

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, FEBRUARY 28, 2019
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
8:30 A.M.**

Commissioners Present: Jennifer Brinkman, Chair; Roma Amundson, Vice Chair; Sean Flowerday and Rick Vest

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Leslie Brestel, 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 February 27, 2019.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

AGENDA ITEM

1) APPROVAL OF STAFF MEETING MINUTES FOR FEBRUARY 21, 2019

MOTION: Amundson moved and Flowerday seconded approval of the February 21, 2019 Staff Meeting minutes.

Brinkman suggested the following changes:

- Correct "Jenson" Park to "Jensen Park" on page 5, under County Board Meetings attended, Item B.
- Clarify that the "Etherton" referred to in the first paragraph is Kim Etherton, Director of the Community Corrections Department on page 8, Item 9B.
- Add "project" to "...33rd & Cornhusker Highway" on page 8, Item 10, 3rd paragraph.

ROLL CALL: Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

2) LEGISLATIVE UPDATE – Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC

Joe Kohout, Kissel, Kohout, ES Associates LLC reviewed the weekly legislative report (Exhibit A).

Silas Clarke, City of Hickman Administrator, will testify at the LB525 (Change provisions relating to the sale of county land in fee simple) hearing.

Regarding LB631 (Create the Medicaid Expansion Implementation Task Force), Brennen Miller, Kissel, Kohout, ES Associates LLC, reported that while the Department of Medicaid and Long-Term Care opposed the bill, the Department said it is not their intent to implement an alternative Medicaid plan. Kohout felt the committee wanted some oversight of the expansion.

When asked about LR8CA (Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions), Kohout felt there are concerns about the bill.

Senator Wishart will not push for the advancement of LB633 (Change provisions relating to real property owner information available to the public).

Kohout felt it would be beneficial to speak with Senator Cavanaugh regarding LB690 (Adopt the Healthy Pregnancies for Incarcerated Women Act). Flowerday offered his assistance if requested.

Sara Hoyle, Human Services Director, will testify in support of LB703 (Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice).

MOTION: Amundson moved and Vest seconded for Hoyle to testify in support of LB174 (State intent relating to appropriations for the Office of Violence Prevention). Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

Kohout clarified the appropriations for LB446 (State intent relating to appropriations for the County Justice Reinvestment Grant Program) are \$1,000,000 per year of the biennium.

Pam Dingman, County Engineer, will testify in support of LB267 (Provide a duty for the county board relating to deficient bridges and authorize a tax levy).

MOTION: Amundson moved and Flowerday seconded to support LB327 (State intent to appropriate funds for an increase in rates paid to behavioral health service providers). Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

Amendments to LB616 (Provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act) and LB230 (Provide for room confinement of juveniles as prescribed) were distributed (Exhibits B and C). Information on the legislative bills and hearing schedules was also available (Exhibits D and E).

3) BENEFITS TIMELINE – Doug McDaniel, Human Resources Director

Paula Lueders, Human Resources Generalist, was also available for the discussion.

Doug McDaniel, Human Resources Director, reviewed the timeline of contracts (Exhibit F).

When asked, McDaniel said he feels there should be quarterly updates from AON and the medical insurance change has been going as expected.

A recommendation for the AON professional services contract will come before the Board later.

4) PENDING & POTENTIAL LITIGATION – Dan Zieg, Lancaster County Deputy County Attorney; Jen Holloway, Lancaster County Deputy County Attorney

MOTION: Amundson moved and Vest seconded to enter Executive Session at 9:10 a.m. for the purposes of pending and potential litigation, and to protect public interest.

The Chair said it has been moved and seconded that the Board enter Executive Session.

ROLL CALL: Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

The Chair restated the purpose for the Board entering Executive Session.

MOTION: Amundson moved and Flowerday seconded to exit Executive Session at 9:24 a.m. Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

5) REPLACEMENT OF DESTROYED CRUISER – Todd Duncan, Lancaster County Chief Deputy Sheriff; and Lancaster County Sheriff Captain John Vik

Todd Duncan, Lancaster County Chief Deputy Sheriff, reported due to the loss of a cruiser, the Sheriff's Office may ask the Board for replacement funds. Patrol cars are approximately \$30,000 without equipment. He noted insurance settlement checks run through the County's General Fund as opposed to the Sheriff's budget.

ACTION ITEM

- A.** Authorize County Attorney, Pat Condon to Sign Certificate of Compliance for U.S. Department of Justice FY2018 Edward Byrne Memorial Justice Assistance Grant Program

MOTION: Amundson moved and Vest seconded to authorize Pat Condon, County Attorney, to sign the Certificate of Compliance. Brinkman, Amundson, Vest and Flowerday voted yes. Schorr was absent. Motion carried 4-0.

CHIEF ADMINISTRATIVE OFFICER REPORT

- A.** Staff Meeting, Tuesday, March 12, 2019

It was the consensus of the Board to hold a staff meeting on March 12 after the regular Board of Commissioners meeting. There will not be a staff meeting on Thursday, March 14 due to the Board's attendance at the Southeast District Nebraska Association of County Officials (NACO) meeting.

- B.** Wilderness Park Title Report and Appraisal

It was the consensus of the Board for a title report and appraisal to be completed for Wilderness Park. The cost of the title search is approximately \$4,000.

CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT

- A.** Board of Equalization Contract (BOE) and Tax Equalization Review Commission (TERC) Discussion, with Bob Walla, Purchasing Department

Dan Zieg, Lancaster County Deputy County Attorney, was also available for the discussion.

Bob Walla, Lincoln-Lancaster County Purchasing Agent, reviewed the following possible additions to a Board of Equalization (BOE) contract with Great Plains Appraisal: monthly invoices/payments, expense reimbursements, rate increases tied to the Midwest Consumer Price Index for Business and a referee hourly rate schedule. He added Great Plains Appraisal would like the contract to be tied to the Tax Equalization and Review Commission (TERC) contract, in which case, they would be willing to renew the BOE contract for three years with the option of another three years.

There was general discussion on how to handle TERC appeals between Kubert Appraisal Group (the contractor for 2018 TERC appeals) and Great Plains Appraisal (the contractor for previous years' TERC appeals).

It was the consensus of the Board for Walla to send Great Plains Appraisal the contract with the additions.

6) REPORT ON ACLU BOND PROJECT – Danielle Conrad, Executive Director, Nebraska ACLU

Danielle Conrad, Executive Director, Nebraska American Civil Liberties Union (ACLU), distributed information regarding the County Bond Fund project (Exhibit G). During the six-month program, 100 individuals were assisted by the bond fund and 115 individuals were helped by warrant forgiveness opportunities. Preliminary data shows cases resolved themselves as they would have without the bail fund. With some funds remaining, the Nebraska ACLU will work with the donors and stakeholders to determine the next step.

Conrad thanked Brad Johnson, Lancaster County Corrections Director, and Joe Nigro, Public Defender, for their assistance during this project.

7) ACTION ITEM

- A.** Authorize County Attorney, Pat Condon to Sign Certificate of Compliance for U.S. Department of Justice FY2018 Edward Byrne Memorial Justice Assistance Grant Program

Item moved forward on agenda.

8) CHIEF ADMINISTRATIVE OFFICER REPORT

- A.** Staff Meeting, Tuesday, March 12, 2019
- B.** Wilderness Park Title Report and Appraisal

Items A-B moved forward on agenda.

9) CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT

- A.** Board of Equalization Contract (BOE) and Tax Equalization Review Commission (TERC) Discussion, with Bob Walla, Purchasing Department

Item A moved forward on agenda.

- B.** Strategic Planning Discussion

There was general discussion on how to start a strategic plan, including involving the public.

Ames will contact the University of Nebraska-Lincoln Public Policy Center to find out the process the City of Lincoln used for their strategic plan.

10) DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

- A.** Lancaster County Fairground JPA – Amundson/Vest

Amundson reported officers were elected and bills were paid.

- B.** Chair & Vice-Chair meeting with Planning – Amundson/Brinkman

Amundson stated they discussed the Concentrated Animal Feeding Operations (CAFO) work group and the Bevans Broiler special permit.

- C.** Lincoln Chamber of Commerce Luncheon – Amundson/Flowerday/Vest

Flowerday said Wendy Birdsall is leaving the Lincoln Chamber of Commerce.

11) SCHEDULE OF BOARD MEMBER MEETINGS

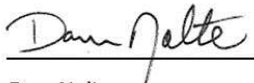
For informational purposes only.

12) EMERGENCY ITEMS

There were no emergency items.

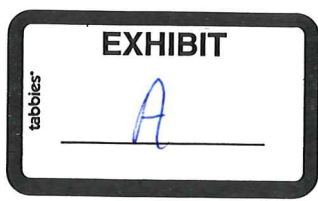
13) ADJOURNMENT

MOTION: Amundson moved and Vest seconded to adjourn at 10:20 a.m. Brinkman, Amundson, Vest and Flowerday voted yes. Schorr 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: February 28, 2019
RE: Weekly Report

Good morning! Please accept this as your weekly report for the 2019 session of the Legislature for the date noted above.

LANCASTER COUNTY PRIORITIES

Competency to Stand Trial. This concept was introduced as LB240 by Senator Matt Hansen. The bill has been referred to the Judiciary Committee for public hearing. The hearing was held on Wednesday, February 20, 2019 at 130pm. Commissioner Flowerday, Brad Johnson and Kim Etherton all testified in support on behalf of Lancaster County. Joe Nigro testified in support on behalf of his office and the Nebraska State Bar Association. There was no opposition and the County Attorneys appeared in neutral capacity.

24/7 Sobriety. Introduced as LB335 by Senator Matt Hansen. The bill was referred to the Judiciary Committee and was heard on Wednesday, February 13, 2019 before the Judiciary Committee. Supporting testimony was offered by Kim Etherton, Joe Nigro and Pat Condon, the County Attorneys Association and the Nebraska Bar Association. Opposition testimony was offered by the Department of Motor Vehicles and MADD. The national coordinator for 24/7 and Douglas County appeared in the neutral capacity. Since the hearing, we have been contacted by the contractors who provide the testing for the program with suggested amendments. Too, we have obtained and forwarded the materials from Director Lahm. Yesterday afternoon, we had a conference call to discuss potential changes to the bill.

Financing of County Bridge Repairs. Introduced as LB267 by Senator Kate Bolz. The bill was referred to the Government, Military & Veterans Affairs Committee. The hearing will be on March 7, 2019.

Licensure of Facilities Providing CPC. Introduced by Senator Anna Wishart as LB200, the bill was referred to the Health and Human Services Committee and the hearing was held on Thursday, January 24, 2019. Commissioner Flowerday testified on behalf of the Board. Other testifiers included Tammy Stevenson and Chief Blimeister. The Department of Health and Human Services appeared in a neutral capacity. The bill was advance on a 7-0 by the Health

and Human Services Committee on January 30, 2019. The bill appeared on General File on Friday, February 8, 2019 on a 35-0 vote. The bill advanced from Select File and now rests on Final Reading.

County Real Property. Senator Myron Dorn has introduced this legislation as LB525 and the bill was referred to the Government, Military & Veterans Affairs Committee. The bill has been slated for hearing on February 28, 2019.

Medical Care for Inmates Granted Medical Parole. Senator Lynn Walz introduced LB726 and the bill was referred to the Health and Human Services Committee. The hearing was held on February 20, 2019 at 130pm before that committee. Commissioner Vest and Sara Hoyle testified on behalf of the county. Their testimony was met with positive response from the committee, with limited questions. Senator Williams and Senator Murman both asked clarifying questions in order to ensure they understood the process that would be undertaken, and how the system is currently working. Sara Hoyle followed up briefly with Senator Murman after the hearing as well. The bill is on the list for executive session by the Health and Human Services Committee this week.

Rental car options for counties. Senator Andrew LaGrone introduced LB609 and the bill was referred to the Government, Military & Veterans Affairs Committee. The hearing for this bill will occur on February 21, 2019 before that committee. Commissioner Amundson testified in support. There was no opposition. We expect the bill to come out of committee. There was one question at the committee hearing that asked whether or not the gas that would be needed to fill the car would be allowed.

ISSUES ON WHICH THE BOARD HAS TAKEN ACTION

LB20 (Briese) Require voter approval of public building commission bonds. OPPOSED. LB20 would amend provisions with respect to public building commissions as they relate to Lancaster County / City of Lincoln and Douglas County / City of Omaha. The bill would provide that no bonds are authorized to be issued by a related public building commission unless the question of a proposed bond issue has been presented to the voters of the affected county at an election called for consideration of such a proposal. The hearing saw support from Commissioner Jim Cavanaugh of Douglas County, Taxpayers for Freedom and other groups; opposition came from Commissioner Chris Rogers of Douglas County, Councilman Ben Gray of Omaha, and Commissioner Sean Flowerday. The bill does not appear to have the support to move from committee.

LB204 (Briese) Require approval of voters for bonds under the Interlocal Cooperation Act. OPPOSED. Prohibits bonds from being issued by any joint entity on or after the effective date of the act until the question has been submitted to the qualified electors of each public agency which is part of the joint entity. Senator Briese asked the committee to kill LB204.

LB103 (Linehan) Change provisions relating to property tax requests. OPPOSED. This bill appears to cap property tax requests at a rate of the previous year and only allows for an increase the rate of levy and property tax request above the amounts identified in the bill, a governing body can do it only following a public hearing. The bill also puts some significant requirements in place for the public hearing and notice. The bill saw support from Bruce Riecker on behalf of several ag groups, Colby Mach on behalf of the Lincoln Independent Business Association, Sarah Curry on behalf of the Platte Institute. Opposition came from Kyle

McGallon on behalf of several education groups, Steve Curtis on behalf of the city of Omaha, Greg Adams on behalf of the Nebraska Community College Association, Lynn Rex on behalf of the League of Nebraska Municipalities, Mark Johnson on behalf of several SIDs. NACO appeared in a neutral capacity. The committee advanced the bill on a 7-0-1 vote by the Revenue Committee with a committee amendment attached. That amendment was forwarded to Chairwoman Brinkman and Mr. Eagan for their review.

The bill was debated on General File and there were a series of questions asked by Senators of Chairwoman Linehan. The amendment appeared to alleviate the concerns of many of the groups that were previously opposed as there was no organized opposition. The bill has advanced to Select File.

LB158 (Brewer) Change provisions relating to the assessed value of real property. OPPOSED. The bill caps property taxes at the 2019 level for a period of four tax years, 2020-2023. The bill includes provisions that accommodate changes in valuation of property accounting for improvements or destruction that would affect the assessed value of the property. Absent these material changes that would alter the value of property, it shall remain at the 2019 level. The bill was supported by Colby Mach, Bruce Riecker. It was opposed by Connie Knoche on behalf of Open Sky, Steve Curtis, John Cannon on behalf of NACO, Rob Winter on behalf of the Greater Nebraska Schools Association. The committee has not advanced the bill.

LB11 (Blood) Provide for interlocal agreements regarding nuisances. SUPPORT. Intended to provide for interlocal agreements between any city or village and the county where it is located to abate, remove, or prevent nuisances. The governing body of such city or village and the county board of such county shall first approve such interlocal agreement by ordinance or resolution. High priority for Sarpy County. Those appearing in support included NACO and Joe Kohout on behalf of Lancaster County and MAPA. The bill was advanced by the Committee and debated by the Legislature on General File and Select File. The bill is now on Final Reading.

LB373 (Brewer) Provide setback and zoning requirements for wind energy generation projects. OPPOSED. LB373 defines wind energy generation project. The bill requires zoning provisions prior to construction of wind energy projects as prescribed, including notices. It provides for fees, eliminates provisions relating to zoning regulations, limits agreements relating to school lands, repeals the original sections, and to declares an emergency. It is most notable because of opposition to the establishment of wind farms in Western Nebraska. The concern Lancaster County should have is the state usurping the county's ability to exercise local control of zoning rules and regulations. The bill was opposed by many, many groups with limited support mostly from the Sandhills. Several wind energy companies opposed the bill. We believe it will hard to move the bill from committee unless significant concessions are made.

BRAD JOHNSON – LB247 (Bolz) Adopt the Advance Mental Health Care Directives Act. SUPPORT. Brad believes that this bill could in some instances provide the correctional staff with the ability to treat individuals who find themselves in a crisis and cannot rationally make decisions for themselves. This bill saw a good amount of support and some opposition. Support came from a law student from UNL, NAMI, Jakob Dahlke from Nebraska Medicine, Deniece Rieder a police deputy from Omaha. Opposition came from Brad Muerrens. Neutral testimony was offered by the Nebraska State Bar Association, Methodist Hospital. The bill remains held in committee.

LB289 (Linehan) Change provisions relating to county assessor inspections of real property for property tax purposes. MONITOR. The county assessor shall determine the portion to be inspected and reviewed each year to assure that all parcels of real property in the county have been inspected and reviewed no less frequently than every 3 years amended from no less frequently than every 6 years. The bill was not supported or opposed by anyone; NACO appeared in a neutral capacity. Senator Linehan advised that this bill is merely a placeholder or shell bill.

BRAD JOHNSON – LB254 (McCollister) Adopt the Fair Chance Hiring Act. AMEND THE BILL TO INCLUDE CORRECTIONS WORKERS. Brad is concerned that the provisions in the bill do not include correctional workers as a position where criminal background checks can be considered. There was a considerable amount of opposition to the bill. We had language in our possession to utilize with Senator McCollister.

LB254 was advanced by the Business & Labor Committee on February 14, 2019 without amendment. The bill began to pick up immediate opposition. The bill was debated by the entire Legislature and an amendment was offered by Senator Ben Hansen of Blair which gutted the original proposal.

LB148 (Groene) Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies. MONITOR. Under LB148, and for the purposes of the Nebraska Budget Act, “governing body” shall now also include any joint entity created pursuant to the Interlocal Cooperation Act that receives tax funds generated under section 2-3226.05. (That is: River-flow enhancement bonds; costs and expenses of qualified projects; occupation tax authorized; exemption; collection; accounting; lien; foreclosure.)

Each governing body shall each year or biennial period conduct a public hearing on its proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. At such hearing, the governing body shall make a detailed presentation of the proposed budget statement and shall make at least three copies of the proposed budget statement available to the public. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body and shall be given a reasonable amount of time to do so.

Notice shall be given by publishing in a newspaper of the general circulation within the public bodies jurisdiction and, if available, in a digital advertisement on such newspapers website. In addition to search required methods of notice, such notice may also be provided by any other appropriate method designated by such a public body or advisory committee.

A few supporters showed up for the bill which were mostly citizens. Opposition was raised by NRDs, the League, City of Omaha. NACO came in a neutral capacity agreeing with amendments suggested by the League.

Dan Nolte has sent us an email indicating that he believes this bill could have a financial impact on Lancaster County. The bill does not appear to have the support to advance from committee.

LB239 (Dorn) Change requirements for notices of hearings on county budgets. SUPPORT. Change requirements for notice of hearing on county budget. A summary of the budget, in the form required by section 23-905, showing for each fund (1) the requirements, (2) the outstanding warrants, (3) the operating reserve to be maintained, (4) the cash on hand at the

close of the preceding fiscal year, (5) the revenue from sources other than taxation, (6) the amount to be raised by taxation, and (7) the amount raised by taxation in the preceding fiscal year, together with a notice of a public hearing to be had with respect to the budget before the county board, shall be published once at least four calendar days prior to the date of hearing in some legal newspaper published and of general circulation in the county or, if no such legal newspaper is published, in some legal newspaper of general circulation in the county. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing - amended from 5 days before the hearing. On or before August 1, the budget-making authority shall prepare a county budget document, in the form required by sections 23-904 and 23-905, for the fiscal year and transmit the document to the county. The bill took 2 minutes yesterday. There were no opponents. The bill has been advanced to General File.

BRAD JOHNSON - LB376 (Friesen) Provide for safekeeping of prisoners.

SUPPORT. This is a bill that would correct language from LB 605 as it pertains to county jails housing inmate with the Nebraska Department of Corrections as "safe keeping". Lancaster County Department of Corrections has only done this one time that Brad can remember and that was for a medical issue. The hearing on this measure was yesterday. Support was offered by Platte County and others. Our letter was read into the record. Director Frakes appeared in opposition. The bill remains held in committee.

LB443 (McCollister) Require the Department of Correctional Services to allow committed offenders reasonable access to their attorneys. MONITOR. The department shall allow each committed offender reasonable access to his or her attorney or attorneys. If a committed offender communicates with his or her attorney or attorneys by telephone or videoconferencing, such communication shall be provided without charge to the committed offender and without monitoring or recording by the department or law enforcement. The bill was advanced to General File by the Judiciary Committee.

LB412 (Geist) Require an election regarding creation of a joint public agency. OPPOSITION. Beginning on the effective date of this act, before any agreement is entered into regarding the creation of a joint public agency which involves a political subdivision of this state that has authority to levy a tax or issue bonds, the question of the creation of the joint public agency shall be submitted to the registered voters of each such political subdivision which intends to be a party to the agreement at an election held in conjunction with the statewide primary election or statewide general election. No agreement shall be entered into until the question has been submitted to the registered voters of each such political subdivision and a majority of all the voters voting on the question have voted in favor of creating the joint public agency, at an election called for the purpose, upon notice given by the governing body of each political subdivision at least twenty days prior to such election. The same measure, either in form or in essential substance, shall not be submitted to the people, either affirmatively or negatively, for a period of six months from and after the date of such election. Certain procedural requirements are mandated by the bill in the event a related question is submitted to voters.

The City of Lincoln opposed the bill at the hearing through testimony by Mayor Beutler. Our letter of opposition was submitted. The bill remains held in committee.

LB490 (Wayne) Consolidate offices of clerk of the district court and clerk magistrates. NEUTRAL. The position of appointed clerk of the district court shall be consolidated with the position of clerk magistrate into the position of clerk of the courts; and the clerk of the courts and any transferred employees shall become state employees. The clerk of

the courts shall have all the duties, obligations, and powers of the clerk of the district court and clerk magistrate.

Consolidation under this section shall occur: (a) On July 1, 2021, for district court judicial district numbers 8, 10, 11, and 12; (b) On July 1, 2022, for district court judicial district numbers 1, 3, 5, 6, 7, and 9; and (c) On July 1, 2023, for district court judicial district numbers 2 and 4.

A consolidation plan shall be submitted to the State Court Administrator in a format prescribed by the administrator within 120 days after the request by the Supreme Court. A majority of the judges affected by the consolidation shall approve the plan prior to submission to the State Court Administrator. A consolidation plan shall not become effective unless approved and adopted by the Supreme Court. If a plan is not submitted within such 120 days, the Supreme Court shall develop a substitute consolidation plan.

At the request of the Supreme Court, the judges of the district court, county courts, and separate juvenile court of a district court judicial district, in conjunction with any remaining clerk of the district court or clerk magistrate and any representative of a vacated office, shall develop a plan to consolidate the positions of clerk of the district court and clerk of the county court into the position of clerk of the courts for the county.

Each consolidation plan shall address, but not be limited to, the facilities, assignment of magistrate duties to a clerk or to an existing court employee who will become part of the consolidated office under the plan, selection of an administrative judge from within the district for the purposes of administration of the consolidated office of the clerk of the courts, and personnel structure. Each plan shall also identify other employees who are not employed by the clerk of the district court or clerk magistrate at the time of the consolidation but who are integral to the operation of the court, and employees so identified shall remain county employees. In developing the consolidation plan, interests and comments from the public and attorneys who regularly practice in the county shall be considered.

The hearing on this bill was on Friday, February 8, 2019 before the Judiciary Committee. Senator Wayne asked the committee to hold the bill.

LB616 (Hilgers) Provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act. The hearing on this bill occurred on Tuesday, February 12, 2019 before the Transportation & Telecommunications Committee. The Committee was offered an amendment during the hearing that would merely allow for the payment of the costs for the south beltway over an 8 year period, but could be constructed over a 3 year period. The bill was advanced by the Transportation and Telecommunications Committee with AM442 attached. We have attached that amendment for your review.

PAM DINGMAN – LB612 (Erdman) Authorize the display of roadside memorials. RECOMMEND: SUPPORT. LB612 directs the Nebraska Department of Transportation to erect blue triangular road signs memorializing those who have died on Nebraska's roadways. Signs may contain the name and a photographic image of the deceased. Signs shall also contain one of four safety messages. Signs shall not be posted for drunk drivers who died on Nebraska's roadways. Signs shall be posted for ten years, but can be renewed by way of an application and fee for an additional ten years. The hearing on this measure was on Tuesday, February 12, 2019. Testimony in a supportive neutral capacity was offered by Engineer Dingman. The bill remains held in committee.

BRAD JOHNSON – LB282 (Hansen, M) Change provisions relating to bail.
RECOMMEND: NEUTRAL/MONITOR. Brad does not see this bill as having any serious impact with regard to the courts' bail decision behaviors. This bill does require anybody in custody who has been arraigned to be assigned an attorney if they are indigent.

As before, any bailable defendant shall be ordered released from custody pending judgment on his or her personal recognizance unless the judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community however, under LB282, this rule would get increased specificity as it relates to what defendants fall under it.

To wit: the rule would apply to any bailable defendant who is charged with a Class IIIA, IV, or V misdemeanor OR a violation of a city ordinance. (Except when the victim is an intimate partner as defined in section 28-323)

Any bailable defendant described in this subsection shall be ordered released from custody pending judgment on his or her personal recognizance unless: i. The defendant has previously failed to appear in the instant case; AND ii. The judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community.

If the court requires a defendant to execute an appearance or bail bond, the court shall appoint counsel for the defendant if the court finds the defendant to be indigent. The bill remains held in committee.

LB646 (Chambers) Eliminate cash bail bonds, appearance bonds, and related provisions. Eliminates subsection (c) from section 29-901 and related provisions elsewhere relying on appearance bonds. A fiscal note has been submitted by the county estimating a cost savings of over \$600,000 per year. The bill remains held in committee. I would note that the Douglas County Board of Commissioners passed a resolution supporting this bill on Tuesday.

LB230 (Pansing-Brooks) Provide for room confinement of juveniles as prescribed.
NEUTRAL. For LB230, additional rules are mandated to juvenile facilities regarding placement in room confinement of a juvenile in a juvenile facility specifically, room confinement of a juvenile for longer than one hour during a twenty-four-hour period shall be documented and approved in writing by a supervisor in the juvenile facility. The intent and purpose of this rule shall not be avoided by the use of consecutive periods of room confinement. Rules relating to confinement are outlined in the bill also, for example, notice to the juvenile's parent or guardian, rooms having adequate lighting, etc.

Per the board's request, we did visit with Senator Pansing-Brooks and she indicated that she is willing to clarify the record on the continuous monitoring language of the bill to mean electronic or every 15 minutes.

The Judiciary Committee did advance LB230 with a committee amendment attached. We have attached that amendment for your review.

LB651 (Wayne) Change funding provisions for the Community-based Juvenile Services Aid Program. Beginning on the effective date of the act, funding under this

program shall only be available for service provided directly juveniles or services provided to carry out express statutorily authorized functions. Any government entity applying for funds from the program shall develop policies governing the distribution of the funds that are adopted by the governing board of the entity after a public hearing.

LB631 (Morfeld) Create the Medicaid Expansion Implementation Task Force.

SUPPORT. The task force shall consist of six voting members: The chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee of the Legislature or his or her designee, and three members of the Legislature chosen by the Executive Board of the Legislative Council.

The task force shall also include seven nonvoting members chosen by the Executive Board of the Legislative Council, as follows: a health care provider licensed under the Uniform Credentialing Act, a behavioral health care provider licensed under the Uniform Credentialing Act, a health care consumer or consumer advocate, a hospital representative, a business representative, a representative from a political subdivision likely to have its constituency impacted by Medicaid expansion, and a rural health care provider.

The task force will report annually by December 1 (beginning 2019). The task force terminates on December 31, 2020, unless reauthorized by the Legislature.

The hearing on this bill was held on February 22, 2019 and several letters of support were read into the record. The only opposition came from the Director of the Department of Medicaid and Long Term Care.

ISSUES COMING UP IN THE NEXT WEEK

We have attached our hearing schedule with this report, but in addition, we would highlight these recommendations:

THURSDAY, FEBRUARY 28, 2019

LB710 (Cavanaugh) Change provisions relating to tobacco including sales, crimes, a tax increase, and distribution of funds. SUPPORT. The bill proposes a significant increase in the tobacco tax from \$.64 per pack to \$2.14 per pack and distributes the additional \$1.50 in a manner of ways that could benefit county operations. Included in this are the following county operational issues:

- Medicaid Expansion – 25% (est. \$63 Million)
- Public Health Departments – 4% (est. \$4 Million)
- Smoking cessation – 5% (est. \$12.6 Million)
- EPC – 1% (est. \$2.5 Million)
- Behavioral Health Rebased – 2% (\$5 Million)
- Health Services in County Corrections – 2% (\$5 Million)

The Director of the Department of Health, Shavonna M. Lausterer, sent an email recommending support for this bill as well. The hearing has been set for February 28, 2019 before the Revenue Committee. Your letter of support has been delivered to the committee.

LB636 (Stinner) Create the Financial Condition of Counties and Municipalities Task Force. The task force shall: (a) Consider whether it is advisable to create a system to effectively detect, monitor, and prevent financial distress in counties and municipalities; (b) Consider whether it is advisable to provide a rating criterion to evaluate the financial health of counties and municipalities; and (c) Provide recommendations as to the state's role in alleviating any such financial distress. The task force shall report electronically to the Executive Board of the Legislative Council no later than December 1, 2019. It is the intent of the Legislature to appropriate fifty thousand dollars to carry out this section.

LB736 (Murman) Provide restrictions on occupation taxes, license fees, and regulation by counties and municipalities. OPPOSE. Under current law, counties and cities of the metropolitan, primary, first, second and villages shall have power to tax for revenue, license, and regulate any person within the limits of the city by ordinance except as otherwise provided in this section. Such tax may include both a tax for revenue and license. Under LB726, beginning January 1, 2020, (i) no occupation tax or license fee imposed under the above paragraph shall be greater than \$25 annually; (ii) No occupation tax or license fee shall be imposed by a city or county on a profession or business that provides goods or services unless the profession or business was subject to an occupation tax or license fee under this subsection on January 1, 2020; and (iii) No licensing requirements shall be imposed by a city of the metropolitan class on any profession or business which is subject to state licensing requirements.

FRIDAY, MARCH 1, 2019

LB633 (Wishart) Change provisions relating to real property owner information available to the public. When a county board's annual inventory of all real estate and real property is made and filed with the county clerk of such county, such inventory shall not include the residential address or name of any owner of such real estate. The county clerk shall retain such inventory for filing as a public record in his or her office in a manner convenient for reference and in a manner that protects the identity and residential address of any owner unless a request is made in writing to the county assessor to provide such information.

LB583 (Hilgers) Provide powers for certain counties under the Transportation Innovation Act. This bill provides contracting agencies with substantial authority as prescribed. Much of the authority was previously authority authorized to the Department of Transportation. It (re)defines and reifies certain terms, such as "eligible county". The bill was introduced by Senator Hilgers at the request of Sarpy County.

MONDAY, MARCH 4, 2019

PAM DINGMAN – LB39 (Hilkemann) Change provisions relating to occupant protection system enforcement and change certain violations from secondary to primary enforcement. Designed to change passenger restraint system enforcement from a secondary offense to a primary offense, as well as to require the use of occupant protection systems for each vehicle occupant. Hearing scheduled for March 4, 2019.

PAM DINGMAN – LB40 (Hilkemann) Change provisions related to provisional operator's permits, LPD and LPE learner's permits, and interactive wireless communication devices. Designed to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses regarding provisional operator's permits, and LPD/LPE learner's permits. Hearing scheduled for March 4, 2019.

TUESDAY, MARCH 5, 2019

SHAVONNA LAUSTERER - LB 304 (Crawford) Change provisions relating to the Nebraska Pure Food Act to exempt certain operations from the definition of a food establishment as prescribed. RECOMMEND: OPPOSITION. This bill would allow foods to be prepared and sold from a private home without a food safety permit. We believe this could lead to an increase in foodborne illnesses. Licensed businesses would also be impacted if people are allowed to purchase foods from unlicensed vendors.

WEDNESDAY, MARCH 6, 2019

BRAD JOHNSON - LB 690 (Cavanaugh) Adopt the Healthy Pregnancies for Incarcerated Women Act. RECOMMEND: AMENDMENTS. This bill pertains to the transporting and restraining of pregnant inmates. The restraining of pregnant women has been discouraged for many years. Lancaster County has been in compliance with that practice for at least five years and our current procedures prohibit it unless authorized by the jail administrator. Quoting Brad: "I want to emphasize that we are not opposed to this bill in spirit. As I have mentioned, we have not, for at least five years, had a reason to restrain any of our pregnant women and we have established written procedures prohibiting it without appropriate authorization. My request is that the statute not take away all of our discretion for very rare but potentially dangerous cases." In other words, please seek an amendment to the bill that allows for some discretion. The hearing on this bill has been set for March 6, 2019.

BRAD JOHNSON / DOUGLAS COUNTY – LB446 (McDonnell) State intent relating to appropriations for the County Justice Reinvestment Grant Program. SUPPORT. Bill states that it is the intent of the Legislature to appropriate one million dollars to the County Justice Reinvestment Grant Program within the Nebraska Crime Commission on Law Enforcement and Criminal Justice for FY2018-19 and FY2019-20 to alleviate county jail populations through programming and services. The programming and services shall include, but not be limited to, the inmates who are diagnosed as mentally ill. This is the reimbursement portion of LB 605 that allows counties who can show that LB 605 increased their population. As you may remember we took advantage of this grant in 2017 and received nearly \$75,000. The money has to be used for programming. In this bill the total funding is double, from \$500,000 to \$1 million. We could receive around \$150,000 if passed.

SARA HOYLE – LB703 (Vargas) Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice. RECOMMEND: SUPPORT. The bill would appropriate \$2.5 Million to the aforementioned fund.

SARA HOYLE – LB174 (Bolz) State intent relating to appropriations for the Office of Violence Prevention. RECOMMEND: SUPPORT. The bill seeks to appropriate \$1.525 Million each fiscal year beginning with FY2019-20 from the General Fund to the Nebraska Commission on Law Enforcement and Criminal Justice for the Office of Violence Prevention. The office shall use such appropriation to increase total grant awards, develop an annual statewide strategic plan, increase administrative capacity, and develop a technical assistance partnership with the University of Nebraska through the University of Nebraska Medical Center College of Public Health.

ADDITIONAL REQUESTS BY DEPARTMENT HEADS – GENERAL LEGISLATION

BRAD JOHNSON – LB90 (Wayne) Make post-release supervision optional for Class IV felonies. RECOMMEND: SUPPORT. Currently, individuals sentenced to a Felony 4 offense must do 12 months of post release supervision. This has had a significant impact on population numbers because many of these individuals violate the terms of their supervision and are sentenced to additional jail time as a result. Over the past two years this has involved thousands of jail days. By giving judges an option the Department may see some relief. The hearing on bill has been set for March 20, 2019.

BRAD JOHNSON - LB 684 (Lathrop) Change provisions relating to post-release supervision for Class IV felonies. RECOMMEND: OPPOSE. This bill pertains to F4 sentencings and post release supervision. His concern with this bill is that in Section 2, paragraph 2, line 11 it changes the length of term for revocation of post-release supervision from remaining period to original period. This means if a person is sentenced to 12 months post-release supervision and 6 months into the supervision period the courts revoke it the individual could now be sentenced to the jail for the entire 12 month period, rather than the 6 months that was left. I would encourage opposing this bill as written. The hearing on this bill has been set for March 20, 2019.

APPROPRIATIONS REQUESTS

As the board is aware, budgeting requests are a separate process for the Legislature. The Appropriations Committee is presently finishing up its preliminary view of the Governor's budget recommendation and will likely release the preliminary budget in the coming week. However, the Appropriations Committee has released its final schedule and we have noted the following dates and times.

MARCH 13, 2019 AT 130pm

DAVE SHIVELY – SECRETARY OF STATE'S BUDGET: Funding for New Vote Tabulating Machines. RECOMMEND: SUPPORT. The funding for new vote tabulating machines has been included in the Governor's proposed budget. The funding is dependent on a 10 percent match from each county. Mr. Shively has estimated this cost to be between \$60,000 and \$70,000.

MARCH 20, 2019 AT 130pm

BRENT MEYER – DEPARTMENT OF NATURAL RESOURCES: Funding for Riparian Management Task Force. SUPPORT.

MARCH 25, 2109 AT 130pm

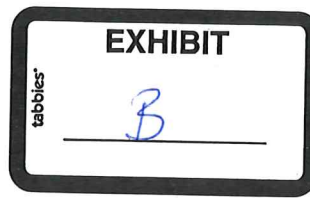
SHAVONNA LAUSTERER - LB480 (Quick) State intent relating to appropriations to local public health departments. RECOMMEND: SUPPORT. Appropriates \$900,000 to local public health departments established by LB 692 for preventative health programs to reduce chronic disease and associated health care costs. Each Department would get \$50,000. The preventive health programs that will benefit from the funds will be selected to: Increase physical activity; prevent complications from diabetes, cardiovascular disease, and other chronic diseases; improve access to medical homes and dental homes to offer prevention and wellness services; increase worksite wellness initiatives to prevent disease and disability; assure preventive services for children and adults; and promote preventive health and wellness

in additional ways. Programs will be selected based on needs identified by the community and based on Evidence Based Practices. NACO supported this bill last year.

MARCH 26, 2019 AT 130pm

LB327 (Bolz) State intent to appropriate funds for an increase in rates paid to behavioral health service providers. RECOMMENDATION: SUPPORT. The Legislature finds that the initial report from the cost model study project (ten years in the making) shows rates paid to behavioral health providers from seven percent below the actual cost of providing services to thirty-five percent below the actual cost of providing services and that the average rate paid is eighteen and one-tenth percent below the actual cost of providing services. Therefore, this bill earmarks for related appropriations. Hearing is likely on March 25 or 26, 2019 to coincide with the Department's Budget hearing.

This concludes our report for this week. We would be happy to answer any questions you might have.



AMENDMENTS TO LB616

Introduced by Transportation and Telecommunications.

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

3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1349 (1) Except as provided in subsections (5) ~~(3)~~ and (6) ~~(4)~~ of
6 this section, all contracts for the construction, reconstruction,
7 improvement, maintenance, or repair of state highway system roads and
8 bridges and their appurtenances shall be let by the department to the
9 lowest responsible bidder. Bidders on such contracts must be prequalified
10 to bid by the department except as provided in subsection (2) of section
11 39-1351. The department may reject any or all bids and cause the work to
12 be done as may be directed by the department.

13 (2) Except as provided in subsection (3) of this section, if ~~if~~ the
14 contractor has furnished the department all required records and reports,
15 the department shall pay to the contractor interest at a rate three
16 percentage points above the average annual Federal Reserve composite
17 prime lending rate for the previous calendar year rounded to the nearest
18 one-tenth of one percent on the amount retained and on the final payment
19 due the contractor beginning sixty days after the work under the contract
20 has been completed as evidenced by the completion date established in the
21 department's letter of tentative acceptance or, when tentative acceptance
22 has not been issued, beginning sixty days after completion of the work
23 and running until the date when payment is tendered to the contractor.

24 (3) Subsection (2) of this section shall not apply to contracts
25 which provide for payment pursuant to a set schedule over a period of
26 time that extends beyond the completion of construction.

27 (4) ~~(2)~~ When the department is required by acts of Congress and

1 rules and regulations made by an agent of the United States in pursuance
2 of such acts to predetermine minimum wages to be paid laborers and
3 mechanics employed on highway construction, the Director-State Engineer
4 shall cause minimum rates of wages for such laborers and mechanics to be
5 predetermined and set forth in contracts for such construction. The
6 minimum rates shall be the scale of wages which the Director-State
7 Engineer finds are paid and maintained by at least fifty percent of the
8 contractors in performing highway work contracted with the department
9 unless the Director-State Engineer further finds that such scale of wages
10 so determined would unnecessarily increase the cost of such highway work
11 to the state, in which event he or she shall reduce such determination to
12 such scale of wages as he or she finds is required to avoid such
13 unnecessary increase in the cost of such highway work.

14 (5) ~~(3)~~ The department, in its sole discretion, may permit a city or
15 county to let state or federally funded contracts for the construction,
16 reconstruction, improvement, maintenance, or repair of state highways,
17 bridges, and their appurtenances located within the jurisdictional
18 boundaries of such city or county, to the lowest responsible bidder when
19 the work to be let is primarily local in nature and the department
20 determines that it is in the public interest that the contract be let by
21 the city or the county. Bidders on such contracts must be prequalified to
22 bid by the department except as provided in subsection (2) of section
23 39-1351.

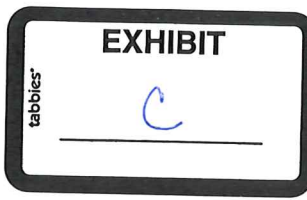
24 (6) ~~(4)~~ The department, in its sole discretion, may permit a federal
25 agency to let contracts for the construction, reconstruction,
26 improvement, maintenance, or repair of state highways, bridges, and their
27 appurtenances and may permit such federal agency to perform any and all
28 other aspects of the project to which such contract relates, including,
29 but not limited to, preliminary engineering, environmental clearance,
30 final design, and construction engineering, when the department
31 determines that it is in the public interest to do so. Bidders on such

1 contracts must be prequalified to bid by the department except as
2 provided in subsection (2) of section 39-1351.

3 Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 81-1701 The purpose of the Nebraska Consultants' Competitive
6 Negotiation Act is to provide managerial control over competitive
7 negotiations by the state for acquisition of professional architectural,
8 engineering, landscape architecture, or land surveying services. The act
9 does not apply to (1) contracts under section 57-1503, (2) contracts
10 under subsection (6) ~~(4)~~ of section 39-1349, (3) contracts under sections
11 39-2808 to 39-2823 except as provided in section 39-2810, or (4)
12 contracts under the State Park System Construction Alternatives Act
13 except as provided in section 37-1719.

14 Sec. 3. Original section 39-1349, Reissue Revised Statutes of
15 Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement,
16 2018, are repealed.



AMENDMENTS TO LB230

Introduced by Judiciary.

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

3 Section 1. Section 83-4,125, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01 and
6 section 5 of this act:

7 (1) Criminal detention facility means any institution operated by a
8 political subdivision or a combination of political subdivisions for the
9 careful keeping or rehabilitative needs of adult or juvenile criminal
10 offenders or those persons being detained while awaiting disposition of
11 charges against them. Criminal detention facility does not include any
12 institution operated by the Department of Correctional Services. Criminal
13 detention facilities shall be classified as follows:

14 (a) Type I Facilities means criminal detention facilities used for
15 the detention of persons for not more than twenty-four hours, excluding
16 nonjudicial days;

17 (b) Type II Facilities means criminal detention facilities used for
18 the detention of persons for not more than ninety-six hours, excluding
19 nonjudicial days; and

20 (c) Type III Facilities means criminal detention facilities used for
21 the detention of persons beyond ninety-six hours;

22 (2) Juvenile detention facility means an institution operated by a
23 political subdivision or political subdivisions for the secure detention
24 and treatment of persons younger than eighteen years of age, including
25 persons under the jurisdiction of a juvenile court, who are serving a
26 sentence pursuant to a conviction in a county or district court or who
27 are detained while waiting disposition of charges against them. Juvenile

1 detention facility does not include any institution operated by the
2 department;

3 (3) Juvenile facility means a residential child-caring agency as
4 defined in section 71-1926, a juvenile detention facility or staff secure
5 juvenile facility as defined in this section, a facility operated by the
6 Department of Correctional Services that houses youth under the age of
7 majority, or a youth rehabilitation and treatment center;

8 (4) Room confinement means the involuntary restriction of a juvenile
9 placed alone in a cell, alone in a room, or alone in another area,
10 including a juvenile's own room, except during normal sleeping hours,
11 whether or not such cell, room, or other area is subject to video or
12 other electronic monitoring; and

13 (5) Staff secure juvenile facility means a juvenile residential
14 facility operated by a political subdivision (a) which does not include
15 construction designed to physically restrict the movements and activities
16 of juveniles who are in custody in the facility, (b) in which physical
17 restriction of movement or activity of juveniles is provided solely
18 through staff, (c) which may establish reasonable rules restricting
19 ingress to and egress from the facility, and (d) in which the movements
20 and activities of individual juvenile residents may, for treatment
21 purposes, be restricted or subject to control through the use of
22 intensive staff supervision. Staff secure juvenile facility does not
23 include any institution operated by the department.

24 Sec. 2. Section 83-4,126, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 83-4,126 (1) Except as provided in subsection (2) of this section,
27 the Jail Standards Board shall have the authority and responsibility:

28 (a) To develop minimum standards for the construction, maintenance,
29 and operation of criminal detention facilities;

30 (b) To perform other duties as may be necessary to carry out the
31 policy of the state regarding criminal detention facilities, juvenile

1 detention facilities, and staff secure juvenile facilities as stated in
2 sections 83-4,124 to 83-4,134.01 and section 5 of this act; and

3 (c) Consistent with the purposes and objectives of the Juvenile
4 Services Act, to develop standards for juvenile detention facilities and
5 staff secure juvenile facilities, including, but not limited to,
6 standards for physical facilities, care, programs, and disciplinary
7 procedures, and to develop guidelines pertaining to the operation of such
8 facilities.

9 (2) The Jail Standards Board shall not have authority over or
10 responsibility for correctional facilities that are accredited by a
11 nationally recognized correctional association. A correctional facility
12 that is accredited by a nationally recognized correctional association
13 shall show proof of accreditation annually to the Jail Standards Board.
14 For purposes of this subsection, nationally recognized correctional
15 association includes, but is not limited to, the American Correctional
16 Association or its successor.

17 Sec. 3. Section 83-4,132, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 83-4,132 If an inspection under sections 83-4,124 to 83-4,134.01 and
20 section 5 of this act discloses that the criminal detention facility,
21 juvenile detention facility, or staff secure juvenile facility does not
22 meet the minimum standards established by the Jail Standards Board, the
23 board shall send notice, together with the inspection report, to the
24 governing body responsible for the facility. The appropriate governing
25 body shall promptly meet to consider the inspection report, and the
26 inspection personnel shall appear before the governing body to advise and
27 consult concerning appropriate corrective action. The governing body
28 shall then initiate appropriate corrective action within six months after
29 the receipt of such inspection report or may voluntarily close the
30 facility or the objectionable portion thereof.

31 Sec. 4. Section 83-4,134.01, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 83-4,134.01 (1) It is the intent of the Legislature to establish a
3 system of investigation and performance review in order to provide
4 increased accountability and oversight regarding the use of room
5 confinement for juveniles in a juvenile facility.

6 (2) The following shall apply regarding placement in room
7 confinement of a juvenile in a juvenile facility:

8 (a) Room confinement of a juvenile for longer than one hour during a
9 twenty-four-hour period shall be documented and approved in writing by a
10 supervisor in the juvenile facility. Documentation of the room
11 confinement shall include the date of the occurrence; the race,
12 ethnicity, age, and gender of the juvenile; the reason for placement of
13 the juvenile in room confinement; an explanation of why less restrictive
14 means were unsuccessful; the ultimate duration of the placement in room
15 confinement; facility staffing levels at the time of confinement; and any
16 incidents of self-harm or suicide committed by the juvenile while he or
17 she was isolated;

18 (b) If any physical or mental health clinical evaluation was
19 performed during the time the juvenile was in room confinement for longer
20 than one hour, the results of such evaluation shall be considered in any
21 decision to place a juvenile in room confinement or to continue room
22 confinement;

23 (c) The juvenile facility shall submit a report quarterly to the
24 Legislature on the juveniles placed in room confinement; the length of
25 time each juvenile was in room confinement; the race, ethnicity, age, and
26 gender of each juvenile placed in room confinement; facility staffing
27 levels at the time of confinement; and the reason each juvenile was
28 placed in room confinement. The report shall specifically address each
29 instance of room confinement of a juvenile for more than four hours,
30 including all reasons why attempts to return the juvenile to the general
31 population of the juvenile facility were unsuccessful. The report shall

1 also detail all corrective measures taken in response to noncompliance
2 with this section. The report shall redact all personal identifying
3 information but shall provide individual, not aggregate, data. The report
4 shall be delivered electronically to the Legislature. The initial
5 quarterly report shall be submitted within two weeks after the quarter
6 ending on September 30, 2016. Subsequent reports shall be submitted for
7 the ensuing quarters within two weeks after the end of each quarter; and

8 (d) The Inspector General of Nebraska Child Welfare shall review all
9 data collected pursuant to this section in order to assess the use of
10 room confinement for juveniles in each juvenile facility and prepare an
11 annual report of his or her findings, including, but not limited to,
12 identifying changes in policy and practice which may lead to decreased
13 use of such confinement as well as model evidence-based criteria to be
14 used to determine when a juvenile should be placed in room confinement.
15 The report shall be delivered electronically to the Legislature on an
16 annual basis. ~~;~~ and

17 (3) The use of consecutive periods of room confinement to avoid the
18 intent or purpose of this section is prohibited.

19 (4) (e) Any juvenile facility which is not a residential child-
20 caring agency which fails to comply with the requirements of this section
21 is subject to disciplinary action as provided in section 83-4,134. Any
22 juvenile facility which is a residential child-caring agency which fails
23 to comply with the requirements of this section is subject to
24 disciplinary action as provided in section 71-1940.

25 Sec. 5. (1) This section applies to placement of a juvenile in room
26 confinement in the following facilities: A juvenile detention facility,
27 staff secure juvenile facility, facility operated by the Department of
28 Correctional Services or by any county that houses youth under the age of
29 majority, or youth rehabilitation and treatment center operated by the
30 Department of Health and Human Services.

31 (2) A juvenile shall not be placed in room confinement for any of

1 the following reasons:

2 (a) As a punishment or a disciplinary sanction;

3 (b) As a response to a staffing shortage; or

4 (c) As retaliation against the juvenile by staff.

5 (3) A juvenile shall not be placed in room confinement unless all
6 other less-restrictive alternatives have been exhausted and the juvenile
7 poses an immediate and substantial risk of harm to self or others.

8 (4) A juvenile may only be held in room confinement according to the
9 following conditions:

10 (a) A juvenile shall not be held in room confinement longer than the
11 minimum time required to eliminate the substantial and immediate risk of
12 harm to self or others and shall be released from room confinement as
13 soon as the substantial and immediate risk of harm to self or others is
14 resolved; and

15 (b) A juvenile shall only be held in room confinement for a period
16 that does not compromise or harm the mental or physical health of the
17 juvenile.

18 (5) Any juvenile placed in room confinement shall be released
19 immediately upon regaining sufficient control so as to no longer engage
20 in behavior that threatens substantial and immediate risk of harm to self
21 or others.

22 (6) Not later than one business day after the date on which a
23 facility places a juvenile in room confinement, the facility shall
24 provide notice of the placement in room confinement to the juvenile's
25 parent or guardian and the attorney of record for the juvenile.

26 (7) All rooms used for room confinement shall have adequate and
27 operating lighting, heating and cooling, and ventilation for the comfort
28 of the juvenile. Rooms shall be clean and resistant to suicide and self-
29 harm. Juveniles in room confinement shall have access to drinking water,
30 toilet facilities, hygiene supplies, and reading materials approved by a
31 licensed mental health professional.

1 (8) Juveniles in room confinement shall have the same access as
2 provided to juveniles in the general population of the facility to meals,
3 contact with parents or legal guardians, legal assistance, and access to
4 educational programming.

5 (9) Juveniles in room confinement shall have access to appropriate
6 medical and mental health services. Mental health staff shall promptly
7 provide mental health services as needed.

8 (10) Juveniles in room confinement shall be continuously monitored
9 by staff of the facility. Continuous monitoring may be accomplished
10 through regular in-person visits to the confined juvenile which may also
11 be supplemented by electronic video monitoring.

12 (11) The use of consecutive periods of room confinement to avoid the
13 intent and purpose of this section is prohibited.

14 (12) Nothing in this section shall be construed to authorize or
15 require the construction or erection of fencing or similar structures at
16 any facility, nor the imposition of non-rehabilitative approaches to
17 behavior management within any facility.

