated risk and needs assessment in coordination with the
28 Department of Correctional Services and the Division of Parole
29 Supervision ~~Office of Parole Administration~~. The assessment shall be
30 prepared and completed by the department or the division ~~office~~ for use
31 by the board in determining release on parole;

1 (f) Review the record of every parole-eligible committed offender
2 annually when he or she is within three years of his or her earliest
3 parole eligibility date. as follows:

4 (i) ~~If a committed offender has a parole eligibility date within~~
5 ~~five years of his or her date of incarceration, his or her record shall~~
6 ~~be reviewed annually;~~

7 (ii) ~~If a committed offender has a parole eligibility date which is~~
8 ~~more than five but not more than ten years from his or her date of~~
9 ~~incarceration, his or her record shall be reviewed during the first year~~
10 ~~of incarceration, and when he or she is within three years of his or her~~
11 ~~earliest parole eligibility date, his or her record shall be reviewed~~
12 ~~annually;~~

13 (iii) ~~If a committed offender has a parole eligibility date which is~~
14 ~~more than ten but not more than thirty years from his or her date of~~
15 ~~incarceration, his or her record shall be reviewed during the first year~~
16 ~~of incarceration, every five years thereafter until he or she is within~~
17 ~~five years of his or her earliest parole eligibility date, and annually~~
18 ~~thereafter;~~

19 (iv) ~~If a committed offender has a parole eligibility date which is~~
20 ~~more than thirty years from his or her date of incarceration, his or her~~
21 ~~record shall be reviewed during his or her first, tenth, and twentieth~~
22 ~~year of incarceration, and when he or she is within five years of his or~~
23 ~~her earliest parole eligibility date, his or her record shall be reviewed~~
24 ~~annually; and~~

25 (v) ~~If a committed offender is serving a minimum life sentence, his~~
26 ~~or her record shall be reviewed during the first year of incarceration~~
27 ~~and every ten years thereafter until such time as the sentence is~~
28 ~~commuted. If such sentence is commuted, the committed offender's record~~
29 ~~shall be reviewed annually when he or she is within five years of his or~~
30 ~~her earliest parole eligibility date.~~

31 ~~Such review shall include the circumstances of the offense, the~~

1 ~~presentence investigation report, the committed offender's previous~~
2 ~~social history and criminal record, his or her conduct, employment, and~~
3 ~~attitude during commitment, and the reports of such physical and mental~~
4 ~~examinations as have been made. The board shall meet with such committed~~
5 ~~offender and counsel him or her concerning his or her progress and~~
6 ~~prospects for future parole.~~

7 The review schedule shall be based on court-imposed sentences or
8 statutory minimum sentences, whichever are greater. The board is not
9 required to review the record of a committed offender when the committed
10 offender's parole eligibility date is within one month of his or her
11 mandatory discharge date. Nothing in such schedule shall prohibit the
12 board from reviewing a committed offender's case at any time;

13 (g) Appoint and remove all employees of the board as prescribed by
14 the State Personnel System and delegate appropriate powers and duties to
15 them; ~~and~~

16 (h) Adopt and promulgate rules and regulations; and

17 (i) Exercise all powers and perform all duties necessary and proper
18 in carrying out its responsibilities of the board under the Nebraska
19 Treatment and Corrections Act.

20 (2) The chairperson of the board shall:

21 (a) Supervise the administration and operation of the board;

22 (b) Serve in an advisory capacity to the director in administering
23 parole services within any facility ~~and in the community;~~

24 (c) Interpret the parole program to the public with a view toward
25 developing a broad base of public support;

26 (d) Conduct research for the purpose of evaluating and improving the
27 effectiveness of the parole system;

28 (e) Recommend parole legislation to the Governor;

29 (f) Adopt and promulgate rules and regulations for the
30 administration and operation of the board; and

31 (g) Exercise all other powers and perform all other duties necessary

1 and proper in carrying out his or her responsibilities as chairperson.

2 (3) This section does ~~The provisions of this section shall not~~
3 prohibit a committed offender from requesting that the board review his
4 or her record, except that the board is not ~~shall not be~~ required to
5 review a committed offender's record more than once a year.

6 Sec. 31. The Board of Parole Grant Awards Cash Fund is created. All
7 funds received by virtue of public grants awarded to the Board of Parole
8 shall be remitted to the State Treasurer for credit to the fund. The fund
9 shall be utilized by the board for the purposes stated in the individual
10 grant applications and awards. Any money in the fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 Sec. 32. Section 83-198, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 83-198 A person shall be guilty of a Class IV felony if he or she
17 threatens or attempts to threaten harm to a member or an employee of the
18 Board of Parole with the purpose to influence a ~~his~~ decision, an opinion,
19 a recommendation, a vote, or any other exercise of discretion as member
20 or employee of the board or if he or she privately addresses to any
21 member or employee of the board any representation, entreaty, argument,
22 or other communication designed to influence the outcome of any matter
23 which is or may come before the board on the basis of considerations
24 other than those authorized by law, ~~and shall be guilty of a Class IV~~
25 ~~felony.~~

26 Sec. 33. Section 83-1,100, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-1,100 (1) There is hereby created the Division of Parole
29 Supervision Office of Parole Administration. Until July 1, 2016, the
30 office shall be within the Department of Correctional Services. Beginning
31 July 1, 2016, the office shall be within the Board of Parole. The

1 ~~director and the board shall jointly develop a transition implementation~~
2 ~~plan. The plan shall be presented to the Governor and to the Legislature~~
3 ~~no later than December 1, 2015. The report to the Legislature shall be~~
4 ~~delivered electronically. The employees of the division office shall~~
5 ~~consist of the Director of Supervision and Services Parole Administrator,~~
6 ~~the field parole service officers, and all other division staff. The~~
7 ~~division office staff. The office shall be responsible for the following:~~

- 8 (a) The administration of parole services in the community;
9 (b) The maintenance of all records and files associated with the
10 Board of Parole;
11 (c) The daily supervision and training of staff members of the
12 division office, including training regarding evidence-based practices in
13 supervision pursuant to section 83-1,100.02; and
14 (d) The assessment, evaluation, and supervision of individuals who
15 are subject to parole supervision, including lifetime community
16 supervision pursuant to section 83-174.03.

17 (2) Parole officers shall be compensated with salaries substantially
18 equal to other state employees who have similar responsibilities,
19 including employees of the Office of Probation Administration. This
20 subsection shall apply only to field parole service officers and support
21 staff and shall not apply to the Director of Supervision and Services
22 ~~Parole Administrator, any deputy parole administrator, or any other~~
23 ~~management-level similarly established management position.~~

24 (3) ~~This section does not prohibit the division~~ Nothing in this
25 ~~section shall be construed to prohibit the office~~ from maintaining daily
26 records and files associated with the Board of Pardons.

27 Sec. 34. Section 83-1,100.02, Revised Statutes Cumulative
28 Supplement, 2016, is amended to read:

29 83-1,100.02 (1) For purposes of this section:

30 (a) Levels of supervision means the determination of the following
31 for each person on parole:

1 (i) Supervision contact requirements, including the frequency,
2 location, methods, and nature of contact with the parole officer;

3 (ii) Substance abuse testing requirements and frequency;

4 (iii) Contact restrictions;

5 (iv) Curfew restrictions;

6 (v) Access to available programs and treatment, with priority given
7 to moderate-risk and high-risk parolees; and

8 (vi) Severity of graduated responses to violations of supervision
9 conditions; and

10 (b) Risk and needs assessment means an actuarial tool that has been
11 validated in Nebraska to determine the likelihood of the parolee engaging
12 in future criminal behavior.

13 (2) The Division of Parole Supervision ~~Office of Parole~~
14 ~~Administration~~ shall establish an evidence-based process that utilizes a
15 risk and needs assessment to measure criminal risk factors and specific
16 individual needs.

17 (3) The risk and needs assessment shall be performed at the
18 commencement of the parole term and every six months thereafter by
19 division ~~office~~ staff trained and certified in the use of the risk and
20 needs assessment.

21 (4) The ~~office shall test the~~ validity of the risk and needs
22 assessment shall be tested at least every five years.

23 (5) Based on the results of the risk and needs assessment, the
24 division ~~office~~ shall ~~determine levels of supervision to~~ target parolee
25 criminal risk and need factors by focusing sanction, program, and
26 treatment resources on moderate-risk and high-risk parolees.

27 (6) The division ~~office~~ shall provide training to its parole
28 officers on use of a risk and needs assessment, risk-based supervision
29 strategies, relationship skills, cognitive behavioral interventions,
30 community-based resources, criminal risk factors, targeting criminal risk
31 factors to reduce recidivism, and proper use of a matrix of

1 administrative sanctions, custodial sanctions, and rewards developed
2 pursuant to section 83-1,119. All parole officers employed on August 30,
3 2015, shall complete the training requirements set forth in this
4 subsection on or before January 1, 2017. Each parole officer hired on or
5 after August 30, 2015, shall complete the training requirements set forth
6 in this subsection within one year after his or her hire date.

7 (7) The division ~~office~~ shall provide training for chief parole
8 officers to become trainers so as to ensure long-term and self-sufficient
9 training capacity in the state.

10 Sec. 35. Section 83-1,101, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 83-1,101 The Board of Parole shall appoint a Director of Supervision
13 and Services ~~who Parole Administrator. The Parole Administrator~~ shall be
14 a person with appropriate experience and training, including, but not
15 limited to, familiarity with the implementation of evidence-based
16 processes for utilizing risk and needs assessments to measure criminal
17 risk factors and specific individual needs.

18 Sec. 36. Section 83-1,102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,102 The Director of Supervision and Services ~~Parole~~
21 ~~Administrator~~ shall:

22 (1) Supervise and administer the Division of Parole Supervision
23 ~~Office of Parole Administration~~;

24 (2) Establish and maintain policies, standards, and procedures for
25 the field parole service and the community supervision of sex offenders
26 pursuant to section 83-174.03;

27 (3) Divide the state into parole districts and appoint district
28 parole officers, ~~deputy parole officers, if required,~~ and such other
29 employees as may be required to carry out adequate parole supervision of
30 all parolees, prescribe their powers and duties, and obtain division
31 offices ~~office quarters~~ for staff in each district as may be necessary;

1 (4) Cooperate with the Board of Parole, the courts, the Community
2 Corrections Division of the Nebraska Commission on Law Enforcement and
3 Criminal Justice, and all other agencies, public and private, which are
4 concerned with the treatment or welfare of persons on parole;

5 (5) Provide the Board of Parole and district judges with any record
6 of a parolee which the board or such judges ~~it~~ may require;

7 (6) Make recommendations to the Board of Parole or district judge in
8 cases of violation of the conditions of parole, issue warrants for the
9 arrest of parole violators when so instructed by the board or district
10 judge, notify the Director of Correctional Services of determinations
11 made by the board, and upon instruction of the board, issue certificates
12 of parole and of parole revocation to the facilities and certificates of
13 discharge from parole to parolees;

14 (7) Organize and conduct training programs for the district parole
15 officers and other employees;

16 (8) Use the funds provided under section 83-1,107.02 to augment
17 operational or personnel costs associated with the development,
18 implementation, and evaluation of enhanced parole-based programs and
19 purchase services to provide such programs aimed at enhancing adult
20 parolee supervision in the community and treatment needs of parolees.
21 Such enhanced parole-based programs include, but are not limited to,
22 specialized units of supervision, related equipment purchases and
23 training, and programs that address a parolee's vocational, educational,
24 mental health, behavioral, or substance abuse treatment needs, including
25 evidence-based peer and family support programs;

26 (9) Ensure that any risk or needs assessment instrument utilized by
27 the system be periodically validated;

28 (10) Report annually to the Governor and electronically to the Clerk
29 of the Legislature beginning January 1, 2015, the number of parole
30 revocations and the number of technical violations of parole; and

31 (11) Exercise all powers and perform all duties necessary and proper

1 in carrying out his or her responsibilities.

2 Sec. 37. Section 83-1,103, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-1,103 The field parole service, consisting of district parole
5 officers and ~~deputy parole officers~~ working under the direction of the
6 Director of Supervision and Services ~~Parole Administrator~~ or district
7 judge, shall be responsible for the investigation, supervision, and
8 assistance of parolees, probationers, or individuals subject to community
9 supervision under section 83-174.03. The field parole service shall be
10 sufficient in size to assure that no district parole officer carries a
11 case load larger than is compatible with adequate parole investigation or
12 supervision.

13 Sec. 38. Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,103.01 A parole officer assigned by the Director of Supervision
16 and Services ~~administrator~~ to supervise individuals subject to lifetime
17 community supervision pursuant to section 83-174.03 shall:

18 (1) Make investigations, prior to an individual subject to community
19 supervision being released from incarceration, in cooperation with
20 institutional caseworkers at prisons, mental health facilities, and
21 county jails, to determine the community supervision conditions necessary
22 to protect the public and make reasonable advance preparation for release
23 into the community;

24 (2) Assist individuals subject to community supervision to comply
25 with the conditions of supervision and to make a successful adjustment in
26 the community;

27 (3) Supervise individuals subject to community supervision by
28 keeping informed of their conduct and condition;

29 (4) Make reports as required by the Director of Supervision and
30 Services ~~administrator~~ to determine the effectiveness of community
31 supervision in protecting the public or the progress of an individual

1 subject to community supervision;

2 (5) Cooperate with social welfare agencies and treatment providers
3 to ensure that individuals subject to community supervision receive any
4 necessary services or treatment;

5 (6) Inform the Director of Supervision and Services administrator
6 when, in the opinion of the community supervision officer, an individual
7 is in violation of the conditions of his or her community supervision,
8 and whenever necessary exercise the power of arrest as provided in
9 section 83-1,102;

10 (7) Conduct periodic reviews of the conditions of community
11 supervision imposed on an individual as required by the Director of
12 Supervision and Services administrator; and

13 (8) Exercise all powers and perform all duties necessary and proper
14 in carrying out his or her responsibilities.

15 Sec. 39. Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-1,103.02 (1) Prior to the release from incarceration of an
18 individual subject to lifetime community supervision pursuant to section
19 83-174.03, the Division of Parole Supervision ~~Office of Parole~~
20 ~~Administration~~ shall:

21 (a) Notify the individual in writing that he or she is subject to
22 community supervision upon completion of his or her criminal sentence;

23 (b) Inform the individual subject to community supervision of the
24 process by which conditions of community supervision are determined and
25 his or her right to submit relevant information to the division office
26 for consideration when establishing the conditions of supervision;

27 (c) Determine the individual's risk of recidivism if released into
28 the community, utilizing a validated risk assessment tool;

29 (d) After considering the information required in subdivision (e) of
30 this subsection, determine the conditions of supervision which will most
31 effectively minimize the risk of the individual committing another sex

1 offense. The conditions shall be the least restrictive conditions
2 available, in terms of the effect on the individual's personal freedom,
3 which minimize the risk of recidivism and are compatible with public
4 safety; and

5 (e) In determining the conditions of supervision to be imposed, the
6 division office shall consider the following:

7 (i) A report prepared by the institutional caseworkers relating to
8 the individual's personality, social history, and adjustment to authority
9 and including any recommendations which the staff of the facility may
10 make;

11 (ii) All official reports of the individual's prior criminal record,
12 including reports and records of earlier probation and parole
13 experiences;

14 (iii) The presentence investigation report;

15 (iv) The reports of any physical, mental, and psychiatric
16 examinations of the individual;

17 (v) Any relevant information which may be submitted by the
18 individual, his or her attorney, the victim of the crime, or other
19 persons; and

20 (vi) Such other relevant information concerning the individual as
21 may be reasonably available.

22 (2) Upon completion of the risk assessment and the determination of
23 the conditions of community supervision and no later than thirty days
24 prior to the completion of the individual's criminal sentence, the
25 ~~division Office of Parole Administration~~ shall issue a certificate of
26 community supervision to the individual containing the conditions of
27 community supervision he or she will be required to comply with upon the
28 completion of his or her criminal sentence. The Director of Supervision
29 and Services administrator shall include with the certificate written
30 information on how to appeal the determination of the conditions of
31 community supervision.

1 Sec. 40. Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 83-1,103.03 The Division of Parole Supervision ~~Office of Parole~~
4 ~~Administration~~ shall review the conditions of community supervision
5 imposed on an individual pursuant to section 83-174.03 on an annual basis
6 and shall provide the individual the opportunity to submit written
7 materials to the division ~~office~~ for consideration during such review.

8 If the division ~~office~~ determines, after reviewing the individual's
9 conduct while under supervision and any other relevant facts, that one or
10 more of the conditions of community supervision imposed upon the
11 individual is no longer necessary to reduce the risk of the individual
12 reoffending or is no longer the least restrictive condition compatible
13 with public safety, the division ~~office~~ shall revise the conditions of
14 community supervision so that the individual's freedom is not
15 unnecessarily restricted.

16 Sec. 41. Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 83-1,103.04 (1) Whenever a determination or revision of the
19 conditions of community supervision is made by the Division of Parole
20 Supervision ~~Office of Parole Administration~~, the individual subject to
21 the conditions shall be entitled to an appeal. The appeal shall be heard
22 by the district court in the county where the individual resides. The
23 individual shall be informed of his or her right to request counsel, and
24 if counsel is requested the court shall determine if the individual is
25 indigent. If the court finds the individual to be indigent, it shall
26 appoint counsel from the public defender's office to represent the
27 individual during the appeal.

28 (2) In an appeal contesting the determination or revision of the
29 conditions of community supervision, the burden of proof shall be on the
30 individual subject to community supervision to show by clear and
31 convincing evidence (a) that the conditions in question will not reduce

1 the risk of the individual reoffending or otherwise protect the public or
2 (b) that the condition is overly restrictive of the individual's freedom
3 and a less restrictive condition is available which is equally or more
4 effective in reducing the risk of the individual reoffending.