18 Sec. 6. Original sections 83-4,125, 83-4,126, 83-4,132, and
19 83-4,134.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

02/27/2019
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Kissel Kohout ES Associates LLC
Lancaster County Board of Commissioners
106th Legislature, 1st Regular Session
Hearing Date 02/28/2019 - 03/15/2019

Page 1

Document	Senator	Position	Committee	Status	Description
LB636	Stinner		Executive Board 02/28/2019	In Committee 01/25/2019	Create the Financial Condition of Counties and Municipalities Task Force <i>The task force shall: (a) Consider whether it is advisable to create a system to effectively detect, monitor, and prevent financial distress in counties and municipalities; (b) Consider whether it is advisable to provide a rating criterion to evaluate the financial health of counties and municipalities; and (c) Provide recommendations as to the state's role in alleviating any such financial distress. The task force shall report electronically to the Executive Board of the Legislative Council no later than December 1, 2019. It is the intent of the Legislature to appropriate fifty thousand dollars to carry out this section.</i>
LB713	Vargas		Executive Board 02/28/2019	In Committee 01/25/2019	Provide for long-term accountability from the Legislative Fiscal Analyst <i>Here, a mandate would be added to the Legislative Fiscal Analyst duties, such that, in addition to the already legislated duties, the analyst shall provide the following cycle of analyses of long-term fiscal sustainability, beginning, in FY2020-21: i. In even-numbered years, the joint revenue volatility report required under section 50-419.02; ii. In odd-numbered years, a budget stress test comparing estimated future revenue to and expenditure from major funds and tax types under various potential economic conditions; AND iii. Every four years, a long-term budget for programs appropriated for major funds and tax types. Also under LB713, the Legislative Fiscal Analyst's revenue-forecasting information shall include, in addition to the already legislated duties, the estimated revenue receipts for each year of the following biennium, including comparisons of current estimates for: i. Each major tax type to long-term trends for that tax type, ii. Federal fund receipts to long-term federal fund trends; AND iii. Tax collections and federal fund receipts to long-term trends.</i>
LB522	Linehan		Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Name and change the purpose of the County Civil Service Commission Act, change provisions relating to commission membership and duties, and provide for appointment of a human resources director <i>Douglas County Priority LB522 names the County Civil Service Commission Act.</i> <i>It changes the purpose of the Act so it is to guarantee to all citizens a fair and equal opportunity for employment in the county offices governed by the act and to establish conditions of employment and to promote economy and efficiency in such offices.</i> <i>In addition, the purpose of the act is to establish a system of personnel administration that meets the social, economic, and program needs of county offices. Such system shall provide the means to recruit, select, develop, and maintain an effective and responsive workforce and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, benefits, discipline, discharge, and other related matters. All appointments and promotions under the act shall be made based on merit and fitness.</i> <i>In any county having a population of four hundred thousand inhabitants or more as determined by the most recent federal decennial census, there shall be a civil service commission which shall be formed as provided in the County Civil Service Commission Act. A county shall comply with this section within six months after a determination that the population has reached four hundred thousand inhabitants or more as determined by the most recent federal decennial census.</i> <i>county board shall appoint a human resources director to help carry out the County Civil Service Commission Act. Such human resources director shall be a person experienced in the field of personnel administration and in known sympathy with the application of merit principles in public employment. The human resources director shall report to the county board. In addition to other duties imposed upon him or her by the county board, the human resources director shall have duties from the Legislature as prescribed in the bill.</i>
LB524	Dorn		Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Change provisions relating to annexations under the Nebraska Budget Act <i>On or before August 20 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy.</i> <i>Specifically, for LB524, [i]f a political subdivision annexes property since the last time taxable values were certified from above, the governing body of such political subdivision shall send notification of such annexation to the county clerk of the county in which the annexed property is located. Such notification shall include a description of the annexed property. If the county clerk receives such notification prior to July 1, the valuation of the real and personal property annexed shall be considered in the taxable valuation of the annexing political subdivision for the current year.</i>

Kissel Kohout ES Associates LLC
Lancaster County Board of Commissioners
106th Legislature, 1st Regular Session
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Document	Senator	Position	Committee	Status	Description
<p><i>If the county clerk receives such notification on or after July 1, the valuation of the real and personal property annexed shall be considered in the taxable valuation of the annexing political subdivision for the following year.</i></p>					
LB525	Dorn	Support	Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Change provisions relating to the sale of county land in fee simple
<p><i>A county board may, by majority vote, sell real estate owned by the county in fee simple to another political subdivision in fee simple in such manner and upon such terms and conditions as may be deemed in the best interest of the county. A county board shall cause to be printed and published at least thirty days prior to the sale in a legal newspaper in the county a notice of the intent to sell county real estate to another political subdivision. The notice shall state the legal description and address of the real estate to be sold.</i></p> <p><i>Further, as it relates to county codes under section 23-174.03, any plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the county, from the owner, of such portion of the land as is therein set apart for public use.</i></p>					
LB736	Murman	Oppose	Government, Military and Veterans Affairs 02/28/2019	In Committee 01/25/2019	Provide restrictions on occupation taxes, license fees, and regulation by counties and municipalities
<p><i>Under current law, counties and cities of the metropolitan, primary, first, second and villages shall have power to tax for revenue, license, and regulate any person within the limits of the city by ordinance except as otherwise provided in this section. Such tax may include both a tax for revenue and license. Under LB726, beginning January 1, 2020, (i) no occupation tax or license fee imposed under the above paragraph shall be greater than \$25 annually; (ii) No occupation tax or license fee shall be imposed by a city or county on a profession or business that provides goods or services unless the profession or business was subject to an occupation tax or license fee under this subsection on January 1, 2020; and (iii) No licensing requirements shall be imposed by a city of the metropolitan class on any profession or business which is subject to state licensing requirements.</i></p>					
LB323	Crawford		Health and Human Services 02/28/2019	In Committee 01/18/2019	Change eligibility provisions under the Medical Assistance Act for certain disabled persons
<p><i>The associated federal rule has changed and therefore eligibility is now as allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI). A qualifying family's premiums shall be graduated based on family income and shall not exceed 7.5% of family income and the department shall not include assets or available resources in the determination of eligibility.</i></p>					
LB54	Lowe		Judiciary 02/28/2019	In Committee 01/14/2019	Change provisions relating to carrying a concealed weapon
<p><i>LB54 creates an exemption to the carrying a concealed weapon statute. The statute would now allow for possessing, carrying, transporting, shipping, or receiving a firearm for any lawful purpose to or from any place where such firearm may be lawfully possessed or carried by a person if such firearm is unloaded and stored in a case and such person is not otherwise prohibited by state or federal law from possessing, carrying, transporting, shipping, or receiving a firearm. Here, "case" means case means (i) a hard-sided or soft-sided box, container, or receptacle intended or designed for the purpose of storing or transporting a firearm or (ii) the firearm manufacturer's original packaging.</i></p>					
LB58	Morfeld		Judiciary 02/28/2019	In Committee 01/14/2019	Adopt the Extreme Risk Protection Order Act
<p><i>Under LB58 a petitioner may file for an extreme risk protection order, requesting such order be issued ex parte to the respondent and without prior notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant risk of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court shall hold a hearing on a petition for an ex parte extreme risk protection order on the day the petition is filed or on the judicial day immediately following the day the petition is filed. If the court finds reasonable cause, the extreme risk protection order shall issue ex parte as a temporary order. Upon notice of such an order, Respondent has five days to request a show-cause hearing, the court must calendar the such a requested hearing to be held within thirty days after receipt of the request. If the Respondent fails to appear at the show-cause hearing or fails to defeat a preponderance of the Petitioner's evidence, the court shall issue a final extreme risk protection order. The clerk of the court would be responsible for providing two certified copies to the Petitioner, as well as copies to law enforcement.</i></p>					
LB275	Hansen		Judiciary 02/28/2019	In Committee 01/17/2019	Require notification when persons prohibited by state or federal law attempt to obtain a handgun purchase permit or concealed handgun permit
<p><i>Require notification when persons prohibited by state or federal law attempt to obtain a handgun purchase permit or concealed handgun permit</i></p>					

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					<p><i>Certain definitions relating to sections 69-2401 to 69-2425 are changed, including commission, prohibited processor. Notification requirements are mandated on the chief of police and/or the sheriff when purchases would be in violation of federal law. The Nebraska State Patrol shall be notified under certain circumstances. Changes to the Concealed Handgun Permit Act would be made as well, including definitions and rules relating, again, to the term "prohibited processor". The Nebraska State Patrol will now have affirmative obligations for notification to the commission in the event an application for renewal is made by a prohibited processor, and to peace officers if such peace officer has reasonable cause to believe that the permitholder is a prohibited possessor.</i></p> <p><i>If a permit is revoked under subsection (3) of this section because the permitholder is found to be a prohibited possessor, the attorney who prosecuted the case shall electronically send a notification of prohibited possessor to the commission pursuant to section 20 of this act. If the county attorney refused or was unable to prosecute the case, the Attorney General shall report such fact to the commission, along with any explanation for why the county attorney refused or was unable to prosecute the case. A notification of prohibited possessor that is required shall be sent in a form and in a manner prescribed by the commission. The notification shall include the identity of the prohibited possessor, and other information, including, any other information deemed relevant by the commission.</i></p>
LB473	Dorn	Revenue		In Committee	<p>Change revenue and taxation provisions relating to judgments against public corporations and political subdivisions, authorize certain loans, and provide powers and duties to the State Treasurer</p> <p><i>If constitutional or statutory provisions prevent any public corporation or political subdivision from budgeting sufficient funds to pay any judgment in its entirety, the governing body of the public corporation or political subdivision shall pay that portion that can be paid under the Constitution of Nebraska and laws of this state and then shall make application to the State Treasurer for the loan of sufficient funds to pay the judgment in full.</i></p> <p><i>When application is made for such a loan, the State Treasurer shall make such investigation as he or she deems necessary to determine the validity of the judgment and the inability of the public corporation or political subdivision to make full payment on the judgment, and the period of time during which the public corporation or political subdivision will be able to repay the loan. After determining that such loan will be proper, the State Treasurer shall make the loan from funds available for investment in the state treasury, which loan shall carry an interest rate of one-half of one percent per annum. The State Treasurer shall determine the schedule for repayment, and the governing body of the public corporation or political subdivision shall annually budget and levy a sufficient amount to meet the schedule until the loan, with interest, has been repaid in full.</i></p>
LB493	Wayne	Revenue		In Committee	<p>Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act</p> <p><i>This bill repeals the requirement that real property tax exemptions under the Nebraska Housing Agency Act be for properties "wholly owned" controlled affiliates of a housing agency.</i></p>
LB529	Groene	Revenue		In Committee	<p>Change provisions relating to a property tax exemption for hospitals</p> <p><i>For property tax exemption purposes under 77-202: Property owned by educational, religious, charitable, or cemetery organizations, or any organization for the exclusive benefit of any such educational, religious, charitable, or cemetery organization, and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin.</i></p> <p><i>For tax year 2020 and each tax year thereafter, in order for property of a hospital to qualify for exemption under the above rule, the hospital must permit licensed medical practitioners in the community to use the hospital's facilities regardless of whether the practitioner is employed by the hospital, except that a hospital may prohibit a practitioner from using its facilities if good cause is shown. If a hospital meets such requirement, the property of such hospital shall be exempt in proportion to the percentage of the hospital's services that are provided gratuitously. A hospital shall establish such percentage by providing documentation to the applicable county assessor showing the hospital's gross revenue for the most recently completed fiscal year and an estimate of the value of the services that the hospital provided gratuitously during such year.</i></p>
LB710	Cavanaugh	Support	Revenue	In Committee	<p>Change provisions relating to tobacco including sales, crimes, a tax increase, and distribution of funds</p> <p><i>LB710 eliminates many, if not all, distinctions between "tobacco products". The rules of chapter 28, 71, and 77 are titivated so as to reflect that linguistically minor but wide-encompassing change, for instance the elimination of "vapor products" as a defined term.</i></p>

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					<p>Also, the Nebraska Behavioral Health Services Act would get an additional section which reads: [t]he Behavioral Health Provider Rate Stabilization Fund is created. The fund shall consist of money credited to the fund pursuant to section 77-2602, any gifts, grants, or donations from any source, and any other funds appropriated by the Legislature. The fund shall be used to support reimbursement of behavioral health services providers through provider rates within, but not limited to, the Children's Health Insurance Program, the Medical Assistance Act, the Nebraska Behavioral Health Services Act, and the Nebraska Community Aging Services Act. The money credited to the fund pursuant to section 77-2602 shall be used to the greatest extent possible to leverage federal funds for behavioral health services provider rate reimbursement under such program and acts. The Legislature finds that, in order to provide Nebraska residents with appropriate access to behavioral health services and providers, provider rates need to be adequate and stable in order to attract and maintain the number and variety of behavioral health services providers necessary to maintain an adequate behavioral health services provider network. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.</p> <p>Beginning July 1, 2020, and every fiscal year thereafter, the State Treasurer shall place the equivalent of \$47,400,000 (amended up from one million two hundred fifty thousand dollars) of such tax in the Nebraska Health Care Cash Fund. In addition, the State Treasurer shall place the equivalent of \$13,000,000 of such tax in the Nebraska Health Care Cash Fund to ensure future sustainability of the fund.</p> <p>Further, beginning with fiscal year 2020-21, and every fiscal year thereafter, one dollar and fifty cents of the two dollars and fourteen cents special privilege tax under subsection (1) of section 77-2602 shall be distributed as follows:</p> <ol style="list-style-type: none">i. In addition to the forty-nine cents of such tax under subsection (2) of section 77-2602, seventeen percent to the General Fund;ii. One-half of one percent to the Nebraska Outdoor Recreation Development Cash Fund;iii. One percent to the University of Nebraska Medical Center and the Creighton University Medical Center for cancer research;iv. Two and one-half percent to the Building Renewal Allocation Fund;v. Three percent equally distributed to the University of Nebraska Medical Center, Creighton University Medical Center, and Boys Town Center for Neurobehavioral Research in Children for children's behavioral research;vi. Twenty-five percent for Medicaid expansion;vii. Four percent to Nebraska public health departments;viii. Two percent to the University of Nebraska Medical Center College of Public Health;ix. Two percent for federally qualified health centers;x. Five percent for smoking cessation and addiction services;xi. One percent for area health education centers;xii. Four percent for cancer and smoking-related disease research;xiii. One percent to the Behavioral Health Education Center of Nebraska at the University of Nebraska Medical Center;xiv. One percent for emergency protective custody services and resources;xv. Two percent to the Behavioral Health Provider Rate Stabilization Fund for behavioral health rate basing;xvi. Six percent to the State Children's Health Insurance Program to increase eligibility by thirty-seven percent;xvii. Two percent to improve health care delivery systems under the Patient Safety Improvement Act;xviii. One percent on emergency medical services workforce training and recruitment;xix. One percent on other emergency medical services sustainability initiatives;xx. Two and one-half percent for paid family and medical leave start-up costs;xxi. Two percent to the Nebraska Early Childhood Professional Record System;xxii. Five percent for grades kindergarten through twelve education;xxiii. Two percent for health services in county corrections;xxiv. One-half percent to the Human Trafficking Victim Assistance Fund;xxv. Two and one-half percent for all telehealth services;xxvi. Four percent for beds in county hospitals and county-owned health centers for mental health treatment in counties containing a city of the metropolitan class and a county-owned health center; ANDxxvii. One-half percent to the Health and Human Services Cash Fund for traumatic brain injury research.

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LB414	Brandt		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/23/2019	Change county highway superintendent duties as prescribed and eliminate an annual report requirement <i>LB414 would amend Section 39-1508 such that it shall be the duty of the county highway superintendent to: Annually submit to the county board a proposed schedule of construction, repair, maintenance, and supervision of county roads and bridges in conjunction with sections 39-2115, 39-2119, and 39-2120; Annually file with the county clerk a revised and current map of the county roads clearly distinguishing the primary and secondary roads, indicating the past year's improvements thereon, and showing the number of miles of roads established during the year and the location thereof; and Undertake the projects contained in subsection (1) of this section, and when requested by the county board report the projects completed, the projects in construction, the and equipment and material purchased, the amounts expended upon roads and bridges, and the sum remaining to be expended, except that deviations from the adopted program may be authorized by the unanimous vote of the county board in case of an emergency.</i>
LB583	Hilgers		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/24/2019	Provide powers for certain counties under the Transportation Innovation Act <i>This bill provides contracting agencies with substantial authority as prescribed. Much of the authority was previously authority authorized to the Department of Transportation. It (re)defines and reifies certain terms, such as "eligible county". The bill was introduced by Senator Hilgers at the request of Sarpy County.</i>
LB633	Wishart		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/25/2019	Change provisions relating to real property owner information available to the public <i>When a county board's annual inventory of all real estate and real property is made and filed with the county clerk of such county, such inventory shall not include the residential address or name of any owner of such real estate. The county clerk shall retain such inventory for filing as a public record in his or her office in a manner convenient for reference and in a manner that protects the identity and residential address of any owner unless a request is made in writing to the county assessor to provide such information.</i>
LB468	Walz	Monitor	Health and Human Services 03/01/2019	In Committee 01/23/2019	Prohibit additional services and populations under the medicaid managed care program <i>The bill proposes the following language be added to the Medical Assistance Act: Until at least January 1, 2020, or until a critical evaluation is performed of the at-risk capitated managed care program of the medical assistance program and the success of such managed care program is proven, whichever is later, the department shall not add any additional service or population to the medicaid managed care program in effect on January 1, 2017.</i>
LB162	Hunt		Revenue 03/01/2019	In Committee 01/15/2019	Impose sales and use taxes on certain services <i>LB 162 proposes to tax the gross income received for body piercing, tattooing, tanning, and electrolysis hair removal services.</i>
LB552	McDonnell		Appropriations 03/04/2019	In Committee 01/24/2019	Change appropriations relating to the Nebraska Tree Recovery Program <i>Legislative intent: Deal with dead and dying trees that create public safety issues. Appropriation requested: \$3,000,000 from the General Fund for FY2019-20 and for each FY thereafter until the Legislature finds that ash trees are no longer a safety issue for cities and villages.</i> <i>The Nebraska Forest Service of the University of Nebraska Institute of Agriculture and Natural Resources shall administer the program through a grant process (the Nebraska Tree Recovery Program). The forest service shall designate an application deadline and grants shall not be awarded later than 90 days after such date. Grant money shall be used to plant, remove, or dispose of only those trees located on land owned by state or local governments, including parks, public grounds, and city rights-of-way.</i>
LB620	Kolowski		Transportation and Telecommunications 03/04/2019	In Committee 01/25/2019	Provide for enforcement of handheld wireless communication devices as a primary action <i>LB 620 changes the violation of texting while driving from a secondary offense to a primary offense.</i>

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LB304	Crawford		Agriculture 03/05/2019	In Committee 01/17/2019	Exempt certain operations from the definition of a food establishment under the Nebraska Pure Food Act <i>LB304 provides exemptions under 81-2,245.01 by redefining food establishment to exclude a private home or other area where food that is not time/ temperature control for safety food is prepared: For sale or service at a religious, charitable, or fraternal organization's bake sale or similar function; or For sale directly to the consumer including, but not limited to, at a farmers market, fair, festival, craft show, or other public event or for pick up at or delivery from such private home or other area, if such producer meets and abides by other requirements outlined in the proposed bill, such as specific labeling of the food, abiding by the food handler's rule of the event, etc.</i>
LB619	Kolowski		Banking, Commerce and Insurance 03/05/2019	Introduced 01/23/2019	Require coverage under insurance policies for mental health services delivered in schools <i>Requires that any insurance policy providing coverage for behavioral health treatment shall provide coverage for behavioral health services delivered in a school or other educational setting.</i>
LB648	Wayne		Urban Affairs 03/05/2019	Introduced 01/23/2019	Change the Community Development Law <i>LB648 proposes to provide requirements, in addition to those found in 18-2109, for certain redevelopment plans such that an authority shall not prepare a redevelopment plan that will divide ad valorem taxes pursuant to section 18-2147 for a period of more than fifteen years unless the governing body of the city in which the redevelopment project area is located has, by resolution adopted after the public hearings required under this section, declared more than fifty percent of the property in such redevelopment project area to be an extremely blighted area in need of redevelopment. Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is extremely blighted and shall submit the question of whether such area is extremely blighted to the planning commission or board of the city for its review and recommendation. The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing. Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing, the governing body shall hold a public hearing on the question of whether the area is extremely blighted after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.</i>
LR14CA	Wayne		Urban Affairs 03/05/2019	Introduced 01/23/2019	Constitutional amendment to authorize municipalities to pledge property taxes for up to twenty years if more than one-half of the property in a redevelopment project is extremely blighted <i>Extends the constitutional provision regarding tax increment financing from fifteen years to not exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.</i>
LB174	Bolz	Support	Appropriations 03/06/2019	In Committee 01/15/2019	State intent relating to appropriations for the Office of Violence Prevention <i>The bill seeks to appropriate one million five hundred twenty-five thousand dollars each fiscal year beginning with FY2019-20 from the General Fund to the Nebraska Commission on Law Enforcement and Criminal Justice for the Office of Violence Prevention. The office shall use such appropriation to increase total grant awards, develop an annual statewide strategic plan, increase administrative capacity, and develop a technical assistance partnership with the University of Nebraska through the University of Nebraska Medical Center College of Public Health.</i>
LB446	McDonnell	Support	Appropriations 03/06/2019	In Committee 01/23/2019	State intent relating to appropriations for the County Justice Reinvestment Grant Program <i>It is the intent of the Legislature to appropriate one million dollars to the County Justice Reinvestment Grant Program within the Nebraska Crime Commission on Law Enforcement and Criminal Justice for FY2018-19 and FY2019-20 to alleviate county jail populations through programming and services. The programming and services shall include, but not be limited to, the inmates who are diagnosed as mentally ill.</i>

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LB703	Vargas	Support	Appropriations 03/06/2019	In Committee 01/25/2019	Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice <i>There would hereinunder LB703 be appropriated \$2,500,000 from the General Fund for FY2019-20 to the Nebraska Commission on Law Enforcement and Criminal Justice to be used by the Community-based Juvenile Services Aid Program to aid in supporting alternatives for juvenile detention.</i>
LB83	Wayne		Government, Military and Veterans Affairs 03/06/2019	In Committee 01/14/2019	Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony <i>LB83 allow for the restoration of an individual's voting rights immediately upon completion of that person's felony sentence or successful completion of probation for a felony, rather than after the two-year waiting period necessary under previous law.</i>
LB163	Hunt		Government, Military and Veterans Affairs 03/06/2019	In Committee 01/15/2019	Permit counties to conduct elections by mail <i>Under LB 163 the election commissioner (which has been added) OR the county clerk may apply to the Secretary of State for the mailing of ballots for all elections held after approval of the application to registered voters of any or all of the precincts in the county in lieu of establishing polling places for such precincts.</i>
LB211	Crawford		Government, Military and Veterans Affairs 03/06/2019	In Committee 01/15/2019	Provide for nonpartisan nomination and election of county officers <i>Under LB211, the register of deeds, county assessor, county sheriff, county treasurer, county attorney, public defender, clerk of the district court, county surveyor, county engineer, county supervisors, and county commissioners would now be elected on the nonpartisan ballot.</i>
LB59	Cavanaugh		Health and Human Services 03/06/2019	In Committee 01/14/2019	Change investigation and reporting provisions under the Children's Residential Facilities and Placing Licensure Act <i>LB59 is a bill for an amendment relating to the Children's Residential Facilities and Placing Licensure Act. Any person may submit a complaint to the department and request investigation of an alleged violation of the Act or rules and regulations adopted and promulgated under the act. The department shall review all complaints, including complaints of abuse and neglect from professionals, and determine whether to conduct an investigation within five working days after receiving the complaint. If such an investigation is conducted, an investigation report shall be issued within thirty days after the determination is made to conduct the investigation.</i>
LB231	Pansing Brooks		Judiciary 03/06/2019	In Committee 01/16/2019	Change provisions relating to legal defense of juveniles <i>Change provisions relating to legal defense of juveniles</i> <i>The Juvenile Indigent Defense Fund is created. The fund shall be administered by the Commission on Public Advocacy and shall only be used to provide legal services to juveniles in juvenile court, provide resources to assist counties in fulfilling their obligation to provide for effective assistance of legal counsel for indigent juveniles, and pay the costs of administering the Juvenile Indigent Defense Grant Program. There is created a separate and distinct budgetary program within the Commission on Public Advocacy to be known as the Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent Defense Fund shall be used to provide grants to counties to help offset the cost of providing legal counsel for indigent juveniles and for the administrative costs of the commission. A county may apply for a grant under the program beginning October 15, 2020.</i>
LB352	Morfeld		Judiciary 03/06/2019	In Committee 01/18/2019	Provide requirements relating to the use of jailhouse informants <i>LB352 addresses concerns relating to the reliability of jailhouse witness testimony, by such means as the creation and maintenance of a central record of each case including testimony offered or provided by jailhouse informants (felons), the benefits so requested, etc. Such record will be the responsibility of the county attorney's office. There are additional disclosure requirements as well.</i>
LB377	DeBoer		Judiciary 03/06/2019	In Committee 01/18/2019	Provide for voidability of certain releases from liability <i>LB377 reads: An agreement to release another person or entity from liability for personal injury or death, if entered into within thirty days after the date the personal injury or death occurred, shall be voidable by the releasor. The agreement shall be void upon written notification by the releasor to the other party or parties to the agreement. Such notification must occur within one hundred twenty days after the initial execution of the agreement.</i> <i>The Revisor of Statutes shall assign section 1 of this act to Chapter 25, article 21.</i>

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LB690	Cavanaugh		Judiciary 03/06/2019	In Committee 01/25/2019	Adopt the Healthy Pregnancies for Incarcerated Women Act <i>This bill intends to adopt the Healthy Pregnancies for Incarcerated Women Act. A detention facility shall not use restraints on a prisoner or detainee known to be pregnant, including during labor, delivery, or postpartum recovery or during transport to a medical facility or birthing center, unless the administrator makes an individualized determination that there are extraordinary circumstances where the administrator makes an individualized determination that there is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner or detainee known to be pregnant, the staff of the detention facility or medical facility, other prisoners or detainees, or the public, except that:</i> a) If the doctor, nurse, or other health professional treating the prisoner or detainee known to be pregnant requests that restraints not be used, any detention facility employee accompanying the prisoner or detainee shall immediately remove all restraints; b) Under no circumstances shall leg or waist restraints be used on the prisoner or detainee known to be pregnant; AND c) Under no circumstances shall any restraints be used on any prisoner or detainee in labor or during childbirth. The bill further elucidates the manner and circumstances where restraints may (not) be used, and creates a cause of action for making whole a detainee harmed by the violation of the rule, including reasonable attorney's fees and, potentially, punitive damages. On or before October 1, 2019, each detention facility in this state shall adopt and promulgate rules and regulations to carry out the Healthy Pregnancies for Incarcerated Women Act. A detention facility may also adopt and promulgate rules and regulations developed by the Jail Standards Board or the Nebraska Commission on Law Enforcement and Criminal Justice.
LB700	Bostelman		Natural Resources 03/06/2019	In Committee 01/25/2019	Provide for decommissioning and reclamation of a wind energy conversion system <i>Under LB700, any person owning, operating, or managing a wind energy conservation system in this state shall be responsible for all decommissioning or reclamation costs necessary for removal of such system, including the removal of any aboveground equipment and restoration of the land to its natural state. For purposes of this section reclamation means restoration of the area on which a wind energy conservation system is constructed to the condition that existed prior to construction.</i>
LB613	Crawford		Revenue 03/06/2019	In Committee 01/25/2019	Change application deadlines under certain tax incentive programs <i>Repurposes the thirty million dollars saved from no longer accepting applications under the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Beginning Farmer Tax Credit Act be used to increase the appropriation to the Site and Building Development Fund for fiscal year 2019-20 and each fiscal year thereafter. Contains the emergency clause.</i>
LB720	Kolterman		Revenue 03/06/2019	In Committee 01/25/2019 Kolterman Priority Bill	Adopt the Imagine Nebraska Act and provide tax incentives <i>Under LB720, the Legislature finds that it is the policy of this state to modernize its economic development platform in order to (1) encourage new businesses to relocate to Nebraska, (2) encourage existing businesses to remain and grow in Nebraska, (3) encourage the creation and retention of new, high-paying jobs in Nebraska, (4) attract and retain investment capital in Nebraska, (5) develop the Nebraska workforce, (6) simplify the administration of the tax incentive program created in the Imagine Nebraska Act for both businesses and the state, and (7) improve the transparency and accountability of such program. SECTION 28 of the Act describes the application process for a taxpayer to request an agreement. If the director fails to make his or her determination within the prescribed ninety-day period, the application is deemed approved. Within ninety days after approval of the application, the director shall prepare and deliver a written agreement to the taxpayer for the taxpayer's signature. The taxpayer and the director shall enter into a written agreement. The taxpayer shall agree to increase employment or investment at the qualified location or locations, report wage and hours data at the qualified location or locations to the Department of Labor annually, and report all qualified property at the qualified location or locations to the Property Tax Administrator. The director, on behalf of the State of Nebraska, shall agree to allow the taxpayer to use the incentives contained in the Imagine Nebraska Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. There shall be no new applications for incentives filed by a taxpayer after December 31, 2029.</i>
LB267	Bolz	Support	Government, Military and Veterans Affairs 03/07/2019	In Committee 01/17/2019	Provide a duty for the county board relating to deficient bridges and authorize a tax levy <i>Provide a duty for the county board relating to deficient bridges and authorize a tax levy</i> <i>LB267 requires, under 23-120, in addition to already existing mandates, that the county board is authorized to and shall repair, retrofit, reconstruct, or replace any bridge owned by the county and deemed deficient by Department of Transportation standards.</i>

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LB336	Hansen		Government, Military and Veterans Affairs 03/07/2019	In Committee 01/18/2019	Change the vote required to exceed certain budget limitations <i>Under LB336, a governmental unit may exceed the limit on their budget for a fiscal year by up to an additional one percent upon the affirmative vote of a majority of the governing body. (Previously 75% of the governing body.)</i>
LB328	Bolz		Health and Human Services 03/07/2019	In Committee 01/18/2019	Adopt the Nebraska Family First Act, provide for non-court-involved response to reports of child abuse or neglect, and provide for a family finding project <i>Under the Nebraska Family First Act proposed by LB328, the department of health and human services shall provide prevention and family services and programs in accordance with the requirements for up to 12 months before a child is removed from their home to be placed into foster care. The bill mandates the department maintain a written prevention plan for each foster care candidate.</i>
LB460			Health and Human Services 03/07/2019	In Committee 01/23/2019	Change criminal background check provisions under the Children's Residential Facilities and Placing Licensure Act
LB265	La Grone		Banking, Commerce and Insurance 03/12/2019	In Committee 01/17/2019	Adopt the Unsecured Consumer Loan Licensing Act and clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act <i>Adopt the Unsecured Consumer Loan Licensing Act and clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act</i> <i>LB265 relates to the Unsecured Consumer Loan Licensing Act. The bill updates and/or (re)defines: Annual percentage rate, check, default, department (Dept. of Banking and Finance), director, financial institution, licensee, Nationwide Mortgage Licensing System and Registry, person, and unsecured consumer loan business.</i> <i>The Unsecured Consumer Loan Licensing Act shall not apply to a financial institution organized under the laws of this state or the laws of the United States.</i> <i>The bill outlines the process for application for a license. Licensees under the Unsecured Consumer Loan Licensing Act are required to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. The department is authorized to contract with certain entities to fulfill the purposes of the act. The bill further provides for duties of the director, bond requirements, publication and hearing and related waivers, expenses paid by applicants, when the director shall issue licenses, appeal procedures, etc.</i> <i>There are in this bill requirements impressed upon the licensees, such as disclosure within thirty days of material developments, like bankruptcy or corporate reorganization, felony convictions against the licensee, etc. As well as numerous rules relating to the specifics of lending hereinunder.</i> <i>Original sections 45-901 and 45-1001, Revised Statutes Cumulative Supplement, 2018, are repealed.</i>
LB379	Kolterman		Banking, Commerce and Insurance 03/12/2019	In Committee 01/22/2019	Change provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act <i>This bill defines Nationwide Mortgage Licensing System and Registry. Licensees under the Delayed Deposit Services Licensing Act are required to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. In order to carry out this requirement, the department is authorized to participate in the Nationwide Mortgage Licensing System and Registry. For this purpose, the department may establish requirements as necessary by adopting and promulgating rules and regulations or by order. The requirements may include, but are not limited to: background checks, criminal history checks through fingerprint data bases, credit checks, etc.,</i>

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LB387	Pansing Brooks		Judiciary 03/14/2019	In Committee 01/22/2019	Change and modernize provisions relating to juries <i>LB387 would be the Jury Selection Act, to become operative January 1, 2020.</i> <i>The bill would define terms and change terminology relating to juries. The bill would transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors. It would provide duties for clerk magistrates and change terminology relating to verdicts and court proceedings, as well as change penalty provisions.</i> <i>It would repeal the original sections and outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643.</i>
LB643	McDonnell		Judiciary 03/14/2019	In Committee 01/25/2019	Change death and disability-related prima facie evidence provisions relating to emergency responders <i>This bill relates to 35-1001, regarding circumstances where a firefighter's death is presumed, prima facie, to have been caused in the line of duty. When the other already existing criteria are met, breast cancer and ovarian cancer are hereunder causes which shall be considered occurring "in-the-line-of-duty".</i>
LB712	Friesen		Judiciary 03/14/2019	In Committee 01/25/2019	Prohibit joint entities and joint public agencies from taking action against representative for their speech <i>LB712 proposes the two following additions:</i> <i>First, under the Interlocal Cooperation Act, Sections 13-801 to 13-827, a joint entity shall not prohibit a representative of its members or of any joint board from, or censure such representative for, expressing his or her opinion or speaking on any matter related to the joint entity or joint board if such speech is otherwise lawful. And under the Joint Public Agency Act, Sections 13-2501 to 13-2550, a joint public agency shall not prohibit a representative of its member public agencies or of any board from, or censure such representative for, expressing his or her opinion or speaking on any matter related to the joint public agency or board if such speech is otherwise lawful.</i>
LB131	Pansing Brooks		Judiciary 03/15/2019	In Committee 01/14/2019	Change certain provisions relating to minimum sentences <i>Except when a term of life imprisonment is required by law, in imposing a sentence upon an offender for any class of felony other than Class III, IIIA, or IV felony, the court shall fix the minimum and maximum terms of the sentence to be served within the limits provided by law.</i> <i>The maximum term shall not be greater than the maximum limit provided by law, and: The minimum term fixed by the court shall not be less than the minimum or mandatory minimum provided in section 28-105 and shall not be greater than 1/3 of the maximum limit provided by law, or the minimum term shall be the minimum limit provided by law.</i> <i>Further, when a maximum term of life is imposed by the court for a Class IB felony, the minimum term fixed by the court shall be any term of years not less than the minimum limit provided by law. (The rule from this paragraph is amended by LB131 to remove "a term of life imprisonment" from the potential minimum terms imposed by the court herein.)</i>
LB176	Chambers		Judiciary 03/15/2019	In Committee 01/15/2019	Eliminate certain mandatory minimum penalties <i>LB 176, for purposes of the Nebraska criminal code, proposes to change the mandatory minimum 5 years imprisonment for a Class IC felony to simply a minimum of 5 years imprisonment (no longer mandatory). Further, it proposes to change the mandatory minimum 3 years imprisonment for a Class ID felony to simply a minimum of 3 years in prison (no longer mandatory).</i>
LB458	Lathrop		Judiciary 03/15/2019	In Committee 01/23/2019	Change provisions relating to child abuse or neglect
LB479	Wishart		Judiciary 03/15/2019	In Committee 01/24/2019	Prohibit sexual abuse of a detainee and change provisions relating to sexual abuse of an inmate or parolee <i>Modifies the rules relating to inadmissibility of previous civil and criminal proceedings regarding sexual assault. Redefines the offense of sexual assault for purposes of sections 27-414 and 27-415. Section 7 of the act will be added to the Nebraska Criminal Code. Redefines sexual penetration so as to include non-law enforcement purposes. The bill overhauls what is lawful at such time when law enforcement has a detainee in custody. (4) Any person who engages in sexual penetration with a detainee is guilty of sexual abuse of a detainee in the first degree. Sexual abuse of a detainee in the first degree is a Class IIA felony. Any person who engages in sexual contact with a detainee is guilty of sexual abuse of a detainee in the second degree. Sexual abuse of a detainee in the second degree is a Class IIIA felony.</i>

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LB484	Lowe		Judiciary 03/15/2019	In Committee 01/24/2019	Change provisions relating to assault on certain employees and officers
<i>This bill is cleaning up sections related to assault on a public safety officer (including, peace officers, probation officers, firefighters, out-of-hospital emergency care providers, employees of DHHS working at a youth rehabilitation and treatment center or at a regional center, employees of the DHHS if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act.</i>					
<i>It outlines penalties, mental states necessary for violations, and defines terms (such as, public safety officer or health care professional in the first, second, or third degree).</i>					
LB496	Wayne		Judiciary 03/15/2019	In Committee 01/24/2019	Increase penalties for tampering with witnesses, informants, jurors, or physical evidence and change provisions relating to discovery in criminal cases
<i>Specifically:</i>					
<i>Tampering with witnesses or informants is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony.</i>					
<i>Jury tampering is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony.</i>					
<i>Tampering with physical evidence is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony.</i>					
<i>The bill further defines enforcement provisions under certain circumstances, for instance, when the prosecution believes a witness could be in danger of harm through particular disclosures, etc.</i>					

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LB4	Stinner		Revenue 01/25/2019	Select File 02/19/2019	Change mileage reimbursement and filing fees under the Tax Equalization and Review Commission Act <i>LB4 mandates that because of the commission shall have three commissioners, one from each congressional district, and because a commissioner shall be a qualified voter and resident of the state and a domiciliary of the district he or she represents each commissioner shall be reimbursed for mileage for actual round-trip travel from the commissioner's residence to the state office building in Lincoln or to the location of any hearing or other official business of the commission. Reimbursement requests shall be based on the rate established by the Department of Administrative Services. Funds expended for parking may be requested in addition to mileage. Also, LB4 mandates that when an appeal or petition is filed with the commission regarding the taxable value of a parcel of real property, the filing fees shall be: Forty dollars (\$40) if the taxable value of the parcel is less than two hundred fifty thousand dollars (\$0-249,999); Fifty dollars (\$50) if the taxable value of the parcel is at least two hundred fifty thousand dollars but less than five hundred thousand dollars (\$250,000-\$499,999); Sixty dollars (\$60) if the taxable value of the parcel is at least five hundred thousand dollars but less than one million dollars (\$500,000-\$999,999); or Eighty-five dollars (\$85) if the taxable value of the parcel is at least one million dollars (\$1,000,000+). For any appeal or petition filed with the commission not regarding the taxable value of a parcel of real property, the filing fee shall be forty dollars (\$40). No filing fee (\$0) shall be required for an appeal by a county assessor, the Tax Commissioner, or the Property Tax Administrator acting in his or her official capacity or a county board of equalization acting in its official capacity.</i>
LB9	Blood		Government, Military and Veterans Affairs 02/21/2019	In Committee 01/14/2019	Prohibit cities, counties, and villages from taxing or regulating distributed ledger technology <i>Designed to prohibit cities, villages, and counties from taxing or otherwise regulating the use of distributed ledger technology, which is a technology that is a uniformly ordered, redundantly maintained electronic record of transactions, or other data, validated by the use of cryptography.</i>
LB11	Blood	Support	Urban Affairs 01/29/2019	Final Reading 02/19/2019	Provide for interlocal agreements regarding nuisances <i>Intended to provide for interlocal agreements between any city or village and the county where it is located to abate, remove, or prevent nuisances. The governing body of such city or village and the county board of such county shall first approve such interlocal agreement by ordinance or resolution.</i>
LB13	Blood		Revenue 01/25/2019	General File 02/22/2019	Provide a sales tax exemption for breast pumps and related supplies and exempt breast-feeding from public indecency offenses <i>LB13 is creates an exemption from the public indecency offenses, that is it shall not be a violation for an individual to breast-feed a child in a public place. Also, it proscribes sales and use taxes sale, lease, or rental of and the storage, use, or other consumption of breast pump and breast pump collection and storage supplies (caps, tubes, pump kits, etc.).</i>
LB17	Briese		Judiciary 01/31/2019	In Committee 01/14/2019	State a right of juveniles who have a parent with a disability <i>Designed to assure the right of each juvenile to be parented by his or her parent, which shall not be abridged based solely on a disability of the parent.</i>
LB20	Briese	Oppose	Government, Military and Veterans Affairs 01/24/2019	In Committee 01/14/2019	Require voter approval of public building commission bonds <i>Designed to require approval by the voters for the issuance of bonds by public building commissions and to repeal the original provision.</i>
LB23	Kolterman		Urban Affairs 02/05/2019	In Committee 01/14/2019	Change the Property Assessed Clean Energy Act <i>Designed to change legislative findings and to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities regarding energy efficiency.</i>
LB28	Kolterman		Judiciary 01/24/2019	In Committee 01/14/2019	Authorize damages for property taxes and special assessment paid on property lost through adverse possession <i>Intended to authorize damages in causes of action arising on or after January 1, 2020, for property taxes and special assessments paid on property lost through adverse possession.</i>
LB32	Kolterman		Nebraska Retirement Systems 01/29/2019	Final Reading 02/19/2019	Change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act <i>Designed to change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act on or after January 1, 2021, which shall include, but not be limited to: an investor select account, a stable return account, an equities account, a fixed income account, and a life-cycle fund.</i>

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LB33	Kolterman		Nebraska Retirement Systems 01/22/2019	Final Reading 02/06/2019	Change various provisions relating to retirement and the Nebraska Investment Council and the Public Employees Retirement Board <i>Designed to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board (prior to 2020, and by April 10 of each year beginning in 2020). The bill also limits the information obtained by the board of trustees that can be disclosed as public information to name, retirement commencement and ending dates.</i>
LB34	Kolterman		Nebraska Retirement Systems 02/05/2019	In Committee 01/14/2019 Nebraska Retirement Systems Priority Bill	Eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to employee reinstatement under the County Employees Retirement Act and State Employees Retirement Act <i>Designed to eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to employee reinstatement under the County Employees Retirement Act and State Employees Retirement Act, specifically the bill proposes to eliminate the repayment of the value of the amount received from his or her employee account or member cash balance account.</i>
LB35	Kolterman		Nebraska Retirement Systems 02/05/2019	In Committee 01/14/2019	Change provisions relating to reemployment, reinstatement, repayment, and age eligibility for certain members under the County Employees Retirement Act and State Employees Retirement Act <i>Designed to change provisions relating to reemployment, reinstatement, repayment, and age eligibility (proposed to be 18 years of age) regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act. To become operative January 1, 2020.</i>
LB38	Hilkemann		Transportation and Telecommunications 02/05/2019	In Committee 01/14/2019	Provide for one license plate and In Transit decal per vehicle <i>Designed to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to eliminate obsolete provisions.</i>
LB42	Hilkemann		Banking, Commerce and Insurance 01/28/2019	Final Reading 02/19/2019	Provide certain responsibilities and a duty under the Condominium Property Act and a duty under the Nebraska Condominium Act <i>Designed to create responsibility for maintenance, repair, and replacement of common elements in the association of co-owners and board of administrators, or other body governing the condo. As well as to require the board of administrators or other administrative body under the Condominium Property Act for the yearly (on or before December 31) filing of the names and addresses of the current officers of the board with the county clerk, and the filing fees (not more than \$25).</i>
LB43	Bolz		Judiciary 02/22/2019	In Committee 01/14/2019	Adopt the Sexual Assault Survivors' Bill of Rights Act <i>Designed to adopt the Sexual Assault Survivors' Bill of Rights Act, which includes, among other things, the survivor's right to consult with and have present an advocate of his or her choosing during medical evidentiary or physical examination (regardless of whether or not said right has been previously waived), the right to a free forensic medical examination, the right to shower at no cost if the facilities are available, right to consult with or have an advocate available during an interview by police/prosecution/defense, the right to be interviewed by an interviewer the gender of the survivor's choosing, and to and interpreter for differences regarding primary language.</i>
LB47	Chambers		Judiciary 01/25/2019	IPP (Killed) 02/01/2019	Change provisions relating to when a grand jury report may be made public <i>Designed allow for a grand jury report may be made public only after all persons indicted have been adjudicated in district court, or when required by statute, or when the judge of the district court finds that such a release will exonerate a person or persons who have requested such a release.</i>
LB48	Stinner		Natural Resources 02/13/2019	General File 02/14/2019	Change provisions relating to sufficient cause for nonuse of a water appropriation <i>Designed to change provisions relating to a finding of sufficient cause for nonuse of a water appropriation, namely, to add the following sufficient cause: "The land subject to the appropriation is under an acreage reserve program or production quota or is otherwise withdrawn from use as required for participation in any federal, state, or natural resources district program...OR... such land was previously under such a program but currently is not under such a program and there have been not more than five consecutive years of nonuse on such land subsequent to when that land was last under such program."</i>

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LB50	Vargas		Revenue 01/23/2019	In Committee 01/14/2019	Change individual income tax brackets and rates <i>Increases income tax also creates a one percent (1%) tax rate on that portion of a taxpayer's Nebraska taxable income in excess of one million dollars and, a two percent (2%) tax rate on that portion of a taxpayer's Nebraska taxable income in excess of two million dollars.</i>
LB53	Scheer		Natural Resources 02/14/2019	In Committee 01/14/2019	Change and provide duties for landowners or their tenants relating to removal of a blockage or obstruction in a watercourse and provide for court costs and attorney's fees <i>LB53 mandates landowners or their tenants removal of a blockage or an obstruction in a watercourse, slough, or drainage ditch or drainage course whenever such blockage or obstruction is caused by any of the acts of such landowner or tenant or with his or her knowledge or consent and to do so at least once a year between March 1st and April 15th, and, between April 15th and the following March 1st within thirty days after notification of such blockage or obstruction by a landowner or tenant having the same watercourse, slough, drainage ditch or drainage course running through the land owned or occupied by such landowner or tenant. Any person violating the above rule will be guilty of a misdemeanor and upon conviction shall be fined up to \$10 and be liable for all damages caused by reason of such obstruction, including court costs and reasonable attorney's fees if: the person was properly notified at least 10 days before the filing of a complaint relating to the March 1st to April 15th time-frame, or if the person was properly notified at least 10 days before the filing of a complaint but after the thirty-day period provided for above</i>
LB54	Lowe		Judiciary 02/28/2019	In Committee 01/14/2019	Change provisions relating to carrying a concealed weapon <i>LB54 creates an exemption to the carrying a concealed weapon statute. The statute would now allow for possessing, carrying, transporting, shipping, or receiving a firearm for any lawful purpose to or from any place where such firearm may be lawfully possessed or carried by a person if such firearm is unloaded and stored in a case and such person is not otherwise prohibited by state or federal law from possessing, carrying, transporting, shipping, or receiving a firearm. Here, "case" means case means (i) a hard-sided or soft-sided box, container, or receptacle intended or designed for the purpose of storing or transporting a firearm or (ii) the firearm manufacturer's original packaging.</i>
LB55	Lowe		Judiciary 01/24/2019	Final Reading 02/26/2019	Authorize persons eighteen years of age to acquire or convey title to real property <i>LB55 would authorize persons eighteen years of age to acquire or convey title to real property</i>
LB56	Lowe		General Affairs 01/28/2019	Final Reading 02/19/2019	Change special designated licensure provisions under the Nebraska Liquor Control Act <i>Holders of catering licenses may seek a special designated license for the delivery, sale or dispensing of alcohol at a specific date/location. Application may be made by for such special event licensing and must be made at least 21 days prior to the event, unless the local governing body has established an expedited process for such applications, in which case the application shall be filed at least twelve days prior to the event. License can be delivered electronically.</i>
LB58	Morfeld		Judiciary 02/28/2019	In Committee 01/14/2019	Adopt the Extreme Risk Protection Order Act <i>Under LB58 a petitioner may file for an extreme risk protection order, requesting such order be issued ex parte to the respondent and without prior notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant risk of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court shall hold a hearing on a petition for an ex parte extreme risk protection order on the day the petition is filed or on the judicial day immediately following the day the petition is filed. If the court finds reasonable cause, the extreme risk protection order shall issue ex parte as a temporary order. Upon notice of such an order, Respondent has five days to request a show-cause hearing, the court must calendar the such a requested hearing to be held within thirty days after receipt of the request. If the Respondent fails to appear at the show-cause hearing or fails to defeat a preponderance of the Petitioner's evidence, the court shall issue a final extreme risk protection order. The clerk of the court would be responsible for providing two certified copies to the Petitioner, as well as copies to law enforcement.</i>
LB59	Cavanaugh		Health and Human Services 03/06/2019	In Committee 01/14/2019	Change investigation and reporting provisions under the Children's Residential Facilities and Placing Licensure Act <i>LB59 is a bill for an amendment relating to the Children's Residential Facilities and Placing Licensure Act. Any person may submit a complaint to the department and request investigation of an alleged violation of the Act or rules and regulations adopted and promulgated under the act. The department shall review all complaints, including complaints of abuse and neglect from professionals, and determine whether to conduct an investigation within five working days after receiving the complaint. If such an investigation is conducted, an investigation report shall be issued within thirty days after the determination is made to conduct the investigation.</i>

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LB63	Groene	Monitor	Revenue 01/24/2019	Final Reading 02/19/2019	Change tax levy provisions relating to rural and suburban fire protection districts and change the Mutual Finance Assistance Act <i>Under LB63, beginning July 1, 2016, rural and suburban fire protection districts may levy a maximum levy of ten and one-half cents per one hundred dollars of taxable valuation of property subject to the levy if such district is located in a county that had a levy in the previous year of at least forty cents per one hundred dollars of taxable valuation of property subject to the levy OR such district had a levy request in any of the three previous years and the county board of the county in which the greatest portion of the valuation of such district is located did not authorize any levy authority to such district in such year. If a mutual finance organization qualifies for assistance under this section and one or more rural or suburban fire protection districts or cities or villages fail to levy a tax rate that complies with the Mutual Finance Assistance Act, as required under a mutual finance organization agreement, the mutual finance organization shall be disqualified for assistance in the following year and each subsequent year until the year following any year for which all districts and cities and villages in the mutual finance organization levy a tax rate required by a mutual finance organization agreement. LB63 further asserts that the members of the board of directors of a rural or suburban fire protection district may receive up to fifty dollars (\$50) for each meeting of the board. (Which used to be capped at \$25).</i>
LB67	Hansen		Urban Affairs 01/22/2019	Final Reading 02/04/2019	Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies <i>Under LB67, the population of a city under the Nebraska Trust Company Act shall be the population as determined by the most recent federal decennial census OR the most recent revised certified count by the United States Bureau of the Census. This bill also changes the governing body of counties from the county commissioners to the county board. Members of the governing body of a village are now referred to as members of the "village board of trustees".</i>
LB68	Hansen		Urban Affairs 02/19/2019	In Committee 01/14/2019	Change provisions of the Business Improvement District Act as prescribed <i>LB68 addresses the Business Improvement District Act. Hearings must be called by city council now not only when simply expanding the district's boundaries, but now under LB68, hearings are required after any change in the boundaries have been proposed or any change the functions or provisions of an existing business improvement district have been proposed. If a city council has not acted to call a hearing to change the boundaries or change the functions or provisions of an existing business improvement district, it shall do so when presented with a petition signed by the users of thirty percent of space in a business area proposed to be added to or removed from an existing improvement district where an occupation tax is imposed, or by the record owners of thirty percent of the assessable front footage in a portion of a business area proposed to be added to or removed from an existing business improvement district, or if the recommendation is to change the functions or provisions of an existing business improvement district, by the record owners of thirty percent of the existing business improvement district.</i>
LB71	Hansen		Judiciary 01/23/2019	Final Reading 02/22/2019	Eliminate a cause of action for damages for shoplifting <i>The rule relating to small claims court causes of action that says no party shall file more than two claims within any calendar week nor more than ten claims in any calendar year now applies also to shoplifting, which it did not before.</i>
LB72	Hansen		Government, Military and Veterans Affairs	Withdrawn 01/18/2019	Provide for nonpartisan election of county officers <i>Under LB72, each county Assessor, county sheriff, county treasurer, county attorney, public defender, clerk of the district court, county surveyor, county engineer, county commissioners, as well as the county supervisors—shall be elected on the nonpartisan ballot rather than the partisan ballot.</i>
LB76	Williams		Revenue 02/08/2019	In Committee 01/14/2019	Change provisions relating to the nameplate capacity tax <i>"Nameplate capacity" means the capacity of a renewable energy generation facility to generate electricity as measured in megawatts, including fractions of a megawatt. LB76 adds the specificity that "nameplate capacity" shall be determined based on the facility's alternating current capacity.</i>
LB77	Williams		Banking, Commerce and Insurance 01/22/2019	Final Reading 02/04/2019	Change provisions of the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act <i>"Education providers", that provide appraiser training or education, shall no longer as a technical term include simply any person that provides appraiser qualifying or continuing training or education. Specifically, "education provider" is proposed to mean: Any real property appraisal or real estate related organization, proprietary school, accredited degree-awarding community college, college, or university, state or federal agency, or other such provider that may be approved by the Real Property Appraiser Board that provides appraiser training or education. The one licensed real estate broker board member that is selected at large no longer would need to also hold a credential as a licensed or certified real property appraiser. Three members of the board, at least two of whom are real property appraisers, shall constitute a quorum.</i> <i>The Real Property Appraiser Board- approved qualifying education courses shall now be conducted by education providers as prescribed by the board. Such courses shall include a proctored, closed-book examination, and the degree so earned upon successful completion and passing of said examination shall be conferred within the five-year period immediately preceding submission of any application.</i>

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The scope of practice for the trainee real property appraiser shall be limited to the appraisal of the types of real property or real estate that the supervisory certified real property appraiser is permitted to appraise by his or her current credential and that the supervisory appraiser is competent to appraise.

To qualify for a credential as a licensed residential real property appraiser, an applicant shall: Be at least nineteen years of age; Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the Real Property Appraiser Board; Have successfully completed and passed examination for no fewer than one hundred fifty class hours in Real Property Appraiser Board-approved qualifying education courses conducted by education providers as prescribed by rules and regulations of the Real Property Appraiser Board and completed the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course. Each course shall include a proctored, closed-book examination pertinent to the material presented; or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as required core curriculum or the equivalent as determined by the Appraiser Qualifications Board. If the degree in real estate or equivalent as approved by the Appraiser Qualifications Board does not satisfy all required qualifying education for credentialing, the remaining class hours shall be completed in Real Property Appraiser Board-approved qualifying education; Have no fewer than one thousand hours of experience (down from two thousand hours) that occurred during a period no fewer than six months (down from twelve months);,; Comply with the filing requirements as before, such as proper fingerprinting, etc.

To qualify for a credential as a certified residential real property appraiser, a licensed residential real property appraiser shall: Meet the postsecondary educational requirements—or—have held a credential as a licensed residential real property appraiser for a minimum of five years, AND Not have been subject to a nonappealable disciplinary action by the board or any other jurisdiction, which action limited the real property appraiser's legal eligibility to engage in real property appraisal activity within five years immediately preceding the date of application for the certified residential real property appraiser credential, AND

- *Successfully complete and pass proctored, closed-book examinations for no fewer than fifty additional class hours in board-approved qualifying education courses conducted by education providers as prescribed by rules and regulations of the board, or hold a bachelor's degree in real estate from an accredited degree-awarding college or university, AND*
- *Meet the experience requirements.*

To qualify for a credential as a certified general real property appraiser, a licensed residential real property appraiser shall:

- *Meet the postsecondary educational requirements,*
- *Successfully complete and pass proctored, closed-book examinations for no fewer than one hundred fifty additional class hours in board-approved qualifying education courses conducted by education providers as prescribed by rules and regulations of the board, or hold a bachelor's degree in real estate from an accredited degree-awarding college or university or equivalent, AND*
- *Meet the experience requirements.*

To qualify for a credential as a certified residential real property appraiser, an applicant shall:

- *Be at least nineteen years of age,*
- *Hold a bachelor's degree, or higher, from an accredited degree-awarding college or university,*
- *Hold an associate's degree from an accredited degree-awarding community college, college, or university in the study of business administration, accounting, finance, economics, or real estate;*
- *Successfully complete thirty semester hours of college-level education from an accredited degree-awarding community college, college, or university that includes:*
 - o *Three semester hours in each of the following: English composition; microeconomics; macroeconomics; finance; algebra, geometry, or higher mathematics; statistics; computer science; business law or real estate law; and*
 - o *Three semester hours each in two elective courses in any of the topics listed in subdivision (b)(iii)(A), or in accounting, geography, agricultural economics, business management, or real estate;*
- *Successfully complete thirty semester hours of College-Level Examination Program from an accredited degree-awarding community college, college, or university that includes three semester hours in each of the following subject matter areas: College algebra; college composition; college composition modular; college mathematics; principles of macroeconomics; principles of microeconomics; introductory business law; and information systems; or*
- *Successfully complete any combination that ensures coverage of all topics and hours identified.*

(Rules exist for equivalency if an individual's degree is from a foreign country.)

LB79	Friesen	Transportation and Telecommunications	Final Reading 02/06/2019	Adopt and update references to federal transportation laws and allow for electronic images of certain registration certificates
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In the case of an apportionable vehicle, the registration certificate may be displayed as a legible paper copy or electronically as authorized by the department.

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					<i>Registration fees credited to the Motor Carrier Services Division Distributive Fund pursuant to section 60-3,198 and remaining in such fund at the close of each calendar month shall be remitted to the State Treasurer for credit as follows: (a) Three percent of thirty percent of such amount shall be credited to the Department of Revenue Property Assessment Division Cash Fund; (b) the remainder of such thirty percent shall be credited to the Motor Vehicle Tax Fund; and (c) seventy percent of such amount shall be credited to the Highway Trust Fund.</i>
					<i>Regulations implemented from federal acts and regulations shall be done as such acts and regulations existed on January 1, 2019.</i>
LB80	Friesen		Transportation and Telecommunications	Final Reading 02/27/2019	Change motor vehicle identification inspection provisions <i>Each county sheriff shall establish a process to enter into an agreement with any franchisee licensed under the Motor Vehicle Industry Regulation Act with a franchise location in the county in which the sheriff has jurisdiction to collect information for the identification inspection on motor vehicles which are in the inventory of the franchisee and which are at a franchise location in such county. The agreement shall require that the franchisee provide the required fee, a copy of the documents evidencing transfer of ownership, and the make, model, vehicle identification number, and odometer reading in a form and manner prescribed by the county sheriff, which shall include a requirement to provide a photograph or digital image of the vehicle, the vehicle identification number, and the odometer reading. The county sheriff shall complete the identification inspection as required using such information and return to the franchisee the statement that an identification inspection has been conducted for each motor vehicle. If the information is incomplete or if there is reason to believe that further inspection is necessary, the county sheriff shall inform the franchisee. If the franchisee knowingly provides inaccurate or false information, the franchisee shall be liable for any damages that result from the provision of such information. The franchisee shall keep the records for five years after the date the identification inspection is complete.</i>
LB82	Friesen		Transportation and Telecommunications	Final Reading 02/06/2019	Change provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds and to change and provide duties as prescribed <i>No longer shall the total costs of all contracts for bridge erection or repair, approaches thereto, culverts, or road improvements in excess of twenty thousand dollars be included in the annual reports to the Board of Public Roads Classifications and Standards. The Board of Public Roads Classifications and Standards no longer needs to consider bridge replacement applications during certain specific months (previously required in June and December each year). The Board of Public Roads Classifications and Standards shall develop and adopt the specific criteria for each functional classification, after public hearing. Following their adoption, the board shall provide an electronic copy of such criteria to the Secretary of State and the Clerk of the Legislature. The board shall also provide an electronic notification of such criteria to the appropriate representative of each county and each incorporated municipality and to the Director-State Engineer.</i> <i>In cooperation with the Department of Transportation, counties, and municipalities, the board is authorized to develop, support, approve, and implement programs and project strategies that provide additional flexibility in the design and maintenance standards. Once a program is established, the board shall allow project preapproval for all projects that conform to the agreed-upon program. The programs shall be set out in memorandums of understanding or guidance documents and may include, but are not limited to, the following:</i> <ul style="list-style-type: none"> <i>a) Practical design, flexible design, or similar programs or strategies intended to focus funding on the primary problem or need in constructing projects that will not meet all the standards but provide substantial overall benefit at a reasonable cost to the public,</i> <i>b) Asset preservation or preventative maintenance programs and strategies that focus on extending the life of assets such as, but not limited to, pavement and bridges that may incorporate benefit cost, cost effectiveness, best value, or lifecycle analysis in determining the project approach and overall benefit to the public; and</i> <i>c) Context sensitive design programs or similar programs that consider the established needs and values of a county, municipality, community, or other connected group to enable projects that balance safety while making needed improvements in a manner that fits the surroundings and provides overall benefit to the public.</i> <i>To encourage unified operations, counties and municipalities may contract between themselves to administer all phases of their road and street programs without filing such contracts with the Board of Public Roads.</i> <ol style="list-style-type: none"> <i>1. The Department of Transportation and each county and municipality shall develop, adopt, maintain as a public record, and annually update a long-range, six-year plan or program of highway, road, and street improvements based on priority of needs and calculated to contribute to the orderly development of an integrated statewide system of highways, roads, and streets. The department and each county and municipality shall annually certify compliance with the requirements of this section to the Board of Public Roads Classifications and Standards using the certification form developed by the board pursuant to section 39-2120. Each county and municipality shall annually develop, adopt, and maintain as a public record a one-year plan or program for specific highway, road, or street improvements for the current year. No plan or program will be adopted until after public hearing thereon and its approval by the governing body. Each county and municipality shall schedule and hold the public hearing each year, and such hearing may be held prior to or in conjunction with that entity's annual public hearing on its proposed budget statement in any year such budget statement hearing is held according to law. Each county and municipality shall annually certify compliance with the requirements of this section to the Board of Public Roads Classifications and Standards using the certification form developed by the board. If the county or municipality complies within a six-month period it shall receive the money in escrow, but after six months, if the county or municipality fails to comply, the money in the escrow account shall be lost to the county or municipality and shall be distributed to other counties or municipalities, as appropriate, in the manner provided by law for allocation of highway-user revenue.</i>

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					<p>The Board of Public Roads Classifications and Standards shall develop and schedule for implementation a certification form for annual filing by the Department of Transportation and each county and municipality. The certification for shall include:</p> <p>1) A statement from the department and each county or municipality that it has developed, adopted, and included in its public records the plans or programs required by sections 39-2115 to 39-2119;</p> <p>2) A statement that the department and each county or municipality:</p> <ul style="list-style-type: none"> a. Meets the standards or programs of design, construction, and maintenance for its highways, roads, or streets; b. Expends all tax revenue for highway, road, or street purposes in accordance with approved plans and standards, including county and municipal tax revenue as well as highway-user revenue allocations; and c. Uses a system of revenue and cost accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, and programs; d. Uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, and accomplishments; e. Uses an accounting system including an inventory of machinery, equipment, and supplies; and f. Uses an accounting system that tracks equipment operation costs; <p>3) The information required under subsection (2) of section 39-2510 or subsection (2) of section 39-2520, when applicable. The certification by the department shall be signed by the Director- State Engineer. The certification by each county and municipality shall be signed by the board chairperson or mayor and shall include a copy of the resolution or ordinance of the governing body of the county or municipality authorizing the signing of the certification form.</p> <p>The certification form shall be filed annually by the Department of Transportation by July 31 and by each county and municipality by October 31.</p> <p>The county or municipal county shall determine the amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and (ii) the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year. The county or municipal county shall create and maintain such determination as a public record and certify the determination pursuant to law.</p>
LB83	Wayne		Government, Military and Veterans Affairs 03/06/2019	In Committee 01/14/2019	<p>Provide for restoration of voting rights upon completion of a felony sentence or probation for a felony</p> <p>LB83 allow for the restoration of an individual's voting rights immediately upon completion of that person's felony sentence or successful completion of probation for a felony, rather than after the two-year waiting period necessary under previous law.</p>
LB86	Wayne		Revenue 01/25/2019	In Committee 01/14/2019	<p>Change provisions relating to the allocation of the Affordable Housing Trust Fund and the collection and remittance of the documentary stamp tax</p> <p>Creates a new category for the Documentary Stamp Tax for properties in excess of \$1,000,000 at 3.25. Moves money around according to a new formula and creates a category of extremely blighted property to move some of the money into.</p>
LB87	Wayne		Urban Affairs 02/19/2019	In Committee 01/14/2019	<p>Provide funding in opportunity zones designated pursuant to federal law</p> <p>First priority in allocating funds from the Affordable Housing Trust Fund for use by the Department of Economic Development those projects which are located in whole or in part within an enterprise zone designated pursuant to the Enterprise Zone Act or an opportunity zone designated pursuant to the federal Tax Cuts and Jobs Act, Public Law 115-97, serve the lowest income occupant, and are obligated to serve qualified occupants for the longest period of time.</p>
LB89	Wayne		Judiciary 03/20/2019	In Committee 01/14/2019	<p>Change certain marijuana penalties</p> <p>Unlawful knowing or intentional manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance or a counterfeit controlled substance shall be guilty of a Class IV felony with respect to 5 pounds or less of marijuana and shall be guilty of a Class IIA felony for more than 5 pounds of marijuana. Any person knowingly or intentionally possessing marijuana weighing more than 3 ounces (up from 1 ounce) but not the more than 1 pound shall be guilty of a shall be guilty of a Class III misdemeanor. Any person knowingly or intentionally possessing marijuana weighing more than 1 pound but not more than 5 pounds (up from 1 pound) shall be guilty of a Class I misdemeanor. Any person guilty of knowingly or intentionally possessing marijuana wings 1 ounce or less shall be guilty, for their second offense, of a class IV misdemeanor. And for that person's third or all subsequent offenses, shall be guilty of a Class IIIA misdemeanor.</p>
LB90	Wayne	Monitor	Judiciary 03/20/2019	In Committee 01/14/2019	<p>Make post-release supervision optional for Class IV felonies</p> <p>Under the Nebraska Criminal Code, the penalty for a Class IV felony shall be a Maximum: two years imprisonment and twelve months post-release supervision or \$10,000 fine, or both, and a Minimum: no imprisonment and no post-release supervision. BEWARE: the changes made to the penalty above shall apply to offenses committed on or after the effective date of this act, and offenses committed prior to the effective date of this act and on or after August 30, 2015, for which a final judgment has not been entered. For purposes here, an offense shall be deemed to have been committed prior to August 30, 2015, if any element of the offense occurred prior to such date.</p>

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LB91	Wayne		Judiciary 03/20/2019	In Committee 01/14/2019	Provide for deferred judgments by courts as prescribed <i>A court may defer the adjudication of guilt and the imposition of a sentence and place the defendant on probation after hearing from the prosecution and defense. Upon a showing by the prosecuting attorney that the defendant is intentionally violating the conditions of probation, the court may revoke, pronounce judgment, and impose such new sentence as would have been imposed originally for the crime convicted. Whereas upon fulfillment of the conditions of probation, the defendant shall have his or her charge dismissed without entry of judgment.</i> <i>A defendant is not eligible for a deferred judgment if he or she has been previously convicted of a felony anywhere in the United States for, prior to the commission of the offense the defendant had been granted a deferred judgment or two or more time anywhere in the United States (with limited exceptions) OR, prior to the commission of the offense the defendant has been granted a deferred judgment anywhere in the United States within the proceedings five years (measured from the date of granting of the prior deferred judgment to the date of the commission of the offense) OR, the defendant is not eligible for probation or, they defendant is a business entity and not a person. (Other restrictions on disqualification exist as well.)</i> <i>The clerk of the court is mandated to keep a statewide data base (including a permanent record of the deferred judgment), which shall serve as the deferred judgment docket created and maintained by the State Court Administrator.</i>
LB94	Wayne		Judiciary 01/30/2019	In Committee 01/14/2019	Designate Nebraska State Patrol as agency to investigate criminal activity within Department of Correctional Services correctional facilities <i>Under LB94, the Nebraska state patrol would be authorized to conduct investigations of any criminal activity that takes place within any correctional facility be operated by the Department of Corrections Services. When the act becomes operative, the Nebraska State Patrol shall employ and have oversight over any investigators employed by the Department of Correctional Services (as well as all the funds used by the Department of Correctional Services for the administration of salaries for such investigators).</i> <i>The Nebraska state patrol shall provide information regarding any investigations conducted here in to the Inspector General of the Nebraska correctional system. With very limited exception, these are not public records and shall not be subject to discovery by any other person or entity.</i>
LB95	Wayne		Urban Affairs 02/12/2019	In Committee 01/14/2019	Change applicability provisions for building codes <i>Allstate agencies shall comply with the state building code except that the construction or repair of any building or structure beginning on or after January 1, 2020, which is owned by the state or any state agency, the state agency shall comply with the local building and construction codes and acted, administered, or enforced to the extent that such codes meet or exceed the standards of the state building code. Related fees shall not exceed the actual expenses incurred by such county, city, or village.</i>
LB96	Wayne		Urban Affairs 02/12/2019	In Committee 01/14/2019	Change local building code provisions <i>The state building code shall be the building and construction standard within the state and shall be applicable:</i> <i>1.to state buildings and structures,</i> <i>2.if adopted by a county, city, or village, and</i> <i>3.in each county, city, or village which has not adopted a local building or construction personnel to Nebraska law within two years after an update to the state building code.</i>
LB97	Wayne		Revenue	In Committee 01/15/2019	Change provisions relating to highway funding <i>Under LB 97, the Legislature finds that safe and modern highway infrastructure is of great importance to Nebraska. That it is in the interest of Nebraska taxpayers to leverage historically low interest rates to offset the challenges that construction inflation and uncertain Federal highway funding pose to adequately financing the state's infrastructure needs. It is the intent of the legislature to conservatively utilize the bond financing by issuing bonds, not to exceed \$200 million in the aggregate principal amount with a maturity on or before July 1, 2039.</i> <i>Upon the recommendation of the department of transportation, the commission acting for and on behalf of the state meet issues from time to time bonds under the Nebraska highway behind act in such principal amounts as determined by the commission for accelerating completion of the highway construction projects under the Build Nebraska act. No bonds shall be issued with a fixed interest rate exceeding 5% or with a variable interest rate. No bonds shall be issued after June 30, 2022, except for refunding bonds issued in accordance with the Nebraska Highway Bond Act. Bonds issued pursuant therein shall be paid off by July 1, 2039.</i>

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					<p><i>The Build Nebraska Bond Fund is created, and shall consist of money credited to the fund herein. At least 25% of the proceeds shall be used for construction of the expressway system and federally designated highway priority corridors and the remaining proceeds shall be used to pay for service transportation projects at the highest priority as determined by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska state funds investment, and the fund shall retain any earnings related thereto.</i></p> <p><i>Such bonds shall in all respects comply with the provisions of Article XIII, section 1, of the constitution of Nebraska.</i></p>
LB98	Wayne		Government, Military and Veterans Affairs	In Committee 01/14/2019	<p>Change signature requirements for nomination of partisan candidates by petition</p> <p><i>For LB98, the number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be as follows:</i></p> <p><i>For each partisan office to be filled by the registered voters of the entire state, at least four thousand, and at least 750 signatures shall be obtained in each congressional district in the state, and</i></p> <p><i>For each partisan office to be filled by the register voters of a county, at least 20% of the total number of registered voters voting for governor or president of the United States the immediately preceding general election within the county, not to exceed two thousand, except that the number of signatures shall not be required to exceed 25% of the total number of registered voters voting for the office in the preceding general election, and</i></p> <p><i>For each participant office to be filled up by the registered voters of a political subdivision other than a county, at least 20% of the total number of registered voters voting for governor or president of the United States at the immediately preceding general election within the political subdivision, not to exceed two thousand.</i></p>
LB103	Linehan	Oppose	Revenue 01/24/2019	Select File 02/19/2019	<p>Change provisions relating to property tax requests</p> <p><i>This bill appears to cap property tax requests at a rate of the previous year and only allows for an increase the rate of levy and property tax request above the amounts identified in the bill, a governing body can do it only following a public hearing. The bill also puts some significant requirements in place for the public hearing and notice.</i></p>
LB106	Dorn		Judiciary 03/28/2019	In Committee 01/14/2019	<p>Change provisions relating to disclosure of DNA records under the DNA Identification Information Act</p> <p><i>Under LB106, all DNA samples and related records submitted to the State DNA sample bank or the State DNA database are confidential except as otherwise provided in the DNA Identification Information Act. The Nebraska State patrol shall make DNA records in the State DNA database available to law enforcement agencies and forensic DNA laboratories which serve such agencies and which participate in the combined DNA index system.</i></p>
LB108	Bolz		Judiciary 02/06/2019	In Committee 01/14/2019	<p>Change provisions relating to placement of Department of Correctional Services inmates in county jails</p> <p><i>LB108 creates annual limits on placements in county jails such that: in any year the department of corrections may contract with county jail facilities to house no more than 150 committed offenders. This limit shall apply to the entire state. Committed offenders eligible for placement in the county jails shall only include those within one year of parole or release eligibility or those requiring only community-based or minimum-security supervision.</i></p> <p><i>The department shall only place a committed offender for housing in a county jail if the county jail facility has the capacity and agrees to offer services to meet one or more of the offenders prerelease programming requirements when such programming is needed for the offender to become eligible for parole or release. The department may place a committed offender who does not have prerelease programming requirements in a county jail facility in which such programming is not offered.</i></p> <p><i>The department may not withhold good time or in any other way sanction a committed offender solely based upon his or her with usual to participate in placement in a county jail related hereto.</i></p>

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LB109	Bolz		Government, Military and Veterans Affairs 02/14/2019	In Committee 01/14/2019	Require the position classification plan and salary or pay plan for state employees to include certain positions <i>Under LB109, the State Director of Personnel shall, for fiscal year 2021-22 and each fiscal year thereafter, include the following positions within the position classification plan (and the salary or pay plan) of the Department of Correctional Services: Corrections Corporal I, Corrections Corporal II, and Corrections Corporal III. Each position listed here shall be assigned to a different pay grade with in the salary or pay plan. Corrections Sergeant I, Corrections Sergeant II, and Corrections Sergeant III. Each position listed here shall be assigned to a different pay grade within the salary or pay plan. Corrections Unit Caseworker I, Corrections Unit Caseworker II, and Corrections Unit Caseworker III. Each position listed here shall be assigned to a different pay grade with in the salary or pay plan.</i>
LB110	Wishart		Judiciary 01/25/2019	In Committee 01/14/2019 Wishart Priority Bill	Adopt the Medical Cannabis Act <i>Adopts the Medical Cannabis Act. Establishes the act, dispensaries, the Marijuana Enforcement Division, patient registries, additional assistant attorneys general, violations, and other definitions. The act also sets forth those illnesses that would qualify for the use of medical marijuana including symptoms caused by cancer, HIV, multiple sclerosis, terminal illness with probable life expectancy of under one year, or any other illness which cannabis could provide relief as determined by a health care practitioner. Nothing in the act requires a private insurer to reimburse for any costs related to the use of medical cannabis, however they are required to continue coverage for the underlying medical condition(s).</i> <i>Patients seeking the use of medical cannabis will apply to the newly created division for enrollment in a registry. Those enrolled may consume marijuana legally, possess three or less ounces on themselves, six or fewer plants or seeding plants, one ounce or less of concentrated substance, seventy-two ounces or less of edibles, or eight ounces or less in a residence.</i> <i>The act also sets forth requirements for acting as a caregiver, including background checks, age requirements, and limiting the number of patients per caregiver at no more than one unless patients reside in the same residence.</i> <i>The act allows for up to ten producers and ten processors in each congressional district by November 1, 2020. Requirements of both the producers and the processors are set forth. Processors must begin supplying dispensaries before May 1, 2021. The Medical Cannabis Board may extend any required start date. Specific requirements of both applicant producers and processors are included.</i>
LB111	Howard		Transportation and Telecommunications 01/29/2019	Final Reading 02/27/2019	Change a certificate of title application signature requirement as prescribed <i>In the case of the sale of a motorboat, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by a married couple (changed from husband and wife), applications may be accepted by the county treasurer upon the signature of either spouse as a signature for himself or herself and as an agent for his or her spouse.</i>
LB113	Blood		Judiciary 01/30/2019	In Committee 01/14/2019	Require the Department of Correctional Services to disclose certain records <i>The Department of Correctional Services shall provide the Public Counsel and the Inspector General with access to all documents or information submitted for entry into the department's criminal information data base. This includes documents and information submitted by department staff and related to activity or action that has taken place within departmental correctional facilities. This also includes physical documents maintained by department staff to document what has been submitted for entry into the data base.</i> <i>This section does not require the department to provide access to documents or information collected and submitted for entry into the data base by local, state, and federal law enforcement agencies.</i> <i>For purposes of this section, criminal information data base means a data base developed, maintained, and secured by the department that includes intelligence information.</i>

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LB117	Hilgers		Transportation and Telecommunications 01/22/2019	Final Reading 02/06/2019	Change provisions relating to bridge and highway construction contracts, certification of financial showing, and obtaining contract plans prepared by the Department of Transportation
<p><i>Any person desiring to submit to the department a bid for the performance of any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, which the department proposes to let, shall apply to the department for prequalification. Such application shall be made not later than five days (amended down from ten days) before the letting of the contract unless fewer than five days is specified by the department. The department shall determine the extent of any applicant's qualifications by a full and appropriate evaluation of the applicant's experience, bonding capacity as determined by a bonding agency licensed to do business in the State of Nebraska or other sufficient financial showing deemed satisfactory by the department and performance record. In determining the qualification of an applicant to bid on any particular contract, the department shall consider the resources available for the particular contract contemplated.</i></p> <p><i>As before, any person proposing to bid on a contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances to be let by the department shall submit to the department, at such times as it may require, a statement showing such person's qualifications. Such statement shall be under oath and on a standard form to be prepared and supplied by the department. However, the financial showing required in the statement shall no longer necessarily be certified by a certified public accountant or by a public accountant holding a currently valid permit from the Nebraska State Board of Public Accountancy.</i></p> <p><i>Reproductions of the plans prepared by the department at their discretion may now be paper or electronic, and a reasonable sum may be established by the department to cover the actual cost of preparing such paper or electronic reproductions for those requesting them.</i></p>					
LB118	Arch		Government, Military and Veterans Affairs 02/08/2019	In Committee 01/14/2019	Provide a procedure to withhold residential address of physicians in county records
<p><i>Unless requested by a member of the public in writing, the county assessor and register of deeds shall withhold from the public the residential address of a physician or an osteopathic physician licensed under the Medicine and Surgery Practice Act who applies to the county assessor in the county of his or her residence to have such address withheld. The application shall be on a form prescribed by the county assessor and shall include the name, address, and medical license number of the physician or osteopathic physician and the parcel identification number for his or her residential address. The county assessor shall notify the register of deeds regarding the receipt of a complete application. The county assessor and the register of deeds shall withhold the address of a physician or an osteopathic physician who complies with this section for five years after receipt of a complete application. The physician or osteopathic physician may renew his or her application every five years upon submission of an updated application. A change of address requires a new application.</i></p>					
LB124	Crawford		Urban Affairs 02/05/2019	Select File 02/21/2019	Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act
<p><i>Two or more municipalities may enter into an agreement pursuant to the Interlocal Cooperation Act to jointly create, administer, or create and administer clean energy assessment districts. Such districts may be separate, overlapping, or coterminous and may be created anywhere within the municipalities that entered into the agreement or within their extraterritorial zoning jurisdictions, except that such districts shall not include any area within the corporate boundaries or extraterritorial zoning jurisdiction of any city or village unless such city or village is one of the municipalities that entered into the agreement. The agreement shall provide for a governing body for any such district, which shall be made up of members of the governing bodies of the municipalities that entered into the agreement. If the creation of clean energy assessment districts is implemented jointly by two or more municipalities, a single public hearing held jointly by the cooperating municipalities is sufficient to satisfy the requirements of section 13-3204. A municipality or municipalities may contract with a third party for the administration of clean energy assessment districts.</i></p>					
LB131	Pansing Brooks		Judiciary 03/15/2019	In Committee 01/14/2019	Change certain provisions relating to minimum sentences
<p><i>Except when a term of life imprisonment is required by law, in imposing a sentence upon an offender for any class of felony other than Class III, IIIA, or IV felony, the court shall fix the minimum and maximum terms of the sentence to be served within the limits provided by law.</i></p> <p><i>The maximum term shall not be greater than the maximum limit provided by law, and: The minimum term fixed by the court shall not be less than the minimum or mandatory minimum provided in section 28-105 and shall not be greater than 1/3 of the maximum limit provided by law, or the minimum term shall be the minimum limit provided by law.</i></p> <p><i>Further, when a maximum term of life is imposed by the court for a Class IB felony, the minimum term fixed by the court shall be any term of years not less than the minimum limit provided by law. (The rule from this paragraph is amended by LB131 to remove "a term of life imprisonment" from the potential minimum terms imposed by the court herein.)</i></p>					

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LB132	Pansing Brooks		Judiciary 02/14/2019	In Committee 01/14/2019	Change penalties for certain felonies committed by persons under nineteen years of age <i>The minimum term of imprisonment for any person convicted of a Class IC or Class ID felony for an offense committed when such person was under nineteen years of age shall not be a mandatory minimum but a minimum term only.</i>
LB133	Pansing Brooks		Judiciary 02/27/2019	In Committee 01/14/2019	Change provisions relating to structured programming and deferral of parole <i>Within 30 days after receiving a notice of deferred parole, the department shall provide the committed offender an opportunity to enroll in the earliest offered treatment or programming as recommended by the board. If the committed offender refuses to enroll or participate in such treatment or programming, the department shall obtain a written statement from the committed offender in which a committed offender expresses his or her refusal and any reason is relevant to his or her decision. The department shall provide the written statement to the office of Inspector General of the Nebraska correctional system. If the committed offender refuses to provide such written statements or reasons, the department shall document in writing it's attempts to obtain such written statement or reasons. An annual report shall also be provided by the department to the office regarding any committed offender whose parole was deferred with all relevant information on treatment and programming received, refusals to enroll or participate in treatment and programming, and the reasons for such refusals.</i>
LB144	Hughes		Government, Military and Veterans Affairs 02/27/2019	In Committee 01/15/2019	Provide for voter approval of nonpartisan nomination and partisan election of county officers <i>All county officers elected pursuant to sections 32-517 to 32-529 shall be nominated and elected on a partisan ballot except as otherwise provided in this section. The county board in counties with a population of fifteen thousand or fewer inhabitants may adopt a resolution requiring the submission of the question to the voters of the county proposing the nomination of all officers elected pursuant to sections 32-517 to 32-529 without a political party designation on a nonpartisan ballot and the election of such officers with a political party designation on the general election ballot. Specific resolution requirements and procedure are mandated herein.</i>
LB148	Groene	Monitor	Government, Military and Veterans Affairs 02/06/2019	In Committee 01/15/2019	Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies <i>Under LB148, and for the purposes of the Nebraska Budget Act, "governing body" shall now also include any joint entity created pursuant to the Interlocal Cooperation Act that receives tax funds generated under section 2-3226.05. (That is: River-flow enhancement bonds; costs and expenses of qualified projects; occupation tax authorized; exemption; collection; accounting; lien; foreclosure.)</i> <i>Each governing body shall each year or biennial period conduct a public hearing on its proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. At such hearing, the governing body shall make a detailed presentation of the proposed budget statement and shall make at least three copies of the proposed budget statement available to the public. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body and shall be given a reasonable amount of time to do so.</i> <i>Notice shall be given by publishing in a newspaper of the general circulation within the public bodies jurisdiction and, if available, in a digital advertisement on such newspapers website. In addition to search required methods of notice, such notice me also be provided by any other appropriate method designated by such a public body or advisory committee.</i>
LB150	Brewer		Government, Military and Veterans Affairs 02/08/2019	In Committee 01/15/2019	Change provisions relating to access to public records and provide for fees <i>Under LB 150, the persons interested in the examination of public records are divided into residents and nonresidents. "Resident" means a person domiciled in this state and includes news media without regard to domicile. For non-residents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records may 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>
LB151	Brewer		Government, Military and Veterans Affairs 02/20/2019	In Committee 01/16/2019	Adopt the Government Neutrality in Contracting Act <i>LB 151 creates the Government Neutrality in Contracting Act. Its purposes are to provide for the efficient procurement of goods and services by governmental units and to promote the economical, non-discriminatory, and efficient administration in completion of construction projects funded, assisted, or awarded by a governmental unit.</i>

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<p><i>The act defines bidder, collective-bargaining agreement, construction, governmental unit, public benefit, public contract, public contractor, real property, and subcontractor. Unless otherwise required by federal law, a governmental unit challenge sure that any requests for proposals or bid specifications for public contract or the procurement procedures for a public contract do not contain barriers to entering into or adhering to a collective bargaining agreement relating to construction under the public contract or that discriminates based on related collective-bargaining agreements.</i></p>					
LB152	Brewer		Government, Military and Veterans Affairs	Select File 02/13/2019	State rights of Nebraska National Guard members and provide for confidentiality of member's residential addresses
<p><i>The rights of a member of the Nebraska national guard in the state of Nebraska shall include, but not be limited to, the right to:</i></p> <ul style="list-style-type: none"> • Seek implement with the state, county, and local government, • Not have a membership in the Nebraska national guard impact such members rights to donate to political parties when not on duty status, • Participate with state, county, or local government in a law enforcement function as prescribed by that government, • Receive the same protections a law enforcement officer is afforded under law if the member is acting as a law-enforcement officer, or • Protection of such members personal information as afforded personnel of public bodies. <p><i>Unless requested in writing, the County assessor and register of deeds shall withhold from the public the residential address of a law-enforcement officer or member of the Nebraska national guard acting as a law-enforcement officer herein.</i></p>					
LB155	Brewer		Natural Resources	Failed to Advance 02/27/2019 Brewer Priority Bill	Eliminate authority for eminent domain by certain political subdivisions
<p><i>Under LB155, the specific exercise of eminent domain to provide needed transmission lines and related facilities for a privately developed renewable energy generation facility is no longer a public use therefore, a consumer-owned electric supplier operating in the state of Nebraska may still exercise eminent domain authority to acquire the land rights necessary for the construction of transmission lines and related facilities but not with a statutory presumption that it would be designated as a public use.</i></p>					
LB158	Brewer	Oppose	Revenue	In Committee 01/15/2019	Change provisions relating to the assessed value of real property
<p><i>The bill caps property taxes at the 2019 level for a period of four tax years, 2020-2023. The bill includes provisions that accommodate changes in valuation of property accounting for improvements or destruction that would affect the assessed value of the property. Absent these material changes that would alter the value of property, it shall remain at the 2019 level.</i></p>					
LB162	Hunt		Revenue	In Committee 01/15/2019	Impose sales and use taxes on certain services
<p><i>LB 162 proposes to tax the gross income received for body piercing, tattooing, tanning, and electrolysis hair removal services.</i></p>					
LB163	Hunt		Government, Military and Veterans Affairs	In Committee 01/15/2019	Permit counties to conduct elections by mail
<p><i>Under LB 163 the election commissioner (which has been added) OR the county clerk may apply to the Secretary of State for the mailing of ballots for all elections held after approval of the application to registered voters of any or all of the precincts in the county in lieu of establishing polling places for such precincts.</i></p>					
LB171	Pansing Brooks		Appropriations	In Committee 01/15/2019	Appropriate funds to the Department of Administrative Services
<p><i>There is hereby appropriated \$150,000 from the Capitol Buildings Parking Revolving Fund for FY2019-20 to the Department of Administrative Services, for Program 560, to aid in carrying out the provisions of this section. The Department of Administrative Services shall enter into a contract with a parking consultant for a professional analysis of existing parking and future parking needs around the Capitol. Such parking analysis shall include a state-needs analysis of existing facilities, future facilities, and capacity to supply parking for state employees in and around the Capitol, a list of best practices for such a parking system, and recommendations for where any new parking structures should be built. The study shall also include identification of the optimum site of such structures, any suggestions regarding multi-use opportunities, and the possibility of public-private and intergovernmental partnerships as to aid in future growth related to state, city, and neighborhood parking needs. The analysis shall be completed no later than January 1, 2020, and shall be submitted electronically to the Governor, the Chairperson of the Executive Board of the Legislative Council, and the Chairperson of the Appropriations Committee of the Legislature.</i></p>					

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LB174	Bolz	Support	Appropriations 03/06/2019	In Committee 01/15/2019	State intent relating to appropriations for the Office of Violence Prevention <i>The bill seeks to appropriate one million five hundred twenty-five thousand dollars each fiscal year beginning with FY2019-20 from the General Fund to the Nebraska Commission on Law Enforcement and Criminal Justice for the Office of Violence Prevention. The office shall use such appropriation to increase total grant awards, develop an annual statewide strategic plan, increase administrative capacity, and develop a technical assistance partnership with the University of Nebraska through the University of Nebraska Medical Center College of Public Health.</i>
LB176	Chambers		Judiciary 03/15/2019	In Committee 01/15/2019	Eliminate certain mandatory minimum penalties <i>LB 176, for purposes of the Nebraska criminal code, proposes to change the mandatory minimum 5 years imprisonment for a Class IC felony to simply a minimum of 5 years imprisonment (no longer mandatory). Further, it proposes to change the mandatory minimum 3 years imprisonment for a Class ID felony to simply a minimum of 3 years in prison (no longer mandatory).</i>
LB182	Bolz		Revenue 02/13/2019	In Committee 01/15/2019	Adopt the School District Local Option Income Surtax Act <i>LB182 relates to the School District Local Option Income Surtax Act. By majority vote the school Board of any school district may impose a local option income surtax, upon individuals who reside in the school district, for property tax reduction or building construction, remodeling, and site acquisition. A school board may pass a resolution which calls for a vote on such resolutions no more than once each calendar year. Certain rules apply if the resolution calls for a vote at a primary or general election, or for a vote at a special election. Department of revenue me adopting promulgate rules and regulations to carry out the school district the local option income surtax tax.</i>
LB183	Briese		Revenue 01/24/2019	General File 02/05/2019	Change the valuation of agricultural land and horticultural land for purposes of certain school district taxes <i>Creates an exception to the 75% valuation rule for agricultural and horticultural land that states that for the purposes of payment of principal and interest on bonds issued for a school district, the appropriate percentage is 1%.</i>
LB185	Friesen		Revenue 01/30/2019	Select File 02/19/2019	Change provisions relating to the special valuation of agricultural and horticultural land <i>Agricultural or horticultural land which has an actual value reflecting purposes or uses other than agricultural or horticultural purposes or uses (under 77-112) shall be assessed as provided in subsection (3) of section 77-201 if the land meets the qualifications of this subsection and an application for such special valuation is filed and approved pursuant to section 77-1345. In order for the land to qualify for special valuation, all of the following criteria shall be met: (a) The land must be located outside the corporate boundaries of any sanitary and improvement district, city, or village except as provided in subsection (2) of this section; and (b) the land must be agricultural or horticultural land. If the land consists of five contiguous acres or less, the owner or lessee of the land must also provide an Internal Revenue Service Schedule F documenting a profit or loss from farming for two out of the last three years in order for such land to qualify for special valuation.</i> <i>Upon approval of an application, the county assessor shall value the land as provided in section 77-1344 until the land becomes disqualified for such valuation by: (1) Written notification by the applicant or his or her successor in interest to the county assessor to remove such special valuation; (2) Except as provided in subsection (2) of section 77-1344, inclusion of the land within the corporate boundaries of any sanitary and improvement district, city, or village; (3) The land no longer qualifying as agricultural or horticultural land; or (4) For land that consists of five contiguous acres or less, the owner or lessee of the land not being able to provide an Internal Revenue Service Schedule F documenting a profit or loss from farming for two out of the last three years.</i>
LB191	La Grone		Government, Military and Veterans Affairs 02/06/2019	General File 02/22/2019	Change provisions relating to budgets and public hearing notice for certain governmental entities <i>If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of budgeted restricted funds for the previous provider and may be added to the last prior year's total of restricted funds for the new provider.</i> <i>A governmental unit may exceed the applicable allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the governing body or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the governmental unit.</i> <i>In lieu of the election procedures above, any governmental unit may, for a period of one year, exceed the allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting at a meeting of the residents of the governmental unit, called after notice is published in a newspaper of general circulation in the governmental unit at least twenty days prior to the meeting (among other requirements for documentation, etc.).</i>

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<p><i>The limitations in section 13-519 shall apply to restricted funds pledged to retire bonds or restricted funds used by a public airport to retire interest-free loans from the division of area not excepted apartment of transportation in lieu of bonded indebtedness at a lower-cost to the public airport, restricted funds budgeted in support of a service which is the subject of an agreement or modification of an existing agreement whether operated by one of the parties to the agreement or by an independent joint entity or joint public agency.</i></p>					
LB200	Wishart	Support	Health and Human Services 01/24/2019	Final Reading 02/27/2019	Change provisions relating to licensure under the Health Care Facility Licensure Act of mental health substance use treatment centers providing civil protective custody of intoxicated persons
<p><i>The Department of Health and Human Services shall not deny issuance or renewal of a license under the Health Care Facility Licensure Act to an alcoholism center on the basis that the alcoholism center utilizes locked rooms to provide civil protective custody services if the alcoholism center is otherwise in compliance with the applicable rules and regulations of the department and if a person placed into civil protective custody in the alcoholism center is not kept in a locked room after such person is no longer a danger to himself or herself or other patients or staff of the alcoholism center.</i></p>					
LB204	Briese	Oppose	Government, Military and Veterans Affairs 01/24/2019	In Committee 01/15/2019	Require approval of voters for bonds under the Interlocal Cooperation Act
<p><i>Prohibits bonds from being issued by any joint entity on or after the effective date of the act until the question has been submitted to the voters of each public agency which is part of the joint entity.</i></p>					
LB211	Crawford		Government, Military and Veterans Affairs 03/06/2019	In Committee 01/15/2019	Provide for nonpartisan nomination and election of county officers
<p><i>Under LB211, the register of deeds, county assessor, county sheriff, county treasurer, county attorney, public defender, clerk of the district court, county surveyor, county engineer, county supervisors, and county commissioners would now be elected on the nonpartisan ballot.</i></p>					
LB213	McCollister		Judiciary 01/25/2019	In Committee 01/15/2019	Provide for setting aside certain infraction, misdemeanor, and felony convictions
<p><i>Nebraska law allows for courts to set aside a conviction after a defendant completes his or her sentence. Currently, the only people who can request a set aside are those offenders who were sentenced to probation or ordered to pay a fine. A set aside is a limited remedy, and it results in a restoration of some privileges or rights which were lost as a result of the criminal conviction. LB 213 would extend the rehabilitative remedy and allow for an offender who was sentenced to a year of imprisonment or less after the offender completes his or her sentence. The factors that a judge considers under current law in determining whether to issue a set aside order remain the same. The extension of the set aside remedy proposed in this bill would not apply to a person convicted of a traffic offense resulting in jail time or of any offense which would require the offender to register pursuant to the sex offender registration act.</i></p>					
LB216	Kolterman		Judiciary 02/06/2019	In Committee 01/15/2019	Prohibit releasing a person in custody to avoid medical costs
<p><i>A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical services while the person is receiving such medical services from a health care provider unless the health care provider consents to such release or unless the release is ordered by a court of competent jurisdiction. If the law enforcement officer is satisfied that probable cause no longer exists to believe such person committed a crime based upon an ongoing investigation or if the prosecuting attorney gives notice that no charges will be filed at the time such person is in custody, the law enforcement officer may release such person from custody.</i></p> <p><i>Upon the date of notification to the health care provider that the person is being released from custody because the ongoing investigation indicates that probable cause no longer exists or because of a decision by the prosecuting attorney that no charges will be filed, the law enforcement agency shall no longer be responsible for the cost of such person's medical services.</i></p>					
LB218	Lindstrom		Revenue 02/22/2019	In Committee 01/15/2019	Redefine tangible personal property and gross receipts for tax purposes
<p><i>Under LB218, "tangible personal property" shall exclude electrical generation, transmission, distribution and street lighting structures or facilities owned by a political subdivision of the state.</i></p> <p><i>"Gross receipts" of every person engaged as a public utility, as a community antenna television service operator, or as a satellite service operator or any person involved in connecting and installing services does not apply to the lease or use of electric generation, transmission, distribution, or street lighting structures or facilities owned by a political subdivision of the state.</i></p>					

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LB222	Albrecht		Revenue 02/01/2019	General File 02/22/2019	Change the Volunteer Emergency Responders Incentive Act <i>Each volunteer department serving a county, city, village, or rural or suburban fire protection district shall designate one member of the department to serve as the certification administrator. The designation of such individual as the certification administrator shall be confirmed and approved by the governing body of such county, city, village, or rural or suburban fire protection district. The certification administrator shall keep and maintain records on the activities of all volunteer members and award points for such activities based upon the standard criteria for qualified active service.</i> <i>No later than July 15 of each year, the certification administrator shall provide each volunteer member with notice of the total points he or she has accumulated during the first six months of the current calendar year of service.</i> <i>No later than February 1 of each year, the certification administrator shall provide each volunteer member with a written certification stating the total number of points accumulated by the volunteer member during the immediately preceding calendar year of service and whether the volunteer member has qualified as an active emergency responder, active rescue squad member, or active volunteer firefighter for such year. Such certification may be sent electronically or by mail.</i> <i>The certification administrator of the volunteer department shall file with the Department of Revenue a certified list of those volunteer members who have qualified as active emergency responders, active rescue squad members, or active volunteer firefighters for the immediately preceding calendar year of service no later than February 15.</i> <i>Each volunteer member on the list described in subsection (1) of this section shall receive a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 in an amount equal to two hundred fifty dollars beginning with the second taxable year in which such volunteer member is included on such list. The volunteer member shall claim the credit by including a copy of the certification received under subsection (3) of section 77-3104 with the volunteer member's state income tax return.</i> <i>This act becomes operative on January 1, 2020.</i>
LB226	Quick	Appropriations		In Committee 01/16/2019	State intent relating to appropriations for the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva <i>It is the intent of the Legislature to appropriate \$3,948,965 from the General Fund to the Department of Health and Human Services, for Program 250, for the purpose of hiring and training staff at the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva to maintain (1) a youth-staff ratio of no greater than eight to one at any time without use of mandatory overtime, (2) evidence-based programming and mental health treatment for youth while committed, and (3) re-entry planning and transition supports and services for the youth exiting treatment at these centers.</i> <i>A portion of such appropriation shall also be used by the Department of Health and Human Services to contract with an academic institution to complete an independent evaluation of the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva on the evidence-based spectrum. Such evaluation shall assess the existence and role of the facilities in an evidence-based juvenile justice system, whether the programs and operations of the facilities are evidence-based, whether the facilities improve short-term and long-term public safety, whether the facilities effectively address the needs of committed youth, and whether commitment reduces the risk that a youth will reoffend.</i> <i>Evaluation measures shall include, but not be limited to:</i> <i>(1) Measures of youth and staff safety during the period of commitment;</i> <i>(2) Educational, vocational, or educational and vocational attainment of youth during the period of commitment;</i> <i>(3) Educational, vocational, or educational and vocational attainment of youth subsequent to release from commitment;</i> <i>(4) The outcome of the juvenile court case under which commitment was ordered, including whether completion of juvenile probation is successful or unsuccessful; and</i> <i>(5) Recidivism rates of committed youth in the three years following release from commitment which include the following information:</i> <i>a. Subsequent adjudications in juvenile court;</i> <i>b. Subsequent criminal convictions in county or district court; and</i> <i>c. For any sentence of incarceration in county or district court, the length of sentence ordered to be served.</i> <i>The department shall enter into such contract in FY2019-20 and evaluation shall begin no later than FY2020-21. The department shall electronically transmit the evaluation to the Health and Human Services Committee of the Legislature.</i>

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LB230	Pansing Brooks	Neutral	Judiciary 02/14/2019	General File 02/26/2019	Provide for room confinement of juveniles as prescribed <i>For LB230, additional rules are mandated to juvenile facilities regarding placement in room confinement of a juvenile in a juvenile facility specifically, room confinement of a juvenile for longer than one hour during a twenty-four-hour period shall be documented and approved in writing by a supervisor in the juvenile facility. The intent and purpose of this rule shall not be avoided by the use of consecutive periods of room confinement. Rules relating to confinement are outlined in the bill also, for example, notice to the juvenile's parent or guardian, rooms having adequate lighting, etc.</i>
LB231	Pansing Brooks		Judiciary 03/06/2019	In Committee 01/16/2019	Change provisions relating to legal defense of juveniles <i>Change provisions relating to legal defense of juveniles</i> <i>The Juvenile Indigent Defense Fund is created. The fund shall be administered by the Commission on Public Advocacy and shall only be used to provide legal services to juveniles in juvenile court, provide resources to assist counties in fulfilling their obligation to provide for effective assistance of legal counsel for indigent juveniles, and pay the costs of administering the Juvenile Indigent Defense Grant Program. There is created a separate and distinct budgetary program within the Commission on Public Advocacy to be known as the Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent Defense Fund shall be used to provide grants to counties to help offset the cost of providing legal counsel for indigent juveniles and for the administrative costs of the commission. A county may apply for a grant under the program beginning October 15, 2020.</i>
LB232	Slama		Appropriations	In Committee 01/16/2019	Reduce the threshold amount for claims against the state for prosecution costs <i>Reduce the threshold amount for claims against the state for prosecution costs</i> <i>Under LB232, threshold amount would now mean the amount of property tax revenue raised by a county from a levy of one and \$0.015 per \$100 of taxable valuation of property subject to the levy. (Amended from \$0.025 per every \$100). The threshold amount shall be determined using valuations for the year in which the correctional institution incident occurred. Original section 81-8,236, Revised Statutes Cumulative Supplement, 2018, is repealed.</i>
LB233	Wayne		Judiciary 01/30/2019	In Committee 01/16/2019	Prohibit bringing a cell phone into a detention facility <i>Prohibit bringing a cell phone into a detention facility</i> <i>LB233 creates a Class I misdemeanor for if a person unlawfully introduces within a detention facility, or unlawfully provides an inmate with, any weapon, tool, mobile or cellular telephone, or other thing which may be useful for escape. An inmate commits an offense if he or she unlawfully procures, makes, or otherwise provides himself or herself with, or has in his or her possession, any such item or implement of escape. "Detention facility" means a jail, prison, penitentiary, house of correction, or other place of penal detention, whether operated by the state or a political subdivision of the state;</i>
LB237	Crawford		Revenue 02/22/2019	In Committee 01/16/2019	Change provisions relating to sales and use tax collection fees <i>Change provisions relating to sales and use tax collection fees LB237, relates to the tax imposed on the sales and use of motor vehicles, semitrailers, and trailers under 77-2703.</i> <i>Specifically, the county treasurer or Department of Motor Vehicles shall report and remit the tax so collected to the Tax Commissioner by the fifteenth day of the following month. The county treasurer, for his or her collection fee, shall deduct and withhold from all amounts required to be collected, the collection fee permitted to be deducted by any retailer collecting the sales tax, all of which shall be deposited in the county general fund, plus one-half of one percent of all amounts in excess of three thousand dollars remitted each month, seventy-five percent of which shall be deposited in the county general fund and twenty-five percent of which shall be deposited in the county road fund. The Department of Motor Vehicles, for its collection fee, shall deduct,</i> <i>withhold, and deposit in the Motor Carrier Division Cash Fund the collection fee permitted to be deducted by any retailer collecting the sales tax.</i> <i>The collection fee for the county treasurer or the Department of Motor Vehicles shall be forfeited if the county treasurer or department violates any rule or regulation pertaining to the collection of the use tax. The county treasurer, for his or her collection fee, shall deduct and withhold for the use of the county general fund, from all amou</i>

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LB239	Dorn	Support	Government, Military and Veterans Affairs 02/06/2019	General File 02/22/2019	Change requirements for notices of hearings on county budgets

Change requirements for notice of hearing on county budget. A summary of the budget, in the form required by section 23-905, showing for each fund (1) the requirements, (2) the outstanding warrants, (3) the operating reserve to be maintained, (4) the cash on hand at the close of the preceding fiscal year, (5) the revenue from sources other than taxation, (6) the amount to be raised by taxation, and (7) the amount raised by taxation in the preceding fiscal year, together with a notice of a public hearing to be had with respect to the budget before the county board, shall be published once at least four calendar days prior to the date of hearing in some legal newspaper published and of general circulation in the county or, if no such legal newspaper is published, in some legal newspaper of general circulation in the county. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing. (Amended from 5 days before the hearing.) On or before August 1, the budget-making authority shall prepare a county budget document, in the form required by sections 23-904 and 23-905, for the fiscal year and transmit the document to the county.

LB240	Hansen	Support	Judiciary 02/20/2019	In Committee 01/16/2019	Change procedures for determining competency to stand trial
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Change procedures for determining competency to stand trial LB240, replaces the term 'accused', under 29-1823 as it relates to competency to stand trial, with the term 'defendant'. Further, should the judge determine after a hearing that the defendant accused is mentally incompetent to stand trial and that there is a substantial probability that the defendant accused will become competent within the foreseeable future, the judge shall order the defendant accused to be committed to the Department of Health and Human Services to provide appropriate treatment to restore competency, which may include commitment until such time as the disability may be removed, to: a state hospital for the mentally ill; another or some other appropriate state-owned or state-operated facility; a private facility; a facility, other than a jail, operated by a political subdivision, or; on an outpatient basis at any such facility for appropriate treatment.

If the department determines that treatment outside of a state hospital for the mentally ill is appropriate, the department shall file a report outlining its determination with the court. The court may approve or deny the alternative treatment plan. A defendant shall not be eligible for outpatient treatment under this section if he or she is charged with an offense for which bail is prohibited or if the judge determines that the public's safety would be at risk.

LB242	Lindstrom		Revenue 02/22/2019	In Committee 01/16/2019	Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turnback of state sales tax revenue
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Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turnback of state sales tax revenue. Funds received under this legislation shall be used exclusively to assist in: (a) Paying for infrastructure improvements relating to constructing, upgrading, redeveloping, or replacing sewer and water infrastructure facilities; (b) Paying for the redevelopment and replacement of obsolete water or sewer facilities; or (c) Repaying bonds issued and pledged for such work. The state shall assist political subdivisions and sewer and water utilities by turning back a percentage of certain state sales tax revenue to political subdivisions and sewer and water utilities as provided in this section.

Taxes refunded according to this schedule: For sales taxes imposed from July 1, 2019, through June 30, 2021: Two percent; for sales taxes imposed from July 1, 2021, through June 30, 2023: Three percent; and for sales taxes imposed on and after July 1, 2023: Four percent.

The Department of Revenue shall adopt and promulgate rules and regulations as necessary to carry out the Infrastructure Improvement and Replacement Assistance Act.

LB243	Gragert		Agriculture 01/29/2019	In Committee 01/16/2019	Create the Healthy Soils Task Force
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Create the Healthy Soils Task Force

Under LB243, the Legislature finds that appropriate planning and coordination is needed to speed up and coordinate the adoption of conservation practices that rebuild and protect soil carbon to increase water holding capacity and enhance the vitality of the subsurface microbiome for landowners to capitalize on the economic and production benefits of soil health, while simultaneously enhancing water quality, capturing carbon, building resilience to drought and pests, reducing greenhouse gas emissions, expanding pollinator and other wildlife habitat, and protecting fragile ecosystems for a more sustainable future therefore: The Healthy Soils Task Force is created within the Department of Agriculture. (The Department may request additional advisory support from appropriate federal and state agencies.

The task force shall consist of the following voting members:

- A) The Director of Agriculture or his or her designee;
- B) Two representatives of natural resources districts in Nebraska, appointed by the Governor;

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- C) Two academic experts in agriculture and natural resources in Nebraska, appointed by the Governor;
- D) Five representatives from production agriculture, appointed by the Governor;
- E) Two representatives from agribusiness, appointed by the Governor; and
- F) One representative from an environmental organization in Nebraska, appointed by the Governor.

The task force shall consist of the following nonvoting members:

- A) The chairperson of the Natural Resources Committee of the Legislature; and
- B) the chairperson of the Agriculture committee of the Legislature.

The Healthy Soils Task Force shall primarily develop a comprehensive healthy soils initiative for the State of Nebraska.

On or before January 1, 2021, the Healthy Soils Task Force shall submit the action plan and report its findings and recommendations to the Governor and electronically to the Natural Resources Committee of the Legislature. The task force shall terminate on January 1, 2021.

LB246	Brewer	Government, Military and Veterans Affairs	In Committee	01/16/2019	Change provisions relating to elections
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As before, a registered voter may file petition(s) for the submission of a question of township organization (for creation or discontinuation). A county board may use the rule above to submit the question of township discontinuation to the office of the election commissioner.

However, now, under LB246, in addition to the previous requirements, the petition or petitions shall be so-filed in the office of the election commissioner or county clerk by September 1 of the year of the general election at which the petitioners wish to have the question submitted for a vote. If such petition or petitions are filed in conformance with requirements, the question shall be submitted to the registered voters at the next general election held not less than seventy days after the filing of the petition or petitions.

Before adopting an economic development program, a city shall submit the question of its adoption to the registered voters at an election. The governing body of the city shall order the submission of the question by filing a certified copy of the resolution proposing the economic development program with the election commissioner or county clerk not later than fifty days prior to a special election or a municipal primary or general election which is not held at the statewide primary or general election or not later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election. And now under LB246, the governing body of the city may determine not to submit the question at a particular election and order the removal of the question from the ballot by filing a certified copy of the resolution approving removing the question with the election commissioner or county clerk not later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election.

LB246 also changes the requirements for disclosure of lists of registered voters by the Secretary of State, election commissioner, or the county clerk, with an emphasis on protecting voter record confidentiality. Such lists shall be used solely for purposes related to elections, political activities, voter registration, law enforcement, or jury selection—and not for commercial purposes. Changes rules relating to any political subdivision requesting the adjustment of the boundaries of election districts.

Creates additional rules relating to election commissioner or county clerk submitting a written plan to the Secretary of State within five business days after receiving a resolution from the political subdivision to hold an election. Changes ballot requirements under Section 32-1007. And write-in votes under Section 32-1008. And other recall election timing and publication requirements.

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LB247	Bolz	Support	Judiciary 02/01/2019	In Committee 01/16/2019	Adopt the Advance Mental Health Care Directives Act <i>Adopt the Advance Mental Health Care Directives Act. An individual may use such a directive to: 1) Set forth instructions for mental health care, including consent to inpatient mental health treatment, psychotropic medication, or electroconvulsive therapy; 2) Dictate whether the directive is revocable during periods of incapacity and consent to treatment despite illness-induced refusals; 3) Choose the standard by which the directive becomes active; 4) Designate an agent to make mental health care decisions for the individual and 5) List all health care professionals, mental health care professionals, family, friends, and other interested individuals with whom treatment providers are allowed to communicate if the individual loses capacity. Under the bill, an individual's decision-making capacity is evaluated relative to the demands of a particular mental health care decision as an individual may lose capacity without being eligible for civil commitment in Nebraska.</i>
LB250	Walz		Revenue 01/30/2019	In Committee 01/16/2019	Change provisions relating to agricultural land and horticultural land receiving special valuations <i>Change provisions relating to agricultural land and horticultural land receiving special valuations. LB250 reworks the requirements for special valuation of agricultural or horticultural land, with differing rules depending on whether in a county of population greater than or less than 100,000 inhabitants.</i>
LB253	McCollister		Executive Board 02/14/2019	In Committee 01/16/2019	Adopt the Redistricting Act <i>Adopt the Redistricting Act. The Redistricting Act would recognize that decennial redistricting is a significant part of the legislative and political process and must be administered in an equitable and transparent manner to ensure citizen confidence in government. It is the intent of the Legislature to create and approve districts that have an equal distribution of population, as directed by Article I, section 2, of the Constitution of the United States and the Constitution of Nebraska. It is the intent of the Legislature to create the Independent Redistricting Citizen's Advisory Commission for the purpose of assisting the Legislature in the process of redistricting in 2021 and thereafter.</i> <i>In preparation for developing redistricting plans on the basis of census data, the director shall acquire and maintain temporary and permanent equipment, materials, supplies, facilities, software, and staff as necessary to assist the commission. The Legislature shall appropriate funds to the office of Legislative Research to be used for the purchase or lease of temporary or permanent equipment, materials, supplies, facilities, software, or staff for the explicit purpose of carrying out the Redistricting Act only and with the prior approval of the Executive Board of the Legislative Council.</i> <i>The director shall act as a liaison between the commission, the Secretary of State, and the Legislature, among many other responsibilities under the bill.</i>
LB254	McCollister	Monitor	Business and Labor 02/04/2019	Select File 02/26/2019	Adopt the Fair Chance Hiring Act <i>An employer or employment agency shall not ask an applicant to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any inquiry on any employment application, until the employer or employment agency has determined the applicant meets the minimum employment qualifications. Prior to determining whether an applicant meets the minimum employment qualifications, an employer or employment agency may ask the applicant to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any inquiry on any employment application, if:</i> <i>(a) The applicant is applying for a position for which: a criminal history record information check is required by federal or state law; or, to any position for which 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; AND (b) The inquiry or request for disclosure is limited to the types of criminal offenses that the employer or employment agency is required to conduct a check for or that disqualify the applicant.</i> <i>Exemptions and other regulations exist, such as school exemptions and opportunities for applicants to explain their answers.</i>
LB264	La Grone		Judiciary 01/24/2019	Final Reading 02/26/2019	Redefine premises under the Disposition of Personal Property Landlord and Tenant Act <i>For purposes of the Disposition of Personal Property Landlord and Tenant Act: "Premises" means (a) a dwelling unit as defined in the Uniform Residential Landlord and Tenant Act, section 76-1410 or a distinct portion of a dwelling unit, the facilities and appurtenances in such dwelling unit, and the grounds, areas, and facilities held out for the use of tenants generally or the use of which is promised to the tenants or (b) self-service storage units or facilities.</i>
LB265	La Grone		Banking, Commerce and Insurance 03/12/2019	In Committee 01/17/2019	Adopt the Unsecured Consumer Loan Licensing Act and clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act <i>Adopt the Unsecured Consumer Loan Licensing Act and clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act</i>

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					<p><i>LB265 relates to the Unsecured Consumer Loan Licensing Act. The bill updates and/or (re)defines: Annual percentage rate, check, default, department (Dept. of Banking and Finance), director, financial institution, licensee, Nationwide Mortgage Licensing System and Registry, person, and unsecured consumer loan business.</i></p> <p><i>The Unsecured Consumer Loan Licensing Act shall not apply to a financial institution organized under the laws of this state or the laws of the United States.</i></p> <p><i>The bill outlines the process for application for a license. Licensees under the Unsecured Consumer Loan Licensing Act are required to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. The department is authorized to contract with certain entities to fulfill the purposes of the act. The bill further provides for duties of the director, bond requirements, publication and hearing and related waivers, expenses paid by applicants, when the director shall issue licenses, appeal procedures, etc.</i></p> <p><i>There are in this bill requirements impressed upon the licensees, such as disclosure within thirty days of material developments, like bankruptcy or corporate reorganization, felony convictions against the licensee, etc. As well as numerous rules relating to the specifics of lending hereinunder.</i></p> <p><i>Original sections 45-901 and 45-1001, Revised Statutes Cumulative Supplement, 2018, are repealed.</i></p>
LB267	Bolz	Support	Government, Military and Veterans Affairs 03/07/2019	In Committee 01/17/2019	<p>Provide a duty for the county board relating to deficient bridges and authorize a tax levy</p> <p><i>Provide a duty for the county board relating to deficient bridges and authorize a tax levy</i></p> <p><i>LB267 requires, under 23-120, in addition to already existing mandates, that the county board is authorized to and shall repair, retrofit, reconstruct, or replace any bridge owned by the county and deemed deficient by Department of Transportation standards.</i></p>
LB269	Friesen		Transportation and Telecommunications 02/11/2019	General File 02/22/2019	<p>Change provisions relating to school permits</p> <p><i>Youth drivers would now be allowed to drive not only to school, but now under LB 269 also to property used by the school he or she attends for purposes of school events or functions.</i></p>
LB270	Friesen		Transportation and Telecommunications 02/04/2019	General File 02/22/2019	<p>Change licensing, registration, and titling provisions for motor vehicles and other vehicles as prescribed</p> <p><i>Department of Motor Vehicles' omnibus bill. Under LB270, the director shall designate an implementation date on or before January 1, 2021, for motor boat registration. Under this bill, and in addition to other requirements, both the full legal name AND the name as it appears on the owner's motor vehicle operator's license or state identification card are required for the application for a certificate of title under 37-1278, relating to the registration of motor boats.</i></p> <p><i>Timing and procedure methods are outlined. Mandates to the county treasurer as well. Changes to the rules relating to salvaged, rebuilt or reconstructed motor boats are made herein also. If a vehicle has situs in Nebraska, the application for a certificate of title may be filed with the county treasurer of any county. (The previous exceptions no longer apply.)</i></p> <p><i>Implementation dates would change hereinunder to the rules from 60-151, relating to mobile homes and cabin trailers. Definitions are (re)made regarding late model vehicles, vehicles that have been wrecked, damaged or destroyed—and how the county treasurer shall issue salvage branded certificates of title. New rules would be put in place re: "low-speed vehicles" as well, including that three-wheeled motor vehicles no longer need to comply with 49 C.F.R. part 571 to qualify as low-speed vehicles.</i></p> <p><i>Changes would also be made to replacing lost, stolen, or mutilated Military Honor Plates (with related duties mandated to the director and department). Further, changes would be made to rules regarding plates of former prisoners of war, Purple Heart Award recipients, disabled veterans, those holding amateur radio station license issued by the Federal Communications Commission, Nebraska Comhusker Spirit Plates, commercial motor vehicles, historical vehicles, etc.</i></p>

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LB275	Hansen		Judiciary 02/28/2019	In Committee 01/17/2019	Require notification when persons prohibited by state or federal law attempt to obtain a handgun purchase permit or concealed handgun permit <i>Require notification when persons prohibited by state or federal law attempt to obtain a handgun purchase permit or concealed handgun permit</i> <i>Certain definitions relating to sections 69-2401 to 69-2425 are changed, including commission, prohibited processor. Notification requirements are mandated on the chief of police and/or the sheriff when purchases would be in violation of federal law. The Nebraska State Patrol shall be notified under certain circumstances. Changes to the Concealed Handgun Permit Act would be made as well, including definitions and rules relating, again, to the term "prohibited processor". The Nebraska State Patrol will now have affirmative obligations for notification to the commission in the event an application for renewal is made by a prohibited processor, and to peace officers if such peace officer has reasonable cause to believe that the permit holder is a prohibited processor.</i> <i>If a permit is revoked under subsection (3) of this section because the permit holder is found to be a prohibited processor, the attorney who prosecuted the case shall electronically send a notification of prohibited processor to the commission pursuant to section 20 of this act. If the county attorney refused or was unable to prosecute the case, the Attorney General shall report such fact to the commission, along with any explanation for why the county attorney refused or was unable to prosecute the case. A notification of prohibited processor that is required shall be sent in a form and in a manner prescribed by the commission. The notification shall include the identity of the prohibited processor, and other information, including, any other information deemed relevant by the commission.</i>
LB277	McCollister		Judiciary 02/06/2019	In Committee 01/17/2019	Change membership provisions for the Board of Parole <i>Change membership provisions for the Board of Parole</i> <i>Specifically, beginning with members appointed in 2020, at least one member of the board shall have experience as a professional treating mental illness or substance abuse.</i> <i>The members of the board shall elect one member to serve a four-year term as chairperson (previously designated by the Governor).</i> <i>The members of the Board of Parole appointed for terms beginning prior to January 1, 2019, shall have terms of office of six years, and the members appointed for terms beginning after January 1, 2019, shall have terms of office of eight years and until their successors are appointed. The successors shall be appointed in the same manner as provided for the members first appointed, and a vacancy occurring before expiration of a term of office shall be similarly filled for the unexpired term. A member of the board may not be reappointed for a consecutive term.</i> <i>The members of the board may be removed only for disability, neglect of duty, or malfeasance in office by the Board of Pardons after a hearing. The Board of Pardons shall promptly file in the office of the Secretary of State a complete statement of the charges, its findings and disposition, and a complete record of the proceedings.</i> <i>Original sections 83-189 and 83-190, Reissue Revised Statutes of Nebraska, are repealed.</i>
LB278	Bostelman		Transportation and Telecommunications 02/11/2019	In Committee 01/17/2019	Provide a veteran notation on an operator's license or a state identification card for certain commissioned officers as prescribed <i>Provide a veteran notation on an operator's license or a state identification card for certain commissioned officers as prescribed</i> <i>LB278 applies to 60-4,189 relating to operator's licenses and state identification cards. Specifically, (1) An operator's license or a state identification card shall include a notation of the word "veteran" on the front of the license or card as directed by the department if the individual applying for such license or card is eligible for the license or card by meeting verification requirements outlined in the bill.</i>
LB282	Hansen	Monitor	Judiciary 02/13/2019	In Committee 01/17/2019	Change provisions relating to bail <i>Change provisions relating to bail</i> <i>As before, any bailable defendant shall be ordered released from custody pending judgment on his or her personal recognizance unless the judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community however, under LB282, this rule would get increased specificity as it relates to what defendants fall under it.</i> <i>To wit: the rule would apply to any bailable defendant who is charged with a Class IIIA, IV, or V misdemeanor OR a violation of a city ordinance. (Except when the victim is an intimate partner as defined in section 28-323)</i> <i>Any bailable defendant described in this subsection shall be ordered released from custody pending judgment on his or her personal recognizance unless:</i> <i>i. The defendant has previously failed to appear in the instant case; AND</i> <i>ii. The judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community.</i> <i>If the court requires a defendant to execute an appearance or bail bond, the court shall appoint counsel for the defendant if the court finds the defendant to be indigent.</i>