5 Sec. 42. Section 83-1,104, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 83-1,104 A district parole officer shall:

8 (1) Make investigations, prior to a committed offender's release on
9 parole, in cooperation with institutional caseworkers and the Board of
10 Parole to determine the adequacy of parole plans and make reasonable
11 advance preparation for release on parole;

12 (2) Assist a committed offender who requests assistance prior to
13 release or a parolee to comply with the conditions of parole and to make
14 a successful adjustment in the community, including facilitating the
15 transitional needs of housing and employment, access to and participation
16 in job training services in the community, access to mental health
17 services, assisting with applications for health care coverage or
18 ensuring that the committed offender or parolee knows how to apply for
19 and obtain health care coverage, and assisting with enrollment in the
20 medical assistance program established pursuant to the Medical Assistance
21 Act, if eligible, to ensure that the committed offender or parolee has
22 access to such program close to the time of release or soon thereafter;

23 (3) Supervise parolees by keeping informed of their conduct and
24 condition, utilizing global positioning systems and other monitoring
25 technology as needed during the period of supervision;

26 (4) Make such reports as required by the Director of Supervision and
27 Services ~~Parole Administrator~~ or district judge to determine the
28 effectiveness of the parole system or the progress of an individual
29 parolee;

30 (5) Cooperate with social welfare agencies;

31 (6) Observe the work of any ~~deputy~~ parole officer under his or her

1 supervision from time to time;

2 (7) Inform the Director of Supervision and Services Parole
3 ~~Administrator~~ when, in his or her opinion, any eligible parolee's conduct
4 and attitude warrant his or her discharge from active supervision, or
5 when any parolee's violation of the conditions of parole is of sufficient
6 seriousness to require action by the Board of Parole or district judge
7 and whenever necessary exercise the power of arrest as provided in
8 section 83-1,119;

9 (8) Delegate in his or her discretion any of the above
10 responsibilities to a ~~deputy~~ parole officer under his or her supervision
11 ~~if provided for his or her district~~; and

12 (9) Exercise all powers and perform all duties necessary and proper
13 in carrying out his or her responsibilities.

14 Sec. 43. Section 83-1,107, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 83-1,107 (1)(a) Within sixty days after initial classification and
17 assignment of any offender committed to the department, all available
18 information regarding such committed offender shall be reviewed and a
19 committed offender department-approved personalized program plan document
20 shall be drawn up. The document shall specifically describe the
21 department-approved personalized program plan and the specific goals the
22 department expects the committed offender to achieve. The document shall
23 also contain a realistic schedule for completion of the department-
24 approved personalized program plan. The department-approved personalized
25 program plan shall be developed with the active participation of the
26 committed offender. The department shall provide programs to allow
27 compliance by the committed offender with the department-approved
28 personalized program plan.

29 Programming may include, but is not limited to:

30 (i) Academic and vocational education, including teaching such
31 classes by qualified offenders;

- 1 (ii) Substance abuse treatment;
- 2 (iii) Mental health and psychiatric treatment, including criminal
- 3 personality programming;
- 4 (iv) Constructive, meaningful work programs; and
- 5 (v) Any other program deemed necessary and appropriate by the
- 6 department.

7 (b) A modification in the department-approved personalized program
8 plan may be made to account for the increased or decreased abilities of
9 the committed offender or the availability of any program. Any
10 modification shall be made only after notice is given to the committed
11 offender. The department may not impose disciplinary action upon any
12 committed offender solely because of the committed offender's failure to
13 comply with the department-approved personalized program plan, but such
14 failure may be considered by the board in its deliberations on whether or
15 not to grant parole to a committed offender.

16 (2)(a) The department shall reduce the term of a committed offender
17 by six months for each year of the offender's term and pro rata for any
18 part thereof which is less than a year.

19 (b) In addition to reductions granted in subdivision (2)(a) of this
20 section, the department shall reduce the term of a committed offender by
21 three days on the first day of each month following a twelve-month period
22 of incarceration within the department during which the offender has not
23 been found guilty of (i) a Class I or Class II offense or (ii) more than
24 three Class III offenses under the department's disciplinary code.
25 Reductions earned under this subdivision shall not be subject to forfeit
26 or withholding by the department.

27 (c) The total reductions under this subsection shall be credited
28 from the date of sentence, which shall include any term of confinement
29 prior to sentence and commitment as provided pursuant to section
30 83-1,106, and shall be deducted from the maximum term, to determine the
31 date when discharge from the custody of the state becomes mandatory.

1 (3) While the offender is in the custody of the department,
2 reductions of terms granted pursuant to subdivision (2)(a) of this
3 section may be forfeited, withheld, and restored by the chief executive
4 officer of the facility with the approval of the director after the
5 offender has been notified regarding the charges of misconduct.

6 (4) The department shall ensure that a release or reentry plan is
7 complete or near completion when the offender has served at least eighty
8 percent of his or her sentence. For purposes of this subsection, release
9 or reentry plan means a comprehensive and individualized strategic plan
10 to ensure an individual's safe and effective transition or reentry into
11 the community to which he or she resides with the primary goal of
12 reducing recidivism. At a minimum, the release or reentry plan shall
13 include, but not be limited to, consideration of the individual's housing
14 needs, medical or mental health care needs, and transportation and job
15 needs and shall address an individual's barriers to successful release or
16 reentry in order to prevent recidivism. The release or reentry plan does
17 not include an individual's programming needs included in the
18 individual's personalized program plan for use inside the prison.

19 (5)(a) The department shall make treatment programming available to
20 committed offenders as provided in section 83-1,110.01 and shall include
21 continuing participation in such programming as part of each offender's
22 parolee personalized program plan.

23 (b) Any committed offender with a mental illness shall be provided
24 with the community standard of mental health care. The mental health care
25 shall utilize evidence-based therapy models that include an evaluation
26 component to track the effectiveness of interventions.

27 (c) Any committed offender with a mental illness shall be evaluated
28 before release to ensure that adequate monitoring and treatment of the
29 committed offender will take place or, if appropriate, that a commitment
30 proceeding under the Nebraska Mental Health Commitment Act or the Sex
31 Offender Commitment Act will take place.

1 (6)(a) Within thirty days after any committed offender has been
2 paroled, all available information regarding such parolee shall be
3 reviewed and a ~~case parolee personalized program~~ plan document shall be
4 drawn up and approved by the Division of Parole Supervision ~~Office of~~
5 ~~Parole Administration~~. The document shall specifically describe the
6 approved ~~case personalized program~~ plan and the specific goals the
7 division ~~office~~ expects the parolee to achieve. The document shall also
8 contain a realistic schedule for completion of the approved ~~case~~
9 ~~personalized program~~ plan. The approved ~~case personalized program~~ plan
10 shall be developed with the active participation of the parolee. During
11 the term of parole, the parolee shall comply with the approved ~~case~~
12 ~~personalized program~~ plan and the division ~~office~~ shall provide programs
13 to allow compliance by the parolee with the approved ~~case personalized~~
14 ~~program~~ plan.

15 Programming may include, but is not limited to:

- 16 (i) Academic and vocational education;
17 (ii) Substance abuse treatment;
18 (iii) Mental health and psychiatric treatment, including criminal
19 personality programming;
20 (iv) Constructive, meaningful work programs;
21 (v) Community service programs; and
22 (vi) Any other program deemed necessary and appropriate by the
23 division ~~office~~.

24 (b) A modification in the approved ~~case personalized program~~ plan
25 may be made to account for the increased or decreased abilities of the
26 parolee or the availability of any program. Any modification shall be
27 made only after notice is given to the parolee. Intentional failure to
28 comply with the approved ~~case personalized program~~ plan by any parolee as
29 scheduled for any year, or pro rata part thereof, shall cause
30 disciplinary action to be taken by the division ~~office~~ resulting in the
31 forfeiture of up to a maximum of three months' good time for the

1 scheduled year.

2 (7) While the offender is in the custody of the board, reductions of
3 terms granted pursuant to subdivision (2)(a) of this section may be
4 forfeited, withheld, and restored by the director upon the recommendation
5 of the board administrator ~~with the approval of the director~~ after the
6 offender has been notified regarding the charges of misconduct or breach
7 of the conditions of parole. ~~In addition, the board may recommend such~~
8 ~~forfeitures of good time to the director.~~

9 (8) Good time or other reductions of sentence granted under the
10 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
11 or restored in accordance with the terms of the Nebraska Treatment and
12 Corrections Act.

13 (9) Pursuant to rules and regulations adopted by the probation
14 administrator and the director, an individualized post-release
15 supervision plan shall be collaboratively prepared by the Office of
16 Probation Administration and the department and provided to the court to
17 prepare individuals under custody of the department for post-release
18 supervision. All records created during the period of incarceration shall
19 be shared with the Office of Probation Administration and considered in
20 preparation of the post-release supervision plan.

21 Sec. 44. Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-1,107.01 (1) Unless otherwise provided by this section, whenever
24 an adult offender is paroled, the board shall require a parolee to pay a
25 monthly parole programming fee.

26 (2) Parolees under the supervision of the Division of Parole
27 Supervision ~~Office of Parole Administration~~ shall pay a monthly parole
28 programming fee of twenty-five dollars, not later than the tenth day of
29 each month, beginning the second month of parole supervision and
30 continuing for the duration of the parole.

31 (3) The board shall waive payment of the monthly parole programming

1 fee in whole or in part if after a hearing a determination is made that
2 such payment would constitute an undue hardship on the parolee due to
3 limited income, employment or school status, or physical or mental
4 handicap. Such waiver shall be in effect only during the period of time
5 that the parolee is unable to pay his or her monthly parole programming
6 fee.

7 (4) When monthly parole programming fees are waived, in whole or in
8 part, the parole officer, pursuant to rules and regulations adopted by
9 the board, may contract with the parolee to perform approved community
10 service at the rate of five dollars per hour in lieu of payment of
11 monthly parole programming fees. A parolee may be required to pay a
12 participation fee in order to take advantage of community service
13 programs. A parolee may not accumulate more than three months' advance
14 credit for community service. The use of community service alternatives
15 does not preclude the imposition of other intermediate measures.

16 (5) The division ~~Office of Parole Administration~~ with the approval
17 of the Board of Parole shall implement sanctions if a parolee defaults in
18 the payment of monthly parole programming fees or any installment thereof
19 as established by subsection (2) of this section, except that parole
20 shall not be revoked nor shall the parolee be imprisoned for such
21 nonpayment if the parolee is financially unable to make the payment.

22 (6) If the board determines that the default in payment described in
23 subsection (5) of this section was not attributable to a deliberate
24 refusal to obey the order of the board or to failure on the parolee's
25 part to make a good faith effort to obtain the funds required for
26 payment, the board may allow the parolee additional time for payment,
27 reduce the amount of each installment, or revoke the fees or the unpaid
28 portion in whole or in part.

29 (7) No parolee shall be required to pay more than one monthly parole
30 programming fee per month.

31 (8) The imposition of monthly parole programming fees in this

1 section shall be considered separate and apart from specific service
2 delivery fees.

3 (9) Any adult offender received for supervision pursuant to section
4 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
5 assessed a monthly parole programming fee during the period of time the
6 offender is actively supervised by Nebraska parole authorities.

7 (10) A parolee shall pay the fees described in this section to the
8 division. ~~The division Office of Parole Administration. The office~~ shall
9 remit all fees to the State Treasurer for credit to the Parole Program
10 Cash Fund.

11 (11) The board and the division office shall adopt and promulgate
12 rules and regulations to carry out this section.

13 Sec. 45. Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,107.02 The Parole Program Cash Fund is created. All funds
16 collected pursuant to section 83-1,107.01 shall be remitted to the State
17 Treasurer for credit to the fund. The fund shall be utilized by the
18 Division of Parole Supervision ~~Office of Parole Administration~~ for the
19 purposes stated in subdivision (8) of section 83-1,102. Any money in the
20 fund available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 Sec. 46. Section 83-1,109, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-1,109 The chief executive officer of a facility shall regularly
26 report all good time and all forfeitures, withholdings, and restorations
27 of good time to the director. On the basis of such report, the director
28 shall inform the board and the Director of Supervision and Services
29 ~~administrator~~ of all committed offenders who are expected to become
30 eligible for release on parole within the next three months.

31 Sec. 47. (1) If a committed offender is diagnosed with a terminal

1 illness, upon such diagnosis, the medical director shall, as soon as
2 practicable:

3 (a) For a committed offender who is otherwise eligible for parole,
4 complete or facilitate the completion of an application for medical
5 parole pursuant to section 83-1,110.02, for submission by the committed
6 offender to the Board of Parole; and

7 (b) For a committed offender who is not otherwise eligible for
8 parole, complete or facilitate the completion of an application for
9 commutation of sentence by the Board of Pardons pursuant to section
10 83-1,129 and an application for medical parole pursuant to section
11 83-1,110.02. The committed offender shall concurrently submit the
12 application for commutation to the Board of Pardons and the application
13 for medical parole to the Board of Parole.

14 (2)(a) For a committed offender who is not otherwise eligible for
15 parole, the Board of Parole shall nonetheless consider whether or not to
16 grant the application for medical parole in the event that the Board of
17 Pardons decides to commute the committed offender's sentence and thereby
18 render him or her eligible for parole. The Board of Parole shall not wait
19 for the Board of Pardons' decision before considering the application and
20 shall proceed with its review as provided in section 83-1,110.02 as if
21 the committed offender were eligible for parole. The Board of Parole
22 shall forward to the Board of Pardons its decision as to whether the
23 committed offender should be allowed medical parole together with its
24 recommendations regarding conditions of parole and any other information
25 it deems appropriate.

26 (3) If the Board of Parole recommends to the Board of Pardons that a
27 committed offender not be released on medical parole but the Board of
28 Pardons nonetheless decides to commute the committed offender's sentence
29 in order to render him or her eligible for medical parole, the Board of
30 Parole shall expeditiously release the committed offender on medical
31 parole pursuant to section 83-1,110.02.

1 (4) The Board of Pardons and Board of Parole shall prioritize
2 applications received under this section and review such applications
3 expeditiously and within a timeline that is reasonable considering the
4 medical condition of the committed offender.

5 (5) For purposes of this section:

6 (a) Medical director means the medical director for the department
7 appointed pursuant to section 83-4,156; and

8 (b) Terminal illness means an incurable and irreversible illness
9 that will, within the reasonable medical judgment of a qualified medical
10 professional, result in death within six months.

11 Sec. 48. Section 83-1,110.02, Revised Statutes Supplement, 2017, is
12 amended to read:

13 83-1,110.02 (1) A committed offender may be eligible for medical
14 parole by the board if:

15 (a) The committed offender who is otherwise eligible for parole,
16 including a committed offender who is eligible following a commutation of
17 his or her sentence pursuant to section 47 of this act;

18 (b) The committed offender who is not under sentence of death or of
19 life imprisonment; and

20 (c) Because who—because of an existing medical or physical
21 condition, the committed offender is determined:

22 (i) To by the department to be terminally ill pursuant to section 47
23 of this act; or

24 (ii) Is determined by the department to be permanently incapacitated
25 may be considered for medical parole by the board.

26 (2) A committed offender may be eligible for medical parole in
27 addition to any other parole.

28 (3) The department shall identify committed offenders who may be
29 eligible for medical parole due to permanent incapacity based upon their
30 medical records.

31 (4) {2} The board shall decide to grant medical parole only after a

1 review of the medical, institutional, and criminal records of the
2 committed offender and such additional medical evidence from board-
3 ordered examinations or investigations as the board in its discretion
4 determines to be necessary. The decision to grant medical parole and to
5 establish conditions of release on medical parole in addition to the
6 conditions stated in subsection (5) ~~(3)~~ of this section is within the
7 sole discretion of the board, except as provided in subsection (3) of
8 section 47 of this act.

9 (5) ~~(3)~~ As conditions of release on medical parole, the board shall
10 require that the committed offender agree to placement for medical
11 treatment and that he or she be placed for a definite or indefinite
12 period of time in a hospital, a hospice, or another housing accommodation
13 suitable to his or her medical condition, including, but not limited to,
14 his or her family's home, as specified by the board.

15 (6) ~~(4)~~ The parole term of a medical parolee shall be for the
16 remainder of his or her sentence as reduced by any adjustment for good
17 conduct pursuant to the Nebraska Treatment and Corrections Act.

18 Sec. 49. Section 83-1,111, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,111 (1) A Every committed offender serving an indeterminate
21 sentence under which he or she may become eligible for parole shall be
22 interviewed and have his or her record reviewed by two or more members of
23 the Board of Parole or a person designated by the board within sixty days
24 before the expiration of his or her minimum term less any reductions as
25 provided in section 83-1,110. If, in the opinion of the reviewers, the
26 review indicates the offender is reasonably likely to be granted parole
27 and has a potential parole term of no less than one month, the Board of
28 Parole shall schedule a public hearing before a majority of its members.
29 At such hearing the offender may present evidence, call witnesses, and be
30 represented by counsel. If, in the opinion of the reviewers, the review
31 indicates the offender should be denied parole, the offender may request

1 an additional review by a majority of the members of the board. A review
2 by the majority of the members of the board may be conducted not more
3 than once annually. Any hearing and review shall be conducted in an
4 informal manner, but a complete record of the proceedings shall be made
5 and preserved.

6 (2) The board shall render its decision regarding the committed
7 offender's release on parole within a reasonable time after the hearing
8 or review. The decision shall be by majority vote of the board. The
9 decision shall be based on the entire record before the board, which
10 shall include the opinion of the person who conducted the review. If the
11 board denies ~~shall deny~~ parole, written notification listing the reasons
12 for such denial and the recommendations for correcting deficiencies which
13 cause the denial shall be given to the committed offender within thirty
14 days following the hearing.