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LB286	McCollister		Judiciary 02/27/2019	In Committee 01/17/2019	Create the Coordinated Reentry Council <i>The Legislature finds and declares that there shall be a coordinated effort to establish a comprehensive and successful system of correctional reentry programs throughout this state and to include an array of interests in the establishment and growth of this system. To further such policy, the Coordinated Reentry Council is created. For administrative and budgetary purposes, the council shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. The council will have voting and nonvoting members and will be populated with individuals from pertinent fields, including two judges appointed by the Chief Justice of the Supreme Court and Two members of the Legislature, appointed by the Executive Board of the Legislative Council. Members will have terms of varying length. Among other things the council shall develop and implement a plan to establish the statewide operation and use of a continuum of reentry programs, review efforts by individuals and organizations that provide reentry services in Nebraska and, review best practices regarding reentry policies and programs in other states.</i>
LB288	Linehan		Revenue 02/20/2019	In Committee 01/17/2019	Change income tax rates <i>Change income tax rates Applies the individual income tax brackets and rates for taxable years beginning or deemed to begin on or after January 1, 2014 those beginning before January 1, 2020. Creates individual income tax brackets and rates for the taxable years beginning or deemed to begin on or after January 1, 2020.</i>
LB289	Linehan	Monitor	Revenue 02/01/2019	In Committee 01/17/2019	Change provisions relating to county assessor inspections of real property for property tax purposes <i>The county assessor shall determine the portion to be inspected and reviewed each year to assure that all parcels of real property in the county have been inspected and reviewed no less frequently than every 3 years. (Amended from no less frequently than every 6 years.)</i>
LB290	Linehan		Revenue 02/01/2019	In Committee 01/17/2019	Change the sales and use tax rate <i>LB290 amends the sales and use tax of 5.5% commencing on the start of the first calendar quarter after July 20, 2002 so that it extends until July 1, 2020. Further, the bill opens discussion to a new sales and use tax rate commencing July 1, 2020.</i>
LB293	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Provide, change, and eliminate provisions relating to appropriations <i>LB 293, introduced by the Speaker at the request of the Governor, is part of the Governor's biennial budget recommendations. This bill makes adjustments to the appropriations and reappropriations for state operations, aid and construction programs in the current fiscal year ending June 30, 2019. The adjustments will be used in programs where the forecasted cost has risen or decreased due to circumstances that were unforeseen when appropriation bills were passed two years ago and subsequently amended by the Legislature in 2018. The bill contains the emergency clause.</i>
LB294	Scheer	Support	Appropriations 02/26/2019	In Committee 01/17/2019	Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2021 <i>LB 294, introduced by the Speaker at the request of the Governor, is part of the Governor's biennial budget recommendations. This bill is the mainline appropriations bill for the biennium that begins July 1, 2019 and ends on June 30, 2021. the measure includes the budget recommendations for all State operations and aid programs. The bill includes the appropriate transfers from cash funds to the General Fund as well as between specified cash funds. Finally, it provides the necessary definitions for the proper administration of appropriations and personal service limitations. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>
LB295	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Appropriate funds for salaries of members of the Legislature <i>LB 295, introduced by the Speaker at the request of the Governor, is a part of the Governor's biennial budget recommendations. This bill make the appropriations each year of the biennium for the salaries and benefits of the 49 State Senators. This separate appropriation bill is required by the State Constitution and funds the \$12,000 annual salary of each senator and the corresponding employer payroll contribution for Social Security. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>
LB296	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Appropriate funds for salaries of constitutional officers <i>LB 296, introduced by the Speaker at the request of the Governor, is a part of the Governor's biennial budget recommendations. This bill provides for the funding of the salaries and benefits of certain State Officers as required by the State Constitution and current laws of the State of Nebraska. This bill includes judges as well as elected Constitutional Officers, the Parole Board and the Tax Commissioner. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>

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LB297	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Appropriate funds for capital construction and property acquisition <i>LB297, introduced by the Speaker at the request of the Governor, is part of the Governor's biennial budget recommendations. This bill appropriates funds for the reaffirmed and new constructions projects recommended by the Governor for the next biennium. Reaffirmed projects include those projects currently underway that have already received approval and funding previously but were funded over several years. In addition to the new and reaffirmed appropriations set forth in the bill, language is included providing for the re-appropriation of unexpended June 30, 2019 appropriation balances for FY 2019-20 to continue or complete projects. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>
LB298	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Repeal funds and authorize, provide, change, and eliminate fund transfer provisions <i>LB 298, introduced by the Speaker, at the request of the Governor, is a part of the Governor's biennial budget recommendations. This bill provides for fund transfers, eliminates fund transfer provisions, and changes provisions governing the administration and use of funds. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>
LB299	Scheer		Appropriations 02/26/2019	In Committee 01/17/2019	Change Cash Reserve Fund provisions <i>LB299, introduced by the Speaker, at the request of the Governor, is part of the Governor's biennial budget recommendations. This bill's primary purpose is to amend Nebraska Revised Statutes section 84-612 to provide for transfers to/from the Cash Reserve Fund. This bill contains the emergency clause and becomes operative on July 1, 2019.</i>
LB303	Lindstrom		Revenue 02/27/2019	In Committee 01/17/2019	Change the amount of relief under the Property Tax Credit Act <i>LB303 states, in pertinent part, that it is the intent of the Legislature to fund the Property Tax Credit Act for tax years after tax year 2008 using available revenue. For tax years year 2017 and 2018, the amount of relief granted under the act shall be two hundred twenty-four million dollars (\$224M). For tax year 2019 and each tax year thereafter, the amount of relief granted under the act shall be no less than two hundred seventy-five million dollars (no less than \$275M). The relief shall be in the form of a property tax credit which appears on the property tax statement.</i>
LB304	Crawford		Agriculture 03/05/2019	In Committee 01/17/2019	Exempt certain operations from the definition of a food establishment under the Nebraska Pure Food Act <i>LB304 provides exemptions under 81-2,245.01 by redefining food establishment to exclude a private home or other area where food that is not time/ temperature control for safety food is prepared: For sale or service at a religious, charitable, or fraternal organization's bake sale or similar function; or For sale directly to the consumer including, but not limited to, at a farmers market, fair, festival, craft show, or other public event or for pick up at or delivery from such private home or other area, if such producer meets and abides by other requirements outlined in the proposed bill, such as specific labeling of the food, abiding by the food handler's rule of the event, etc.</i>
LB306	Crawford		Business and Labor 01/28/2019	Final Reading 02/22/2019	Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law <i>Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law LB306 provides that persons who leave work to care for a family member with a serious health condition are eligible for unemployment benefits. It adds "caring for a family member with a serious health condition" to the list of reasons which are considered good cause for voluntarily leaving employment under employment security law.</i>
LB313	Bolz		Executive Board 02/20/2019	In Committee 01/18/2019	Provide the office of Inspector General of the Nebraska Correctional System with oversight authority over regional centers <i>LB313 is designed to rename, amend, and add to the Office of Inspector General of the Nebraska Correctional System Act, which would now be named the Correctional System and Mental Health Facilities Oversight Act. The Department of Health and Human Services (and the regional centers) will now be included in the content of investigations conducted and reports created hereinunder. The bill proposes to provide authority for an independent form of inquiry for concerns regarding the actions of individuals and agencies responsible for the supervision, treatment, and release of persons in the regional centers. It provides duties for the Division of Behavioral Health. It proposes to change provisions relating to qualifications of the Inspector General. And it requires a report.</i>
LB315	Kolterman		Revenue	In Committee 01/18/2019	Provide for an inheritance tax exemption and change certain inheritance tax proceedings <i>Proceeds of life insurance receivable by a trustee, of either an inter vivos trust or a testamentary trust, as insurance under policies upon the life of the decedent shall not be subject to inheritance tax. This subsection shall not apply if the decedent's estate is the beneficiary of the trust.</i>

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<p><i>In the absence of any probate proceeding brought in this state, an independent proceeding for the sole purpose of determining the tax may be instituted in the county court of the county where the property or any part thereof which might be subject to tax is situated. (Now using "independent proceeding" to refer to such, rather than inheritance tax proceeding vernacular previously used). Notice requirements are still in place, and now apply to these independent proceedings.</i></p>					
LB319	Moser		Natural Resources 02/06/2019	Select File 02/21/2019	Change provisions relating to notices, rules, and regulations of the Department of Natural Resources <i>The Department of Natural Resources is given jurisdiction over all matters pertaining to water rights for irrigation, power, or other useful purposes except as such jurisdiction is specifically limited by statute. The department may adopt and promulgate rules and regulations governing matters coming before it (this is now discretionary whereas it was mandatory previously).</i>
LB320	Albrecht		Agriculture 02/05/2019	In Committee 01/18/2019	Change various provisions of the Pesticide Act and update federal references <i>Historically, if the pesticide contains arsenic in any form, a statement of the percentage of total water-soluble arsenic calculated as elementary arsenic. This rule would be repealed here. Warning labels related hereto shall now include danger, symbol, or cautionary labeling when applicable.</i>
LB322	Crawford		Judiciary 02/01/2019	General File 02/26/2019	Change provisions relating to enforcement of certain tobacco restriction provisions <i>LB 322 establishes a uniform process for tobacco compliance checks to be performed for the purpose of deterring licensees from providing nicotine products to persons under eighteen years of age. It provides that persons at least fifteen but under eighteen years of age may assist law enforcement or a tobacco prevention coalition in conducting a compliance check with written consent of a parent or guardian.</i>
LB323	Crawford		Health and Human Services 02/28/2019	In Committee 01/18/2019	Change eligibility provisions under the Medical Assistance Act for certain disabled persons <i>The associated federal rule has changed and therefore eligibility is now as allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI). A qualifying family's premiums shall be graduated based on family income and shall not exceed 7.5% of family income and the department shall not include assets or available resources in the determination of eligibility.</i>
LB324	La Grone		Judiciary 03/21/2019	In Committee 01/18/2019	Change immunity from liability under the 911 Service System Act <i>Under LB324, any local governing body, the commission, or any public safety agency and their employees, including employees of public safety answering points, involved in the provision of next-generation 911 service, shall, except for failure to use reasonable care or for intentional acts, be immune from liability or the payment of damages in providing next-generation 911 service.</i>
LB325	Bostelman		Transportation and Telecommunications 02/26/2019	In Committee 01/18/2019	Provide for motor vehicle tax exemptions for one hundred percent service-connected disability compensation rated veterans and dependency and indemnity compensation recipients <i>LB325 provides (one) motor vehicle tax exemptions for one hundred percent service-connected disability compensation rated veterans and dependency and indemnity compensation recipients.</i>
LB327	Bolz	Support	Appropriations	In Committee 01/18/2019	State intent to appropriate funds for an increase in rates paid to behavioral health service providers <i>The Legislature finds that the initial report from the cost model study project (ten years in the making) shows rates paid to behavioral health providers from seven percent below the actual cost of providing services to thirty-five percent below the actual cost of providing services and that the average rate paid is eighteen and one-tenth percent below the actual cost of providing services. Therefore, this bill earmarks for related appropriations.</i>
LB328	Bolz		Health and Human Services 03/07/2019	In Committee 01/18/2019	Adopt the Nebraska Family First Act, provide for non-court-involved response to reports of child abuse or neglect, and provide for a family finding project <i>Under the Nebraska Family First Act proposed by LB328, the department of health and human services shall provide prevention and family services and programs in accordance with the requirements for up to 12 months before a child is removed from their home to be placed into foster care. The bill mandates the department maintain a written prevention plan for each foster care candidate.</i>

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LB330	Bolz	Monitor	Executive Board 02/20/2019	In Committee 01/25/2019	Change the administration, duties, membership, purpose, and reports of the Nebraska Children's Commission <i>Duties relating to the creation of a strategic plan are now to be only monitoring and evaluating responsibilities. The bill overhauls the make-up of the board and who may advise the board, effecting all three branches of government.</i>
LB331	Bolz		Judiciary 02/27/2019	In Committee 01/18/2019	Change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration <i>LB331 as proposed would require reports from the Board of Parole and the Office of Probation Administration. It would change provisions relating to release or reentry plans. The obtaining state identification cards or renewing motor vehicle operator's licenses for inmates would undergo rule changes. The duties for the reentry program and the Vocational and Life Skills Program will be moved from the Department of Correctional Services to the Board of Parole.</i> <i>The bill further states intent regarding appropriations. It requires the Department of Correctional Services and the Board of Parole to develop a plan to transition responsibility for community corrections from the department to the board, requires the Board of Parole to develop a plan to transition responsibility for post-release supervision from the Office of Probation Administration to the board.</i>
LB335	Hansen	Support	Judiciary 02/13/2019	In Committee 01/18/2019	Authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bail <i>A 24/7 sobriety program shall coordinate efforts among various state and local governmental agencies for finding and implementing alternatives to incarceration for offenses that involve operating a motor vehicle under the influence of alcohol or other drugs. :</i>
LB336	Hansen		Government, Military and Veterans Affairs 03/07/2019	In Committee 01/18/2019	Change the vote required to exceed certain budget limitations <i>Under LB336, a governmental unit may exceed the limit on their budget for a fiscal year by up to an additional one percent upon the affirmative vote of a majority of the governing body. (Previously 75% of the governing body.)</i>
LB338	Wayne		Revenue	In Committee 01/18/2019	Change calculation of gasoline tax and distribution of proceeds <i>The minimum average wholesale price of gasoline to be used to calculate the tax for tax periods beginning on and after July 1, 2019, shall be two dollars and forty-four cents.</i>
LB341	Arch		Health and Human Services 02/08/2019	In Committee 01/18/2019	Change provisions relating to a determination of ongoing eligibility for a child care subsidy <i>Limits the amount of transitional care received to the remainder of a family's eligibility period—OR—until the family income exceeds one hundred eighty-five percent of the state median income as reported by the United States Bureau of the Census, whichever occurs first. When the family's eligibility period ends, the family shall continue to be eligible for transitional child care assistance if the family's income is below one hundred eighty-five percent of the federal poverty level. The family shall receive transitional child care assistance through the remainder of the transitional eligibility period or until the family income exceeds eighty-five percent of the state median income as reported by the United States Bureau of the Census, whichever occurs first. (If a family's income falls to one hundred thirty percent of the federal poverty level or below, the twenty-four-month time limit in this subsection shall ongoingly apply.)</i>
LB348	Quick		Urban Affairs 02/12/2019	General File 02/22/2019	Adopt changes to the state building code <i>The references of this code shall now comply in pertinent parts to the International Council Code from 2018 (amended from the 2012 edition).</i>
LB351	Morfeld		Education	In Committee 01/18/2019	Provide for school district levy and bonding authority for cybersecurity and violence prevention <i>On and after April 19, 2016, the school board of any school district may make a determination that an additional property tax levy is necessary for a specific project to address (amended from specific abatement to address). This bill adds cybersecurity, violence protection, and other possible specific projects allowed under this rule.</i>
LB352	Morfeld		Judiciary 03/06/2019	In Committee 01/18/2019	Provide requirements relating to the use of jailhouse informants <i>LB352 addresses concerns relating to the reliability of jailhouse witness testimony, by such means as the creation and maintenance of a central record of each case including testimony offered or provided by jailhouse informants (felons), the benefits so requested, etc. Such record will be the responsibility of the county attorney's office. There are additional disclosure requirements as well.</i>

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LB353	Pansing Brooks		Judiciary 03/28/2019	In Committee 01/18/2019	Provide powers and duties for University of Nebraska police departments and police officers as prescribed <i>LB353 proscribes racial profiling by all University of Nebraska police departments. Further, it places mandates on all University of Nebraska police departments, including the recording of the information using the form developed and promulgated pursuant to section 20-505 relating to traffic stops, and several others.</i>
LB354	Pansing Brooks		Judiciary 01/31/2019	General File 02/19/2019	Change provisions relating to sealing of juvenile records <i>LB354 mandates that a pretrial diversion program shall seal all records pertaining to the offense and diversion upon discharge from the program. The diversion program shall reply to any public inquiry that no information exists regarding a sealed record. As it relates to related records held by juvenile court judges, the public case file shall not contain any information that is protected under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2019. Notice requirements and more are mandated against the county attorney as well, like at such time as mediation is offered. Also, the Department of Labor, State Court Administrator have affirmative obligations hereinunder.</i>
LB355	La Grone		Banking, Commerce and Insurance 01/29/2019	Final Reading 02/19/2019	Change provisions relating to money transmitters, installment sales, and mortgage loans <i>LB 355 is a bill introduced at the request of the Nebraska Department of Banking and Finance to update provisions of the Nebraska Money Transmitters Act, the Nebraska Installment Sales Act, and the Residential Mortgage Licensing Act. The bill updates the Department's authority relating to examinations of licensees and their authorized delegates under the Nebraska Money Transmitters Act, by providing for offsite examinations and joint examinations with federal agencies. The bill amends the Nebraska Installment Sales Act to allow licensees to establish branch offices rather than obtaining a full license for each physical location as currently required. The bill defines "branch office," sets licensing and renewal fees for branch offices, requires applicants to submit specific information, sets standards for licensee notifications to the Department, and changes/updates terminology. These amendments would be effective January 1, 2020. The bill amends the Residential Mortgage Licensing Act to provide requirements for the submission of fingerprints for specified principals of an applicant for a mortgage banker license. The bill would also adopt a transitional licensing process, effective November 24, 2019, to allow certain federally-registered mortgage loan originators and mortgage loan originators licensed by another state to temporarily conduct business in Nebraska; limit the term of inactive mortgage loan originator licensees; and change the time period for records retention.</i>
LB366	Bostelman		Transportation and Telecommunications 02/26/2019	In Committee 01/18/2019	Change registration fee for alternative fuel-powered motor vehicles <i>In addition to any other fee required under the Motor Vehicle Registration Act, a fee for registration of each motor vehicle powered by an alternative fuel shall be charged. The fee shall be \$75 for each such motor vehicle registered in 2019, \$85 dollars for 2020, \$95 for 2021, \$105 dollars for 2022, \$115 dollars for 2023, and \$125 dollars for 2024 and every year thereafter. The fee shall be collected by the county treasurer and remitted to the State Treasurer for credit to the Highway Trust Fund.</i>
LB369	Vargas		Judiciary 03/28/2019	In Committee 01/18/2019	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 <i>Beginning September 15, 2019, a law enforcement agency or jail shall, before becoming a party to an agreement with any other public agency to enforce immigration law or to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes pursuant to such agreement, notify the governing body of any political subdivision overseeing such law enforcement agency or jail, in writing, at least thirty days prior to entering into such agreement. The notice shall be filed with the governing body and the governing body shall include the notice in the agenda of subjects of the next regularly scheduled public meeting of the governing body. If such an agreement existed prior to September 15, 2019, such law enforcement agency or jail shall notify the governing body of any political subdivision overseeing such law enforcement agency or jail, in writing, on or before October 15, 2019. The notice shall be filed with the governing body and the governing body shall include the notice in the agenda of subjects of the next regularly scheduled public meeting of the governing body.</i>
LB373	Brewer	Oppose	Government, Military and Veterans Affairs 01/31/2019	In Committee 01/18/2019	Provide setback and zoning requirements for wind energy generation projects <i>LB373 defines wind energy generation project. The bill requires zoning provisions prior to construction of wind energy projects as prescribed, including notices. It provides for fees, eliminates provisions relating to zoning regulations, limits agreements relating to school lands, repeals the original sections, and to declares an emergency.</i>

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LB376	Friesen	Support	Judiciary 02/06/2019	In Committee 01/18/2019	Provide for safekeeping of prisoners <i>All sentences for maximum terms of imprisonment of less than one year shall be served in the county jail, authority of a sheriff or other county official having a prisoner in lawful custody, when necessary for the safekeeping of such prisoner, to convey such prisoner to and confine such prisoner in the jail of any city or county of this state, any juvenile detention facility of this state, an institution under the control of the Department of Correctional Services, or any other secure and convenient place of confinement in this state, to be procured by such sheriff or other county official having such prisoner in custody. The authority to determine what is necessary for the safekeeping of a prisoner shall rest with the sheriff or other county official having such prisoner in lawful custody. The sheriff or other county official may determine that a prisoner cannot safely serve his or her sentence or otherwise be safely kept in a particular place of confinement if the place of confinement is not staffed or equipped to safely keep the prisoner for any reason, including, but not limited to, the medical or mental health needs of a prisoner or because the prisoner presents a danger to himself, herself, or others.</i>
LB377	DeBoer		Judiciary 03/06/2019	In Committee 01/18/2019	Provide for voidability of certain releases from liability <i>LB377 reads: An agreement to release another person or entity from liability for personal injury or death, if entered into within thirty days after the date the personal injury or death occurred, shall be voidable by the releasor. The agreement shall be void upon written notification by the releasor to the other party or parties to the agreement. Such notification must occur within one hundred twenty days after the initial execution of the agreement. The Revisor of Statutes shall assign section 1 of this act to Chapter 25, article 21.</i>
LB379	Kolterman		Banking, Commerce and Insurance 03/12/2019	In Committee 01/22/2019	Change provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act <i>This bill defines Nationwide Mortgage Licensing System and Registry. Licensees under the Delayed Deposit Services Licensing Act are required to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. In order to carry out this requirement, the department is authorized to participate in the Nationwide Mortgage Licensing System and Registry. For this purpose, the department may establish requirements as necessary by adopting and promulgating rules and regulations or by order. The requirements may include, but are not limited to: background checks, criminal history checks through fingerprint data bases, credit checks, etc.,</i>
LB386	Erdman		Government, Military and Veterans Affairs 02/21/2019	In Committee 01/22/2019	Change provisions relating to cash reserves under the Nebraska Budget Act <i>LB386 proposes to amend section 13-504 in order to change provisions relating to cash reserves, provide an operative date of July 1, 2019, repeal original section 13-504, and declare an emergency.</i>
LB387	Pansing Brooks		Judiciary 03/14/2019	In Committee 01/22/2019	Change and modernize provisions relating to juries <i>LB387 would be the Jury Selection Act, to become operative January 1, 2020. The bill would define terms and change terminology relating to juries. The bill would transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors. It would provide duties for clerk magistrates and change terminology relating to verdicts and court proceedings, as well as change penalty provisions. It would repeal the original sections and outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643.</i>
LB390	Pansing Brooks	Neutral	Judiciary 02/14/2019	General File 02/26/2019	Provide duties regarding school resource officers and security guards <i>LB390 is for a bill relating to public safety. The bill would state findings, define terms, and provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.</i>
LB391	Hansen		Judiciary 02/14/2019	In Committee 01/22/2019	Change duties of peace officers taking juveniles into custody or interrogating juveniles and prohibit use of statements taken in violation of the rights of a juvenile <i>This bill relates to the Nebraska Juvenile Code. It proposes to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-2, 129, Revised Statutes Cumulative Supplement, 2018. In addition to defining a term, this bill would require notification of a juvenile's parent, guardian, custodian, or relative when a juvenile is taken into custody, require an advisement of a juvenile's rights to be given when a juvenile is taken into custody, require that a juvenile's parent, guardian, custodian, or relative be present when requested, and prohibit the use of certain statements in court proceedings. And repeal the original sections.</i>

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LB394	Wishart		Appropriations	In Committee 01/22/2019	State intent relating to an appropriation to the Department of Transportation <i>The proposed bill reads: It is the intent of the Legislature that fifteen million dollars be appropriated from the General Fund for FY2019-20 for a program to fund municipal innovation projects focused on transportation technology that improve safety, efficiency, and mobility. The Department of Transportation shall administer the program through a grant process, and the program shall be known as the Nebraska Innovation and Transportation Technology Program. The department shall adopt and promulgate rules and regulations necessary to carry out this section. Immediate effect proposed due to an emergency.</i>
LB405	Hunt		Urban Affairs 02/12/2019	General File 02/22/2019	Adopt updates to building and energy codes <i>The bill would amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622 in order to update provisions relating to building and energy codes, specifically, to adopt the 2018 International Energy Conservation Code (IECC) published by the International Code Council as the Nebraska Energy Code. (amended from the 2008 edition of the IECC). Proposed to become operative July 1, 2020.</i>
LB409	Kolowski		Urban Affairs 02/12/2019	General File 02/22/2019	Adopt design standards for health care facilities <i>The Legislature would under LB409 adopt the 2018 Guidelines for Design and Construction of Hospitals, the 2018 Guidelines for Design and Construction of Outpatient Facilities, and the 2018 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities published by the Facility Guidelines Institute for the construction of any health care facility on or after the effective date of this act and for any major addition, remodeling, restoration, repair, or renovation of any health care facility on or after the effective date of this act as determined by the department.</i>
LB411	Scheer		Government, Military and Veterans Affairs 02/14/2019	In Committee 01/23/2019	Provide an additional method of changing the number of county commissioners <i>LB411 allows for a county board of commissioners to vote to place the question on the ballot regarding the number of commissioners on the county board. Currently, the only way the question can be placed on the ballot is by citizen petition.</i>
LB412	Geist	Oppose	Government, Military and Veterans Affairs 02/07/2019	In Committee 01/23/2019	Require an election regarding creation of a joint public agency <i>Beginning on the effective date of this act, before any agreement is entered into regarding the creation of a joint public agency which involves a political subdivision of this state that has authority to levy a tax or issue bonds, the question of the creation of the joint public agency shall be submitted to the registered voters of each such political subdivision which intends to be a party to the agreement at an election held in conjunction with the statewide primary election or statewide general election. No agreement shall be entered into until the question has been submitted to the registered voters of each such political subdivision and a majority of all the voters voting on the question have voted in favor of creating the joint public agency, at an election called for the purpose, upon notice given by the governing body of each political subdivision at least twenty days prior to such election. The same measure, either in form or in essential substance, shall not be submitted to the people, either affirmatively or negatively, for a period of six months from and after the date of such election. Certain procedural requirements are mandated by the bill in the event a related question is submitted to voters.</i>
LB414	Brandt		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/23/2019	Change county highway superintendent duties as prescribed and eliminate an annual report requirement <i>LB414 would amend Section 39-1508 such that it shall be the duty of the county highway superintendent to: Annually submit to the county board a proposed schedule of construction, repair, maintenance, and supervision of county roads and bridges in conjunction with sections 39-2115, 39-2119, and 39-2120; Annually file with the county clerk a revised and current map of the county roads clearly distinguishing the primary and secondary roads, indicating the past year's improvements thereon, and showing the number of miles of roads established during the year and the location thereof, and Undertake the projects contained in subsection (1) of this section, and when requested by the county board report the projects completed, the projects in construction, the and equipment and material purchased, the amounts expended upon roads and bridges, and the sum remaining to be expended, except that deviations from the adopted program may be authorized by the unanimous vote of the county board in case of an emergency.</i>
LB415	Friesen		Government, Military and Veterans Affairs 02/13/2019	In Committee 01/23/2019	Repeal recall provisions for political subdivisions <i>LB415 proposes political subdivision ballot questions shall no longer include recalls.</i>

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LB420	Bolz		Revenue 02/21/2019	In Committee 01/23/2019	Adopt the Property Tax Circuit Breaker Act <i>The purpose of the Property Tax Circuit Breaker Act is to provide tax relief through a refundable income tax credit for taxpayers with limited income available to pay property taxes.</i> <i>A qualifying residential (or agricultural) taxpayer may apply to the Department of Revenue for a refundable income tax credit under the Property Tax Circuit Breaker Act from January 1 to April 15 of each year beginning in 2020. The application shall be made on a form developed by the department.</i> <i>Qualifying residential taxpayer means an individual who owns or rents his or her principal residence in the State of Nebraska and who has federal adjusted gross income of less than one hundred thousand dollars for a married filing jointly taxpayer or fifty thousand dollars for any other taxpayer.</i> <i>Qualifying agricultural taxpayer means an individual who owns agricultural land and horticultural land that is located in this state and that has been used as part of a farming operation which has federal adjusted gross income of less than three hundred fifty thousand dollars in the most recently completed taxable year.</i> <i>The department may certify tax credits under this section of up to one hundred seven million six hundred thousand dollars for each taxable year. If the total amount of tax credits calculated under subsection (2) of this section for all applications received in any year exceeds one hundred seven million six hundred thousand dollars, the department shall certify tax credits in proportionate percentages based upon the ratio of the amount of tax credits requested in each application to the total amount of tax credits requested in all applications so that the limitation in this subsection is not exceeded</i>
LB428	Friesen		Business and Labor 03/25/2019	In Committee 01/23/2019	Change eligibility for benefits under the Employment Security Law for certain workers in the construction industry <i>LB428 amends 42-377, as follows: Children born to the parties, or to either spouse the wife, in a marriage relationship which may be dissolved or annulled pursuant to sections 42-347 to 42-381 shall be legitimate unless otherwise decreed by the court, and in every case the legitimacy of all children conceived before the commencement of the suit shall be presumed until the contrary is shown.</i>
LB429	Wayne		Revenue	In Committee 01/23/2019	Change tax provisions for cigars, cheroots, and stogies <i>Section 77-4008, Reissue Revised Statutes of Nebraska, would be amended so as to read:</i> <i>77-4008</i> <i>(1)</i> <i>(a) A tax is hereby imposed upon the first owner of tobacco products to be sold in this state.</i> <i>(b) The tax on cigars, cheroots, and stogies shall be twenty percent of</i> <i>(i) the purchase price of the cigars, cheroots, or stogies paid by the first owner OR</i> <i>(ii) the price at which a first owner who made, manufactured, or fabricated the cigars, cheroots, or stogies sells the items to others, except that the maximum tax imposed under this subdivision (b) shall be fifty cents for each cigar, cheroot, or stogie.</i> <i>(c) The tax on snuff shall be forty-four cents per ounce and a proportionate tax at the like rate on all fractional parts of an ounce. (Such tax shall be computed based on the net weight as listed by the manufacturer.)</i> <i>(d) The tax on tobacco products other than cigars, cheroots, stogies, and snuff shall be twenty percent of (i) the purchase price of such tobacco products paid by the first owner or (ii) the price at which a first owner who made, manufactured, or fabricated the tobacco product sells the items to others.</i> <i>(e) The tax on tobacco products shall be in addition to all other taxes.</i> <i>(2) Whenever any person who is licensed under section 77-4009 purchases tobacco products from another person licensed under section 77-4009, the seller shall be liable for the payment of the tax.</i> <i>Amounts collected pursuant to this section shall be used and distributed pursuant to section 77-4025, that is, the Tobacco Products Administration Cash Fund.</i>

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					<i>This act becomes operative on October 1, 2019. Original section 77-4008, Reissue Revised Statutes of Nebraska, is repealed.</i>
LB436	Hansen		Government, Military and Veterans Affairs	In Committee 01/23/2019	Create the Complete Count Commission and provide duties regarding the census <i>This bill creates the Complete Count Commission. The Complete Count Commission shall develop, recommend, and assist in the administration of a census outreach strategy to encourage full participation in the 2020 federal decennial census of population required by 13 U.S.C. 141.</i> <i>The commission shall consist of the following members: The Speaker of the Legislature, or his or her designee, as a nonvoting, ex officio member; The Governor or his or her designee; The Secretary of State or his or her designee; Seven individuals representing political subdivisions, reflecting the geographic diversity of the state, including a representative of a city of the metropolitan class and a representative of a city of the primary class, appointed by the Secretary of State; Five individuals representing school districts, reflecting the geographic diversity of the state, appointed by the State Board of Education; One representative each from four different organizations representing the interests of minorities in the state, appointed by the Secretary of State; One representative each from three different organizations representing the interests of business in the state, including one organization representing minority business interests, appointed by the Governor; AND One representative of the lead agency of the Nebraska State Data Center appointed by the Governor.</i> <i>Each appointed member shall serve at the pleasure of the appointing official or board. A vacancy shall be filled in the same manner as the original appointment. The Secretary of State shall serve as the chairperson of the commission. The commission shall meet at the call of the chairperson or upon request of ten members of the commission. A member of the commission shall receive no compensation for service on the commission but shall be reimbursed for actual and necessary expenses.</i>
LB438	Wishart		Judiciary 01/30/2019	In Committee 01/23/2019	Designate Nebraska State Patrol as agency to investigate criminal activity within Department of Correctional Services facilities and the Lincoln Regional Center <i>This bill requires a report by the Inspector General of the Nebraska Correctional System. It would designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services and the Lincoln Regional Center (and provide the related powers and duties for the patrol). No less than ten so-assigned investigators. The bill also to provides for confidentiality of certain records.</i> <i>Operative date: January 1, 2020. Repeal original sections.</i>
LB443	McCollister	Monitor	Judiciary 02/06/2019	General File 02/19/2019	Require the Department of Correctional Services to allow committed offenders reasonable access to their attorneys <i>The department shall allow each committed offender reasonable access to his or her attorney or attorneys. If a committed offender communicates with his or her attorney or attorneys by telephone or videoconferencing, such communication shall be provided without charge to the committed offender and without monitoring or recording by the department or law enforcement.</i>
LB446	McDonnell	Support	Appropriations 03/06/2019	In Committee 01/23/2019	State intent relating to appropriations for the County Justice Reinvestment Grant Program <i>It is the intent of the Legislature to appropriate one million dollars to the County Justice Reinvestment Grant Program within the Nebraska Crime Commission on Law Enforcement and Criminal Justice for FY2018-19 and FY2019-20 to alleviate county jail populations through programming and services. The programming and services shall include, but not be limited to, the inmates who are diagnosed as mentally ill.</i>
LB455	Arch		Judiciary 03/27/2019	In Committee 01/23/2019	Change medical services payment provisions relating to jails <i>For purposes of sections 47-701 to 47-705, which governs responsibility for payment of the costs of medical services for any person ill, wounded, injured, or otherwise in need of such services at the time such person is arrested, detained, taken into custody, or incarcerated. Here, medical services include: medical and surgical care and treatment, hospitalization, transportation, medications and prescriptions, examinations to determine fitness for confinement, and other associated items.</i> <i>Associated references are to be amended elsewhere, namely, 47-703.</i>
LB458	Lathrop		Judiciary 03/15/2019	In Committee 01/23/2019	Change provisions relating to child abuse or neglect

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LB460			Health and Human Services 03/07/2019	In Committee 01/23/2019	Change criminal background check provisions under the Children's Residential Facilities and Placing Licensure Act
LB463	Williams		Revenue 02/08/2019	General File 02/22/2019	Change provisions relating to treasurer's tax deeds and tax sale certificates <i>This bill changes and eliminates provisions relating to real property sold for delinquent taxes. Further, it re-outlines the process the process for issuing treasurer's tax deeds, and tax sale certificates.</i>
LB466	Howard		Executive Board 02/14/2019	In Committee 01/23/2019	Adopt the Redistricting Act <i>The purpose of the Redistricting Act is to establish procedures to divide the State of Nebraska into districts by designating boundary lines based on population for the representatives from the State of Nebraska to the United States House of Representatives, the judges of the Supreme Court, and the members to be elected to the Legislature, the Board of Regents of the University of Nebraska, the Public Service Commission, and the State Board of Education. The districts shall be established by maps incorporated by reference into legislation enacted by the Legislature.</i> <i>If the Legislature fails to enact legislation to provide for district boundaries for any entity listed in section 3 of this act prior to adjournment of the legislative session, the Governor shall call a special session within thirty days after the adjournment sine die of such legislative session and the director and the committee shall begin with a new initial version of the map during the special session and otherwise comply with the Redistricting Act.</i> <i>For purposes of the Redistricting Act: 1) Committee means the Redistricting Committee of the Legislature; 2) Director means the Director of Research of the office of Legislative Research or his or her designee. The maps to be established under the Redistricting Act shall be drawn using state-issued computer software and politically neutral criteria, including: Equal population; No political affiliation; No previous voting data; Only data and demographic information from the United States Bureau of the Census; Deference to county and municipal boundary lines when appropriate; and Contiguous districts.</i> <i>The director shall deliver initial versions of the maps to be established under the Redistricting Act to the Legislature to be placed on General File no later than fifteen calendar days after the director receives the federal decennial census data from the United States Bureau of the Census in the year after the census. The legislative bills incorporating the initial version of the maps shall not be placed on the agenda for General File consideration until after the committee delivers its report under this act.</i> <i>No changes other than corrective amendments shall be allowed to the initial version of the maps to be established under the Redistricting Act or the legislative bills incorporating the maps. If one or more of the legislative bills incorporating the initial version of the maps fail to pass on Final Reading or are vetoed by the Governor, the director shall prepare a second version of the map for each such legislative bill as provided in this act.</i>
LB467	Vargas		Executive Board 02/14/2019	In Committee 01/23/2019	Prohibit consideration of certain factors in redistricting <i>In drawing boundaries for legislative districts, no consideration shall be given to the political affiliation of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by federal law and the Constitution of the United States.</i>
LB468	Walz	Monitor	Health and Human Services 03/01/2019	In Committee 01/23/2019	Prohibit additional services and populations under the medicaid managed care program <i>The bill proposes the following language be added to the Medical Assistance Act: Until at least January 1, 2020, or until a critical evaluation is performed of the at-risk capitated managed care program of the medical assistance program and the success of such managed care program is proven, whichever is later, the department shall not add any additional service or population to the medicaid managed care program in effect on January 1, 2017.</i>
LB472	Dorn		Revenue	In Committee 01/23/2019	Adopt the Qualified Judgment Payment Act and authorize a sales and use tax <i>For purposes of the Qualified Judgment Payment Act, qualified judgment means a judgment that is rendered against a county by a federal court for a violation of federal law.</i> <i>Any county that has a qualified judgment rendered against it may, upon adoption of a resolution by at least a two-thirds vote of the county board, impose a sales and use tax of one-half of one percent on transactions that are subject to the state sales and use tax under the Nebraska Revenue Act of 1967, as amended from time to time, and that are sourced as provided in sections 77-2703.01 to 77-2703.04 within the county. Any sales and use tax imposed pursuant to this section shall be used to pay the qualified judgment.</i>

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LB473	Dorn		Revenue 02/28/2019	In Committee 01/23/2019	Change revenue and taxation provisions relating to judgments against public corporations and political subdivisions, authorize certain loans, and provide powers and duties to the State Treasurer <i>If constitutional or statutory provisions prevent any public corporation or political subdivision from budgeting sufficient funds to pay any judgment in its entirety, the governing body of the public corporation or political subdivision shall pay that portion that can be paid under the Constitution of Nebraska and laws of this state and then shall make application to the State Treasurer for the loan of sufficient funds to pay the judgment in full.</i> <i>When application is made for such a loan, the State Treasurer shall make such investigation as he or she deems necessary to determine the validity of the judgment and the inability of the public corporation or political subdivision to make full payment on the judgment, and the period of time during which the public corporation or political subdivision will be able to repay the loan. After determining that such loan will be proper, the State Treasurer shall make the loan from funds available for investment in the state treasury, which loan shall carry an interest rate of one-half of one percent per annum. The State Treasurer shall determine the schedule for repayment, and the governing body of the public corporation or political subdivision shall annually budget and levy a sufficient amount to meet the schedule until the loan, with interest, has been repaid in full.</i>
LB474	Dorn		Judiciary 02/21/2019	In Committee 01/23/2019	Change provisions relating to claims against the state for wrongful incarceration and conviction <i>A claimant under the Nebraska Claims for Wrongful Conviction or Incarceration and Imprisonment Act shall recover damages found to proximately result from the wrongful conviction or wrongful incarceration and that have been proved based upon a preponderance of the evidence. LB474 replaces imprisonment references, largely, into "incarceration."</i> <i>A successful claimant and the political subdivision against which such claimant obtained a final judgment may, jointly or individually, file a claim with the State Claims Board for full payment of any such judgment, or any part of such judgment, which exceeds the available financial resources and revenue of the political subdivision required for its ordinary purposes. A claim under this subsection shall be filed within two years of the final judgment and shall be governed by the State Miscellaneous Claims Act.</i>
LB476	McCollister		Urban Affairs 02/26/2019	In Committee 01/23/2019	Eliminate a sunset provision relating to certain retail sales of natural gas by a metropolitan utilities district <i>The metropolitan utilities district shall pay to the city of the metropolitan class (and to every city or village of any class) a sum equivalent to two percent of the annual gross revenue derived from all retail sales of water and gas sold by such district within such city, except that, retail sales of gas shall not include the retail sale of natural gas used as vehicular fuel. Under LB476, the January 1, 2020 sunset provision on the exception that retail sales of gas shall not include the retail sale of natural gas used as a vehicular fuel would be repealed.</i>
LB479	Wishart		Judiciary 03/15/2019	In Committee 01/24/2019	Prohibit sexual abuse of a detainee and change provisions relating to sexual abuse of an inmate or parolee <i>Modifies the rules relating to inadmissibility of previous civil and criminal proceedings regarding sexual assault. Redefines the offense of sexual assault for purposes of sections 27-414 and 27-415. Section 7 of the act will be added to the Nebraska Criminal Code. Redefines sexual penetration so as to include non-law enforcement purposes. The bill overhauls what is lawful at such time when law enforcement has a detainee in custody. (4) Any person who engages in sexual penetration with a detainee is guilty of sexual abuse of a detainee in the first degree. Sexual abuse of a detainee in the first degree is a Class IIA felony. Any person who engages in sexual contact with a detainee is guilty of sexual abuse of a detainee in the second degree. Sexual abuse of a detainee in the second degree is a Class IIIA felony.</i>
LB480	Quick		Appropriations	In Committee 01/24/2019	State intent relating to appropriations to local public health departments <i>The Legislature finds that by focusing on preventive health and medicine the state will decrease the amount of serious health complications and disease among its residents. By improving health and promoting wellness in the areas of preventive health, rather than waiting for serious illness or disease to strike, it will save money and lead to a healthier state as a whole.</i> <i>It is the intent of the Legislature to appropriate to the Department of Health and Human Services, for Program No. 502, for FY2019-20 \$900,000 General Funds for state aid, for the eighteen local public health departments. The Department of Health and Human Services shall distribute \$50,000 to each of the local public health departments for the purpose of improving preventive health and promoting worksite wellness. The preventive health programs that will benefit from the funds shall be designed to: increase physical activity; prevent complications from diabetes, cardiovascular disease, and other chronic diseases; improve access to medical homes and dental homes to offer prevention and wellness services; increase worksite wellness initiatives to prevent disease and disability; assure preventive services for children and adults; and promote preventive health and wellness in additional ways.</i>
LB481	Bolz		Appropriations	In Committee 01/24/2019	State intent relating to an appropriation to the Department of Health and Human Services <i>It is the intent of the Legislature to appropriate XXX from the General Fund for FY2019-20 to the Department of Health and Human Services.</i>

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LB482	Erdman		Revenue 02/27/2019	In Committee 01/24/2019	Provide for an adjustment to the assessed value of destroyed real property
<p><i>For purposes of Chapter 77 and any statutes dealing with taxation, unless the context otherwise requires, "destroyed real property" means real property that is destroyed by fire or other natural disaster after January 1 and before October 1 of any year.</i></p> <p><i>It shall be the duty of the county assessor to report to the county board of equalization all real property in his or her county that becomes destroyed real property during any year.</i></p> <p><i>If the county board of equalization receives a report of destroyed real property pursuant to the above, the county board of equalization shall adjust the assessed value of the destroyed real property to an amount as the bill describes.</i></p>					
LB483	Erdman		Revenue 02/21/2019	In Committee 01/24/2019 Erdman Priority Bill	Change the valuation of agricultural land and horticultural land
<p><i>'Agricultural land and horticultural land' means a parcel of land, excluding land associated with a building or enclosed structure located on the parcel, which is primarily used for agricultural or horticultural purposes, including wasteland lying in or adjacent to and in common ownership or management with other agricultural land and horticultural land.</i></p> <p><i>Agricultural land and horticultural land shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its agricultural productivity value.</i></p> <p><i>For tax year 2020 and each tax year thereafter, the agricultural productivity value of agricultural land and horticultural land shall be determined based upon the land's capitalized net earning capacity (as prescribed).</i></p>					
LB484	Lowe		Judiciary 03/15/2019	In Committee 01/24/2019	Change provisions relating to assault on certain employees and officers
<p><i>This bill is cleaning up sections related to assault on a public safety officer (including, peace officers, probation officers, firefighters, out-of-hospital emergency care providers, employees of DHHS working at a youth rehabilitation and treatment center or at a regional center, employees of the DHHS if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act.</i></p> <p><i>It outlines penalties, mental states necessary for violations, and defines terms (such as, public safety officer or health care professional in the first, second, or third degree).</i></p>					
LB490	Wayne	Neutral	Judiciary 02/08/2019	In Committee 01/24/2019	Consolidate offices of clerk of the district court and clerk magistrates
<p><i>The position of appointed clerk of the district court shall be consolidated with the position of clerk magistrate into the position of clerk of the courts; and the clerk of the courts and any transferred employees shall become state employees. The clerk of the courts shall have all the duties, obligations, and powers of the clerk of the district court and clerk magistrate.</i></p> <p><i>Consolidation under this section shall occur: (a) On July 1, 2021, for district court judicial district numbers 8, 10, 11, and 12; (b) On July 1, 2022, for district court judicial district numbers 1, 3, 5, 6, 7, and 9; and (c) On July 1, 2023, for district court judicial district numbers 2 and 4.</i></p> <p><i>A consolidation plan shall be submitted to the State Court Administrator in a format prescribed by the administrator within 120 days after the request by the Supreme Court. A majority of the judges affected by the consolidation shall approve the plan prior to submission to the State Court Administrator. A consolidation plan shall not become effective unless approved and adopted by the Supreme Court. If a plan is not submitted within such 120 days, the Supreme Court shall develop a substitute consolidation plan.</i></p> <p><i>At the request of the Supreme Court, the judges of the district court, county courts, and separate juvenile court of a district court judicial district, in conjunction with any remaining clerk of the district court or clerk magistrate and any representative of a vacated office, shall develop a plan to consolidate the positions of clerk of the district court and clerk of the county court into the position of clerk of the courts for the county.</i></p>					

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					<i>Each consolidation plan shall address, but not be limited to, the facilities, assignment of magistrate duties to a clerk or to an existing court employee who will become part of the consolidated office under the plan, selection of an administrative judge from within the district for the purposes of administration of the consolidated office of the clerk of the courts, and personnel structure. Each plan shall also identify other employees who are not employed by the clerk of the district court or clerk magistrate at the time of the consolidation but who are integral to the operation of the court, and employees so identified shall remain county employees. In developing the consolidation plan, interests and comments from the public and attorneys who regularly practice in the county shall be considered.</i>
LB493	Wayne	Revenue	02/28/2019	In Committee 01/24/2019	Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act <i>This bill repeals the requirement that real property tax exemptions under the Nebraska Housing Agency Act be for properties "wholly owned" controlled affiliates of a housing agency.</i>
LB496	Wayne	Judiciary	03/15/2019	In Committee 01/24/2019	Increase penalties for tampering with witnesses, informants, jurors, or physical evidence and change provisions relating to discovery in criminal cases <i>Specifically: Tampering with witnesses or informants is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony. Jury tampering is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony. Tampering with physical evidence is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class I, IA, IB, IC, ID, or II felony, the offense is a Class II felony. The bill further defines enforcement provisions under certain circumstances, for instance, when the prosecution believes a witness could be in danger of harm through particular disclosures, etc.</i>
LB500	Morfeld	Judiciary	02/13/2019	In Committee 01/24/2019	Prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license offenses <i>No person arrested for a violation of section 60-4,164, 60-6,196, 60-6,197, 60-6,197.04, 60-6,211.01, or 60-6,211.02 (all of which relate to driving under the influence) after having once been convicted of a violation of any such section, nor any person arrested for a violation of section 60-6,196 or 60-6,197 punishable as provided in subdivision (2), (5), (6), (8), or (10) of section 60-6,197.03, charged with a violation of section 60-6,196 or 60-6,197 shall be eligible for pretrial diversion under a program.</i>
LB502	Hunt	Judiciary	03/28/2019	In Committee 01/24/2019	Adopt the Limited Immigration Inquiry Act <i>The purpose of the Limited Immigration Inquiry Act is to promote the health and safety of all residents of Nebraska by encouraging immigrants to cooperate with the government, especially in reporting violations of the law. Unless required by court order or federal law or required or permitted by state law, no peace officer or government employee or official shall inquire into the immigration status of any person who interacts with such peace officer, employee, or official or with a government agency or law enforcement agency or ask for such person's social security number or other information that would disclose such person's immigration status. Each law enforcement agency and each government agency to which residents regularly walk in to report violations of the law or to complain about government operations shall post prominent signs describing the policy under the Limited Immigration Inquiry Act of not asking about residents' immigration status. Nothing in the Limited Immigration Inquiry Act is intended to prevent peace officers or government employees or officials from knowing a person's immigration status or viewing a document that might provide evidence of a person's immigration status, so long as the person has volunteered the information or document to the peace officer, employee, or official. Unless required by court order or federal law or required or permitted by state law, if a peace officer or government employee or official learns of a person's immigration status, the peace officer, employee, or official shall keep such status confidential and not disclose it to third parties, including other peace officers, law enforcement agencies, government employees or officials, or government agencies. A peace officer may inquire into a person's immigration status if required by state or federal law. The Nebraska Commission on Law Enforcement and Criminal Justice shall develop training to assist law enforcement agencies and other government agencies in understanding and complying with the Limited Immigration Inquiry Act.</i>

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LB512	Linehan		Revenue 01/31/2019	General File 02/26/2019	Change revenue and taxation provisions <i>LB512 proposes to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, and reimbursement to political subdivisions; to provide for reassessment of destroyed or damaged property; to change provisions relating to personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions.</i>
LB522	Linehan		Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Name and change the purpose of the County Civil Service Commission Act, change provisions relating to commission membership and duties, and provide for appointment of a human resources director <i>Douglas County Priority</i> <i>LB522 names the County Civil Service Commission Act.</i> <i>It changes the purpose of the Act so it is to guarantee to all citizens a fair and equal opportunity for employment in the county offices governed by the act and to establish conditions of employment and to promote economy and efficiency in such offices.</i> <i>In addition, the purpose of the act is to establish a system of personnel administration that meets the social, economic, and program needs of county offices. Such system shall provide the means to recruit, select, develop, and maintain an effective and responsive workforce and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, benefits, discipline, discharge, and other related matters. All appointments and promotions under the act shall be made based on merit and fitness.</i> <i>In any county having a population of four hundred thousand inhabitants or more as determined by the most recent federal decennial census, there shall be a civil service commission which shall be formed as provided in the County Civil Service Commission Act. A county shall comply with this section within six months after a determination that the population has reached four hundred thousand inhabitants or more as determined by the most recent federal decennial census.</i> <i>county board shall appoint a human resources director to help carry out the County Civil Service Commission Act. Such human resources director shall be a person experienced in the field of personnel administration and in known sympathy with the application of merit principles in public employment. The human resources director shall report to the county board. In addition to other duties imposed upon him or her by the county board, the human resources director shall have duties from the Legislature as prescribed in the bill.</i>
LB524	Dorn		Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Change provisions relating to annexations under the Nebraska Budget Act <i>On or before August 20 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy.</i> <i>Specifically, for LB524, [i]f a political subdivision annexes property since the last time taxable values were certified from above, the governing body of such political subdivision shall send notification of such annexation to the county clerk of the county in which the annexed property is located. Such notification shall include a description of the annexed property.</i> <i>If the county clerk receives such notification prior to July 1, the valuation of the real and personal property annexed shall be considered in the taxable valuation of the annexing political subdivision for the current year.</i> <i>If the county clerk receives such notification on or after July 1, the valuation of the real and personal property annexed shall be considered in the taxable valuation of the annexing political subdivision for the following year.</i>
LB525	Dorn	Support	Government, Military and Veterans Affairs 02/28/2019	In Committee 01/24/2019	Change provisions relating to the sale of county land in fee simple <i>A county board may, by majority vote, sell real estate owned by the county in fee simple to another political subdivision in fee simple in such manner and upon such terms and conditions as may be deemed in the best interest of the county. A county board shall cause to be printed and published at least thirty days prior to the sale in a legal newspaper in the county a notice of the intent to sell county real estate to another political subdivision. The notice shall state the legal description and address of the real estate to be sold.</i>

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<i>Further, as it relates to county codes under section 23-174.03, any plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the county, from the owner, of such portion of the land as is therein set apart for public use.</i>					
LB529	Groene	Revenue	02/28/2019	In Committee	01/24/2019 Change provisions relating to a property tax exemption for hospitals
<p><i>For property tax exemption purposes under 77-202: Property owned by educational, religious, charitable, or cemetery organizations, or any organization for the exclusive benefit of any such educational, religious, charitable, or cemetery organization, and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin.</i></p> <p><i>For tax year 2020 and each tax year thereafter, in order for property of a hospital to qualify for exemption under the above rule, the hospital must permit licensed medical practitioners in the community to use the hospital's facilities regardless of whether the practitioner is employed by the hospital, except that a hospital may prohibit a practitioner from using its facilities if good cause is shown. If a hospital meets such requirement, the property of such hospital shall be exempt in proportion to the percentage of the hospital's services that are provided gratuitously. A hospital shall establish such percentage by providing documentation to the applicable county assessor showing the hospital's gross revenue for the most recently completed fiscal year and an estimate of the value of the services that the hospital provided gratuitously during such year.</i></p>					
LB531	Vargas	Appropriations		In Committee	01/24/2019 Create a fund and provide for a transfer of funds
<p><i>The Election Administration Fund is hereby created. The fund shall consist of federal funds, state funds, gifts, and grants appropriated for the administration of elections. The Secretary of State shall use the fund for voting systems, provisional voting, computerized statewide voter registration lists, voter registration, training or informational materials related to elections, and any other costs related to elections. The Secretary of State shall transfer two hundred thousand dollars from the Election Administration Fund to the Enhanced Motor Voter Fund on or before June 30, 2019. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.</i></p> <p><i>The Enhanced Motor Voter Fund is hereby created. The fund shall consist of federal funds, gifts, and grants appropriated for the improvement of voter registration processes occurring at the Department of Motor Vehicles or other state agencies.</i></p> <p><i>It is the intent of the Legislature that the fund be used by the Secretary of State to increase the number of eligible Nebraskans who create, update, or affirm their voter registrations while interacting with state agencies.</i></p> <p><i>Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.</i></p> <p><i>Original section 32-204, Revised Statutes Cumulative Supplement, 2018, is repealed.</i></p> <p><i>Since an emergency exists, this act takes effect when passed and approved according to law.</i></p>					
LB533	Cavanaugh	Judiciary	02/21/2019	In Committee	01/24/2019 Change terminology related to marriage
<p><i>LB533 changes marriage language (for purposes of solemnization of the marriage or for defining the marriage as void)—that is—the “husband and wife” language would become “party and spouse” or “in marriage” so as to eliminate the gender connotation.</i></p>					
LB545	Wayne	Revenue	02/06/2019	In Committee	01/24/2019 Change income tax provisions relating to the Nebraska educational savings plan trust and authorize employer contributions to the trust
<p><i>LB 545 is designed to authorize and provide an income tax deduction for employer contributions as a participant in the Nebraska educational savings plan trust or contributions to an account established under the achieving a better life experience program made for the benefit of a beneficiary, as provided in sections 77-1401 to 77-1409, to the extent not deducted for federal income tax purposes, but not to exceed five thousand dollars per married filing separate return or ten thousand dollars for any other return.</i></p> <p><i>For taxable years beginning or deemed to begin on or after January 1, 2020, a participant in the Nebraska educational savings plan trust may include, in any reduction taken pursuant to this subdivision, employer contributions as defined in section 85-1802 that are made to such participant's account.</i></p>					

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					<p><i>Further, [beginning with tax year 2020, the Tax Commissioner shall include space on the individual income tax return form in which the individual taxpayer may, if a refund is due, designate any amount of such refund as a contribution to an account established under the Nebraska educational savings plan trust. The Tax Commissioner shall determine the total amount of contributions designated pursuant to this section each year, and the State Treasurer shall transfer such amount from the General Fund to the College Savings Plan Program Fund for deposit into the appropriate accounts within the College Savings Plan Program Fund.</i></p> <p><i>A government program administered by any agency of the state that provides benefits or aid to individuals based on financial need, except as may be otherwise provided by federal law or the provisions of any specific grant applicable to the federal law, shall not take into account and shall not consider employer contributions to a participant's account in determining the income of such participant.</i></p>
LB552	McDonnell		Appropriations 03/04/2019	In Committee 01/24/2019	<p>Change appropriations relating to the Nebraska Tree Recovery Program</p> <p><i>Legislative intent: Deal with dead and dying trees that create public safety issues. Appropriation requested: \$3,000,000 from the General Fund for FY2019-20 and for each FY thereafter until the Legislature finds that ash trees are no longer a safety issue for cities and villages.</i></p> <p><i>The Nebraska Forest Service of the University of Nebraska Institute of Agriculture and Natural Resources shall administer the program through a grant process (the Nebraska Tree Recovery Program). The forest service shall designate an application deadline and grants shall not be awarded later than 90 days after such date. Grant money shall be used to plant, remove, or dispose of only those trees located on land owned by state or local governments, including parks, public grounds, and city rights-of-way.</i></p>
LB554	Wishart		Health and Human Services 02/22/2019	In Committee 01/24/2019	<p>Change provisions relating to prescription drugs not on the preferred drug list under the Medical Assistance Act</p> <p><i>Except as otherwise provided in subsection (2) or (3) of this section, a health care provider may prescribe a prescription drug not on the preferred drug list to a medicaid recipient if:</i></p> <ul style="list-style-type: none"> <i>the prescription drug is medically necessary,</i> <i>the provider certifies that the preferred drug has not been therapeutically effective, or with reasonable certainty is not expected to be therapeutically effective, in treating the recipient's condition—or—the preferred drug causes or is reasonably expected to cause adverse or harmful reactions in the recipient, AND</i> <i>the department authorizes coverage for the prescription drug prior to the dispensing of the drug. The department shall respond to a prior authorization request no later than twenty-four hours after receiving such request.</i> <p><i>A health care provider may prescribe an antidepressant, antipsychotic, or anticonvulsant prescription drug to a medicaid recipient if the prescription drug is medically necessary.</i></p> <p><i>A health care provider may prescribe a prescription drug not on the preferred drug list to a medicaid recipient without prior authorization by the department if the provider certifies that:</i></p> <ul style="list-style-type: none"> <i>the recipient is achieving therapeutic success with a course of antidepressant, antipsychotic, or anticonvulsant medication or medication for human immunodeficiency virus, multiple sclerosis, epilepsy, cancer, or immunosuppressant therapy OR</i> <i>the recipient has experienced a prior therapeutic failure with a medication.</i> <p><i>A managed care organization shall not substitute a generic equivalent for an antidepressant, antipsychotic, or anticonvulsant medication.</i></p>
LB565	Bolz		Nebraska Retirement Systems 02/12/2019	In Committee 01/24/2019	<p>State legislative intent relating to a designated beneficiary determination under certain retirement systems</p> <p><i>LB565 proposes the following statement of intent be added to the County Employees Retirement Act:</i></p> <p><i>It is the intent of the Legislature that if a member of the retirement system is married at the time of his or her death and there is no designated beneficiary on file with the board, then the spouse married to the member on the date of the member's death is determined to be the beneficiary. If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file with the board, then the benefit shall be paid to the member's estate.</i></p> <p><i>LB565 further proposes the following statement of intent be added to the School Employees Retirement Act:</i></p>