15 (3) If the board fixes the release date, such date shall be not more
16 than six months from the date of the committed offender's parole hearing,
17 or from the date of last reconsideration of his or her case, unless there
18 are special reasons for fixing a later release date.

19 (4) If the board defers the case for later reconsideration, the
20 committed offender shall be afforded a parole review at least once a year
21 until a release date is fixed. The board may order a reconsideration or a
22 rehearing of the case at any time.

23 (5) The release of a committed offender on parole shall not be upon
24 the application of the offender, but by the initiative of the Board of
25 Parole. No application for release on parole made by a committed offender
26 or on his or her behalf shall be entertained by the board. This
27 subsection does not ~~Nothing herein shall~~ prohibit the Director of
28 Correctional Services from recommending to the board that it consider an
29 individual offender for release on parole.

30 Sec. 50. Section 83-1,112, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,112 (1) Each committed offender eligible for parole shall, in
2 advance of his or her parole hearing, have a parole plan in accordance
3 with the rules of the Board of Parole. Whenever the board determines that
4 it will facilitate the parole hearing, it may furnish the offender with
5 any information and records to be considered by it at the hearing.

6 (2) An offender shall be permitted to advise with any person whose
7 assistance he or she desires, including his or her own legal counsel, in
8 preparing for a hearing before the Board of Parole.

9 Sec. 51. Section 83-1,112.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 83-1,112.01 The board shall require any person who is incarcerated
12 pursuant to subdivision (9) or (10) of section 60-6,197.03 to complete
13 all diagnostic evaluations provided by the department and all programming
14 required by the department prior to being considered eligible for parole.
15 If the programming required by the department cannot be completed during
16 the person's period of incarceration but can be provided in the
17 community, and the board in its discretion believes the incarcerated
18 person will participate in programming available in the community, the
19 board may waive the programming requirement of this section and, as a
20 condition of parole, require that such programming be completed by the
21 offender during his or her parole term.

22 Sec. 52. Section 83-1,114, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 83-1,114 (1) Whenever the board ~~Board of Parole~~ considers the
25 release of a committed offender who is eligible for release on parole, it
26 shall order his or her release unless it is of the opinion that his or
27 her release should be deferred because:

28 (a) There is a substantial risk that he or she will not conform to
29 the conditions of parole;

30 (b) His or her release would depreciate the seriousness of his or
31 her crime or promote disrespect for law;

1 (c) His or her release would have a substantially adverse effect on
2 institutional discipline; or

3 (d) His or her continued correctional treatment, medical care, or
4 vocational or other training in the facility will substantially enhance
5 his or her capacity to lead a law-abiding life when released at a later
6 date.

7 (2) In making its determination regarding a committed offender's
8 release on parole, the ~~board~~ Board of Parole shall give consideration to
9 its decision guidelines as set forth in its rules and regulations and
10 shall take into account each of the following factors:

11 (a) The offender's personality, including his or her maturity,
12 stability, and sense of responsibility and any apparent development in
13 his or her personality which may promote or hinder his or her conformity
14 to law;

15 (b) The adequacy of the offender's parole plan;

16 (c) The offender's ability and readiness to assume obligations and
17 undertake responsibilities;

18 (d) The offender's intelligence and training;

19 (e) The offender's family status and whether he or she has relatives
20 who display an interest in him or her or whether he or she has other
21 close and constructive associations in the community;

22 (f) The offender's employment history, his or her occupational
23 skills, and the stability of his or her past employment;

24 (g) The type of residence, neighborhood, or community in which the
25 offender plans to live;

26 (h) The offender's past use of narcotics or past habitual and
27 excessive use of alcohol;

28 (i) The offender's mental or physical makeup, including any
29 disability or handicap which may affect his or her conformity to law;

30 (j) The offender's prior criminal record, including the nature and
31 circumstances, dates ~~recency~~, and frequency of previous offenses;

1 (k) The offender's attitude toward law and authority;

2 (l) The offender's conduct in the facility, including particularly
3 whether he or she has taken advantage of the opportunities for self-
4 improvement, whether he or she has been punished for misconduct within
5 six months prior to his or her hearing or reconsideration for parole
6 release, whether any reductions of term have been forfeited, and whether
7 such reductions have been restored at the time of hearing or
8 reconsideration;

9 (m) The offender's behavior and attitude during any previous
10 experience of probation or parole and how recent the recency of such
11 experience is;

12 (n) The risk and needs assessment completed pursuant to section
13 83-192; and

14 (o) Any other factors the board determines to be relevant.

15 (3) If the board determines that the release of a committed offender
16 should be deferred, the board shall inform the department within ten
17 business days after such deferment. Such notice shall be in writing and
18 shall state the reasons for the deferment. The board shall also describe
19 or recommend any programming or treatment in which the committed offender
20 should participate or that the committed offender should complete in
21 order to enhance his or her likelihood of release upon later
22 consideration by the board. A copy of such notice shall be provided to
23 the committed offender at the time it is served to the department.

24 Sec. 53. Section 83-1,118, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-1,118 (1) If, in the opinion of the board, upon receipt of
27 information from the Director of Supervision and Services, a parolee has
28 shown suitable compliance with his or her parole programming plan, the
29 board may reduce the level of supervision for a parolee that is
30 commensurate with the best interests of the parolee and is compatible
31 with the protection of the public , a parolee does not require guidance

1 ~~or supervision, the board may dispense with and terminate such~~
2 ~~supervision.~~

3 ~~(2) The board may discharge a parolee from parole at any time if~~
4 ~~such discharge is compatible with the protection of the public and is in~~
5 ~~the best interest of the parolee.~~

6 (2) (3) The board shall discharge a parolee from parole when the
7 time served in the custody of the department and the time served on
8 parole equal the maximum term less good time.

9 (3) (4) The department shall discharge a committed offender from the
10 custody of the department when the time served in the facility equals the
11 maximum term less good time.

12 (4) (5) Upon completion of the lawful requirements of the sentence,
13 the department shall provide the parolee or committed offender with a
14 written notice regarding his or her civil rights. The notice shall inform
15 the parolee or committed offender that voting rights are restored two
16 years after completion of the sentence. The notice shall also include
17 information on restoring other civil rights through the pardon process,
18 including application to and hearing by the Board of Pardons.

19 (5) (6) The Board of Parole may discharge a parolee from parole when
20 such parolee is under the supervision of another state's correctional
21 institution and such offender has reached the expiration date of his or
22 her Nebraska parole term.

23 Sec. 54. Section 83-1,119, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 83-1,119 (1) For purposes of this section:

26 (a) Absconding parole supervision means a parolee has purposely
27 avoided supervision for a period of at least two weeks and reasonable
28 efforts by a parole officer and staff to locate the parolee in person
29 have proven unsuccessful;

30 (b) Administrative sanction means additional parole requirements
31 imposed upon a parolee by his or her parole officer, with the full

1 knowledge and consent of the parolee, designed to hold the parolee
2 accountable for substance abuse or technical violations of conditions of
3 parole, including, but not limited to:

4 (i) Counseling or reprimand by the Division of Parole Supervision
5 ~~adult parole administration of the department;~~

6 (ii) Increased supervision contact requirements;

7 (iii) Increased substance abuse testing;

8 (iv) Referral for substance abuse or mental health evaluation or
9 other specialized assessment, counseling, or treatment;

10 (v) Imposition of a designated curfew for a period to be determined
11 by the division ~~adult parole administration;~~ and

12 (vi) Travel restrictions to stay within his or her county of
13 residence or employment unless otherwise permitted by the division ~~adult~~
14 ~~parole administration;~~

15 (c) Contract facility means a county jail that contracts with the
16 department to house parolees or other offenders under the jurisdiction of
17 the department;

18 (d) Substance abuse violation means a parolee's activities or
19 behaviors associated with the use of chemical substances or related
20 treatment services resulting in a violation of an original condition of
21 parole, including:

22 (i) Positive breath test for the consumption of alcohol if the
23 parolee is required to refrain from alcohol consumption;

24 (ii) Positive urinalysis for the illegal use of drugs;

25 (iii) Failure to report for alcohol testing or drug testing; and

26 (iv) Failure to appear for or complete substance abuse or mental
27 health treatment evaluations or inpatient or outpatient treatment; and

28 (e) Technical violation means a parolee's activities or behaviors
29 which create the opportunity for re-offending or diminish the
30 effectiveness of parole supervision resulting in a violation of an
31 original condition of parole and includes:

- 1 (i) Moving traffic violations;
- 2 (ii) Failure to report to his or her parole officer;
- 3 (iii) Leaving the state without the permission of the Board of
4 Parole;
- 5 (iv) Failure to work regularly or attend training or school;
- 6 (v) Failure to notify his or her parole officer of change of address
7 or employment;
- 8 (vi) Frequenting places where controlled substances are illegally
9 sold, used, distributed, or administered; and
- 10 (vii) Failure to pay fines, court costs, restitution, or any fees
11 imposed pursuant to section 83-1,107.01 as directed.

12 Technical violation does not include absconding parole supervision.

13 (2) The ~~division Office of Parole Administration~~ shall develop a
14 matrix of rewards for compliance and positive behaviors and graduated
15 administrative sanctions and custodial sanctions for use in responding to
16 and deterring substance abuse violations and technical violations. A
17 custodial sanction of thirty days in a correctional facility or a
18 contract facility shall be designated as the most severe response to a
19 violation in lieu of revocation.

20 (3) Whenever a parole officer has reasonable cause to believe that a
21 parolee has committed or is about to commit a substance abuse violation
22 or technical violation while on parole, but that the parolee will not
23 attempt to leave the jurisdiction and will not place lives or property in
24 danger, the parole officer shall either:

25 (a) Impose one or more administrative sanctions based upon the
26 parolee's risk level, the severity of the violation, and the parolee's
27 response to the violation. If administrative sanctions are to be imposed,
28 the parolee shall acknowledge in writing the nature of the violation and
29 agree upon the administrative sanction. The parolee has the right to
30 decline to acknowledge the violation. If he or she declines to
31 acknowledge the violation, the parole officer shall take action pursuant

1 to subdivision (3)(b) of this section. A copy of the report shall be
2 submitted to the Board of Parole; or

3 (b) Submit a written report to the Board of Parole, outlining the
4 nature of the parole violation, and request the imposition of a custodial
5 sanction of up to thirty days in a correctional facility or a contract
6 facility. On the basis of the report and such further investigation as
7 the board may deem appropriate, the board shall determine whether and how
8 the parolee violated the conditions of parole and may:

9 (i) Dismiss the charge of violation; or

10 (ii) If the board finds a violation justifying a custodial sanction,
11 issue a warrant if necessary and impose a custodial sanction of up to
12 thirty days in a correctional facility or a contract facility.

13 (4) Whenever a parole officer has reasonable cause to believe that a
14 parolee has violated or is about to violate a condition of parole by a
15 violation other than a substance abuse violation or a technical violation
16 and the parole officer has reasonable cause to believe that the parolee
17 will not attempt to leave the jurisdiction and will not place lives or
18 property in danger, the parole officer shall submit a written report to
19 the Board of Parole which may, on the basis of such report and such
20 further investigation as it may deem appropriate:

21 (a) Dismiss the charge of violation;

22 (b) Determine whether the parolee violated the conditions of his or
23 her parole;

24 (c) Impose a custodial sanction of up to thirty days in a
25 correctional facility or a contract facility;

26 (d) Revoke his or her parole in accordance with the Nebraska
27 Treatment and Corrections Act; or

28 (e) Issue a warrant for the arrest of the parolee.

29 (5) Whenever a parole officer has reasonable cause to believe that a
30 parolee has violated or is about to violate a condition of parole and
31 that the parolee will attempt to leave the jurisdiction or will place

1 lives or property in danger, the parole officer shall arrest the parolee
2 without a warrant and call on any peace officer to assist him or her in
3 doing so.

4 (6) Whenever a parolee is arrested with or without a warrant, he or
5 she shall be detained in a local jail or other detention facility
6 operated by the Department of Correctional Services pending completion of
7 review of parole proceedings by the Board of Parole. Immediately after
8 such arrest and detention, the parole officer shall notify the Board of
9 Parole and submit a written report of the reason for such arrest. A
10 complete investigation shall be made by the Division of Parole
11 Supervision ~~parole administration~~ and submitted to the board. After
12 prompt consideration of such written report, the board shall order the
13 parolee's release from detention or continued confinement to await a
14 final decision on imposition of a custodial sanction or the revocation of
15 parole.

16 (7) The Board of Parole shall adopt and promulgate rules and
17 regulations necessary to carry out this section.

18 Sec. 55. Section 83-1,120, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,120 Whenever a parolee is charged with a violation of his
21 parole, he or she shall be entitled to a prompt hearing on such charge by
22 the Board of Parole, which hearing in no event shall occur more than
23 thirty days after receipt of the parole officer's written report. At such
24 hearing, the parolee shall be permitted to be present, to testify, to
25 produce witnesses, to cross-examine adverse witnesses, and to introduce
26 such other evidence as may be pertinent. The parolee shall be informed of
27 his or her right to request counsel at such hearing, and if the parolee
28 ~~he~~ thereafter makes such request, based on a timely and colorable claim

29 (1) that he or she has not committed the alleged violation of the
30 conditions upon which he or she is at liberty, or (2) that, even if the
31 violation is a matter of public record or is uncontested, there are

1 substantial reasons which justified or mitigated the violation and make
2 revocation inappropriate and that the reasons are complex or otherwise
3 difficult to develop or present, and upon consideration of whether or not
4 the parolee appears to be capable of speaking effectively for himself or
5 herself, the board in the exercise of a sound discretion may provide
6 counsel unless retained counsel is available to the parolee. In every
7 case in which ~~when~~ a request for counsel is refused, the grounds for
8 refusal shall be stated in the record.

9 Sec. 56. Section 83-1,121, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 83-1,121 A committed offender while on parole shall remain in the
12 legal custody and control of the Board of Parole. The board may at any
13 time revoke the parole of an offender or recommit him or her to the
14 custody of the Department of Correctional Services, with or without
15 cause.

16 Sec. 57. Section 83-1,122.01, Revised Statutes Cumulative
17 Supplement, 2016, is amended to read:

18 83-1,122.01 (1) The board does not have jurisdiction over a person
19 who is committed to the department in accordance with section 29-2204.02
20 for a Class III, IIIA, or IV felony committed on or after August 30,
21 2015, unless:

22 (a) The ~~the~~ person is also committed to the department in accordance
23 with section 29-2204 for:

24 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
25 felony committed prior to August 30, 2015; ~~or~~

26 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
27 II, or IIA felony; ~~or~~

28 (b) The Board of Pardons commutes the person's sentence to render
29 him or her eligible for medical parole pursuant to section 47 of this
30 act.

31 (2) The board does not have jurisdiction over a person committed to

1 the department for a misdemeanor sentence imposed consecutively or
2 concurrently with a Class III, IIIA, or IV felony sentence for an offense
3 committed on or after August 30, 2015, unless:

4 (a) ~~The~~ the person is also committed to the department in accordance
5 with section 29-2204 for:

6 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
7 felony committed prior to August 30, 2015; ~~or~~ or

8 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
9 II, or IIA felony; ~~or~~ or

10 (b) The Board of Pardons commutes the person's sentence to render
11 him or her eligible for medical parole pursuant to section 47 of this
12 act.

13 Sec. 58. Section 83-1,125, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 83-1,125 (1) If a warrant or detainer is placed against a committed
16 offender by a court, parole agency, or other authority of this or any
17 other jurisdiction, the Director of Supervision and Services
18 ~~administrator~~ shall inquire before such offender becomes eligible for
19 parole whether the authority concerned intends to execute or withdraw the
20 warrant or detainer when the offender is released.

21 (2) If the authority notifies the Director of Supervision and
22 Services administrator that it intends to execute the warrant or detainer
23 when the offender is released, the Director of Supervision and Services
24 ~~administrator~~ shall advise the authority concerned of the sentence under
25 which the offender is held, the time of parole eligibility, any decision
26 of the board relating to the offender, and the nature of the offender's
27 adjustment during imprisonment and shall give reasonable notice to such
28 authority of the offender's release date.

29 (3) The board may parole an offender who is eligible for release to
30 a warrant or detainer. If an offender is paroled to such a warrant or
31 detainer, the board may provide, as a condition of release, that if the

1 charge or charges on which the warrant or detainer is based are
2 dismissed, or are satisfied after conviction and sentence, prior to the
3 expiration of the offender's parole term, the authority to whose warrant
4 or detainer the offender is released shall return the offender to serve
5 the remainder of the parole term or such part as the board may determine.

6 (4) If a person paroled to a warrant or detainer is thereafter
7 sentenced and placed on probation, or released on parole in another
8 jurisdiction, prior to the expiration of the parole term less good time
9 in this state, the board may permit the person to serve the remainder of
10 the parole term or such part as the board may determine concurrently with
11 the person's new probation or parole term. Such concurrent terms may be
12 served in either of the two jurisdictions, and supervision shall be
13 administered in accordance with the Interstate Compact for Adult Offender
14 Supervision.

15 Sec. 59. (1) The Board of Parole and the Division of Parole
16 Supervision may maintain an individual file for each person who is under
17 the jurisdiction of the Board of Parole. Such file may be maintained
18 electronically and shall include, when available and appropriate, the
19 following information on such person:

20 (a) Admission summary;

21 (b) Presentence investigation report;

22 (c) Classification reports and recommendations;

23 (d) Official records of conviction and commitment along with any
24 earlier criminal records;

25 (e) Progress reports and admission-orientation reports;

26 (f) Reports of any disciplinary infractions and their disposition;

27 (g) Risk and needs assessments;

28 (h) Parole plan and parole placement and investigation worksheets;

29 (i) Decision guideline scores;

30 (j) Parole case plan;

31 (k) Parole progress reports and contact notes;

1 (l) Arrest and violation reports, including disposition;
2 (m) Parole proceedings orders and notices;
3 (n) Other documents related to parole supervision;
4 (o) Correspondence; and
5 (p) Other pertinent data concerning his or her background, conduct,
6 associations, and family relationships.

7 (2) Any decision concerning release on or revocation of parole or
8 imposition of sanctions shall be made only after the individual file has
9 been reviewed. The contents of the individual file shall be confidential
10 unless disclosed in connection with a public hearing and shall not be
11 subject to public inspection except by court order for good cause shown.
12 The contents of the file shall not be accessible to any person under the
13 jurisdiction of the Board of Parole. A person under the jurisdiction of
14 the board may obtain access to his or her medical records by request to
15 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
16 fact that such medical records may be a part of his or her parole file.
17 The board and the Division of Parole Supervision have the authority to
18 withhold decision guideline scores, risk and needs assessment scores, and
19 mental health and psychological records of a person under the
20 jurisdiction of the board when appropriate.

21 (3) Nothing in this section limits in any manner the authority of
22 the Public Counsel to inspect and examine the records and documents of
23 the board and the Division of Parole Supervision pursuant to sections
24 81-8,240 to 81-8,254, except that the Public Counsel's access to the
25 medical or mental health records of a person under the jurisdiction of
26 the board shall be subject to his or her consent. The office of Public
27 Counsel shall not disclose the medical or mental health records of a
28 person under the jurisdiction of the board to anyone else, including any
29 other person under the jurisdiction of the board, except as authorized by
30 law.

31 Sec. 60. Section 83-1,135, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 83-1,135 Sections 83-170 to 83-1,135.05 and sections 31, 47, and 59
3 of this act shall be known and may be cited as the Nebraska Treatment and
4 Corrections Act.

5 Sec. 61. Section 83-1,135.02, Revised Statutes Cumulative
6 Supplement, 2016, is amended to read:

7 83-1,135.02 (1) It is the intent of the Legislature that the changes
8 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
9 with respect to parole eligibility apply to all committed offenders under
10 sentence and not on parole on May 24, 2003, and to all persons sentenced
11 on and after such date.

12 (2) It is the intent of the Legislature that the changes made to
13 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
14 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
15 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
16 sentence, on parole, or on probation on August 30, 2015, and to all
17 persons sentenced on and after such date.

18 (3) It is the intent of the Legislature that the changes made to
19 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
20 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
21 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
22 apply to all committed offenders under sentence, on parole, or on
23 probation on or after April 20, 2016, and to all persons sentenced on and
24 after such date.

25 (4) It is the intent of the Legislature that the changes made to
26 sections 83-1,110.02 and 83-1,122.01 and section 47 of this act apply to
27 all committed offenders under sentence or on parole on or after the
28 operative date of this section, and to all persons sentenced on and after
29 such date.

30 Sec. 62. Section 83-4,157, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-4,157 The medical director shall:

2 (1) Coordinate all clinical services;

3 (2) Participate in the selection and supervision of all clinical
4 staff employed by or under contract with the department, including
5 medical doctors, physician assistants, pharmacists, pharmacy technicians,
6 registered nurses, licensed practical nurses, advanced practice
7 registered nurses practicing under and in accordance with their
8 respective certification acts, mental health practitioners, alcohol and
9 drug counselors, laboratory technicians, physical therapists,
10 optometrists, audiologists, dentists, dental assistants, and dental
11 hygienists;

12 (3) Maintain and preserve the medical records of health care
13 services;

14 (4) Approve the purchasing of all necessary medical supplies and
15 medical equipment for the department;

16 (5) Recommend all necessary programs for the preservice, inservice,
17 and continuing medical training and education of the health care staff
18 and other relevant staff of the department, including training
19 specifically designed to promote prompt and effective responses by all
20 staff of the department to medical emergencies;

21 (6) Develop and implement condition-specific medical treatment
22 protocols that ensure compatibility with a community standard of health
23 care, including protocols addressing the: (a) Treatment of
24 gastrointestinal bleeds; (b) detection and treatment of all communicable
25 diseases; (c) treatment of gender-specific problems; (d) treatment of
26 diabetes; (e) treatment of hypertension; (f) treatment of headaches; (g)
27 utilization of surgical procedures; (h) control of infection; (i)
28 provision of dental care; (j) provision of age-specific and gender-
29 specific routine health maintenance; (k) means by which inmates obtain
30 access to health care services; (l) use of prescribed drugs, devices, or
31 biologicals for the purpose of pain management; (m) referral of patients

1 to medical specialists not in the employ of the department; and (n)
2 initiation, observance, and termination of do not resuscitate orders
3 initiated pursuant to the Rights of the Terminally Ill Act;

4 (7) Develop and implement a system of general discharge planning for
5 the health care services to be received by inmates who are soon to be
6 released from the custody of the department and who have chronic health
7 care problems, including establishment of a protocol to determine whether
8 or not an inmate soon to be released should be prescribed and dispensed a
9 medication-assisted treatment that could assist in reducing or
10 eliminating the inmate's use of opiates;

11 (8) Develop and implement a comprehensive health care services plan;

12 (9) Develop and implement an internal credentialing program for the
13 employment and retention of the health care staff of the department based
14 on a community standard of health care; and

15 (10) Develop and implement an internal peer review and quality
16 assurance program based upon a community standard of health care.

17 Sec. 63. Section 83-933, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 83-933 ~~Until July 1, 2016, the Office of Parole Administration~~
20 ~~shall be within the Division of Community-Centered Services.~~ Beginning
21 July 1, 2016, until the operative date of this section, the Office of
22 Parole Administration shall be within the Board of Parole. Beginning on
23 the operative date of this section, the Division of Parole Supervision
24 shall be within the Board of Parole.

25 Subject to supervision, the Director of Supervision and Services
26 ~~Parole Administrator~~ shall be charged with the administration of parole
27 services in the community pursuant to the provisions of section 83-1,102,
28 implementation and administration of the Interstate Compact for Adult
29 Offender Supervision as it affects parolees, community supervision of sex
30 offenders pursuant to section 83-174.03, and supervision of parolees
31 either paroled in Nebraska and supervised in another state or paroled in

1 another state and supervised in Nebraska, pursuant to the compact.

2 Sec. 64. The Department of Correctional Services may contract with
3 county jail facilities to house Department of Correctional Services
4 facilities inmates. Department of Correctional Services facilities
5 inmates eligible for participation in the county jail housing program
6 shall include inmates within one year of parole or release eligibility,
7 inmates being transferred into state custody for safekeeping, nonviolent
8 offenders, and inmates requiring only community-based or minimum-security
9 supervision. The department shall place an inmate for housing in a county
10 jail that has the capacity and agrees to offer services to meet one or
11 more of the inmate's prerelease programming requirements when such
12 programming is needed for the inmate to become eligible for parole or
13 release. The department may place an inmate who does not have prerelease
14 programming requirements in a county jail in which such programming is
15 not offered.

16 Sec. 65. The Department of Correctional Services shall conduct a
17 department-wide staffing analysis of all positions, including a specific
18 analysis regarding behavioral health staffing, in an effort to make a
19 comprehensive determination of staffing needs. Concurrently, the
20 department shall make short-term recommendations for needed staffing,
21 including, but not limited to, facility administrative and support
22 positions in order to improve the effectiveness of staffing.

23 The staffing analysis shall be completed and a report of its
24 findings and subsequent staffing recommendations submitted electronically
25 to the Legislature no later than September 15, 2020. Subsequent updates
26 of the staffing analysis shall be completed and shall be submitted
27 electronically to the Legislature on or before September 15, 2026, and at
28 least every six years thereafter or more frequently at the discretion of
29 the department.

30 Sec. 66. To ensure public safety in the event a correctional system
31 overcrowding emergency is ever declared or determined to exist, the

1 Department of Correctional Services and the Board of Parole shall submit
2 to the Legislature a proposed plan, on or before December 1, 2018, which
3 describes the process of implementing the accelerated parole review
4 process required by section 83-962. The plan shall include, but not be
5 limited to:

6 (1) The process by which the Director of Correctional Services shall
7 certify that an overcrowding emergency exists;

8 (2) The process by which the department shall prepare and submit to
9 the board a listing of parole-eligible committed offenders to be
10 considered or reconsidered accelerated for parole;

11 (3) Any statutory changes required or funding necessary to
12 accommodate such process;

13 (4) The process by which the board shall examine committed offenders
14 during the accelerated parole review;

15 (5) A review of the analysis for granting parole pursuant to section
16 83-1,114 and whether this process and the factors set out in such section
17 are sufficient or adequate for the accelerated parole review process
18 required by section 83-962;

19 (6) A review of the process of supervising parolees released
20 pursuant to the accelerated review process and the necessary means to
21 ensure public safety; and

22 (7) Any statutory changes required or resources necessary to
23 accommodate the existence of an overcrowding emergency status and to
24 facilitate the potential requisite gubernatorial declaration of such
25 emergency.

26 The plan shall be submitted electronically in a report to the
27 Legislature on or before December 1, 2018.

28 Sec. 67. The Legislature finds and declares that there shall be a
29 coordinated effort (1) to establish a comprehensive and successful system
30 of correctional reentry programs throughout this state and (2) to include
31 an array of interests in the establishment and growth of this system. To

1 further such policy, the Coordinated Reentry Council is created. For
2 administrative and budgetary purposes, the council shall be within the
3 Nebraska Commission on Law Enforcement and Criminal Justice.

4 Sec. 68. (1) The Coordinated Reentry Council shall include the
5 following voting members:

6 (a) The executive director of the Nebraska Commission on Law
7 Enforcement and Criminal Justice;

8 (b) The Director of Correctional Services;

9 (c) The chairperson of the Board of Parole;

10 (d) The Director of Supervision and Services of the Division of
11 Parole Supervision;

12 (e) The Director of Behavioral Health of the Division of Behavioral
13 Health of the Department of Health and Human Services; and

14 (f) Eight members appointed by the Governor with the approval of a
15 majority of the Legislature, consisting of: An executive director of a
16 state community college association; a business owner who employs
17 formerly incarcerated individuals on a regular basis; two individuals who
18 were formerly incarcerated in a state correctional facility; one mental
19 health and substance abuse professional; one social worker; a researcher
20 in the field of criminal justice in a university or college in Nebraska;
21 and one full-time officer or employee of a law enforcement agency.

22 (2) The council shall include the following nonvoting members:

23 (a) The probation administrator;

24 (b) Two members of the Legislature, appointed by the Executive Board
25 of the Legislative Council; and

26 (c) Two judges appointed by the Chief Justice of the Supreme Court.

27 (3)(a) The terms of office for members initially appointed under
28 subdivision (1)(f) of this section shall be three years. Upon completion
29 of the initial terms of such members, the Governor shall appoint:

30 (i) A representative from law enforcement and a mental health and
31 substance abuse professional for terms of one year;

1 (ii) An executive director of a state community college association
2 and two individuals who were formerly incarcerated in a state
3 correctional facility for terms of two years; and

4 (iii) A social worker, a business owner who employs formerly
5 incarcerated individuals on a regular basis, and a researcher in the
6 field of criminal justice in a university or college in Nebraska for
7 terms of three years.

8 (b) Succeeding appointees shall be appointed for terms of three
9 years. An appointee to a vacancy occurring from an unexpired term shall
10 serve out the term of his or her predecessor. Members whose terms have
11 expired shall continue to serve until their successors have been
12 appointed and qualified.

13 (4) The council shall by majority vote elect a chairperson from
14 among the members of the council.

15 (5) The members of the council shall be reimbursed for their actual
16 and necessary expenses incurred while engaged in the performance of their
17 official duties as provided in sections 81-1174 to 81-1177.

18 Sec. 69. The Coordinated Reentry Council shall:

19 (1) Advise the Department of Correctional Services on the
20 utilization of funds administered by the Vocational and Life Skills
21 Programming Fund;

22 (2) Develop and implement a plan to establish the statewide
23 operation and use of a continuum of reentry programs;

24 (3) Review efforts by individuals and organizations that provide
25 reentry services in Nebraska;

26 (4) Review best practices regarding reentry policies and programs in
27 other states;

28 (5) Make recommendations to the Legislature and the Governor
29 regarding reentry policies and programs;

30 (6) Meet at least three times each year;

31 (7) If necessary to perform the duties of the council, hire,

1 contract for, or otherwise obtain the services of consultants,
2 researchers, aides, and other necessary support staff; and
3 (8) Perform such other duties as may be necessary to carry out the
4 purposes of section 67 of this act.

5 Sec. 70. The Coordinated Reentry Council shall terminate on
6 December 31, 2028.

7 Sec. 71. Sections 13, 14, 17, 18, 19, 20, 21, and 73 of this act
8 become operative on January 1, 2019. The other sections of this act
9 become operative three calendar months after the adjournment of this
10 legislative session.

11 Sec. 72. Original sections 28-322, 29-2252, 29-2935, 29-4019,
12 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198,
13 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04,
14 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112,
15 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, 83-1,125, and
16 83-4,157, Reissue Revised Statutes of Nebraska, sections 47-624,
17 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171,
18 83-182.01, 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119,
19 83-1,122.01, 83-1,135, 83-1,135.02, and 83-933, Revised Statutes
20 Cumulative Supplement, 2016, and sections 29-2261 and 83-1,110.02,
21 Revised Statutes Supplement, 2017, are repealed.

22 Sec. 73. Original sections 60-1304, 81-2002.01, and 81-2003,
23 Reissue Revised Statutes of Nebraska, and sections 60-1303 and 81-2014,
24 Revised Statutes Supplement, 2017, are repealed.

25 Sec. 74. The following section is outright repealed: Section
26 83-1,124, Reissue Revised Statutes of Nebraska.

How to Read Bridge Posting Signs

Nebraska is required to follow the Manual for Uniform Traffic Control Devices (MUTCD) to determine what signs and silhouettes are allowed for bridge posting purposes.

The symbols shown below are the only vehicle silhouettes allowed on a posting sign.



Because every possible vehicle configuration cannot be represented on a sign, typical configurations are used to show easily recognizable vehicles. Special Hauling Vehicles (SHVs) fall under the top silhouette showing a straight Single Unit truck. The SHVs have 4 to 7 axles, which make interpretation of the sign essential for truck drivers and law enforcement.

The sign above represents that Single Unit Trucks (SUT), top truck at 30 Ton are only restricted for SU5, SU6 and SU7; NE Type 3S2, middle truck is restricted at 33 Ton; NE Type 3-3, bottom truck is not restricted. However, by law, all bridges are restricted at Nebraska legal load limits whether posted or not. See Nebraska Statute 60-6,294 for more information.

Signs apply to the gross vehicle weight irrelevant of how short the bridge may be.

To the right are examples of vehicles governed by a given silhouette and their legal max. load limits.



NE Type SUT (Single Unit Truck) – 25 to 38.75 Ton



NE Type 3 – 25 Ton



SU4 – 27 Ton



SU5 – 31 Ton



SU6 – 34.75 Ton



SU7 – 38.75 Ton



NE Type 3S2 – 37 Ton



NE Type 3-3 – 43 Ton



UNIVERSITY OF NEBRASKA-LINCOLN

N Institute of Agriculture and Natural Resources (<http://ianr.unl.edu/>)
CROPWATCH



Changes to Bridge Posting Signs Require Truckers Attention

DECEMBER 15, 2017

Nebraska Department of Transportation (/author/nebraska-department-transportation)

Each year millions of tons of corn, soybeans, sugar beets, wheat, millet, animal waste, water, herbicides and other agricultural products and inputs travel down Nebraska roadways. As haulers approach Nebraska bridges, they should expect to see new signage

designed to assist drivers in making wise decisions in planning routes with heavy equipment. New signs like the one shown here are being installed on bridges that cannot support the regular load weights for all roads. Bridges that do not have signage default to the current legal load.

The Nebraska Department of Transportation (NDOT) is charged with ensuring more than 15,000 bridges statewide are safe for travel. Bridges are being inspected at least once every 24 months by certified inspectors. Load rating evaluations performed are based on current bridge conditions with the goal of reaching each structure's expected lifetime. A critical piece of this is proper bridge use, including properly posting bridge weight limits for haulers to be aware of limitations of any given bridge.

The load rating signage update is in response to a November 2013 Federal Highway Administration (FHWA)-issued policy memorandum on "Load Rating of Specialized Hauling Vehicles." Through this memorandum, FHWA required all bridges in the nation to be load rated for Special Hauling Vehicles (SHVs) in order for the states to be compliant with National Bridge Inspection Standards (NBIS). These SHVs are closely spaced multi-axle single unit trucks, having four to seven axles, and have become more popular within the trucking industry.

While load rating helps promote the proper usage and preservation of Nebraska's bridges, there is no substitute for a driver's own education and understanding before they even hit the open road. Nebraska's truck drivers must be aware of the type and weight of the truck they are driving at all times to compare against the posted signs as they come upon and cross a bridge. In Nebraska, farmers currently are able to exceed legal weight limits during harvest by 15% on roads and bridges that aren't posted.

Failure to follow posted bridge weight limits unnecessarily puts the traveling public, fellow truck drivers, and the bridge condition at risk. Bridge weight limit signs are meant to be easily understood and prevent loads from crossing a bridge that cause stresses above the safe limit. Over time, stress events build up and can cause bridge failure, costing road users and local jurisdictions time and money to repair or replace a failed structure, not to mention possible injuries sustained.

Like all traffic control devices, the design of the bridge load rating signs is prescribed in FHWA's Manual on Uniform Traffic Control Devices with the aim to be consistent nation-wide. Not every possible vehicle configuration can be represented on a sign so typical configurations are used to show easily recognizable vehicles. Users should be aware that the number of axles shown on each silhouetted truck on a posted sign is not to be interpreted as the only possibility for that particular vehicle, and it is the operator's responsibility to know how his or her vehicle is classed. The pocket guide ([2017-CW-News/2017-documents/Extension/How-to-Read-New-Bridge-Signs-NDOT.pdf](https://www.ndot.gov/2017-CW-News/2017-documents/Extension/How-to-Read-New-Bridge-Signs-NDOT.pdf)) can assist truck owners in determining their truck's classification.