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					<p><i>It is the intent of the Legislature that if a member of any retirement system established under the Class V School Employees Retirement Act is married at the time of his or her death and there is no designated beneficiary on file with the board of trustees, then the spouse married to the member on the date of the member's death is determined to be the beneficiary. If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file with the board of trustees, then the benefit shall be paid to the member's estate.</i></p> <p><i>LB565 also proposes the following statement of intent be added to the State Employees Retirement Act:</i></p> <p><i>It is the intent of the Legislature that if a member of the retirement system is married at the time of his or her death and there is no designated beneficiary on file with the board, then the spouse married to the member on the date of the member's death is determined to be the beneficiary. If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file with the board, then the benefit shall be paid to the member's estate.</i></p> <p><i>LB565 creates an additional duty of the Public Employees Retirement Board for the administration of the retirement systems provided for in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, and the State Employees Retirement Act, specifically:</i></p> <p><i>To adopt and promulgate rules and regulations consistent with the intent of the Legislature that if a member of the deferred compensation plan is married at the time of his or her death and there is no designated beneficiary on file with the board, then the spouse married to the member on the date of the member's death is determined to be the beneficiary. If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file with the board, then the benefit shall be paid to the member's estate.</i></p>
LB566	Crawford		Executive Board 02/08/2019	In Committee 01/24/2019	<p>Provide for notice to the Legislature if the Department of Insurance applies for a 1332 waiver from requirements of federal law as prescribed</p> <p><i>LB566 requires the Department of Insurance to provide notification to the legislature prior to applying for a Section 1332 State Innovation Waiver under the Affordable Care Act. If a waiver application is approved, the Department must seek legislative authorization prior to implementing any approved changes associated with the waiver.</i></p>
LB573	Hansen		Banking, Commerce and Insurance 03/18/2019	In Committee 01/24/2019	Change provisions relating to agreements under the Intergovernmental Risk Management Act
LB579	Quick		Judiciary 02/13/2019	General File 02/26/2019	<p>Authorize issuance of ignition interlock permits to persons who caused serious bodily injury while driving under the influence</p> <p><i>Prohibits the issuance of an interlock device to any person who is convicted of driving under influence of alcoholic liquor or drugs and causes serious bodily injury.</i></p>
LB583	Hilgers		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/24/2019	<p>Provide powers for certain counties under the Transportation Innovation Act</p> <p><i>This bill provides contracting agencies with substantial authority as prescribed. Much of the authority was previously authority authorized to the Department of Transportation. It (re)defines and reifies certain terms, such as "eligible county". The bill was introduced by Senator Hilgers at the request of Sarpy County.</i></p>
LB584	Hilgers		General Affairs 02/11/2019	In Committee 01/24/2019	<p>Change farm winery provisions and provide for a promotional special designated license</p> <p><i>LB584 amends 53-103.13 such that "farm winery" means any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least 60% (amended down from 75%) of the finished product is grown in this state or which meets the requirements of 53-123.13.</i></p> <p><i>A farm winery could not produce more than 30,000 gallons. This proposed amendment would increase that threshold to 50,000 gallons. This proposed amendment would allow them to sell any alcohol to the public.</i></p> <p><i>53-123.13 is amended as follows: If the operator of a farm winery is unable to produce or purchase 60% (amended down from 75%) of the grapes, fruit, or other suitable agricultural products used in the farm winery from within the state due to natural disaster which causes substantial loss to the Nebraska-grown crop, such operator may petition the commission to waive the 60% requirement (which was the 75% requirement) prescribed for one year.</i></p> <p><i>It shall be within the discretion of the commission to waive the 60% requirement taking into consideration the availability of products used in farm wineries in this area and the ability of such operator to produce wine from products that are abundant within the state.</i></p>

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					<p><i>If the operator of a farm winery is granted a waiver, any product purchased as concentrated juice from grapes or other fruits from outside of Nebraska, when reconstituted from concentrate, may not exceed in total volume along with other products purchased the total percentage allowed by the waiver.</i></p> <p><i>Any product purchased under the waiver or as part of the 40% (amended up from 25%) of allowable product purchased that is not Nebraska- grown for the production of wine shall not exceed the 40% volume allowed under state law if made from concentrated grapes or other fruit, when reconstituted. The concentrate shall not be reduced to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.</i></p> <p><i>Further, the bill allows for issuance of promotional special designated licenses. That is, the commission may issue a promotional special designated license to a craft brewery, microdistillery, or farm winery licensee for the sale or consumption of alcoholic liquor at a festival, bazaar, picnic, carnival, or similar function conducted by the licensee outside of the manufacturer's designated premises at one location per twelve-month period commencing May 1 of each year or such other date as the commission may prescribe by rule and regulation. A licensee shall apply thirty days prior to the promotional event. A promotional special designated license may be issued to a licensee for the duration of an annual event without reapplying to the commission. The licensee shall comply with the rules and regulations adopted and promulgated by the commission.</i></p>
LB589	Chambers	Monitor	Judiciary 02/14/2019	In Committee 01/25/2019	<p>Prohibit peace officers from serving as school resource officers</p> <p><i>Except as provided, no peace officer shall serve or work as a school resource officer, whether or not such officer is on duty as an employee of a law enforcement agency at the time of such service or work. The provisions do not apply to a peace officer who is responding to a specific request for assistance from a student, school employee, or member of the public regarding a safety threat or a criminal act, or who is providing security for an extracurricular event or activity.</i></p> <p><i>Law enforcement agency would mean an agency or department of this state or of any political subdivision of this state that is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 84-106; Peace officer would mean any officer or employee of a law enforcement agency authorized by law to make arrests.</i></p>
LB596	Quick		Executive Board 02/20/2019	In Committee 01/25/2019	<p>Adopt the Office of Inspector General of Nebraska Public Health</p> <p><i>LB596 would adopt the Office of Inspector General of Nebraska Public Health Act and create within the Office of Public Counsel for the purpose of conducting investigations, audits, inspections, and other reviews of state-owned facilities providing health care and state-licensed health care facilities as defined in section 71-413. The Inspector General shall be appointed by the Public Counsel with approval from the chairperson of the Executive Board of the Legislative Council and the chairperson of the Health and Human Services Committee of the Legislature.</i></p> <p><i>The Inspector General shall be appointed for a term of five years and may be reappointed. During his or her employment, the Inspector General shall not be actively involved in partisan affairs. The Inspector General shall employ such investigators and support staff as he or she deems necessary to carry out the duties of the office within the amount available by appropriation through the office of Public Counsel for the office of Inspector General. The Inspector General shall be subject to the control and supervision of the Public Counsel, except that removal of the Inspector General shall require approval of the chairperson of the Executive Board of the Legislative Council and the chairperson of the Health and Human Services Committee of the Legislature.</i></p>
LB599	Walz		Executive Board 02/27/2019	In Committee 01/25/2019	<p>Provide data to the Public Counsel from the Division of Children and Family Services of the Department of Health and Human Services</p> <p><i>The bill would add the following section to the Health and Human Services Act: The Director of Children and Family Services of the Department of Health and Human Services shall make any data available to the Public Counsel upon request, including any triage complaint data base.</i></p>
LB608	La Grone		Government, Military and Veterans Affairs 02/07/2019	Introduced 01/23/2019	<p>Change and eliminate provisions regarding counting methods under the Election Act</p> <p><i>LB 608 eliminates outdated provisions on election technology, implements the remaining structural recommendations from the 2016 Special Committee on Election Technology, and creates a process by which, overseen by the Secretary of State, local election authorities change their ballot counting method.</i></p>

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LB609	La Grone	Support	Government, Military and Veterans Affairs 02/21/2019	In Committee 01/25/2019	Provide for reimbursement of actual costs of a rental vehicle by county and local governments <i>This bill would allow for the expenditure of public funds for the payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, or meetings now may include travel by rental vehicle or commercial or charter means is economical and practical.</i>
LB612	Erdman	Monitor	Transportation and Telecommunications 02/12/2019	In Committee 01/25/2019	Authorize the display of roadside memorials <i>LB612 directs the Nebraska Department of Transportation to erect blue triangular road signs memorializing those who have died on Nebraska's roadways. Signs may contain the name and a photographic image of the deceased. Signs shall also contain one of four safety messages. Signs shall not be posted for drunk drivers who died on Nebraska's roadways. Signs shall be posted for ten years, but can be renewed by way of an application and fee for an additional ten years.</i>
LB613	Crawford		Revenue 03/06/2019	In Committee 01/25/2019	Change application deadlines under certain tax incentive programs <i>Repurposes the thirty million dollars saved from no longer accepting applications under the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Beginning Farmer Tax Credit Act be used to increase the appropriation to the Site and Building Development Fund for fiscal year 2019-20 and each fiscal year thereafter. Contains the emergency clause.</i>
LB615	Hilgers		Revenue 02/20/2019	In Committee 01/25/2019	Reduce income tax rates and provide for certain transfers from the Cash Reserve Fund <i>Beginning in November 2019 and each November thereafter until the top corporate and individual income tax rates are set at five and ninety-nine hundredths percent, the Tax Rate Review Committee shall examine the expected rate of growth in net General Fund receipts from the current fiscal year to the upcoming fiscal year, as determined by the Nebraska Economic Forecasting Advisory Board, and shall determine the balance of the Cash Reserve Fund.</i> <i>If the expected rate of growth in net General Fund receipts is at least three and one-half percent for the upcoming fiscal year and the balance of the Cash Reserve Fund is at least five hundred million dollars, the Tax Rate Review Committee shall: (a) Certify such rate of growth and balance to the Tax Commissioner. Upon receipt of each such certification, the Tax Commissioner shall reduce the top corporate income tax rate in accordance with subdivision (1)(c) of section 77-2734.02 and shall reduce the top individual income tax rate in accordance with subsection (3) of section 77-2715.03; and (b) Certify such rate of growth and balance to the State Treasurer. Upon receipt of each such certification, the State Treasurer shall make the transfer prescribed in subsection (13) of section 84-612.</i> <i>Each time the State Treasurer receives certification from the Tax Rate Review Committee pursuant to subsection (3) of section 77-2715.01, he or she shall transfer seventy-five million dollars from the Cash Reserve Fund to the Property Tax Credit Cash Fund on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.</i>
LB616	Hilgers	Monitor	Transportation and Telecommunications 02/11/2019	General File 02/22/2019	Provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act <i>This bill defines build-finance project as a project in which a design-builder, a construction manager, or a contractor working under any project structure allowed by law pays for the project labor, materials, and vendors as the work is performed and payments due from the Department of Transportation are made by, or on behalf of, the department over a period not to exceed ten years after the date of substantial completion. And, financing plan would mean an assurance of available funding and security to ensure payment to vendors and labor as work is performed on a build-finance project and, if not addressed in the request for proposal, the terms of required structured repayment.</i> <i>The department may structure a contract as a "build-financing" project pursuant to the Build Nebraska Act, sections 39-2808 to 39-2824, or the Accelerated State Highway Capital Improvement Program created in section 39-2804. Prior to entering into a contract for a build-finance project, the department shall determine that there will be an estimated cost savings to the state as a result of a cost-benefit analysis.</i> <i>The department may authorize a design-builder or a construction manager engaged in a contract pursuant to sections 39-2808 to 39-2824 or a contractor engaged in a contract pursuant to the Build Nebraska Act or the Accelerated State Highway Capital Improvement Program to structure the contract as a build-finance project.</i>

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					<p><i>If a build-finance project will be under consideration by the department, the department shall include the financing requirements in the request for proposals or the initial project solicitation. The department may include in the financing requirements the maximum annual payment, the interest rate on the financing, and the minimum number of years for repayment.</i></p> <p><i>The department may require a financing plan from the design-builder, the construction manager, or the contractor. If required, the financing plan shall be included in the proposal and may be considered by the department as a part of the best value-based selection process or a qualifying factor in the selection process, as applicable.</i></p> <p><i>The contract for any build-finance project shall include in its terms that the payments extending beyond the contract year of completion will be subject to annual appropriations by the Legislature, that the project is unsecured, and that it does not constitute a debt obligation of the state.</i></p> <p><i>The department shall not obligate more than ten percent of the annual revenue of the Highway Trust Fund to secure payment on all build-finance projects at the time a contract for a build-finance project is under consideration</i></p>
LB618	Hilgers		Government, Military and Veterans Affairs 02/22/2019	In Committee 01/25/2019	<p>Change provisions relating to electioneering</p> <p><i>Electioneering would mean any activity done to persuade voters to vote, or not vote, for a particular candidate, ballot question, or political party which appears on the ballot at the election for which the voters are appearing to vote. No person shall do any electioneering, or circulate petitions within any polling place or any building designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building except as otherwise provided here.</i></p> <p><i>Subject to any local ordinance, a person may display yard signs on private property within two hundred feet of a polling place or building designated for voters to cast ballots if the property is not under common ownership with the property on which the polling place or building is located. Any person violating this section shall be guilty of a Class V misdemeanor.</i></p>
LB619	Kolowski		Banking, Commerce and Insurance 03/05/2019	Introduced 01/23/2019	<p>Require coverage under insurance policies for mental health services delivered in schools</p> <p><i>Requires that any insurance policy providing coverage for behavioral health treatment shall provide coverage for behavioral health services delivered in a school or other educational setting.</i></p>
LB620	Kolowski		Transportation and Telecommunications 03/04/2019	In Committee 01/25/2019	<p>Provide for enforcement of handheld wireless communication devices as a primary action</p> <p><i>LB 620 changes the violation of texting while driving from a secondary offense to a primary offense.</i></p>
LB621	Kolowski		Judiciary 02/21/2019	In Committee 01/25/2019	<p>Change provisions relating to solar energy and wind energy, declare certain instruments void and unenforceable, and provide for a civil cause of action</p>
LB625	Pansing Brooks		Appropriations	In Committee 01/25/2019	<p>Appropriate funds to the Department of Correctional Services</p> <p><i>There would be appropriated \$5,800,000 from the General Fund for FY2019-20 to the Department of Correctional Services to provide for programming, programming portables, and programming staffing costs.</i></p>
LB627	Pansing Brooks		Judiciary 02/07/2019	General File 02/19/2019	<p>Prohibit discrimination based upon sexual orientation and gender identity</p> <p><i>LB627 prohibits employment discrimination based on sexual orientation and gender identity. Under LB627 it would be an unlawful employment practice for an employer, an employment agency, or a labor organization to discriminate against an individual on the basis of sexual orientation or gender identity. The Act applies to employers having 15 or more employees, employers with state contracts regardless of the number of employees, the State of Nebraska, governmental agencies and political subdivisions. Current law prohibits employment discrimination based on race, color, religion, sex, disability, marital status or national origin.</i></p>
LB631	Morfeld	Support	Executive Board 02/22/2019	In Committee 01/25/2019	<p>Create the Medicaid Expansion Implementation Task Force</p> <p><i>The task force shall consist of six voting members: The chairperson of the Health and Human Services Committee of the</i></p>

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					<p><i>Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee of the Legislature or his or her designee, and three members of the Legislature chosen by the Executive Board of the Legislative Council.</i></p> <p><i>The task force shall also include seven nonvoting members chosen by the Executive Board of the Legislative Council, as follows: a health care provider licensed under the Uniform Credentialing Act, a behavioral health care provider licensed under the Uniform Credentialing Act, a health care consumer or consumer advocate, a hospital representative, a business representative, a representative from a political subdivision likely to have its constituency impacted by medicaid expansion, and a rural health care provider.</i></p> <p><i>The task force will report annually by December 1 (beginning 2019).</i></p> <p><i>The task force terminates on December 31, 2020, unless reauthorized by the Legislature.</i></p>
LB633	Wishart		Government, Military and Veterans Affairs 03/01/2019	In Committee 01/25/2019	<p>Change provisions relating to real property owner information available to the public</p> <p><i>When a county board's annual inventory of all real estate and real property is made and filed with the county clerk of such county, such inventory shall not include the residential address or name of any owner of such real estate. The county clerk shall retain such inventory for filing as a public record in his or her office in a manner convenient for reference and in a manner that protects the identity and residential address of any owner unless a request is made in writing to the county assessor to provide such information.</i></p>
LB636	Stinner		Executive Board 02/28/2019	In Committee 01/25/2019	<p>Create the Financial Condition of Counties and Municipalities Task Force</p> <p><i>The task force shall: (a) Consider whether it is advisable to create a system to effectively detect, monitor, and prevent financial distress in counties and municipalities; (b) Consider whether it is advisable to provide a rating criterion to evaluate the financial health of counties and municipalities; and (c) Provide recommendations as to the state's role in alleviating any such financial distress. The task force shall report electronically to the Executive Board of the Legislative Council no later than December 1, 2019. It is the intent of the Legislature to appropriate fifty thousand dollars to carry out this section.</i></p>
LB643	McDonnell		Judiciary 03/14/2019	In Committee 01/25/2019	<p>Change death and disability-related prima facie evidence provisions relating to emergency responders</p> <p><i>This bill relates to 35-1001, regarding circumstances where a firefighter's death is presumed, prima facie, to have been caused in the line of duty. When the other already existing criteria are met, breast cancer and ovarian cancer are hereunder causes which shall be considered occurring "in-the-line-of-duty".</i></p>
LB646	Chambers	Monitor	Judiciary 02/13/2019	In Committee 01/25/2019	<p>Eliminate cash bail bonds, appearance bonds, and related provisions</p> <p><i>Eliminates subsection (c) from section 29-901, and related provisions elsewhere relying on appearance bonds.</i></p>
LB648	Wayne		Urban Affairs 03/05/2019	Introduced 01/23/2019	<p>Change the Community Development Law</p> <p><i>LB648 proposes to provide requirements, in addition to those found in 18-2109, for certain redevelopment plans such that an authority shall not prepare a redevelopment plan that will divide ad valorem taxes pursuant to section 18-2147 for a period of more than fifteen years unless the governing body of the city in which the redevelopment project area is located has, by resolution adopted after the public hearings required under this section, declared more than fifty percent of the property in such redevelopment project area to be an extremely blighted area in need of redevelopment. Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is extremely blighted and shall submit the question of whether such area is extremely blighted to the planning commission or board of the city for its review and recommendation.</i></p> <p><i>The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing. Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing, the governing body shall hold a public hearing on the question of whether the area is extremely blighted after giving notice of the hearing as provided in section 18-2115.01.</i></p>

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					<i>Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.</i>
LB651	Wayne	Judiciary	02/14/2019	In Committee	01/25/2019 Change funding provisions for the Community-based Juvenile Services Aid Program <i>Beginning on the effective date of this act, funding under the program shall only be available for services provided directly to juveniles or services provided to carry out express statutorily authorized functions. Any government entity applying for funds from the program shall develop policies governing the distribution of the funds that are adopted by the governing board of the entity after a public hearing.</i>
LB652	Wayne	Judiciary	03/20/2019	In Committee	01/25/2019 Change a penalty for controlled substance possession as prescribed <i>A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(25) of Schedule I of section 28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, is subject to the following penalties: (i) If the controlled substance is an amount constituting only residue, such person is guilty of a Class I misdemeanor; OR (ii) If the controlled substance is an amount constituting more than residue, such person is guilty of a Class IV felony.</i>
LB657	Wayne	Agriculture	02/12/2019	In Committee	01/25/2019 Adopt the Nebraska Hemp Act <i>The department shall establish, operate, and administer a hemp grower registration program. Except as otherwise provided under the Nebraska Hemp Act for a postsecondary institution, a person shall not grow hemp in this state unless the person is registered as a grower under the act. A person other than a postsecondary institution that wishes to grow hemp in this state shall submit the registration application fee (\$100) and register with the department on a form prescribed by the department. Cannabis found to have a measured delta-9 THC content greater than three-tenths percent on a dry weight basis will be subject to forfeiture and destruction, without compensation.</i>
LB659	Wayne	Judiciary	02/20/2019	In Committee	01/25/2019 Remove cannabidiol from list of controlled substances <i>Cannabidiol means processed cannabis plant extract, oil, or resin that contains more than ten percent cannabidiol by weight, but not more than three-tenths of one percent tetrahydrocannabinols by weight, and delivered in the form of a liquid or solid dosage form, regardless of whether or not the cannabidiol is contained in a drug product approved by the federal Food and Drug Administration or obtained pursuant to sections 28-463 to 28-468. The following are the schedules of controlled substances referred to in the Uniform Controlled Substances Act, unless specifically contained 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: Tetrahydrocannabinols, including, but not limited to, synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol and their optical isomers, excluding dronabinol in a drug product approved by the federal Food and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since nomenclature of these substances is not internationally standardized, compounds of these structures shall be included regardless of the numerical designation of atomic positions covered. This subdivision does not include tetrahydrocannabinols in cannabidiol.</i>
LB663	Friesen	Revenue	02/21/2019	In Committee	01/25/2019 Change provisions relating to Nebraska adjusted basis <i>77-118 (1) Nebraska adjusted basis shall mean the adjusted basis of property as determined under the Internal Revenue Code increased by the total amount allowed under the code for depreciation or amortization or pursuant to an election to expense depreciable property under section 179 of the code. (2) For purchases of depreciable personal property occurring on or after January 1, 2018, if similar personal property is traded in as part of the payment for the newly acquired property, the Nebraska adjusted basis shall be the remaining federal tax basis of the property traded in, plus the additional amount that was paid by the taxpayer for the newly acquired property.</i>
LB666	Dorn	Appropriations		In Committee	01/25/2019 Change Nebraska Health Care Cash Fund provisions and provide for a transfer to the Board of Regents of the University of Nebraska for a program to train first responders and emergency medical technicians in rural areas <i>The State Treasurer shall transfer two hundred thousand dollars for FY2019-20 and two hundred thousand dollars for FY2020-21</i>

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					<i>from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used for the Simulation in Motion program to train first responders and emergency medical technicians in rural areas.</i>
LB684	Lathrop	Judiciary	Judiciary 03/20/2019	In Committee 01/25/2019	Change provisions relating to post-release supervision for Class IV felonies <i>LB684 would allow judges to decide whether to require post-release supervision for persons sentenced to county jail for committing class IV felonies. A minimum of nine months of post-release supervision would still be required for felony offenders imprisoned with the Nebraska Department of Correctional Services. In case of a violation, LB684 would also allow judges to revoke a person's post-release supervision and order them imprisoned for a period as long as their original post-release supervision term, rather than just for the remainder of the time they were to spend on post-release supervision.</i>
LB686	Lathrop	Judiciary	Judiciary 03/27/2019	In Committee 01/25/2019	Change provisions relating to correctional system emergencies <i>Under LB686, the term operational capacity no longer is a defined term. The term population is amended to mean the actual number of inmates assigned to the Department of Corrections. As before, until July 1, 2020, the Governor may declare a correctional system overcrowding emergency whenever the director certifies that the department's inmate population is over one hundred forty percent of design capacity. Beginning July 1, 2020, and until December 31, 2020, a correctional system overcrowding emergency shall exist whenever the director certifies that the department's inmate population is over one hundred forty percent of design capacity. The director shall so certify within thirty days after the date on which the population first exceeds one hundred forty percent of design capacity. Beginning January 1, 2021, and until June 30, 2021, a correctional system overcrowding emergency shall exist whenever the director certifies that the department's inmate population is over one hundred thirty-five percent of design capacity. The director shall so certify within thirty days after the date on which the population first exceeds one hundred thirty-five percent of design capacity. Beginning July 1, 2021, and until December 31, 2021, a correctional system overcrowding emergency shall exist whenever the director certifies that the department's inmate population is over one hundred thirty percent of design capacity. The director shall so certify within thirty days after the date on which the population first exceeds one hundred thirty percent of design capacity. Beginning January 1, 2022, a correctional system overcrowding emergency shall exist whenever the director certifies that the department's inmate population is over one hundred twenty-five percent of design capacity. The director shall so certify within thirty days after the date on which the population first exceeds one hundred twenty-five percent of design capacity. During a correctional system overcrowding emergency, the Governor shall take immediate action to reduce the prison population. Further, during an overcrowding emergency, the Board of Parole shall immediately consider or reconsider committed offenders eligible for parole who have not been released on parole. The board shall order the release of each committed offender unless it is of the opinion that such release should be deferred because: a) The board has determined that it is more likely than not that the committed offender will not conform to the conditions of parole; b) The board has determined that release of the committed offender would have a very significant and quantifiable effect on institutional discipline; or c) The board has determined that there is a very substantial risk that the committed offender will commit a violent act against a person.</i>
LB687	Vargas	Government, Military and Veterans Affairs	Government, Military and Veterans Affairs	In Committee 01/25/2019	Provide for voter registration of applicants for driver's licenses and state identification cards <i>Specifically, the voter registration application shall be designed so that the elector's information is transmitted to the election commissioner or county clerk via electronic transmission for each applicant verified by the Department of Motor Vehicles to be a citizen of the United States and at least eighteen years of age or will be eighteen years of age on or before the first Tuesday after the first Monday in November of the then-current year, unless the elector specifies on the form that he or she does not want to register to vote or update his or her voter registration record. The voter registration application shall contain the information required (pursuant to section 32-312) and shall be designed so that it does not require the duplication of information in the application for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the voter registration application available to any person applying for an operator's license or state identification card. The application shall be completed at the office of the department by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election. If a voter registration application is submitted under this section with the signature of the applicant but the applicant is not eligible to register to vote, the submission shall not be considered a violation of section 32-1502 or 32-1503 and the document submitted shall not be considered a valid or completed voter registration application for purposes of registration or enforcement of the Election Act unless the applicant has willfully and knowingly taken affirmative steps to register to vote knowing that he or she is not eligible to do so. Any deputy registrar, judge or clerk of election, or other officer having the custody of records, registers, copies of records or registers, oaths, certificates, or any other paper, document, or evidence of any description by law directed to be made, filed, or preserved who uses the voter registration records for any purpose other than voter registration, election administration, or enforcement of the Election Act shall be guilty of a Class III misdemeanor.</i>

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LB690	Cavanaugh		Judiciary 03/06/2019	In Committee 01/25/2019	Adopt the Healthy Pregnancies for Incarcerated Women Act <i>This bill intends to adopt the Healthy Pregnancies for Incarcerated Women Act. A detention facility shall not use restraints on a prisoner or detainee known to be pregnant, including during labor, delivery, or postpartum recovery or during transport to a medical facility or birthing center, unless the administrator makes an individualized determination that there are extraordinary circumstances where the administrator makes an individualized determination that there is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner or detainee known to be pregnant, the staff of the detention facility or medical facility, other prisoners or detainees, or the public, except that:</i> <i>a) If the doctor, nurse, or other health professional treating the prisoner or detainee known to be pregnant requests that restraints not be used, any detention facility employee accompanying the prisoner or detainee shall immediately remove all restraints; b) Under no circumstances shall leg or waist restraints be used on the prisoner or detainee known to be pregnant; AND c) Under no circumstances shall any restraints be used on any prisoner or detainee in labor or during childbirth. The bill further elucidates the manner and circumstances where restraints may (not) be used, and creates a cause of action for making whole a detainee harmed by the violation of the rule, including reasonable attorney's fees and, potentially, punitive damages. On or before October 1, 2019, each detention facility in this state shall adopt and promulgate rules and regulations to carry out the Healthy Pregnancies for Incarcerated Women Act. A detention facility may also adopt and promulgate rules and regulations developed by the Jail Standards Board or the Nebraska Commission on Law Enforcement and Criminal Justice.</i>
LB693	Halloran		Transportation and Telecommunications 02/19/2019	In Committee 01/25/2019	Prohibit the selling, renting, or conveying of telephone numbers <i>LB693 creates the Neighbor Spoofing Protection Act. The act requires that no person shall sell, rent, or convey any interest in a telephone number to any out-of-state person unless such telephone number is listed or available from directory assistance to the general public so that a member of the general public could determine the source of the telephone number by contacting his or her telecommunications provider. No person shall, in connection with any telecommunications service or IP-enabled voice service, cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value. Public Service Commission penalties, after hearing, may be imposed, but, shall not exceed \$2,000. Every violation within the state shall be considered a separate and distinct violation.</i>
LB700	Bostelman		Natural Resources 03/06/2019	In Committee 01/25/2019	Provide for decommissioning and reclamation of a wind energy conversion system <i>Under LB700, any person owning, operating, or managing a wind energy conservation system in this state shall be responsible for all decommissioning or reclamation costs necessary for removal of such system, including the removal of any aboveground equipment and restoration of the land to its natural state. For purposes of this section reclamation means restoration of the area on which a wind energy conservation system is constructed to the condition that existed prior to construction.</i>
LB701	Bostelman		Health and Human Services 03/20/2019	In Committee 01/25/2019	Require billing for emergency medical services <i>An emergency medical service shall transmit a request for payment to a recipient of services involving transportation of the recipient to a health care facility licensed under the Health Care Facility Licensure Act or to his or her parent or legal guardian if the recipient is a minor or under guardianship.</i>
LB703	Vargas	Support	Appropriations 03/06/2019	In Committee 01/25/2019	Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice <i>There would hereinunder LB703 be appropriated \$2,500,000 from the General Fund for FY2019-20 to the Nebraska Commission on Law Enforcement and Criminal Justice to be used by the Community-based Juvenile Services Aid Program to aid in supporting alternatives for juvenile detention.</i>
LB704	McCollister		Government, Military and Veterans Affairs	In Committee 01/25/2019	Provide for a request for proposals for renewable energy for state-owned buildings and a study regarding state vehicles <i>Under LB704, it is the intent of the Legislature that the State Energy Office shall continue implementing the energy efficiency and consumption policy for the state without further General Fund appropriations—AND—the Department of Administrative Services use an appropriation of \$50,000 for fiscal year 2021-22 to analyze and compile the results of the Nebraska Benchmarking and Beyond Initiative to assess utilization of resources, including using in-state renewable energy generation for state-owned buildings, reduction of energy consumption in state-owned buildings, and other measures to increase energy efficiency in state-owned buildings. The Department of Administrative Services shall prepare a request for proposals for contracts for purchase of energy to meet the requirements of this bill. Of all energy purchased for state-owned buildings, the State of Nebraska, including the University of Nebraska, shall purchase at least 50% from renewable energy sources by 2022, at least 60% from renewable energy sources by 2025, at least 75% from renewable energy sources by 2028, and at least 80% from renewable energy sources by 2031.</i>

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LB707	Erdman		Revenue	In Committee 01/25/2019	<p>Authorize the Tax Equalization and Review Commission to hold certain hearings by videoconference and telephone conference</p> <p><i>A single commissioner of the Tax Equalization and Review Commission may hear an appeal and cross appeal and appeals and cross appeals consolidated with any such appeal and cross appeal when: a) The taxable value of each parcel is one million dollars or less as determined by the county board of equalization; AND b) The appeal and cross appeal has been designated for hearing pursuant to this section by the chairperson of the commission or in such manner as the commission may provide in its rules and regulations.</i></p> <p><i>Under LB707, when such a hearing is held, before a single commissioner, such hearing may now be held by means of videoconferencing or telephone conference.</i></p>
LB710	Cavanaugh	Support	Revenue 02/28/2019	In Committee 01/25/2019	<p>Change provisions relating to tobacco including sales, crimes, a tax increase, and distribution of funds</p> <p><i>LB710 eliminates many, if not all, distinctions between "tobacco products". The rules of chapter 28, 71, and 77 are titivated so as to reflect that linguistically minor but wide-encompassing change, for instance the elimination of "vapor products" as a defined term.</i></p> <p><i>Also, the Nebraska Behavioral Health Services Act would get an additional section which reads: [t]he Behavioral Health Provider Rate Stabilization Fund is created. The fund shall consist of money credited to the fund pursuant to section 77-2602, any gifts, grants, or donations from any source, and any other funds appropriated by the Legislature. The fund shall be used to support reimbursement of behavioral health services providers through provider rates within, but not limited to, the Children's Health Insurance Program, the Medical Assistance Act, the Nebraska Behavioral Health Services Act, and the Nebraska Community Aging Services Act. The money credited to the fund pursuant to section 77-2602 shall be used to the greatest extent possible to leverage federal funds for behavioral health services provider rate reimbursement under such program and acts. The Legislature finds that, in order to provide Nebraska residents with appropriate access to behavioral health services and providers, provider rates need to be adequate and stable in order to attract and maintain the number and variety of behavioral health services providers necessary to maintain an adequate behavioral health services provider network. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.</i></p> <p><i>Beginning July 1, 2020, and every fiscal year thereafter, the State Treasurer shall place the equivalent of \$47,400,000 (amended up from one million two hundred fifty thousand dollars) of such tax in the Nebraska Health Care Cash Fund. In addition, the State Treasurer shall place the equivalent of \$13,000,000 of such tax in the Nebraska Health Care Cash Fund to ensure future sustainability of the fund.</i></p> <p><i>Further, beginning with fiscal year 2020-21, and every fiscal year thereafter, one dollar and fifty cents of the two dollars and fourteen cents special privilege tax under subsection (1) of section 77-2602 shall be distributed as follows:</i></p> <ul style="list-style-type: none"> <i>i. In addition to the forty-nine cents of such tax under subsection (2) of section 77-2602, seventeen percent to the General Fund;</i> <i>ii. One-half of one percent to the Nebraska Outdoor Recreation Development Cash Fund;</i> <i>iii. One percent to the University of Nebraska Medical Center and the Creighton University Medical Center for cancer research;</i> <i>iv. Two and one-half percent to the Building Renewal Allocation Fund;</i> <i>v. Three percent equally distributed to the University of Nebraska Medical Center, Creighton University Medical Center, and Boys Town Center for Neurobehavioral Research in Children for children's behavioral research;</i> <i>vi. Twenty-five percent for Medicaid expansion;</i> <i>vii. Four percent to Nebraska public health departments;</i> <i>viii. Two percent to the University of Nebraska Medical Center College of Public Health;</i> <i>ix. Two percent for federally qualified health centers;</i> <i>x. Five percent for smoking cessation and addiction services;</i> <i>xi. One percent for area health education centers;</i> <i>xii. Four percent for cancer and smoking-related disease research;</i> <i>xiii. One percent to the Behavioral Health Education Center of Nebraska at the University of Nebraska Medical Center;</i> <i>xiv. One percent for emergency protective custody services and resources;</i> <i>xv. Two percent to the Behavioral Health Provider Rate Stabilization Fund for behavioral health rate basing;</i> <i>xvi. Six percent to the State Children's Health Insurance Program to increase eligibility by thirty-seven percent;</i> <i>xvii. Two percent to improve health care delivery systems under the Patient Safety Improvement Act;</i> <i>xviii. One percent on emergency medical services workforce training and recruitment;</i> <i>xix. One percent on other emergency medical services sustainability initiatives;</i> <i>xx. Two and one-half percent for paid family and medical leave start-up costs;</i> <i>xxi. Two percent to the Nebraska Early Childhood Professional Record System;</i> <i>xxii. Five percent for grades kindergarten through twelve education;</i>

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					<p>xxiii. Two percent for health services in county corrections; xxiv. One-half percent to the Human Trafficking Victim Assistance Fund; xxv. Two and one-half percent for all telehealth services; xxvi. Four percent for beds in county hospitals and county-owned health centers for mental health treatment in counties containing a city of the metropolitan class and a county-owned health center; AND xxvii. One-half percent to the Health and Human Services Cash Fund for traumatic brain injury research.</p>
LB712	Friesen	Judiciary	03/14/2019	In Committee 01/25/2019	<p>Prohibit joint entities and joint public agencies from taking action against representative for their speech</p> <p><i>LB712 proposes the two following additions:</i> First, under the Interlocal Cooperation Act, Sections 13-801 to 13-827, a joint entity shall not prohibit a representative of its members or of any joint board from, or censure such representative for, expressing his or her opinion or speaking on any matter related to the joint entity or joint board if such speech is otherwise lawful. And under the Joint Public Agency Act, Sections 13-2501 to 13-2550, a joint public agency shall not prohibit a representative of its member public agencies or of any board from, or censure such representative for, expressing his or her opinion or speaking on any matter related to the joint public agency or board if such speech is otherwise lawful.</p>
LB713	Vargas	Executive Board	02/28/2019	In Committee 01/25/2019	<p>Provide for long-term accountability from the Legislative Fiscal Analyst</p> <p><i>Here, a mandate would be added to the Legislative Fiscal Analyst duties, such that, in addition to the already legislated duties, the analyst shall provide the following cycle of analyses of long-term fiscal sustainability, beginning, in FY2020-21: i. In even-numbered years, the joint revenue volatility report required under section 50-419.02; ii. In odd-numbered years, a budget stress test comparing estimated future revenue to and expenditure from major funds and tax types under various potential economic conditions; AND iii. Every four years, a long-term budget for programs appropriated for major funds and tax types. Also under LB713, the Legislative Fiscal Analyst's revenue-forecasting information shall include, in addition to the already legislated duties, the estimated revenue receipts for each year of the following biennium, including comparisons of current estimates for: i. Each major tax type to long-term trends for that tax type, ii. Federal fund receipts to long-term federal fund trends; AND iii. Tax collections and federal fund receipts to long-term trends.</i></p>
LB718	Hunt	Government, Military and Veterans Affairs		In Committee 01/25/2019	<p>Require additional polling places prior to elections in certain counties</p> <p><i>This bill is an addition to the Election Act:</i> The election commissioner in a county with a population of more than one hundred thousand inhabitants shall provide additional office hours during which ballots for early voting may be picked up or returned pursuant to section 32-941 or registered voters of the county may vote or pick up or return a ballot for early voting pursuant to section 32-942. The additional hours shall be provided for any primary or general election, but not for special elections, beginning at least two weeks prior to the day of the election and shall include at least four hours on each of the two Saturdays preceding the day of the election and at least five hours during each week of such two-week period in addition to normal business hours on business days.</p>
LB720	Kolterman	Revenue	03/06/2019	In Committee 01/25/2019 Kolterman Priority Bill	<p>Adopt the ImagiNE Nebraska Act and provide tax incentives</p> <p><i>Under LB720, the Legislature finds that it is the policy of this state to modernize its economic development platform in order to (1) encourage new businesses to relocate to Nebraska, (2) encourage existing businesses to remain and grow in Nebraska, (3) encourage the creation and retention of new, high-paying jobs in Nebraska, (4) attract and retain investment capital in Nebraska, (5) develop the Nebraska workforce, (6) simplify the administration of the tax incentive program created in the ImagiNE Nebraska Act for both businesses and the state, and (7) improve the transparency and accountability of such program. SECTION 28 of the Act describes the application process for a taxpayer to request an agreement. If the director fails to make his or her determination within the prescribed ninety-day period, the application is deemed approved. Within ninety days after approval of the application, the director shall prepare and deliver a written agreement to the taxpayer for the taxpayer's signature. The taxpayer and the director shall enter into a written agreement. The taxpayer shall agree to increase employment or investment at the qualified location or locations, report wage and hours data at the qualified location or locations to the Department of Labor annually, and report all qualified property at the qualified location or locations to the Property Tax Administrator. The director, on behalf of the State of Nebraska, shall agree to allow the taxpayer to use the incentives contained in the ImagiNE Nebraska Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. There shall be no new applications for incentives filed by a taxpayer after December 31, 2029.</i></p>

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LB726	Walz	Support	Health and Human Services 02/20/2019	In Committee 01/25/2019	Require a protocol for individuals eligible for medical parole to apply for medical assistance <i>Specifically, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services shall, in consultation with the Department of Correctional Services, develop a protocol to assist an individual who is eligible for medical parole pursuant to section 83-1,110.02 to apply for and receive benefits under the Medical Assistance Act.</i>
LB733	Kolowski		Government, Military and Veterans Affairs	In Committee 01/25/2019	Provide and change requirements for polling places <i>Summary: All polling places shall comply with the federal Help America Vote Act of 2002, as amended, including, among many, many, other requirements, at least one voting booth so constructed as to provide easy access for people with limitations, accommodate a wheelchair, and have a cover to provide privacy.</i>
LB736	Murman	Oppose	Government, Military and Veterans Affairs 02/28/2019	In Committee 01/25/2019	Provide restrictions on occupation taxes, license fees, and regulation by counties and municipalities <i>Under current law, counties and cities of the metropolitan, primary, first, second and villages shall have power to tax for revenue, license, and regulate any person within the limits of the city by ordinance except as otherwise provided in this section. Such tax may include both a tax for revenue and license. Under LB726, beginning January 1, 2020, (i) no occupation tax or license fee imposed under the above paragraph shall be greater than \$25 annually; (ii) No occupation tax or license fee shall be imposed by a city or county on a profession or business that provides goods or services unless the profession or business was subject to an occupation tax or license fee under this subsection on January 1, 2020; and (iii) No licensing requirements shall be imposed by a city of the metropolitan class on any profession or business which is subject to state licensing requirements.</i>
LB739	Vargas		Judiciary 02/27/2019	In Committee 01/25/2019	Change procedures and requirements for use of restrictive housing of inmates <i>This act shall be known and may be cited as the Adult Institutions Disciplinary Procedures Act. All adult disciplinary action within the system of the Department of Correctional Services shall be pursuant to the Adult Institutions Disciplinary Procedures Act. Inmates shall be informed of rules of behavior and discipline. Such rules shall be posted or otherwise made available to the inmates. Restrictive housing means conditions of confinement that provide limited contact with other inmates, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week. Member of a vulnerable population means an inmate who is eighteen years of age or younger, pregnant, or diagnosed with a serious mental illness, a developmental disability, or a traumatic brain injury. On and after July 1, 2019, no inmate who is a member of a vulnerable population shall be placed in restrictive housing. In line with the least restrictive framework, an inmate who is a member of a vulnerable population may be assigned to immediate segregation to protect himself or herself, staff, other inmates, or inmates who are members of vulnerable populations pending classification. The department shall adopt and promulgate rules and regulations regarding restrictive housing to address risks for inmates who are members of vulnerable populations. The department shall not place or retain an inmate in restrictive housing for more than ninety days in any calendar year, whether consecutive or not, due to a security threat posed by the inmate unless there is an individualized determination made by a specialized inmate classification committee. Such committee has extensive procedural requirements for prompt and thorough review of the specialized inmate issue. Many due process type requirements are mandated, such as, timely notice, the right to be heard in person, the right to confront/cross witnesses, and an established appeal process. Beware: many other requirements and duties stem from this act. For example: Inmates shall be informed of rules of behavior and discipline. Such rules shall be posted or otherwise made available to the inmates. (And more.)</i>
LR3CA	Erdman		Revenue 02/07/2019	In Committee 01/14/2019	Constitutional amendment to provide income tax credits for property taxes paid <i>New VIII-14 (1) Notwithstanding any other provision of this Constitution, the Legislature shall provide by law for a refundable credit against the income tax imposed by the State of Nebraska in an amount equal to thirty-five percent of the property taxes that were: (a) Levied on real property located in this state; and (b) Paid by the taxpayer during the taxable year. (2) The Legislature shall make the credit available for taxable years beginning on or after January 1, 2021. Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language: A constitutional amendment to require the Legislature to provide a refundable state income tax credit in an amount equal to thirty-five percent of the property taxes that were levied on real property located in this state and paid by the taxpayer during the taxable year. For OR Against.</i>
LR8CA	Linehan	Oppose	Revenue 02/27/2019	In Committee 01/17/2019	Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions <i>LR8CA proposes to add a new section 14 to Article VIII: VIII-14 (1) Notwithstanding Article VIII, section 1 or 5, of this Constitution or any other provision of this Constitution to the contrary, the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except as provided in subsections (2) and (3) of this section.</i>

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					<p>(2) The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in subsection (1) of this section by an amount approved by a majority of legal voters voting on the issue at an election called for such purpose upon the recommendation of a majority of the governing body of the political subdivision. Such recommendation shall include the amount by which the property tax revenue would exceed the limitation in subsection (1) of this section for the fiscal year. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.</p> <p>(3) The limitation in subsection (1) of this section shall not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness that has been approved according to law.</p> <p>(4) For purposes of this section, property tax revenue means revenue raised from a tax that is assessed annually upon the value of real and personal property. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language: A constitutional amendment to provide that the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except for amounts approved by voters and amounts needed to pay bonded indebtedness.</p>
LR14CA	Wayne		Urban Affairs 03/05/2019	Introduced 01/23/2019	Constitutional amendment to authorize municipalities to pledge property taxes for up to twenty years if more than one-half of the property in a redevelopment project is extremely blighted <i>Extends the constitutional provision regarding tax increment financing from fifteen years to not exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.</i>


Lancaster County Benefit Policies/Contracts

Vendor	Line of Coverage	Policy/Grp #	Funding	Renewal Date
Aetna	Medical and Stop Loss	285745	Self Funded	1/1/2020
Ameritas	Dental	301074	Self Funded	1/1/2020
Ameritas	Vision	350390	Insured	1/1/2020
The Hartford	Life/AD & D Vountary Life/AD&D	GL-675776	Insured	8/1/2020
Allstate	Accident Critical illness and Short Term Disabilibility	KG143	Insured	Evergreen
Navia Benefit Solutions	Flexible Spending Accounts (FSA)		Insured	10/8/2018- 7/31/2022
Unify HR	ACA 1095 Forms		NA	11/1/2019
AON	Consultant/Broker		NA	5/31/2019

UNEQUAL JUSTICE

**bail and modern day debtors'
prisons in Nebraska**





Providing equal justice for poor and rich, weak and powerful alike is an age-old problem. People have never ceased to hope and strive to move closer to that goal.

Griffin v. Illinois, 351 US 12, 16 (1956)

The ACLU of Nebraska is a non-profit, non-partisan organization that works to defend and strengthen the individual rights and liberties guaranteed in the United States and Nebraska Constitutions through a sophisticated program of integrated advocacy with strategies that include litigation, negotiation, policy research, and public education. In 2016 we are proudly celebrating our 50th anniversary and are supported by over 2,000 members and about 10,000 supporters stretching far across our great state.

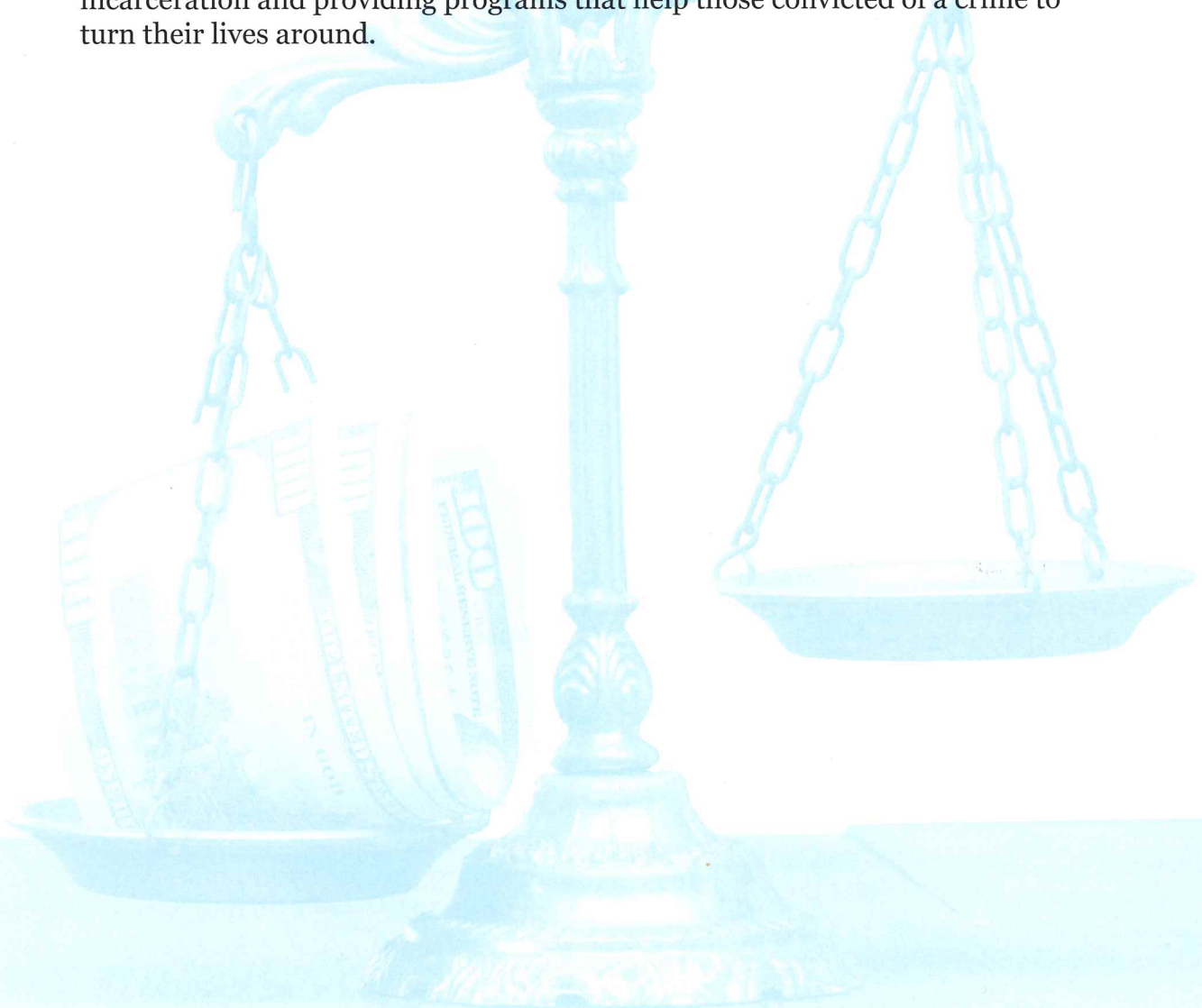
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The ACLU of Nebraska's Campaign for Smart Justice

Criminal justice policies in Nebraska and around the United States have created a system of mass incarceration which hurts our communities and disproportionately impacts low-income families and communities of color. Too many of our neighbors are ensnared in a prison system that is severely overcrowded. Existing prison conditions violate the 8th Amendment's protection against cruel and unusual punishment and do not provide a meaningful transition back into our communities and our economy. The ACLU is leading the way to rethink and reform these policies and conditions through our Campaign for Smart Justice to protect individual rights, reduce the taxpayer burden, and make our communities safer.

"Tough on crime" policies, particularly around punitive drug policies, have failed to achieve public safety while placing an unprecedented number of people behind bars and eroding constitutional rights. This system also erodes economic opportunity, family stability, and civic engagement during incarceration and can create lifelong challenges upon release. America, Land of the Free, has earned the disturbing distinction of being the world's leading jailer. Nebraska has a role to play in reducing America's addiction to incarceration and providing programs that help those convicted of a crime to turn their lives around.



UNEQUAL JUSTICE

bail and modern day debtors' prisons in Nebraska

Executive Summary

Over 30 years ago in *Bearden v. Georgia*, the United States Supreme Court issued a seminal ruling that to imprison someone because of their poverty and inability to pay a fine or restitution would be fundamentally unfair and violate the Equal Protection Clause of the Fourteenth Amendment. Yet today, courts across the United States and Nebraska routinely imprison people because of their inability to pay. This practice has been termed a “modern-day debtors’ prison.” This practice happens at various points in the criminal justice system. First, it can happen to people who are awaiting trial. Individuals are forced to sit in jail while their case proceeds because a bail amount has been set beyond their ability to pay while those with financial resources regain their freedom to go to work, school and be with their families while awaiting trial. Second, some people who have been adjudicated and found guilty end up in jail even though they were not sentenced to jail time because they are unable to pay a fine and are imprisoned instead to “sit it out.”

The end result of these systems: a maze with dead-ends at every turn for low-income people.

In this report, the ACLU of Nebraska presents the results of its investigation into Nebraska’s modern-day “debtors’ prisons” and bail practices. The report shows how, day after day, low-income Nebraskans

are imprisoned because they lack the ability to pay bail or pay fines and fees. These practices are illegal, create hardships for those who already struggle, and are not a wise use of public resources. Debtors’ prisons result in an often fruitless effort to extract payments from people who may be experiencing homelessness, are unemployed, or lack the ability to pay.

The ACLU of Nebraska investigated the imposition of bail as well as the imposition of court fees and fines. Our survey focused on the four largest counties (Douglas, Lancaster, Sarpy and Hall), using open records requests, court record review, interviews with people involved in the system with additional in-court observations in Douglas, Lancaster and Sarpy Counties.

Key Findings

Nebraska doesn’t have as many problematic practices as found in other jurisdictions. Some states have notorious abusive practices such as private bondsmen who use dangerous tactics to apprehend low-level offenders, staggeringly high interest rates and late fees that make it nearly impossible to ever pay off court costs, and additional fees for serving jail time or applying for a public defender. Therefore we believe Nebraska is well positioned to reform our system to remedy the harms currently being inflicted on people who are poor.

Human Costs

Being held in jail comes with devastating human costs for low-income Nebraskans. **Being held in jail while awaiting trial means one is more likely to be found guilty and more likely to receive a stiffer sentence.** People who are in jail—whether pretrial or whether sitting out a fine—face significant disruption to their lives. **Before they even get to trial, Nebraska defendants charged with nonviolent offenses spend an average of 48 days behind bars.** Being imprisoned has a destabilizing impact on their jobs, their children, and their wellbeing. These burdens fall on people who were already struggling and at risk. It is well documented that racial disparities exist at every stage of our criminal justice system. This research shows a clear and disturbing overrepresentation of people of color behind bars in Nebraska as well.

Waste of Taxpayer Money and Resources

Incarcerating low-income people prior to trial or requiring an indigent defendant to sit out a fine costs much more than counties actually recoup. **Our study revealed that over half of the county jail populations were pretrial people—Nebraskans presumed innocent but unable to afford bail to go home.** At the same time, several counties are facing overcrowded jails and are burdened by paying other counties to take their inmates. Indigent defendants sitting out a fine are doing so at taxpayer expense—it costs between \$80-90 per day per inmate, depending on the county involved. The annual costs to run the jails in our four largest counties will reach over \$73 million in 2017. Both practices strain county budgets and burden taxpayers unnecessarily.