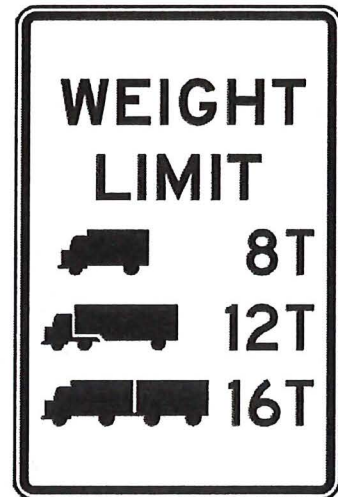
By keeping all this information in mind, truck drivers will help play their part in making sure Nebraska's corridors of commerce stay safe and open for business for all whom use them.

For more information or to request a brochure on these changes, contact Babrak Niazi at the Nebraska Department of Transportation: 402-479-3646, babrak.niazi@nebraska.gov (<mailto:babrak.niazi@nebraska.gov>).

How to Read Bridge Posting Signs

Nebraska is required to follow the Manual for Uniform Traffic Control Devices to determine what signs and silhouettes are allowed for bridge posting purposes. See this [1-page guide \(2017-CW-News/2017-images/Extension-meetings/How-to-Read-Bridge-Posting-Signs-101117.pdf\)](https://www.ndot.gov/2017-CW-News/2017-images/Extension-meetings/How-to-Read-Bridge-Posting-Signs-101117.pdf) from the Nebraska Department of Transportation on reading the signs.

Note: Signs apply to the gross vehicle weight irrelevant of how short the bridge may be.



([2017-CW-News/2017-images/Extension-meetings/How-to-Read-Bridge-Posting-Signs-101117.pdf](https://www.ndot.gov/2017-CW-News/2017-images/Extension-meetings/How-to-Read-Bridge-Posting-Signs-101117.pdf))

Tags: [Bridge Signs \(/tags/bridge-signs\)](/tags/bridge-signs) [Transportation Safety \(/tags/transportation-safety\)](/tags/transportation-safety) [Hauling Grain \(/tags/hauling-grain\)](/tags/hauling-grain)

QUESTIONS AND ANSWERS

Load Rating of Specialized Hauling Vehicles



Office of Bridges and Structures
Resource Center
Federal Highway Administration

March 2014

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Resource Center
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March 2014

QUESTIONS AND ANSWERS

Load Rating of Specialized Hauling Vehicles

The purpose of this document is to provide answers to some of the common questions received from FHWA Division Offices and States prior to and after the release of [FHWA's Memorandum on Load Rating of Specialized Hauling Vehicles](#) dated November 15, 2013 (the Memorandum).

LIST OF QUESTIONS AND ANSWERS

1. What is the purpose of the Memorandum?
2. What are SHVs?
3. Where can I find more information on SHVs?
4. What are the Federal Truck Size and Weight limits?
5. Why is it important that SHVs be included in bridge load rating and posting?
6. What are the *applicable* SHVs referred to in the Memorandum that must be considered in load rating and posting?
7. What are load models for in bridge load rating and posting?
8. What are AASHTO SHV load models?
9. Do AASHTO SHV load models comply with Federal Truck Size and Weight limits?
10. What are state-specific SHV load models?
11. Do all States need to have state-specific legal load models?
12. Where can I find information about the weight and size limits of a State's legal loads?
13. If the load rating factor for the AASHTO NRL is greater than or equal to 1.0, do I need to rate the four AASHTO single unit SHV loads, i.e. SU4, SU5, SU6 and SU7?
14. Is it appropriate and acceptable to ignore the AASHTO NRL, but include SU4, SU5, SU6 and SU7 in bridge load rating analysis?
15. Can we use SU7, instead of the AASHTO NRL, as a screening load for the four single unit loads SU4 to SU7?

16. After reviewing State law, it is concluded that SHVs, within or exceeding the Federal Bridge Weight limits, are not allowed. Do we need to rate and post our bridges for SHVs?
17. After reviewing State law, it is found that SHVs exceeding the Federal Bridge Weight limits are not allowed. In addition, State law explicitly precludes the use of certain types of SHVs, such as SHVs with 5 or more axles. Do we need to rate and post our bridges for those SHVs precluded in our State law?
18. After reviewing State law, it is concluded that no legal loads exceeding the Federal Bridge Weight limits are allowed, but no provisions exist to preclude the use of SHVs meeting Federal Bridge Weights. Do we need to rate and post our bridges for SHVs?
19. After reviewing State law, it is found that SHVs exceeding the Federal Bridge Weight limits are allowed. What do we need to do next?
20. After comparing the load effects from a state-specific SHV load model to those created by the AASHTO SHV load models, it is concluded that our state-specific SHV load model envelopes all of the AASHTO SHV load models. Do we need to rate and post our bridges for the AASHTO SHVs, i.e. SU4 to SU7?
21. How do we compare SHVs?
22. SHV vehicles with 5 thru 7 axles do not operate in our State due to economic considerations. Therefore, SU5 thru SU7 vehicles are not operating in our State at a frequency worthy of consideration as a legal load vehicle. WIM data supports this conclusion. The problem is the SHVs are not prohibited to operate in our State by statute. Do we need to include SU5 to SU7 in our load rating?
23. We plan to use a single posting load for the single unit SHVs. Can we just use the AASHTO NRL to rate bridges and determine the posting limits, instead of using SU4 to SU7?
24. Which load rating methods are acceptable for load rating of the AASHTO SHVs?
25. Are Assigned Load Ratings acceptable for load rating of the AASHTO SHVs?
26. What type of load posting signs should be use?
27. Our triple-axle tandem dump truck can encompass the AASHTO SHVs. We will continue to post for a single tonnage for Single Units based on this triple-axle dump truck and a single tonnage for Combination Unit vehicles. Is this approach appropriate?
28. In our State Code we have restricted the Bridge Formula on secondary highways by limiting vehicle gross weight. With these restrictions, the SHVs are limited to lower

- GVWs than AASHTO SU4 to SU7 in the AASHTO MBE. Can we reduce the GVWs of SU4 to SU7 to the lower GVWs according to the State Code?
29. My State meets Condition A of the Memorandum. Do we need to take any actions?
 30. My State meets Condition B of the Memorandum. Do we need to take any actions?
 31. SHVs are not legal in my State. Single unit vehicles with more than 4 axles are not allowed in the State by law, and the 4-axle single unit vehicles that are allowed by State law exceed the load effects of the 4-axle SHVs as defined in the AASHTO MBE. Do we need to take any actions?
 32. My State's legal rating vehicles produce a greater load effect than the AASHTO SHV load models for all spans greater than 20'. Do we need to take any actions?
 33. We ran a compilation of typical structures in the State comparing the AASHTO SHVs to our 37.5 Ton tri-axle dump truck of various material types having simple and continuous span configurations at various lengths. The tri-axle dump truck controlled with a lower rating factor than all the AASHTO SHVs (SU4, SU5, SU6, and SU7) for all structures. We believe Condition B applies to us since the tri-axle enveloped all the SHVs. Do we need to take any actions?
 34. Is it acceptable to use other criteria to categorize Groups 1 and 2 of the Memorandum?
 35. My State includes the AASHTO SHVs in State's bridge load rating guide. AASHTO SU4 to SU7 load models have been considered in bridge load rating and posting. Do we need to take any action?
 36. What are the timelines for load rating for the AASHTO SHVs?
 37. Who do we contact for assistance?

QUESTIONS AND ANSWERS

Load Rating of Specialized Hauling Vehicles

1. What is the purpose of the Memorandum?

In accordance with the National Bridge Inspection Standards (NBIS), all highway bridges on public roads must be rated and posted, if required, for all legal loads and unrestricted routine permit loads. The Memorandum reminds States that the Specialized Hauling Vehicles (SHVs) must be considered in bridge load rating and posting if such vehicles are legally allowed to cross the bridge.

2. What are SHVs?

The SHVs, referred to in the Memorandum and the American Association of State Highway and Transportation Officials (AASHTO) Manual for Bridge Evaluation (MBE), are closely-spaced multi-axle single unit trucks introduced by the trucking industry in the last decade. Examples include dump trucks, construction vehicles, solid waste trucks and other hauling trucks. Some SHVs are equipped with lift/drop axles. The SHVs typically have 4 to 7 axles.

3. Where can I find more information on SHVs?

The National Cooperative Highway Research Program (NCHRP) Project 12-63 studied the developments in truck configurations and State legal loads. The findings of that research were documented in NCHRP Report 575 (published in 2007) on Legal Truck Loads and AASHTO Legal Loads for Posting (http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_575.pdf). The recommendations have been adopted by the AASHTO Subcommittee of Bridges and Structures (SCOBS) into the AASHTO MBE. You can find more information in that report and Articles C6A.4.4.2.1b and C6B.7.2 of the AASHTO MBE.

4. What are the Federal Truck Size and Weight limits?

In accordance with 23 CFR 658.17, the weight and configuration of trucks on Interstate and Defense Highways must meet four limits:

- 1) Single Axle Weight less than or equal to 20,000 lbs;
- 2) Tandem Axle Weight less than or equal to 34,000 lbs;
- 3) GVW less than or equal to 80,000 lbs; and
- 4) Federal Bridge Formula B.

23 CFR 658 also allows exemptions of vehicles exceeding the limits (grandfathered provisions). The pamphlet Bridge Formula Weights (August 2006), FHWA HOP-06-105, provides a summary of the Federal Bridge Formula B.

More information can be found at the web site of FHWA Office of Operations:

<http://ops.fhwa.dot.gov/Freight/sw/index.htm>

5. Why is it important that SHVs be included in bridge load rating and posting?

[NCHRP Project 12-63](#) studied the developments in truck configurations and State legal loads and found that AASHTO Type 3, 3S2 and 3-3 legal loads are not representative of all legal loads, specifically SHVs. It was found that SHV trucks weighing up to 80,000 lbs and meeting the requirement of Federal Bridge Formula B, due to closely-spaced axles, may cause load effects that exceed the stresses induced by the HS-20 loading by up to 22 percent and by the Type 3, 3S2, or 3-3 loads by over 50 percent. SHVs that exceed the four limits set in 23 CFR 658.17 ([See Question #4](#)) may create load effects even greater. Where SHVs are legal to travel in a State, load rating and posting bridges for the Types 3, 3S2, and 3-3 is insufficient to ensure the safe operation and compliance with the NBIS.

6. What are the applicable SHVs referred to in the Memorandum that must be considered in load rating and posting?

SHVs that are legally operated in a State are considered applicable, and must be included in bridge load rating and posting.

Some SHVs may meet the four weight limits set in 23 CFR 658.17 ([See Question #4](#)), and others may exceed one or more limits.

The SHVs that meet the four limits are considered legal in the State, if the State's law does not explicitly exclude the use of such vehicles. The SHVs exceeding the limits are typically state-specific.

The Memorandum focuses on the need to rate and post bridges for the SHVs that meet the four limits. For state-specific legal loads exceeding the weight limits, States should have included those state-specific loads in bridge rating and posting.

7. What are load models for in bridge load rating and posting?

It is impossible to rate and post, if required, bridges for all physical vehicles that are allowed by laws to use bridges, thus load models are developed to represent those vehicles. For example, AASHTO Types 3, 3S2 and 3-3 included in the AASHTO MBE are load models that represent the routine commercial vehicles of 3-axle single trucks, 5-axle tractor semi-trailers (18 wheelers), and 6-axle tractor trailers. These three load models envelope and represent

those vehicles most commonly found on the nation's highway system that meet the four limits set in 23 CFR 658.17 ([See Question #4](#)).

8. What are AASHTO SHV load models?

AASHTO SHV load models provided in the AASHTO MBE represent the SHVs that meet the four limits set in 23 CFR 658.17 ([See Question #4](#)). The AASHTO SHV load models include a Notional Rating Load (NRL), and 4 single unit load models for 4 to 7 axle SHVs denoted by SU4, SU5, SU6, and SU7. The NRL envelopes the four single unit load models and primarily serves as a screening load. If the load rating factor for the NRL is greater than 1.0, the load rating factors for SU4 to SU7 will be greater than 1.0 at the same load rating level.

9. Do AASHTO SHV load models comply with Federal Truck Size and Weight limits?

The AASHTO SHV load models comply with the limits set in 23 CFR 658.17 ([See Question #4](#)), except the weight limit of three axle groups with a distance of exactly 8 ft between two exterior axles.

In accordance with Federal Bridge Formula B, the computed weight limit of a three axle group is 42,000 lbs, if the distance of two exterior axles is equal to 8 ft. However, if the distance is slightly greater than 8 ft by a fraction of an inch, the weight limit for a three axle group is allowed up to 42,000 lbs. It should be noted that the AASHTO SHV load models are not actual vehicles, but models that envelope and represent the actual SHVs meeting the four limits, including the SHVs having a 3 axle group weighing up to 42,000 lbs with an axle distance between two exterior axles slightly greater than 8 ft.

In other words, the AASHTO SHV load models are models for SHVs that for all practical purposes meet the four limits set in 23 CFR 658.17 ([See Question #4](#)).

10. What are state-specific SHV load models?

Load limits set in 23 CFR 658.17 apply to Interstate and Defense Highways. Interstate Highways in States with grandfathered exemptions, and other highways and roads owned by States or local agencies may allow vehicles including SHVs that exceed the four limits ([See Question #4](#)). State-specific legal load models are developed by a State to represent the vehicles specific to the State. State-specific SHV load models, if any, represent the SHVs exceeding one or more of the four limits, operating legally in the State.

11. Do all States need to have state-specific legal load models?

No, a State does not need to develop state-specific legal load models, if the State's law limits vehicle size and weight to the federal bridge weights (the four limits, [See Question #4](#)) without grandfathered exemptions. The legal load models in the AASHTO MBE, including Types 3,

3S2, 3-3, SU4 to SU7, are generally sufficient to represent the vehicles in the State. Otherwise, a State may develop state-specific legal load models for those loads exceeding federal bridge weights (the four limits, [See Question #4](#)) and include those models in bridge rating and posting. A State may also use the actual vehicle configurations in bridge load rating and posting to account for the state-specific legal loads. Again, all highway bridges on public roads must be rated and posted, if required, for all legal loads and unrestricted routine permit loads in accordance with the NBIS to ensure bridge safety.

12. Where can I find information about the weight and size limits of a State's legal loads?

State's motor vehicle code is the state law that governs the truck size and weight limits in a State. Local agencies may have their own truck size and weight limits for local-owned roads in their jurisdiction. State's load rating manuals may include state-specific load models representing the state-specific legal loads. For example,

Code of Alabama, Title 32, Chapter 9, Trucks, Trailers, and Semi-Trailers,
<http://alisondb.legislature.state.al.us/acas/ACASLoginMac.asp>

Delaware Code, Title 21, Motor Vehicles Operation and Equipment, Chapter 45, Size and Weight of Vehicles and Loads, <http://delcode.delaware.gov/title21/>

Georgia Code, Title 32, Chapter 6, Article 2. Dimensions and Weight of Vehicles and Loads, <http://www.lexisnexis.com/hottopics/gacode/Default.asp>

13. If the load rating factor for the AASHTO NRL is greater than or equal to 1.0, do I need to rate the four AASHTO single unit SHV loads, i.e. SU4, SU5, SU6 and SU7?

No, the AASHTO NRL is a screening load for the AASHTO SHV loads. It envelopes the four single unit SHV loads, i.e. SU4 to SU7. If the rating factor for the NRL is greater than or equal to 1.0 at either the inventory rating level or operating rating (legal load rating in LRFR) level, the rating factors for SU4 to SU7 will be greater than 1.0 at the same rating level. A rating factor of 1.0 or greater at the operating rating (legal load rating in LRFR) level means that a bridge has a sufficient capacity to take the rating load, and load posting for this load is not required.

Even though the single unit loads SU4 –SU7 are not required in this case, benefits of including those single unit loads in load rating now can be found later when re-rating is required and load posting is found necessary.

14. Is it appropriate and acceptable to ignore the AASHTO NRL, but include SU4, SU5, SU6 and SU7 in bridge load rating analysis?

Yes, it is totally appropriate and acceptable. The AASHTO NRL is simply a screening load model and it can be ignored, if the four single unit load models SU4 – SU7 are included in the load rating analysis. This may be more efficient if computer software is to be used.

15. Can we use SU7, instead of the AASHTO NRL, as a screening load for the four single unit loads SU4 to SU7?

Based on the moments and shears in simple spans given in the AASHTO MBE, SU7 creates higher demands than SU4 to SU6. That means SU7 can be used as a screening load for those simple spans. For other structure types or span arrangements, it is more prudent to use the AASHTO NRL as a screening load, if a screening load is to be used.

16. After reviewing State law, it is concluded that SHVs, within or exceeding the Federal Bridge Weight limits, are not allowed. Do we need to rate and post our bridges for SHVs?

Load rating and posting for SHVs is not required where they cannot legally operate.

However, 23 CFR 658 regulates the truck size and weight on Interstate Highways. States have no authority to prohibit vehicles, including SHVs, which meet the four limits set in 23 CFR 658.17, from Interstate Highways.

Accordingly, Condition A of the Memorandum does not apply to bridges on Interstate Highways. The AASHTO SHV load models must be included in the load rating and posting of Interstate Highway bridges.

17. After reviewing State law, it is found that SHVs exceeding the Federal Bridge Weight limits are not allowed. In addition, State law explicitly precludes the use of certain types of SHVs, such as SHVs with 5 or more axles. Do we need to rate and post our bridges for those SHVs precluded in our State law?

It is not required to rate and post for the SHVs explicitly excluded by law from their use. In this example, SU5, SU6 and SU7 do not need to be taken into account in load rating and posting analysis of bridges on the highways that State law applies.

Please note the answer to [Question #16](#). State law does not apply to Interstate Highways. Bridges on Interstate Highways in the State are still required to include the AASHTO SHV load models SU4 to SU7 in load rating and posting.

18. After reviewing State law, it is concluded that no legal loads exceeding the Federal Bridge Weight limits are allowed, but no provisions exist to preclude the use of SHVs meeting Federal Bridge Weights. Do we need to rate and post our bridges for SHVs?

Yes, if State law does not explicitly prohibit the use of SHVs, the SHVs that meet the four weight limits set in 23 CFR 658.17 ([See Question #4](#)) are considered legal in all States, and therefore, the AASHTO SHV load models must be included in bridge load rating and posting.

19. After reviewing State law, it is found that SHVs exceeding the Federal Bridge Weight limits are allowed. What do we need to do next?

If SHVs exceeding the Federal Bridge Weight limits are allowed to operate without restrictions (no permits are required to freely move in your jurisdiction), State must evaluate if those SHVs create higher load effects than the AASHTO SHV load models, i.e. SU4 to SU7. States may already have state-specific SHV load models for those vehicles, and can compare the state-specific SHV load models to the SU4 to SU7. If a State does not have state-specific load models, the State may consider developing load models for those vehicles. In all circumstances, highway bridges on public roads must be rated and posted, if required, for all legal loads and unrestricted routine permit loads, including the SHVs within or above the four limits set in 23 CFR 658.17 ([See Question #4](#)), in accordance with the NBIS to ensure the bridge safety.

20. After comparing the load effects from a state-specific SHV load model to those created by the AASHTO SHV load models, it is concluded that our state-specific SHV load model envelopes all of the AASHTO SHV load models. Do we need to rate and post our bridges for the AASHTO SHVs, i.e. SU4 to SU7?

The answer to this question includes two parts:

- 1) For bridges which have sufficient capacity for the state-specific legal load, in other words, load posting is not required for the state-specific SHV load:

If the state-specific SHV model has been included in the bridge load rating and posting, load rating and posting for the AASHTO SHVs, i.e. SU4 – SU7, is not required.

- 2) For bridges which are required to be posted for this state-specific SHV load:

The AASHTO SHV load models SU4 to SU7 need to be included in the load rating and posting so as to determine the appropriate safe posting loads.

21. How do we compare SHVs?

Simply comparing the axle weights, axle spacings, and GVWs between vehicles is typically insufficient.

Comparing load effects, such as moments and shears, created by vehicles is sometimes enough, but insufficient in other circumstances. When a vehicle creates higher load effects than another vehicle and a bridge has sufficient capacity for the first vehicle, this bridge will have sufficient capacity for the second vehicle. However, if this bridge does not have sufficient capacity for the first vehicle, it is not certain whether this bridge has sufficient capacity for the second vehicle. If this bridge is posted on the basis of the rating tonnage of the first vehicle, the posting load may be less conservative or too restrictive for the second vehicle.

To compare different vehicles or loads, load ratings are the values to be compared.

A parametric comparison may be conducted easily for simple cases, such as simple spans with a uniform girder section. In other situations, a parametric evaluation may require additional efforts. The results or conclusions drawn from a parametric study for a specific structural type is usually only applicable to the structure type studied.

Note that a parametric study can narrow down the number of bridges which require rating for the AASHTO SHV loads.

Example:

A State may perform a parametric study on simple spans. The conclusions or results from the study should be only applied to simple spans. Since a large portion of bridge inventory falls into this structural type, a parametric study on simple spans may significantly reduce the number of bridges to be rated for the AASHTO SHV loads.

Maximum live load moments and shears in simple spans resulted from the AASHTO legal loads are available in the AASHTO MBE. The State may have already had the maximum live load moments and shears in simple spans created by a state-specific legal load. A comparison of load ratings between the AASHTO SHV load models and the state-specific legal load can be done as follows:

- Set the rating factor (RF) for the state-specific legal load equal to a series of values, such as $RF_1 = 1.0, 0.95, 0.90, 0.85, 0.80$ etc.
- Compute the load ratings (RT) for the state-specific legal load, $RT_1 = RF_1 \times GVW_1$.
- Compute the corresponding rating factors and load ratings for the AASHTO SHV load models, i.e. SU4 to SU7,

$$RF = RF_1 \times \frac{LL_1}{LL}$$

$$RT = RF \times GVW$$

- Compare the load ratings (RT and RT_1) between the AASHTO SHV legal loads and the state-specific legal load.

22. SHV vehicles with 5 thru 7 axles do not operate in our State due to economic considerations. Therefore, SU5 thru SU7 vehicles are not operating in our State at a frequency worthy of consideration as a legal load vehicle. WIM data supports this conclusion. The problem is the SHVs are not prohibited to operate in our State by statute. Do we need to include SU5 to SU7 in our load rating?

Yes. As stated in the Memorandum, any SHV configurations that State law does not explicitly exclude shall be rated and posted if required.

23. We plan to use a single posting load for the single unit SHVs. Can we just use the AASHTO NRL to rate bridges and determine the posting limits, instead of using SU4 to SU7?

No, the AASHTO NRL is a screening load only and it should not be used to determine the safe posting load. If the rating factor for the AASHTO NRL is lower than 1.0, there are two points to consider:

- Rating factors for SU4 to SU7 may not be lower than 1.0 and no posting is required for the single units that have a rating factor greater than or equal to 1.0; and
- Rating tonnage for the AASHTO NRL is typically higher than the rating tonnage for SU4 to SU7. That means using the rating tonnage of the AASHTO NRL to post bridges for SU4 to SU7 is not conservative.

24. Which load rating methods are acceptable for load rating of the AASHTO SHVs?

The selection of load rating method should comply with FHWA's Policy Memorandum on Bridge Load Ratings for the National Bridge Inventory, dated October 30, 2006.

The memo can be downloaded from FHWA Bridge website:

<http://www.fhwa.dot.gov/bridge/nbis/103006.cfm>

25. Are Assigned Load Ratings acceptable for load rating of the AASHTO SHVs?

Yes, under certain conditions. Assigned Load Ratings are valid, if the conditions in the Assigned Load Ratings memorandum dated September 29, 2011 are met.

The Assigned Load Ratings memo can be downloaded from FHWA Bridge website:

<http://www.fhwa.dot.gov/bridge/110929.cfm>

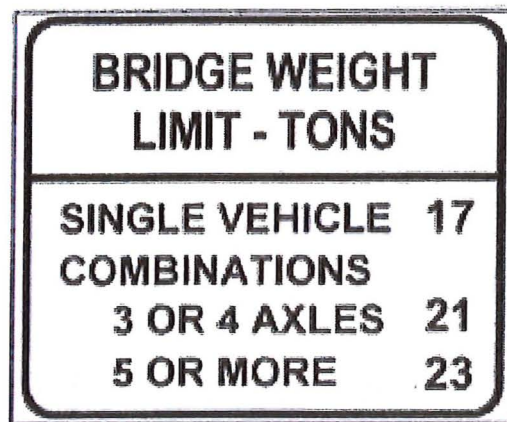
26. What type of load posting signs should be use?

In accordance with the AASHTO MBE, posting signs should conform to the MUTCD requirements. Prior to and after the issuance of the Memorandum, FHWA Office of Bridges

and Structures received a number of inquiries and comments on how to reasonably and appropriately post bridges for the SHVs. Various possible options were reviewed and a conference with the FHWA MUTCD Team in the Office of Operations was conducted in early 2013 to seek input from them. The sign included in the following example is an alternate that complies with the requirements set forth in the MUTCD, assuming appropriate size of characters on the sign is used. If silhouettes, not pre-approved or included in the MUTCD, are to be used, a human factor study must be conducted in order to be MUTCD-compliant.

Posting Sign Example:

It is allowable by the MUTCD for States to modify written posting signs (specifically R12-1 through R12-4) which do not contain silhouettes to meet vehicle configurations. The closest example to this would be the sign used by Illinois (Illinois sign designation R12-I100) shown below. This sign could be modified to include axles for the single vehicle similar to what is used in for combination vehicles.



R12-I100

For single vehicles, it may say something like:

SINGLE VEHICLES

- 3 OR LESS AXLES xxT (This applies to Type 3 or similar.)
- 4 TO 7 AXLES xxT (This applies to SHVs.)

The number of axles on each line would need to be adjusted to each State's vehicle laws and appropriate level in determining the cut-offs for grouping the number of axles together.

Following similar direction, States may come up with other options. However, the sign should not be restrictive to other vehicles except the vehicles that require the restrictions.

An appropriate word sign can also distinguish a single unit vehicle (Type 3, SHV, etc.) and a combination vehicle (Type 3S2, 3-3, etc.), and at the same time not be restrictive to other

vehicle types. Properly signing will ensure the safety of bridges, but will not reduce the mobility of vehicles that should not be restricted.

27. Our triple-axle tandem dump truck can encompass the AASHTO SHVs. We will continue to post for a single tonnage for Single Units based on this triple-axle dump truck and a single tonnage for Combination Unit vehicles. Is this approach appropriate?

As stated in [Questions #20](#) and [21](#), simply comparing load effects is generally insufficient.

If this triple-axle tandem dump truck has a greater GVW, the rating tonnage for this dump truck may be higher than the rating tonnages for certain AASHTO SHV configurations at the same rating level. If a bridge is posted on the basis of the rating tonnage of this dump truck, the single posting load will be less conservative for certain AASHTO SHV configurations.

If this triple-axle tandem dump truck has a smaller GVW, and if a bridge is posted on the basis of the rating tonnage of this dump truck, the posting load may be too restrictive to certain AASHTO SHV configurations.

It is more appropriate to post bridges by using a sign that can distinguish different single unit vehicle configurations, instead of a single tonnage. For more information, see [Question #26](#).

28. In our State Code we have restricted the Bridge Formula on secondary highways by limiting vehicle gross weight. With these restrictions, the SHVs are limited to lower GVWs than AASHTO SU4 to SU7 in the AASHTO MBE. Can we reduce the GVWs of SU4 to SU7 to the lower GVWs according to the State Code?

Yes. The reduced weight should only be used to rate and post bridges on the secondary highways covered by the State Code. For bridges on other highways, the full AASHTO SHV load models specified in the AASHTO MBE should be utilized.

29. My State meets Condition A of the Memorandum. Do we need to take any actions?

Yes, this assessment should be documented. The FHWA Division Office may review this documentation in the future, with assistance from the Office of Bridges and Structures as needed.

Note that the SHVs meeting the four limits set in 23 CFR 658.17 are legal on all Interstate Highways. Condition A can only be met for State and local highways. Therefore, bridges on Interstate Highways must be rated for the AASHTO SHV loads.

30. My State meets Condition B of the Memorandum. Do we need to take any actions?

Yes, this assessment should be documented. The FHWA Division Office may review this documentation in the future, with assistance from the Office of Bridges and Structures as needed.

31. SHVs are not legal in my State. Single unit vehicles with more than 4 axles are not allowed in the State by law, and the 4-axle single unit vehicles that are allowed by State law exceed the load effects of the 4-axle SHVs as defined in the AASHTO MBE. Do we need to take any actions?

Yes, this assessment should be documented. The FHWA Division Office may review this documentation in the future, with assistance from the Office of Bridges and Structures as needed.

The 4-axle single unit vehicle allowed by State law results in a lower rating factor than the AASHTO SU4, since it creates greater load effects. However, if load posting is required and the State 4-axle single unit vehicle has a GVW greater than SU4, the safe posting load for 4-axle single units must be at most the lesser of the load rating tonnage of either the State 4-axle single unit or SU4.

Note that the SHVs meeting the four limits set in 23 CFR 658.17 are legal on Interstate Highways. Bridges on Interstate Highways should be rated for the AASHTO SHV loads.

32. My State's legal rating vehicles produce a greater load effect than the AASHTO SHV load models for all spans greater than 20'. Do we need to take any actions?

Yes, this assessment should be documented. The FHWA Division Office may review this documentation in the future, with assistance from the Office of Bridges and Structures as needed.

In addition, NBIS length bridges may be comprised of spans shorter than 20'; these shorter spans must be included in the assessment.

Please note the answers to the above questions and [Question #21](#). In certain situations, such as when determining posting limits, a vehicle that results in greater load effects, but has a higher GVW may lead to a less conservative posting load. Simply comparing the load effects may not be sufficient.

33. We ran a compilation of typical structures in the State comparing the AASHTO SHVs to our 37.5 Ton tri-axle dump truck of various material types having simple and continuous span configurations at various lengths. The tri-axle dump truck controlled with a lower rating factor than all the AASHTO SHVs (SU4, SU5, SU6, and SU7) for all structures. We believe Condition B applies to us since the tri-axle enveloped all the SHVs. Do we need to take any actions?

Yes, this assessment should be documented. The FHWA Division Office may review this documentation in the future, with assistance from the Office of Bridges and Structures as needed.

Please note the answers to the above questions and [Question #21](#). In certain situations, such as when determining posting limits, a vehicle that results in greater load effects, but has a higher GVW may lead to a less conservative posting load. Simply comparing the load effects may not be sufficient.

34. Is it acceptable to use other criteria to categorize Groups 1 and 2 of the Memorandum?

Yes. The criteria used to categorize bridges in Group 1 or 2 were established based on the approximate level of posting susceptibility to SHVs. In the Memorandum, following the recommendation from SCOBS T-18, 130% operating ratings of Types 3, 3S2 and 3-3 are used as a threshold for Group 1. A similar level of capacity, such as the operating rating of HS 20 (Allowable Stress Rating or Load Factor Rating), may be utilized. However, as stated in the Memorandum, the approach to be used to group bridges must be reviewed and formally accepted by FHWA.

35. My State includes the AASHTO SHVs in State's bridge load rating guide. AASHTO SU4 to SU7 load models have been considered in bridge load rating and posting. Do we need to take any action?

Yes. The State needs to load rate and post bridges, if required, for the loads by the timelines specified in the Memorandum.

Following the timelines in the Memorandum, the FHWA Division Office may randomly sample bridges to assess if these loads have been included in bridge load rating and posting.

Even though it is not explicitly addressed in the Memorandum, State should evaluate whether SHVs exceeding the four limits set in 23 CFR 658.17 are allowed to operate in the State. If allowed, those state-specific SHV loads should be included in bridge rating and posting.

36. What are the timelines for load rating for the AASHTO SHVs?

As stated in the Memorandum, the completion dates for Groups 1 and 2 are December 31, 2017 and December 31, 2022, respectively. It should be noted that if a re-rating is warranted ahead of the group completion date, due to changes of structural condition, loadings, configuration, or for other reasons, the re-rating should include the AASHTO SHVs.

37. Who do we contact for assistance?

The FHWA Division Bridge Engineer will be your first level of contact. As needed, the Division Bridge Engineer will be assisted by FHWA's Office of Bridges and Structures and Resource Center in providing assistance or further clarifications.

Team Members:

Office of Infrastructure – Bridges and Structures

Barry Brecto, Senior Bridge Safety Engineer

Tom Drda, Senior Bridge Safety Engineer

Lubin Gao, Senior Bridge Engineer – Load Rating

Gary Moss, Senior Structural Engineer

Jon Nekritz, Senior Bridge Safety Engineer

John Thiel, Senior Bridge Safety Engineer

Resource Center

Tom Saad, Senior Structural Engineer



**Office of Bridges and Structures
Resource Center
Federal Highway Administration
March 2014**

Bridges & Structures



U.S. Department of
Transportation
**Federal Highway
Administration**

MEMORANDUM

Subject: **INFORMATION:** Load Rating of Specialized Hauling
Vehicles

Date: November 15, 2013

From: /s/ Original Signed by
Joseph S. Krolak
Acting Director, Office of Bridge Technology

Reply to HIBT-10
Attn. of:

To: Federal Lands Highway Division Engineers
Division Administrators

The purpose of this memorandum is to clarify FHWA's position on the analysis of *Specialized Hauling Vehicles* (SHVs) as defined in the AASHTO Manual for Bridge Evaluation (MBE) during bridge load rating and posting to comply with the requirements of the *National Bridge Inspection Standards* (NBIS). The intent of the load rating and posting provisions of the NBIS is to insure that all bridges are appropriately evaluated to determine their safe live load carrying capacity considering all unrestricted legal loads, including State routine permits, and that bridges are appropriately posted if required, in accordance with the MBE.

The SHVs are closely-spaced multi-axle single unit trucks introduced by the trucking industry in the last decade. Examples include dump trucks, construction vehicles, solid waste trucks and other hauling trucks. SHVs generally comply with Bridge Formula B and are for this reason considered legal in all States, if a States' laws do not explicitly exclude the use of such vehicles.

NCHRP Project 12-63 (Report 575, 2007) studied the developments in truck configurations and State legal loads and found that AASHTO Type 3, 3-S2 and 3-3 legal vehicles are not representative of all legal loads, specifically SHVs. As a result, legal load models for SHVs were developed and adopted by AASHTO in 2005, recognizing that there is an immediate need to incorporate SHVs into a State's load rating process, if SHVs operate within a State. The SHV load models in the MBE include SU4, SU5, SU6 and SU7 representing four- to seven-axle SHVs respectively, and a Notional Rating Load (NRL) model that envelopes the four single unit load models and serves as a screening load. If the load rating factor for the NRL model is 1.0 or greater, then there is no need to rate for the single-unit SU4, SU5, SU6 and SU7 loads. However, if the load rating factor for the NRL is less than 1.0, then the single-unit SU4, SU5, SU6 and SU7 loads need to be considered during load rating and posting.