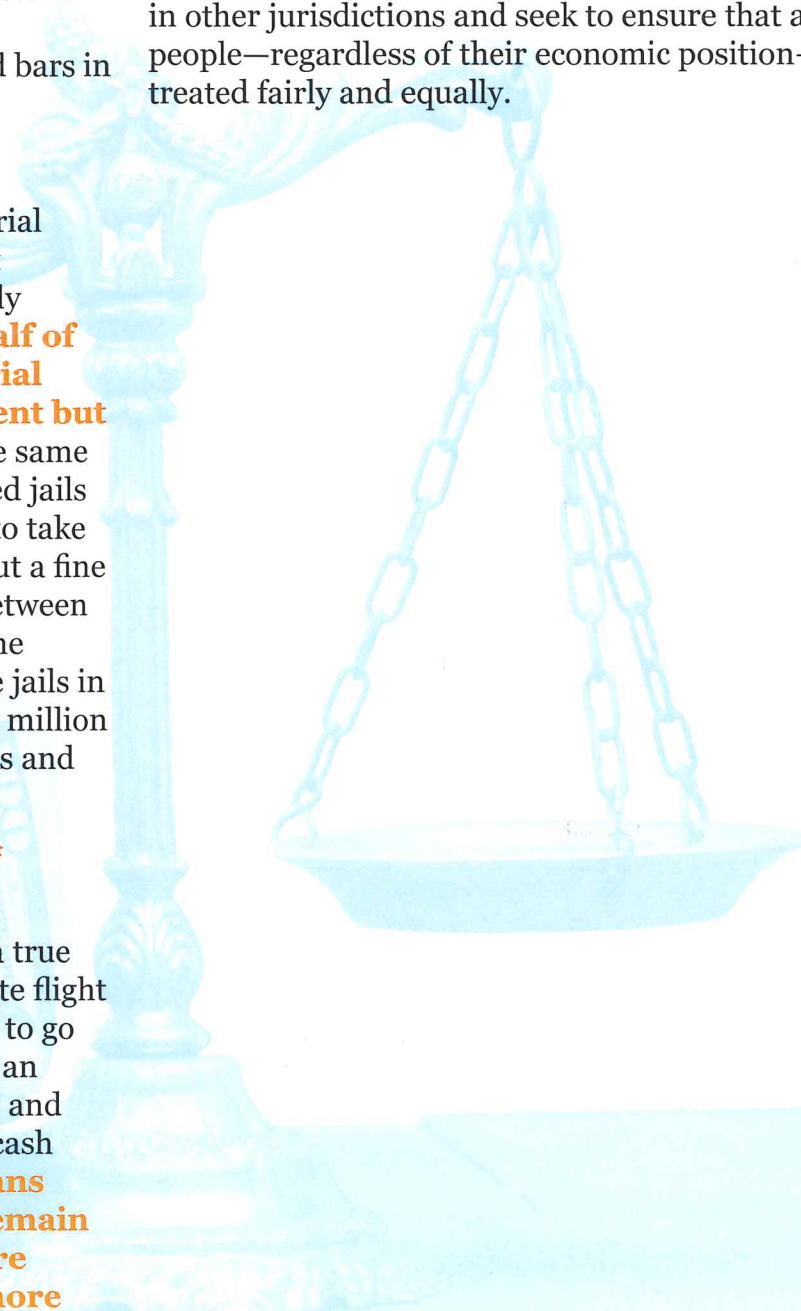
Jailing the Poor Creates a Two-Tiered System of Justice

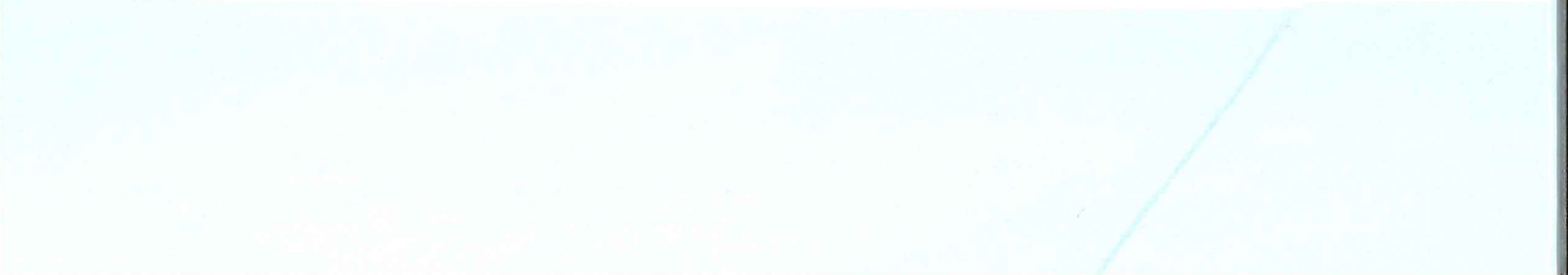
Bail should be limited to people who pose a true risk to public safety or who present a concrete flight risk. All other defendants should be allowed to go home on their own recognizance. Instead of an individualized assessment of dangerousness and flight risk, Nebraska is reflexively placing a cash bail amount for most defendants. **This means the wealthy go home while the poor remain behind bars, though studies show there is no rational basis to treat the poor more**

harshly. Similarly, when a wealthy defendant is sentenced to pay a fine, they can do so and go on their way while a poor defendant without the means to write a check must sit in jail. Nebraska deducts \$90 per day served from court fines, so even a nonviolent misdemeanor offense can result in many days in jail. These practices mean the poorest defendants are punished more harshly than those with money.

Recommendations

The ACLU of Nebraska has made recommendations to judges, police and policymakers to remedy the serious abuses that have resulted in a system of unequal justice. These recommendations are based on proven models in other jurisdictions and seek to ensure that all people—regardless of their economic position—are treated fairly and equally.





Criminalization of the Poor

Nearly two centuries ago, the United States formally abolished the incarceration of people who failed to pay off debts. However, recent years have witnessed the rise of modern-day debtors' prisons—the arrest and jailing of poor people for failure to pay legal debts they can never hope to afford, through criminal justice procedures that violate their most basic rights. Some people sit in jail while still presumed innocent—only because they don't have the money to post bail.

An overwhelming majority of Nebraska jail inmates are deemed indigent. As we examined how court processes impact people who are poor, we found that the system often punishes defendants simply for not having money. Poor defendants in the criminal justice system are much more likely to experience incarceration

because they lack the resources to pay fines or post bail, not because of the severity of their alleged crime.

This report looks at the monetary bookends of the criminal justice system: first, how bail is set when one is first arrested and second, what happens when one is found guilty and ordered to pay a fine and court fees.

Arrestees are presumed innocent and, for most offenses, may be allowed to go home to their family while they wait for their trial. They can do so if they post bail, which is set in the form of a cash amount. Immediately upon arrest, before a defendant is seen by a judge for an individual assessment, the bail amount is determined by a

“schedule” that provides set bail amounts for particular offenses. These schedules vary widely from county to county. After the amount is set, a defendant may also go in front of a judge and request a lower amount. This report will first describe the current bail practices in Nebraska and how they impact the poor.

People who are found guilty of misdemeanors and traffic offenses are often not sentenced to do time—they are given a sentence of a fine, including court costs. Court costs can vary from \$49 to \$500. For example, if a defendant calls a witness they will ultimately be asked to pay the witness fee. In reality, many indigent people end up serving time behind bars simply because they cannot afford to pay those costs. This practice is known as



1 in 10 children in Nebraska have a parent who is behind bars.

Voices for Children in Nebraska



Department of Justice Principles for Bail & Debtors' Prison Reform

Courts must not employ bail practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release.

Courts must not incarcerate a person for nonpayment of fines or fees without first conducting an ability to pay determination and establishing that the failure to pay was willful.

Courts must provide meaningful notice and, in appropriate cases, counsel when enforcing fines and fees.

Courts must not use arrest warrants or license suspensions as a means of coercing the payment of court debt when individuals have not been afforded constitutionally adequate procedural protections.

“debtors’ prison,” and it is pervasive throughout the state. The report will also look at fines and fees collection and how it impacts the poor.

Both of these practices are economically inefficient since taxpayers pay thousands of dollars for defendants to sit in jail for days, weeks, and months. Debtors’ prison is a particularly illogical practice since the court costs and fines imposed ultimately do not generate income—rather, taxpayers pay for inmates to be incarcerated.

These practices don’t just impact the defendant and taxpayers—they ultimately affect the families and children of the defendant. Voices for Children Nebraska documented that one in ten children in Nebraska have a parent behind bars, and the effects of this experience often lead to economic and psychological instability for the child.¹ Parents who cannot post bail or who are sitting out a fine in jail may lose their job, fail to meet a crucial bill deadline, and face eviction or loss of utilities. These all impact the entire family’s likelihood of financial stability and success.

These burdens fall on those who were already poor to start with, as those in the criminal justice system tend to be low income. “People convicted of felonies tend to be financially worse off before arrest and conviction than those not connected to the criminal justice system, and defendants tend to have higher unemployment rates than nondefendants... Nationally, the earned annual income of two-thirds of jail inmates was under \$12,000 in the year prior to arrest.”²

For this study, the ACLU examined court records from the four largest counties in Nebraska (Douglas, Lancaster, Sarpy and Hall) and personally observed county court arraignments and sentencings in the three largest counties (Douglas, Lancaster and Sarpy). In addition, we interviewed criminal defense attorneys across the state and other stakeholders. Through this research, we repeatedly found people sitting in jail simply for being poor and not being able to pay a couple hundred dollars in bail, fines or

1 Chrissy Tonkinson, “A Shared Sentence: the devastating toll of parental incarceration” Voices for Children in Nebraska, <http://voicesforchildren.com/2016/05/a-shared-sentence-the-devastating-toll-of-parental-incarceration/>

2 Harris, Alexes. (2016) “A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor.” (American Sociological Association’s Rose Monograph Series) p. 7.

fees.

This practice is out of step with clear caselaw. The Department of Justice has begun to intervene in cases involving the criminal courts' imposition of financial burdens on the poor and has stated, "incarcerating individuals solely because of their inability to pay for their release, whether through the payment of fines, fees, or a cash bond, violates the Equal Protection Clause of the Fourteenth Amendment."³ In March 2016, the Department of Justice issued guidance to all judges, calling for reform.⁴ The DOJ has enunciated several principles relevant to current Nebraska practices, including:

- Courts must not employ bail practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release.
- Courts must not incarcerate a person for nonpayment of fines or fees without first conducting an ability to pay determination and establishing that the failure to pay was willful.
- Courts must provide meaningful notice and,

in appropriate cases, counsel when enforcing fines and fees.

- Courts must not use arrest warrants or license suspensions as a means of coercing the payment of court debt when individuals have not been afforded constitutionally adequate procedural protections.

The report suggests ways Nebraska can come into compliance with the Department of Justice's guidelines. The good news is that Nebraska doesn't have as many problematic practices as many sister states. Some states have practices such as private bondsmen who use dangerous tactics to apprehend low-level offenders, high interest rates, late fees that make it nearly impossible to ever pay off court costs, and additional fees for serving jail time or applying for a public defender. While our system needs a significant overhaul, we are thankfully free of many of the shocking abuses documented in other states.⁵ **Nebraska is well positioned to take immediate steps to protect the rights of people who are poor trapped in a cruel maze created by our criminal justice system.**

³ Department of Justice Statement of Interest, *Varden v. The City of Clanton* (February 2015). <https://www.justice.gov/file/340461/download>

⁴ Department of Justice "Dear Colleague" letter, March 14, 2016. <https://www.justice.gov/crt/file/832461/download>

⁵ American Civil Liberties Union. "In For A Penny: The Rise of America's New Debtors Prisons." October 2010. <https://www.aclu.org/feature/ending-modern-day-debtors-prisons>



The stories in this report are based on interviews conducted during our court watching experiences or through conversations with criminal defense attorneys. With the exception of Janet Vashon's story on page 26, names have been changed and photos are representations.

HEATHER IS 27 AND THE MOTHER OF TWO YOUNG CHILDREN.

The day before Thanksgiving, she was pulled over for tossing a bag of trash out the window of her car.

“I was so embarrassed when the lights turned on,” Heather said. **“I knew what I did was wrong, so I was ready for a ticket.”**

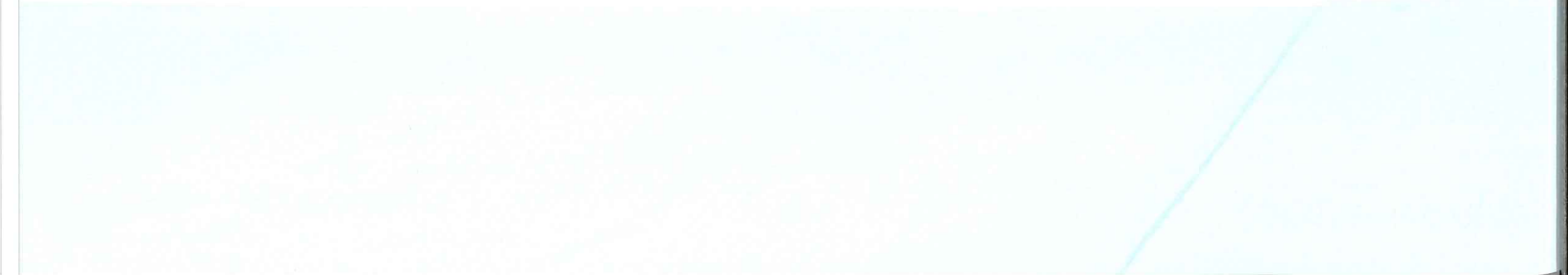
She was charged with a Class III misdemeanor: “Rubbish on the highway.” At her first court date, she asked for a public defender, but the judge noted on the docket that no jail time would be imposed, so her request was denied. Heather missed her next court date and a warrant was issued for her arrest.

“The cops came and got me. I was flabbergasted. They had time to come get someone over littering? They took me to jail. I had a \$500 bail set. Luckily, my family was able to bring down \$50 to let me go home.”

Ultimately, Heather was found guilty. She was given a \$25 fine plus \$51 court costs. The court gave her two months to pay.

“I made my first payment but then just didn’t get the rest of the money together. I didn’t have an attorney to ask for help and I didn’t know how to ask for more time, so they issued another warrant for me.”

The police came and picked Heather up again and booked her in jail. **“I was humiliated. I had to beg my family to come pay the last \$31 so I didn’t have to stay in jail.”**



Bail Reform

Bail refers to the amount of money a person has to pay to be released from jail after being arrested. Usually, a defendant pays ten percent of the total bail amount set by the judge. For instance, if \$50,000 is set as bail, the defendant must pay \$5,000 to go home.

Money bail should only be required when the prosecutor, after an individualized hearing, demonstrates the defendant's release poses a significant danger or flight risk. As the Department of Justice has said, "Bail that is set without regard to defendants' financial capacity can result in the incarceration of individuals not because they pose a threat to public safety or a flight risk, but rather because they cannot afford the assigned bail amount."⁶ The presumption should always be in favor of release.

Current Nebraska law limits bail to those cases where a defendant might leave the jurisdiction or might hurt someone while free: "Any bailable defendant shall be ordered released from custody pending judgment on his or her personal recognizance unless the

⁶ Department of Justice Statement of Interest, id.

Over half of those in Lancaster, Sarpy, and Hall County jails on the days of our study had not been convicted of a crime.

judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community."⁷

Unfortunately, from our research it appears Nebraska courts aren't routinely enforcing this presumption of release based on individualized factors. Instead, courts are treating all defendants the same based on the alleged crime rather than the defendant's

⁷ Neb. Rev. Stat. 29-901

personal circumstances, or they are reflexively complying with requests for high bail amounts made by prosecutors.

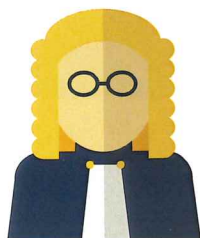
The fallacy of our current bail system is that a mere dollar amount does nothing to ensure public safety or the guaranteed appearance of a defendant for trial. For example, a wealthy criminal defendant charged with a more serious crime may be able to post bail because he has financial resources. Meanwhile, a criminal defendant living in poverty who poses less risk must stay behind bars. Under this system, the only guaranteed outcome is the over-criminalization of people in

Bail: The Basics



You are charged with a crime and arrested.

If a judge thinks you are a flight risk or a danger to public safety, a judge will require you to post money bail.



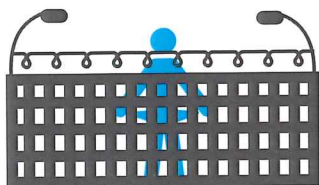
You are innocent until proven guilty, but it can take days, weeks or even months for you to have a trial.



If you pay 10% of the bail, you can bail out and go home until your trial.



But if you cannot afford bail, you sit in jail until the trial.



While waiting for your trial, you cannot go to work, school, see your children or otherwise live your life.



poverty.

One's wealth isn't an indicator of how likely he or she is to appear in court for her court date. **In fact, studies have shown that people released on their own recognizance without any money bail appear in court more often and defendants released on cash bail actually have higher failure to appear rates.**⁸ It appears that Nebraska judges may currently impose bail not due to a fear of actual flight risk to another jurisdiction to avoid prosecution but simply due to a fear the accused may not show up for court dates. While a failure to appear imposes inconvenience and cost on the court system and witnesses, a failure to appear is not the same as fleeing.

Many defendants do not show up for court because of unavoidable child care or work conflicts or because they were fearful and confused about the process. These issues can be resolved without using pretrial detention, and Nebraska has already had firsthand experience on how to ensure appearance in court. From 2009 to 2010, the Nebraska State Bar Association implemented a pretrial reminder pilot program in 13 counties and proved that a simple reminder postcard significantly lowered the number of people who failed to appear for court.⁹

Some Nebraska counties currently offer a pretrial release that is contingent upon technological surveillance methods, including interlock devices on vehicles to test the driver's alcohol usage and ankle monitors. Pretrial surveillance raises independent privacy and fairness concerns. Not only is it intrusive, it has often proven to be ineffective. For these reasons, most individuals who are pretrial should not be subjected to such monitoring.

8 A Study of Maryland's Pretrial Release and Bail System, at 47. Also see Christopher T. Lowenkamp & Marie VanNostrand, Exploring the Impact of Supervision on Pretrial Outcomes 17 (No. 2013); Tara Boh Klute & Mark Heverly, Report on Impact of House Bill 463: Outcomes, Challenges and Recommendations 6 (2012).

9 Brian H. Bornstein, Alan Tomkins, Elizabeth Neely, et al. Reducing Court's Failure-to-Appear Rate by Written Reminders, January 2013. <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1601&context=psychfacpub>

But for certain people, these devices could be among the least restrictive conditions necessary to ensure their return to court. Currently, however, all these devices come with a price tag that must be borne by the defendant, which only exacerbates the inequalities of the cash bail system. Officials in Lancaster County's pretrial release program indicated they make every effort to provide no-cost technology options for defendants when the county is able to do so, though indigent defendants don't have these options across the state. To the extent the state could devise a system that reliably determines the rare individuals who require pretrial monitoring, the fact that many rural counties have no such technology-based solutions raises concerns about disparate justice.

The Vera Institute reports that, nationally, 60% of jail inmates are pretrial, meaning either they have been denied bail or, more frequently, are unable to post bail.¹⁰ Out of our sample, we found that over half of inmates in Nebraska are pretrial defendants who are not convicted and presumed innocent. The ACLU believes that money bail should not be imposed unless the court concludes both that (1) the arrestee can afford the bail amount and (2) that less restrictive, nonmonetary conditions would be ineffective on their own. The presumption should always be in favor of releasing people with the least restrictive conditions needed, and money bail must be considered the most restrictive condition short of detention. An individual may only be held, with or without bail, if the court, after an individual

Our current bond and fine systems criminalize poverty. Pretrial release programs which screen people for risk factors and can assess the level of supervision needed, are more effective at assuring someone appears in court than simply rewarding the person who can come up with a set amount of money. For one person, \$100 is the same as \$10,000 for another. One night in jail can mean the loss of a job, housing, and custody of children. If a bond requiring money is set, the primary factor considered by the court must be the person's ability to pay. Our current system discriminates against the poor.

Joe Nigro, Lancaster County Public Defender

¹⁰ Ram, Subramanian, Ruth Delaney, Stephen Roberts, Nancy Fishman and Peggy McGarry. Incarceration's Front Door: The Misuse of Jails in America. New York, NY Vera Institute of Justice, February 2015, <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/01/incarcerations-front-door-report.pdf>



MELISSA IS 43 AND A RESIDENT OF LINCOLN.

She was arrested for Class III misdemeanor domestic violence after a dispute with the father of her children late one evening. The following morning, she was brought to Lancaster County Court with all the other in-custody defendants. Lancaster uses video arraignments—that means to take Melissa’s plea and determine bail, Melissa was physically in the Lancaster County Jail, five miles away from the judge. Melissa was brought into the small hearing room wearing the jail jumpsuit and in shackles. She was facing a screen with a split view—on one half, she could see the judge and on the other side, she could see the prosecutor. She didn’t have an attorney present, but even if she had one, she couldn’t have seen or spoken confidentially with her lawyer. As an officer stood directly behind her, the judge rapidly read the charges against her and her rights and asked her how she wished to plead. Melissa strained forward against the shackles, peering at the screen.

“I don’t understand. I want to explain what happened...”

The judge interrupted and warned her this wasn’t the time to speak about the facts—“We just need to know how you plead, ma’am. Your options are guilty, not guilty, or no contest.”

“I guess I plead no contest? Wait. What does that mean? Don’t I get a lawyer to help me here?”

The judge patiently explained she wasn’t eligible for an attorney yet and explained the difference between a plea of “no contest” and a plea of “not guilty,” and asked her again what she wanted to do.

“Then not guilty. Now do I get to talk to my lawyer? I want to know who’s taking care of my little girl. Do I get to go home now?”

The judge explained she could go home if she could post 10% of \$5,000 (\$500). Her next court date was set for two weeks in the future. Melissa was led away, still trying to ask more questions. Melissa eventually pled guilty.

“I had to. It would have taken forever to let the trial go forward, and how could I live with myself as I worried about my little girl? Yeah, I know that’s on my record now. I just hope it doesn’t hurt me down the road.”

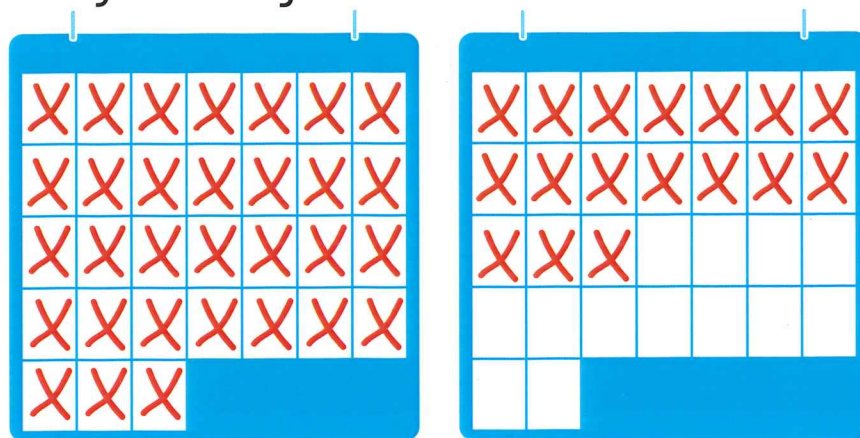
assessment, has concluded by clear and convincing evidence that the defendant poses an imminent threat to public safety that no other condition or combination of conditions can reasonably protect against.

Being free on bail affects the ultimate outcome of the case. Several scholarly studies have found that comparable low-risk defendants who are detained for the entire pretrial period are up to five times more likely to receive a lengthier sentence than similar defendants who posted bail.¹¹ Those held pretrial are also statistically more likely to be rearrested even if held only for a few days—our money bail system is actually promoting future criminal behavior.¹²

Detention has devastating consequences beyond the disposition of the case. The psychological impact of being held in jail for even a few days can be severe. The World Health Organization has found that jail suicides often happen within the first few hours of incarceration due to the sudden isolation, the shock of imprisonment, and the individual's uncertainty about their future.¹³ Nebraska is not immune from these tragedies—one database of recent jail deaths includes several entries for our state, most of which occurred while the defendant was in jail for four days or less.¹⁴

Even those found innocent—or whose charges are dismissed—are punished by our current bail system. The bail money is returned to these people, but the court system still retains ten percent for court costs.¹⁵ In other

Nonviolent offenders who cannot post bond spent an average of 48 days in jail.



Average among four counties surveyed on four different days.

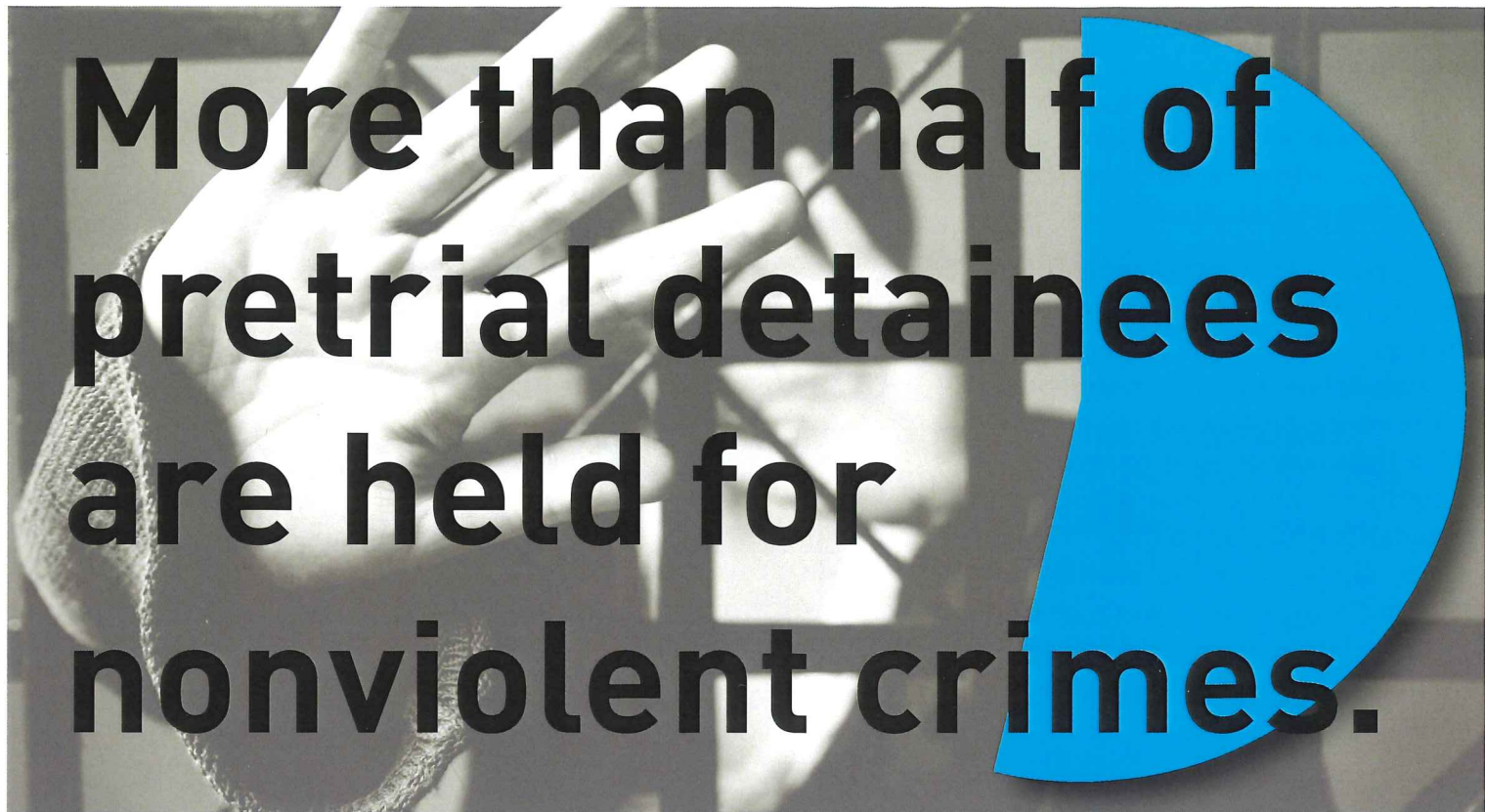
¹¹ “Don’t I Need a Lawyer: Pretrial Justice and the Right to Counsel at First Judicial Bail Hearing,” National Right to Counsel Committee, March 2015, p. 5, footnote 4. http://www.constitutionproject.org/wp-content/uploads/2015/03/RTC-DINAL_3.18.15.pdf

¹² “Incarceration’s Front Door: The Misuse of Jails in America,” Vera Institute of Justice, February 2015, p. 14. <https://www.pretrial.org/download/infostop/Incarcerations%20Front%20Door%20-%20Vera%202015.pdf>

¹³ World Health Organization, “Preventing Suicide in Jails and Prisons,” 2007, p. 5. http://www.who.int/mental_health/prevention/suicide/resource_jails_prisons.pdf

¹⁴ Shifflett, Shane, Hilary Fung and Alissa Scheller. “Since Sandra.” <http://data.huffingtonpost.com/2016/jail-deaths>

¹⁵ Neb. Rev. Stat. 29-901(3)



More than half of pretrial detainees are held for nonviolent crimes.

words, a defendant whose family managed to put together a \$50,000 bail will welcome him home when he is vindicated by a jury, but they will still lose \$5,000 as a court cost.

Findings

To construct a snapshot of the pretrial jail population in Nebraska, on four random days in the summer of 2016 we acquired the jail lists of the four most populous counties: Douglas, Lancaster, Hall, and Sarpy. As more fully described in the Appendix, this meant we were able to capture individual inmates' criminal charge, race, amount of time in jail, and bond amount.

When an inmate had more than one charge, we recorded and categorized that inmate by the most serious charge for which they were awaiting trial. If defendants were being held pretrial for more than one charge, we calculated the total amount of money they would need to post to be released that day.

When categorizing the severity of the charges, we divided crimes into the nine categories in the Appendix. See the Appendix for a full explanation of methodology.

Through court observations, and reviewing bail schedules and jail lists, we discovered many current practices in Nebraska do not comply with the law.

Many defendants are incarcerated for nonviolent crimes. An average of 17.5% of the pretrial defendants in the surveyed counties were in jail for nonviolent drug offenses. 11.4% were theft and shoplifting charges, and 7.3% were traffic related charges. In total, over half of the pretrial population were accused of nonviolent offenses. Notably, Hall County's nonviolent pretrial population was the largest at 66.7%.

We found that all pretrial defendants spend an average of fifty-five days in jail before their trial or the acceptance of a plea deal. The waiting period is shockingly long even for nonviolent offenders, who spend an average of forty-eight days in jail. The amount spent to house each inmate varies by county. In Douglas County, it is estimated to cost \$83.40 per day per inmate¹⁶ and Corrections is 19% of their 2017 budget. Hall County taxpayers pay

16 Henrichson, Christian, Ruth Delaney, and Joshua Rinaldi. The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration. New York, NY Vera Institute of Justice, May 2015, https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-price-of-jails-measuring-the-taxpayer-cost-of-local-incarceration/legacy_downloads/price-of-jails.pdf

approximately \$88.00 per detainee per day¹⁷ and Corrections is 25% of their 2017 budget. The extent to which our county jails are overcrowded with low-level arrestees—who are presumed innocent—is demonstrated by the fact that both Sarpy and Douglas Counties are paying other counties to house their overflow inmates.¹⁸


We also reviewed bail schedules, which are generally used for the initial period following an arrest; a defendant picked up after hours, on a weekend or on a holiday can still be released without seeing a judge if she has the cash listed on the bail schedule for her crime. These schedules are set by each of the 12 judicial districts, and the bail amounts vary widely based on geographic location.¹⁹ See the Appendix for bail schedules from each judicial district.

Examples of discrepancies from county to county include:

- DUI in the First Judicial District (Gage, Saline, Nemaha counties) will bail out at \$3,500, while a DUI in the Third Judicial District (Lancaster County) needs only \$2,500.
- Class I misdemeanors have bail at \$10,000 in the Fifth Judicial District (Saunders, Seward, Platte, Hamilton counties) in comparison to \$5,000 in the Fourth Judicial District (Douglas County).
- Driving on a suspended license requires \$2,500 in the Third Judicial District (Lancaster County) but no bail need be posted in the Fifth Judicial District (Saunders, Seward, Platte, Hamilton counties) for the same charge.
- Domestic violence charges—even misdemeanors—automatically jump to \$50,000 in the Second Judicial District (Douglas County) while other counties track the seriousness of the charge.
- Bail amounts automatically increase for non-residents in the First Judicial District (Gage, Saline,

\$73 million

Combined cost of jails in Nebraska's four largest counties.



“First and foremost, we must ensure that we are in compliance with federal law when it comes to imposing fines and court costs on defendants. We should not be infringing upon people’s civil rights and incarcerating nonviolent offenders simply because they are poor and cannot afford to pay. We are in support of the ACLU’s efforts of reform.”

Mary Ann Borgeson, Chair of the Douglas County Board of Commissioners

¹⁷ Overstreet, Tracy, “Hall County Now Housing State Inmates at Jail,” The Independent, June 18, 2014, http://www.theindependent.com/news/local/hall-county-now-housing-state-inmates-at-jail/article_a0c63664-f6a9-11e3-8842-001a4bcf887a.html

¹⁸ Nitcher, Emily. “Sarpy County’s jail is running out of space options,” Omaha World Herald, October 20, 2016. http://www.omaha.com/news/metro/sarpy-county-s-jail-is-short-on-space-and-options/article_d1d9328a-465c-59de-81be-330a06a092d1.html

¹⁹ Neb. Rev. Stat. 29-901.05: “It shall be the duty of the judges of the county court in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor offenses and such other offenses as the judges deem necessary. It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate.”

Nemaha counties) and Tenth Judicial District (Kearney, Adams counties).

- Officers have the discretion to release anyone without bail in the Second Judicial District (Sarpy County) except in cases of domestic violence and violations of protection orders. Residents may be released without bail in all cases if the arresting officer feels it is not necessary in the Tenth Judicial District (Kearney and Adams counties) and the Eleventh District (Dawson, Lincoln, Red Willow counties).
- Only a few bail schedules emphasize the expectation that requiring a bail is limited to circumstances involving public safety or flight risk: Seventh Judicial District (Madison County), Eighth Judicial District (Howard and Brown counties), Twelfth Judicial District (Scotts Bluff, Box Butte, Cheyenne counties).

In addition, we found that people of color were disproportionately represented in the pretrial populations in comparison to the demographics of the county in which they were incarcerated.

In Lancaster County, whites compose 87% of the population, Blacks compose 4% and Hispanics compose 6%.²⁰ In the Lancaster pretrial jail population, 59.1% are whites, 21.8% are Blacks and 8.2% are Hispanics.

In Hall County, the population is made up of 92% whites, 2% Blacks and 26% Hispanics.²¹ In the Hall pretrial jail population, 47.6% are whites, 20.6% are Blacks, and 25.4% are Hispanics.

In Douglas County, whites compose 81.1% of the population, 11.5% Blacks and 12.2% Hispanics.²² In the Douglas pretrial jail population, 39% are whites, 47% are Blacks and 10.7% are Hispanics.

In Sarpy County, the population is composed of 89% whites, 4% Black and 8% Hispanic.²³ In the Sarpy pretrial jail population, 67.4% are whites,

16.3% are Blacks and 12.8% are Hispanics.

The racial disparities we discovered extend to the amount of bail as well. The average bond for a nonviolent offense was \$40,251 on the days we studied and \$73,772 for a violent offense. **If you are Black, Hispanic or Native American, you can expect your bond to be \$14,572 more than the average bond for a nonviolent offense and \$13,109 more for a violent offense.** This disproportionate treatment of people of color in the pretrial context shows how the court system systematically disadvantages people of color. Nebraska's racial disparities are not an anomaly; studies across the U.S. have demonstrated that money bail specifically has a disproportionate impact on communities of color.²⁴

Interviews with criminal defense attorneys across the state suggest that the findings from the four surveyed counties are likely a fair representation of Nebraska's pretrial system as a whole. Attorneys identified the final essential problem of high bail amounts: they can result in defendants pleading guilty simply to go home. "My clients regularly do the cost-benefit analysis," reported one public defender. "They can't post bail, and the trial date is a month away. The defendant knows if they plead guilty today to a misdemeanor, it's 'just' a little charge on their record and they can go home. What they don't factor in is what happens on the next charge they might have. The next judge sees this person has a criminal record and accordingly decides to nudge the bail amount up a little more, creating a vicious cycle. I've had clients with a viable defense who just threw in the towel so they could get back to their job, their children, and their lives."

We were also struck in our court observations by how unrepresented defendants are treated while appearing before the judge and prosecutor. Without an attorney to advance arguments for a low bail, these defendants frequently did not even know how to articulate the request for release on their own recognizance or on a reasonable bail amount.

Increased incarceration leads to an increase

20 U.S. Census Nebraska Quick Facts Lancaster County (2015). <http://www.census.gov/quickfacts/table/PST045215/31109,31>

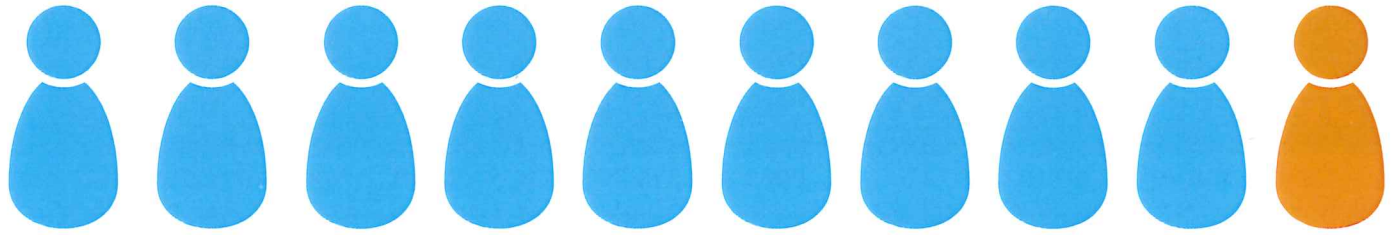
21 U.S. Census Nebraska Quick Facts Hall County (2015). <http://www.census.gov/quickfacts/table/PST045215/31079,31>

22 U.S. Census Nebraska Quick Facts Douglas County (2015). <http://www.census.gov/quickfacts/table/PST045215/31055,31>

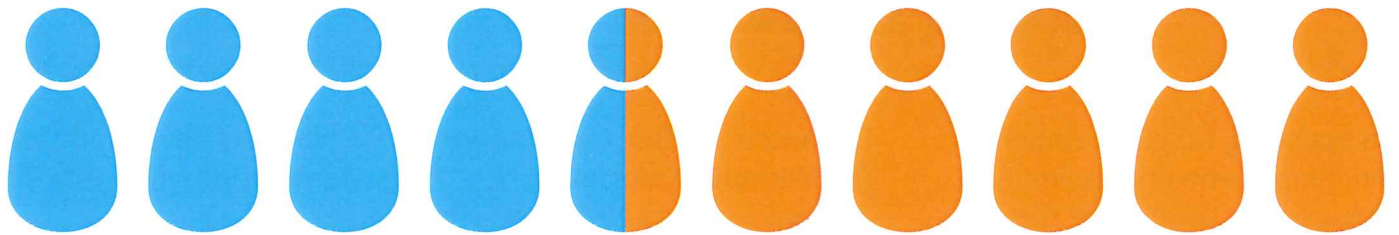
23 U.S. Census Nebraska Quick Facts Sarpy County (2015). <http://www.census.gov/quickfacts/table/PST045215/31153,31>

24 Brennan Center for Justice, Jessica Eaglin and Danyelle Solomon, Reducing Racial and Ethnic Disparities in Jails: Recommendations for Local Practice (2015). <https://www.brennancenter.org/publication/reducing-racial-and-ethnic-disparities-jails-recommendations-local-practice>

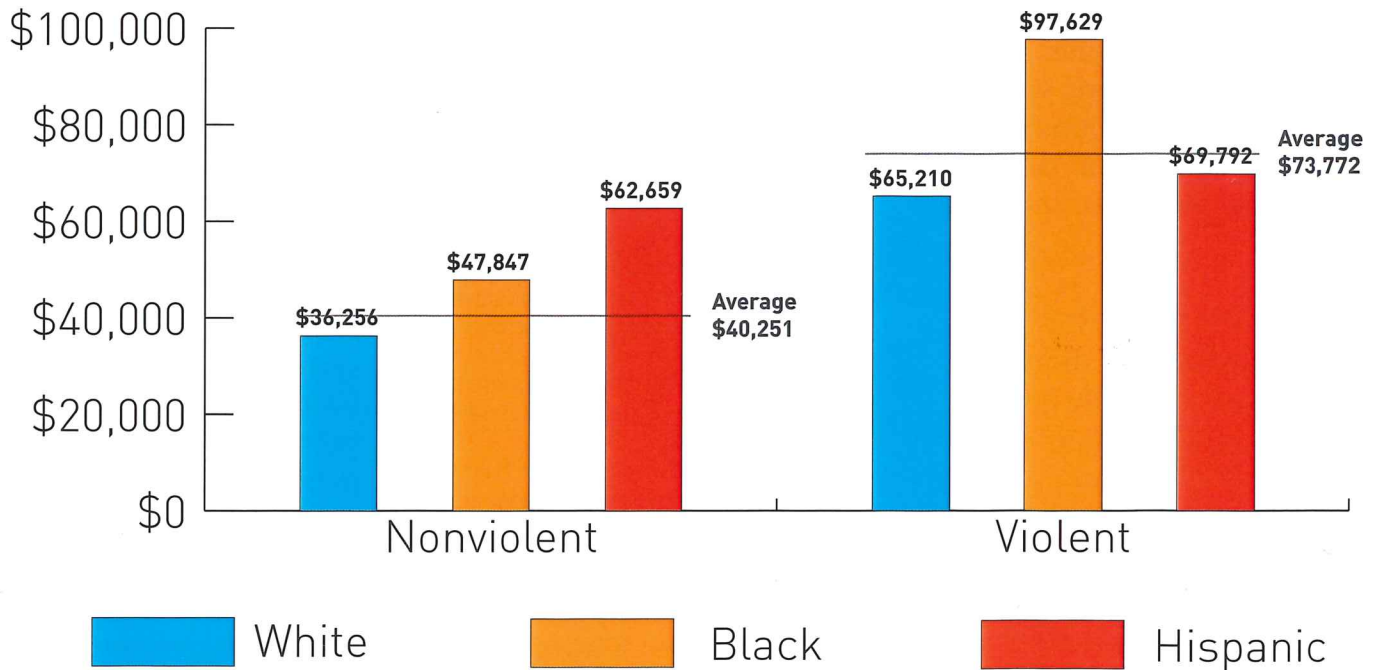
1 in 10 Nebraskans are people of color.



More than 5 in 10 Nebraskans in jail pretrial are people of color.



People of color are asked to pay more in bail for the same offenses than white Nebraskans.



Pretrial population is of Douglas, Sarpy, Lancaster and Hall Counties. Methodology for our study, including into the racial disparities, is also in the Appendix. State racial breakdown data comes from the U.S. Census.

How many paychecks would it take the average Nebraskan to bail themselves out of jail?

Municipal Violations



Traffic



Drug



Average yearly income of Nebraskans taken from the US. Census

in spending taxpayer dollars on people who are presumed innocent in the eyes of the state, many of whom are not a risk to society but are too poor to post bail. Our current bail practices hurt Nebraskans who are presumed innocent, have devastating impacts on their families, and are fiscally burdensome for counties. This is why the ACLU, along with professional associations and county officials around the country, are calling for immediate reform.

Examples of Reform

Pretrial defendants should not be incarcerated merely because they are poor and cannot gather enough money for bail. Not only is it unfair to the defendant, but it costs taxpayer money to have inmates sitting needlessly in jail. Many legal professional and criminal justice organizations have issued a call for the abolition of wealth-based bail similar to those used in Nebraska, including

the American Bar Association²⁵, the National Association of Pretrial Services Agencies²⁶, the American Jail Association²⁷, the International Association of Chiefs of Police²⁸, the American Probation and Parole Association²⁹, the Conference of

²⁵ American Bar Association, Standards for Criminal Justice: Pretrial Release, Standard 10-1.4 (2007). http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pretrialrelease_blk.html

²⁶ National Association of Pretrial Services Agencies, Standards on Pretrial Release 4 (2004). <https://napsa.org/eweb/DynamicPage.aspx?Site=NAPSA&WebCode=standards>

²⁷ American Jail Association, Resolution on Pretrial Justice (2010). <https://www.pretrial.org/download/policy-statements/AJA%20Resolution%20on%20Pretrial%20Justice%202011.pdf>

²⁸ International Association of Chiefs of Police, Law Enforcement's Leadership Role in the Pretrial Release and Detention Process 3 (2011). <http://www.pretrial.org/wp-content/uploads/2013/02/IACP-LE-Leadership-Role-in-Pretrial-2011.pdf>

²⁹ American Probation & Parole Association, Resolution, Pretrial Supervision (2010). https://www.appa-net.org/eweb/DynamicPage.aspx?site=APPA_2&webcode=IB_Resolution&wps_key=3fa8c704-5ebc-4163-9be8-ca48a106a259

Chief Justices³⁰, and the National Association of Counties³¹.

There are reforms that court systems can adopt to effectively decrease the pretrial jail population and the number of indigent defendants incarcerated because they cannot post bail. Research shows that money is not an incentive for people to appear in court, and a growing number of systems have begun to adapt practices that allow the release of people who otherwise could not make even a small monetary bail.

Washington DC has a progressive pretrial release system that was implemented twenty years ago that allows 90% of their pretrial defendants to be released without paying

³⁰ Conference of Chief Justices, Resolution 3 (2013). <http://www.pretrial.org/wp-content/uploads/2013/05/CCJ-Resolution-on-Pretrial.pdf>

³¹ National Association of Counties, "County Jails at a Crossroads," (2015). <http://www.naco.org/resources/county-jails-crossroads>

money.³² It constructed a system that includes a twenty-four hour service where pretrial officers meet with the defendants and public defenders and conduct an individual interview to determine the chance of them committing a crime on release or failing to appear in court. This recommendation is given to the judge in court the next day, who usually follows it, in a process that takes less than five minutes.³³

Kentucky's justice system has

a 70% pretrial release rate. Only 4% of those arrested receive money bail. They use one statewide agency that assesses the risks of all defendants arrested so recommendations are consistent, yet individualized, and a majority of those arrested are released without paying bail.³⁴

Similarly, the federal system requires that "the judicial officer may not impose a financial condition that results in the pretrial detention of the

person."³⁵ This law requires a more individualized assessment of factors that include employment, previous criminal record, the defendant's character and the amount of evidence in the case. These factors are used to determine the public safety risk and the chance the defendant would return to court. The score results in one of three outcomes: no bail, bail, or release on conditions.

32 Marimow, Ann, "When it Comes to Pretrial Release, Few Other Jurisdictions Do It DC's Way," July 4, 2016, https://www.washingtonpost.com/local/public-safety/when-it-comes-to-pretrial-release-few-other-jurisdictions-do-it-dcs-way/2016/07/04/8eb52134-e7d3-11e5-bofd-073d5930a7b7_story.html

33 Id.

34 Ram, Subramanian, Ruth Delaney, Stephen Roberts, Nancy Fishman and Peggy McGarry. *Incarceration's Front Door: The Misuse of Jails in America*. New York, NY Vera Institute of Justice, February 2015, <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/01/incarcerations-front-door-report.pdf>

35 18 U.S. Code § 3142

Reforming Nebraska's Bail System

We propose the following reforms to aid Nebraska's court systems in reconstructing their pretrial release processes so defendants are not incarcerated simply because they lack the financial resources to post bail.

Blue-ribbon commission of experts

Establish a blue-ribbon commission of judges, attorneys, legislators, probation officers, law enforcement and civil rights advocates to evaluate best practices in modern bail systems. The topics for the Commission's study should include: the best risk assessment tool that takes into account local factors; the options of pretrial supervision and monitoring via technology such as GPS monitors or check-ins with pretrial case managers; the current practice of bail schedules; increasing public defender funding to ensure presence of defense counsel at initial appearance.

Localized actuarial risk assessment

The judicial branch should develop an actuarial risk assessment for defendants in custody awaiting their initial appearance in court that calculates one's public safety risk while taking multiple factors into account which follow the best practices that have been tested in other jurisdictions. When such risk assessments are carefully created with local validation, with scrutiny to ensure no racial bias, with transparent data collection and scoring and which does not substitute for an individualized determination of release, they can ensure an expanded pretrial release program.

Citation in lieu of arrest

Police should use citation releases in lieu of arrest whenever possible, using best practice in-field tools to determine if a defendant needs to be taken into custody.

Appointment of counsel

Judges should ensure the appointment of counsel at hearings before imposition of bail.

Reminder systems

Clerks of the Court should adopt reminder systems by postcard, phone call, and/or text message to reduce the number of failures to appear.

Data collection


The judicial branch should collect and publish performance measures. Data showing the effectiveness of pretrial detention vs release will aid future policymakers.





JANET VASHON

IS A 46 YEAR OLD WOMAN WHO RECENTLY EXPERIENCED HOMELESSNESS.



“This is the first time I’ve ever hit rock bottom. It’s been a hard couple of months. I’m living in my car while some social workers are helping me apply for benefits.”

In September, 2016, Janet and a friend decided to stand by the side of the road with signs reading “Homeless, anything will help.”

“I’d seen other people doing it. I was scared and embarrassed but I was out of options and thought I’d try anything.”

Lincoln Police arrested Janet under a city ordinance prohibiting soliciting donations near a roadway.

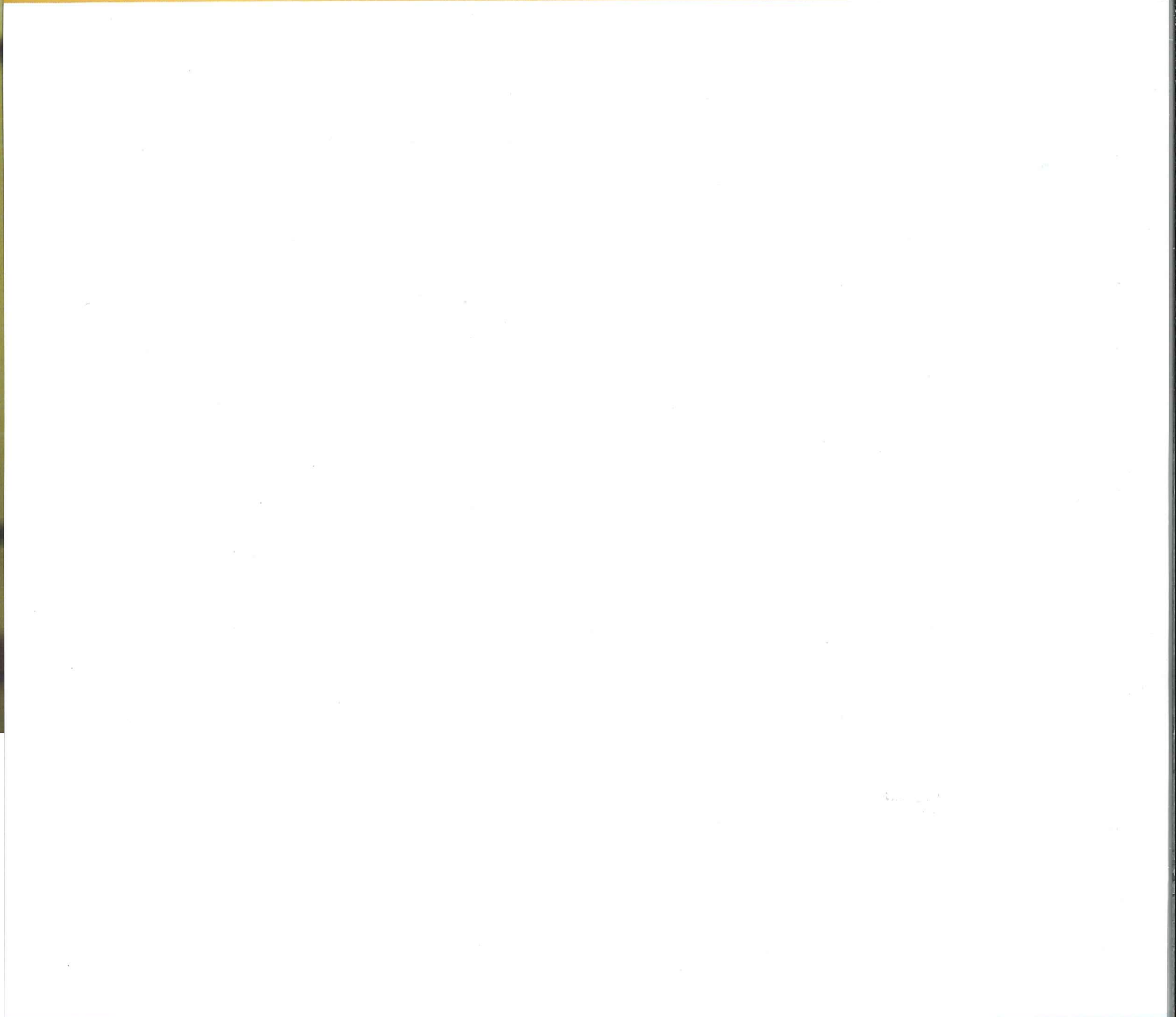
“When the officer pulled up, I thought he was going to tell me to move on. But he arrested me. He actually put handcuffs on me and put me in the back of his car to take me to jail. When they booked me, one officer told another ‘She’s transient, no address to list.’ This was the first time that word had ever been applied to me and it just hit me like a ton of bricks. I couldn’t stop crying.”

Janet was told she could leave if she could post \$1,000—at 10%, that means she could go free if she had \$100.

“I didn’t have \$100! That’s why I was standing on the corner in the first place!”

Ultimately, Janet was able to call her mother and have \$100 posted.

“My court date was three weeks after my arrest—they would have kept me in jail that whole time if my mother hadn’t come through for me. Not everybody has resources. How does this even make sense?”



Modern Day Debtors' Prisons

Fines and fees collection practices are another set of justice system procedures that punishes defendants for being poor. Defendants who are charged with a misdemeanor or infraction are usually sentenced to pay a fine within the statutory limits, plus at least \$49 in court costs. The dollar amount defendants are ordered to pay can vary significantly. Judges are not required to impose these fines and costs—state law only provides that they “may” impose fines and fees as part of the sentence.³⁶ Unfortunately, our survey suggests that few judges are exercising their discretion to waive or reduce fines and fees based on individualized assessments. As a result, it has become the norm to impose both fines and costs in nearly every case, and many people leave court with financial burdens that they cannot pay.

The defendant is typically given a month or two to make payment to the court. If the person realizes in advance that they cannot pay their fines and fees by the deadline, they can appear in court and ask for more time.

³⁶ Neb. Rev. Stat. 29-2206. Misdemeanors in Classes I, II, III, IIIA, IV and V have no minimum sentence or fine at all; see Neb. Rev. Stat. 28-106.

Interviews with criminal defense attorneys across the state indicate that many judges will extend the deadline for payment and may do so several times in an effort to work with the individual who faces difficulty paying fines and fees. However, if the judge loses patience after several extensions or if the defendant ultimately is unable to secure the resources and make payment, a warrant

“...it shall be the duty of [the court] to discharge such a person from further imprisonment for such fine or cost...”

is issued, and they are arrested. People who are unable to pay are arrested without another hearing in front of a judge. These people are simply left to sit in jail at the statutory rate of \$90 credit per day served.³⁷

This practice of making people come to court to ask for an extension of time for payments presents additional obstacles

³⁷ Neb. Rev. Stat. 29-2412

for the poor and leads to the jailing of people for reasons that do not advance public safety. In practice, some people have difficulty getting transportation back to court or cannot easily get time away from work or child care obligations to come back to request an extension of their time to pay. Some people forget their deadline for paying. Some are not aware it is a possibility to show

Neb. Rev. Stat. 29-2412

up to court to ask for more time.

Once a warrant is issued, there are significant negative consequences for the poor. Research has shown that people with an outstanding warrant will avoid visiting a hospital, attending school, or maintaining a job for fear of being picked up

by police.³⁸ If a defendant is arrested unexpectedly, the defendant has no opportunity to make arrangements for their children’s care and may result in the taxpayer incurring the additional burden of caring for children whose parent is behind bars. The arrest may cause the defendant to lose her job or miss paying a bill—eviction, joblessness, and further financial instability are the result. The experience of being in jail—even for just a few days—can have significant and far-reaching effects on the defendant’s physical and mental wellbeing that destabilize the individual and their entire family. These negative consequences have a disparate impact on people of color due to the racial wealth gap.³⁹

A modern-day debtors’ prison should not exist at all in Nebraska in light of our clear state law protections, long-standing United States Supreme Court case law, and recent federal guidance. Neb. Rev. Stat. 29-2412 provides that if a defendant is unable to pay a fine because of their financial circumstances, “...it shall be the duty of such court or judge, on his or her own motion or upon the motion of the person so confined, to discharge such a person from further imprisonment for such fine or cost, which discharge shall operate as a complete release of such fine or cost.” The court’s burden to determine whether a defendant can pay is clear: the judge should inquire into an ability to pay prior to imposing any financial penalty and no defendant should be incarcerated for nonpayment of fines and fees owed without another hearing in front of a judge. In our months of court watching, we did not witness even one judge inquiring into a defendant’s ability to pay prior to imposition of fines and fees.

Findings

We conducted 50 hours of county court watching

38 Harris, Alexes. (2016) “A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor.” (American Sociological Association’s Rose Monograph Series) p. 49.

39 The wealth gap is calculated as the difference between the net worth (assets minus debts) of a typical white household and a typical Black household. The gap in white and Black household wealth is a longstanding problem, and has even been widening in recent years. In 2014, a Pew Research Center study found that the median wealth of white households was thirteen times the median wealth of Black households in 2013—the highest racial wealth gap documented since 1989. See Rakesh Kochhar & Richard Fry, *Wealth Inequality Has Widened Along Racial, Ethnic Lines Since End of Great Recession*, Pew Research Center, 2014. <http://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession/>

in Douglas, Lancaster and Sarpy counties over the period of four months. We observed both arraignments and sentencing for misdemeanors under a total of ten different judges. We noted whether an attorney was present and whether the judge inquired into one’s ability to pay.

In addition to hours of in-person court observation, we looked at the same four counties’ jail lists and studied the court records of the sentenced inmates to identify any defendants serving time for unpaid fines.

Finally, we interviewed attorneys and indigent individuals from various counties about their experiences with facing a fine they couldn’t pay. For a complete description of our methodology, see the Appendix.

In court, we observed several concerning patterns:

- Out of months of observations where people were sentenced to fines and fees, we saw no inquiries from the judge asking if the defendant was able to pay the sentenced amount. We witnessed only one situation where court costs were waived.
- Out of months of observations, we only observed four people who had an attorney present during the imposition of a monetary fine and court costs.
- We found court records for many defendants were incarcerated for failing to pay fines and costs.
- In each county, we witnessed “pay or stay” sentences, where a defendant, without an attorney present, was told if she did not pay money that day she would be forced to sit out her fine in jail.
- Rights advisories were sometimes given in an abbreviated fashion that did not adequately warn the defendant of the consequences of pleading guilty. Notably, there was frequently no mention of immigration consequences. In at least one court, we saw a “group advisory” where the judge read off the advisory at the top of the hour and then never repeated it, despite the fact many defendants arrived later and never heard the advisory. We did not witness a single rights advisory that informed people that they could request a waiver of fines or fees upon a

demonstration of inability to pay.

Community Service

In some counties, community service is offered as an alternative to sitting out a fine. Lancaster County has the most robust community service program, with options including evenings and weekends to permit a defendant to meet their court obligations with flexibility. Defendants in Lancaster County “earn” \$10 per hour of community service towards their fine.

Community service can be problematic for many people. People with no ability to make financial payments are also often without reliable transportation or child care. People with disabilities find there are few options that they would be able to access. Rural defendants rarely have any community service option, according to our interviews of criminal defense attorneys in greater Nebraska. Even the Lancaster County program presents public policy concerns since the \$10 per hour rate was not set by state statute or even regulation—it is simply the practice and has not been revised upward to account for inflation for over 13 years.

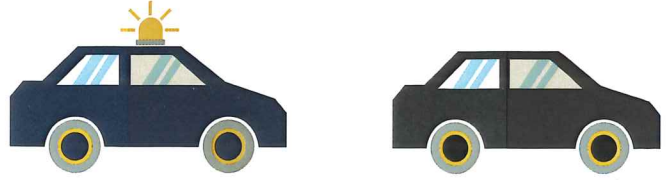
Community service can be an alternative for some people who are willing and capable of discharging their court fines, but the bottom line is clear: no one should be forced to sit in jail, perform labor, or otherwise be punished for not having the money to pay fines or fees.

Sentenced to Jail Without an Attorney

Nebraska law only requires the provision of a public defender if the defendant is facing jail time. We frequently observed judges rebuffing people’s inquiries about getting an attorney with statements such as, “The prosecutor isn’t seeking jail time and I’m not going to sentence you to any time, so you don’t qualify for a public defender.” As discussed above, many of these people ultimately do end up in jail when they can’t pay their costs—and yet they never had an attorney by their side. “I’ve sometimes run across a former client in jail or in court and asked them how they ended up there,” one public defender mentioned. “They tell me they

Debtors’ Prison: The Basics

You are ticketed for a misdemeanor, such as a traffic offense.



You have to appear in court but because you aren’t facing jail time, you are not given an attorney.

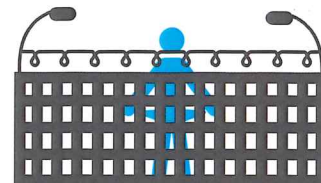


If you are convicted the court sets a fine.

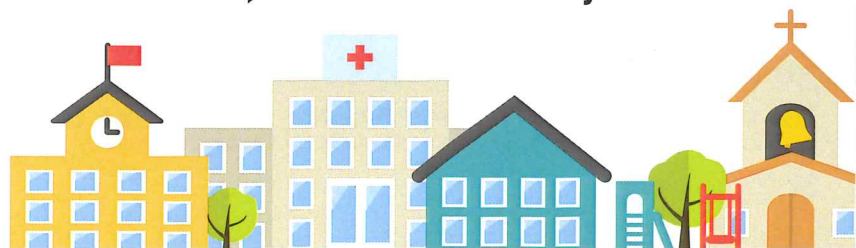
If you can afford to pay the fine, you get to go home.




If you cannot afford the fine, you sit in jail. \$90/day is deducted from your fine each day you are in jail.



While sitting out your fine, you cannot go to work, school, see your children, or otherwise live your life.





These are the actual fines imposed on “Angelita.”

ANGELITA

IS 21 & LIVES IN GRAND ISLAND.

In 2015, she was arrested for shoplifting. She pled guilty and was ordered to serve 30 days in jail, one year on probation, plus she was ordered to pay court costs.

“I couldn’t get the money together. The deadline came and went for paying and my probation officer sent me a copy of his letter to the Judge that said, ‘I recommend the jail time in the above captioned case be imposed for the period of 30 days commencing two weeks from now. The above named Probationer has not complied with probation requirements in a satisfactory manner to date.’ I didn’t know what to do—I just sort of froze. A couple of days later, the police came to arrest me. I sat in jail for a day and a half. They let me go halfway through the second day, saying I’d paid my time. By the time they let me go, I was just a mess, I couldn’t believe life would ever be the same.”

COURT FINE LISTING

Witness fees	\$20.00
Sheriff service fees	\$21.02
Sheriff service fees	\$22.84
Automation fee	\$8.00
Legal Services fund	\$3.25
LASF	\$2.00
L.E.I.F.	\$2.00
Civil Legal Services fund	\$1.00
Crime Victim fund	\$1.00
Filing fee	\$2.00
J.R.F.	\$6.00
Uniform Data Analysis	\$1.00
Indigent Defense fee	\$3.00
Dispute Resolution fee	\$.75
NSC Education fee	\$1.00
Probation administration	\$30.00
Filing fees	\$18.00
TOTAL:	\$142.86

couldn't pay, and they weren't allowed to call me because they were just swept up off the streets since they were considered to be in contempt of court. No one ever alerts the public defender when this happens; they started and ended without even a chance to discuss their options with counsel.”

Shockingly, most defendants were advised of the charge against them, pled guilty, and were sentenced to a fine without any inquiry into their ability to pay—and with no attorney present—in a single one-stop-shop process taking less than five minutes.

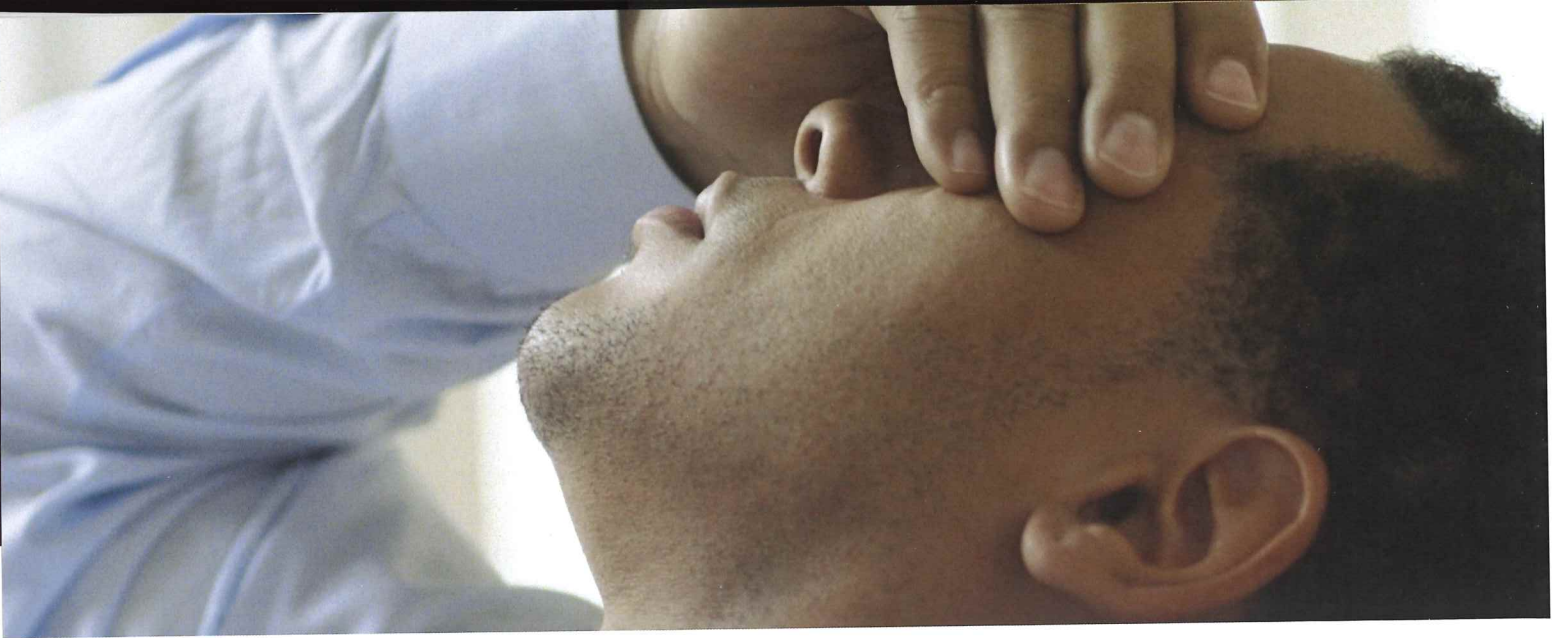
End Result: Modern Day Debtors' Prisons

This system means that poor people are punished not for their offense but because of their poverty. This is arbitrary, unconstitutional, and financially ruinous for the individuals as well as the counties. It is fiscally imprudent for judges to impose fines and costs against indigent defendants. Instead of gaining money from the fine or court costs, taxpayers have to pay for defendants to be incarcerated. For example, Sarpy County finds itself considering the massive expense of a new jail, even though their own expert has pointed to one problem

being the number of inmates who are serving debtors' prison sentences.⁴⁰ Beyond the jail costs, it is a drain on police resources when they are used in executing warrants for misdemeanor nonviolent offenders who simply are late in making a payment.

Nebraska has many successful models from sister states to look to as we end our debtors' prison practices. For example, Ohio created a statewide bench card to walk judges through the appropriate inquiry to determine indigency before imposing court costs or fines. Michigan changed its court rules to ensure proper procedures to eliminate poor people sitting out a fine in jail. Colorado passed a state law banning the practice of jailing people who are too poor to pay a fine. Some of these reforms have been advanced by forward-thinking public policy makers, while some have come about after expensive protracted litigation. Nebraska should make immediate changes to its debtors' prison practices to avoid change mandated by class action lawsuits.

⁴⁰ Nitcher, Emily. “Sarpy County’s jail is running out of space options,” Omaha World Herald, October 20, 2016. http://www.omaha.com/news/metro/sarpy-county-s-jail-is-short-on-space-and-options/article_d1d9328a-465c-59de-81be-330a06a092d1.html



MARCUS IS 54 AND AN AFRICAN AMERICAN RESIDENT OF OMAHA.

In February 2016, he was at a friend's party in Bellevue and things got out of hand. He and several other partygoers were ticketed with misdemeanor "disorderly conduct." Marcus doesn't have a driver's license, so it was hard for him to get to Sarpy County for his first court date.

"I took the bus as far as it goes out of Omaha. Then I got out and walked."

Marcus had to do this four times for the arraignment, hearings, trial and sentencing. He was found guilty and ordered to pay a total of \$149 in fines and court costs.

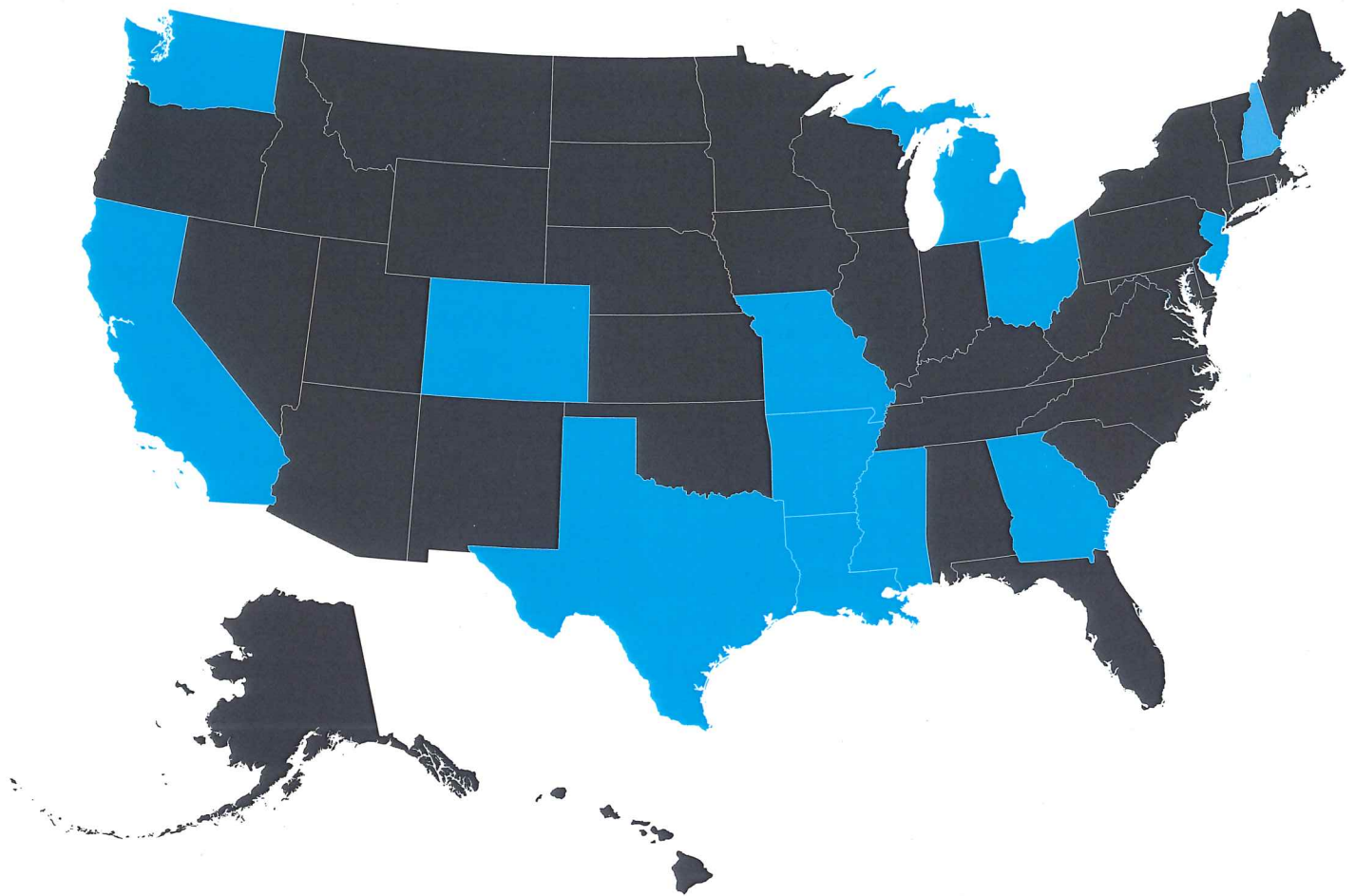
"They gave me 56 days to pay. They might as well have given me until crack of doom. I don't have \$149, I don't know anyone with \$149, and I don't have any idea how to get \$149."

When the deadline passed, it took a while before anyone bothered to come and arrest Marcus. The arrest warrant was issued in May, but they didn't pick Marcus up until September.

"I sat out my fine for a day and a half, and then I had to do that long, long walk one last time to get all the way back home."

Modern-day Debtors' Prisons

Reforms & Headlines From Around the Country.



As Court Fees Rise, The Poor Are Paying The Price

A debtors' prison in Mississippi

The Washington Post

The New York Times

Is It a Crime to Be Poor?

Orlando Sentinel

Judge makes right call on modern 'debtors prison': Editorial

Reforming Nebraska's Bail System

We propose the following reforms to aid Nebraska's court systems in reconstructing their fines and fees practices so defendants are not incarcerated simply because they lack the financial resources to pay.

Amend state law

The Legislature should amend Neb. Rev. Stat. 29-2412 to prohibit assessment of fines, fees or costs until the judge has held an individual hearing on ability to pay with appointed counsel present.

Consider ability to pay

Judges should change court processes so every defendant's ability to pay is considered before imposition of fines, fees and costs. Consideration should include but not be limited to the defendant's present employment, earning capacity and living expenses, dependents, outstanding debts and liabilities, public assistance, etc. Fines, fees and costs should not be imposed if the payment will subject the defendant or the defendant's dependents to substantial financial hardship.

Bench card

The Nebraska Supreme Court should create guidelines for determining an inability to pay and policies for assessing fines, fees and costs. Courts in Ohio and Biloxi, Mississippi have created a model bench card to walk judges through the process of determining indigency that could be a model for future Nebraska practice.

Judicial training

The judicial branch should train all judges and other court personnel about federal and state laws that prohibit incarceration of defendants who are too poor to pay fines, fees, and costs as well as train

all judges about their statutory authority to waive all non-mandatory fees when the defendant is indigent.

Appointment of counsel

Judges should ensure the appointment of counsel at hearings before imposition of fines, fees, and costs as well as when a person is reported for nonpayment.

Community service standards

The legislature should review the statutes relating to community service to ensure uniformity in its application across the state and ensure that community service is not imposed on defendants who lack transportation or the physical ability to participate in such work.

Court date reminders

The Clerks of the Court should institute proven, effective methods of reminding people of court dates via text message and/or postcard in order to reduce missed court dates.

Data collection

The judicial branch should collect and publish data regarding the assessment and collection of fines, fees, and costs, how collected funds are distributed, broken down by race and type of crime. Tracking should separately show imposition of fines, restitution, fees, and costs.



DONNELLA IS A 22 YEAR OLD OMAHA RESIDENT.

In all of our court watching, only once did we see a judge ask about ability to pay. Donnella had been pulled over twice in 24 hours and given two tickets for “no proof of registration”—but it was a bureaucratic mistake and Donnella was able to show there was just a records problem at the DMV. Donnella appeared in court with documentation from the DMV and the court dismissed her first ticket—though she was still charged \$49 court costs.

“I left, a little mad about paying \$49, but I was glad to have it behind me.”

A couple of weeks later, she got notice in the mail that there was a warrant out for her arrest.

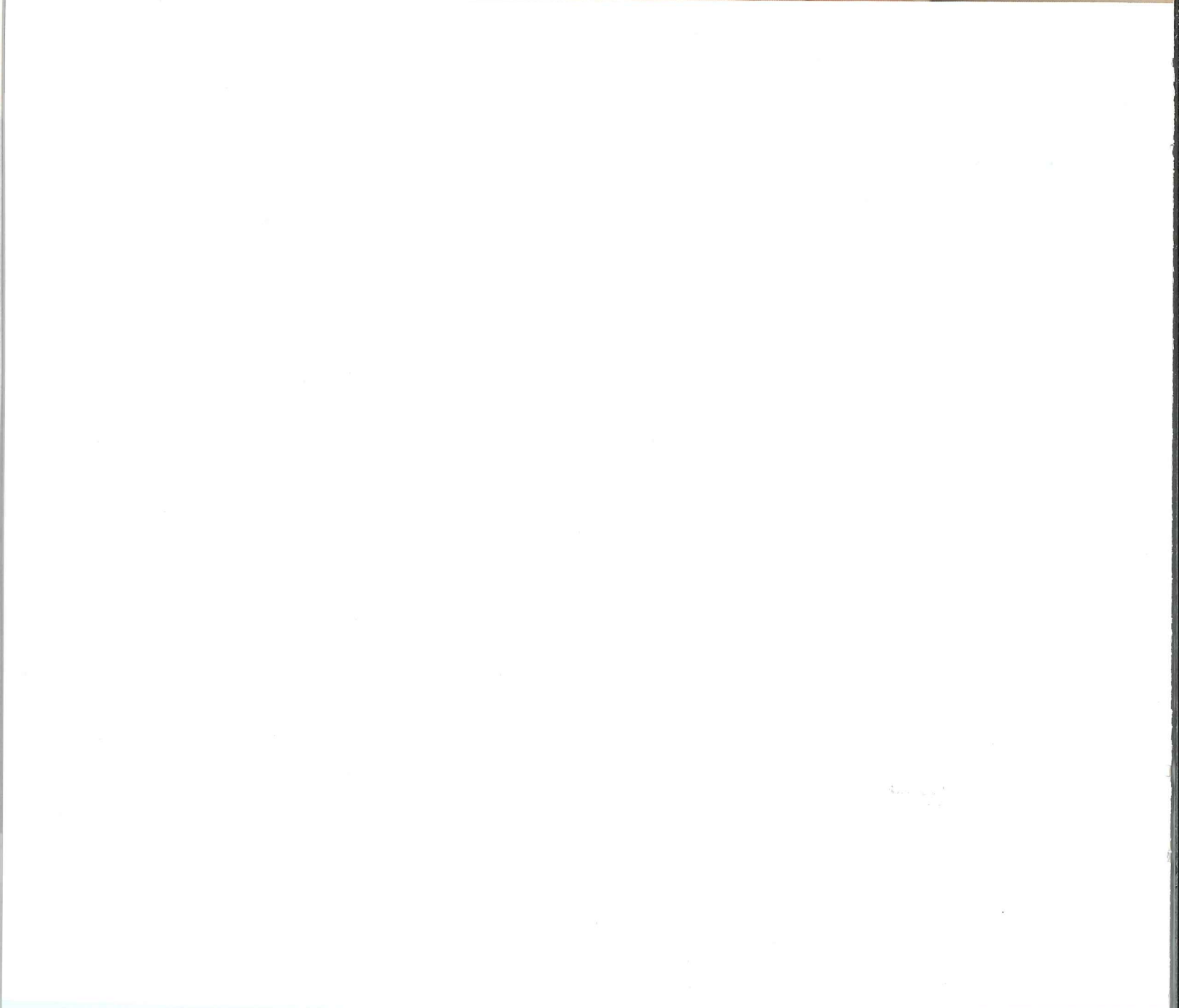
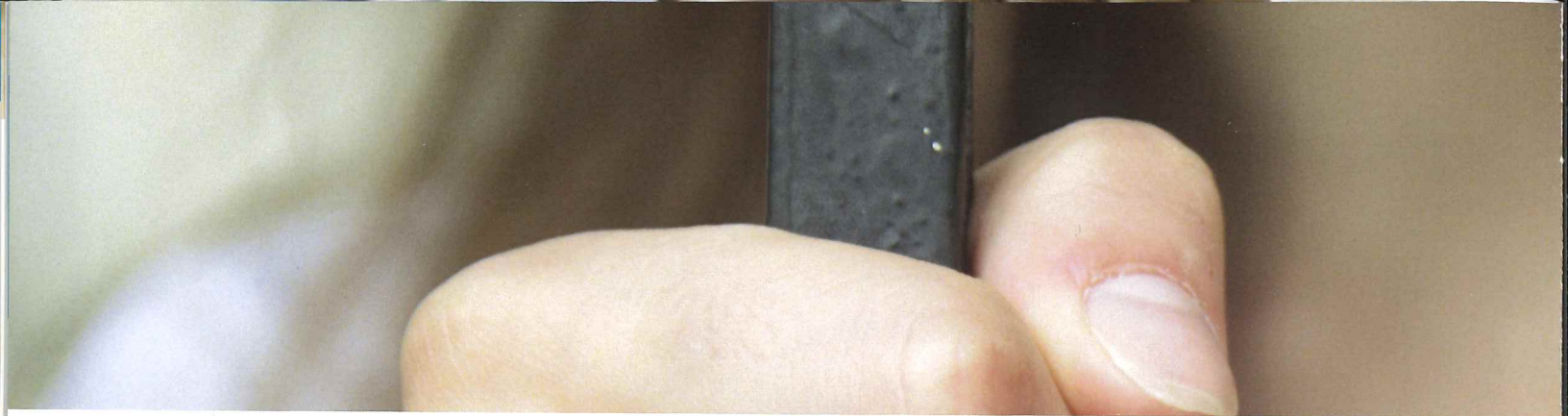
“It turns out the judge dismissed one of my tickets—but overlooked the paperwork on the second ticket, and now it looked as if I had skipped court for the second ticket.”

Donnella immediately got time off work and went back downtown to appear and explain the story all over again. The judge agreed it was all in error and prepared to dismiss the second ticket, but wanted to impose a second \$49 court cost fee.

“I tried to be respectful. But no, sir! That’s not fair, and I didn’t have any more money to pay—I was already on my second work shift lost to these court visits.”

The judge listened to her protest, asked “How much cash DO you have on you right now,” and upon being told she had nothing, finally dismissed the second ticket with a full waiver of costs.

“I’m glad this is done for me, but it’s shaken my faith. I only make minimum wage, and I’m barely paying my bills as it is. How can they expect people to pay costs for things that aren’t our fault?”



Conclusion

Nebraska's state motto is "Equality before the law." We need to work toward a system where all citizens are treated equally when they are charged with a crime or punished with a fine, regardless of their financial circumstances.

We look forward to further study of these issues, as this report did not reach a study of similar practices' impact on people charged with more serious crimes, the use of debtors' prison tactics in juvenile court, how the suspension of drivers' licenses impacts defendants, and other aspects of our current system. As described in the Appendix, our survey was limited to only the most populous counties on randomly selected days; a comprehensive statewide survey is needed.

As one commentator noted, "it violates fundamental and longstanding principles of equality and fairness at the core of our legal system to keep a human being in a cage because of her poverty."⁴¹

41 Bertrand, Natasha. "A Tiny City is Allegedly Jailing People for Being Poor, and the Justice Department is Weighing in on the Case." *Business Insider*. Mar. 3, 2015, <http://www.businessinsider.com/the-justice-department-files-paperwork-in-lawsuit-against-clanton-2015-3>

Across the country, the ACLU has brought lawsuits to challenge court practices that burden the poor. Successful class action lawsuits are occurring across the country, often with the help of the U.S. Department of Justice as an interested party. In Jennings, Missouri, the city has reached a \$4.7 million settlement to pay to people who were unjustly jailed for their inability to pay fines and court costs.⁴² Changing our state systems will require time and resources, but we can devote the effort to change voluntarily or await expensive litigation to force reform.

Our criminal justice system does not need to trap people who are poor in what amounts to modern-day debtors' prisons.

With courts, prosecutors, criminal defense attorneys, policy makers and our community stakeholders working together, we can—and we must—work together to reform practices and reduce disparities to ensure justice for all.

42 Hsu, Spencer, "Jennings to Pay \$4.7M Settlement to Those Jailed Over Court Debts, July 14, 2016, http://www.stltoday.com/news/local/metro/jennings-to-pay-m-settlement-to-those-jailed-over-court/article_eoffdc5c-6996-5cb9-b9db-8d6cbfa9dcoa.html

Table of Offenses

	Category	Description
1	Municipal violations	City ordinance offenses such as trespassing, loitering, criminal mischief, terroristic threats, destruction of property, interfere with official duties, disturbing the peace, possession of alcohol, tampering with evidence or witness, disorderly conduct, lewd conduct, pandering
2	Traffic	Any traffic offense, including DUI, driving under suspension, no insurance
3	Drug	Drug related charges including distribution, manufacture, possession, and paraphernalia, drug tax stamp
4	Theft/Fraud/ Forgery	Shoplifting, bad check, forgery, theft in any amount
5	Burglary	Any burglary charges
6	Violation of supervision; status offense	Violation of probation, violation of parole, fugitive, habitual criminal, failure to appear, escape, bench warrant
7	Weapon	Weapon offense excluding use of a weapon against a person – that would be captured by “violent” category: includes possession of weapon or ammunition by a felon, possession of illegal weapon
8	Sex offenses	Sexual assault, sex offender failure to register, possession of child pornography
9	Violent	Violent offense include murder, manslaughter, robbery, kidnap, carjacking, use of weapon, aggravated assault, arson, assault, stalking, violation of protection order, domestic violence, child abuse, motor vehicle homicide

Methodology

Bail Study

To study bail practices, we requested data from four counties on randomized dates: Lancaster County on June 9, Hall County on June 29, Sarpy County on July 1 and Douglas County on September 12. We used open records requests to obtain the list of people currently housed in each jail, eliminated all people serving a sentence and all people being held on an ICE or extradition hold, and categorized all remaining pretrial individuals. Approximately one-half of every county was pretrial. Other holds such as ICE or extradition holds were less than 2% of the jail populations.

There were some pretrial detainees whose bond amount or charge was not available in court records. They may have been on a hold for extradition or ICE, or the data may have just been missing. We eliminated those detainees from our survey. 1.2% of the sample size was missing data and therefore not included in the final data in this report.

Other than the exceptions described above, we were able to research every single pretrial detainee in Hall, Sarpy, and Douglas for our sample days. We used a random sample of one-half of the pretrial detainees in Lancaster County. On the randomized dates, the pretrial populations studied were as follows: 840 in Douglas, 141 in Sarpy, 63 in Hall and 110 in Lancaster, for a total of 1,154 pretrial detainees.

We then used Nebraska's online

court records system JUSTICE to examine the pretrial individuals' court record. We recorded all pending charges, the person's race, the booking date and the bond amount.

There was one anomaly in our gathering of race data: Sarpy County's jail list did not include any Hispanic inmates. They apparently classify all Hispanics as white. We consulted with the Nebraska Latino American Commission and then decided to proceed by categorizing Hispanic inmates by surname and their perceived race in the booking photo. While this posed a level of discomfort, we did not wish to omit the Hispanic representation from Sarpy County.

As shown in the Appendix, we grouped crimes into nine categories that clustered similar offenses together. We ranked those offenses from the least serious municipal violations such as loitering and trespass to the most serious offenses involving violence such as assault, child abuse, and murder. This permitted us to then rank the seriousness of the charges pending against the pretrial population. Throughout the report and in the graphs, "nonviolent" meant offenses from the first six categories and "violent" means any offense involving a weapon, a sex offense, or a violent offense.

Many individuals had multiple charges. For example, an individual pulled over for speeding might be found to be intoxicated and during her arrest, she might have punched

the arresting officer. This hypothetical driver started with a low-level Category 2 traffic offense (speeding and DUI) but her assault of the officer means she would be rated the highest Category 9 violent offense in our final label for her case.

Some individuals had two open court cases—in other words, not just multiple charges in one court filing but several separate docketed cases. For example, a shoplifter who managed to post his initial bail might have gotten out, been re-arrested for driving on a suspended license, and now be sitting in jail on two separate cases with two separate bail amounts. For those individuals, we calculated the total amount that they would need to post to go home that day to arrive at their current bail amount.

In addition to calculating bail amounts through the aforementioned process, we conducted interviews with criminal defense attorneys. We interviewed private attorneys whose clients hired them in a criminal defense case, public defenders, and attorneys who were appointed by the court to provide indigent defense. We interviewed 21 attorneys whose practices stretched from Scottsbluff to Falls City.

Debtors' Prison Study

Between June and September 2016, law students and undergraduate pre-law students watched approximately 50 hours of court proceedings in Douglas, Lancaster, and Sarpy counties. Due to the distance from our

office, we did not conduct any court observation in Hall County. Our observations were of ten different county court judges who were currently presiding over arraignments and sentences—the judges were not selected for observation, but rather were simply whoever was assigned to the courtroom on the days of observations.

The court observations were conducted after each observer was trained by two attorneys and taken to court with an attorney to train in person. A matrix was provided for the observers that captured name, charge (if available), whether an attorney was present with the defendant, whether the judge provided a rights advisory, whether the rights advisory included a specific warning about immigration consequences, whether the judge made any inquiry into the defendant’s ability to pay before imposing court costs or fines, and the sentence.

In addition to the in-person court observation, we also used court records from the same random sample days from the four counties in our bail reform. We separated the jail populations into “pretrial” and “sentenced” for the bail study. For the purposes of the debtors’ prison study, we then used the JUSTICE database to examine the charge for those serving a sentence.

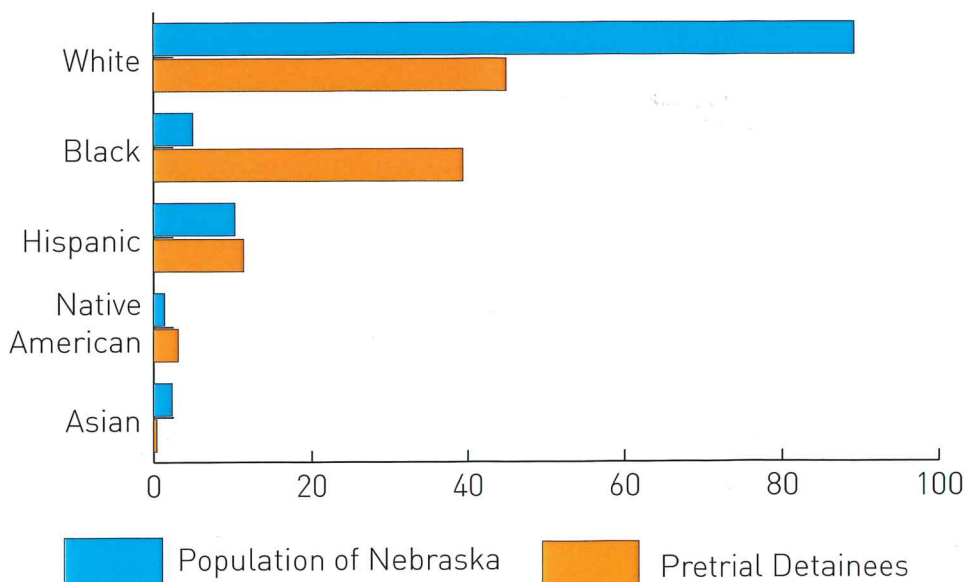
Identifying those sitting out a fine for inability to pay was difficult due to differences in each county’s practices. For example, some defendants who missed the deadline to pay court costs and fines were listed as serving a sentence for “Failure to appear,” or “Failure to pay,” while others were simply listed with the underlying charge and no indication this was sitting out a fine. We used JUSTICE to review court records for all defendants listed as “Failure to appear” and “Failure to pay” to determine whether it was a debtors’ prison

incident.

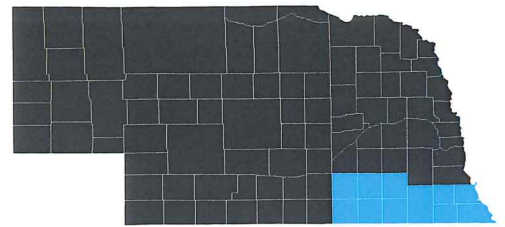
Interviews were conducted to supplement the data we collected through court proceedings. We interviewed approximately 20 individuals who we observed in court by contacting them after their arraignment and/or sentencing to learn more about individual cases. We also asked about debtors’ prison practices while interviewing the criminal defense attorneys we interviewed for bail reform. Finally, we interviewed approximately 10 civil practice attorneys who primarily handle bankruptcies and work with people in financial crisis to inquire about their clients’ experiences with court-ordered fees and costs. The personal stories shared throughout the report were from people we met during the observation sessions or whose attorneys referred their client to the ACLU.

While racial disparities most profoundly impacted African Americans on the day of our study, there were also significant negative disparities impacting Latinos and Native Americans.

Racial Disparities in Pretrial Detainees



Bond Schedule District 1



IN THE COUNTY COURTS OF THE 1ST JUDICIAL DISTRICT, STATE OF NEBRASKA

TERMS AND CONDITIONS OF RELEASE
OF PERSONS TAKEN INTO CUSTODY

)
)

ORDER

Pursuant to Section 29-901.05 R.R.S., the following bond schedule is hereby adopted for ADULTS taken into custody without a warrant or where no bond appears on the face of the warrant, subject to the terms and conditions of this order:

MISDEMEANOR APPEARANCE BONDS (10% DEPOSIT)

	Resident of the State of Nebraska for at least 1 year	Nonresident
Class III	\$1,500	\$3,000
Class II	\$2,500	\$5,000
Class I	\$5,000	\$10,000
DUI 1 st Offense	\$3500	\$7000
DUI 2 nd Offense	\$5,000	\$10,000
DUI 3 rd Offense	\$10,000	\$20,000
All other <u>jailable</u> offenses	\$1500	\$3000
All other <u>nonjailable</u> offenses	PR	PR

Persons arrested on more than one charge will be released up posting bond for the highest charge only.

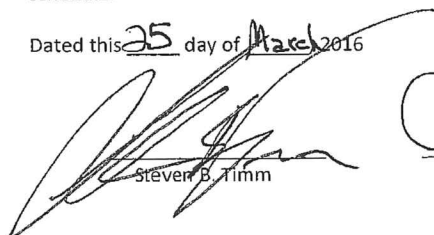
Bonds in assault cases shall be conditioned upon the suspect having no contact with the alleged victim and/or being within one block of his/her residence.

PROVIDED, THE FOLOWING PERSONS SHALL BE DETAINED UNTIL THE FIRST REGULAR COURT DAY NEXT FOLLOWING THEIR ARREST AND BROUGHT BEFORE THE COURT FOR THE SETTING OF TGERMS AND CONDITIONS OF RELEASE (Subject to probable cause being established as required by law in warrantless arrests):

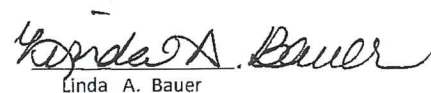
- A. Persons arrested for a felony offense.
- B. Persons known to be on probation or parole, or previously released on bond for another pending charge.
- C. Persons taken into custody pursuant to a bench warrant for failure to appear where no bond is set on warrant.
- D. Persons arrested for violation of domestic abuse or harassment protection order. (Must be brought before a county or district court judge.)
- E. Personal unable to post bond as per this schedule.
- F. Persons deemed by the sheriff to be a flight risk, regardless of bond listed on schedule, or a danger to themselves or others.

IT IS ORDERED that bond is set as above-stated and that the sheriffs of the First Judicial District may take bail in accordance with this schedule.

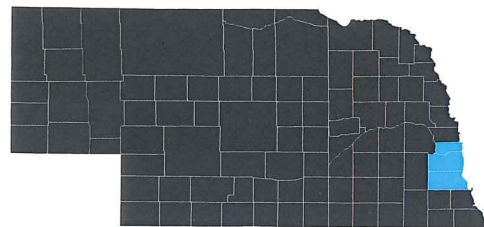
Dated this 25 day of March, 2016


Steven B. Timm


Curtis L. Maschman


Linda A. Bauer

Bond Schedule District 2



Sarpy

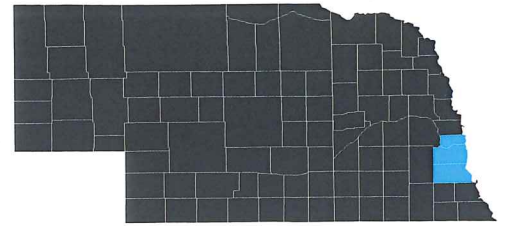
Bond Schedule Second Judicial District

NOTE: THIS BOND SCHEDULE DOES NOT APPLY TO ANY OFFENSE FOR WHICH NO JAIL SENTENCE CAN BE IMPOSED.

Pursuant to N.R.S. 29-901.05, Reissue 1995, the Sheriffs of the Second Judicial District (Cass, Otoe and Sarpy Counties) are authorized to accept bonds and bond deposits, as follows, of persons arrested for Class I, II, III, IIIA and W misdemeanors and city ordinance violations involving jail sentences, and to release such persons from custody without bringing them before the Court.

1. Traffic Offenses (Chapter 60 of Neb. Rev. Stat.)	Cite and Release
2. Exceptional Traffic Offenses:	
Drag Racing	\$2,500 signature
Driving Under the Influence	\$2,500
Driving Under the Influence over .15	\$3,500
Driving Under the Influence, second offense	\$3,500
Driving Under the Influence over .15, second offense	\$4,500
Driving Under the Influence, third offense	\$5,000
Driving Under Revocation	\$2,500 signature
Driving Under Suspension	\$2,500 signature
Motor Vehicle Homicide	\$10,000
Operating a Motor Vehicle to Avoid Arrest	\$5,000
Reckless Driving	\$2,500 signature
Refusal of Chemical Test	\$2,500
Refusal of Chemical Test, second offense	\$3,500
Refusal of Chemical Test, third offense	\$5,000
Unauthorized Use of a Propelled Vehicle	\$2,500 signature
Willful Reckless Driving	\$2,500
3. Misdemeanor Offenses- Class I (not identified in #4 and #5)	\$5,000
4. Exceptional Misdemeanor Offenses:	
Arson Third Degree	\$10,000
Assault with Bodily Fluid Against Public Safety Officer	\$10,000
Attempt of Class IV felony	\$10,000
Carrying a Concealed Weapon- Gun	\$10,000
Carrying a Concealed Weapon- Not Gun	\$3,500
Criminal Mischief \$0-\$5,000	\$2,500
Cruelty to Animals	\$2,500
Disturbing the Peace	\$2,500
False Reporting	\$2,500

Bond Schedule District 2



Intimidation by Phone	\$5,000
Prostitution First and Second Offenses	\$2,500
Public Indecency	\$5,000
Trespass First and Second Degree	\$2,500

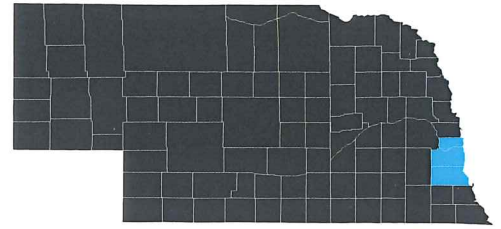
5. Bonds that must contain the following language, "Defendant shall have no contact with the victim(s)."

Assault on Unborn Child in Third Degree	\$10,000
Debauching a Minor	\$5,000
Domestic Assault Third Degree	\$10,000
Stalking	\$10,000
Third Degree Assault	\$10,000
Third Degree Sexual Assault	\$10,000

6. Misdemeanor Offenses - Not listed in #3, #4 and #5

Inchoate Offenses	\$2,500 signature
§28-201 through §28-206	
Offense Against the Person	\$3,500
§28-301 through §28-3,111	
Drugs and Narcotics	\$2,500 signature
§28-401 through §28-462	
Offenses Against Property	\$2,500
§28-501 through §28-524	
Offenses Involving Fraud	\$1,500
§28-601 through §28-640	
Offenses Involving the Family Relation	\$2,500 signature
§28-701 through §28-739	
Offenses Relating to Morals	\$2,500 signature
§28-801 through §28-833	
Offenses Involving Integrity and Effectiveness of Government Operations	\$2,500
§28-901 through §28-935	
Offenses Against Animals	\$2,500 signature
§28-1001 through §28-1020	
Gambling	\$2,500 signature
§28-1101 through §28-1117	
Offenses Against Public Health and Safety	\$1,500
§28-1201 through §28-1254	
Miscellaneous Offenses	\$1,500
§28-1301 through §28-1357	
Noncode Provisions	\$2,500 signature
§28-1401 through §28-1483	

Bond Schedule District 2



7. City Ordinance Violation (unless comparable statutory Offense) \$2,500 signature

8. No bonds for persons arrested for violation of a Court issued Protection Order. They must appear before a Judge for bond to be set.

A person in custody of the Sheriff may secure his or her release by depositing with the Sheriff ten (10%) percent of the sum listed above for which they were arrested and by giving the Sheriff a properly signed bond form.

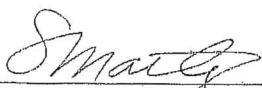
Such person in custody may also be released by posting with the Sheriff a corporate surety bond or cash in the sum listed above for which they were arrested.

Bond deposits for persons arrested for multiple offenses shall be in the amount of the highest deposit required for any one offense, not in the sum of the deposits for all offenses.

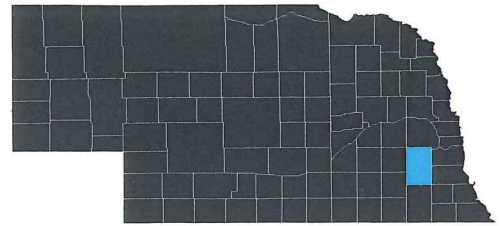
Law enforcement officers may, without requiring bond, release arrested persons who sign the uniform citation and complaint agreeing to appear in court, except in Domestic Assault and Violation of Protection Order cases.

Adopted effective the 16th day of September, 2015, by vote of Judges Hutton, Martinez, Steinheider and Wester.

By the Court:


Stefanie A. Martinez, Presiding County Judge

Bond Schedule District 3



IN THE LANCASTER COUNTY COURT, THIRD JUDICIAL DISTRICT

Under the authority of Neb. Rev. Stat. § 29-901.05 (Reissue 2008), the Judges of the County Court of Lancaster County, Nebraska, do hereby establish the following schedule of bail and rules governing such bail. These rules are not intended to supersede the citation or pretrial release rules now in effect but apply only when the arresting authorities do not feel an individual should be released on his own or to another person. If a higher bond is required because of special circumstances, a different bond may be set on the verbal order of a Judge of the County Court.

- I. Misdemeanor Insufficient Fund Check or No Account Check -- \$100.00 – full cash bond or 10% of a \$1,000.00 appearance bond minimum.
- II. Misdemeanor Assault (Excluding Domestic Assault – *see Exceptions on Page 2*) -- \$1,000.00 – 10% cash bond.
- III. All other criminal misdemeanors (*see Exceptions on Page 2*) -- \$1000.00 – 10% cash bond.
- IV. Warrants: If arrested on a misdemeanor bench warrant, defendant may post bond of \$1,000.00 – 10% bond, unless the warrant states that the defendant is to be held for court. A Jury Trial Bench Warrant is \$1,000.00 full cash.

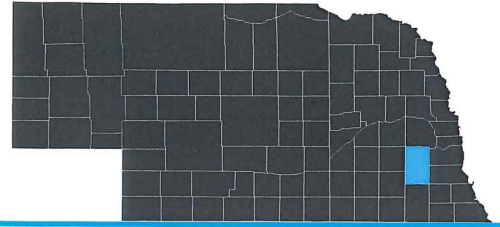
If the warrant is for one of the offenses listed under “*V. Traffic Misdemeanor Offenses*,” the bond amount listed for those offenses shall apply.

If a regular misdemeanor warrant, the defendant may be released or bonded out as in any other arrest.

V. Traffic Misdemeanor Offenses:

Driving While Intoxicated (or DUI) – <i>1st or 2nd offense</i>	\$2,500.00 – 10% cash bond
Operating a motor vehicle with more than .08% alcohol – <i>1st or 2nd offense</i>	\$2,500.00 – 10% cash bond
Refusal to submit to chemical test – <i>1st or 2nd offense</i>	\$2,500.00 – 10% cash bond
Suspended license or Interlock Violation	\$2,500.00 – 10% cash bond
3 rd offense DWI or Refusal	To be held for court

Bond Schedule District 3



- VI. Class IV felonies (*see Exceptions below*) -- \$2,500.00 – 10% cash bond, unless the arresting law enforcement officer designates that the detainee shall be held for Court without bond.
- VII. Class III felonies are not eligible for pre-arraignment release.

Exceptions: NO BOND

1. Anyone arrested for a sexual offense of any degree involving sexual contact or sexual penetration as defined in Section 28-318 is not eligible to bond out of jail and must be held for court. Lincoln City Ordinances 9.16.230 and 9.16.240 are not considered to be “sexual offenses” for purposes of pre-arraignment release on bond.
2. Anyone arrested for a domestic related assault is not eligible to bond out of jail and must be held for court.
3. Anyone arrested for violation of a protection order (either harassment or domestic abuse) is not eligible to bond out of jail and must be held for court.
4. Anyone for whom there is a contempt warrant is not eligible to bond out of jail and must be held for court. (Exception on civil cases with posting of \$2000 – 10% cash bond.)
5. Anyone arrested for the offense of stalking shall not be eligible to bond out of jail and must be held for court.
6. Anyone arrested for terroristic threats is not eligible to bond out of jail and must be held for court.
7. Anyone arrested for failure to register as a sex offender is not eligible to bond out of jail and must be held for court.
8. Anyone arrested for criminal child enticement is not eligible to bond out of jail and must be held for court.
9. Anyone arrested for possession of child pornography is not eligible to bond out of jail and must be held for court.
10. Anyone arrested for strangulation is not eligible to bond out of jail and must be held for court.
11. Anyone extradited from another state is not eligible to bond out of jail and must be held for court.

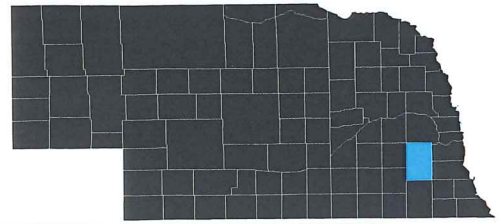
Identification: Any arrestee who lies about identify or refuses to identify himself or herself to the arresting authorities or corrections officials or who presents identification which appears to be fictitious shall not be released under these rules until such arrestee can be properly identified.

Bail Bond: The bail bond shall be pre-numbered forms furnished by the Lancaster County Court and County Jail.

Surety: The defendant shall have the following options for posting bail:

1. 10% bail bond – Defendant shall post 10% of the total amount of bond. Defendant shall be informed that 90% of the 10% will be returned to him at the conclusion of the case or by order of the court, i.e., bond \$1000.00, post \$100.00, return to defendant upon final disposition of \$90.00.

Bond Schedule District 3



2. 100% bail bond - Defendant shall post 100% of the bond. Defendant shall be informed that the entire 100% will be returned to him at the conclusion of the case or by order of the court.

Multiple Counts: If it is anticipated that there will be multiple counts filed against the defendant, only one bond will be required.


Miscellaneous Rules:

1. No checks will be accepted.
2. No real estate or personal property will be accepted as surety.
3. All funds will be receipted and signed for on a master log maintained by the Lincoln-Lancaster County Jail and remitted to the Lancaster County Court the following work day.
4. Anyone wishing to post bond after 6:00 a.m. on any weekday (on which the Court is open) may do so only AFTER appearing in Court that day; provided they post the bond amount set in the courtroom.


The above bail schedule and rules shall become effective on SEP 17 2014.

Dated this 17th day of September, 2014.

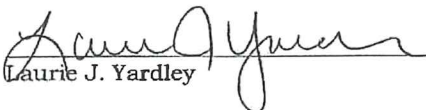
BY THE COURT:



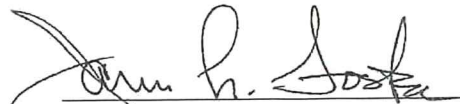
Matthew L. Acton



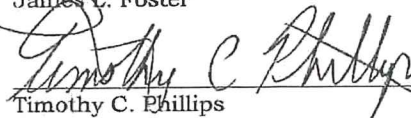
Thomas W. Fox



Laurie J. Yardley



James L. Foster

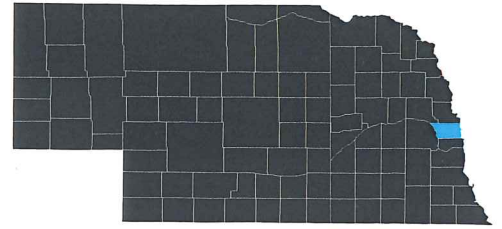


Timothy C. Phillips



Susan I. Strong

Bond Schedule District 4



I. FELONIES

Persons arrested without an arrest warrant for a felony shall be released from custody only by a written or telephonic order by a judge of this Court upon such bail, terms and conditions that the judge shall direct.

II. DOMESTIC VIOLENCE OFFENSES

Any bond for a misdemeanor offense listed on this schedule shall be increased to \$50,000 if it involves domestic violence to persons or property.

A peace officer making an arrest pursuant to Section 42-924 (Violation of Protection Order) shall take such person into custody and take such person before a judge of the county court. An appearance before a judge is required for bond setting.

III. OFFENSES REQUIRING BAIL BONDS

A. The amount of the appearance bond for persons arrested for all state statute misdemeanor and traffic infraction violations **EXCEPT AS SPECIFIED IN SECTION B BELOW** shall be as follows:

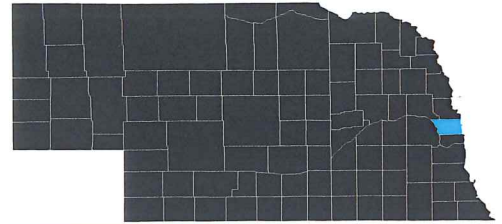
• Class I Misdemeanor.....	\$5000
• Class II Misdemeanor.....	\$3500
• Class III Misdemeanor.....	\$2500
• Class W Misdemeanor.....	\$2500
• Class IIIA Misdemeanor.....	\$1000
• Class IV Misdemeanor.....	ROR
• Class V Misdemeanor.....	ROR
• Traffic Infractions.....	ROR
• Criminal Infractions.....	ROR

B. For the following specified state statute violations the amount of the appearance bond is as follows:

• Misdemeanor Motor Vehicle homicide (28-306).....	\$50000
• Resisting Arrest (28-904).....	\$10000
• Carrying Concealed Weapon (28-1202).....	\$10000
• Minor in Possession of a Handgun (28-1204).....	\$10000
• Violation of a Harassment Order (28-311.09).....	\$10000
• OMVI less than .15, Third Offense (60-6,196).....	\$10000

C. The amount of the appearance bond for persons arrested for all violations of the City of Omaha Municipal Code, **EXCEPT AS SPECIFIED BELOW** shall be \$2500:

Bond Schedule District 4



- Resisting Arrest (20-22).....\$5000
- Carrying Concealed Weapon (20-192).....\$5000
- Possession Concealable Firearm by Minor (20-204).....\$5000
- Assault and Battery (20-61).....\$5000
- Chapter 36 Violations, except 36-115 and 36-116.....ROR
- Chapter 55 Violations.....ROR

D. The amount of the appearance bond for persons arrested for violating any Ralston, Valley, Waterloo, Bennington, or Boystown municipal ordinances, shall be ROR.

E. The amount of the appearance bond for persons arrested for a Violation of Probation is as follows:

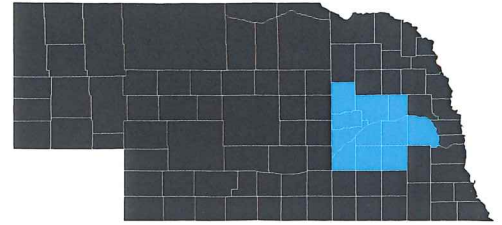
- Persons arrested for violating terms of a felony probation: no bond
- Persons arrested for violating terms of a misdemeanor probation: \$5000

IV. GOVERNANCE RULES

- A. Persons arrested for an offense listed in Sections II and III may be released from custody by depositing ten percent (10%) of the indicated amount of the bond.
- B. The bond form/bond receipt for money deposited shall designate the address of the court and the date and time the defendant is to appear.
- C. If a person is arrested on multiple offenses, a separate bond is required for each offense.
- D. The bond schedule listed above shall not be interpreted to prevent the setting of bail in a different amount, or the imposition of other terms and conditions of release other than stated herein upon the appearance of the person before a judge, or as otherwise directed by a judge.

March 2016

Bond Schedule District 5



IN THE COUNTY COURTS OF THE FIFTH JUDICIAL DISTRICT

2016 BOND SCHEDULE

I. MISDEMEANORS

Class I Misdemeanors	10,000.00
Class II Misdemeanors	5,000.00
Class III Misdemeanors	2,500.00
Refusal to sign citation	2,500.00
Class W (DUI, Refusal)	
1 st Offense	5,000.00
2 nd Offense	10,000.00
3 rd Offense less than .15	20,000.00

(Note 3rd Offense DUI over .15 and 3rd Offense Refusal are felonies)

DUS Class III Misdemeanor	2,500.00 Personal Recognizance
Minor In Possession or Consumption	2,500.00 Personal Recognizance

All other offenses carrying
Possible jail sentence

2,500.00

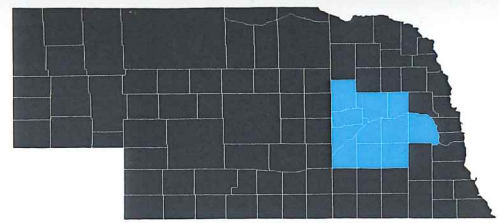
Class IV and V Misdemeanors
Infractions, Traffic Infractions,
City and village ordinance violations
Where no jail provided: 500.00 Personal Recognizance

Please note that section 29-422 of the Nebraska Revised Statutes states as follows:

“It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, except as provided in sections 42-928 and 42-929, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or a misdemeanor and for any violation of a city or village ordinance. Such authorization shall be carried out in the manner specified in sections 29-422 to 29-429 and 60-684 to 60-686.”

II. FELONIES

No bail on felonies until court appearance unless bond is otherwise set by the Judge.



III. NO BAIL UNTIL COURT APPEARANCE UNLESS BOND IS OTHERWISE SET BY A JUDGE FOR THE FOLLOWING OFFENSES:

1. Violation of Protection Order;
2. Assault Cases of any type;
3. Cases involving violence or threatening behavior of any kind;
4. Failure to Appear; and,
5. Persons with an immigration hold.

IV. CONDITIONS FOR ASSAULTS AND VIOLENT CRIMES

ALL Appearance Bonds on all assaults or matters involving violence shall include as conditions of bond the following conditions:

Defendant shall have no contact with the victim(s) in this matter: _____
_____. This means that the defendant shall not enter or be at the residence of the victim(s), shall not contact the victim(s) by phone, text, computer, or electronic means of any kind, shall not mail or send flowers or gifts to the victim(s), shall not contact the victim(s) through a third party, and/or shall not contact the victim(s) by any other means. The defendant may not contact the victim(s) even if the victim(s) invite(s) such contact. **THIS NO CONTACT CONDITION SHALL REMAIN IN EFFECT UNTIL IT IS REMOVED BY WRITTEN ORDER OF THIS COURT.**

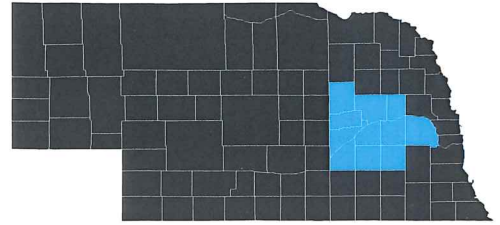
Any and all other conditions as set by the Court.

V. BOND OPTIONS

IN CASES WHICH THE BOND IS ESTABLISHED BY THIS SCHEDULE, THE DEFENDANT SHALL HAVE THE FOLLOWING OPTIONS FOR POSTING BOND:

1. **10% BAIL BOND:** Defendant, personally, shall post 10% of the total amount of the bond. Defendant shall be informed that 90% of the amount posted will be returned to the Defendant at the conclusion of the case or by order of the court. (i.e. Bond of 2,500.00, 225.00 to be returned and 25.00 is held as bond fee).
2. **100% BAIL BOND:** Defendant shall post 100% of the bond. Defendant shall be informed that the entire amount will be returned to the Defendant at the conclusion of the case or by order of the Court.
3. **CORPORATE BAIL BONDSPERSON:** Bail bondsperson shall be permitted to post bond on behalf of the defendant. Only Corporate Bail Bondspersons who are or have been approved in writing by the Court may post bond and all bonds shall be for the full amount. (i.e. if bond is 2,500 then the Corporate Bail Bondsperson must be liable for 2,500.00 the Corporate Bail Bondsperson is not allowed to post the 10% amount).
4. **AUTO CLUB CARD:** Under section 60-686 of the Nebraska Revised Statutes, a person may be allowed to deposit their auto club membership card as surety for

Bond Schedule District 5



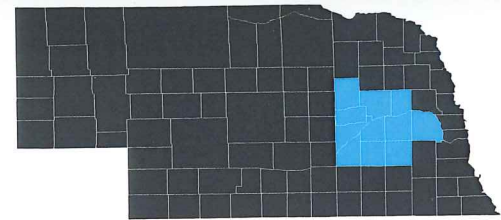
bond. NOTE: Auto Clubs have different restrictions on the amount of bail allowable and the types of arrest for which they may be used. See terms of statute below: 60-686. Posting of bond; forfeiture of bonds; exceptions.