The SHVs create higher force effects, and thus result in lower load ratings for certain bridges, especially those with a shorter span or shorter loading length such as transverse floor beams, when compared to AASHTO Type 3, 3-S2 and 3-3 legal loads and HS20 design load. Therefore, SHVs, i.e., SU4, SU5, SU6 and SU7 or NRL, are to be included in rating and posting analyses in accordance with Article 6A.2.3 and Article 6B.9.2 of the 1st Edition of the MBE (Article 6B.7.2 of the 2nd Edition of the MBE), unless one of the following two conditions is met:

Condition A: The State verifies that State laws preclude SHV use; or

Condition B: The State has its own rating vehicle models for legal loads and verifies that the State legal load models envelope the applicable AASHTO SHV loading models specified in Appendix D6A and Figure 6B.9.2-2 of the 1st Edition of the MBE (Figure 6B.7.2-2 of the 2nd Edition of the MBE), and the State legal load models have been included in rating/posting analyses of all bridges. The SHV types, e.g. six- or seven-axle SHVs, precluded by State laws need not be considered.

The SHV load models apply to Allowable Stress Rating, Load Factor Rating, and Load and Resistance Factor Rating in accordance with Section 6A and 6B of the MBE.

The FHWA recognizes that there are bridges in the inventory that have not been rated for SHVs and that it is not feasible to include SHVs in the ratings for the entire inventory at once. FHWA is establishing the following timelines for rating bridges for SHVs, if neither Condition A or B is met:

Group 1: Bridges with the shortest span not greater than 200 feet should be re-rated after their next NBIS inspection, but no later than December 31, 2017, that were last rated by:

- a. either Allowable Stress Rating (ASR) or Load Factor Rating (LFR) method and have an operating rating for the AASHTO Routine Commercial Vehicle either Type 3, Type 3S2, or Type 3-3 less than 33 tons (English), 47 tons (English), or 52 tons (English) respectively; or
- b. Load and Resistance Factor Rating (LRFR) method and have a legal load rating factor for the AASHTO Routine Commercial Vehicle, either Type 3, Type 3S2 or Type 3-3, less than 1.3.

Group 2: Rate those bridges not in Group 1 no later than December 31, 2022.

For either group, if a re-rating is warranted due to changes of structural condition, loadings, or configuration, or other requirements, the re-rating should include SHVs.

The selection of load rating method should comply with FHWA's Policy Memorandum [Bridge Load Ratings for the National Bridge Inventory, dated October 30, 2006](#).

A State may utilize an alternative approach in lieu of the above to address the load rating for SHVs for bridges in their inventory; however, the approach must be reviewed and formally accepted by FHWA.

The timeline presented above will be incorporated into the review of Metric 13 under the National Bridge Inspection Program (NBIP); specifically, it is expected that all bridges meeting Group 1 criteria be load rated for SHVs by the end of 2017. Please work with your State to assist them in developing appropriate actions to meet those timelines. If your State is currently developing or implementing a Plan of Corrective Actions (PCA) for load rating bridges, the PCA should be reviewed and modified as necessary to take into account the rating of SHVs for those bridges and these timelines.

We request that you share this memorandum with your State or Federal agency partner. All questions that cannot be resolved at the Division Office level should be directed to Lubin Gao at lubin.gao@dot.gov or at 202-366-4604.

PDF files can be viewed with the [Acrobat® Reader®](#)

5.5 BRIDGE PLAN INFORMATION FOR LOAD RATING

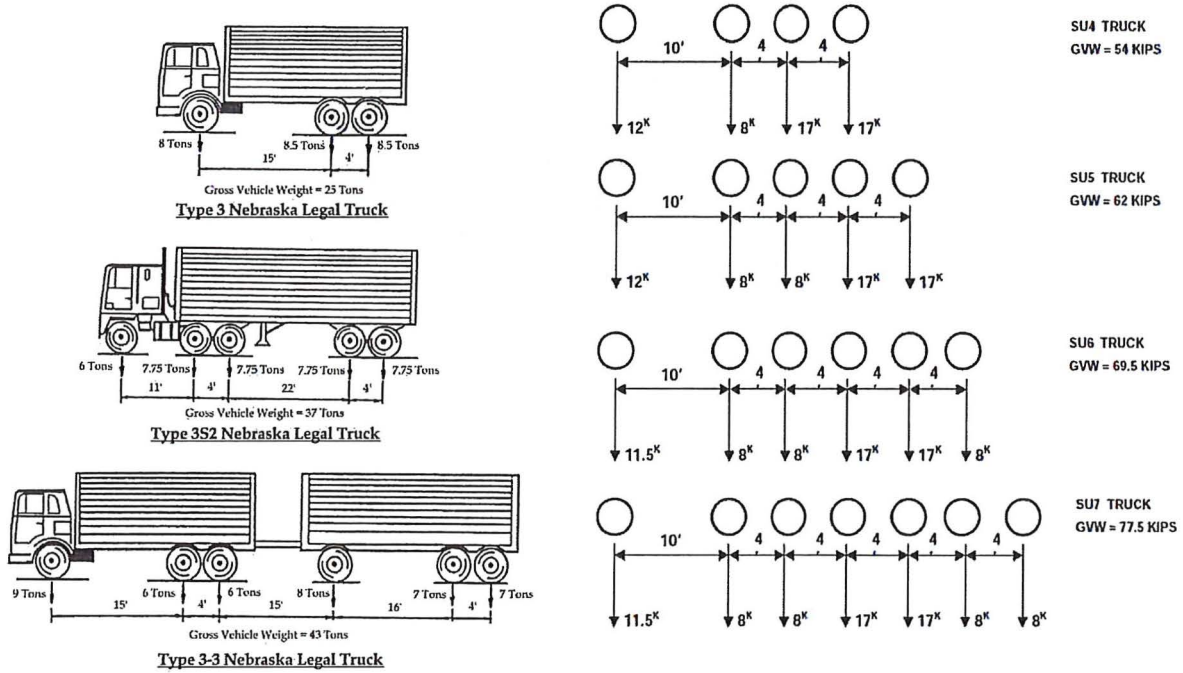
Bridge Owners must keep information needed for load rating and structural analysis for their bridges under their jurisdiction. See Chapter 2, Bridge Inspection Program Records covering Owner's records.

NDOR has developed a Bridge Document Management System (BDMS) that is an archive of data and plans that have been compiled from information available from a variety of sources for both state and non-state bridges. The BDMS contains plans, measurements, shop plans, inspection reports, inspection photos and load rating information. NDOR can only accept plans in electronic format for inclusion in the archive.

This ftp site is available for Bridge Owners, FHWA and consultants via password. Bridge Owners may use the ftp site as a location for backup of their documents. Bridge Owners must still maintain the official Bridge File on site (See Chapter 2, Bridge Inspection Program Records).

5.6 NEBRASKA LEGAL TRUCKS

Load ratings are completed for seven types of legal trucks as well as for design loading as required by AASHTO. Type 3 and Special Hauling Vehicles (SHVs) SU4, SU5, SU6, and SU7 are all single units. Load rating vehicles are representative of trucks typically using roads in the United States.



Nebraska Legal Trucks

-  - Single Unit Truck: Type 3 and SU4, SU5, SU6, and SU7
-  - Type 3S2
-  - Type 3-3

Typical Truck Configurations for Posting Sign

These photos generally depict the configuration of each Legal truck.



NE Type 3



NE Type 3S2



NE Type 3-3

These photos generally depict the configuration of the SHVs.



SU4



SU5



SU6



SU7

5.7 BRIDGE LOAD POSTING

5.7.1 General

The Bridge Owner must have a current load rating in the Individual Bridge Record at the Owner's office. The load rating shall be prepared by a Load Rating Engineer and documented on the Load Rating Summary Sheet which shall be accessible to determine load capacities and postings.

As a general rule, bridges capable of carrying Nebraska legal truck loads do not require posting. A bridge shall be load posted at the Recommended Posting from the LRE shown on the LRSS for the Nebraska legal trucks. All bridges requiring posting shall be posted at the Operating Level or below. All bridges with a load rating less than 3 Tons at the Operating Level for any legal truck shall be closed and barricaded to all traffic.

Bridge Owners or their consultant LRE are responsible for reviewing inspection reports and assessing the structures regarding the need to revise the load rating. The LRE notifies the Bridge Owners if a structure's load rating indicates load posting is required or if the bridge should be closed due to the load rating.

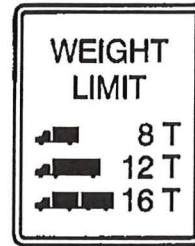
See Deadlines for this work in this Chapter.

5.7.2 Bridge Weight Limit Signs



R12-1
24"x30"

White with black letters



R12-5
30"x36"

White with black letters

The weight limit sign shall be used to indicate restrictions pertaining to total vehicle weight including cargo.

The R12-5 three-truck sign shall be used on all Arterial and Collector Roads as classified by the NE Board of Public Roads Classifications and Standards. The R12-5 sign shall also be used on roads classified as Local Roads when the local road experiences heavy vehicles that support a site specific operation, such as a feed lot.

NDOR highly recommends that Bridge Owners use the R12-5 sign showing three truck-posting for **all** structures that require load posting. Note that on the R12-5 sign, the top line showing the Type Single Unit (TSU) tonnage is governed by the lowest of Nebraska Type 3, SU4, SU5, SU6 or SU7. The R12-1 single limit sign, which would show the lowest tonnage truck, unnecessarily limits the use of the structure.

Weight limit signs should be installed in accordance with the Manual on Uniform Traffic Control Devices. NDOR also recommends that advance notice signs be installed at the intersections closest to the load posted bridge.

5.7.3 Data from the Load Rating Summary Sheet

In the “Ratings and Loads” section, the “Legal” column contains the values **calculated** by the LRE for each of the Nebraska legal trucks.

The Owner shall not load post a bridge higher than values shown in the LRSS.

- If any values shown in the LRSS are less than the gross vehicle weight (GVW) for the Nebraska trucks, then the bridge must be load posted.
- The GVW for the seven truck types are as follows:

Type 3	Type 3S2	Type 3-3	
25 Tons	37 Tons	43 Tons	
SU4	SU5	SU6	SU 7
27 Tons	31 Tons	34.75 Tons	38.75 Tons

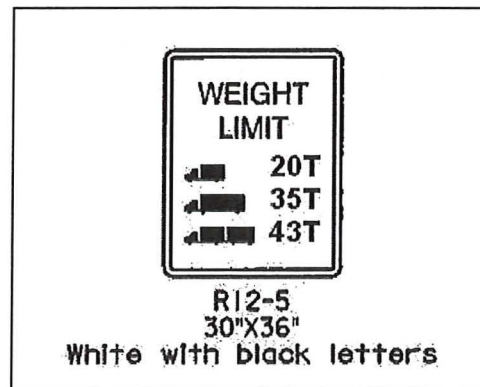
- If any values shown in the LRSS are **more** than the gross vehicle weight for the Nebraska trucks, no load posting is required for that vehicle.
- A value of “N/A” indicates that posting is not required for that specific truck. If a sign is installed for that truck, the gross vehicle weight for the Nebraska legal weight should be on the sign (**TSU = 25 Tons [Type 3 governs], Type N3S2 = 37 Tons, and Type N3-3 = 43 Tons**).

See the example that follows.

The LRSS shows these values.

Ratings and Loads							
Deck (58): 5 Fair				Superstructure (59): 6 Satisfactory			
Design Load (031): 1 M 9 (H 10)							
Operating Type (063): 1 LF Load Factor						Overlay T	
Inventory Type (065): 1 LF Load Factor							
Truck	Inventory Rating		Operating Rating		Legal		Recommended Posting (tons)
	Rating Factor	Tons	Rating Factor	Tons	Rating Factor	Tons	
H-20	0.58	11.6	0.97	19.4			N/A
HS-20	0.42	15.1	0.71	25.5			N/A
SU4					0.84	20.1	-
SU5					0.76	23.5	-
SU6					0.68	23.6	-
SU7					0.64	24.8	-
NE Type 3					0.94	23.5	20
NE Type 3S2					0.97	35.8	35
NE Type 3-3					1.04	44.7	43

The three-truck posting sign would look like the following. Note the Type Single Unit is controlled by the SU4 loading and this value is placed in the "Recommended Posting" location for the Type 3 vehicle. Also, since the capacity of the bridge for the Type 3-3 vehicle exceeds the vehicles weight, the legal load of 43 Tons is shown on the sign.



The single-truck posting sign would look like the following. Note that NDOR recommends using the three-truck sign for all roads. An Owner may use the single-truck signs, but only on local roads.



- 2016 March, Revision 4: This revision included removal of Pontis references where necessary as well as other minor edits. Item 58 was updated to give additional guidance on rating structures with new overlays. A new table in Section 4.8 was added to give guidance on fracture critical superstructure types. Clarification was added to require a note in BrM for any NBI Condition item rated 5 or lower.
- 2017 March, Revision 5: This revision included a rework of Chapter 5 – Bridge Load Rating. Significant updates include the addition of Special Hauling Vehicles to the load rating vehicles, guidance on how to post for these additional vehicles, details about the new Load Rating Summary Sheet, and computational means using AASHTOWare.
- 2017 November, Revision 5.1: This revision included an update to Chapter 4 Section 9 – Underwater Bridge Inspection. Two sub-sections were added for sounding and channel cross-sections, and submittals to NDOT and other owners. Additional clarification was added as well. Updated “NDOR” and “Roads” to “NDOT” and “Transportation” in Chapter 4.

Bridges & Structures



U.S. Department of
Transportation
**Federal Highway
Administration**

MEMORANDUM

Subject: **ACTION:** Load Rating for the FAST Act's
Emergency Vehicles

Date: November 3, 2016

From: /s/ Original Signed by
Joseph L. Hartmann, Ph.D., P.E.
Director, Office of Bridges and Structures

In Reply HIBS-1
Refer To:

To: Division Administrators
Federal Lands Highway Division Directors

On December 4, 2015, the President signed into law the *Fixing America's Surface Transportation Act* (FAST Act) (Pub. L. 114-94). Section 1410 of the FAST Act amended 23 U.S.C. 127, *Vehicle weight limitations—Interstate System*, by revising the weight limits for certain vehicles on the Interstate System. The purpose of this memorandum is to provide guidance on maintaining compliance with the load rating and posting requirements of 23 CFR Part 650—specifically for the amended weight limits in 23 U.S.C. 127 (r), *Emergency Vehicles*, for bridges on the Interstate System and within reasonable access to the Interstate System. Reasonable access is defined in a September 30, 1992 Non-Regulatory Supplement to 23 CFR Part 658 as at least one-road-mile from access to and from the National Network of highways, which includes the Interstate System, or further if the limits of a State's reasonable access policy for food, fuel, repairs, and rest extend to facilities beyond one-road-mile.

An emergency vehicle as defined in the FAST Act is designed to be used under emergency conditions to transport personnel and equipment to support the suppression of fires and mitigation of other hazardous situations (23 U.S.C. 127(r)(2)). The gross vehicle weight limit for emergency vehicles is 86,000 pounds under section 127(r). The statute imposes the following additional limits, depending upon vehicle configuration:

- 24,000 pounds on a single steering axle
- 33,500 pounds on a single drive axle
- 62,000 pounds on a tandem axle
- 52,000 pounds on a tandem rear drive steer axle

Emergency vehicles are typically operated by fire departments and are primarily equipped for firefighting, but are also used to respond to and mitigate other hazardous situations in an emergency. These vehicles may not meet Federal Bridge Formula B. They can create higher load effects compared to the AASHTO legal loads (i.e., Types 3, 3S2, 3-3, and SU4 to SU7) which are currently included in the AASHTO Manual for Bridge Evaluation (MBE). The Federal Highway Administration (FHWA) has determined that, for the

purpose of load rating, two emergency vehicle configurations produce load effects in typical bridges that envelop the effects resulting from the family of typical emergency vehicles that is covered by the FAST Act:

1. Type EV2 - for single rear axle emergency vehicles

Front Single Axle: 24,000 pounds

Rear Single Axle: 33,500 pounds

Wheelbase: 15 ft.

2. Type EV3 - for tandem rear axle emergency vehicles

Front Single Axle: 24,000 pounds

Rear Tandem Axle: 62,000 pounds (two 31,000 pound axles spaced at 4 ft.)

Wheelbase: 17 ft. (distance from front axle to the centerline of rear tandem axle)

Load ratings (or rating factors) should be determined for these emergency vehicle configurations i.e., Types EV2 and EV3, at the operating or legal load rating level in accordance with the methods specified in the AASHTO MBE, First Edition with two exceptions:

1. Multiple presence: If necessary, when combined with other unrestricted legal loads for rating purposes, the emergency vehicle needs only to be considered in a single lane of one direction of a bridge.
2. Live load factor: A live load factor of 1.3 may be utilized in the Load and Resistance Factor Rating (LRFR) or Load Factor Rating (LFR) method.

Under 23 CFR 650.313(c), all highway bridges must be load rated and, if necessary, posted in accordance with the MBE. Recognizing that States and Federal agencies cannot immediately load rate every **Interstate System bridge and bridges within reasonable access to the Interstate**, FHWA recommends utilizing the following approach to prioritize load rating and posting for emergency vehicles:

Group 1: Bridges that meet any one of the following criteria do not need to be immediately load rated for emergency vehicles.

- a. An operating or legal load rating factor for the AASHTO Type 3 vehicle of at least 1.85;
- b. an inventory rating factor for the HS 20 design load of at least 1.0 using the LFR method, or
- c. an inventory rating factor for the HL-93 design load of at least 0.9 using the LRFR method.