“(1) When any person is required to post bond under any provision of the Nebraska Rules of the Road, such bond may consist of an unexpired guaranteed arrest bond certificate or a similar written instrument by its terms of current force and effect signed by such person and issued to him or her by an automobile club or a similar association or insurance company or a corporation, organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), (6), or (8) of the Internal Revenue Code, jointly and severally with a corporate surety duly authorized to transact fidelity or surety insurance business in this state or with an insurance company duly authorized to transact both automobile liability and fidelity and surety insurance business in this state to guarantee the appearance of such person at any hearing upon any arrest or apprehension or any violation or, in default of any such appearance, the prompt payment by or on behalf of such person of any fine or forfeiture imposed for such default not in excess of two hundred dollars.

(2) The provisions of subsection (1) of this section shall not apply to any person who is charged with a felony.”

VI. PROVISIONS APPLICABLE TO ALL BONDS

1. Bonds shall require appearance on the second (2nd) regular arraignment session after arrest unless earlier arraignment on the next court day is requested by the arrested person.
2. For multiple offenses, bond shall be set for the highest amount of any single offense charged.
3. Bond shall be satisfied in cash only, except where auto club cards and approved bondspersons are used.
4. Bonding procedure must be utilized with the understanding that the least amount of restraint necessary to return offenders to court will be used.
5. This bond schedule supersedes all prior bond schedules used in the Fifth Judicial District.
6. JAILERS shall contact a Judge if they believe a bond seems inappropriate in any given case.
7. Each defendant must sign a bond form at the time the bond is posted. All bond money is to be received by the County Sheriff or Deputy Sheriff only. City officers are not to accept bond money or contact the Judge to set a bond. The defendant must be brought to the County Sheriff and the Sheriff's office must contact the Judge if necessary.
8. On an arrest without a warrant issued on probable cause the arresting officer shall execute an affidavit as to probable cause to detain the defendant and the detaining authorities shall contact a Judge to obtain a detention determination from a Judge as soon as practicable but in no event shall a probable cause determination be made more than 48 hours after arrest.



VII. JUVENILES UNDER EIGHTEEN

The following is meant to serve as a general guideline regarding taking juveniles into custody, if you have questions regarding a specific situation please contact your County Attorney. **KEEP IN MIND THAT YOU SHOULD ALWAYS SELECT THE PLACEMENT OPTION WHICH IS LEAST RESTRICTIVE TO THE JUVENILE'S FREEDOM SO LONG AS THE PLACEMENT IS COMPATIBLE WITH THE BEST INTERESTS OF THE JUVENILE AND THE SAFETY OF THE COMMUNITY.**

LAW VIOLATORS OR RUNAWAYS

Take reasonable measures to notify the juvenile's parent, guardian or custodian. If you believe detention is unnecessary you should (1) release the juvenile and refer the matter and reports to the county attorney OR (2) issue a written notice to appear in court as provided in section 43-250 (1)(b) of the Nebraska Revised Statutes.

If you believe detention may be necessary, contact the on call probation officer who will screen the juvenile for detention. If the probation officer determines detention is necessary you **SHALL** implement the probation officer's decision to release or to detain and place the juvenile. (This may include transportation)

PROBATION VIOLATIONS

If a probation officer has reasonable cause to believe a juvenile is in violation of his/her probation **AND** believes the juvenile will attempt to leave the jurisdiction or place lives or property in danger, you should take reasonable measures to notify the parent, guardian, or custodian and deliver the juvenile to probation for screening regarding detention. If probation determines that detention is necessary you **SHALL** implement the probation officer's decision to release or to detain and place the juvenile.

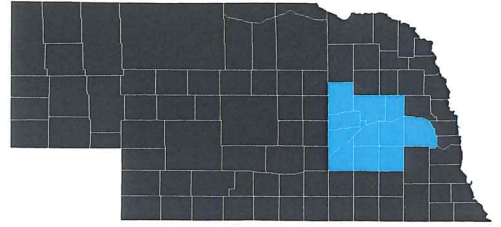
ARREST WARRANTS/PICK UP ORDERS

If you arrest a juvenile on an outstanding warrant/pick up order, you must deliver the juvenile to the on call probation officer for screening regarding detention. Again, if probation determines that detention is necessary you **SHALL** implement the probation officer's decision to release or to detain and place the juvenile. If detention is not determined to be necessary by the probation officer, the juvenile may be released without bond with a notification to appear in court on a certain date and time. The court that issued the warrant shall be notified that the juvenile was taken into custody and released.

A JUVENILE WHO IS SERIOUSLY ENDANGERED IN HIS OR HER SURROUNDINGS AND IMMEDIATE REMOVAL APPEARS TO BE NECESSARY FOR THE PROTECTION OF THE JUVENILE OR A JUVENILE IMMUNE FROM PROSECUTION FOR PROSTITUTION UNDER SECTION 28-801(5).

If a juvenile is seriously endangered in his or her surroundings and immediate removal is necessary you should remove the child and deliver custody to the Nebraska Department of Health and Human Services (NDHHS). You shall then make a full written report to the county attorney within 24 hours of taking the juvenile into custody. A court order of

Bond Schedule District 5



custody **MUST** be signed within 48 hours of taking the juvenile into custody or the juvenile shall be returned to his/her parent, guardian, custodian, or relative.

MENTALLY ILL AND DANGEROUS

If you believe a juvenile is mentally ill and dangerous as defined in section 71-908 of the Nebraska Revised Statutes and that harm may occur before proceedings may be invoked in juvenile court you may place the juvenile at a mental health facility for evaluation and treatment, or deliver the juvenile to the NDHHS for such placement. In either event, you need to prepare a written certificate as required by section 43-250 (3) of the Nebraska Revised Statutes and forward a copy of the certificate to the county attorney. The evaluation must take place within 36 hours and the adjudication within seven days. Therefore it is **imperative** that you contact your county attorney promptly upon such placements to ensure that you are in compliance with the statutes and the time limits outlined in the statutes. Again, a copy of the certificate shall be forwarded to the county attorney, not the court. The officer shall notify the juvenile's parents, guardian, custodian, or relative of the juvenile's placement.

TRUANTS

If you have reasonable grounds to believe a juvenile is truant you may take him or her into your temporary custody and then you shall deliver the juvenile to the enrolled school of such juvenile.

The on call numbers for probation are as follows:

Area One – Juv. Intake Phone (402) 910-3879 (Boone, Colfax, Nance, Platte)

Area Two – Juv. Intake Phone (402) 641-8870 (Butler, Hamilton, Merrick, Polk, Saunders, Seward, York)


[Neb. Rev. Stat. 43-248 and Neb. Rev. Stat. 43-250]

This bond schedule shall supersede all prior bond schedules.

IT IS SO ORDERED.

DATED this 29th day of March, 2016.

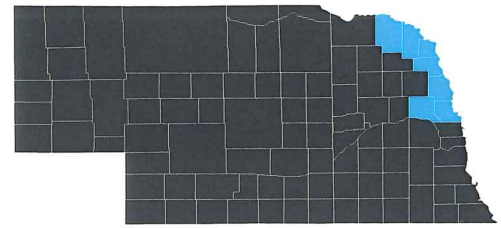
BY THE COUNTY JUDGES OF THE 5th DISTRICT:



Stephen R. W. Twiss
Presiding Judge



Bond Schedule District 6



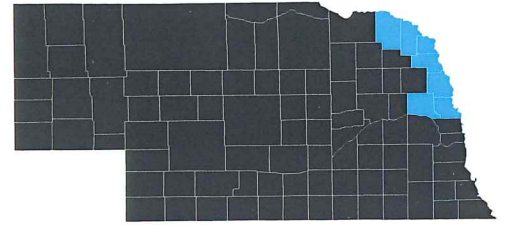
EFFECTIVE 12/5/13

DODGE COUNTY BOND SCHEDULE

Judge will set bond on all Felonies, any assaults, protection order violations, child abuse, or other violent crimes against persons.

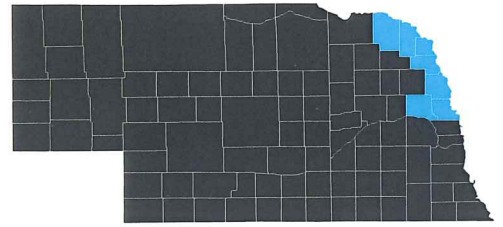
TRAFFIC OFFENSES	BOND AMT
DUI ALCOHOL/DRUGS	
1 st Offense (regular)	\$200
1 st Offense (over .15)	\$250
2 nd Offense (regular)	\$400
2 nd Offense (over .15)	\$500
3 rd Offense or more	Set by Judge
Refuse Chemical Test	\$250
Refuse Preliminary Test	\$50
Driving Under Suspension	\$50
Leaving the Scene of a Property Accident	\$150
Leaving the Scene of a Personal Injury Accident	Set by Judge
Reckless Driving	\$100
Willful Reckless Driving	\$200
Unauthorized use of a Vehicle	\$100
No Insurance	\$75
No Operator's License	\$50
Fail to Obey Signal of Approaching Train	\$50
Driving During Revocation	\$150
DRUGS	
Possession of Marijuana over One Ounce Less than One Pound	\$200
All other Drugs – Felony	Set by Judge
PROPERTY CRIMES	
Theft/Shoplifting \$200 or less Class II Misd	\$100
Theft/Shoplifting \$200 or less 2 nd Offense Class I Misd	\$300
Theft/Shoplifting over \$200 less than \$500	\$200
Theft/Shoplifting over \$200 less than \$500 2 nd offense or higher - Felony	Set by Judge
Theft/Shoplifting \$500 or more – Felony	Set by Judge
Criminal Mischief less than \$200	\$100
Criminal Mischief over \$200 less than \$500	\$200
Criminal Mischief over \$500 less than \$1,500	\$300
Criminal Trespass – First Degree	\$200
Criminal Trespass – Second Degree Class II Misd	\$100
Criminal Trespass – Second Degree Class III Misd	\$100
Littering	\$50

Bond Schedule District 6



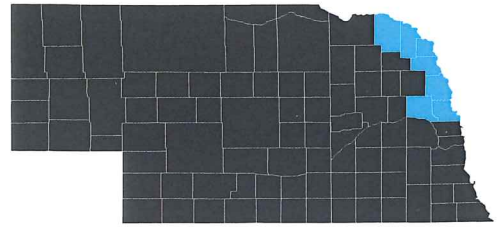
FRAUD	
Forgery Second Degree \$300 or less	\$200
Forgery Second Degree over \$300 – Felony	Set by Judge
GOVERNMENT OPERATION VIOLATIONS	
False Information/Reporting	\$250
Resisting Arrest – 1 st Offense	\$500
Resisting Arrest – 2 nd Offense – Felony	Set by Judge
Obstructing an Officer	\$300
Interfere with Fireman on Duty	\$500
Flight to Avoid Arrest – Misd	\$500
Flight to Avoid Arrest – Felony	Set by Judge
Carrying a Concealed Weapon	\$500
Loitering about the Jail	\$250
PUBLIC ORDER/DECENCY	
Cruelty to Animals	\$250
Unlawful Fireworks	\$100
Intimidation by Phone	\$250
Maintaining a Nuisance	\$100
Disturbing the Peace/Disorderly Conduct	\$100
Shooting from Highway	\$50
Contributing to a Delinquency of a Minor	\$500
Carrying a Concealed Weapon	\$500
Indecent Exposure	Set by Judge
LIQUOR OFFENSES	
Minor Misrepresenting Age to Buy	\$100
MIP	\$100
Procuring Alcohol for a Minor	\$500
Open Container in Public	\$50
MISCELLANEOUS OFFENSES	
Promote Gambling – 3 rd Degree	\$100
Unlawful Possession of a Revolver	\$200
Soliciting without a Permit	\$50
ANY CLASS I MISD NOT LISTED	\$500
ANY CLASS II MISD NOT LISTED	\$200
ANY CLASS III MISD NOT LISTED	\$100

Bond Schedule District 6



FRAUD	
Forgery Second Degree \$300 or less	\$200
Forgery Second Degree over \$300 – Felony	Set by Judge
GOVERNMENT OPERATION VIOLATIONS	
False Information/Reporting	\$250
Resisting Arrest – 1 st Offense	\$500
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Interfere with Fireman on Duty	\$500
Flight to Avoid Arrest – Misd	\$500
Flight to Avoid Arrest – Felony	Set by Judge
Carrying a Concealed Weapon	\$500
Loitering about the Jail	\$250
PUBLIC ORDER/DECENCY	
Cruelty to Animals	\$250
Unlawful Fireworks	\$100
Intimidation by Phone	\$250
Maintaining a Nuisance	\$100
Disturbing the Peace/Disorderly Conduct	\$100
Shooting from Highway	\$50
Contributing to a Delinquency of a Minor	\$500
Carrying a Concealed Weapon	\$500
Indecent Exposure	Set by Judge
LIQUOR OFFENSES	
Minor Misrepresenting Age to Buy	\$100
MIP	\$100
Procuring Alcohol for a Minor	\$500
Open Container in Public	\$50
MISCELLANEOUS OFFENSES	
Promote Gambling – 3 rd Degree	\$100
Unlawful Possession of a Revolver	\$200
Soliciting without a Permit	\$50
ANY CLASS I MISD NOT LISTED	\$500
ANY CLASS II MISD NOT LISTED	\$200
ANY CLASS III MISD NOT LISTED	\$100

Bond Schedule District 6



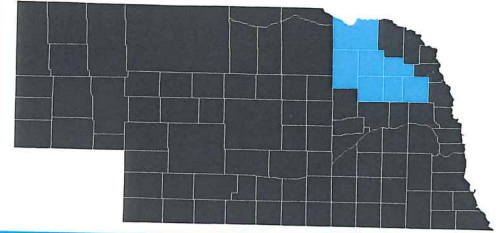
EFFECTIVE 12/5/13

DODGE COUNTY BOND SCHEDULE

Judge will set bond on all Felonies, any assaults, protection order violations, child abuse, or other violent crimes against persons.

TRAFFIC OFFENSES	BOND AMT
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1 st Offense (regular)	\$200
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Refuse Preliminary Test	\$50
Driving Under Suspension	\$50
Leaving the Scene of a Property Accident	\$150
Leaving the Scene of a Personal Injury Accident	Set by Judge
Reckless Driving	\$100
Willful Reckless Driving	\$200
Unauthorized use of a Vehicle	\$100
No Insurance	\$75
No Operator's License	\$50
Fail to Obey Signal of Approaching Train	\$50
Driving During Revocation	\$150
DRUGS	
Possession of Marijuana over One Ounce Less than One Pound	\$200
All other Drugs – Felony	Set by Judge
PROPERTY CRIMES	
Theft/Shoplifting \$200 or less Class II Misd	\$100
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Theft/Shoplifting over \$200 less than \$500	\$200
Theft/Shoplifting over \$200 less than \$500 2 nd offense or higher - Felony	Set by Judge
Theft/Shoplifting \$500 or more – Felony	Set by Judge
Criminal Mischief less than \$200	\$100
Criminal Mischief over \$200 less than \$500	\$200
Criminal Mischief over \$500 less than \$1,500	\$300
Criminal Trespass – First Degree	\$200
Criminal Trespass – Second Degree Class II Misd	\$100
Criminal Trespass – Second Degree Class III Misd	\$100
Littering	\$50

Bond Schedule District 7



APPEARANCE BOND SCHEDULE

The following bond schedule shall be followed by all law enforcement personnel until further notice.

All persons arrested and incarcerated in jail shall have a bond fixed and a date set for their appearance before the Court in which charges are to be filed within 24 hours of arrest. Persons who are unable to post bond shall be brought before a County Judge of the District on the next regular court day following the defendant's arrest.

Three types of bonds may be accepted: 1) Personal recognizance 2) Ten-percent, and 3) Cash. The bond form furnished covers all types and shall be used whenever a bond is posted. The proper blanks shall be filled in and the bond signed by the defendant, witnessed and a copy given to the defendant. The original bond, together with any cash, receipts or other items shall immediately be transmitted to the Court in which the charges are to be filed. No bond shall be issued without a specific date for the defendant's appearance before the Court.

Personal recognizance or Ten-percent bonds may be accepted by law enforcement agencies in the 7th Judicial District for the following classes of misdemeanors in the amounts set out opposite the respective classes. For more than one count, use the highest class to determine the bond amount.

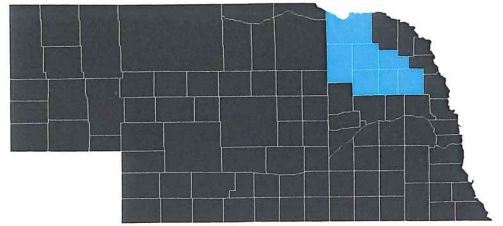
Class W (3rd offense).....	<i>1000</i>	\$10,000.	10%
Class I.....		4,000.	10%
Class II & W (2nd off).....		3,000.	10%
Class III, IIIA, & W (1st off).....	<i>1070</i>	1,500.	10%

Defendant's may elect to post a cash bond in the amount of the cash required for the ten-percent bond. Speeding, other infractions and ordinance violations mentioned above, Class IV and V misdemeanors, should be in the amount of not less than \$250 nor more than \$1,000 depending on the crime alleged to have been committed and the defendant's likelihood of appearing in court on schedule. Defendant's determined to be indigent and unable to post a bond for a non-jailable offense shall be entitled to post a personal recognize bond.

Personal recognizance bonds are encouraged when there is no concern for the defendant's appearance. Factors which should be considered are: residence in community, family ties to community, employment in the community, reputation in community and nature of crime charged. **Failure to Appear convictions:** If the defendant is being arrested on a Failure to appear warrant or has a conviction for failing to appear this person should post a ten percent or a cash bond.

*UD Sup Prob - F&C not pd.
Do Not do warrant
Do Alleged vio prob order*

Bond Schedule District 7



NO CONTACT ORDERS: On any offense where there is a concern for the safety of the victim a no contact order should be made a condition of the bond.

FELONIES. The amount of appearance bond for persons arrested for a felony or as a fugitive shall be set either orally or in writing by a District or County Judge, or in the absence of a County Judge, a Clerk Magistrate of the County where the arrest occurred. Clerk Magistrates are authorized to set appearance bonds in an amount not to exceed \$50,000.00. Bonds in excess of \$50,000.00 shall first be approved by a County or District Judge. A telephone call will suffice.

JUVENILES: In no event should a person age 18 or under be jailed overnight without first contacting the juvenile's parent, guardian or custodian. Juvenile's unable to post ten-percent bonds and desiring to be released prior to the next working day may be released to the custody of their parents, guardian or custodian, upon receipt of a personal recognizance bond duly signed by the juvenile. If there is concern that the juvenile is in danger or will not appear a County or District Judge should be contacted.

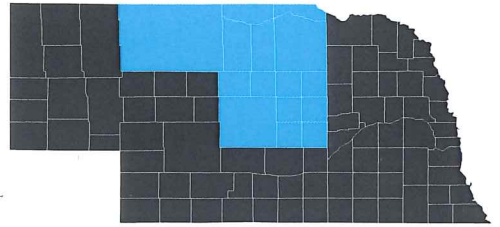
NOTICE:

If you post bond money for someone other than yourself, the Court will consider this bond to be the defendant's money.

At the conclusion of the case the bond money will be returned to the Defendant or applied to the defendant's court obligations.

PC: County Attorney
Norfolk City Attorney
Norfolk Police Department
Madison County Sheriff & Jail
Nebraska State Patrol

Bond Schedule District 8



COPY

BOND SCHEDULE FOR CUSTER, LOUP, GARFIELD, SHERMAN AND HOWARD COUNTY

Effective January 1, 2003, the following BOND SCHEDULE shall be followed by the County Sheriffs of Custer, Loup, Garfield, Sherman and Howard County until further notice.

Three types of bonds may be accepted: (1) Personal Recognizance, (2) Cash, and (3) 10%. The bond form furnished covers all three types and shall be used whenever a bond is posted. The proper blanks shall be filled in AND THE BOND FORM SHALL BE SIGNED BY THE DEFENDANT and a witness, and a copy of the bond given to the Defendant. The original bond, together with any cash, receipts, or other items, shall be taken to the Court in which charges are to be filed on the next court date. The appearance date of a Defendant who posts bond should be set to allow the County Attorney sufficient time to review reports and file charges; in most cases approximately 10 days. NO BOND SHOULD BE ISSUED WITHOUT A SPECIFIC DATE FOR THE DEFENDANT'S APPEARANCE BEFORE THE COURT IN WHICH CHARGES ARE TO BE FILED.

ALL PERSONS ARRESTED AND INCARCERATED IN JAIL SHALL HAVE A BOND FIXED AND A DATE SET FOR THEIR APPEARANCE BEFORE THE COURT IN WHICH CHARGES ARE TO BE FILED WITHIN 24 HOURS OF THEIR ARREST. PERSONS WHO ARE UNABLE TO POST BOND SHALL BE BROUGHT BEFORE A COUNTY JUDGE OF THE DISTRICT AS SOON AS POSSIBLE BUT IN NO EVENT LATER THAN THE NEXT REGULAR COURT DAY FOLLOWING THE DATE OF THE DEFENDANT'S ARREST. The Clerk of the Court is to be notified of any person unable to post bond as soon as possible on the first day the court office is open for business. It is, however, the Sheriff's responsibility to make certain prisoners are brought before the County Judge in a timely manner. Anyone arrested without a warrant must have a probable cause hearing within 48 hours.

10% or Personal Recognizance bonds should be accepted by the Sheriff's Office for the following classes of misdemeanors in the amounts set out opposite their class. For more than one count, use the highest class of crime to be charged to determine bond amount. You do not need to contact a judge or magistrate to set bonds for these grades of offenses.

Class I & W (3rd Offense) misdemeanors (involving violence)	\$20,000 - 10%
Class I & W (3rd Offense) misdemeanors (not involving violence)	\$10,000 - 10%
Class II & W (2nd Offense) misdemeanors	\$5,000 - 10%
Class III, IIIa & W (1st Offense) misdemeanors	\$3,000 - 10%

Speeding, other traffic & non-traffic infractions not above mentioned, Class IV and V misdemeanors and all city ordinance violations: These offenses are non-jailable and persons should not be placed in jail. A uniform citation should be issued to the person unless there is some reason to believe that the person will fail to appear. In that case, a personal recognizance bond should be used in an amount of \$100. THE PURPOSE OF BOND IS TO ENSURE THE DEFENDANT'S APPEARANCE IN COURT--NOT TO PUNISH THE DEFENDANT.

PERSONAL RECOGNIZANCE BONDS ARE ENCOURAGED WHEN THERE IS NO CONCERN ABOUT THE DEFENDANT'S APPEARANCE TO ANSWER THE CRIME WITH WHICH HE/SHE IS CHARGED. Factors which should be considered are: residence in community, employment, family or financial ties, and reputation in the community.

FELONIES The amount of bond for persons arrested for a felony or as a fugitive shall be set either orally or in writing by a County Judge. If you are unable to contact a County Judge, you should contact the local Clerk Magistrate for direction. Clerk Magistrates are not authorized to set bond in felony cases. In case neither a County Judge nor Clerk Magistrate is available then a District Judge should be called.

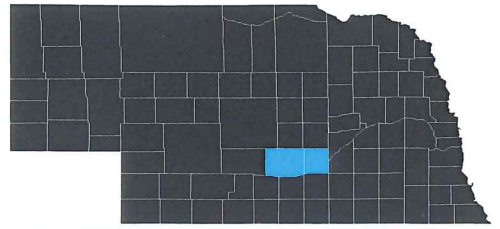
JUVENILES In the event you should detain a person age 17 & under you must immediately contact the juvenile intake officer who will then deal with any further detention

RECEIVED
FEB 17 2016
MARSHA L. ANDERSON
CLERK MAGISTRATE
HOWARD CO. COURT
mea

Copy To:
County Attorney
Sheriff
Police Department

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MARSHA L. ANDERSON
CLERK MAGISTRATE
HOWARD CO. COURT

Bond Schedule District 9



HALL COUNTY COURT BOND SCHEDULE

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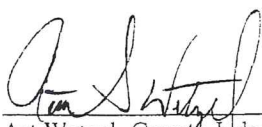
HEYNALDA A CARPENTER
CLERK MAGISTRATE
HALL CO COURT

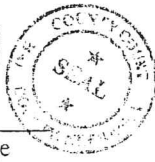
1. Multiple Charges – bond is set on highest charge only.
2. All FELONIES – no bond – unless listed below. Hold for Appearance before a Judge
 - a) DUI 4th will be treated as a felony but bond will be \$15,000.00 (10%)
3. DOMESTIC offenses – no bond. Hold for appearance before a Judge.
4. FAILURE TO APPEAR FOR JAIL SENTENCE – no bond
5. Class I Misdemeanors \$5000.00 (10%) Unless Domestic or listed below, NO BOND
 - a) Resisting Arrest – no bond
 - b) Flight to Avoid Arrest – no bond
 - c) Aiding and Abetting a Felony – no bond
 - d) Perjury – no bond
 - e) Stalking – no bond
 - f) Violation of Protection Order – no bond
 - g) Criminal Attempt of a Felony – no bond
 - h) Probation violation - no bond
6. Class II Misdemeanors \$3500.00 (10%) Unless Domestic or listed above
7. Class III Misdemeanors \$2500.00 (10%) Unless Domestic or listed above
8. Class W Misdemeanors:
 - a) DUI/Refusal 1st Offense and DUI 1st Aggregated \$2500.00 (10%)
 - b) DUI/Refusal 2nd Offense and DUI 2nd Aggregated \$3000.00 (10%)
 - c) DUI/Refusal 3rd Offense and DUI 3rd Aggregated \$5000.00 (10%)
 - d) DUI/Refusal 4th Offense and DUI 4th Aggregated (2a) \$15,000.00 (10%)
 - e) DUI 5th – no bond

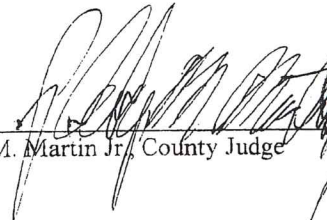
****PLEASE NOTE THAT SOMEONE POSTING BOND FOR DUI CAN ONLY BE RELEASED AFTER BEING IN CUSTODY 4 HOURS TO SOBER FAMILY MEMBER OR 8 HOURS ON THEIR OWN****

9. Traffic Infraction and No Operators License \$75.00 CASH bond

Approved 03-08-12

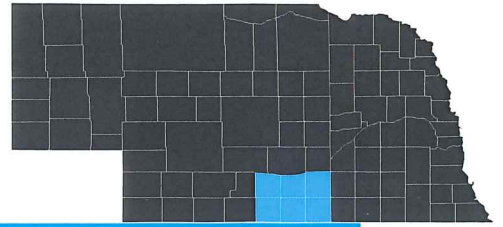

Art Wetzel, County Judge




Philip M. Martin Jr., County Judge



Bond Schedule District 10



**IN THE COUNTY COURTS OF THE TENTH JUDICIAL DISTRICT
ADAMS, CLAY, FILLMORE, FRANKLIN, HARLAN, KEARNEY, NUCKOLLS,
PHELPS, AND WEBSTER, IN NEBRASKA**

**UNIFORM BAIL SCHEDULE, FOR RELEASE OF) ORDER
PERSONS IN CUSTODY OF LAW ENFORCEMENT)**

Any person arrested for an offense which does not include incarceration in jail as a part of the sentence, ie; speeding, parking, stop sign violation, class IV and V misdemeanors, infractions or violation of city ordinances, **SHALL** be released upon signing the citation agreeing to appear in a specific court on a specific date.

Any person who is A RESIDENT of the Tenth Judicial District SHOULD be released on his or her own recognizance in an amount set forth in the schedule below UNLESS, the arresting officer believes that a monetary bond is necessary to insure the person's appearance in court.

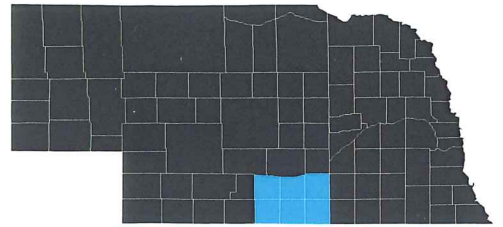
IF a law enforcement officer believed A MONETARY BOND IS NECESSARY for a defendant the following schedule is to be followed.

	Resident of Nebr For at least one year	Nonresident Probationer 1 Prior Bond 2
Class III	\$ 2,500.00	\$ 5,000.00
Class II	\$ 4,000.00	\$ 8,000.00
Class I	\$ 5,000.00	\$10,000.00
DUI 1 ST	\$ 2,500.00	\$ 5,000.00
DUI 2 ND	\$ 5,000.00	\$10,000.00
DUI 3 RD & 4 TH	\$10,000.00	\$20,000.00
All other jail-able offenses	\$ 2,500.00	\$ 5,000.00

1. Persons known to be on adult probation to the court of this state.
2. Persons known to be released on bond for another pending charge.

The foregoing bond figures set forth the amount which must be posted by the defendant to be released from custody. The amount may be posting either **cash, corporate surety, or ten percent**. Deviations from the foregoing amounts are permitted only in consultation with a Judge or Magistrate of the Tenth Judicial District.

Bond Schedule District 10



Persons arrested on more than one charge are to be released upon posting bond for the highest charge.

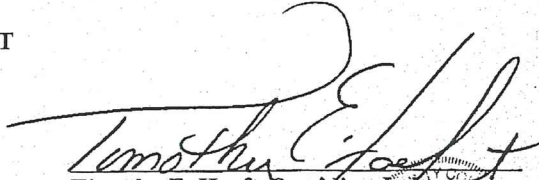
Any person arrested on a charge of Driving Under the Influence may not be released until such person's Blood Alcohol Content is less than .08 and shall have a special condition of release that they not consume alcoholic beverages to the extent their Blood Alcohol Level exceeds .08.

Any person arrested on an assault charge shall have a special condition of release that they have no contact with the victim or be within one block of the victim's residence.

INDIVIDUALS IN CUSTODY FOR THE FOLLOWING REASONS MUST BE BROUGHT BEFORE THE COURT ON THE NEXT REGULAR COURT DAY TO HAVE BOND SET UNLESS A JUDGE HAS SET A BOND FOR THEM VIA A 48 HOUR WARRANTLESS ARREST AFFIDAVIT.

1. Felony offenses,
2. Violation of domestic abuse protection order,
3. Third degree assault involving household members,
4. Bench warrant, for failure to appear, and
5. Persons unable to post bond as per this schedule.

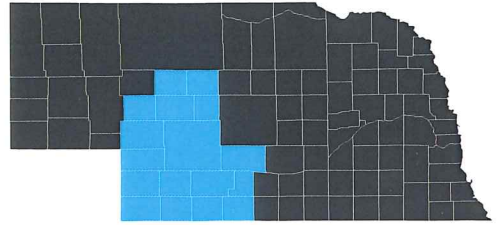
**APPROVED OCTOBER 16, 2015
COUNTY JUDGES TENTH JUDICIAL DISTRICT**


Timothy E. Hoeft, Presiding Judge

29-404.02 ..., household members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.



Bond Schedule District 11



... If defendant is unable to meet conditions of bond and remains in custody for more than 24 hours he/she has a right to a review of the conditions imposed on the bond.

11TH Judicial District Uniform Bond Schedule

This bond schedule has been adopted by the County Judges of the 11th Judicial District of the State of Nebraska, pursuant to § 29-901.05 and is effective immediately and will remain in effect until revised by the County Judges of the 11th Judicial District.

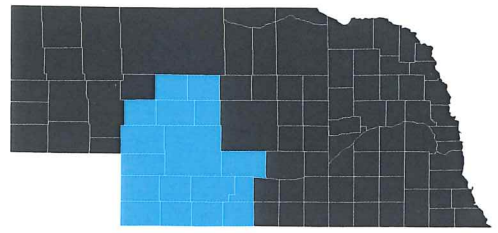
Bond for all felonies, and any misdemeanor that involves: sexual assault, motor vehicle homicide, domestic assault or child abuse shall be set by a judge.

Individuals arrested pursuant to § 42-928 for violating a protection order shall appear before the county court or the court which issued the protection order. At such time the court shall establish the conditions of such person's release from custody, including the determination of bond or recognizance, as the case may be.

Subject to the restrictions above, law enforcement officers may in the exercise of their discretion, release an defendant on personal recognizance, or to a reliable individual, when reasonably assured the defendant will appear, and the defendant is not likely to endanger themselves or others, or flee the jurisdiction of the court. Prior to being released the defendant shall sign a personal recognizance bond.

Any Class I misdemeanor not listed	\$5000
Any Class II misdemeanor not listed	\$2500
Any Class III misdemeanor not listed	\$1000
Any Class IV misdemeanor not listed	Citation
TRAFFIC OFFENSES	
DUI offenses	
1 st Offense	\$2500
1 st Offense over. 15	\$5000
2 nd Offense	\$5000
2 nd Offense over. 15	\$7500
3 rd Offense	\$7500
Refuse Chemical Test 1 st Offense	\$2500
Refuse Chemical Test 2 nd Offense	\$5000
Other traffic offenses	
Leaving the Scene of a Property Accident	\$5000
Driving Under Suspension	\$2500
Driving Under Revocation <i>to Impoundment</i>	\$5000
OFFENSES INVOLVING DRUGS AND NARCOTICS	
Possession of Marijuana over 1 oz.- less than pound	\$2500
Legend Drug violation	\$1000
OFFENSES AGAINST PROPERTY	
Criminal Mischief less than \$200	\$2500
Criminal Mischief over \$200 less than \$500	\$5000
Criminal Mischief over \$500 less than \$1500	\$7500
Criminal Trespass - First Degree	\$7500

Bond Schedule District 11



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RED WILLOW CO COURT

PAGE 02/02

OFFENSES INVOLVING GOVERNMENT OPERATION	
Resisting Arrest	\$7500
Flight to Avoid Arrest	\$7500
OFFENSES INVOLVING FRAUD	
Insufficient funds check or no account check	\$2500
PUBLIC ORDER/DECENCY	
Intimidation by phone	\$2500
GAME AND FISH VIOLATIONS	
SIZE, WEIGHT AND LOAD VIOLATIONS - The bond shall be in the amount of the fine pursuant to the fine schedule provided by the Court, plus \$50.00	\$1000

Bond for an individual arrested on multiple offenses arising from a single incident shall be based upon the single most severe offense involved in the incident and shall not be determined by totaling the amounts set forth in this schedule for each separate offense.

All bonds shall be CASH with 10% of the amount allowed to be posted.

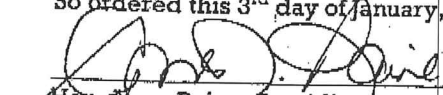
In cases of extenuating circumstances a judge is to be contacted.

The initial court appearance shall be set for the first available date the court will be in session, unless otherwise instructed by a judge.

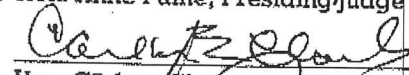
When a child under the age of 18 years is taken in to custody, the officer shall immediately notify the child's parents, guardian or custodian, and release the child on a summons to appear in the court unless evidence exists that the child may flee or endanger themselves or others.

Any law enforcement officer or agency which requires the services of a judge should feel free to contact one of the judges of the 11th judicial district.

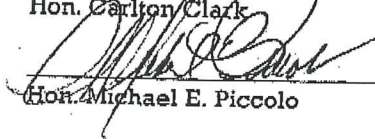
So ordered this 3rd day of January, 2011.


Hon. Anne Paine, Presiding Judge


Hon. Edward D. Steenburg

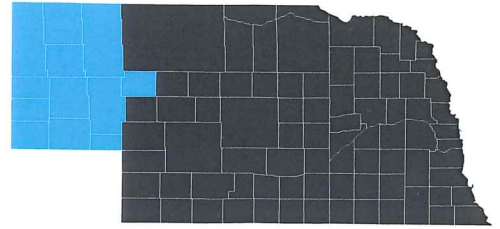

Hon. Carlton Clark


Hon. Kent D. Turnbull


Hon. Michael E. Piccolo



Bond Schedule District 12



COUNTY JUDGES' BOND SCHEDULE – EFFECTIVE AUGUST 2008

This schedule is intended only as a guide for use when a judge is unavailable. When Court is in session and a judge is available, the accused should be brought before the judge or the judge should set the bond. This guide should enable booking officers to determine appropriate bond in nearly all cases. **Remember, you must attempt to contact either Judge ~~Cramer~~ or Judge Worden. The Clerk Magistrate is only to be contacted when no county judge is available.**

UNDER NO CIRCUMSTANCES SHOULD THE DEFENDANT BE ALLOWED TO CALL THE JUDGE.

BONDS should never be considered as a penalty for wrong-doing. The only purpose for a BOND is to reasonably assure the appearance of the person in court as required. A judge must set the bond in any case involving death.

Where it is determined that an appearance bond of a specified amount is necessary to reasonably assure the appearance or appearances of a person in court, the following guidelines should be used.

APPEARANCES AND BONDS ARE FOR THE FOLLOWING FRIDAYS

8:00 A.M. on all driving-related offenses

~~10:00~~ ~~9:00~~ A.M. on all other misdemeanors and felonies

DRUNK DRIVING

1 st offense	\$5,000
2 nd offense	\$7,000
3 rd offense	\$10,000
Drunk Driving Involving Injury Accident	JUDGE MUST SET

REFUSE TEST

Same as above.

DRIVING UNDER SUSPENSION \$5,000

ALCOHOL OFFENSES

Drinking in Public	\$1,000
MIP	\$5,000 if 18 years or older
Procure Liquor for Minor	\$10,000
Open Container	\$1,000

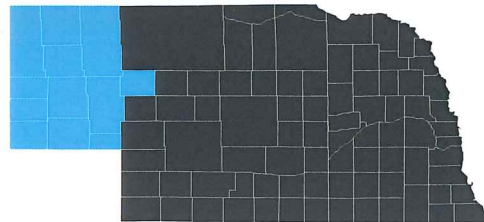
MISCELLANEOUS MISDEMEANORS

Trespassing	
Class I	\$5,000
Class II	\$3,000
Class III	\$1,000
Littering	\$1,000



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Bond Schedule District 12



Bond Schedule
Page 2

FRAUD

Forgery	
Class III Felony	\$10,000 - \$15,000
Second Degree	
Class III Felony-when face value or amount procured by use of instrument is \$300 or more.	\$8,000- \$10,000
Class IV Felony-when face value or amount of proceeds exceeds \$75, but is less than \$300	\$7,500
Class I Misd.-when face value or proceeds is \$75 or less	\$1,000 - \$5,000

Bad Check-No Account & Insufficient Fund
Same as Above

DOMESTIC RELATIONS

Incest	JUDGE MUST SET
Criminal Nonsupport	
IV Felony	\$10,000 - \$25,000
Class II Misd.	\$3,000 - \$5,000
Child Abuse	JUDGE MUST SET
Contributing to Delinquency	\$10,000

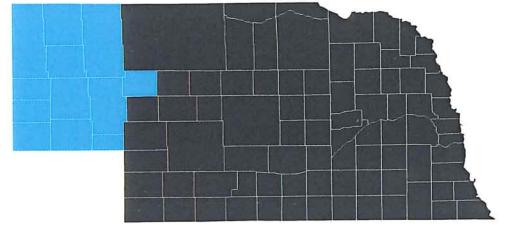
MORALS

Prostitution	
Class V Misdemeanor	\$1,000
Pandering Class IV Felony	\$10,000
Debauching a Minor	
Class I Misdemeanor	\$15,000
Public Indecency – Indecent Exposure	
Class II Misdemeanor	\$1,500 - \$5,000

GOVERNMENTAL OPERATIONS

Obstructing Government Operations	
Class I Misdemeanor	\$10,000
Refusing to Aid Peace Officer	\$10,000
Resisting Arrest 28-904	
Class IV Felony	\$20,000
Class I Misdemeanor	\$10,000
Operating Motor Vehicle to Avoid Arrest	\$10,000
Obstructing a Peace Officer	\$10,000
Escape	JUDGE MUST SET
Perjury, Bribery, Jury Tampering	\$10,000

Bond Schedule District 12

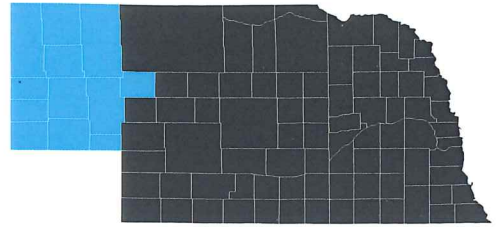


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Bond Schedule
Page 3

PEACE, ORDER, DECENCY	
Cruelty to Animals	\$10,000
GAMBLING	
Promoting Gambling – First Degree	\$25,000
Second Degree	\$1,000 - \$5,000
HEALTH & SAFETY	
Carrying a Concealed Weapon	
Class I Misdemeanor	\$10,000
Second or Subsequent conviction	
Class IV Felony	\$15,000
Any Other Acts of Use of Firearm	
Class III, IV Felonies	\$15,000 - \$20,000
MISCELLANEOUS	
Urinating in Public	\$500
Terroristic Threats	\$15,000
Stalking	JUDGE MUST SET
PERSON	
Murder, Manslaughter	JUDGE MUST SET
Motor Vehicle Homicide	
Class IV Felony	JUDGE MUST SET
Class I Misdemeanor	JUDGE MUST SET
Assault	
First Degree	\$25,000 - \$35,000
Second Degree	\$20,000
Third Degree	
Class I Misd.	\$3,000 - \$10,000
Class II Misd.	\$3,000 - \$5,000
City Ordinance	\$3,000
Kidnapping	JUDGE MUST SET
First Degree Forcible Sexual Assault	JUDGE MUST SET
Sexual Assault on Child	JUDGE MUST SET
Second Degree Sexual Assault – Felony	JUDGE MUST SET
Third Degree Sexual Assault	
Non-injury	\$15,000 - \$20,000
Robbery Class II Felony	JUDGE MUST SET

Bond Schedule District 12



Bond Schedule
Page 4

DRUGS & NARCOTICS

Controlled Substances	\$10,000 - \$25,000
Distribution - Felony	\$45,000 - \$75,000
Possession of Controlled Substance	\$10,000
Possession of Marijuana	\$1,000 - \$5,000
More than One Pound	\$10,000 - \$15,000

PROPERTY

Burglary - Felony	\$25,000 - Up
Theft (Unlawful Taking or Disposition)	\$25,000
IV Felony	\$10,000
Class I Misdemeanor	\$5,000
Class II - \$100 or less	\$3,000

DOMESTIC VIOLENCE

Protection Orders	JUDGE MUST SET
Assaults involving Domestic Violence	JUDGE MUST SET

Domestic Violence Bonds must have the following conditions: **"No Contact with Alleged Victim."**

All bonds should also have as a condition DO NOT LEAVE THE STATE OF NEB. OR CHANGE YOUR PLACE OF ABODE WITHOUT PERMISSION OF THE COURT; DO NOT BREAK ANY LAWS WHILE OUT ON BOND

Set off funds registry

LANCASTER CO.

BAIL FUND

ABOUT

The Lancaster Co. Bail Fund posts bail for people who can't afford it. We review requests for assistance regularly and will take requests from individuals currently incarcerated pre-trial, friends or family of an individual who is incarcerated pre-trial, or community partners.

The Lancaster Co. Bail Fund has a limited amount of money and cannot directly respond to every request for assistance.

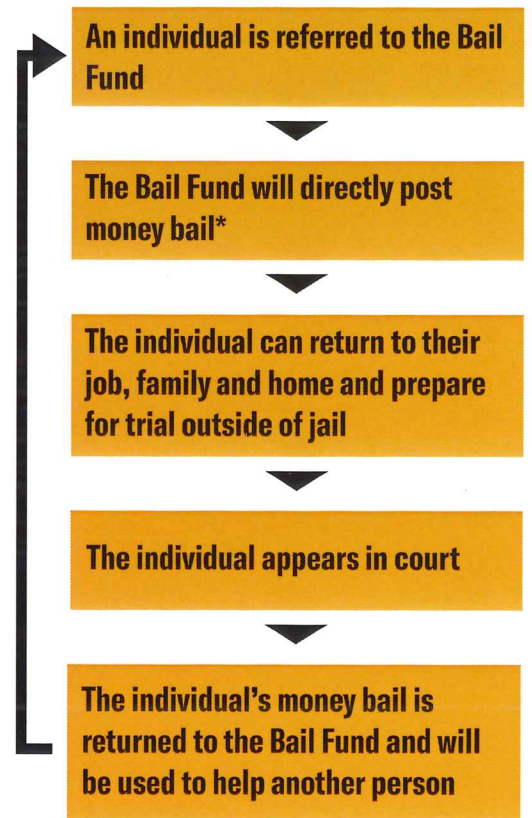
PROCESS

When a person supported by the Lancaster Co. Bail Fund appears in court for their trial, the bail posted for them by the fund will be transferred back to the fund. This creates a revolving pool of money and allows the same dollar to help many people.

CONTACT

The best way to contact the Bail Fund is to send the full name of the individual needing assistance to: **info@lancastercobailfund.org**
or call **402-613-7468** and leave a message.

LANCASTER CO. BAIL FUND



If you or someone you know needs help to pay bail, please contact us with the full first and last name of the individual that needs help at:
info@lancastercobailfund.org
or call 402-613-7468 and leave a message.

*The Lancaster Co. Bail Fund has limited resources and cannot post bail for everyone referred to the program. Contacting the Bail Fund multiple times will not increase the likelihood of assistance.

A MESSAGE FROM OUR EXECUTIVE DIRECTOR



The last year has been a roller coaster for Nebraskans committed to advancing civil rights and civil liberties. On the downside, we witnessed our state's first lethal injection execution cloaked in secrecy, a massive ICE raid hit O'Neill, the anti-immigrant 287(g) program was established in Dakota County, Gov. Ricketts and the Legislature defunded Planned

Parenthood from the Title X family planning program, University regents unnecessarily restricted campus free speech, Attorney General Peterson used the power of his office to target transgender Americans seeking fairness in the workplace, and the City of Lincoln and Lincoln Public Schools expanded a permanent police presence in our schools, exacerbating the school-to-prison pipeline.

On the upside, we quickly won a historic voting rights case in federal court to ensure ballot access for independent candidates, helped establish state laws on jail phone calls and second chance employment, unveiled the Lancaster County Bail Fund as we work to end modern day debtors' prisons, published a *Blueprint for Smart Justice* with specific policy solutions to mitigate mass incarceration and racial disparities in our broken criminal justice system, managed the most complex docket in our 50+ year history including a historic class action on prison overcrowding and conditions, won a death penalty open records case alongside Nebraska's leading journalists, supported 25 sexual violence survivors from Nebraska to engage our U.S. senators on the Kavanaugh nomination, and expanded our community education campaigns on protest rights, voting rights, judicial bypass for young women seeking abortion care, debtors' prisons, breastfeeding rights and immigration rights.

Today, the ACLU of Nebraska is strong and growing, with almost 18,000 supporters statewide who help advance our concurrent goals of resistance and progress. We must continue to speak out and remain unified against unprecedented threats to Nebraskans' civil rights and civil liberties. We must remain focused and hopeful. The resilience and generosity of our supporters and power of our shared values is inspiring. I look forward to a brighter future for our communities, state and country standing shoulder to shoulder with each of you. We will never stop fighting until the rights of all Nebraskans are respected by all Nebraskans.

In friendship and freedom,

Danielle Conrad, J.D.
Executive Director

THE DEATH PENALTY FIGHT CONTINUES



Dozens gathered at the governor's residence to protest the execution of Carey Dean Moore.

While more states are turning away from the death penalty, Nebraska officials rushed to carry out a lethal injection Aug. 14 that was shrouded in secrecy, using an untested four-drug scheme. Carey Dean Moore declined to fight the execution after 38 years on death row, despite having multiple credible legal challenges available.

Nebraska faith leaders, the Lincoln Journal Star, multiple pharmaceutical companies and thousands of Nebraskans took a stand against this execution. However, Gov. Ricketts was undeterred and pushed forward recklessly in defiance of our state's proud tradition of open government.

The ACLU of Nebraska has three primary cases on the death penalty before Nebraska appellate courts and is amicus on a host of other death penalty cases elevating key legal issues. We commit to continue fighting for government transparency and accountability regarding this most grave state function.

STUDYING SCHOOL RESOURCE OFFICERS

Everyone wants our schools to be safe. As more schools rely on school resource officers, however, the ACLU is concerned about the effect that police in schools will have on students' rights, disability rights and racial justice.

If you are a parent, teacher or student and have interacted with a school resource officer, please share your story to help us understand what's happening behind school doors. Take our survey to tell us about your interaction at: action.aclu.org/webform/ne-sro-survey



BAIL FUND LAUNCHED, SHINES LIGHT ON UNFAIR PRACTICES

The ACLU of Nebraska helped establish historic debtors prison reform legislation in 2017, with strong support across the political spectrum. However, these reform measures have not been implemented in daily practice. Without a thorough inquiry into each individual's ability to pay, low-income Nebraskans continue to sit in jail simply because they can't afford bail, fines or fees.

In July 2018, the ACLU of Nebraska



Daniel was experiencing homelessness and was unable to afford bail. Our bail fund secured his freedom while awaiting trial and presumed innocent.

launched the Lancaster County Bail Fund, an innovative, grassroots strategy to help people and shine light on the persistent and unfair practices. This pilot

project is made possible by a generous, anonymous local donor impressed with the ACLU's criminal justice reform work. When individuals benefiting from the bail fund appear for court, the money is returned to the fund and recycled to assist others in Lincoln.

Our efforts were noticed by the Lancaster County Attorney's Office, which offered its first Warrant Forgiveness Week three weeks after our bail fund launch. Then they offered a Warrant Forgiveness Night in November. We heavily promoted these events to ensure more of our neighbors got a second chance.

"Two sources are approaching criminal justice reform with short-term trials. One is attempting to keep low-level offenders from being booked into jail; the other is hoping to prevent them from sitting out fines in jail... (B)oth deserve praise for attempting to solve a serious problem on a small scale."

—editorial board of the Lincoln Journal Star, 8/8/18

The result? Hundreds of warrants were cleared, saving police time, tax dollars and, most importantly, freeing low-income people of a burden that weighed on them, their families and

their financial stability.

These efforts and our bail fund—which has bailed out more than 100 people thus far—have received repeated support from the editorial board of the Lincoln Journal Star: "Two sources are approaching criminal justice reform with short-term trials. One is attempting to keep low-level offenders from being booked into jail; the other is hoping to prevent them from sitting out fines in jail... And both of these test cases deserve praise for attempting to solve a serious problem on a small scale."

To learn more or share your story about you or a loved one being held in jail because you couldn't afford bail, please visit lancastercobailfund.org.

RAPID RESPONSE TO FEDERAL IMMIGRATION RAID IN O'NEILL

The Department of Homeland Security's Federal Immigration & Customs Enforcement Agency (ICE) conducted a large-scale immigration raid in the O'Neill area during the morning of Aug. 8. The raid resulted in 133 incarcerated workers and dozens of disrupted families and businesses.

The ACLU of Nebraska provided rapid legal response in partnership with other organizations in the aftermath of the raid and spoke to many people who, upon release, reported mistreatment and potential civil rights violations by ICE. Some were handcuffed with chains around their waists and transported on a Department of Homeland Security bus to Grand Island. Some reported inadequate food, water and ventilation.

To learn more about these abuses, read our blog at aclunebraska.org titled *ICE vs. Nebraska Nice*. Our work was highlighted by local and national news sources. While local organizations, volunteer attorneys and neighbors came together to support the families affected, the long-term damage to this community remains to be seen. To support those who continue to be affected by the O'Neill raid, consider donating to the Grand Island Multicultural Coalition at raid-relief.funraise.org.



Rose Godinez, ACLU of Nebraska legal and policy counsel (bottom left) and members of the rapid response team assisted dozens affected by the raid.



In December, the ACLU of Nebraska hosted screenings in Lincoln and Omaha of *TIME: The Kalief Browder Story*. This documentary is a tragic account of a teenager seeking justice in New York for a wrongful arrest and three-year imprisonment—most of it in solitary confinement, despite its effects on his mental health.

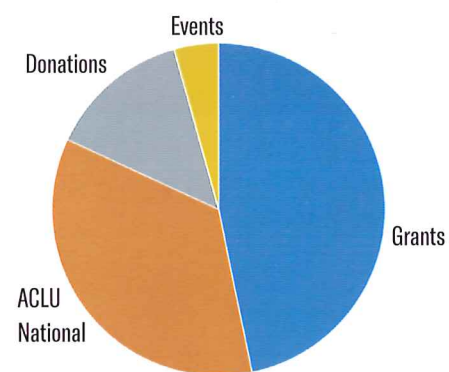
To provide insight about this harmful practice, Kalief's brother Akeem (left) led discussion with Nebraskans who have experienced juvenile solitary confinement. We are grateful to Amie, Dominique, Jason and Dylan, who shared their lived experiences with the audience. The entire six-part documentary can be viewed on Netflix.

STEWARDSHIP YOUR INVESTMENT IN CIVIL RIGHTS

People have responded in force to unprecedented recent threats to civil rights and civil liberties by putting their faith and funds into the ACLU. We are honored to have your support. The ACLU does not receive government funding; our work relies

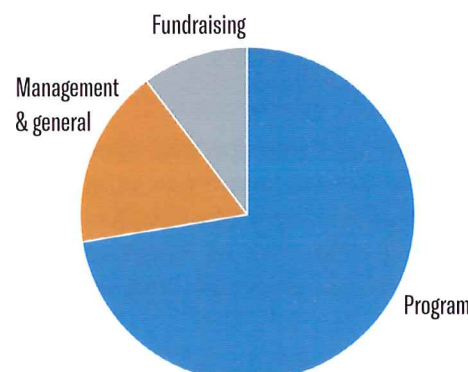
solely on the generous support of the private sector, including individuals and foundations. The ACLU consists of two organizations to maximize flexibility: a 501(c)(3) and a 501(c)(4). Their financials are consolidated here for fiscal year 2018.

REVENUES: \$1,349,690



Grants	\$618,386	46%
ACLU National support	\$463,337	34%
Individual donations	\$182,412	14%
Events, memberships, misc.	\$56,350	6%

EXPENSES: \$867,682



Program	\$628,247	72%
Management & general	\$150,153	17%
Fundraising	\$89,282	10%

LEGACY CHALLENGE

Your support of the ACLU reflects your values: a passion for justice and equality and a desire to make a lasting difference.

For a limited time, the Crankstart Foundation has issued a planned gift challenge to all ACLU supporters. If you include the ACLU in your will, trust, or beneficiary designation, you can generate matching funds to help defend our rights and freedoms today while supporting civil liberties for future generations—without writing a check.

Tell us about your future gift at aclu.org/jointhechallenge or by contacting our local Development Director Allie Curtright at (402) 476-8091x107 or the ACLU National Gift Planning Office at (877) 876-1025.

The ACLU of Nebraska is a proud member of the Community Services Fund workplace giving campaign. Defend civil rights and civil liberties with payroll deduction while you work!



THE PRISON LAWSUIT: DAVID VS. GOLIATH



ACLU of Nebraska's Danielle Conrad announced the lawsuit against the Dept. of Correctional Services last year. photo credit: Nebraska Radio Network

It's been one year since the ACLU of Nebraska, the ACLU National Prison Project, Nebraska Appleseed, the National Association of the Deaf, and the law firms of Rosen Bien Galvan & Grunfeld and DLA Piper filed our historic federal class action challenging dangerous overcrowding and unconstitutional conditions of confinement in Nebraska's crisis-riddled prison system.

The State of Nebraska is fighting us at every turn. While we are grateful for our incredible legal team and their resources to help shoulder this large and complex litigation, we remain the David to the state's Goliath.

And yet, we are making important headway. In August, litigators from California and D.C. conducted three days of depositions with state prison leaders about how confusing and broken the internal grievance process is for our clients to request help with their medical needs,

or challenge the severe overuse of solitary confinement, or secure reasonable accommodations for their disabilities.

The next big hurdle is to certify the class. Eleven named plaintiffs bravely stepped forward to bring this case for themselves and other similarly situated persons. Our legal experts spent November touring facilities around the state to evaluate conditions, interview prisoners and

make the case that the complaints of our plaintiffs represent the state's incarcerated population as a whole.

There have been some short-term wins as a result of this work, including for our client Jason Galle, who, after our intervention, finally received an operation on his broken femur after suffering without medical attention for years.

When we certify the class, we will gain the right to represent the 400 women and almost 5,000 men incarcerated in Nebraska's prison system. At 156% of its capacity, it is the second-most overcrowded system in the U.S.

This case is about human rights, racial justice, disability rights and mass incarceration. We remain open to a reasonable settlement at any time, but are preparing to go the distance. Trial has been set for 2019.

STAFF HAS GROWN TO 8!

Heidi Uhing became our Communications Director after 14 years working for the Nebraska Legislature as editor of the Unicameral Update. Amy Gagner is our new Office Manager. She was previously the development coordinator for NET Foundations for Television and Radio.



Heidi Uhing



Amy Gagner

ACLU Nebraska

134 S. 13th St. #1010
Lincoln, NE 68508
aclunebraska.org

ELECTION WRAP-UP

On Nov. 6, Nebraskans ensured that 90,000 will receive access

VICTORY

to basic health care by voting for Medicaid expansion. We're proud to have supported this historic citizen initiative, which will advance disability rights and reproductive care for so many Nebraskans.

Unfortunately, despite our public education efforts, Scribner voters adopted an anti-immigrant housing ordinance that punishes those who rent or employ those it classifies as "illegal." We encourage anyone who is discriminated against due to this unconstitutional ordinance to contact us.

LOSS

INSIDE:

- DEATH PENALTY
- COPS IN SCHOOLS
- BAIL FUND
- O'NEILL ICE RAID
- SCREENING EVENTS
- FINANCIAL REPORT