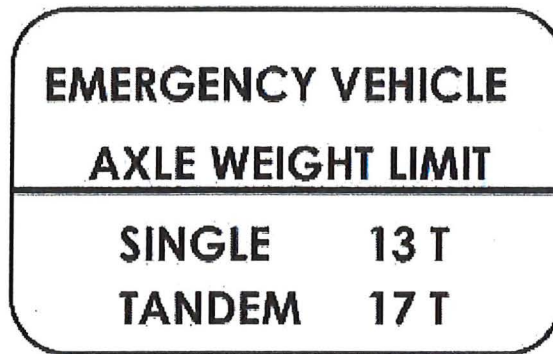
However, the bridges in this group shall be rated for the emergency vehicles when a normal re-rating is warranted, including changes in structural condition and other loadings.

Group 2: Bridges not in Group 1 should be rated for the emergency vehicles following their next inspection to incorporate the latest condition of the bridge, but no later than December 31, 2019. Emergency vehicles should be included in any new load ratings for these bridges when the load ratings occur before December 31, 2019.

If a State or Federal agency wants to utilize an alternative approach in lieu of the above to group bridges in an inventory for the purpose of prioritization, it should seek FHWA's review and concurrence of the alternative approach. Regardless of the prioritization approach used, the selection of load rating method

should comply with FHWA's Policy Memorandum [Bridge Load Ratings for the National Bridge Inventory, dated October 30, 2006](#).

When a load rating results in an operating rating factor less than 1.0 for the emergency vehicles, the bridge shall be appropriately posted for both the governing single axle weight limit and tandem axle weight limit derived from the above emergency vehicle configurations, i.e., Types EV2 and EV3 (23 CFR 650.313(c)). When posting is necessary, the following sign format, using the appropriate weight limits, should be considered:



If a State law allows or exempts emergency vehicles to operate without restriction off the Interstate System as legal loads, 23 CFR 650.313(c) requires bridges on these highways to be load rated and posted, if necessary, for these vehicles. Unless State law relies on a different definition of emergency vehicle than that included in the FAST Act (23 U.S.C. 127(r)(2)), States can perform load ratings on these highways using the two emergency vehicle configurations included in this memorandum.

Division Offices should work with their State DOT or Federal agency partners to develop an action plan by March 31, 2017, with defined tasks, completion dates, and progress reporting requirements. Although this guidance focuses on highway bridges, 23 CFR 650.513(g) also requires States and Federal agencies to load rate and post highway tunnels, if necessary. Therefore, the action plan should also incorporate highway tunnels. States and Federal agencies should load rate tunnels for the emergency vehicle configurations above by December 31, 2019. Each Division Office should coordinate this action plan with its Bridge Safety Engineer.

We request that you share this memorandum with your State DOT or Federal agency partners immediately. If you have any questions or need more information, please contact Lubin Gao at (202) 366-4604 or Lubin.Gao@dot.gov, or your Bridge Safety Engineer.

cc:

Directors of Field Services
Director of Technical Service
HIBS-10
HIBS-30
HRDI-1
Team Manager, RC Structures TST
Branch Chief, FLH Bridge Engineer

Federal Highway Administration | 1200 New Jersey Avenue, SE | Washington, DC 20590 |
202-366-4000

Load Rating Summary

Structure ID: **C005511210**
 Location: **1N Of Raymond**

Analyst: **AStubbe**
 QC By: _____
 Analysis Date: December 28, 2017

Structure Identification

Feature Intersected : **North Oak Creek (C 224)**
 Material Main Span: **3 Steel**
 Design for Main Span: **10 Truss-Thru**
 Year Built: **1978**

County: **Lancaster(109)**
 National Highway System Indicator: **0 Not on NHS**
 District: **District 1**
 Administrative Area: **901 - Unknown**

Maintainer : **02 County Hwy Agency**
 Owner : **02 County Hwy Agency**

Name: **Single Span Gusset Thru Truss Bridge w/ (2) multi-girder approach spans**
 Emergency Route: **Off**

Description

90.0ft Single Span, steel, gusset thru truss, with a concrete filled corrugated metal deck. There is also one 30.0ft multi-girder approach span with a concrete filled corrugated metal deck, on each end of the bridge.

Ratings and Loads

Deck (58): 7 Good Superstructure (59) : 5 Fair Substructure (60) : 7 Good Culvert (62) : N N/A

Design Load (031): **5 MS 18 (HS 20)** Type of Overlay : **None**
 Operating Type (063): **1 LF Load Factor** Overlay Thickness / Fill Height (in): **0.0in**
 Inventory Type (065): **1 LF Load Factor**

Truck	Inventory Rating		Operating Rating		Legal		Recommended Posting (tons)	Member	Control Location			Limit State
	Rating Factor	Tons	Rating Factor	Tons	Rating Factor	Tons			Span	Location (ft)	Percent of Span	
HS-20(lane)	0.638	22.97	1.066	38.36			N/A	FB1	1	13.00	50.0	Design Flexure - Steel
HS-20(axle)	0.586	21.08	0.978	35.20			N/A	FB1	1	13.00	50.0	Design Flexure - Steel
SU4					1.022	27.60	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU5					0.978	30.31	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU6					0.882	30.65	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU7					0.833	32.28	-	FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3					1.216	30.39	30	FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3S2					1.241	45.91		FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3-3					1.233	53.02		T1	1	L2L3	-	Design Tension - Steel
EV2					1.066	30.65	30	FB1	1	13.00	50.0	Design Flexure - Steel
EV3					0.676	29.09	29	FB1	1	13.00	50.0	Design Flexure - Steel
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-

Weight Limit Posting Requirements



EMERGENCY VEHICLE AXLE WEIGHT LIMIT	
SINGLE	30
TANDEM	29

Documentation

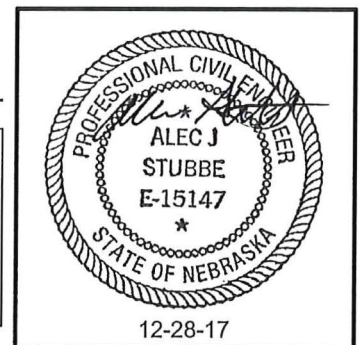
Rating Information Provided: Plans Field Measurements
 Testing No Information Exists

BrR Computations Submitted : **Yes**
 Analysis Engine Version : **AASHTO BrR Version 6.8.2**

Additional Comments

See the following page for additional comments.

NE Professional Engineering Seal



The Rating and Posting values for this structure are based on a theoretical analysis of the structural elements involved and on a limited amount of information concerning the structural condition. These weight limits are intended only as a general guideline and may be varied accordingly by the officials responsible for this structure after an investigation of the structural condition, reaction to vehicular loads and any other items where judgment is required to establish a proper weight limit.

Load Rating Summary

Structure ID: **C005511210**

Location: **1N Of Raymond**

Analyst: **AStubbe**

QC By: _____

Analysis Date: December 28, 2017

Additional Comments: (Continued)

The bridge load rating is shown on the previous page and is higher than the current posting of 23T, 36T, and 43T for Type 3, 3S2, and 3-3 Trucks respectively. Load posting shown on the previous page is recommended to be adjusted accordingly.

Refer to C005511210_Calcs_DEC2017.pdf for additional calculations.

The superstructure, including the truss members, gusset plates, floorbeams, and stringers were load rated.

The deck and substructure were not load rated.

Defects: Dent due to impact damager at L1U1 and L4U4, right truss. Did not control rating.

Refer to table for controlling elements. "T" denotes Truss. "FB" denotes Floorbeam. "S" denotes Stringer.

Load Rating Summary

Structure ID: **C005504753R**

Analyst: **AStubbe**

Location: **1S 2E Waverly**

QC By: _____

Analysis Date: December 28, 2017

Structure Identification

Feature Intersected : **Camp Creek (H 83)**

County: **Lancaster(109)**

Material Main Span: **3 Steel**

National Highway System Indicator: **0 Not on NHS**

Design for Main Span: **10 Truss-Thru**

District: **District 1**

Year Built: **1980**

Administrative Area: **901 - Unknown**

Maintainer : **02 County Hwy Agency**

Name: **Single Span Gusset Thru Truss**

Owner : **02 County Hwy Agency**

Emergency Route: **Off**

Description

100.0ft Single Span, steel, gusset thru truss, with a timber deck.

Ratings and Loads

Deck (58): 7 Good

Superstructure (59) : 6 Satisfactory

Substructure (60) : 7 Good

Culvert (62) : N N/A

Design Load (031): **5 MS 18 (HS 20)**

Type of Overlay : **None**

Operating Type (063): **1 LF Load Factor**

Overlay Thickness / Fill Height (in): 0.0in

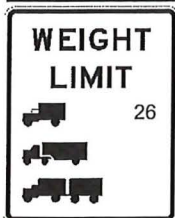
Inventory Type (065): **1 LF Load Factor**

Truck	Inventory Rating		Operating Rating		Legal		Recommended Posting (tons)	Member	Control Location			Limit State
	Rating Factor	Tons	Rating Factor	Tons	Rating Factor	Tons			Span	Location (ft)	Percent of Span	
HS-20(lane)	0.768	27.66	1.283	46.19			N/A	S1	1	10.00	50.0	Design Flexure - Steel
HS-20(axle)	0.586	21.09	0.978	35.22			N/A	S1	1	10.00	50.0	Design Flexure - Steel
SU4					0.978	26.41	-	S1	1	10.00	50.0	Design Flexure - Steel
SU5					0.932	28.88	-	S1	1	10.00	50.0	Design Flexure - Steel
SU6					0.889	30.91	-	S1	1	10.00	50.0	Design Flexure - Steel
SU7					0.889	34.46	-	S1	1	10.00	50.0	Design Flexure - Steel
NE Type 3					1.151	28.77	26	S1	1	10.00	50.0	Design Flexure - Steel
NE Type 3S2					1.262	46.71		S1	1	10.00	50.0	Design Flexure - Steel
NE Type 3-3					1.398	60.10		S1	1	10.00	50.0	Design Flexure - Steel
EV2					0.935	26.87	26	S1	1	10.00	50.0	Design Flexure - Steel
EV3					0.631	27.14	27	S1	1	10.00	50.0	Design Flexure - Steel
-	-	-	-	-	-	-	-	-	-	-	-	-

Weight Limit

Posting

Requirements



EMERGENCY VEHICLE
AXLE WEIGHT LIMIT

SINGLE 26

TANDEM 27

Documentation

Rating Information Provided: Plans Field Measurements
 Testing No Information Exists

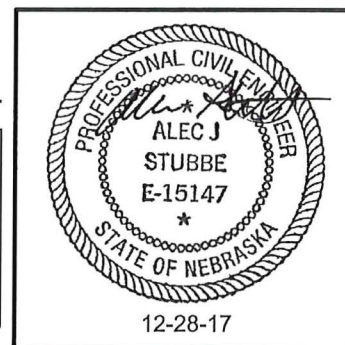
BrR Computations Submitted : **Yes**

Analysis Engine Version : **AASHTO BrR Version 6.8.2**

Additional Comments

See the following page for additional comments.

NE Professional Engineering Seal



12-28-17

The Rating and Posting values for this structure are based on a theoretical analysis of the structural elements involved and on a limited amount of information concerning the structural condition. These weight limits are intended only as a general guideline and may be varied accordingly by the officials responsible for this structure after an investigation of the structural condition, reaction to vehicular loads and any other items where judgment is required to establish a proper weight limit.

Load Rating Summary

Structure ID: **C005504753R**

Location: **1S 2E Waverly**

Analyst: **AStubbe**

QC By: _____

Analysis Date: December 28, 2017

Additional Comments: (Continued)

The bridge load rating is shown on the previous page and is higher than the current posting of 21T, 35T, and 43T for Type 3, 3S2, and 3-3 Trucks respectively. Load posting shown on the previous page is recommended to be adjusted accordingly.

Refer to C005504753R_Calcs_DEC2017.pdf for additional calculations.

The superstructure, including the truss members, gusset plates, floorbeams, and stringers were load rated.

The deck and substructure were not load rated.

No notable defects were found in the inspection report.

Refer to table for controlling elements. "T" denotes Truss. "FB" denotes Floorbeam. "S" denotes Stringer.

Load Rating Summary

Structure ID: **C005512215**

Analyst: **AStubbe**

Location: **4S Raymond**

QC By: _____

Analysis Date: December 28, 2017

Structure Identification

Feature Intersected : **Oak Creek (F 224)**
 Material Main Span: **3 Steel**
 Design for Main Span: **10 Truss-Thru**
 Year Built: **1976**

County: **Lancaster(109)**
 National Highway System Indicator: **0 Not on NHS**
 District: **District 1**
 Administrative Area: **901 - Unknown**

Maintainer : **02 County Hwy Agency**
 Owner : **02 County Hwy Agency**

Name: **Single Span Gusset Thru Truss Bridge w/ (2) multi-girder approach spans**
 Emergency Route: **Off**

Description

90.0ft Single Span, steel, gusset thru truss, with a concrete filled corrugated metal deck. There is also one 49.5ft multi-girder approach span with a concrete filled corrugated metal deck, on each end of the bridge.

Ratings and Loads

Deck (58): 7 Good Superstructure (59) : 6 Satisfactory Substructure (60) : 7 Good Culvert (62) : N N/A

Design Load (031): **5 MS 18 (HS 20)** Type of Overlay : **None**
 Operating Type (063): **1 LF Load Factor** Overlay Thickness / Fill Height (in): **0.0in**
 Inventory Type (065): **1 LF Load Factor**

Truck	Inventory Rating		Operating Rating		Legal		Recommended Posting (tons)	Member	Control Location			Limit State
	Rating Factor	Tons	Rating Factor	Tons	Rating Factor	Tons			Span	Location (ft)	Percent of Span	
HS-20 (lane)	0.638	22.97	1.066	38.36			N/A	FB1	1	13.00	50.0	Design Flexure - Steel
HS-20 (axle)	0.586	21.08	0.978	35.20			N/A	FB1	1	13.00	50.0	Design Flexure - Steel
SU4					1.022	27.60	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU5					0.978	30.31	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU6					0.882	30.65	-	FB1	1	13.00	50.0	Design Flexure - Steel
SU7					0.833	32.28	-	FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3					1.216	30.39	30	FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3S2					1.241	45.91		FB1	1	13.00	50.0	Design Flexure - Steel
NE Type 3-3					1.231	52.94		T1	1	L2L3	-	Design Tension - Steel
EV2					1.066	30.65	30	FB1	1	13.00	50.0	Design Flexure - Steel
EV3					0.676	29.09	29	FB1	1	13.00	50.0	Design Flexure - Steel
-	-	-	-	-	-	-	-	-	-	-	-	-

Weight Limit

Posting Requirements



EMERGENCY VEHICLE AXLE WEIGHT LIMIT

SINGLE 30
 TANDEM 29

Documentation

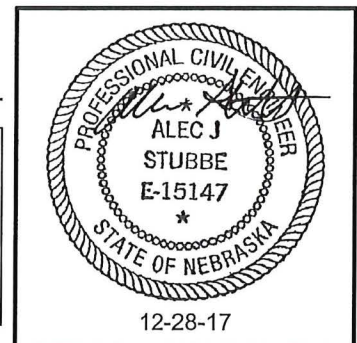
Rating Information Provided: Plans Field Measurements
 Testing No Information Exists

BrR Computations Submitted : **Yes**
 Analysis Engine Version : **AASHTO BrR Version 6.8.2**

Additional Comments

See the following page for additional comments.

NE Professional Engineering Seal



The Rating and Posting values for this structure are based on a theoretical analysis of the structural elements involved and on a limited amount of information concerning the structural condition. These weight limits are intended only as a general guideline and may be varied accordingly by the officials responsible for this structure after an investigation of the structural condition, reaction to vehicular loads and any other items where judgment is required to establish a proper weight limit.

Load Rating Summary

Structure ID: **C005512215**

Location: **4S Raymond**

Analyst: **AStubbe**

QC By: _____

Analysis Date: December 28, 2017

Additional Comments: (Continued)

The bridge load rating is shown on the previous page and is higher than the current posting of 23T, 35T, and 43T for Type 3, 3S2, and 3-3 Trucks respectively. Load posting shown on the previous page is recommended to be adjusted accordingly.

Refer to C005512215_Calcs_DEC2017.pdf for additional calculations.

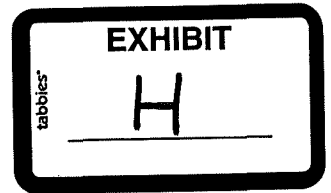
The superstructure, including the truss members, gusset plates, floorbeams, and stringers were load rated.

The deck and substructure were not load rated.

No notable defects were found in the inspection report.

Refer to table for controlling elements. "T" denotes Truss. "FB" denotes Floorbeam. "S" denotes Stringer.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA**



**IN THE MATTER OF)
APPROVAL OF OFFICIAL)
BOND OF PATRICK CONDON,)
LANCASTER COUNTY ATTORNEY)**

RESOLUTION NO. R-18-0019

WHEREAS, the official bonds of all county officers, except the bonds of county commissioners, shall be approved by the county board; and

WHEREAS, Patrick Condon was appointed by the Lancaster County Board of Commissioners to complete the unexpired term of Lancaster County Attorney Joe Kelly, effective March 15, 2018; and

WHEREAS, the official bond for Patrick Condon, Bond No. 133803, dated March 13, 2018, with the oath prescribed by Article XV, Section 1 of the Constitution of Nebraska endorsed thereon, is presented to the Lancaster County Board for approval, a copy of which is included with this Resolution as Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners that pursuant to the authority granted under Neb.Rev.Stat. §11-107 (Reissue 2007), the official bond of Patrick Condon described above is hereby approved, and shall be filed as provided under Neb. Rev. Stat. §11-107.

DATED this _____ day of March 2018.

**APPROVED AS TO FORM
this ___ day of March 2018**

BY THE LANCASTER COUNTY BOARD

Lancaster County Attorney

